

= Constitution of the Roman Republic =

The constitution of the Roman Republic was a set of guidelines and principles by which the Roman Republic was governed . The constitution evolved over time and was largely unwritten and uncoded, being passed down mainly through precedent . Nevertheless , the constitution was also shaped by the body of written Roman law .

Rather than creating a government that was primarily a democracy (as in ancient Athens) , an aristocracy (as in ancient Sparta) , or a monarchy (as in the Roman state before and , in many respects , after the Republic) , the Roman Republic had a mixed constitution , with three separate branches of government :

The democratic element took the form of the legislative assemblies .

The aristocratic element took the form of the Senate .

The monarchical element took the form of the term @-@ limited consuls .

The ultimate source of sovereignty in this ancient republic , as in modern republics , was the people of Rome (Latin : *populus Romanus*) . The Roman people gathered into legislative assemblies to pass laws and to elect executive magistrates , such as consuls . The Senate managed the day @-@ to @-@ day affairs in Rome , while magistrates presided over the courts . Executive magistrates enforced the law and presided over the Senate and over the legislative assemblies .

A complex set of checks and balances developed between these three branches , so as to minimize the risk of tyranny and corruption , and to maximize the likelihood of good government . However , the separation of powers between these three branches of government was not absolute ; and moreover , a magistrate 's term of office was often extended beyond one year , although this conflicted with the constitution . A constitutional crisis began in 133 BC as a result of the struggles between the aristocracy and the common people . Many years later this led to the collapse of the Roman Republic and its subversion into a much more autocratic form of government , the Roman Empire .

= = Constitutional history (509 ? 133 BC) = =

The republican constitution evolved gradually over time , largely shaped by the class struggle between the aristocratic patricians and the common people , the plebeians . The main historical sources for the origins of the Roman political system , Livy and Dionysius of Halicarnassus , relied heavily on the Roman annalists , who supplemented what little written history existed with oral history . This lack of evidence poses problems for the reliability of the traditional account of the republic 's origins .

According to this traditional account , Rome had been ruled by a succession of kings . The Romans believed that this era , that of the Roman Kingdom , began in 753 BC and ended in 510 BC . After the overthrow of the monarchy and the establishment of the Roman Republic , the people of Rome began electing two consuls each year . According to the consular fasti , the first consuls were chosen in 509 BC .

According to historian Andrew Lintott , some scholars doubt this traditional account . They argue that instead of being overthrown , the monarchy evolved into a government led by elected magistrates . Remnants of the monarchy , however , were reflected in republican institutions , such as the office of *rex sacrorum* (" king of the sacred ") and the *interregnum* (the period of time presided over by an *interrex* when the consulship or other magistracy was vacant) .

In 501 BC , the temporary office of dictator was first created to control popular unrest . In the year 494 BC , the plebeians seceded to the Mons Sacer and demanded of the patricians the right to elect their own officials . The patricians agreed , and the plebeians ended their secession . The plebeians called these new officials plebeian tribunes and gave these tribunes two assistants , called plebeian aediles . In 449 BC , the Senate , in an effort to satisfy the plebeians , promulgated the Twelve Tables , the first and only codification of law during the republic .

In 446 BC , quaestors were first elected , and the office of censor was created in 443 BC . In 367 BC , plebeians were allowed to stand for the consulship , and this implicitly opened both the

censorship as well as the dictatorship to plebeians . In 366 BC , in an effort by the patricians to reassert their influence over the magisterial offices , two new offices were created . These two offices , the praetorship and the curule aedileship (so @-@ called because its holder , like consuls and praetors , had the right to sit in a curule seat) , were at first open only to patricians , but within a generation they were open to plebeians as well .

Beginning around the year 350 BC , the senators and the plebeian tribunes began to grow closer . The Senate began giving tribunes more power , and the tribunes began to feel indebted to the Senate . As the tribunes and the senators grew closer , plebeian senators began to routinely secure the office of tribune for members of their own families . Also , this period saw the enacting of the Ovinian Law , which transferred the power to appoint new senators from the consuls to the censors . This law also required the censors to appoint any newly elected magistrate to the Senate , which probably resulted in a significant increase in the number of plebeian senators .

As the privileged status of the old patrician elite eroded over time , a plebeian aristocracy developed whose status was theoretically based on merit and popular election rather than birth . Because patricians were ineligible to run for plebeian offices , the new plebeian aristocracy actually had more opportunities for advancement than their patrician counterparts . Over time distinctions between patricians and plebeian aristocrats became less important , giving rise to a new " patricio @-@ plebeian aristocracy " termed the nobilitas .

