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Cato and the People

Henriette van der Blom

ὁ δὲ δὴ Κάτων οὗτος ἦν ἐκ τοῦ τῶν Πορκίων γένους καὶ τὸν Κάτωνα τὸν πάνυ ἐξήλου, πλὴν καθ' ὅσον παιδεῖα Ἑλληνικῇ μᾶλλον αὐτοῦ ἐκέχρητο. ἤσκει δὲ τὰ τοῦ πλήθους ἀκριβῶς, καὶ ἕνα μὲν ἀνθρώπων οὐδένα ἐθαύμαζε, τὸ δὲ δὴ κοινὸν ὑπερηγάπα, καὶ πᾶν μὲν τὸ ὑπὲρ τοὺς ἄλλους πεφυκὸς ὑποψία δυναστείας ἐμίσει, πᾶν δὲ τὸ δημοτικὸν ἐλέω τῆς ἀσθενείας ἐφίλει. καὶ δημεραστῆς τε ὡς οὐδεὶς ἄλλος ἐγίγνετο, καὶ τὴν ὑπὲρ τοῦ δικαίου παρρησίαν καὶ μετὰ κινδύνων ἐποιεῖτο. καὶ ταῦτα μέντοι πάντα οὔτε πρὸς ἰσχὺν οὔτε πρὸς δόξαν ἢ τιμὴν τινα, ἀλλ' αὐτῆς ἕνεκα τῆς τε αὐτονόμου καὶ τῆς ἀτυραννεύτου διαίτης ἔπραττε.

‘But this Cato was a descendant of the Porcii and imitated the great Cato, except that he had received a better Greek education than his ancestor. He assiduously promoted the interests of the common people, and admired no single man, but was entirely committed to the common interests of society; and suspicion of dominating power made him hate anyone who had grown above everybody else, while he loved anyone of the common people out of mercy with his weakness. He was becoming a friend of the people like no one else, and engaged in outspokenness on behalf of the right and just, also when it entailed danger. He did all this not for power or glory or any honour, but entirely for the sake of a life of independence and freedom from tyrants.’¹

Dio’s brief character sketch encapsulates the image which M. Porcius Cato (ca. 95-46 BC) sought to promote as a true heir to his great-grandfather, Cato the Elder (234-149 BC), whose conservative views, Stoic beliefs and incorruptibility were legendary.² Indeed, Cato consciously emulated his famous ancestor.³ The sketch also underlines Cato’s hatred of any

¹ D.C. 37.22.

² ‘An ideal that Cato [the Elder] himself did much to create.’ So T. Cornell, ‘Cato the Elder and the origins of Roman autobiography’, in *The lost memoirs of Augustus and the development of Roman autobiography*, ed. C. Smith & A. Powell (Swansea, 2009) 15-40 (20) with references to scholarship. For discussion of Cato’s childhood and early influences on his political outlook, see Plut. *Cat. Mi.* 1-3 with A.-C. Harders, ‘Roman patchwork families. Surrogate parenting, socialization, and the shaping of tradition’, in *Children, memory, and family identity in Roman culture*, ed. V. Dasen & T. Späth (Oxford, 2010) 49-72 (61-67).

³ Cic. *Mur.* 66: De cuius [Cato the Elder] praestanti virtute cum vere graviterque diceres [Cato the Younger], domesticum te habere dixisti exemplum ad imitandum. (‘When you [Cato the Younger] were speaking truthfully and solemnly about his [Cato the Elder] outstanding virtue you said that you had a role model at home to imitate.’ For discussion of this passage and the use of Cato’s example, see H. van der Blom, *Cicero’s role*

form of tyranny and his devotion to the people. While contemporary sources confirm most aspects of this image, Dio's description of Cato's devotion to the people is harder to trace and it contrasts with characterisations in Plutarch and Quintilian. Plutarch emphasises that Cato's rigid character did not appeal to the people and that he therefore did not enjoy great popularity in his political career.⁴ Quintilian compares Pompey's extraordinary eloquence in the *contiones* when praising his own deeds with Cato's eloquence in the senate.⁵ Quintilian implies that Cato, who never triumphed, was most eloquent when addressing the senate rather than the people in the *contio* and more at home discussing political matters than his own achievements.⁶ Indeed, Cato regularly addressed the senate, he rarely missed a meeting, and the majority of his speeches mentioned in the sources were delivered in the senate.⁷ But did he, in fact, shun the *contiones* and was he unpersuasive in front of the people? By what means did he convince the people that he was the man to back in elections for public office if his oratory was less powerful in the popular assemblies? Was Cato truly devoted to the

models. The political strategy of a newcomer (Oxford, 2010) 154-55. This is unlikely to be the only instance of Cato invoking the example of his great-grandfather, also in public.

⁴ Plut. *Phoc.* 3.1: 'Ταῦτα δὲ καὶ Κάτωνι τῷ νέῳ συνέβη. καὶ γὰρ οὗτος οὐ πιθανὸν ἔσχεν οὐδὲ προσφιλές ὄχλῳ τὸ ἦθος, οὐδὲ ἠνθησεν ἐν τῇ πολιτείᾳ πρὸς χάριν' – 'This also happened in with regard to Cato [the Younger]. For his character was neither winning nor pleasing to the crowd, nor did he enjoy popular favour in politics.' This passage is discussed in J. Geiger, 'A commentary on Plutarch's *Cato minor*' (Diss. University of Oxford, 1971) 93-96; T. Duff, *Plutarch's Lives: exploring virtue and vice* (Oxford, 1999) 131-60; M. Beck, 'Plutarch on the statesman's independence of action', in *The statesman in Plutarch's works I*, Mnemosyne Supplementa 250, ed. L. de Blois, J. Bons, T. Kessels & D. M. Schenkeveld (Leiden & Boston, 2005) 105-14 (111).

⁵ Quint. *Inst.* 11.1.36. 'Est quod principes deceat, aliis non concesseris. Imperatorum ac triumphalium separate est aliqua ex parte ratio eloquentiae, sicut Pompeius abunde disertus rerum suarum narrator, et hic, qui bello civili se interfecit, Cato eloquens senator fuit.' – 'There is a kind of eloquence which is appropriate for leading men, but unacceptable for others. The method of eloquence used by generals and triumphant conquerors is, distinctly, of a special type. For example, Pompeius was extremely persuasive when he spoke of his own achievements, while the Cato, who killed himself in the civil war, was an eloquent senator.'

⁶ For the role of the *contio* in Roman politics, see, among others F. G. B. Millar, *The crowd in Rome in the late republic* (Ann Arbor, 1998); H. Mouritsen, *Plebs and politics in the late Roman republic* (Cambridge, 2001); R. Morstein-Marx, *Mass oratory and political power in the late Roman republic* (Cambridge, 2004); K.-J. Hölkeskamp, 'Oratoris maxima scaena: Reden vor dem Volk in der politischen Kultur der Republik', in *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*, Historia Einzelschrift 96, ed. M. Jehne (Stuttgart, 1995), 11-49 = K.-J. Hölkeskamp, *Senatus populusque romanus: die politische Kultur der Republik—Dimensionen und Deutungen* (Stuttgart, 2004), 219-56 with addenda; K.-J. Hölkeskamp, 'The Roman republic: government of the people, by the people, for the people?', *SCI* 19 (2000), 203-23; J. Tan, 'Contiones in the age of Cicero', *Classical Antiquity* 27 (2008), 163-201.

⁷ A minimum of nineteen (and possibly four more) senatorial speeches, ten (possibly five more) contional speeches, two forensic speeches (and six further appearances as witness or presiding judge) are recorded. In addition, we know of three further speeches delivered to locals in Syracuse and to Romans in Utica during the civil war. F. Pina Polo, *Contra arma verbis. Der Redner vor dem Volk in der späten römischen Republik* (Stuttgart, 1996) 37 lists a total of eight *contio* speeches of Cato, but a count of those listed in F. Pina Polo, *Las contiones civiles y militares en Roma* (Zaragoza, 1989) App. A gives ten. We should remember that for senior senators, there were more opportunities for speaking in the senate than in the *contiones* or the courts: J. T. Ramsey, 'Roman senatorial oratory', in *A companion to Roman rhetoric*, ed. W. Dominik & J. Hall (Oxford, 2007) 122-35 (125).

people, or did Dio misunderstand Cato's intentions?⁸ In the following, Cato's relationship with the people shall be analysed through his oratorical performances in the *contio* and in his political actions for or against popular measures in order to assess to what extent and for what purposes Cato promoted himself as a people-friendly politician.

