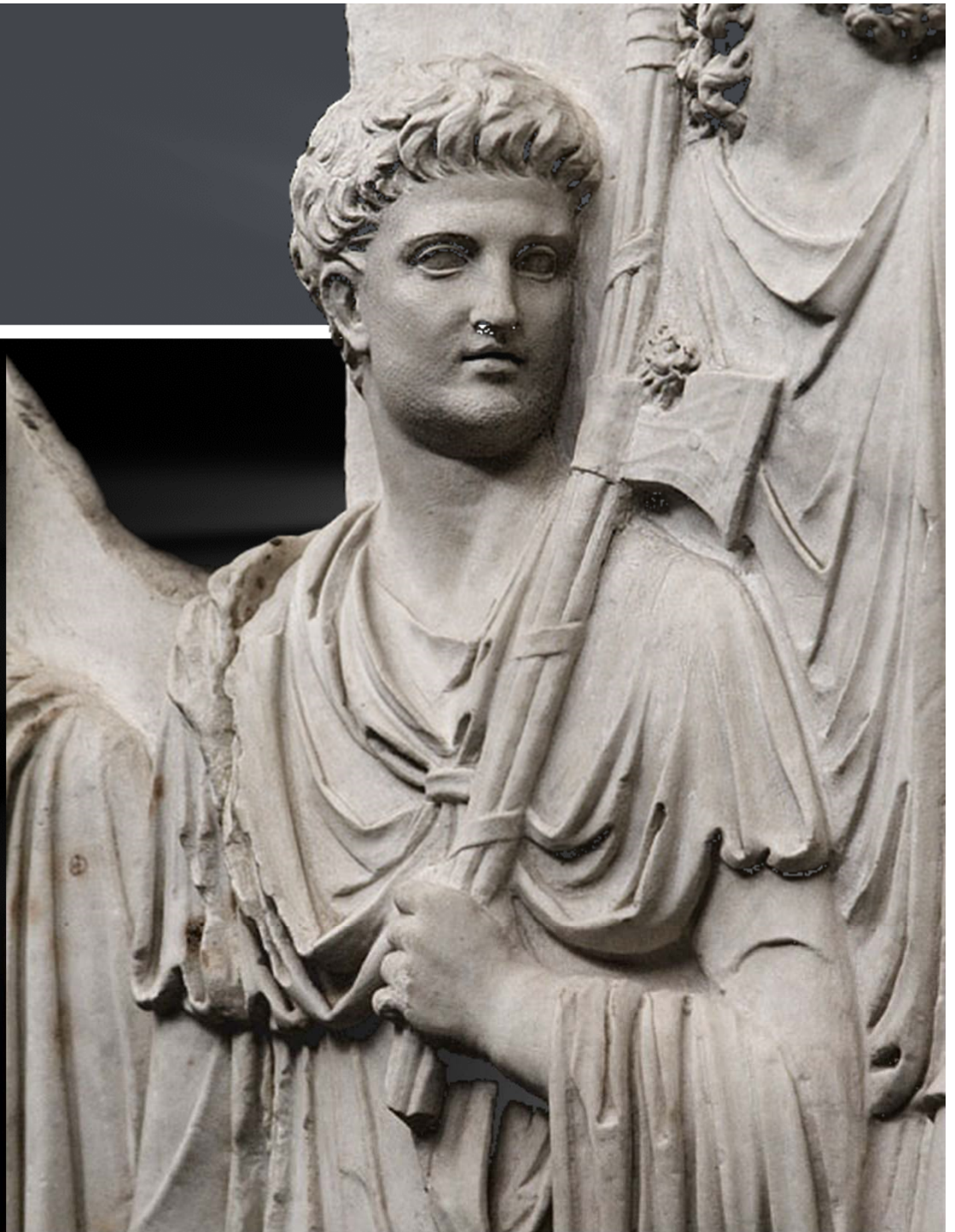


Roman constitution



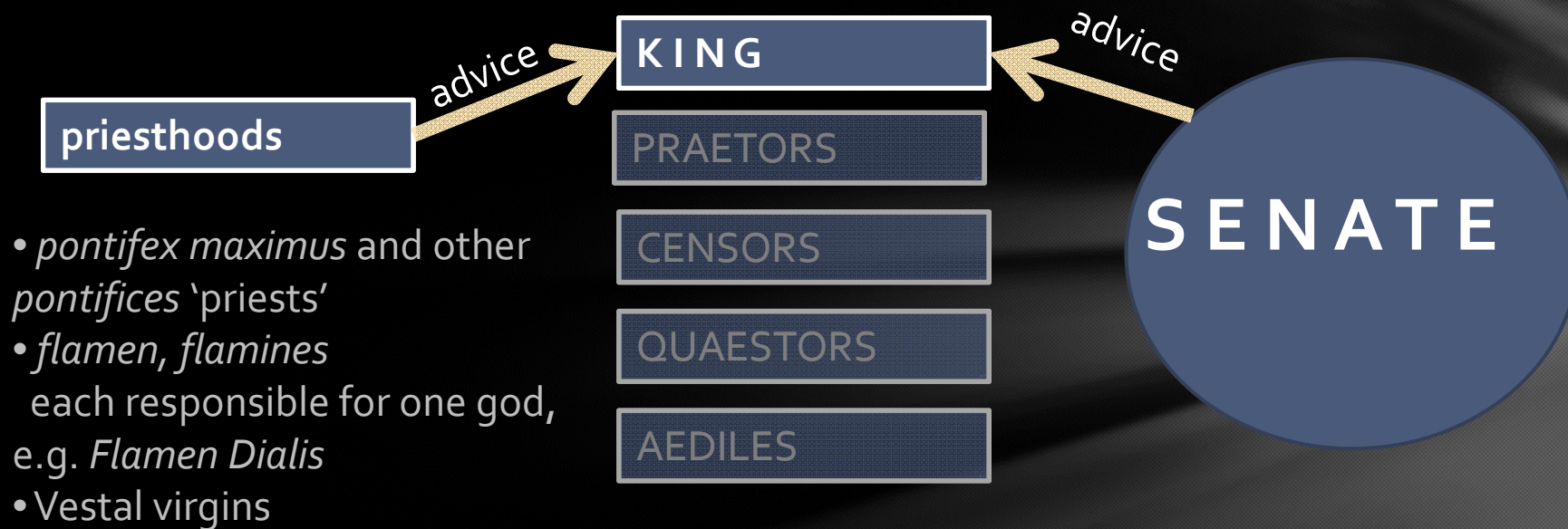
Roman constitution: Monarchy/Republic

Monarchy

Nature of the monarchy...?

- Inherited / elected ?

Roman constitution

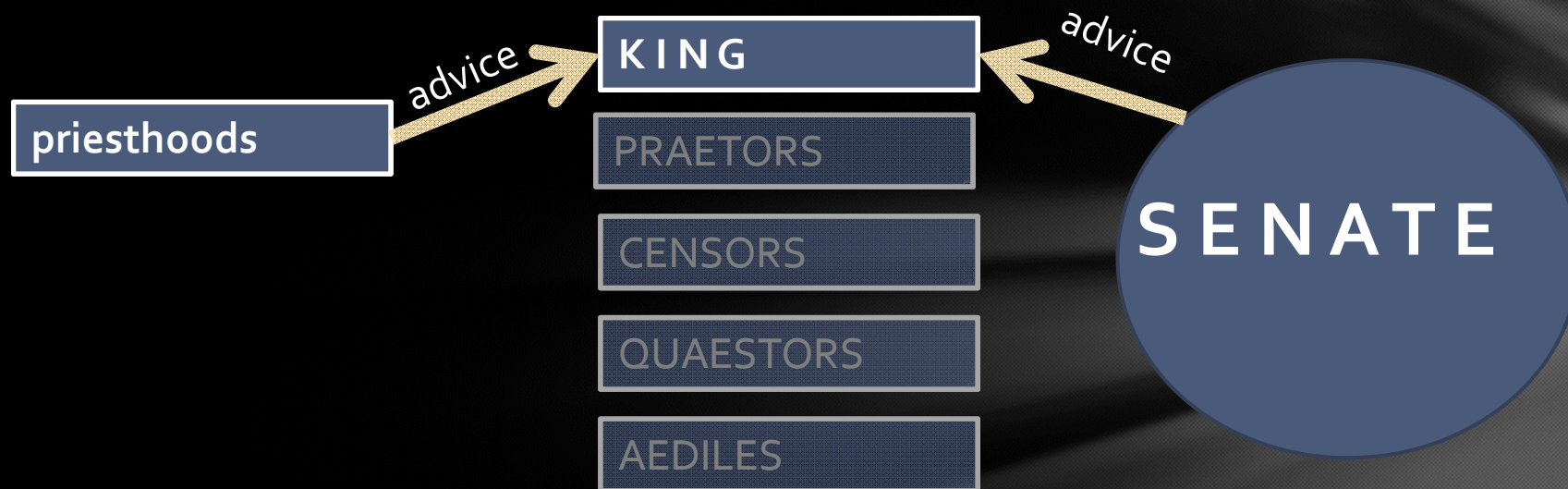


PATRICIANS / aristocracy

PLEBEIANS

populus / the people

Roman constitution



"tribes" TRIBUS - Romulus

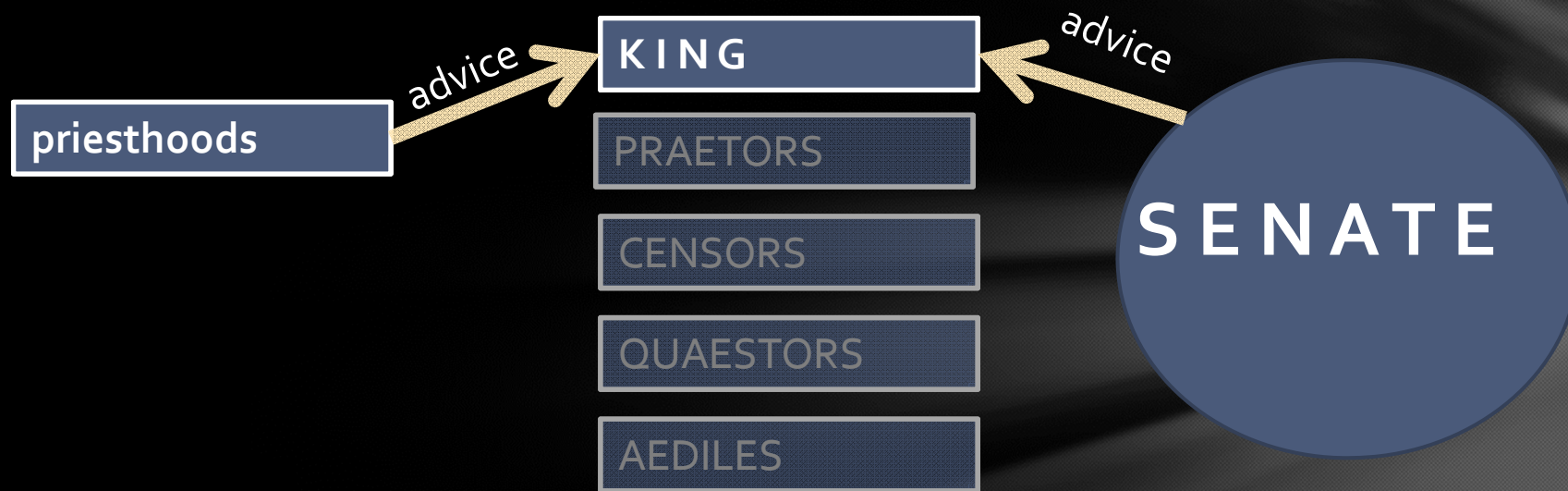
TITIES or *Titienses*,
named after Titus Tatius

