

After 118, BC  
**The Roman Constitution**  
From Polybius, *History*, Book 6

20 As for the Roman constitution, it had three elements, each of them possessing sovereign powers: and their respective share of power in the whole state had been regulated with such a scrupulous regard to equality and equilibrium, that no one could say for certain, not even a native, whether the constitution as a whole were an aristocracy or democracy or despotism. And no wonder: for if we confine our observation to the power of the Consuls we should be inclined to regard it as despotic; if on that of the Senate, as aristocratic; and if finally one looks at the power possessed by the people it would seem a clear case of a democracy. What the exact powers of these several parts were, and still, with slight modifications, are, I will now state.



Polybius c. 200-118

### **The Consuls**

21 The Consuls, before leading out the legions, remain in Rome and are supreme masters of the administration. All other magistrates, except the Tribunes, are under them and take their orders. They introduce foreign ambassadors to the Senate; bring matters requiring deliberation before it; and see to the execution of its decrees. If, again, there are any matters of state which require the authorization of the people, it is their business to see to them, to summon the popular meetings, to bring the proposals before them, and to carry out the decrees of the majority. In the preparations for war also, and in a word in the entire administration of a campaign, they have all but absolute power. It is competent to them to impose on the allies such levies as they think good, to appoint the Military Tribunes, to make up the roll for soldiers and select those that are suitable. Besides they have absolute power of inflicting punishment on all who are under their command while on active service: and they have authority to expend as much of the public money as they choose, being accompanied by a quaestor who is entirely at their orders. A survey of these powers would in fact justify our describing the constitution as despotic—a clear case of royal government.

### **The Senate**

22 The Senate has first of all the control of the treasury, and regulates the receipts and disbursements alike. For the Quaestors cannot issue any public money for the various departments of the state without a decree of the Senate, except for the service of the Consuls. The Senate controls also what is by far the largest and most important expenditure, that, namely, which is made by the censors every purification ceremony for the repair or construction of public buildings; this money cannot be obtained by the censors except by the grant of the Senate.

Similarly all crimes committed in Italy requiring a public investigation, such as treason, conspiracy, poisoning, or willful murder, are in the hands of the Senate. Besides, if any individual or state among the Italian allies requires a controversy to be settled, a penalty to be assessed, help or protection to be afforded—all this is the province of the Senate.

23 Or again, outside Italy, if it is necessary to send an embassy to reconcile warring communities, or to remind them of their duty, or sometimes to impose requisitions upon them, or to receive their submission, or finally to proclaim war against them—this too is the business of the Senate. In like manner the reception to be given to foreign ambassadors in Rome, and the answers to be returned to them, are decided by the Senate. With such business the people have nothing to do. Consequently, if one were staying at Rome when the Consuls were not in town, one would imagine the constitution to be a complete aristocracy: and this has been the idea entertained by many Greeks, and by many kings as well, from the fact that nearly all the business they had with Rome was settled by the Senate.

## The People

24 After this one would naturally be inclined to ask what part is left for the people in the constitution, when the Senate has these various functions, especially the control of the receipts and expenditure of the exchequer; and when the Consuls, again, have absolute power over the details of military preparation, and an absolute authority in the field? There is, however, a part left the people, and it is a most important one. For the people is the sole fountain of honor and of punishment; and it is by these two things and these alone that dynasties and constitutions and, in a word, human society are held together: for where the distinction between them is not sharply drawn both in theory and practice, there no undertaking can be properly administered—as indeed we might expect when good and bad are held in exactly the same honor. The people then are the only court to decide matters of life and death; and even in cases where the penalty is money, if the sum to be assessed is sufficiently serious, and especially when the accused have held the higher magistracies.

25 Again, it is the people who bestow offices on the deserving, which are the most honorable rewards of virtue. It has also the absolute power of passing or repealing laws; and, most important of all, it is the people who deliberate on the question of peace or war. And when provisional terms are made for alliance, suspension of hostilities, or treaties, it is the people who ratify them or the reverse.

These considerations again would lead one to say that the chief power in the state was the people's, and that the constitution was a democracy.

## Balance of Powers

26 Such, then, is the distribution of power between the several parts of the state. I must now show how each of these several parts can, when they choose, oppose or support each other.

70 The Consul, then, when he has started on an expedition with the powers I have described, is to all appearance absolute in the administration of the business in hand; still he has need of the support both of people and Senate, and, without them, is quite unable to bring the matter to a successful conclusion. For it is plain that he must have supplies sent to his legions from time to time; but without a decree of the Senate they can be supplied neither with corn, nor clothes, nor pay, so that all the plans of a commander must be futile, if the Senate is resolved either to shrink from danger or hamper his plans.

