

# ROMAN POLITICS

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# Table of Contents

## ROMAN POLITICS

### I. THE ROMAN SYSTEM OF GOVERNMENT

1. Pre-Augustan
2. Post-Augustan

### II. ROMAN POLITICS AND MODERN POLITICS

1. Rome and the Church of Rome
2. The Individual and the State
3. On Constitutions
4. The Legislative and Executive Branches of Government
  - i. RESEMBLANCES BETWEEN ANCIENT AND MODERN
  - ii. DIFFERENCES BETWEEN ANCIENT AND MODERN
5. The Judiciary
6. Conception of Citizenship
  - i. IN TIMES OF PEACE
  - ii. IN TIMES OF WAR
7. Taxation and Finance
8. Imperialism

### III. SOME POLITICAL AND SOCIAL PROBLEMS COMMON TO THE ROMANS AND TO MODERN PEOPLES

1. The Color and the Labor Questions

2. Voting and Elections
3. The Political Boss
4. The Recall
5. Pensions, Bonuses, and Militarism
6. Cases of Paternalism
7. Growth of Cities

#### IV. SOME FINAL REFLECTIONS

# **ROMAN POLITICS**

# I. THE ROMAN SYSTEM OF GOVERNMENT

## 1. PRE-AUGUSTAN

Roman political history has an unusual meaning and value for us, because the Romans had to face so many of the problems which confront us today, and their experience ran through such a wide range. Few peoples can boast of an unbroken history of a thousand years, and perhaps none has tried so many different forms of government. The early monarchy gives way to an oligarchy, to be displaced in turn by a democracy. The dual government of the prince and the senate which follows develops into the empire, and the emperor in time becomes the autocratic monarch. In this period of a thousand years from the seventh century before our era to the fourth century after it, we may see in the practical experiences of the Roman people the points of strength and of weakness in an aristocracy, a plutocracy, a parliamentary government, a democratic empire, and an autocracy. We may also trace in the history of Rome the development of a city-state into a world-wide empire. In its early days the territory of Rome covered scarcely a hundred square miles. Then followed one after another the conquest of Central Italy, of the whole peninsula, of the Western Mediterranean, of the Greek Orient, and of Western Europe and the region of the Danube, until Roman rule extended from the Sahara to the Rhine, from the Tigris and the Euphrates to the Atlantic. This tremendous territorial expansion, which brought within the limits of the State people of diverse races, colors, and

religions, called for a constant recasting and readjustment of political forms and methods, and the solution of countless new political problems. In almost all of our colonies or dependencies today, in the Philippines, in Asia, and in Africa we have to deal only with peoples less advanced in civilization than we are, but the Romans had not only to civilize and govern the stubborn tribes of Gaul and Spain, but also to make their authority respected in the Greek East, among peoples who could boast of a civilization far higher and older than their own. That a city-state with the old and narrow local social and political traditions which Rome had could adapt herself to the government of a world-empire composed of such diverse elements as made up the Roman Empire is one of the marvels of history, and a study of the methods which she followed can not fail to throw light on political questions which we have to meet today. The range of social and economic conditions through which Rome went is equally wide. The Romans come on the stage of history as a primitive pastoral people with strongholds on the hills. In course of time they build cities all over the world whose beauty and magnificence have perhaps never been equalled. Their government had to keep pace with these social and economic changes, and consequently had to adapt itself to almost every conceivable state of society.

In spite of all these facts one may be inclined to raise the question whether our civilization can have much in common with one so far removed from it in point of time, and whether the study of such an ancient society will have more than an intellectual or historical interest for us. This would be true perhaps if we were studying the political system of almost any other people of antiquity. It is hard for us to understand or sympathize with the social or political ideas of the Egyptians, the Assyrians, or the Persians. Perhaps it is not

easy to find much even in the political experiences of the Greeks which will be of practical service to us. But with the Romans it is different. If an immigrant from ancient Rome of the first century before our era should disembark in New York tomorrow, he would need less training in understanding our political machinery than many of our contemporary immigrants do, because the Anglo-Saxon and the Roman show the same characteristics in their political life. Both peoples are opportunists. Both peoples are inclined to meet a new situation by making as little change as possible in the old machinery. Both have a great deal of practical common sense, and no high regard for formal logic or consistency. The Romans had the institution of slavery, and we have developed a complex industrial system through the application of steam and electricity, and steam and electricity have changed the external aspects of our lives. But these differences have not affected deeply the political thinking of the two peoples. We have little in common with any other peoples of antiquity. We have still less with those of the Middle Ages. The ideals of chivalry, of feudalism, of the medieval church, and the submergence of the individual in society, are altogether foreign to our way of thinking. Perhaps it is the incomprehensible nature of these fifteen hundred years of medieval civilization that separate our times from those of the Romans which has prevented us from recognizing our political kinship to the Romans. From this resemblance between Roman civilization and our own, and between the Roman character and our own, it does not necessarily follow that their system of government was closely akin to ours, or that we have inherited many political institutions directly from them. It would, however, naturally mean that many of their political problems would be like ours, and that their method of approaching them would be similar to ours. In some cases they solved these problems with more or less success;

in others, they failed. The legacy which they have handed down to us, then, is the practical demonstration in their political life of the merits of certain forms of government and of certain methods of dealing with political and social questions, and the weakness of others. The points of resemblance between the ancient and the modern, and the large extent of our direct and indirect inheritance will be defined later.

