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The democracy in the Roman Republic

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THE DEMOCRACY IN THE ROMAN REPUBLIC

A Thesis

Presented to

The Faculty of the Department of History

San Jose State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

Celso Kelly Neto

December 2006

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A handwritten signature in cursive script, reading "Jonathan P. Roth". The signature is written in dark ink and is positioned above a horizontal line.

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ABSTRACT

THE DEMOCRACY IN THE ROMAN REPUBLIC

by Celso Kelly Neto

The Roman Republic represented an interesting experience in history. For the very first time there was a self-ruled community in a scale larger than a city-state. Traditional historiography, however, tends to consider the Roman Republic as an oligarchic state, in which the people were actually controlled by a narrow hereditary political elite. The main objective of this thesis is to demonstrate that this traditional view is false. In fact, research on this subject reveals that the Roman Republic had a strong popular and democratic element, and the people had much more power than it is traditionally thought. Moreover, the Roman Republic shared many similar characteristics not only with ancient democracies of the Greek type, but also with modern democratic states.

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INTRODUCTION

The study of the Roman Republic is significant for many reasons. Rome was the first self-ruled community on a scale larger than a simple city-state. For the very first time in history, there was a large region with a single concept of law, which was not imposed by a supreme ruler, but approved by citizens who voted in assemblies. By the early first century B.C., after the so-called "Social War," Italy had become a nation-state, united by Roman law and citizenship.¹ Moreover, the Roman Empire became unique in history, not because of its size or the number of peoples it dominated, but because it had its origins in a Republic, which was a fact without precedent. Every major empire in antiquity was created originally by some powerful conqueror such as Cyrus and Alexander. The Roman Empire, which in the early second century A.D. stretched from what is today Portugal to Iraq, was not created by a particular sovereign. It was built gradually throughout the centuries by a Republic, in which the Roman citizens collectively exercised state sovereignty. In addition, it is important to note the influence of the Republic and its institutions in the imperial period, because the power of the emperors was not derived from divine or hereditary rights, but from the people, who at least in theory, granted power to the sovereign by law.² It may be said that the Roman Republic was the chief model of the modern Western states.

Perhaps one of the most interesting aspects of the Roman Republic is the nature of its constitution, which has engendered much controversy among historians. Many scholars, such as Ronald Syme, Matthias Gelzer, and H. H. Scullard, traditionally

classified it as an oligarchic Republic, in which a narrow hereditary elite entirely controlled the political life of the polity and where the people merely voted laws and elected candidates for the various public offices without any debate or true political participation. This traditional view, however, has been questioned and countered by some revisionist historians, such as P. A. Brunt and, above all, Fergus Millar. They believe that the Roman political system had, in fact, a strong popular element, and that the people ultimately decided the fate of politicians and their plans to rule the state.

The objective of this thesis is to analyze the main characteristics of the Roman constitution, its evolution and change during the Roman territorial expansion, and to demonstrate that the Roman Republic had a strong and powerful popular component, by both ancient and modern standards, which traditional historiography has undervalued. Undoubtedly the political system of the Roman Republic had a strong oligarchical bias in its early days, which is fully revealed by the accounts of Livy, Cicero, and Sallust. This trend, however, changed through the centuries to favor the democratic element in the constitution. Consequently, this work focuses primarily on the middle and late Republic; that is - essentially in the last two hundred years or so of the Republican period. Not only is this period the best documented of the Republic, it is the age in which the competition among politicians - in order to achieve popular favor - had reached its climax. In fact, though traditional historiography is correct in stressing the great influence of some Roman noble families, their power depended exclusively on elections, in which the people were sovereign. It was not uncommon, as shall be demonstrated, that some families disappeared from the political stage for generations, incapable of providing

convincing candidates to the electorate. Consequently, hereditary nobility was an unknown feature in Roman politics.

According to tradition, Rome was founded in the mid-eighth century B.C. and was ruled by kings until the establishment of the Republic in 509 B.C. The king was replaced by two consuls who were elected annually, and whose main function was to command troops during wartime. The consuls were the supreme magistrates, but other magistrates, such as praetors and censors, were created throughout the centuries. The Senate was basically an assembly of ex-magistrates, which traditional historiography considers as the true governing body of the Republic. Its main function, however, was to act as an advisory board to the magistrates during their term. Although it also had important functions related to the general administration, especially in foreign relations, the Senate could not legislate and its proposals only became law if approved by the people in the popular assemblies.³

The Roman people had undoubtedly great power over their government. The people elected officials, voted laws, and decided on questions of war and peace.⁴ Polybius, a Greek historian who lived in Rome in the 160s B.C., wrote that the Roman constitution represented a perfect balance among monarchy (consuls), oligarchy (Senate), and democracy (people), since each element could act against each other and, consequently, prevent any one of them from achieving excessive power.⁵ This general balance, however, as shall be demonstrated, would change in the last decades of the second century B.C. to favor the popular element.

The popular assemblies (The *Comitia Centuriata* and *Comitia Tributa*), the main instruments of public political participation, represent the key factor in determining the democratic character of the Roman Republic. In theory, the Roman people were sovereign and possessed almost unlimited powers, since the assemblies alone could pass laws and elect magistrates. These facts, however, are insufficient to assure the genuinely democratic character of the Roman Republic, since alleged alliances among powerful noble families, patronage and political manipulation were important factors in the political process as well. As previously noted, undoubtedly some senatorial families had great influence, since magistrates were drawn from their ranks. The question, therefore, is to determine to what extent the people exercised the important role of arbiter in the contest among members of the nobility, and to what extent the influence of informal relations of power, such as patronage and clientship, determined the final outcome of elections and law propositions. This work shall demonstrate that political alliances among noble families were, in fact, less stable than traditionally thought, and lasted only for short periods. Moreover, no ancient source attributes any fundamental importance to patronage and clientship in Roman politics.

The Roman Republic certainly shared common characteristics not only with ancient democracies, but also with modern ones. A direct comparison of the Roman Republic with the democracy of classical Athens, for instance, shows certain similarities. In both societies every adult male citizen had a vote, with no formal exclusion of the poor. To some extent, however, the Republic also had many similarities with modern Western democracies. The group-voting system that was characteristic of the Roman

popular assemblies, especially in the *Comitia Tributa*, is the embryo of the modern representation by districts.⁶ Moreover, as the last chapter will demonstrate, the important role that money undoubtedly played in Roman elections is similar to that in modern democracies, in which economic power is a decisive and governing factor in political decision-making. Indeed, pressures from above are common features of modern democratic states.⁷ In addition, as shall be demonstrated, the Roman Republic contained several elements that represented a political system very close to the ideals of Joseph Schumpeter and Seymour Lipset. Subsequently, democracy in Rome was mainly a function of the contest among powerful political leaders, with the people acting as type of arbiter.

The Roman Republic and its balanced constitution influenced modern notions of republic and democracy. In fact, the political system of modern democracies is arguably a synthesis of Roman constitutional principles and representative democracy. Moreover, since the Middle Ages the Roman Republic has been highly influential to many political thinkers who sought a suitable model of state with popular sovereignty, but not as susceptible to demagoguery and incompetence as the Athenian democracy. For example, Machiavelli found in the Roman Republic a source of moral and virtue lessons, which could be applied to states of his own time.⁸ In addition, as noted in the final chapter, the American Founding Fathers adopted the Roman Republic and its balanced constitution as their structural template for the American constitution.

This thesis is divided into four chapters. Chapter 1 establishes the main differences between the ancient and modern concepts of democracy. It presents the

general characteristics of both systems, as well as a brief account of the Roman and Athenian systems. It then includes a summary of the political thought of some ancient and modern authors. The second chapter discusses the controversy among scholars regarding the true character of the Roman constitution. Notably, the general trend has been to consider the Roman Republic an oligarchy, in which powerful noble families kept the people under strict control using several different methods, especially informal relations of power, such as patronage and clientship. This traditional view mainly derives from the works of Matthias Gelzer and Ronald Syme. Conversely, Fergus Millar stresses the fact that the Roman people enjoyed the important constitutional right of voting in legislation; this represents the main revisionist trend. Millar also strongly rejects the idea that the Roman system lacked public political debate, an important feature of democracies throughout history. He suggests that traditional historiography tends to forget the important role performed by orators in the Forum and other public spaces in the capital.⁹

Chapter 3 deals with the informal relations of power. It focuses mainly on a discussion of patronage and clientship – and the extent these variables influenced voters' behavior. The importance of such politically influential forms has been tremendously exaggerated by traditional historiography. Ancient authors, including Polybius, do not even mention them. Finally, the last chapter considers the institutions of power in Republican Rome. It analyses the main Roman political institutions and their configuration in the middle and late Republic, thoroughly examining the roles performed by the magistrates, the Senate, and the people in the assemblies, as well as the democratic

elements in the Roman political system. While the Romans did not have a written constitution and lacked the concept of division of power in governmental branches, nevertheless a primitive sort of division can be discerned among the diverse elements of the system. The final chapter also discusses the true nature of the *Comitia Centuriata*, which traditional historiography considers as one of the most important examples of the Roman constitution's oligarchic character. As demonstrated, however, this form of assembly by no means represented only the very rich. Consequently, the importance of the lower layers of the Roman society has been greatly underestimated. The great number of cases of bribery and the diverse strategies that politicians formulated to please commoners indicate that the votes of the lower classes did count in this assembly - and were taken seriously in the politicians' calculations. This chapter also emphasizes the two strongest democratic institutions of the Republic: the *Comitia Tributa* and the tribunate of the plebs. The former was the assembly that voted on most Roman laws, wherein no form of wealth stratification prevailed, and each vote counted equally. The latter was the main instrument through which the people took the initiative in politics, constituting a powerful institution of popular politics. In addition, this chapter also includes a section that compares the main characteristics of the Roman Republic with ancient and modern democracies.

CHAPTER 1

ANCIENT AND MODERN DEMOCRACY

The Greek word *demokratia* can be translated literally as the people (*demos*) possessing the political power (*kratos*) in the state. In a democracy the people have the final authority and the right to make decisions that affect their everyday lives.

Democracy is about the people and their power. The power or authority exercised in a democracy is derived, directly or indirectly, from the people in two forms: a) direct democracy, when everyone is given the opportunity to participate in making major political decisions; and b) representative democracy, when the people vote to elect representatives to make policy for them. This chapter attempts to establish the main differences between the ancient and modern concepts of democracy and provides a summary of the political thinking of some important ancient and modern authors.

Ancient versus Modern Democracy:

Ancient democratic states generally used direct democracy, with the citizens voting laws and taking decisions in popular assemblies, such as the Athenian *Ecclesia*. Apart from some forms of direct democracy, such as plebiscites, referendums, recalls, and popular initiatives, modern democratic states use the representative form, since it would be impossible to give direct participation in decisions to the whole body of citizens in large and complex modern nation-states. In fact, the term “democracy,” in its modern

sense, has been used since the nineteenth century to describe a system of representative government in which the representatives are chosen by competitive elections. Universal male adult franchise was gradually adopted in Western countries throughout that century. In the United States, for instance, it was adopted state by state in the 1820s and 1830s for the white male population only. In Britain, though a parliamentary government had been established since the late seventeenth century, this state of affairs was only reached in 1867.¹ In general, women only acquired full civil rights in the early twentieth century. For instance, by the end of 1914 in the United States, while almost every Western state had enfranchised its female citizens, this voting right was only reached in the East after the ratification of the Nineteenth Amendment in 1920.²

There are several similarities between ancient and modern democracies. In both systems the “people” means the whole of the citizen body, and citizenship is determined by birthright rather than property-holding. Moreover, all citizens, regardless of differences in their socioeconomic status, are allowed to participate in the determination of state policy. There are, however, also many differences between the two systems. The functions of government in modern democracies are, in general, exercised by elected representatives in addition to a permanent bureaucracy, and a professional appointed judiciary, though some judges may also be elected, as happens in the United States. The direct responsibility of the citizenry in governmental matters is limited to voting for representatives and officials, though, sometimes, the people may be called upon to directly decide on a given piece of legislation.³

The establishment of the Athenian democracy, which is used as a point of reference for the beginning of the Greek classical period, was the result of a long process, initiated by Solon's reforms in the early sixth century B.C. Further democratic measures were taken by Cleisthenes around 510 B.C. and the process reached its peak during Pericles' time in the fifth century B.C. A necessary precondition for the establishment of democracy was the principle of equality before the law, *isonomia*, since popular power was based upon the recognition of the equal status of all citizens.⁴ The radical nature of the Athenian democracy can also be exemplified by the right of *isegoria*, that is, the right of every adult male citizen to manifest his opinion even in the most serious state matters in the Assembly's meetings. The Assembly was sovereign and possessed the power to make all political decisions with few, if any, limitations.⁵ In fact, citizens were often responsible for taking decisions that could eventually cost their own lives, and even endanger the existence of the state itself. Moreover, the Athenian democracy became an outstanding experience in the global context in which it was conceived – a Greek society dominated by oligarchic governments and a world dominated by absolute monarchies.

It is beyond the scope of this work to give a fully detailed account of how the Athenian political system worked, but two other characteristics, in addition to *isonomia* and *isegoria*, deserve to be mentioned: first, the public pay for serving in governmental organs and attending the meetings of the assembly; second, the use of the lot to fill public offices. Public pay had two main objectives: it allowed the poor to participate in politics and public administration without loss of earnings, and it decreased patronage.⁶ The use of the lot is controversial among historians. Some argue that the system allowed foolish

and incompetent men to achieve important public offices. Others, like Donald Kagan, however, claim that it was most unlikely that many fools or incompetents played a significant role in public affairs. Moreover, the debates in the Assembly were generally carried on by people with a high level of education and intellectual ability. Ordinary citizens were usually deterred from speaking by shyness and fear of embarrassment.⁷

The Roman Republic, as shall be demonstrated in this work, had similarities with both ancient and modern democracies. In Rome, as in Athens, for instance, citizens enjoyed universal rights of voting, and were directly responsible for legislation, which, in the middle and late Republic, was voted on the *Comitia Tributa*. By contrast, unlike the Athenians, the Romans elected officials to perform executive and judiciary functions. Similar to contemporary democracies, these officials were virtually all drawn from the upper classes and constituted a political elite that was expected to work in the interest of the state. As in Athens, the Roman people were sovereign, and the Roman political system had a strong popular component. Even the Roman emperors, in theory, derived their authority from the people, who granted them power by law. The so-called *Lex de Imperio Vespasiani*, which conferred power on the emperor Vespasian (A.D. 69-79), is a good example of this fact.⁸

Modern democracy is the result of a long political evolution, which was shaped by three main factors: the ideas of political equality in which every citizen was considered capable enough to participate in political decisions, the republican tradition, and the development of representative governments.⁹ The last two factors deserve special attention. The republican tradition can be understood as a body of thought that traces its

origins from the critics of classical Greek democracy - especially Aristotle - combined with the experience of the Roman Republic and the writings of Renaissance authors. These include Machiavelli, whose ideas were reformulated and reinterpreted in the seventeenth and eighteenth century in England and America. Although the republican tradition diverged from the political ideas of classical Greece in several aspects, there were certain similarities, such as the idea of equality of each citizen before the law and the absence of a relation of dependence between one citizen and another. Despite the similarities, however, both presented significant differences. In the Republican tradition, for example, the people are not treated as a perfectly homogenous body since they are divided into an aristocratic or oligarchic element on one hand and a democratic or popular one on the other, both with different interests. Following Aristotle, a third element is included: a monarchy that refers to a leader who seeks to enhance his own power. Therefore, the main task of republicans was to design a constitution that balanced the interests of these three elements. The most obvious model was the Roman Republic with its system of magistrates, Senate and popular assemblies.¹⁰

The change in scale of the political units from small city-states to large nation-states, however, required an additional element in order to assure popular participation, since it was no longer possible to think seriously about a popular assembly as it was understood in ancient times. The solution was the development of representation, which would have a tremendous impact in the process of consolidation of modern democracies. Because of this concept's development, popular government no longer needed to be confined to small states and could therefore be extended to include a vast number of

people.¹¹ Consequently, what is understood as “democracy” today is basically the republican theory of a mixed and balanced constitution, modeled after the Roman Republic, combined with the concept of representative government, which then allowed popular participation on a larger scale.