Cato's political career is unusual in terms of the relationship between magistracies obtained and political influence wielded. In fact, Cato seems at most junctures to have enjoyed more influence, especially in the senate, than his official status would normally have accorded him. Yet, he never became consul, although he canvassed for the consulship once (in 52 BC), and only became praetor in the second attempt (for 54 BC),⁹ but he spoke and acted as if a senior statesman and was perceived to have a high level of *auctoritas* and *dignitas*, already from 63 BC onwards.¹⁰ In the failed election to the praetorship of 55 BC, the dynasts' political manoeuvrings against him did not help,¹¹ but Cato also refused to engage in less virtuous tactics to obtain office, which may have deprived him of the consulship. In canvassing for the consulship, he abstained from morning salutations and outright soliciting, and forbade his friends from canvassing on his behalf on the grounds that it did not signal proper dignity.¹² As early as 67 BC, Cato had been the only one of the candidates for the military tribunate to obey the law forbidding nomenclators for candidates, yet and he was still elected.¹³ His two electoral defeats point to a further aspect in Cato's relation with the people: was it simply Cato's refusal to canvass the people in the traditional fashion which made the people reject his candidature, or did other factors, such as oratory,

⁸ R. J. Goar, *The legend of Cato Uticensis from the first century B.C. to the fifth century A.D.* (Bruxelles, 1987) 73 argues that Dio simply misunderstood Cato's devotion to the Republic with a devotion to democracy and the people, while M.-L. Freyburger-Gallard, *Aspects du vocabulaire politique et institutionnel de Dion Cassius* (Paris, 1997) 110 shows how Dio's terminology is applied more generally in his work.

⁹ For the disgrace attached to *repulsa*, see A. Yakobson, *Elections and electioneering in Rome. A study in the political system of the late republic* (Stuttgart, 1999) 118 with sources in note 20. Sen. *Dial.* 12.13.5 (*Helv.*) argues against any disgrace in Cato's case, as he instead would have accorded honour to the magistracies by his virtues.

¹⁰ Cic. *Mur.* 13, 58, 60. W. C. McDermott, 'Cato the Younger. Loquax or eloquens', *The Classical Bulletin* 46 (1970) 65-75 (69) takes Cicero's references to Cato's *auctoritas* as ironic, but R. Fehrle, *Cato Uticensis* (Darmstadt, 1983) 90 argues that Cicero's comments appear genuine. For other anecdotes illustrating Cato's *auctoritas*: Plin. *Nat.* praef. 9; Sen. *Dial.* 6.20.6 (*Marc. de cons.*); Plut. *Cat. Mi.* 14.2; Cic. *Att.* 1.14.6 (SB 14) where a tribune acting on behalf of the senatorial interests is described as a 'pseudocato'; Cic. *Mil.* 58 (during a *contio* of 52 BC). For the relation between election to political office and *auctoritas/dignitas* see D. C. Earl, *The moral and political tradition of Rome* (New York, 1967) 11-23; W. J. Tatum, 'Alterum est tamen boni viri, alterum boni petitoris: the good man canvasses', *Phoenix* 61 (2007), 109-35 (109).

¹¹ Cic. *Q. fr.* 2.8.3 (SB 13); cf. Plut. *Cat. Mi.* 42.4-6; Fehrle, *Cato* (n. 10, above) 168.

¹² Plut. *Cat. Mi.* 49.2, 50.2-3; D.C. 40.58.3. See Tatum, 'Alterum est' (n. 10, above) for a discussion of the expectations of canvassing by candidates for public office in Rome.

¹³ Plut. *Cat. Mi.* 8.4. But note that Cic. *Mur.* 77 says that Cato employed a *nomenclator* for the campaign for the tribunate of 62 BC; see Geiger, 'Commentary' (n. 4, above) ad Plut. *Cat. Mi.* 8.4 who provides a possible explanation of this apparent contradiction between Plutarch's and Cicero's reports on *nomenclatores*.

play a part? Was the dichotomy between his high *auctoritas* and his relatively lower formal status as ex-magistrate the result of a stronger personal brand in the senate compared to a less cordial relationship with the people?

Modern scholars have discussed specific aspects and occasions of Cato's oratory – the filibustering technique, the influence from his Stoic beliefs, and famous speeches such as his prosecution of L. Licinius Murena and his speech in the debate on the Catilinarian conspirators – but less attention has been given to Cato's speeches in the *contio* and his relation with the popular audience present.¹⁴ The scattered nature of the oratorical evidence, in spite of Malcovati's collection, is partly to blame.¹⁵ There are no secure verbatim passages from Cato's speeches, but a handful of potential ones (one from a *contio*) and ample evidence of occasions at which he spoke. In a similar way, scholars have focused on Cato's opposition to the three dynasts and his network of conservative senators, but less on Cato's connection with the populace.¹⁶ A close reading of passages describing specific performances in the *contio*, the rapport between Cato and the people, and his stance on popular measures can help us judge the effect of his oratory in the popular assemblies and his attitude to the people and thereby help to build up a picture of Cato's overall relationship with the people.

My analysis will show that Cato was a very capable orator who was an effective speaker in the senate, but could also appeal successfully to the people. Although he preferred to work through the senate rather than the *contiones* or the courts, he was no stranger to typical contional tactics of crowd-pleasing, shouting, physical obstruction and theatricality. Generally, Cato was not committed to popular causes, but used support of such causes to

¹⁴ P. Groebe, 'Die Obstruktion im römischen Senat', *Klio* 5 (1905), 229-35 analyses filibustering speeches in republican oratory. D. M. Ayers, 'Cato's speech against Murena', *Classical Journal* 49 (1953-54), 245-53; A. D. Leeman, 'The technique of persuasion in Cicero's *Pro Murena*', in *Éloquence et rhétorique chez Cicéron*. Entretiens Fondation Hardt 28, ed. W. Ludwig (Geneva, 1982), 193-236; C. Craig, 'Cato's stoicism and the understanding of Cicero's speech for Murena', *TAPA* 116 (1986), 229-39; R. L. van der Wal, "'What a funny consul we have!'" Cicero's dealings with Cato Uticensis and prominent friends in opposition', in *Cicero on the attack. Invective and subversion in the orations and beyond*, ed. J. Booth (Swansea, 2007) 183-205 all look at Cicero's speech for Murena in opposition to Cato's prosecution speech, while H. Nelson, 'Cato the Younger as a stoic orator', *CW* 44 (1950) 65-9; McDermott, 'Cato' (n. 10, above); R. Stem, 'The first eloquent stoic: Cicero on Cato the Younger', *CJ* 101 (2005) 37-49 all look at Cato's oratory more generally, but with little attention to its influence on Cato's relation with the people. M. Gelzer, 'Cato Uticensis', *Die Antike* (1934) 59-91; A. Afzelius, 'Die politische Deutung des jüngeren Catos', *C&M* 4 (1941) 101-203; Fehrle, *Cato* (n. 10, above) all analyse Cato's political career, but rarely look at the role of oratory in relation to his appeal to the people.

¹⁵ The collection in E. Malcovati, *Oratorum Romanorum Fragmenta liberae rei publicae* 4th ed. (Torino, 1976) no. 126 of testimonia and fragments (in her sense of the word) provides most of the evidence, supplemented by other sources when relevant.

¹⁶ L. R. Taylor, *Party politics in the age of Caesar* (Berkeley & Los Angeles, 1949) 119-39; E. S. Gruen, *The last generation of the Roman republic* (Berkeley & Los Angeles, 1974) 53-58.

assist his further political aim of serving the *res publica* rather than the interests of the people. He could silence the crowd through his oratory and *auctoritas*, but he was never adored by the people: his effect on the people was more one of awe and fear than of fondness and affection. His relationship with the people was marked by his interest in the *res publica*, not with the conditions of the people itself; a fact which he did nothing to hide.

The Stoic orator

Before we turn to Cato's oratory in the *contio* and his relationship with the people, it is useful to understand how Cato prepared himself for a political career involving public speeches in the *contio*. Our knowledge of Cato's oratorical training is limited, but we do know that he was taught by a number of Greek tutors and philosophers such as Sarpedon, the Stoics Antipater the Tyrian, Athenodorus, and Stratocles of Rhodes as well as a certain Antidotus.¹⁷ Cicero emphasises in the *Brutus* how Cato took from Stoic philosophy what it could offer in terms of argumentation but learned to speak from masters of oratory (that is, not from philosophers) and trained himself in their methods. By doing this he avoided the pitfalls of dry dialectics without style.¹⁸ Plutarch tells us that Cato practiced the type of speech which is effective with the people (τὸν ὀργανικὸν εἰς πλήθη λόγον), but also that he did not practice with others as he preferred to do it alone, and that he also never let anybody hear him rehearse a speech.¹⁹ Plutarch's motivation for including this piece of information stems from his wish to illustrate Cato's character through his actions: Cato's lonely exercises point forward to the later image of a politician indifferent to the opinion of others and relying on his own judgment. But the information also suggests a politician carefully preparing for a public career and evidently aware of the importance of persuading the people in order to obtain political influence.

¹⁷ Plut. *Cat. Mi.* 1.4, 4.1, 4.10. Cf. Plin. *Nat.* 7.113 on Cato bringing home philosophers from his various trips abroad.

