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Excerpt

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PART I



POLITICAL AND
MILITARY HISTORY

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I: THE EARLY REPUBLIC

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Origins will always fascinate. By 264 B.C., Rome was already governed by means of most of the constitutional arrangements that are familiar to us from the “classical” period of Republican history;¹ in that year it both completed the subjugation of peninsular Italy by capturing Volsinii (modern Orvieto) and began the process of Mediterranean conquest by sending its legions across the Straits of Messina into Sicily. Yet *c.* 509 B.C., it was just a large city in Latium with a constitution as yet undeveloped after emergence from a long period of monarchical rule. This chapter considers the origins of the Roman Republic and attempts to explain how the Latin city transformed itself into a nation ready and willing to grasp the prize of empire.

Before we begin, we must confront briefly the greatest problem in the study of early Rome, the notorious unreliability of our sources.² They are almost entirely literary, and among them Livy, the only surviving writer to present a detailed narrative of most of the period, is preeminent.³ The reasons for this unreliability are easily explained: the Republic began *c.* 509 B.C., whereas Fabius Pictor, the first Roman historian, wrote *c.* 200 B.C.; he and his successors in the second century B.C. had only very incomplete evidence, especially for the early period; many of Pictor’s successors distorted what little material they had by reconstructing the history of early Rome so that it read like a history of their own times; and Livy unfortunately based his account on these writers rather than on the original evidence. Most scholars now agree that as a result of this process the details of Livy’s political and military narrative are unreliable, amounting to reconstruction or plausible invention by Livy himself or by his sources. Yet many also believe that, once this reconstruction and invention has been stripped away, one is left with references to events that really did happen (e.g.,

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the passing of a law or the agreement of a treaty or the capture of a town). To take a simple example, Livy (5.19–23), supported by other writers dependent on similar sources, gives a long description of how the Romans captured Veii in 396 B.C.; few, if any, scholars doubt that Veii fell to Rome in that year, but likewise few accept the historicity of all the legends with which the tale is embroidered in Livy and others. There remains much disagreement about what in Livy and others was transmitted reliably from the fifth, fourth, or third centuries and what was invented in the third, second, or first, but most scholars believe that our evidence gets better the further away the event in question is from 509 B.C. and that our evidence for the years after 300 B.C. is notably better in quality than that even for the period 350–300 B.C.

From all this it follows that much of what Livy and others say has been disbelieved or modified by modern scholars. Although few of the individual arguments that follow are very controversial, readers should always remember how uncertain the whole subject is.⁴

In Rome, as in all ancient and many medieval and modern states, public life may be seen in retrospect (even if it was not always apparent at the time) to have been dominated by three issues: how to divide the wealth of the state, how to determine who was to administer the state, and how best to secure the state against attack from those outside it.

Political conflict, what the Greeks called *stasis*, was as endemic in early Rome as it was in many cities of the Greek world, and it is important to be clear about what was at the heart of such conflict. The ancient economy was based on agriculture.⁵ This is not to deny that some men and women devoted most of their working hours to other activities (e.g., laboring in a factory to make armor). Most families, however, owned land, in a society in which wealth and to a large degree social status were in proportion to the amount of land owned. It is a familiar fact that a member of the Roman élite of the first century B.C. is likely to have owned a large amount of land but is unlikely to have done much farming in person. In 500 B.C. the situation was very different: the landholdings even of the richest Romans will have been much smaller, and the owners themselves will have taken part in farming them. Only toward the end of our period is it likely that aristocrats began to be more detached from the day-to-day running of their farms.

