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# Revolution in the Divided City: The Plebeian Social Movement, Secessions, and Anti-Government in the Roman Republic during the 5th Century Struggle of the Orders

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Revolution in the Divided City: The Plebeian Social Movement, Secessions, and Anti-Government in the Roman Republic during the 5<sup>th</sup> Century Struggle of the Orders

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Classics, History, and Political Science Senior Inquiry

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*ABSTRACT*

This paper examines the formation of the plebeian movement and government in the Roman Republic during the 5<sup>th</sup> Century BC of the Struggle of the Orders. The Struggle of the Orders was a political conflict between the plebeian and patrician classes of Rome that lasted from the 5<sup>th</sup>-3<sup>rd</sup> Centuries BC of the Republic. Most of this period is shrouded in legend, but later Roman historians provide evidence that suggests a major social and political revolution occurred during the early years of this struggle. Using kernels of evidence from these histories, namely that of the 1<sup>st</sup> Century BC historian Livy, I construct a new narrative of the early struggle that reveals a city crippled by divisive revolution. I begin by examining the catalysts of this social revolution, then focus in on the First Secession of 494 BC and the establishment of the plebeian movement and formation of its anti-government. Next I move to the impact of the plebeian movement and the radical oligarchy of the Decemvirate that followed. Lastly, I examine the Second Secession of 449 BC and the incorporation of the plebeian institutions into the Roman government through the Valerio-Horatian Laws and the Twelve Tables. I particularly focus on the development of the plebeian order, the scale and nature of this revolution, and the role the city of Rome's geography played. I argue that the secessions mark a full scale political revolution carried out by less advantaged Romans that redefined the Roman government for centuries to come.

## 1. INTRODUCTION

In the 1st Century BC, the Roman Republic was undone by civil war and replaced by the Roman Empire. For many Romans this revolution marked the end of liberty, as the Republican government they knew became an empire ruled by one man. Yet, long before this revolution, the Republican government itself had been forged by a conflict over the relation between power and class known as “The Struggle of the Orders” that raged during the 5<sup>th</sup> and 3<sup>rd</sup> Centuries BC.

The Roman historians of the 1<sup>st</sup> Century BC present a narrative of the Struggle of the Orders that is shrouded in legends. According to these ancient sources, the struggle was a series of political conflicts between the patricians, Rome’s traditional hereditary oligarchy, and the *plebs*, who made up the rest of Roman society. Soon after the establishment of the Republic, the *plebs* demanded political rights from the patricians in a series of “secessions” in which they left the city of Rome, only to return after a compromise had been made. Through these protests, the *plebs* slowly established their own set of institutions, including the tribunate and plebeian council, which the patricians consented to. In this traditional narrative, the institutions of the Roman state looked relatively the same at the beginning of the Republic as they did in the late Republic. While this story was satisfactory for explaining to Romans how their government formed, it masks what was actually a major social and political revolution.

Rome during the early stages of the Struggle of the Orders was very different from the city in the late Republic. Rather than the regional power it became, Rome was a divided city in a state of utter chaos as its new oligarchy attempted to stabilize its political power. Instead of a sprawling metropolis, Rome was a central city on the Palatine and Capitoline Hills with small dependent communities on the surrounding hills, including the Aventine. Then, in 494 BC, the Roman community was shaken by a surprising turn of events. The politically excluded masses

living on the surrounding hills expressed their desire for a say in the government of the central city by physically seceding and forming their own political organization. It was this early plebeian movement which eventually led to the formation of the Roman state as those in the late republic knew it. This period, from the founding of the Republic in 509 BC to the resolution of the 2<sup>nd</sup> Secession in 449 BC, witnessed a revolution in Rome that radically changed its social and political order and paved the way for a future Roman state made up of two separate patrician and plebeian governments.

Primary evidence of this revolution is scarce. What drove the *plebs* to secede from Rome and how the government changed as a result can only be discerned by examining the flawed narratives of later Roman historians. The following questions are important for understanding these events. What did the patrician and plebeian orders look like at this time? What external and internal catalysts led to the secessions? Was this revolution ended through compromise or conflict? What shifts occurred in Roman government as a result of revolution? Considering the existing evidence, I will construct a narrative of a Rome divided by the new plebeian movement that formed its own anti-government on the Aventine Hill in opposition to the patrician oligarchy of “Rome Proper.” After a period of debilitating internal struggle and radical oligarchy, the Roman state emerged with two separate patrician and plebeian governments.

## *2. PIECING TOGETHER THE DISTANT PAST: THE ANCIENT SOURCES*

The early history of Rome mostly comes from authors who were writing during the transition from Republic to Empire in the 1<sup>st</sup> Century BC. These ancient historians attempted to recount the history of Rome from its legendary founding by Romulus in 753 BC to their own time. The

extant histories of early Rome are *Ab Urbe Condita* (“From the Founding of the City”) by the Roman author Titus Livius, better known as Livy, and *Roman Antiquities* by the Greek author Dionysius of Halicarnassus. One problem with both Livy and Dionysius is that they were writing about events that occurred centuries before their own time in a narrative style that attempted to make sense of the sparse information they would have actually known about. For this reason, they both insert speeches, lengthy accounts of battles, and other detailed information that is clearly part of a fabricated style of historiography. Another issue with Livy and Dionysius is that they were heavily shaped by the events of their own times. Writing in Rome after a century of civil war that ended with the establishment of the Empire, Livy was trying to explain the turbulent events of his own time in the context of Rome’s past. Meanwhile, Dionysius was trying to explain the history of Rome in the context of their rule as the conquerors of the Greek world he knew. Therefore, many of the political and social struggles in these authors’ narratives often mirror the social strife that occurred in their own time. These problems with Livy’s and Dionysius’ accounts make it necessary to tease out what are blatant anachronisms and fictional details from what may be kernels of truth.

At the same time, these histories should not be dismissed as totally false. While they each have their own details and style, Livy and Dionysius essentially describe the same series of events in early Rome. Many modern scholars doubt their access to sources and dismiss anything they describe that occurred before the sack of Rome by the Gauls in 387 BC, but historian T.J. Cornell contends that this is a mistake. Cornell explains that, “Some modern books give the impression that in the late Republic very little survived from the city’s ancient past... This absurd view is the exact opposite of the truth. The amount of evidence available to anyone in the

late Republic who wished to investigate the archaic period was simply overwhelming”.<sup>1</sup> Ancient authors drew their information from the texts of no longer surviving authors, which they often refer to in their own texts. Livy’s history was largely based on that of early Roman annalists, such as Fabius Pictor, who was writing in the 3<sup>rd</sup> Century BC, and Lucius Calpurnius Piso Frugi, who was writing in 2<sup>nd</sup> Century BC, among others. These earlier ancient annalists wrote in a year by year format that was based on the arrangement of official state archives. These archives, which Livy and Dionysius would have also had access to, were the *fasti*, which were year by year lists of things such as the consuls and triumphs since the beginning of the Republic,<sup>2</sup> and the *annales Maximi*, which also recorded magistracies as well as major public events. The *annales Maximi* were kept by the Pontifex Maximus and traced yearly events back well into the Roman Monarchy. These records faded from use by 2<sup>nd</sup> Century BC and were compiled in a series of annals, which expanded on their subjects.<sup>3</sup> While these early authors and records are now lost, Livy and Dionysius drew extensively upon these sources, and other authors who used them, in constructing their histories.

This is why it is important to reexamine their accounts of the early Struggle of the Orders and piece the evidence they provide into a new narrative. Some of the best evidence they provide are chronological listings of events, which were likely drawn from the *annales*. These lists recorded information such as who held political offices, temple dedications, wars, and other major events of each year. I will be drawing upon evidence such as this primarily from Livy’s narrative to outline the causes, sequence of events, and results of the plebeian secessions.

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<sup>1</sup> T.J. Cornell. *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars*. New York: Routledge, 1995, 23.

<sup>2</sup> “*Fasti*.” *Oxford Classical Dictionary*, Vol. 4. Ed. Hornblower, Spawforth, Eidinow. Oxford: Oxford University Press, 568-9. From here on, *OCD*.

<sup>3</sup> “*Annals*.” *OCD*, 95.



## 2. SETTING THE STAGE: THE NEW REPUBLIC AND THE SEEDS OF SOCIAL CONFLICT

(509-495 BC)

Our sources indicate that, before 509 BC, Rome was ruled by a series of monarchs who held sole power over the city. These kings are credited with founding the basic religious and governmental institutions of the city of Rome, but their rules are shrouded in legend. What we do know is that the last king, Tarquinius Superbus, was cast out of the city in 509 BC and replaced by an exclusive oligarchy. While the transition's details are unclear, Rome went from having kings with their own magistrates and advisory councils to having an oligarchic republic with many of the same institutions in place. Livy describes the founding of the "Roman Republic" as a *libertas* ("liberation") and claims that the noble patricians took the responsibility of nurturing a new state into their own hands.<sup>4</sup> This makes the overthrow of the monarchs seem like a revolution that brought freedom to the city, but the city was now controlled by a hereditary oligarchy known as the *Patres et Conscripti* ("The Fathers and the Enrolled"). Rather than a peaceful and free society, this new Rome was one with a turbulent political climate as the ruling elite soon found themselves in opposition to the *plebs*, whom Livy assumes were just all non-patrician Roman citizens. In order to understand the 1st Secession of 494 BC, it is important to examine Rome's foreign and internal affairs, political institutions, and social caste system right after the founding of the Republic and before the plebeian revolution.

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<sup>4</sup> Livy. *Ab Urbe Condita*. From Loeb Classical Library, Trans. B.O. Flowers. London: Harvard University Press, 1919, 1.40.3-4.

*Wars and Wealth: The Foreign and Domestic Activities of the New Republic*

Despite overthrowing its domineering monarchs, Rome didn't find its existence in archaic Italy any easier. The newborn Roman Republic was repeatedly threatened by constant wars that dominate Livy's narrative. Within the Republic's first year, Livy reports that it was already at war with the neighboring Etruscan city of Veii.<sup>5</sup> Accounts of wars with Lars Porsenna of Clusium and other surrounding rival cities continue during nearly every following year. While these stories are shrouded in legends such as "Horatius at the bridge" and "Scaevola," they do reveal that Rome was constantly at war in the battleground that was early Italy. Yet, despite these constant threats of invasion and calls to arms, the city of Rome survived and seems to have won quite a few wars. These wars would have brought wealth in the form of plunder and slowly expanded Rome's influence in the region with territorial gains. With plunder being brought into the city one day and enemies at the gates the next, early Republican Rome would have been a turbulent place to live. In light of the chaos surrounding the city, it is remarkable that the newfound government was able to hold up as well as it did.

While Rome faced constant threats at home, it was also surrounded by a turbulent climate that affected the whole Mediterranean world in the 5<sup>th</sup> Century. The Greek city states were engaged in a series of wars with Persia which started with the Ionian revolt of 494 BC, shifting much of their resources and attention away from other Mediterranean peoples.<sup>6</sup> This could explain a decrease in exports and trading with other city states, such as Rome, during this period. Closer to home, the Etruscans to the north and the Greek city state of Cumae to the south of Rome were engaged in brutal war. With the support of its ally Syracuse, Cumae defeated the

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<sup>5</sup> Livy, 2.6.

<sup>6</sup>"Persian Wars." *OCD*, 1113.

Etruscans in the battle of Cumae in 474 BC, greatly reducing their strength.<sup>7</sup> Cumae's ally, Syracuse, was itself a very powerful Greek city state that was the dominant Greek colony of the Western Mediterranean. Syracuse had its own political struggles, as it went from an oligarchy, to a tyranny, to a democracy, but maintained a large naval presence that the Romans were most likely familiar with.<sup>8</sup> These Greek city states and the Etruscans also clashed with the trading empire of Carthage to the west and south, which had a powerful navy and several colonies.<sup>9</sup> Within this context, Rome was a small city surrounded by larger conflicts between these major powers. Therefore, the social conflict Rome experienced was not an anomaly in the chaotic context of the greater Mediterranean World.

