Second only to Thucydides among Greek historians was Polybius (ca. 200–ca. 117 B.C.). He witnessed and speculated upon the events that marked the expansion of Rome in the Mediterranean area from Spain to Asia Minor, and he grasped the fact that Hellenistic history was passing over into Roman history. He spent sixteen years in Rome as one of a thousand Greek hostages brought to Rome in 167 B.C. to ensure the good behavior of their compatriots at home. Here he became a firm admirer of the character and the political and social institutions of his Roman captors. Above all, he became convinced that the expansion of Rome was natural and inevitable, and he undertook to write a history of his own times in order to reconcile the Greek world to the reality of Roman domination. He chose the year 220 B.C. as his starting point—the year in which a Roman envoy saved Egypt from an invading Seleucid king by drawing a circle around him in the sand and telling him to order a retreat before he stepped out of it—because, as he put it, “since that time history has been a kind of organic whole, and the affairs of Italy and Africa have been interconnected with those of Asia and Greece, all moving toward one end,” the Roman world-state. He closed his history with the events of 146 B.C., the year in which the Third Punic War was ended with the complete destruction of Carthage, and the year in which the final step in the subjugation of Greece and Macedonia was signaled by an equally ruthless destruction of Corinth.

Polybius was particularly interested in discovering causes and in seeing the interrelation of events, without which history is but a rope of sand with no meaning or value: “Neither the writer nor the reader of history, therefore, should confine his attention to a bare statement of facts. . . . For if you take from history all explanation of cause, principle, and motive, and of the adaptation of the means to the end, what is left is a mere panorama without being instructive, and though it may please for the moment, has no abiding value.”

He attributed Rome’s rise to the superior qualities of its citizens and the perfection of its institutions, all of which he contrasted with those of other peoples in the Mediterranean area. His famous description of the Roman constitution at the end of the third century B.C. is a case in point. Influenced by Aristotle, he divided good governments into three types—kingship, aristocracy, and democracy—and he attributed the excellence of the Roman constitution to the fact that it contained elements of these three types in equilibrium. His emphasis upon the checks and balances of the Roman constitution influenced eighteenth century French political thinkers and through them entered into the American constitution.

Introduction

1. I am aware that some will be at a loss to account for my interrupting the course of my narrative for the sake of entering upon the following disquisition of the Roman constitution. But I think that I have already in many passages made it fully evident that this particular branch of my work was one of the necessities imposed on me by the nature of my original design; and I pointed this out with special clearness in the preface which explained the scope of my history. I there stated that the feature of my work which was at once the best in itself, and the most instructive to the students of it, was
that it would enable them to know and fully realize in what manner, and under what kind of constitution, it came about that nearly the whole world fell under the power of Rome in somewhat less than fifty-three years—an event certainly without precedent. This being my settled purpose. I could see no more fitting period than the present for making a pause, and examining the truth of the remarks about to be made on this constitution. In private life if you wish to satisfy yourself as to the badness or goodness of particular persons, you would not, if you wish to get a genuine test, examine their conduct at a time of uneventful repose, but in the hour of brilliant success or conspicuous reverse. For the true test of a perfect man is the power of bearing with spirit and dignity violent changes of fortune. An examination of a constitution should be conducted in the same way; and therefore being unable to find in our day a more rapid or more signal change than that which has happened to Rome, I reserved my disquisition on its constitution for this place. . . .

3. Of the Greek republics, which have again and again risen to greatness and fallen into insignificance, it is not difficult to speak, whether we recount their past history or venture an opinion on their future. For to report what is already known is an easy task, nor is it hard to guess what is to come from our knowledge of what has been. But in regard to the Romans it is neither an easy matter to describe their present state, owing to the complexity of their constitution; nor to speak with confidence of their future, from our inadequate acquaintance with their peculiar institutions in the past whether affecting their public or their private life. It will require then no ordinary attention and study to get a clear and comprehensive conception of the distinctive features of this constitution.

Now, it is undoubtedly the case that most of those who profess to give us authoritative instruction on this subject distinguish three kinds of constitutions, which they designate kingship, aristocracy, democracy. But in my opinion the question may be fairly put to them, whether they name these as being the only ones, or as the best. In either case I think they are wrong. For it is plain that we must regard as the best constitution that which partakes of all these three elements. And this is no mere assertion, but has been proved by the example of Lycurgus, who was the first to construct a constitution—that of Sparta—on this principle. . . .
11 . . . I will now endeavor to describe [the constitution] of Rome at the period of their disastrous defeat at Cannae [by Hannibal, 216 B.C.].

