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PUBLIC MEETINGS IN ANCIENT ROME: DEFINITIONS OF THE *CONTIONES* IN THE SOURCES

At the present time the contio – a type of political meeting in ancient Rome – attracts close attention of scholars. It is difficult but important to determine exactly which meetings were considered as contiones. Possible solution to this problem is a key part in understanding the specificity and role of contiones. Fortunately we have a few direct contiones' definitions offered by ancient authors (Marcus Valerius Messalla Rufus, Verrius Flaccus, Sextus Pompeius Festus and others). Through the study of these definitions the paper attempts to ascertain criteria for the identification a meeting as a contio. The aim of the research is to find universal essential features, i.e. those which described not some, but any contio: its audience, convener and general purpose. Therefore attention is paid to the criteria which are the least strict, noted in most definitions, and do not contradict the descriptions of particular contiones. It is concluded that definitions found in the Roman sources provide important information which is, however, insufficient for understanding what meetings were considered by the Romans as contiones. A strategy of subsequent study of the issue is also suggested.

Key words: *contiones*, public meetings, political meetings, ancient Rome

The *contio*, a type of political meeting in ancient Rome, currently attracts the close attention of scholars. The study of *contiones* remains today one of the most important directions in the research of politics in the Roman republic.¹ It is important to determine exactly which meetings were considered by the Romans as *contiones*. At first glance, this matter does not seem that intricate, but it is more complicated than is usually accepted.

There are a few direct definitions given by ancient authors. Through the study of these definitions, it might be possible to ascertain criteria for identifying a meeting as a *contio*. When defining the institution, modern re-

¹ The first specialized study of the *contiones* was published only two decades ago (PINA POLO 1989). Since then, the interest in this institution has been continuously increasing.

searchers basically cite the definitions given by ancient authors. Of course, scholars implicitly take into account all the available data on *contiones*, however, references to ancient definitions are usually considered sufficient for proving the proposed modern generalized descriptions.

Francisco Pina Polo, who was the first to investigate *contiones* systematically, suggested the following: *As a general definition, a contio was an official assembly of the populus... which a magistrate summoned, in order to speak to the people, but which did not vote.*² This definition is based on three notions: one given by Festus (s.v. *Contio*. P. 34L) and two more preserved by Aulus Gellius (N.A. 13.16.3; 18.7.5–9).

Scholars sometimes propose rather different descriptions of the *contiones* than Pina Polo's.³ Nevertheless, his conception, which defines the *contiones* as an exclusively official (and mostly for this reason, important) institution, completely different from unofficial political gatherings, is now widely accepted.⁴ For example, Henrik Mouritsen's definition: *a contio was a non-decision-making meeting called by a magistrate or priest with ius contionandi.*⁵ Mouritsen also cites descriptions given by Festus and Aulus Gellius and uses them here as a sufficient evidence.

The modern definitions of the *contio* mentioned above were created by combining different ancient ones. It seems that the principle was to take the strictest criteria for identifying *contiones* from each account. However, ancient authors, for various reasons, often paid attention to different aspects of the institution. I believe if one simply combines ancient definitions of *contio* (assuming that they are actually "general enough"), preferring the strictest notions each time, there might be a good chance to attribute mistakenly some criteria noted in connection with only specific types of *contiones* to every *contio*. There is not much information about how available generalized descriptions of *contiones* correlate with each other. Ancient authors provided their definitions for different occasions, in different contexts, in different times, as will be shown below.

Thus, in order to find universal essential features (those which characterized not some, but any *contio*), I believe attention is to be paid only to the criteria which are the least strict, are noted in most definitions, and which is especially important – do not contradict the descriptions of particular

² PINA POLO (1995: 205; see also 1989: 41–42, 237).

³ See, e.g., CHRISANTHOS (2004: 345–350, 360–365).

⁴ See, e.g., MORSTEIN-MARX (2004: 34–35); HIEBEL (2009: 11–15); TRACY (2012: 1760); STEEL – VAN DER BLOM (2013: 1).

⁵ MOURITSEN (2001: 38).

contiones.⁶ I will analyze both direct definitions and generalized depictions connected with them. Those sources provide information on the main characteristics of the *contio* as a type of political meeting: its audience, conveyor (organizer), and general purpose.

