

ROMAN COMMONWEALTH

The form of our government is superior to that of all other states (civitates), because while the latter's commonwealth (res publica) was generally established by individual lawgivers through statutes and institutions, . . . ours was produced not by one, but by many talents, not over one's lifespan, but over several centuries and epochs.

So allegedly spoke Cato the Elder (died in 149 BCE), as quoted by Scipio Aemilianus (died 129 BCE) and reported by Cicero (died 44 BCE), all three senior politicians and figureheads of the Roman senatorial order. The *Roman commonwealth*—like the Latin *res publica* and Greek *politeia/politeuma*, which it translates, a rather ambiguous term—was a major topic of debate among statesmen and philosophers in the late Republican period and beyond, until modern times. It is a concept drawing from Greek political theory (Plato and Aristotle) and designed to fit the historical development of Roman political institutions from the foundation of Rome to late antiquity. Embodying typical Roman values, the notion of *res publica* served as an identity marker, a rallying point, and an ideal model to be pursued and defended by the ruling elite during all of Roman history, independently from the nature of the regime in power. Roman civilization dissolved when this notion came to be regarded as no longer relevant, as its essence had been absorbed by different, separate entities, such as the Catholic Church and barbarian kingdoms. The real question is whether the Roman commonwealth had actually ceased to exist before the final dismantlement of the imperial government in the West (476 CE), as many in the fourth or fifth century would have concurred.

Treading in Plato's footsteps (*Republic, Laws, Politicus*), Cicero authored a whole treatise *On the Commonwealth (De Republica, 51 BCE)*, which survived only fragmentarily, but is supplemented by his later treatises *On Laws (De Legibus, early 40s BCE)*, also partly preserved, and *On Duties (De Officiis, 44 BCE)*. Focusing on the good citizen in the best conceivable city, Cicero's definition of the notion of commonwealth can and must be reconstructed from all his writings, but the most

relevant text, cited and discussed by later Christian writers such as Lactantius and Augustine, is the following: "The commonwealth is the 'thing' of the people (*res populi*), understood not as any gathering of human beings, but as the willing association of the many based on agreement over the law (*jus*) and a shared vision of the public interest (*utilitas*)." The bonding of individuals is the result of a natural disposition—Aristotle viewed man as a social and political animal—rather than necessity (*imbecillitas*). The "multitude" involved in the commonwealth is instrumental in defining what is beneficial to all, but does not imply a democratic form of government. Participation in the political process can be limited, but the benefit of the commonwealth is universal. The people (*populus*) own and/or control, directly or by delegation, the "thing" (*res*), which includes, in the context of the ancient city-state: a territory; public buildings, including fortifications and temples; a citizen army; property of all kinds; a population composed of people of various legal, social, and economic conditions; authorities whose legitimacy was based on a "constitution" (not necessarily in a written form); and, last but not least, a purpose, the well-being of all. The purpose of the commonwealth is achieved through appropriate lawgiving, the sound interpretation of the law, the fair administration of justice, the conduct of war, the making of peace, and the protection of the rights and status of individuals. Without the common bond of law, an agreement on justice, and a social union defining the people, there can be no commonwealth because there would be no liberty. Laws and political institutions are meant to secure the happy and honorable life that constitutes the end of social life. The ultimate point of the commonwealth is its endurance, based on stability and a balanced government. It is warranted by the respect owed to those in charge of it, as long as this respect is deserved.

Theoretically, the government of the commonwealth can take several forms, as long as it is representative of the people. This is the case in a monarchy, aristocracy, democracy, or a mix of these regimes. However, each form of government presents, and inevitably develops into, a perverted variety of itself, be it tyranny, oligarchy, or ochlocracy (i.e., mob rule), in which the people lose control of political life and its centrality. Government, whatever its form, must be guided by

justice, which is defined by laws, customs, and political institutions, and ultimately derives from the gift of reason and speech granted by nature. The Roman commonwealth is grounded on the principle that “each should be given what he (or she) is entitled to.” The government of the commonwealth is comparable to that of a household, where the head (*paterfamilias/dominus*) supports and protects family members and maintains and increases its property through the proper management of human and material resources. This idea will be taken over and further developed by Seneca (died in 65 CE) in a famous letter about slavery and the relationship between master and slaves.