RAMNES or *Ramnenses*
named after Romulus

LUCERES or *Lucerenses*
(origin obscure)

populus / the people

Roman constitution



COMITIA CURIATA – 30 curiae → (*lex curiata*)

Roman assemblies vote in groups

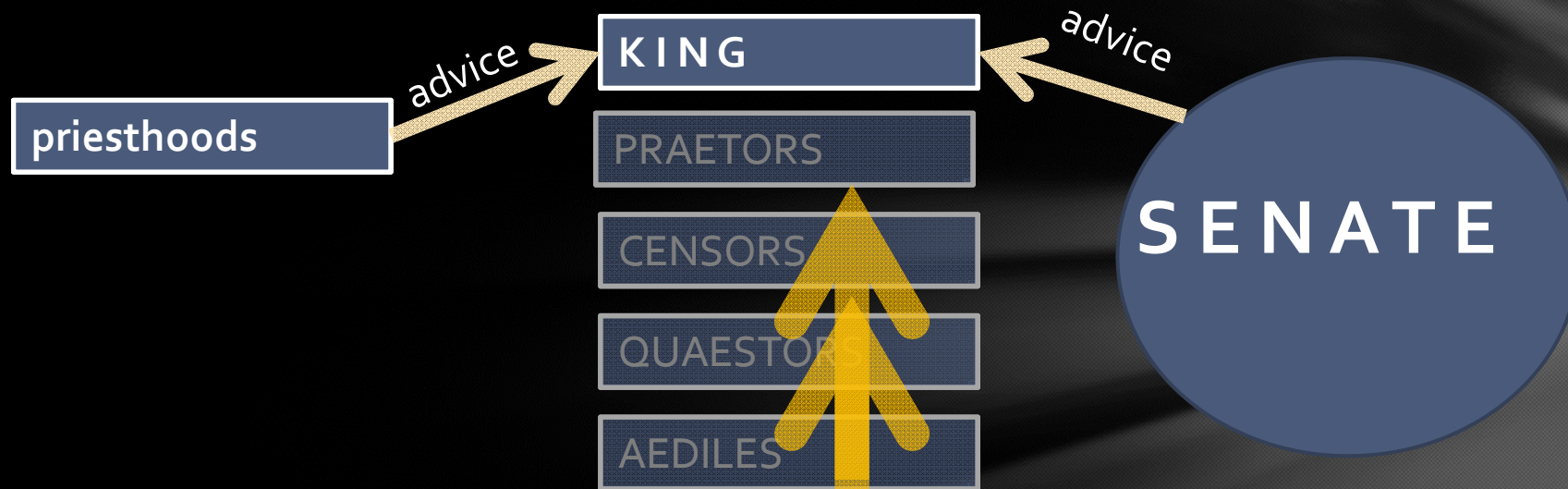
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populus / the people

Roman constitution



COMITIA CENTURIATA/centuriate assembly – 193 centuries → election of consul, praetor, censor

CAVALRY: 18 centuries

INFANTRY – 1st class: 80 centuries

INFANTRY – 2nd, 3rd, 4th class: 20 centuries each

INFANTRY – 5th class: 30 centuries

CRAFTSMEN – 2 centuries

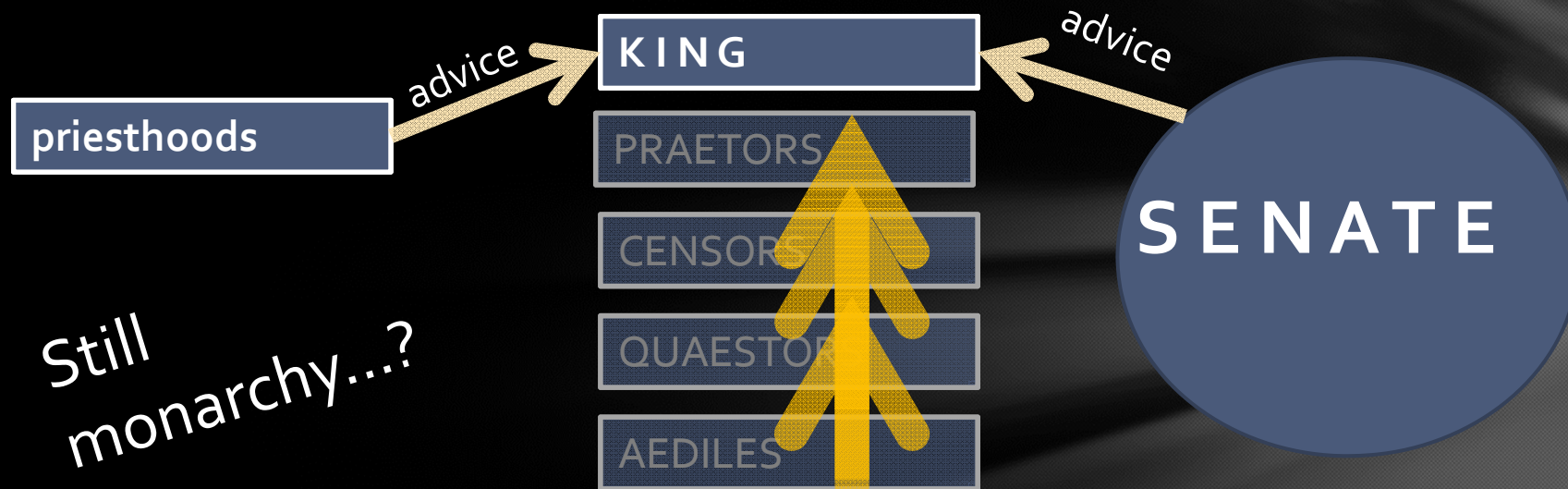
OTHER PEOPLE... – 1 century

Important legislation
capital charges, war declaration,...

One vote for each century
VOTE by property
→ army!
TIMOCRACY

populus / the people

Roman constitution



COMITIA CENTURIATA/centuriate assembly – 193 centuries → election of consul, praetor, censor

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OTHER PEOPLE... – 1 century

Important legislation
capital charges, war declaration,...

One vote for each century
VOTE by property
HOW MANY VOTES &
WHOSE VOTES DO YOU
NEED? 97 out of 193

populus / the people

Roman constitution

Expulsion of the last king,
Tarquinius Superbus 509 BC

Uprising (Lucretia)
Overthrow of the last king

Creation of the Republic
res publica



tribe assembly → 193 centuries → elect

tribes

two centuries each

tribes

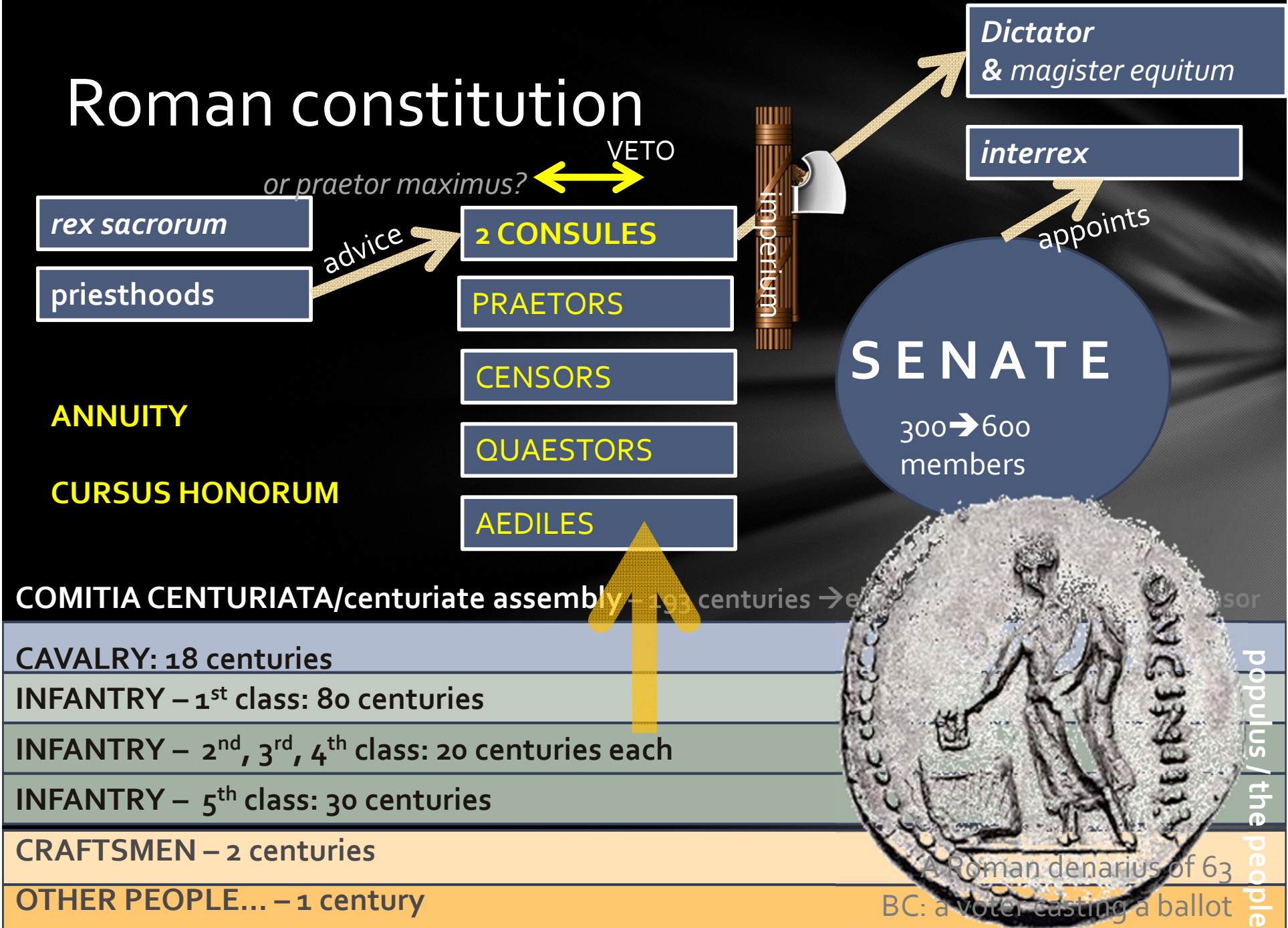
... - 1 century



One vote
VOTUM
HOW
WHOSE
NEED? 97 out of 193

populus / the people

Roman constitution



Roman constitution

IMPERIUM := *imperare*
"to command": unlimited,
absolute power!