¹⁸ Cic. *Brut.* 119. This work was probably completed in spring 46 BC before the news of Cato's suicide in Utica had reached Rome: G. L. Hendrickson, 'Cicero's correspondence with Brutus and Calvus on oratorical style', *AJP* 47 (1926) 234-58 (249-53); A. E. Douglas, *M. Tulli Ciceronis. Brutus* (Oxford, 1966) ix-x, and accepted by E. Narducci, 'Brutus: the history of Roman eloquence', in *Brill's companion to Cicero. Oratory and rhetoric*, ed. J. M. May (Leiden, 2002) 401-25 (401). See Stem, 'The first eloquent stoic' (n. 14, above) 41 n. 15 on the scholarly discussion of Cicero's veracity on the point of Cato's teachers. Douglas, *Brutus* (n. 18, above) 97 thinks Cicero may have invented it to allow Cato the rhetorical training which Cicero thought necessary for the statesman.

¹⁹ Plut. *Cat. Mi.* 4.2. Contrast how the fathers of Cicero's fellow students turned up just to hear Cicero perform: Plut. *Cic.* 2.2.

Cato may have practiced addressing the people with special care because his philosophical training was unsuitable to contional oratory. Indeed, Cicero explains in the *Brutus* how training in Stoic philosophy does not help a speaker who needs to persuade the people, but that precisely Cato exemplifies a Stoic who also knows how to disentangle himself from the doctrine's strict principles for speaking and how to apply a more rhetorical approach to speaking.²⁰ In an almost parallel discussion in the *Paradoxa Stoicorum*, Cicero notes that his frequent observations of Cato's senatorial speeches confirms to him that Cato managed what most Stoics did not: to include substantial philosophical arguments, not normally used in the law-court and the assemblies, and nonetheless make these arguments acceptable to the general public. Through his eloquence, Cato managed to make even such arguments brilliant and elegant.²¹ This suggests that Cato could speak like a Stoic when it suited him, but also tone down the philosophical style when necessary.²² Cicero wrote these assessments before Cato became a symbol of republicanism as a result of his suicide at Utica.²³ Yet, Cato was already one of the leaders of the republicans, and Cicero aimed at portraying Cato as a great orator and statesman, irrespective of Cato's Stoic leanings and the philosophical and rhetorical theses put forward in the *Brutus* and the *Paradoxa*. Seventeen years earlier, Cicero had ridiculed Cato's Stoicism as part of his defence of Murena in 63 BC.²⁴ Cicero's speech corroborates Cato's adherence to the Stoa, which all sources agree was a genuine belief and not just mere display,²⁵ and it is likely that Cato referred to some aspects

²⁰ Cic. *Brut.* 118-20. Cf. Cic. *Fam.* 15.4.16 (SB 110), Cicero writing to Cato in December 51 BC, where Cicero flatters Cato by saying that the two of them brought true philosophy into the forum, the *res publica*, and the battlefield.

²¹ Cic. *Par. Stoic.* praef. 1-3.

²² For discussions of these two passages in the philosophical, rhetorical, and historical context, see C. Atherton, 'Hand over fist: the failure of Stoic rhetoric', *CQ* 38 (1988) 392-427 (401-3) and Stem, 'The first eloquent Stoic' (n. 14, above) (42) of whom the latter argues for dating *Brutus* in the winter and spring of 46 BC and *Par. Stoic.* just after, yet the dating of the latter work is disputed.

²³ See n. 18 above.

²⁴ Cicero's ridicule: Cic. *Mur.* 3, 60-66; and his apology: *Fin.* 4.74. For scholarship on Cicero's speech, see C. P. Craig, 'Bibliography', in *Brill's companion to Cicero: oratory and rhetoric*, ed. J. M. May (Leiden, 2002) 533-99 (593), and on Cato's speech, see Nelson, 'Cato the Younger' (n. 14, above); Ayers, 'Cato's speech against Murena' (n. 14, above); McDermott, 'Cato' (n. 10, above) 67-71; Fehrle, *Cato* (n. 10, above) 88-92; Craig, 'Cato's stoicism' (n. 14, above); M.C. Alexander, *The Case for the Prosecution in the Ciceronian Era* (Ann Arbor, 2002) 124; Van der Wal, "'What a funny consul we have!'" (n. 14, above) 185-93. Indications of Cato's speech in the sources: Cic. *Mur.* 3, 6, 13, 67, 68, 70, 72, 74; Plut. *Cat. Mi.* 21.4 (Plutarch's little rhetorical exercise, in the view of Geiger, 'Commentary' (n. 4, above) *ad loc.*); Cic. 35.3; Quint. *Inst.* 11.1.69-71 (mainly on Cicero's rhetorical strategy).

²⁴ Plut. *Cat. Mi.* 21.2-3; cf. Cic. *Mur.* 62, 64. Modern scholarship differs on the interpretation of Cicero's references to Cato's speech: Nelson, 'Cato the Younger' (n. 14, above) 66 thinks that Cicero's references can be read as fragments of Cato's speech; Ayers, 'Cato's speech against Murena' (n. 14, above) 248-52 reconstructs Cato's arguments (but not fragments) from Cicero's speech. I would be very reluctant to read Cicero's references to Cato's speech as fragments; they are more likely to be Cicero's version tailored to fit Cicero's argument rather than a true representation of Cato's words.

²⁵ Cic. *Att.* 2.1.8 (SB 21), 12.4.2 (SB 240); Vell. 2.35.1-2; Plut. *Cat. Mi.* 1.2; *Phoc.* 3.1-5; D.C. 37.22, 37.57.3.

of Stoicism in his argument; if not, Cicero's mockery would have been less effective. Indeed, Cato must have referred to Stoic tenets to some extent in his public speeches, in choice of words and arguments, and in his manner. But, as Cicero tells us, Cato knew when not to speak like a Stoic and this is perhaps a stronger sign of a good orator – knowing when to apply a particular style and when to abstain.

Cato's public profile as a Stoic was cultivated through an appearance and behaviour as an austere, frugal man of principles. As noted above, he was seen to possess *auctoritas* already when tribune-elect in 63 BC. His priesthood as *XVvir sacris faciundis* also lent some authority,²⁶ as did his ancestry, and both would have had some impact with the people. Yet Plutarch argued, as mentioned above, that his *auctoritas* did not translate into charm or charisma, because his uncorrupted dealings and high virtue made him seem old-fashioned and unlikeable, especially to the people, who rejected his candidature in two elections.²⁷ On the other hand, Plutarch also described Cato's first known public speech as a combination of harsh content and charming style which won men's hearts.²⁸ It was a civil suit held before a praetor, and Cato spoke against the decision of the tribunes to pull down or move a pillar in the Basilica Porcia, which had been dedicated by Cato's great-grandfather, Cato the Elder.²⁹ Plutarch's remark that Cato's speech was admired for its eloquence and illustration of his high character, and, more generally, that Cato had a strong voice, energy and endurance to speak for a whole day, seem influenced by later occasions of Cato's oratory in action, especially his famous filibuster speeches.³⁰ What is important here is Plutarch's observation that this was Cato's first public performance (probably when he was in his early twenties), and that it was against his wish to speak already at this point; he afterwards returned to his

²⁶ Plut. *Cat. Mi.* 4.1 with discussion of the nature of the priesthood and probable date of co-optation in Geiger, 'Commentary' (n. 4, above) *ad loc.* and J. Rüpke, *Fasti Sacerdotum. A prosopography of pagan, Jewish, and Christian religious officials in the City of Rome, 300 BC to AD 499* (Oxford, 2008) no. 2808. Rüpke places the co-optation in 65 or 64 BC and not before 75 BC, as Plutarch's suggests and Fehrle, *Cato* (n. 10, above) 67 accepts; Geiger argues after 75 BC.

²⁷ Plut. *Phoc.* 3.1-5.

²⁸ Plut. *Cat. Mi.* 5.1-3.

²⁹ J. Geiger, 'Plutarch on late republican orators and rhetoric', in *Rhetorical theory and praxis in Plutarch. Acta of the IVth international congress of the International Plutarch Society* (Louvain/Namur, 2000) 211-24 (215-16) discusses the occasion and possible wording of the civil suit.

³⁰ Geiger, 'Plutarch on late republican orators and rhetoric' (n. 29, above) 216 finds close parallels between Plutarch's description of Cato's oratory here and Plutarch's outline of the ideal orator in Plut. *Mor.* 802E-803A, which suggests that Plutarch had Cato in mind when writing about the ideal orator. Plutarch even ends his description of the ideal orator with Cato's filibusters (Plut. *Mor.* 804C), which more than suggests that Plutarch was thinking about Cato's filibusters when praising his strong and enduring voice in the *Life of Cato*. On the relationship between Plutarch's work *Ad principem ineruditum*, in which the description of the ideal orator is to be found, and his depiction of Cato, see also Fehrle, *Cato* (n. 10, above) 21. On the filibuster speeches, see Groebe, 'Die Obstruktion' (n. 14, above).

public silence and discipline, that is, his training.³¹ This fits with Cato's intention to prepare well before entering the public scene,³² but also suggests that Cato's oratory may have been admired already at this early stage of his oratorical career. It also indicates that this was a case too important for Cato to pass over: his speech presented him as an equally eloquent adherent to tradition as his famous ancestor was perceived to have been and showed his familial *pietas* in taking up the case. Although the speech was not addressed to the people, those present in the Forum would have heard the speech and gained a first impression of Cato's oratory and political stance.