In 287 BC , the plebeians seceded to the Janiculum hill . To end the secession , the Hortensian Law was passed to end the requirement that patrician senators consent before a bill could be brought before the Plebeian Council for a vote . This was not the first law to require that an act of the Plebeian Council have the full force of law (over both plebeians and patricians) , since the Plebeian Council had acquired this power in 449 BC . However , this new law robbed the patricians of their last major political power .

The Hortensian Law resolved the last great political question of the earlier era ; no important political changes occurred over the next 150 years (between 287 BC and 133 BC) . The electoral and legislative sovereignty of the assemblies was confirmed and would remain part of the constitution . Nevertheless , the critical laws of this era were still enacted by the Senate due to the difficulty and inconvenience of organizing popular assemblies simply for the passage of ordinary legislation . The Senate as an institution was stronger since it now represented noble plebeians as well as patricians .

= = Senate = =

The Senate was the predominant political institution in the Roman Republic . The Senate 's authority derived from custom and tradition . The Senate 's principal role was as an advisory council to the consuls on matters of foreign and military policy , and it exercised a great deal of influence over consular decision @-@ making . A decree from the Senate was called *senatus consultum* (plural *senatus consulta*) . While this was formally " advice " from the Senate to a magistrate , the *senatus consulta* were usually obeyed by the magistrates . If a *senatus consultum* conflicted with a law that was passed by a popular assembly , the law overrode the *senatus consultum* .

The Senate also managed civil administration within the city . For example , only the Senate could authorize the appropriation of public money from the treasury , unless a consul demanded it . In addition , the Senate would try individuals accused of political crimes (such as treason) . In addition , the Senate could invalidate laws passed by popular assemblies in violation of the proper procedures .

Meetings could take place either inside or outside of the formal boundary of the city (the pomerium) , and were usually presided over by a consul . Meetings were suffused in religious ritual . Temples were a preferred meeting site and auspices would be taken before the meeting could commence .

The presiding consul began each meeting with a speech on an issue , and then referred the issue to the senators , who discussed the matter by order of seniority . Unimportant matters could be voted on by a voice vote or by a show of hands , while important votes resulted in a physical division of the house , with senators voting by taking a place on either side of the chamber . Any vote was

always between a proposal and its negative .

Since all meetings had to end by nightfall , a senator could talk a proposal to death (a filibuster) if he could keep the debate going until nightfall . Any proposed motion could be vetoed by a tribune , and if it was not vetoed , it was then turned into a final *senatus consultum* . Each *senatus consultum* was transcribed into a document by the presiding magistrate , and then deposited into the building that housed the treasury .

= = Legislative assemblies = =

The right to make and repeal laws belonged to the Roman people voting in legislative meetings . There were two types of formal legislative gatherings . The first , the *comitia* (or *comitatus*) , was an assembly of all Roman citizens convened to take a legal action , such as enacting laws , electing magistrates , and trying judicial cases . The second type of legislative meeting was the council (Latin : *concilium*) , which was a gathering of a specific group of citizens . For example , the Plebeian Council were meetings of the plebeians only .

A third type of gathering , the convention (Latin : *contio* or *conventio*) , was an unofficial forum for communication where citizens gathered to hear public announcements and arguments debated in speeches as well to witness the examination or execution of criminals . In contrast to the formal assembly or council , no legal decisions were made by the convention . Voters met in conventions to deliberate prior to meeting in assemblies or councils to vote .

Assemblies and councils operated according to established procedures overseen by the augurs . They could only be convened by magistrates , and citizens only voted on matters proposed by the presiding magistrate . Roman citizens were organized into three types of voting units ? *curiae* (familial groupings) , centuries (for military purposes) and tribes (for civil purposes) ? corresponding to three assemblies : the Curiate Assembly , the Centuriate Assembly , and the Tribal Assembly . Each unit (*curia* , century or tribe) cast one vote before the assembly . The majority of individual votes in any century , tribe , or *curia* decided how that unit voted .

The Curiate Assembly served only a symbolic purpose in the late Republic . At some point , the 30 *curiae* ceased to actually meet and were instead represented by 30 lictors . It was this assembly that ratified the powers of newly elected magistrates by passing laws known as *leges curiatae* .

The Centuriate Assembly was divided into 193 (later 373) centuries , with each century belonging to one of three classes : the officer class , the enlisted class , and the unarmed adjuncts . Citizens were grouped into centuries according to the amount of property they owned , and wealthier centuries received more votes . During a vote , the centuries voted one at a time by class . Only the Centuriate Assembly could elect consuls , praetors , and censors . Only it could declare war . It was also the only institution that could ratify the results of a census . This assembly rarely passed other kinds of legislation or heard capital trials .