Dictator
& *magister equitum*

interrex

appoints

SENATE

300 → 600
members

VETO

advice

rex sacrorum

priesthoods

2 CONSULES

PRAETORS

CENSORS

QUAESTORS

AEDILES

imperium

COMITIA CENTURIATA/centuriate assembly – 5th centuries → election of consul, praetor, censor

Important legislation

CAVALRY: 18 centuries

INFANTRY – 1st class: 80 centuries

INFANTRY – 2nd, 3rd, 4th class: 20 centuries each

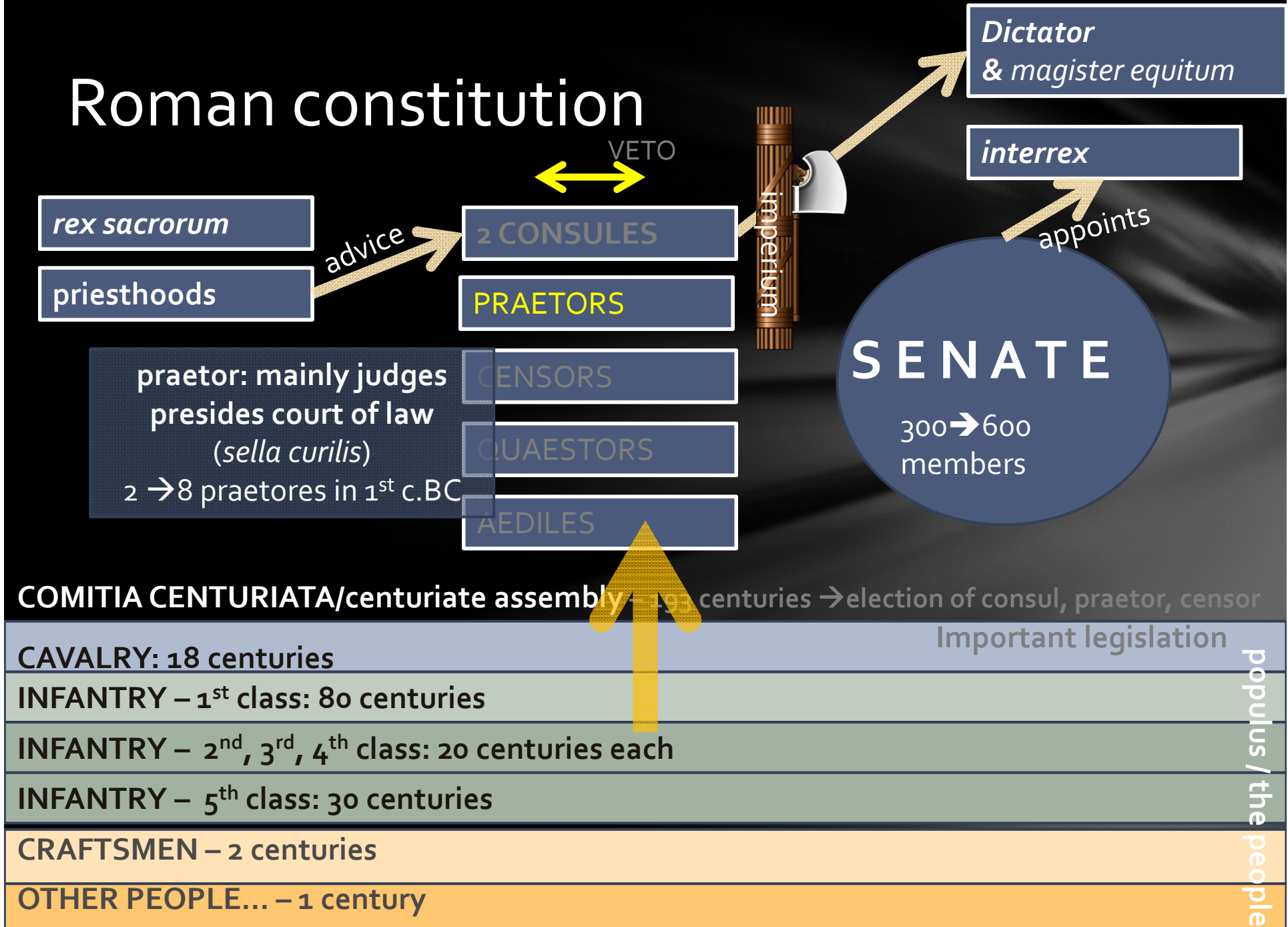
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CRAFTSMEN – 2 centuries

