

# The Early Roman Republic: The Struggle of the orders

A lecture on the struggle of the socio-political orders in the early Roman Republic

## Definitions of Roman Republic

1. Monarchy: 753 - 509 BCE
2. Republic 509-27 BCE Latin- *Res Publica*, which is not a term meant to describe government
  - a. The Republic is semi-democratic
  - b. Not always a full democracy
  - c. *Res Publica* means common public property, or public affairs, as opposed to private affairs.
3. Empire 27 BCE - CE 476
  1. Modern scholars use the word Republic to mean the form of government that developed in the 5th c. BCE, in which the commonwealth was managed jointly by members of the aristocracy who worked within a structure of laws and institutions that limited arbitrary use of power.

## Literary Sources

1. [Livy](#)
2. [Dionysius of Halicarnassus](#)
3. [Polybius](#) (Greek mid 2nd c. BCE) : wrote a universal history of the Mediterranean world.
4. Cicero, *De Re Publica*, which has a section on the early constitution
5. *Fasti* - official calendar lists
  - a. It was a Roman custom to name years after the chief annual magistrate(s)
  - b. Were published, by late 2nd c BCE, for public use, sometimes on monuments
  - c. We believe the earliest Roman historians relied on these *fasti* for composing their histories

## From Kingship to Republic

1. Livy's version - after the rape of Lucretia, there was a popular revolt, and two men, Brutus and Collatinus became leading magistrates, or [consuls](#).
2. Reality: slower build-up of tensions between the wealthiest families and the kings who made concessions to the lower classes for a power base.
3. The tensions heightened because of economic depression, political decay, and Etruscan naval losses to Greeks and Carthaginians.
4. The traditional date for end of monarchy is 509, but it may have been a gradual process from 525 to 474.

## Earliest Republican Government

By mid 5th c., 2 annually elected consuls replaced the kings, but we do not know who first replaced the kings.

### [Consuls](#)

1. Had power of *imperium* outside of city walls, which meant military command.
2. Inside of the city, they acted as judges, introduced legislation, and summoned legislative body, the *comitia centuriata*.
3. Resembled kings vaguely: wore purple, attended by lictors and carried fascēs, sat on portable thrones, *sella curulis*.
4. Different from kings: there were 2 of them, did not have the religious function of kings, were elected annually.

## The Senate

1. Under the king, the Senate was only an advisory committee who ratified election of the king by the popular assemblies.
2. Slowly, however, it gained more power in Republic, because they:
  - a. became a permanent part of government
  - b. had experience
  - c. had the dignity of tradition, since it existed from earliest Roman state.
3. Controlled the state's finances, except in war.
4. Gave official advice to magistrates.
5. *Senatus consultum*: resolution of the Senate enacted by head magistrate; had the force of law.
6. *Senatus auctoritas*: not enacted by magistrate; absolved Senate from responsibility if a crisis ensued.

## Comitia Centuriata

1. Probably created under king Servius for military purposes.
  1. The centuries in this assembly were classified into cavalry and infantry of various classes depending on people's wealth.
  2. It always had a pseudo-military structure.
  3. It elected higher magistrates, consuls, upon nomination by predecessors.
  4. Accepted or rejected legislation made by magistrates and declarations of war; ratified treaties.
  5. Met outside *pomerium* (city boundary) in campus Martius.

## **Curiate Assembly**

1. A hold-over from the monarchy, based on the 3 original tribes of Rome.
2. Gave a stamp of approval to those magistrates elected by centuriate assembly.

## **The Struggle of the Orders**

1. Plebeian Grievances:
  - a. Upper class plebeians were barred from magistracies.
  - b. Middle and lower classes feeling economic burden.
  - c. Rural farmers were feeling the effects of war because they had to do much of the fighting.
  - d. Poor plebeians were subject to harsh debtor laws.
2. Plebeians withheld military service and seceded from state
  - a. They took oaths called *lex sacra*, creating plebeian assembly.
  - b. Gained a tribune in 494 or 474 BCE, who could protect plebeian interest with veto power, and was

inviolable.

## Formulation of Written Law

1. Plebeians were unhappy with patrician stranglehold on legal authority.
2. Laws of state codified, by a board of ten men, *decemviri*.
3. Resulted in the 12 Tables 451-449 BCE.
  - a. Constitutional in nature, but not a constitution
  - b. Was concerned with family, inheritance, and property
  - c. Made the last enactment by a popular assembly the law.

## Plebeians in higher magistracies

1. Plebeians wanted ability to become consuls.
2. Senate compromised, created military tribunes with consular power.
3. The Licinian-Sextian Law, 367 BCE
  1. Law, passed by two tribunes, stating one elected consul every year must be a plebeian or that one of the consuls each year could be a plebeian.
4. New, wealthy plebeians enter senate through consulship, and were called the new nobility.
5. By the end of the Republic, these "new men" greatly outnumbered patrician families.

## Independence of Public Assemblies

1. Publilian Law of 339 BCE - Centuriate assembly could pass laws without approval of the Senate.
2. Hortensian Law 287 BCE - Gave the assembly of the Plebs the right to enact laws that were binding upon the whole Roman citizenry.

## Higher Magistrates

### Cursus Honorum (in descending order of power)

1. Consuls: 2 per year, elected annually by Centuriate assembly
  1. Military command
2. Praetors: 2 per year, elected by Centuriate assembly
  - a. Had judicial authority
  - b. Had *imperium* over Roman armies
3. Quaestors: 10 per year, elected by Tribal Assembly
  1. Financial officers
4. Ten Years of Military Service

## Lesser Magistrates

1. Centuriate assembly
  - a. Kept order in public places.
  - b. Managed major state religious festivals.
2. Tribunes of the Plebs
  - a. Veto power, persons were inviolable.
  - b. After 287 BCE, could enact legislation through Plebeian Assembly.

## Special Magistrates

1. [Censors](#)
  - a. Undertook census.
  - b. Controlled membership of senate and tribes.
  - c. Set tax rates and public contracts.
2. [Dictators](#)
  - a. Had supreme power in state of emergency: usually war.
  - b. Lesser term of six months or duration of crisis.
  - c. Usually appointed by consuls.

## Assemblies

1. Curiate Assembly - open to all Roman citizens
  1. Granted imperium to consuls and praetors.
2. Centuriate Assembly - open to citizens eligible for military service
  - a. Elected top magistrates.
  - b. Could pass laws, declare war.
  - c. Were a court of appeals in capital trials.
3. Plebeian Assembly
  - a. Elected 10 tribunes.
  - b. Its resolutions could become law.

## Discussion

1. Do you agree with Polybius that Rome's Republican government functioned through a balance of powers?
2. Do you see any flaws in the system?

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