The natural political entity in antiquity was the city, with a small outlying territory about it. This state of things the Romans clearly recognized in fixing the status of conquered territory in Italy and across the sea. Thus, after the conquest of Sicily, Rome made her arrangements for ruling the island, not with a government representing all Sicily, but with the sixty-eight individual cities and towns of the island, and the citizens of Syracuse or of Agrigentum derived such rights as they had, not from the fact that they were Sicilians, but from their residence in the one or the other of these two cities.<sup>[1]</sup> This political system, based on the independent life of a small community, is familiar enough to us in the history of such Italian cities as Venice, Florence, and Siena in the Middle Ages, and preëminently in the story of Geneva under Calvin. In fact the political institution of antiquity which has had the longest life and which has enjoyed an unbroken history up to our own day is that of the city-state. Hundreds of inscriptions from various parts of the world show us the form of government which these municipalities had in Roman times. The control of affairs rested in the hands of an executive, of a small assembly of chosen men, and of the whole body of citizens. The comparative strength of these three elements differed in different cities, and varied from period to period in the history of each city. This was the government which we find in the city of Rome in early days. Continuity was given to it by the senate,



or assembly of elders of the resident clans, who, on the death of the king, appointed one of their number to choose the king's successor, whose assumption of office was dependent on the approval of the senate and the people.

Through an aristocratic revolution the kingdom was overthrown, and the king gave place to two annually elected magistrates, called later consuls, who had the right of veto on each other's actions. The consuls were chosen from the ranks of the patricians, or ruling families, and at the end of a year became patricians again. They must therefore have been largely governed in their action by class prejudice. Consequently the position of the classes which lacked political privileges became intolerable. Another element in the situation aggravated the difficulty. Being located in the centre of Italy and on a navigable river, and being far enough from the mouth of the river to be safe from pirates, Rome grew rapidly, and the coming of a large number of immigrants to the city had a profound effect on its political history. The newcomers did not enjoy the same civil and political rights as the members of the original clans, and they were at an economic and social disadvantage.

The constitutional history of Rome for several centuries centres about the struggle of these people and of the other members of the lower classes to remove the limitations which were put on their rights in these four respects. The natural method of guarding the civil rights of the commons against the arbitrary action of the patrician consul was to limit his powers by law. But the Romans did not adopt this method. They chose class representatives, called tribunes, who were authorized to intervene in person when a plebeian was being treated unjustly and prevent the chief magistrate from carrying out his purpose. It is characteristic of the

Roman, as we shall see in other cases, to take this concrete, personal way of bringing about a constitutional reform. The plebeians were at a disadvantage also, because they were kept ignorant of legal procedure and could not maintain their rights before a magistrate. The details of the law, or the accepted custom, were known only to the patrician priests and were handed down by word of mouth from one generation to another. About the middle of the fifth century, after a long struggle, this law was codified and was engraved on twelve bronze tablets, and the tablets were hung up in the Forum where they might be read by any one. These Twelve Tables<sup>[2]</sup> were regarded by the Romans as the basis of their civil liberty, and may well be placed by the side of the Mosaic Code, the laws of Hammurabi, the Gortynian Code, and Magna Charta. As we shall see later, they contained no formulation of general rights, but stated clearly and minutely the procedure to be followed in civil and criminal actions. If we may accept tradition, both these battles with the patricians were won by the very modern method of Direct Action.

This conquest of civil rights brought the plebeians a larger measure of political rights than they had enjoyed before. It was necessary for them now to organize a popular assembly of their own, in order to elect the tribunes; the tribune became their political leader, and within the next century, under his leadership, the plebeians forced the patricians to admit them to the consulship, and in consequence to the other important magistracies.

In early days the patricians had formed not only a close corporation politically, but also a social caste. Sons of patricians who married plebeian women lost the patriciate, and all the social, political, and religious privileges which went with it. By the Canuleian law in the fifth century the right to intermarry without

loss of privileges was guaranteed. Henceforth the state tended to become a unit, and not two separate communities, and in the future when the interests of the two classes were in conflict prominent patricians were often led by kinship to support the plebeian cause at critical moments.