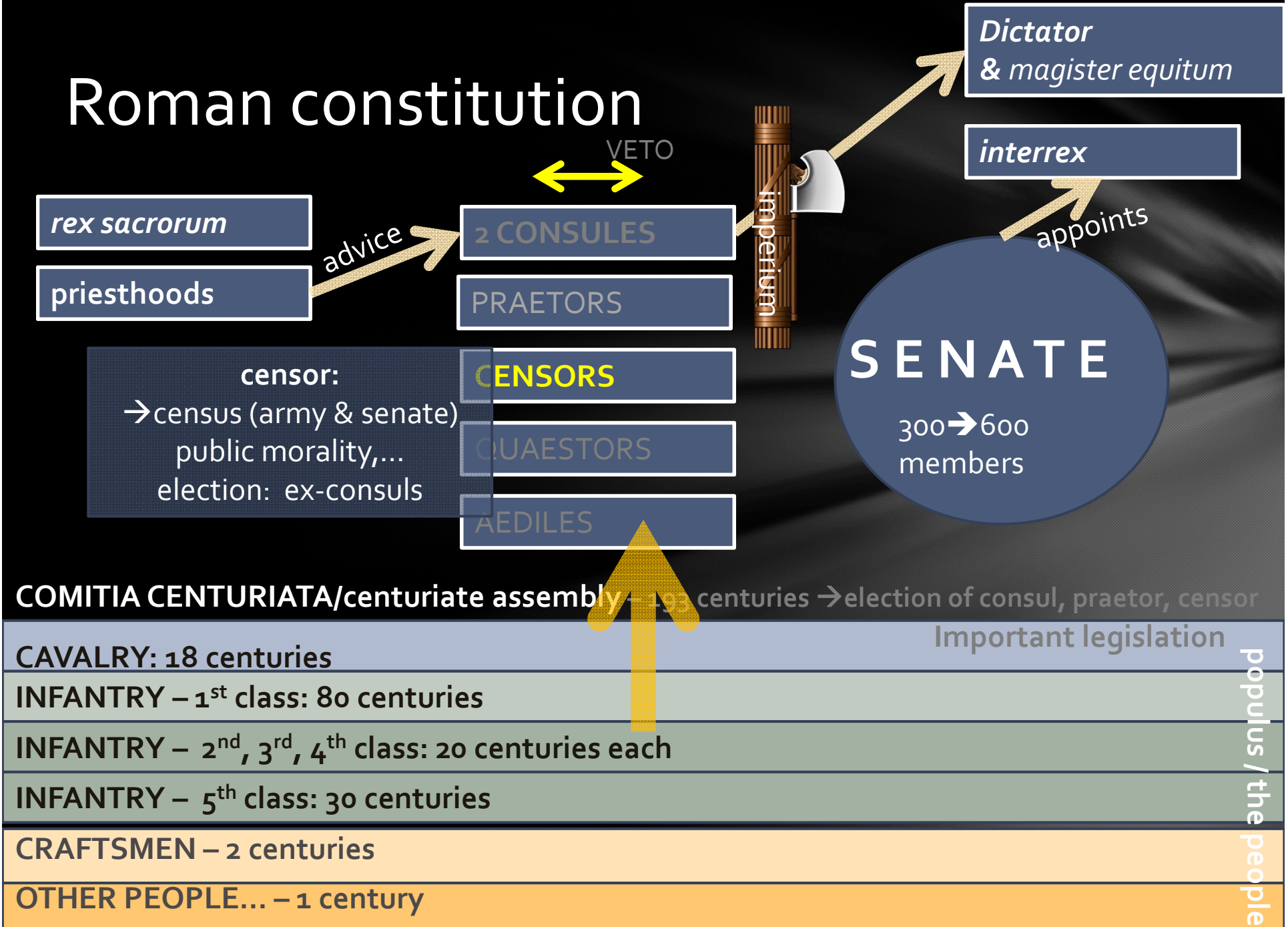
OTHER PEOPLE... – 1 century

populus / the people

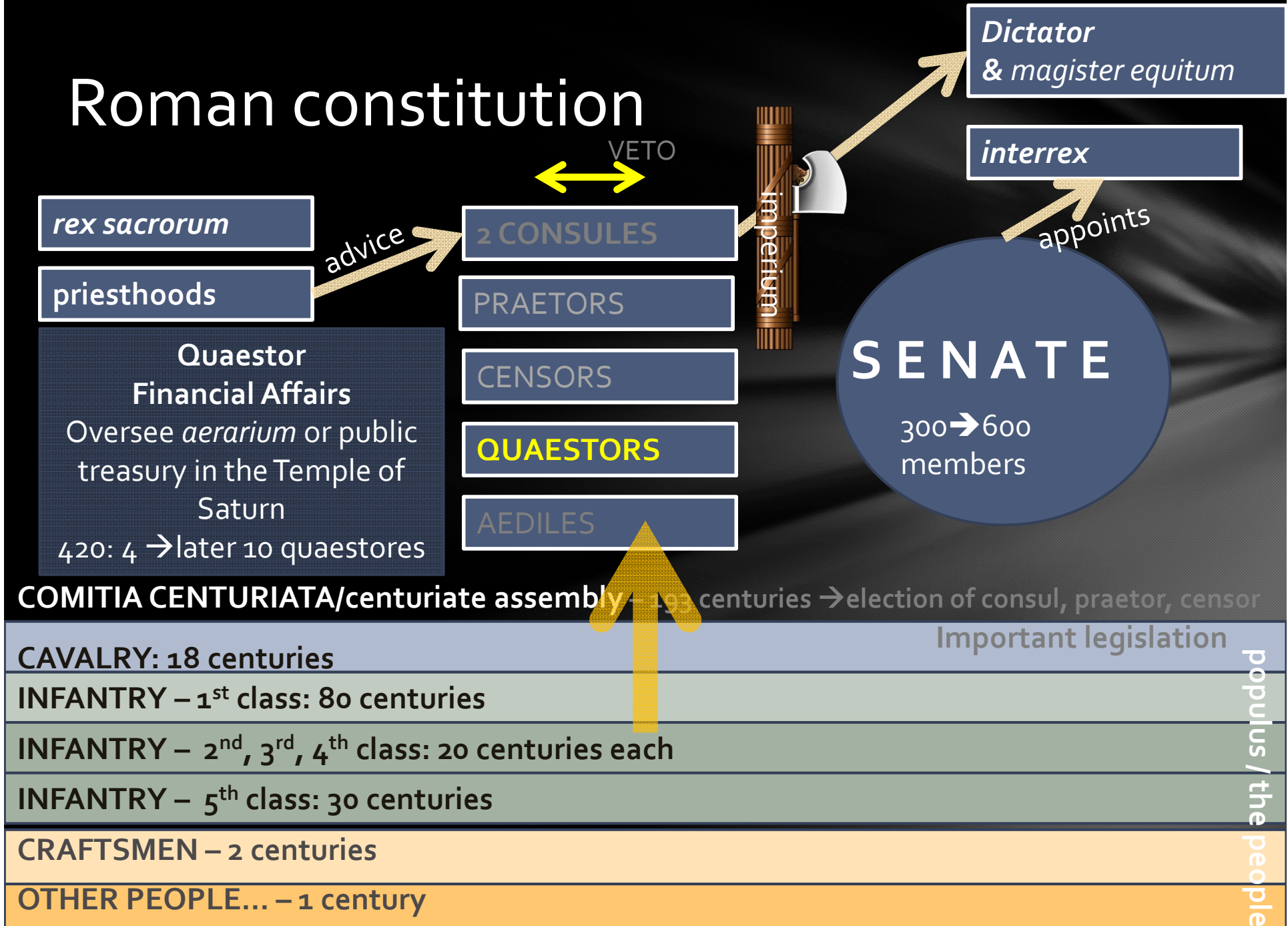
Roman constitution



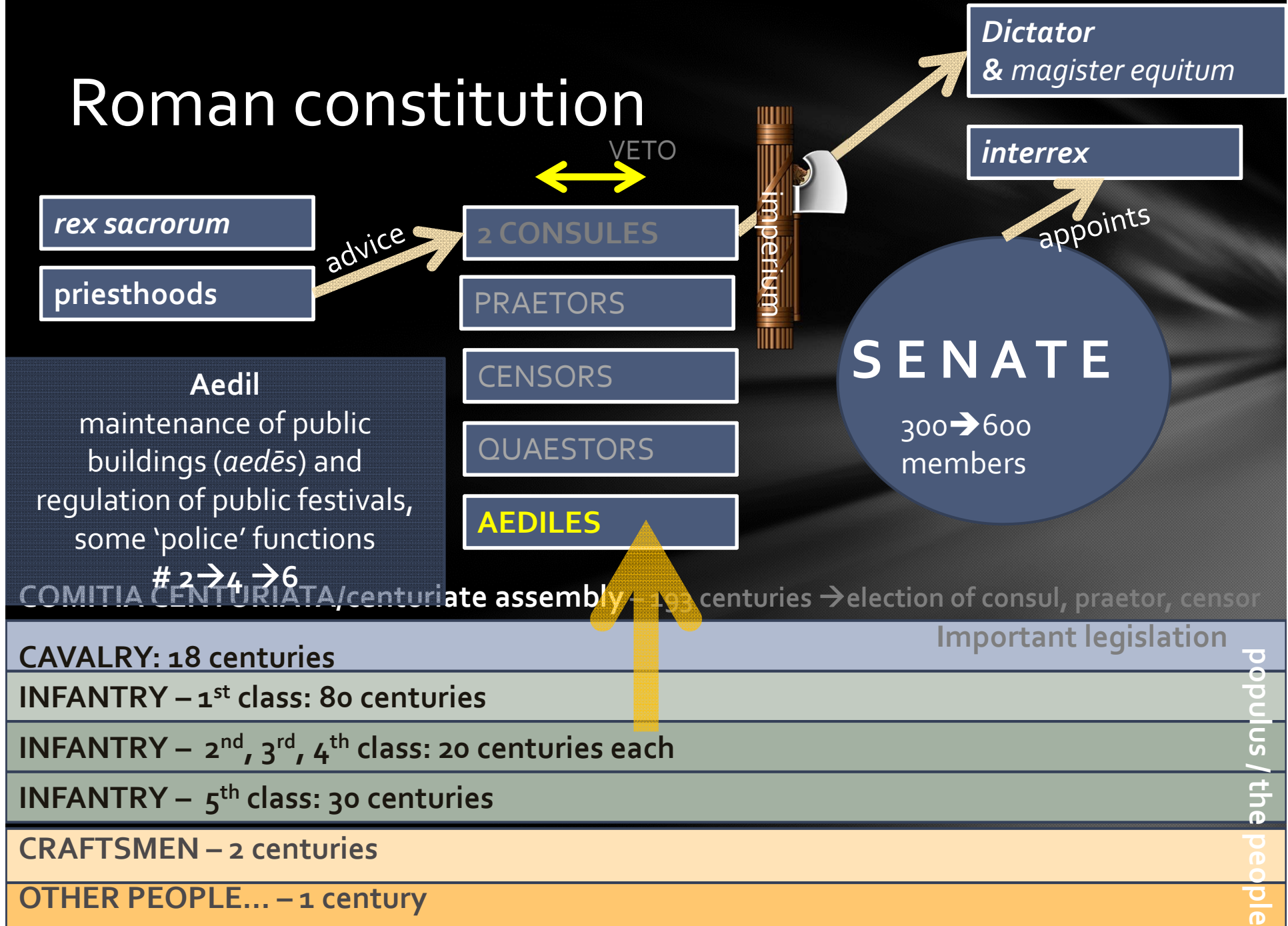
Roman constitution



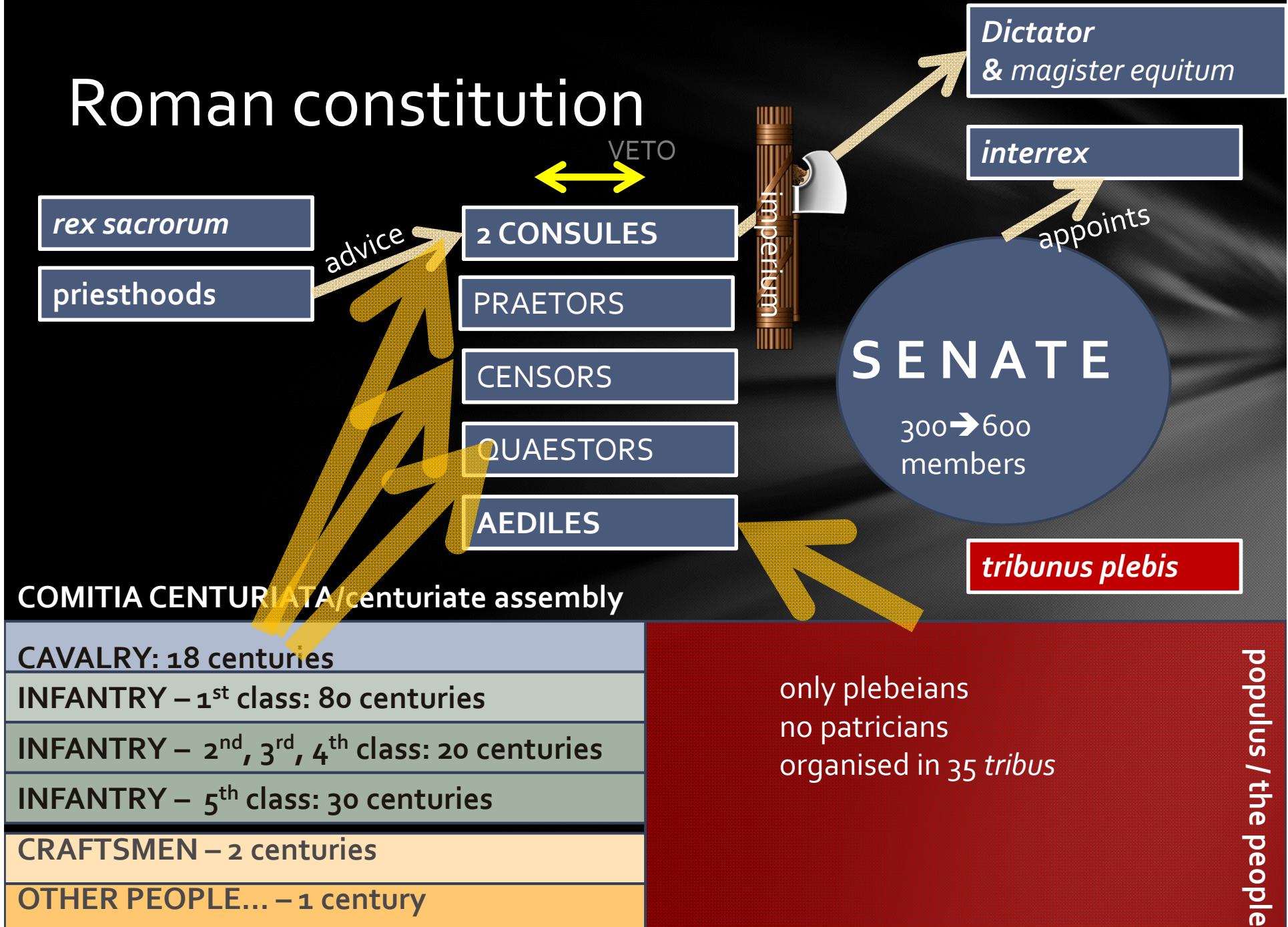
Roman constitution



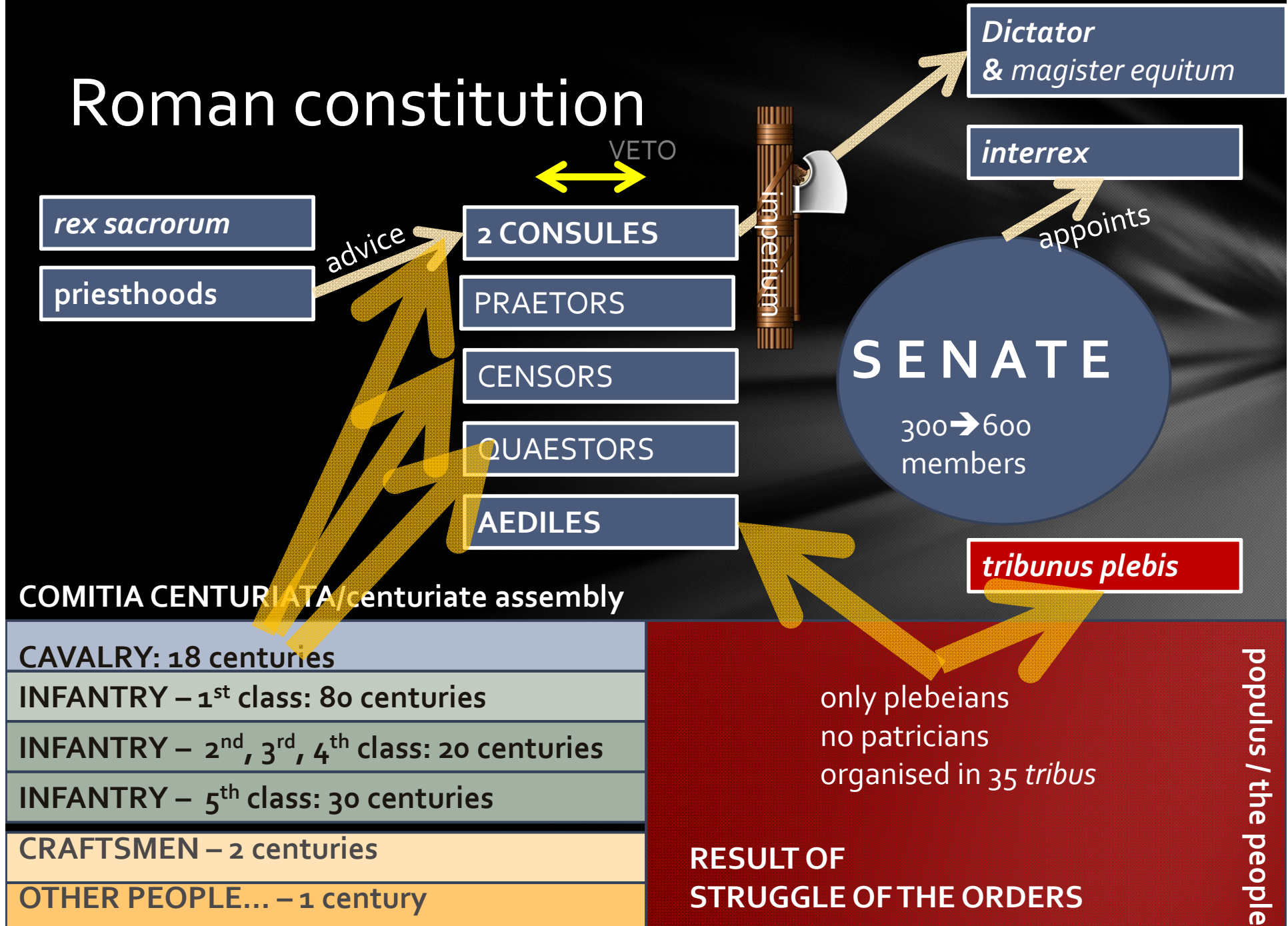
Roman constitution



Roman constitution



Roman constitution



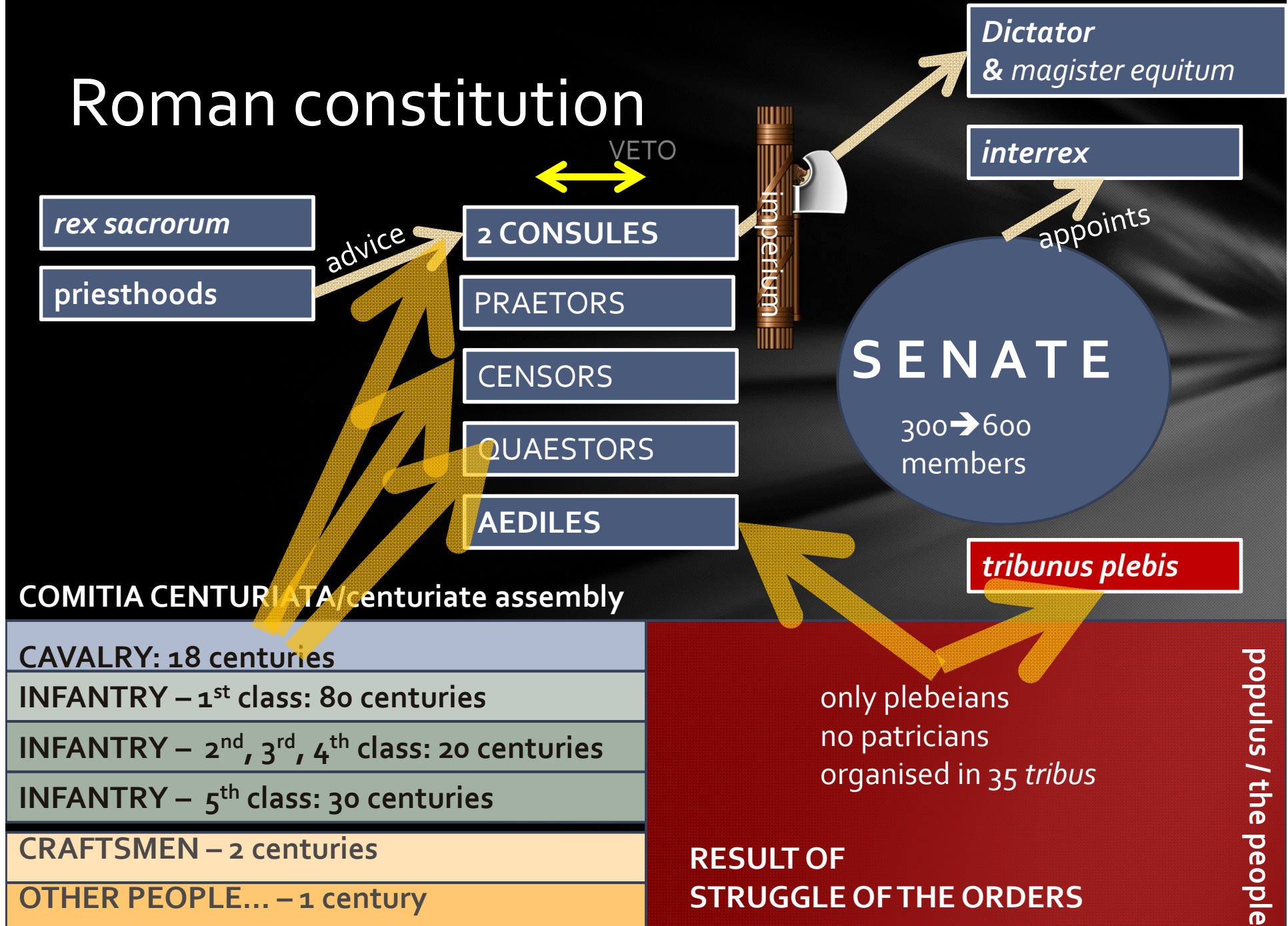
End of lecture 4

**Next week
“Struggle of
the Orders”**

Pater familias



Roman constitution



Roman constitution

- ❖ A unique constitution?
- ❖ Absolute power of magistrates with imperium
- ❖ Society & politics
- ❖ The rule of the Senate and the patricians → the Struggle/Conflict of the Orders

rex sacrorum

priesthoods

advice

2 CONSULES

PRAETORS

CENSORS

QUAESTORS

AEDILES

VETO

imperium

SENATE

300 → 600
members

tribunus plebis

COMITIA CENTURIATA/centuriate assembly

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OTHER PEOPLE... – 1 century

only plebeians
no patricians
organised in 35 *tribus*

RESULT OF
STRUGGLE OF THE ORDERS

populus / the people

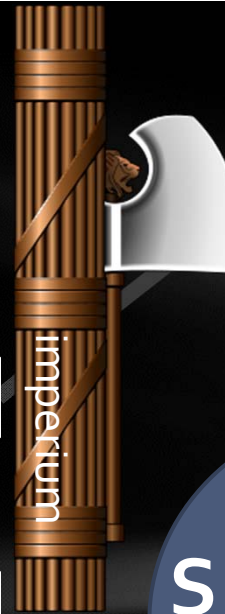
- ❖ ROMAN SOCIETY
- ❖ ROMAN FAMILY

Roman constitution



rex sacrorum
paterfamilias
❖ The role of the paterfamilias
advice

- 2 CONSULES
- PRAETORS
- CENSORS
- QUAESTORS
- AEDILES



Dictator & magister equitum

❖ The role of senatorial families

SENATE
300 → 600 members

tribunus plebis

COMITIA CENTURIATA/centuriate assembly

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RESULT OF STRUGGLE OF THE ORDERS

populus / the people

Pater familias

The head of the *familia* (family), of the household

- the *manus*
- religious role, e.g. the household gods (lares and penates)

Theory & practice...

Pater familias - an ideology?



