**A *Consul Popularis?***

**Finding Legitimacy between *Senatus* and *Populus* in Cicero’s Consular Orations**

Andrew Willey – University of Minnesota Twin Cities

wille201@umn.edu

**1: *De Re Publica* 1.39**

*Est igitur… res publica res populi. Populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus.*

A ‘Republic’ is, accordingly, the common business of a *populus*. Not every gathering of people, however, gathered together in any which way, constitutes a *populus*, but a *populus* is the gathering of a multitude joined together by their consent to law and shared purpose.

**2: *Pro Rabirio* 2**

*ut id studiossime facerem, salus rei publicae, consulare officium, consulatus denique ipse mihi una a vobis cum salute rei publicae commendatus coegit.* … *sed ut illud summum auxilium maiestatis atque imperi quod nobis a maioribus est traditum de re publica tolleretur, ut nihil posthac auctoritas senatus, nihil consulare imperium, nihil consensio bonorum contra pestem ac perniciem civitatis valeret, idcirco in his rebus evertendis unius hominis senectus, infirmitas solitudoque temptata est.*

The safety of the republic, my duty as consul, and finally, the consulship itself, which was entrusted to me by you along with the safety of the republic compels me to do this most studiously. … [Rabirius has been charged] so that greatest aid of your majesty and the empire which has been handed down to us by our ancestors might be removed from the republic, so that, from this day forward, the authority of the senate, the power of the consul, and the consent of all good men would be powerless to stop the destruction and ruin of the state, and thus in the hope of overthrowing these things, they have attacked the weakness of this lonely old man.

**3: *Pro Rabirio* 11**

*Quam ob rem uter nostrum tandem, Labiene, popularis est, tune qui civibus Romanis in contione ipsa carnificem, qui vincla adhiberi putas oportere, qui in campo Martio comitiis centuriatis auspicato in loco crucem ad civium supplicium defigi et constitui iubes, an ego qui funestari contionem contagione carnificis veto, qui expiandum forum populi Romani ab illis nefarii sceleris vestigiis esse dico, qui castam contionem, sanctum campum, inviolatum corpus omnium civium Romanorum, integrum ius libertatis defendo servari oportere?*

So, then, Labienus, which of us in the end is *popularis*? You? A man who think it’s appropriate to bring forward an executioner and his chains against Roman citizens in the Contio itself? You? A man who orders a cross to be set up in the Campus Martius, the Centuriate Assembly, that hallowed place, to crucify citizens? Or is it I, a man who is preserving the Contio from the deathly contagion of an executioner, who says that the Forum must be purified from every trace of that unspeakable crime, who urges that the Contio ought to be kept pure, the Campus sacred, the whole body of Roman citizens unviolated, and the rights of liberty intact?

**4: *Pro Rabirio* 15**

*Hic se popularem dicere audet, me alienum a commodis vestris, cum iste omnis et suppliciorum et verborum acerbitates non ex memoria vestra ac patrum vestrorum sed ex annalium monumentis atque ex regum commentariis conquisierit, ego omnibus meis opibus, omnibus consiliis, omnibus dictis atque factis repugnarim et restiterim crudelitati? nisi forte hanc condicionem vobis esse voltis quam servi, si libertatis spem propositam non haberent, ferre nullo modo possent.*

This man [Labienus] dares to call himself a *popularis*, and claims that I am opposed to your interests, when he has dug up all the insults and cruel punishments, not just from your and your parent’s generation, but from all the Annals and records of the kings, while I have fought back and resisted his cruelty with all my resources, all my forethought, with my every word and deed? Unless perhaps you wish for yourselves the sort of condition which even slaves, if they were deprived of their hope of freedom, could not endure.

**5: *De Lege Agraria* 1.22-23**

*His ego rebus, patres conscripti, resistam vehementer atque acriter neque patiar homines ea me consule expromere quae contra rem publicam iam diu cogitarunt.* *Errastis, Rulle, vehementer et tu et non nulli conlegae tui qui sperastis vos contra consulem veritate, non ostentatione popularem posse in evertenda re publica populares existimari. Lacesso vos, in contionem voco, populo Romano disceptatore uti volo.*

I, senators, will resist these [arrangements] fiercely and I will not allow men to bring their long-contemplated plots against the republic to fruition while I am consul. You all are quite mistaken, Rullus, you and those colleagues of yours who hoped that you could overturn the republic and yet be thought *populares*; for you are opposed by a consul who is truly *popularis*, and not just play-acting. I hereby challenge you, I call you to a *contio*, I want us to use the Roman people as our judge.

