

## = Senate of the Roman Republic =

The Senate of the Roman Republic was a political institution in the ancient Roman Republic . It was not an elected body , but one whose members were appointed by the consuls , and later by the censors . After a Roman magistrate served his term in office , it usually was followed with automatic appointment to the Senate . According to the Greek historian Polybius , our principal source on the Constitution of the Roman Republic , the Roman Senate was the predominant branch of government . Polybius noted that it was the consuls ( the highest @-@ ranking of the regular magistrates ) who led the armies and the civil government in Rome , and it was the Roman assemblies which had the ultimate authority over elections , legislation , and criminal trials . However , since the Senate controlled money , administration , and the details of foreign policy , it had the most control over day @-@ to @-@ day life . The power and authority of the Senate derived from precedent , the high caliber and prestige of the senators , and the Senate 's unbroken lineage , which dated back to the founding of the Republic in 509 BC .

Originally the chief @-@ magistrates , the consuls , appointed all new senators . They also had the power to remove individuals from the Senate . Around the year 318 BC , the " Ovinian Plebiscite " ( plebiscitum Ovinium ) gave this power to another Roman magistrate , the censor , who retained this power until the end of the Roman Republic . This law also required the censors to appoint any newly elected magistrate to the Senate . Thus , after this point in time , election to magisterial office resulted in automatic Senate membership . The appointment was for life , although the censor could impeach any senator .

The Senate directed the magistrates , especially the consuls , in their prosecution of military conflicts . The Senate also had an enormous degree of power over the civil government in Rome . This was especially the case with regards to its management of state finances , as only it could authorize the disbursal of public monies from the treasury . In addition , the Senate passed decrees called *senatus consultum* , which was officially " advice " from the Senate to a magistrate . While technically these decrees did not have to be obeyed , in practice , they usually were . During an emergency , the Senate ( and only the Senate ) could authorize the appointment of a dictator . The last ordinary dictator , however , was appointed in 202 BC . After 202 BC , the Senate responded to emergencies by passing the *senatus consultum ultimum* ( " Ultimate Decree of the Senate " ) , which suspended civil government and declared something analogous to martial law .

## = = Venue and ethical standards = =

The rules and procedures of the Roman Senate were both complex and ancient . Many of these rules and procedures originated in the early years of the Republic , and were upheld over the centuries under the principle of *mos maiorum* ( " customs of the ancestors " ) . While Senate meetings could take place either inside or outside of the formal boundary of the city ( the *pomerium* ) , no meeting could take place more than a mile outside of the *pomerium* . Senate meetings might take place outside of the formal boundary of the city for several reasons . For example , the Senate might wish to meet with an individual , such as a foreign ambassador , whom they did not wish to allow inside the city .

At the beginning of the year , the first Senate meeting always took place at the Temple of Jupiter Capitolinus . Other venues could include the Temple of Fides or the Temple of Concord , or , if the meeting was outside of the formal boundary of the city , at the Temple of Apollo or ( if a war meeting ) at the Temple of Bellona . In addition , the Senate operated while under various religious restrictions . For example , before any meeting could begin , a sacrifice to the gods was made , and a search for divine omens ( the *auspices* ) was taken . The *auspices* were taken in order to determine whether that particular Senate meeting held favor with the gods . The Senate was only allowed to meet in a building of religious significance , such as the Curia Hostilia .

The ethical requirements of senators were significant . Senators could not engage in banking or any form of public contract . They could not own a ship that was large enough to participate in foreign commerce , and they could not leave Italy without permission from the Senate . In addition , since

they were not paid , individuals usually sought to become a senator only if they were independently wealthy .

The censors were the magistrates who enforced the ethical standards of the Senate . Whenever a censor punished a senator , they had to allege some specific failing . Possible reasons for punishing a member included corruption , abuse of capital punishment , or the disregard of a colleague 's veto , constitutional precedent , or the auspices . Senators who failed to obey various laws could also be punished . While punishment could include impeachment ( expulsion ) from the Senate , often a punishment was less severe than outright expulsion . While the standard was high for expelling a member from the Senate , it was easier to deny a citizen the right to join the Senate . Various moral failings could result in one not being allowed to join the Senate , including bankruptcy , prostitution , or a prior history of having been a gladiator . One law ( the Lex repetundarum of 123 BC ) made it illegal for a citizen to become a senator if they had been convicted of a criminal offense . Many of these laws were enacted in the last century of the Republic , as public corruption began reaching unprecedented levels .

= = Debates = =

Meetings usually began at dawn , although occasionally certain events ( such as festivals ) might delay the beginning of a meeting . A magistrate who wished to summon the Senate had to issue a compulsory order ( a *cogere* ) , and senators could be punished if they failed to appear without reasonable cause . In 44 BC for example , consul Mark Antony threatened to demolish the house of the former consul Cicero for this very reason . The Senate meetings were technically public because the doors were usually left open , which allowed people to look in , but only senators could speak . The Senate was directed by a presiding magistrate , who was usually either a consul ( the highest @-@ ranking magistrate ) or , if the consul was unavailable , a Praetor ( the second @-@ highest ranking magistrate ) . By the late Republic , another type of magistrate , a plebeian tribune , would sometimes preside .