Ancient Thinkers:

In antiquity, most intellectuals were hostile to the idea of popular participation in politics. In general, there was a preference for monarchical or, more commonly, aristocratic regimes, with limited popular participation, if any. Plato, for example, totally opposed the idea of democracy and popular government. He argued that politics should be left to experts, since government was a kind of art, which demanded highly developed skills. This is clear in a passage from *Protagoras*:

Now I observe that when we are met together in the assembly, and the matter in hand relates to building, the builders are summoned as advisers; when the question is one of ship-building, then the ship-builders; and the like of other arts which they think capable of being taught and learned. And if some person offers to give them advice who is not supposed by them to have any skill in the art, even though he be good-looking, and rich, and noble, they do not listen to him, but laugh at him, and hoot him, until either he is clamored down and retires from himself; or if he persist, he is dragged away or put out by the constables at the command of the prytanies.... When, however, the question is an affair of state, then everybody is free to have a say – carpenter, tinker, cobbler, sailor, passenger; rich and poor, high and low – any one who likes gets up, and no one reproaches him, as in the former case, with not having learned, and having no teacher, and yet giving advice; evidently because they are under the impression that this sort of knowledge cannot be taught.¹²

Plato can be seen as one of the most radical of the anti-democratic Greek philosophers. Socrates, his mentor, presumably shared most of his views. Aristotle,

however, represented a more moderate perspective, though he also viewed the idea of popular government with suspicion. Nevertheless, Aristotle made a deep study of democracy and its variations. He considered that there were three types of “right” constitutions: kingship, aristocracy, and “polity” (roughly a combination of democratic and oligarchic elements). In addition, there were also three types of “deviations” from these constitutions: tyranny from kingship, oligarchy from aristocracy, and democracy from polity. Therefore, Aristotle placed democracy together with the worse types of constitutions, though he considered it the most moderate form of the deviations.¹³

Accordingly, “a democracy exists whenever those who are free and are not well-off, being in the majority, are in sovereign control of government, an oligarchy when control lies with the rich and better-born, these being few.”¹⁴

Aristotle argued that there were several forms of democracy. The first variety of democracy was based on the principle of equality, in which the poor should not enjoy more advantage than the rich, and neither of them should be sovereign. “But since the [poor] people are a majority, and the decision of the majority is sovereign, this must be a democracy.”¹⁵ Another type had a moderate property-qualification for office, and anyone who possessed the necessary amount was allowed to participate. The third type was when every citizen participated in the political process unless they failed to fulfill a given condition (e.g., domestic birth). Finally, in the fourth type, unlike the other ones, it was not the law that was sovereign but the multitude: “This occurs when the decrees are sovereign over the provisions of the law.”¹⁶ Aristotle, however, stressed the dangers represented by the demagogues for democratic regimes:

It is the demagogues who bring about this state of affairs. When states are democratically governed according to law, there are no demagogues, and the best citizens are securely in the saddle; but where the laws are not sovereign, there you find demagogues. The people becomes a monarch, one person composed of many, for the many are sovereign, not as individuals but as an aggregate.... Such a people, in its role as a monarch, not being controlled by law, aims at sole power and becomes like a master, giving honor to those who curry its favor. Such a democracy is the counterpart of tyranny among monarchies.¹⁷

Aristotle believed that democracies worked better when the agrarian element was predominant among the population. Since a farmer would often be busy with his affairs, he would rarely attend the meetings of the assembly or engage in public matters. In addition, he felt that a person should possess a certain amount of property or a special ability in order to occupy office. Such a system would ensure success, since government would be in the hands of the best persons in accordance with the wishes of the people - who would have little reason to be jealous of the respectable men. Moreover, this situation would not offend the notables who would not be ruled by their social inferiors.¹⁸

“The inevitable result is this most valuable of principles in a constitution: ruling by respectable men of blameless conduct, and without detriment to the populace at large.”¹⁹

Polybius adopted Aristotle’s model of listing the “right” and “wrong” constitutions, with the difference that he placed democracy, along with kingship and aristocracy, as one of the “right” forms of constitution, though he argues that the ideal form would be a mixture of these three types. This is precisely what he saw in the Roman constitution, which in his estimation, was the result of many years of evolution and conflict. According to Polybius, the wrong constitutional forms were one-man rule, minority rule and mob rule. Different forms of government naturally transformed into

one another over time, and the degeneration of a “good” constitution into a “bad” one was an inevitable process. The cycle starts when communities living in primitive conditions of social organization choose as leader the strongest and bravest of all their men. Polybius bestowed the term “monarchy” on this system of government. When the community develops more complex forms of social relationships, that is, when it conceives a notion of goodness and justice, the idea of kingship is naturally born.²⁰ The people ensure that power remains in the hands of the descendants of their first leaders, “since they are convinced that those who are descended from and educated by such men will cherish principles similar to their own.”²¹

Polybius believed that these systems went through a natural cycle. As rulers receive their power by inheritance, gradually they tend to indulge their appetites and to become more and more separated from their subjects. The result is that kingship becomes a tyranny, which is eventually overthrown by a coup led by nobles who install an aristocratic regime with popular support. Then again, the descendants of those original nobles gradually transform themselves into tyrants, and the regime is overthrown by the people who install a democracy. Gradually, however, the democratic regime is transformed into a government by violence, which lasts until the people find a master or despot.²² “Such is the cycle of political revolution, the law of nature according to which constitutions change, are transformed, and finally revert to their original form.”²³ Polybius’ conception of a balanced constitution had a tremendous impact in the future, since it influenced the adoption of the English political system of the seventeenth century and the elaboration of the American constitution.²⁴

Cicero followed the same pattern of Aristotle and Polybius by adopting the classification of three “good” unmixed constitutions and three “bad” ones. Cicero, like the Greek philosophers, tended to be hostile to the idea of democracy. His ideal political regime was stable in the long run and represented a balanced mixture of the various elements but with a strong aristocratic bias. This perspective is made evident in two passages from *De Republica*, where Cicero describes events of the early Republic. His dialogue refers to the discussions about politics between Scipio Aemilianus and Panaetius.²⁵ In the first passage, Cicero, who speaks through Scipio, makes clear his preference for a balanced constitution, and though he emphasizes the need for liberty for the people, all power and influence are given to the magistrates and prominent citizens:

But after a short period, in about the sixteenth year of the republic, in the consulship of Postumus Cominius and Spurius Cassius, an event occurred which in the nature of things was bound to happen: the people freed from the domination of kings, claimed a somewhat greater measure of rights. Such a claim may have been unreasonable, but the essential nature of the commonwealth often defeats reason. For you must keep in mind a fact which I mentioned at the beginning: unless there is in the State an even balance of rights, duties, and functions, so that the magistrates have enough power, the counsels of the eminent citizens enough influence, and the people enough liberty, this kind of government cannot be safe from revolution.²⁶

In the second passage, Cicero fully reveals his aristocratic bias. He emphasizes the power of the magistrates and demonstrates his approval for previous authorization for popular legislation by the Senate:

Well then, at the period of which I have been speaking, the government was so administered by the Senate that, though people were free, few political acts were performed by them, practically everything being done by the authority of the Senate and in accordance with its established customs, and that the consuls held a power which, though only of one year's duration, was truly regal in general character and in legal sanction. Another principle that was most important to the

retention of the power by the aristocracy was also strictly maintained, namely that no act of a popular assembly should be valid unless ratified by the Fathers.²⁷

While Cicero emphasized the power of the magistrates, he also stressed in *De Legibus*, now speaking for himself, the importance of the laws, which should represent a limit to their power: “For as the laws govern the magistrate, so the magistrate governs the people, and it can truly be said that the magistrate is a speaking law, and the law is a silent magistrate.”²⁸ In fact, the monarchical element in Cicero’s constitution should be limited not only by law but by rotation in office, since “those who objected to monarchy desired, not to have no one to obey, but not always to obey the same man.”²⁹ On the whole, Cicero, like Polybius, defended a type of constitution that would represent a balance between monarchy, aristocracy and democracy. In Cicero’s view, the difference was that the general balance would lean toward aristocracy.

Modern Thinkers:

The idea and practice of democracy and popular participation in politics died with the Roman Republic and the establishment of the Empire. With the exception of some small European republics, such as the Italian city-states, for over fifteen centuries Western history would be dominated by monarchs and nobles, and popular participation in politics would remain dormant, a curiosity from a distant past. It is very difficult to determine the beginnings of modern democratic thinking and politics. Certainly the role performed by the assemblies of estates, which were developed within the feudalism,

constituted an embryo of future parliaments. The most important element in this revival, however, was undoubtedly the notion of egalitarianism engendered through Protestantism. The first Protestant thinkers, including Luther himself, were not political democrats; but they brought with them a sharp distinction between temporal and spiritual things, in which secular rulers were not to interfere with spiritual matters. This notion would be the very basis for the future separation between Church and State. Moreover, the doctrine of egalitarianism would be interpreted by the first followers of the Protestantism, especially the poorest ones, in a wider social and political sense.³⁰

The English settlement of 1689 represented a major step towards modern democracy, though the right of voting was restricted to the propertied classes. John Locke, who argued that civil government should be founded on contract and consent, was the primary philosopher associated with this event. Locke's notion of government by popular consent, however, should not be seen as purely democratic. In fact, he tried to establish the proper source of governmental power in general, whether democratic or not. According to Locke, the people had the right to resist and replace any government that had breached the popular trust.³¹ Locke noted, "yet the legislative being only a fiduciary power to act for certain ends, there remains still 'in the people a supreme power to remove or alter the legislative,' when they find the legislative act contrary to the trust reposed in them."³²

The Eighteenth Century cannot be seen as a period of gradual progress towards democracy. The previous century's achievements were maintained, but they benefited only a small part of the population. In fact, universal voting right was considered

undesirable and dangerous. The mob was thought to be ignorant, unfit to rule, and lacking the necessary independence that only the possession of property could confer. Even the main philosophers of the Enlightenment, such as Diderot and Voltaire, were against the idea of universal enfranchisement.³³ Rousseau argued that freedom could only be obtained under the rule of law, which was to be voted by the sovereign people.³⁴ Although a complete analysis of Rousseau's preferences regarding a perfect form of government is a complex task, in simplistic terms it may be argued that he favored a government commanded by an elective aristocracy with the elections regulated by law:

In popular government, all the citizens are born magistrates; but here [in aristocracy] magistracy is confined to a few, who become such only by election. By this means uprightness, understanding, experience, and all other claims to pre-eminence and public esteem become so many further guarantees of wise government.³⁵

The American Founding Fathers also suspiciously viewed the idea of popular participation in politics, and the representative democracy established by the Constitution of 1787 contained several checks and restraints to popular power. In this regard, the Founding Fathers were more interested in the concept of a "republic" and the mixed and balanced constitution that it represented, rather than the concept of "democracy," which, by that time, still meant direct democracy of the Athenian type. In their view, the combination of republican institutions with a representative system and separation of powers was necessary to prevent the excesses of democracy. Therefore, it was in Rome, not in Athens, that they found a suitable model for a stable political system in which the people would be sovereign.³⁶ Indeed, James Madison was a severe critic of direct democracy. He believed that what he called "pure democracies" were often unstable

political systems and offered no cure for the problem of political groups (“factions”), which represented different interests within the society:

From this view of subject it may be concluded that a pure democracy...can admit no cure for the mischiefs of faction.... Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.³⁷

According to Madison, only a republic - a government in which the scheme of representation took place - represented the solution for such flaws. In his view, the two great differences between a democracy and a republic were the delegation of the government to a small number of citizens elected by the people in the latter, and the greater number of citizens, and greater sphere of country, over which a republic might be extended. The main effect of the first difference was that public views would be refined and enlarged, since they would pass through a chosen body of citizens, whose wisdom might best discern the true interest of the country. The main effect of the second difference was that larger societies tended to present a greater variety of parties and interests, which decreased the probability that a majority of the whole had a common motive to invade the rights of other citizens.³⁸

Benjamin Constant was another severe critic of ancient direct democracies. He believed that citizens of ancient and modern democratic states had different concepts of liberty. For the former, liberty meant to exercise several parts of the complete sovereignty in the state collectively; that is, deliberating over war and peace, deciding on

diverse issues such as the formation of alliances with foreign governments, voting laws, judging fellow citizens, and so forth. According to Constant, however, though sovereign in public affairs, a citizen of an ancient democratic state was, in fact, a slave in all his private relations, since he was “constrained, watched and repressed in all his movements.”³⁹ Citizens of modern democratic states in their turn, sacrifice part of their political rights in order to enjoy complete individual freedom; that is, the right to be subjected only to the laws and not to the will of other individuals, the right to purchase and dispose of property, the right to travel without permission and without having to account for their motives. As Constant observed, “the aim of the ancients was the sharing of social power among the citizens of the same fatherland; that is what they called liberty. The aim of the modern is the enjoyment of security in private pleasures.”⁴⁰ This is not to suggest that citizens of modern democracies do not need or do not desire political liberty. On the contrary, political liberty is the guarantee that citizens will be able to exercise their individual liberty. The way this political liberty is exercised by modern citizens, however, differed significantly from their ancient counterparts. This is precisely the role of the representative system, which allows citizens of modern democracies to dedicate more time to their private enterprises and less time to exercise their political functions:

The representative system is nothing but an organization by means of which a nation charges a few individuals to do what it cannot or does not wish to do herself. Poor men look after their own business; rich men hire stewards. This is the history of ancient and modern nations. The representative system is a proxy given to a certain number of men by the mass of the people who wish their interests to be defended and who nevertheless do not have the time to defend themselves.⁴¹

The republican model adopted by the American federalists is essentially what is designated as “modern democracy” in this work: a political system based on a balanced and mixed constitution, in which popular sovereignty is exercised through elected representatives. This is exactly how the term “democracy” is understood today. Modern democracy is a relatively recent phenomenon, since it became widespread only in the twentieth century. Nevertheless, some of the most important thinkers of modern political theory, like their ancient counterparts, view the idea of popular power with suspicion. John Stuart Mill and Joseph Schumpeter exemplify this tendency. Mill defended the idea of universal voting rights, but believed that the most educated stratum of society should have more votes than the mass of the people. Once elected, parliament and government should be left free to perform their duties, since they would be more capable of making decisions than the people. Mill argued that only a long-term parliament could guarantee the necessary independence for the elected representatives.⁴² Mill feared public opinion, which he considered a “collective mediocrity” and a threat to individual liberty:

In politics it is almost a triviality to say that public opinion now rules the world.... Those whose opinions go by the name of public opinion, are not always the same sort of public...but they are always a mass, that is to say, collective mediocrity.... It does seem, however, that when the opinions of masses of merely average men are everywhere become or becoming the dominant power, the counterpoise and corrective to that tendency would be, the more and pronounced individuality of those who stand on the higher eminences of thought. It is in these circumstances most especially, that exceptional individuals, instead of being deterred, should be encouraged in acting differentially from the mass.⁴³

Joseph Schumpeter considered democracy as nothing more than a method to reach political decisions. Schumpeter, like Mill, argued that the role of the people should be limited to electing the government:

The voters outside of parliament must respect the division of labor between themselves and the politicians they elect. They must not withdraw confidence too easily between elections and they must understand that, once they have elected an individual, political action is his business not theirs. This means that they must refrain from instructing him about what he is to do – a principle that has indeed been universally recognized by constitutions and political theory ever since Edmund Burke's time.⁴⁴

Similarly, politicians in the legislative should resist the temptation to embarrass the government at every opportunity. According to Schumpeter, "supporters of the government must accept its lead and allow it to frame and act upon a program."⁴⁵

Moreover, he emphasized the role of leadership in modern democracies and argued that many scholars tended to exaggerate the degree of popular initiative:

The Classical theory...attributed to the electorate an altogether unrealistic degree of initiative which practically amounted to ignoring leadership. But collectives act almost exclusively by accepting leadership – this is the dominant mechanism of practically any collective action which is more than a reflex. Propositions about the working and the results of the democratic method that take account of this are bound to be infinitely more realistic than propositions which do not.⁴⁶

In the following decades, scholars who had adopted Schumpeter's theories went even further in narrowing the definition of democracy and the role of the people in modern democratic societies. Seymour Lipset, for example, argued that the most valuable element of democracy was the formation of a political elite in the competitive struggle for votes.⁴⁷ The political apathy of the majority of the voters was viewed as a positive feature of modern democracies, since excessive popular interest could lead to subversive mass movements. These could result in the destruction of the democratic regime itself: "The belief that a very high level of participation is always good for a democracy is not valid.... An increase in the level of participation may reflect the decline of social cohesion and the breakdown of the democratic process."⁴⁸

The theories of Schumpeter and Lipset closely resembled the characteristics of the Roman Republic's political system, since the main political role of the Roman people was to act as a type of arbiter of the contest among elite leaders who sought popular support to achieve their political objectives. As shall be demonstrated, democracy in Rome was, in fact, a function of these struggles for power. Consequently, the ideas of these two political thinkers will be the primary tools to compare Rome with modern Western democracies, instead of the traditional republican theory of a mixed and balanced constitution. As demonstrated in the last chapter, however, by no means could Rome be considered a pure example of "Schumpeterian" democracy, since the Roman political system also contained important elements of an ancient democratic state of the Greek type (i.e. direct democracy), the people being directly responsible for legislation and other important state affairs.

Summary:

Ancient and modern texts define the term "democracy" differently. Ancient democracy meant direct popular participation in legislation and governmental policies. The modern version of the term is synonymous of a system in which the people indirectly exercise their power through representatives. Representative democracy is a relatively recent phenomenon, and the current political rights enjoyed by people in modern democratic states were gradually achieved from the seventeenth century onwards. Some

of the greatest ancient and modern political thinkers, however, viewed the idea of popular participation in politics with suspicion. Plato and Socrates were radically against democracy. Aristotle, though he had a more moderate view, placed democracy among the worse types of constitutions and had a clear preference for kingship and aristocracy. Polybius admitted the popular element, but only because for him it was part of a mixed balanced constitution, in which the kingly and aristocratic elements were also present. In the twentieth century, Joseph Schumpeter became highly influential with his “democratic elitist” theories. Democracy was only a method to reach political decisions and the role of the electorate should be restricted in choosing the government in competitive elections. The political system of the Roman Republic shared characteristics with both modern and ancient democracies, and contained several elements that made its political system very close to the Schumpeterian ideas. In addition, as demonstrated throughout this work, the Roman experience has been highly influential for thinkers since the Middle Ages who have sought a suitable model of popular sovereignty.

CHAPTER 2

THE CONTROVERSY: DEMOCRACY OR OLIGARCHY?