Cato and the people

When Cato was elected quaestor for, most likely, 64 BC, he may already have had a public image as a well-spoken defendant of tradition and principle.³³ The details of his election are unknown, but once in office, Cato added a further aspect to his public image as a guardian of the public treasury, an image which seems to have found favour with the people. He professionalised and reorganised the tasks and personnel of the treasury, and he dismissed one clerk of the treasury and had another put to trial for fraudulence in office.³⁴ The people in the Forum could have heard Cato's speech at the trial and his criticism of Q. Catulus' defence of a corrupt clerk in spite of Catulus' position as censor. Plutarch included this anecdote to exemplify Cato's adherence to principles and justice, and Cato's criticism of Catulus must have made an impact on both his senatorial peers and the *corona* of people listening to the trial.

³¹ Plutarch's narrative does not allow us to date the episode precisely, but it must have taken place early in Cato's career; Fehrlé, *Cato* (n. 10, above) 68-69 suggests sometime in the period 75-72 BC. Geiger, 'Commentary' (n. 4, above) *ad* Plut. *Cat. Mi.* 5.2 and Geiger, 'Plutarch on late republican orators and rhetoric' (n. 29, above) 215 remarks that this statement of first public speech is not in conflict with D.C. 37.22.4 who says that Cato's first speech was against the honours proposed to Pompey in 63; Plutarch meant the first speech in a court, and Dio presumably the first senate speech.

³² Paralleled in Cicero's stated wish not to train himself in oratory through practice in the Forum, but to train himself in private before entering the Forum: Cic. *Brut.* 311. See T. N. Mitchell, *Cicero: the ascending years* (New Haven & London, 1979) 53 for the suggestion that the underlying reason for Cicero's wish to delay was the political situation rather than a wish to burst onto the scene as a fully trained first-rate orator. Indeed, Cicero's and Cato's reasons for delaying entry to the public scene may not be the same.

³³ *MRR* 2.162 with n. 5; Geiger, 'Commentary' (n. 4, above) *ad* Plut. *Cat. Mi.* 16.1.

³⁴ Plut. *Cat. Mi.* 16.5-10. See Geiger, 'Commentary' (n. 4, above) *ad loc.* for a discussion of the details of these cases, concluding that the second clerk was probably prosecuted in a court-like procedure. The anecdote and Cato's words to Catulus are also included in Plut. *Mor.* 534D, 808E. For an evaluation of Cato's reform as characteristic of Cato's dynamism, see Gruen, *Last generation* (n. 16, above) 254. For the position of the clerks, see the general study of the *apparitores* by N. Purcell, 'The *apparitores*: a study in social mobility', *PBRs* 51 (1983) 125-73.

Plutarch further underlined this image of Cato in his account of Cato's public reproach and questioning of the individuals who had killed for proscription money under Sulla's dictatorship. Cato now claimed back the money for the treasury.³⁵ According to Plutarch, Cato spoke with passion and eloquence (θυμῶ καὶ λόγῳ) and his speech led to the prosecution of these Sullani on the charge of murder. We know that Cato's stance was not unique – also Caesar and Ser. Sulpicius Rufus promoted actions against the Sullani – and Cato's censure forms part of wider attempts during the 70s and 60s BC to challenge Sulla's political reforms and their results.³⁶ There is no reason to doubt Plutarch's account of Cato's quaestorship, as it probably derives from a laudatory account written by Cato's close friend Munatius Rufus, who may have tilted the description of Cato's actions to a more favourable interpretation, but not substantially altered the facts.³⁷ Gelzer interpreted Cato's rebuke of the Sullani as a result of his abhorrence of dictatorships (a trait underlined by Dio, as we have seen).³⁸ It also fits into Cato's more general concern for the revenue of the treasury, illustrated by his other actions as quaestor, his opposition to the tax-collectors' request in 61-60 BC of a lowering of their bid price for the Asian taxes, and his attempts to accrue revenue for the treasury in his administration of Cyprus in 58-57 BC.³⁹ Aside from these motivations, Cato was probably not blind to the fact that the condemnation of the Sullani was a popular cause which could benefit his public image, not least with the people. It may not have been his primary motivation, but as we shall see, Cato could show a people-friendly attitude when it suited his political purposes. Indeed, Plutarch underlines that the people cheered at the murder trials of the Sullani, and that Cato's efforts to clear up the treasury's activities and

³⁵ Plut. *Cat. Mi.* 17.5-6; cf. D.C. 47.6.4. For Cato's earlier opposition to Sulla's regime: Plut. *Cat. Mi.* 3.3-7. See also Cic. *Off.* 3.88 for Cato's concern for the treasury's revenues.

³⁶ The Sullani put on trial, among whom we know of L. Luscius and L. Bellienus (Asc. *Tog.* 90-91C), were prosecuted in the *quaestio de sicariis* where Julius Caesar was presiding as *iudex quaestionis* (Cic. *Lig.* 12; D.C. 37. 10.2; Suet. *Jul.* 11). Sulpicius Rufus enforced the law of 72 BC making the purchasers of goods of the proscribed pay the full price to the treasury against the exemption granted by Sulla: Cic. *Ver.* 3.81-2; Sal. *Hist.* 4.1. As pointed out by Gruen, *Last generation* (n. 16, above) 414 there was no question of compensating the original owners. For other measures against Sullani see Sal. *Hist.* 4.1 (= Gell. 18.4.4), and Caesar's activities to give back citizen rights to the children of the proscribed: D.C. 37.25.4; Plut. *Cic.* 12.2. Cf. Vell. 2.43.4 with A. J. Woodman, *Velleius Paterculus. The Caesarian and Augustan Narrative (2.41-93)* (Cambridge, 1983) *ad loc.* and C. Pelling, *Plutarch: Caesar* (Oxford, 2011) *ad Plut. Caes.* 6.6.

³⁷ J. Geiger, 'Munatius Rufus and Thræsea on Cato the Younger', *Athenaeum* 67 (1979) 48-72 (52-53).

³⁸ Gelzer, 'Cato Uticensis' (n. 14, above) 74; D.C. 37.22.

³⁹ Opposition to tax-collectors' request: Cic. *Att.* 1.17.9 (SB 17), 1.18.7 (SB 18), 2.1.8 (SB 21); *Off.* 3.88; Schol. Bob. in *Planc.* 157, 29-31St; D.C. 38.7.4. Cyprus: Plut. *Cat. Mi.* 34-40; V. Max. 8.15.10; Vell. 2.45.5 with discussion in S. I. Oost, 'Cato Uticensis and the annexation of Cyprus', *CPh* 50 (1955) 98-112 (104-7); Geiger, 'Commentary' (n. 4, above) *ad loc.*; Geiger, 'Munatius Rufus' (n. 37, above) 50-4. Cicero's remark in Cic. *Off.* 3.88 about Cato's concern for the treasury over that of tax-collectors and allies may also refer to the large sums Cato brought back from Cyprus.

accounts was very popular with the people, who also made sure to escort Cato back home from the senate on the last day of office as a sign of honour.⁴⁰ Cato must have made a positive impression on (sections of) the people.

Between his quaestorship and his tribunate of 62 BC, Cato frequently appeared in the senate, the *contiones* and in the courts, where he underlined his public image of defending tradition and curbing injustice and illegalities, often through public speeches. Most remarkable for understanding his relations with the people is his sudden decision to stand for the tribunate and his successful election. In Plutarch's colourful description, Cato initially rejected the possibility of a tribunate as he thought it proper only in situations of emergencies for the state, but abandoned his plan of a break from politics when he heard about the candidature of Q. Caecilius Metellus Nepos for the tribunate. Cato wanted to limit the damage he expected Metellus Nepos to inflict on the state in the service of Pompey, and Cato clearly thought it an emergency if Metellus was elected.⁴¹ Plutarch's account points forward to Cato's later sacrifice for the sake of the state, also in his remark that the people elected Cato because they felt he did them and the state a favour by offering himself.⁴² Yet, he may nevertheless be right that Cato was elected with the strong support of 'men of worth', although the large crowds who are supposed to have flocked around him has been identified as a literary motif going back to the crowds escorting him at the end of the quaestorship rather than a reflection of fact.⁴³ On the other hand, Cato's previous public appearance in relation to the Basilica Porcia and his actions as quaestor seems to have appealed to the people, his public image as a man of justice and principle was also popular with the populace, and his ancestry from a *nobilis* family lent credibility and lustre.⁴⁴ It is not impossible that the people supported Cato's candidature. In any case, there is no direct evidence of a lack of charm and the unpopularity with the people, which Plutarch mentioned, in Cato's early career.

⁴⁰ Plut. *Cat. Mi.* 17.5-18.

⁴¹ Plut. *Cat. Mi.* 20-1. Geiger, 'Commentary' (n. 4, above) *ad* Plut. *Cat. Mi.* 21.1-2 emphasises too how Plutarch's description of Cato's canvass for the tribunate is exaggerated with romantic and rhetorical colouring.

⁴² Geiger, 'Commentary' (n. 4, above) *ad loc.* also detected this as 'the first appearance of the leitmotif of the biography, Cato's death for *libertas* (...).'