Despite this external chaos, Rome experienced relative internal prosperity. Whether it was a result of plunder brought in by war or increasing trade, our sources suggest that Rome experienced an influx of wealth in the first years of the Republic. This is indicated by the building and dedication of several temples during this period. Temples in the ancient world were very expensive projects that required the accumulation of mass quantities of supplies and the employment of foreign artisans, so they would only have been able to build during economic prosperity. Livy reports the dedication of the temple of Jupiter Capitolinus in 509 BC on the Capitoline Hill and the temple of Saturn in 497 BC in the Roman Forum.<sup>10</sup> In addition to these grand temples on the Roman Capitol and Forum, the Temple of Mercury was built at the later site of the Circus Maximus in 497 BC followed by the "Aventine Triad" of the temples of Ceres,

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<sup>7</sup> "Cumae." *OCD*, 397.

<sup>8</sup> "Syracuse." *Brill's New Pauly Encyclopedia of the Ancient World*, Vol. 1. 14. Ed. Hubert Cancik and Helmuth Schneider. Leiden: Brill, 2002. 43-45. From here on, *BNP*.

<sup>9</sup> "Carthage," *BNP*, Vol. 1.2, 1130-32.

<sup>10</sup> Livy, 2.8.6.

Liber, and Libera in 493 BC, the year after the 1<sup>st</sup> Secession.<sup>11</sup> The dedication of these many temples within two decades indicates that a substantial amount of wealth was coming into the city. In spite of external threats, the city of Rome prospered.

While the picture of the city is unclear in this period, we can tell that Rome was undergoing a significant transition at this time. The combination of external threats, increasing wealth, and the shifting politics and social structure that I will describe below created the perfect cocktail for a revolution in Roman society.

*A New, yet Familiar, Government: The Political Institutions of the New Republic*

When Rome went from monarchy to oligarchy in 509 BC, it kept many of the governmental institutions that had been in place under the monarchy, but also created new important magistracies. During the monarchy, the office of *Pontifex Maximus* (“Head Priest”) had been established, along with the *Senatus* (“Senate”), which at this time was likely a loose advisory council to the king comprised of patricians. This early Roman Senate most likely quite different from that of the later Republic and did not play the central role in government that Livy gives it in his narratives, as it appears to have held little political power and took only an advisory role. Along with this also existed two assemblies, the *Comitia Curiata* and the *Comitia Centuriata*, both of which were legislative assemblies. The *Comitia Curiata* was Rome’s oldest assembly and organized by tribe, but likely held more power in very early Rome. The *Comitia Centuriata* was a wealth-based assembly founded by King Servius Tullius that enacted laws and confirmed magistracies, giving it significant power. This assembly appears to have had popular origins, as Servius Tullius is also credited with establishing the census, which would have

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<sup>11</sup> Livy 2.21 and Dionysius of Halicarnassus. *The Roman Antiquities*. From Loeb Classical Library, Trans. Earnest Cary. London: Harvard University Press, 1937, 6.17.

accounted for more Roman citizens, and because a wealth-based assembly was a significant challenge to a hereditary system of power.<sup>12</sup> This suggests that issues concerning the relationship between power, class, and wealth in Rome stretched back into the monarchy. With these magistracies and assemblies, Rome already had an extensive government that was able to transition from monarchy to oligarchy with the addition of a few offices.

The most important of these new offices were the two consuls, who replaced many of the king's executive functions. Livy explains that, after the overthrow of Tarquinius in 509 BC, the *comitia centuriata* elected two consuls, Lucius Junius Brutus and Lucius Tarquinius Collatinus.<sup>13</sup> While Livy assumes the existence of consuls, who were originally called *praetors*, this new office would have been a significant change from the monarchy. Not only were new consuls supposed to be re-elected every year, but the existence of two head magistrates shows an attempt to split the power of the state. While Livy assumes there were always two consuls who were elected annually, there is some evidence that this may not have initially been the case. For example, Livy notes that Publius Valerius Publicola was made co-consul in 509 but also re-elected in 508, which would have been recorded in the *fasti consulares*.<sup>14</sup> Given later provisions against consecutive terms, it seems that the institution of the consulship had yet to reach its full form in these earliest years. Yet the consulship was still an important new executive office that changed the dynamic of Roman government.

The other unclear aspect about the early consulship is who exactly qualified to be a consul. As Cornell explains, scholars have noted that some early consuls apparently were not from the elite patrician class. However, by the end of the 5<sup>th</sup> century, nearly every consul was of

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<sup>12</sup> “*Comitia*.” *OCD*, 357-358.

<sup>13</sup> Livy, 1.60.4.

<sup>14</sup> *Ibid*, 2.9.1.

patrician status, which has prompted scholars to speculate that the consulship was gradually “closed” to non-patricians. While this suggests that the early Republican government may have been more open to Romans of differing statuses, Cornell explains that these men’s social status remains fairly unknown.<sup>15</sup> The social divisions of early Rome will be discussed below, but the important thing to take from this is that the chief office in the early Republican government had yet to be totally set in stone.

Overall, the assemblies and offices passed down from the monarchy along with the new consulship formed a new form a government that was a significant change for the city of Rome. Yet this early Republic was not the bastion of liberty that our sources claim it was from the beginning. With many of the same basic assemblies and magistracies of government remaining, the actions of the Roman state may not have been significantly different on a practical level. Even if this was the case, however, power within the city was still mostly held within the hands of an elite patrician class. The relatively open early consulship and turbulent political struggles that were soon to come suggest that the political landscape was beginning to significantly shift in this early Republic.

*Patres et Plebes: Rome’s Changing Social Order as a Catalyst for Conflict*

Social struggle defined the new Roman government from the very beginning. Livy’s narrative highlights the stark divisions between the patrician and plebeian classes, but these social classes were not as defined in this early period as he makes them out to be. Rather than a black and white division between rich and poor or power and no power, the Roman social caste system was more of a spectrum made up of many sub classes and exceptions, with patricians and plebeians placed at opposite ends. For this reason, it is difficult to determine who the patricians

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<sup>15</sup> Cornell, 255.

and plebeians our sources discuss really were and what their place in society was at the beginning of the Republic. Social distinctions at this time intersected many aspects of society, most importantly economic and political class, participation in the military, ethnic divisions, and geographic residence.

In their most basic sense, patricians were Rome's hereditary oligarchy that had existed during the monarchy. Patrician status was passed down by blood, making it a purely hereditary distinction that created a series of *gentes* ("clans") that made up the oldest and most powerful families in Rome. Our sources normally refer to patricians as *Patres* ("fathers") and tend to use the same terminology to refer to the Senate. Cornell, however, notes that the Senate and the patriciate were not the same. He explains that the Senate, which was in this early period little more than an advisory council with little political power, was comprised of both the *Patres et Conscripti* ("Fathers and Enrolled").<sup>16</sup> This means that patricians were senators, but not all senators were patricians. Nevertheless, Patricians would have held certain political privileges on account of their status. During the monarchy, they appear to have held the powers of *auctoritas patrum*, which allowed them to approve the nomination of kings, and *interregnum*, which allowed them to run affairs during transitions of power.<sup>17</sup> The political privileges of these hereditary nobles gave them greater political opportunity in the city than other Roman citizens.

In contrast, those Romans whom our sources refer to as *plebs* seem to have essentially been everyone of non-patrician status in the city. The problem with the dichotomous divide that our sources paint of a patrician and plebeian Rome is that it reflects the split factional politics of their own time and fails to account for what appears to be a diverse social makeup in the early

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<sup>16</sup> Cornell, 248.

<sup>17</sup> Cornell, 251.

Republic. Therefore, modern scholars have contrasting theories on who these early *plebs* were and specifically what their place in Roman society was. Cornell argues that the *plebs* were originally a grouping of the poorest and most disadvantaged Romans who were on the far end of a complex social structure.<sup>18</sup> The Romans who became *plebs* would have been poor farmers, artisans, and other members of the lower Roman economy who would have had the least political power of any male Roman citizens, making them the lowest social class other than women, foreigners, and slaves. Cornell also contends that, in between this lowest class of citizens and the patricians, there were other contrasting social groups, such as patrons and clients and *patres* and *conscripti*, not just patrician and plebeian.<sup>19</sup> This paints a diverse social landscape in which patricians were the top, but there was still a large range of non-patricians in differing social and political standings. It is therefore unlikely that the loosely affiliated and disadvantaged lower classes that became known as *plebs* were politically organized before the plebeian movement of the 1<sup>st</sup> Secession. Plebeian identity only began to form after the movement of the 1<sup>st</sup> Secession as some intermediate non-patricians organized with those on the margins of society.

These shifting social identities would have impacted all dimensions of Roman society, including the military, which was essential to protecting the city from its encroaching neighbors. Military positions in the Roman army were broken down by wealth, as military equipment was expensive in the ancient world and had to be provided by the soldiers themselves. For this reason, wealthy Romans of good standing, most of whom were likely patricians, made up the Roman cavalry and were called *equites*.<sup>20</sup> The next order was made up of hoplite foot soldiers who could afford a set of armor and weapons, most of whom were middle class, and referred to

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<sup>18</sup> Cornell, 257.

<sup>19</sup> Cornell, 258.

<sup>20</sup>“*Equites*.” *OCD*, 530-532.



as the *populus*. Our sources seem to assume the *populus* was comprised of *plebs*, but scholars have debated about who made up this class. Kurt A. Raafaub supports our sources on this matter and believes that the *plebs* were an essential part of the hoplite army. He credits their political leverage against the patricians in the coming secessions to their vital role in defending the city.<sup>21</sup> Arnaldo Momigliano, on the other hand, argues that the *populus* and the *plebes* were distinctly different. Momigliano claims that, since arming oneself for membership in the heavy infantry was an expensive matter, the disenfranchised *plebs* could not have afforded to be in the hoplite army. In his view, the *populus* was instead made up of the clients of the patricians and other intermediate classes that could afford proper weapons and armor.<sup>22</sup>

Cornell takes a middle road between these two theories, agreeing with Momigliano that the hoplite army was probably not comprised of a plebeian majority, but also conceding to Raafaub that the *plebs* must have had a place in the Roman army to have political leverage. Cornell suggests that many *plebs* could have participated in the military as light infantry who supported the more heavily armed cavalry and hoplite armies.<sup>23</sup> This does not mean, however, that wealthier *plebs*, who benefitted from the apparent economic boom in Rome, could not have served in the *populus* or even the *equites* if they could afford it. These may have been the very *plebs* that took on leadership roles in the secessions and boosted the plebeian institutions. Social grouping reflected military function, but shifting wealth in the city could have allowed members of traditionally excluded social groups to rise through the ranks of the military.

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<sup>21</sup> Kurt Raafaub, "From Protection and Defense to Offense and Participation: Stages in the Conflict of the Orders," pg. 223. In Kurt Raafaub. *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders*. University of California Press, 1986.

<sup>22</sup> Arnaldo Momigliano, "The Rise of the Plebs in the Archaic Age of Rome," pg. 188. In Kurt Raafaub. *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders*. University of California Press, 1986.

<sup>23</sup> Cornell, 257.

The ethnic and cultural divisions of these classes could have also sparked conflict. While the exact origin of the Roman people and their ethnic makeup remains a mystery, our sources do provide us with some clues. Rome primarily identified itself as part of the *Latini* (“Latin people”), sharing a common culture and language with other nearby city states that was distinct from that of other early Italian peoples.<sup>24</sup> The city, however, was not a member of the Latin League, and so was culturally but not politically united with other Latins. In addition to its majority Latin population, early legends suggest that other Italian peoples, including members of the Sabines and the Hernici, resided in Rome. Early Rome, however, was also influenced by the major cultures of the Etruscans to the north and the Greek colonies to the south. Momigliano even suggests that the patrician and plebeian orders, as they would come to be defined, had their origins in contrasting cultural traditions. Many of the old patrician families of Rome traced their lineage back to the Etruscans during the monarchy and had their temples decorated by Etruscan artists. The *plebs*, on the other hand, appear to have been more greatly influenced by the Greeks, as their arising political organizations and religious cults mirrored those in Greece.<sup>25</sup> It is uncertain whether many ethnic Etruscans or Greeks actually lived in the city at this time, but their cultures still appear to have had major influences on the cultures of these social orders. These growing cultural contrasts may have helped fuel the forming of the distinct patrician and plebeian identities that arose out of Rome’s more complex social spectrum over the course of the 5<sup>th</sup> century. In this way, competing cultural contrasts acted as another catalyst for social conflict.

