

Polybius *The Roman Constitution*

An Analysis of the Roman Government:

THE THREE kinds of government, monarchy, aristocracy and democracy, were all found united in the commonwealth of Rome. And so even was the balance between them all, and so regular the administration that resulted from their union, that it was no easy thing to determine with assurance, whether the entire state was to be estimated an aristocracy, a democracy, or a monarchy. For if they turned their view upon the power of the consuls, the government appeared to be purely monarchical and regal. If, again, the authority of the senate was considered, it then seemed to wear the form of aristocracy. And, lastly, if regard was to be had to the share which the people possessed in the administration of affairs, it could then scarcely fail to be denominated a popular state. The several powers that were appropriated to each of these distinct branches of the constitution at the time of which we are speaking, and which, with very little variation, are even still preserved, are these which follow.

The consuls, when they remain in Rome, before they lead out the armies into the field, are the masters of all public affairs. For all other magistrates, the tribunes alone excepted, are subject to them, and bound to obey their commands. They introduce ambassadors into the senate. They propose also to the senate the subjects of debates; and direct all forms that are observed in making the decrees. Nor is it less a part of their office likewise, to attend to those affairs that are transacted by the people; to call together general assemblies; to report to them the resolutions of the senate; and to ratify whatever is determined by the greater number. In all the preparations that are made for war, as well as in the whole administration in the field, they possess an almost absolute authority. For to them it belongs to impose upon the allies whatever services they judge expedient; to appoint the military tribunes; to enroll the legions, and make the necessary levies, and to inflict punishments in the field, upon all that are subject to their command. Add to this, that they have the power likewise to expend whatever sums of money they may think convenient from the public treasury; being attended for that purpose by a quaestor; who is always ready to receive and execute their orders. When any one therefore, directs his view to this part of the constitution, it is very reasonable for him to conclude that this government is no other than a simple royalty. Let me only observe, that if in some of these particular points, or in those that will hereafter be mentioned, any change should be either now remarked, or should happen at some future time, such an alteration will not destroy the general principles of this discourse.

To the senate belongs, in the first place, the sole care and management of the public money. For all returns that are brought into the treasury, as well as all the payments that are issued from it, are directed by their orders. Nor is it allowed to the quaestors to apply any part of the revenue to particular occasions as they arise, without a decree of the senate; those sums alone excepted, which are expended in the service of the consuls. And even those more general, as well as greatest disbursements, which are employed at the

return every five years, in building and repairing the public edifices, are assigned to the censors for that purpose, by the express permission of the senate. To the senate also is referred the cognizance of all the crimes, committed in any part of Italy, that demand a public examination and inquiry: such as treasons, conspiracies, poisonings, and assassinations. Add to this, that when any controversies arise, either between private men, or any of the cities of Italy, it is the part of the senate to adjust all disputes; to censure those that are deserving of blame: and to yield assistance to those who stand in need of protection and defense. When any embassies are sent out of Italy; either to reconcile contending states; to offer exhortations and advice; or even, as it sometimes happens, to impose commands; to propose conditions of a treaty; or to make a denunciation of war; the care and conduct of all these transactions is entrusted wholly to the senate. When any ambassadors also arrive in Rome, it is the senate likewise that determines how they shall be received and treated, and what answer shall be given to their demands.

In all these things that have now been mentioned, the people has no share. To those, therefore, who come to reside in Rome during the absence of the consuls, the government appears to be purely aristocratic. Many of the Greeks, especially, and of the foreign princes, are easily led into this persuasion: when they perceive that almost all the affairs, which they are forced to negotiate with the Romans, are determined by the senate.

And now it may well be asked, what part is left to the people in this government: since the senate, on the one hand, is vested with the sovereign power, in the several instances that have been enumerated, and more especially in all things that concern the management and disposal of the public treasure; and since the consuls, on the other hand, are entrusted with the absolute direction of the preparations that are made for war, and exercise an uncontrolled authority on the field. There is, however, a part still allotted to the people; and, indeed, the most important part. For, first, the people are the sole dispensers of rewards and punishments; which are the only bands by which states and kingdoms, and, in a word, all human societies, are held together. For when the difference between these is overlooked, or when they are distributed without due distinction, nothing but disorder can ensue. Nor is it possible, indeed, that the government should be maintained if the wicked stand in equal estimation with the good. The people, then, when any such offences demand such punishment, frequently condemn citizens to the payment of a fine: those especially who have been invested with the dignities of the state. To the people alone belongs the right to sentence any one to die. Upon this occasion they have a custom which deserves to be mentioned with applause. The person accused is allowed to withdraw himself in open view, and embrace a voluntary banishment, if only a single tribe remains that has not yet given judgment; and is suffered to retire in safety to Praeneste, Tibur, Naples, or any other of the confederate cities. The public magistrates are allotted also by the people to those who are esteemed worthy of them: and these are the noblest rewards that any government can bestow on virtue. To the people belongs the power of approving or rejecting laws and, which is still of greater importance, peace and war are likewise fixed by their deliberations. When any alliance is concluded, any war ended, or treaty made; to them the conditions are referred, and by them either annulled or ratified. And thus again, from a view of all these circumstances, it might with reason be

imagined, that the people had engrossed the largest portion of the government, and that the state was plainly a democracy.

Such are the parts of the administration, which are distinctly assigned to each of the three forms of government, that are united in the commonwealth of Rome. It now remains to be considered, in what manner each several form is enabled to counteract the others, or to cooperate with them.