⁴³ Geiger, 'Commentary' (n. 4, above) *ad loc.*

⁴⁴ Yakobson, *Elections* (n. 9, above) 181 with n. 91 argues that according to Plutarch, Cato adopted an openly optimate campaign, but that seems not entirely clear in Plutarch's account; I do agree, however, with Yakobson's view that 'Cato's personal reputation was probably an important source of electoral strength – not just in the higher strata of society.'

While tribune elect, Cato delivered his well-known prosecution speech of Murena and his even more famous speech in the senatorial debate on the fate of the Catilinarian conspirators.⁴⁵ These speeches and their occasions are significant for a range of issues on Roman oratory, politics, forensic and senatorial procedures, and legal aspects, but they are less relevant in a discussion of Cato's relation with the people. What should be noted here is that Cato's performances further emphasised his concern with justice and almost rigid adherence to principle, which the people had applauded in Cato's quaestorship (although Cato abstained from prosecuting his son-in-law Silanus in spite of his promise to prosecute any candidate employing bribery⁴⁶). There is no indication that his advocacy of death penalty caused him unpopularity in the way that Cicero experienced, although the crucial point about the legality of execution of Roman citizens without a trial was argued by Cicero's political enemies to be a serious violation of the rights of the people. Although Cato was not the first to advocate the death penalty in the debate, it was his speech which persuaded his fellow senators; the speech and its success secured Cato fame and recognition – also with the Roman people. Five days later, Cato embarked on his tribunate.

Cato's first action as tribune is striking for its appeal to popular sentiment. At a meeting in the senate in December 63 or early 62 BC, Cato successfully proposed an extension of the grain dole.⁴⁷ Plutarch, the single source reporting this action, explains that Cato hoped to win over the people whom Caesar had stirred to anger over the execution of the Catilinarian conspirators. While Plutarch describes the political motivation behind Cato's measure, he also characterises Cato's proposal as an act of humanity and kindness; this seems

⁴⁵ For references to Cato's speech against Murena and modern scholarship on that speech, see n. 24 above. Cato's speech in the Catilinarian debate is recorded in Cic. *Catil.* 4, 7, 8, 10; *Att.* 12.21.1 (SB 260); *Sest.* 61; *Sal. Cat.* 53.1, 55.1; *Vell.* 2.35.3-4; *Flor.* 2.12.11; *Plut. Cat. Mi.* 23.1; *Caes.* 8.1-2; *Suet. Jul.* 14; *D.C.* 37.36.3. *App. BC* 2.6 seems confused. For modern scholarship on this speech, see the very full list in Craig, 'Bibliography' (n. 24, above) 593 under 'The Catilinarians': A) for editions and commentaries and B) for analyses.

⁴⁶ *Plut. Cat. Mi.* 21.2-3; cf. *Cic. Mur.* 62, 64. Geiger, 'Commentary' (n. 4, above) *ad loc.* suggests that Cato's abstention from prosecuting Silanus may originate in Silanus' plebeian status, rather than a sense of loyalty to a relative: the prosecuted Murena was patrician and his prosecutor, Sulpicius, could not have taken up the consulship obtained by the plebeian Silanus. Yet, Cato's abstention may still have been perceived as failing to live up to a public promise.

⁴⁷ *Plut. Cat. Mi.* 26.1; *Caes.* 8.6-7; *Mor.* 818D. P. A. Brunt, *Italian manpower, 225 B.C. – A.D. 14* (Oxford, 1971) 379 and Pelling, *Plutarch: Caesar* (n. 36, above) *ad Plut. Caes.* 8.6-8.7 think it was a *lex* passed in a *contio*, but Th. Mommsen, *Römische Geschichte* I-III, 9th ed. (Berlin, 1904) 196; Geiger, 'Commentary' (n. 4, above) *ad loc.*; Fehrle, *Cato* (n. 10, above) 98; and C. Bearzot, J. Geiger & L. Ghilli, *Plutarcho. Vite parallele: Focione, Cato Uticense* (Milano, 1993) note *ad Plut. Cat. Mi.* 26.1 think that the description in Plutarch indicates rather that it was a *senatus consultum*. For discussion of the content of the measure, see Brunt, *Italian Manpower* (above) 378-79; G. Rickman, *The corn supply of ancient Rome* (Oxford, 1980) 166-72; P. Garnsey, *Famine and food supply in the Graeco-Roman world* (Cambridge, 1988) 208-13; C. B. R. Pelling, 'Rowland and Cullens on corn-doles' *LCM* 14.8 (1989) 117-19.

to be reading too much into Cato's intentions, even if the poor benefited from the measure.⁴⁸ Instead Cato's action should be read as a sign of pragmatism in a politician otherwise known for his strict adherence to law and principle; by providing grain to the people, he silenced their protests over the senatorial decree for execution without questioning the authority of the senate.⁴⁹ While the proposal in itself played upon policies expected from tribunes, it was not motivated by a wish to help the poor; but when was such tactics ever solely aimed at helping the poor and not also the policies and careers of the politicians using such tactics? In this sense, Cato acted as a typical tribune courting the favour of the people, although his presentation of his proposal to the senate was not in that vein. The people will have understood the people-friendly signal, otherwise the whole enterprise of quelling popular dissatisfaction with the senate would have been futile, and this illustrates how Cato was perfectly able and willing to appeal to the people when he thought it necessary.⁵⁰

That Cato's grain dole was meant simply to placate the people was made clear shortly afterwards when he opposed the tribunician proposal of Metellus Nepos to recall Pompey from the East to round up the remaining Catilinarians in the Italian countryside. Cato was not willing to support a proposal in favour of the people's hero Pompey Magnus,⁵¹ and his opposition fits with his rejection of Pompey's offer of a marriage alliance.⁵² In fact, his opposition, which can be traced back to 63 BC and was to continue until 52 BC,⁵³ forms one

⁴⁸ Geiger, 'Commentary' (n. 4, above) 94 takes this as part of Plutarch's characterisation of Cato as severe in public business, but kind and generous in private, but it seems to me that the grain dole was very much a public business.

⁴⁹ See also Afzelius, 'Die politische Deutung' (n. 14, above) 118-19; Gruen, *Last generation* (n. 16, above) 54; G. Laser, *Populo et scaenae serviendum est. Die Bedeutung der städtischen Masse in der späten Römischen Republik* (Trier, 1997) 84. Duff, *Plutarch's Lives* (n. 4, above) 152 deems this law a sign of Cato's ability to act with moderation, but also that the moderation did not last. Jakobson, *Elections* (n. 9 above) 223 with n. 109 rightly thinks that this measure will have enhanced Cato's popularity with the people.

⁵⁰ For discussion of the terminology and variety of meanings of *popularis*, see C. Meier, 'Populares', *RE Suppl.* 10 (1965) 549-615; M. A. Robb, *Beyond populares and optimates. Political language in the late republic* (Stuttgart, 2010), the former (579) pointing out that Cato was perfectly able to use *popularis* methods without himself being designated *popularis*. Cicero's speeches against Rullus' land bill, less than a year previously, had sought to redefine the concept of *popularis* (esp. *Cic. Agr.* 2 with the analysis in Morstein-Marx, *Mass orator* (n. 6, above) 207-28); although there is no direct evidence, Cato's speech for his grain law may have been influenced by Cicero's argumentation.

⁵¹ *Cic. Sest.* 62; *Plut. Cat. Mi.* 26-29; *D.C.* 37.43.1-3; *Schol. Bob. in Cic. Sest.* 62, 134St. Pina Polo, *Las contiones* (n. 7, above) App. A, no. 273.

⁵² *Plut. Cat. Mi.* 30; *Pomp.* 44.

⁵³ Spring 63 BC: Cato unsuccessfully spoke against tribunician proposal to give Pompey extraordinary honours (*D.C.* 37.21-2; cf. *Vell.* 2.40.4); early 62 BC: Cato successfully argued against Pompey's proposal to postpone the consular elections (*Plut. Cat. Mi.* 30.2; cf. *Plut. Pomp.* 44.1; *D.C.* 37.44.4); 62 BC: Cato successfully supported Lucullus' side against Pompey over the settlement of Pontus and opposed Pompey's proposal of land distribution to his veteran soldiers (*Plut. Cat. Mi.* 31.1-2); 59 BC: Cato unsuccessfully opposed Caesar's agrarian bill which was to benefit Pompey's soldiers (*D.C.* 38.3.1-2; *Gell.* 4.10.8; *Plut. Cat. Mi.* 31.5-33; *App. BC* 2.11); autumn 59 BC: Cato spoke in a *contio* and calls Pompey 'privatum dictorum' ('an unofficial