The first edition of the *Encyclopaedia Britannica*, published in 1771, contains this passage: “Democracy, the same with a popular government, wherein the supreme power is lodged in the hands of the people: such were Rome and Athens; but as to our modern republics...their government comes nearer to aristocracy than democracy.”¹ This striking quote reveals that Rome was perceived as an example of democracy in the late eighteenth century, a type of political system without parallel at that time. In the following century new theories developed, and a review of Roman politics led scholars to interpret the constitution of the Republic in a very different fashion. Theodor Mommsen was the first revisionist and his view was followed in the twentieth century by scholars such as Ronald Syme and Matthias Gelzer. The general trend since then has been to consider the Roman Republic as an oligarchy, in which the people had little to do but to elect the magistrates, who were drawn from the ranks of the elite, and to vote the laws proposed by the same magistrates without any debate. Moreover, according to this view, nobles had most voters under tight control through informal relations of power, such as patronage and clientship, which enabled them to dominate the political process totally. This chapter compares the old oligarchic view of Roman politics with the new theories that emphasizes the important democratic characteristics of the Roman Republic, which has been undervalued by traditional historiography.

The Oligarchic View:

J. A. North identifies four traditional propositions, derived mainly from the works of Gelzer and Syme, which form what he calls the “frozen waste” theory of Roman politics. This theory holds that first, Rome was controlled by a narrow hereditary oligarchy, which rarely admitted new families to its ranks. Second, the system of group-voting assemblies meant that the more prosperous voters controlled their procedures. Third, dominant families linked themselves into stable long-term alliances. Finally, the competitive manipulation of the rival groups determined legislation or the election of magistrates.²

This theory implies that voting behavior in the assemblies could be regarded as totally divorced from the opinions, interests, and prejudices of the voters themselves, and that Polybius, the main source for the middle Republic, completely failed to understand the political situation in which he found himself. Given this premise, either he could have been deceived by his noble friends, who convinced him that Roman democracy was as good as the Greek one, or he arrived in Rome with a fully developed Greek political theory in his mind, and was determined to make the facts fit his presuppositions.³ Indeed, F. W. Walbank argues that Polybius was deluded by the Roman constitutional mirage of divided powers and its mechanisms of checks and balances, which blinded him to the truth of the political system that ensured the domination of the nobles.⁴

According to Syme, the political life of the late Roman Republic was marked by a struggle for power, wealth, and glory among the members of the nobility (*nobiles*). The nobles had basically three weapons to be used in this struggle: family, money, and

political alliance. The competition for power, he argued, was fierce and incessant, and very often family connections and money did not suffice. The ambitious politicians formed compacts and tried to acquire support not only from the members of their own class but from the people who, at least in theory, ultimately had the power to elect or not an individual in the assemblies. According to Syme, the consulship not only conferred power and dignity upon its holder for life but also ennobled a family forever. Consequently, the nobles carefully guarded access to that office and even admission to the Senate. In addition, the conservative Roman voters could seldom be induced to elect a man whose family had not been known for centuries. Thus, the so-called new man (*novus homo*), the first member of a family to achieve the consulship and, consequently, the nobility, was a rare phenomenon.⁵ When Sallust describes the career of Marius and his first election as consul in 107 B.C., he appears to confirm this model, though this particular ancient author's well-known hostility towards the senatorial class must be considered within the context of his interpretation:

He [Marius] followed up this success by obtaining a series of magistracies; for in each office he so conducted himself that he was judged worthy to hold a higher one. Yet in spite of the outstanding merit he had shown hitherto...he dared not to aspire to the consulship. For at that time, although citizens of low birth had access to other magistracies, the consulship was still reserved by custom for noblemen, who contrived to pass it on from one to another of their number. A self-made man [*novus*], however distinguished he might be or however admirable his achievements, was invariably considered unworthy of that honor, almost as if he were unclean.⁶

According to Gelzer, eligibility for office required membership in the equestrian census at least, though, it must be stressed, no ancient source is clear regarding this matter. Nevertheless, Gelzer argues that from this order was drawn a special group who exploited the opportunity to stand for public office, forming the totality of the Senate.

Their sons, therefore, were gradually included in the senatorial order, which encouraged the society to regard the rank as hereditary. Gelzer's view is that *nobilitas* belonged to the descendants of all those who had held the supreme magistracy; that is, not only the consulship but also the dictatorship and the consular tribunate. The totality of these individuals formed the upper stratum of the senatorial order. These families regarded themselves as better qualified than any others to occupy the highest office. Only rarely were men of mere equestrian birth able to attain the consulship.⁷ In brief, Gelzer's primary argument suggests that the nobility, in fact, ruled the Roman Republic.

H. H. Scullard is another scholar who tends to agree with Gelzer and Syme and to stress the power of the hereditary nobility, their exclusiveness and privileged access to the consulship. He argues that once the patrician-plebeian aristocracy had been firmly established, members of non-noble families seldom achieved the highest magistracies. Outstanding personal qualities could carry an outsider as far as the quaestorship or even the praetorship, but without strong support of some powerful families, the newcomer seldom reached the consulship. He argued that the noble families tightly controlled the elections, especially those of the curule magistracies, which would give them the control of the Senate, where the influence of the higher magistrates was disproportionate to their total numbers.⁸ Therefore, in Scullard's view, the control of the Senate represented control of the state's general policies, since this body had great influence in important matters such as finance and foreign affairs.

Traditional historiography also emphasizes the importance of informal relations of power, such as friendship, personal connections, patronage and clientship, to stress the oligarchic character of the Republic. According to Gelzer, for instance, these

relationships determined the distribution of political power. He argues that citizens and subjects were constrained to seek the protection of powerful men, and the beginner in politics needed a powerful protector to secure his advancement. Therefore, since political power was based on membership in the Senate, which was composed of magistrates elected by the people, the most powerful men were those who were able to secure a large number of voters through their clients and friends. Thus the forces of political life would have been concentrated in the most powerful aristocratic families, and it was within this group that the great political struggles were fought, especially from the mid-second century B.C. onward. Eventually, these struggles would undermine the Republic itself, and the result would be the establishment of a monarchy by Augustus, who was at the head of the ultimately victorious faction.⁹

Therefore, the traditional view of Roman politics argues that the Roman senatorial aristocracy in the last two centuries of the Republic was dominated by a tight circle of hereditary *nobiles*, who were essentially the descendents of consuls elected since the foundation of the Republic. Powerful noble families kept the entire political system under strict control, using various strategies, including informal relations of power, such as patronage and clientship.

The New Approaches:

This traditional view of Roman politics, however, has been challenged by more recent scholars. Keith Hopkins and Graham Burton argue that while the hereditary element in the Roman senatorial aristocracy and its central role in Roman politics is

undeniable, historians have exaggerated its continuity in Roman political life by focusing their analysis on clans (*gentes*). Therefore, they have not factored in the fate of individual families who form these wider groups. The traditional view also overlooked the fact that Romans who wished to join the political elite very often claimed a fictional descent from a noble ancestor. Furthermore much of our understanding of Roman politics in the late Republic is based on Cicero's writings, who lived in an atypical period, since the reforms sponsored by Sulla in the late eighties B.C. had increased the restriction of the consulship to insiders.¹⁰

The most common argument for the Roman nobles' exclusiveness and power is the supposed rarity of men without senatorial ancestry achieving the consulship.

According to Hopkins and Burton, however:

The use of this definition diverts attention from the large numbers of new men who were the first members of their clan or clan segment to enter the Senate, but who never achieved high office. And Cicero's own exceptional and dramatic achievement diverts us from appreciating the considerable achievements of those senators who came from merely senatorial families [without high magisterial ancestors], but who then secured election as praetor or consul.¹¹

P. A. Brunt believes that the traditional definition of nobility, which limited it to the descendants of ex-consuls and those who achieved equivalent rank, is too rigid. This definition tends to diminish, for example, the importance of the praetorship, which was sought by men of consular families and was held even by ex-consuls. Therefore, it could not have been regarded as an honor greatly inferior to the consulship. Like Hopkins and Burton, Brunt believes that traditional accounts of aristocratic exclusiveness create a false impression, since they ignore the fact that many consuls were not actually of consular descent. Such models tend to enumerate the number of consulships obtained by entire

gentes in order to demonstrate the hereditary strength of great noble houses when, in fact, different families within a *gens* may never have actually been connected by descent from a common ancestor. Moreover, though traditional historiography is correct in stressing the electoral preponderance of consular families, they omit the fact that few of these families enjoyed an unbroken and permanent hold over the highest offices. Brunt stresses the fact that the decay or extinction of old noble families made way for new ones. Distinction of birth was not enough to maintain political status, and the fortunes of many families were often altered, especially by changes in their material resources.¹²

Hopkins and Burton construct an interesting and original statistical analysis of elite recruitment, and of its implication for the survival strategies of the major Roman families. According to their findings, consuls in the last two centuries of the Republic did not form an exclusive and hereditary group. Only two fifths of consuls had a consular father and only one third of consuls had a consular son. It was very rare for a family to produce a consul in each of six successive generations. Only four percent of consuls came from such a family. About one third of consuls during this period were able to be elected without the help of immediate consular antecedents; that is, without a consular father, grandfather or great-grandfather, uncle or brother. Their analysis also reveals that when sons of consuls and praetors competed for political office, the former were more likely to win, though the victory of the latter was not unusual. Moreover, their research indicates the existence of a significant number of politically unsuccessful sons of consuls and praetors, which helps explain the apparent disappearance of elite families from the political stage and their reappearance after a long absence.¹³

These statistics demonstrate that the Roman elite was more permeable than is often thought. Moreover, they reveal that succession rates were low enough to leave a considerable number of vacancies free to be filled by those who were not sons of consuls and praetors, though, it is true, the lower the status of the father, the lower his son's chances of maintaining or improving the family's status. In other words, sons of non-senators or mere senators, both had a lesser chance of becoming praetor or consul than of becoming a mere senator. Yet the top ranks of the Roman political elite were fairly open to outsiders; that is, to those who were not sons of consuls and praetors but had sufficient money, status and ability to compete in Roman politics. Many factors such as infertility, killing of aristocrats in civil wars, frequent death by diseases, and the increased cost of competing in Roman politics, all contributed to keeping the hereditary succession rate low in the Roman political elite.¹⁴

On the whole, Hopkins and Burton's analysis suggests a Rome that had an oligarchic structure of government, but one that was stable and sufficiently flexible to allow a gradual and continuous turnover in the membership of the Senate. This indicates that in the second century B.C., the Roman political elite consisted of a small inner core, which had relatively high rates of succession, and a broader band of the politically successful, drawn from the same social class of rich land-owners but with lower rates of succession. Many members of this outer band of senators were the sole representatives of their families to enter politics for generations. In the last century B.C., political competition deteriorated into civil war, but this fact did not alter the basic and social domination of Italy by wealthy landowners.¹⁵ The Hopkins and Burton model also indicates that a controlling element represented by popular decision-making could reduce

the status of a particular family for a generation or more, if this family failed to produce a convincing candidate. This observation supports the idea of a Roman Republic with a strong popular power component, since it implies that the fate of the politicians depended on their ability to attract voters.

Modern scholars also contest the role played by informal relations of power in Roman politics. Fergus Millar, for example, while agreeing that factors such as a famous family and clientship were important, points out that reputation as orator and success in the battlefield also played important roles in winning an election. All these factors had to be further emphasized in a public process of competition before the election. Moreover, no source attests decisively that a client was under the obligation to vote for or be a political ally of his *patronus*.¹⁶ In fact, Livy describes a striking episode in which Publius Cornelius Scipio, a member of one of the most important political clans in Rome, was defeated in the election for consulship in 192 B.C. He competed against another patrician, Lucius Quintus Flaminius, and four other candidates of plebeian origin - Caius Laelius, Cneius Domitius, Caius Livius Salinator, and Manius Acilius. The two patrician candidates were competing with each other, since only one consul could come from that order. They were both successful in war and the brothers of the two most illustrious generals of that time. However, Scipio's fame was greater and he had been continually in people's sight for almost ten years. Quintus' fame was more recent, and he had triumphed only in the course of that year. Yet, voters preferred the latter, despite the fact that Cornelius was supported by the powerful Cornelian *gens*, and a member of this clan was presiding over the election.¹⁷ Another poignant example comes from the *Commentariolum Petitiones*, a text ascribed to Cicero's brother, Quintus, who reminds

his brother of the case of C. Caelius, a new man who was elected consul in 94 B.C. with Cn. Domitius Ahenobarbus as colleague:

What much better fortune in your canvass is yours than that which not long ago fell to the lot of another new man, C. Caelius! He had two men of the highest rank as competitors, but they were of such character that their rank was the least of their recommendations – genius of the highest order, supreme modesty, very numerous public services, most excellent methods of conducting a canvass, and diligence in carrying them out. And yet Caelius, though much inferior in birth, and superior in hardly anything, beat one of them.¹⁸

These examples substantiate that family and political connections were important but not a guarantee of electoral success in Roman politics.

Henrik Mouritsen also agrees that the traditional historiography attributed an excessive importance to patronage and clientship. The scope of the electoral campaign went far beyond the mere rounding up of personal dependents and allies. He notes that competition for voters was fierce and involved many different tactics and activities, including being courted with gifts, expensive public games, and donations to the tribes. Also, candidates were always concerned with their public image. Mouritsen correctly argues that such efforts only make sense if the voters were relatively independent and susceptible to political persuasion. In other words, an effective electoral campaign was perceived as essential to electoral success, so the ties of clientship must have been much weaker than they have been traditionally considered. Although Mouritsen also stresses a supposedly low political interest and attendance in the assemblies meetings by the voters, there was a genuine uncertainty about the outcome of the elections, and the preferences of the elite did not always prevail. Important noblemen could be defeated by less prominent candidates. Mouritsen argues that voters were not just independent, but could be extremely volatile in their behavior. For instance, in the *Comitia Centuriata*, the first

century to vote (*praerogativa centuria*), which was chosen by lot, tended to influence the other units.¹⁹ This volatility constitutes a good argument against the notion of the electorate as a mere puppet of powerful nobles.

According to Millar, the Roman Republic had a strong democratic content that has been undervalued by traditional historiography. He stresses that the Roman people enjoyed three basic constitutional rights of direct voting on legislation: the declaration of war and the making of peace-treaties; the election of the magistrates; and judgment through the popular courts. These constitute democratic elements by any reasonable definition. Millar contends that much of the discussion of Republican Rome has lost sight of the orator addressing the Roman people, trying to persuade potential voters. The primary vehicle through which claims or proposals reached the people was oratory. He argues that the greatest weakness of the presuppositions about social and political structure which have dominated much of modern writing on the Roman Republic is the omission not only of the voice of the orator, but also of the reactions of the crowd gathered in the Forum, on the Capitol, or in the Campus Martius.²⁰ The Forum was a public stage where there were always spectators and where a multiplicity of different communal functions took place simultaneously. There, senators could be observed, common men could hear various speeches every day, and the members of the audience could be transformed into sovereign actors, empowered to legislate by the tribal system. Therefore, Millar stresses that any valid assessment of the Roman Republic must take into account the power of the crowd.²¹

Summary:

The traditional oligarchic view of the Roman Republic, derived mainly from the works of Syme and Gelzer, has been attacked by a broad alliance of historians including Brunt, Millar, Mouritsen, Hopkins and Burton. They argue that the use of the term “nobles” to define the top political elite is misleading and that the top rank of the Roman political elite was always more open to the entry of new families than previously thought. In addition, they claim that the obligations of clientship were much less rigid than has been traditionally supposed. According to this view, informal relations of power were not actually decisive in both legislation and elections. The Roman political system undoubtedly had a strong popular power component: Polybius was quite clear regarding this matter and he must be taken more seriously, since he was a contemporary observer. The Roman people had important functions, since they elected the magistrates, declared war and peace, and voted on laws. Indeed, the *Comitia Centuriata*, which elected the higher magistrates, was based on a principle of stratification by wealth, though, as indicated forthwith, the power of the elite in this assembly has been exaggerated. Nevertheless, it must not be forgotten that in the *Comitia Tributa*, in which the people voted laws valid for the whole state, no stratification by wealth prevailed, and each vote was counted equally. Moreover, the Roman voters were much more independent-minded and volatile in their behavior than usually thought. It is true that access to the consulship was zealously guarded by the nobles, and it created difficulties for newcomers to attain it. Nevertheless, though it was not common, new men did become consuls from time to time (for example, Marius and Cicero). Perhaps the difficulties regarding access to the

consulship could be attributed to the conservative character of the Roman voters who, in general, preferred known names to exert the supreme magistracy. Of primary significance is the fact that the people and only the people had the power to elect those who were going to occupy this office. In addition, recent historians observe that the other magistracies could be attained by newcomers more easily, demonstrating that the system was not entirely closed.

Moreover, traditional historiography misinterprets or exaggerates other aspects of the Roman political system, such as the power of the Senate, the lack of political debate, and solid long-term alliances among powerful noble families. The Senate, for instance, though it had important administrative functions, was by no means the true governing body of the Republic. In addition, it is inaccurate to argue that the Roman political system had no room for political debate, since the important role performed by the ratators in public places in the capital, most especially the Forum, should not to be forgotten.