**6: *De Lege Agraria* 2.14**

*Non enim natura neque discidio neque odio penitus insito bellum nescio quod habet susceptum consulatus cum tribunatu, quia persaepe seditiosis atque improbis tribunis plebis boni et fortes consules obstiterunt, et quia vis tribunicia non numquam libidini restitit consulari. Non potestatum dissimilitudo, sed animorum disiunctio dissensionem facit.*

For I do not believe that the consulship has any conflict with the tribunate, either due to their natures, their objects, or some deep-seated hatred, since I know that quite often good and brave consuls have resisted seditious and wicked tribunes, and that the power of the tribunes has been used occasionally to resist the wicked lust of some consuls. It is not the fact that the offices have different powers, but the disagreements between officers that creates conflict between them.

**7: *De Lege Agraria* 2.4**

*quod meis comitiis non tabellam vindicem tacitae libertatis, sed vocem vivam prae vobis indicem vestrarum erga me voluntatum ac studiorum tulistis. Itaque me non extrema diribitio suffragiorum, sed primi illi vestri concursus, neque singulae voces praeconum, sed una vox universi populi Romani consulem declaravit.*

Because you brought forward not just the voting tablet as a sign of your silent liberty, but your loud voices as the sign of your will and zeal for me as a candidate. And so I was declared consul not by the last voters, but at first moment of the meeting; it was not the individual cries of the heralds, but the unanimous voice of the entire Roman people that made me consul.

**8: *De lege Agraria* 2.101-102**

*Ego sum is consul qui contionem metuam, qui tribunum plebis perhorrescam, qui saepe et sine causa tumultuer, qui timeam ne mihi in carcere habitandum sit, si tribunus plebis duci iusserit? Ego cum vestris armis armatus sim, imperio, auctoritate insignibusque amplissimis exornatus, non horreo in hunc locum progredi, possum vobis, Quirites, auctoribus improbitati hominis resistere […]Ex quo intellegi, Quirites, potest nihil esse tam populare quam id quod ego vobis in hunc annum consul popularis adfero, pacem, tranquillitatem, otium.*

Am I then the sort of consul who fears the Contio, who runs from a tribune, who makes trouble frequently and without a good reason; Am I really a consul who is afraid to spend some time in prison, if a tribune demands it? Because I am armed with your arms, adorned with your stamp, your seal, the greatest honors you can bestow, I do not back away from coming before you. I have the power, with your support, to resist the wickedness of this man. […] from this I know, citizens, that nothing is as popular as what I, the *consul popularis*, offer you this year: peace, tranquility, and rest.

**9: *De Lege Agraria* 2.15**

*Sic confirmo, Quirites, hac lege agraria pulchra atque populari dari vobis nihil, condonari certis hominibus omnia, ostentari populo Romano agros, eripi etiam libertatem, privatorum pecunias augeri, publicas exhauriri, denique, quod est indignissimum, per tribunum plebis, quem maiores praesidem libertatis custodemque esse voluerunt, reges in civitate constitui.*

So I tell you, citizens, that you will receive nothing from this ‘wonderful’ and ‘popular’ Agrarian law, that everything is really being handed over to his henchmen, that by showing the Roman people fields and lands, they mean to take away their freedom, to increase their own personal fortunes, to drain the treasury, and, finally, what’s worst of all, they have decided to abuse the office of Tribune, which was intended to be the faithful guardian of your liberty, to set up kings in our state.

**Bibliography:**

Batstone, W. 1994. “Cicero’s Construction of Consular *Ethos* in the *First Catilinarian*.” *TAPA* vol. 124, pgs. 211-66.  
Habinek, Thomas. 1998. *The Politics of Latin Literature: Writing, Identity, and Empire in  
 Ancient Rome*. Princeton, Princeton UP.

Konstan, David. 1993. “Rhetoric and the Crisis of Legitimacy in Cicero’s Catilinarian

Orations,” in *Rethinking the History of Rhetoric*. Takis Poulakos, ed. Boulder, San

Francisco, Oxford. Pp. 11-30.  
Millar, Fergus. 1998. *The Crowd in Rome in the Late Republic*. Michigan UP, Ann Arbor.  
Morstein-Marx, Robert. 2005. *Mass Oratory and Political Power in the Late Roman Republic*. Cambridge, Cambridge UP.

Schofield, Malcolm. 1999. “Cicero’s Definition of *Res Publica,*” in *Saving the City: Philosopher Kings*

*and other Classical Paradigms,* pgs. 155-168. Routledge, London.  
Seager, Robin. 1972. “Cicero and the Word *Popularis.*” *The Classical Quarterly,* vol 22, no. 2, pgs.

328-338.  
Tracy, Catherine. 2008-2009. “The People’s Consul: The Significance of Cicero’s Use of the Term

‘Popularis.’” *Illinois Classical Studies*, no. 33-34, pgs. 181-199.  
Wiseman, T.P. 2009. “Roman History and the Ideological Vacuum.” Pgs. 5-32 in  
 *Remembering the Roman People*. Oxford UP, Oxford.