Contiones in the Age of Cicero

The following paper is concerned with the practice of holding contiones in the Late Republic and the political benefits that flowed from this form of assembly. It will be suggested that the surviving evidence is not adequately representative for a study of contional rhetoric, but that an analysis of the many “attested” rather than “extant” contiones will likely reveal important patterns of practice thanks to its wider sample. In testing the results of this theory, the first section will argue that there was an important and marked imbalance between the exploitation of the contio by populares and by their opponents. In the second section it will be asserted that this was a logical result of the strong attendance of contiones by members of the urban plebs, and the third section will deal with the causes and effects of this phenomenon and the importance of differences between political activity in the senate and political activity in the assemblies.

In the past two decades the contio has arisen as a critical feature of Roman Republican politics.1 As a frequent and purely communicative form of assembly, it has become an essential bone of contention in the debate over the political nature of the Republic, and several central questions remain unanswered. From practical considerations such as the composition of the crowd, the frequency of assembly and the language employed, to deeper problems such as the relevance or “meaning” of the contio in political society, much is still unsettled. It is with these questions that the present paper will concern itself. A consideration of the evidence and of the most enthusiastic speakers will serve as a starting point.

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1. The debate began primarily with the articles of Fergus Millar which have now been collected in Millar 2002. For a technical foundation about what the contio was, see the classic account of Lily Ross Taylor at Taylor 1966: ch. 2. A more recent summary can be found at Pina Polo 1995: 203–16.
I. THE CONTIONATORES

The most important recent study of the contio is that of Morstein-Marx.² Accepting Millar’s assertion that the contio is at the heart of politics in the Roman Republic, he has nonetheless sided with the views of Hölkeskamp, who has argued that the public assembly reinforced pre-existing social hierarchies and that the fundamental inequality between speaker and audience overruled the technical superiority of the sovereign people.³

Morstein-Marx’s fundamental conclusion regarding the contio is that populares and non-populares alike adopted popular rhetoric in order to win over the audience, regardless of their actual political stances.⁴ Through this “ideological monotony,” the audience was deceived as to who actually represented their views and desires and the test came down to credibility. This rhetorical blurring of political differences is identified by Morstein-Marx in the extant contiones found in the Ciceronian and Sallustian corpus, but the relevance of such a conclusion relies on the validity of these relatively few speeches as comprehensive evidence for what was, after all, a broad institution employed for various political events by the consuls, praetors, tribunes, etc. in any given year. And while Morstein-Marx gives a convincing defense of these orations as realistic reproductions of what we might expect from any given contio, it is worth stating that each contio—even if fictional or heavily revised—reflected the specific context in which it was supposedly “delivered.”

In light of Morstein-Marx’s conclusion that there existed a popularis “monotony” in the contio, therefore, we ought to examine the extent to which the extant speeches are put into the mouths of popularis or non-popularis speakers.⁵ Obviously, popularis rhetoric from popularis speakers should come as no surprise, but it alone would not create monotony across the board. Proof of such a popularis monotony would require evidence relating to both popularis and non-popularis speakers. Given the nature of the source material, it is no wonder that a study of extant contiones relies heavily on the works of Sallust and Cicero, and although the attention paid to Cicero by Morstein-Marx produces a brilliant depiction of the “plebs-eye view” of Cicero,⁶ this can in no way be taken as sound evidence for the practices of other Roman leaders. Cicero could boast that he was the first new man to reach the consulship since C. Coelius Caldus

⁴. Morstein-Marx 2004: 229–40, esp 239: “‘popularis ideology,’ then, becomes ‘popular’ or ‘contional ideology.’”
⁵. Of critical importance here is the definition of the term popularis, and it will be dealt with below (pp. 169–72).
more than thirty years earlier, and he remains arguably the single brightest figure in two-and-a-half millennia of oratory. His suitability to paradigms is exceedingly poor.

Furthermore, the bulk of Cicero’s contiones were held during or before his consulship in 63. By the end of that year, he was being abused by the tribune L. Calpurnius Bestia, who was to be followed by the tribune Q. Metellus Nepos, and his ordeals at the hands of the most popularis P. Clodius are well known. Once the destruction of this popularis image between 63 and 58 was achieved and his hard-earned popularis credentials were lost, the only extant contio of Cicero’s is the Post Reditum ad Quirites, which, it must be remembered, was in all likelihood delivered before the very same individuals who had just strived for his recall.7 These were men who were unable to form a majority in the concilium plebis/comitia tributa and were forced to the loaded voting structure of the comitia centuriata, having (according to Cicero) shut down municipia to offset the preponderance of the urban plebs (Cic. Dom. 90). Once again, this was hardly typical, and that he should appear thankful is no wonder. But contrast this solitary contio with the period before the execution of the Catilinarian conspirators, from which we have De Imperio Pompeii, De Lege Agraria II, De Lege Agraria III, Pro Rabirio Perduellionis, and the second and third Catilinarians. It is important when analyzing these contiones to remember that they were written and delivered (in some form) by an individual politician who was actively, vehemently and successfully fostering a popularis image.

And although Cicero sheds light on the contiones of several other contemporary leaders, they nonetheless comprise for the most part an inventory of popularis speakers from whom popularis rhetoric ought to be expected. Notable is L. Quinctius tr. pl. 74, who attempted to mobilize the people in the face of judicial corruption.8 That a man described as homo maxime popularis (Cic. Clu. 77) should use popularis rhetoric is hardly surprising, but his example can in no way be used to describe the language of his opponents. The infamous P. Clodius makes a great many appearances in the Ciceronian evidence (though the exact language of this extravagant leader is rarely given), but again his radically populist style was in no way indicative of Roman leaders in general.9 Cicero mentions the contiones of P. Servilius Rullus (tribune in 63 and author of a proposed land law), of A. Gabinius (cos. 58 and who, as tribune in 67, put Pompey in command of the war against the pirates), of the improbi who were urging conviction in the trial of T. Annius Milo in 52 (certainly the three tribunes Q. Pompeius Rufus, T. Munatius Plancus and C. Sallustius Crispus) and makes note of the vox perniciosa of L. Calpurnius Bestia (or possibly Metellus Nepos) in the Catilinarian controversy of

9. Among other references: Cic. Sest. 39, 42, 43, 106; Dom. 22; Har. Resp. 8, 48, 49, 51, 55; Att. 4.2.3, 3.3; Fam. 5.3.1.
late 63.10 Again, the speakers are *populares*, the *contiones* given reflect *populares* standpoints, and we should not be at all surprised that they use *populares* rhetoric.

The *contiones* in the Sallustian corpus were also put into the mouths of various politicians but the same proviso more or less applies, for Sallust’s conceptual framework of a fierce split between the people and the *nobilitas* all but universally applies to his speakers. C. Memmius tr. pl. 111 was described by Sallust as *vir acer et infestus potentiae nobilitatis*, and his cause was openly and vehemently *populares*.11 The *popularitas* of C. Marius is well-enough known already.12 M. Aemilius Lepidus cos. 78 had a Marian past, popularity high enough to prevent his prosecution by Metellus Celer and Metellus Nepos, and he became the leader of an armed rebellion against the Sullan settlement.13 C. Licinius Macer tr. pl. 73 joined a procession of agitating tribunes in the 70’s in attempting to reinvigorate popular pressure against the Sullan reforms, and he wrote a history of Rome famous for its *populares* bent as well as the promotion of his ancestral Licinii.14 The only exception to this pattern is C. Aurelius Cotta cos. 75, but even here it is worth stressing that the speech which Sallust ascribes to him was delivered in the face of a violent grain protest and that Cotta went on to restore part of the *tribunicia potestas* despite fierce resentment from the senatorial elite.15 The vast bulk of extant *contiones*, therefore, derive from *populares* individuals and it should hardly come as a surprise that they exhibit some sort of “ideological monotony.”

Evidence of non- or anti-*populares* leaders addressing the people is less plentiful and more problematic. The fact that Cicero was ultimately attempting to thwart *populares* in 63 is not enough to classify the rhetoric of his consular *contiones* as somehow *contra viam popularem* when his discourse was intentionally—if misleadingly—popular. Of those appearances from the Rostra which can be designated anti-*populares*, Q. Catulus’ cry for the senate of 66 to retreat to a mountain top in imitation of the secession of the *plebs* stands out, but it can in

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11. Sall. *Bell. Iug.* 27.2. See also 30.3: *[Memmius], cuius de libertate ingenii et odio potentiae nobilitatis supra diximus* (“Memmius, about whose freedom of mind and hatred towards the nobilitas I wrote above.”) His *contio* can be found at Sall. *Bell. Iug.* 31.


13. Livy *Per.* 90: *M. Lepidus cum aucta Sullan temptaret rescindere, bellum excitavit*. (“M. Lepidus, when he tried to overturn the Sullan settlement, stirred up a war.”) For the details of his life, *RE* “Aemilius” (72). It is also worth noting that Sallust places the speech of the popular Lepidus in the form of a *contio*, whereas his opponent, L. Marcius Philippus, speaks in the senate, where he compares Lepidus to such famous *populares* as Saturninus, Sulpicius and Marius (Sall. *Orat. Phil.* 7).


15. *Asc.* 67C leaves no doubt that through the *lex Aurelia* C. Cotta was breaking ranks with the *nobilitas*.
no way be taken as a popularis message or a symbol of unity between senate and plebs.16

C. Piso’s refusal to allow the candidacy of the popular M. Lollius Palicanus in 67 was a forthright rejection of the popularis sentiment that the populus should have whichever consul it chose. Once again, it was no adoption of popularis rhetoric. No contiones against Clodius during the Bona Dea scandal of 61 appear to put forward a popularis ideology when attacking the enfant terrible and his increasing attachment to popularis methods, and there appears to be no attempt to co-opt Clodius’ popularis mantle in the contiones de Cicerone in 57 or at any point after it.17

When Pompey returns from the East desiring to allay fears that he would ignore the senate and manipulate his popularity, he noticeably steers away from any popularis language and delivers a dull contio, eventually proclaiming his attachment to the senate.18 None try to steal the popularis title from Caesar in the debate prior to the civil war, and, finally, there is no attested contio in response to the procession of populist tribunes in the 70’s, least of all one which was a contest to assert one’s own feigned popularitas over an opponent’s.19

The best evidence of an anti-popularis speaker adopting popularis rhetoric in this period is found in the contio of Cn. Cornelius Lentulus Marcellinus as consul in 56, who opposed the plan of Pompey and Crassus to run for the consulship in 55 and told the audience to enjoy its freedom before the prospective new consuls deprived them of it (Val. Max. 6.2.6): acclamate ... acclamate, quirites, dum licet: iam enim vobis impune facere non licebit. (“Shout, citizens, shout while you still can! For soon you will not be able to do so with impunity.”) This contio is recorded and passed down to us, however, for the very reason that it defied convention, opposing the might of Pompey and showing a non-popularis speaker turning popularis rhetoric against its former practitioners. And this is no wonder. The secretive plans of overwhelmingly powerful leaders to run for another consulship far outdid the schemes hatched by the senatorial elite

16. Contra Morstein-Marx 2004: 183, 221. The outburst of Catulus is preserved at Plut. Pomp. 30.4. If it ever occurred, it was plainly directed towards the senate and referred to their loss of auctoritas and Pompey’s usurped domination of the res publica through the public assemblies. It would be absurd for a leader whose opinion had just been overwhelmingly rejected to proclaim in the face of the victors his unity with the very voters who had just abandoned him. The voters had just achieved their ends, and for them to secede would be for them to secede from their own sovereignty and dominance.


