

Lecture II

The Roman Republic

The word “republic” is often joined with the word “democratic” in peoples’ minds and therefore we need to spend at least a little time analyzing the relationship between the two. First of all, the use of the word “Republic” as the title of Plato’s dialogue is actually something that Plato knew nothing about. The word “republic” did not exist, at least to his knowledge, when he wrote the book. It is a Latin word meaning literally “public thing.” Apparently some later scribe when transcribing Plato’s work from the Greek into Latin decided to affix this title, but the word never appears in any work by Plato because it did not exist in the Greek language.

The dictionary definition of “republic” is rather odd, because it is simply a system of government in which there is no monarch. Following the overthrow of King Tarquinius by the Roman people in approximately 509 BCE, the Romans established an aristocratic republic, in which a senate made up of leading men from the various Roman tribes assumed sovereign power.

The overthrow of the monarchy by the Senate and people of Rome is characterized in Roman history as the creation of a state of “freedom” or “liberty.” The word “liberty” comes from the Latin (“freedom” is a later, Anglo-Saxon coinage) and connotes simply the condition of living in a polity not ruled by a king. The Romans remained proud of their condition as a people who governed themselves and were not under the control of a royal family. The Tarquins were non-Romans, having origins in ancient Etruria to the north of Rome, which was actually a foe of Rome by 509 BCE. In Livy’s *History of Rome*, the political system of Rome is referred to as the Senate *and* the Roman people, *Senatus Populusque Romanus* or S.P.Q.R. This abbreviation is used up to the present day to designate the city of Rome and is found, among other places, on all the manhole covers. The important point here is that the Senate ruled on behalf of the people of Rome, even though the people had no role in the government and did not elect the senators, who either inherited their seats in the Senate or were co-opted into that body by election of the senators themselves. The Republic, in other words, was not a democratic system, since most of the Roman people had no say in the government, but it gradually became more representative after about 300 BCE, as popular assemblies of the people assumed greater power and challenged the senate’s authority. During the last one hundred years of the Republic’s existence, a series of civil wars and usurpations by strong military leaders virtually destroyed any semblance of lawful government, leading to the assumption of absolute power by Julius Caesar in 46 BCE and, after his assassination in 44 BCE, to the transformation of Rome into an Empire under Augustus Caesar.

The division between patricians and plebians was the source of much social strife during the Republic’s early years. Plebians agitated for greater rights and for economic relief. The patrician families owned most of the land and the plebians, largely small farmers, were constantly in debt to the patricians. Popular assemblies grew up and put increasing pressure on the patrician-dominated Senate to provide relief and in about 280 BCE the so-called Hortensian Laws were passed “which provided for the abolition of debts and the distribution of public land among the citizens, and established the legislative powers of the tribal assembly by giving to its resolutions the force of law.” H.L. Havell in his book *Republican Rome* concludes: “By these measures the struggling farmers were relieved, at least for a time, and the long strife between patricians and plebians came to an end.” (126)

At no point in its history did Rome have a democratic government similar to that of Athens under Pericles. But, for later statesmen, Rome’s attachment to the rule of law, even if frequently violated, represented a signal achievement of Western Civilization. The Roman people referred to the “citizens” of Rome. The Greek city-states also had “citizens,” but these smaller political units actually were ruled to a

greater or lesser extent by the citizens themselves rather than an inherited aristocracy, as already described in the lecture on Ancient Greece. The Roman populace differed from the citizens of Athens and Attica in many ways, and lacked the cohesive sense of citizenship that characterized Athenian democracy at its height. Fox notes the importance of the lower classes economic dependence on the senatorial elite as one explanation for the lack of any coordinated movement to overthrow their rule:

