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Leges, Plebiscita, et Rogationes: Democratization and Legislative Action, 494 - 88 BC

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Leges, Plebiscita, et Rogationes:

Democratization and Legislative Action,

494 - 88 BC

by

Eric Wolters

A thesis submitted in partial fulfillment
of the requirements for the degree of
Masters of Arts
Department of Government and International Affairs
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ABSTRACT

This study intends to analyze the importance of institutional trust in the process of democratization. In this particular case, the period from 494 to 88 BC in the Roman republic is examined. The theories of Charles Tilly and Robert Putnam are utilized to more deeply examine the concepts and manifestations of trust and democratization. Using the ideas and theories of these authors together provides a unique insight into the means by which a population comes to trust that government is responsive, and further comes to expect increased responsiveness in the future. Institutional trust as an element of mutually binding consultation will be explored via proposed and successful plebeian legislation in the Roman republic. This study examines legislative actions, defined as proposed legislation (*rogationes*) alongside successful legislation (*plebiscita* and *leges*), which originated in the plebeian assembly, the *concilium plebis*, under the guidance of the tribunes of the plebs, the elected officials of the plebeian population at Rome. In all, 236 legislative actions between 494 and 88 BC are divided into four themes of democratizing action, termed equality, broadening of participation, protection and mutually binding consultation, and then further organized into one of nine sub-categories for each theme. Findings suggest that the final period of 192 to 88 BC, which is period of frenzied plebeian political activity through the *concilium plebis* and the tribunes of the plebs, is made possible by a marked increase in legislative actions related to mutually binding consultation in the previous period (292 to 193 BC). These findings support the claim by Tilly and Putnam that democratization can occur only with increases in institutional trust.

CHAPTER I: INTRODUCTION

Introduction: Democratization and the Roman Republic

88 BC had already been a tumultuous year in Rome. And now Rome was threatened in a way that she had not been in her many centuries of existence. Rome had suffered many tragedies in its 421 years as a republic: invasion by Gauls, pestilence, war, social unrest, even the scourge of Italy himself, Hannibal. But now she faced her greatest threat. One of her own sons, Lucius Cornelius Sulla, a man able to call upon a long lineage of familial service to the City, was on the march at the head of an army moving directly towards the City. (Keaveney, 2005) Moving directly towards Rome to settle his accounts with his political enemies, notably his former mentor, now nemesis, Caius Marius and his recent ally, now hated enemy, Publius Sulpicius. When he was met on the road by peace envoys from the City, Sulla was asked why he marched on Rome. His answer, as recorded by the historian Appian of Alexandria, was "to free Rome from her tyrants." (BC 1.7.57) Who were these tyrants?

Sulla, though of limited independent financial means, was nonetheless an aristocrat at heart and by lineage. He had grown up with an aristocrat's healthy dislike of the common people and a special hatred for their ever-interfering leaders the tribunes of the plebs. The tyrants of whom Sulla speaks are none other than those tribunes of the plebs, at the time in the person of Publius Sulpicius. By Sulla's day, this institution that had begun as informal spokesmen of the common class, the plebeians at the birth of the republic, could now in 88 BC command the entire

state to its bidding. As Sulla found when Sulpicius passed a measure to strip him of his prestigious military command. Sulla's revenge was both personal and constitutional. The tribunes of the plebs commanded too much power. Power that had originally, and from Sulla's perspective rightly, been possessed by his own aristocratic patrician ancestors. As he marched on Rome he promised to return the City to its proper form of government. Sulla's entry to the City marked the end of a 404-year struggle that saw the tribunes of the plebs continually, if not sometimes selfishly, scramble to improve the standing of their constituents, the plebeians.

How did this institution of the Roman republic begun so many years before with no real official authority come to the point where they could be considered enough of a threat that it needed to be undone using the power of a Roman army? How did the tribunate become so powerful, gain so much trust of the people in the 100 years before Sulla's actions?

To answer these questions, the use of modern political theory is helpful. In particular, application of theories concerning the process of democratization would provide insight. The tribunes of the plebs have a long history of utilizing the political process to further the ends of their plebeian brethren against those that would seek to keep them disenfranchised. The use of political science theory to the now long dead Roman republic provides both a fresh analysis of the events surrounding the rise and fall of the Republic but also provides insight into the nature of democratization. Some historians advocate new ways of looking at ancient politics. Fergus Millar (1998) breaks with previous historians (such as Mommsen, Scullard and Badian) who rely on motivations such as inter-elite competition and clientele networks as the energy in the Roman political machine. Instead Millar challenges us to "read the political history of the Republic as one of real politics involving major social and constitutional issues, not as the sterile interplay of 'factions' or clientele." (Millar, 1998: x) Another major historian in the field, Henrik Mouritsen,

who notes especially that the developmental importance of the plebeian tribunes, advocates this approach that plebeians, and their assembly, have been overlooked due to modern biases of historians:

The plebs itself was viewed with a certain disdain - until recently most ancient historians identified instinctively with the elite and readily adopted its outlook and prejudices. The lower classes were dismissed as politically immature and entirely under the control of a few ruling families.

(Mouritsen, 2001: 2-3)

To illustrate this point, Mouritsen quotes Ronald Syme's 1939 work *The Roman Revolution* in a footnote, "Debauched by demagogues and largess, the Roman people were ready for the empire and the dispensation of bread and games." (Mouritsen, 2001:2 f3) Yakobson continues this line when he questions the assumed control elites had over plebeians regarding the question of bribery; if the Roman plebs had no independent voice, if they could not make their own decisions in political assemblies, what value was there in bribing them. In an interesting turn, Yakobson sees bribery as an indicator of free choice. (Yakobson, 1999) These historians indicate that research into plebeian political power in the period of the Roman republic requires new perspectives and perhaps new methods.

The study of democratization, I believe, can provide insight into a better understanding of plebeian political power in the Roman republic. Millar, Mouritsen and Yakobson all imply that there is something beyond crude manipulation by elites to account for political activity. These same desires of the Roman plebs are recorded in their struggles to achieve equality, to participate in political life, to have their rights protected as citizens and to have a responsive government. Such struggles would not be out of place in the modern western or developing world. If such

methods are useful in understanding modern trends in democratization, why would they not also be useful in examining what appears to be democratization in an ancient setting.

Research Design

In this thesis I will argue that indeed we can Figure a path of attempted democratization in the Roman republic from 494 to 88 BC. In addition, democratization, for the term to carry any meaning at all, must occur with an increase in each of the following: equality, broadening participation, protection and mutually binding consultation, as noted in Tilly (2007). I will further argue, that it is only through the increase in public trust of governmental institutions through advancing mutually binding consultation that the other three elements of democratization can increase. Democratization is hinged upon trust building mutually and binding consultation. Therefore the struggle to gain a voice by the plebs is relevant; their attempts to gain influence in law making and decision-making constitutes the core of what we understand to be democratization.

To make my case I will examine the legislative actions of the tribunes of the plebs in the *concilium plebis* from 494 to 88 BC, traversing the lifetime of this particular institution and its officers. The adoption of the tribunes of the plebs as formal officers of the plebeians in 494 BC with the *Lex Sacrata* (Rotondi, 1912/1985) will remain in force until the drastic reduction of the power of that same institution in the time of Sulla in 88 BC. Increasingly frequent attempts and success in passing legislation by the plebs will be a valid and reliable indicator of the power of the Roman plebs.

The inclusion and application of both the attempted and successful legislation will serve as evidence to the attempts of the plebs to have their political voice heard, validated and

incorporated into Roman political and social life. In such instances, the plebeian tribunes' suggestion of legislation provides insight into the needs, desires and moods of the plebeians of Rome. In addition, success of proposals at the level of the plebeian assembly reflects sufficient support for the purpose of the legislation, and those plebeian leaders who propose them, to allow passage. Furthermore, passage of legislation at the level of an assembly of the entire Roman people (as opposed to just plebeians) is evidence not only of popular support among plebeians but also acquiescence, if not support, of elites.

To measure this, data must be collected regarding attempted and successful legislation, brought forward by the plebs and the institutions they controlled. An accounting of the legislative actions in question must be made. Modern and ancient sources will be used to initially identify the appropriate proposals and legislation initiated by the tribunes of the plebs. Additional sources of both varieties will be used to give further clarification to the individual actions and their context. Once identified and contextualized, these legislative actions will be organized into categories, which have been operationalized from the themes of democracy noted above.

The collected data will show that the increased power and authority of the tribunes of the plebs and the *concilium plebis* as independent and trusted institutions of the majority of Rome's population, the plebeians, in the period 192 - 88 BC is due to rise in mutually binding consultation in the period immediately preceding it 292 - 193 BC.

Concepts and Definitions

Throughout this thesis I will refer to legislative actions. I define a legislative action as any legislation initiated by a tribune of the plebs regardless of its level of success. All legislative

actions used as data in this thesis, whether as proposals, plebiscites or laws, begin as initiatives of the tribunes of the plebs. Latin terms will be used to refer to these legislative actions singularly. A *rogatio* is a proposal that, for whatever reason, remains only a proposal and is not adopted by the plebeian assembly, the *concilium plebis*. A *plebiscitum* is a *rogatio* that has won the support of a majority of the voting tribes in the *concilium plebis*. A *lex* is a successful *plebiscitum* of the *concilium plebis* that has then taken up by a magistrate and ratified by an assembly of the entire Roman people.

These legislative actions will be used to better examine democratization in the Roman republic. Tilly (2007) states that democratization is occurring when political relations between the state and its citizens features increasingly broad, equal, protected and mutually binding consultation. This definition of democratization will be retained for the purposes of this essay. Furthermore, I will base my four themes of democratization on Tilly's four dimensions of democratization; the slight name change will be used to differentiate my usage from the orthodox Tilly usage.

For the purposes of this thesis, my use of *equality* will indicate a movement toward the leveling of relations between different categorically bounded groups. Equality here includes the opening of citizen ranks to new members, full enjoyment of rights by all regardless of wealth, class or privilege of birth, including access to government resources and limiting social class differences. *Broadening of participation* is a modification of Tilly's breadth and focuses on access to participation in government. Breadth of participation includes increasing the opportunity in the participation in political life by groups that had not formally been included whether through holding office, participating in the military, or voting. *Protection* here is defined as the limitation of the arbitrary action of the state and to secure personal rights and

rights to property. Protection includes provisions for the public accountability of officers, access to the courts, provisions to ensure personal rights to a fair trial and appeal, and provisions to ensure the security of private property in life and death. *Mutually binding consultation* here is describes efforts to integrate the plebeian assembly and its leaders the tribunes of the plebs and ensure that the will of the plebs is heard and acted upon. In all areas included under mutually binding consultation these are efforts to increase the power, scope, authority and legitimacy of the plebeian institutions.

This thesis will utilize these definitions to ground concepts of democratization for a better examination of the project material. The results of this thesis will show how equality, breadth of participation, protection and, especially, mutually binding consultation illustrate democratization in the Roman republic through the examination of legislative actions, such as *rogationes*, *plebiscita* and *leges* initiated by the tribunes of the plebs in the *concilium plebis*.

Organization of the Thesis

Chapter 2 of this thesis will provide both a background study and substantive examination of the political system of the Roman republic. As a general background, I will introduce relevant elements of Roman social and political life. Roman public law pervaded every aspect of life in ancient Rome, so too did aspects of Roman life affect the creation of laws. (Williamson, 2005) An overview of the elected offices of the Roman republic will give an introduction to relevant concepts made. The outline, framework and general powers (legislative and electoral) of each popular assembly will be illustrated, giving special detail to the *concilium plebis*. In addition, to the historical background provided, this chapter will examine the relationship between inequalities in Roman society and their parallels built into the various

public assemblies; with binding kinship ties in the *comitia curiata*, economic class in the *comitia centuriata*, and geographic biases in the *comitia tributa*. The *concilium plebis* will be shown to be not only to be most representative of the popular assemblies, but the most proactive in the advocacy of limiting the effects of the inequalities omnipresent in Roman society and politics. With its powerful leaders, the tribunes of the plebs, this assembly, once consensus was achieved among the tribunes and the voting blocks, was able to become the main vehicle of political and societal change in the Roman republic. With its ability to unify (albeit for brief periods) and mobilize the plebeian population in Rome and its immediate environs, the *concilium plebis* becomes the vehicle of democratization in the Roman republic.

Chapter 3 of this thesis will examine the theoretical literature regarding the political process of democratization. This analysis will follow closely the process of democratization as examined by Charles Tilly. Tilly describes democratization as a "movement toward broader, more equal, more protected and more binding consultation" (Tilly, 2007: 14). In an effort to more deeply examine the four dimensions of democratization advocated by Tilly, his concepts of political contention and political ecology will be explored for their relevance to the subject matter. The importance of trust will be examined in the context of the fourth dimension of democratization mutually binding consultation. Trust will also be viewed from the perspective of Robert Putnam who considers trust the essential element in the development of effective state structures (1995). Mutually binding consultation will be shown to be the medium in which this trust is grows.

Chapter 4 will provide an overview of the methodology used in this thesis. The methodology will address the isolation, vetting, organization and collation of the data utilized. The data will consist of legislative actions, *leges* (laws), *plebiscita* (plebiscites) and *rogationes*

(proposals) of the tribunes of the plebs in their assembly, the *concilium plebis* from the year 494 to 88 BC. The methodology will describe the method by which the dimensions of democratization will be operationalized for the purposes of this project. The purpose and type of Figures and tables to be used will be described and justified in this section.

Chapter 5 will provide the results of the project. First, the final data will be displayed and described with the assistance of an exhaustive set of Figures and tables showing the data in organized and informative visualizations. Special attention will be paid to the examination of the period as a whole (494 - 88 BC) and to individual time periods (494-393 BC, 392-293 BC, 292 - 193 BC and 192 - 88 BC) and the relative increase or decrease in different types of legislative actions in the four dimensions of democratization. This chapter will prove a sharp increase in the legislative actions addressing trust-building mutually binding consultation during the second half of the third time period examined (292-193 BC). It is the increased trust from this time that allows such dynamic change to occur in democratization in the period 192 - 88 BC.

Chapter 6 will examine the implications of the results of the study. The role of democratization as a viable method of exploration of the Roman republic will be assessed. I also express my hope and desire that use of such modern theoretical ideas as those explored in this thesis will be value in understanding larger questions of democratization that are applicable to the world of today. I will also discuss the possible future avenues of research in which this project could eventually lead.

Conclusion

For the purposes of this thesis, I contend both that democratization was occurring in Rome during the period 404 - 88 BC and that use of modern theories and concepts can help us

better understand the Roman republic as well as our understanding of the process of democratization. The legislative actions of the tribunes of the plebs can reliably be isolated and organized from surviving source material and more modern analysis, and further that this data can provide important insight into the process by which democratization increases in the Roman republic.

CHAPTER II:

THE ROMAN REPUBLIC: OFFICES, INSTITUTIONS, AND SOCIAL FORCES

Introduction

The Roman Republic is a period that can roughly be termed to span the period 509 to 27 BC, this thesis will examine 406 of those years (494 to 88 BC). Within this span of four hundred years, the political system of the Roman republic constantly changed and evolved. Over the centuries, Rome's political and social institutions developed in uneasy spurts and never without strain and contention. What began in 509 BC as a system of oligarchic rule where a narrow ribbon of society, the powerful patricians, which decentralized and shared power through a series of political and religious positions, most of which required public election for short terms of office. While public election through one of the various popular assemblies, known as *comitia* appeared to coincide with modern concepts of democracy ability of all citizens have equal participation in government, the reality was something quite different. This began to change however in 492, with the passage of the *Lex Icilia de tribunicia potestate* which allowed the creation and the legitimization of an assembly encompassing not the patrician elite of Roman society, but instead its class of commoners, the plebeians. (Rotondi, 1912/1990)

General Background

Some modern historians, like Henrik Mouritson, go so far to say that while Rome cannot be considered a democracy in our modern sense, it did provide direct access to democracy

through the various public assemblies. (Mouritsen, 2001) Millar emphasizes this open, public face-to-face form of political life as an important element when considering political democracy in Rome. (Millar, 2002) Others like Hölkeskamp reject that the majority of the population acted as responsible political actors, being open to influence by a number of methods, but still considers the majority population to be the deciding factor in political contests. (Hölkeskamp, 2010).

The Roman constitution with its various institutions and procedures was not one that was explicitly written in any document, and while early on laws were publicly displayed, there was no cohesive single compendium guiding political life. Instead, the political system of the Roman was based much more on tradition and precedent, in Roman terms *mos maiorum*; which can be translated as 'the way of the majority', the 'way of the elders' or perhaps a bit more dramatically, 'the way of the ancestors'. *Mos maiorum* essentially relied on known and publically understood precedent as its basis for legitimacy. (Cary and Scullard, 1975)

In the period following the expulsion of the kings, the patrician class aristocrats, who had played an important role prior to the Roman republic, came to dominate the state, its power and resources. Sharing the powers of the former kings among themselves, this noble class sought to legitimize their political, legal and religious power via the established public assemblies of the early republic. Participation in this political power was however limited only to the patrician class. The patrician right and obligation to rule can be traced from the appointment of specific families to that rank at the founding of the City in 753 BC by none other than Romulus himself, the founder of Rome; or so claimed the patricians. Predictably, those not of patrician rank, plebeians, sought to expand their own liberty as the patricians had once done in the face of tyrannical kingship. Instead of revolution however, plebeians used their superior numbers to

affect political change by using established and already legitimized political institutions and procedures in new ways to achieve their ends.

The voice and action of the plebeian class came in the form of the *concilium plebis*, a public assembly open only to non-patricians, and led by popularly elected officials, the tribunes of the plebs (*tribunis plebis*). From 494 until 88 BC, this body and its leaders will be the main force of democratization in the Roman republic.

The Magistracies

The Roman republic relied on elected officials of varying type and degree to carry out the actions of the state as determined by the assemblies and the senate. With only two exceptions (the position of dictator, or *magister populi*, and his assistant the *magister equitum*, master of the horse) each official in the republic was elected, and elected in open and public assemblies. The function of each official would be limited by *potestas* associated with it, the powers that were endowed to the position via statutes or custom (Lintott, 1999) Officials could be categorized as those with *imperium* (the ability to lead troops) and those without *imperium*. Brennan, following the lead of Mommsen, considers *imperium* to be "an absolute power that entitled the king to do whatever he thought fit in the public interest, whether inside or outside the *pomerium* (the sacred boundaries of the city of Rome)" (Brennan, 2000), the various officials of the republic in whom *imperium* was bestowed became the inheritors of this powerful authority. *Imperium's* link to the regal period, for the Romans, was an important template in understanding the distribution of power in their new republican offices. The development of elected political office comes directly as a response to the expulsion of the final king, Tarquin the Proud, in 509 BC. The

executive, judicial and military powers of the former king were distributed among a number of political offices.

The consuls would be elected by the assembly known as the *comitia centuriata* and would serve for a one-year term. These consuls had considerable authority in executive, legislative and judicial matters. Consuls, when in the city, could convene and propose legislation to the *comitia centuriata* and *comitia tributa* on their own accord. The various comitia could be called for legislative purposes, but also as to try capital cases, in which the consul would act as facilitator. Consuls also served as the commanders for the Roman citizen military and had the power of life and death while on campaign. (Derow, 1996)

Praetors, would be elected annually by the *comitia centuriata* and would also share in possession of imperium, and would be increasingly called upon to act in this military capacity as Rome expands her reach across the Mediterranean. Praetors also could convene the *comitia centuriata* and *comitia tributa*, but only when the consuls were absent the City. Praetors acted in a judicial fashion as well by presiding over legal cases and ruling in civil cases. (Brennan, 1996)

By the time of the Second Punic War, as Rome's need for experienced leadership was increasing. Consuls and praetors could have their *imperium* extended for a pre-determined period for service abroad. This assignment of proconsular or propraetorian imperium required specific legislation. By the end of the period of the republic, anyone elected consul or praetor could expect at least one year of service abroad as a provincial governor, with the possibility of being brought back into such service again outside of direct election to office. (Badian and Lintott, 1996)

The lower magistracies of the republic, aediles and quaestors, lacked *imperium* but were sought after positions to win popularity, support and reputation in preparation for greater office.

Aediles oversaw the maintenance of public buildings, and were trusted with funds to hold public games and celebrations. Curule aediles could only be from the ranks of the patricians and would be elected to office by the *comitia tributa*, while plebeian aediles could only be of plebeian stock and would be elected by the *concilium plebis*. (Lintott, 1996) Quaestors acted as financial assistants, first to the consuls and then to other elected magistrates. They would be responsible for reporting on the financial activity of the magistrate to whom they were assigned. Loss of such records could ruin a potential career.¹ The close working proximity of quaestors to consuls and praetors must also have had advantages in 'learning the ropes' of higher office, beyond the limited requirements of their elected position. This would also provide access to higher ranking and more powerful citizens; relationships that would be called upon again later in one's career.

The process by which candidates would stand for office in the later republic was called the *cursus honorum*, literally the 'path of honor', by which over a life time individuals would seek an ever-higher elected position, and families would seek to have members rise to ever higher rank over generations. (Brennan, 1996) Until the passage of the *Lex Villia annalis* in 180 BC (Rotondi, 1912/1990), there is no formalized legal system by which age requirements, minimum periods between offices were determined. Instead, it was expected that the example of precedent would be followed. In the past the question of *mos maiorum* in the case of elected officials was sometimes overlooked but the tradition remained. In times of crisis however, reelection of, especially, consuls was sometimes necessary. Take the example of the dark years of the Hannabalic invasion of Italy (218 - 201 BC) during the Second Punic War. Rome was in need of experienced military leadership so in an agreement between the senate and the plebeian tribunes, a plebiscite was passed that allowed, for the term of the war with Hannibal only, that

¹ Plutarch notes that during his quaestorship, the young Tiberius Sempronius Gracchus, upon securing the safety of the defeated Roman army at Numantia, returns alone to the enemy stronghold to retrieve his account books. Though Gracchus was instrumental in the treaty between the Numantines and the Roman commander due to a

consuls could be reelected annually as necessary. This legislative action, the *Plebiscitum de lege solvendis consularibus* of 217 BC, was done out of dire national interest, but still retains limits in that such reelections can only occur in the specific conflict with Hannibal and only while said invader occupied Italy. (Rotondi, 1912/1990)

The distribution of the powers of the ancient kings through a great number of elected officials was initiated as a safety measure. Naturally, an excess of power bestowed on a single citizen could lead to the dreaded return to one-man rule or *regnum*. Two of the first laws passed by the new republic made the kingship illegal and constrained the consulship (and by extension other magistracies) from becoming a new form of kingship (Rotondi, 1912/1990; Berger 1991; Livy 2.8.1-2).² Beyond this legislation, protections against regnum were integrated into the magistracies to ensure that no official could attain kingship, mainly limited time in office, collegiality and the power of the veto.

