In Search of the Perfect Constitution

Research Question: What's the relationship between the Roman constitution and the alleged stability of the Roman republican system?

Polybius

Polybius was born in c. 199 BCE in Megalopolis (Achaea), and was elected Hipparchus of the Achaean League, an alliance of several poleis on the central and northern Peloponnesus. After the Greeks lost the Third Macedonian War (171–168 BCE), he and a thousand other Achaean nobles were deported to Rome as hostages, where he would spend the next 17 years of his life. He received very sympathetic treatment, especially by L. Aemilius Paullus Macedonicus, the victorious general of the Third Macedonian War, and becomes mentor and tutor for Macedonicus' sons, one of whom is C. Scipio Aemilianus (adoptive son of P. Cornelius Scipio, himself son of P. Scipio Africanus who defeated Hannibal in the Second Punic War), who would later defeat and destroy Cartage in the Third Punic War (149–146 BCE). Polybius joins Scipio during the war in Africa, where he witnesses the destruction of Carthage himself, and later moves back to Greece, where he used his connections to Rome to avert the worst excesses of local Roman magistrates. He spends several years travelling, and dies finally around 118 BCE, the clear date is uncertain.

His main work are the Histories, in which he covers the rise of Rome and its conquest of the Mediterranean world 220–144 in 40 books, about a third of which is still extant (books 1–6 complete, excerpts from 1–16 and 18, fragments and quotes). In an annalistic fashion, he describes the events in the east and west, interspersed with thematic books (e.g. book 6), in the search for causes and occasions, he aims at a truthful and impartial account in which individuals drive history, but with whom Tyche interferes. He is considered to be very reliable today.[1]

The Theory of Mixed Constitution

In the later fifth century BCE, Greek philosophers, in their debates about the best constitution vis-à-vis the numerous constitutional crises happening in Greece at the time, develop the theory of a mixed constitution, being in part a democracy, aristocracy, and monarchy, which they thought would be the most stable one. Aristotle is the first who develops a systematic account in his *Politics*, especially book seven. He identifies three types of government: the rule of one (royalty, tyranny), the few (aristocracy, oligarchy), or the many (polity, democracy). In each case, there is a 'true' version of each type, aimed at the common good, and a perverted one, aimed at the wellbeing of the ruler(s). Of special importance in these discussions is the Spartan constitution, which, as the Roman one, guarantees checks, balances, and cooperation between the different institutions.[2]

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[1] Derrow, Peter S., Polybius, in: Oxford Classical Dictionary Online, URL: http://dx.doi.org/10.1093/acrefore/9780199381135.013.5172 (04/14/2018); Dreyer, Boris, Polybios, in: DNP Online, URL: http://dx.doi.org/10.1163/1574-9347_dnp_e1000940 (05/14/2018); McGing, Brian, Polybius' Histories, Oxford 2010; Walbank, Frank W., Fortune (*tyche*) in Polybius, in: Marincola, John (ed.), A Companion to Greek and Roman Historiography, Malden MA / Oxford / Chichester 2007, pp. 325–331; Mellor, Ronald, The Historians of Ancient Rome. An Anthology of the Major Writings, London / New York NY ^{3}2013, pp. 10–12.

[2] Nippel, Wilfried, Mixed Constitution, in: DNP Online, URL: http://dx.doi.org/10.1163/1574-9347_bnp_e806420 (04/11/2019); Lintott, Andrew, Aristotle and the Mixed Constitution, in: Brock, Roger / Hodkinson, Stephen (eds.),

Pol. 6.11

Ἦν μὲν δὴ τρία μέρη τὰ κρατοῦντα τῆς πολιτείας, ἅπερ εἶπα πρότερον ἅπαντα· οὕτως δὲ πάντα κατὰ μέρος ἴσως καὶ πρεπόντως συνετέτακτο καὶ διῳκεῖτο διὰ τούτων ὥστε μηδένα ποτ᾽ ἂν εἰπεῖν δύνασθαι βεβαίως μηδὲ τῶν ἐγχωρίων πότερ᾽ ἀριστοκρατικὸν τὸ πολίτευμα σύμπαν ἢ δημοκρατικὸν ἢ μοναρχικόν.