The fourth point about which the struggles in the early period centred was the land question. It was the age-old battle between the great landowner on the one hand and the peasant proprietor, the tenant, and the free laborer on the other. As Rome came into possession of new territory in central Italy by conquest or otherwise, the great landed proprietors managed to get most of it from the state at a nominal rental. The constant wars in which Rome was engaged during her early history called both rich and poor to the front, but the rich man's slaves and dependents kept his land under cultivation, while the peasant's holdings, left without anyone to till them, steadily deteriorated. The peasant found it hard, too, to compete with the great landowner who farmed on a large scale and used slave labor, while the free laborer was crushed in competition with the slave. A solution of these difficulties was sought in the Licinian laws of the fourth century and in later legislation. But this legislation did not reach the root of the trouble, and the land question came up in one form or the other for many generations to plague the Romans. The Licinian laws, perhaps supplemented by later legislation, limited the number of acres of state land to be occupied by an individual, stipulated that interest already paid on debts should be deducted from the principal, and fixed the proportional number of free laborers and slaves to be employed on an estate. The first and second provisions were intended to protect the peasant proprietor and to prevent the growth of large estates at his expense. If these three measures could have

accomplished their purpose, that drift from the country to the city which ultimately wrecked the Roman Empire, and which is one of the dangerous tendencies today, might never have taken place.

The rapid growth of Rome and her conquest of adjacent territory not only brought to the surface the economic questions which we have just been discussing, but also necessitated an increase in the number of magistrates to manage the larger population and to meet the more complex conditions which had arisen. In the early Republican period the only important officials with positive powers were the two consuls. They presided over the meetings of the senate and of the assemblies which were made up of the whole people, and they were the chief executives and the judicial and financial officials of the community. They supervised the conquered districts of Italy, represented the city in its dealings with foreign states, and commanded the army. These manifold duties, and in particular the absence of the consuls from the city in carrying on war, made it necessary to relieve them of some of their civil functions. The first step taken in this direction was to increase the importance of a minor police official, the aedile. To this official was assigned the duty of keeping order in public places, of supervising commercial transactions, and later, as a natural development of these two functions, of taking charge of the public games and of providing a supply of grain for the city. The financial duties of the consul were turned over to the censor. First and foremost, of course, among these, were the collection of taxes and the expenditure of public moneys. In order that he might draw up a correct list of taxable property, the censor required every citizen to appear before him every five years and make a statement concerning his property, his business, and the main facts of his life. Consequently the censors not only knew the financial status of

every Roman, but were also familiar with his occupation and his moral standing in the community. Now the value of a citizen's vote in the principal popular assembly depended on the amount of property which he held, and certain occupations were regarded as beneath the dignity of a senator or likely to interfere with the disinterested performance of his duty. In later times, too, inclusion in the new social order of the knighthood depended on the possession of a certain amount of property. It was natural therefore that the censors, having all the necessary information before them, should assume responsibility for assigning citizens to their proper places in the centuriate assembly, and for revising every five years the lists of senators and knights. This attempt to supervise the morals of the community is one of the most interesting experiments in government which the Romans ever made. It reached certain social evils, like extravagance and cowardice, of which the courts could not readily take cognizance, and the penalties imposed, of loss of voting importance in the assembly or of exclusion from the list of senators or knights, were severe. It may well indicate a gradual growth of wealth in the community and a threatened disappearance of the simple life and the simple virtues of the olden time. What the censors tried to do was to maintain the moral and social standards of earlier days. While the censor's office flourished, deviations from those standards were not defined by law, but were determined by officials, from whose decisions there was no appeal. Perhaps no official in Roman history enjoyed such absolute power within the limits fixed by the penalties which could be imposed.<sup>[3]</sup> The institution played an important rôle for many decades, but towards the close of the second century before our era, the population had become so large that an examination of the business and the life of every citizen became impossible. One of the objects which the Romans had tried

to accomplish by the establishment of the censorship, they attempted later to attain by the passage of sumptuary laws.

The growth of Rome and the consequent increase of public business led the Romans to take his judicial functions from the consul in 367, just as they had previously relieved him of police duties and of financial business. Henceforth a new magistrate, the praetor, took his place in the courts. To no other institution in the Roman political system does the modern world owe so much as it owes to the praetor's office. At first there was only one incumbent of the office, and since his duties confined him to the city he was called the urban praetor. A hundred years later when a second praetor was added, to deal with cases in which one party or both parties to the case were foreigners, the new official was styled the peregrine praetor and in his courts the principles of the law of nations were developed. Sulla ultimately raised the number of praetors to eight. With the institution of the praetor's office our modern court system of judge and jury was firmly established, and a beginning was made in the development of Roman Law. On taking office the praetor published an edict containing the maxims of law and the forms of procedure which would govern him throughout his year of office. This document followed the edict of his predecessor, with such modifications and additions as his own judgment and the needs of the times required. The law in this way became a living thing and constantly adapted itself to the changing needs of society. The later history of the edict and certain additions to the praetor's duties we shall have occasion to notice in another connection.