In Livy and other ancient sources, the internal politics of the early Roman Republic are dominated by a dispute between two groups, the patricians and the plebeians; modern scholars have termed this the “Conflict of the Orders.”⁶ In the traditional narrative, after the

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expulsion in 510/9 B.C. of Tarquinius Superbus, the last king of Rome, the government fell into the hands of a group of aristocratic families (the patricians), who elected from their number two annual magistrates called “consuls” and occasionally in time of crisis appointed a dictator to take sole charge of military affairs. Other magistracies were few in number: the most important was the censorship, established in 443 B.C. and held at irregular intervals by two men in order to enroll citizens into the correct class for the purposes of military service. Between 494 and 287, patrician rule and dominance was challenged by plebeian agitation, which forced from the patricians at first concessions and then the granting of an equal share in power. The key disturbances and legislation in this period, as they are recorded in our sources, may be summarized as follows (all dates are in B.C.):

- In 494, in protest against patrician treatment of those in debt-bondage (the Romans called this bondage *nexum* and those in it *nexi*), the plebeians went on strike and withdrew to a hill outside Rome; this episode is commonly known as the First Secession of the Plebs. In a conciliatory response, the patricians granted them the right annually to elect their own leaders, who were called tribunes of the plebs; initially these were two in number, later ten. The tribunes were regarded as sacrosanct; that is, the plebeians took an oath to take vengeance on anyone who violated the person or obstructed the actions of a tribune. Thereafter the plebeians had their own assembly (the *concilium plebis*), to which patricians were not admitted but in which they were occasionally tried for crimes against the plebeians.

- In 451 and 450, a board of ten (*decemviri*) was appointed to publish a codification of Roman law, known as the Twelve Tables.⁷ Henceforth it was easier for those who were not patricians to know exactly what was specified by the law. A notorious provision of the eleventh table forbade intermarriage between patricians and plebeians. Legend had it that the *decemviri* of 450 were different from those of 451 and were removed from office only by a Second Secession of the Plebs.

- In 449, a law was supposedly passed that guaranteed the right of appeal to the people (the technical term was *provocatio ad populum*) against scourging or capital punishment by a magistrate. This reaffirmed a law supposedly passed in 509, the first year of the Republic.⁸

- In 449, a second law was passed that made plebiscites binding on the whole community, patricians and their followers as well as plebeians.

- In 445, the law forbidding intermarriage between patricians and plebeians was repealed.

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- Between 444 and 392, consuls were often replaced by three, four, or six military tribunes with consular power (consular tribunes) and in all years between 391 and 367 by six consular tribunes. According to Livy, plebeians as well as patricians were eligible for election to this office.

- In 367, the consular tribunate was abolished by a *lex Licinia Sextia* (“Licinio-Sextian law”), and the consular constitution was reestablished for 366; henceforth plebeians were eligible for election to one of the consulships, and in more than half of the years between 366 and 342 a plebeian was elected. A third magistracy, the praetorship, was also established in 367.

- Another *lex Licinia Sextia* passed in 367 limited the amount of public land that could be held by an individual to 500 *iugera*.⁹ It seems that some patricians had been holding far more than this amount.

- A third *lex Licinia Sextia* passed in 367 alleviated plebeian indebtedness. Similar laws are said to have been passed in 357, 352, 347, and 342.

- In 356, the first plebeian dictator (Gaius Marcius Rutilus) was appointed.

- In 351, the first plebeian censor (the same Marcius) was elected.

- In 342, a *lex Genucia* seems to have guaranteed the right of a plebeian to one of the consular posts in any given year.¹⁰

- In 339, the plebeian dictator Q. Publilius Philo passed several progressive measures, one of which, supposedly repeating a measure of 449 and anticipating one of 287, made *plebiscita* (“plebiscites” or “decrees of the plebs”) binding on the whole people and not just the plebeians.

- Another *lex Publilia* stipulated that henceforth one censor should be plebeian.

- In 336, Q. Publilius Philo became the first plebeian praetor.

- In 300, plebeians won the right to hold places in two of Rome’s priestly colleges (the pontiffs and the augurs), both of which were enlarged.

- In 300, in a separate measure, the right to appeal to the whole people (*provocatio ad populum*) against decisions of consuls and other magistrates was guaranteed; this law was said to have reinforced earlier laws of 509 and 449.

- In 287, the plebeians seceded again, in part because of the problem of indebtedness. A law was passed reaffirming that all citizens were to be subject to plebiscites.