In his *Attic Nights* (18.7), Aulus Gellius tells the story of the philosopher Favorinus, who doubted whether he was right when he identified the Latin term *contiones* with a Greek one – δημηγορία, “a speech in the public assembly”. Aulus Gellius gives the testimony of Verrius Flaccus (after 60 B.C.E. – after 14 C.E.), who mentioned the following three meanings of the word *contio*: *a place, a platform, from which the oration was delivered, a meeting of people standing around and a speech before the people*.⁷

The first meaning indicates the tradition of giving speeches from rising ground, although no specific platform (for example, the *Rostra*) is mentioned. This and also the third meaning suggest that for the *contiones* delivering speeches was obligatory. It was speech that constituted the main component of the *contio*. French scholar Dominique Hiebel is right when he notes that *la notion de discours définit la finalité de la contio*.⁸ It is therefore logical that the term “*contio*” received the meaning “speech.” Russian linguist Mikhail M. Pokrovskij believed that this meaning was generated “by means of political language” (as in the Greek ἀγορά). According to Pokrovskij, the *contio* was exclusively “a political meeting and a speech delivered here”.⁹

The second meaning of the term *contio*, provided by Verrius Flaccus, is, perhaps, the most important and basic one: *a meeting of people standing around (coetus populi assistensis)*. Verrius Flaccus when defining *contio* discusses *coetus* simply as some kind of public gathering. Although, to compare, when Cicero in his famous passage from the *De re publica* defines the term *populus* by means of the notion *coetus*, he restricts the range of its senses much more significantly (*Rep.* 1.39).¹⁰ Without further specifica-

⁶ I assume that definitions by ancient authors can help understand information on conducting particular *contiones*, but the interpretation of evidence on the “practice” of these meetings should not be “corrected” according to some generalized notions found in the sources. E.g., the *contiones* might significantly have changed with the lapse of time.

⁷ *Contionem autem tria significare, locum, et verba, suggestumque, unde verba fierent; item significare coetum populi assistentis; item orationem ipsam, quae ad populum diceretur...*

⁸ HIEBEL (2009: 13).

⁹ POKROVSKIJ (2006: 41–43).

¹⁰ *Est igitur res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensus et utilitatis communione sociatus.*



tions, the notion *coetus* is itself an indefinite term, which indicates in the context discussed an aggregate of men or a gathering of men. This is exactly what one sees in Verrius Flaccus's definition. In his definition, no other restrictive conditions are made for *contio*. It is said only that the *contio* was a *coetus*, which must be understood here as a meeting of the *populus* (that is, there is a "requirement" to the participants). So, if the *contio* was always simply *coetus populi*, then one should determine which meeting could be regarded as a meeting of the *populus*, and what *populus* meant in application to the audiences of *contiones*.

As it was noted by Ija L. Majak, Varro in his treatise *De lingua Latina* (6.43) mentions the word *contio* in connection with the term *concilium* (since both originated from the verb *cogitare*). Besides that, according to Varro the *contio*, unlike the *comitia*, consisted of individuals (*ex hominibus*) and was not an assembly of the "whole people" (*populus*).¹¹ Philippe Moreau calls the audience of the *contio* an *agrégat d'individus*.¹² If it is, then any number of individuals (*homines*) could constitute the audience of any given *contio*. Declaration of presence of the "whole citizen body" was not necessary for a *contio*. Then, if one goes back to the definition by Verrius Flaccus, the restrictive condition "only that *coetus*, which is a meeting of the *populus*" might be understood now as "only that *coetus*, which is a meeting of individuals". The less strict option was preferred here. In other words, the *contio* was simply a meeting of individuals. So, the term *contio* was derived, according to Varro (*L.L.* 6.43,) from "men brought together" (*ex hominibus contio dicta...*).

This idea can be proven by what is known about the differences between *contiones* and *comitia*. According to Marcus Valerius Messalla Rufus (1st century B.C.E.), who was cited again by Aulus Gellius (*N.A.* 13.16.1), if no measure was laid before the people (*ne cum populo agant*) and there were no *comitia*, but only convocation of the *contio*, then it was possible to hold several meetings at once. The point is, no voting took place here and no formal decisions were made (cf. for example, Cic. *Flacc.* 15). Therefore, the presence of the "whole *populus*" was not obligatory.¹³ As one can see, the *contio* as an institution made significantly less demands than the *comitia*, simply because no voting took place in the *contio*. It is highly probable that in the same way a magistrate mentioned by Messalla Rufus in his passage

¹¹ MAJAK (1993: 79; 2012: 254).