CHAPTER 3

THE INFORMAL RELATIONS OF POWER

According to traditional historiography, in the early days of the Republic, all parts of the Roman population, regardless of social rank, shared a common interest in national welfare. This relatively harmonious society, however, was supposed to have disappeared with the territorial expansion. By the late second century B.C., Rome had become master of the Mediterranean world, with territories stretching from Spain to Asia Minor, including a great number of vassal kingdoms, whose sovereigns often depended on the favors of powerful Roman politicians. Historical sources claim that the prizes of empire enriched and corrupted the senators and equestrians who exploited the provinces; the former as governors and the latter as businessmen. According to this traditional view, with the enormous flux of wealth and slaves that were brought to Italy, the peninsula witnessed a great impoverishment of the common people, with the small farmers declining in number and going into bankruptcy. The constant wars meant the abandonment of their properties and the cheap grains originating from the provinces made impossible any effective domestic competition. These factors are supposed to have caused the appearance of large properties on Italian soil, worked mostly by slaves, though it is admitted that farmers still maintained strong influence in the Roman assemblies.¹

William V. Harris and Nathan Rosenstein offer alternative views of the economic consequences of imperial growth. According to Harris, the Roman expansion was beneficial to all citizens regardless of their social status, since it provided them with land

and booty. In fact, the prospect of booty and the possibility of obtaining large sums of money were reasons strong enough to motivate poor men to participate in military campaigns in spite of the risks.² Rosenstein argues that the competition among the nobles for power and glory, along with the wealth derived from the military victories, was complementary rather than detrimental to the interests of the small farmers. According to his theory, what really ruined the small farms in Italy was not the abandonment of properties but the high population growth in the third and second centuries B.C., which occurred as a consequence of the Roman expansion in Italy and economic growth. In the first decades of the second century B.C., with less land available in Italy for distribution and colonization, smallholding families began to divide their properties among their offspring, which made new families grow poorer. The two Gracchi and other popular leaders failed to understand the true cause of the crisis and made attempts to solve the problem by forcing the redistribution of the *ager publicus* in Italy. This measure did not solve the problem and inflamed sentiments throughout Italy, which caused decades of conflicts that ultimately would destroy the Republic itself and led to the establishment of the imperial regime.³

Whatever the causes of the ruin of small farms in Italy, however, what really matters for this work is that poverty did increase in the last hundred years or so of the Republic. This phenomenon, along with the migration to the city of Rome and the fierce competition for power and glory among the nobility, had important consequences for Roman internal politics in the middle and, most especially, the late Republic, since it altered the hitherto balanced constitution in favor of the popular element. As a result of

these social and economic developments, which obviously made the society as a whole far more complex, competition in elections became fierce and often violent, since the occupation of public office could mean glory and wealth for its holders. This is not to suggest that the occupation of high offices was not already advantageous in the third century. By the second century, however, as noted previously, Rome had become master of the entire Mediterranean world, including the rich Greek East, which certainly increased the value of prizes of empire. Subsequently, this chapter describes the means Roman politicians used to achieve power, focusing on patronage and clientship, which, as demonstrated, has been exaggerated by traditional historiography.

Amiticia and Factiones:

According to Syme, during the late Republic, it became common for leading political families to form compacts and alliances in order to be successful in elections. Roman political factions were essentially bound by mutual interests and services.⁴ In this view, the Romans did not have political parties in the modern sense. The closest substitute for party relationship is supposed to be *amiticia*, that is, friendship. For L. R. Taylor, *amiticia* in politics was a responsible relationship and a sacred agreement. A man expected from his friends not only support in elections but also aid in difficult situations of public life. In the intense and often dangerous competition that elections had become, politicians trusted their friends to achieve their goals and to defeat their opponents.⁵

Amiticia, however, was not a relationship limited to mere interest. In fact, it

bound friends together in bonds of obligation and honor, and its nature could go beyond politics and involve other features such as common intellectual pursuits. In its highest form - when there was true affection between good men - *amiticia* could be durable even among politicians; since it could link men who shared similar notions of good moral conduct and political principles. Romans could politely classify as a “friend” men with whom they did not actually have intimacy, but to whom they professed some goodwill. Similarly, courtesy often required that a senator consider a colleague as a “friend” despite any disagreement in politics.⁶ Cicero provides a good example of this fact in two letters, one to his friend Atticus, and another to the consul Mark Antony, when he privately criticizes the attitudes of the consul regarding the recall of a personal enemy:

Mark Antony has written to me on the recall of Sex. Cloelius, in how complimentary a style so far as concerns me personally you will see from his own letter, of which I enclose a copy; how unscrupulously, disgracefully, mischievously, so that one is sometimes tempted to wish Caesar back, you will readily appreciate. Things that Caesar never did nor ever would have done or permitted to be done are now brought out from his forged memoranda. As for me, I have shown myself all compliance to Antony. After all, having once made up his mind that he had a right to do what he pleased, he would have done it just the same if I had opposed.⁷

Almost simultaneously, he rather hypocritically demonstrates great affection in this personal missive to Mark Antony:

For one reason and one only I would rather you had raised this matter with me in person than by letter. You could then have seen my affection for you not only in my words but in my eyes, written as the saying goes all over my face. That affection I have always felt, prompted by your own friendly disposition in the first instance and later by obligation actually conferred; and at the present time the national interest has commended you to my regard, so much so that no one is dearer to me. And now your affectionate and flattering letter has made me feel that I am not conferring a favor upon you but receiving one at your hands, when you put your request in the form that you do not wish to rescue my enemy and your friend against my will, although you would have no difficulty in doing so.⁸

Amiticia, however, could represent more than simple courtesy. It could also, for instance, represent willingness to provide effectual aid. In general, the term is ambiguous and it is not easy to determine its exact nuance in a given context. It is certain, however, that it did not necessarily refer to collaboration in public affairs, though evidence suggests that ordinary friendship could come to an end during political quarrels, especially when strong opposition and personal attacks were involved. It is important to note that obligations of friendship were often subordinate to considerations of patriotism and interests of the community. Roman politicians by no means treated politics as a matter related merely to familial or personal ties. Other considerations such as state policy and the attitudes of the electorate were often taken into account. It was common that political hostility generated accusations of treason to the state. Naturally, the judgment of what was in the best interest of the community was a subjective matter, and not every political difference could mean the end of personal relationships. During the civil war between Caesar and Pompey, for instance, both commanders had different opinions regarding political alliances. Caesar considered that even those who refused to support him by taking a neutral position in the war still might enjoy his friendship in the future. The Pompeians on the other hand maintained that anyone who did not side with them would be treated as an enemy, since in their opinion only their faction was truly fighting for the commonwealth.⁹

In general, ordinary political differences as well as competition for office were not sufficient to start open personal hostilities. Also, hostility to a particular person was not a sufficient reason to extend it to all his associates. Criminal prosecution was much more

likely to generate personal rancor. Accusation or testimony that could affect the status of a man was certainly a common cause of hostilities. It was rare for members of the political elite, however, to undertake such a course of action, though it was considered legitimate to avenge one's kin in the courts, or to prosecute someone when the interests of the Republic were at stake. Conversely, the defense of powerful men in courts and the availability of this service for anyone who required it allowed a good orator to extend his connections and influence.¹⁰

Traditionally it has been believed that friendship was the primary basis of elite support for candidates, and that *amiticia* was the closest term that the Romans had for party affiliation. The growth of Roman territory increased the prizes of empire and led to the formation of political groups, which have been described by the word *factiones*.¹¹ These alliances were supposed to be relatively stable and lasting. Scholars such as Scullard and Taylor support this view. According to Scullard, Roman politics was not organized in parties in the modern sense; that is, political groups with clear and established programs.¹² The Roman politician was essentially the leader of a faction, which was organized by the candidate or by an important noble, one who was sponsoring someone else's political career. Thus, politician's primary support came from his family or clan, though he could seldom obtain total unanimity in his *gens* due to political divisions. Marriage connections could also secure political support from other families, and this was a resource used during the entire Republican period. Beside family connections, personal allegiance also played an important role, since patronage was widespread. Successful generals could also rely on their troops. This was true even

before the Late Republic, when the legions were used to destroy political rivals, since the guarantee of military victories and spoils influenced the soldiers' votes after their return to civilian life.¹³ In brief, according to this model, individuals and families united for mutual political benefit. It was this far-reaching nexus of personal and family relationships and obligations that constituted the basis of Roman public life.

More recent authors, however, such as Brunt and Millar, strongly reject this view, especially the idea of large and long-lasting political alliances defended by Scullard. Brunt, for example, correctly argues that these alliances were usually small and lasted only for short periods, and that they had become more common during Cicero's time than they had been in previous ages. In fact, Scullard's conclusions leave no significant place for the egoistic aims of individuals or different ideas about the interests of the state.¹⁴ As noted, sincere considerations about the good of the community were not a rare phenomenon among Roman politicians. Moreover, there is no ancient evidence to substantiate the claim that consistent factions grouped around important families, as the traditional view holds. It is true that groups tended to form around prominent individuals, but they were usually smaller and less durable than it is traditionally thought. Robin Seager, who produced an interesting study on the word *factio*, seems to agree with this position. Seager observes, "no family at Rome is credited with a *factio* to parallel the *Factio Barcina* at Carthage."¹⁵ Evidence derived from ancient sources seems only to recognize the division within the state between *optimates* and *populares* during the late Republic. Although the term *factio* denotes a political combination, it was more commonly used with a negative connotation. Even though his views have to be regarded

with caution because of his strong bias against the *optimates*, Sallust tended to classify the whole of nobility as a faction, which caused oppression and misery to the people:

So the whole community was split into two parties [*duas partes*], and the Republic, which hitherto had been the common interest of all, was torn asunder. The nobility [*nobilitas*] had the advantage of being a close-knit body, whereas the power of the people [*vis plebis*] was weakened by its loose organization [*factio*], its supporters being dispersed among a huge multitude. One small group of oligarchs had everything in its control in peace and war – the treasury, the provinces, public offices, all distinctions and triumphs. The people were burdened with military service and poverty, while the spoils of war were snatched by the generals and shared with a handful of friends.¹⁶

Erich Gruen seems to represent an intermediary position between these two extremes. Although he emphasizes the important role performed by senatorial alliances in Roman politics, in which coalitions relied basically on family ties, marriage alliances, and informal pacts of mutual cooperation, he argues that these groups were never permanent, and that modern concepts of party loyalty were totally absent. Cooperation among certain noble houses could work for a generation, but they were invariably dissolved into rivalry in the next.¹⁷

Patronage and Clientship:

Traditional historiography also attributes great importance to patronage and clientship in Roman politics. According to Gelzer, in the last century of the Republic *patrocinium* meant various forms of relationships: that of the former master to his freedman; that of the pleader in court to his client; and that of the distinguished man to territories subjected to Roman rule and to individuals of lower social rank. *Patrocinium*

in the courts was one of the primary expedients of the Roman politician, since it helped to maintain the position he had won and represented a good opportunity to those who mastered oratory, especially the new man. Patronage of provincials and foreign communities were closely associated with protection in the law courts. For example, Gelzer cites an episode in 171 B.C., in which Spanish envoys complained to the Senate about the extortions of Roman magistrates. They chose patrons who successfully obtained the condemnation of two previous governors. According to Gelzer, the practice of foreign individuals and communities choosing patrons among powerful Roman politicians became widespread in the middle and late Republic. He argues that the preferred choice for association, in general, was of former officials of a given region; not necessarily the original conqueror and his descendants. Clearly provincial *clientes* were of great importance for the reputation of a politician, but Gelzer also emphasizes the importance of patronage in Roman internal politics. It was common, he argues, for a political novice to align himself with an experienced politician. In addition, the successful politician depended on obtaining great number of friends and allies.¹⁸

Recent authors, however, have criticized as excessive the importance attributed by Gelzer to clientship and patronage in Roman politics. Andrew Wallace-Hadrill points out that if patronage had been primarily a political institution, in which people exchanged their votes for protection, then it is likely that it could not have affected more than a small percentage of the urban population in the late Republic, since there were probably around 250,000 poor citizens living in the capital by that time. This was too great a number to enter into personal relations with a few hundred members of the senatorial order.

Patronage did not work in legislation either. Specifically, there were several laws from 130s B.C. onward that were explicitly anti-patronal, such as the introduction of the secret ballot. Wallace-Hadrill also stresses that bribery, which became a widespread practice in the late Republic, undermined the system of patronage; the line dividing the legitimate return of favors from the purchase of votes became blurred. Wallace-Hadrill notes that all these considerations lead to the conclusion that patronage did not play a significant role in the political life of the Republic.¹⁹

Mouritsen has a similar view. He observes that it is totally unrealistic to assume that the entire population of the capital could be organized into a stable and permanent structure of dependence commanded by senatorial families. Moreover, since the city of Rome had to rely on a constant flow of immigration to maintain its population, it meant that the fluidity and size of the population simply made a rigid model of personal control impossible. Mouritsen is convinced that the traditional concepts of stable long-term alliances among noble families are highly questionable and deserve more study and reconsideration.²⁰

According to Andrew Lintott, scholars who defend the idea that the Roman aristocracy monopolized power by controlling the electorate believe in a consistent cooperation among aristocratic factions and in strong links between them and the lower classes. Since those groups were in general small and flexible, and the aristocracy was only united when its interests were at stake, it is unlikely that a rigid system of vertical links could be maintained. This is not to say that such links never existed, but it is doubtful that they could be effective within the context of Roman politics. In fact, no

source establishes that demands from above were able to divert the members of the plebs from voting in their own interests. Although voters were indeed subject to pressures, these influences differed in kind and did not all point in the same direction, which contributed to sustaining freedom of choice. The multiple connections among members of the elite indicates that a few factions could not control the entire political process in normal times. In fact, such control only was possible in times of civil war, as when Sulla seized power, or in a political crisis; for example, after the fall of C. Gracchus. This indicates that such control was created by political and ideological cohesion rather than through *amiticia* or other informal relations of power.²¹

Brunt notes that rejecting the theory that Roman politics were dominated by long-lasting factions of important and powerful families assumes that it was impossible to control the votes of a great mass of dependents. References to patronage and clientship are far more common in modern than in ancient sources. In fact, referencing only the ancient sources, we are inevitably forced to conclude that those informal relations of power were much less important than it is generally assumed and that political power was by no means dependent upon them.²²

It is imprudent to assume that clients always, or even often, observed the hereditary force of their obligations. It is logical that the great noble houses had the largest number of clients, but notably their numerous clients alone never sustained their power and influence. Some traditional families failed to produce high magistrates for long periods, either because of early deaths or depletion of family financial resources. In fact, the possession of wealth and political influence counted much more than inherited

sentiments of loyalty for the aid and protection of dependents. Furthermore, plurality of patronage was not a rare phenomenon. If two or more patrons were hostile to each other, the loyalties of the clients could be divided. It is certain that during the civil wars, communities and individuals sometimes had ties with both sides. Clients had to make a choice when they faced a conflict in their personal obligations. This choice was determined by a variety of motives, including considerations of personal advantage, though the idea that an individual's view of public interest influenced such decisions should not be discounted.²³

In brief, it is unlikely that the hypothesis regarding the great influence exercised by the aristocratic families over a multitude of dependents is correct, since it is seldom mentioned in ancient sources. By contrast, corruption and bribery in elections are very well documented. The electoral campaign of Cicero for the consulship of 63 B.C. is a good example of the lack of evidence for the influence of patronage and clientship in elections. As a new man he had few or no hereditary clients at all, though he could claim some gratitude for services rendered to wealthy individuals, especially *equites*, as well as to certain Italian regions. He tried hard to obtain the support of many nobles and of other persons with influence throughout Italy. Above all, he needed to demonstrate that he was loved by his friends, fellow-tribesmen, and neighbors, since the enthusiasm of these groups would prove that he deserved victory.²⁴ The *Commentariolum Petitiones*, in fact, illustrates the need of support in all classes and Italian regions for a successful electoral campaign. It is interesting to note the total absence of references of patronage and clientship in this text:

Wherefore see that you have the votes of all centuries secured to you by the number and variety of your friends. The first and most obvious thing is that you should embrace the Roman senators and knights, and the active and popular men of all the other orders.... After that review the entire city, all colleges, districts, neighborhoods. If you attach to yourself the leading men of these, you will by their means easily keep a hold upon the multitude. When you have done that, take care to have in your mind a chart of all Italy laid out according to the tribe of each town, and learn it by heart, so that you may not allow any *municipium*, colony, prefecture, or, in a word, any spot in Italy to exist, in which you have not a sufficient foothold.²⁵

Plutarch implies that Cicero's electoral victory was also a consequence of the fear of disorder and revolution. According to his biography of Cicero, the changes Sulla made in the Roman government left the people unsatisfied. There were some elements who were willing to change the political situation for private gain. Since Pompey was fighting in the east against the kings of Pontus and Armenia, there was no sufficient force in Rome to maintain order. The leader of this group of malcontents was Lucius Catilina who stood for the consulship in order to carry out some sort of radical program, though the details are obscure. He thought that he would be elected with another candidate, C. Antonius. But according to Plutarch, Antonius was not a man fit for leadership. The danger of a triumph of Catiline led both the plebs and nobles to support Cicero's candidacy.²⁶

Murena represents a well-known case of a candidate prosecuted for bribery by his defeated opponent. Curiously, in the case of Murena, one of the pieces of evidence presented by the accuser, Servius Sulpicius, was that he was of inferior descent and, therefore, only bribery could explain the behavior of the voters and the result of the election. According to Cicero, who acted as his defense attorney, this was not true, since Murena was a great-grandson, grandson and son of praetors. Moreover, his father had celebrated a triumph and therefore Murena had a family that qualified him to aspire to the

consulship. By contrast, Sulpicius belonged to an old patrician family, but one whose members had not achieved any public office for centuries. Another piece of evidence was that Murena's previous services for the state were less important than those of Sulpicius. To counter this, Cicero praised Sulpicius' services, but enumerated those of Murena. For instance, he mentioned Murena's active role as an officer of Lucullus in the war against Mithridates VI of Pontus (74-66 B.C.).²⁷ These facts represent evidence that patronage was not a major factor in elections. Sulpicius' claim was based on the assumption that the conservative Roman plebs had a natural deference for the nobles and preferred to cast their votes for a candidate whose family had been known for centuries. The forthcoming chapter discusses the role of bribery and the promotion of expensive public spectacles and other forms of entertainment in Roman politics. The great number of cases of bribery and attempts to please the voters with public entertainment attested by the ancient sources undermines the traditional view that attributed fundamental importance to patronage and clientship in the Roman political system.

