

Cambridge University Press

978-1-108-01233-1 - The History of Rome, Volume 3

Barthold Georg Niebuhr

Excerpt

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## THE HISTORY OF ROME.

### THE LICINIAN ROGATIONS.

OF C. Licinius Stolo and L. Sextius, to whom Rome owed her regeneration, we know scarcely any thing more than their names, and, very imperfectly, the substance of their laws. But the greatness and boldness of the plan of their legislation, their unwearied perseverance, the calmness, with which they allowed their work to proceed to its completion, while they confined themselves strictly to the paths permitted by the law, so that neither they nor the commonalty are charged with the slightest act of violence, although the annals continued for a long time afterwards to be written exclusively by the hostile party:—all this gives us the means of judging of their spirit and of their character. A revolution, which in the Greek republics or at Florence would have commenced with violence, have succeeded or failed within a few months, and been sealed with banishment and blood, was developept at Rome during five years of incessant and manly struggle, without disturbing the peace of a single citizen<sup>1</sup>.

It is a piece of malice, as common as it is hateful, in the enemies of the memory of great men and of great deeds, to

<sup>1</sup> But fruit that soon falls from the tree  
Is seldom good for much, we know ;  
And with the old song I agree,  
Whate'er won't stay, why, let it go !

OPITZ.

trace such deeds to low motives, as opposite as possible to the loftiness of their real aims; as indeed down to this day, in spite of the most convincing arguments to the contrary, it is asserted that Luther was urged to the reformation by the envy of his brother monks, by the Dominicans, and by the desire of marrying his nun. Falsehoods of this kind must be attackt and unmaskt perseveringly, as often as they shew themselves, because it is impossible to extirpate their germs, which are rooted in the basest part of human nature: in the love of detraction. In this spirit the conquered party traced the undertaking of C. Licinius, which was as great in its conception as in its execution, to the most wretched female vanity; and the contemptible story became so firmly rooted in history, that even Perizonius did not doubt its literal truth, and that it continued to be believed until Beaufort unmaskt its falsehood<sup>2</sup>, which is indeed so plain, that no one now will venture to defend it.

M. Fabius Ambustus, who was consular tribune in the year 374, had two daughters, of whom one was married to Ser. Sulpicius, consular tribune in the year 378, and the other to the plebeian C. Licinius Stolo. Now the story runs<sup>3</sup>, that the younger Fabia on a visit at the house of her sister, started with fright at the noise, which the lictors made in announcing the arrival of their master Sulpicius, when he returned from the forum, and that she was ridiculed by her sister for a fear, which betrayed the low station she had married into. This insult prompted her to persuade her husband, and even her father, to make her a solemn promise, that they would not rest, until their house also was adorned with the like splendour<sup>4</sup>. But this splendour the younger Fabia must surely

<sup>2</sup> Beaufort, *Sur l'incertitude de l'histoire Romaine*, II. 10.

<sup>3</sup> Not only in Livy (VI. 34), and those who copied from him, but also in Dion: Zonaras, VII. 24.

<sup>4</sup> Dionysius does not seem to have adopted this account: not only is there no trace of it to be found in Plutarch, who is not likely to

have become acquainted with in the house of her father, who had held the office of consular tribune four years before; how then could it surprise her? What she wisht, was not to be outdone by her sister; that is, she wisht the consular tribunate for her husband. Had the son-in-law of Ambustus sought nothing else, he could scarcely have failed after what had occurred in the last two years. The Licinian family already counted three ancestral images. A C. Licinius Calvus had been consular tribune only the year before, in 377; of course it cannot have been the tribune of the people himself, in which case all further discussion would be superfluous; for the same military tribune was afterwards in 382 master of the knights, while Stolo, as before and after, held the tribunate of the people, which was incompatible with that office. One would therefore be obliged to go further than the story, and to suppose that she wisht to throw her sister into the shade. But the consulship, since the taking of the city, had never been the subject of discussion at all; the plebeians had been completely baffled in trying to obtain it under far more favorable circumstances; nor could the wishes of a vain woman have aimed at this prize; although it glanced at a distance before the eyes of the bold and great man as the crown of the most vehement struggles for victory or death.