To help ensure that officials did not achieve too much individual power, they were limited in their time in office. Most positions were held for a single year, with elections at different times of the year. Consuls held office for 12 months, as did praetors, aediles, quaestors and tribunes of the people. Censors were elected for a period of 18 months every five years and dictators were appointed at maximum 6 months. All normally elected officials had one or more colleagues with whom they shared power for their term of office, if death deprived an office of an occupant, a special election could be organized. While colleagues were often added to a particular office, there is no evidence that any were taken away. Consuls were always two in

² This fear of the rise of a new kingship could still be felt in 132 BC. According to the tradition of Plutarch, when it was reported to the senate that the tribune of the plebs Tiberius Sempronius Gracchus had touched his head as a dramatic flourish while speaking, this was interpreted by members of the senate as a request for a crown and sparked the political murder of Gracchus and his supporters (Plut TG 19.2). Gracchus came under suspicion of regal aspirations when he was reported to be in possession of the purple robe and diadem of a king and had desires for kingship (the crown and robe were in fact symbols of the kingdom deceased Attalus of Pergamum had left to the Roman People) (TG 14.2)

number; the number of praetors rises as needed, as do the number of aediles and quaestors. The censors remain at their initial number of two, while tribunes of the plebs eventually numbered ten. Having at least one colleague allowed ambitions and political agendas to be tempered as each official of equal rank had the authority to veto the actions of the other, via an *intercessio*. An *intercessio* could stop potential legislation or legislative actions from even being heard by the assembled people. (Lintott, 2000; Yakobsen 1999) Only the tribunes of the plebs could use their veto to stop actions outside their native assembly. Beyond the *intercessio*, discovery of ill omens by consuls, praetors and censors could bring almost any action of office to a close, with exception of the *concilium plebis* that technically functioned outside the religious authority of curule magistrates. This ability to establish the will of the gods through *auspicia impetrativa*, and through *obnuntiatio* would prove to be an effective political tool in the hands of the elite to block assemblies and their legislation based on ill omens. (Lintott 1999)

Table 1: Magistracies of the Roman Republic

Magistrate Details	Censor	Consul	Praetor	Curule Aedile		Quaestor	Tribunes of the Plebs
				Curule Aedile	Plebian Aedile		
Term (months)	18	12	12	12		12	12
Frequency	5 years	Annual	Annual	Annual		Annual	Annual
<i>Imperium</i>	No	Yes	Yes	No	No	No	No
Call Assembly	Yes	Yes	Yes	No	No	No	Yes
Propose Legis.	Yes	Yes	Yes	No	No	No	Yes
<i>Iuris dictio</i>	No	Yes	Yes	Yes	No	No	No
<i>Obnuntiatio</i>	Yes	Yes	Yes	No	No	No	No

(Taylor, 1990)

The Assemblies

Voting in popular assemblies in the Roman republic entailed the use of block voting. Assemblies would require that citizens be organized into different bodies, a question of legislation or election was then posed, and votes within each block were counted. At the time, it was understood that the process of voting was that of block voting. (Greive, 1985) The result being, that while individual votes were counted, only the overall vote of the block was counted toward the question. (Hall, 1964) The settings for these votes would take place in, or just outside the City, were public in nature with all proposals being made in front of mass audiences and with voting and reporting of votes occurring in open-air venues. Hölkeskamp notes that despite the many dangers facing the state, be it invasion, famine, or civil unrest, the block voting system was never challenged, nor was the open nature of the electoral and legislative process challenged. (Hölkeskamp, 2010)

The Roman republic functioned via the legitimacy of four assemblies: The *comitia curiata*, the *comitia centuriata*, the *comitia tributa* and the *concilium plebis*. The *comitia curiata*, the *comitia centuriata* and the *comitia tributa* claimed to represent the entirety of the Roman people, both patricians (aristocrats) and plebeians (commoners), while the *concilium plebis* is the political body reserved only to plebeians. The nature of the creation of these bodies reflects different aspects of social life and cooperation between the classes. In the cases of the *comitia curiata*, *comitia centuriata* and, to a lesser degree, the *comitia tributa*, the organization of the assembly accentuated, instead of limited the inequalities found in rest Roman society. Only the *concilium plebis*, and its all-plebeian membership, became a consistent and active force in promoting the welfare of the majority of Roman citizens.

The Curiate Assembly: The *Comitia Curiata*

The *comitia curiata* was considered the first assembly created in Rome, during the reign of the first king, Romulus. The *comitia curiata* is noted by the Romans themselves as the original body created by Romulus himself following the founding of the city of Rome. The intent, if our modern understanding of the ancient sources is correct, was to organize the population of the Seven Hills of Rome and their immediate environs into a cohesive body of consultation. This consultative body would be made up of ten subdivisions of the three original clans of Rome, also determined by Romulus, each called a *curia* (plural *curiae*) (Botsford, 1909/2005). According to Dionysius of Halicarnassus, Romulus granted three powers to the curiate assembly "... to choose magistrates, to ratify laws, and to decide concerning war whenever the king left the decision to them" (2.14.3). After 443 BC, this *comitia* loses its importance to other bodies within the republican political structure. In 215 BC, by decree of the senate, the *comitia curiata* becomes purely symbolic and is attended only by the representatives of the various *curiae*. (Botsford, 1909/2005) Its symbolic importance in bestowing imperium, the ability to rule as a magistrate or military leader, will remain a technical formality throughout the era of the republic, eventually with its importance being increased briefly beyond mere formality by Sulla in order to weaken the authority of tribunes of the plebs. (Botsford, 1909/2005)

Original assignment of citizens into their specific *curiae* was established at an early date, and participation in the curiate assembly represented membership in the body of the Roman people and de facto citizenship. Therefore citizenship, as understood before the Republic was formed, required enrollment in one of the thirty *curiae*. (Last, 1945). The extent to which there is identification at the individual level with their *curia* is unknown (Hall, 1964), whether force or choice were involved in the original assignment of the *curiae*, as a concurrent creation of

clientage (Botsford, 1909/2005), but it appears that membership had a strong connection to kinship (Last, 1945; Botsford, 1909/2005).

Membership in the curia and therefore citizenship was based on traceable kinship. As Rome began to grow and become more prosperous, more individuals and groups came to call the City their home, growing numbers without the ability to trace kinship to one of the thirty curiae, participation in this pre-republican assembly was impossible for those that could not. (Last, 1945:) Later, when censors would add new members to the citizen rolls, they would assign curiate affiliation in addition to other citizenship classifications. (Last, 1945) By the time of the poet Ovid in the first century AD, so many citizens had forgotten the curiate affiliation of their ancestors that instead of celebrating the *curiae* based 'feast of the ovens'; those who could not remember would have to celebrate the less edifying 'feast of the fools'. (Taylor, 1990)³

The Centuriate Assembly: The *Comitia Centuriata*

While the *comitia curiata* was established in the earliest years of the regal period by Romulus, the *comitia centuriata* was established during the time of Servius Tullius who, according to tradition, reigned between 578 and 535 BC. During the republic, this assembly would serve as the premier legislative assembly representing the entire Roman population and would be the elective body for the most powerful magistrates, the annually elected consuls. Whereas the curiate assembly had membership based on kinship, membership in the *comitia centuriata* was based on assessed wealth. Subdivisions called centuries were created to encompass the citizen population. Every five years, the elected censors, to determine the age and wealth of every citizen, their commensurate tax liability and thus assignment to appropriate

³ The passage in Ovid's *Fasti* describes how on the feast of the Ovens tablets should be hung with the particular sign of the curia should be shown. Fools unaware of their *curia* affiliation and must wait until the last day of the festival to participate in the festivities. (2. 531 - February 17)

military century, would undertake the census. (Last, 1945) This method would be used to determine the citizen's status and role in Rome's military based on the ability of combatants to pay for their own armor and weapons. As the Roman military organized itself on this century system, the political framework mirrored it.

A generic snapshot of the *comitia centuriata* based on this Servian era organization, during the time of the republic until 241 BC would have 193 individual centuries, each of which had a single block vote. The citizen body is organized into two main divisions: the *equites* (who ride into battle on horses, sometimes provided by the state) and the *pedites* (those who march to battle). The *equites*, the wealthiest members of the Roman population, made up 18 of the total 193 centuries and until 241 BC would be given the honor of being the first to vote in assembly meetings. Of the *pedites*, there were five classes each of which was subdivided unequally into centuries. Class I, the wealthiest of the *pedites* would be made up of a total of 80 centuries, with 40 centuries for *iuniores* (aged 17-46) and *seniores* (aged 46 - 60). Class II to IV each has a total of twenty centuries each, divided equally between *iuniores* and *seniores*. Class V has 30 centuries divided between *iuniores* and *seniores*. The remaining population was assigned to five unarmed centuries, which were made up of artisans, musicians and those of the most modest means, the *proletarii* (Taylor, 1990)

As a point of reference, the poorest of the five classes, Class V, would have a property valuation of 11,000 *asses* (unit of value) while Class I would have a property valuation at 100,000 *asses*. (D'Armes, 1943). It should be noted that this system of organization was not based on equal numerical membership in the centuries. Though the term century seems to implicitly demand membership of 100, and this may have been true of the military subdivisions of the same name, the centuries of the *comitia centuriata* are of no preordained uniform size.

(Staveley, 1972). For instance, Class V was made up of thirty centuries of men who could arm themselves with, as Livy notes "...slings, and stones for missiles" (1.43.7), while Class I was made up by 80 centuries of men "required to provide ... helmet, round shield, greaves and breastplate all of bronze for the protection of their body; their offensive weapons were a spear and a sword" (1.43.2). Surely, there were fewer men able to supply this much more expensive panoply.

Logic dictates that there were fewer members per century in Class I than in Class V, thus with block voting, each member of Class I had more voting power per capita, as there were fewer men per voting block. To add to the already glaring inequality, when the votes of the *equites* are added to those of Class I, the tally equals 98 of the possible 193 votes of the centuries. As voting would end as soon as a simple majority of century votes was achieved, the lower centuries likely only rarely voted, and then only when there was division within the wealthiest ranks. Whether in matters of elective practice or legislative activity, there is little to refute why Yakobsen considers the *comitia centuriata* to have been "designed to minimize the voting power of the poor" (Yakobson, 1999).

In 241 BC the *comitia centuriata* is reformed and modifications are made to the structure of the centuries. The most glaring change is the elimination of the independent eighteen centuries of *equites*. Instead, 83 centuries would inhabit the first class, six centuries representing the three ancient clans, with 100 centuries inhabiting Class II, III, IV and V, and four unarmed centuries. (Taylor, 1990: 84) The result being, that now with the distribution of centuries in the reformed *comitia centuriata*, Class II would have to be consulted in order to achieve a simple majority in electoral and legislative votes. Our understanding of why this change came about is not altogether clear.

There is considerable variance among modern historians as to the nature of the reform of the *comitia centuriata* in the 3rd century BC. Staveley considers the reformation, in slightly different distributions than the Taylor inspired system above, to be a matter of practicality given the ease of organizing voting by tribal unit. Staveley sees the reformation to align the first two classes with the tribes found in the *comitia tributa*. (Staveley, 1953) Nicholls agrees with the tribal argument also but extends this change to the third through fifth classes. In Nicholls opinion, this new arrangement would have no effect on the power of the elites and was administrative only. (Nicholls, 1956) Grieve considers the reform to have taken place to reduce the electoral power of the centuries of the *equites* and Class I, in an attempt to provide additional participation in the lower classes of the *comitia centuriata*. (Grieve, 1985) Taylor considers the reform to be with appearance of supporting the lower classes, but in fact the new associations with the tribes was simply a better method to organize and manipulate the voting population on behalf of the nobles. (Taylor, 1957) For whatever reason the *comitia centuriata* saw its reform in the 3rd century BC there is some consensus that it was not a marked improvement in ability of the less affluent in having their voice heard in this particular assembly.

The Tribal Assembly: The *Comitia Tributa*

Where the curiate assembly organized voters on kinship lines and the centuriate assembly primarily by wealth and age, the *comitia tributa*, the tribal assembly, organized citizens based on location of residence. The organization of the tribes is considered by tradition to have taken place during the reforms of the king Servius Tullius. Servius Tullius established the original four tribes, corresponding to the four subsections of the city of Rome: Suburana, Esquilina, Collina and Palatina. (Taylor, 2013) Eventually, by 241 BC there would be a total of 35 voting tribes,

31 representing the rural areas of Italy and four representing the population of urban Rome. (Grieve, 1985) These geographic subdivisions would allow for an easier examination of wealth for the census to be carried out every five years. Every male citizen would be enrolled in a tribe, and that tribal association would remain constant as long as the residence or property was maintained. (Taylor, 2013) At first the tribes were geographically coherent, but as Roman control of Italy spread along the breadth and width of the peninsula, disparate and unconnected geographic areas were joined artificially to avoid the constant creation of new tribes. (Taylor, 2013) Those without property or those recently freed from slavery were assigned to the urban tribes, along with the residents of urban Rome without property elsewhere. As the landless population of urban Rome rose, the number of urban tribes to organize them did not.

The question of freedmen and new citizens is vital to the consideration of the formation of the tribes. The Servian system was built around the creation of a census system to determine class and therefore location within the centuriate system. (Last, 1945) The creation of tribal units allowed for parsing the population into manageable units for the census, namely via physical location. As more citizens became added to the population, it became difficult to assign citizenship through the curiate system based on prior kinship. Instead the tribal system would allow old and new citizens alike to be organized into a single system that did not take into account curiate affiliations. Further this made the process of incorporating increasingly larger numbers of new citizens that perhaps never set foot in the Rome. (Last, 1945) An attempt was made in 312 BC by the censor Appius Claudius to enroll the poor and landless into any tribe that they chose; this was likely a self-serving political measure, as he is also remembered for allowing the sons of freedmen access to the senate to improve his own political position. (Last, 1945) It should be noted that Livy calls this action a corruption of the Forum (geographic center

of government) and the *Campus Martius* (meeting ground for large assemblies). (Livy 9.46.10-11) Only the efforts of the new censors of 304 BC would bring harmony once again to the state through the assignment of poor, landless and freedmen once again into the four urban tribes under Q. Fabius and P. Decius (Livy 9.46.14), a fate that would also be shared by illegitimate sons of citizens; as Taylor notes, the urban tribes "...came to be associated with men born in slavery and with men under stigma" (Taylor, 2013: 11).

In 471 BC the plebeians began coming together in their own assembly based on the tribal unit affiliation, and soon this same system was applied to the people as a whole creating a much more manageable assembly based on geographic units; 21 block units versus the 193 of the *comitia centuriata*. (Cary and Scullard, 1975) This new assembly was less complicated and was seemingly less influenced by elite structural bias. Predictably, it was relegated to deciding lesser matters of state: election of curule aediles and quaestors (both of which lack *imperium*), while major matters of war and peace, and elections with *imperium* would be carried out in the *comitia centuriata*. (Taylor, 1990) However, by the late republic, the *comitia tributa* would take on more and more legislative roles, outstripping production of legislation in the *comitia centuriata*. (Powell, 2000) It should be noted that like the *comitia centuriata* only a magistrate with *imperium* could call the assembly to meet and introduce legislation, and that such meetings were contingent upon the appearance of positive auspices. (Taylor, 1990)

The Plebeian Assembly: The *Concilium Plebis*

The *concilium plebis*, or plebeian assembly, was organized in the early republic around its spokesmen, the tribunes of the plebs. This position of tribune of the plebs began to take shape even before the plebeians meet formally as a state sanctioned body. The tribunes of the plebs

began simply as popular leaders of the non-patrician population. Perhaps wealthy and powerful in their own right, in the early years of the republic these men would have been relegated to the edges of the political process simply as a matter of birth. Early attempts by these men at organization of the plebs focused on matters of relevance to the poor and disenfranchised: debt, access to land, civil rights, military service and protection from patricians.

The evolution of the plebeians from a mass of common born citizens into a state sanctioned and increasing respected political assembly begins in secession. According to tradition in 494 BC, the plebeians began having nightly meetings in various districts of the city to discuss the matters that faced them, namely the power arrogantly wielded by the patricians. (Livy 2.28) Livy notes that the plebeians did not want to meet in the forum during daylight hours as they may be induced to rash or improper action under the eyes of the patricians (2.28.1). In a period of war, debt, and increased demands for military participation, the plebeians in the assembled legions quit the City, marched out three miles out and began to establish a fortified camp. (Livy 2. 32.1-8; Ridley, 1968) After fevered negotiation, the plebeians agreed to return to the City and serve in the military after being accorded the following: "...the plebeians were to have magistrates of their own, who should be inviolable, and in them should lie the right to aid the people against the consul, nor should any senator be permitted to take this magistracy." (Livy 2.33.1) Thus was born the office of tribunes of the plebs, in due time the role and number of tribunes of the plebs would expand, as would the authority of the plebeian assembly which will by the period of the Punic Wars have "the whole power of sovereignty" (Strachan-Davidson, 1886: 14).

The plebeians would continue to meet, elect tribunes, and in 492 BC these tribunes would be acknowledged by the patricians with the creation of a legitimate assembly of plebeians, the

concilium plebis. In 471 BC the plebeians adopted the tribal unit organization system for their assembly. (Cary and Scullard, 1975; Livy 2.56.2) There would be two additional secessions of the plebs, the first in 449 BC and then again in 287 BC. In each case, the secession would bring about increased authority for the plebeian assembly and its leaders (Treves and Cornell, 1996). In 449 BC, the secession of the plebs was ended when the consuls in an effort to bring the plebeians back into union were able to pass laws, with support of the elites, to not only reassure the plebeians of the inviolability of their tribunes, but also and more importantly, legislation was passed that made the rulings of the plebeian assembly, *plebiscita*, valid for the entire Roman population. (Berger, 1991; Rotondi, 1912/1990) The third secession was ended by the actions of the dictator Hortensius who strengthened further the validity and authority of the plebiscites that originated in the *concilium plebis* through the passage of legislation to the same end. (Berger, 1991; Rotondi, 1912/1990) Additional legislation by the dictator Q. Publilius Philo established the freedom of the *concilium plebis* from having to receive the senate's sanction of approval (*patrum auctoritas*) either before or after legislative activity takes place (Berger, 1991; Strachan-Davidson, 1890)

These important pieces of legislation, initiated in many cases by dictators and consuls as concessions to a mobilized and angry plebeian population, assisted in the development of plebeian power. The *concilium plebis* and its leaders the tribunes of the plebs, became an active element in Roman political life; an active element that will attempt to address the failings of Roman society, from the plebeian perspective.

Social Forces in Roman Society

The Roman republic is unique in that there is no struggle by an oppressed group for

acknowledgement of citizenship. Both patricians and plebeians were citizens even during the time of the kings. (Botsford, 1909/2005; Last, 1945; Ridley, 1968) Instead, a variety of other issues marked the boundaries between members of the citizen body. The political contention in the Roman republic originates and gains power in these original unequal and bounded relationships.

Patricians and plebeians categorized two different groups based on birth. In the earliest days of the City, the founder, Romulus, named some families as patricians while others were placed under their authority. (Botsford, 1909/2005) Membership in one of these ennobled families in the early republic determined access to resources of the state and to political and military office. Those not born into those few families were considered of common birth and, despite any wealth they accumulated, were excluded, as plebeians, from official positions. Eventually, plebeians were allowed to stand for these offices, and a non-patrician political elite began to form. Instead of membership in a noble family, having had a family member achieve a position holding *imperium* would create a new political class. (Botsford, 1909/2005) These New Men would hold power and wealth, but were considered even in the late days of the republic not quite as respectable as the ancient noble families. In addition, patricians were considered not only as patrons of the state, but also as patrons of the plebeians, who were obligated to show respect to their patrons.

The relationship between patrons and clients represents a relationship of power. Early on patricians, given their exclusive right to the resources of the state, bound individuals and families through mutual obligation in return for clientage; however, in later periods non-patricians become patrons as access to resources shifts. The client would benefit from his patron's status, position and standing in the community in economic and legal affairs and would show gratitude

by assisting the patron in anyway possible: becoming a member of his entourage, supplying physical labor or trade skills on request, the giving of gifts, and in some cases the promise of political support in elective assemblies. Early in Roman history, patron client relationships entail long term bonds, while later in the republic clientage becomes something more fluid and less permanent. Some modern era historians have sought to explain all political activity in Rome on the clientele model (Yakobson, 1999), the competition between elites attempting to mobilizing clients with marching orders for a given assembly or election. The later in the republic one looks, it would appear that the patron-client relationship seems to weaken and have less relevance in the performance in political activity.⁴ (Yakobsen, 1999)

The essential element of the patron-client system was possession of power or wealth. The question of wealth also becomes a dividing issue of contention in the republic. As has already been noted, the main elective assembly of the Roman republic, the *comitia centuriata*, was organized and divided based on the assessment of wealth every five years by the censors. This hold over of the regal assembly was made up of 193 centuries; the first 98 to vote would be made up of the 2 wealthiest classes, just over 50% of possible votes came from a very slim section of the population. Even after the so-called reform of 241 BC, the two wealthiest classes in *comitia centuriata* controlled 46% of the vote. (Taylor, 2003) Wealth came both in the form of pecuniary accumulation but also in the form of land. The ownership of, and access to, land was an issue that pervaded contentious politics in the age of the republic taking its most celebrated form in the Gracchan agrarian laws of the late second century. Here the question of access to public land (*ager publicus*) comes to the forefront. The question of land ownership and land usage date to the *rogationes* of the fifth and fourth centuries, and remained unresolved at the end

⁴ The patron client relationship never disappears in the Roman world. However, authors such as Yakobson do not view political life as solely determined by this relationship.

of our period in 88 BC. Those without land move to Rome and become the urban poor, or rent their labor to landlords for wages, in doing so the landless lose any status in the census and are relegated to the over populated centuries of the urban poor in the *comitia centuriata*; for the indefinite future being cut off from political or military participation given their landless poverty. As the poor move to the City, their land is acquired by large-scale landowners in ever increasing industrial (if we can use that term during this period) agricultural enterprises known as *latifundia*, which utilize the labor of slave gangs on luxury and cash crop production.

Likewise in pecuniary wealth, there were great divides between members of society. As Rome's influence and control over the rest of the Italy and the Mediterranean became stronger, those positioned to profit from such trade were able to exert considerable influence in politics. More concretely, those without wealth were often at the mercy of those who did. There are a number of pieces of legislation that attempt to modify interest rates and payment periods on loans. Technically, Romans could not lend each other money at interest after 342 BC with the passage of the *Lex Genucia de feneratione*. Non-citizens could continue to charge exorbitant levels of interest on loans and act as the middleman between wealthy and poorer citizens. It will not be until the passage of the *Lex Sempronia pecunia credita* in 193 BC that Italians were put under the same stipulations as Roman citizens.

Law and obligation to the law were indeed different between Roman citizens and those of other status. This changed with the passage in 90 BC of the *Lex Iulia de civitate*, which instituted a process of granting citizenship to all freeborn Italians. (Berger, 1953/1991) Indeed the turbulent Social War (91 - 88 BC) began over concerns about possession and ownership of land by Italians in the face of Roman agrarian reform bill, *Rogatio Livia agraria*. Italian allies (the *socii*) had fought in Rome's great wars and helped usher in power and prosperity for the

Republic, but until the end of the Social War would never receive the same civil, legal and property protections that even the poorest citizen held. Nor did they have any representation in political life outside informal relationships of clientage or friendship.

Conclusion

In all these cases, there are limits and boundaries on access wealth and political power. The method by which these boundaries would be weakened would be the legislative actions of the tribunes of the plebs in the *concilium plebis*. These legislative actions sought to limit the inequalities inherent in Roman social, economic and political life via open and public action. In the attempt to limit inequality and increase access to resources and political power, the legislative actions of the *concilium plebis* moved the Roman republic in an increasingly democratizing direction.

CHAPTER III: DEMOCRATIZATION, TRUST, AND THE INFLUENCE OF MUTUALLY BINDING CONSULTATION

Introduction

Democracy is but one of many types of systems of rule according to Charles Tilly. He defines systems of rule as "social relations among subjects and between rulers and subjects that reinforce subject compliance to rulers directives and produce relations between the ruler and the ruled" (Tilly, 2010: 267). These connections between subjects and rulers can be explored as three different elements, each of which serves to bind the rulers and their subjects together to achieve goals. These elements are coercion, the threat or actual use of force, capital, the deployment of goods and resources and commitment, the ties that facilitate mutual recognition and coordination. (Tilly, 2010) This description of coordination is important to the topic as Tilly defines it as "an approach toward a single connected set of interpersonal connections exerting collective control over relevant activities" (Tilly, 2010: 273). This coordination is central to the concept of democracy and, for Tilly, democratization.

Tilly's Democratization

Tilly warns against a static view of democracy taken by, in his view, Robert Dahl, that describes "a minimum package of democratic institutions" (Tilly, 2007: 11), or that of organizations such as Freedom House, who in Tilly's view settle for a yes - no understanding of democracy by checking off conditions on a checklist. (Tilly, 2007:10) Tilly's view of democracy

is much more reliant upon a "set of continuous variables" (Tilly, 2007: 11) over a longer period of time, so that degrees of change in democracy (toward more democratization or toward de-democratization) can be observed. Indeed, in *Democracy* (2007), Tilly advises against a single observation of democracy in a state and instead advocates a study of change in democratization.