of the major strands in his political activities in the following decade. Cato argued strongly, even bombastically, against the proposal, saying in the senate that Pompey would only enter the city over his (Cato's) dead body.⁵⁴ A string of such dramatic expressions are reported over the course of Cato's career, which tie in with his flair for theatricality in public performances, as we shall see.⁵⁵ Cato and his tribunician colleague Minucius Thermus were even willing to physically obstruct the actions of their fellow tribune Metellus, in spite of the tribunician sacrosanctity, to prevent the passing of the bill. In the end, Metellus fled Rome and the bill was never passed.⁵⁶ Plutarch explains that Cato both won esteem from the people and was met by popular resistance.⁵⁷ Mouritsen has suggested that the crowd supporting Cato in the *comitia* was a partisan crowd rather than a political crowd, indicating Cato's use of political tactics later used by Clodius.⁵⁸ Plutarch's account does suggest two opposing groups of people, and that Cato's success in driving away Metellus and his crowd rested on the fear he instilled in Metellus' partisans; they thought Cato invincible. Although scholars have pointed out that Cato's opposition to Metellus' proposal before the vote had been taken reflects his respect for the people's right to pass bills into laws (otherwise he could have delayed his opposition until after the vote),⁵⁹ Cato's stubborn determination and his resort to physical obstruction do indicate a certain ruthlessness in obtaining his political aims, and a

dictator') (Cic. *Q. fr.* 1.2.15 (SB 2)); 59 BC: Cato warned against the dominance of the dynasts, including Pompey (App. *BC* 2.14; Plut. *Cat. Mi.* 33.3; *Pomp.* 48.4; *Caes.* 13.3, 14.4); 55 BC: Cato criticised the dominance of Pompey and Crassus (Plut. *Cat. Mi.* 42.5); 55 BC: Cato unsuccessfully opposed the *lex Trebonia* granting consular provinces to Pompey and Crassus (Liv. *Per.* 105; Plut. *Cat. Mi.* 43.1-7; D.C. 39.34); ?53-52 BC: Cato accused Pompey of misuse of title of imperator and proconsul and spoke against proposal to make Pompey dictator (Plut. *Cat. Mi.* 45.4, 47.1 with Geiger, 'Commentary' (n. 4, above *ad loc.*). On the relationship between Cato and Pompey, and Cato and Caesar, see Afzelius, 'Die politische Deutung' (n. 14, above) 102-05.

⁵⁴ This seems aimed to manipulate the audience into thinking that Metellus had proposed that Pompey bring his troops into the city of Rome, while, in fact, he had proposed they be brought into Italy and that Pompey protect the city.

⁵⁵ Cato called Pompey 'privatus dictator' (Cic. *Q. fr.* 1.2.15 (SB 2)); criticised the marriage alliance between Caesar and Piso (Cic. *Sest.* 60 with R. A. Kaster, *Cicero. Speech on behalf of Publius Sestius* (Oxford, 2006) *ad loc.*; Plut. *Caes.* 14.5); stated that Pompey would only triumph over Cato's dead body (Cic. *Att.* 4.18.4 (SB 92) – very similar to his outburst in relation to Metellus Nepos' proposal in 62 BC); argued against Pompey's misuse of the titles *imperator* and *proconsul* (Plut. *Cat. Mi.* 45.4 with Geiger, 'Commentary' (n. 4, above) *ad loc.*); criticised Pompey (Plut. *Cat. Mi.* 47.1 with Geiger, 'Commentary' (n. 4, above) *ad loc.*); and often warned against the dominance of the dynasts (App. *BC* 2.14; Plut. *Cat. Mi.* 33.3, 42.5; *Pomp.* 48.4; *Caes.* 13.3, 14.4).

⁵⁶ Plut. *Cat. Mi.* 26-29 with Geiger, 'Commentary' (n. 4, above) *ad loc.*; D.C. 37.43.1-3; Cic. *Sest.* 62 with Kaster, *Cicero. Speech on behalf of Publius Sestius* (n. 55, above) *ad loc.*; Schol. Bob. 134St.

⁵⁷ Plut. *Cat. Mi.* 29.

⁵⁸ Mouritsen, *Plebs and politics* (n. 6, above) 53, 61. C. Steel, 'Tribunician sacrosanctity and oratorical performance in the late republic', in *Form and function in Roman oratory* (Cambridge, 2010) 37-50 (48-49) discusses Cato's actions against Metellus in the wider perspective of tribunician sacrosanctity and the developing nature of the tribunate.

⁵⁹ Laser, *Populo et scaenae* (n. 49, above) 183-4; A. Lintott, *The constitution of the Roman republic* (Oxford, 1999) 124-5.

disregard for both a tribunician colleague and the people's hero, Pompey. This was certainly not a people-friendly signal to send, not in 62 BC or in the following decade.

Just as Cato knew how to placate the people or use methods of obstruction (including his famous filibuster speeches), he was no stranger to the tactic of shouting in the assemblies and was also himself subjected to physical obstruction.⁶⁰ When Caesar's father-in-law, L. Calpurnius Piso Caesoninus, was elected consul in 59 BC (for 58 BC), Cato is to have shouted that it was intolerable for the supreme power to be prostituted by marriage alliances and to see men helping each other to power, armies, and provinces by means of women.⁶¹ Moreover, Cato's filibustering against Caesar's first agrarian bill in early 59 BC prompted Caesar to have Cato dragged away and into prison; the sources disagree whether it was from the senate or the *rostra* at a *contio*.⁶² Shouting in the assemblies and political violence were activities usually associated with the more controversial tribunes, but Cato's example shows how a politician perceived as conservative in viewpoint and known for his adherence to law and principles was ready to use controversial tactics and oppose a presiding consul as a means to reach his end of protecting the *res publica* as he saw it.⁶³ The whole spectacle of shouting, political violence, and incarceration was, of course, a question of opposing political opinions. But by employing a dramatic tone of speech and a theatrical display of opinion, appearance, and activities, Cato (and other politicians) could also carve out a public persona and ensure maximum attention and impact at the event in question and in the future.

⁶⁰ Groebe, 'Die Obstruktion' (n. 14, above) on filibuster speeches, showing that Cato's speeches created a trend in Roman political oratory; see also L. de Libero, *Obstruktion. Politische Praktiken im Senat und in der Volksversammlung der ausgehenden römischen Republik (70–49 v. Chr.)*, Hermes Einzelschriften 59 (Stuttgart, 1992) 15-22 with the corrections of A. Drummond, 'Obstructive tactics in Roman politics', *CR* 44 (1994) 123-24 (124). For Cato's use of *popularis* tactics, see Pelling, *Plutarch: Caesar* (n. 36, above) ad Plut. *Caes.* 14.8.

⁶¹ Cic. *Sest.* 60 with Kaster, *Cicero. Speech on behalf of Publius Sestius* (n. 55, above) ad loc.; Plut. *Caes.* 14.5. It is unknown whether this took place in the senate or in a *contio*.

⁶² Plut. *Cat. Mi.* 31.5-32. D.C. (38.3.1-2) and Gellius (4.10.8) say senate house, while Plutarch (*Cat. Mi.* 33.1) and Appian (*BC* 2.11) argue for *contio*; in the *Life of Caesar* (14.7), Plutarch is unclear about the specific context, as is Suetonius (*Jul.* 20). See also V. Max. 2.10.7, who argues that the filibustering took place in the senate against the *publicani*. J. Bellemore, 'Cato's opposition to Caesar in 59 BC', in *Roman crossings. Theory and practice in the Roman republic*, ed. K. Welch & T. W. Hillard (Swansea, 2005) discusses the sources' confusion concerning Cato's opposition to Caesar's measures of 59 BC and argues that the depiction of Cato's opposition to Caesar's legislation of 59 BC is mainly invented by the sources, but see Pelling, *Plutarch: Caesar* (n. 36, above) ad Plut. *Caes.* 14 and 14.11. Millar, *The crowd* (n. 6, above) 126, 131 thinks that Caesar threatened Cato with imprisonment at the senate meeting and only carried it out at the subsequent *contio*. Morstein-Marx, *Mass oratory* (n. 6, above) 176 thinks it took place in the *contio* and that Caesar allowed Cato to speak. A. Dragstedt, 'Cato's politeuma', *Agon* 3 (1969), 69-95 (76) follows Gellius to say senate, but also considers why Caesar should have allowed Cato to speak, namely that Caesar may have felt he had no choice, or no way to silence Cato.

⁶³ Cicero famously described Cato's principled outlook and stubborn adherence to his version of the *res publica* in Cic. *Att.* 2.1.8 (SB 21) from the summer of 60 BC.

Indeed, Cato was again to be dragged down from the *rostra* and brought to prison when he opposed the *lex Trebonia de provinciis consularibus* in 55 BC, assigning the consuls Pompey and Crassus five-year commands over Spain and Syria respectively. When his filibuster was unsuccessful, he started to shout and commanded the people to help him,⁶⁴ playing the role of the people's champion oppressed by the consuls. He even resorted to an attempt to use religious obstruction, announcing that he had heard thunder, but unsuccessfully.⁶⁵ This is the single attested instance of Cato seemingly trying to use religious observance for political ends, even if he did not make the announcement in his capacity as *quindecimvir* but simply as a *privatus*: only augurs could use *obnuntiatio* – announcements of signs from the gods which would prevent public business and assemblies from taking place.⁶⁶ Cato's announcement of thunder was therefore non-binding to magistrates, but Cato's religious office and his general authority may have given his announcement some weight and embarrassed the dynasts in their forcing through the bill in spite of Cato's announcement. Cato must have known that his announcement carried no formal authority, but may have calculated it to cause a stir nevertheless. Fehrle is surely right to point out that the large crowd of people listening to Cato's speech against the *lex Trebonia* did not necessarily stay out of admiration of Cato, but probably more in the expectation of a great spectacle about to unfold.⁶⁷ Cato had by now gained a reputation for theatricality and showmanship, and he evidently knew how to play on this in his relation with the people and with the purposes of pushing forward his own political opinions.