Perhaps the most important division between the early patricians and *plebs* was topographical. It is generally agreed that the first hill settled in Rome was the Palatine Hill, followed by the Capitoline Hill and the Forum in between. This area made up the traditional city

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<sup>24</sup>“*Latini*.” *OCD*, 795.

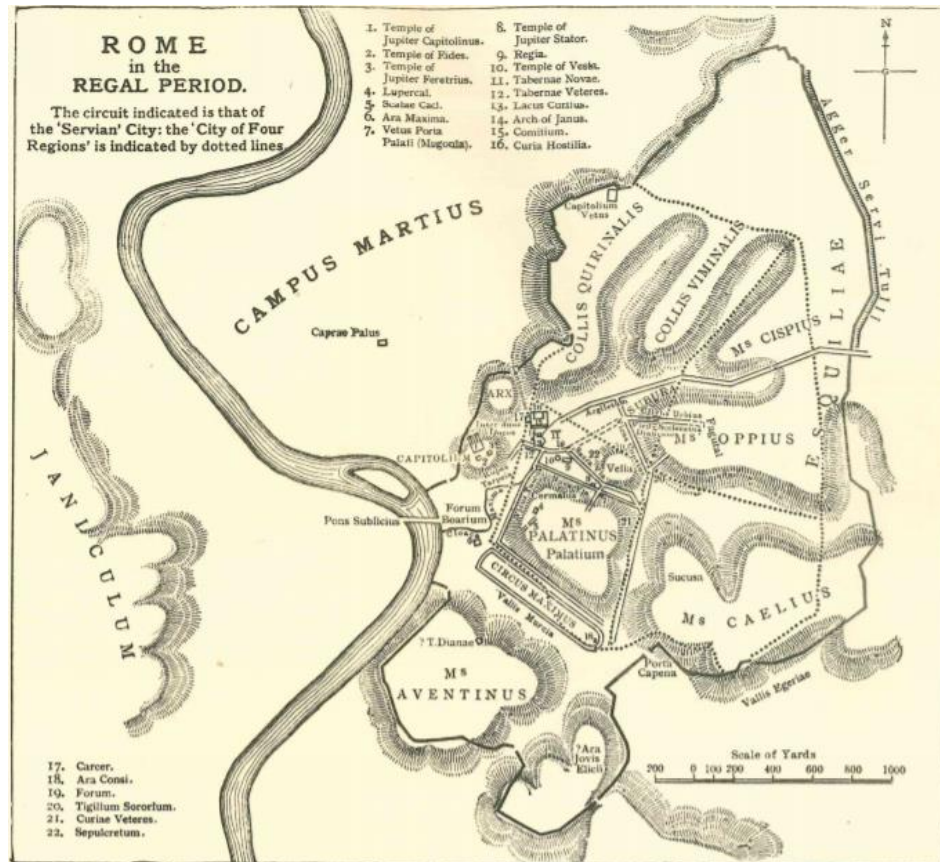
<sup>25</sup> Momigliano, 190-191.

center of Rome and was both then and later the physical residence of the patricians. The Aventine Hill, on the other hand, was associated with the *plebs*, especially after the 1<sup>st</sup> Secession. The temples most often associated with the plebs, the “Aventine Triad” of Ceres, Liber, and Libera, were on the Aventine, while those associated with the patricians, such as the temple of Jupiter Optimus Maximus, were on the Capitoline and Palatine. This suggests that differences in culture and class were manifest on the geography of Rome’s hills.

Yet these associations went beyond a mere area of residence and can in many ways be considered as having become separate communities, or even cities, of their own. This idea of a divided Rome is supported by the fact that the Aventine, despite being within the walls of Rome by the time of King Servius Tullius, was excluded from the “city of four regions,” which was marked by the *pomerium* of the city (see image below). The *pomerium* was Rome’s religious boundary, originally used in augural ceremonies, and also acted as the official city limits.<sup>26</sup> This suggests that the Aventine, although it functioned as part of city by being within its walls, was not considered part of “official” Rome. This religious and legal division within Rome’s city walls could have come to coincide with the city’s social divisions. Those people living on the Palatine and conducting business on the Capitoline and in the Forum, which would have been “Rome Proper,” would have been considered true Romans, i.e. Patricians. Those living in communities on the surrounding hills, such as the Aventine, would have contributed to Roman society, but would not have been considered Romans in the same sense, i.e. *plebs*. These differences in residence would have led to conflict and social distinction after the transition from monarchy as those living on the Aventine and other outlying hills felt increasingly excluded from the new oligarchic government in “Rome Proper.”

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<sup>26</sup> “*Pomerium*.” *OCD*, 795.



This map of Rome lays out the city as it would have appeared in the early Republic. The *pomerium* is marked by the dotted line, which clearly excludes the Aventine Hill (labeled “*Ms. Aventinus*”).<sup>27</sup>

The division between patricians and *plebs* living on the Palatine and Aventine respectively that formed during this period was a physical manifestation of the complex social divisions of Roman society. At the beginning of the Republic, Romans of patrician status ruled Rome within the confines of its own hereditary oligarchy. This meant that most of Rome’s leaders were elites of noble birth who possessed special political privileges, served in the cavalry, held Etruscan cultural influences, and lived on the Palatine. This traditional political order would soon be challenged by non-patricians who joined the plebeian movement, had little political voice, served in all levels of the army, were influenced by Greek culture, and lived on the Aventine and other hills outside Rome’s center. While these characterizations probably

<sup>27</sup> Image from appendix of Livy.

didn't describe every Roman who considered themselves a patrician or a plebeian, these features became pronounced during the coming revolt.

### *The Perfect Storm on the Eve of Revolution*

The factors described above present what the economic, political, and social conditions of the Roman Republic most likely looked like in 495 BC, one year before the 1<sup>st</sup> Plebeian Secession. Considering these factors, the social and political revolution that followed is no surprise. Constant wars, a booming economy, new and unstable political institutions, and a complex social landscape created a volatile cocktail that left the city of Rome prosperous, but on the verge of chaos. In the middle of this turbulent society, a select few non-patricians began to rise in Rome's social and military ranks, gaining new wealth and status through Rome's wars and booming economy, and began to push back against the low social position ascribed to them by birth. It was the agency of leaders who emerged from non-patrician orders, combined with the larger forces of change coming about in Rome, which allowed the plebeian movement to form into a full-fledged revolution. This revolution did not immediately lead to civil war or tyranny, but rather to the organizing of Rome's non-patricians into a political movement that sought social change through its own "anti-government."

#### ***4. REVOLUTION: THE FIRST SECESSION AND THE PLEBEIAN MOVEMENT***

*(494 BC)*

The exact events of 1<sup>st</sup> Secession of 494 BC are unclear, but the factors described above, combined with political circumstances and specific grievances, likely played a part. Livy

presents a detailed account of what transpired before and during the secession, but this is mostly his own narrative creation. Nevertheless, his narrative of the secession does hold some evidence that probably came from the *annales* and *fasti*. Piecing together this evidence, the 1<sup>st</sup> Secession appears to have arisen during extraordinary political circumstances and to have resulted in a major social and political revolt.

*The Triggers for Revolution: Distinguishing the Buildup from Livy's Narrative*

Livy's account of the year 494 BC goes as follows. Soon after Aulus Verginius and Titus Vetustius were made consuls, the *plebs* began holding *coetus nocturnos* ("nighttime gatherings") on the Aventine Hill. Frightened by this secret plotting, the consuls went to the Senate, which considered three measures of action concerning the issue of *nexum* (debt-bondage).<sup>28</sup> In Livy's narrative, this issue of *nexum*, which was the practice of forcing citizens who were unable to pay their debts into slavery, was a major concern for the *plebs* and had prompted them to refuse military service in the past. Therefore the senator Titus Largius proposed that all debts be forgiven, while another, Publius Verginius, suggested only the debts of recent war veterans should be dismissed, while the anti-plebeian senator Appius Claudius believed that no debts should be forgiven and that a dictator should be appointed to quell the *plebs* and force them into military service.<sup>29</sup> This later proposal was accepted and a man named Manius Valerius was made dictator and successfully levied the *plebs* to fight a war. After winning a successful campaign against the Aequi and Volsci peoples, Valerius celebrated a triumph before relinquishing his dictatorship. After Valerius stepped down, however, a new foreign threat arose and the consuls attempted to levy the *plebs* again without forgiving any debts, under the claim that they had

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<sup>28</sup> Livy, 2.28.1-2.

<sup>29</sup> Ibid, 2.29.7-12.

already taken an oath to serve in the army. The *plebs* responded that they had only sworn to serve Valerius and, in an act of opposition to the Senate, seceded from Rome by physically leaving the city.

There are several noticeable problems in Livy's account of the build up to secession. First of all, the Roman Senate did not have the active political role that Livy ascribes it and its role appears to reflect an invented formula that repeats elsewhere in his narrative. Secondly, Livy probably wouldn't have known how the dictatorship of Valerius and the secession that followed it were related. Thirdly, Livy's attribution of plebeian dissension to the issues of *nexum* and compulsory military service cannot easily be accepted because these were major issues in the later republic that he may be relating to this earlier event. In reality, the *fasti* and *annales* probably only recorded that Verginius and Vetustus were consuls, Valerius was appointed dictator and celebrated a triumph, and that the 1<sup>st</sup> Secession itself occurred. This leaves what led to the secession open to interpretation.

The names of the magistrates that Livy lists for 494 BC are significant clues for who was involved in the secession. Both the consul Aulus Verginius and the senator Publius Verginius bear the *nomen gentilicium* ("family name") of a notable plebeian family whose members held the consulship multiple times, including in 502, 496, and 486, as well as other important offices throughout the Struggle of the Orders.<sup>30</sup> It is significant that that a member of the Verginii was consul since they are traditionally recognized as a plebeian *gens* and supporters of the plebeian movement. There has been debate over whether traditionally "plebeian" or "patrician" *gentes* are consistent in their social status over all of Roman history, as the ritual of *transitio ad plebem*

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<sup>30</sup> Broughton, T. R. S. *The Magistrates of the Roman Republic*, Vol. 1. American Philological Association, 1951, 8, 12, 13, 20, 25.

allowed patricians to religiously change their family status to plebeian.<sup>31</sup> Nevertheless, there is no indication here that the Verginii were not *plebs* at this time and were at least non-patricians of some sort. A member of the Verginii holding the consulship in the same year as the secession suggests there was already an effort to put popular leaders in the Roman government, which likely increased the level of social tension in Rome.

The other significant *gens* name in Livy's account is that of Manius Valerius, the appointed dictator who celebrated a triumph. Much like the Verginii, the Valerii play a major role throughout the Struggle of the Orders; the Valerii, however, were an old patrician family. Manius Valerius' father was Publius Valerius Publicola, who held the consulship in 509, 508, 507, and 504, and was considered a powerful "friend of the people" despite being a patrician.<sup>32</sup> Therefore, another Valerius becoming dictator in 494 BC suggests that his dictatorship may have had the backing of popular support rather than being used to suppress the *plebs* as Livy claims. Appointing a Dictator right before the secession is suggestive of a crisis, likely relating to social unrest and foreign threats, which may have influenced the *plebs* leaving the city. The dictatorship was a special office in Rome reserved for times of emergency when the city was under great threat. The dictator was given *imperium* over the Roman military for a period of six months in which he was to take care of whatever issue faced the city.<sup>33</sup> So the fact that a dictator whose family traditionally had popular leanings was appointed right before a civil revolt indicates that the city was in a major state of emergency. Whether Valerius' dictatorship ended before the

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<sup>31</sup> "*Transitio ad plebum.*" *BNP*, Vol. 1.14, 846

<sup>32</sup> Ogilvie, R.M. *A Commentary on Livy, Books 1-5*. Oxford: Oxford University Press, 1965, 250-251.