Interpretation...

an evolutionary view...

- originally... Roman society consisted of a series of families, each 'ruled' by a *pater familias*.
- But as Rome increased in size, the concept of the *pater familias* became part of Roman political life;
- an institutionalisation of power, modelled on the concept of the *pater familias*
- as society evolves further... it was necessary to legislate on the powers of the *pater familias*,
 - e.g. on the killing of wives, children and slaves

a separation of 'public' and 'private' sphere!

But is a separation of public and private feasible?

In Roman society, the public and the private are closely intertwined

Struggle of the Orders

Re

- ❖ The plebs, the plebeians
- ❖ 2nd class citizens...?
- ❖ What are they fighting for?
- ❖ Fight for 'equal' rights...?

tion



priesthoods

advice

2 CONSULES

PRAETORS

CENSORS

QUAESTORS

AEDILES

imperium

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RESULT OF
STRUGGLE OF THE ORDERS

populus / the people

Struggle of the

Also "Conflict of the Orders"

Throughout the 5th & 4th century BC
(494 BC → 287 BC)

Conflict between

- the plebeians ("commoners")
- & patricians ("aristocracy")
- c. 500 BC – all the power with the patricians!

The beginning of the Republic:

Livy 2.1. THE new liberty enjoyed by the Roman people, their achievements in peace and war, annual magistracies, and laws superior in authority to men will henceforth be my theme. [2] This liberty was the more grateful as the last king had been so great a tyrant.

SENATE

300 → 600
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tribunus plebis

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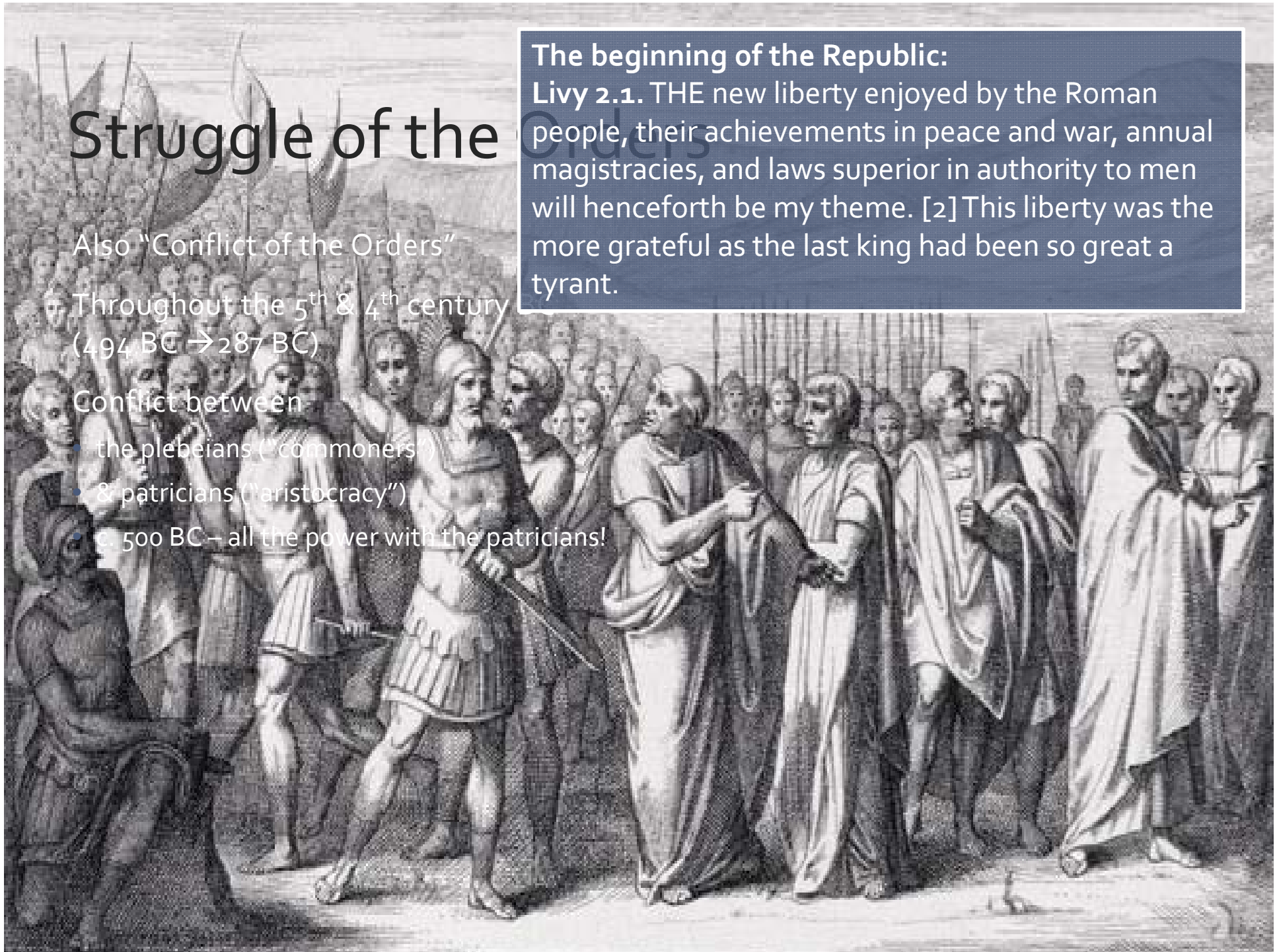
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Struggle of the Orders