18. Cic. Att. 1.14.1–2. The contio initially failed to win over miseris, improbi, beati or boni. His failure to win over miseris and improbi is highly significant because the contio was their arena. The beati and boni would later be addressed in the senate (Cic. Att. 1.14.2).

in private houses and the Curia. Despite a record of immense popularity, such influence and greed in Pompey and Crassus made them perfect targets for typical *popularis* language, and Marcellinus was an orator up to the task of exploiting this opportunity. Nevertheless, it is undoubtedly an example of an anti-*popularis* speaker adopting *popularis* rhetoric, but it is a rare example.

In any case, the evidence for rhetoric from non- or anti-*popularis* speakers is simply not broad enough to draw meaningful conclusions. At the very least, therefore, there should be great hesitancy in characterizing the *contiones* of this now-silent constituency. Can we go further, however? It is undoubtedly true that an empirical approach to the known *contiones* is the only road to an improved understanding of this institution, but applying such a methodology to contional rhetoric restricts the study to a far too limited pool of evidence. The almost entirely Ciceronian and Sallustian evidence is in no way rich enough to illuminate such a broad institution, and the fact that most surviving *contiones* (whether actually held or fictionally composed) were “delivered” by *popularis* politicians leaves the impression of “ideological monotony.” Instead, the bar ought to be lowered, so that the empirical approach can be directed not to the extant rhetoric (whose survival in the source material is so rare) but towards a simpler and more attainable feature of the *contio*, such as the decision to address the people in the first place. This simpler criterion will provide a body of evidence which is far broader than those *contiones* which are preserved in detail, and will strongly suggest that the quantitative imbalance between *popularis* and anti-*popularis* evidence, which is a limitation in Morstein-Marx’s methodology, reflects a critical feature of the *contio*. This paper seeks to test such an approach and to analyze the results, arguing that the *contio* was an inherently *popularis* alternative to the Senate as a communicative venue, and that this can be seen both in analyses of individual episodes (see section III) and in a quantitative imbalance in attested *contiones*.

If one collects every attested (rather than extant) *contio* for the two decades from 69 to Caesar’s crossing of the Rubicon early in 49, one immediately increases the number of *contiones* that can be studied, and although a passing reference to a *contio* cannot reveal the nuances of argument and rhetoric on every occasion, it does reveal a pattern based on the aims and circumstances of any given *contio*. The pattern which emerges is one in which attested *contiones* in pursuit of a *popularis* agenda outnumber those which are in pursuit of an anti-*popularis* agenda by more than 3 to 1, with a far greater dominance over those *contiones* whose

20. For the quality of Marcellinus as an orator, see Cic. *Brut.* 247.
21. Against the reliability of Cicero and Sallust in accurately depicting politics, cf. Mackie 1992, where it is argued that all of Sallust’s material and a lot of Cicero’s derive from periods of disillusionment and retired bitterness.
22. Furthermore, such an approach is the surest method to overcome the criticism used by Hölkenskamp against Millar, that he had taken exceptional events as paradigmatic (Hölkenskamp 2000: 214–15).
agenda defy classification. This greater number of contiones explains to some extent why there appears to be an "ideological monotony."

A working definition of the term popularis is required here. Since Meier’s central study of 1965, popularitas has understandably focused on method. This is more useful, however, when dealing with episodes and biographies than when dealing with an institution which was itself part of the popularis method. In a sense, every contio can be construed as a manifestation of popularitas, so that to focus on method alone would be to neglect the specifics of a contio. Alongside method must sit content, since any act which opposed the majority of leading nobiles and advocated, for example, the restoration of the tribunician powers, the grain dole, the power of the people to assign provincial commands, the rights of collegia or the rights of citizens in the face of a senatus consultum, must be considered popularis regardless of its method or setting. Both method and content must be factored into the problem.

The definition, then, falls into two parts: (1) Contiones are here being designated popularis whenever the convener was focusing most of his activity on the popular assemblies (especially against the senatorial elite), and/or (2) the convener appears to have been pursuing an immediate political course which accorded with popularis ideology. The stress on senatorial opposition is required to distinguish between the simple act of convening contiones and the pointed employment of popularis method, in which a speaker effects his ends through popular support. Without such a proviso, and despite the accepted importance of method in determining popularitas, the first aspect of the definition would threaten to undermine the classification of populares contiones through circularity: that is, any convener of popular assemblies such as the contio would be popularis simply by virtue of his having convened popular assemblies such as the contio. This is not to say that anti-popularis leaders from the boni never held contiones; it was too central an institution to neglect altogether, and once contional debate was initiated by populares, the same venue was an appropriate one for any

23. The actual numbers found: 84 popularis; 27 anti-popularis; 13 that are either ideologically neutral or too difficult to classify.
26. Meier 1965: 549–615. Cicero himself went even further in stressing the content of one’s speeches and proposals (Cic. Sest. 96): Qui ea quae faciebant quaeque dicebant multitudini iucunda volebant esse, populares . . . habebantur. ("Those who want what they do and say to please the crowd are considered populares.") Such a definition is obviously loaded with Cicero’s prejudices, and its application would at times defy Meier’s sound warning not simply to conflate popular and popularis (Meier 1965: 556), but it is worth noting the stress on a crowd unified in its opinions.
27. Moreover, it stresses the ability of the contio to torment a man such as L. Lucullus, who in the 60’s was unable to garner any support among the urban plebs. His ordeals at the hands of the assemblies in not only being deprived of his command but being denied a triumph reveal the extent to which driving an issue along the via popularis could be dependent on the power base of the persons involved. In this case, Lucullus’ support in the city was among several of the top senators, but they were apparently powerless to confront the contiones of Lucullus’ opponents.
necessary response. Moreover, some strong leaders such as M. Cato delivered unpopular *sententiae* from the Rostra. But these men were not the norm. The simultaneous abilities of senate and assemblies to effect policy left an irremovable mark of *popularitas* on the latter, and those who most eagerly employed the *contio* knew that.

By no means can it be claimed that all *contiones* have survived in the source material: legislative proposals, electoral campaigns, the taking up or laying down of office, etc. were all accompanied by *contiones* which have largely been lost. The enormous range of topics which magistrates felt the need to convey to an audience range from the Catilinarian orations’ revelations of plots and armed uprisings to Clodius’ boasts about the speed with which he made the return journey from his quaestorship in Sicily. The vast list of lost *contiones* would include those in which senatorial decrees were announced, in which defendants were tried before the people, in which magistrates brought important civic or military information to the citizens, in which politicians slandered each other, fought for their reputations or demanded answers to questions. All such occasions and more were accompanied by this most frequent of Roman assemblies, but there is good reason to believe that the effects of time have worn away the record of *contiones* across the board, preserving what was indeed a greater tendency for *populares* to address the people. Conversely, if the original numbers were even and it has been the non-*popularis* *contiones* which have not survived, this is itself meaningful, for in this case it was predominantly the *populares* who so focused attention on *contiones* that theirs were deemed worthy of recording. If it was usually theirs that were energized and significant enough to earn a place in the historical record, then it signals a distinct qualitative difference between the *contiones* of different politicians.

Thus, although the majority of *contiones* ever delivered were required by due process (during the consultation period of a proposed law, in the announcement of senatorial decrees, when taking up or laying down office, etc.), a great deal of those in the sources were delivered because the convener (more often than not pursuing a *popularis* path) made a conscious and rational decision to occupy the Rostra despite its not being technically necessary to do so. The belief of an autonomous individual that a *contio* would be in his best interests was dependent

28. Clodius: Cic. *Att.* 2.1.5. For the full scope of occasions on which *contiones* were called, consult F. Pina Polo 1995: 204–11.
29. Cf. Laser 1997: 141: “Weil sie aber im wesentlichen unspektakulär waren, schenkten die Schriftsteller ihre Aufmerksamkeit vor allem den contiones eines Clodius.” Such an observation leads to the question of how and why a Clodius convened such different *contiones*.
30. It should be stressed that the majority of *contiones* were held for routine and mundane matters that were never likely to be recorded and for which the split in method would presumably have been negligible. See again Pina Polo 1995: n.1. There is good reason, however, when analyzing political method to separate such run-of-the-mill *contiones* from those which dealt with the highest political crises of the day and which involved a conscious decision to address the *plebs*. See Brunt 1988: 231–32, Laser 1997: 141, Mouritsen 2001: 38; cf. Meier 1966: 174.
on a wide variety of social and philosophical factors, but it is an unmistakable feature of the historical record that leaders who portrayed themselves as *populares* were far more likely to come to the conclusion that a *contio* ought to be called. That is hardly surprising. *A priori*, it makes complete sense that those who were most attached to the *popularis ratio* should devote more time and effort to the *populus Romanus*.

Scholarship has shed light on this imbalance. Mackie has asserted with good reason that there was indeed an ideological divide in the late Republic between *populares* and their opponents, and she has found some support from Wiseman.31 And although the actual belief of the orator is of secondary importance (even a "fake" *popularis* will have tailored his political image to the *contio* if that was what was expected from his guise), an elite divided over method and beliefs fits this uneven exploitation of the Rostra well.32 Höckes kamp has stressed that oratory was but one weapon in the arsenal of a true Roman leader, one skill in an array of virtues, and he seems to be correct in this, but as such it was not deployed with equal enthusiasm across the board.33

And so when alluding to Caesar’s adoption of the *via popularis* in the Fourth Catilinarian, Cicero had to distinguish between the true and honorable *popularis* on the one hand, and the base demagogue on the other (Cic. Cat. 4.9): *intellectum est, quid interesset inter levitatem contionatorum et animum vere popularem saluti populi consul tentem.* ("It is well known what gap there is between the shallowness of *contionatores* and the true *popularis* spirit, which looks to the well-being of the *populus.*") Cicero had to isolate the respectable *populares* (or at least those to whom respect had to be paid), from those of the everyday *contionator*. That the term *popularis* implied an attachment to the Rostra is clear. Such *contionatores* were synonymous with the tribunate in particular, and Cicero wrote that there would always be a steady supply of *improbi tribuni plebis* to arraign (arripere) a rival leader and interrogate him *in contione*.34 The link between the *contio* and a certain type of man was so strong that Cicero could associate not only Clodius with the Rostra, but also his supporters. Playing on a favourite motif of Clodius as pirate, Cicero employed his rhetorical skill to twist the double meaning of Rostra to portray Gellius, Cloelius and Titius as devouring or pillaging the speaker’s platform (Cic. Har. Resp. 59).