“The upper class spent lavishly in the city, and it was their spending which sustained the mass of shopkeepers and builders and even the specialists in the dreaded luxuries.” “Dreaded” might well have been put in quotation marks because the “dread” really only pertained to those old Romans like Cato the Elder and Cicero who feared Rome’s growing taste for luxuries (which Cato blamed on Greek influence) would undermine the Republic’s Spartan-like dedication to military conquest and a virtuous life. Fox continues: “Many of the plebs (the common people of Rome) therefore needed the rich, and as none of them could stand up and speak in their assemblies or at political meetings, and few ever voted (and then in blocks), the ‘popular’ potential of the Roman constitution was wonderfully contained. At Athens, when democracy was adopted, the members of the Athenians’ supreme ‘senate’ had been discredited by their collaboration with the previous tyranny; the exiling of other nobles by those tyrants had already taught lesser people that they could cope well enough without an aristocrat to help them along. At Rome, no such crisis had discredited the senators. Above all, in Attica the citizenry had been so much smaller; it was linked by supposed ‘kinship’, and was much more cohesive than the Roman citizenry now up and down Italy.” (Fox, pp. 376-377)

Fox’s reference to voting “blocks” calls for further explanation. The assemblies were actually made up of representatives from various “blocks” such as the tribal council (there were 35 in Rome representing various districts), and century councils, which represented military units, and curiae represented large, extended family groups (not to be confused with the tribal councils). After the blocks had met and decided on an issue – a trial or a legislative matter – the block would send one representative to the assembly, who would then vote the block’s position. In addition to these various “sub-assemblies” there was a plebian assembly that represented plebeians, not otherwise specified. My guess is that there was considerable overlap in membership in these various committees and assemblies, making it difficult to determine on any given question what the majority view was. In fact, the Roman citizenry was largely beholden to aristocratic patrons for political favors and was under great pressure to support their sponsors whenever called together to cast ballots, either in the case of judicial trials, or, increasingly, on questions of legislation. As the Republic moved toward its collapse after 100 BCE, the power of generals in the field and their troops became increasingly apparent and armed force started to replace oratory and other forms of persuasion. Fox somewhat contradicts himself when he writes that the Romans did not try to overthrow the senatorial oligarchy, since earlier in his book (pp. 334-337) he recounts the attempts at reform by the tribunes Tiberius Gracchus and his brother Gaius in the period around 130 to 137 BCE. Both men hailed from upper class families, and had been elected tribunes by the popular assemblies. Although the Gracchi’s main emphasis was on land reform, including redistribution of land from the vast estates of the senatorial nobility to landless Romans, they also tried to reduce “the scope for intimidation of the voters”, but with limited success. The voters at the plebian assemblies would walk up narrow ramps to cast their votes into the urns, but along the ramp “canvassers” (thugs hired by powerful political figures) would stop them and inspect their ballots to make sure they were voting as instructed. Fox then notes: “In the Greek world, at Athens and elsewhere, secret ballots had been the accepted practice for particular types of trials, but the extension of them to votes on law-making is a Roman innovation.” But just how effective “secret ballots” could be under these circumstances is, of course, highly debatable. The attempt by the Gracchi brothers to reform the Roman government was met with bloody repression by the senatorial class, with both brothers being assassinated and some 3,000 of their followers murdered. Thus, the one attempt to bring a higher level of democracy to Rome failed quite spectacularly.

Gaius Gracchus's, in Havel's interpretation, "had his eye on Greek models, and especially the golden days of the Athenian democracy. . . . But "Athenian democracy, with all its faults, had been a reality, and every Athenian had a real voice in the control of public affairs. But in Rome there was not, and never had been, even potentially, any system of popular government." (373) Havel concludes that: "In theory the People were still sovereign, but in practice their influence on State affairs becomes more and more insignificant. For as the Roman territory, and with it the Roman franchise, was extended to the remoter parts of Italy, a large proportion of the citizens were practically excluded from attendance in the popular assemblies, so that the voters were drawn solely from the inhabitants of Rome and the immediate neighborhood. Even the most advanced of the ancient thinkers had not grasped the principle of representation as we understand it, and down to the end of the Republic the constitution remained that of a city instead of a state." (127-128)

As we shall see, the idea persisted up to the time of the writing of the U.S. Constitution that a republic could only exist in a small country because of the belief that "representation" could not accurately reflect the opinions of the mass of a far flung people and government would inevitably fall into the hands of a small, inside group. Even today, in the opinion of a large part of the population in democracies, the popularly elected legislative assemblies (such as our Senate and House of Representatives) do not faithfully represent the will of the people.