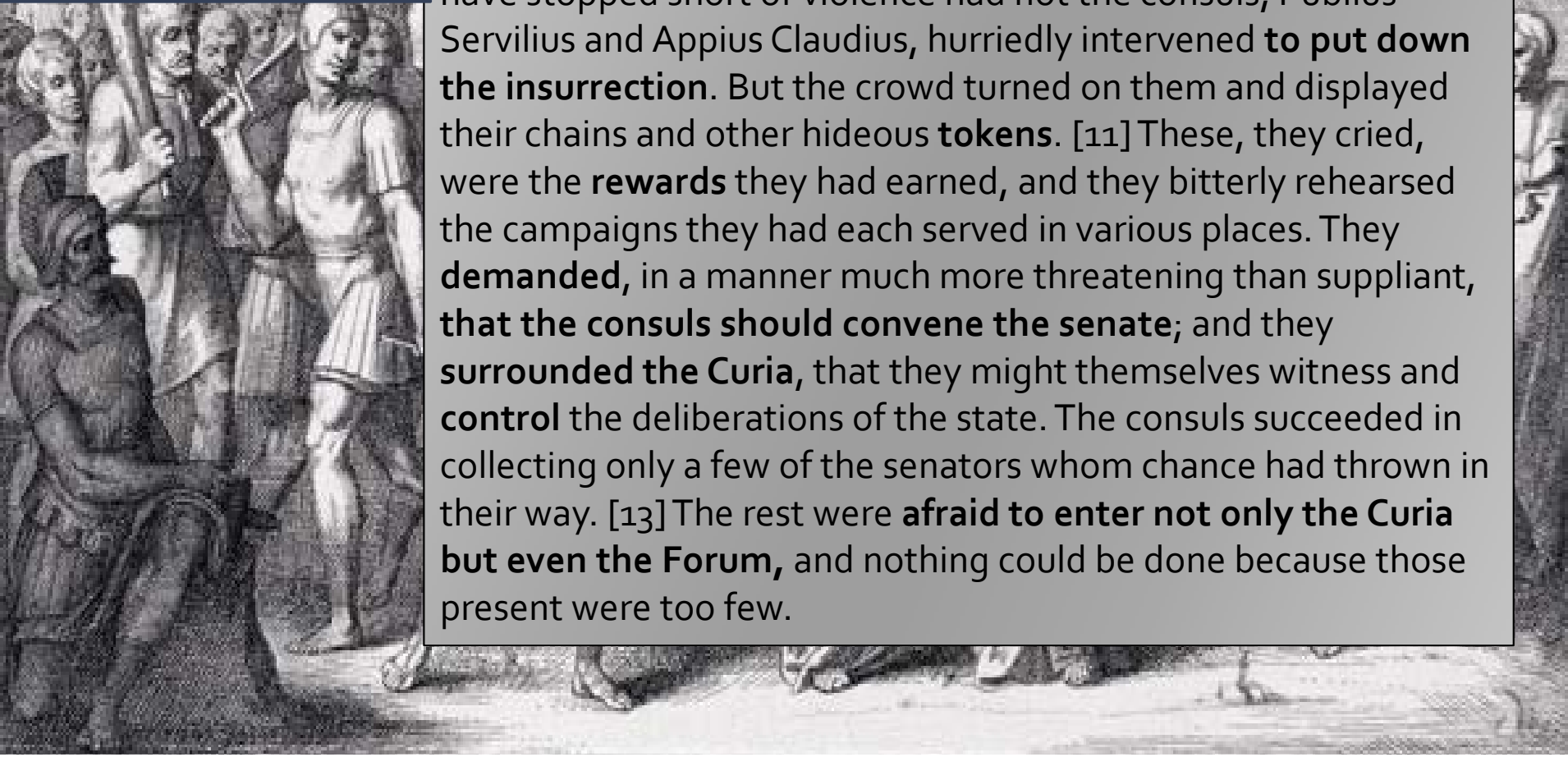
Debt-bondage
→ 'slavery'

Quirites:=ancient citizens of Rome

Livy 2.23. But not only was **war with the Volsci** imminent; the **citizens were at loggerheads among themselves**, and **internal dissensions between the Fathers and the plebs** had burst into a blaze of **hatred**, chiefly on account of those who **had been bound over to service for their debts**. [2] These men complained loudly that while they were abroad **fighting for liberty** and dominion they had been **enslaved and oppressed at home by fellow-citizens**, and that the **freedom of the plebeians** was more secure in war than in peace, amongst enemies than amongst citizens. (...) Those who had been bound over, whether in **chains** or not, broke out into the streets from every side, and implored the **Quirites** to protect them. [9] At no point was there any lack of volunteers to **join the rising**; everywhere crowds were streaming through the different streets and shouting as they hurried to the **Forum**.

Struggle of the Orders

'mob' – anachronistic!
Livy's own time: 1st c. BC



. [10] Great was the **peril of those senators who happened to be in the Forum and fell in with the mob**, which would not indeed have stopped short of violence had not the consuls, Publius Servilius and Appius Claudius, hurriedly intervened **to put down the insurrection**. But the crowd turned on them and displayed their chains and other hideous **tokens**. [11] These, they cried, were the **rewards** they had earned, and they bitterly rehearsed the campaigns they had each served in various places. They **demand**ed, in a manner much more threatening than suppliant, **that the consuls should convene the senate**; and they **surrounded the Curia**, that they might themselves witness and **control** the deliberations of the state. The consuls succeeded in collecting only a few of the senators whom chance had thrown in their way. [13] The rest were **afraid to enter not only the Curia but even the Forum**, and nothing could be done because those present were too few.

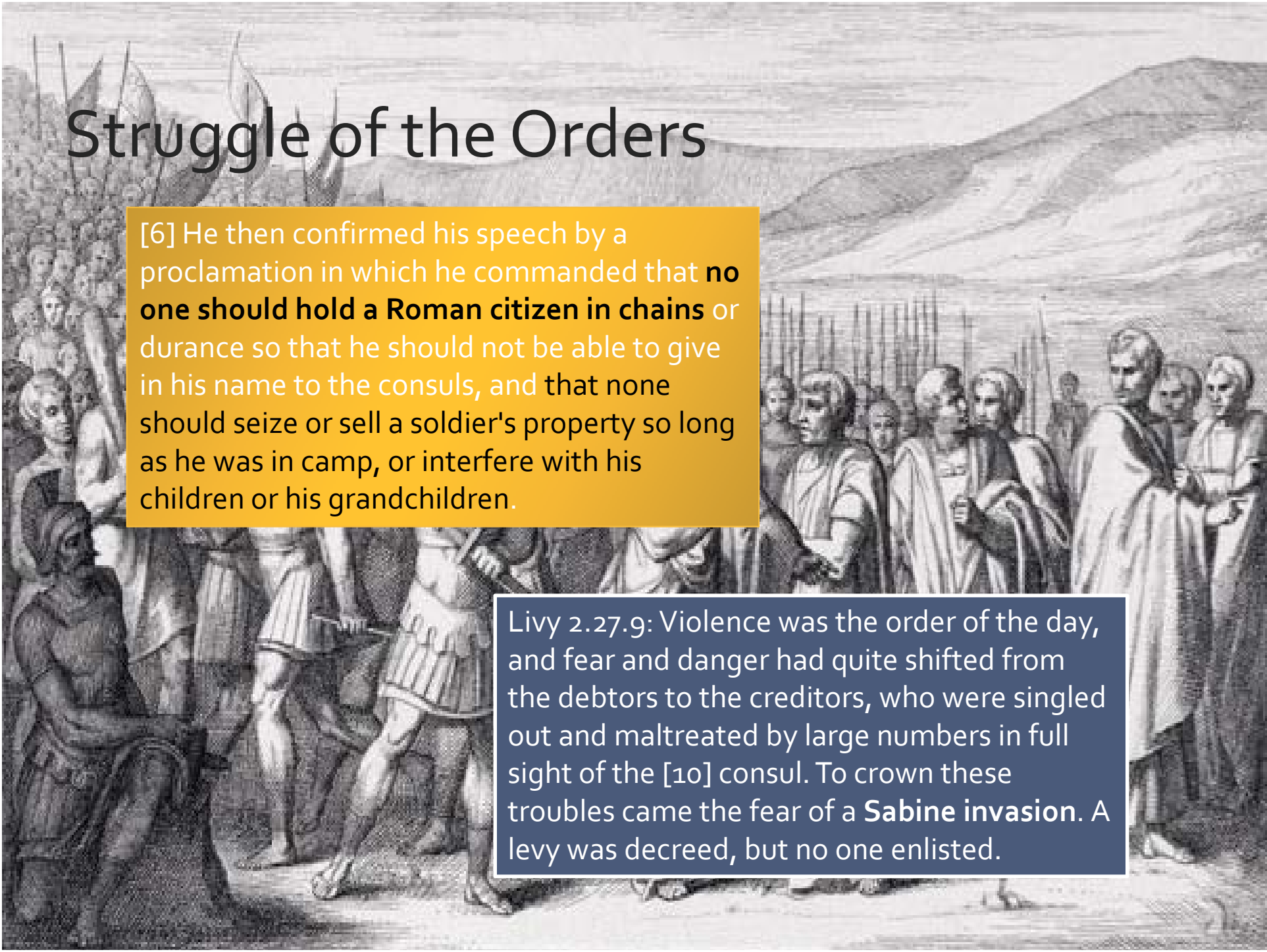
Struggle of the Orders

24. In the midst of the debate a greater alarm arose from a new quarter, for some Latin horsemen galloped up with the disquieting news that a **Volscian army was advancing to attack the City.** This report awoke very different feelings —so completely had their dissensions divided the state into two —in the **Fathers and the plebs.** [2] The commons were **jubilant**; they said that the **gods** were taking a hand in **punishing the arrogance of the senators.**

(...) [3] The **Curia**, on the other hand, was downcast and dismayed. In **their twofold fear —of their fellow-citizens and of the enemy** —they begged Servilius the consul, whose character appealed more to the people than did that of his colleague, that he would extricate the state from [p. 297]the fearful perils with which it was beset.¹



Struggle of the Orders



[6] He then confirmed his speech by a proclamation in which he commanded that **no one should hold a Roman citizen in chains** or durance so that he should not be able to give in his name to the consuls, and that none should seize or sell a soldier's property so long as he was in camp, or interfere with his children or his grandchildren.