¹² MOREAU (2003: 183).

¹³ This made it possible, e.g., for Cicero to ask: *Videtisne igitur quantum <intersit> inter populum Romanum et contionem?* (*Sest.* 127).

about the *comitia* and the *contiones* might be considered by this author as an agent required only for the *comitia*, not necessarily also for the *contiones*.

Thus, in the definitions of *contiones* by authors mentioned above, there are no restrictive conditions concerning the participants or the organization of these meetings. As to the minimum requirements for the organizer of the *contio*, it is so far only clear that he (or else one invited by the initiator of the meeting) must deliver a speech. I do not believe it follows, based on Aulus Gellius' statement that some magistrates can call away a *contio* from others (*N.A.* 13.16.1), that only magistrates could convene and preside over *contiones*, since magistrates are noted not only in connection with the *contiones*, but again in connection with the *comitia* as well.¹⁴ Additionally, the list of magistrates in this passage is incomplete, as not all magistrates who are referred to as initiators of *contiones* in the sources are enumerated here.

Information of another sort can be discovered in the encyclopaedic treatise by Sextus Pompeius Festus, who directly asserts that *contiones* were called exclusively by magistrates and public priests (*s.v. Contio.* P. 34L).¹⁵ This definition is problematic for a couple of reasons. First, one must take into consideration the fact that Festus' work is an epitome of the book by Verrius Flaccus, who was criticized by Festus, and whose work might be considerably altered by him. Festus, who wrote in the 2nd–3rd centuries C.E., might have interpreted the institution of republican civil *contiones* incorrectly because these meetings had long ago lost their political significance. Further, Festus' entry itself was preserved in turn only in the work of Paulus Diaconus, who lived at the end of the 8th century and significantly shortened Festus' text,¹⁶ so this source is not as reliable as Aulus Gellius, who cites Verrius Flaccus and Messalla Rufus directly (and does not provide such unambiguous statement about conveners of *contiones*, as Festus does).

One can find several inaccuracies, including procedural ones, in the Festus–Paulus Diaconus account. For instance, it is asserted here that *contiones* could only be convened *per praeconem*. However, other sources say this was not always the case (e.g., the people gathered by themselves, see Liv. 22.7.6–8), and strictly speaking, in general practice not only a *praeco*, but also an *accensus* summoned the people (Varro. *L.L.* 6.89).

Further, there are some arguments against taking the Festus–Paulus Diaconus account as self-sufficient evidence on the nature of *contiones*. The

¹⁴ *Consul ab omnibus magistratibus et comitiatum et contionem avocare potest. Praetor et comitiatum et contionem usquequaque avocare potest nisi a consule...*

¹⁵ *Contio significat conventum non tamen alium quam eum qui a magistratu vel a sacerdote publico per praeconem convocatur.*

¹⁶ STEVENSON (1993: 75–76).

most important is that this definition contradicts other descriptions of how *contiones* were conducted. Before this definition can be used, it needs to be explained why there are descriptions in the sources of meetings called *contiones* (or equivalent terms) which are in all, or almost all, respects similar to magistrate's non-decision-making meetings except that they are convoked and presided over by private individuals. Sometimes the convocation of these non-magistrate meetings was even positively appreciated by historical tradition, as, for example, in Livy's description of events related to the end of the Second Decemvirate in the middle of the 5th century B.C.E.¹⁷

While Pina Polo in general gives credence to the definition by Festus–Paulus Diaconus which constitutes the basis of his own conception of *contiones*, nevertheless, strictly speaking, he does not feel that this definition is completely accurate. Firstly, Pina Polo presumes that public priests could not summon these meetings despite being named by Festus–Paulus Diaconus as the organizers of *contiones*. Secondly, the Spanish scholar rightly argues that military commanders, even non-magistrates, did convene *contiones*, which is demonstrated by a number of accounts, but according to Festus–Paulus Diaconus was impossible.¹⁸ If one part of this definition is rejected, then another part can hardly be considered as self-sufficient evidence.