Cato's sustained obstruction of the dynasts' activities was the main reason for his defeat in the elections to the praetorship of 55 BC. Although this election took place before the tumultuous scenes around the passing of the *lex Trebonia*, Cato's earlier opposition had shown enough of his intentions. When Cato was elected by the first century, the *praerogativa* whose result strongly influenced the rest of the electorate, Pompey and his supporters obstructed the elections through bribery, Pompey's declaration of hearing thunder (religious

⁶⁴ Plut. *Cat. Mi.* 43.1-7. As Geiger, 'Commentary' (n. 4, above) *ad loc.* Plut. *Cat. Mi.* 42.6 argues, this *contio* must have been held by a tribune friendly to Cato, i.e. either P. Aquilius Gallus or C. Ateius Capito. On the dating of the passing of the *lex Trebonia*, see Geiger, 'Commentary' (n. 4, above) *ad loc.* Plut. *Cat. Mi.* 43.1 which argues for the period between end April (Cic. *Att.* 4.9.1 (SB 85)) and July-August (praetorian elections for 54 BC).

⁶⁵ Plut. *Cat. Mi.* 43.3-6.

⁶⁶ M. Beard, J. North, S. Price, *Religions of Rome* I-II (Cambridge, 1998) I, 110.

⁶⁷ Fehrle, *Cato* (n. 10, above) 171, 173-74. See also Morstein-Marx, *Mass oratory* (n. 6, above) 184-85 for the intended theatricality of the occasion.

obstruction), and sheer violence – Cato was not elected.⁶⁸ Cato’s defeat was not a direct result of his relation with the people, as Pompey’s machinations made the crucial difference and the first century of the first class was dominated by the richer segment of the population.⁶⁹ Plutarch mentions that a group of voters, indignant with the way in which Pompey ran the elections, was formed into an assembly which Cato addressed, and after his speech, Cato was escorted home by a crowd even larger than the combined crowds accompanying the praetors-elect.⁷⁰ Was Cato perceived as the people’s champion against the dynasts, or are we here seeing two opposing groups originating in the elite and each supported by a partisan crowd? Although we cannot determine precisely the nature and composition of Cato’s crowd, Plutarch’s report does not prove that Cato was loved by the people or supported by a great part of the Roman electorate. At this election, as in Cato’s successful election to the praetorship of 54 BC, the position of the three dynasts and their supporters appears of greater importance than the opinion of the people.⁷¹ Yet, Plutarch still includes the people in the equation when he describes Cato’s unsuccessful resistance to a law on Caesar’s provinces and armies in 55 BC. Plutarch concludes that Cato had the senate under his influence, but that the senate was afraid of the people who wished Caesar to dominate politics and therefore did not oppose the law.⁷² This ties in with Quintilian’s characterisation of Cato’s eloquence in the senate.

There were other ways to influence public perception of one’s person and Cato knew how to employ these. Physical appearance could send out a variety of messages both underlining and contradicting public expressions and general image. Plutarch describes how the majesty and dignity of the praetorship was overshadowed by Cato’s disgraceful appearance on his tribunal during his year in office (54 BC). Cato apparently presided

⁶⁸ Cic. *Q. fr.* 2.8.3 (SB 12); Livy *Per.* 105; Plut. *Cat. Mi.* 42.1-6 (with Geiger, ‘Commentary’ (n. 4, above *ad* 42.5); *Pomp.* 52; D.C. 39.32; V. Max. 7.5.6. Afzelius, ‘Die politische Deutung’ (n. 14, above) 105 (see also pages 168-69 for more discussion) also speaks of a ‘Komplott gegen Catos Wahl zum Praetor 55’ based on the dynasts’ fears of Cato. T. R. S. Broughton, *Candidates defeated in Roman elections. Some ancient Roman “also-rans”* (Philadelphia, 1991) 37 and Yakobson, *Elections* (n. 9, above) 170 similarly view Cato’s defeat as a result of the dynasts’ plotting. In fact, Gruen, *Last generation* (n. 16, above) 167 observes that this is one of the very few cases where political concerns influenced the praetorian elections, much more usual in consular and tribunician elections.

⁶⁹ On the composition of the electorate for the first century of the first class, see Taylor, *Party politics* (n. 16, above) 55-56.

⁷⁰ Plut. *Cat. Mi.* 42.4-5.

⁷¹ Plut. *Cat. Mi.* 44.1. We know little of the circumstances of Cato’s election to the praetorship but the simultaneous election of his brother-in-law and fellow opponent to the dynasts, L. Domitinius Ahenobarbus, to the consulship indicates either the waning influence of the dynasts over the elections or a change in their attitude to Cato and Ahenobarbus.

⁷² Liv. *Per.* 105; D.C. 39.34; cf. Suet. *Jul.* 24.3.

without shoes or tunic and he may even have been intoxicated with wine.⁷³ Moreover, after his defeat in the consular elections of 52 BC, Cato appeared unmoved by the shameful defeat and displayed a stoically inspired indifference by playing ball in the Campus Martius and, as he was accustomed to do, turning up in the Forum dressed without tunic and shoes.⁷⁴ Aside from Plutarch's purpose of highlighting certain characteristics of Cato's character through his actions, Cato must have been aware of how unconventional his dress would appear, even in the extreme heat of the summer of 54 BC.⁷⁵ The two instances recorded by Plutarch suggest that Cato did this also when it was not stifling hot, that it was however unusual enough for Plutarch to remark on both occasions and, therefore, that Cato's appearance made an impact on the public. It seems more than likely that Cato not only wished to cool himself but also to convey a certain persona. He may have hoped to appear ascetic and frugal, playing on his great-grandfather's image.⁷⁶ After his *repulsum*, the image also suited somebody indifferent to the shame of defeat and the opinion of others.

The element of austerity and frugality fits into another public event in these years, namely Cato's management of the aedilician games in the summer of 53 BC, on behalf of his friend Favonius. Instead of offering expensive gifts and prizes, Cato handed out simple things like olive branch crowns, vegetables and other produce, and fire wood. This was taken as a sign of Cato relaxing his usually severe manner and the people preferred this to the lavish games conducted by the other aedile, Curia, taking place at the same time in the other theatre.⁷⁷ Plutarch's colourful story tied in well with his portrait of Cato, but it also suggests that Cato tried to come across as frugal in his administration of a public duty. This again fits with his activities as quaestor (and later) and his concern about the revenues of the treasury. The other point to make about this anecdote is the fact that Cato was perfectly capable of winning over the crowds and playing on their goodwill, which again suggests that his lack of charm in certain public contexts was more a choice and less a result of an ingrained character

⁷³ Plut. *Cat. Mi.* 44.1-2; Asc. *Sc.* 29C; V. Max. 3.6.7; Hor. *Ep.* 1.19.12-14. The allegation of drunkenness seems to have been made in Caesar's *Anticato*: Geiger, 'Commentary' (n. 4, above) *ad* Plut. *Cat. Mi.* 6.2, 44.2.

⁷⁴ Plut. *Cat. Mi.* 50.1.

⁷⁵ Hot weather: Cic. *Q. fr.* 2.16.1 (SB 20), 3.1.1 (SB 21).

⁷⁶ For Cato the Elder's frugality, see anecdotes in Plut. *Cat. Ma.* 3.2, 4.1-5, 5.7, 6.3, 10.6, which Cornell, 'Cato the Elder' (n. 2, above) 20-21 convincingly argues to derive from Cato the Elder's own writings. May Cato (the Younger) also have played on the general image of the Cynics as untidy, clothed in a short mantle (no tunic) and barefoot? See P. Zanker, *The mask of Socrates. The image of the intellectual in antiquity* (Berkeley, Los Angeles & Oxford, 1995) (trans. A. Shapiro) 129-33 for more on this Cynic image.

⁷⁷ Plut. *Cat. Mi.* 46.

trait. Cato could certainly be a crowd-pleaser when the occasion was right and he could see a political gain to be made.

When charm and dress was not enough, Cato relied on his authority. Twice in the period 54-52 BC he managed to silence a hostile crowd through determination and oratorical ability. When his proposal to limit electoral bribery was met with opposition from the electoral candidates of 54 BC and the crowd, and the latter became violent one morning when Cato went to his praetor's tribunal, Cato managed to secure the *rostra* and by his display of firmness and boldness managed to silence the crowd and deliver a speech which stopped the disturbance completely.⁷⁸ In a similar way, Cato appears to have hushed up a rowdy *contio* by his sheer *auctoritas* during the turbulent events following Milo's murder of Clodius and Milo's subsequent trial.⁷⁹ These are important indications of Cato's influence over the people in the *contiones*, obtained through his authority built up over the preceding years and through his oratory. He may have been more persuasive in the senate, but he could clearly also manage the crowd through his oratory.