While Cicero offers a Roman’s view of the commonwealth, combining a philosophical approach with a conventional knowledge of early Roman history, the Greek historian Polybius (wrote in the 150s BCE) looks at the concept from the outside and uses it to explain why the Roman state was able to grow from a regional power to world domination, conquering most of the Mediterranean area, over a little more than half a century, from the time of the Second Punic War (218–201 BCE) to the Roman victory over the Macedonian kingdom in 168 BCE and the destruction of Carthage and Corinth in 146 BCE. His answer points at the specificity of the Roman Constitution. Polybius regards any form of government as an organic being going through the normal life pattern of birth, rise, peak, decline, and death, the latter resulting in the replacement of one form of government by another. The history of Greek city-states provides plenty of evidence for monarchy degenerating into tyranny, aristocracy into oligarchy, and democracy into mob rule. This phenomenon is inevitable and cyclical (*anacyclosis*), leading from initial lawlessness (*anomia*) to periods of stability interrupted by transitional crises. States are thus flourishing at the time of the maturity of the regime and vulnerable at any other times. Polybius finds a solution to such a predicament in the Roman so-called mixed constitution, whereby monarchic, aristocratic, and democratic elements are active simultaneously. These various elements are embodied by the king—to be replaced by magistrates, and eventually by a *princeps*—the Senate, and the popular assemblies (*comitia*). Though each element is subjected to the natural degenerative process, it follows a different schedule, thus allow-

ing the stability and prosperity of some to compensate for the perversion and decline of others. The complementarity and interdependence of these various elements are intentional, as illustrated by the fable of the stomach and the body limbs, supposedly told by Menenius Agrippa in a time of crisis (the secession of 494 BC) to rekindle and strengthen solidarity between the people (*plebs*) and the government (*patres*).

The history of the Roman commonwealth shows that this combination had existed right from the foundation (753 BCE). For two and a half centuries, the kings established the commonwealth by building its political and religious institutions, with the help of the Council of the Elders (Senate) who acted as their *consilium* and the popular assemblies who bestowed legitimacy on newly appointed kings. When kingship was finally perverted by the tyrannical rule of Tarquinius Superbus, the regime was toppled by private individuals who restored the commonwealth by introducing a new form of government (509 BCE). The so-called republican constitution deviates from kingship on three major points: the king’s powers are transferred to elected magistrates (consuls) and become collegial, limited in time (annual), and nonrenewable, at least not right away. This threefold adjustment was supposed to protect the commonwealth against the corrupting effects of absolute power. A system of checks and balances was established over the next century, whereby the consuls’ powers over military affairs, diplomacy, expenditures, and the legislative process were diluted by the appointment of other (ensors), mostly minor magistrates (praetors, aediles, quaestors, etc.), some of whom (tribunes) enjoyed veto power over the decisions of even senior magistrates. Meanwhile, an aristocratic Senate composed of former magistrates and representatives of leading families had the final say over war and peace, arbitration between states, and financial matters, and held wide-ranging judicial powers, limited only in capital cases, the preserve of popular assemblies (through *provocatio ad populum*) generally entitled to apportion honors and punishment, besides electing officials, voting statutes, and ratifying treaties. According to Polybius, Rome was not the only state to experiment with a mixed constitution, because Crete, Sparta, and Carthage had trodden the same path before. Three factors

explain Rome's success in adjusting its political institutions to the changing landscape and framework brought along by imperialism: the Senate's prominence (*auctoritas*) in deliberations, the legal regulations regarding the acquisition of wealth (bribery), and the adherence to ancestral values, especially religious ones, for the sake of social cohesion. Religion remains part of politics throughout Roman history, as political and legal acts can be performed only on particular days and need prior validation from the gods, who expressed themselves through *auspicia*, or signs to be interpreted by priests, traditionally originating from the upper classes (patricians). The commonwealth rests on the unflinching respect of rulers, laws, institutions, oaths, and good faith (*fides/pistis*), in both public and private matters.