Another observation can be made in regards to the problem of correlation between accounts of Festus–Paulus Diaconus and that of Gellius. If one is to choose the strictest criteria for defining the *contiones* from both of these sources and to combine them in one scholarly definition, then the sources must not contradict each other. However, in defining the closely-related *concilium*, there is at least one important discrepancy. Festus (again via Paulus Diaconus) reports that *cum populo agere* means to call the *populus* to the *concilium* or the *comitia* (s.v. *Cum populo agere*. P. 44L), and that *Concilium dicitur a populi consensu...* (s.v. *Concilium*. P. 33L). While Aulus Gellius (with reference to Laelius Felix) indicates that if one calls not the whole *populus*, but some part of it, one must summon not *comitia*, but a *concilium* (N.A. 15.27.4.) Of course, the degree of correspondence of these accounts to what is known from the narrative tradition about this type of Republican assembly is another issue to be carefully considered.¹⁹ What is important here is that these passages can hardly be combined into one general statement.

¹⁷ Particularly Liv. 3.47.4–49.5. See DEMENTYEVA – FROLOV (2009: 69).

¹⁸ PINA POLO (1989: 43, 54–64, 199–200).

¹⁹ Interesting observations were made already by BOTSFORD (1909: 119–138).



Last but not least, Festus–Paulus Diaconus actually gives another description of the *contio* within his definition of *conventus* (s.v. *Conventus*. P. 36L). Four different meanings of the term *conventus* are given here, at least two of which may be considered relevant to the problem of the *contio*. A *conventus* could be a meeting *iudicii causa* called by a magistrate, or it could be a meeting (*multitudo*) of people of different origins gathered together in one place.²⁰ Let us suppose that Festus–Paulus Diaconus’s information is accurate. If the *contio* is only a *conventus* which is called by magistrates, then it is only a meeting *iudicii causa*, which is definitely wrong. On the other hand, if *contio* is just a certain type of *conventus* (s.v. *Contio*. P. 58L: *conventus, dicta quasi convocatio*), it could be considered a *multitudo* of private individuals gathered together in one place (cf. Varro. *L.L.* 6.89). There is no mention of magistrates. Such an approach to ancient definitions might seem too formalistic, but this is exactly what one has to do if those definitions are to be considered accurate, general, and self-sufficient.

Despite all of these problems, Festus–Paulus Diaconus still yields important evidence. The question is about the limits of its applicability. It seems this definition could not possibly fit all the *contiones* of republican period.²¹ However, the account certainly testifies that some *contiones* during some periods could be convened only by magistrates or public priests. It is also possible, that this type of *contio* was considered by Festus–Paulus Diaconus as the most important one, or, for some reason, only this type attracted the attention of later authors.

Later in his work, Varro names particular magistrates conveners of *contiones* (*L.L.* 6.90–94),²² but these *contiones* preceded voting assemblies. Here *contiones* required the performance of *auspicia* since were a part of conducting the *comitia centuriata*.²³ Furthermore, the magistrates Varro mentions are not the only public officers that are called initiators of *contiones* in other sources. Again, this is an isolated case that could not be used for formulating the most general criteria for identifying a meeting as a *contio*.

²⁰ *Conventus quattuor modis intellegitur. Uno, cum quemlibet hominem ab aliquo conventum esse dicimus. Altero, cum significatur multitudo ex conpluribus generibus hominum contracta in unum locum. Tertio, cum a magistratibus iudicii causa populus congregatur. Quarto cum aliquem in locum frequentia hominum supplicationis aut gratulationis causa conligitur.*

²¹ PINA POLO (1989: 55) notes a different *limit of applicability*: the account by Festus–Paulus Diaconus definitely does not concern all the priests.

²² *Circum muros mitti solitus quo modo illiceret populum in eum <locum>, unde vocare posset ad contionem, non solum ad consules et censores, sed etiam qu<a>estores...*

²³ See about auspices before pre-comitial *contiones*, e.g., BOTSFORD (1909: 110–111).

Aulus Gellius, too, gives a second definition of the *contio*. He cites Messalla Rufus: *Contionem habere est verba facere ad populum sine ulla rogatione* (N.A. 13.16.3). In other words, the *contio* was a non-decision-making meeting. This definition stresses the main difference between *contiones* and the *comitia*, which is evidenced by numerous accounts of the republican period. All scholars are in full agreement here. It must be added that, according to this definition, the *contio* was impossible without *verba facere* (a speech) and the *populus*. However, in connection to the *contiones*, *populus* indicates, as shown above, not necessarily the whole citizen body, but any aggregate of *homines* (individuals).