80 And again, whether a Consul shall bring any undertaking to a conclusion or no depends entirely upon the Senate: for it has absolute authority at the end of a year to send another Consul to supersede him, or to continue the existing one in his command. Again, even to the successes of the generals the Senate has the power to add distinction and glory, and on the other hand to obscure their merits and lower their credit. For these high achievements are brought in tangible form before the eyes of the citizens by what are called "triumphs." But these triumphs the commanders cannot celebrate with proper pomp, or in some cases celebrate at all, unless the Senate concurs and grants the necessary money.

27 As for the people, the Consuls are pre-eminently obliged to court their favor, however distant from home may be the field of their operations; for it is the people, as I have said before, that ratifies, or refuses to ratify, terms of peace and treaties; but most of all because when laying down their office they have to give an account of their administration before it. Therefore in no case is it safe for the Consuls to neglect either the Senate or the goodwill of the people.

90 28 As for the Senate, which possesses the immense power I have described, in the first place it is obliged in public affairs to take the multitude into account, and respect the wishes of the people; and it cannot put into execution the penalty for offences against the republic, which are punishable with death, unless the people first ratify its decrees. Similarly even in matters which directly affect the senators—for instance, in the case of a law diminishing the Senate's traditional authority, or depriving senators of certain dignities and offices, or even actually cutting down their property—even in such cases the people have the sole power of passing or rejecting the law.

100 But most important of all is the fact that, if the Tribunes interpose their veto, the Senate not only are unable to pass a decree, but cannot even hold a meeting at all, whether formal or informal. Now, the Tribunes are always bound to carry out the decree of the people, and above all things to have regard to their wishes: therefore, for all these reasons the Senate stands in awe of the multitude, and cannot neglect the feelings of the people.

29 In like manner the people on its part is far from being independent of the Senate, and is bound to take its wishes into account both collectively and individually. For contracts, too numerous to count, are given out by the censors in all parts of Italy for the repairs or construction of public buildings; there is also the collection of revenue from many rivers, harbors, gardens, mines, and land—everything, in a word, that comes under the control of the Roman government: and in all these the people at large are engaged; so that there is scarcely a man, so to speak, who is not interested either as a contractor or as being employed in the works. For some purchase the  
110 contracts from the censors for themselves; and others go partners with them; while others again go security for these contractors, or actually pledge their property to the treasury for them. Now over all these transactions the Senate has absolute control. It can grant an extension of time; and in case of unforeseen accident can relieve the contractors from a portion of their obligation, or release them from it altogether, if they are absolutely unable to fulfill it.

And there are many details in which the Senate can inflict great hardships, or, on the other hand, grant great indulgences to the contractors: for in every case the appeal is to it. But the most important point of all is that the judges are taken from its members in the majority of trials, whether public or private, in which the charges are heavy. Consequently, all citizens are much at its mercy; and being alarmed at the uncertainty as to when they may need its aid, are cautious  
120 about resisting or actively opposing its will. And for a similar reason men do not rashly resist the wishes of the Consuls, because one and all may become subject to their absolute authority on a campaign.

30 The result of this power of the several estates for mutual help or harm is a union sufficiently firm for all emergencies, and a constitution than which it is impossible to find a better. For whenever any danger from without compels them to unite and work together, the strength which is developed by the State is so extraordinary, that everything required is unfailingly carried out by the eager rivalry shown by all classes to devote their whole minds to the need of the hour, and to secure that any determination come to should not fail for want of promptitude; while each individual works, privately and publicly alike, for the accomplishment of the business in hand.  
130 Accordingly, the peculiar constitution of the State makes it irresistible, and certain of obtaining whatever it determines to attempt. No, even when these external alarms are past, and the people are enjoying their good fortune and the fruits of their victories, and, as usually happens, growing corrupted by flattery and idleness, show a tendency to violence and arrogance—it is in these circumstances, more than ever, that the constitution is seen to possess within itself the power of correcting abuses. For when any one of the three classes becomes puffed up, and manifests an inclination to be contentious and unduly encroaching, the mutual interdependency of all the three, and the possibility of the pretensions of any one being checked and thwarted by the others, must plainly check this tendency: and so the proper equilibrium is maintained by the impulsiveness of the one part being checked by its fear of the other.

140 <http://www.humanistictexts.org/polybius.htm#The%20Roman%20Constitution>

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