Ancient sources also do not mention any effective use of mobs of clients by nobles in the late Republic, though violence had become widespread by that period. Yet, there are many modern scholars who claim that certain military commanders were able to raise armies using only their clients. The sources, however, are not clear regarding such enlistment of clients, and the normal mode of recruitment was in fact conscription. Generals were also supposed to have converted soldiers into clients. But the loyalty demonstrated by soldiers to a particular commander was gratitude for material rewards and expectation of future benefits, rather than any personal attachment to their leader.

Soldiers often abandoned commanders who had little chance of victory.²⁸

Pompey represents an interesting case worthy of closer study. Gelzer refers to him as an example of a politician whose power rested on his *clientela*. He cites an episode in 83 B.C., when Pompey raised a legion in Picenum composed primarily of his father's clients.²⁹ An examination of the rest of Pompey's career, however, makes this episode appear an isolated event. From Plutarch we learn that Pompey obtained a large command in the East (60s B.C.) by a law proposed by a tribune and approved unanimously by the *Comitia Tributa*. Surely, that army was not a private one, and it used only troops regularly conscripted. Later, Pompey claimed that in the event of the war against Caesar, he just needed to stamp his foot in any part of Italy to raise an army. A careful examination of this passage, however, reveals that Pompey had been seriously ill and all Italy had rejoiced in his recovery.³⁰ Therefore his claim might only refer to this momentary enthusiasm. In fact, the subsequent events proved that, if Pompey really thought that he could win the war by only using clients in Italy, in addition to his personal charisma and prestige, he was entirely wrong. When Caesar arrived at Picenum, a city supposedly inhabited by Pompey's clients, the former was willingly received and the Caesarian army was assisted with supplies. At the end of the war, Caesar described the almost daily desertions of soldiers from Pompey to himself.³¹ All these accounts undermine the traditional view that commanders could raise entire armies using their clients. In addition, it appears that soldiers did not become personally attached to their commanders in a relation resembling clientship. Soldiers' loyalty was often fickle, and they tended to follow their leader only as long as it was immediately advantageous to

them.

Summary:

Traditional historiography has always attributed great importance to informal relations of power in Roman politics. Scholars such as Syme, Taylor, and Scullard emphasize such relations in order to prove the theory that a few noble families controlled the entire political system of the Republic. The main instruments used to this end were supposed to be political alliances among powerful clans, and the use of patronage and clientship to influence the voters to follow their wishes. It was argued that *amiticia*, that is, friendship, was the closest Latin term for a party relationship, though it could also refer to relations beyond politics. The sources, in fact, are not clear about the exact nuances of this term. *Amiticia* could be durable among politicians, and it was not uncommon to consider a man as a friend, even though one did not have great intimacy with him. Politeness seems to have been the usual behavior among politicians, as the quoted letters of Cicero suggest. In general, political differences were not sufficient to end a genuine friendship. Criminal prosecutions were much more likely to generate enmity, though defense in courts could represent a good opportunity for an able orator, like Cicero, to extend his connections and influence.

Factio was the word used to designate political groups, though the word is often found in the ancient sources with a negative connotation. Traditionally it has been argued that these alliances were stable and could last for generations. More recent

authors, however, have rejected this view. There is nothing in ancient sources to indicate that such groups were formed permanently around great noble houses, though they could occur from time to time for short periods. Cicero and Sallust only recognized that the Roman society of the late Republic was divided into *optimates* and *populares*.

Traditional historiography also emphasizes the importance of patronage and clientship in Roman politics. It is undeniable that such relations existed, but it is unlikely that they could have represented a decisive factor in the behavior of Roman voters in legislation or in elections. It was simply impossible that a few senatorial families could control the votes of such large numbers of dependents. No ancient source attributes any fundamental importance to such relations. Polybius, for instance, does not even mention them. In terms of political success, wealth counted much more than inherited sentiments of loyalty for the aid and protection of dependents, and it was not unusual that some traditional families failed to produce high magistrates for long periods because of the depletion of financial resources. Additionally, clientship was not a basis for military power or a result of it. The accounts of Caesar and Plutarch indicate that soldiers' loyalty was basically determined by the short-term advantages they could obtain from a commander. The inevitable conclusion is that informal relations of power were not of fundamental importance in Roman politics. This is of cardinal importance for the idea of democratic Roman Republic, or at least of a political system with strong democratic characteristics in which the popular element really counted.

CHAPTER 4

THE FORMAL INSTITUTIONS OF POWER

The basic political entity in antiquity was the city, an urban area with an outlying territory surrounding it. The typical city-state was led by a king or magistrates, a small assembly of chosen men and a larger assembly comprised of adult male citizens. Rome in its early days was no different. The executive was represented by a king, who was chosen, and assisted, by the Senate or assembly of elders. In the late sixth century B.C., the monarchy was overthrown by an aristocratic revolution, and the king was replaced by two annually-elected magistrates, ultimately called consuls; they had the right to veto each other's actions. Initially, the consuls were chosen from the ranks of the patricians or aristocratic families. The constitutional history of Rome for several centuries was the history of the struggle between the patricians and the non-aristocrats, called plebeians. In the early fifth century B.C., the plebeians gained the right of choosing their own representatives, called tribunes; they were authorized to intervene in person when plebeians were being treated unjustly and to prevent magistrates from taking measures against them or their interests.¹

About the middle of the fifth century B.C. the previously unwritten law was codified in The Twelve Tables, which assured for all male citizens equal protection under the law. Eventually, other measures would be taken to improve the legal standing of the plebeians. In 367 B.C., for example, the Licinian-Sextian Law established that one of the consuls should be a plebeian. The final triumph of the plebeians came with the

Hortensian Law in 287 B.C., which made the plebiscites enacted by the Tribal Assembly equivalent to law.² Thus, the exclusively patrician government gradually weakened under plebeian pressure. A decline in the number of patrician families as well as in their political influence can be traced to the fourth century B.C. Additionally, a corresponding increase in the number of plebeian families gained important magistracies. In the third century B.C., the process was accelerated, and by the second, the plebeian element predominated and had acquired a majority of the high magistracies.³ Therefore, by the second century B.C, the old patrician aristocracy had been replaced by a newer patrician-plebeian political elite, the senatorial nobility. According to Mommsen, the members of the patriciate suffered heavy losses at the end of the class struggle, since they were excluded by law from the tribunate, the plebeian aedileship, and the second consulship and censorship.⁴

Two orders – the senatorial and the equestrian - represented the top ranks of Roman society, though their boundaries were not so well-defined as they would become during the imperial period. The equestrian order had its origin in the 1,800 holders of the public horse in the early days of the Republic. In the late fifth century B.C., during the war against Veii, “those persons who possessed equestrian fortunes, and had not had horses assigned them by the public...declared their resolution to serve in the army on horses provided at their own expense.”⁵ Therefore, *equites* originally were all citizens who possessed means to maintain a horse and fight with it in the army; together with the senatorial order, they constituted the first class of voters in the *Comitia Centuriata*.

Gelzer claims that the equestrian census was conventionally the minimum

requirement for eligibility for magisterial office.⁶ It must be stressed, however, that the Romans never had a law explicitly setting out this limitation. The only requirement attested by a primary source is found in Polybius: “no one is permitted to hold any political office until he has completed ten years’ [military] service.”⁷ One could speculate that the conservative Roman voters freely preferred to cast their votes for the members of the first class, who were undoubtedly more prepared to occupy public offices. In this case, Roman voters did not act very differently from voters in modern democracies who also tend to elect individuals drawn primarily from the elite. *Equites* acquired economic prominence in the middle and late Republic when they dedicated themselves to every form of business activity, most especially public contracts (building roads and public buildings, collecting taxes, etc.). Senators were forbidden to participate in such contracts, since they were responsible for overseeing them.⁸

The senatorial order formed a special group within the first census class. This group became the subject of special regulation as early as 218. Gelzer references a law of that year; one which determined that no senator could possess a sea-going vessel of more than 300 *amphorae* burden: the size sufficient for bringing crops from the country to the city. This law assured that all senators were landowners, though it undoubtedly represented a limitation of the hitherto unrestrained economic supremacy of the senators. The economic power of this order had its origin in the wars of the fourth and third centuries, since senators were the main beneficiaries of the distribution of the *ager publicus*. A specific senatorial census is not attested until the end of the Republic, when Augustus established it at one million *sesterces* (*HS*) against 400,000 *HS* for the

equestrian order. Although, senators invested mainly in land, some parallel activities can be detected from the ancient sources. For instance, Gelzer mentions a plebiscite of 67 B.C. that prohibited provincials from borrowing money in Rome. The intention was to protect them from exploitation provoked by high interest rates, an indication that senators probably participated in the granting of such loans.⁹

The Roman constitution was the result of many centuries of evolution and change. According to Polybius, all three types of government - monarchy, aristocracy, and democracy – could be found in the Roman constitution, and it was impossible even for the Romans to define exactly which one they had.¹⁰ The first element was represented mainly by the consuls and their junior colleagues, the praetors, especially when they were commanding armies and governing provinces. Their power was not truly monarchical, however; at least, no more than the power of presidents of modern republics, since their tenure was not permanent and ended with their terms in office. The second element – aristocracy - was represented by the Senate. At home, the Senate developed an executive power over finances, and the magistrates were expected to refer financial matters to it. In foreign affairs, the Senate made decisions about the selection of war-zones or *provinciae* and commanders; and received and dispatched foreign embassies.¹¹ In fact, these are the areas in which ancient sources show the Senate debating and providing a political arena for personal conflicts in a way not very different from a modern parliament.¹²

The key issues in determining the democratic character of the Roman Republic are first, the role performed by the popular assemblies, which were the main instruments through which the people participated in political life; and second, the extent to which the

people exercised their rights freely. Polybius stressed the important role performed by the people in the Roman political system. His account clearly indicates a strong popular and democratic element in the Roman constitution:

It is...the people who bestow offices on those who deserve them, and these are the noblest rewards of virtue the state can provide. Besides this, the people have the power to approve or reject laws, and most important of all, they deliberate and decide on questions of peace or war. Furthermore, on issues such as the making of alliances, the termination of hostilities and the making of treaties, it is the people who ratify or reject all of these. And so from this point of view one could reasonably argue that the people have the greatest share of power in the government, and that the constitution is a democratic one.¹³

According to Polybius, the three primary elements in the Roman constitution could act against each other, resulting in a perfectly balanced polity. Moreover, this prevented any element from achieving excessive power. The consuls needed the support of both the people and the Senate in matters of war, though they had absolute authority when commanding armies. The people ratified or rejected the suspension of hostilities and the making of treaties, and the Senate supervised the flow of money and supplies. Moreover, the consuls were obliged to account for their actions to the people when they laid down their office. By contrast, the Senate needed to consider the views of the people and to respect their wishes. It was the people who could introduce laws in order to remove some of the Senate's traditional authority and abolish its precedence or other dignities. In turn, the Senate supervised some of the activities carried on by the people, such as the public contracts for building and exploration of the goods and revenues of the state. In theory and practice, senatorial authority could inflict great hardship on those who managed public property. Consequently, many important persons had reason to fear opposing the Senate's decisions. Similarly, the people had the same attitude toward the

consuls' projects, since they could serve individually or collectively under the consuls' authority while on campaign.¹⁴ While the Romans did not have a written constitution or a modern conception of governmental branches, one can identify a primitive division in which the legislative branch was represented by the popular assemblies, an executive branch by the consuls as the highest magistrates, and a judicial branch whose chief officials were the praetors. On the whole, Polybius believed that the final result of these features was a union that was strong enough to withstand all emergencies and had the power to achieve its goals.¹⁵

Elections and the Legislative Branch:

The two main assemblies in Rome were the *Comitia Centuriata* and the *Comitia Tributa*. The former was based on property classes, whose unit was the century. Initially the wealthiest classes held the majority of the centuries, but from the third century B.C onward, new criteria were adopted to form them. This weakened the decision-making power of the elite. The *Comitia Centuriata* generally stood under consular presidency and elected consuls, praetors and censors. The *Comitia Tributa* voted on most of the Roman laws. In addition, this assembly also elected aediles, quaestors and tribunes of the plebs. In the *Comitia Tributa*, the people were grouped in units called tribes, regardless of social position.

Both assemblies had two common principles. First, every decision was taken by majority vote, in which every male citizen, regardless of social rank, was entitled to

participate. Second, the principle of majority meant that the citizens were divided into units (centuries or tribes), and the voting of the majority in each unit represented one vote in the final result. A candidate was declared elected, or a law was approved or rejected, by the majority of units obtained. Although the assemblies could occasionally act as criminal courts, their main functions in the middle and late Republic were to elect candidates and enact laws. Legislation was proposed to the people by consuls, praetors, or tribunes, though in the last century of the Republic it became practice that the latter alone proposed laws to the *Comitia Tributa*.¹⁶

There was no fixed calendar for meetings of the assemblies, though it was not permitted to convene on certain days for religious and other reasons. There was a formal notice before each meeting. It was an established practice for electoral purposes that a time-lapse of at least seventeen days should be observed between an announcement and an election. During that time, no legislation could be voted on. A voting assembly began with a prayer, followed by the introduction of the subject by the presiding magistrate. The written ballot was introduced in the late second century, and it is likely that secrecy was prescribed by law. Evidence suggests the existence of prepared ballots for legislative votes, but it is not certain if there was a single ballot with two alternative signs, or if there were two different types. Similarly, it is possible that in electoral procedure there were tablets inscribed in advance with shortened versions of the candidates' names.¹⁷

The *Comitia Centuriata* had its likely origin in monarchical times, perhaps in the reign of the king Servius Tullius (578-535). This king supposedly created the assembly, which reflected the military organization, with 193 centuries, or 194, if the *proletarii*,

who were exempted from military service are included. Livy mentions eighteen centuries of cavalry, and 170 centuries of infantry, distributed among five classes, with an additional five centuries of military support personnel. As noted, there was also one century of *proletarii*; that is, those exempt from military service - except in case of emergency, since they did not reach the minimum property qualification.¹⁸ The number of members in each century varied. In general, the centuries of the first class had fewer members than those of the lower strata. Since each century counted as a single vote in the final result, regardless the number of its members, the vote weight of each citizen was unbalanced. Livy defends this on the grounds that the burden of the state's defense was taken off the poor and laid on the rich; that is, the richer the individual, the more responsibilities he had in the defense of the state, which justified the difference in the voting weight.¹⁹

In political terms, the *Comitia Centuriata* indeed originally had a strong bias towards the wealthy; since the first class, combined with the rich members of the cavalry, had ninety-eight votes out of a total of 194. This structure was reformed, however, around 241 B.C. in order to include the tribal element in its organization. This led to five classes, of which there were two centuries, one of *seniores*, the other of *iuniores*, being assigned to every one of the thirty-five tribes for a total of 350 centuries. In addition to eighteen centuries of cavalry, there were also four centuries of technicians, and a century of *proletarii*. Therefore, in effect, the number of voting centuries was increased to 373.²⁰ The exact nature of this reform is controversial among scholars. Most find it unlikely that the 373 centuries actually represented the number of voting units. It is probable that

the centuries were rearranged somehow in order to produce the original 194 votes.²¹

Nevertheless, what really matters for this work is that this new complex organization led to an increase in the voting weight of the intermediary classes; this undoubtedly represented an important democratic step. The first class in combination with the *equites* no longer had the absolute majority. Significantly, though the *Comitia Centuriata* elected the major magistrates, its importance tended to diminish in the middle and late Republic. The responsibility for enacting laws was gradually transferred to the *Comitia Tributa*.

The general nature of the *Comitia Centuriata* constitutes an important argument for those who reject the democratic features of the Roman Republic. As noted, this assembly was based on property classes. In the middle and late Republic, the main function of this assembly was to elect the higher magistrates - consuls and praetors - since, most of the legislative functions were carried out by the *Comitia Tributa*. This raises a significant question: if the elite, through patronage, clientship, and other forms of pressure, had such control over the assembly, why do ancient sources so often mention cases of bribery and other ways of pleasing the voters of the lower classes?