Instead of seeking to find examples of 'democracy', Tilly supports the examination of democratization. He defines democratization as the net increase in, or movement towards the higher levels of democratization's four dimensions. Likewise, de-democratization is a net decrease, or movement towards lower levels of the four dimensions. Tilly understands the four dimensions of democratization (and de-democratization) as breadth of enjoyment of rights, equality within the citizen body, protection from the arbitrary action of the state and mutually binding consultation, where enforce the obligations of the state to stakeholders. (Tilly, 2007)

According to Goldstone, "in Tilly's view people had to trust one another to cooperate in democracies, they had to trust government to justify the investment in voluntary behavior as voting, paying taxes and military service" (Goldstone, 2010: 364). Trust is improved when the state incorporates all those under its rule, extending rights to them, ensuring equality in those rights, protecting them through fairness and ensuring that this equalizing relationship is binding both on the ruler and the ruled. This view is supported by Gaventa and Barrett (2010), who quote Coehlo and Favareto, in stating that "inclusion of a broad spectrum of citizens with more intense circulation of information, greater transparency, legitimacy in the political process and the intensification of public debate should contribute toward increasing certain forms of coordination, thereby facilitating development..." (Gaventa and Barrett, 2010: 12-13). What Gaventa and Barrett are suggesting here is well aligned with Tilly's concept of democratization; Gaventa and Barrett continues that "participatory, rights bearing forms of government will

contribute to more responsive and accountable forms of government" (Gaventa and Barrett, 2010: 10). Indeed, "true democracy forms to the extent that states accept the need for consultation and accountability to the population and integrate..."(Goldstone, 2010: 365). This process however is not a smooth one, as Hogan alludes to when he questions, "what is the relationship between struggle and democracy" (Hogan, 2004: 273).

Simply, struggle is at the heart of this question of democratization. For Tilly, struggle and democracy are inextricably tied together in the form of contentious politics. Contentious politics is the action of "people struggling with each other over which political program will prevail" (Tarrow and Tilly, 2006: 3). It is the struggle between those who possess governmental control and those who do not it is the overlapping meeting point of contention (unrelated to politics; class, caste, status, access etc) collective action and political activity. (Tarrow and Tilly, 2006) Contentious politics is what drives contentious politics toward democratization.

Tilly casts a wide net in identifying the participants in contentious politics. These actors include not only those making claims and those denying such claims, but also includes third parties and observers who may not be directly involved in the contentious political activity. (Tarrow and Tilly, 2006) For Tilly there are no grand all-encompassing dichotomies which define all members, every member of a society will eventually fit into one such relationship between claimant and object of claims. Traditional descriptions of rich/poor, landed/landless, noble/commoner, citizen/non-citizen etc., will eventually include every permutation in society, there will be those that fall into one relationship but not the others. (Tilly, 2003) For Tilly, these do not limit possibilities for contentious politics, but only increase it. As the variety of claims in a complex society increase, the more likely an increase in the breadth of citizenship and consultation is to occur to reflect these claims. (Tilly, 1993)

Claims are products of identity, in Tilly's view. Identities arise out of inequalities, which are a type of categorical boundary. Categorical boundaries are important because people use them to organize social life and to reproduce inequality between members of different categories. (Tilly, 2007) Identities are boundaries in that they are a means of separation between people (separating me from you, us from them), a set of relations within the boundary, a set of relations across the boundary and a set of stories about the boundary and relations. (Tilly, 2003) These boundaries and relations are based on questions of real or perceived differences between people within the same society. When government becomes parties to these identities they become political identities. Contentious identities rooted in social, economic or class inequality (real or perceived) are politicized. (Tilly, 2003) Boundaries, political or otherwise, become about drawing contrasts between giving credit and assigning blame and provide opportunities to practice discrimination and exclusion. (Tilly, 2010; Goldstone, 2010) The struggle of one identity to limit those boundaries established by another via the political process is political contention. (Tilly, 2007)

Political contention evolves and changes; shifting from one issue to another, from one categorically bound identity to another. As it changes, actors at all levels "learn continuously" (Tarrow and Tilly, 2006: 16) as they interact with one another. Tilly considers this an aspect of path dependency, which he says "prevails in the political process, such that events occurring at one stage in a sequence constrain the range of events that is possible at another stage," (Tilly, 2004: 421) with an underlying historical continuity. (Tilly, 2004) These constraints manifest in the form of choices made by individuals that have long-term effects, what Tilly calls cultural ecology:

Although this may sound mysterious, implausible, and difficult, as a practical

matter we often assume a simple version of cultural ecology: challenged by an impending purchase, as intellectual conundrum, or a weighty personal choice, we turn to a wise friend or colleague not necessarily because she will have the right answer, but because she will know whom to ask or where to search. A computer model of cultural ecology would feature distributed intelligence. Such a model would, in turn, clarify what observers of political conflict often call spontaneous organization: the formation or activation of coordinating connections among small pockets of individuals who initiate attacks or demands at a local scale on their own, but somehow articulate with larger-scale identities and collective struggles. (Tilly, 2003: 618)

Further, Tilly notes that these interactions have a lasting effect in that:

... transactions among sites produce interdependence among extensively connected sites, deposit related cultural material in those sites, transform shared understandings in the process, and thus make large stores of culture available to any particular site [node in network] through its connections with other sites. Relations store histories in this dispersed way. (Tilly, 2000: 723)

It is clear that in Tilly's conception of path dependency and cultural ecology have something in common. This driving force, which both sets what choices are possible and then helps organize networks of interaction to have those choices implemented, lay between both individual people, people and groups and people and institutions. The implication here is that these connections are not stand-alone activities. Indeed, the implication is that there is some

long-term endeavor engaged in repeatedly, which bonds people to people and people to institutions. This long term repeated activity only functions if both sides in the relationship are able to call upon the past experience and consider it likely that such experience would be repeated. This cooperation toward a common goal relies on a powerful bond: trust.

In the famous words of Robert Putnam, "trust lubricates cooperation" (Putnam, 1993: 171). While Putnam's concept of trust in *Making Democracy Work* focuses on the role of trust between individuals as the first step, trust is eventually extended to institutions that are shown to be reciprocal in nature. Namely, that the institution fulfills its obligation to its constituents, or in those cases where it does not, it is held accountable, by a civic engagement minded network. (Putnam, 1993) This trust is not static, but over time increases into yet even more trust, "the greater the likelihood of trust, the greater likelihood of cooperation. Cooperation breeds trust" (Putnam, 1993: 171). But cooperation is a continued activity. Putnam's trust requires action. Citizens must contribute to the whole, but must have a safe assurance that their investment will not be for naught. Putnam's example of the choral society is appropriate. When the individual sings in a choir the sum of the many voices achieves a goal that no single voice could vocalize on their own. The choir member has to trust that all elements of the choir are working in unison to achieve this common goal and garner the results. (Putnam, 1993)

Trust in mutual endeavors is important for Tilly's concept of democratization on both a personal and institutional level as it is in Putnam. In examining the work of Charles Tilly, Goldstone notes the trust between individuals and their government is necessary for voluntary behavior such as voting, paying taxes and military service (the actually voluntary nature of the last two items can be debated). In order for taxes to be paid voluntarily the populace must feel that the system is fair, their taxes are being spent wisely, and that shirkers are properly dealt

with. In the case of voluntary military service, there must be trust that a mission meets a certain criteria of national importance and that lives will not be wasted. In the case of voting, there must be trust that voting matters and that candidates and legislation will be approved or disapproved based on proper established procedures. Essentially, trust builds when participants can see that the system works and is responsive. Further, if the system malfunctions, trust can still be affirmed if the response to the failure is meaningful (Goldstone, 2010).

For democratization to be successful, the populace must trust that the government is adhering to the will of the people, in whatever form that may be, be it elections or legislative referenda. This day-to-day observance of action is consistent with Tilly's dimension of democratization called mutually binding consultation. Literally, the binding of the action of the government to the popular will. In our modern sense, this is done, optimally, through transparent public politics overseen by impartial actors adhering to known law and procedure. Trust builds in democracies when citizens see institutions and leaders adhere to democratic ideals of participation. Trust weakens when known law and procedures are overturned and or ignored by institutions and leaders. Mutually binding consultation is a means by which this trust can be built.

Mutually binding consultation is key in the increase of democratization. As has already been indicated, an increase in democratization requires increased activity in all the dimensions. Equality and breadth without protection and mutually binding consultation do not make for an effective democratic environment. Tilly notes that protection and mutually binding consultation enable equality and breadth to survive and increase. (Tilly, 2007) But is protection and mutually binding consultation equal. I would posit that they are not; that without strong gains in mutually binding consultation, any concessions in the dimensions of equality, breadth, and protection

would not be possible as mutually binding consultation is the only dimension that has trust at its core.

For the purposes of this study, Tilly's four dimensions have been modified slightly into what will henceforth be referred to as themes of democratization. Here equality, broadening of participation, protection and mutually binding consultation will take on different meanings, which will prove more applicable to the subject at hand.

Equality will encompass the attempts to align the opportunities in social and economic life. Political methods will be used to open access to citizenship, government contracts, the relief from debt, and even allow for marriage between the classes of patricians and plebeians. Similarly, broadening of participation will examine political activity that allows increased access for plebeian participation in government. Legislative actions of this type will allow eligibility for candidacy to political offices, religious priesthoods, sitting on juries, and increased inclusion via election regulation. The theme of protection will include basic matters of equal protection under the law and of rights for all citizens regardless of class, and the methods to ensure the same. The final, and most important, theme of mutually binding consultation will cover those attempts to increase the authority and legitimacy of the *concilium plebis* and its leaders the tribunes. This theme will encompass legislative actions which increasing the relevance of the *concilium plebis* in the areas of foreign policy, suspension of law, awarding imperium, taxation and procedural aspects of voting. Having more fully described the application of the four dimensions of democratization of Tilly in relation to this project, and the Roman republic, I will proceed in the next chapter to examine *rogationes*, *plebiscita* and *leges* originating in the *concilium plebis* in light of these four themes.

Conclusion

Democratization can be examined in analyzing the net increase or decrease in equality, broadening of the enjoyment of rights and participation, protection and mutually binding consultation. Trust is an important element in democratization as Tilly and Putnam point out. I have modified Tilly's four dimensions of democratization, into my more applicable themes of equality, broadening of participation, protection and mutually binding consultation. I have given mutually binding consultation more emphasis, as it is the only dimension that focuses on the concept trust.

CHAPTER IV: MEASURING DEMOCRATIZATION IN THE ROMAN REPUBLIC

Introduction

In this project, I have identified mutually binding consultation as the premier trust building dimension of democratization. Mutually binding consultation will be investigated through the examination of legislative actions originating in the *concilium plebis* on initiation of the tribunes of the plebs. Given the nature of the project slight modifications will be made to ideas put forth by Tilly, Putnam and others to better meet the conditions of the projects scope. Specifically, the increasing ability of tribunes of the people to propose and pass legislation in the *concilium plebis*, and have those actions carried through to maximum effect in other legislative assemblies.

In order to examine the increasing power and role of the tribunes of the plebs and the *concilium plebis* it is necessary to look at public law that originates at that political site. Regrettably, there is no single ancient record that lists the entire body of Roman public law in a set of volumes. While there is some indication that laws were recorded on painted white boards in Rome and we have an unfortunate few government documents preserved via stone or bronze inscription, most of the evidence for the subject is scattered across a great number of sources and a considerable period of time. Mentions of the laws and their meaning and intent have been preserved in written sources and accounts. Historians, such as Livy (1st century AD) and Dionysius of Halicarnassus (1st century BC) amongst others discuss the passage of public law in

their sweeping histories of the Roman republic, while jurists like Gaius (2nd century AD) and Ulpian (3rd century AD) preserved much in their collections and digests of the law. We are fortunate also to have the works of M. Tullius Cicero (1st century BC) who makes frequent mention of items of interest in his various letters, speeches and expository writings. Tantalizing information also survives in the works of biographers of the ancient world such as Plutarch (2nd century AD) and by thematic historians such as Appian (2nd century AD). These ancient discussions of law however, are by our modern academic standards, too disorganized and disjointed to act as any unified corpus of knowledge from which to examine the subject in any reasonable period of time.

Thankfully, the efforts of more modern historians studying Roman law are available which bring together the many divergent ancient sources into an organized and accessible format. The modern study of the subject owes much to the genius and hard work of the German ancient historian Theodor Mommsen who, in the late 19th century (AD), scoured the available sources to begin the massive project of the collection and collation of Roman law. The groundbreaking result of this effort is the epic *Römisches Staatsrecht* begun in 1871 and completed, in three volumes, seventeen years later in 1888 (Wickert, 2013). The work that Mommsen began would continue in the work of others in an attempt to more fully understand Roman law.

The modern collections of Roman law used in this study to identify applicable legislative activities were 1991 reprint of the 1912 *Leges publicae populi romani*, by Giovanni Rotondi, the 1990 reprint of the 1953 *Encyclopedic Dictionary of Roman Law*, by Adolf Berger and a later study of Roman law, Callie Williamson's 2005 *Laws of the Roman People: Public Law in the Expansion and Decline of the Roman Republic*. Rotondi's work was especially useful as it

provided ancient source citations for further examination while Williamson provided not only a compendium of applicable law, but was organized and executed with an eye toward modern social science methods.

Methodology

To examine the increase in democratization in the Roman Republic through legislative action originating from the *concilium plebis* it is first necessary to isolate and identify these various legislative actions initiated by tribunes of the plebs. For the purposes of this study, three different types of action have been selected: *rogationes*, *plebiscita* and *leges*. To do this I have identified 236 pieces of attempted or successful legislative action in the Roman republic in the period from 494 to 88 BC (in four chronological sub units).

Time Frame

For the purposes of organization, the time period in question 494 - 88 BC was subdivided into four units, each encompassing roughly a period of 100 years. This allows a facility of organization and also creates four roughly comparable periods of comparison and analysis. These timeframes also coincide with important historical eras in the development of the Roman Republic:

- 494-393: Consolidation of the republic and of the immediate Roman territory
- 392-293: Expansion of the Roman republic's control of Italy
- 292-193: Expansion of the Rome's power into the Mediterranean
- 192-88: Expansion and consolidation of the Rome's empire

These chronological divisions allow periods of time to be better examined in relation to one another and assist in general organization.

Identification of Data

Identification of the applicable data began with first an examination of Williamson's "List of Reliable Laws and Proposals by Year, Latin Name and Subject" in Appendix C of her work. (Williamson, 2005) This nineteen-page list of laws was an excellent starting point, but it soon became clear that other modern sources would be necessary. Williamson's analysis provides no distinction between the legislative actions taken in the *concilium plebis* and the other assemblies of the Roman republic. While her work is inspiring and would be made of use at a later time, additional sources were necessary. Relief was found in Rotondi's exhaustive chronological examination of Roman law providing not only ancient sources, as previously mentioned, but also modern sources (to 1912) to reference, but more importantly, Rotondi provided considerable information as the identity of the proposer of the law, their rank and the assembly in which it would likely have been ratified.

Once possible applicable legislative actions were identified a list was created showing the year of ratification, the name of the action, a brief description, modern citations and then the available ancient citations. Each ancient citation was examined in the primary source material available through a number sources: physical editions of the Loeb classical library and their online scanned copies, as well as transcribed ancient sources found on Tufts University's Perseus Project (<http://www.perseus.tufts.edu>) and the LacusCurtius website originating out of the University of Chicago (<http://penelope.uchicago.edu/Thayer/E/home.html>). Both modern electronic collections noted, cite (for the most part) Loeb Classical Library sources as the source

material for their online presentations. The Loeb Classical Library is an invaluable tool in regards to this subject. Each physical volume represents an authoritative translation of the ancient text and supplies both the ancient and modern text. Upon opening a Loeb volume one finds the surviving text on the left, albeit perhaps reconstructed from a number of surviving manuscripts, on the right side an English translation. For this study, I have relied on the English translation of text, but have, on occasion used my limited Latin abilities to seek clarification from the Latin text.

From these sources and the information available, I compiled a list of legislative actions applicable to this study and created a usable data table (see Data Table 1). In order to be accepted as data for the study, the action needed to have sufficient evidence that it was indeed, initiated by one or more tribunes of the plebs in the *concilium plebis*. In each case, confidence in the modern source or sources was necessary, and to ensure this, each ancient source lead was followed and cited. Rotondi gave, in many cases, ancient references in excess of those that are listed in the already mentioned Data Table 1, however, some of these sources were not able to be found, or were in an inaccessible format, ancient Greek for instance. In only a handful of cases ancient sources were not listed. In these cases, I include the legislative action on the authority of Rotondi and other distinguished scholars; I am confident of their applicability by the weight of modern sources on the matter. In some cases, legislative actions have been left out completely if there is insufficient consensus about the action.

Having identified the 236 legislative actions applicable to the study, additional organization was necessary based type. The organizing criterion was based on legislative success: was the action a proposal (by a tribune), a plebiscite (passed by the *concilium plebis*) or public law (passed by the *comitia tributa* or the *comitia centuriata*).

Rogationes

Rogationes (sing. *rogatio*) are proposals initiated by a tribune (or magistrate) and presented before a gathering of the people. Whether these *rogationes* were presented during the official process of meetings prior to the meeting of the *comitia* or *concilium* or in during informal meetings beforehand is still not completely understood. In either case, *rogationes* do not pass the muster in the *concilium plebis*, for whatever reason, of the assembly and do not carry the weight of law.

Though *rogationes* are not completed legislation, or as Feig calls them "products" (Feig, 1996) of the legislative process and do not carry any weight legally, they are, in my opinion important indicators or the priorities of the tribunes of the plebs, if not the Plebs in general at the time of their proposal. There are a number of reasons why a *rogatio* would not develop into a formal piece of legislation: tribunician veto for instance, or in the earlier era of the republic, a less than promising response from members of the senate.

Rogationes of tribunes of the plebs were collected using a combination of primary and secondary sources. Modern authors, such as Rotondi and Williamson, have used the term *rogatio* as a formal definition, while the ancient sources do not specifically use a uniform term to describe proposals brought before the people. For instance, in the instance of the *Rogatio Terentilia*, Livy uses the Latin term *promulgata* (Livy 3.9.5), while referring to the agrarian proposal of tribunes Maecilius and Metelius, the same author uses the more familiar *rogatio*. (Livy 4.48.2)

Plebiscita

Plebiscita (sing. *plebiscitum*) are proposals that have been proposed by a tribune of the plebs, have survived without tribunician veto, or other obstacle, and have been voted on and approved by a majority of the tribes in the *concilium plebis*. *Plebiscita* can only be brought before the *concilium plebis*, as this is the body in which only the plebeians are the voting members. Further, the tribunes of the plebs can only initiate *plebiscita*. With the passage of the *Lex Hortensia* in 287 (ironically passed by a dictator in the *comitia centuriata*) (Rotondi, 1912/1990), all plebiscites would be considered law and binding on the entirety of the Roman people. No longer, in theory, would actions of the plebs require further senatorial or magisterial participation in becoming law. Prior to this legislation, *plebiscita* would have binding power over only the plebeians of the Roman republic, but would be a powerful declaration of the will of the majority of the tribes in the *concilium plebis* and therefore the plebeian class in general. Certainly there are implications that before the passage of the *Lex Hortensia* that *plebiscita* had some legal authority, but nothing to the degree of certainty it was in 287 BC. (Feig, 1996)

In some cases there is evidence that a *plebiscitum* was passed with the blessing of the senate or a magistrate for some unnamed practical or political reason. For instance in 440-441 BC, according to Livy, a bill was passed before the *concilium plebis* by the tribunes to make Lucius Minucius prefect of the corn supply (Rome was struggling with rapidly rising grain prices at the time) at the urging of the two consuls and without opposition from the Senate (Livy 4.12.8); despite the seemingly strong support from the plebs, the senate and the chief magistrates, this *plebiscitum* does not evolve into a full *lex*, yet L. Minucius takes up his post and executes his duty.

Plebiscita are included because they are not only indicators of the collective will of the plebs, by virtue of their approval by a majority of the tribes voting in the *concilium plebis*, but also because of a sense of conviction on the part of the tribunes. Regardless of whether the *plebiscitum* becomes a *lex* or not, it is a clear expression of the will of the plebeian class and their leaders.

Leges

Leges (sing. *lex*) are pieces of legislation that have been brought by a magistrate (dictator, censor, consul, praetor, curule aedile) before the entire Roman people in an assembly (*comitia centuriata* or *comitia tributa*, depending on the rank of the proposer). *Plebiscita*, initiated by the tribunes, could be adopted by magistrates, with senatorial approval, and placed before an assembly of the entire people for approval. If the majority of tribes or centuries approve it becomes a *lex* and integrated into the larger body of Roman public law.

The implications of the *Lex Hortensia* will not be completely felt in this regard until the years of the Gracchi in 133 BC. Livy notes clearly that: Tiberius Sempronius Gracchus, "a tribune of the commons, carried a land law against the desires of the senate and the order of knights, to the effect that no one should occupy more than a thousand acres of public land" (Livy Epit. 58). Livy here clearly states that there was a passage of a law, a *lex* (though conjugated by Livy as *legem* ; while later when the same author notes a proposal to pass a second agrarian law, he notes especially that this was a proposal "*promulgavit et aliam legem agrarian*" (Livy Epit. 58).

For the purposes of this thesis, no distinction has been made between a tribune-initiated *rogationes*, *plebiscita* or *leges* that follow the earlier model of ratification by the magistrate led

assemblies and those following the Gracchi. Here, the title of *lex* by ancient and modern authors indicates that the tribune initiated legislation carried legitimacy beyond the *concilium plebis* into general Roman public life.

Operationalization

Once properly identified and vetted through the examination of primary and secondary material, each piece of legislative action was then coded based on the described purpose of the law into one of 36 possible categories. Assignment to a subcategory was determined by the intent of the law. Sometimes this is made plain in the ancient source and other times it was more obscure and the context played an important part in the assignment. This method was inspired by Williamson's analysis, where she too arrives at a number of methods to categorize Roman law. Unfortunately, Williamson's attempt at categorization is considerably more wide ranging than the one proposed here. In her analysis, Williamson's categories do not stretch across chronological time periods and there is no uniformity over the entire expanse of the period covered. For this study, Williamson's organizational scheme would have provided too many variables and would be unwieldy; she notes 212 individual issues addressed by legislation. I have reduced this to 34 and have generalized the subjects fields covered by these laws to allow for a wider understanding of the scope of the actions of the tribunes in the *concilium plebis*. For instance subcategory 4.2 is assigned to legislative actions which award, remove, extend or allot *imperium* to magistrates. Naturally, awarding and removing *imperium* are contradictory; but when the role of the tribunes and the *concilium plebis* on the question of *imperium* is examined, awarding and removing (along with extending and allotting) are uniform in that they deal with

this larger question of *imperium*. The awarding and the removing details are less important than fact that the *imperium* is a matter of law accessible to the tribunes and the *concilium plebis*.

Each subcategory reflects a generalized topic around which individual legislative actions can be grouped within a larger theme. For the purposes of this study, Tilly's four dimensions of democratization have been modified slightly. Here, legislative actions originating in the *concilium plebis* by tribunes of the plebs will fall into one of the four following themes: equality, broadening of participation, protection and mutually binding consultation, and then into one of the subcategories assigned to each, as found in Table 2 below.

Table 2: Themes and sub-categories based on Tilly's dimensions of democratization

Equality		Broadening Participation	
1.1	Bestowing citizenship to groups	2.1	Change in class
1.2	Bestowing citizenship to individuals	2.2	Creation of new elected offices / commissions
1.3	Change contract / leasing process of censors	2.3	Creation of new powers of office
1.4	Creation of colonies in Italy	2.4	Introduction of Plebeians into magistracies
1.5	Creation of colonies outside Italy	2.5	Introduction of Plebeians into religious office
1.6	Distribution of land	2.6	Military participation
1.7	Grain distribution	2.7	Regulation of electoral procedure
1.8	Debt and indebtedness	2.8	Regulation of eligibility for candidacy / office
1.9	Marriage / heirs in mixed class	2.9	Selection of juries
Protection		Mutually Binding Consultation	
3.1	Call for investigation / investigative commission	4.1	Abrogation / suspension of laws
3.2	Creation of courts	4.2	Awarding / removing /extending / allotting imperium
3.3	Freedom from servitude	4.3	Awarding / removing honors
3.4	Judicial procedure	4.4	Awarding / removing punishments
3.5	Penalties for corruption / bribery of officials	4.5	Foreign policy
3.6	Publication of law or legislation	4.6	Recognition of authority of Plebs and Tribunes
3.7	Right to fair trial and appeal	4.7	Taxation / finance
3.8	Right to / limits personal property	4.8	Timing / location of voting assembly
3.9	Rights of heirs	4.9	Voting laws / Bribery of voters

Equality: Legislative actions that sought to equalize relations between different categorical bounded groups. Sub-categories of this theme include legislative actions intended to:

- Increasing the number and diverse backgrounds of citizens (1.1 and 1.2)
- Allowing new groups to access government resources / land (1.3, 1.4, 1.5, 1.6, 1.7)
- Utilizing government resources for basic needs (1.8)
- Allowing intermingling of the classes through marriage (1.9)

Broadening of Participation: Legislative actions that sought to increase participation in political life in groups that had been denied such participation in the past. Sub-topics of this theme include legislative actions intended to:

- Modify voting class or political class (2.1)
- Create new elected positions or allow increased access to election or appointment to religious or political office (2.2, 2.3, 2.4, 2.5)
- Modify regulations for military participation (2.6)
- Ensure fair access to compete for positions of office (2.7, 2.8, 2.9)

Protection: Legislative actions sought to limit the arbitrary action of the state and to secure personal rights and rights to property. Sub-topics of this theme include legislative actions intended to:

- Provide a mechanism for public accountability of political officers (3.1, 3.3, 3.5)
- Increase access to court procedure (3.2, 3.4)
- Increase transparency of the law (3.6)
- Ensure personal rights to fair trial and appeal (3.7)

- Ensure protection of private property in life and death (3.8, 3.9)

Mutually Binding Consultation: Legislative actions intended to legitimize and increase the scope of the authority of the *concilium plebis*: Sub-topics of this them include legislative actions intended to:

- Decide waivers or variances in application of public law (4.1)
- Decide assignment of magistrates (4.2)
- Assign credit and blame to magistrates (4.3, 4.4)
- Decide matters of foreign policy (4.5)
- Recognize status and legitimacy of tribunes of the plebs and the *concilium plebis* (4.6)
- Decide matters of taxation and finance (4.7)
- Limit extra legal influence over elections or assemblies (4.8, 4.9)

Data Visualizations

Once the data had been collected and organized, I felt it was necessary to create a number of different Figures and visualizations to be able to examine the entire period in a single viewing with different relevant arrangements of the information. These visualizations will be made use of more extensively in the next chapter of the project.