<sup>33</sup>"Dictator." *OCD*, 448. Entry



secession or coincided with it, the Roman government appears to have been in crisis mode as both patrician and non-patrician families with popular support gained power in the city.

On top of this political chaos, the *plebs* likely had specific grievances against Rome's ruling elite that sparked their revolt. Livy claims *nexum* and compulsory military service were the primary issues, so the role these may have played should be considered. While the process of *nexum* is debated even by our ancient sources, the system of debt-slavery was a major institution in early Rome, as indicated in Rome's earliest written laws. In its most basic sense, *nexum* appears to have been a transaction in which a debtor gave himself as payment for debts owed to a creditor, placing himself in a state of debt-slavery that was difficult to escape.<sup>34</sup> Debt-slavery would have been debilitating to non-patrician Romans who owed money to wealthier Romans, and so excessive debts were a major issue for those who found themselves stuck in bondage to a creditor. Therefore, it is possible that some plebeians in the secession were protesting against this corrupt institution as Livy suggests.

However, any opposition against *nexum* was likely more of a call for greater debtor rights rather than an attack on the institution itself, which at this time was likely a culturally accepted institution. The Twelve Tables that were written during and after the Decemvirate and 2<sup>nd</sup> Secession from 451-449 BC, clearly lay out guidelines for *nexum* that demonstrate the importance of this institution.<sup>35</sup> Furthermore, *nexum* was not abolished until after the *lex Poetelia* of 326 BC. The central role *nexum* takes in Rome's first law code, written nearly half a century after the secession, and its abolition over a century after that suggests the *plebs* were not successful or did not even attempt to abolish the institution of debt-bondage in the 1<sup>st</sup> Secession.

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<sup>34</sup> "Nexum." *OCD*, 1012.

<sup>35</sup> "Nexum." *BNP*, Vol. 1.9, 699.

It is more likely that the *plebs* were calling for accountability from the government in forcing creditors to be fair to their debtors than advocating for the total abolition of *nexum*.

The *plebs* likely had similar grievances when it came to compulsory military service. In Livy's account, the main reason the *plebs* decided to secede from Rome was because they felt they were unjustly being levied to fight in the Roman army. Rome would have needed all of the able-bodied men it could muster to fight off its ever-encroaching enemies in these early years, and so many non-patricians would have needed to serve in the army. However, as discussed earlier, those making up the plebeian class were only a portion of the larger Roman hoplite army. Their service would have been needed, but they by no means robbed Rome of its whole army by refusing to fight. The light infantry *plebs* and wealthier hoplite *plebs* were not opposed to fighting in Rome's army per se, but rather were protesting the lack of influence their non-patrician status gave them in the greater Roman army. If all of Rome's hoplite troops had been *plebs*, then their secession would have likely resulted in an actual violent toppling of the government: therefore they likely made up less than half of the total army since there does not appear to have been a full on coup. Much like the grievances they would have had towards *nexum*, the *plebs* were more likely demanding greater rights and representation in military leadership than denying to fight altogether.

The central issue behind both of these plebeian grievances was a general feeling of social and political exclusion from Roman society. Those non-patrician Romans who increasingly wanted to improve their place in the Roman social and political hierarchy were likely the ones who were most concerned with this exclusion. The *plebs* were not challenging the major economic system of *nexum* and a need for military service altogether in this earliest period, but rather seeking more rights within in these existing institutions. This fight for inclusion extended

to the closing of the consulship and other magistracies, which may have been the main concern for the non-patricians. As mentioned earlier, there appears to have been a deliberate patrician effort to force non-patricians out of Roman magistracies and to dominate most offices, including the consulship, in the early Republic.<sup>36</sup> Through this effort, non-patricians, especially those with newfound wealth or military rank, were increasingly restricted from the same political rights held by patricians. These wealthier non-patricians, whether they were originally considered *plebs* or not, appear to have identified their own political exclusion with the grievances of marginalized Romans and formed a political movement with them. Driven by a general sense of exclusion from patrician Rome, well-off non-patricians joined with poorer non-patricians suffering from the cruelties of debt-slavery and forced military service. This movement probably adopted the derogatory label of *plebs* with pride and demonstrated their important place in Roman society by physically removing themselves from the city, leaving it in the chaos of their absence.

*Protest through Absence: The Plebs' Secession from Rome*

Half-way through 494 BC, members of the newly formed plebeian movement left the city of Rome in an act of protest for the reasons described above. The goal of this secession seems clear: by physically splitting from Rome, the *plebs* left the patricians to run and defend the city on their own, forcing them to answer to demands for expanded political rights. Livy describes the secession as follows. Under the leadership of a man named Sicinius, those *plebs* refusing the levy “withdrew” to the *Mons Sacer* (“Sacred Mount”), which was a few miles north of the city across the Anio River. Livy notes that an older annalist, Piso, claimed the secession was to the Aventine itself, but he supports the Sacred Mount in his own account. There, the *plebs* held their ground and subsisted on their own, isolating themselves from the city for months. This terrified

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<sup>36</sup> Cornell, 225.

the patricians, prompting them to send Agrippa Menenius as an ambassador to the *plebs*. Using a parable comparing Rome to a body, with the patricians as the head and the *plebs* as the limbs, Menenius convinced the *plebs* to return to the city. As a compromise, the plebs were given their own magistrates, known as *tribuni plebei* (“tribunes of the plebs”), who had the protection of *sacrosanctitas* (“inviolability”) and the power of *auxillium*, which allowed them to aid other *plebs* against the consuls. Two tribunes, Gaius Licinius and Lucius Albinus, were chosen, along with three others, including Sicinius.<sup>37</sup>

Several problems stand out from Livy’s account. First, the names he gives, Sicinius and Agrippa Menenius, cannot be confirmed since these roles were probably not recorded in the *fasti*. Secondly, and more significantly, the secession could not have ended in compromise as Livy describes it. By physically separating from the city, the *plebs* initiated a powerful act of protest that would have driven the economy to a standstill and frightened the patrician oligarchy. It is improbable, however, that this would have driven the patricians to give into all of the *plebs* concessions. Instead, the *plebs* likely returned to the city for the preservation of both themselves and the patricians, as neither could survive on their own too long in the face of foreign encroachment. This necessary return, while it did not give the *plebs* an immediate place in the government, did transform politics in the city into confrontation and struggle.

The protest strategy of secession worked for the *plebs* because of the distant location to which they retreated, making geography essential to the secession. Despite some indication from sources mentioned by Livy, namely who claims the secession was to the Aventine Hill, the secession must have been to the Sacred Mount. The Sacred Mount is on the other side of the Anio River, three miles from the central city, making it far enough to remove the *plebs* from the

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<sup>37</sup> Livy, 2.32-33.

city while still remaining in Roman territory. This hill provided fortifications for the *plebs*, as it was located in a bend in the river and surrounded by water on three sides. Dr. Lisa Mignone suggests that the very name *Mons Sacer* was given to this hill as a commemoration of the plebeian movement, and so it should not be doubted as the site of the secession.<sup>38</sup> In fact, the adjective *sacer* in its name is closely related to “*sacro*” in *sacrosanctitas*, which was the oath of protection sworn by the *plebs*. The Sacred Mount was remembered as the location where the *plebs* took their oath to create their own radical political institutions that hindered the unjust actions of the patrician oligarchy.

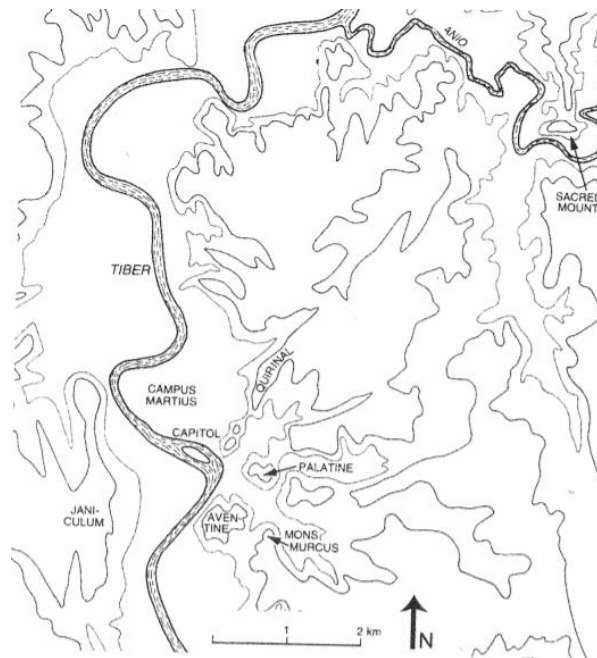


Fig. 2. Rome and Mons Sacer. (From Wiseman 1995, 115, fig. 12.)

This map shows the location of the Sacred Mount in relation to the city of Rome. The Sacred Mount is much farther from “Rome Proper” (The Capitoline and Palatine”) than the Aventine.<sup>39</sup>

<sup>38</sup> Mignone, Lisa. *The Republican Aventine and Rome's Social Order*. Ann Arbor: University of Michigan Press, 2016, 22.

<sup>39</sup> Image taken from Mignone, 20.

This brings into question why Piso even brought the Aventine into the conversation of where the secession took place. This was likely due to the strong associations between the *plebs* and the Aventine that reflected actual topographical and residential differences. Not all *plebs*, who were non-patricians from all divisions of Roman society, would have lived on the Aventine. These non-patricians, who made up the base of the Roman economy, would have resided on all of the hills surrounding the Palatine and Capitoline hills, but, as a result of the new plebeian movement, appear to have found their symbolic base in the Aventine. This symbolic home gave the plebeian movement a distinctly non-patrician identity. The people who gathered on the Sacred Mount had in common that they were not of noble birth, did not hold any substantive political power, and did not live on the Palatine, leading them to proudly adopt the derogatory title of *plebs*. By leaving the Aventine and other hills around “Rome Proper,” the newly formed plebeian movement broke the dichotomous economic relationship between patrician and non-patrician Rome, changing it into a political dichotomy as well with newly established plebeian institutions. The plebeian movement formed its identity and political organization on one hill, the Sacred Mount, and then was symbolically embodied in another, the Aventine.

After months of separation, the *plebs* returned from the Sacred Mount to the outlying hills of Rome. In the compromise of the secession, the plebeian movement against political and social exclusion transformed into an actual set of institutions, the tribunate and the plebeian council, designed to fight these grievances. However, Livy’s description of a peaceful compromise seems unlikely. The origin of the tribunate and the nature of its powers suggest that it was designed for conflict, not compromise. Raaflaub contends that this secession marked the beginning of the first stage in the Conflict of the Orders in which the *plebs* organized for “defense and protection” against the patrician oligarchy. In this way, the confrontational

tribunate formed by the *plebs* was designed to fight for “protection, security, and fairness against the overwhelming economic, social, jurisdictional, and political power of the patricians,” but not to supplant their magistracies or challenge the legitimacy of their rule.<sup>40</sup> The plebeian tribunes and the council that formed in conjunction with them demonstrate that the secession was the first major act in a movement of confrontation against patrician injustice that would later grow into an offensive power struggle.