31. Mackie 1992: 71: “If we want to understand the place in Roman politics of the people called *popularis*, we will have to look beyond their flattery of the populace, beyond the fact that they legislated for the people’s benefit, and beyond their motives as well. The missing criterion would appear to be their use of *popularis* ideology: the fact that they not only flattered the populace or distributed material benefits, but also encouraged it to seek power, as of right, at the senate’s expense.” Cf. Wiseman 1994 *passim.*

32. For a more harmonious elite, see Gruen 1991 and his classic assertion of this model. He is more or less followed by Morstein-Marx 2004: esp. 276–78.


34. Cic. Acad. 2.63. The link between tribunes and mass communication is brought out fully in the remainder of the passage.
The practical ramifications of this tendency for *populares* to address the people more often will be dealt with below, but it naturally led to an imbalanced exploitation of the *contio* in Roman politics. This was because the decision to hold a voluntary *contio* (as opposed to one required by governmental process) depended on a myriad of factors: the precise circumstances of the specific politician, of the specific political aim, his views on his role as a magistrate, on the people’s role as voters and audience, on his status as a blue-blooded aristocrat or a new man, on the potential benefits or pitfalls of publicizing his position for all to hear, on his level of support in different sections of society. More than anything else, perhaps, the decision to address the people depended on his views on the social gravity of the people and thus how often they had to be addressed.

II. THE AUDIENCE

The fundamental reason for the numerical discrepancy in *contiones* was the usual composition of the audience and the resulting expectations concerning what a politician could gain from a public assembly. In the decision to hold a *contio* which was not required by procedure we can see a compulsion to promote causes which the people themselves saw as their own, to include them in the day-to-day political communications of Roman civic life, and to positively appreciate and pursue the benefits that popular support could deliver. Thus there was a demonstrated tendency for some politicians to address the *plebs* more often than others, and this shows that (at least beyond those *contiones* which were obligatory or uncontroversial) the involvement of the *plebs urbana* in Roman politics was not a matter of course but a matter of choice. That choice, furthermore, was on the part of the presiding magistrate, and must have been critically affected by considerations of the audience’s composition, its expected behavior and the likely results of that behavior.

Christian Meier was the first to tackle this problem with the notion of the *plebs contionalis*, a group comprised of politically active shopkeepers who were perfectly situated to attend to both their businesses and the public political arena—“kleine Krämer aus dem Umkreis des Forums.” Critically, this group shared the views of the larger *plebs urbana*, and although other members of the *plebs* no doubt took part in at least some *contiones* (see below), the term *plebs contionalis* can nonetheless be used to illuminate that section of the *plebs urbana* which physically attended *contiones* when they had the opportunity and desire to do so (whether they were “kleine Krämer” or otherwise). Several analyses of participation in

35. Cicero’s famous belief that *populares* became *populares* due to innate instability or dire financial straits is by no means the final word on the subject (Cic. Sext. 99). It should stimulate the reader to wonder how Clodius would have explained the decision to become a *popularis* politician. Cf. Brunt 1988: 32–56.
Roman political life have accepted the concept of the *plebs contionalis*, but the role of the *plebs* in the political realm has been challenged.\(^{37}\) Mouritsen, when discussing the audience prior to the late second century, asserts that “such a politically concerned public—outside the ruling circles—did not emerge until the rise of the bourgeoisie in the early modern period.”\(^{38}\)

The economic sacrifices may indeed have been significant, but it needs to be stressed that the urban *plebs* numbered in the hundreds of thousands, and part of the point is that only the smallest percentage of this homogenous group need be willing and able to make the views of the whole known at any given *contio*. Moreover, and in the words of Ramsay MacMullen, “for the poor, corner cafes served informally as clubs,” revealing a good amount of time for leisure and association on the parts of many of Rome’s poorer inhabitants.\(^{39}\) And yet, it was precisely those who were unemployed, unoccupied and unfed who not only had (by definition) no economic distractions or obligations, but who also had the most to gain from populist proposals such as *leges frumentariae*.\(^{40}\) Turning our attention from the unemployed to the vast number of underemployed, it can be noted that thousands of workers reliant on day jobs such as laboring must have found themselves on any given day free to attend *contiones*—day labor, by its very nature, leaves workers unemployed from time to time. Bakers and the large number of *tabernarii* who sold foodstuffs would often have passed the most labor-intensive parts of their day before noon, so long as good morning trade freed up the afternoon. On the other hand, a lack of customers would have meant a lack of orders to fill for craftsmen who relied on orders or commissions for business, and hence they would not always have been tied down by business. On a less conjectural level, the exploitation of *collegia opificum* by leaders such as Clodius is well known, and a great deal of these were trade-based, indicating a craft or profession among members.\(^{41}\)

We may also turn to the various references to *tabernarii* in the sources, the best of which is Asconius’ massively informed description of the prosecution of

\(37\) Those more or less following Meier include Nicolet 1980: 359–60; Vanderbroeck 1987: 86–93, index: *plebs (contionalis)*. The notion is also accepted at Holkeskamp 2000: 210, 223.

\(38\) Mouritsen 2001: 42. Against Mouritsen, see Riepl 1913: esp. 326. Mouritsen 2001: 50–62 acknowledges wider participation in the late Republic, but allows only “sympathetic crowds mobilized in advance.” This view is inherently plausible, though Mouritsen does not investigate the mechanisms which allowed a demographic so economically burdened and resistant to participation in one period to be regularly mobilized in another. Cf. Mouritsen 2001: 50: “The breakdown of the old political consensus naturally led to new patterns of political participation.”

\(39\) MacMullen 1974: 86.

\(40\) Hence Vanderbroeck’s sensible equation of the *plebs frumentaria* with the *plebs contionalis*: Vanderbroeck 1987: 95. See also Nicolet 1980: 360. Cf. Brunt 1988: 11: A “factor in the turbulence of the city population may be found in the misery and squalor in which they lived, which naturally made them responsive to politicians who promised to improve their conditions and engendered hostility (if only intermittent) to the upper classes who showed little care for their interests.”

Milo in 52, and especially the results of Plancus’ calls for the *tabernae* to be closed for the reading of the verdict: *clausae fuerunt tota urbe tabernae* (Asc. 41C).\(^{42}\) And although an occasion such as Milo’s trial was exceptional, there is convincing reinforcement in the Ciceronian corpus. Clodius ordered the *tabernae* to be closed in 58, apparently as part of his organization of the *plebs* (Cic. *Dom.* 54).\(^{43}\) His connection with *tabernarii* and the broader *plebs* went so far that his assistants could be defined by their connection to them. Thus L. Sergius was characterized as *concitator tabernariorum*, while the scribe Sex. Cloelius was given the honor of presiding over the *Compitalia* of 58.\(^{44}\) Cicero seems to assume in his defense of L. Flaccus that his judicial audience would be familiar with crowds such as Meier’s *plebs contionalis* (Cic. *Flacc.* 18): *opifices et tabernarii atque illam omnem faecem civitatum quid est negotii concitare?* (“What trouble is it to inflame *opifices* and *tabernarii* and all those dregs of the *civitates*?”) Years later he would again associate the commonplace of contional attacks and the closing of the shops (Cic. *Acad.* 2.144): *quid me igitur, Luculle, in invidiam et tamquam in contionem vocas, et quidem, ut seditiosi tribuni solent, occludi tabernas iubes?* (“Why then, Lucullus, do you bring me into disfavor, as if calling me before a *contio*, and like factious tribunes you order the *tabernae* to be shut?”).

Such mass closures not only demonstrate the breadth of political interest among *tabernarii* and (presumably) their customers, they confirm the at-least occasional willingness of the former to leave their workplace to participate in politics. They also provide enormous support to the views of Meier and Vanderbroeck that small business owners were largely homogenous in terms of their political views and that it was they who predominantly constituted the *plebs contionalis*.\(^{45}\) The scale of the closures appears to far outdo the number of people who could have heard the *contio* directly, and demonstrates the city’s ability to disseminate political messages without absolute interaction, which in turn reinforces the probability that there were far more interested citizens than needed to appear in the forum.\(^{46}\) MacMullen again offers something on this point. Arguing that all but the wealthiest urban inhabitants in the Roman Empire tended to spend their time in public places in understandable avoidance of stifling housing

\(^{42}\) Cf. 52C. Asconius’ account should not simply be dismissed as empty rhetoric. His independence from Cicero’s own version is clear at 37C: *haec, etsi nullam de his criminibus mentionem fecit Cicero, tamen, quia ita compereram, putavi exponenda*. Moreover, it seems clear in his use of the senatorial *acta* at 49C that he knew details of separate *contiones* delivered on the same day. Such awareness strongly suggests that Asconius is reporting more than mere rhetoric.

\(^{43}\) Cic. *Dom.* 54. Further references in the same speech to the closing of shops can be found at 89, and also 90, where the closing of shops is contrasted with Cicero’s supporters closing *municipia*.

\(^{44}\) Sergius: Cic. *Dom.* 13. Cloelius: Asc. 7C. A brief summary of Cloelius’s activities (including the all-important charge of the grain supply) with references at Vanderbroeck 1987: 54–55.


\(^{46}\) Cf. Mouritsen 2001: 49: “Such exhortations would probably have reached a wider circle than the audience actually present; the news launched on such occasions may have spread rapidly throughout the city.” Cf. also Laurence 1994: 62–74.
conditions, he identifies a constant crowd on which a *contionator* could draw and through which information could be disseminated.47 The tendency for much of the urban population to be in the public spaces can perhaps best be seen in the apparently impromptu crowd which assembled in 62 to support Caesar when his praetorian duties had been suspended by the senate (Suet. *Iul*. 16.2).48 This crowd assembled because it was well informed about the state of Caesar’s magistracy and because it had a definite opinion which it wished to assert.

Cicero’s descriptions of at least some *contiones* imply an audience made up largely of the *plebs*, for gentlemanly assemblies can in no way equate with the *sentina* of the Ciceronian corpus.49 Nor could they justify Cicero’s explicit contrasting of the good *populus Romanus* with that body which was gathered by closing the *tabernae* (Cic. *Dom.* 89). Such a problem would not, however, go far in undermining the objections of those scholars who argue that the most *popularis* programmes often involved features such as agrarian laws that did not appeal to shop owners who were tied to the city.50 The evidence, however, suggests that it was still the urban *plebs* who were Cicero’s target in the debate over the *lex Servilia*.51 Cicero feigned outrage when declaring that Rullus had tried to disenfranchise the urban voters and that the law would only benefit the rich: the former claim would count for little before a rural audience, while the latter would fail before the wealthy (Cic. *De Leg. Agr.* 2.78-9). Cicero “appealed with demagogic skill to the mob’s love of bribes, games and festivals enjoyed chiefly by those domiciled at Rome.”52 He could even claim that the *lex Servilia* would allow the institution of a garrison on the Janiculum, another thoroughly urban motif (Cic. *De Leg. Agr.* 2.74).

The cause of their apparently nonsensical enthusiasm largely appears to have been partisan support for the speaker.53 The tactics employed by Cicero to win over this crowd rely not only on broad, wide-ranging motifs such as *libertas*, but on a systematic adoption of favorite *popularis* figures from past and present.