The two main collections of data, one of individuals legislative actions and one involving the aggregation of the data are located as Appendix A and Appendix B to this thesis.

Appendix A shows the 'raw data' for the project. In this table the *rogationes*, *plebiscita*, and *leges* of the entire period 494 - 88 BC are listed by year. A brief description of the

legislative action noted along with the modern and ancient sources associated with the legislative action. Finally, the theme sub-category code is shown. The type of legislative action is noted in the name of the action itself based on the descriptions in the modern texts Berger, Rotondi and Williamson. In some cases, the name of the tribune is associated in the name of the legislative action or, more commonly, the topic of the legislative action is given as not all legislative actions have identifiable authors. In addition modern and ancient authors are indicated.

Appendix B shows the placement of the legislative actions throughout the period, as The appendix shows the name and the year of the legislative action seen in context with the other similarly grouped actions. The naming of the legislative, by both ancient authors and modern scholars, allows a better understanding of the individual legislative actions as their names are descriptors not only of the content, but also the author or authors of the legislative action.

Table 3 uses the data found in Appendices A and B as the basis for a quantitative aggregation of the legislative actions during the entire period of the study, as well as its four subsidiary time periods. The data in this appendix details the number of legislative actions associated with the 36 individual theme sub-categories. Each theme is further divided into nine additional sub-categories, which provide better insight into the nature of each legislative action. These sub-categories are an attempt to create a scheme to bring some measure of quantification to what is otherwise a considerably qualitative endeavor. Here the guiding work of Charles Tilly has provided a conceptual framework, which has been applied to the creation of the 36 sub-categories.

Table 3: Aggregate Thematic Activity

Coding		Legislative Action by Topic	494-393	392-292	292-193	192-88	Total
Equality	1.1	Bestowing citizenship to groups	0	0	0	8	8
	1.2	Bestowing citizenship to individuals	0	0	2	0	2
	1.3	Change contract / leasing process of censors	0	0	0	3	3
	1.4	Creation of colonies in Italy	0	0	2	3	5
	1.5	Creation of colonies outside Italy	0	0	0	4	4
	1.6	Distribution / Access to public land	15	3	1	10	29
	1.7	Grain distribution	0	0	0	5	5
	1.8	Debt and indebtedness	0	4	7	2	13
	1.9	Marriage / heirs in mixed class	1	0	0	0	1
Broadening Participation	2.1	Change in class	0	0	0	4	4
	2.2	Creation of new elected offices / commissions	4	2	0	1	7
	2.3	Creation of new powers of office	1	0	0	0	1
	2.4	Introduction of Plebeians into magistracies	1	1	0	0	2
	2.5	Introduction of Plebeians into religious office	0	1	1	0	2
	2.6	Military participation	0	2	1	2	5
	2.7	Regulation of electoral procedure	1	0	0	3	4
	2.8	Regulation of eligibility for candidacy / office	0	2	3	8	13
	2.9	Selection of juries	0	0	0	6	6
Protection	3.1	Call for investigation / investigative commission	0	0	1	6	7
	3.2	Creation of courts	0	0	0	3	3
	3.3	Judgment for payment by state for losses	0	0	1	0	1
	3.4	Judicial procedure	0	0	2	3	5
	3.5	Prosecution / investigation of individuals	1	0	0	6	7
	3.6	Publication of law or legislation	2	0	0	0	2
	3.7	Right to fair trial and appeal	1	0	0	4	5
	3.8	Right to / limits personal property	0	1	4	4	9
	3.9	Rights of heirs	0	0	1	4	5
Mutually Binding Consultation	4.1	Abrogation / suspension of laws	0	1	4	4	9
	4.2	Awarding / removing /extending / allotting imperium	0	2	11	9	22
	4.3	Awarding / removing honors	1	1	2	1	5
	4.4	Awarding / removing punishments	4	3	3	7	17
	4.5	Foreign policy	0	0	2	2	4
	4.6	Recognition of authority of Plebs /Tribunes	2	1	1	1	5
	4.7	Taxation / finance	0	0	1	2	3
	4.8	Timing / location of voting assembly	0	1	1	1	3
	4.9	Voting laws / Bribery of voters	1	1	0	8	10
Totals			35	26	51	124	236

Table 4: Legislative actions: 494 - 88 BC

Themes of Democratization	Rogatio	Plebiscitum	Lex	Totals
Equality	27	3	39	69
Breadth of Participation	8	6	30	44
Protection	5	3	36	44
Mutually Binding Consultation	13	27	39	79
Total	53	39	144	236

Table 4 examines the legislative actions for the entire time period of the study, 494 - 88 BC. It shows whether the action is a *rogatio*, *plebiscitum* or *lex*. The table also Figures where among the four themes of democratization the legislative action has be placed.

Each legislative action is catagorized as a *rogatio*, *plebiscitum* or a *lex* based mainly on the conventions found in the modern and ancient source. The categorization as either a legislative action belonging to equality, breadth of participation, protection, or mutually binding consultation is based on the context of the legislative action and the analysis of the legislative action's content and effects as determined by both ancient and modern authors. Once this determination has been made, it is given a specific theme and sub-category code. For the purposes of this table, no distinction is made between the sub-categories within an individual theme.

Table 5: Legislative actions: 494 - 393 BC

Themes of Democratization	Rogatio	Plebiscitum	Lex
Equality	15	0	1
Breadth of Participation	0	2	5
Protection	1	1	2
Mutually Binding Consultation	1	2	5
Total	17	5	13

Table 5 examines the legislative actions for the first time period of the study, 494 - 393 BC. It shows whether the action is a *rogatio*, *plebiscitum* or *lex*. The table also figures where among the four themes of democratization the legislative action has been placed.

Each legislative action is categorized as a *rogatio*, *plebiscitum* or a *lex* based mainly on the conventions found in the modern and ancient source. The categorization as either a legislative action belonging to equality, breadth of participation, protection, or mutually binding consultation is based on the context of the legislative action and the analysis of the legislative action's content and effects as determined by both ancient and modern authors. Once this determination has been made, it is given a specific theme and sub-category code. For the purposes of this table, no distinction is made between the sub-categories within an individual theme.

Table 6: Legislative actions: 392 - 293 BC

Themes of Democratization	Rogatio	Plebiscitum	Lex
Equality	3	1	3
Breadth of Participation	0	1	7
Protection	0	0	1
Mutually Binding Consultation	1	6	3
Total	4	8	14

Table 6 examines the legislative actions for the second time period of the study, 392 - 293 BC. It shows whether the action is a *rogatio*, *plebiscitum* or *lex*. The table also figures where among the four themes of democratization the legislative action has been placed.

Each legislative action is categorized as a *rogatio*, *plebiscitum* or a *lex* based mainly on the conventions found in the modern and ancient source. The categorization as either a legislative action belonging to equality, breadth of participation, protection, or mutually binding consultation is based on the context of the legislative action and the analysis of the legislative action's content and effects as determined by both ancient and modern authors. Once this determination has been made, it is given a specific theme and sub-category code. For the purposes of this table, no distinction is made between the sub-categories within an individual theme.

Table 7: Legislative actions: 292 - 193 BC

Themes of Democratization	Rogatio	Plebiscitum	Lex
Equality	2	2	7
Breadth of Participation	0	2	5
Protection	0	1	7
Mutually Binding Consultation	4	14	7
Total	6	19	26

Table 7 examines the legislative actions for the third time period of the study, 292 - 193 BC. It shows whether the action is a *rogatio*, *plebiscitum* or *lex*. The table also figures where among the four themes of democratization the legislative action has been placed.

Each legislative action is categorized as a *rogatio*, *plebiscitum* or a *lex* based mainly on the conventions found in the modern and ancient source. The categorization as either a legislative action belonging to equality, breadth of participation, protection, or mutually binding consultation is based on the context of the legislative action and the analysis of the legislative action's content and effects as determined by both ancient and modern authors. Once this determination has been made, it is given a specific theme and sub-category code. For the purposes of this table, no distinction is made between the sub-categories within an individual theme.

Table 8: Legislatives actions: 192 - 88 BC

Themes of Democratization	Rogatio	Plebiscitum	Lex
Equality	8	0	27
Breadth of Participation	7	2	15
Protection	4	0	26
Mutually Binding Consultation	6	6	23
Total	25	8	91

Table 8 examines the legislative actions for the fourth time period of the study, 192 - 88 BC. It shows whether the action is a *rogatio*, *plebiscitum* or *lex*. The table also figures where among the four themes of democratization the legislative action has been placed.

Each legislative action is categorized as a *rogatio*, *plebiscitum* or a *lex* based mainly on the conventions found in the modern and ancient source. The categorization as either a legislative action belonging to equality, breadth of participation, protection, or mutually binding consultation is based on the context of the legislative action and the analysis of the legislative action's content and effects as determined by both ancient and modern authors. Once this determination has been made, it is given a specific theme and sub-category code. For the purposes of this table, no distinction is made between the sub-categories within an individual theme.

Figure 1 utilizes three variables: year, thematic subcategory and type of legislative action. Each legislative action is indicated by a symbol denoting *rogatio*, *plebiscitum* or *lex*, falling on the x-axis of its corresponding year and on the y-axis the assigned subcategory. It is possible with this Figure to more easily visualize the frequency and type of legislative action within the wide range of the 406 years encompassed by the project. In the figure, a *rogatio* is represented by a green triangle, a *plebiscitum* by a red square, and a *lex* by a blue diamond.

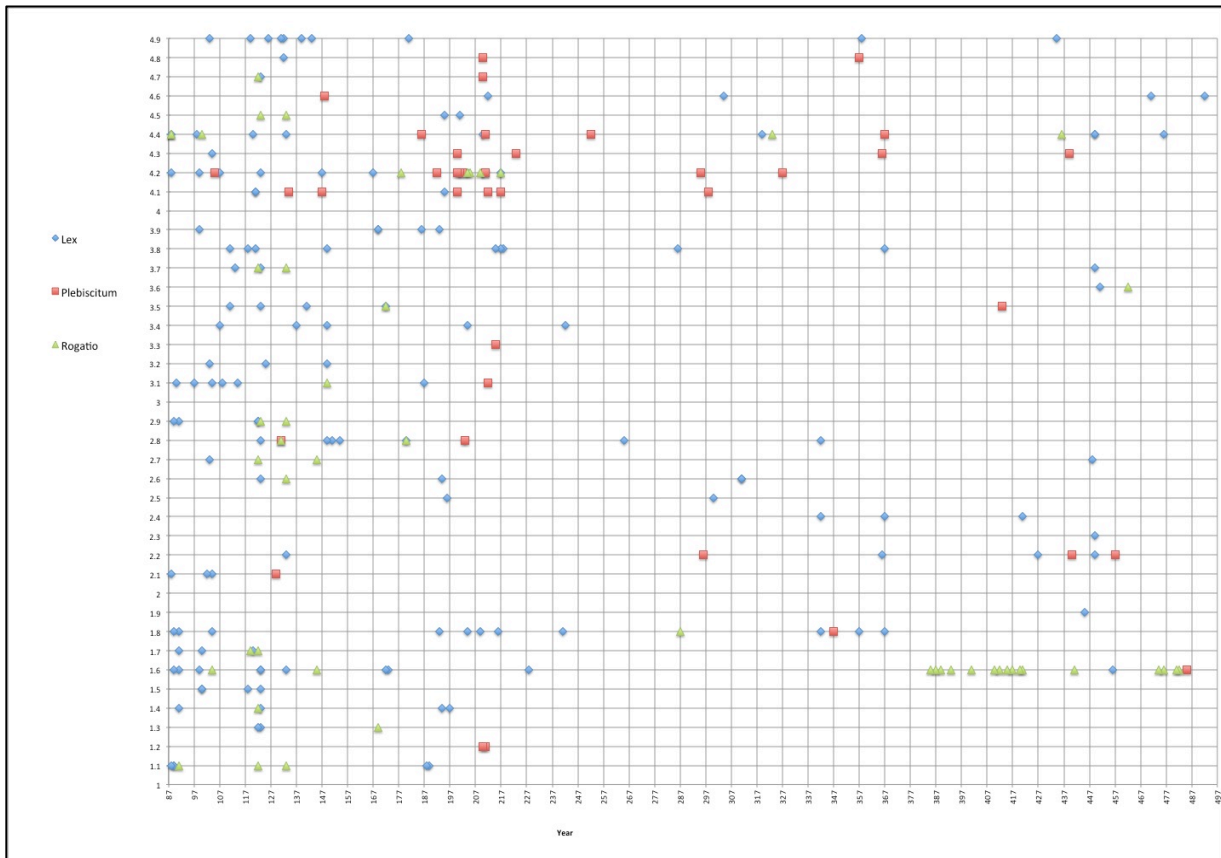


Figure 1: Legislative actions initiated by tribunes of the plebs: 494-88 BC

Figure 2 uses much of the same data as Figure 1, however, no distinction is made between the different types of legislative action, and instead the thematic group is indicated by the symbol. This Figure allows a frequency of thematic group to be better visualized and understood within the chronological range of the project. In this figure, the legislative actions within the theme of equality is represented by a blue diamond, broadening of participation by a red square, protection by a green triangle, and mutually binding consultation as a purple 'x'.

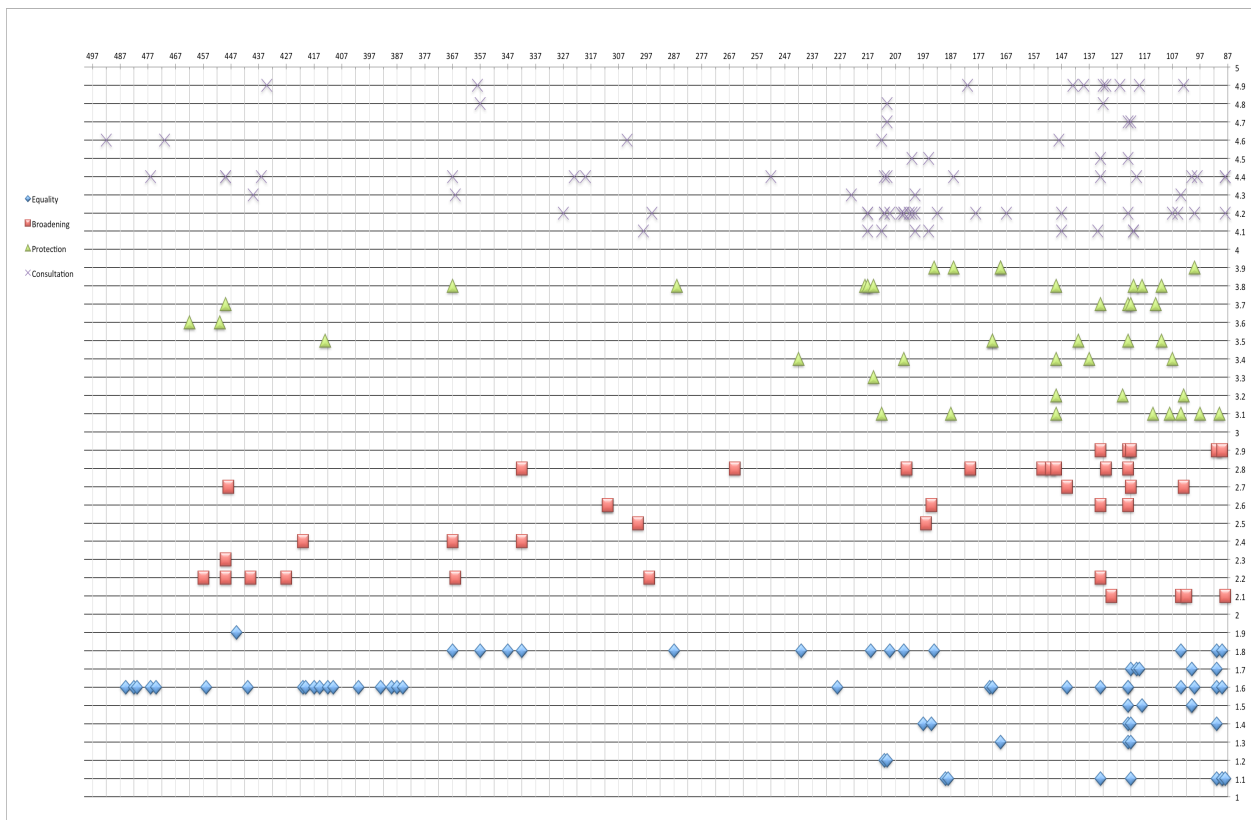


Figure 2: Legislative actions by thematic group, year and type: 494 - 88 BC

Figure 3 (below) is a bar graph showing the breakdown of the total number of legislative actions per chronological subdivision and organized by thematic grouping. This Figure allows

the comparison of the aggregate of legislative actions of a particular thematic type between all four chronological subdivisions within the same set. The themes of equality, broad participation (as participation), protection and mutually binding consultation (as MBC) are used also used to provide breakdowns of thematic action within each time period.

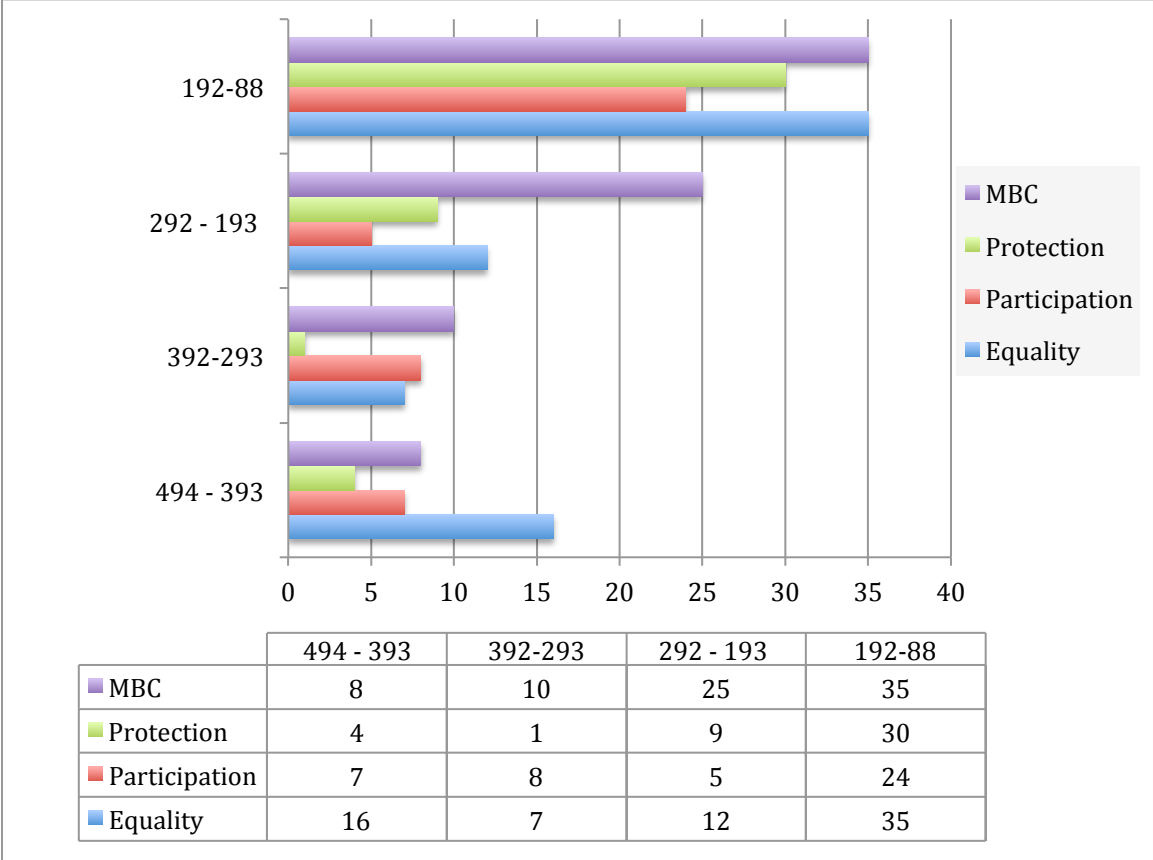


Figure 3: Number of legislative actions per time period by thematic group

Figure 4 (below) is a bar graph showing the percentage of legislative action of each thematic type in each chronological subdivision. Here, each y-axis set shows the percentages of the thematic group of each individual chronological subdivision. For instance, in the period 292-193, 49% of legislative actions of that period fell in the mutually binding consultation category, while in the 192 - 88 subdivisions, only 28% of the legislative actions of that period involved the

same subcategory. This allows a better comparison of legislative action within and across chronological subdivisions.