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Even summarized as briefly as this, the traditional account of escape from patrician dominance is not likely to be completely correct. For instance, although it is certain that in the fourth century B.C. the patricians tried to monopolize the holding of magisterial office and were challenged by another group who called themselves plebeians, it is less certain that these two groups had existed without much change from the 490s B.C. In particular, scholars have questioned, largely on account of certain nonpatrician names in our lists of the earliest consuls, whether at the beginning of the Republic the patriciate was quite the exclusive band that it had become by the time of the decemvirate. They have questioned, too, whether all those who were not patricians were always known as plebeians or whether the plebeian organization grew from being a small pressure group to become the dominant voice of opposition to the patricians in the generation before the passing of the Licinio-Sextian laws.¹¹

Nor can we be certain that our information about the consulship is accurate. First, many of the names of those who are said to have held the office before the 440s B.C. may be unreliable;¹² second, the original name of the office may have been not “consul” but “praetor.”¹³ As for the consular tribunate, it is one of the great enigmas of early Rome.¹⁴ Livy knew of two explanations for it: one was political and held that it was established to allow plebeians a share in Rome’s chief magistracy; the other was military and claimed that it was established to allow Rome more commanders in the field. Neither explanation is satisfactory. The first fails because few men who were not patricians were elected to the post, the second because dictators were still appointed in years of military crisis. All that can be safely said about these officials is that for sixty years it suited the Romans to have them rather than consuls running the state. Finally, our sources are full of duplication, as in the cases of the three laws on *provocatio* and of the three laws guaranteeing the validity of plebiscites for the whole people, which are noted in the preceding list. That before 300 B.C. there were laws guaranteeing *provocatio* is generally disbelieved, and in 449 B.C. plebiscites can hardly have been binding on the whole people. However, it is conceivable that Livy’s account of the *lex Publilia* of 339 B.C. regarding plebiscites is fundamentally reliable and that the law of 287 B.C. was merely a reinforcement or modification of it.

Despite all these difficulties, it is possible to make some generalizations about the course of Roman political history in this period. First, the power of the patricians was steadily eroded so that by c. 300 B.C. the

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political advantages of being a patrician were slight. This raises the important question of how the patricians were able to cling to so much power for so long. That they were supported by their clients and retainers seems clear; otherwise their numerical inferiority to the combined forces of the other citizens of Rome would have made it impossible for them to withstand political opposition. It is also very likely that patrician power was rooted in possession of land and maintained by appropriation to themselves of a disproportionately large share of land that had accrued by conquest to the Roman state. The power of patricians probably declined in part because patrician families were unsuccessful in reproducing themselves but also in part because patricians were less successful in forcing their will on their retainers.

As for the plebeians, it has long been obvious that the interests of their leaders, who were probably men of substantial property, were very different from those of the masses. These leaders wished to be able to fulfill their political aspirations and to have a share in the government of the state from which they were excluded simply by birth. Most of the reforms and legislation mentioned were in their interest and struck blows at patrician exclusivity: plebeians were eventually allowed to marry patricians and vice versa; they may have been allowed election to the post of consular tribune; and they were successively allowed to become consuls, dictators, censors, praetors, pontiffs, and augurs. By 300 B.C., the plebeian élite had largely achieved equality with the patricians.

Less progress was made in helping the poorer plebeians. These desired an amelioration of the conditions in which they lived. To this end laws were passed that helped debtors, and finally debt bondage was abolished. The massive program of colonization undertaken by Rome in the late fourth and early third centuries suggests, however, that there was still a substantial number of plebeians attracted by the prospect of escape from their current conditions and by the lure of new pastures. How far even this program led to a significant reduction in debt is uncertain, as we are told that it was one of the causes of the third and final secession of the plebs, in 287 B.C. Despite various attempts in various epochs, the Roman Republic was never able to rid itself of its poor.