### *The Anti-Government: The Plebeian Tribune and Council*

The 1<sup>st</sup> Secession ended with the formation of a new set of magistrates called *tribuni plebis* (tribunes of the *plebs*) who presided over a council called the *concilium plebis* (council of the *plebs*). As Livy explains, the tribunes had the powers of *auxillium* (aid) and *intercessio* (intercession), with which they would intervene on behalf of *plebs*. The authority of these tribunes came from the protection of the religious oath of *sacrosanctitas* (inviolability).<sup>41</sup> This new tribunate was designed to counter the actions of the patrician government for the defense of *plebs* against injustice, as evidenced by the origin of its title and the powers it held.

The office of the plebeian tribune was likely related to the military rank of tribune. The term *tribuni militum* was originally used to refer to the commanders of military units broken down by *tribus* (“tribe”), which was a distinction based on birth and residence.<sup>42</sup> While most of these officers would have been patricians who served in the cavalry, it is possible that some non-patricians could have rose to this rank in the early Republic. The term *tribuni plebis*, the tribunes

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<sup>40</sup> Raaflaub, 206.

<sup>41</sup> Livy, 2.33.1.

<sup>42</sup> “*Tribuni militum*.” OCD, 1505.

of the *plebs*, appears to be derived from this original military role. It is possible that a few non-patrician military tribunes could have been the original men who decided to head the plebeian movement and step into the role of plebeian tribunes. Such men would have been suitable leaders of the early plebeian movement because they would have known the leading patricians that they had served alongside in the army and have been able to assume communications with them better than non-military *plebs*. In this way, these tribunes would have been able to step into their new roles as political leaders and advocate for the *plebs*. So, whether actual *tribuni militum* became *tribuni plebis* or whether it was merely an imitation of this rank, the *plebs* equated the officers of their movement with the force of a military commander, suggesting a level of aggression and confrontation in the office's origin.

The tribunate's orientation towards conflict is even more evident in the specific powers granted to the office, namely *auxillium* ("aid") and *intercessio* ("intercession"). In Livy's time, the power of intercession was the political power of the tribune to say *veto* ("I forbid") to any action of a higher magistracy and was a powerful tool of the tribune.<sup>43</sup> This power, however, could not have held that level of legal force in this early period and more likely resembled an actual interjection of the tribune on behalf of *plebs*. *Auxillium* and *intercessio* went hand in hand, with the tribune extending his representation to *plebs* by physically interjecting himself when patricians attempted to pass a law or take an action that harmed individual *plebs*. As Cornell explains, the tribune would intervene in trials where *plebs* were being mistreated and impose fines and punishments on those rich and powerful individuals who attempted to take advantage of them.<sup>44</sup> This office clearly changed the dynamic of political exclusion and exploitation that had been the norm in the early Republic. However, it is difficult to imagine that, as our ancient

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<sup>43</sup> "Intercession." *OCD*, 738.

<sup>44</sup> Cornell, 259.



sources attest, the ruling patrician oligarchy agreed to recognize the interventions of these officers who by definition opposed their authority. Therefore, it is unlikely that this was anything but a confrontational revolution.

The revolutionary character of the tribunate is most apparent in the oath of *sacrosanctitas* that protected its powers. The power of the tribunes did not derive from any provision of the official Roman government, but rather from a religious oath taken by the extra-political gathering of *plebs* on the Sacred Mount. Livy describes that provisions were passed so that, “*ut plebi sui magistratus essent sacrosancti...*” (“that the *plebs* were to have magistrates of their own, who should be ‘inviolable’”).<sup>45</sup> When the tribunate was formed, they were protected by an inviolable oath of “sacrosanctity” that ensured all of their actions would be backed up by the *plebs*. Cornell explains that this sacrosanctity had very apparent religious implications since it was a Roman *lex sacrata*, which was a “collective resolution backed by a solemn oath.”<sup>46</sup> The oath taken by the *plebs* declared anyone who harmed a tribune *sacer* (“accursed”), meaning that those who took the oath had a sacred obligation to kill whoever violated a tribune. As a result, this oath acted as a protective threat against anyone who harmed a tribune for intervening on behalf of the *plebs*. As Cornell puts it, the newly formed plebeian institutions, “was a form of organized self-help by the *plebs*, who backed their actions by lynch-law disguised as divine justice.”<sup>47</sup> This militant plebeian government is a far cry from the compromise described by Livy and paints a much more terrifying and dire revolt against patrician oppression backed by a religious threat of deadly force.

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<sup>45</sup> Livy, 2.33.1.

<sup>46</sup> Cornell, 259.

<sup>47</sup> Cornell, 260.

With their military origin, powers of intervention, and backing by a sacred oath, the tribunes of the *plebs* presented a powerful act of rebellion against the existing system in Rome. Yet, it is important to remember that the plebeian institutions still had relatively little power over the patrician government and none of the actions of the tribunes would have been legally recognized. This is apparent in the series of accusations and attempted trials that occurred in the following decades. In his commentary on Livy, R.M. Ogilvie lays out all of the legal accusations said to have been prosecuted by the tribunes in the early Republic. Ogilvie reveals that, of the nine patricians who were accused of abuses against the *plebs* by tribunes in the years 491-454, none of their trials were actually carried out.<sup>48</sup> This most likely reflects attempts by the tribunes to try patricians of crimes, which were unsuccessful since they didn't have the recognized authority to carry out legal punishments. In this way, the plebeian organizations, much like the social status of the people they represented, were marginal to Roman politics and were more extra-legal nuisances rather than direct challenges to patrician authority in this early stage. Yet this plebeian nuisance still had the backing of a mob that would act violently if its officers were harmed, making dealing with the *plebs* a delicate matter for patricians.

These reported "trials" reveal the existence of another institution, the *concilium plebis*, even though Livy makes no mention of it until decades later in his narrative. This early plebeian council is hardly mentioned by our sources, but it must have existed for the tribunes to have a group to hold their "trials" in front of. The structure and powers of this early council are unknown, but in its essence it appears to have been a mob gathering of *plebs* that voted on a variety of provisions. Cornell explains that the tribunes held the power of *agere cum plebe*, which allowed them to call meetings together in which the *plebs* had the power to vote on and

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<sup>48</sup> Ogilvie, 324.

pass *plebiscita* (“plebiscites”).<sup>49</sup> While these plebiscites had defacto legal bearing on members of the plebeian movement, they were likely extra-legal in the eyes of the patricians.

Our sources attest to two plebiscites in the decades after the 1<sup>st</sup> Secession: the *lex Publilia* of 471 and the *lex Icilia de Aventino* of 457. The *lex Publilia* reorganized the structure of the *concilium plebis* itself, which would have only affected those who attended these meetings and had no bearing on patrician Rome. The *lex Icilia*, on the other hand, supposedly opened up land for settlement on the Aventine, which would have had bearing on the whole community. Cornell backs up the authenticity of this law by pointing out that Livy notes it was a “*lex sacrata*” (“sacred law”), meaning it would have been backed up by the same oath of *sacrosanctitas* taken by the plebs to protect the tribunes.<sup>50</sup> The actual effects of this “law” will be discussed later, but its significance here is that the *plebs* enforced their provisions passed in assembly by the same method of forced law with which they defended the tribunes. The plebeian council, like the tribunate, was an extra-legal organization that was formed out of desperation for the protection of the general interests of those in the plebeian movement.

The structure of the plebeian council suggests that it may have also had major Greek influences. The *lex Publilia* reorganized the council into representative tribal bodies, but before this the council seems to have been a sort of open mob meeting. This sort of open democratic meeting in which any non-patrician could show up and cast a vote would have functioned similar to the *Ekklesia* of democratic Athens. As discussed, Momigliano suggests that the plebeian movement was heavily influenced by Greek culture, and so it is not a stretch that those

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<sup>49</sup> Cornell, 260.

organizing these meetings would have modeled them on the people's assembly in Athens.<sup>51</sup> This suggests that, in its earliest stages, the plebeian council was essentially a democratic assembly in which any non-patrician Roman, no matter their birth or wealth, could participate. While it was still extra-legal, this mob democracy organized by confrontational magistrates stood in stark contrast to the oligarchy of patrician Rome and introduced a new political dynamic to the city.

Between its act of revolt and the institutions it formed, the plebeian movement left politics in Rome very different than they were before 494 BC. This movement did not overthrow the existing Roman government or change its leadership, but it did create an unofficial "anti-government" that sought to address grievances concerning debt-slavery, military service, and other issues of patrician abuse. From the moment they returned from the Sacred Mount, those Romans who took the oath to the plebeian movement protected the new extra-legal government that they had created by whatever means necessary. This new organization of confrontational tribunes and an assembly of the people was initially overshadowed by the power of the patrician oligarchy, but through a political struggle that spanned half a century and ended in another act of revolt, these *plebs* gained real political power. What began as a defensive movement grew into an offensive effort to challenge patrician authority and led to the formation of a "state within a state" that crippled the city of Rome and led to further disaster and revolution.

## 5. *THE CONTINUING STRUGGLE: ROME BETWEEN THE SECESSIONS*

*(493 TO 453 BC)*

After the 1<sup>st</sup> Secession, the Roman Republic entered a new phase of development as the plebeian anti-government challenged the oppression of the patrician oligarchy. The plebeian

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<sup>51</sup> Momigliano, 191.

revolution, which began as an extra-legal push for protection against the excesses of patrician power, grew into a full scale power struggle. This revolution appears to have significantly destabilized the Roman state. Before the secession, Rome had enjoyed increased military prowess, a booming economy, and a changing yet powerful new oligarchy. But Rome took a turn for the worse after 494 BC. While the details of this struggle are shrouded in legend in our narrative sources, Rome appears to have undergone a major crisis in the decades following the plebeian revolt. The government was terrorized by assassination and unstable institutions, the Roman economy plummeted into depression as the city was ravaged by famine, Rome's enemies pushed their territory to the city walls, and conflicts over residence heightened. All of these destabilizing factors, which were probably tied to the plebeian revolt and the internal strife it caused, led to an attempt at suppression through radical oligarchy with the formation of the Decemvirate.

*Consequences of Revolution: Crisis in the Roman Economy, Military, and Geography*

This period brought a new political back and forth between the patricians and *plebs* that our sources highlight through mostly fictitious episodes. Yet, some of the political conflicts they depict probably reflect actual conflict between patricians and *plebs*. The first of these conflicts involved the legendary patrician war-hero Marcius Coriolanus, who betrayed the city of Rome after being put on trial for wronging the *plebs*.<sup>52</sup> Coriolanus' story is mostly fiction, but the trial in which a tribune attempted to prosecute him may be based on an actual trial. In reality, this trial, and others against patricians by tribunes, were probably more attempted mob lynchings than legal court proceedings. Since none of these trials, including Coriolanus', never came to fruition, they appear to have preserved extra-legal confrontations between patricians and *plebs*

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<sup>52</sup> Livy, 2.35.1-7.

rather than formal trials. This highlights a denial of tribunal authority by the patricians, which reflects the extra-legal nature of the plebeian institutions and the inevitable conflicts that resulted from its attempted actions.

Livy again highlights civil strife through the story of Volero Pubilius, a plebeian who resisted arrest by calling upon the people themselves to exercise *auxillium*. This tale preserves a case of an individual *pleb*'s resistance against patrician action backed up by the sacred oath of the people. Later, in 471 BC, Volero is credited with writing the *lex Pubilia* that reformed the *concilium plebis*.<sup>53</sup> This law restructured the *concilium* so that it was organized by tribe, rather than a loose popular assembly. These structural reforms suggest that the plebeian movement grew in size and influence and began more organized meetings. While the original context of the trial of Coriolanus and the *lex Pubilia* is unknown, they reveal that the *plebs* actively engaged in conflict with the patrician oligarchy. This conflict helped plunge the city into internal chaos and destabilized the Roman state.

The secession to the Sacred Mount left Rome's economy at a standstill and it didn't remain stable for long after the *plebs* returned. Some initial success is indicated by the dedication of the temples of Ceres, Liber, and Libera (the "Aventine Triad") in 493 BC, which were associated with plebeian religious cults.<sup>54</sup> The temple of Ceres honored the Roman goddess of the harvest and was particularly dear to the plebs because poorer Romans survived off of the city's grain supply. Therefore, the building of this temple, whether it was paid for by wealthy non-patricians or by pro-plebeian patricians, could be taken as a power statement of the plebeian movement. The *plebs* now had their own triad that stood in direct contrast to that of the temples

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<sup>53</sup> Ibid, 2.56-59.