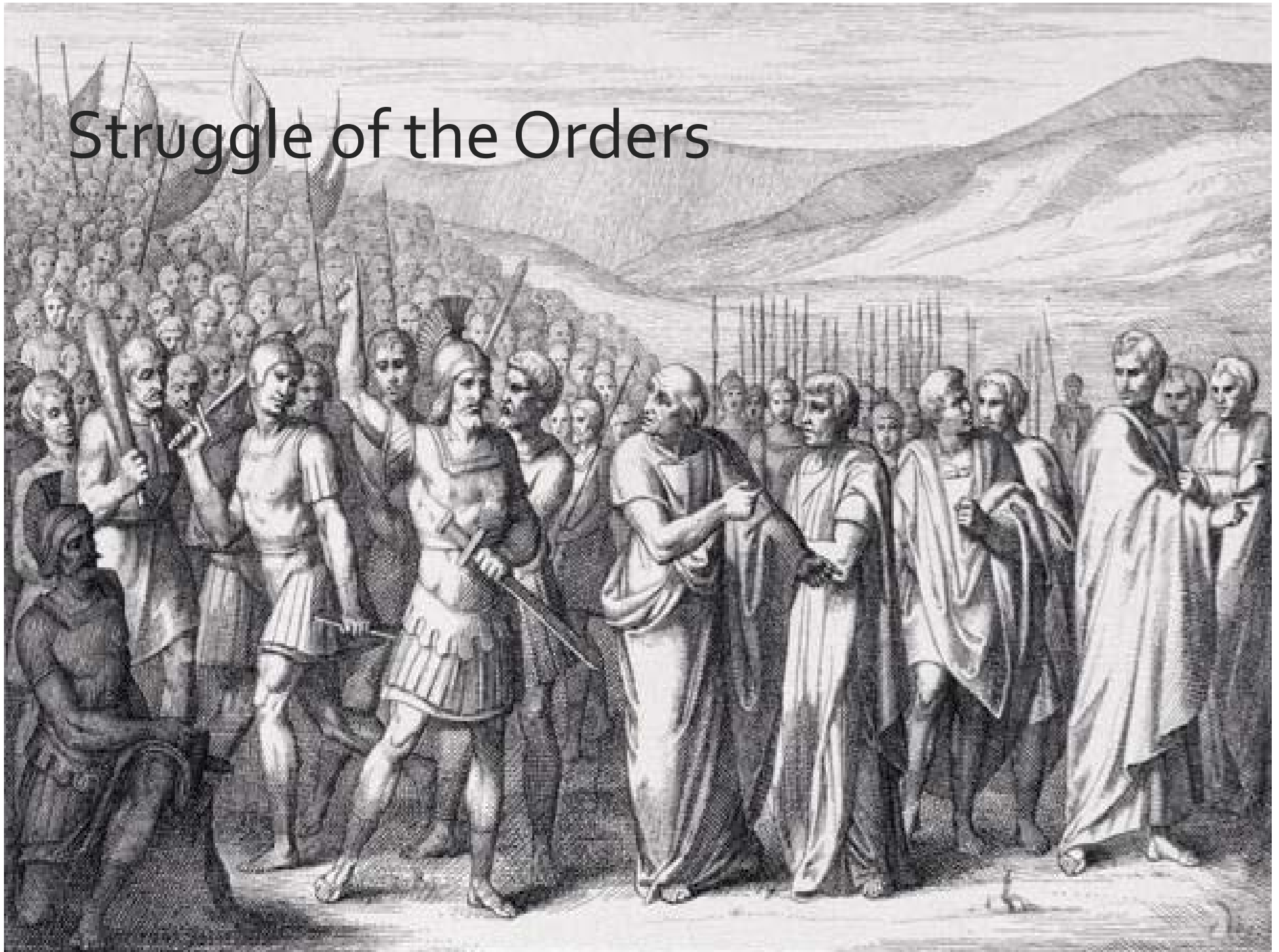
Livy 2.27.9: Violence was the order of the day, and fear and danger had quite shifted from the debtors to the creditors, who were singled out and maltreated by large numbers in full sight of the [10] consul. To crown these troubles came the fear of a **Sabine invasion**. A levy was decreed, but no one enlisted.

Struggle of t

Aulus Verginius and Titus Vetustus then entered upon the consulship. Whereat the plebs, uncertain what sort of consuls they would prove to be, **held nightly gatherings, some on the Esquiline and others on the Aventine**, lest if they met in the Forum they might be frightened into adopting ill-considered measures, and manage all their business rashly and at haphazard. [2] This seemed **to the consuls**, as indeed it was, a **mischievous practice**. They laid the matter before the Fathers, but their report could not be discussed in an orderly fashion, so tumultuously was it received, with shouts from every part of the house and expressions of indignation from the senators, that a thing which ought to have been settled by an exercise of consular authority should be invidiously referred by the consuls to the senate.



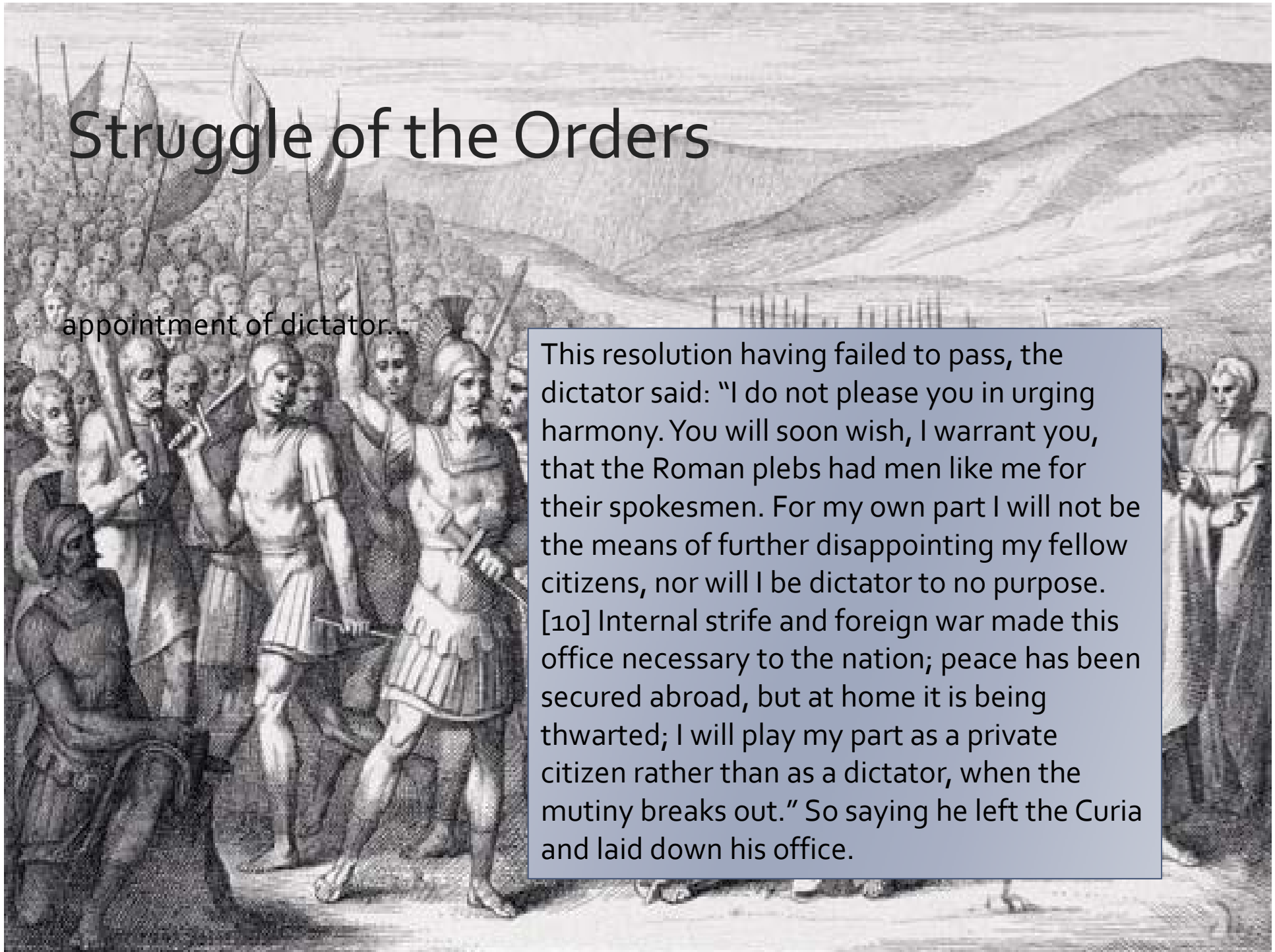
Struggle of the Orders



Struggle of the Orders

appointment of dictator...

This resolution having failed to pass, the dictator said: "I do not please you in urging harmony. You will soon wish, I warrant you, that the Roman plebs had men like me for their spokesmen. For my own part I will not be the means of further disappointing my fellow citizens, nor will I be dictator to no purpose. [10] Internal strife and foreign war made this office necessary to the nation; peace has been secured abroad, but at home it is being thwarted; I will play my part as a private citizen rather than as a dictator, when the mutiny breaks out." So saying he left the Curia and laid down his office.