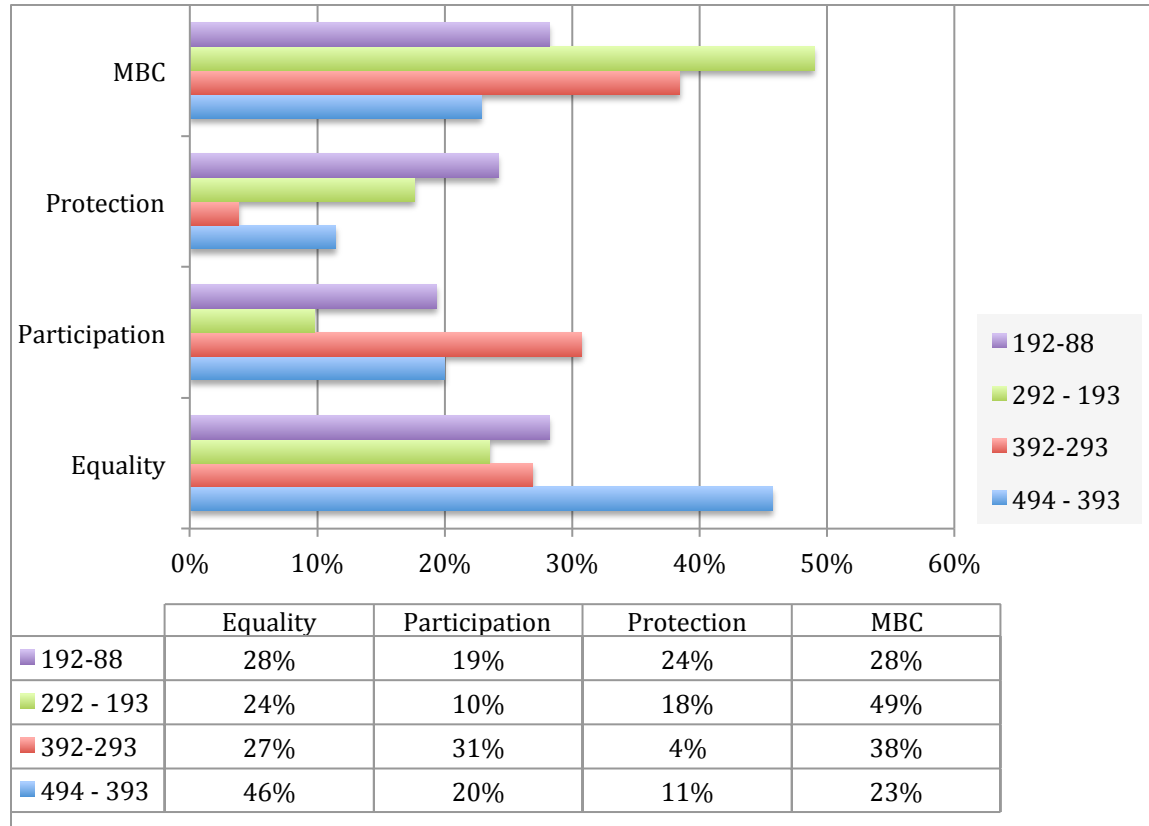


Figure 4: Thematic group as percentage of total per time period

Figure 5 (below) shows the legislative action by chronological subdivision as a percentage of the whole of that particular thematic type. For instance, in the theme of equality, 50% of the legislative actions of that thematic type occur in the period 192-88, while 23% occur in 494-393. This graph allows a better understanding of the percentage of the whole of a particular thematic theme occurring in any particular time period. Each thematic area should add up to the total activity in that particular thematic area. (Note: due to rounding of decimals, not all themes add up exactly to 100%)

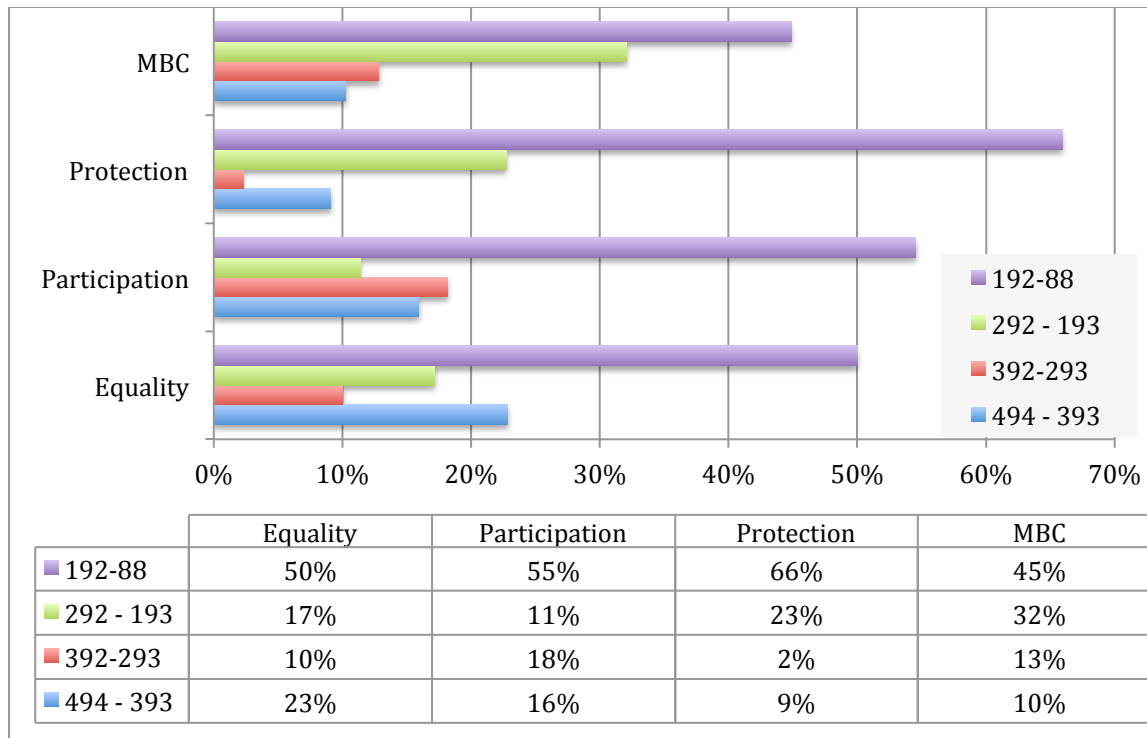


Figure 5: Breakdown of time period share of thematic activity (%)

Figure 6 (below) is a pie graph shows the number of legislative actions for each thematic group without regard to chronological subdivisions for the entire 406 years of the project's scope encompassing all 236 legislative actions. This particular graph shows simply the number of legislative actions belonging to a thematic group during the entire time span examined by the project. It makes no further delineation as to whether this action was a *rogatio*, *plebiscitum*, or a *lex*. Furthermore, it makes no differentiation between the different sub-categories within each theme of democratization. A more detailed breakdown of that particular set of data can be found in Table 3, which examines both specific time periods and thematic sub-categories more closely.

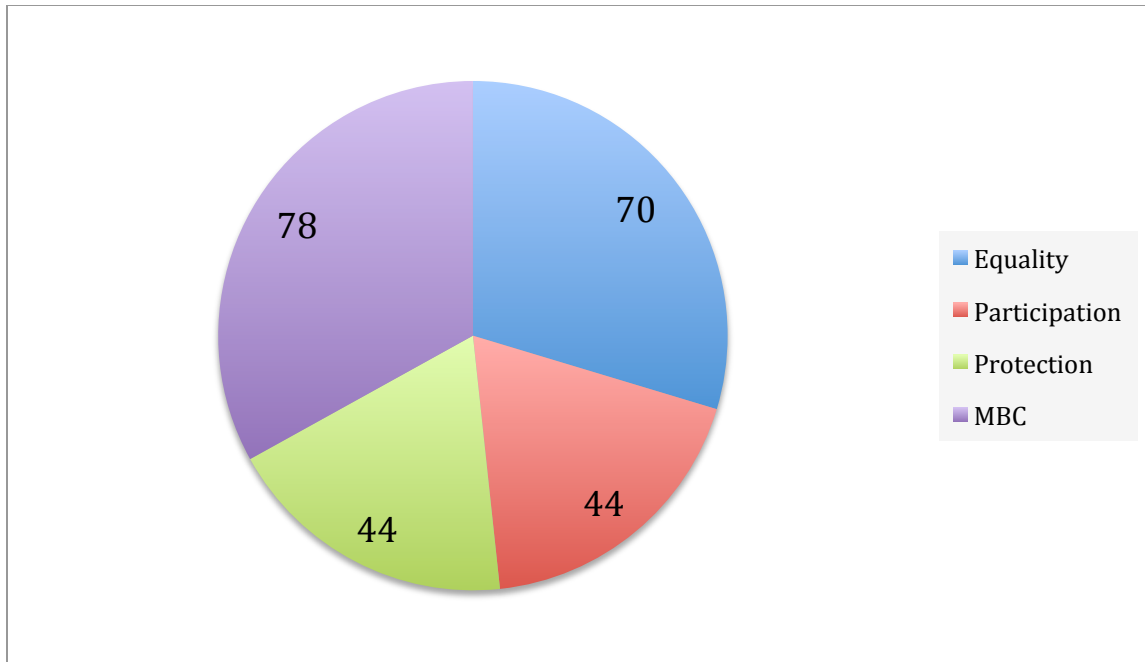


Figure 6: Legislative action by type and number: 494 - 88 BC (total 236)

Figure 7 (below) is a pie graph shows the breakdown in percentages of each of the thematic groups, again without regard to chronological subdivisions again for the entire scope of the project. This particular graph shows simply the percentage of legislative actions belonging to a thematic group during the entire time span examined by the project. It gauges the percentage of activity out of the whole body of legislative actions examined in this period, 236. It makes no further delineation as to whether this action was a *rogatio*, *plebiscitum*, or a *lex*. Furthermore, it makes no differentiation between the different sub-categories within each theme of democratization. A more detailed breakdown of that particular set of data can be found in Table 3, which examines both specific time periods and thematic sub-categories more closely.

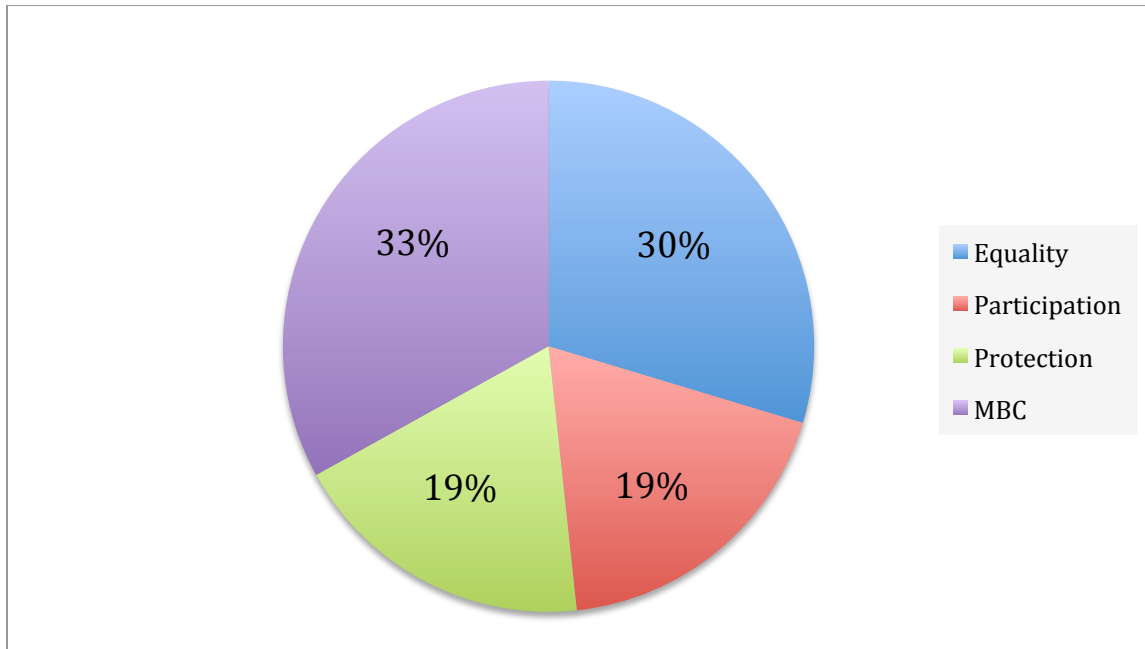


Figure 7: Legislative by thematic type and percentage: 494 - 88 BC

Figure 8 (below) is a pie graph highlights the percentages of the different the legislative actions occurring 494 and 393 by thematic group. This particular graph shows simply the percentage of legislative actions belonging to a thematic group during the entire time span noted. It gauges the percentage of activity out of the whole body of legislative actions examined in this period, 35. It makes no further delineation as to whether this action was a *rogatio*, *plebiscitum*, or a *lex*. Furthermore, it makes no differentiation between the different sub-categories within each theme of democratization. A more detailed breakdown of that particular set of data can be found in Table 3, which examines both specific time periods and thematic sub-categories more closely.

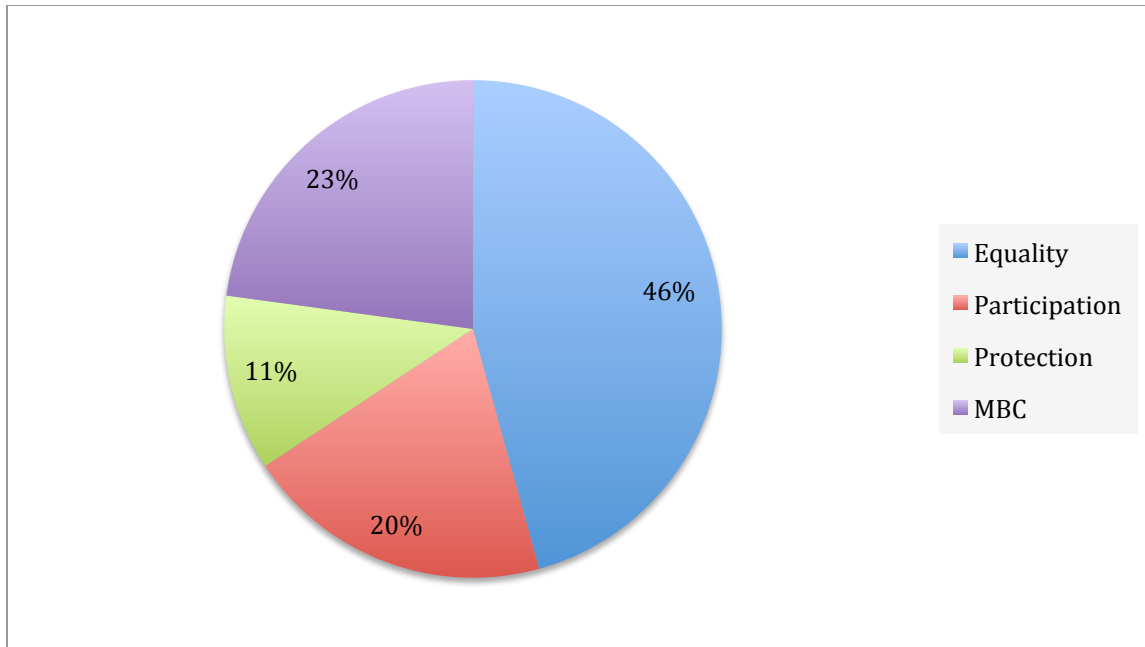


Figure 8: Legislative action by type: 494 - 393 BC

Figure 9 (below) is a pie graph highlights the percentages of the different the legislative actions occurring 392 and 293 by thematic group. This particular graph shows simply the percentage of legislative actions belonging to a thematic group during the entire time span noted. It gauges the percentage of activity out of the whole body of legislative actions examined in this period, 26. It makes no further delineation as to whether this action was a *rogatio*, *plebiscitum*, or a *lex*. Furthermore, it makes no differentiation between the different sub-categories within each theme of democratization. A more detailed breakdown of that particular set of data can be found in Table 3, which examines both specific time periods and thematic sub-categories more closely.

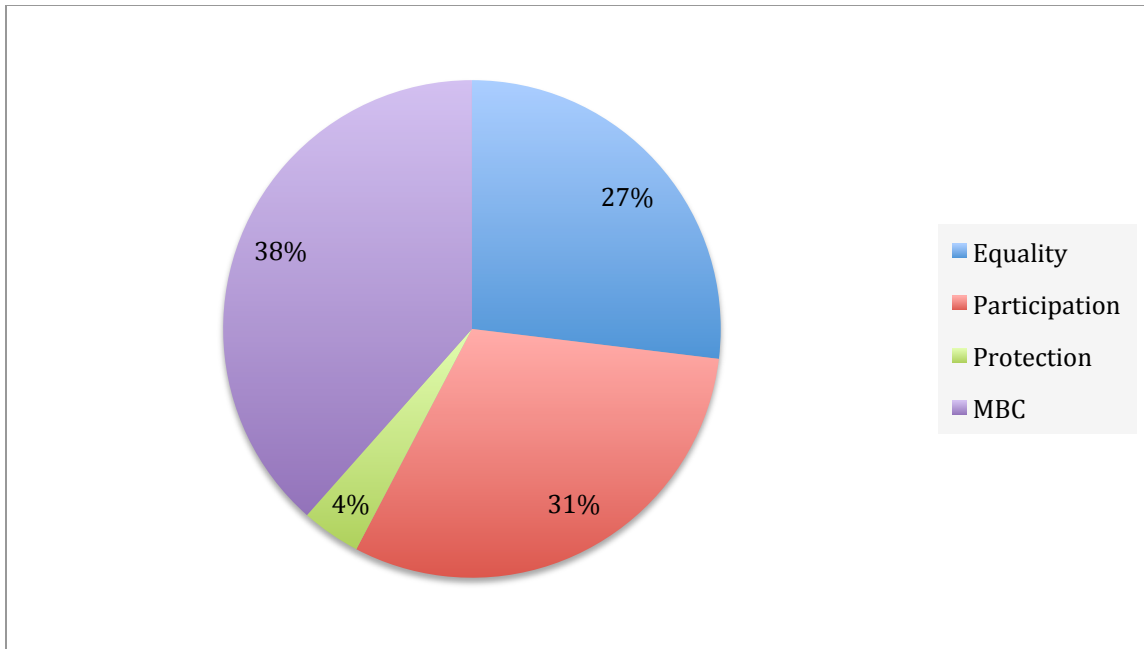


Figure 9: Legislative action by type: 392 - 293 BC

Figure 10 (below) is a pie graph highlights the percentages of the different the legislative actions occurring 292 and 193 by thematic group. This particular graph shows simply the percentage of legislative actions belonging to a thematic group during the entire time span noted. It gauges the percentage of activity out of the whole body of legislative actions examined in this period, 51. It makes no further delineation as to whether this action was a *rogatio*, *plebiscitum*, or a *lex*. Furthermore, it makes no differentiation between the different sub-categories within each theme of democratization. A more detailed breakdown of that particular set of data can be found in Table 3, which examines both specific time periods and thematic sub-categories more closely.

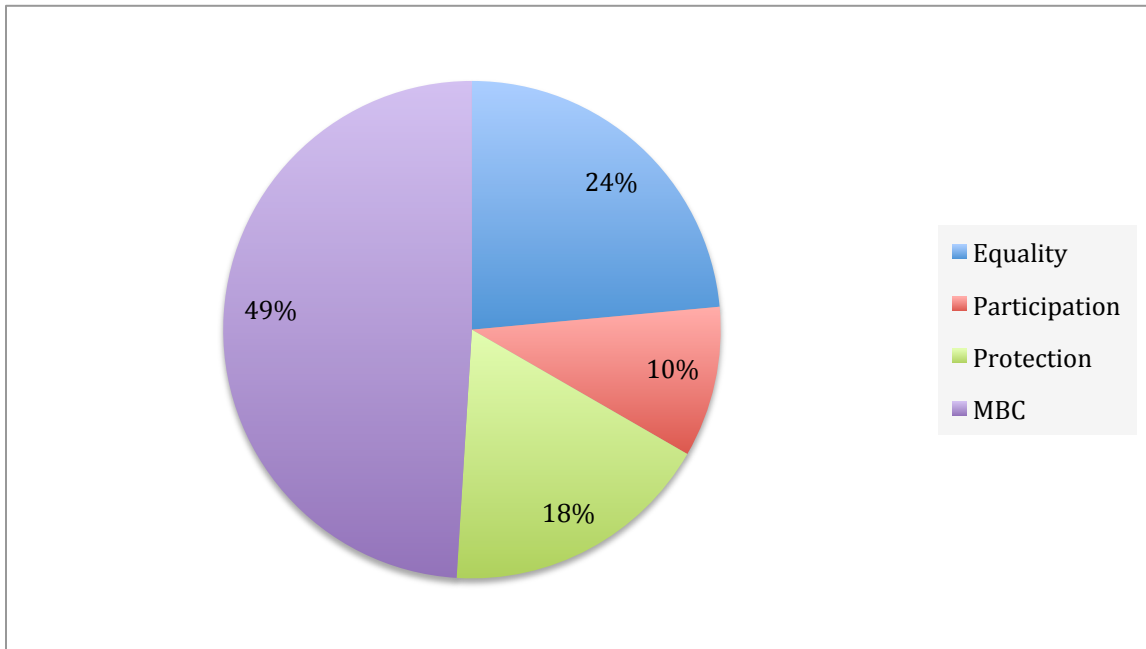


Figure 10: Legislative action by type: 292 - 193 BC

Figure 11 (below) is a pie graph highlights the percentages of the different the legislative actions occurring 192 and 88 by thematic group. This particular graph shows simply the percentage of legislative actions belonging to a thematic group during the entire time span noted. It gauges the percentage of activity out of the whole body of legislative actions examined in this period, 124. It makes no further delineation as to whether this action was a *rogatio*, *plebiscitum*, or a *lex*. Furthermore, it makes no differentiation between the different sub-categories within each theme of democratization. A more detailed breakdown of that particular set of data can be found in Table 3, which examines both specific time periods and thematic sub-categories more closely.

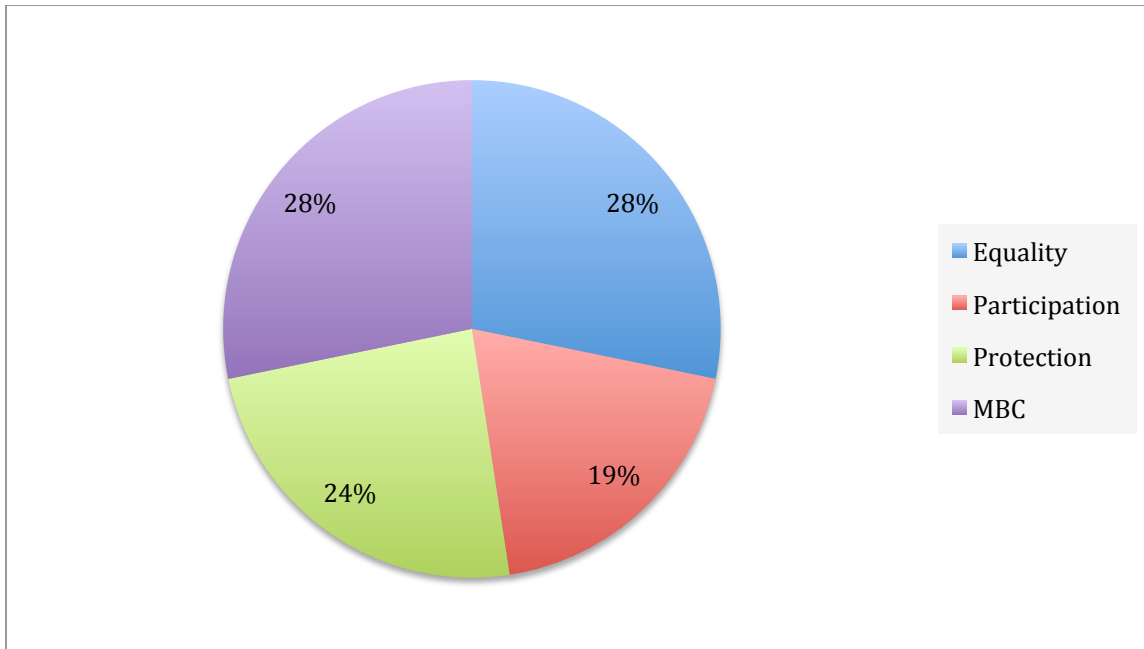


Figure 11: Legislative action by type: 192 - 88 BC

Conclusion

Over the span of 406 years the tribunes of the plebs and the *concilium plebis* engaged in considerable amounts of legislative action. These legislative actions can be identified via both ancient and modern sources. Once identified, these legislative actions have been assigned thematic groups and subcategories of those thematic groups in an attempt to create the opportunity for comparison. This data has then been organized in different ways to better understand frequency and type of occurrence.

CHAPTER V:
**EVIDENCE OF DEMOCRATIZATION, TRUST, AND MUTUALLY BINDING
CONSULTATION IN THE ROMAN REPUBLIC**

Introduction

After the collection and collation of the data, namely the *rogationes*, *plebiscita* and *leges* which originated from tribunes of the plebs in the *concilium plebis* were identified as reliable and organized an analysis of the results was undertaken to identify patterns of activity consistent with the goal of the study to measure and assess the increasing power of the plebeians vis-a-vis that of the patricians. The interpretation of the results is predicated on the notion that the ability of tribunes of the people to propose and pass legislation through the *concilium plebis* is evidence of the increasing power and authority of these plebeian institutions. To more accurately identify not simply the existence of activity, but the type of legislative action requires the use of an organizing framework, in this case a system based on Tilly's four dimensions of democratization, modified here as the themes equality, breadth of participation, protection and mutually binding consultation.

Overall Results: Quantities

In all 236 relevant legislative actions were identified as historically reliable from the years 494 to 88 BC, out of a total of roughly 546 laws and proposals identified by Williamson for the same period. It must be noted that this rather inexact number results from the fact that Williamson's methodology is different than the one used in this study. I am confident the

approximation is a realistic extrapolation of based on the removal of 235 laws and proposals from Sulla's seizure in 88 BC down to 23 BC. Of the 236 plebeian legislative actions identified, a total of 53 were *rogationes*, 39 were *plebiscita* and 144 were *leges*, as seen in Tables 3 and 4. The distribution of the 236 legislative actions can also be viewed in different form in Figure 3.

During the first period of the study, 494 - 393, as seen in Table 5, *rogationes* account for 48% of the total number of legislative actions, while across the entire study, *rogationes* account for only 22% of the total amount of legislative activity. On examination of the data, in this period, a great number of proposals were made in the area of equality, and in this case equality concerning access to public land. The 14 *rogationes* shown above all have to do with the question of agrarian reform. Yet the relative success of the tribunes of the plebs to carry through agrarian reform legislation is rather harrowing with only one piece of legislation, the *Lex Icilia de Aventino Publicando* which allowed for the distribution of land to landless plebeians on the Aventine Hill of Rome in 456, was able to be carried by a magistrate in a qualifying assembly, with senatorial approval, and in this case, the legislation was only passed as an attempt to mollify the plebs as they threatened to leave the city en masse. (Livy). The other successful equality related action was the *Lex Canuleia* that allowed the legal and official allowance marriage of patricians and plebeians.