C. Licinius, whose family name Stolo is derived with great probability from the care, with which the first, to whom it was given, perhaps the tribune himself, dug up the shoots, springing from the roots of trees<sup>5</sup>, was un-

have let such a story slip, but in a fragment, Exc. Val. p. 2313. R. he mentions Sulpicius as a moderate man. He evidently considered him as a mediator, and therefore does not seem to have regarded his house as the origin of the discord.

<sup>5</sup> Pliny, H. N. xvii. 1. and Varro, de re rust. i. 2. The latter speaks of two Stolos, one of whom, he says, fixt the quantity of public land which a citizen might possess, and the other made the assignment in lots of seven jugers. The date assigned to the latter is evidently a mistake.

doubtedly a descendent of the C. Licinius, who is mentioned among the first tribunes of the people a hundred and twenty years before. The great influence of his family is seen in their success in suing for the consular tribunate. That the tribune was very rich is clear from his great landed possessions, as the Licinii were afterwards the richest of all the Romans. The laws bear his name: tradition points to him, as the person who bore the heat of the contest: and we may therefore regard Licinius as the soul of the undertaking, although his colleague L. Sextius received the prize of honour before him. Their legislation embraced every thing which the republic stood in need of. Without disturbing any usages or ancient institutions, they establish by a single measure upon the old foundations of the constitution a state of things, which at once abolished the arbitrary power and ascendancy of the ruling class, granted and secured to the people its liberties, banished the disputes hitherto renewed every year, and advancing gradually and irresistibly, though held back at every step, towards the goal of perfection, from which it was indeed yet distant, preserved for a considerable time the period of a happy youthful development. A second law deprived the oligarchy of the exclusive advantages of the public land, and turned it into a general source of wealth for all the citizens. A third sought to remove the present distress, and to extinguish the consequences of the previous oppression. In this manner they undertook to cure the evil at its root, and at a time when the commonalty cared so little for its own welfare, that the whole body of their colleagues opposed them; from which we must infer, that if their measures had been put to the votes of the tribes, they would have been rejected even there. In those times of confusion in the censorial books, the censors may have registered many unqualified persons in the tribes: but still the number of those attached to the ruling class cannot have been great. In the seventy five years, which had elapsed since the decemvirate, many of the clients, who had been

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introduced among the plebs at that time, must have become independent through the extinction of the families of their patrons; and the prevalent state of dependence was the result of an actual and hateful oppression, or of a gloomy dejection and hopelessness. At first, when the rogations seemed a vain attempt, which would no more lead to any result than like attempts in former times, but might easily bring ruin upon their authors, a great many thought that they might nevertheless derive from the unexpected circumstances the advantage of obtaining greater indulgence from their creditors and favour with others of the powerful class, if they opposed those who advocated the common cause of their order; while others were intimidated by threats, that the rigour of the law would be enforced against them, or that they would be deprived of advantages. But the reformers might calculate, that circumstances would assume a more favorable aspect with every reelection; that those, who were only indifferent, might be brought over to their side by the conviction, that success was possible; that a part of the timid might also be led to join them by the increase of their party and power; and at length, if it was generally believed that success was certain, the dependent and the oppressed would be emboldened to provoke the indignation of their creditors, in order to escape from their power: more especially as the tribunes would assuredly promise them support.

It was a very favorable circumstance, compared with the times before the taking of the city, that Rome was separated from Latium, the Hernicans and the Volscians. The government had now neither a subject rural population, which it could command, nor confederates, whom it could call upon, to march in arms against the commonalty. The townships were in the possession of that independence, with which the assistance of the Latin body had at one time been purchast; and the wish, that Rome should not regain her former power, must have determined them to reject any proposal, however recommended by

tempting conditions. But without such help the patricians could not hold out the threat of a civil war: the clients by their mixture with the plebeians had ceased to be a blind and ready instrument. It was therefore a courageous, not a rash step for C. Licinius and L. Sextius to enter upon their great work. They might on the contrary, as far as human foresight reaches, be sure of victory in the end, if they were at first only strong enough to overcome the fears of the timid, so far as to be reelected in spite of all threats.