In truth, the power of the plebs was greater than has been traditionally thought. The idea that the *Comitia Centuriata* was dominated by the rich is based on the assumption that this group always voted together and their decisions were highly influential for the final result. As noted previously, the patronage system was actually ineffective in determining the outcome of elections and the approval of laws.²² The dissemination of bribes and the promotion of public entertainment and banquets are indications that the traditional system of clientship, which undoubtedly had been

important in the early days of the Republic, was in crisis by the middle and late Republic. The *Comitia Centuriata* had become less oligarchic in character. The reforms of the third century B.C. increased the significance of lower classes voters. In fact, the members of the fifth class were undistinguishable from the *proletarii*, which favored and justified the use of every sort of method to win over the popular layers of the society.²³

Under such conditions debts, bankruptcy and corruption were frequent. Plutarch, for instance, describes how Caesar, after his praetorship and his designation to serve in Spain, “was in great embarrassment with his creditors, who, as he was going off, came upon him, and were very pressing and importunate.”²⁴ The classic case of Murena who was accused of bribery by his defeated opponent and successfully defended by Cicero was previously cited.²⁵ This was not, however, the only method that candidates had at their disposal. The promotion of games, gladiatorial shows and public banquets was also frequent. In two letters to his brother Quintus, dated respectively from November and December of 54 B.C., Cicero describes the campaign of his friend Milo for the consulship of 52 B.C. In the first letter, he seemed to be particularly alarmed by the cost of the games that Milo was about to promote:

He is preparing to give the most magnificent games, at a cost, I assure you, that has never been exceeded by anyone. Considering that they are not demanded of him, he is acting like a fool for these two or three reasons at least – because he has already given a magnificent gladiatorial show, or because he has not the means, or because he might have remembered that he was only an executor, and no aedile.²⁶

In the second letter, he mentions the amount his friend was going to spend on the games and ask Quintus to help him:

My one and only trouble is Milo. But I hope his being made consul will put an end to all that; in that matter I shall exert myself as much as I did in the case of

my own consulship, and you will help, as indeed you do, from where you are. In his case everything else is in good train, unless all is lost by absolute violence; but it is his private state that I am afraid of. "And now is beyond endurance mad," since the games he is going to give will cost a million sesterces. His thoughtlessness in this one particular I shall bear as well as I can, and it will require all your strength of mind to enable you to do so.²⁷

In another letter to his friend Scribonius Curio, Cicero reveals his willingness to support Milo's candidacy: "I have irrevocably invested all my aspirations, all my energies, anxieties, exertions, and thoughts, in short, my whole heart and soul, in Milo's election to consulship."²⁸ Cicero also enumerates the qualities and support of his friend as candidate and stresses the fact that Milo's election is vital to his security. According to Cicero, Milo enjoyed the support of the wealthy due to his behavior during his tribunate, and of the common man in the streets due to the magnificence of his public shows.²⁹ It is noteworthy that in none of these specific discussions of political strategy does Cicero mention the use of patronage or any patron-client relationship as an influential factor for the election to the higher Roman magistracy. In fact, Cicero emphasizes the qualities of his friend, especially his popularity both with the wealthy and the common people, and attributes Milo's popularity with the latter to the expensive games promoted by him. This clearly indicates that candidates had to consider the votes of the lower classes in the *Comitia Centuriata* and could by no means solely rely on the support of the rich and powerful.

The most flagrant form of electoral bribery was the direct distribution of money to the people. Bribery operated in both the *Comitia Centuriata* and *Tributa*. The money was distributed by the divisors, the tribal bribery agents, who were probably also officials of the tribes.³⁰ Plutarch observes that after being defeated in his first attempt to reach the

praetorship, Sulla was successful in the following year “partly by flatteries to the people, and partly by money.”³¹ In brief, ancient sources indicate that politicians who aimed at higher offices resorted regularly to bribery and always tried to please the urban plebs with games and other forms of entertainment. This is a clear indication that the plebs exercised direct influence on the outcome of the elections. In addition, it is worth observing that the lower classes were not the only target of the politicians, since the gap between the great part of the members of the first property class and those of the lower social ranks was much smaller than is often assumed.³²

Elections were usually fierce contests that involved all sorts of factors such as the prestige of the candidate’s family, personal connections, military glories, canvassing in Rome and in other parts of Italy, and so forth. Caesar’s *Gallic War* provides an interesting example involving the competition for a relatively unimportant priesthood post. This passage, which dates from the early 40s B.C., just before the beginning of the civil war against Pompey, reveals some of the issues that surely were also involved in the competition for higher posts; these included political alliances, bonds of loyalty, and most importantly, the necessity of canvassing votes - not only in Rome, but also throughout Italy. The passage also reveals that political competition for higher offices often involved considerations of the political scenario as a whole and represents evidence that genuine political competition really existed:

Once the winter was past, in a change from his usual practice Caesar set out at top speed for Italy, to address the communities and colonies – he had already recommended to them the candidature of his quaestor Mark Antony for a priesthood. On behalf of so close a friend, whom he had sent on ahead to pursue his candidature, he exercised his influence gladly, and also eagerly, to combat the factional power of a few men who wanted to defeat Antony in order to overthrow

Caesar's influence when he left his province. Although Caesar heard in the course of his march that Antony had been made augur before he reached Italy, he thought there was still good reason for visiting the communities and colonies to thank them for offering Antony their full support. He also wanted to commend his own candidature for office in the following year; his enemies were gloating arrogantly at the election of Lucius Lentulus and Gaius Marcellus as consuls, for they would strip Caesar of his office and prestige – the office of consul had been wrested from Servius Galba, despite his greater popularity and larger number of votes, because he was friend of Caesar and one of his legates.³³

As noted, the exact nature of the *Comitia Centuriata* reform in the third century B.C. is controversial. It appears that the first class' weighted vote was reduced; and it no longer had the absolute majority in combination with the *equites*. For the sake of this analysis, J. J. Nicholls hypothesized that in the middle and late Republic, the first class had seventy centuries (and seventy votes) out of a total of 194 possible votes.³⁴ Two other considerations are also important in order to understand how this assembly actually worked. First, it is unlikely that the first class and the *equites* always voted as a bloc and that division never occurred. Second, it is inaccurate that the first class was entirely comprised of the very wealthy. H. Mattingly, for example, estimates a minimum property qualification of 100,000 *HS* to qualify for this class.³⁵ Alexander Yakobson, however, believes that 50,000 *HS* would be a more realistic amount.³⁶ Indeed, this issue has been highly controversial among scholars for decades. Whatever the correct amount was, however, it is certain that it represented merely a fraction, for example, of that established by Augustus in the early empire to qualify a citizen for equestrian or senatorial rank.³⁷ Therefore, it may be argued that the first class was not entirely comprised of the very rich, though its members were undoubtedly much better off than the average of the general population. Yakobson argues that the majority of the voters in

this class belonged to what could be called a middle class. According to him, the first class could be seen as a pyramid, in which the great majority concentrated at the bottom, not at the top. Therefore, the interests of many components of this class were not very distant from the urban plebs as a whole, and these two entities could not be seen as mutually exclusive.³⁸

While virtually all candidates certainly belonged to the elite, it is equally certain that the population as a whole took an active part in the election. Since the candidates belonged to the same social rank, with similar resources, a split in the votes of the top classes was not a rare phenomenon. Indeed, it seems to have been a common event. Considering that a candidate needed to obtain an absolute majority to be elected, he could not disregard the votes of the lower classes. The deeper the split in the upper classes, the more likely the lower classes would be called on to vote, and it was not uncommon that the centuries of the fifth class, whose members were undistinguishable from the *proletarii*, decided the election.³⁹ The centuries of the first class tended to follow the *centuria praerogativa*; that is, the century chosen by lot to vote first. This behavior was unpredictable, however, and this uncertainty was beneficial to the lower classes. Moreover, it is unclear that the voting process followed a strict descending order from the first to the fifth class.⁴⁰ A deep split was more likely to occur in the praetorian elections, since the number of candidates was much greater than in the consular ones. According to Plutarch, for example, Marius had great difficulties in reaching the praetorship, and only obtained the last place.⁴¹ This indicates that the lower classes were called to vote and were decisive in the final result.

The traditional view of the *Comitia Centuriata*, therefore, as an assembly dominated by the wealthy, should be more closely examined. Even the first class was not entirely composed of magnates, and divisions among them were common. Since their votes could be decisive, any politician who aimed at higher magistracies had to court the lower classes through bribery and promotion of public entertainment. The nature of Roman electoral politics is set out by Tacitus in describing its abolition by the emperor Tiberius:

It was then for the first time that the elections were transferred from the Campus Martius to the Senate. For up to that day, though the most important rested with the emperor's choice, some were settled by the partialities of the tribes. Nor did the people complain of having the right taken from them, except in mere idle talk, and the Senate, being now released from the necessity of bribery and of degrading solicitations, gladly upheld the change, Tiberius confining himself to the recommendation of only four candidates who were to be nominated without rejection or canvass.⁴²

This passage significantly supports the idea of a democratic Roman Republic, since the *Comitia Centuriata* has always been interpreted as an example favoring those who defend an oligarchic view of the Roman political system. More importantly, in the late Republic this assembly only elected the higher magistrates and only rarely voted on legislation. Normally, the people exercised the right of voting laws, one of the most important features of any democracy, through the *Comitia Tributa*; no class stratification prevailed, and the vote of each citizen counted equally. In general, it was a tribune who proposed legislation to this assembly, and no previous authorization was required from the Senate.

There had been four urban tribes in the monarchical period, but this number gradually increased during the Republic with the creation of rural districts. By around 241 B.C. the number of tribes had reached thirty-five with four urban and thirty-one rural

districts. This represented the definitive configuration for the remainder of the Republican period. Every male citizen belonged to a tribe: assignment was determined either by the location of property holdings or by place of residence. The tribes played an important role in Roman civil life, since it was through them that the census was taken and taxes were collected. Initially, the tribes were not voting districts, but they had acquired that status by the mid-fifth century B.C., and that was their major function by the end of the Republic. The tribes possessed common property and had central headquarters in Rome, and through them candidates sought votes. A related function of the tribes in the late Republic was the service of their members as jurors in the courts. The main evidence of this fact is the *Lex Plautia* of 89 B.C., which provided for the election of fifteen jurors from each of the tribes. The political power of the tribes declined sharply under Caesar's dictatorship, since laws were voted according to his will, and candidates were elected on his recommendation. The political influence of the tribes completely disappeared during the imperial period.⁴³

Traditional historiography criticizes the *Comitia Tributa* because of the under-representation of the more distant tribes, which supposedly gave a disproportional weighted vote to urban tribes and those rural citizens who were able to travel to Rome. These rural citizens would naturally be those with means to travel to the capital. Yet, at least seventeen out of thirty-one rural tribes were located relatively close to Rome; and, as noted, a significant proportion of the urban plebs was actually enrolled in the rural tribes. In fact, according to Millar, around 300,000 out of some 900,000 male citizens in the late Republic lived in or immediately around the city, and a great percentage of them

were necessarily enrolled in the rural tribes.⁴⁴ Therefore, even postulating that the urban plebs represented the great majority in the assembly, the representation in the tribes was not as unbalanced as some historians have argued.

Legislation dealt with a wide variety of topics. The most important laws were related to modifications in the constitution, such as the increasing in the number of holders of a certain magistracy, or even the creation of new ones. Popular voting also dealt with important issues such as alterations in the civil law and the control of the admission to Roman citizenship. Apart from these constitutional and legal enactments, the people also voted on the creation of new colonies, the distribution of public land, and many statutes related to social and economic matters.⁴⁵ Between 150 and 90 B.C., for example, the people were called on to vote on a great number of vital questions to the Roman state, including the series of laws on the use of the secret ballot (which weakened even more the influence of the aristocracy), the use of public land in Italy and Africa, the direct appointment of commanders to war, a series of laws creating standard procedures to investigate the misconduct in military and diplomatic affairs, among many other issues.⁴⁶

Traditional historiography emphasizes the lack of political debate in the Roman assemblies, and it is true that the people were convoked by a magistrate to elect those who were going to occupy public offices and to vote in legislation without any formal discussion. This view, however, underemphasizes the important role of the Forum, which was a central element in the political life of the late Republic. Orators made their appearance in the Forum to defend their positions, and the people could hear speeches

there every day. The Roman Forum was much larger than the Pnyx in Athens, with an estimated capacity to receive as many as 20,000 people at moments of great political involvement. Even a smaller attendance of a few hundred people, however, represented the beginning of a process of dissemination for particular ideas and positions.⁴⁷ It was also in the Forum that the *contiones* occurred, in which the people were summoned to listen to public pronouncements, including magistrates' edicts, to witness the examination of criminal cases, or even to see executions. *Contiones* could be convoked without any restriction, and they constituted a good indication of the people's feeling about a particular proposal. These meetings had no legal effect, but they undoubtedly had great political importance and allowed politicians to get a good idea of the people's support of - or opposition to - a particular proposal or candidate.⁴⁸

If everything was managed from above, and the ordinary citizens were merely puppets of a powerful oligarchy, why did orators bother to address the public in the Forum, seeking support for a proposal or a candidate? Clearly the popular element was strong within the system and political debates not only occurred, but citizens were active players. The force of public opinion was taken seriously, as evidenced by Gaius Gracchus' *lex repetundarum*, also known as *Lex Sempronia*, which replaced the senatorial jurors by men who were not drawn from the Senate. A special feature of this law, in fact, was its insistence on publicity for all its procedures, including the selection of the jurors and their votes, and the court's management. The annual list of jurors elaborated by the praetor had to be read in a loud voice in a *contio* and published on a public notice board throughout the year. In other words, the administrative control of the

jurors was constantly under the eyes of the people. Transparency was particularly significant for the voting of the jurors and for the counting of their votes. The people should be able to see that the jurors indeed voted, though each vote was secret. After counting the votes, the praetor declared the result to those in attendance. Therefore, in this case, the people had the important function of acting as witnesses to the correctness of the proceedings.⁴⁹

The Executive and Judicial Branches:

The executive and judicial branches of the Roman government consisted of elected magistrates. In general, they were all elected for a one-year term. One of the most interesting characteristics of the Roman magistracy was its collegiality: all magistrates were members of boards of at least two members. All members of a board were equal in rank and had the power to veto the acts of the other members.⁵⁰ Every magistrate had *potestas*, that is, power, which was conferred by the Roman people. *Potestas* in its strongest form was termed *imperium*, which meant the capability of exercising military command, acting in judicial affairs and exercising coercion over the citizens. *Imperium* was conferred on the consuls, who were the chief magistrates and supreme military commanders; on the praetors, whose primary function was related to civil jurisdiction, though they also could eventually command military troops; and on the dictator, an extraordinary magistrate with extensive powers, who was nominated only in cases of emergency.⁵¹ It is interesting to note that the censors, though without *imperium*,

were the magistrates with the highest prestige and had a key role in Roman politics. They conducted the census, when the Roman people were ranked and had their property registered, and were directly responsible for the lists of senators and knights, the enrollment of citizens in the tribes, and the supervision of the people's moral behavior.⁵² Two other magistrates without *imperium*, however, deserve special attention in this section due to their importance within the context of Roman democracy and popular participation in politics: aediles and tribunes of the plebs. The former demonstrated the importance to please the plebs and gain its favor; the latter was certainly the main instrument of popular participation in politics.

The two aediles of the plebs appear to have been created early in the Republic as general assistants to the tribunes, who delegated to them judicial power. After the enactment of the Licinian-Sextian Law in 367 B.C., two curule aediles were created. This new office was initially open only to patricians, but gradually individuals of plebeian origin were also able to hold it. By the middle Republic the functions and powers of the two types of aediles had become equal. They were primarily concerned with temples, markets, streets, aspects of hygiene, water-supply, funerals and the organization of major games.⁵³ The importance of offering entertainment for the people made the aedileship an essential office for those who aimed at higher posts; and it became a vital step in the *cursus honorum*.⁵⁴ According to Taylor, the aedileship and the promotion of magnificent games, which was intrinsic to the post, were useful in attracting attention to a particular politician.⁵⁵ Plutarch provides two interesting examples that illustrate the importance achieved by the aedileship in the late Republic. The first

describes the magnificence of Caesar's games when he was aedile, which was a clear indication that he was aiming at the higher magistracies:

When he [Caesar] was aedile, he provided such a number of gladiators, that he entertained the people with three hundred and twenty single combats, and by his great liberality and magnificence in theatrical shows, in processions, and in public feasting, he threw into the shade all attempts that had been made before him, and gained so much upon the people, that every one was eager to find out new offices and new honors for him in return for his munificence.⁵⁶

The second is related to Sulla who blamed the plebs for his defeat in his first attempt to achieve the praetorship, since they were forcing him to be aedile first:

[Sulla], by this time thinking that the reputation of his arms abroad was sufficient to entitle him to a part in the civil administration, betook himself as a candidate for a praetorship, but failed. The fault of this disappointment he wholly ascribes to the populace, who, knowing his intimacy with King Bocchus, and for that reason expecting, that if he was made aedile before his praetorship, he would then show magnificent hunting-shows and combats between Libyan beasts, chose other praetors, on purpose to force him into the aedileship.⁵⁷

Therefore, the importance achieved by the aedileship in the late Republic substantiates the idea that popular support was essential for a successful political career; those who aimed at higher magistracies used the post to gain popularity among the Roman lower classes through the promotion of public entertainment.