Tribal Assemblies were convened by consuls , praetors , or curule aediles . The organization of the Tribal Assembly was much simpler than the Centuriate Assembly , since its organization was based on the thirty @-@ five tribes . The tribes were not ethnic or kinship groups , but rather geographical divisions (similar to modern electoral districts or constituencies) . Most legislation was enacted in the Tribal Assembly . In addition , these assemblies elected quaestors , curule aediles , and military tribunes .

The Plebeian Council was identical to the Tribal Assembly with one key exception : only plebeians had the power to vote before it . Members of the aristocratic patrician class were excluded from this assembly . In contrast , both classes were entitled to a vote in the Tribal Assembly . Under the presidency of a plebeian tribune , the Plebeian Council elected plebeian tribunes and plebeian aediles , enacted laws called *plebiscites* , and presided over judicial cases involving plebeians .

= = Executive magistrates = =

Magistrates were elected officials of the Roman Republic . Each magistrate was vested with a degree of power . The dictator (when there was one) had the highest level of power . After the

dictator was the censor (when they existed) , the consuls , the praetors , the curule aediles , and finally the quaestors . Each magistrate could only veto an action that was taken by an equally or lower ranked magistrate . Since plebeian tribunes and plebeian aediles were not magistrates of the republic , they relied on the sacrosanctity of their person to obstruct unwanted actions . When the tribune interposed his person to obstruct a political action it was known as *intercessio* . When the tribune interposed his person to aid an individual against a magistrate or another citizen , it was called *auxilium* . Any resistance against the tribune was considered to be a capital offense .

The most significant constitutional power that a magistrate could hold was that of *imperium* or command , which was held only by consuls and praetors . This gave a magistrate the constitutional authority to issue commands (military or otherwise) .

Election to a magisterial office resulted in automatic membership in the Senate (for life , unless impeached) . Once a magistrate 's annual term in office expired , he had to wait ten years before serving in that office again . Occasionally a magistrate had his command powers extended through *prorogation* , which , in effect , allowed him to retain the powers of his office as a *promagistrate* .

The consul was the highest ranking ordinary magistrate . Two consuls were elected every year , and they had supreme power in both civil and military matters . Throughout the year , one consul was superior in rank to the other consul , and this ranking flipped every month between the two consuls . Praetors administered civil law , presided over the courts , and commanded provincial armies . The censors conducted the census , during which time they could appoint people to the Senate . Aediles were officers elected to conduct domestic affairs in Rome and were vested with powers over the markets , public games and shows . Quaestors usually assisted the consuls in Rome and the governors in the provinces with financial tasks . The plebeian tribunes and the plebeian aediles were considered to be the representatives of the people . Thus , they acted as a popular check over the Senate through their veto powers and safeguarded the civil liberties of all Roman citizens .

In times of military emergency , a dictator was appointed for a term of six months . Constitutional government dissolved , and the dictator became the absolute master of the state . The dictator then appointed a *magister equitum* (" master of the horse ") to serve as his most senior lieutenant . Often the dictator resigned his office as soon as the matter that caused his appointment was resolved . When the dictator 's term ended , constitutional government was restored . The last ordinary dictator was appointed in 202 BC . After 202 BC , extreme emergencies were addressed through the passage of the decree *senatus consultum ultimum* (" ultimate decree of the senate ") . This suspended civil government , declared martial law , and vested the consuls with dictatorial powers .

= = Constitutional instability (133 ? 49 BC) = =

By the middle of the 2nd century BC , the economic position of the average plebeian had declined significantly . The long military campaigns had forced citizens to leave their farms to fight , only to return to farms that had fallen into disrepair . The landed aristocracy began buying bankrupted farms at discounted prices , making it impossible for the average farmer to operate his farm at a profit . Masses of unemployed plebeians soon began to flood into Rome , and thus into the ranks of the legislative assemblies , where their economic status usually led them to vote for the candidate who offered the most for them or who sponsored the most impressive games . A new culture of dependency was emerging , and hostility between the rich and the poor was growing .

In 133 BC , Tiberius Gracchus was elected plebeian tribune and attempted to enact a law to distribute land to Rome 's landless citizens . Gracchus ' law was vetoed by an aristocrat named Marcus Octavius . In an attempt to force Octavius to capitulate , Tiberius tried to turn the mob against Octavius by enacting a blanket veto over all governmental functions , which , in effect , shut down the entire city and precipitated rioting . While the land law was enacted , Tiberius was murdered when he stood for reelection to the tribunate . In 123 BC , Tiberius ' brother Gaius was elected plebeian tribune . After passing a series of laws which were intended to weaken the Senate , Gaius Gracchus was murdered by agents of the aristocracy . The people , however , had finally

realized how weak the Senate had become .