The first Licinian law ordained, that henceforth there should be no more military tribunes, but that consuls should be elected from the houses and the commonalty<sup>6</sup>: one was necessarily to be taken from the latter. Without this clause the attempts of the patricians to render the acknowledged right useless in practice would have been renewed every year: the intrigues for effecting this at elections would have continued, and with them exasperation: there would have been no peace.

The decemviral constitution, one would have thought, might have accomplished this object most completely: but several reasons might demand the abolition of this constitution for ever. At all events it would have been necessary to preserve the separation of the censorship from the pretorship of the city, as it had been seen, what immoderate power arose from their combination. It had not yet been forgotten, how the faithlessness of some of the plebeians, led astray by shameful and arbitrary proceedings, had formed

<sup>6</sup> The old German writers, guided by the recollection of the change in the constitution of the free towns, understood the relation between the patricians and plebeians with perfect correctness, and in quite a different way from the learned, whether their own descendants or foreign contemporaries; thus in the German translation of Livy published at Maynz, we read in the year 400: *Als Lucius Cornelius Scipio von den Geschlechtern, und Marcus Popillius Lenas von der Gemeind Bürgermeister waren.* (When Lucius Cornelius Scipio was Burgomaster from the houses, and Marcus Popillius Lenas from the commonalty.)

a tyrannical majority in the college. The tribunate of the people would now indeed have afforded protection; but one plebeian consul would give more certain security. The equal power possessed by several consular tribunes had often in the conduct of war produced very evil consequences; and as it was a common resource in times of danger to transfer the power to a single commander, it followed that in ordinary circumstances the constitution, which was most like the kingly one, was best suited to the spirit of the people, provided it was prevented from becoming tyrannical. Lastly a measure, which established a uniform division of power in all departments of the state, and which led at once to the point, which the republic did not reach till a generation later, would have been resisted by the patricians with much greater pertinacity, than a proposal, the vagueness of which allowed them to set limits to the consulship, and to retain a part of its original powers for their own order. This was a gain compared with the necessity of an equal division of places in the military tribunate, according to the powers established by the compact of 350<sup>7</sup>, the concession of which could not have been refused; and the higher splendour of the consulate was not unimportant.

Many of them, even though they may no longer have entertained the superstition, that their order had an exclusive right to the auspices, might yet be ready with the honesty of a prejudice cherished from their childhood, rather to risk the ruin of the state, than to yield to the passing of the reform, which restored what had already been acknowledged as a right: noble and well-meaning men, and incapable of abusing the power, which they did not deny had been sinfully exercised by members of their own order. With equal integrity might those plebeians, who expected for themselves or their family more or less immediate advantages from this improvement, be ready, with a full conviction that such a measure was indispensable to

<sup>7</sup> Vol. II. p. 395.

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the republic, to stake their life and property on its success. It is often experience alone, which indisputably proves the wisdom of a law. Livy\* represents the following objection as having been urged with apparent force against the tribune, that, if the greatest man of his age should be a candidate for the consulship in order to save his country in the most urgent danger, and should happen to be a patrician,—his Appius could only mention Camillus, we may with more justice think of the great Scipio,—if he were to seek that magistracy, together with deserving patricians and with a single worthless plebeian demagogue, would it not in such a case be an absurdity that he should be uncertain of his election and perhaps lose it, while the plebeian would obtain it without any exertion?