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47. Riepl 1913: 326 also refers to this crowd of idlers at intersections, among whom any conveyer of information could find a willing audience.

48. Cf. Laser 1997: 139, and his *Zufallspublikum*. Such a constant mass of people may also explain Clodius’ ability to raise a riotous mob on the spur of the moment to attack a *contio* of Lentulus Marcellinus in 56 (Dio 39.29.1).

49. Cic. *De Leg. Agr.* 2.70, where the notion is also raised that the *plebs* have too much power in the city. Such an assertion is plainly supposed to offend the *plebs contionalis*. Cf. also Att. 1.16.11 and 1.19.4.


53. Cicero explicitly attributed the desire for land to those enrolled in the urban tribes: *urbanis, quibus ista agri spes et iucunditas ostenditur* (Cic. *De Leg. Agr.* 2.79). While the rhetorical intentions of this passage are obvious and the majority of the crowd had no desire to leave Rome, it should not be ruled out that a number of those who had moved to the city (and thus may have been in the audience) would here have taken Cicero at his word.
Thus Cicero and Rullus go to great pains to claim the Gracchi and to divorce themselves from any Sullan association. The existence of such a connection between popular favor and popular leaders is made explicit by the author of the Commentariolum Petitionis (Q. Cic. Comm. Pet. 51): "You have already won over the urban crowd and the favor of those who control contiones by advancing Pompey, by taking on the case of Manilius and defending Cornelius." Furthermore, in the fourth Catilinarian Cicero took comfort in the fact that, were he to follow Caesar’s merciful policy on the conspirators, he would receive a warm welcome from the plebs as Caesar was comes populo carus atque iucundus (Cic. Cat. 4.11), implying that the crowd was so beholden to Caesar as one of its favorites that it would faithfully accept any course of action which he put forward. The connection between Caesar and the contio was plain to Cicero, as were the predictable values of the plebs contionalis, and this was because the crowd held itself to be popularis and was willing to support most things which it held to fall under the same banner (i.e. Caesar). This is also the best way to explain the stunning failure of the most socially eminent to hinder the popular proposals of the early sixties, in which Q. Catulus and Q. Hortensius were overcome in their defense of L. Lucullus and their opposition to new laws, and in which relatively unheard-of tribunes repeatedly achieved their ends.

The connection between popularitas and popular enthusiasm adds a kind of support to the view that contiones were highly partisan affairs in which the crowd almost unfailingly supported the convener, but it must be understood that this phenomenon applies to a system in which popularis speakers were more than three times as likely to speak from the Rostra. In other words, even within a framework in which the audience was always on the same “side” as the speaker, the audience would more often have been popularis, for, so long as the numbers above are accepted, populares held far more contiones than their opponents. This imbalance was not only driven by the speaker’s choice to convene an assembly, however, but also by the role of public oratory as a news source for the lower social strata.

The contio was not the only medium of communication in Rome, and it can be asserted that it had constantly to compete with other sources in various sections of society to have its message dominate. The great controvers-

55. The term qui contiones tenent in itself says a great deal about the consistency with which the populares dominated the contio.
57. Contra Morstein-Marx 2004: 16: “The conceptual framework through which [a member of the audience] would interpret what he heard was itself the product of contional discourse. In the absence of alternative, powerful sources of communication, he could hardly be expected to ‘stand
sies generated written communication, which (even if counted as a version of the same genre as *contiones*) offered politicians such as M. Bibulus in 59
the opportunity to counter the contemporary rhetoric being offered from the Rostra.\(^{58}\) Furthermore, Roman public life offered a myriad of arenas and institutions in which mass and elite could interact, from courts, games, the theater and festivals (at which public opinion was both expressed and manipulated) to *collegia* and other associations.\(^{59}\) Pertaining to this last forum, Vanderbroeck has offered a useful model for analyzing the leadership and (by extension) media connections between elite leaders and members of the urban *plebs*, in which “intermediate leaders” acted “as a relay between leader and public” and “were the ones who had to translate the policy of the leaders to the *plebs* and accomplish an alliance between popular leader and people.”\(^{60}\) Any number of changes to the discourse of the *contio* could (intentionally or otherwise) occur by the time information had reached the mind of the citizen, especially if the source of this “trickle-down” information was intentionally countering the rhetoric of *contiones*, and especially once the power of rumor had taken hold.\(^{61}\)

And yet even these structural features do not encompass the full spectrum of communication in Rome, where there was a continual blur between formal/mass and informal/personal interaction. Communication can have occurred during *salutationes* in a context of patron and client, as well as during a politician’s visit to the public spaces of the city.\(^{62}\) The words of trusted patrons were likely imbued with particular credibility to the ears of their clients. Annual voting and prolonged electoral campaigns provided not only the opportunity, but the necessity to interact with as many people in the forum as possible. The *Commentariolum Petitionis* points out the need to win over even those citizens who are reckoned to be disreputable:

outside of “that discourse and its ideological content; indeed, if the discourse be relatively univocal, he might even be its prisoner.”

\(^{58}\) Cf. Wirszubski 1968: 75–76.

\(^{59}\) Nicolet 1980: ch. 9. See also Riepl 1913: 10–11, 326; and MacMullen 1974: ch. 3.

\(^{60}\) Vanderbroeck 1987: 52–65. His views on the richness of communication beyond the *contio* are summed up at p. 104: “From time immemorial the communication between the elite and the collectivity of the plebs passed through personal contacts and orations. As the city grew larger without corresponding technical improvements in the means of communication, these two channels of communication declined in importance, and new channels had to be sought to establish the contact between leaders and crowd. . . . Through colleges and neighbourhoods larger groups of people could easily be reached. In this way, too, rumours spread.”

\(^{61}\) Examples of true or false rumors can be found in the news (*hoc quod auditum est*) of Lentulus’ “pimp” moving among the *tabernae* to rouse unrest in 63 (Cic. *Cat* 4.17), of Cicero’s death in 51 at the hands of the former Clodian Q. Pompeius (Cic. *Fam.* 8.1.4), and of Caesar’s approach in 50 (App. *B.C.* 2.31), to mention just three. Laurence 1994 deals with such instances. Virgil, who lived through his share of uncertain times, surely knew of what he wrote when describing the force and effects of *Fama*: Aen. 4.173–95, 4.666, 7.104–105, 11.139–41; and esp. *Aen.* 4.298–303.

\(^{62}\) Consider, for instance, Cicero’s separation of Rostra and Forum when summarizing public life as *forum, subsellia, rostra, curiaque* at *De Orat.* 1.32.
In ceteris molestiis habet hoc tamen petitio commodi: potes honeste, quod in cetera vita non queas, quoscumque velis adiungere ad amicitiam, quibuscum si alio tempore agas ut te utantur, absurde facere videare, in petitione autem nisi id agas et cum multis et diligenter, nullus petitor esse videare.


Amid the other annoyances, a campaign does have this benefit: you can befriend whomsoever you wish without disgrace, something which you cannot do in the rest of your life. If at some other time you were to go about treating with these people, you would seem to be acting inappropriately. In a campaign, however, were you not to do this with many people and with great effort, you would seem to be no candidate at all.63

The text goes on to criticize C. Antonius for not knowing voters by name, stressing that the entire city—in the forms of collegia, pagi and vicinitates—must be won over, and that this can be achieved through the leaders of these various divisions.64 Importantly, it is all to be achieved through personal conversations rather than mass oratory; one would hardly address the audience members by their individual names. The image is a sophisticated version of the same ultra-personal campaigning performed by Ap. Claudius (cos. 143) and Q. Pompeius (cos. 141) and demonstrates that the lower ends of society and the elite did not interact with each other through public oratory alone.65 In this context, the contio as an institution still had to compete to have its message dominate all others, and, although the contio was often a necessity of due process, the politician had access to other media avenues in crafting his public image.

Yet despite this flow of information outside the contio, the degrees to which these different media affected people varied between different segments of society. Although they had some access to other media, it cannot be denied that oratory and group organizations were of greater importance to the lower classes of the Roman people than to the upper, for whom personal access to politicians and prominent equestrians was more likely. With this separation between media reliance on the

63. The very statement that such openness was thought disreputable outside an electoral campaign could with good reason cast doubt on the relevance of the Commentariolum Petitionis for a study of contiones. Two points ought to be made in its defence. First, need for plebeian support in the comitia centuriata should a fortiori have applied to any matter of legislative voting or general participation in the city, such as during a contio. Second, electoral campaigns occurred for many months of every year, for all positions from tribunes of the soldiers to consuls, involving a great many candidates, many of whom had known backing from those leading the debates of the time. The need for support would surely have led to questions/comments on current topics over the course of months. Consider the highly partisan election of Antony to augur in 50 (Caelius apud Cic. Fam. 8.14.1: magnâ illâ comitia fuerunt et plane studia ex partium sensu apparuerunt).

64. Q. Cic. Comm. Pet. 30: deinde habeto rationem urbis totius, collegiorum omnium, pagorum, vicinitatum; ex his principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis.

parts of different sections of society, we come to a phenomenon that has become
known as “the eleventh-hour debate.”

As Morstein-Marx has noted, opposition to tribunician legislation often
appears at its strongest on the day of the legislative vote, despite the availability of
a full *trinundinum* between promulgation and vote in which debate could have
been pursued.66 He presents the promulgator of the *rogatio* as controlling debate up
until the comitial day and beating his opponents into silence with a demonstrated
“consensus” in his assemblies. Yet despite this prolonged attack, Morstein-Marx
argues, custom and “the notion that the *populus Romanus* should be given the
advice necessary” led to an opportunity on the day of the vote for opponents to
make their views known despite the presence of a prepared and overwhelmingly
hostile crowd, and so opposition spiked on the very last day of the legislative
process. This opportunity was still controlled by the promulgator, however, and
was used to force upon opponents the discomforting experience of confronting
a hostile audience.

Morstein-Marx is correct to note the oddity that is the “eleventh-hour debate,”
but some flaws nonetheless remain in his theory. It should be asked just how much
control over the whole debate a promulgator actually had, given that any one of
ten tribunes, eight praetors, two consuls as well as other magistrates and some
priests had the opportunity to call dissenting *contiones* to demonstrate his own
version of “consensus” with a crowd comprised of his own supporters.
The option of conducting a prolonged public-relations campaign was open to any
magistrate, not just the promulgator. Moreover, if the *trinundinum* was used to
batter opposition into submission, then dissent should grow progressively more
hesitant, but the emergence of “eleventh-hour debate” contradicts this. The lack of
opposition despite the presence of magistrates capable of offering it was entirely
the result of their own decision not to call dissenting *contiones*, and the sudden
emergence of vocal counterattacks on the comitial day must imply that there
was something different about these particular *contiones* from the perspective of
“eleventh-hour debaters” like Q. Catulus.

