

Livy, *History of Rome*, Book IV, “The Growing Power of the Plebs” (c. 445 BCE)

Gaius Canuleius, tribune of the people [plebs], proposed a law concerning the intermarriage of the patricians and commons; by which the patricians considered that their blood would be contaminated, and the privileges of birth would be confounded... Then the nine tribunes proposed a bill, “that the people should have the power of electing the consuls, from the commoners [plebeians] or the patricians.” But they [the patricians] thought that if that were done, the supreme authority would not only be shared with the lowest ranks, but be wholly transferred from the nobility to the commons. With joy therefore the patricians heard that war was on the horizon... the consuls wished in vain to divert [redirect] the commoners from attention to the new laws

...The consuls declared that the revolutionary proceedings of the tribunes could no longer be tolerated, matters had come to a crisis, there was a more bitter war going on at home than abroad. This was not the fault of the plebs so much as of the senate, nor of the tribunes more than of the consuls.

Canuleius delivered the following speech in defense of his laws and in opposition to the consuls... “I have often noticed in the past how greatly the patricians despise you, how unworthy they deem you to live in the same City, within the same walls, as they. Now, however, it is perfectly obvious, seeing how bitter an opposition they have raised to our proposed laws... For what is our purpose in framing these laws except to remind them that we are their fellow-citizens, and though we do not possess the same power, we still inhabit the same country? In one of these laws we demand the right of intermarriage [between plebeians and patricians], a right usually granted to neighbors and foreigners - indeed we have granted citizenship, which is more than intermarriage, even to a conquered enemy...

Will this City [Rome] be no longer able to stand if the right to free vote is granted to the Roman people so that they may entrust the consulship to whomsoever they will, and no plebeian may be shut out from the hope of attaining the highest honor if he be worthy? Is suggesting a plebeian stand for consul mean the same as allowing a slave to stand for consul?

...I suppose you have never heard that Numa Pompilius [second king of Rome], who was not only no patrician but not even a Roman citizen, was summoned from the land of the Sabines, and after being accepted by the people and confirmed by the senate, reigned as king of Rome? Or that, after him, L. Tarquinius, who belonged to no Roman house, not even to an Italian one, was made king? Or that, after him again, Servius Tullius, the illegitimate son of a female slave captured, gained the crown by sheer merit and ability? Romulus himself, the Father of the City, shared the throne with a Sabine. As long as no class of person with merit appeared was rejected, the Roman dominion grew... Not even after the expulsion of the kings was the City closed to foreign merit. The Claudian house [family], originally Sabines, was granted not only citizenship, but also the ranks of the patricians. Shall a man who was an alien [foreigner] become a patrician and consul, but a Roman citizen, if he belongs to the plebs, be cut off from all hope of the consulship? Do we believe that it is impossible for a plebeian to be brave and energetic and capable both in peace and war?

"But, I may be told, no consul, since the expulsion of the kings, has ever been elected from the plebs. What then? Ought no innovation ever to be introduced, even when it is advantageous?

...Does the supreme power belong to you [patricians] or to the Roman people? Did the expulsion of the kings mean absolute ascendancy for you or equal liberty for all?"

Livy, *History of Rome*, Book IV (c. 439 BCE)

Once again misfortunes began with a famine, owing either to the year being unfavourable to the crops, or to the cultivation of the land being abandoned for the attractions of political meetings and city life...The senate blamed the idleness of the plebeians, the tribunes accused the consuls of dishonesty and negligence...Many of the plebs lost all hope, and rather than drag on a life of misery, muffled their heads and threw themselves into the Tiber.

It was at that time that Spurius Maelius, a member of the equestrian order and a very wealthy man, entered upon an undertaking of service to the people, but forming a very bad precedent and begun by still worse motives. Through his clients and foreign friends he purchased corn in Etruria [a Roman colony], and this very circumstance, I believe, hampered the Government in their efforts to reduce the price of grain. He distributed this corn gratis [free], and so won the hearts of the plebeians so that wherever he went...they followed him, and this popularity seemed to be a sure way to win a consulship. But the minds of men are never satisfied with Fortune's promises, and he began to entertain loftier and unattainable aims; he knew the consulship would have to be won in the teeth of the patricians, so he began to dream of royalty.

...Lucius Minucius [a patrician magistrate] informed the Senate that arms were being collected in Maelius' house, and that he was holding secret meetings at which plans were being undoubtedly formed to establish a monarchy...The tribunes had been bought over to betray the liberties of the people...

[It was at this time that Cincinnatus was declared dictator, and Maelius was killed for refusing to appear before the Dictator]

Polybius on the Roman Constitution

No one, not even any of the Romans themselves, could say for certain whether their system of government was aristocratic in its general nature, or democratic, or monarchical...