In 88 BC , an aristocratic senator named Lucius Cornelius Sulla was elected consul and soon left for war in the east . When a tribune revoked Sulla 's command of the war , Sulla brought his army back to Italy , marched on Rome , secured the city , and left for the east again . In 83 BC , he returned to Rome , and captured the city a second time . In 82 BC , he made himself dictator , and then used his status as dictator to pass a series of constitutional reforms that were intended to strengthen the Senate . In 80 BC , he resigned his dictatorship , and by 78 BC he was dead . While he thought that he had firmly established aristocratic rule , his own career had illustrated the fatal weakness in the constitution : that it was the army , not the Senate , which dictated the fortunes of the state . In 70 BC , the generals Pompey the Great and Marcus Licinius Crassus were both elected consul and quickly dismantled Sulla 's constitution .

In 62 BC , Pompey returned to Rome from battle in the east but found the Senate refusing to ratify the arrangements that he had made . Thus , when Julius Caesar returned from his governorship in Spain in 61 BC , he found it easy to make an arrangement with Pompey . Caesar and Pompey , along with Crassus , established a private agreement , known as the First Triumvirate . Under the agreement , Pompey 's arrangements were to be ratified , Crassus was to be promised a future consulship , and Caesar was to be promised a consulship in 59 BC and then the governorship of Gaul (modern France) immediately afterwards . Caesar became consul in 59 BC , and , when his term as consul ended , he took command of four provinces . Eventually , the triumvirate was renewed , and Caesar 's term as governor was extended for five years . In 54 BC , violence began sweeping the city . The triumvirate ended in 53 BC when Crassus was killed in battle . In 50 BC , near the end of his term as governor , Caesar demanded the right to stand for election to the consulship in absentia . Without the protection afforded to him by the consulship or his army , he could be prosecuted for crimes he had committed . The Senate refused Caesar 's demand , and in January 49 BC , the Senate resolved that if Caesar did not lay down his arms by July of that year he would be considered an enemy of the republic . In response , Caesar quickly crossed the Rubicon with his veteran army and marched towards Rome . Caesar 's rapid advance forced Pompey , the consuls and the Senate to abandon Rome for Greece and allowed Caesar to enter the city unopposed .

= = Transition to empire (49 ? 27 BC) = =

By 48 BC , after having defeated the last of his major enemies , Caesar tried to ensure that his control over the government was undisputed . He increased his own authority and decreased the authority of Rome 's other political institutions . Caesar held the office of dictator and alternated between the consulship and the proconsulship (in effect , a military governorship) . In 48 BC , Caesar was given the powers of a plebeian tribune , which made his person sacrosanct , gave him the power to veto the Senate , and allowed him to dominate the legislative process . In 46 BC , Caesar was given the powers of censor , which he used to fill the Senate with his own partisans . Caesar then raised the membership of the Senate from 600 to 900 , which robbed the senatorial aristocracy of its prestige , and made it increasingly subservient to him . Near the end of his life , Caesar began to prepare for a war against the Parthian Empire . Since his absence from Rome would limit his ability to install his own consuls , he passed a law which allowed him to appoint all magistrates for the year 43 BC , and all consuls and plebeian tribunes for the year 42 BC ; so that the magistrates were appointees of the dictator rather than representatives of the people .

After Caesar was assassinated in 44 BC , Mark Antony formed an alliance with Caesar 's adopted son and great @-@ nephew , Gaius Octavian . Along with Marcus Aemilius Lepidus , they formed an alliance known as the Second Triumvirate , and held powers that were nearly identical to the powers that Caesar had held under his constitution . In effect , there was no constitutional difference between an individual who held the title of dictator and an individual who held the title of triumvir . While the conspirators who had assassinated Caesar were defeated at the Battle of Philippi in 42 BC , the peace that resulted was only temporary . Antony and Octavian fought each other for the last time at Actium in 31 BC . Antony was defeated , and he committed suicide in 30 BC . In 29 BC ,

Octavian returned to Rome as the unchallenged master of the state . He enacted a series of constitutional reforms , the most important of which , in 27 BC , overthrew the republic . The reign of Octavian , whom history remembers as Augustus , the first Roman Emperor , marked the dividing line between the Roman Republic and the Roman Empire . By the time this process was complete : Rome had completed its transformation from a city @-@ state with a network of dependencies into the capital of a world empire .