The difference, logically, would be the audience’s altered composition. The
relatively affluent and well-connected supporters of the senate leadership enjoyed
access to news via correspondence and personal acquaintance, and this made it
less necessary to stand shoulder to shoulder with the *sentina* in forms of mass
communication.67 The *plebs urbana*, however, was more reliant on oratory, clubs
and associations, resulting in a far higher turnout in *contiones* during the *trin-
undinum*.68 They therefore dominated the purely communicative assemblies, and

67. See the brief treatment at Riepl 1913: 453.
gewissermassen die Masse das Medium, das wichtige Informationen und Gerüchte untereinander
bekanntmachte . . . Es herrschte eine permanente Interaktion zwischen Volk und Führungsschicht.”
their strong popularis bias made opposition more or less worthless. Meanwhile, opponents of the law could be mobilized through private channels. On the day of the vote, however, the wealthy came to the assembly in order to cast their ballots, and their presence made “debate” possible and opposition worthwhile.69

Consistency of attendance led to a tendency to pigeonhole the contio and those associated with it together in the one political camp. In a passage cited above, the Commentariolum Petitionis contains in one breath a reference to “the urban crowd” and “those who control contiones.”70 Cicero himself makes these managers of contiones synonymous with the supporters and associates of Clodius (Cic. Sest. 125): “those controllers of contiones, tyrants over the laws, expellers of citizens” (illì contionum moderatores, legum domini, civium expulsores). What is clear from this passage is that the controllers of contiones were not representative of all of Rome, but instead reflected a consistent and predictable section of Roman politics. Such an implicit attachment of contiones and populares is also brought out in the following sagacious comment from the Pro Milone (Cic. Mil. 5): “Personally, I always considered that Milo would have to endure the other storms and gales, at least those on the rough sea of contiones, because he had always sided with the boni against the improbi.” (Equidem ceteras tempestates et procellas in illis duantaxat fluctibus contionum semper putavi Miloni esse subeundas, quia semper pro bonis contra improbos senserat.) Cicero equates the storms and upheavals of contiones with one particular group of politicians and one particular constituency in Roman politics. The use of semper makes it clear that such an association was predictable, based on the clear pattern and trend of a popularis domination of the contio.

Such an affinity between a predictably composed crowd and a type of leader eager to attach himself to it created an institution which, beyond the mundane contiones which must have been so plentiful, not only offered an arena for the battles between populares and their opponents, but which itself often reflected the claims and self-depictions of one side against the other. Despite the common practical convention which took the audience in any given assembly as the entire populus Romanus, the actual composition of the crowd meant that the decision to base one’s political efforts around the contio in such a potentially variegated political context was in itself a statement (of honest conviction or sinister opportunism) that it was with the plebs contionalis that one’s heart truly lay.

The absence of “Massenmedien,” however, would have less effect on those well-connected citizens who had personal access to some of the hundreds of senators or political agents in Rome.

69. Contra Fantham 2000: 104, where the presence of equites is stressed and criticism is directed at those treatments which “seem to polarise Roman political classes between the senate and the plebs urbana.”

III. EXPLOITING THE CONTIO

We are told that even magistratus minores had the right to call contiones, and no doubt most or all magistrates exercised that right.\textsuperscript{71} The question being asked here is, “Did they all do so to an equal extent?” The first section of this paper has argued that speakers following a popularis line were more than three times as likely to hold a contio when given the choice. The primary reason for this,so it has been argued in the second section, was the usual composition of the audience and the effects this had on the decision-making process of the potential contionator. This third and final section will deal with the effects of such a skewed employment of the contio and will seek to identify these effects in the evidence.

The central tenet of this paper is that, while it was no doubt rare to ignore any venue, a magistrate presented with a challenge could choose to focus more of his attention on the senate, hoping that the influence of that esteemed body would further his cause, or he could attempt to advance his goals through contiones and/or popular legislation, knowing that this avenue had every “constitutional” means of fulfilling one’s hopes. Considering that either path was capable of effecting one’s goals if won over, it was natural to concentrate on that venue which was most likely to offer its backing, and so the popularis leader was inclined to make the most of his support in the assemblies. This is reflected in the more than three-to-one ratio of contiones held by populares to those of their opponents.

Furthermore, while the contio and the senate were fundamentally uncontroversial and necessary institutions, both the Rostra and the Curia were marked at their extremes with the opposite ideological colors, so that when a significant political controversy arose, the contio became ideally suited to exploitation by populares. At this level, the divergence in employment of the contio was symptomatic of a wider split in political method, affecting not only media of communications, but also avenues of effecting policy through popular legislation or senatorial resolutions. By necessity, the path of legislation required a number of contiones which senatorial resolutions did not. In order to illustrate the affinity between political objective and political method, as well as its important repercussions for the contio, a series of brief case studies will be employed centered around A. Gabinius, three episodes of legislation and, of course, the remarkable career of P. Clodius.

When Gabinius returned from his province in 54, he ran into a storm of controversy (Cic. Q.F. 2.11.2). Far from assailing him in a contio, however, an extraordinary session of the senate was called to which aggrieved equestrians (including the prominent knight L. Lamia) were granted special access. There are no recorded contiones against Gabinius from his wealthy opponents, but Pompey delivered one in support of his popularis friend in which a letter of support from

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71. Magistratus minores: Messala apud Gell. 13.16. Evidence for the holding of public speeches by junior magistrates includes Cicero’s reference to Trebonius’ contiones as quaestor (Cic. Fam. 15.21.2).
Caesar was read aloud. This was not the first time, however, that Gabinius had come to blows with senators and equestrians.

In 58, Cicero’s senatorial and equestrian supporters protested against his impending exile by staging a demonstration and attempting to affect the senate through representatives. The proudly *popularis* consul Gabinius reacted by barring them from the Curia and flying to the Rostra, where he held a stinging *contio* against Cicero’s supporters and banished the same L. Lamia who was to enter the Curia against Gabinius in 54. At the same time, Clodius as tribune produced on the Rostra Q. Hortensius and the elder Curio and, as punishment for having taken part in the same demonstration, had them dealt with by “men prepared for the task” (Dio 38.16.4). It was directly after this apparently unpleasant experience that Hortensius advised Cicero to abandon Rome. What is clear in these two episodes from the career of Gabinius is that each side attempted to drive events through his own favored arena: the supporters of Cicero had sought to deal with the issue in the Curia, Gabinius and his supporters on the Rostra.

Given what we have just seen of Gabinius, it is unsurprising that Cicero has him in his sights when most colorfully elucidating the dangers of a populist consul. In Cicero’s retelling of the incident in which Gabinius spoke out in 58 against a pro-Ciceronian demonstration and banished L. Lamia, he is keen to downplay any distinction or authority which the consulship could impart to the *contio*. Cicero was clearly attempting to play on the motif of the crazed and senseless *popularis* who relied on demagoguery in the absence of *dignitas* and *auctoritas*, and the contrast between the proper conduct of a consul and the behavior of Gabinius was a stinging criticism when heard by anti-*popularis* ears. After conjuring an image of the entire *res publica* united behind himself, Cicero went on to put the consuls of 58 on the far side of the political divide (Cic. *Sest.* 27): *de consulis loquor, quorum fide res publica niti debuit.* (“I speak of the consuls, on whose loyalty the *res publica* ought to have leaned.”) Yet despite mentions of the senate, young nobles and the *equites Romani*, Cicero does not mention the *plebs* as being part of the *res publica*, not those whose spirits would have been emblazoned by Gabinius and his fiery speech.

The moral context of Gabinius’ *contio* was made clear again and again. “Faint with fear, [Gabinius] flies from the senate, no less shaken in mind and appearance than if a few years before he had stumbled upon a meeting of creditors,” with Cicero here attempting to portray the consul’s flight to the Rostra as irresponsible and cowardly in the face of *omnes boni*. The image is topped off with a

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75. Cic. *Sest.* 28: *exanimatus evolat ex senatu, non minus perturbato animo atque vultu, quam si annis ante paucis in creditorum conventum incidisset.* The depiction of Gabinius here fits seamlessly
contiones in the Age of Cicero

comparison with Catiline, in which Gabinius’ role as consul is stressed at the end of the sentence (Cic. Sest. 28): advocat contionem, habet orationem consul, qualem numquam Catilina victor habuisset. (“He calls a contio and delivers as consul a speech, the likes of which a victorious Catiline would never have delivered.”)76

The same stress is made the central subject some lines below (Cic. Sest. 28: “for the very speech of a consul, if wicked, can shake the res publica”).77 The point according to Cicero was plainly the incompatibility between a good consul on the one hand and the base exploitation of the Rostra and the plebs contionalis on the other. In the same speech that brought us the excursus on optimates and populares (Cic. Sest. 96–139), the moral position of this sort of contio was clear and would only become clearer.78 There was nothing inherently unacceptable about a consular contio, as the glowing reports of P. Lentulus Spinther in 57 show, but one that tailored itself to the popularis vision was all too easy to mock.79

Thus a game could occasionally be played in which suspected populares would attempt to avoid such a reputation by resisting the temptation to energize the contio. When the lex Gabinia was first proposed in 67, it was delivered in the senate without any mention of Pompey as the recipient of the command (Dio 36.24.1). Gabinius could easily have proposed the law in the extremely favorable assemblies and explicitly named its intended beneficiary, but he instead took his rogatio to the senate in order to preempt claims of popularis demagoguery or exploitation of Pompey’s popularity. Gabinius was not the only leader to play this game. Some years later, when Pompey returned from the East in 61 with a desire to appease the senate, he gave an unsuccessfully bland contio, avoiding the image of the populist which he had played upon his return in 71, and instead announced his faith in the senate.80 Pursuing a similar course in 59, Caesar at first attempted to demonstrate his reasonableness and collegiality by proposing his lex agraria in the senate, and it was only after the utter failure of this plan that he took to the assemblies with gusto.81 For all three of these leaders, the sign of a conciliatory spirit was their willingness to forego their advantage in the assemblies and to enter the stronghold of their opponents. All three would eventually turn to the

with the description of populares at Cic. Sest. 99. In this later passage, Cicero claims to give two main reasons why leaders become populares: the first is the inborn furor animi, so apparent in Gabinius when perturbato animo atque vultu, and the second is embarrassment over financial insecurity.

76. Gabinius was already the subject of the passage and the nominative consul did not need to be provided. Its inclusion was deliberate and purely to provide emphasis.

77. Cic. Sest. 28: nam oratio ipsa consulis perniciosa potest rem publicam labefactare.

78. At Sest. 106–08, Cicero dismisses recent contiones as scandalous and unrepresentative of the Roman people.

79. Reports of Spinther’s contiones can be found at Cic. Sest. 107–08, Post Red. in Sen. 26, Post Red. ad Quir. 16–17, Pis. 34, 80. The fact that Cicero is the only source for these speeches is a sobering reminder of how many contiones must have fallen out of the historical record.

80. 61: supra n.18. 71: Sall. Hist. 4.44; Cic. Verr. 1.45; ps.-Asc. 220 Stangl.

81. Dio 38.2, 4; App. B.C. 2.10. Cf. Meier 1966: 281, where Caesar’s initial conduct is referred to as diplomatisch. Gelzer 1968: 71–72 also stresses this, and reminds the reader of Caesar’s fastidious recognition of his colleague’s authority when Bibulus held the fasces.
assemblies they had ostentatiously avoided, but their initial efforts nonetheless presupposed a recognized tendency for certain leaders to prefer certain venues and methods. To illustrate the nature of this media duality throughout the period, two cases will be analyzed, one spanning weeks, the other years.