The three kinds of government that I spoke of above all shared in the control of the Roman state. And such fairness and propriety in all respects was shown in the use of these three elements for drawing up the constitution and in its subsequent administration that it was impossible even for a native to pronounce with certainty whether the whole system was aristocratic, democratic, or monarchical.

Pol. 6.12

Οἱ μὲν γὰρ ὕπατοι πρὸ τοῦ μὲν ἐξάγειν τὰ στρατόπεδα παρόντες ἐν Ῥώμῃ πασῶν εἰσι κύριοι τῶν δημοσίων πράξεων. οἵ τε γὰρ ἄρχοντες οἱ λοιποὶ πάντες ὑποτάττονται καὶ πειθαρχοῦσι τούτοις πλὴν τῶν δημάρχων, εἵς τε τὴν σύγκλητον οὗτοι τὰς πρεσβείας ἄγουσι. πρὸς δὲ τοῖς προειρημένοις οὗτοι τὰ κατεπείγοντα τῶν διαβουλίων ἀναδιδόασιν, οὗτοι τὸν ὅλον χειρισμὸν τῶν δογμάτων ἐπιτελοῦσι.

The consuls, previous to leading out their legions, exercise authority in Rome over all public affairs, since all the other magistrates except the tribunes are under them and bound to obey them, and it is they who introduce embassies to the senate. Besides this it is they who consult the senate on matters of urgency, they who carry out in detail the provisions of its decrees.

Pol. 6.13

Καὶ μὴν ἡ σύγκλητος πρῶτον μὲν ἔχει τὴν τοῦ ταμιείου κυρίαν. […] ὁμοίως ὅσα τῶν ἀδικημάτων τῶν κατ᾽ Ἰταλίαν προσδεῖται δημοσίας ἐπισκέψεως, λέγω δ᾽ οἷον προδοσίας συνωμοσίας, φαρμακείας, δολοφονίας, τῇ συγκλήτῳ μέλει περὶ τοῦτων. πρὸς δὲ τούτοις, εἴ τις ἰδιώτης ἢ πόλις τῶν κατὰ τὴν Ἰταλίαν διαλύσεως ἢ <καὶ νὴ Δι᾽> ἐπιτιμήσεως ἢ βοηθείας ἢ φυλακῆς προσδεῖται, τούτων πάντων ἐπιμελές ἐστι τῇ συγκλήτῳ.

To pass to the senate. In the first place it has the control of the treasury, all revenue and expenditure being regulated by it. […] Similarly crimes committed in Italy which require a public investigation, such as treason, conspiracy, poisoning, and assassination, are under the jurisdiction of the senate. Also if any private person or community in Italy is in need of arbitration or indeed of formal censure or requires succor or protection, the senate attends to all such matters.

Pol. 6.14

τιμῆς γάρ ἐστι καὶ τιμωρίας ἐν τῇ πολιτείᾳ μόνος ὁ δῆμος κύριος […] καὶ μὴν τὰς ἀρχὰς ὁ δῆμος δίδωσι τοῖς ἀξίοις· ὅπερ ἐστὶ κάλλιστον ἆθλον ἐν πολιτείᾳ καλοκἀγαθίας. ἔχει δὲ τὴν κυρίαν καὶ περὶ τῆς τῶν νόμων δοκιμασίας, καὶ τὸ μέγιστον, ὑπὲρ εἰρήνης οὗτος βουλεύεται καὶ πολέμου.

For it is the people which alone has the right to confer honors and inflict punishment […] Again it is the people who bestow office on the deserving, the noblest reward of virtue in a state; the people have the power of approving or rejecting laws, and what is most important of all, they deliberate on the question of war and peace.

Alternatives to Athens. Varieties of Political Organisation and Community in Ancient Greece, Oxford *et al.* 2002, pp. 152–166.

Discussion Questions

- How did Polybius' life experiences influence his perception on the world in general and his historical writings in particular?
- What is the relationship between the cyclical nature of constitutional change and the idea of a mixed constitution?
- Apart from the constitution (if at all), what other factors were possibly responsible for the stability of the Roman republican political, social, cultural, and economic order?
- Was the Roman republic a stable society at all?

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