Cato's engagement with the people was, however, not deep-felt. When he decided to stand for the consulship of 51 BC in response and protest to Caesar's request of canvass *in absentia*, he also decided not to canvass actively for the people's favour.⁸⁰ This was not the only reason for his defeat as his opposition to Caesar and his unpopular measures against electoral bribery played a part too,⁸¹ but both Plutarch and Dio emphasise that Cato's abstention from any active canvassing of the people (by himself or friends, with the help of money or violence) cost him the magistracy. By acting in the exact opposite way of

⁷⁸ Cic. *Att.* 4.17.3 (SB 91); Plut. *Cat. Mi.* 44.2-4. For examples of other politicians silencing the crowd in this way, see Pina Polo, *Contra arma verbis* (n. 7, above) 18 n. 45. Cato's ability to silence the crowd has been seen as the foundation for Vergil's image of Neptune calming the storm in Verg. *A.* 1.148-56 with R. G. Austin, *P. Vergili Maronis. Aeneidos liber primus* (Oxford, 1971) 69; Morstein-Marx, *Mass oratory* (n. 6, above) 63 (who connects this Virgilian vignette with Cato's performance in early 52 in relation to Milo); Steel, 'Tribunician sacrosanctity' (n. 58, above) 50.

⁷⁹ Cic. *Mil.* 57-8. Cato also spoke in the senate on this issue: Cic. *Fam.* 15.4.12 (SB 110); Asc. *Mil.* 34C. Cato was much involved in these events as one of the jurors at Milo's trial and witness in defence of Milo: Cic. *Fam.* 15.4.12 (SB 110); Asc. in *Mil.* 34C, 53C-54C; Vell. 2.47.5; Plut. *Cat. Mi.* 48.5. See M. C. Alexander, *Trials in the late Roman republic, 149 BC to 50 BC* (Toronto, 1990) no. 309 for more sources on the trial, although not on Cato's role. Morstein-Marx, *Mass oratory* (n. 6, above) 170 argues that such 'fortitude and candor in the face of intimidation might indeed raise a senator's public stature, proving in effect his authority and moral strength.'

⁸⁰ Liv. *Per.* 108; Plut. *Cat. Mi.* 49; D.C. 40.58.1-3. Cf. Caes. *Civ.* 1.4.1; Sen. *Dial.* 12.13.5 (*Helv.*); *Ben.* 5.17.2. Dragstedt, 'Cato's politeuma' (n. 62, above) 85 notices that Cato's *repulsum* was important enough to make history. The fact that M. Claudius Marcellus' was successful in the election because of his ability as an orator (D.C. 40.58.3) indicates the importance of public canvassing and speech-making.

⁸¹ See Afzelius, 'Die politische Deutung' (n. 14, above) 179-80.

expectation, Cato failed to connect with the people. Cato is supposed to have answered Cicero's criticism of his lack of engagement with the people with the observation that he had offended the people through his behaviour but also that no man should alter himself to please others.⁸² Cato evidently used his Stoic beliefs to tackle his defeat without emotion or regret, and his abstention from canvassing may also have derived from Stoic thoughts about dignity and manner, as well as a more general disgust among the senatorial elite with subjecting oneself to begging for the favour of the people.⁸³ In this situation, Cato was willing to let his principles and philosophy override his political concern to block the dynasts from power, while at other times the balance had tilted in the opposite direction. This indicates that Cato's interest in the people was motivated only by a concern for his own political views of protecting the *res publica* and not in a genuine concern for the conditions of the people or, even, the advancement of his own political career.

Conclusion

All sources agree that Cato was a well-prepared orator who could tailor his style to the audience and occasion, that he had a strong voice and endurance to deliver long speeches, and that he could speak against solid opposition and silence a crowd through his eloquence and *auctoritas*. Cato was not always successful in persuading the people, but could carry the day at times. It is unclear whether his oratory played a direct part in his successful elections to the quaestorship, tribunate and praetorship, but his speeches did influence public perception of his character and political outlook and, in this way, had an indirect impact on the electorate. While his defeat in the praetorian elections of 55 BC was related to Pompey's scheming against him, his failure at the polls in the consular elections of 52 was related to his abstention from canvassing for the people's favour, which could have involved speaking in the *contiones* (although election speeches as such were not part of the norm).⁸⁴

⁸² Plut. *Cat. Mi.* 49; D.C. 40.58.1-3. Cf. M. Juventius Laterensis' similar refusal to follow traditional campaigning tactics and subsequent defeat (Cic. *Planc.* 7-8, 11-12). I agree with Yakobson, *Elections* (n. 9, above) 107 that Plutarch may have simplified the complexities of electioneering in his account, but Cicero (as quoted by Plutarch) is unlikely to have simplified the situation. See also Yakobson, *Elections* (n. 9, above) 216-17, 222-23 and Tatum, 'Alterum est' (n. 10, above) 111-15 for the significance of this passage for our understanding of both Cato's candidature and for the needs of electioneering in republican Rome, arguing both that Cato's case shows the necessity of canvassing but also that it may show that in rare instances, *largitiones* (handouts to the people) were of less importance than normally.

⁸³ Tatum, 'Alterum est' (n. 10, above) 111-15.

⁸⁴ W. J. Tatum, 'Campaign Rhetoric', in *Community and communication. Oratory and politics in the Roman republic*, ed. C. Steel & H. van der Blom (Oxford, forthcoming).

Cato was evidently aware of the techniques available for influencing the people, and he was prepared to use most of them. His grain law, use of physical obstruction, shouting and direct appeal to the people can all be seen in the vein of contional tactics and methods, while his flair for drama and theatricality was played out in his bombastic remarks, his physical appearance, and his use of his general image as a Stoic and a man of principle. Plutarch may have found Cato's character suited to these techniques, but Cato's motivation was clearly political. He seems at all turns driven by a wish to protect the *res publica* as he knew it. This did not entail a specific concern for the people, as claimed by Dio,⁸⁵ because Cato seems to have been positively disinterested in the conditions of the people, except when an advertised concern could help his political agenda. In this way he was not so different from other politicians, including tribunes designated *popularis*, but it is important to remember in relation to the common notion of Cato as the senate's man: Cato did not shun the *contiones* and he tried to influence the people through contional techniques as a means to further his political ends.

While his view of the *res publica* may have included the people as a necessary element, his actions suggest that he thought the people in need of guidance from wise senators. This justified the attempt to influence them by all means possible – oratory, appearance, political measures – in order to work for the interests of the *res publica*. Kindness shown to individual members of the populace or shown in private, as mentioned by Plutarch, did not exclude a much more hard-nosed approach to the function of the people in Roman republican politics. What the people thought is difficult to discern because the 'crowd' mentioned in the sources sometimes represented one partisan group only (who feared him). The people at large may have found his dramatic appearances entertaining, but he was never the people's hero as were, for different reasons, Pompey, Caesar and Clodius. Cato's strong brand in the senate secured him high status and influence there, but although he was well known to the public, his brand did not translate easily into popular favour or successive magistracies. He was not the people's champion and only to some extent the senate's man; mostly, he was a politician working for his own stance on the *res publica* by whatever means

⁸⁵ As argued by Goar, *The legend of Cato Uticensis* (n. 8, above) 73, Dio seems to have confused Cato's republicanism with democratic beliefs and an interest in the people. Freyburger-Gallard, *Aspects du vocabulaire politique* (n. 8, above) 110 shows how Dio in general 'uses the terms δημότης and δημοτικός to signify defenders of the interests of the people'. See also F. Millar, *A study of Cassius Dio* (Oxford, 1964) 74-76 on Dio's view of democracy.

necessary. The idealized image of Cato produced after his famous suicide at Utica has to some extent obscured or coloured his attempts to influence politics through various types of appeal to the people because they did not fit a man sacrificing himself for the sake of the state. But it is exactly his conviction to work for the benefit of the *res publica* and his strong disgust with all things dictatorial which explains his political use of and relation with the Roman people. And it is also his suicide which proves that he was not simply a cynical opportunist who adopted whatever tactics which happened to suit his political advantage coupled with self-righteous claims about his devotion to the welfare of the state. If he had simply been an opportunist, he would have abstained from this final step and found another way. While his suicide does not suggest a man intent only on propelling his political career forward, it fits with his public image of a Stoic, a principled man, and a republican. Such a public image can be reconciled with Cato's political pragmatism and use of popular appeals ultimately aimed at serving his vision for the *res publica*.⁸⁶

⁸⁶ I should like to thank the Carlsberg Foundation, Denmark, for generously supporting a research project on Roman oratory and political career from which this study originates. I am also grateful to Chris Pelling who kindly allowed me to read parts of his commentary on Plutarch's *Life of Caesar* in advance of publication; Lindsay Driediger-Murphy for help with religious aspects; Lynn Fotheringham, Miriam Griffin and Annelies Cazemier for commenting on an early draft of the article.