For many of the years about which Livy wrote in his history, the Conflict of the Orders is described in such violent terms that it seems a wonder that the Roman state survived at all in face of the numerous external foes that beset it. Doubtless his account is exaggerated, but we shall see that it was only after 366 B.C., a turning point after which

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the conflict between patricians and plebeians moved into a less violent phase, that Rome began to make significant conquests abroad. During the most violent phase of the conflict, the plebeian organization, led by the tribunes of the plebs, had functioned almost as a state within a state. The final years of the struggle are marked by the increasing integration of the plebeians and their tribunes into the management of the state. First there were plebeian consuls. Then, after a mechanism had been found in 339 B.C. whereby the decrees of the plebeian assembly could be made binding on the whole state, the senate – which consisted of ex-magistrates, priests, and other leading men of the state and which *c.* 339 B.C. would still have been dominated by patricians – began to work in harmony with the tribunes to introduce new measures. Livy (8.23.12, 9.30.3–4) records such measures for 327/6 and 311 B.C., and in the later years of the Republic this was to become the most common method of introducing legislation, the revolutionary instincts of tribunes being harnessed to the collective will of the aristocracy. However, the tribunate never lost its role as protector of the plebs and remained apart from all other magistracies. It is noteworthy that, when a magistrate failed in his duty (often in command of an army), he was liable to be prosecuted by a tribune.¹⁵

The opening up to the plebeian élite of the senior magistracies and the more important of the priestly colleges led to the creation of a new nobility that replaced the old patrician aristocracy. The values of these nobles, dominant among which were the desire for military repute, the advertisement of one's own achievements and those of one's family, the refusal to allow any one member of the governing class to become preeminent for too long, and a suspicion of outsiders, were probably not strikingly different from what had gone before. What was different was the success of this new nobility in maintaining a dominant position in the state, which it did from 287 B.C. (at the latest) more or less until Caesar crossed the Rubicon in 49 B.C. A famous Latin inscription from the tomb of Lucius Cornelius Scipio Barbatus, who was consul in 298 B.C., illustrates very well the ideology of the Roman nobility in the early third century:¹⁶

Cornelius Lucius Scipio Barbatus, born with Gaius as his father, a brave and wise man whose appearance was equal to his bravery, who was your consul, censor, and aedile, captured Taurasia and Cisauna from Samnium (?), subdued all Lucania and took away hostages from it.

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Note here the references to the dead man's family, his aristocratic appearance, his record in office holding, and his achievements in war.¹⁷

Everyone knows that the language spoken by the Romans was called Latin. It is less well known that originally Latin was not spoken all over ancient Italy but was the native tongue only of those dwellers on the splendid plain that is bounded by the Tiber in the north, the Monti Lepini in the east, and the peninsula of Circeii in the south. Other Latin towns were Antium, Ardea, Aricia, Cora, Lanuvium, Lavinium, Nomentum, Pedum, Praeneste, Satricum, Tibur, and Velitrae. All these were united with Rome in the Latin League; they played a significant role in early Roman history, and in the regal period Rome was hardly more than their equal.

Whether Rome was still only their equal in 509 B.C., the traditional date for the beginning of the Republic, has been much debated. For those scholars who believe that the city was already large and dominant in Latium, a prime witness is the Greek translation of Rome's first treaty with Carthage, incorporated by Polybius into his history (3.22.4–13). A reasonable interpretation of the treaty suggests that Rome had hegemony over several Latin cities, including Antium and distant Tarracina. Those who deny such power to Rome argue that Polybius was either taken in by a forgery or misdated the treaty.¹⁸ But whether or not Rome was dominant in Latium in 509 B.C., it is clear that any dominating power that it may have possessed did not continue long; in either 499 or 496 B.C., it had to fight the other members of the Latin League at Lake Regillus. The literary tradition claims that Rome was victorious, but the subsequent course of fifth-century history provides no great evidence that Rome reasserted the control over the Latins implied in the first Carthaginian treaty, and it is better to regard this battle and the Cassian treaty (*foedus Cassianum*) that followed it in 493 B.C. as laying the foundations for the stable relationship between the Romans and the Latins that was maintained for the next hundred years. Some modern scholars think that Rome and the Latins were equal partners in this league, others that Rome was once again just one among several Latin cities that were members of it; all agree that Rome and the other speakers of Latin combined forces for many wars and together founded colonies with the intention of protecting their territory against common foes.¹⁹

This stable relationship with the Latins was much needed. For in the early fifth century, both Rome and the Latins came under acute pressure from the Aequi and Volsci, dwellers in the mountains inland from the Latin plain. They raided Roman and Latin territory and