The historian ought not to have stated such an objection without a reply, because he must have expected readers, who would consider as unanswerable what had not been answered whether from caprice or carelessness. He should have made Licinius reply: “At Rome for a long time to come none but men tried in war from each order will venture to sue for the consulship; and when a plebeian and a patrician are competitors with the great general of the age, the plebeian will not be inferior to the patrician, though both of them may be unable to vie with the greatness of the other. But a plebeian also may just as well be the hero of his age, if the quickening sunshine of free power be not withdrawn from him: and of such a man do the patricians wish to rob the state entirely, and will tolerate him only in an inferior station, if the patrician consul should feel inclined to consult him and to listen to him. Moreover, the regulation objected to is necessary, only because experience has shewn the incorrigible faithlessness of the patricians. If the first order shall hereafter become accustomed to act uprightly, then it may be better to elect the worthiest men, without

\* VI. 40.



any restriction as to order, although no free constitution can dispense with the letter. But who can at present believe in the good faith of the patricians? Happy will it be for the republic, if the letter of this law, however carefully weighed and sanctioned by a sacred oath, be safe against audacious violation! If our old party spirit shall at some future time be merged in a common love of our country; then, if trying days of misfortune come upon us, our better grand children may for a time loosen the fetters of this law. A defeat would be less ruinous than slavery, than crippling and confining a body full of life and energy. But whence these gloomy apprehensions of plebeian incapacity and demerits? Surely not from experience: for during the only time, when the patricians did not succeed in excluding them from the command of the armies, plebeian consular tribunes conquered on the very ground, which had become dismal through the defeat incurred by the fault of their patrician predecessors. Who commanded the army on the Alia? And in the worst case the constitution itself will afford a remedy by the dictatorship, which ought not to be confined to either estate. For from the plebeians too, men will arise, who, as dictators, will save their country, and will not threaten it, nor turn against the citizens the arms destined for the enemy.

“The state of old wisely raised whole communities to the rank of Romans, in order to enlarge a body of citizens into a great nation. With a view to higher objects than have ever been aimed at since the patricians have been sole masters of the government, a far greater extension of the same system will be necessary. For how can the tribes whom we may admit to the citizenship be bound to their new country by love, if their knighthood be denied all honours? And if, as patrician houses have already become extinct, their number shall continue to decrease, if the plebeians are held back by force from every object of noble ambition, if the wealthy among them are confined to money-making as their occupation, if the renewal of the

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first order by purely Italian noble houses is prevented, if freedmen are admitted to adulterate the core of the nation,—can that portion of intellectual power and virtue, which the remaining patricians will possess, determine the vocation of the republic? All experience teaches, that oligarchies decay no less rapidly in numbers than in moral vigour. All those blessings of future greatness, which the gods bestowed in the auguries of the city at its birth and at the foundation of the capitol, would then perish for ever. This may appear indifferent to the man, who is contented with dominion and aggrandizement in his own days; but how will it be possible to prevent, what has happened in so many Greek republics, an oligarchy, half extinct and becoming daily more tyrannical, from being destroyed by a bloody democracy or a tyrant? Perhaps such a revolution is close at hand. For a long time past has the republic been sick and suffering, because it lives in an unnatural state. But when delivered from this, united in itself, braced by the energy exerted in regaining its true life, it will be called to every kind of greatness.”

All this Licinius might have said without having the spirit of prophecy: thus and not otherwise must Livy have made him reply, had he thought proper to let him explain his motives in a speech. For the subsequent history of Rome proves, that while this law conferred endless blessings, not a single disadvantage arose from it. The Decii, who sacrificed themselves as expiatory victims for the whole nation were plebeians<sup>8</sup>: it was by plebeians, that Pyrrhus was first arrested, then conquered: a plebeian subdued the Gauls of Italy: the same man checkt the

<sup>8</sup> Plebeian only were the Decii born  
 And named: yet for whole legions, and for all  
 The troops allied, and all the Latin youth,  
 Are they sufficient to appease the gods  
 Of Hades and the old maternal earth;  
 Worth more themselves than all they saved of Rome.

JUVENAL, VIII. V. 254–258.