There is no doubt that despite the unifying project underlying the idea of commonwealth, the Roman Constitution, however mixed, did not promote equality before the law. The Servian "constitution" (sixth century BCE) that defined the role of popular assemblies introduced or perpetuated a system whereby the rich carried more political weight than the poor, the country folks, and the city masses. If the commonwealth was the property of its citizens, it can be suggested that the shares were uneven. Besides, a large part of the population had no political or even legal existence: slaves, foreigners, women, minors, and dependents. But the commonwealth had an early history of inclusiveness, repeated later on with the extension of political rights to plebeians, allies, provincial elites, army auxiliary troops, and eventually the whole population of the empire (*Constitutio Antoniniana* of 212 CE). There is little doubt, however, that this apparent generosity and open-mindedness was concealing an urgent need to extend the pool of taxpayers and liturgists. Freedmen on the other hand, who acceded to full citizenship on manumission in earlier times, saw their condition worsen in the Augustan period (*lex Aelia Sentia*, 4 CE), as they were then usually granted only second-class citizen status (*Latini*) or worse (*dediticii*), with some exceptions.

The successful initiators of the change from kingship to republic (509 BCE) and from republic to empire (31 BCE) claimed to have restored the commonwealth, thus underlining its independence from the form of government. During the early

imperial period (31 BCE–285 CE), the commonwealth, like one body commanded by one mind, in the words of Tacitus, was represented by a first citizen (*princeps inter pares*), who embodied the law (*nomos empsychos/lex animata*) and who acted as the moderator of the state, warranting civil peace through the concord of the orders, providing for the safety and integrity of the empire, and protecting the dignity (*dignitas*), liberty (*libertas*), and greatness (*maiestas*) of the Roman people. The emperor's powers rested as much on a formal delegation from the people (*imperium proconsulare* and *tribunicia potestas*) as on his own commanding personal aura (*auctoritas*). Imperial succession turned out to be a recurrent problem because no agreement existed on how to decide between competing claims to the latter, whether it was expressed by the dying emperor, his entourage, the Senate, the army, or any other influential political group. Chosen emperors could subsequently enhance their *auctoritas* by working on their *clementia*, *benignitas*, *beneficentia*, and *humanitas*. On several occasions, the commonwealth was put at risk, and it nearly melted down in the third century CE because the rapid turnover did not allow this to happen. This political problem was compounded by the fact that the religious unity of the commonwealth was constantly challenged by the introduction of foreign religions. The assimilation of some of them, combined with the development of the imperial cult, proved an unsatisfactory response to the appeal of Christianity. While distancing itself from the exclusiveness of Judaism—a commonwealth of its own (*politeuma*) uniquely described as a theocracy by Josephus in the late first century CE, but more akin to a hierarchy—from which it derives, Christianity shared the universalism of cynic and stoic doctrines, and promoted the idea of an all-encompassing commonwealth, within, without, or even, if necessary, against the traditional framework of the Roman state. The latter reacted first with an attempt at repression or suppression (with the large-scale persecutions of the mid-third and early fourth centuries) and finally realized that the survival of the Roman commonwealth had to go through its integration within the church. The latter history of the Roman commonwealth (fourth and fifth centuries CE) is concerned with the question of which entity, the state or the church, represented the people. The

eventual victory of the church spelled the demise of the state. The process was facilitated by the political division of the empire into two parts, broadly along language lines, tentative during the Tetrachic period (293–305 BCE), and permanent after 395 BCE. In the early fifth century, one major Latin political thinker, Augustine of Hippo (died in 430 BCE) produced a wide-ranging work *On the City of God*, in which he proposes a powerful alternative model to the traditional one, in which no commonwealth can exist without justice, and no justice without God. The subsequent generations may have missed the implementation of the former, but certainly witnessed the obsolescence of the latter.

Jean-Jacques Aubert

See also Ancient Constitutionalism; Aristocracy; Augustine; Cicero, Marcus Tullius; City-State; Democracy; Lawgivers; Oligarchy; Polybius; Roman Law

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