In the next period of the study, 392-293, the number of *leges* again climbs. The time period shown here is part of the important era of Roman history known as the 'Struggle of the Orders'. The 'Struggle of the Orders' was a period of considerable agitation between patricians and plebeians, as plebeians tried to capitalize on the gains made in participation and mutually binding consultation in the previous period. (Cary and Scullard, 1975) As can be seen in Table 6 above, there is a more unified plebeian body passing not only the initial 14 legislative actions

that became *leges*, but eight *plebiscita* passed without challenge in the *concilium plebis*. The *plebiscita* in question are mostly (6 out of 8) regarding the theme of mutually binding consultation, while the *leges* focus on the theme of broadening of participation. It is important to remember that though *plebiscita* were passed in the *concilium plebis*, and though perhaps not challenged by the senate directly, this is no guarantee of actual genuine application. The fact that 84% of the legislative actions of the tribunes of the plebs are being acted upon by the *concilium plebis* versus 51% in the previous period is notable. Unfulfilled *rogationes* here only represent 15% of the total legislative actions, down considerably from the previous period's 49%. The fact that more proposals of the plebeian tribunes are being carried through the plebeian assembly indicates that the trust that plebeian voters have in the institution of the tribunes is increasing. Further, as a strong majority of these legislative actions are occurring in the theme of mutually binding consultation and equality, not only is the tribunate and plebeian assembly having an effect on the status of plebeians within the state, but also over such important areas as awarding and taking away punishments and *imperium*, the plebeians power is further extending into matters of importance to the state. The plebeians are not simply focusing on the well being of their class, but are developing a better understanding of the power of their assembly and officers.

The next period of the study, 293 - 193, shown in Table 7, featured a marked increase in all legislative activities, with exception of *rogationes*, which actually falls slightly as an actual percentage of the overall legislative actions, a mere 12% of total legislative action. *Plebiscita* continue to increase from the previous periods 14% and 30% respectively to 38% of the total of legislative action for the period, concentrated in the theme of mutually binding consultation (28% of total, versus 5% and 20%). Some, such as PA Brunt, has call this period the 'era of quiescence' (Brunt, 1971) within the Roman republic where he, and others have claimed that the

tribunate and the *concilium plebis* had become relatively docile. I would disagree with Brunt in this instance, and would instead see this period instead as a livelier period, following Williams. The evidence contradicts Brunt's findings. While there issues taken up by the tribunes and the *concilium plebis* are not particularly controversial in regards to the plight of the plebeians, this is a relatively active time of overall activity. (Williams, 2004) It is not in the controversial nature of the legislative actions that is important, but instead the quantity of the passed legislation, which is worthy of note.

The *plebiscita* and *leges* of the period are focus on relatively mundane matters in comparison to what was seen before and what will be seen in the next period. We know from the sources that many of the *plebiscita* of this period were passed with at least the acknowledgement of the senate. The sheer number of unchallenged *plebiscita* and fulfilled *leges* indicates a level of support from both the senate and the magistrates which have not been seen before with 44 *plebiscita* and *leges* being passed (in the 292 - 193 BC period) while only 40 similar legislative actions manifested in the previous two time periods. There may even have been even more legislative actions taking place that we have no record of due to the break in Livy's narrative. While we have summaries and fragments for all the books of Livy's grand narrative except two (136 and 137), the rich detail of the ancient author remains open to the modern world only through books 1-10 and 21-27. The gap encompassed in these missing texts would span between 292 and 218 BC. The possibility remains that in the absences of Livy's books additional legislative actions took place, but for which we have insufficient source material.⁵ This is the era of the Pyrrhic War and the First and Second Punic Wars and it could be easily imagined that the

⁵ In just such and example, in discussing the consulship of C. Flaminius in 218 BC, Livy (21.62.2) mentions also that the consul not only had military honors bestowed upon him by the *concilium plebis* five years before, but also that even earlier as a tribune of the plebs, he had earned the wrath of the senate, likely through an attempt at legislation. There is insufficient information to properly isolate this particular tribunician legislative action so it was omitted.

increase in legislative action is due to expedient measures needed to fight the Carthaginians. But out of the total 50 pieces of legislative action only 21 of them are directly related to war, being defined here as anything having to do with the allocation of troops, commanders, military resources or capability.

The final period of the study, 192- 88 BC, shown below in Table 8, is by far the most active in regards to legislative actions. In total, this period produced more legislative actions than all other time periods combined. Likewise, it produces the 68% or 91 of the total 134 *leges* of the overall study's time period. *Plebiscita* represent only 6% of the period's total 124 legislative actions (contrasting to the previous periods' 14%, 30% and 38%) while fully formed *leges* represent 73% of the total activity of this period. Based on the data shown, the period 193 - 88 BC is the height of the power of the tribunes of the plebs and the *concilium plebis*. These quantities however are not the only means that we can use to examine the growing power of the tribunate and the *concilium plebis*, how these pieces of legislation fit into a larger scheme of democratization can also provide insight into how this power is growing.

Overall Results: Thematic Analysis

A study wide perspective of the legislative actions distribution over time period and theme can be found in Figures 4 and 5. As a whole, when the entire period of the study were to be viewed as a whole, as seen in Figures 6 and 7 above, the overall percentage of the different types of thematic activity is rather unexceptional. There are differences between the various themes but the highest percentage and the lowest are separated only by at most fourteen percentage points. Looking only at this time period it would appear that all four themes of

democratization were for the most part addressed evenly. However, when individual time periods are examined in detail a different picture is realized.

In the first period of the study, 494 - 393 BC, shown in Figure 8 the theme of equality takes up 46% of the legislative actions for that particular period. While the other themes of broadening participation, protection and mutually binding consultation make up 20%, 11% and 23% respectively of the legislative actions for this time period. It should be noted that mutual binding consultation and broadening participation added together do not even equal those found in the category of equality.

As detailed in Figure 9, during the next period of the study, 392-293 BC, it is not equality that is the primary focus of legislative actions, instead it is mutually binding consultation with 38% of the total. Equality drops from a 46% share of activity in the period 494-393 to 27% in 392-293. Likewise, protection drops by two thirds to a mere 4% of legislative actions during the period. Besides mutually binding consultation, only broadening participation increases by 11%.

The next period of the study 292 - 193 BC, shown in Figure 10 is sees a continued reduction in equality oriented legislative actions, dropping to 24% from the previous period's 27%, and broadening participation drops two thirds from 31% previous to 10%. Protection however increases by a four-fold increase, jumping from 4% of the total in 392-293 to 18% in the current period. Mutually binding consultation increases as well to 49% of the entirety of the legislative action for this time period.

By the final period of the study period, 192 - 88 BC featured in Figure 11, the four themes of democratization are more equalized. The separation between the lowest and highest percentage is 9%, similar to what is found in the aggregate of all the periods added together. Mutually binding consultation leads the field with 28% of the total legislative actions for the

period, followed by equality with 28%, protection with 24%, and 19% for broadening participation. It should be noted that this is also the most active period of the study with 124 legislative actions having been taken; this number is more than the total of the three periods of the study combined. What could be the cause of this great increase in the level of activity and to its equalized themes during this period? I posit that the great changes in the final period of the study, 192 - 88 BC are due to the steady and growing activity in the theme of mutually binding consultation.

Final Results

In the collation of the data for this project a number of factors became clear. There is a constant increase in legislative actions resulting in increased mutually binding consultation from 23% in the first time period, 494 - 393, 38% in the second, 392 - 293 and 49% in the third period, 292 - 193, eventually dropping down to 28% in the final period of 192 - 88 BC. A number of questions arise looking at this data. Is there a relationship between the increased amount of mutually binding consultation related activity (as a percentage of the whole) and the leveling out of the proportions of legislative actions across all four themes examined? I would contend that there is a relationship. This relationship is built not simply on the number of mutually binding consultation actions (indeed the fourth period has more mutually binding consultation legislative actions, but represent a smaller proportion of the whole). Instead, the legislative actions focusing on mutually binding consultation in the third period of examination are important because they are successful in building trust. This trust is not between the wealthy, the patricians and the elite in the senate and the leaders of the *concilium plebis*, the tribunes of the plebs, but instead a growing trust between the plebs and their assembly. Having said that,

this trust was only possible given in a very unique period, the senate and the *concilium plebis* were able to cooperate towards a common goal, defeating Hannibal and his invading army.

The Second Punic War, which raged from 218 to 201 BC, saw the invasion of Italy, threats to the city of Rome herself, destruction of vast armies, and a danger of losing an overseas empire. This is also a period of considerable success for the *concilium plebis*. Between 218 and 201 BC, 38 legislative actions went into effect, 17 *plebiscita* and 21 *leges*, a marked increase from the 18 successful actions (5 *plebiscita* and 13 *leges*) in the 494 - 393 period and 22 in the following period 392 - 293 (8 *plebiscita* and 14 *leges*). What is the cause for this increase in successful legislative actions in the period of 218 - 193? This success comes from the temporary, albeit loose, alliance between the *concilium plebis* and the senate.

Between the years 218 and 193 BC, the tribunes of the plebs achieved 38 successful legislative actions. Of these pieces of legislation, 32% (16 in total) were brought before the plebs as Livy (among others) and recorded *ex senatus consulto* (or similar permutations such as *ex senatus auctoritate*) on urging or advice of the senate. Rotondi records this advice or urging in his examination of the laws of the republican era and provides citations to find the same in the original sources. (Rotondi, 1985) Upon his authority I examined the legislative actions of the *concilium plebis* and found the figures noted above. The percentage of successful legislative actions brought before the plebs is even more remarkable when it is noted that Rotondi records only one other instance in any period before 292 BC of the tribunes of the plebs in the *concilium plebis* taking on a legislative action essentially on the behalf of the senate, this being the *Plebiscitum de imperio Publilio Philoni prorogando* of 327 BC. These legislative actions were assured to be free of obstacles, either to passage or to implementation, given the initial blessing

of the senate. Of the 16 noted, 14 were enforced *plebiscita* while only two required the additional step of becoming a *lex*.

It is not however this appearance of coordination between the tribunes, the *concilium plebis* and the senate that would exemplify the cooperation needed, in Putnam's words, to lubricate trust. It is the trust between the plebs and their own leaders and assembly, facilitated by the victories handed to the tribunes of the plebs on so many occasions during the final third of the period of 292 - 193 BC. It should be noted that legislative actions that carry the urging of the senate are not nearly as groundbreaking or advantageous to the plebeians as later legislation would be. These victories occur in the third period of the study precisely as Rome is engulfed in the Second Punic War and its aftermath, the consolidation of Rome's new Mediterranean empire. Of the 16 successful legislative actions initiated by the tribunes on the urging of the senate noted, 63% (10 out of 16) inhabit the fourth theme of democratization, mutually binding consultation, of those 80% (8 out of 10) allow for the suspension of established law and tradition.

In the name of the war effort and stability, the senate advised the passage of certain pieces of legislation, to which the tribunes and the *concilium plebis* were sympathetic. Once ratified by the *concilium plebis*, the senate (having originated the idea) allows its enforcement as law without requiring additional ratification in another assembly. The senate allows the actions of the *concilium plebis* alone to stand as law on a number of issues. The senate however in doing so, and doing so repeatedly, gives the tribunes and the *concilium plebis* the license to bend the law, and creates a successful tradition of doing so. The 217 BC *Plebiscitum de lege solvendis consularibus* allowed consuls to be elected without regard to established limits regarding periods between consular elections while Hannibal remained in Italy suspending both legal precedent and accepted tradition. The 212 BC *Plebiscitum de dilectu militum*, allows the law regarding the

minimum age of recruits for the legions to be lowered while the war continues. The 211 BC *Plebiscitum de imperio de Hispania* allows military leaders for the war in Spain to be chosen outside of the established and traditional method. The 211 BC *Plebiscitum de ovatione M. Claudii Marcelli* extends the *imperium* of M. Claudius Marcellus (hero of Syracuse and coveted distinction of the *spolia opima*⁶) by several days so he can celebrate his ovation in thanks for his victories in the field, in doing so, extending the *imperium* of an official beyond the legal period for which he was elected. In 202 BC the *Plebiscitum de imperio de Africa* again suspended the normal means by which military leaders will be chosen for the invasion of Africa. The *Plebiscitum de imperio de Hispania* of 201 BC likewise suspends the established method for choosing commanders for the war in Spain. The *Plebiscitum de iureiurando C. Valerii Flacci* of 200 BC is seemingly a small matter allowing C. Valerius Flaccus' brother to take the oath of office for praetor in his place, as doing such would violate his duties as a priest of the state religion; again the suspension of law and tradition. (Williams, 2004) These are not the only pieces of legislative action in the period to have been proposed on the urging and advice of the senate, but they are the only ones that deviate from the normal established authority of the *concilium plebis*. The *Lex Minucia de triumviris mensariis* of 216 BC calls for a special commission to investigate the question of credit during wartime, while the *Plebiscitum ut servi publicae emerentur* also of 216 BC calls for the creation of a commission to investigate the use of private slaves by the state. Likewise, the 212 BC *Plebiscitum de quinqueviris et triumviris* created two new commissions to inspect the stability of public buildings and temples. None of these actions are new as numerous commissions and offices had already been created by the

⁶ Certainly one of Rome's greatest generals and military leaders of the republican period, Marcellus won the rare honor of *spolia opima* in an earlier conflict with Gallic tribesmen. He won this honor by engaging the enemy king in combat during the battle. Having defeated his enemy in one-on-one combat, he dismounted his horse and claimed possession of the armor of his opponent. Stripping the dead king of his weaponry and likewise the larger Gallic force of its will to fight. (Plutarch, Life of Marcellus)

actions of the tribunes and *concilium plebis*. The citizenship grants of the 211 BC *Plebiscitum de civitate Sosisi et Merico danda* (granted to individuals) and that of the 210 BC *Plebiscitum de civitate Mutini danda* (granted to a group) are neither new nor groundbreaking. What these and other already mentioned (and some not mentioned) legislative actions have in common is they all are done at the urging or advice of the senate.

The sum effect of this, I suggest, is that as more legislative actions were passed at the urging of the senate, the plebeians saw the success of their tribunes and assembly and came to expect in future interactions. As the plebeians increased cooperation, and saw results, they came to increasingly trust their institutions to be effective. These findings are consistent with the theories of Tilly and Putnam on the matter of trust, and again with Tilly concerning the concept of political ecology. The explosion of activity in the final period of the study 192 - 88 BC, illustrates the proof of this increasing trust in the plebeian institutions in the previous period.

Conclusion

The final time period to be examined by this study, 192 - 88 BC, sees an explosion of activity from the *concilium plebis*, initiated by the tribunes. More legislative actions are initiated in this period than in the entire span of time before it (124 out of 236: 53%), and with more success (99 successful *plebiscita* and *leges* out of a total of 183, or 54% over the entire period of the study). Serious reforms to Roman government and society are initiated in this period. With every success, boundaries are pushed even further bringing about such the dramatic reforms as those of Tiberius and Caius Sempronius Gracchus and Livius Drusus. (Taylor, 1962) This explosion of success is, as has been shown, been due to the escalating passage of legislative action in the thematic area of mutually binding consultation, especially in the later years of the

292 - 193 BC time period. As a result of the confidence, trust and expectation accumulated to that point, the tribunes of the plebs and the *concilium plebis* were able to expand their authority into new areas of reform in the period 192 - 88 BC. It is in this time period that we find substantial increases in all themes of democratization almost equally, indicated a successful movement toward encompassing increased equality, broadening of participation, protection and mutually binding consultation.

CHAPTER VI:

CONCLUSION

Democratization and the Roman Republic

In this thesis, I have sought to make contributions to the study of democratization by examining the process as it took place in the Roman republic. I further hope to expand our understanding of the ancient political system of the Romans by using modern methods of analysis to this long dead republic. To do so, I have examined as many reliable legislative actions of the tribunes of the plebs as are available in, with any level of reliability, in the ancient and modern sources. These legislative actions have acted as indicators of the changes occurring in Roman society and political life. Utilizing modern ideas of political ecology and trust in the examination of democratization, I have demonstrated that the plebs by the first century BC came to expect a certain level of efficacy from the tribunes of the plebs. This expectation was based on a flurry of successful action in the late second century BC. As actions breed action and successes breed success, the tribunes of the plebs and the *concilium plebis* grew to be the most powerful institutions in the Roman republic.

The explosion of activity in the first century BC, especially after 150 BC has been demonstrated to be due to the increase in trust that the plebeian population has in the efficacy of their institutions and leaders built up over the previous centuries. Legislation with mutually binding consultation ramifications had been building since the introduction of the tribunate. By the third period of the study, it accounted for 49% of all legislative actions, a good proportion of

which occurred in the last 30 years of the period 217 BC and onwards. The attempts at political and societal change brought about by the reformers in the last century of the Roman republic, be they for altruism or demagoguery, would not have been possible unless the plebeians believed and trusted that these institutions would have the authority and power to carry them out. This increasing trust in the power of the plebs helped instigate the internal political and class violence endemic to the final years of the Roman republic.

Possible Future Research

No work on the Roman republic, or any ancient society, can ever be complete. In the case of the Romans this is especially true. A culture with such social and political complexity does not lend itself to easy conclusions. Ancient sources provide a precious little information when compared to almost any topic studied in the history of modern political life. This is precisely why the use of modern theory and analysis is so valuable. Use and understanding of the ancient world through modern theoretical political understandings cannot provide us the ability to know the answer, but help us to have a wider variety of possible answers.

I feel the basic attempt to better understand the political world of the Roman republic has been successfully undertaken through the application of modern democratization theory. Tilly and Putnam's ideas on the subject do not have, in my opinion, chronologically specific limits. Therefore, their use in such an exercise as mine is fair game.

Future research in this subject would require a more stringent analysis of the correlation between mutually binding consultation and rapid increases in democratization. This could only be done with a more rigorous quantitative study. I feel that the categorization scheme found in Table 2 is a good start. A comparative study of mutually binding consultation in the Roman

republic and another modern state or multiple states would be especially informative. Solid quantitative correlation of the relationship of mutually binding consultation and increases in democratization in different times and contexts would go far in establishing the authority of this form of analysis.

Conclusion

The actions taken by Sulla, beginning in 88 BC, are not the final end to the institution of the tribunes of the plebs and the *concilium plebis*, they are however the agent of destruction for its independent power and legislative authority. Sulla's reforms for the institution were to strip out any true power held by the plebeian class and deposit such authority in the upper classes. One such reform, the *Lex Cornelia Pompeia de comitiis centuriatis e de tribunicia potestate* of 88 BC literally stripped the *concilium plebis* of any independent legislative power and returning such power in the elite skewed *comitia centuriata*. Likewise, the *Lex Cornelia de tribunicia potestate* of 82 BC undid any possibility of plebeian representation with the requirement that any candidate standing for tribune of the plebs must have first been a member of the senate; in short, separated from the interests of their plebeian voters. (Rotondi, 1912/1990)

Even with the death of Sulla in 78 BC, the tribunate and the *concilium plebis* were never to be able to win back their independence, which had been so strenuously fought for in previous centuries. The tribunes would again wield power, but now as the creatures of larger extra-constitutional figures such as Marcus Licinius Crassus, Gnaeus Pompeius and Gaius Julius Caesar. In the fevered years between the death of Sulla and the rise of Caesar, the tribunate and the *concilium plebis*, acted not on behalf of the plebeians of Rome, as they had done since 494

BC, but instead as a negotiated political force, martialed by one powerful patron to another to benefit personal agenda.

The plebeians of Rome since 494 BC improved their position in Roman society and political life via the only means at their disposal their independent assembly with its own plebeian leaders: the *concilium plebis* and the tribunes of the plebs. What began in the early 5th century BC as a struggle for social and legal authority, the plebeian cause was able to build into a wide-ranging political struggle, which was to encompass every aspect of political life in Rome. As the *concilium plebis* was viewed as more relevant in the cause of plebeian rights and authority, more trust was bestowed upon the institution. As the *concilium plebis* was seen as a trustworthy agent of the plebeians, more became expected of its leaders the tribunes. At opportune times, the tribunes and the *concilium plebis* worked in cooperation with, instead of against, the established patrician elite in the senate, and as they did so, especially during the Second Punic War, the institution came to be trusted both by plebeians and members of the elite. By the mid second century BC, the tribunes of the plebs were able to translate this trust into a strong campaign of reform. With these reforms *concilium plebis* became the premier assembly for legislative activity in Rome. It also became the target of more and more desperate measures by those who opposed it resulting in, by 133 BC, violence. This violence only radicalized the *concilium plebis* and energized its leaders further toward renewed advocacy for the plebeian class. This growing power and authority over the Roman state was only checked by the violent coup d'état of Lucius Cornelius Sulla in 88 BC.

The plebeian desire for equality, broadened participation and protection under the law is not isolated in history. Instead, it is a challenge that peoples across the world struggle for each day. Like their modern counterparts, the plebeians of the ancient Roman republic were able to

achieve increasing levels of equality, participation and protection through accepted political processes and trusted institutions. The tribunes of the plebs in the *concilium plebis* utilized existing political power, and challenged at every iteration the prevailing political barriers and boundaries arrayed against the plebeians of Rome.

