

#### D. Disputes over Public Lands

1. Even though there were now two tribunes to protect the plebeians, the patricians still had control over most of the government.
2. One limitation of the power of the tribunes was that they could not leave the city of Rome. There were two reasons for this:
  - a) They would not be able to interfere with consuls leading the army.
  - b) They would always be accessible to the plebeians who needed them within the city.
3. This meant, however, that the patricians easily controlled whatever happened outside of Rome itself.
4. In particular, whenever new land was conquered from neighboring cities, it was the Senate that gave away the new land, and by far the greater portion was given to patricians.
5. Since the plebeians played an important role in the defense of Rome, they demanded fairer treatment. The issue of gaining more land was very important to them, since they had so little to begin with.
6. In 486, a consul named Spurius Cassius proposed a fairer way of dividing up the captured agricultural land.
7. The Senate waited until he was no longer consul, then put him on trial for attempting to make himself king by donating land to the poor. He was sentenced to death.
8. The basic problem the Romans faced in creating a government that protected the rights of patricians and plebeians equally was that the patricians believed they were better than the plebeians and did not care to treat the plebeians fairly.

#### E. A Written Constitution for Rome

1. The Importance of Written Laws
  - a) Written laws, like the American Constitution, help to protect individual rights, because objective laws are laws that must be followed by the government itself, and which the citizens can insist upon.
  - b) Another value of a written code of laws is that citizens know their rights and responsibilities. They know what crimes are prohibited, and the punishments for those crimes. This helps guide them to be rights-respecting.
  - c) Another value of written laws, however, is that when the people understand the laws, they can work to change or replace them. In the most extreme case, as in the secession of the plebeians, or more recently, the American Revolution, the citizens can essentially rebel and force a drastic change.
2. The Second Secession of the Plebeians (449 BC)
  - a) The plebeians wanted written laws, but the patricians did not like the idea of having another limit placed on their power.
  - b) Ten officials were given one year to create this new set of laws. In the mean time, there were to be no consuls or tribunes, because no one would be

- allowed to interfere with them.
  - c) After a year they claimed that they needed another year to complete the task.
  - d) The plebeians feared that the lawmakers would try to set themselves up as the permanent aristocratic rulers of Rome, so they rebelled.
  - e) As before, they marched away from Rome. They *seceded*.
  - g) This Second Secession of the Plebeians forced the patricians to complete the work of the new set of written laws.
3. The Laws of the Twelve Tables
- a) The final set of laws produced are known as the “Laws of the Twelve Tables” because they were engraved on twelve bronze tablets.
  - b) The laws were placed on display in the Roman Forum (the central marketplace of Rome.)
  - c) Tragically, the full content of the laws, is not known, because they were destroyed when Rome was sacked by the Gauls in 390 BC. We only know about the laws through other sources that quote or refer to them.

#### F. Lex Canuleia (445 BC)

1. The constant desire of patricians to have power over the plebeians stemmed from the belief that patricians were superior (in every every important way) to plebeians.
2. Because they thought they were superior, patricians made it illegal for patricians to marry plebeians.
3. Gaius Canuleius, a tribune, pushed for this law to be changed.
4. The Lex Canuleia (“lex” means “law”), obviously named after him, made it legal for plebeians to marry patricians.

#### G. The Patrician Reaction: Censorship

1. When the marriage of plebeians and patricians was legalized, the patricians worried that the patrician traditions of nobility would be ruined.
2. They created two new officials, the censors, whose job it was to make sure that patricians to behave in a noble/superior way.
3. The censors' power consisted in their ability to define who was and who was not a real patrician.
  - a) The censors kept a census – a list of names of all patricians.
  - b) They monitored the behavior of patricians in public.
  - c) If patricians were deemed to behave in an immoral manner, they could have their names struck off the list of patricians.
  - d) If you weren't a recognized patrician, i.e. if you weren't on the list, you could not participate in the government, and you lost your social status.

## H. The Licinian Laws (367 BC)

1. A patrician consul named Marcus Manlius attempted to help a plebeian soldier who could not repay a debt to a patrician, and, like Spurius Cassius, he was accused to trying to appeal to the masses to make himself king, and he was executed after his consulship.
2. The two martyrdoms of consuls showed how difficult it was for positive changes to be made by patricians, even if they meant well. Progress tended to come from tribunes, who gradually claimed more prerogatives as part of their responsibility to protect plebeians. This included the right to initiate new legislation.
3. A tribune named Gaius Licinius proposed a solution to the problem of debt slavery, and a means of making sure the solution would be accepted.
4. The first of his “Licinian Laws” put limits on how much conquered lands any one person could buy. This way the Patricians would be stopped from buying it all up.
5. To help the plebeians get a fair share would mean having an official with more extensive powers than a tribune (who still could not legally leave the city of Rome itself). Licinius insisted that one consul should be a plebeian.
6. When the patricians resisted, the plebeians re-elected Gaius Licinius as the tribune for ten years running. The patricians finally gave in, but not without making some changes to how much power the consuls had.

## I. The Patricians React Again: The Praetorship

1. To limit the amount of power that the plebeian consul would have, the patricians took away part of the consuls' authority and gave it to another, new set of officials called “praetors.”
2. The consuls kept the power of the leader of government, and the highest “executive” power of a policeman, but the praetors were given the power of judges.
3. Naturally, only patricians could be praetors.