Given the lack of real democracy in the Roman Republic, why did it have such appeal for the statesmen and philosophers of the Enlightenment period, both in Europe and America? It was Roman law that set it apart from other political systems of its time and earlier. And, like Athens, there was no monarch or hereditary ruler (until the Empire succeeded to the Republic with Julius and then Augustus Caesar). Famous lawyers, like Cicero, contested the finer points of the law before judges and juries, creating a system of justice unprecedented in its fairness and consistency. The laws were codified from a very early date, with the Twelve Tables – Rome's first written laws – dating from 449 BCE. The purpose of the early legal regimes was to give the lower classes of Rome – the plebians – greater security in their dealings with the upper class – the patricians. Gradually the legal system expanded into a highly complex system of laws with their final form being codified in the Code of Justinian and issued between 529 and 534 CE, more than one thousand years after the Twelve Tables.

The Roman reverence for the law, even if it was often ignored by the powerful, underpins much of Western civilization and provides safeguards for democratic societies. One could say that in addition to freedom and equality, democracy requires the rule of law, and the law itself must be the same for all, which is just another way of saying that all people are equal before the law. Extending the coverage of legal protection to wider and wider swaths of the population constitutes the process of democratization. Ending arbitrary treatment of the poor by the rich, or the weak by the powerful are the fundamental moral aims of democratic government. This tradition can be traced back to the ancient Greeks and Romans, but it was the Romans who created the legal profession and the courts that we have today.

Gradually the Romans expanded the right of citizenship until in 212 CE the Emperor Caracalla extended it to every *free* inhabitant of the empire. That is, excluding the millions of enslaved people. Citizens enjoyed the protection of Roman law and could vote for representatives to the popular assemblies. In addition to "full-fledged" citizens, Roman law covered to a greater or lesser extent various allied peoples and those who had been conquered by Roman armies. In general, the various emperors sought to gain the support of conquered peoples by offering many of them (usually the leading people) Roman citizenship. In this sense, they differed from the Greek city-states, which rarely conferred citizenship on those who were not born into it. The spread of Roman law throughout Western Europe, the Mediterranean, and the Middle East brought the concepts of equality before the law and citizenship to many people who had lived for centuries under the arbitrary rule of kings. Thus, the Romans thought of themselves as the spreaders of civilization to less fortunate peoples.

Excerpts from Cicero's *The Republic*

Cicero, who lived in the last years of the Republic, wrote this work in the form of a dialogue between Scipio Africanus and six other men. Scipio did most of the talking, but, of course, all of the verbiage was actually that of Cicero himself. Cicero, born into a well-to-do but non-patrician family, rose to high rank in the Republic due to his forensic and legal talents. He served as Senator and Consul (one of the annually elected executives of the state) but died at the hands of assassins following the murder of Julius Caesar in 44 BCE. His views on government could be called conservative, in that he had great respect for the Roman ruling class and distrust and disdain for the Roman masses. He has Scipio support a "mixed" government as the best solution to providing the state with a stable and just administration, one in which a king, an aristocracy and representatives of the common people ruled in a system of checks and balances. Any one of these three types of government he (and Scipio) believed tended to excess if unchecked by the other two. These excerpts deal primarily with so-called "popular government" and demonstrate a highly critical view of this form of self-rule.

Begin excerpts:

For our country has not produced us, or educated us under a law, that she is entitled to no support on our part, lending herself as it were to our convenience only; furnishing a secure refuge, and a tranquil and peaceful asylum to our indolence: but rather holds as pledges to her, to be employed for her benefit, the many and great faculties of our mind, genius, and reason; and only permits us to appropriate to our private purposes, that portion of them, of which she stands in no need. (para 4)

In kingdoms however, the governed are too much deprived of common rights, and of power. Under the better class, the multitude can scarcely be partakers of liberty, as they are not admitted either to the public councils or offices: and when the government is conducted by the people, although it be justly and moderately administered, yet equality itself becomes injustice, seeing that it admits of no degrees of rank. (para 27)