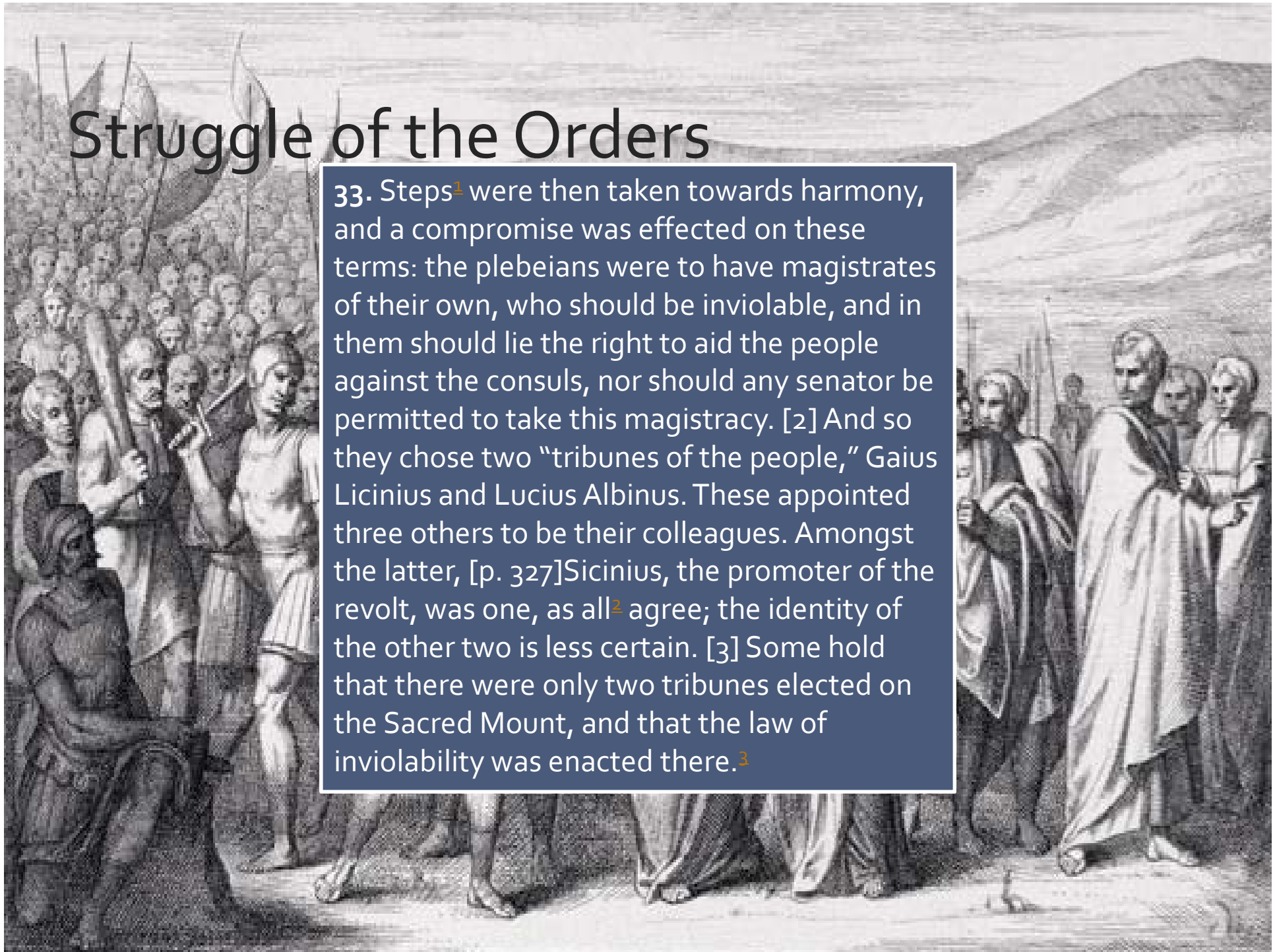
Struggle of the Orders

Sacred Mount

because the men had been sworn in by the consuls they regarded the troops as bound by their oath, and, under the pretext that the Aequi [p. 323] had recommenced hostilities, gave orders to lead the ¹legions out of the City. [2] This brought the revolt to a head. At first it is said, there was talk of killing the consuls, that men might thus be freed from their oath; but when it was explained to them that no sacred obligation could be dissolved by a crime, they took the advice of one Sicinius, and without orders from the consuls withdrew to the Sacred Mount, which is situated across the river Anio, three miles from the City.

Struggle of the Orders

33. Steps¹ were then taken towards harmony, and a compromise was effected on these terms: the plebeians were to have magistrates of their own, who should be inviolable, and in them should lie the right to aid the people against the consuls, nor should any senator be permitted to take this magistracy. [2] And so they chose two "tribunes of the people," Gaius Licinius and Lucius Albinus. These appointed three others to be their colleagues. Amongst the latter, [p. 327]Sicinius, the promoter of the revolt, was one, as all² agree; the identity of the other two is less certain. [3] Some hold that there were only two tribunes elected on the Sacred Mount, and that the law of inviolability was enacted there.³



Struggle of the Orders

Sources: remember to be critical, notably with the “annalistic tradition”....

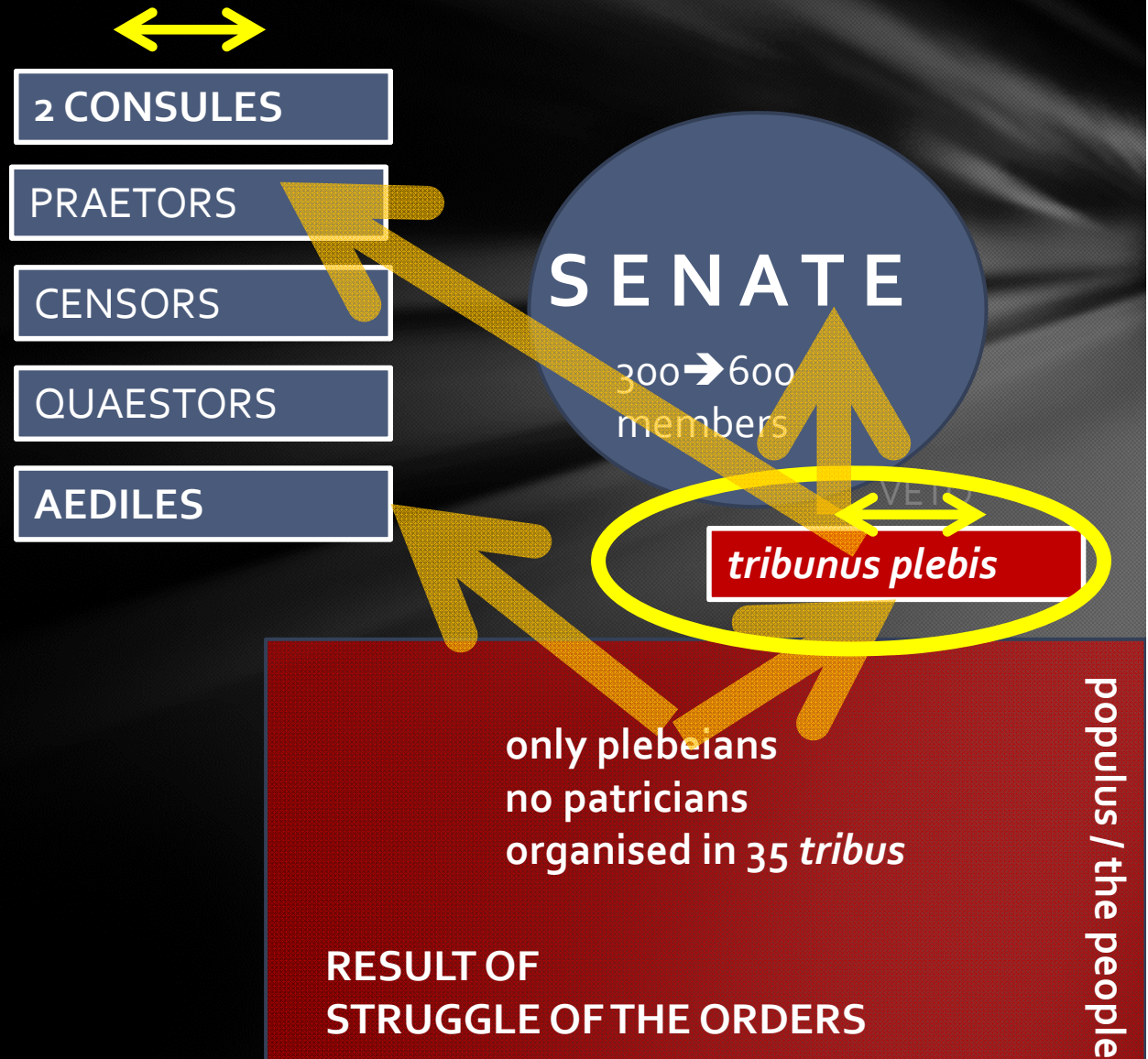
lex sacrata: plebeian organisation is secured by an religious obligation of the plebeians

- a ‘revolutionary’(?) act against the domination of the Senate/the patricians
- there is an ‘institutionalisation’ of plebeian power, but it is no ‘organised revolution’ as often presumed, but merely a result of many generations of conflict
 - if there had been an earlier form of organisation of the plebeians, then the need to fight for rights would not have existed

Struggle of the Orders

Two new institutions were created:

- the plebeian aedil
 - originally the principal of the temple of Ceres
- **the tribune of the plebs**
 - Origin disputed...



tribune of the plebs

tribunus plebis / plebeian tribune

- elected by the plebeian assembly
 - not technically 'magistrates'
- convene & chair *concilium plebis*
 - pass legislation → *plebiscita*
- *ius intercessionis*, or *intercessio*
 - to intercede on behalf of the plebeians;
 - veto the actions of the magistrates, even veto the Senate
- sacrosanctity
 - to disregard the veto of a tribune, was punishable by death
- *provocatio ad populum*
 - entitled any citizen to appeal the actions of a magistrate; tribune determine the lawfulness of the magistrate's action
- 3rd c. BC: *trib. plebis*: power to call the senate to order and lay legislation before the senate

XII tables

Leges Duodecim Tabularum / Duodecim Tabulae

450 BC decemviri "ten men" → send to Greece (or merely Magna Graecia?)

- "...every citizen should quietly consider each point, then talk it over with his friends, and, finally, bring forward for public discussion any additions or subtractions which seemed desirable." (cf. Liv. III 34)

2nd decemviri in 449 BC added another 2 tables



XII tables

TABLE I

Concerning the summons to court.

Law I.

When anyone summons another before the tribunal of a judge, the latter must, without hesitation, immediately appear.^[1]

Law II.

If, after having been summoned, he does not appear, or refuses to come before the tribunal of the judge, let the party who summoned him call upon any citizens who are present to bear witness.^[2] Then let him seize his reluctant adversary; so that he may be brought into court, as a captive, by apparent force.

Law III.

When anyone who has been summoned to court is guilty of evasion, or attempts to flee, let him be arrested by the plaintiff.

XII tables

Law IV.

Where anyone commits a theft by night, and having been caught in the act is killed, he is legally killed.

Law V.

If anyone commits a theft during the day, and is caught in the act, he shall be scourged, and given up as a slave to the person against whom the theft was committed. If he who perpetrated the theft is a slave, he shall be beaten with rods and hurled from the Tarpeian Rock. If he is under the age of puberty, the Prætor shall decide whether he shall be scourged, and surrendered by way of reparation for the injury.

Law VIII.

When anyone accuses and convicts another of theft which is not manifest, and no stolen property is found, judgment shall be rendered to compel the thief to pay double the value of what was stolen.

Law IX.

Where anyone secretly cuts down trees belonging to another, he shall pay twenty-five *asses* for each tree cut down.