<sup>54</sup> Ibid, 2.34.

of Jupiter, Juno, and Minerva on the Capitoline Hill.<sup>55</sup> Moreover, these temple dedications indicates that, at least initially, the plebeian movement had a substantial economic backing.

These economic resources appear to have quickly dwindled, however, as the city was soon confronted with a serious crisis. Livy reports that in the following year, 492 BC, the city was struck by famine and had to import grain from as far away as Sicily.<sup>56</sup> This famine may have come as the result of the secession, during which plebeian farmers would not have been able to care for crops. Whether this initial famine was the result of intentional neglect, the city was confronted by two other famines in the years 456 BC and 453 BC. Another sign of economic downturn is a lack of temple dedications during this period. Other than the temples of *Fortuna Muliebris* in 488 BC and Castor in 481 BC, there were no more temples dedicated until after 449 BC.<sup>57</sup> This suggests that Romans either did not have the money to commission new temples or were having to put their resources to other uses. This economic downturn was probably the result of internal and external strife. This internal strife was likely related to the political struggle that ensued as the new plebeian institutions confronted the patrician oligarchy. In addition to creating a political roadblock for patricians, the plebeian movement probably engaged in somewhat violent clashes with the ruling elite that fostered instability.

This increased strife could have damaged the strength of the city's military and left it more vulnerable to foreign threats as well. This may be evidenced by the strength of Rome's enemies during this period. Livy notes two incidents where the very existence of the city was directly threatened. In 477 BC, troops from the rival Etruscan city of Veii occupied the

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<sup>55</sup> Momigliano, 190.

<sup>56</sup> Livy, 34.2-3.

<sup>57</sup> Ibid, 2.40.12.

Janiculum, which is the hill directly across the Tiber River from Rome.<sup>58</sup> Rome's main enemy had extended its territory literally to the city limits of Rome and held this position for 2 years. Similarly, in 460 BC an army led by the Sabine Herdonius captured the Capitoline Hill in a surprise attack.<sup>59</sup> Once again, the city itself was threatened and even breached by an armed enemy force. Both of these invasions suggest that Rome's army was particularly weak during this period, which also could have been a result of internal strife. If the patricians and *plebs* serving in the army were failing to unite or even fighting among each other, it would explain why they were unable to repel their enemies. This decline in military power coupled with economic downturn suggest that Roman society was destabilized by in-fighting and political disunity.

Serious social struggle is further evidenced by the earlier mentioned *lex Icilia de Aventino*, the plebiscite that opened the Aventine for settlement. Livy briefly mentions the law, noting only that it was passed and opened the hill to settlement, while Dionysius elaborates on the specifics of the law.<sup>60</sup> Lisa Mignone argues that Dionysius' account, other than his mention that the law was inscribed on a bronze pillar in the temple of Diana, is an anachronistic fiction. She further claims that Livy's brief mention shows that the law is authentic and seems to have brought land on the Aventine into state ownership, but still outside the pomerium.<sup>61</sup> Since the Aventine was already within the city walls and, as Ogilvie backs up with archaeological evidence, had some major settlements, it doesn't make sense that the patrician government would now be incorporating the Aventine.<sup>62</sup> This problem is solved by Cornell's earlier

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<sup>58</sup> Livy, 2.51.2.

<sup>59</sup> Ibid, 3.16.1-2.

<sup>60</sup> Livy, 3.31.1 and Dionysius, 10.31-32.

<sup>61</sup> Mignone, 75-76.

<sup>62</sup> Ogilvie, 446.



mentioned explanation that the law was a plebiscite backed by the force of *lex sacrata*.<sup>63</sup> Since this confiscation of land was not legitimate and backed only by a mob oath, this law was simply an extra-legal attempt to claim the Aventine as a “plebeian hill.” This does not mean that *plebs* just then started living on this hill, but it does suggest that the law was passed in opposition to patrician resistance to their residence there. If this interpretation is correct, it means that the social and political struggle between the patrician oligarchy and plebeian institutions transformed into a battle over where Romans of different social orders were allowed to live.

This dispute over residence, combined with legends of political struggle, a down-spiraling economy, and foreign encroachment, reveal a Rome that was almost destroyed by its own social struggles. The city only recovered from this crippling state after its republican government was suspended and replaced by a radical oligarchy, only to be reborn by a second act of plebeian revolt.

## 6. *RADICAL OLIGARCHY AND POPULAR REACTION: THE DECEMVIRATE AND THE SECOND SECESSION (452-449 BC)*

The turbulent crisis that resulted from the plebeian secession brought Rome to the brink of destruction and was only resolved after the ailing Republic underwent a brief, but radical, change in government. After a famine and plague in 453 BC, Livy notes that a new government was appointed in 451 BC, known as the 1<sup>st</sup> Decemvirate, which was a ruling group of ten men. This Decemvirate was a reform government tasked with writing the law code known as the “Twelve Tables,” but became tyrannical when reappointed the next year. It was only after this

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<sup>63</sup> Cornell, 262.

tyrannical shift that our sources claim the *plebs* became concerned and seceded again from the city. The Decemvirate, however, was most likely not a reform government, but instead a radical oligarchy that sought to tame the chaos in the city and promote a patrician agenda.

Understanding the decemvirate as a radical oligarchy reveals the 2<sup>nd</sup> Secession as a second revolt against patrician domination. The result was the reinstatement of the Republic and the codification of the plebeian institutions and the Twelve Tables.

### *Seizing Total Power: The 1<sup>st</sup> and 2<sup>nd</sup> Decemvirates*

In his narrative, Livy depicts the Decemvirate as a necessary reform government appointed by the patrician government that produced a written law code and only became tyrannical in its second year. According to Livy, in 454 BC the Roman government sent legates to study the laws of Solon in Athens.<sup>64</sup> When these men returned in 452 BC, the government abolished its existing magistrates and appointed the *decemviri* (“The Ten Men”) to write down Rome’s existing laws and codify new ones.<sup>65</sup> These *decemvirs* were given total imperium over the city and not subject to the right of appeal, giving them complete dominance over the city. Since they acted as negotiators between the patricians and *plebs*, they allowed the *lex Icilia de Aventino* to remain in place at the request of the *plebs*. In 451 BC, the *decemvirs*, led by the patrician Appius Claudius, wrote ten of the Twelve Tables and had them approved by the *comitia centuriata*.<sup>66</sup> However, things changed for the worse in 450 BC when the newly formed Second Decemvirate became tyrannical and terrorized the city. They declared the Decemvirate perpetual and began killing *plebs* and confiscating their goods, while also writing the last two tables. After

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<sup>64</sup> Livy, 3.31.8.

<sup>65</sup> Ibid, 3.32.5-7.

<sup>66</sup> Ibid, 3.34.5-8.

this turn to tyranny, a series of events set off the Second Secession that overthrew the Decemvirate and reinstated the patrician government along with a legal plebeian government.

Livy's narrative depicts two different sides of the Decemvirate, with it producing an important written law code for the city while also unleashing tyranny in its second year. Much like Livy's accounts of earlier events, he presents some very important evidence within a mostly fictional narrative. The main problems with his interpretation of the Decemvirate were that it formed to write a law code modeled on Greek law, was consented to by both patricians and *plebs*, and was originally meant as a temporary government. Upon closer examination, the Decemvirate appears to have been a radical patrician oligarchy that seized power in Rome to reinstate its dominance over the *plebs* by force with no intention of resigning power.

The first evidence that the Decemvirate was not a reform government that the *plebs* consented to is the mention of the commission sent to Athens. The Twelve Tables do appear to have been modeled on Greek written law codes. Ogilvie argues that the expedition to Athens was a later developed embellishment to the story and the laws were more likely influenced by nearer Greek cities, such as Syracuse.<sup>67</sup> This Greek inspired law code, however, does not really match up with the tyrannical nature of the Decemvirate. While it is possible that the first ten tables were written by the First Decemvirate, it does not seem possible that the last two were written by the Second. The last table in particular appears to have codified the plebeian institutions, and so could not have been written by the very oligarchy that the *plebs* overthrew. Furthermore, written laws in the ancient world were typically advocated by non-elites who could point to them when elites violated laws, keeping them from making arbitrary decisions. Therefore, it is hard to

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<sup>67</sup> Ogilvie, 449.

imagine that the radical oligarchy of the *decemvirs* would have sought out foreign inspiration for a law code that would have put a check on their power.

The oligarchic nature of the Decemvirate is also backed up by the small number of magistrates composing the office, its total imperium, and the way it was elected. Going from several elected magistrates to ten men sharing total power would have radically reshaped the power structure of Rome. Cornell explains that the first *decemvirs* were patricians, minus the plebeian Titus Genucius, while the second group of *decemvirs* included a few *plebs*.<sup>68</sup> But whatever their social order, these men replaced both the consulship and the tribunate. It is possible that a group of patricians led the formation of this oligarchy, which they enforced with the military, and accepted some wealthier non-patricians into their ranks to get plebeian support. This new oligarchy gave total imperium, the highest level of authority in Rome, to ten men who were able to bring the chaotic city under their bearing. Our sources also mention that the Decemvirate was elected by the *comitia centuriata*, which was composed of the most rich and powerful Romans, suggesting that it was these Romans who endorsed the Decemvirate. The Decemvirate was probably a radical oligarchy consented to by patrician and non-patrician Romans of high status and wealth, but not by members of the plebeian popular movement.

The Decemvirate's lack of support from the plebeian movement would prove to be the source of its downfall. While it is not exactly clear who designed the Decemvirate, whether they actually wrote the Twelve Tables, or who supported this new oligarchy, it was overthrown by a popular revolt that resulted in the codification of Rome's first law code and the plebeian institutions. This drastic reaction to the Decemvirate suggests that it was a radical oligarchy that

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<sup>68</sup> Cornell, 273.

was not supported by most Romans. More importantly, though, it did not last and the Republic was soon reinstated.

*The 2<sup>nd</sup> Secession: Revolution against Radical Oligarchy*

Only two years after its inception, the Decemvirate was ousted by revolution. According to Livy, the movement to overthrow the Decemvirate began on the Ides of May in 449 BC when the senate, in an act of defiance, refused to support the *decemvirs* in calling a levy.<sup>69</sup> When the *decemvirs* called the levy themselves, the plebeian Siccus Dentatus refused and was subsequently executed, greatly angering the *plebs*. Another tragic episode followed as the head *decemvir*, Appius Claudius, tried to seize Verginia, the daughter of the plebeian military officer Verginius, out of lust. When Claudius put her on trial to claim her as his own, the former tribune Icilius intervened and Verginius returned to the city and killed his own daughter in defiance of Claudius.<sup>70</sup> Claudius tried to arrest Verginius and Icilius, but the patricians Horatius and Valerius intervened along with the mob and denounced the Decemvirate. Then, Verginius and Icilius both marched armies through the city to the Aventine Hill, from where they then headed for the Sacred Mount with the rest of the *plebs* in an act of secession. In response to this turmoil, the patricians Valerius and Horatius went to the Sacred Mount and negotiated a compromise with the *plebs* that ended the Decemvirate and codified the plebeian institutions.<sup>71</sup>

This account is dramatic and captures what was probably a very chaotic scene in the city that resulted in another secession and the ousting of the oligarchy. A few key pieces of evidence stand out from Livy's narrative, namely the supposed "rape of Verginia," the negotiating of the patricians Valerius and Horatius, and the militant nature of this secession. Livy's tale of the rape

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<sup>69</sup> Livy, 3.38-41.

<sup>70</sup> Ibid, 3.40-48.