The tribunate of the plebs represented one of the most interesting offices in the Roman Republic and one of the most democratic features in its constitution. It seems that the office had its origin in the first secession of the plebs in 494 B.C., when the plebs chose tribunes as their spokesmen in negotiations with the patricians. According to Sallust:

After the expulsion of the kings a regime of equal justice and restraint lasted only until fear of Tarquinius and the serious wars with Etruria came to an end. From that time on the patricians treated the people as slaves, made decisions, as the

kings had done, concerning their execution and flogging, drove them from their lands and acted like tyrants over the rest of the population who were now landless. Crushed by these cruel practices and above all by a load of debt occasioned by the necessity to contribute both money and military service for continual wars, the common people, armed, took up position on the Mons Sacer and on the Aventine and acquired for themselves tribunes of the people and some legal rights.⁵⁸

The college of ten tribunes was probably established in 457 B.C. Throughout the history of the Republic the office was especially attractive to young members of the plebeian elite who aimed at achieving higher magistracies. Tribunes were considered sacrosanct and they had the power of veto (*intercessio*) against decisions of the magistrates, Senate, and even over the legislation of the assemblies. In this last case the veto had to occur before the assembly voted on the bill; otherwise, it would be considered a veto against the Roman people itself.⁵⁹ A notorious case of tribunician veto occurred during the voting on T. Gracchus' agrarian bill in 133 B.C. Plutarch describes how the tribune Marcus Octavius was persuaded by the rich landowners to veto the bill. Gracchus found a radical, constitutionally doubtful solution by successfully proposing to the assembly the deposition of Octavius on the grounds that he had betrayed the interests of the people.⁶⁰ Livy also describes the episode:

T. Sempronius Gracchus, plebeian tribune, having proposed an Agrarian law, (contrary to the sense of the Senate, and the equestrian order,) that no person should hold more than five hundred acres of the public lands, wrought himself up to such degree of passion, that he deprived his colleague, Marcus Octavius, of his authority, and appointed himself, together with his brother Caius, and his father-in-law, commissioners for dividing the land.⁶¹

The tribunes could also veto each other's acts and, in theory, one tribune could obstruct the actions of all of his colleagues. The tribunician power was restricted, however, to the boundaries of the city of Rome itself because at the time this office was

created, the outlying territory was still considered too insecure to risk the obstruction of higher magistrates, who often were defending the very existence of the state. The restriction continued throughout the Republic, even after Rome had conquered a large territory.⁶² The tribunician power could also be used as an instrument of defense by any individual Roman against those more powerful than himself. Interestingly, this instrument was used even by members of the elite who were isolated or in danger, which attests to its perceived effectiveness. Moreover, if lower-class Romans were unable to take political initiatives themselves, they found in the tribunes potential spokesmen, capable of allowing them to have a significant impact in politics.⁶³ According to Sanford Lakoff, “like a modern-day ombudsmen, they could protect plebeians who were being badly treated by exercising a right of help or *auxilium*. They could forbid or veto any administrative act.”⁶⁴ The power of the tribunate can be inferred from Polybius, discussing restrictions on the senatorial power:

It is also a fact that if a single one of the tribunes interposes his veto, the Senate is not only prevented from reaching a final decision, but cannot even meet and hold sittings. Now the tribunes are always bound to carry out the decrees of the people, and above all, to pay attention to their wishes.⁶⁵

It is true that the tribunate was used in the late second century and in the first century B.C. as an instrument of ambitious politicians to achieve their goals, and as means to support revolutionary causes. It is also true that the tribunes were always drawn from members of the elite. It is undeniable, however, that the tribunate constituted a powerful democratic instrument, both to defend the interests of the plebeians and to protect them against abuses of the elite.

The Roman Senate:

The Roman Senate was essentially an assembly of ex-magistrates. Its primary function was to act as an advisory board to the magistrates during their term. It also had important functions related to the general administration and foreign relations. It seems that in the very early Republic senators were chosen exclusively from among patricians, but soon the plebeians had access to that body. The enactment of the *lex Ovinia* (318 B.C.) brought two consequences: first, patricians could no longer expect to be chosen senators automatically; second, the censors were granted the exclusive right to enlist the senators.⁶⁶ By that time, it is likely that the tenure of curule offices gave automatic access to the Senate. In the late third century B.C., probably due to the casualties suffered in the Second Punic War, both aediles were also admitted. Tribunes only gained automatic Senate membership in the late second century B.C., and Sulla granted the same privilege to the quaestors in 81 B.C. Before Sulla's dictatorship, the number of senators was around 300, but his reforms increased the number to over 500. Senators held the post for life and were expected to have good character; they could be expelled from the Senate as punishment for certain crimes.⁶⁷

There was no fixed place for Senate meetings. It was usually convened in a temple within the boundaries of the city, such as that of Castor and Pollux, of Jupiter Capitolinus, or of Concord.⁶⁸ The Senate had no corporate initiative; it could only be convened by a magistrate, in general an official with *imperium* - or a tribune who sought its advice. The opinions of the senators were taken in a set order, starting with the ex-

censors, then moving to ex-consuls and so on down the line. The final result was called a *senatusconsultum*, which some modern authors incorrectly call a “decree of the Senate.”⁶⁹ In fact, during the Republic *senatusconsulta* did not have legislative effect, but the Senate could suggest that a magistrate propose it as a bill to the assemblies. Thus a *senatusconsultum* could eventually be incorporated into a law and become enforceable.⁷⁰ Since the Senate was made up of men with great public experience, its decisions were, in general, respected by the magistrates. The prestige enjoyed by the Senate was also due to its permanent character, in contrast with the short term of the elected magistrates, and to the wealth and power of its members.

Beside its role in advising the magistrates, the Senate also had important administrative functions, especially concerning financial, legal, and foreign matters. According to Polybius, the Senate controlled the treasury and regulated the flow of all revenues and expenditures. Moreover, certain crimes committed in Italy, such as treason, conspiracy and assassination, came under the jurisdiction of the Senate. The body was also responsible for the arbitration of disputes involving private individuals or communities in Italy. Moreover, the Senate had an especially important role in matters involving foreign affairs. It was responsible for dispatching embassies to countries outside Italy, either to settle differences, to impose demands, or to declare war. Likewise it was the body that foreign embassies addressed in Rome.⁷¹

Traditional historiography emphasizes the importance of the Senate in the Roman political system. Finley, for example, argues that “the Senate, not the assemblies, was the keystone of the structure, and that body may properly be called government.”⁷² This

widespread idea that the Senate was the true governing body of the Republic, however, is inaccurate and misleading. Although the Senate had important deliberative functions, it was not a representative body and could not legislate. Its dominance over the Republic was an aspiration, not a fact. The measures approved by the Senate could only become law if voted by the people, and even the distribution of provinces to the pro-magistrates could be overridden by a proposal of a tribune to the *Comitia Tributa*.⁷³

Rome versus Ancient and Modern Democracies:

Many scholars try to denigrate the democratic character of the Roman Republic by comparing it with other ancient democracies, most especially Athens. While the fifth century B.C. Athenians would never have considered the Roman political system, with its Senate, group-voting assemblies and elected magistrates, as democratic, certain features of modern democracies, such as elected representatives and office holders, appointed judges, and a permanent bureaucracy would equally have horrified Pericles. Nevertheless, it is not absurd to draw a parallel between Athens and the Roman Republic. In Rome, as in Athens, every adult male citizen had a vote, without any formal exclusion of the poor. Both states had relatively small structures of government without a large and permanent bureaucracy. Additionally, both shared the notion that the people were sovereign. The important role played by noble descent in elections is not enough to stigmatize the entire Roman process as undemocratic. Although the Athenians regarded popular election as an aristocratic feature of government, and used the system of

appointment by lot, they did fill the major military offices by election and generally left public office to the social elite. Millar notes that the voting behavior of the Athenian *demos* in the fifth century B.C. exhibited a marked bias toward the upper class, which, however, did not characterize the Athenian political system as undemocratic. He argues that this fact clearly illustrates that those who do not concede the democratic element observed by Polybius misconstrue the character of Roman politics.⁷⁴ Moreover, W. R. Connor notes that though the political power in Athens was in theory in the hands of the people, their influence was small, since they lacked the one essential element for effective political control: organization. Without it, they could witness the discussions and approve decisions, but they were never able to exercise their full power in the affairs of the city.⁷⁵

The Roman political system, however, had more similarities with modern Western democracies than with the ancient ones. For example, the group-voting system, especially in the *Comitia Tributa*, was not very different from the modern American representation by districts. The difference was the missing concept of representation, which was not developed by the Romans. Men voted by tribes in Rome, and modern Americans elect representatives by district to vote for them in the Congress. Basically though, each representative votes in the name of his or her “tribe” in the House. According to Lakoff, “Rome’s use of group voting set a precedent for the later use of districting in parliamentary elections and for the electoral college in American presidential elections.”⁷⁶ In Rome, the individual remained attached to his own tribe for the rest of his life, while Americans can change their districts by moving. Nevertheless,

the basic similarities between the two systems are undeniable.

In addition, while the Roman political life was undoubtedly dominated by an elite, and money was a key issue for a successful political career, it cannot be argued that the situation is very different in modern democracies. Contemporary politicians, like their Roman counterparts, are often drawn from the wealthiest and most educated echelon of society. In fact, the great concern about the influence of economic power and the private wealth of candidates to elective posts in American politics led the Congress to pass the Federal Election Campaign Act (FECA) in 1971, which attempted to place limits on expenditures and contributions to congressional campaigns. Five years later, the Supreme Court upheld contribution limits but not expenditure limits; which, in practice, increased the importance of a candidate's wealth.⁷⁷ The influence of wealth in the Roman political system was essentially the same as in modern democracies. Economic power is an important issue not only in modern elections, but also in the formation of groups to influence legislative and executive decisions. According to Matthew Fellowes and Patrick Wolf, the massive contributions of powerful economic groups to political candidates "pose obvious risks to a democracy, since they may distort policy decisions."⁷⁸ Fellowes and Wolf also believe that business campaign contributions strongly influence "pro-business tax and regulatory policy votes – much more than mere access to political process or an occasional low-profile vote."⁷⁹ The economic influence of powerful groups, however, is not sufficient to disqualify the political process of modern Western states as truly democratic. In fact, Maurice Duverger, though a severe critic of several aspects of contemporary liberal democracy, believes that modern

democracies present important features, such as pluralism, freedoms, and competitive elections; all of which offer citizens great possibilities of influencing governmental decisions. It is true that citizens have to share their power with the great industrial, commercial and financial firms. This is not to say, however, that office holders are merely puppets in the hands of capitalists, since they can always seek support from voters in order to resist economic pressures, though the capital has also means to influence the electorate.⁸⁰

It is important to emphasize that the comparison between the Roman Republic and modern democratic states is based on the assumption that, despite the undeniable influence of the economic power, modern Western countries possess many characteristics that allow us to classify them as democracies. Traditional elitist scholars, however, tend to reject the democratic character of modern Western democracies, which they view as oligarchies. The first exponent of this theory was Gaetano Mosca, who believed that all societies were governed by a political class, which was the only class with sufficient skills to rule. According to Mosca, government was always in the hands of a minority:

Among the constant facts and tendencies that are to be found in all political organisms, one is so obvious that it is apparent to the most casual eye. In all societies...two classes of people appear – a class that rules and a class that is ruled. The first class, always the less numerous, performs all political functions, monopolizes power and enjoys the advantages that power brings, whereas the second, the more numerous class, is directed and controlled by the first, in a manner that is now more or less legal, now more or less arbitrary and violent, and supplies the first, in appearance at least, with material means of subsistence and with instrumentalities that are essential to the vitality of the political organism.⁸¹

The implication of Mosca's ideas is that there cannot be democratic government, or even monarchy, since both systems are always a façade for an oligarchy. "The dominant

group, or elite, preserves itself because it absorbs the 'social forces' of the time, co-opting potential enemies from among the masses."⁸² The ruling class uses a "political formula," which consists in a myth or ideology that justifies its rule. In this sense, democratic beliefs are conceived to induce the masses to accept rule by the political class. Candidates to elective offices are supported by those with money and influence. This situation forces the people to choose among those chosen by the ruling class. Therefore, in a democracy, it is the leaders of political parties and capitalists who have the real power. It is important to note that later events in Italian politics, above all, the rise of the fascism, made Mosca to reformulate his theory without completely abandoning the idea of a ruling class. He not only began to appreciate parliamentary democracy more and more, but also thought such a system was preferable to a government with absolute power. While he continued to believe that a political class was necessary to all societies, he also claimed that in democracies this class was constantly renewed from below, which contributed to keep intact the principle of representation that is a characteristic of modern democracies.⁸³

C. Wright Mills was another important representative of the elitist theory. He made an extensive study on the American political system in his *The Power Elite*. He considered that the United States in the 1950s was so dominated by a powerful elite that the country did not deserve to be classified as a democratic state. According to Mills, the members of the decision-making elites were drawn mainly from the ranks of the upper classes; and he dedicated a great part of his book to describe the lifestyle of the very rich in order to illustrate the "psychological and social unity" that characterized such a group.

Interestingly, in Mills' conception, the holders of political power were concentrated in the executive branch of the government, with the President, also drawn from the upper classes, as the central figure of the system and the supreme representative of the elite power. Therefore, he tended to exclude members of the Congress and of the Supreme Court from the truly political power.⁸⁴ Mills also considered that the top decision makers formulated policy according to their own values and interests without any concern with Congressional and public opinions:

More and more of the fundamental issues never come to any point of decision before the Congress, or before its most powerful committees, much less before the electorate in campaigns. The entrance of the United States into World War II, for example, in so far it involved American decision, bypassed the Congress quite completely. It was never a clearly debated issue clearly focused for a public decision. Under the executive's emergency power, the President, in a virtually dictatorial way, can make the decision for war, which is then presented to the Congress as a fact accomplished.⁸⁵

Mills provides additional examples to prove his claim, such as the use of the atomic bomb on Japan and the decision not to use nuclear weapons in 1954 to save the French army that was surrounded in Vietnam.⁸⁶ These examples, however, constitute weak support for his central thesis that the power of the decision-making elite, represented above all by the Presidential power, can be exerted without any concern with the society as a whole. Indeed, these examples refer to exceptional situations, in which it is advisable and even necessary to centralize power in the executive. In fact, according to Anthony Birch, "Mills failed to establish a convincing argument for the elitist view that [modern] democracy is a sham."⁸⁷

Elitist scholars are correct in stressing the existence of a political elite and the tremendous influence of economic power in the political process of modern democracies.

This fact, however, is not enough to disqualify the modern states as democratic. As Duverger concedes, the people have an important share of power and influence within the political system of modern democracies. Robert Dahl emphasizes that modern states possess institutions that allow the democratic process to work on a large scale. Dahl bestowed the term “polyarchy” to designate these institutions. According to him, polyarchy is a political order distinguished by two broad characteristics: first, citizenship is extended to a relatively high proportion of adults; second, the rights of citizenship include the opportunity to oppose and vote out the highest officials in the government. Polyarchy is distinguished by the presence of seven institutions: elected officials, free elections, inclusive suffrage, the right of any adult citizen to run for office, freedom of expression, the right to seek out alternative information, and the right to form independent associations and organizations.⁸⁸ In brief, despite the influence of economic power, the existence of different groups of interests, and the large scale of modern nation-states, which makes the political process impersonal and places the locus of the central government distant from individual citizens, modern democratic societies possesses many characteristics and instruments that allow the people to participate in the political life and have true influence in governmental decisions.

According to Lintott, pressures from above are natural features of democratic societies in general. The most important, however, is that, in the Roman Republic, as in modern democratic states, historical sources and political events indicate that commoners had not only the possibility but the willingness to vote according to their interests. The introduction of the secret ballot and the pressures for the approval of T. Gracchus’

agrarian law, for instance, confirm this view.⁸⁹ It is therefore, inaccurate for many scholars to deny that the Roman Republic was a democratic society; or at least a political system with a strong democratic and popular element, especially when Rome displayed many practices that parallel those used in the modern world. It may be true that Roman politicians were drawn mainly from the upper strata of the society and money was a fundamental issue for a successful political career. The most important point, however, is that in Rome, as in modern democratic states, the people were sovereign and the ultimate masters of the politicians' fates.

North is partially correct in arguing that Roman democracy was a function of the competition among elite politicians who accepted popular arbitration.⁹⁰ In fact, this idea is consistent with Schumpeter and Lipset's views, in which the role of the electorate in modern democracies should be limited in choosing the government among elite political leaders in competitive elections.⁹¹ This is not to say, however, that Rome could be considered a pure example of "Schumpeterian" democracy; since, in addition to their electoral functions, the Roman people were also responsible for voting legislation directly in the *Comitia Tributa* and had the power to decide on vital issues of state policy, such as declaration of war and the making of peace-treaties. Indeed, the Roman political system had characteristics that far exceeded those prescribed by Schumpeter, Lipset and other "democratic elitist" scholars, which represent the narrowest acceptable definition of modern democracy. Therefore, it could be reasonably argued that the denial of the democratic character of the Roman Republic means the denial of the very concept of democracy as it is understood today.

Summary and Final Comments:

The Roman constitution, as it was configured in the middle and late Republic, was a product of many centuries of evolution and change, during which time the original patrician aristocracy was replaced by a new patrician-plebeian senatorial elite. The Romans did not have a written constitution or a modern conception of governmental branches. Nevertheless, it is possible to identify a primitive division in which the executive branch was represented by elected magistrates led by the consuls, a legislative branch by the popular assemblies, and a judicial branch whose chief officials were the praetors. In addition, the Roman state had a dual nature, in which institutions of a typical ancient city-state were adapted to rule what could be considered the ancestor of a modern nation-state. The great difference was the lack of the concept of representation.

The Roman political system had many similarities with both ancient and modern democracies. As occurred in ancient democratic states, the Roman people were responsible for directly voting on legislation and deciding on important state affairs. By contrast, as in modern democracies, the Roman people were responsible for electing governmental officials, acting as an arbiter of the contest among elite political leaders. Economic power had great influence in the political process – Nevertheless, the people were undoubtedly the ultimate masters of the politicians' fates.