While in session , the Senate had the power to act on its own , and even against the will of the presiding magistrate if it wished . The presiding magistrate began each meeting with a speech ( the *verba fecit* ) , which was usually brief , but was sometimes a lengthy oration . The presiding magistrate would then begin a discussion by referring an issue to the senators , who would discuss the issue , one at a time , by order of seniority , with the first to speak , the most senior senator , known as the *princeps senatus* ( leader of the Senate ) , who was then followed by ex @-@ consuls ( *consulares* ) , and then the praetors and ex @-@ praetors ( *praetorii* ) . This continued , until the most junior senators had spoken . Senators who had held magisterial office always spoke before those who had not , and if a patrician was of equal seniority as a plebeian , the patrician would always speak first .

A senator could make a brief statement , discuss the matter in detail , or talk about an unrelated topic . All senators had to speak before a vote could be held , and since all meetings had to end by nightfall , a senator could talk a proposal to death ( a filibuster or *diem consumere* ) if they could keep the debate going until nightfall . It is known , for example , that the senator Cato the Younger once filibustered in an attempt to prevent the Senate from granting Julius Caesar a law that would have given land to the veterans of Pompey .

= = Delaying and obstructive tactics = =

Senators had several ways in which they could influence ( or frustrate ) a presiding magistrate . When a presiding magistrate was proposing a motion , for example , the senators could call " consult " ( *consule* ) , which required the magistrate to ask for the opinions of the senators . Any senator could demand a quorum call ( with the cry of *numera* ) , which required a count of the senators present . Like modern quorum calls , this was usually a delaying tactic . Senators could also demand that a motion be divided into smaller motions . Acts such as applause , booing , or heckling often played a major role in a debate , and , in part because all senators had an absolute

right to free speech , any senator could respond at any point if he was attacked personally . Once debates were underway , they were usually difficult for the presiding magistrate to control . The presiding magistrate typically only regained some control once the debating had ended , and a vote was about to be taken .

In the later years of the Republic , attempts were made by the aristocracy to limit the increasing level of chaos associated with the obstructive tendencies and democratic impulses of some of the senators . Laws were enacted to prevent the inclusion of extraneous material in bills before the Senate . Other laws were enacted to outlaw the so @-@ called omnibus bills , which are bills , usually enacted by a single vote , that contain a large volume of often unrelated material .

Laws were also enacted to strengthen the requirement that three days pass between the proposal of a bill , and the vote on that bill . During his term as dictator , Julius Caesar enacted laws that required the publication of Senate resolutions . This publication , called the *acta diurna* , or " daily proceedings " , was meant to increase transparency and minimize the potential for abuse . This publication was posted in the Roman Forum , and then sent by messengers throughout the provinces .

= = Votes and the Tribune 's veto = =

When it was time to call a vote , the presiding magistrate could bring up whatever proposals ( in whatever order ) he wished , and every vote was between a proposal and its negative . Quorums were required for votes to be held , and it is known that in 67 BC the size of a quorum was set at 200 senators ( by the *lex Cornelia de privilegiis* ) . At any point before a motion passed , the proposed motion could be vetoed . Usually , vetoes were handed down by plebeian tribunes . If the Senate proposed a bill that the plebeian tribune ( the magistrate who was the chief representative of the people ) did not agree with , he issued a veto , which was backed by the promise to literally " ' interpose the sacrosanctity of his person ' " ( or *intercessio* ) if the Senate did not comply . If the Senate did not comply , he could physically prevent the Senate from acting , and any resistance could be criminally prosecuted as constituting a violation of his sacrosanctity . If the vetoed motion was proposed the next day , and the plebeian tribune who had vetoed it the day before was not present to interpose himself , the motion could be passed . In general , the plebeian tribune had to physically be present at the Senate meeting , otherwise his physical threat of interposing his person had no meaning . Ultimately , the plebeian tribune 's veto was based in a promise of physical force .

Once a vote occurred , and a measure passed , he could do nothing , since his promise to physically interpose his person against the senators was now meaningless . In addition , during a couple of instances between the end of the Second Punic War in 201 BC and the beginning of the Social War in 91 BC , although they had no legal power to do so , several Consuls were known to have vetoed acts of the Senate . Ultimately , if there was no veto , and the matter was of minor importance , it could be voted on by a voice vote or by a show of hands . If there was no veto , and the matter was of a significant nature , there was usually a physical division of the house , where senators voted by taking a place on either side of the chamber .

Any motion that had the support of the Senate but was vetoed was recorded in the annals as a *senatus auctoritas* , while any motion that was passed and not vetoed was recorded as a *senatus consultum* . After the vote , each *senatus consultum* and each *senatus auctoritas* was transcribed into a final document by the presiding magistrate . This document included the name of the presiding magistrate , the place of the assembly , the dates involved , the number of senators who were present at time the motion was passed , the names of witnesses to the drafting of the motion , and the substance of the act . In addition , if the motion was a *senatus consultum* , a capital letter " C " was stamped on the document , to verify that the motion had been approved by the Senate .

The document was then deposited in the temple that housed the Treasury ( the *aerarium* ) . While a *senatus auctoritas* ( vetoed Senate motion ) had no legal value , it did serve to show the opinion of the Senate . If a *senatus consultum* conflicted with a law ( *lex* ) that was passed by a Roman Assembly , the law overrode the *senatus consultum* , because the *senatus consultum* had its authority based in precedent , and not in law . A *senatus consultum* , however , could serve to

interpret a law .