The increase which the tribune's power underwent during this period almost made his office a new one. With their characteristic hesitation about introducing radical changes in the constitution,

and with their tendency to take concrete action, the Romans at the outset had required the tribune to intervene in person when a citizen was being harshly treated. But their common sense showed them in course of time that it was far better to allow the tribune to record his opposition to a bill when it was under consideration than to have him prevent the execution of a law. This change placed a tremendous power in the hands of the tribune in his struggle with the senate and the nobility.

In the early period the senate had been composed of the representatives of the leading clans, but as public business became more complex, in making out the list of senators the censors gave a preference to ex-magistrates, who were already experienced in public affairs, and in course of time this practice was crystallized into law. The men who thus became senators by virtue of having held the praetorship, or consulship, for instance, were elected to a magistracy, to be sure, by the people, but the prestige of a candidate who could point to magistrates among his ancestors was so great that a "new man" had little or no chance of being elected against him. The results were twofold. A new nobility was established composed of ex-magistrates and their lineal descendants. In the second place the senate, being henceforth made up of men who had had experience in administration at home and abroad, easily gained supremacy both over the magistrates, who held office for a year only, and over the popular assemblies, which were unwieldy and ill-informed on important matters. For a century and a half, down to the time of the Gracchi (i.e., the second century B.C.), this nobility maintained itself, and Rome was ruled by a parliament. This state of things is the more astonishing in view of the fact that at the beginning of this period the democracy had won a complete victory, and the action of the popular

assembly was accepted as final on all matters. The anomaly is easily explained by the fact that the senate controlled the magistrates; they only could bring bills before the assemblies, and they dared not submit measures of which the senate disapproved.

The ascendancy of the senate during this period was due in no small measure to the necessity of dealing with important foreign affairs, for which the people were not qualified. Between 287 and 133 came the war with Pyrrhus and the acquisition of Southern Italy, the three wars with Carthage and the conquest of the Western Mediterranean, the wars with Macedonia and the subjugation of the Eastern Mediterranean. By 133 Rome's territory included practically all the lands bordering on the Mediterranean. The government of this newly-acquired empire was a peculiarly difficult problem for a city-state. It was somewhat simplified however by the fact that in her ultimate arrangements Rome had to deal with city-states like herself. In Italy, at the outset, she gave conquered cities civil rights and the right of self-government. The Social War in 91-89 B.C. forced her to grant them the political rights of Roman citizens also. Henceforth Italy was a political unit, but, inasmuch as ballots could be cast at Rome only, voters outside the city were at a disadvantage. The Roman Republic never got far enough away from the tradition of the city-state to recognize the fact that citizens could cast their ballots elsewhere than at Rome or that other communities could send their representatives to Rome.

To provide for a new province outside Italy, the senate sent a commission of ten to co-operate with the Roman commander in drawing up a charter. In this document the province was divided into judicial circuits, and the status of each city was fixed either by separate treaty with Rome or by legislative action. Provincial cities were usually permitted to retain their senates, popular assemblies,



local magistrates and courts. A few of them were “free cities,” exempt from taxation, but most of them were required to pay a fixed sum in taxes, or to turn over to Rome a certain proportion of the annual return from the land. The rate of taxation was not high, but farming out the taxes to contractors, whose sole desire was to extort as much from the provincials as possible, made taxation in the provinces oppressive. Roman governors were often in league with the moneyed interests at Rome, and were themselves anxious to line their pockets during their year abroad. After a period of experimentation the Romans settled down to the practice of sending out ex-consuls and ex-praetors as provincial governors. These men had experience in public affairs, but their term of office was so short that they acquired little knowledge of local conditions and felt little sympathy with the provincials. Public sentiment at Rome could effect no change, because, like most democracies, the Roman democracy felt little interest in the welfare of the provincials.<sup>[4]</sup>

The tribunes of the two Gracchi<sup>[5]</sup> at the end of the period which we have been considering begin the century-long revolution which ultimately overthrew the oligarchy and brought in the empire. The attention of Tiberius Gracchus was called to the gradual disappearance of the peasant proprietor from Italy, to the abnormal growth of the city at the expense of the country, and to the crushing out of the middle class. He and his brother set themselves to work to remedy this situation by limiting the size of landed estates, by assigning state lands to homesteaders, and by drafting off the city’s proletariat to colonies in Italy and abroad. In these plans Tiberius met the violent opposition of the senate, but carried his measures through in a popular assembly in spite of the senate’s efforts. By this action, and by securing “the recall” of a hostile

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