The consuls, when in Rome prior to leading out their armies, are in charge of all public affairs. In addition to the powers just mentioned, the consuls introduce to the Senate urgent matters for its consideration and bring about the detailed implementation of its decrees. Moreover, it is the consuls' duty to consider all matters of public concern which are to be decided by the people: they summon the assemblies, introduce measures requiring a vote, and have authority over the execution of the decisions of the majority. Furthermore, they enjoy nearly autocratic powers as regards preparations for war and the general conduct of military affairs in the field, including levying soldiers and using public funds. It is within their power...As a result, one might reasonably say, if one were to look at this section of the government, that the Roman constitution was a pure monarchy or kingship.

The Senate, first of all, has control of the treasury, for it has complete authority over all revenues and expenditures. For the quaestors [treasury officials] are unable to disburse funds for any particular purpose without a decree from the Senate, unless so ordered by the Consuls. The Senate is in charge of by far the most important and the greatest expenditure of public funds — the repair and construction of public works. Similarly, whatever crimes require a public investigation — these all fall under the jurisdiction of the Senate. ...When foreign embassies arrive in Rome, the Senate votes as to how to deal with them and what reply is to be given them. None of the above matters is presented to the people for consideration. As a result, if one were in Rome when the consuls were not present, the constitution would appear altogether aristocratic in nature.

...But in fact there is a role left for the people [of the assemblies] as well, and a most weighty one. The people pass judgment, then, whenever the punishment for a crime involves a substantial penalty, and especially when the accused held high office... It is the people who grant offices to the deserving [elect magistrates]..They also have authority over the ratifying of laws and — the greatest of their powers — they deliberate and pass judgment concerning war and peace, military alliances, truces, and other treaties...The result is that one might reasonably say that the people have the greatest role in the state, and that the constitution is democratic in nature.

...Now I will indicate how each can counteract the others, should it so wish, or work in harmony with them. Whenever the consul should set out on a military expedition invested with the aforementioned powers and with imperium, he appears to have absolute authority as regards the mission at hand, yet he requires the cooperation of both the people and the Senate, and without them he lacks sufficient power and supplies to bring his operation to a successful conclusion...Furthermore, it lies with the Senate to send the new consuls out to supersede [replace] the old at the end of a year's time or to extend the command of the consuls in the field. It also has the power to celebrate and thus increase the fame of the consuls' achievements, or to belittle them and render them obscure. For the celebrations that they call triumphs, in which the spectacle of the general's achievements is brought strikingly before the eyes of the citizens, cannot be organized as is fitting — and at times cannot be held at all — unless the Senate should concur and should provide the requisite expenditures.

As for the people, it is altogether necessary for the consuls to court their favor, even if they should happen to be quite far from Rome. For it is the people who ratify or reject truces and other treaties, as I have noted above. Of greatest weight is the fact that, upon laying aside their office, it is before the people that they must submit an account of their actions. The result is that it is in no way safe for the commanders to slight the Senate or the good will of the people.

The Senate, in turn, which enjoys so much authority, first of all must pay attention to the masses and court the favor of the people in matters of public concern. The most important and greatest inquiries into crimes against the state cannot be carried out by it unless the people ratify its decisions...If ever anyone introduces a measure that would strip the Senate of some part of the powers or other honors, the people have authority whether to pass them or not. Most important of all, if a single one of the tribunes vetoes an action of the Senate, the Senate is unable to put into effect any of its resolutions; indeed, it cannot even convene or come together at all. And the tribunes are bound always to effect [carry out] the will of the people and to be guided by their wishes. As a result of all of these factors, the Senate fears the people and is ever mindful of them.

Similarly, again, the people must be submissive to the Senate and respect its members both in public and in private [because] the Senate awards the contracts for the construction and repair of public works; and the Senate can therefore benefit or appoint those who manage public property...What is even most important is that the judges in most civil trials, whether public or private, are appointed from members of the Senate. So that all citizens being at the mercy of the senate, and wanting to avoid any litigation [legal actions against them], are very wary of resisting its decisions.

Such then are the powers of each of the parts of government both to oppose one another and to work in conjunction. In unison they are a match for any and all emergencies, the result being that it is impossible to find a constitution that is better constructed. For whenever some common external danger should come upon them and should compel them to band together in counsel and in action, the power of their state becomes so great that nothing that is required is neglected, inasmuch as all compete to devise some means of meeting the disaster, nor do they dally in reaching a decision until too late, but each, both communally and individually, work together to complete the task that lies before them. The result is that their unique form of constitution comes to be unconquerable and successfully achieves every goal upon which it resolves.