<sup>71</sup> Ibid, 3.49-53.

of Verginia by the *decemvir* Appius Claudius is striking because of its relation to the “rape of Lucretia.” According to Roman legend, the rape of the Roman Lucretia set off the revolt that overthrew the Tarquins and led to the formation of the Republic in 509 BC. The story of Lucretia, however, may be historical, while that of Verginia is less certain.<sup>72</sup> This close connection to the tale of Lucretia opens up two possibilities for Verginia’s tale. Either it is a later interpolation that repeated the tale for dramatic effect or both stories reflect historical honor killings that coincided with actual rebellions. If this latter interpretation is the case, it suggests that Verginius killed his daughter in an act of opposition that purposefully mirrored the death of Lucretia in 509 BC. In this way, Verginia’s story connects the revolution that founded the Republic with the revolt that reinstated it and legitimized the plebeian state. Whether this reflects a legendary parallel between these stories or the actual repetition of a historical act, the importance of this episode is that it associates honor killings with revolution. The Roman tradition understood the secession that resulted from Verginia’s death as a revolution comparable with the one that founded the Republic.

The second aspect of Livy’s account of the secession that stands out is the prominent role played by the patrician senators Valerius and Horatius. The specific tale of negotiation mirrors that of Menenius in the First Secession too closely to have likely been the scenario, but these patricians were certainly important actors in the overthrow of the *decemvirs* and reinstatement of the Republic. After the Second Secession, Valerius, who came from the same pro-plebeian *gens* as the dictator from the 1<sup>st</sup> Secession, and Horatius became consuls and were credited with the *leges Valeriae Horatiae* (Valerio-Horatian Laws) that legitimized the tribunate and *concilium plebis*. Therefore, it is likely that the tradition associated them with the secession’s negotiation

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<sup>72</sup> Ogilvie, 476-8.

simply because they were the head Roman magistrates who passed the legislation incorporating the plebeian institutions into the Roman government. They or other patricians could have supported the plebeian uprising that overthrew the *decemvirs*, but it is important not to overemphasize their role as to not diminish the plebeian nature of this revolt against tyranny. Some patricians probably acted in concert with *plebs* in their revolution, but they were more significant in the compromise that followed rather than the revolt itself.

The Second Secession was also militant in nature. According to Livy, the secession began when the plebeian leaders Verginius and Icilius gathered troops of the Aventine. It was only after they gathered their forces that they marched for the Sacred Mount with the other *plebs*. While this gathering, which Dionysius describes in detail,<sup>73</sup> cannot be confirmed, this indicates a military aspect to the revolt that was less prominent in the First Secession. This military gathering can be seen as a splitting of forces or even a coup of sorts. Since both patricians and *plebs* are reported as acting in this secession, compared to just *plebs* in the first, a more united military force may have gathered to oppose the *decemvirs*. Furthermore, it is unlikely that a group of oligarchs with total power would have stepped down willingly as Livy describes; it is more likely that they were driven out of power by violent force. The Second Secession appears to have been a revolt of *plebs* in the army who mustered a large enough army to force the *decemvirs* to step down.

The aggressive nature of this secession is reinforced by the role geography once again played. Livy claims the plebeian troops of Verginius and Icilius first marched through the city to the Aventine Hill and only later left for the Sacred Mount, making it a two part secession. The second phase was similar to the first secession, with the *plebs* following these troops out of the

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<sup>73</sup> Dionysius, 11.40-44.

city in an act of protest. It is reasonable that the *plebs*, remembering their original act of rebellion, would have returned to the sacred place where their movement began. Yet they only resorted to the Sacred Mount after first convening within the city walls with armed troops. Mignone argues that this first phase of secession to the Aventine would have been remembered in popular memory and was one of the main reasons that the hill became associated with the plebeian institutions to begin with.<sup>74</sup> While *plebs* probably already occupied the Aventine after the passage of the *lex Icilia de Aventino*, it was this association with secession, the very act that gave rise to plebeian identity in the first place, that sealed it a sacred status equal with that of the Sacred Mount.

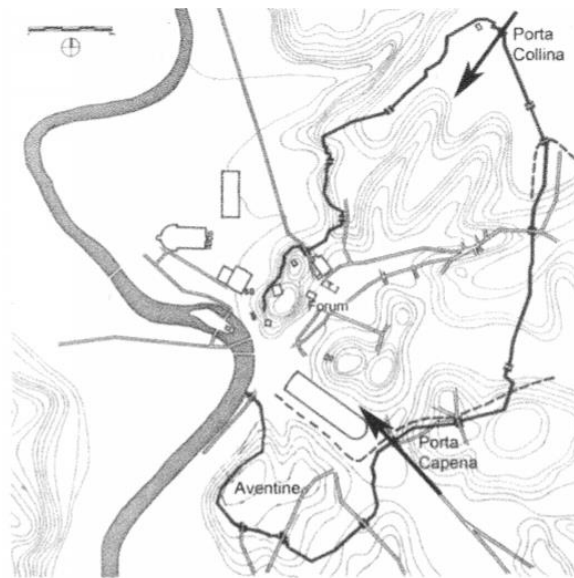


Fig. 3. First-century Rome with points of entry for soldiers seceding in the Second Plebeian Secession (449). (After Favro 1996, 76, fig. 41, with revisions.)

This map depicts the routes that the two armed bands of plebs took into the city.<sup>75</sup>

This tying of the plebs to the Aventine was significant for plebeian identity in the long run, but it was more significant at this time that an armed force gathered on the hill opposite the Palatine and Capitoline Hills. In regards to this phase of the secession, Mignone also points out

<sup>74</sup> Mignone, 37-38.

<sup>75</sup> Image cited from Mignone, 29.



that the plebeian armies marched right through “Rome Proper” on either side of the city, essentially “invading” the city through the route they took, as pictured in the figure above.<sup>76</sup> This would have mirrored later marches on the city during the 1<sup>st</sup> century civil wars, so the specifics of this march were likely later fictions, but it is still significant that this secession was remembered in such hostile terms. Not only did the *plebs* have the backing of the Roman army in their rebellion, but they occupied the city in what was essentially a direct act of force. This occupation likely led to turmoil and violence that prompted a further secession out of the city in to solidify the popular action of this revolt. Therefore, the *decemvirs* were likely overthrown by a military revolt coupled with a popular strike led by members of the plebeian movement, which left them no hope of holding onto their power. It was both of these actions, of force and protest, that led anti-Decemvirate patricians such as Valerius and Horatius to join in with the *plebs* in their overthrow and agree to a compromise that changed the extra-legal plebeian institutions into an actual branch of the Roman government.

### 7. THE COMPROMISE: THE VALERIO-HORATIAN LAWS AND TWELVE TABLES

When the *plebs* ousted the Decemvirate in the 2<sup>nd</sup> Secession, Rome began the process of reestablishing a more sustainable Republic. During this restoration, the extra-legal-plebeian “anti-government” was incorporated into the official Roman state, making its actions binding on patrician and non-patrician Romans alike. This was accomplished through two closely related sets of legislation, the Valerio-Horatian Laws and the Twelve Tables. These laws and the events surrounding their passage all suggest that the newly reinstated Republic was revolutionarily more inclusive of the *plebs* than it was during the preceding years of struggle and radical oligarchy.

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<sup>76</sup> Mignone, 29.

The method by which the Republic was reinstated, the laws passed by the consuls Valerius and Horatius legalizing the plebeian institutions, and the recognition of these laws in the Twelve Tables all indicate a major success for the plebeian movement that transformed it from a defensive struggle for rights to an actual force of influence within the Roman government.

*Reinstating the Republic: Power from the People*

The first magistracy restored after the Decemvirate was not the executive position of the consulship, but rather the previously extra-legal tribunate. Livy describes the reinstatement of the Republic as follows. After forcing the *decemvirs* to step down, the Senate agreed to have tribunes of the *plebs* elected and ordered the *pontifex maximus* (“Chief Priest”) to hold the election. There, the first legal tribunes, including Icilius and Verginius, were elected. These tribunes then convened the *concilium plebis*, which voted to restore the consulship, under the provision that it be subject to *provocatio* (“appeal”). Valerius and Horatius were then elected consuls and passed laws legalizing the plebeian institutions. In honor of this legislation, the *plebs* voted to grant them a triumph.<sup>77</sup> All of this suggests that the *plebs* initially held total power in the city in the aftermath of the 2<sup>nd</sup> Secession.

It stands out from Livy’s narrative that the *plebs*, who up to this point had struggled to hold even minor political power, emerged from the Decemvirate briefly as the supreme authority in the city. This authority is evidenced by the fact that they preceded the consulship in their reestablishment and granted them a triumph. While this order of events cannot be confirmed, it still couples the reestablishment of the consulship with the tribunate. It appears that the plebeian movement had enough leverage in overthrowing the *decemvirs* to secure their new government alongside that of the patricians. Furthermore, if the *plebs* really did grant the newly elected

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<sup>77</sup> Livy, 3.53-55.

consuls a triumph, it suggests that the *plebs* had much more power after their second secession than they did after their first.

Livy's narrative also suggests that the plebeian government was legalized through religious ceremony. He claims that the tribunal elections were led by the *pontifex maximus*. The *pontifex maximus* was the head priest in the college of *pontifices* that were in charge of Rome's religious cults and ceremonies.<sup>78</sup> It is significant that the *pontifex* shows up in Livy's narrative because it implies a religious element to the election of the tribunes that ties it to the official state religion of Rome. The tribunate was originally formed by an oath of *sacrosanctitas* on the part of the *plebs* that protected the tribunes through a divine *lex sacrata*. When this oath was originally taken on the Sacred Mount, it would not have been recognized by the official priesthood in Rome, which was closely tied to the ruling patrician regime. After the overthrow of the *decemvirs*, however, the original religious base for the authority of the tribunes appears to have been incorporated through the college of the *pontifices*. In this way, the unofficial *sacrosanctitas* of the tribunes that had previously upheld their authority was replaced with an official recognition of their power by the religious magistrates of "Rome Proper." This suggests that the plebeian institutions were recognized not only by new legislation but by religious ceremony as well. The religious oath protecting tribunal authority was extended beyond a band of vigilante *plebs* to the greater Roman community. It was only after this ceremonial granting of power that the new plebeian government was legally confirmed by the Valerio-Horatian laws.

#### *Legalizing the Extra-Legal: The Valerio-Horatian Laws*

To bring the extra-legal plebeian government under the purview of the Republican government, the new consuls introduced a set of laws known as the *leges Valeria-Horatia*. As

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<sup>78</sup> "Pontifices." *BNP*, Vol. 1.11, 598.

Livy explains, this new legislation had three effects. It legally recognized and enforced the *sacrosanctitas* of the tribunes, decreed that all magistrates should be subject to the right of *provocatio*, and made plebiscites binding on all Romans, patrician and plebeian alike. Livy also mentions that a law was passed requiring all decrees of the senate to be posted at the temple of Ceres, which was meant to open transparency between the two governments. Each of these provisions expanded the rights of the *plebs* by making their old anti-government into a branch of the government that acted as a legal check on patrician power.

As discussed above, the oath of *sacrosanctitas* may have been integrated into the official Roman religion by the *pontifex maximus*, but the Valerio-Horatian laws officially codified this oath. It made the protection of the tribunes from harm by any Roman enforceable by law rather than just by a vigilante mob. This ensured that the patricians could no longer deny the authority of the tribunes or stop them from intervening on behalf of the *plebs*. In addition, these laws ensured that all Romans had a right of *provocatio* (“appeal”) against magistrates who unjustly arrested them. Cornell explains that *provocatio* probably did not originate through this legislation but was likely a previous concept of protection that was adapted to ensure it against any magistrate in the city, plebeian or patrician.<sup>79</sup> It seems possible that this right emerged in conjunction with that of the tribunal powers of *auxillium* and *intercessio*, which allowed the tribune to give his aid to *plebs* when they were wronged by patricians. By appealing with *provocatio*, *plebs* were calling upon the tribunes to intercede on their behalf or aid them in a trial. With this new legislation, this previously unofficial act of calling upon a tribune transformed into a political right to appeal the actions of government magistrates to a court. With the formalizing

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<sup>79</sup> Cornell, 276-277.

of this right and the plebeian magistrates, the *plebs* succeeded in their original goal of protecting themselves from patrician oppression and political exclusion.