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APPENDIX A:

LEGES, PLEBISCITA, AND ROGATIONES: 494 - 88 BC

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
492	Lex Icilia de tribunicia potestate	Inviolability of plebeian tribunes	Berger 553; Rotondi 193	Diony 7.17.5	4.6
485	Rogatio agraria (1)	Agrarian proposal (unnamed)	Rotondi 195	Livy 2.42.6	1.6
482	Rogatio Licinia agraria	Agrarian proposal of Spurius Licinius	Rotondi 195	Livy 2.43.3	1.6
481	Rogatio agraria Pontific	Agrarian proposal of Tiberius Pontificus	Rotondi 195	Livy 2.44.1; Diony 9.5	1.6
476	Plebiscitum de multa T. Menenio dicenda	Punishment for ex consul Titus Menenius for loss of battle	Rotondi 195-196	Livy 2.52.5	4.4
476	Rogatio Considia Genucia agraria	Agrarian proposal of Q. Considius and T. Genucius	Rotondi 195	Livy 2.54.2	1.6
474	Rogatio agraria (2)	Agrarian proposal (unnamed)	Rotondi 196	Livy 2.54.2	1.6
471	Lex Publilia Voleronis	Recognition of Concilium plebis and Tribs. And tribes	Scull. 560; Rotondi 199-198; Berger 558	Livy 2.56; Diony 9.41-49	4.6
462	Rogatio Terentilia	Proposal for 10 man board to write law	Rotondi 197	Livy 3.9; Diony 10.3.4	3.6
457	Plebiscitum de tribunis plebis decem creandis	Increase to 10 tribunes with senate approval	Rotondi 199	Livy 3.30.5; Dionys 10.30.2	2.2
456	Lex Icilia Aventino Publicando	Distribution of land on Aventine Hill	Rotondi 199	Livy 3.31-32; Dionys 10.30-32	1.6
451	Lex de creandis decemviris legibus scribundis	Election of a ten man board for the writing of the law	Berger 551; Rotondi 201	Livy 3.32; Dionys 10.56.2	3.6
449	Lex Duilia de consulibus restituendis	Reinstitution of the consulship	Rotondi 203	Livy 3.54.5	2.2
449	Lex Duilia de impunitate	Exemption from punishment for supporters of decemvirs	Rotondi	Dionys 11.46.5; Livy 3.59.2	4.4
449	Lex Duilia de provocacione	Creation of a non-appealable mag with death	Rotondi 203; Berger 550	Livy 3.55.5	3.7

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
449	Lex Icilia de sessione	Amensty for those in Second Secession of Plebs	Rotondi 206	Livy 3.54.14	4.4
449	Lex Icilia de triumpho consulum	Ability of Plebs to award triumph	Rotondi 206	Livy 3.63.9	2.3
448	Lex Trebonia de tribunorum plebis creatione	In incomplete election for Trib, those elected appoint remainder	Rotondi 206-207	Livy 3.65.4, 5.11-12	2.7
445	Lex Canuleia de conubio patrum et plebis	Legal marriage between Patricians and Plebs	Berger 548; Kolodko 120	Livy 4.6.3	1.9
441	Rogatio Poetilia agraria	Proposed agrarian reform of Poetelius	Rotondi 209	Livy 4.12.4	1.6
440	Plebiscitum de cura annonae L. Minucio tribuenda	Appoints special commissioner of grain supply (1st)	Rotondi 209	Livy 4.12.8	2.2
439	Plebiscitum de honoribus L. Minucii	Special honors for L. Minucius	Rotondi 210	Livy 4.16.2,5-6	4.3
436	Rogatio Maelia de Publicandis Bonis C. Servilii Ahalae	Prosecution of Minucius and confiscation of Servilius Ahala's goods	Rotondi 210	Livy 4.21.3	4.4
434	Lex de ambitu	Limits whitening of toga's in campaigns	Rotondi 211	Livy 4.25.13	4.9
427	Lex de creandis tribunis militum consulari potestate	Creation of Consular Tribunes (open to plebians)	Rotondi 212	Livy 4.35.11	2.2
421	Lex de questoribus quattuor creandis	Questorship increased and opened to Plebeians	Rotondi	Livy 4.43.12; Tac Ann 11.22	2.4
421	Rogatio agraria (3)	Proposed agrarian reform	Rotondi 213	Livy 4.43.6	1.6
420	Rogatio de agris dividendis	Agrarian proposal of Pompilius and Canuleius	Rotondi 213	Livy 4.44.7	1.6
417	Rogatio Maecilia Metilia agraria	Agrarian proposal of Maecilius and Metelius	Rotondi 213	Livy 4.48.2	1.6
415	Rogatio Sextia de agris	Agrarian proposal of L. Sextius	Rotondi 213	Livy 4.49.6-11	1.6
413	Plebiscitum de quaestione Postumianae caedis	Request for investigation	Rotondi 213	Livy 4.51.2	3.5
412	Rogatio Icilia agraria	Agrarian proposal of L. Icilius	Rotondi 214	Livy 4.52.2	1.6
410	Rogatio Maenia argaria	Agrarian proposal of M. Maenius	Rotondi 214	Livy 4.53.2	1.6
401	Rogatio Terbonia Menucia agraria	Agrarian proposal of Terbonius and Menucius	Rotondi 214	Livy 5.12.3	1.6

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
393	Rogatio Sicinia de parte civium Veios	Agrarian proposal to settle Veii	Rotondi 214	Livy 5.24.6	1.6
389	Rogatio de civibus Veios deducendis	Exodus to Veii after Rome is occupied	Rotondi 216	Livy 5.50.8	1.6
387	Rogatio Sicinia de agro Pomptine	Agrarian proposal of T. Sicinias	Rotondi 216	Livy 6.6.1	1.6
385	Rogatio Agraria (3)	Unspecified agrarian proposal	Rotondi 214	Livy 6.11.8	1.6
367	Lex Licinia Sextia Agraria	Limits on Access to Ager Publicus	Berger 556; Rotondi 216-218	Livy 6.35.5	3.8
367	Lex Licinia Sextia de consulibus	Plebian consulship for 1 of 2. Praetorship to Patricians	Berger 556; Rotondi 216-218	Livy 6.35.5,37-42	2.4
367	Lex Licinia Sextia de fenore semiunciariorum	Loans can be paid in 3 annual payments	Berger 556; Rotondi 216-218	Livy 6.35, 39	1.8
367	Plebiscitum de multa M. Furio Camillo dicenda	Camillus to be fined if he acts against tribunes	Rotondi 221	Livy 6.38.9	4.4
366	Lex Licinia Sextia de decemviris sacris faciundis	10 man board (5/5) to access Sybilline books	Rotondi 218	Livy 6.42.2	2.2
366	Plebiscitum de triumpho M. Furii Camilli	With Senate, plebs allow Camillus triumph	Rotondi 221	Livy 6.42.8	4.3
358	Lex Poetilia de ambitu	Forbids election competition in market of new men and bribery	Berger 557; Kolodko 125	Livy 7.15.12-13	4.9
357	Lex Duilia Menenia de unciariorum fenore	Max rate of interest fixed	Scullard 560; Berger 551	Livy 7.16.1-2	1.8
357	Plebiscitum de populo non sevecando	Cannot call for vote out of city with imperium	Rotondi 222	Livy 7.16.8	4.8
347	Plebiscitum de fenore semunciariorum	Reduction of debt from 1% to 1/2%; 4 annual	Rotondi 222	Livy 7.27.3	1.8
342	Lex Genucia (1) ⁷	Cannot hold consulship w/in 10 yrs; no two office at once	Rotondi 224; Williamson 452	Livy 7.42.1-3	2.4
342	Lex Genucia (2) ⁸	Both consuls can be plebians	Rotondi 224; Williamson 452	Livy 7.42.1-3	2.8

⁷ Rotondi considers this action a plebiscitum while Williamson notes it as a lex. I side with Williamson as Livy implies that they were approved by higher authorities given the strength of the movement among the plebs for its passage.

⁸ Rotondi again considers this action a plebiscitum while Williamson notes it as a lex. Further, Rotondi rolls the second action into the first. I think there is sufficient cause in the source material, as well as Williamson's view, that they should be separated into different actions.

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
342	Lex Genucia de feneratione	Prohibited Loans at Interest	Berger 552	Livy 7.42.1-3	1.8
327	Plebiscitum de imperio Publilio Philoni prorogando	On invitation from Senate to lengthen imperium	Rogatio 230	Livy 8.23.12	4.2
323	Rogaio Flavia de Tusculanis	Authorizes the punishment of Tusculans	Rotondi 232	Livy 8.37.8	4.4
319	Lex Antistia de Satricanis	Authorizes punishment of Satricani rebels by Senate	Rotondi 232	Livy 9.16.2, 26.33	4.4
311	Lex Atilia Marcia de tribunis militum	Election of military tribunes	Williamson 452	Livy 9.30.3-4	2.6
311	Lex Decia de duumviris navalibus	Election of two man naval commission	Williamson 452	Livy 9.30.3-4	2.6
304	Lex de dedicatione templi araeve	Construction of Temple must possible via Trib.	Williamson 452	Cic pro dom 49.127; Livy 9.46.7-8	4.6
300	Lex Ogulnia	Opening of Priesthoods to Plebeians	Berger 557	Livy 10.6.3-7	2.5
298	Plebiscitum de lege solvendo Q. Fabio Rulliano	Exemption from waiting period between consulships	Rotondi 236	Livy 10.13.10	4.1
296	Plebiscitum de triumviris coloniae deducendae	Creation of 3 man board of colony organization	Rotondi 237	Livy 10.21.9	2.2
295	Plebiscitum de impero L. Volumnio prorogando	Lengthening imperium of L. Volumnio	Rotondi 238	Livy 10.22.9	4.2
287	Rogatio de aere alieno minuendo	Elimination of debts	Rotondi 238; Williamson 453	Dio Cassius VII.37.2 lib VIII; Zonaras 8.2.1	1.8
286	Lex Aquilia de damno	Penalties for damage to property, slaves, animals	Rotondi 241-242	Gaius 3.210-219	3.8
265	Lex de censura non interanda	Censorship cannot be repeated	Rotondi 245	Livy 23.23.1-2	2.8
252	Plebiscitum de stipendio equitum	Punishment for 400 equites who violated military discipline	Rotondi 245	Frontius 4.1.22	4.4
242	Lex Plaetoria de iurisdictione	Requires praetor to be available to hear cases until dusk	Rotondi 254; Williamson 453	Gellius 3.2.4; Varro 6.5	3.4
241	Lex Appuleia de sponsu	Protection for multiple individuals with shares in possible debt	Rotondi 245	Gaius 3.122	1.8
228	Lex Flaminia de agro picene at gallico viritum dividendo	Land to be divided and individually distributed from conquered territory	Rotondi 247; Williamson 553 (as 232 BC)	Cic Brut 14.57	1.6
223	Plebiscitum de triumpho C. Flamini	Awarding of triumph to C. Flaminius	Rotondi 248; Williamson 453	Livy 21.63.2	4.3

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
218	Lex Claudia de senatoribus	Tonnage of ships owned by Senators	Berger549; Rotondi 249; Williamson; 454	Livy 21.63.2	3.8
217	Lex Metilia de aequando magistris equitum et dictatoris iure	Ending imperium of Q. Fabius Maximus and equalizing dictator and magister equitum	Rotondi 251; Williamson 454	Livy 22.25-26	4.2
217	Lex Metilia de fullonibus	Sumptuary law on luxury clothing	Rotondi 252	Livy 22.25; Pliny 35.17(57).197	3.8
217	Plebiscitum de lege solvendis consularibus	Allows consuls to be elected repeatedly during war with Hannibal (SC)	Rotondi 250; Williamson 454	Livy 27.6.7-12	4.1
217	Rogatio de imperio Q. Fabio Maximo dictatori abrogando	Ending the imperium of Q. Fabius Maximus	Rotondi 251	Livy 22.25.10	4.2
216	Lex Minucia de triumviris mensariis	Creating a special board of three financial commissioners	Rotondi 252; Williamson 454	Livy 23.21.6, 22.60.4	1.8
215	Lex Oppia sumptuaria	Sumptuary law	Rotondi 254	Livy 34 1-8; Val Max 9.13	3.8
215	Plebiscitum ut servi publice emerentur	Creation of a commission to examine slaves used by states	Rotondi 253-254	Val Max 7.6.1	3.3
212	Lex Carvilia de exilio M. Postumii Pyrgensis	Exile of an individual for not submitting to tribal court	Rotondi 255; Williamson 455	Livy 25.3-4	4.6
212	Plebiscitum de dilectu militum	Suspension of law to allow younger men to join in military (SC)	Rotondi 255	Livy 25.5.8	4.1
212	Plebiscitum de quinqueveris et triumviris	Creation of extraordinary commission to repair walls and audit temples (SC)	Rotondi 255	Livy 25.7.5	3.1
211	Plebiscitum de civitate Sosidi et Merico danda	Awarding of citizenship and honrs to individuals	Rotondi 257	Livy 26.21.11	1.2
211	Plebiscitum de exilio Cn. Fulvii Flacci	Pronouncement of legality of Senate's command of exile	Rotondi 256	Livy 26.3.12	4.4
211	Plebiscitum de imperio in Hispania	Appointment of military command in Spain	Rotondi 256	Livy 26.2.5	4.2
211	Plebiscitum de ovatione M. Claudii Marcelli	Extension of imperium for triumph	Rotondi 257	Livy 26.21.5	4.2
210	Lex Atilia de dediticiis	Punishing of Campanian rebels by Senate (SC)	Rotondi 257	Livy 26.33.12	4.4
210	Plebiscitum de agro romano	Censors to lease public land (SC)	Rotondi 258	Livy 27.11.8	4.7
210	Plebiscitum de civitate Mutini danda	Citizenship to individuals (SC)	Rotondi 257	Livy 27.5.7	1.2
210	Plebiscitum de dictatore creando	Election of a dictator (SC)	Rotondi 258	Livy 27.5.7	4.8

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
209	Lex Publicia de cereis	Limiting gifts to patrons at Saturnalia	Rotondi 258	Mac. Saturnalia 1.7.33	1.8
209	Rogatio Publicia de imperio M. Claudio Marcello abrogando	Prorogation of imperium	Rotondi 258	Livy 27.20-21	4.2
205	Rogatio de provincia Africa	P. Cornelius Scipio's attempt to circumvent Senate via Tribunes of the Plebs stopped	Rotondi 260 - 261	Livy 28.45	4.2
204	Lex Cincia de muneris	Advocates forbidden to charge fees or accept gifts (vassalage)	Rotondi 262	Livy 34.4.9 f.7	1.8
204	Lex de imperio Hispania	Prorogation of proconsular imperium of in Spain	Rotondi 263	Livy 29.13.17	4.2
204	Lex de Silia de legis actione	Eases process of making claims in courts	Rotondi 261	Gaius 4.19	3.4
204	Rogatio de imperio P. Scipioni abrogando	Abrogation of imperium	Rotondi 263	Livy 29.19.6	4.2
203	Lex de tribunis et aedilibus plebis creandis	Those with living fathers who held curule office cannot be tribunes	Rotondi 259	Livy 30.19.9	2.8
203	Plebiscitum de C. Servilio fraudi esset quod contra legem fecisset	Exculpating from wrong doing; regulates aedileship (curule living fathers)	Rotondi 264; Feig 289 (1996); Williamson 455	Livy 30.19.9	2.8
202	Plebiscitum de imperio in Africa	Appointment of military command in Africa (COS)	Rotondi 264	Livy 30.27.3-4	4.2
201	Lex Acilia Minucia	Authorizes Senate to engage in peace negotiations with Carthage to end 2nd Punic War	Rotondi 265	Livy 30.40.14	4.5
201	Plebiscitum de imperio in Hispania	Appointment of military command in Spain (COS)	Rotondi 264	Livy 30.41.4	4.2
200	Plebiscitum de imperio in Hispania (2)	Extending imperium to C. Cornelius Cethegus in Spain	Rotondi 266	Livy 31.50.10	4.2
200	Plebiscitum de iureiurando C. Valerii Flacci	Allows C. Valerius Flaccus to take office but not take oath (SC)	Rotondi 266; Williamson 456	Livy 31.50.7-9	4.1
200	Plebiscitum de ovatione L. Cornelii Lentuli	To allow an ovation for L. Cornelius Lentuli	Rotondi 265	Livy 31.20	4.3
197	Lex Atinia de coloniis quinque deducendis	Creation of new colonies	Rotondi 266	Livy 32.29.3	1.4
196	Lex Licinia de creandis triumviris epulonibus	Creation of a new priesthood open to both patricians and plebs	Rotondi 267; Williamson 455	Livy 33.42	2.5
195	Lex Marcia Atinia de pace com Philippo facienda	Senate to end war with Philip V	Rotondi 267	Livy 33.25.6-7	4.5

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
195	Lex Valeria et Fundania de dege oppia abroganda	Reduction of Lex Oppia	Rotondi 267	Liv. 34.7.11	4.1
194	Lex Aelia de coloniis duabus latinis deducendis	Colonization plan of Q. Aelius Tubero (SC)	Rotondi 270	Livy 34.53; 35.9	2.6
194	Lex Baebia de coloniis deducendis	Colonization plan of M. Baebius Tamphilus	Rotondi 270;	Livy 34.45	1.4
193	Lex Plaetoria de circumscriptione adulescentium	Penalties for defrauding adolescent heirs	Rotondi 271	Cic de off 3.15.61; Gaius II.163	3.9
193	Lex Sempronia de pecunia credita	Controls debt with Latins and Allies as Roman Law	Rotondi 271	Livy 35.7.2	1.8
192	Plebiscitum de permutacione provinciarum	Assignment of duties in provinces (SC)	Rotondi 272-273	Livy 35.20.9	4.2
189	Lex Terentia de libertinorum liberis	Freedmen with children allowed into citizenry, army, rural tribes	Rotondi 274; McGinn 79	Plutarch Flaminius 18.1	1.1
188	Lex Valeria de civitate cum suffragio Formianis et Arpinatibus danda	Citizenship law of C. Valerius Tappus to townships	Rotondi 274	Livy 38.36.7	1.1
187	Lex Petillia de pecunia regis Antioch	Instructing the Senate to investigate	Rotondi 275	Livy 38.54	3.1
186	Lex Atilia de tutore danda	Assignment of guardians by praetor and majority of trib pl (children and women)	Rotondi 275	Gaius 1.185-195	3.9
186	Plebiscitum de P. Aebutio et de Fecennia Hispala	Personal judgement to repay damages and provide honors	Rotondi 276	Livy 39.19.3	4.4
181	Lex Orchia de coenis	Limiting number of guests at dinner parties(SC)	Rotondi 276; Williamson 457	Livy 39.6	4.9
180	Lex Villia Annalis	Limits ages and promotion of magistrates	Rotondi 278	Livy 40.44; Appian Pun War 112	2.8
180	Rogatio Pinaria annalis	Proposal of M. Pinarius Rusca to organize offices	Rotondi 278	Livy 40.18.2	2.8
178	Rogatio Licinia Papiria de A. Manlio imperio abrogando	Proposal of Licinius and Papirius to end imperium	Rotondi 280	Livy 41.6.2	4.2
173	Lex agraria (1)	Distribute ager Gallicus (SC)	Rotondi 281	Livy 42.4.3	1.6
172	Lex Lucretia de agro campane	Distribute land in ager campanus	Rotondi 282	Livy 42.19.1	1.6
172	Lex Marcia de liguribus	Authorizes Senate to form quaestio vs. Laenas	Rotondi 281	Livy 42.21.4	3.5
172	Rogatio Marcia de M. Popillio Laenate	Proposal to form quaestio vs. Laenas	Rotondi 281	Livy 42.22.7	3.5

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
169	Lex Furia testamentaria	Limit legacies of non heirs	Rotondi 282	Gaius 2.226, 4.23-34	3.9
169	Lex Voconia de mulierum hereditibus	Limits the ability of women to inherit property	Rotondi 283-284	Gaius 1.226-227	3.9
169	Rogatio Rutilia de locatione censoria	Open closed system of building contracts	Rotondi 284 - 285	Livy 43.16; Cic de rep 6.2	1.3
167	Lex Sempronia de triumpho L. Aemillii Paullim Cn. Octavii, L. Amicii Galli	Extension of imperium through day of triumph	Rotondi 285	Livy 45.35-36	4.2
154	Lex Licinia de magistratibus extraordinariis	Magistrates who propose extraordinary magistracies cannot be elected to them.	Berger555,547; Rotondi 200	Cic de leg agr 2.8.21	2.8
151	Lex de consulato non iterando	Reelection of consuls with 10 year waiting period	Rotondi 290; Lesaffer 31	Liv Epit 56	2.8
149	Lex Aebutia de formulis	Modifies Judicial procedure and terminology; written instructions to jurists	Berger 547; Rotondi 304	Gaius 4.30; Gellius 16.10.10	3.4
149	Lex Aebutia de magistratibus extraordinariis	Magistrates who propose extraordinary magistracies cannot be elected to them.	Berger 547; Rotondi 200	Cic de leg agr 2.8.21	2.8
149	Lex Atinia de usucapione	Questions of theft, sale of stolen property	Rotondi 291	Gaius 2.45,49; Gellius 17.7.1	3.8
149	Lex Calpurnia de repetundis	Permenant court over provincial governors for extortion (senatorial jurors)	Lintott 207 (1976); Pineiro 254; Rotondi 292	Cic Brut 27.106, de off 2.21.75	3.2
149	Rogatio Scribonia de Lusitanis	Proposal to reinstitute the liberty of the Lusitanians and investigate	Rotondi 292	Livy Epit 49; Cic de orat 1.53.227	3.1
148	Plebiscitum Atinia	Ability of tribunes to convene senate	Develin 141	Gellius 14.8	4.6
147	Lex de provincia P. Cornelio Scipioni extra sortem danda	Scipio Aemillianus given Africa as provicne without sortation	Rotondi 294	Livy Epit 51; Appian Pun 112	4.2
147	Plebiscitum de lege solvendo P. Cornelio Scipione	Variance for Lex Villia for P. Cornelius Scipio for 3rd Punic War; aedile to consul	Rotondi 293-294	Livy Epit 50; Appian Pun 112	4.1
145	Rogatio Laelia agraria	Attempt to repartition public land to citizens	Rotondi 294	Plut Ti Gr 8.3	1.6
145	Rogatio Licinia de sacerdotiis	Allow for election of priets	Rotondi 295	Cic de nat deor 3.2.5, 17,43	2.7
143	Lex Didia Sumptuaria	Extend sumptuary law (Lex Fannia) to all of Italy	Rotondi 295	Macrobius Sat 3.17.7-8	4.9
141	Lex Mucia de L. Hostilia Tubulo	Extra ordinary commission to investigate L. Hostilius Tubulus	Rotondi 296	Cic de fini 2.16.54,4.28.77	3.5

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
139	Lex Gabinia tabellaria	Secret voting ballot	Rotondi 297	Cic de leg 3.16.35	4.9
137	Lex Cassia tabellaria	Voting ballot law in extortion courts	Rotondi 297	Cic de leg 3.16.35	3.4
134	Plebiscitum de lege solvendo P. Cornelio Scipione	Allows 2nd term in row for consul	Rotondi 298	Livy Epi 56; Appian Iber. 84	4.1
133	Lex Sempronia agraria	Redistribution of land in line with Licinian-Sextian laws	Rotondi 298-299	Appian BC 1.9; Plut Ti Gracch 8-13; Livy Epi 58	1.6
133	Lex Sempronia agraria altera iudicandis	Creation of IIIvir commission to oversee Lex Sempronia Agraria and determine state land	Rotondi 300	Livy Epi 58; Plut Ti Gracch 13.1; Vell Pat 2.2.3	2.2
133	Lex Sempronia de magistratu M. Octavio abrogando	Ability to depose a tribune that does not act on behalf of the People	Rotondi 301	Cic de leg 3.10.24; Appian BC 1.12; Plut 12.1; Livy Epi 58	4.4
133	Rogatio Sempronia de civitate sociis danda	Extension of citizenship to all freeborn of Italy	Rotondi 300	Vell Pat 2.2.3; Appian BC 1.23	1.1
133	Rogatio Sempronia de pecunia regis Attili	Use of the legacy of King Attalus of Pergamum to agrarian project; would open finance to Trib Pleb	Rotondi 300-301	Livy Epi 58; Plut Ti Gracch 14.1	4.5
133	Rogatio Sempronia de provocacione	Give tribunes provocatio against judgements of courts	Rotondi 301	Plut Ti Gracch 16.1	3.7
133	Rogatio Sempronia iudicaria	Allow equites to sit in jurors with senators	Rotondi 301	Plut Ti Gracch 16.1; Dio C 24	2.9
133	Rogatio Sempronia militaris	Lower years of military service	Rotondi 301	Plut Ti Gracch 16.1	2.6
132	Lex Aelia	Opens obnuntatio to all magistrates.	Rotondi 288-289; Sumner 350		4.9
132	Lex Fufia	Required time to propose and vote legis	Rotondi 288-289; Sumner 350		4.8
131	Lex Papiria tabellaria	Introduces secret ballot in elections	Rotondi 302	Cic de leg 3.16.35, de amic 12.41.	4.9
131	Plebiscitum de tribunis plebi reficiendis	Allow tribunes to be reelected after first term	Rotondi 306	Appian BC 1.21	2.8
131	Rogatio Papiria de tribunis plebis reficiendis	Allows tribunes to be reelected without limit	Rotondi 302	Livy Epi 59.11; Cic de amic 25.96	2.8
129	Plebiscitum reddedorum equorum	Removal of public horses from Senators to force them into lower status centuries	Rotondi 303	Cic de rep 4.2	2.1
126	Lex Iunia de peregrinis	Expulsion of foreigners from Rome with questionable citizenship	Rotondi 304	Cic de off 3.11.47, Brut 28.108	4.9