From this definition, though, it is not clear whether only magistrates could call such public meetings. Messalla Rufus writes just about magistrates, but this is logical since his whole work is devoted to them. Aulus Gellius, when summarizing Messalla's information, does not specifically mention magistrates, and if his definition is to be considered complete, it must contain them. Nevertheless, it is possible that Gellius deemed this fact self-evident. It is also noteworthy that here there are no definitions or generalized descriptions which directly indicate that a private individual could never address his fellow citizens with a *contio* by his own initiative,²⁴ nor is there any direct statement that he could do that.

In my view, two points can be accepted on equal grounds. First, some definitions (as the one by Festus–Paulus Diaconus) might be applied not to any, but to only some specific types of *contiones* (or to a specific period of Roman history). Second, in other definitions (like those by Verrius Flaccus and Messalla Rufus in Aulus Gellius' work) the notion of obligatory participation of magistrates in *contiones* might be omitted as obvious. I tried to argue that one has to be very wary in assuming certain details about this political institution as common to every *contio*. Available definitions, given by later authors, are by themselves not good enough for understanding which meetings the Romans considered as *contiones*.²⁵ Another, more particular, point is that one should not refuse to consider some public meet-

²⁴ There might be some notions of that kind in Livy (39.15.11) and Dionysius (*Ant. Rom.* 12.1). Those passages are highly problematic and should be considered carefully in another paper. However, it is worth to note here briefly, that, e.g., Dionysius, even when arguing that it was not customary among the Romans for a private individual to convoke a public meeting (*ecclesia*), immediately reports of one such meeting. The problem is also that this is not simply an example of unauthorized meeting. Here a private individual is reported to act as a magistrate (and against magistrates' direct order), which was not necessarily the case every time a non-magistrate initiated a political meeting of some kind.

²⁵ The similar conclusion in regards to *concilium* see in BOTSFORD (1909: 131).



ings without magistrates as *contiones* only on the basis of the definition by Festus–Paulus Diaconus. Leaving out these types of political meetings, which are similar to official *contiones*, makes it impossible to understand the phenomenon of the *contio*. I believe it is important not to consider them necessarily as a different institution (even if they were named *contiones* extremely rarely and often not in its “technical meaning”), which means it is worth trying to analyze them from the perspective of their compliance or noncompliance with incontrovertible criteria of *contiones*.

Thus, the *contio* as a political institution:

- was a kind of *coetus* or *conventus*
- contained *oratio* (was impossible without public speech)
- did not contain *rogatio* (to be more precise, *rogatio* was not put to a vote)
- consisted not of the “whole” *populus*, but *ex hominibus* (except when *contiones* were conducted just before a vote in the *comitia*).

In cases where political meetings without magistrates meet these requirements, it has to be considered whether they were designated either by the term *contio* or by its close equivalents. If so, then it can be assumed that the Romans might think of such meetings (or some of them) as a type of *contio* or as closely related to *contiones*. Although to be more confident that there would be in this case a recognized political institution and not some mass action,²⁶ certain modern criteria for such institutions should be applied, such as clarifying whether a meeting was legal, then, whether it was legitimate, that is, recognized by the Senate and magistrates (for instance, a magistrate could place himself at the head of the meeting). Also important is what the narrative tradition reports about the results and consequences of a meeting: did it help to resolve a conflict, did it serve (according to available assessments) the interests of the citizenship or, on the contrary, threaten the *res publica*? The proposed analysis must therefore be integrated.

Even though, due to their very character, the definitions of the *contiones* given by ancient authors should delineate these meetings as exclusively official, they, at least, do not make this point clearly enough. The proposed strategy of the further study of the *contiones* may show whether *contiones* (or, perhaps, very similar political meetings) could at some point be legally organized by private individuals or not.²⁷ It seems that the definitions by ancient authors at least leave this possibility open.

²⁶ Such *actions* could be designated by the term *contio* only to stress their illegality, or illegitimacy.

²⁷ First preliminary attempts to consider this issue are made in DEMENTYEVA – FROLOV (2009); FROLOV (2011).

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