The even more revolutionary part of the Valerio-Horatian laws was the provision that all laws passed in the *concilium plebis* were binding on the people. This made what was previously a loosely democratic mob gathering into an organized legislative body that acted in conjunction with other assemblies such as the *comitia centuriata* and *comitia curiata*. While many scholars have contested the legitimacy of this provision, Cornell points out that several plebiscites were recorded in the years that followed, suggesting that the *concilium plebis* really did gain legislative power.<sup>80</sup> In addition to gaining the power to pass their own legislation, the *plebs* could also now see all decrees of the senate posted at the temple of Ceres on the Aventine Hill. It makes sense that the *plebs* would have required legislation passed by the patrician dominated assemblies and decrees made by the consuls to be physically recorded where they could view them. This posting of decrees and legislation would have allowed those *plebs* convening their own government gatherings on the Aventine to be informed on the actions of their patrician counterparts. By gaining more transparency with the patrician government as well as a legislative body of their own, the *plebs* were now more integrated into the government from which they had previously been excluded.

Through these laws, the extra-legal plebeian institutions that had been established during the 1<sup>st</sup> Secession transformed into a formal branch of the Roman government. The plebeian movement had matured from a political collective of non-elite Romans with its own anti-government based on the Aventine into a defined social and political organization that legally stood as a balance to the patrician oligarchy of “Rome Proper.” By incorporating the originally

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<sup>80</sup> Cornell 277-78.

oppositional plebeian anti-government into the Roman state, the city emerged as a state within a state. The secessions that had birthed the plebeian movement had finally led to a major legal victory for Rome's non-patricians.

*The Twelve Tables: Popular Power in Rome's First Written Law Code*

At the same time that the plebeian institutions were legalized, the Twelve Tables were established as Rome's first written law code. Livy mentions that these laws were written by the *decemvirs*, but ordered by the consuls to be cast in bronze and displayed in public.<sup>81</sup> Whether each of the tables was written during or after the Decemvirate is unclear, but the laws' content gives some clues. These laws were likely passed down to Livy's time and also recorded by other Roman authors, including Cicero, which supports their legitimacy. The first ten tables mostly clarify laws concerning contracts, inheritance, and trials that were likely already in place, but the last two established provisions which may have been influenced by, and possibly a reaction to, the plebeian movement. The last two tables' content suggests that they were written after the expulsion of the *decemvirs* and the passage of the Valerio-Horatian laws, but also highlight increased social divisions between the patrician and plebeian orders.

As mentioned, the first ten tables appear to have recorded laws that already existed in the early Republic. These laws dealt with everyday practices in the city and outlined how to approach legal disputes. The 1<sup>st</sup> Table lays out the rules for trials and guarantees the right to have representative in court, the 4<sup>th</sup> Table dealt with marriage and adoption guidelines for patricians, and the 8<sup>th</sup> Table addressed civil disputes over reputation.<sup>82</sup> Some of these laws even addressed

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<sup>81</sup> Livy, 3.57.10.

<sup>82</sup> "The Laws of the Twelve Tables," In *Remains of Old Latin*. From Loeb Classical Library, Trans. E.H. Warmington. London: Harvard University Press, 1938. Tables 1.1-10, 3.1-7, and 8.1-27.

issues that would have been of concern to *plebs* who were taken advantage of by patricians. For example, the 3<sup>rd</sup> Table outlines the process for putting someone in *nexum*, setting restrictions and practices that creditors had to follow when exercising debt-bondage.<sup>83</sup> While this confirms that *nexum* was still being practiced after the 2<sup>nd</sup> Secession, the recording of this process and regulations on it suggests a level of protection for non-patrician Romans who could have cited this legislation if a patrician creditor abused their power over them. In this way, these first ten tables laid out a written law code that served to provide legal stability during a turbulent political time. While it is still unclear whether these laws were written during or after the Decemvirate, these laws were still incorporated into the newly restored Republic.

The last two tables, however, concerned different matters that suggest they were not written by the *decemvirs*, but instead after their overthrow. These tables, which our sources viewed as supplementary laws to the first ten, seem to contradict each other in their aims at first glance. The 11<sup>th</sup> Table included a ban on intermarriage between patricians and *plebs*.<sup>84</sup> The 11<sup>th</sup> Table's ban on intermarriage was the most controversial of these laws and its legitimacy has often been questioned. Cornell argues that this ban was probably put in place by patricians who wanted to keep their members from migrating to the now strong plebeian movement. He also points out that this ban was overturned just four years later by the *lex Canuleia*.<sup>85</sup> This ban could have been a pushback from the patricians in response to the newly legalized plebeian institutions, but may also reflect a tacit compromise between the two orders. By agreeing to prohibit the intermarriage of patricians with those in the new plebeian political order, both groups would have been acknowledging the exclusiveness of their two branches of government. This suggests

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<sup>83</sup> Ibid, 3.1-7.

<sup>84</sup> "Laws of the Twelve Tables," 11.1.

<sup>85</sup> Cornell, 292.

the ban was designed after the overthrow of the *decemvirs* either by patricians trying to preserve their order or *plebs* agreeing to keep their social distinctions intact. Whichever was the case, this indicates that there was a distinct plebeian identity by this time and a new struggle over who fell within this new identity.

The 12<sup>th</sup> Table further suggests the existence of a distinct plebeian order and government that was formalized after the overthrow of the Decemvirate's oligarchy. The last provision of this table states, "*postremum populus iussisset id ius ratumque esset* ("whatsoever the people had last ordained should be held as binding by law").<sup>86</sup> This reference to the laws passed *postremum*, which usually means "most recently" or "lastly," are clearly referring to recent legislation passed by or for the *plebs*. While the table does not specify which laws it is referring to, these could have been laws associated with the legalization of the plebeian government. These laws would have been the most significant piece of pro-plebeian legislation passed at this time and were probably secured in written law so they could not be questioned in the future by any patricians. If this is reference to the legalization of the plebeian institutions, then this table could not have been codified until after the overthrow of the *decemvirs* and the passage of the Valerio-Horatian laws. Due to the influence of the plebeian movement, not only did the *plebs* gain their own branch of government, but these new institutions were specifically ensured by Rome's first written law code. So, while the *plebs* may have conceded to a brief ban on intermarriage, they still managed to carve the legality of their government institutions into solid bronze.

The legislation passed after the Decemvirate transformed the Roman Republic from a radical oligarchy of nobles into a more inclusive republic comprised of competing social orders. The plebeian movement's influence was large enough after the 2<sup>nd</sup> Secession to secure their

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<sup>86</sup> "Laws of the Twelve Tables," 12.5.



formal place in the government through the Valerio-Horatian laws and to even enshrine these laws in the Twelve Tables. The reinstated Republic emerged as a state with two heads, one patrician and one plebeian, making the Roman state more representative of its citizen body. The struggle of the orders did not end here, however, as these laws ushered in a new phase of internalized political conflict that continued to rock the Roman state.

#### 8. CONCLUSION: THE CONTINUING STRUGGLE AND THE FRUITS OF REVOLUTION (448 and on)

The period between the 1<sup>st</sup> and 2<sup>nd</sup> Secessions was a transformative era that made the fight for plebeian rights against patrician domination possible, but it shifted Rome's social divisions into new political conflicts. In Livy's narrative, the year after the 2<sup>nd</sup> Secession and reinstatement of the Republic, 448, seems little different from those before the Decemvirate. The same cycle of civil strife and foreign wars that Livy describes in the first half-century of the Republic seems to pick up right where it left off. The *plebs* still had the same grievances and the tribunes continued to struggle with the patricians the same as they did before the formalizing of the plebeian government. This continuation reveals two things: first, the struggle of the orders was far from over, and two, Livy does not seem to recognize how significant this new government was and instead fits it into the mold of his broader narrative. Despite this narrative continuation, the shift in Roman society that occurred from the founding of the Republic in 509 BC to overthrow of the *decemvirs* in 449 BC was a major social and political revolution that reshaped the relationship between Rome's social classes. The power struggle between the patricians and *plebs* continued over the next couple of centuries, but the difference was that these disputes took place within the halls of government since the *plebs* now had a place at the table. The political landscape transformed from a patrician oligarchy challenged only by an extra-legal

plebeian movement into a split state in which factional politics would become the new *modus operandi*.

This transformation had its roots in the beginning of the Roman Republic, as ruling patricians adapted the monarchic government of Rome into a new oligarchy that served its interests. This new government, combined with successful wars, a booming economy, a diverse social and cultural makeup, and a geographical divide between “Rome Proper” and outlying communities, created the conditions for social revolution. In the secession of 494 BC, when these conditions were combined with the grievances of those on the margins of Roman society, a group of non-patricians formed a social movement that identified as the *plebs* and left the city in an act of protest. This new plebeian movement marked a physical split with the city and, upon their return, embraced their exclusion from Capitoline and Palatine Rome by embodying their identity in the new home they found on the Aventine Hill.

During this physical revolt, the plebeian movement formed an extra-legal political organization through the oath of *sacrosanctitas* that they took, vowing to protect the new offices of the tribune and the *concilium plebis*. This conflict oriented anti-government was not recognized by the patricians, but began to oppose their political exclusion and oppression. While this plebeian anti-government did not immediately change the power structure of Rome, it did create significant civil strife that slowly undid the total grip of the patrician oligarchy. The conditions that this new internal struggle created were very different than those before the secession. This strife caused a reduction of military strength and wealth in the city that allowed its enemies to encroach on its borders and brought the city to the brink of destruction. This utter chaos led to the replacement of the republican government with a new radical oligarchy in the form of the Decemvirate that sought to quell the forces of internal strife. This was not a reform

government, but a dominating regime, which was soon overthrown by a new wave of popular revolt that culminated in the 2<sup>nd</sup> Secession. This secession of the *plebs* was more militant than the first revolt and forced the *decemvirs* out of power through a combination of coercion by leaving the city and the force of a plebeian army.

It was only after the overthrow of this radical oligarchy through popular force and the preceding compromise between patricians and *plebs* that the plebeian anti-government merged with the previously patrician dominated state. The Valerio-Horatian Laws and the Twelve Tables ensured that the institutions of the *plebs* were recognized and formed their own oppositional branch of government, but this did not end the struggle for popular power. This revolution had transformed the patrician oligarchy to a Rome with two states, but in doing so it transferred the struggle between the patricians and *plebs* into factional politics. The patricians continued to dominate the Roman government inspite of plebeian opposition and it was not until the *lex Hortensia* of 287 that they lost their last official overreach on plebeian power. However, this later chapter of the struggle of the orders would not have been possible if the *plebs* in this first half century of struggle had not fought for the formal plebeian government that they gained.

The plebeian movement that began with the 1<sup>st</sup> Secession may not have solved Rome's social divisions, but it did radically revolutionize the structure of the Roman government. The new split patrician and plebeian state was the result of a people's movement that formed out of desperation and gained its own power through an organization held together by a solemn oath. The plebeian organization added a slight democratic voice to the Roman government that recognized the grievances of the people, even if it only expanded the oligarchy to include some non-patricians. The Roman government still excluded most Romans, but it was no longer just the

government of the Palatine and Capitoline and led to a physical decentering of power from this traditional base.

This episode in Roman history reveals the strength of a popular revolt in an archaic Mediterranean city-state. Before and during this early struggle, Rome was barely on the map in the larger Mediterranean world and surrounded by other city-states and civilizations that were undergoing their own political and social transformations. It was the unique movement of the Roman *plebs*, however, that would eventually lead to the strength of the Roman state and its growing influence. Those *plebs* who first took their oath on the Sacred Mount made a lasting impact on the Roman government and the whole Mediterranean.

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