When the consuls, invested with the power that has been mentioned, lead the armies into the field, though they seem, indeed, to hold such absolute authority as is sufficient for all purposes, yet are they in truth so dependent both on the senate and the people, that without their assistance they are by no means able to accomplish any design. It is well known that armies demand a continual supply of necessities. But neither corn, nor habits, nor even the military stipends, can at any time be transmitted to the legions unless by an express order of the senate. Any opposition, therefore, or delay, on the part of this assembly, is sufficient always to defeat the enterprises of the generals. It is the senate, likewise, that either compels the consuls to leave their designs imperfect, or enables them to complete the projects which they have formed, by sending a successor into each of their several provinces, upon the expiration of the annual term, or by continuing them in the same command. The senate also has the power to aggrandize and amplify the victories that are gained, or, on the contrary, to depreciate and debase them. For that which is called among the Romans a triumph, in which a sensible representation of the actions of the generals is exposed in solemn procession to the view of all the citizens, can neither be exhibited with due pomp and splendor, nor, indeed, be in any other manner celebrated, unless the consent of the senate be first obtained, together with the sums that are requisite for the expense. Nor is it less necessary, on the other hand, that the consuls, how soever far they may happen to be removed from Rome, should be careful to preserve the good affections of the people. For the people, as we have already mentioned, annuls or ratifies all treaties. But that which is of greatest moment is that the consuls, at the time of laying down their office are bound to submit their past administration to the judgment of the people. And thus these magistrates can at no time think themselves secure, if they neglect to gain the approbation both of the senate and the people.

In the same manner the senate also, though invested with so great authority, is bound to yield a certain attention to the people, and to act in concert with them in all affairs that are of great importance. With regard especially to those offences that are committed against the state, and which demand a capital punishment, no inquiry can be perfected, nor any judgment carried into execution, unless the people confirm what the senate has before decreed. Nor are the things which more immediately regard the senate itself less subject than the same control. For if a law should at any time be proposed to lessen the received authority of the senators, to detract from their honors and pre-eminence, or even deprive them of a part of their possessions, it belongs wholly to the people to establish or reject it. And even still more, the interposition of a single tribune is sufficient, not only to suspend the deliberations of the senate, but to prevent them also from holding any meeting or assembly. Now the peculiar office of the tribunes is to declare those sentiments that are most pleasing to the people: and principally to promote their interests

and designs. And thus the senate, on account of all these reasons, is forced to cultivate the favor and gratify the inclinations of the people.

The people again, on their part, are held in dependence on the senate, both to the particular members, and to the general body. In every part of Italy there are works of various kinds, which are let to farm by the censors, such are the building or repairing of the public edifices, which are almost innumerable; the care of rivers, harbors, mines and lands; every thing, in a word, that falls beneath the dominion of the Romans. In all these things the people are the undertakers: inasmuch as there are scarcely any to be found that are not in some way involved, either in the contracts, or in the management of the works. For some take the farms of the censors at a certain price; others become partners with the first. Some, again, engage themselves as sureties for the farmers; and others, in support also of these sureties, pledge their own fortunes to the state. Now, the supreme direction of all these affairs is placed wholly in the senate. The senate has the power to allot a longer time, to lighten the conditions of the agreement, in case that any accident has intervened, or even to release the contractors from their bargain, if the terms should be found impracticable. There are also many other circumstances in which those that are engaged in any of the public works may be either greatly injured or greatly benefited by the senate; since to this body, as we have already observed, all things that belong to these transactions are constantly referred. But there is still another advantage of much greater moment. For from this order, likewise, judges are selected, in almost every accusation of considerable weight, whether it be of a public or private nature. The people, therefore, being by these means held under due subjection and restraint, and doubtful of obtaining that protection, which they foresee that they may at some time want, are always cautious of exciting any opposition to the measures of the senate. Nor are they, on the other hand, less ready to pay obedience to the orders of the consuls; through the dread of that supreme authority, to which the citizens in general, as well as each particular man, are obnoxious in the field.

Thus, while each of these separate parts is enabled either to assist or obstruct the rest, the government, by the apt contexture of them all in the general frame, is so well secured against every accident, that it seems scarcely possible to invent a more perfect system. For when the dread of any common danger, that threatens from abroad, constrains all the orders of the state to unite together, and co-operate with joint assistance; such is the strength of the republic that as, on the one hand, no measures that are necessary are neglected, while all men fix their thoughts upon the present exigency; so neither is it possible, on the other hand, that their designs should at any time be frustrated through the want of due celerity, because all in general, as well as every citizen in particular, employ their utmost efforts to carry what has been determined into execution. Thus the government, by the very form and peculiar nature of its constitution, is equally enabled to resist all attacks, and to accomplish every purpose. And when again all apprehensions of foreign enemies are past, and the Romans being now settled in tranquility, and enjoying at their leisure all the fruits of victory, begin to yield to the seduction of ease and plenty, and, as it happens usually in such conjunctures, become haughty and ungovernable; then chiefly may we observe in what manner the same constitution likewise finds in itself a remedy against the impending danger. For whenever either of the separate parts of the

republic attempts to exceed its proper limits, excites contention and dispute, and struggles to obtain a greater share of power, than that which is assigned to it by the laws, it is manifest, that since no one single part, as we have shown in this discourse, is in itself supreme or absolute, but that on the contrary, the powers which are assigned to each are still subject to reciprocal control, the part, which thus aspires, must soon be reduced again within its own just bounds, and not be suffered to insult or depress the rest. And thus the several orders, of which the state is framed, are forced always to maintain their due position: being partly counter-worked in their designs; and partly also restrained from making any attempt, by the dread of falling under that authority to which they are exposed.