C. Cornelius began his term as a legislating tribune in 67 by proposing to ban the loaning of funds to foreign envoys, and, as Gabinius either had done or was to do with the *lex Gabinia de piraticis* (the chronology is unclear), he first brought the matter to the attention of the senate. Its rejection of the proposal—on the grounds that the existing law on the matter had recently been shown to work in preventing loans to Cretans—evidently did not satisfy Cornelius, and Asconius has him take to the Rostra out of resentment towards the senate. Interestingly, though he complained in this *contio* about the shameful treatment of the provinces and the need to prevent loans to their envoys, he does not appear to have made any further effort to push through his original proposal, but instead turned to a new *lex, qua auctoritatem senatus minuebat*. Cornelius never came back to the original law *de senatu legatis dando*—although Gabinius did eventually secure its passage as a *lex Gabinia* in either 67 or 58—but moved on to a provocative bill which sought to ensure that the senate could not grant dispensations from the law. Looking to preserve his respectability, Cornelius began his year’s legislative effort in the senate, but then coupled his flight to the *contio* with a law that intentionally attacked the conscript fathers. After the vote on this law degraded into violence, Cornelius would go back to the senate in an effort to compromise, and the law was eventually accepted as a *lex Calpurnia* under the sponsorship of the consul C. Piso. Efforts to compromise were made in the senate, while attacks on the senate were made from the Rostra.

The second and longer case study involves the abrogation of two of the great commands of the period. L. Lucullus was unfortunate in that his generally admirable proconsulship had in the early 60’s reached astonishing levels of unpopularity (Plut. *Luc.* 33.3, Sall. *Hist.* 4.70) just as Pompey had ascended to the peak of the people’s favor. The *imperium* of the former was gradually eroded through a series of laws while the latter was elevated first to a glorious pirate command and then to the war in the East, and even after Lucullus had returned and was physically present in the vicinity of Rome, he still did not have the influence in the popular assemblies to secure a triumph until 63. In the attacks on Lucullus, the battle was overwhelmingly fought in the assemblies,

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82. It ought to be noted at this point that the reasonable chronology of events as argued by Griffin 1973: 196–213 shall be followed throughout. The evidence for his tribunate is preserved at Asc. 57–59C and Dio 36.38.4–40.2.
83. This dichotomy of senate and *contio* is apparent in Asc. 57–58C: *Cornelius ea re offensus senatus questus est de ea in contione* (“Cornelius, annoyed by this, protested against the senate in a *contio* on the subject.”)
where Lucullus’ cause was hurting most, so that only Hortensius and possibly Catulus are recorded as offering opposition outside of the comitial days.\(^8\) The paucity of recorded dissenting speakers stands in contrast to the relative bounty of names known to have spoken either against Lucullus or for Pompey: L. Quinctius pr. 68, A. Gabinius tr. pl. 67, C. Manilius tr. pl. 66, Cicero pr. 66, C. Memmius (probably) tr. pl. 64 as well as Caesar as a private citizen and no less than four consulars.\(^9\) It could be argued that flaws in the sources have deprived us of several supporters of Lucullus and opponents of Pompey, but the more than fourfold dominance of the Rostra by their counterparts here is strong enough to absorb several hypothetical additions.\(^10\)

On the other hand, when the boni decided in the late 50’s that Caesar’s imperium in Gaul had to be concluded, they did not do as the opponents of Lucullus had done (although facing an almost identical issue), but rather they pursued their goal through the senate.\(^11\) The difference was obviously that Caesar (unlike Lucullus) remained an extraordinarily popular figure in the contio and the legislative assemblies. Caesar’s opponents, on the other hand, were among the most powerful and influential members of the senate, and were therefore inclined towards operating within the Curia. The difference in political method in these two almost identical instances demonstrates the extent to which the contio’s effectiveness was determined by the specifics of the issues and leaders involved. Quite simply, why would Pompey or Caesar eagerly face off against hostile peers in the senate, when they were all but guaranteed success before the people? Conversely, why would Lucullus or the boni rush to the assemblies when they were unlikely to achieve their goals in that venue? The Roman “constitution” offered multiple communicative and legislative means to any given end, and it was natural for politicians to adopt the particular avenue which suited their goals best.

Finally, no study of the contio would be complete without a section on P. Clodius. He was of course the extreme popularis leader of his day, but his arrival upon the Rostra was occasioned by his alienation from the senate as a forum for politics. After Curio senior could find just fifteen votes to support him during the Bona Dea scandal, Clodius emerged as the consummate public speaker, with

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85. Cic. De Imp. Pomp. 51–52. On the day of the vote, Catulus was joined by the tribunes L. Roscius Otho and L. Trebellius for “eleventh-hour debate” (Dio 36.24.4). It should be stressed that no opposition contiones are recorded as being held by Roscius and Trebellius despite their positions as tribunes.

86. For the magistrates other than Memmius, references can be found at MRR II. Memmius: Bellemore 1996: 504–508. For Caesar: Plut. Pomp. 25.4–7. For the four consulars P. Servilius Vatia Isauricus cos. 79, C. Curio cos. 76, C. Cassius Longinus cos. 73, and probably Cn. Cornelius Lentulus Sura cos. 71: Cic. De Imp. Pomp. 68.

87. Moreover, Dio expressly states that a show of violence at the time of the law’s promulgation had effectively cowed opposition to the lex Gabinia in 67 (36.24.3). This suggests that the impression of small opposition from the Rostra was more than just an illusion caused by a faulty historical record.

88. The difference in method between the attacks on Lucullus and the attacks on Caesar has been noted at Raafflau 2003: 53.
ever-increasing numbers of contiones. His personal mastery of the contio and the legislative assemblies is itself one reason for the statistical imbalance in contiones during the 50’s, and he would, among other things, force Cicero into exile and restore through popular legislation the full rights of the collegia (which, true to our pattern, had been restrained in 64 not by a popular law but by a senatorial decree). His dominance of the public spaces would be countered effectively by the physical supremacy of T. Annius Milo, but one should not see Clodius and Milo as two sides of the same coin. The former bound his violence to a famous enthusiasm for oratory, so that contiones are attested as quaestor in 61, as tribune in 58, as aedile in 56, and even as a private citizen in 60 (Cic. Att. 2.1.5) and 57 (Cic. Att. 4.3.4). Against Cicero he held daily contiones, while Cicero claims that none were held in defense of his noble cause (Cic. Sest. 39, 42, 43, 106). Milo, however, was less loquacious. In the evidence for his entire career, only two contiones can be accredited to him: the first was nothing more than the recitation of a senatorial resolution in 57, after which he promptly handed proceedings to Marcellinus as consul-designate and the superior orator (Cic. Att. 4.3.3); the second was upon his return to Rome after the death of Clodius in 52, when all of Rome demanded to hear his version of events (Asc. 37C, App. B.C. 2.22). Significantly, Milo was supported in this contio by the oratorical talents of Cicero and M. Caelius Rufus; he was evidently not to be relied upon alone as a public orator.

The rarity of his assemblies is no doubt in part an illusion caused by the incomplete nature of the historical record, but the disappearance from the source material of what contiones he held reflects how unremarkable they were. In contrast, Clodius’ determination to address the plebs at every opportunity elevated the importance of the contio in all affairs in which he was involved, and this is reflected in the prominence of his assemblies in the evidence. Thus even if one were to assume that Milo held as many contiones as his opponent, the fact that only Clodius’ were deemed worthy of recording is in itself an important sign that he was imbuing his assemblies with greater significance than Milo was. Why was this? A key feature in the discrepancy between these two leaders was no

89. Cic. Att. 1.14.5. Cf. Tatum 1999: 188: “The Bona Dea scandal . . . revealed how little senatorial support he might expect in the future, for all his illustrious lineage.” Despite this, however, the Bona Dea incident sits alongside the effort to recall Cicero as one of only two issues between the dictatorships of Sulla and Caesar in which the boni’s strong presence on the Rostra can be gleaned from the sources. Although the effort to prosecute Clodius began in the senate, it came to dominate the Rostra as well. The sequence of events is set out at Cic. Att. 1.13–16.

90. Cic. Mur. 71, Pis. 8; Asc. 8C. Also along these lines, it should be noted that when M. Cato proposed a grain subsidy in late 63 or 62, he broke with tradition in implementing it through a senatorial resolution, despite his being tribune and being entirely able to pass a lex frumentaria (Plut. Cat. 26.1, Caes. 8.4). Similarly, as praetor in 54 he sought to combat the plague of electoral bribery, but, although his imperium gave him the right to pass a lex Porcia de ambitu, he had a senatorial resolution passed (Plut. Cat. Min. 44.2). Cato’s politics was always set before a background of senatorial pre-eminence.
doubt their varying abilities as orators, but one should not overlook the nature of their political messages. Clodius was the ultimate popularis of his day, a man who attacked the senate’s decision to suspend the civic rights of the Catilinarian conspirators, who revived the collegia and who would later call for the freedmen to be distributed throughout the rural and urban tribes. It was no coincidence that he demonstrated great enthusiasm for addressing the urban plebs. Nor is it coincidence that his arch-nemesis would have his opposition to Clodius’ person and politics reflected in his more reluctant approach to the Rostra.

CONCLUSION

The affinity between the contio and certain political courses is perhaps to be expected. If there is a segment of the political leadership that concentrates on the popular assemblies, then this is the segment most likely to engage in public oratory. Such increased likelihood is of great importance to a study of the contio, and should remind us that the extant contiones reflect these specific speakers rather than all speakers in general. The connection, however, is deeper than that. It lies in the equal capacity of senate and assemblies to effect policy, and the enormous social divide between the audience in the Curia and the audience at the Rostra.

As has been repeatedly stated, all magistrates presumably held contiones, but more intense political activity offered a split in method that potentially set the contio in opposition to the senate. If a proposal was unpopular in the Curia but popular among the urban plebs, there was every impetus to go to the assemblies. A proposal less favored by the plebs, such as the curtailing of dangerous collegia or the abrogation of Caesar’s Gallic campaign, would find easier passage through the senate. This pattern was well recognized by contemporaries, and the result was often that the contio came to represent the via popularis. The procedural necessity of contiones prior to popular legislation guaranteed that those who sought to pursue ends through legislation rather than senatus consulta would appear before the people. Even without legislation, however, a favorable contio was a demonstration of support and even of “consensus.” Thus causes opposed by the senatorial leadership often fled to the Rostra in need of a favorable venue. This phenomenon and the resulting stigma is clear in our final reference: Curio levissime transfugit ad populum et pro Caesare loqui coepit (Caelius apud Cic. Fam. 8.6.5).

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APPENDIX: THE CONTIONES

A similar list can be found in the Appendix of F. Pina Polo 1989, and reformatted in Pina Polo 1996. Some contiones that were not included in those lists have been included here, and individual contiones have been listed separately where possible. Often, however, contiones are referred to in unspecified numbers, and such clusters are given one entry below.