By the time of Polybius, the Roman constitution represented a balance between Senate, magistrates, and the people. The popular element, however, grew stronger, with the politicians fiercely competing for popular favor. It may be said that in the last

hundred years of the Republic popular sovereignty had become a fact rather than a theory. As demonstrated, the *Comitia Centuriata* was far from being an oligarchic instrument, and its only function in the middle and late Republic was to elect consuls and praetors. It was the totally democratic *Comitia Tributa*, in which no class stratification prevailed, that passed legislation. The political system allowed genuine competition among the politicians, and the people faced real choices when voting, though the political campaigns had, in general, a personal character and political parties with actual programs were non-existent. In fact, it is hard to believe that men who elected over fifty office-holders a year, if we include the minor officials, declared war and voted on treaties with foreign nations, passed legislation, and occasionally even judged former office holders, were simply powerless and impotent participants of a big charade managed from above.⁹²

Curiously, one of the most striking accounts of the competitive nature of politics in the republican period comes from the late Empire. Ausonius, a Roman politician and poet from the fourth century, wrote a panegyric to thank the emperor Gratian for his nomination to the consulate of A.D. 379. He describes a competitive political system, which no longer existed in his time. In fact, the higher Roman magistracy had become a gift of the emperor and a simple honorary title:

For my part, as consul by your gift, Emperor Augustus, I have not had to endure the *Saepta* or the *Campus*, or the voting, or the points, or the ballot boxes. I have not had to press people's hands, nor confused by the rush of persons greeting me, have failed to reply with their right names to my friends or given them the wrong ones. I have not gone round the *tribus*, or flattered the *centuriae*, or had to tremble when the classes were called [to vote]. I have not made any deposit with a trustee or agreed anything with a *diribitor*. The *populus Romanus*, the *Martius Campus*, the *equester ordo*, the Rostra, the "sheepfold" [the *Saepta*], the Senate, the Curia – for me, Gratian alone was all these things.⁹³

The Roman Republic, with its system of checks and balances among the constitutional elements, influenced modern states' constitutions and the notion of republic and democracy, as they are understood today. Because of ancient Rome, a stable republic came to be understood as a system of mixed government combining elements of monarchy, aristocracy, and democracy. The opponents of feudalism and absolutism found in the history of Rome and in the Roman law a viable alternative to create a political system with popular sovereignty. The Roman model seemed to them less susceptible to demagoguery and incompetence than the Athenian system.⁹⁴ The Roman Republic became highly influential to many political thinkers from the fifteenth century onward. Machiavelli, for example, looked to the Republic as a source for lessons of civic virtue, which could represent the cure for evils that affected states in his own time. He perceived a high degree of popular power in the Republic, which he considered fundamental to the organization of an army composed entirely by citizens.⁹⁵ According to Machiavelli, in Rome political and military organization went together, which was vital in moments of crisis:

Although it was said another time that the foundation of all states is a good military, and that where this does not exist there can be neither good laws nor any other things, it does not appear to me superfluous to repeat it. For at every point in reading this history one sees this necessity appear; and one sees that the military cannot be good unless it is trained, and that it cannot be trained unless it is composed of your subjects.... Thus, if a city is armed and ordered as was in Rome, and every day it falls to its citizens, both in particular and in public, to make experiment both of their virtue and of the power of fortune, it will always happen that they are of the same spirit in every condition of time and will maintain their same dignity.⁹⁶

James Harrington (1611-1677) was unique in his reflections on the Roman Republic. The importance of Harrington's work was to demonstrate that it was possible

to apply republican institutions to large states. In addition, Harrington utilized Roman institutions far more than any other author, including Machiavelli, in order to illustrate his ideas.⁹⁷ In *The Commonwealth of Oceana*, he took Rome not merely as a state that could offer general principles of a mixed constitution or popular sovereignty, but also as an example of polity embodying institutions that could be used for the construction of a new constitutional order in his own time. By using the institutions of the Roman Republic he designed a commonwealth on a scale much larger than a simple city-state. Like Rome, his commonwealth was to rest on a citizenry of landowners, but several principles were to underlie it. First, Harrington's commonwealth was to be marked by a broad distribution of property, so that the few might not dominate the many. In this regard, he agreed with the Aristotelian view that a strong middle class was essential for the political stability of the community. Second, it was a state in which the empire of laws should prevail, not men. Third, sovereignty in the commonwealth should rest on the assembly of the people and the office holders, whose powers were granted by the people.⁹⁸ Several principles and institutions of the Roman Republic were present in Harrington's commonwealth. He emphasized, for instance, the need for a council composed by wise men to deliberate on the affairs of the state. The influence of the Roman Senate is very clear, since this council should not have legislative power, which was the people's prerogative who exercised it through a representative body:

Wherefore the office of the senate is not to be commanders but counselors of the people; and that which is proper unto counselors is first to debate the business whereupon they are to give advice, and afterward to give advice in the business whereupon they have debated; whence the decrees of the senate are never laws, nor so called, but *senatusconsulta*, and these, being maturely framed, it is their duty *ferre ad populum*, to propose in the case unto the people.⁹⁹

Rousseau believed that the Roman Republic represented an example of popular sovereignty in which the people exercised their power through voting. According to Rousseau, “no law received its sanction and no magistrate was elected, save in the *comitia*; and as every citizen was enrolled in a curia, a century, or a tribe, it follows that no citizen was excluded from the right of voting, and the Roman people was truly sovereign both *de jure* and *de facto*.”¹⁰⁰

Montesquieu is another author who deserves mention within the context of the Roman Republic’s influence in later scholars. It is interesting to note that some democratic aspects of the Roman political system can be inferred from what Montesquieu condemned not only in Roman politics but also in ancient democratic states in general. Montesquieu favored a political system derived from a mixed and balanced constitution of the Roman type, combined with certain characteristics such as a clear separation of powers and a representative system in which different interests of class would be represented. In addition, he totally opposed direct democracy in which the people voted directly on laws:

One great fault there was in most of the ancient republics; that the people had a right to active resolutions, such as require some execution, a thing of which they are absolutely incapable. They ought to have no hand in the government but for the choosing of representatives, which is within their reach.

... In a state there are always persons distinguished by birth, riches, or honors....

The share they have...in the legislature ought to be proportioned to the other advantages they have in the state; which happens only when they form a body that has right to put a stop to the enterprises of the people, as the people have the right to oppose any encroachment of theirs.¹⁰¹

In Montesquieu’s model, therefore, the legislative power should be represented by a body comprised of nobles and a second one comprised of representatives of the common

people. The general view of Montesquieu, however, was certainly not purely democratic. This can be inferred from criticism he made toward the Roman political system, specifically the secret ballot:

The law which determines the manner of giving the suffrages [*sic*] is likewise fundamental in a democracy.... Cicero observes, that the laws which rendered them secret towards the close of the republic, were the cause of its decline. ... The people's suffrages ought doubtless to be public; and this should be considered as a fundamental law of democracy. The lower sort of people ought to be directed by those of higher rank, and restrained within bounds by the gravity of certain personages. Hence by rendering the suffrages secret in the Roman Republic all was lost; it was no longer possible to direct a populace that sought its own destruction.¹⁰²

The Roman Republic also influenced the American Founding Fathers and the elaboration of the American Constitution. According to J. G. A. Pocock, the political culture that took shape in the eighteenth-century colonies possessed all the characteristics of neo-Harringtonian civic humanism, which, combined with “Greek, Roman, and Renaissance masters of the tradition as far as Montesquieu, formed the authoritative literature of this culture.”¹⁰³ The Founding Fathers found a viable model of a political system in which the people were sovereign in the Roman Republic and in the traditional republican theory of a mixed constitution. The American Senate was originally conceived as an aristocratic device to check the popular power represented by the House; but the Founding Fathers gave to it much more power than its Roman counterpart ever had. It is important to recall that the Roman Senate was just an advisory body in a Harringtonian sense; that is, it could neither legislate nor veto the decisions of the assemblies. In fact, according to John Adams, “the rich ought to have an effectual barrier in the constitution against being robbed, plundered, and murdered...and this can

never be without an independent Senate.”¹⁰⁴ A similar solution was implemented in England with the Houses of the Lords and Commons. Moreover, it must be stressed once again that all male adult Romans enjoyed equal voting rights, a characteristic achieved by England, for instance, only in the second half of the nineteenth century after heated debate.¹⁰⁵ In addition, it may be reasonably argued that the political system of modern democracies is basically the combination of the principles of the Roman constitution with the theory of representative democracy.

A unique characteristic of Roman society, which deserves to be mentioned within the context of a discussion on the democratic and popular characteristics in its political system, is the status of former slaves. When a citizen's slave was freed, he could become a citizen with the right of voting. This characteristic was extended from the Republic to the whole imperial period, and finds no parallel in any ancient society, including the admired and celebrated Athenian democracy. Interestingly, the most striking example of this fact comes from the late Empire, when Diocletian, the son of a freedman, became emperor. Thus, whereas a former slave in the Republic could not hold elective office, his descendants could. This feature of the Roman society, combined with the fact that there was no minimum qualification to exercise the right of voting, meant that the male adult population of the Republic enjoyed universal voting rights in a way that modern states only achieved recently.¹⁰⁶

The fact that freedmen and their descendants were confined in the four urban tribes has been criticized. This supposedly represented an attempt to prevent the new citizens from achieving excessive influence. This may also be interpreted, however, as a

democratic measure, since it limited the influence of the former masters.¹⁰⁷ Nevertheless, what really matters is that the combination of extensive civil rights for former slaves and the universal right of vote for male citizens made the Roman Republic a special case in history, which deserves further study and consideration. It is important to remember that just after winning their independence, many American states still had economic qualifications for the right of voting and holding office. For example, in Massachusetts, according to Edward Countryman, a citizen needed to possess a freehold worth £60 to vote. A senator needed at least £600 in personal property and a governor £1000. In Maryland, economic qualification was even higher. A citizen needed at least £500 to sit in the assembly or to be an elector for the Senate; £1000 to be a sheriff, a senator, or a congressman; and £5000 to be a governor.¹⁰⁸ According to Countryman, “these were daunting requirements that only small minorities of white adult males could meet.”¹⁰⁹

All the democratic features presented in this chapter have been either undervalued or misunderstood by historians and political scientists. In fact, it is not unusual that books dealing with the history of democracy do not even mention the Roman Republic; or as in Finley’s *Democracy Ancient and Modern*, use the Republic as an example of a non-democratic society. It is beyond a doubt, however, that the Roman Republic, in which every adult male citizen had a vote and the people were directly responsible for legislation and the election of the magistrates, deserves a place in the history of the democratic regimes.

CONCLUSION

The word “democracy” has a different meaning in ancient and modern contexts. In antiquity, this term was used to designate a particular political system in which the people had direct participation in legislation and government policy decisions. The modern use of the term implies a system in which the people also have sovereignty, but exercise this power through elected representatives. The Roman Republic shared common characteristics with both systems. In one form, like Athens, the Roman people directly approved or rejected legislation in the popular assemblies. Every adult male citizen had a vote, without formal exclusion of the poor.¹ In the Roman case, the citizenship and the right to vote were easily attained, not only by foreigners but also by freed slaves; a characteristic not shared by Athens or any other ancient civilization, democratic or otherwise. In another form, unlike Athens, the Roman people elected their rulers who, as in modern democracies, were drawn from the wealthiest and most educated layers in society. Like modern democratic states, economic power had a great influence in politics and financial resource was a fundamental issue for a successful political career. The Roman people acted as a type of arbiter of the contest among elite politicians, which rendered the Roman political system similar to Schumpeter’s idea of an ideal democracy.² Additionally, the group-voting system of the *Comitia Tributa* is embryonic of the modern voting district system.³ The Roman Republic became highly influential for later thinkers who sought a viable alternative political system with popular sovereignty. Because of the Roman experience, a republic became a synonymous for a

state with a mixed and balanced constitution. The constitution created by the American Founding Fathers provides a good example.⁴

The Roman Republic was an outstanding experiment of antiquity. For the first time in history, there was a community governing itself on a scale comparable to a modern nation-state. It is likely that Aristotle, whose analysis focused on small city-states of the Greek type, would have been astonished by the Roman experience. In his time, only monarchical empires had united large territories under a single law. In fact, Italy in the early first century B.C. had become a nation-state united by the Roman law and citizenship in a way without precedent. The Roman constitution was the result of many centuries of evolution and change. The Romans never had a written constitution and explicit notions of division of power in governmental branches were totally unknown. Nevertheless, a primitive division can be identified, in which the executive branch was represented by the magistrates, most especially the consuls; the legislative branch by the popular assemblies; and the judicial branch by the praetor's office. Undoubtedly, the Republic had an aristocratic constitution in its early days, as it can be inferred from Cicero and Livy's accounts, but the democratic and popular element grew stronger throughout the centuries. By the time of Polybius the Roman Republic had a balanced constitution. This balance, however, was altered significantly in favor of the popular element in the last hundred years of the republican era. Competition among political leaders became fierce, and every sort of method was used to please voters. Gradually, the Roman people became the arbiter of this contest.

Yet traditional historiography has always considered the Roman Republic an

oligarchic state. According to this interpretation, the Roman political system was controlled by a narrow hereditary elite, which rarely admitted new families. The mighty noble families were supposed to have formed compacts and long-term alliances in order to maintain power. The consulship was thought to be zealously guarded against outsiders, and only seldom could a man of merely equestrian birth penetrate it. The main instrument through which the nobles allegedly controlled the state was the Senate; which, according to the traditional view, was the true governing body of the Republic. The nobles kept the commoners under strict control through patronage, clientship, and other informal relations of power. The group-voting system that prevailed in the popular assemblies, most especially in the *Comitia Centuriata*, ensured the domination of the nobles and privileged the wealthy classes.⁵ Therefore, traditional historiography tends to completely dismiss Polybius' account of the workings of the Roman state. It is claimed that he either was deceived by his noble friends or he did everything to make the Roman political institutions fit in his Greek conceptions of politics.

Each point in this theory, however, is controversial and finds little, if any, clear support in the ancient sources. The Roman ruling class was not an exclusive club, as many perceive. Statistical analysis reveals that the Roman nobility was penetrated more often than traditionally thought.⁶ Undoubtedly, it was not easy for a politician of mere equestrian birth to achieve the consulship, but it did happen, as in the cases of Cicero and Marius. One could reasonably argue, however, that the conservative Roman voters freely preferred to cast their votes for members of ancient and known families to occupy the supreme magistracy. Moreover, the other magistracies, which also guaranteed a seat in

the Senate to their holders, were relatively easy to access by members of non-noble families. It also must be emphasized that the term “noble” itself is misleading. The nobility in Rome depended exclusively on election, in which the people were sovereign and the ultimate master of a politician’s fate. After the conflict of the orders a permanent, hereditary nobility did not exist in the Roman Republic.

There is no substantial evidence in the ancient sources that indicates stable long-term alliances were formed around powerful noble families. They did occur from time to time, but lasted only for short periods.⁷ Unquestionably, patronage and clientship not only existed but were an important part of Roman life. It is unlikely, however, that these influences were decisive in elections or legislation. Ancient sources do not indicate that a client was obliged to support a patron politically. In fact, in the last century of the Republic, Rome had become a city of considerable size, even by modern standards. It is unlikely, therefore, that a few noble families could effectively control the votes of hundreds of thousands of inhabitants in the capital.⁸

The idea that the Senate was the true governing body of the Republic is equally inaccurate and arguably misleading. The Senate undoubtedly had important administrative functions, but it could not legislate; its measures could only become law if approved by the people, in the popular assemblies.⁹ The Roman people had plenary powers. It was the people alone who had the power to elect the magistrates, approve legislation, and declare war and peace.

The general characteristics of the *Comitia Centuriata* represent a key argument to those who defend an oligarchic view of the Roman Republic. Indeed, this assembly had

a certain bias toward wealth. Yet, the power and influence of the plebs were greater than has been historically considered. As demonstrated previously, divisions among the top classes not only occurred but were a common fact. Subsequently, elections in the middle and late Republic were fierce contests, and the lower classes were often called on to vote. It was not unusual that the votes of the fifth class became decisive. The assembly was by no means merely an oligarchic instrument. Even the first class was not entirely composed of the very rich. Nevertheless, this form of assembly in the middle and late Republic only elected consuls and praetors, and it was unusual that it was convened to approve legislation. Additionally, the numerous bribery cases and expensive offerings of public entertainment represent crucial substantiation that candidates took votes of the lower classes seriously.¹⁰

The people exercised their right to vote for laws, the main characteristic of any democracy throughout history, in the *Comitia Tributa*, in which no class stratification prevailed and each vote counted equally. This fact has also been undervalued by traditional historiography. The group-voting system that prevailed in this assembly is also a target for those who reject the democratic characteristics of the Roman Republic. It has been argued that the urban plebs were confined to the four urban tribes, out of a total of thirty-five; this allegedly gave a disproportional voting weight to the members of the rural tribes who were able to travel to Rome. The distribution of the voters among the tribes, however, was by no means as unbalanced as traditional historiography claims. In fact, many of the tribes were geographically located near the capital and many inhabitants of Rome were actually enrolled in the rural tribes, since an individual remained attached

to his tribe even after moving. One could reasonably argue that the tribal voting-system was actually a necessary democratic device, since it prevented an excessive concentration of power in the urban population.¹¹

Traditional historiography has also criticized the lack of debate in Roman politics. According to this view, the assemblies were convened to elect the magistrates or to vote for legislation without any discussion. This view, however, tends to omit the important role performed by orators in the Forum, where the people's enthusiasm for a proposal or a candidate could be measured.¹² Another noteworthy democratic characteristic of the constitution is the important role performed by the tribunate of the plebs. This constituted a powerful instrument of defense for the people, and the main device through which the people could take political initiative.¹³ In brief, for all characteristics of the Roman constitution presented in this work, the inevitable conclusion is that the Roman Republic had a strong democratic and popular element, which has been underestimated by traditional historiography.

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