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
125	Lex Iunia de repetundis	Continues establishment of permanent courts of extortion	Lintott 207 (1976); Pineiro 254; Rotondi 306	Mention in Lex Acilia line 74	3.2
123	Lex Rubria de colonia Carthaginiem deducenda	Carthaginian colonies of Rubrius	Rotondi 310	Plut C Gracch 10.2	1.5
123	Lex Sempronia agraria (2)	Reinstate and expand agrarian reforms of Tiberius Gracchus	Rotondi 307	Livy Epit 60; App BC 1.21; Plut C Gracch; Cic de off 2.80	1.6
123	Lex Sempronia de abactis	Dismissed magistrates cannot appeal to courts and cannot seek later office	Berger 359; Rotondi 308	Plut C Gracch 4.1	2.8
123	Lex Sempronia de capite civis romani	Reenforces right to appeal and right to trial before punishment	Rotondi 309-310	Cic Catil 1.11.28, 4.5.10; Plut C Gracch 4	3.7
123	Lex Sempronia de coloniis Tarentum et Capuam deducendis	Creation of new colonies in Italy	Rotondi 310	Appian BC 1.23-24; Livy Epit 60; Plut C Gracch 8.3	1.4
123	Lex Sempronia de novis portoriis	Changes methods of account and collection for port duties	Rotondi 311	Vell Pat 2.6.3	4.7
123	Lex Sempronia de P. Popillio Laenate	Request a special commission to prosecute former consul Publius Popilius Laenas	Rotondi 309	Cic de rep 1.3.6, de leg 3.11.26; Plut C Gracch 4.1	3.5
123	Lex Sempronia de provincia Asia	Adjusted contracts for tax farmers to include equites	Rotondi 308-309	Plut C Gracch 5.1	1.3
123	Lex Sempronia de provinciis consularibus	Allotment of consular provinces by Senate before elections take place	Rotondi 311	Cic de prov consularibus 2.3, 7.17	4.2
123	Lex Sempronia frumentaria	Distribution of grain to citizens	Rotondi 307	Cic pro Sest 48.103, Tuscul 3.20.48, de off 2.21.72; Plut C Gracch	1.6
123	Lex Sempronia militaris	Government to pay for equipment, food and pay of soldiers	Rotondi 308	Plut C Gracch 5.1	2.6
123	Rogatio Aufeia de provincia Asia	Proposal to settle dynastic heirs of Asian kings	Rotondi 309	Gell 11.10.1	4.5
123	Rogatio Sempronia iudicaria	Addition of equites to extortion court juries	Rotondi 308	Plut C Gracch 5.1; Livy Epit 60	2.9
122	Lex Acilia Repentudarum	Allows equites as jurors for senatorial provincial extortion trials	Rotondi 312	CIL I 583 http://droitromain.upmf-grenoble.fr/Leges/acilia_CIL.htm	2.9
122	Lex Sempronia iudicaria	Jury composition of equites	Rotondi 312	Appian BC 1.22	2.9
122	Lex Sempronia viaria	Construction of new roads	Rotondi 311-312	App BC 1.23; Plut C Gracch 6.2	1.3
122	Rogatio Livia agraria	Revenues of public land imposed on state land by Lex Sempronia	Rotondi 314	Appian BC 1.23; Plut C Gracch 9.2; CIL I 585 http://droitromain.upmf-grenoble.fr/Leges/agraria_CIL.htm	4.7

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
122	Rogatio Livia de coloniis duodecem deducendis	Creation of 10 colonies	Rotondi 314-315	Appian BC 1.23; Plut C Gracch 9.2	1.4
122	Rogatio Livia de provocacione latiniis concendenda	Extending civil protections to those holding Latin citizenship	Rotondi 315	Appian BC 1.23; Plut C Gracch 9.2	3.7
122	Rogatio Livia frumentaria	Distribution of grain to citizens	Rotondi 315		1.7
122	Rogatio Sempronia civitate socii danda	Citizenship to allies	Rotondi 316	Appian BC 1.23-24; Plut C Gracch 5.1	1.1
122	Rogatio Sempronia de suffragiorum confusione	Voting order by lot in Comitia Centuriata	Rotondi 314; Williamson 460	Ps Sall 8.1-2	2.7
121	Lex (leges) Minucia de legibus Semproniis abrogandis	Abrogation of Sempronian laws	Rotondi 316	Flor 2.3	4.1
121	Lex Agraria	Abolished the inalienability of Sempronian allotments	Rotondi 317; Underhill xlvii (Plutarch's lives of the Gracchi)	Appian BC 1.27	3.8
121	Lex Minucia de colonia carthinagem deducenda	Stopping colony foundation at Carthage	Rotondi 316	Appian BC 1.24	4.1
120	Lex Calpurnia de P. Popillio Laenate revocando	Recall of exiles	Rotondi 317	Cic Brut 34.128	4.4
120	Lex Octavia frumentaria	Grains distribution law of M. Octavius (less than under C Gracchus)	Rotondi 317	Cic de off 2.21.72, Brut 62.222	1.7
119	Lex Maria de suffragiis ferendis	Voting bridges to ensure secrecy of ballot	Rotondi 318	Plut Mar 4.2	4.9
119	Rogatio Frumentaria	Grain distribution proposal of C. Marius	Rotondi 317	Plut Mar 4.6	1.7
118	Lex de colonia Narbonnem deducenda	Foundation of Narbo	Rotondi 319	Vell Pat 1.15.5	1.5
118	Lex Thoria agraria	Eliminates Sempronian three man land commission; defends ownership of land	Rotondi 318	App BC 1.27; Cic Brut 36.136	3.8
114	Lex Peducaea de incestu virginum vestalium	Commission of investigation into crimes of Vestal Virgins	Rotondi 321	Cic de nat deor 3.30.74	3.1
113	Lex Memmia de absentibus	Liability for trial of individuals away on state business	Rotondi 321; Williamson 461	Val Max 3.7.9,	3.7
111	Lex Agraria (2)	Final law to dismantle or modify Sempronian agrarian laws. Secures rights of colonists	Rotondi 322	CIL I 585 http://droitromain.upmf-grenoble.fr/Leges/agraria_CIL.htm	3.8
111	Lex Memmia de Iugurtha Romam ducendo	Investigation into the conduct of actions in Africa and Jugurtha	Rotondi 323	Sall Iug 32; Livy Epit 64	3.5

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
108	Lex Mamilia de coniuratione Iugurthana	Commission of investigation into supporters of Jugurtha	Rotondi 324	Sall Iug 40	3.1
107	Lex Caelia tabellaria	Voting by written ballot in cases of perduellio	Rotondi 324-325	Cic de leg 3.16.36; pro Planc 6.16	3.4
107	Lex Manlia de bello Iugurthino	Selection of commander in Africa C Marius	Rotondi 324	Sall Iug 73.7	4.2
105	Plebiscitum de imperio Q. Servili Caepioni abrogando	Abrogation of imperium for Q. Servilius Caepio	Rotondi 325-326	Livy Epit 67	4.2
104	Lex Cassia de senatu	Expulsion of senators losing imperium	Rotondi 327; Williamson 462		2.1
104	Lex Clodia de victoriate	Addition of "victory" to coinage	Rotondi 346	Pliny NH 33.3(13).46	4.3
104	Lex Marcia de fenore	Remedy for interest paid against creditors	Rotondi 325	Gai 4.23	1.8
104	Lex Norbana de auri tollosani quaestione	Commission of investigation about disappearance of treasure of Cimbri	Rotondi 327	Cic de nat deor 3.30.74	3.1
104	Rogatio Marcia agraria	Proposal for redistribution of land	Rotondi 325-326	Cic de off 2.21.73	1.6
103	Lex Appuleia de maiestate minuta	Establishes court for the crime of maiestas (crime against the Roman People and its security)	Rotondi 329; Berger 418	Cic de ora 2.25.107,2.49.201, 2.75.307	3.2
103	Lex Aufidia de feris africae	Allows importation of african animals for games despite Senate ban	Rotondi 228-229	Pliny NH 8.17 (24).64	4.9
103	Lex Domitia de sacerdotiis	Election of priests	Rotondi 329	Cic de leg agr 2.7.18	2.7
102	Lex Atinia de tribunis plebis in senatum legendis	Attainment of tribunate enrollment in senatorial class	Berger 548; Rotondi 330; Develin 141 (1978)	Gellius 14.8.2	2.1
100	Lex Appuleia agraria	Distribution of land to veterans of Marius' campaign in Gaul	Rotondi 331	Cic pro Sest 16.37; Livy Epit 69; Plut Mar 29.2	1.5
100	Lex Appuleia de coloniis in Siciliam, Achaia, Macedonia deducendis	Foundation of colonies	Rotondi 332	Cic pro Balb 21.48	1.5
100	Lex Appuleia frumentaria	Distribution of grain to citizen body at severely reduced rates	Rotondi 332	Cic ad Her 1.12.21	1.7
100	Rogatio Porcia Pompeia de Q. Caecillio Metello revocando	Proposal for the revocation of the exile imposed upon Q. Caecilius Metellus	Rotondi 332-333	Appian BC 1.33; Plut Mar 31.1	4.4
99	Lex Titia de agris dividendis	Distribution and assignment of land	Rotondi 333	Iul Obseq 46	1.6

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
99	Lex Titia de provinciis quaestoriis	Control of assignment of quaestors by Plebs	Rotondi 333-334	Cic pro Mur 8.18	4.2
99	Lex Titia de tutela	Appointment of guardians to heirs	Rotondi 333	Gaius 1.185, 195	3.9
98	Lex Calidia de Q. Caecilius Metello revocando	Recall of exiles	Rotondi 334	Cic pro Planc 28.69	4.4
97	Lex Durlonia de lege Licinia sumptuaria abroganda	Prosecution and expulsion of senators for violation of sumptuary law	Rotondi 334	Val Max 2.9.5	3.1
91	Lex Livia agraria	Distribution or assignment of land to Plebs only; Italians concerned about seizure	Rotondi 337	Appian BC 1.35-36; Livy Epit 71; Val Max 9.5.2	1.6
91	Lex Livia de coloniis deducendis	Colonies by M. Livius Drusus	Rotondi 335-336	App BC 1.36	1.4
91	Lex Livia frumentaria	Change in the price of grain to be distributed	Rotondi 336	Livy Epit 71; Appian B civ 1.35	1.7
91	Lex Livia iudicaria	Equestrians to Senate and to share in jury composition	Rotondi 336	Appian BC 1.35	2.9
91	Lex Livia nummaria	Addition of bronze to silver coinage	Rotondi 336	Pliny NH 33.3(13).46	1.8
91	Rogatio Livia de civitate sociis danda	Grant of citizenship	Rotondi 336	Appian BC 1.35	1.1
90	Lex Varia de maiestate	Special commission to investigate corruption who aid Italians in citizenship	Berger 561; Rotondi 339	Appian BC 1.37; Val Max 8.6.4	3.1
89	Lex Calpurnia de civitate sociorum	Process to allow commanders to give allies citizenship during Social War	Rotondi 340	Vell Pat 2.16.3	1.1
89	Lex Papiria semunciararia	Limiting amount of metal in coins (inflation?)	Rotondi 341	Pliny NH 33.13.46	1.8
89	Lex Plautia agraria	Agrarian reform (similar to Lex Flavia 60 BC)	Rotondi 342	Cic ad Att 1.18.6	1.6
89	Lex Plautia iudicaria	Election of jurors 15 per tribe; not just equites	Berger 557; Rotondi 342	Ps Sall Cic 2.2; Sall B Catill 31.4	2.9
89	Lex Plautia Papiria de civitate sociis danda	Grant of citizenship to rebelling italians residing in Italy during a 60 day period into old 8 tribes	Rotondi 340-341; Williamson 328	Appian BC 1.53; Cic pro Arch 4.7; Livy Epit 80	1.1
88	Lex Sulpicia de aere alieno senatorum	Limits debt of senators (2000 drach)	Rotondi 345-46	Appian BC 1.59; Plut Sull 8.4; Vell Pat 2.18.6	2.1
88	Lex Sulpicia de bello mithradatice C Mario dederendo	Taking command from Sulla and giving it to Marius	Rotondi 345	Appian BC 1.56; Livy Epit 77; Plut Sull 8.5, Mar 34.1	4.2

Year	Legislation	Subject	Modern Reference	Ancient Reference	Code
88	Lex Sulpicia de novorum civibus	Inclusion of new citizens and freedmen into all tribes	Rotondi 346	Appian BC 1.55-56; Livy Epit 77; Plut Sull 8.2, Vell Pat 2.18.6	1.1
88	Lex Sulpicia de recovandis vi eiectis	Return of exiles	Rotondi 345	Cic ad Her 2.28.45; Livy Epit 77	4.4
88	Rogatio ut exules quibus causam dicere non licuisset revocarentur	Recall of exiles by P. Sulpicius Rufus	Rotondi 343	Cic ad Her 2.28.45	4.4

APPENDIX B:

NAMED LEGISLATIVE ACTIONS BY THEMATIC SUB-CATEGORY

Theme 1: Equality

1.1 Bestowing citizenship to groups

- 189 Lex Terentia de libertinorum liberis
- 188 Lex Valeria de civitate cum suffragio Formianis et Arpinatibus danda
- 133 Rogatio Sempronia de civitate sociis danda
- 122 Rogatio Sempronia civitate socii danda
- 91 Rogatio Livia de civitate sociis danda
- 89 Lex Calpurnia de civitate sociorum
- 89 Lex Plautia Papiria de civitate sociis danda
- 88 Lex Sulpicia de novorum civibus

1.2 Bestowing citizenship to individuals

- 211 Plebiscitum de civitate Sosidi et Merico danda
- 210 Plebiscitum de civitate Mutini danda

1.3 Change contract / leasing process of censors

- 169 Rogatio Rutilia de locatione censoria
- 123 Lex Sempronia de provincia Asia
- 122 Lex Sempronia viaria

1.4 Creation of colonies in Italy

- 197 Lex Atinia de coloniis quinque deducendis
- 194 Lex Baebia de coloniis deducendis
- 123 Lex Sempronia de coloniis Tarentum et Capuam deducendis
- 122 Rogatio Livia de coloniis duodecem deducendis
- 91 Lex Livia de coloniis deducendis

1.5 Creation of colonies outside of Italy

- 123 Lex Rubria de colonia Carthaginem deducenda
- 118 Lex de colonia Narbonnem deducenda
- 100 Lex Appuleia agraria
- 100 Lex Appuleia de coloniis in Siciliam, Achaiam, Macedonium deducendis

1.6 Distribution / access to public land

- 485 Rogatio agraria (1)

482	Rogatio Licinia agraria
481	Rogatio agraria Pontific
476	Rogatio Considia Genucia agraria
474	Rogatio agraria (2)
456	Lex Icilia Aventino Publicando
441	Rogatio Poetilia agraria
421	Rogatio agraria (3)
420	Rogatio de agris dividendis
417	Rogatio Maecilia Metilia agraria
415	Rogatio Sextia de agris
412	Rogatio Icilia agraria
410	Rogatio Maenia argraria
401	Rogatio Terbonia Menucia agraria
393	Rogatio Sicinia de parte civium Veios
389	Rogatio de civibus Veios deducendis
387	Rogatio Sicinia de agro Pomptine
385	Rogatio Agraria (3)
228	Lex Flaminia de agro picene at gallico virutum dividendo
173	Lex agraria (1)
172	Lex Lucretia de agro campane
145	Rogatio Laelia agraria
133	Lex Sempronia agraria
123	Lex Sempronia agraria (2)
123	Lex Sempronia frumentaria
104	Rogatio Marcia agraria
99	Lex Titia de agris dividundis
91	Lex Livia agraria
89	Lex Plautia agraria

1.7 Grain distribution

122	Rogatio Livia frumentaria
120	Lex Octavia frumentaria
119	Rogatio Frumentaria
100	Lex Appuleia frumentaria
91	Lex Livia frumentaria

1.8 Debt and indebtedness

367	Lex Licinia Sextia de fenore semiunciario
357	Lex Duilia Menenia de unciario fenore
347	Plebiscitum de fenore semunciario
342	Lex Genucia de feneratione
287	Rogatio de aere alieno minuendo
241	Lex Appuleia de sponsu
216	Lex Minucia de triumviris mensariis
209	Lex Publicia de cereis
204	Lex Cincia de muneralis

193	Lex Sempronia de pecunia credita
104	Lex Marcia de fenore
91	Lex Livia nummaria
89	Lex Papiria semunciaria

1.9 Marriage / heirs in mixed class

445	Lex Canuleia de conubio patrum et plebis
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Theme 2 - Broadening Participation

2.1 Change in class

129	Plebiscitum reddendorum equorum
104	Lex Cassia de senatu
102	Lex Atinia de tribunis plebis in senatum legendis
88	Lex Sulpicia de aere alieno senatorum

2.2 Creation of new elected offices / commissions

457	Plebiscitum de tribunis plebis decem creandis
449	Lex Duilia de consulibus restituendis
440	Plebiscitum de cura annonae L. Minucio tribuenda
427	Lex de creandis tribunis militum consulari potestate
366	Lex Licinia Sextia de decemviris sacris faciundis
296	Plebiscitum de triumviris coloniae deducendae
133	Lex Sempronia agraria altera iudicandis

2.3 Creation of new powers of office

449	Lex Icilia de triumpho consulum
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2.4 Introduction of plebeians to magistracies

421	Lex de questoribus quattuor creandis
367	Lex Licinia Sextia de consulibus
342	Lex Genucia (1) (Plebiscitum)

2.5 Introduction of plebeians to religious office

300	Lex Ogulnia
196	Lex Licinia de creandis triumviris epulonibus

2.6 Military participation

311	Lex Atilia Marcia de tribunis militum
311	Lex Decia de duumviris navalibus
194	Lex Aelia de coloniis duabus latinis deducendis
133	Rogatio Sempronia militaris
123	Lex Sempronia militaris

2.7 Regulation of electoral procedure

448	Lex Trebonia de tribunorum plebis creatione
145	Rogatio Licinia de sacerdotiis
122	Rogatio Sempronia de suffragiorum confusione
103	Lex Domitia de sacerdotiis

2.8 Regulation of eligibility for candidacy / office

342	Lex Genucia (2)
265	Lex de censura non interanda
203	Plebiscitum de C. Servilio fraudi esset quod contra legem fecisset
203	Lex de tribunis et aedilibus plebis creandis
180	Rogatio Pinaria annalis
180	Lex Villia Annalis
154	Lex Licinia de magistratibus extraordinariis
151	Lex de consulato non iterando
149	Lex Aebutia de magistratibus extraordinariis
131	Rogatio Papiria de tribunis plebis reficiendis
131	Plebiscitum de tribunis plebi reficiendis
123	Lex Sempronia de abactis

2.9 Selection of juries

133	Rogatio Sempronia iudicaria
123	Rogatio Sempronia iudicaria
122	Lex Acilia Repentidarum
122	Lex Sempronia iudicaria
91	Lex Livia iudicaria
89	Lex Plautia iudicaria

Theme 3: Protection

3.1 Call for investigation / investigative commission

212	Plebiscitum de quinqueveris et triumviris
187	Lex Petillia de pecunia regis Antioch
149	Rogatio Scribonia de Lusitanis
114	Lex Peducaea de incestu virginum vestalium
108	Lex Mamilia de coniuratione Iurguthena
104	Lex Norbana de auri tolosani quaestione
97	Lex Duronia de lege Licinia sumptuaria abroganda
90	Lex Varia de maiestate

3.2 Creation of courts

149	Lex Calpurnia de repetundis
125	Lex Iunia de repetundis
103	Lex Appuleia de maiestate minuta

3.3 Judgment for payment by state for losses

215 Plebiscitum ut servi publice emerentur

3.4 Judicial procedure

242 Lex Plaetoria de iurisdictione
204 Lex de Silia de legis actione
149 Lex Aebutia de formulis
137 Lex Cassia tabellaria
107 Lex Caelia tabellaria

3.5 Prosecution / investigation of individuals

413 Plebiscitum de quaestione Postumianae caedis
172 Rogatio Marcia de M. Popillio Laenate
172 Lex Marcia de liguribus
141 Lex Mucia de L. Hostilia Tubulo
123 Lex Sempronia de P. Popillio Laenate
111 Lex Memmia de Iugurtha Romam ducendo

3.6 Publication of law or legislation

462 Rogatio Terentilia
451 Lex de creandis decemviris legibus scribundis

3.7 Right to fair trial / appeal

449 Lex Duilia de provocatione
133 Rogatio Sempronia de provocatione
123 Lex Sempronia de capite civis romani
122 Rogatio Livia de provocatione latiniis concendenda
113 Lex Memmia de absentibus

3.8 Right to / limits on personal property

367 Lex Licinia Sextia Agraria
286 Lex Aquilia de damno
218 Lex Claudia de senatoribus
217 Lex Metilia de fullonibus
215 Lex Oppia sumptuaria
149 Lex Atinia de usucapione
121 Lex Agraria
118 Lex Thoria agraria
111 Lex Agraria (2)

3.9 Rights of heirs

193 Lex Plaetoria de circumscriptione adulescentium
186 Lex Atilia de tutore danda
169 Lex Furia testamentaria
169 Lex Voconia de mulierum hereditibus
99 Lex Titia de tutela

Theme 4: Mutually Binding Consultation

4.1 Abrogation / suspension of law

- 298 Plebiscitum de lege solvendo Q. Fabio Rulliano
- 217 Plebiscitum de lege solvendis consularibus
- 212 Plebiscitum de dilectu militum
- 200 Plebiscitum de iureiurando C. Valerii Flacci
- 195 Lex Valeria et Fundania de dege oppia abroganda
- 147 Plebiscitum de lege solvendo P. Cornelio Scipione
- 134 Plebiscitum de lege solvendo P. Cornelio Scipione
- 121 Lex (leges) Minuciae de legibus Sempronii abrogandis
- 121 Lex Minucia de colonia carthinagem deducenda

4.2 Awarding / removing / extending / allotting imperium

- 327 Plebiscitum de imperio Publilio Philoni prorogando
- 295 Plebiscitum de impero L. Volumnio prorogando
- 217 Rogatio de imperio Q. Fabio Maximo dictatori abrogando
- 217 Lex Metilia de aequando magistris equitum et dictatoris iure
- 211 Plebiscitum de imperio in Hispania
- 211 Plebiscitum de ovatione M. Claudii Marcelli
- 209 Rogatio Publicia de imperio M. Claudio Marcello abrogando
- 205 Rogatio de provincia Africa
- 204 Rogatio de imperio P. Scipioni abrogando
- 204 Lex de imperio Hispania
- 202 Plebiscitum de imperio in Africa
- 201 Plebiscitum de imperio in Hispania
- 200 Plebiscitum de imperio in Hispania (2)
- 192 Plebiscitum de permutatione provinciarum
- 178 Rogatio Licinia Papiria de A. Manlio imperio abrogando
- 167 Lex Sempronia de triumpho L. Aemillii Paullim Cn. Octavii, L. Amicii Galli
- 147 Lex de provincia P. Cornelio Scipioni extra sortem danda
- 123 Lex Sempronia de provinciis consularibus
- 107 Lex Manlia de bello Iugurthino
- 105 Plebiscitum de imperio Q. Servilo Caepioni abrogando
- 99 Lex Titia de provinciis quaestoriis
- 88 Lex Sulpicia de bello mithradatice C. Mario dederendo

4.3 Awarding / removing honors

- 439 Plebiscitum de honoribus L. Minucii
- 366 Plebiscitum de triumpho M. Furii Camilli
- 223 Plebiscitum de triumpho C. Flamini
- 200 Plebiscitum de ovatione L. Cornelii Lentuli
- 104 Lex Clodia de victoriis

4.4 Awarding / removing punishments

- 476 Plebiscitum de multa T. Menenio dicenda
- 449 Lex Duilia de impunitate
- 449 Lex Icilia de sessione
- 436 Rogatio Maelia de Publicandis Bonis C Servilii Ahalae
- 367 Plebiscitum de multa M. Furio Camillo dicenda
- 323 Rogatio Flavia de Tusculanis
- 319 Lex Antistia de Satricanis
- 252 Plebiscitum de stipendio equitum
- 211 Plebiscitum de exilio Cn. Fulvii Flacci
- 210 Lex Atilia de dediticiis
- 186 Plebiscitum de P. Aebutio et de Fecennia Hispala
- 133 Lex Sempronia de magistratu M. Octavio abrogando
- 120 Lex Calpurnia de P. Popillio Laenate revocando
- 100 Rogatio Porcia Pompeia de Q. Caecillio Metello revocando
- 98 Lex Calidia de Q. Caecillius Metello revocando
- 88 Rogatio ut exules quibus causam dicere non licuisset revocarentur
- 88 Lex Sulpicia de recovandis vi eiectis

4.5 Foreign policy

- 201 Lex Acilia Minucia
- 195 Lex Marcia Atinia de pace com Philippo facienda
- 133 Rogatio Sempronia de pecunia regis Attili
- 123 Rogatio Aufeia de provincia Asia

4.6 Recognition of authority of plebs and tribunes

- 492 Lex Icilia de tribunicia potestate
- 471 Lex Publilia Voleronis
- 304 Lex de didicatione templi araeve
- 212 Lex Carvilia de exilio M. Postumii Pyrgensis
- 148 Plebiscitum Atinia

4.7 Taxation / finance

- 210 Plebiscitum de agro romano
- 123 Lex Sempronia de novis portoriis
- 122 Rogatio Livia agraria

4.8 Timing / location of voting assembly

- 357 Plebiscitum de populo non sevecando
- 210 Plebiscitum de dictatore creando
- 132 Lex Fufia

4.9 Voting laws / bribery of voters

- 434 Lex de ambitu
- 358 Lex Poetilia de ambitu

181	Lex Orchia de coenis
143	Lex Didia Sumptuaria
139	Lex Gabinia tabellaria
132	Lex Aelia
131	Lex Papiria tabellaria
126	Lex Iunia de peregrinis
119	Lex Maria de suffragiis ferendis
103	Lex Aufidia de feris africa