POPULARES CONTIONES

<table>
<thead>
<tr>
<th>No.</th>
<th>Yr</th>
<th>Convener</th>
<th>Speaker</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1(^{91})</td>
<td>70</td>
<td>L. Aurelius Cotta (pr.)</td>
<td>L. Aurelius Cotta (pr.)</td>
<td>Jury reform</td>
</tr>
<tr>
<td>2(^{92})</td>
<td>70</td>
<td>A. Plautius (trib.)</td>
<td>A. Plautius (trib.), C. Julius Caesar (privatus)</td>
<td>For the rogatio Plautia de reeditu Lepidanoorum</td>
</tr>
<tr>
<td>3(^{93})</td>
<td>70</td>
<td>?</td>
<td>M. Licinius Crassus (cos.), Cn. Pompeius Magnus (cos.)</td>
<td>Public reconciliation at the crowd’s behest</td>
</tr>
<tr>
<td>4(^{94})</td>
<td>68</td>
<td>L. Quinctius (pr.)</td>
<td>L. Quinctius (pr.)</td>
<td>Against L. Licinius Lucullus</td>
</tr>
<tr>
<td>5(^{95})</td>
<td>67</td>
<td>C. Cornelius (trib.)</td>
<td>C. Cornelius (trib.)</td>
<td>Against the senate’s rejection of a law on loans to foreign envos</td>
</tr>
<tr>
<td>6(^{96})</td>
<td>67</td>
<td>C. Cornelius (trib.)</td>
<td>C. Cornelius (trib.), P. Servilius Globulus (trib.), C. Calpurnius Piso (cos)</td>
<td>On the day of the legislative vote in which Cornelius attempted to overcome a veto</td>
</tr>
<tr>
<td>7(^{97})</td>
<td>67</td>
<td>C. Cornelius (trib.)</td>
<td>C. Cornelius (trib.) and other tribunes</td>
<td>For the rogatio Cornelia de ambitu</td>
</tr>
<tr>
<td>8(^{98})</td>
<td>67</td>
<td>A. Gabinius (trib.)</td>
<td>A. Gabinius (trib.)</td>
<td>Used pictures to defame an opponent’s house, probably L. Licinius Lucullus</td>
</tr>
</tbody>
</table>

\(^{91}\) Cic. Verr. 2.3.223.
\(^{92}\) Suet. Iul. 5; Aul. Gell. N.A. 13.3.5; Dio 44.47.4. The controversy over the date of the lex Plautia is well known. Broughton’s characteristically reasonable reconstruction is favored here. Cf. MRR II: 130 n. 4.
\(^{93}\) Assuming that this was technically a contio App. B.C. 1.121; Plut. Pomp. 23.1–2.
\(^{94}\) Plut. Luc. 33.5–6. For the date, see MRR II: 138.
\(^{95}\) Asc. 57–58C.
\(^{96}\) Asc. 58C; Cic. Vat. 5; Dio. 36.39.3–4.
\(^{97}\) Asc. 74.
\(^{98}\) Cic. Sext. 93.
<table>
<thead>
<tr>
<th>Contiones in the Age of Cicero</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>99</th>
<th>67</th>
<th>A. Gabinius (trib.)</th>
<th>A. Gabinius (trib.), C. Julius Caesar (privatus), Q. Hortensius Hortalus (privatus)</th>
<th>For and against the rogatio Gabinia de imperio piratico</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>67</td>
<td>A. Gabinius (trib.)</td>
<td>A. Gabinius (trib.), Cn. Pompeius Magnus (privatus), Q. Lutatius Catulus (privatus)</td>
<td>At the vote on the rogatio Gabinia de imperio piratico</td>
</tr>
<tr>
<td>101</td>
<td>67</td>
<td>A. Gabinius (trib.)?</td>
<td>M. Lollius Palicanus</td>
<td>Flattering the populace before consular elections</td>
</tr>
<tr>
<td>102</td>
<td>67</td>
<td>Tribunes</td>
<td>Tribunes, C. Calpurnius Piso (cos.)</td>
<td>On the candidacy of M. Lollius Palicanus for consul</td>
</tr>
<tr>
<td>103</td>
<td>66</td>
<td>C. Manilius (trib.)</td>
<td>C. Manilius (trib.)</td>
<td>On the rogatio Manilia de imperio Pompei</td>
</tr>
<tr>
<td>104</td>
<td>66</td>
<td>C. Manilius (trib.) or M. Tullius Cicero (pr.)</td>
<td>M. Tullius Cicero (pr.), C. Julius Caesar (privatus)</td>
<td>On the rogatio Manilia de imperio Pompei</td>
</tr>
<tr>
<td>105</td>
<td>66</td>
<td>C. Manilius (trib.)?</td>
<td>Q. Lutatius Catulus (privatus) and possibly Q. Hortensius Hortalus (privatus)</td>
<td>On the rogatio Manilia de imperio Pompei</td>
</tr>
<tr>
<td>106</td>
<td>66</td>
<td>Tribunes</td>
<td>Tribunes, M. Tullius Cicero (privatus)</td>
<td>On the prosecution of C. Manilius</td>
</tr>
<tr>
<td>107</td>
<td>66</td>
<td>M. Tullius Cicero (pr.)</td>
<td>M. Tullius Cicero (pr.)</td>
<td>Against “the oligarchs”</td>
</tr>
<tr>
<td>108</td>
<td>64</td>
<td>C. Memmius (trib.)</td>
<td>C. Memmius (trib.)</td>
<td>Against L. Licinius Lucullus</td>
</tr>
</tbody>
</table>

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99 Dio 36.24.4; Plut. Pomp. 25.4–7; Cic. De Imp. Pomp. 52.
100 Dio 36.24.5–36a; Plut. Pomp. 25.5–7 (where the contio is set before the comitial day);
Asc. 72C.
101 Val. Max. 3.8.3
102 Val. Max. 3.8.3
103 Livy Per. 100.
104 Cic. De Imp. Pomp.; Dio 36.43.2.
105 Cic. De Imp. Pomp. 51–2; Plut. Pomp. 30.4.
106 Dio 36.44.1–2; Plut. Cic. 9.6.
108 Plut. Luc. 37.1–2; Plut. Cat. 29.3–4. For the year, see Bellemore 1996: 504–508.
**POPULARES CONTIONES (continued)**

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Name</th>
<th>Position</th>
<th>Speech</th>
</tr>
</thead>
<tbody>
<tr>
<td>19109</td>
<td>64</td>
<td>P. Servilius Rullus</td>
<td>trib.</td>
<td>Not on the rogatio Servilia agraria, though the subject is ambiguous</td>
</tr>
<tr>
<td>20110</td>
<td>64</td>
<td>P. Servilius Rullus</td>
<td>trib.</td>
<td>On the rogatio Servilia agraria</td>
</tr>
<tr>
<td>21111</td>
<td>63</td>
<td>M. Tullius Cicero</td>
<td>cos.</td>
<td>Preserved as De Lege Agraria II</td>
</tr>
<tr>
<td>22112</td>
<td>63</td>
<td>M. Tullius Cicero</td>
<td>cos.</td>
<td>Preserved as De Lege Agraria III</td>
</tr>
<tr>
<td>23113</td>
<td>63</td>
<td>C. Julius Caesar (pr. and duumvir perduellionis), L. Julius Caesar (duumvir perduellionis)</td>
<td>(trib.)</td>
<td>At least T. Labienus</td>
</tr>
<tr>
<td>24114</td>
<td>63</td>
<td>Appeal to the people by C. Rabirius (privatus)</td>
<td></td>
<td>Appeal against the conviction in no. 23</td>
</tr>
<tr>
<td>25115</td>
<td>63</td>
<td>L. Calpurnius Bestia (trib.)</td>
<td></td>
<td>Against Cicero</td>
</tr>
<tr>
<td>26116</td>
<td>63</td>
<td>Q. Caecilius Metellus Nepos (trib.)</td>
<td></td>
<td>Against the execution of the Catilinarians</td>
</tr>
<tr>
<td>27117</td>
<td>63</td>
<td>L. Calpurnius Bestia (trib.), Q. Caecilius Metellus Nepos (trib.)</td>
<td></td>
<td>Against the execution of the Catilinarians</td>
</tr>
<tr>
<td>28118</td>
<td>62</td>
<td>C. Julius Caesar (pr.)</td>
<td></td>
<td>On the restoration of the Temple of Jupiter Optimus Maximus</td>
</tr>
</tbody>
</table>

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109 Cic. *De Leg. Agr.* 2.13. Cicero’s mockery of the speech strongly suggests that it was a populist one. Such a view is supported by Rullus’ ragged appearance. (Cf. Lintott 1968: 19: “Mourning may have become the stock-in-trade of populares.”)  
111 Cic. *De Leg. Agr.* 2. Cicero’s consular contiones have been classified as popularis because they were the central feature in his determined maintenance of a popularis image. That he was aiming at thwarting a popularis law is secondary to what they tell us about “usual” popularitas.  
113 Cic. *Pro Rab. Per.* Att. 2.1.3, Pis. 4.; Dio 37.27.2–3.  
114 Cic. *Pro Rab. Per. passim*, Att. 2.1.3, Pis. 4; Dio 37.27.2–3.  
116 Cic. *Fam.* 5.2.8.  
TAN: Contiones in the Age of Cicero

<table>
<thead>
<tr>
<th>29(^{119})</th>
<th>62</th>
<th>Q. Caecilius Nepos (trib.)</th>
<th>Q. Caecilius Nepos (trib.), M. Porcius Cato (trib.), Q. Minucius Thermus (trib.).</th>
<th>On the recall of Pompey to quell the Catilinarian uprising</th>
</tr>
</thead>
<tbody>
<tr>
<td>30(^{20})</td>
<td>62</td>
<td>C. Julius Caesar (pr.)</td>
<td>C. Julius Caesar (pr.)</td>
<td>In support of the recall of Pompey to quell the Catilinarian uprising</td>
</tr>
<tr>
<td>31(^{21})</td>
<td>61</td>
<td>Q. Fufius Calenus (trib.)</td>
<td>Q. Fufius Calenus (trib.), Cn. Pompeius Magnus (procos.)</td>
<td>Calenus asked Pompey for his opinion on the Bona Dea scandal</td>
</tr>
<tr>
<td>32(^{22})</td>
<td>61</td>
<td>Probably P. Clodius Pulcher (quaestor)</td>
<td>P. Clodius Pulcher (quaestor)</td>
<td>On his being prosecuted for incestum</td>
</tr>
<tr>
<td>33(^{23})</td>
<td>60</td>
<td>L. Flavius (trib.)</td>
<td>L. Flavius (trib.), M. Tullius Cicero (privatus)</td>
<td>In support of a rogatio Flavia agraria</td>
</tr>
<tr>
<td>34(^{24})</td>
<td>60</td>
<td>L. Flavius (trib.)</td>
<td>L. Flavius (trib.), Q. Caecilius Metellus Celer (cos.)</td>
<td>On the rogatio Flavia agraria</td>
</tr>
<tr>
<td>35(^{25})</td>
<td>60</td>
<td>Probably C. Herennius (trib.)</td>
<td>C. Herennius (trib.), P. Clodius Pulcher (privatus)</td>
<td>On Clodius’ return from Sicily and his desire to become a plebeian</td>
</tr>
<tr>
<td>36(^{26})</td>
<td>59</td>
<td>C. Julius Caesar (cos.)</td>
<td>C. Julius Caesar (cos.), M. Calpurnius Bibulus (cos.), Cn. Pompeius Magnus (privatus), M. Licinus Crassus (privatus)</td>
<td>On Caesar’s agrarian law</td>
</tr>
</tbody>
</table>

\(^{119}\) Dio 37.43.1–3; Plut. Cat. Min. 26–9.