But if the people are able to preserve their rights, they think no condition of things could be more excellent, more free, or more happy. For in their hands would be the laws, the tribunals, war, peace, treaties, and the properties and lives of all the citizens. This sort of government they think is properly called one republic, that is the common interest of the people. Wherefore it is, that the people are wont to restore commonwealths to liberty from the domination of kings, and patricians; not that kings are believed to be necessary to a free people, or that the better class are the source of power and wealth. And they deny that these advantages should not be conceded to a free people on account of the excesses of uncivilized nations: for where the people are unanimous, and every thing tends to the public safety and liberty, nothing can be more unchangeable, nothing more firm. Unanimity in such a commonwealth is very easy, where the common effort is for the public good. But from opposing interests, where one man clashes with another, discord arises. Wherefore when the senate had possession of the government, the condition of the state was never sound. In kingdoms the disadvantages are still greater. (32)

For certainly the security of states is found in the counsels of the best citizens; especially as nature has not only ordained that they should preserve an influence over the weak by their conspicuous virtue and courage, but also that the weak should resign themselves to the government of great minds. This most desirable state of things, they say, is prevented by the erroneous opinions of men who, through ignorance of that virtue, which belongs to but few, and is seen and appreciated only by few, deem those who are

sprung from a noble race, or who are opulent and wealthy, to be the best men. Under this vulgar error, when the power, not the virtues of a few, have got possession of the government; those chiefs tenaciously preserve the title of better class; a name however to which the substance is wanting. For riches, titles, and power, devoid of wisdom, of the knowledge of self-government, and that of the government of others, exhibit nothing but insolent and disgraceful pride. Nor can the condition of any city be more deplorable, than where the richest men pass for the best. (34)

As to that exact equality of rights, which is held so dear by a free people; it cannot be preserved: for the people themselves, however free and unrestrained they may be, are remarkable for their deference to many persons; and exercise a great preference as it respects men and dignities. That which is called equality also, is a most unjust thing in itself: for when the same honour is enjoyed by the high and by the low, through a whole people, that very equality must be unjust; and in those states which are governed by the better class, it can never happen. (34)

Tarquin being driven out, the people exulted with a marvellous sort of insolence of freedom. At one time driving innocent people into exile; at another, confiscating the property of many. Next came annual consuls. Then the fasces prostrated before the people—appeals in all cases. Then the mutiny of the plebeians—then ⁷⁹ a complete revolution in every thing, placing all things in the power of the people. (Scipio, 39)

Then is produced what in Plato is so clearly described, if I can in any manner express it in Latin, a thing difficult to be done, but I will endeavour. “It is then,” he says, “when the insatiable throats of the people, parched with the thirst of liberty, and led on by rash demagogues, have greedily drank, not temperate but too unalloyed draughts of freedom. Then the magistrates and chiefs, unless they are too lenient and indulgent, permitting them every excess of liberty; are pursued, impeached, insulted, and called oppressors, kings, and tyrants.” (Scipio, XLIII)

Especially it occurs in public affairs, where excess of liberty degenerates into public and individual slavery. Out of such licentious freedom a tyrant arises, and the most unjust and severe bondage. For by a people so untameable, or rather so outrageous, some leader is chosen out of the multitude, in opposition to the better class, now persecuted and driven from their offices: bold and dishonest, perversely persecuting those who have frequently deserved well of their country, and gratifying the people from his own means and from those of others. To whom, that he may be freed from all apprehensions on account of his private condition, authority is given and continued to him. Surrounded too by guards, as was the case with Pisistratus at Athens, at length he becomes the tyrant of the very citizens who brought him forward. Who, if he is subdued by the good, as often happens, the state is regenerated. If by the bad, then a faction is established, another kind of tyranny. The same state of things too frequently occurs in that goodly form of government of the better class, when the vices of the chiefs have caused them to deviate from their integrity. Thus do they snatch the government of the commonwealth from each other like a ball—tyrants from kings—chiefs or the people from ⁸⁴ tyrants; and factions or tyrants from them, nor does the same mode of government ever last a long time. (XLIV)