\(^{120}\) Suet. Iul. 16.1.

\(^{121}\) Cic. Att. 1.14.1–2.

\(^{122}\) Cic. Att. 1.14.5, 1.16.1.

\(^{123}\) Cic. Att. 1.19.4.

\(^{124}\) Dio 37.50.1–4; Plut. Luc. 42.6, Cat. Min. 31.1. There seems to have been a number of contiones here, and any that were called by Celer should be classified as anti-popularis, but the presence of Flavius as promulgator preserves the popularis classification.

\(^{125}\) Cic. Att. 2.1.5

\(^{126}\) Dio 38.4–6; Plut. Pomp. 47.4–5; App. B.C. 2.10.
POPULARES CONTIONES (continued)

37\footnote{App. B.C. 2.11; Dio 38.6.} 59 C. Julius Caesar (cos.) C. Julius Caesar (cos.), M. Calpurnius Bibulus (cos.), possibly M. Porcius Cato (privatus) On the day of the vote on Caesar’s agrarian law

38\footnote{Cic. Att. 2.21.5.} 59 C. Julius Caesar (cos.) C. Julius Caesar (cos.) Caesar attempts to incite a crowd to attack Bibulus’ house

39\footnote{Cic. Att. 2.21.3.} 59 Probably C. Julius Caesar (cos.) Cn. Pompeius Magnus (privatus) Against Bibulus’ written edicts

40\footnote{Cic. Att. 2.21.3.} 59 C. Julius Caesar (cos.) C. Julius Caesar (cos.), L. Vettius (privatus) On an alleged plot to assassinate Pompey

41\footnote{Cic. Sest. 39, 42, 43, 106. References to Clodius’ contiones in general or ones that cannot be identified individually are all dealt with as no. 46.} 59 P. Vatinius (trib.) P. Vatinius (trib.), L. Vettius (privatus) A revised version of the alleged plot to assassinate Pompey

42\footnote{Cic. Att. 2.24, Vat. 24.} 58 P. Clodius Pulcher (trib.) P. Clodius Pulcher (trib.), L. Calpurnius Piso Caesoninus (cos.), A. Gabinius (cos.), C. Julius Caesar (procos.) On the execution of the Catiliniarians in 63

43\footnote{Cic. Sest. 33, Pis. 14, Post Red. Sen. 13, 17; Dio 38.16.6–17.2; Plut. Cic. 30–31.} 58 P. Clodius Pulcher (trib.) P. Clodius Pulcher (trib.) Against Cicero

44\footnote{Cic. Sest. 39, 42, 43, 106.} 58 P. Clodius Pulcher (trib.) P. Clodius Pulcher (trib.) Claiming that Cicero had to either die once or conquer twice

45\footnote{Cic. Sest. 18, 28–29, Post Red. Sen. 12, 32, Planc. 87.} 58 P. Clodius Pulcher (trib.) P. Clodius Pulcher (trib.) Clodius recited a congratulatory letter from Caesar

46\footnote{Cic. Dom. 22.} 58 A. Gabinius (cos.) A. Gabinius (cos.) Banishment of L. Lamia and attack on Cicero’s supporters
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148 Cic. *Q.F.* 2.5.4.  
149 Dio 39.16.2.  
150 Cic. Sest. 95, Vat. 40–41, *Q.F.* 2.3.1–2, 2.6.4, Mil. 40; Dio 39.18–19; Plut. *Pomp.* 48.7; Asc. 48C.  
151 Cic. *De Har.* Resp. 8.  
152 Cic. *De Har.* Resp. 51.  
153 Cic. *Fam.* 5.3.1.  
154 Dio 39.29.1. The possibility of a tribune calling the assembly is given to explain why the consul Marcellinus did not take over Clodius’ contio with his greater imperium.  
155 Cic. *Q.F.* 2.3.4. Cato is here promulgating laws which must have involved contiones. They are designated populares because the laws being advocated are described in Cicero’s correspondence as perniciosissimae and because the laws attacked Milo and Lentulus. Shackleton Bailey 1980: 177 identifies this Lentulus as the son of the consul of 57.  
156 Dio 39.34–5; Plut. *Cat.* Min. 43.1–3.  
157 Dio 39.35.1.
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158 Dio 39.63.4–5.
159 Cic. Mil. 26.
160 Asc. 49C. Asconius strongly suggests that numbers 73 and 74 were different contiones.
161 Cic. Mil. 27, 45; Asc. 49C.
162 Asc. 32–33C.
163 Asc. 51C.
164 Asc. 51C.
165 Cic. Mil. 58. Classified popularis thanks to Cicero’s disapproving description of the contio as turbulenta.
166 Asc. 44C.
167 Asc. 37C.
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78\textsuperscript{168} 52 T. Munatius Plan-
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81\textsuperscript{171} 50 C. Scribonius Curio (trib.) C. Scribonius Curio (trib.) In support of Caesar and proposing new laws

82\textsuperscript{172} 50 C. Scribonius Curio (trib.) C. Scribonius Curio (trib.) Against Marcellus and Pompey

83\textsuperscript{173} 50 M. Antonius (trib.) M. Antonius (trib.) Against Pompey and in support of Caesar

84\textsuperscript{174} ? ? M. Tullius Cicero (?) In praise of Crassus

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85\textsuperscript{175} 66 Perhaps M. Tullius Cicero (pr.) M. Tullius Cicero (pr.) Against the immediate return of the Bona Sullae

86\textsuperscript{176} 63 M. Tullius Cicero (cos.) M. Tullius Cicero (cos.) In support of the lex Roscia

87\textsuperscript{177} 63 M. Tullius Cicero (cos.) M. Tullius Cicero (cos.) On the threat posed by Catiline

88\textsuperscript{178} 63 M. Tullius Cicero (cos.) M. Tullius Cicero (cos.) On the threat posed by Catiline

\textsuperscript{168} Asc. 37C.
\textsuperscript{169} Asc. 37, 51C; Cic. Mil. 7.
\textsuperscript{170} Asc. 40C.
\textsuperscript{171} Cic. Fam. 3.6.5, probably also 2.12.1.
\textsuperscript{172} App. B.C. 2.31.
\textsuperscript{173} Cic. Att. 7.8.5.
\textsuperscript{174} Plut. Cic. 25.2.
\textsuperscript{175} Asc. 73C.
\textsuperscript{176} Cic. Att. 2.1.3; Plut. Cic. 13.4.
\textsuperscript{177} Cic. Cat. 2, Att. 2.1.3.
\textsuperscript{178} Cic. Cat. 3, Att. 2.1.3; Plut. Cic. 19; Dio 37.34.3; Sall. Bell. Cat. 48.1.
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<td>96(^{186}) 59</td>
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\(^{179}\) Cic. Fam. 5.2.7–8, Sull. 34; Asc. 6C; Dio 37.38.2; Plut. Cic. 23.1–2.

\(^{180}\) Cic. Att. 1.13.5; Gell. N.A. 18.7.7–9, Quint. Inst. Orat. 9.3.50.

\(^{181}\) Plut. Cic. 23.6.

\(^{182}\) Cic. Att. 1.14.5. The contio is considered to be anti-popularis because, although the convener was in support of Clodius, the legislation being presented was not.

\(^{183}\) Cic. Att. 1.16.1; Schol. Bob. 86 Stangl.

\(^{184}\) Cic. Fam. 15.21.2. For the highly uncertain year, see MRR II: 184.

\(^{185}\) Cic. Att. 2.18.1.

\(^{186}\) Cic. Q.F. 1.2.15.

\(^{187}\) Dio 38.12.3.

\(^{188}\) Cic. Sest. 107–108, Post Red. in Sen. 26, Post Red. ad Quir. 16–17, Pis. 34, 80.
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100190 57 P. Cornelius Lentulus Spinther (cos.), Q. Caecilius Metellus Nepos (cos.) P. Cornelius Lentulus Spinther (cos.), Q. Caecilius Metellus Nepos (cos.), M. Tullius Cicero (privatus) On Cicero’s recall and a proposal of a grain commission for Pompey

101191 57 T. Annius Milo (trib.) T. Annius Milo (trib.), Cn. Cornelius Lentulus Marcellinus (cos. des.) Recitation of a proposal to officially investigate Cicero’s exile

102192 56 Cn. Cornelius Lentulus Marcellinus (cos.) Cn. Cornelius Lentulus Marcellinus (cos.), Cn. Pompeius Magnus (privatus), M. Licinius Crassus (privatus) Questioning Pompey and Crassus about whether they intended to run for the consulship

103193 56 Cn. Cornelius Lentulus Marcellinus (cos.) Cn. Cornelius Lentulus Marcellinus (cos.) Against the consular candidacy of Pompey and Crassus

104194 56 Unknown tribune M. Porcius Cato (privatus) Against the bribery of Pompey and Crassus

105195 55 C. Ateius Capito (trib.), P. Aquilus Capito (trib.) C. Ateius Capito (trib.), P. Aquilus Capito (trib.) Against violence in the passage of the lex Trebonia

106196 54 M. Porcius Cato (pr.) M. Porcius Cato (pr.) Defense of his anti-corruption policies

107197 54 C. Memmius (trib.) C. Memmius (trib.), M. Calidius (privatus) Related to the prosecution of Gabinius

190 Cic. Post Red. ad Quir. passim.; Att. 4.1.6; Schol. Bob. 110 Stangl; Dio 39.9.1.
191 Cic. Att. 4.3.3.
192 Dio 39.30.1-2; Plut. Pomp. 51.5–6.
193 Dio 39.28.5; Val. Max. 6.2.6.
194 Plut. Cat. Min. 42.4.
195 Dio 39.36.1–2.
196 Plut. Cat. Min. 44.3–4.
197 Cic. Q.F. 3.2.1.
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### BIBLIOGRAPHY


209 Cic. *Att*. 2.2.3. This is a troublesome *contio*. *MRR* II posits a tribunate for Nigidius in 59, but the letter appears to be written in 60 or early 59 and a position as aedile, though by no means necessary, would better fit the role. Neither case is particularly certain. See Alexander 1990: n. 241 for details.

211 *Asc*. 47C.
212 Fenestella, frag. 21 Peter.
213 Dio 39.15.1–4.
Contiones in the Age of Cicero

Wirszubski, C. 1968. Libertas as a Political Idea at Rome during the Late Republic and Early Principate. Cambridge.