I am fully conscious that to those who actually live under this constitution I shall appear to give an inadequate account of it by the omission of certain details. Knowing accurately every portion of it from personal experience, and from having been bred up in its customs and laws from childhood, they will not be struck so much by the accuracy of the description as annoyed by its omissions; nor will they believe that the historian has purposely omitted unimportant distinctions, but will attribute his silence upon the origin of existing institutions or other important facts to ignorance. What is told they depreciate as insignificant or beside the purpose; what is omitted they desiderate as vital to the question: their object being to appear to know more than the writers. But a good critic should not judge a writer by what he leaves unsaid, but from what he says: if he detects misstatement in the latter, he may then feel certain that ignorance accounts for the former; but if what he says is accurate, his omissions ought to be attributed to deliberate judgment and not to ignorance. So much for those whose criticisms are prompted by personal ambition rather than by justice. . . .

Another requisite for obtaining a judicious approval for an historical disquisition, is that it should be germane to the matter in hand; if this is not observed, though its style may be excellent and its matter irreproachable, it will seem out of place, and disgust rather than please. . . .

Three Sovereign Elements

As for the Roman constitution, it had three elements, each of them possessing sovereign powers: and their respective share of power in the whole state had been regulated with such a scrupulous regard to equality and equilibrium, that no one could say for certain, not even a native, whether the constitution as a whole were an aristocracy or democracy or despotism. And no wonder: for if we confine our observation to the power of the Consuls we should be inclined to regard it as despotic; if on that of the Senate, as aristocratic; and if finally one looks at the power possessed by the people it would seem a clear case of democracy. What the exact powers of these several parts were, and still, with slight modifications, are, I will now state.

12. The Consuls, before leading out the legions, remain in Rome and are supreme masters of the administration. All other magistrates, except the
Tribunes, are under them and take their orders. They introduce foreign ambassadors to the Senate; bring matters requiring deliberation before it; and see to the execution of its decrees. If, again, there are any matters of state which require the authorization of the people, it is their business to see to them, to summon the popular meetings to bring the proposals before them, and to carry out the decrees of the majority. In the preparations for war, also, and in a word in the entire administration of a campaign, they have all but absolute power. It is competent to them to impose on the allies such levies as they think good, to appoint the Military Tribunes, to make up the roll for soldiers and select those that are suitable. Besides they have absolute power of inflicting punishment on all who are under their command while on active service: and they have authority to expend as much of the public money as they choose, being accompanied by a Quaestor who is entirely at their orders. A survey of these powers would in fact justify our describing the constitution as despotic—a clear case of royal government. Nor will it affect the truth of my description, if any of the institutions I have described are changed in our time, or in that of our posterity: and the same remarks apply to what follows.

13. The Senate has first of all the control of the treasury, and regulates the receipts and disbursements alike. For the Quaestors cannot issue any public money for the various departments of the state without a decree of the Senate, except for the service of the Consuls. The Senate controls also what is by far the largest and most important expenditure, that, namely, which is made by the censors every *lustrum* [five years] for the repair or construction of public buildings; this money cannot be obtained by the censors except by the grant of the Senate. Similarly all crimes committed in Italy requiring a public investigation, such as treason, conspiracy, poisoning, or willful murder, are in the hands of the Senate. Besides, if any individual or state among the Italian allies requires a controversy to be settled, a penalty to be assessed, help or protection to be afforded—all this is the province of the Senate. Or again, outside Italy, if it is necessary to send an embassy to reconcile warring communities, or to remind them of their duty, or sometimes to impose requisitions upon them, or to receive their submission, or finally to proclaim war against them—this too is the business of the Senate. In like manner the reception to be given foreign ambassadors in Rome, and the answers to be returned to them, are decided by the Senate. With such business the people have nothing to do. Consequently, if one were staying at
Rome when the Consuls were not in town, one would imagine the constitution to be a complete aristocracy: and this has been the idea entertained by many Greeks, and by many kings as well, from the fact that nearly all the business they had to do with Rome was settled by the Senate.

14. After this one would naturally be inclined to ask what part is left for the people in the constitution, when the Senate has these various functions, especially the control of the receipts and expenditures of the exchequer; and when the Consuls, again, have absolute power over the details of military preparation, and an absolute authority in the field? There is, however, a part left the people, and it is a most important one. For the people is the sole fountain of honor and of punishment; and it is by these two things and these alone that dynasties and constitutions and, in a word, human society are held together. . . . The people then are the only court to decide matters of life and death; and even in cases where the penalty is money, if the sum to be assessed is sufficiently serious, and especially when the accused have held the higher magistracies. And in regard to this arrangement there is one point deserving especial commendation and record. Men who are on trial for their lives at Rome, while sentence is in process of being voted—if even only one of the tribes whose votes are needed to ratify the sentence has not voted—have the privilege at Rome of openly departing and condemning themselves to a voluntary exile. Such men are safe at Naples or Praeneste or at Tibur, and at other towns with which this arrangement has been duly ratified on oath.

Again, it is the people who bestow offices on the deserving, which are the most honorable rewards of virtue. It has also the absolute power of passing or repealing laws; and, most important of all, it is the people who deliberate on the question of peace or war. And when provisional terms are made for alliance, suspension of hostilities, or treaties, it is the people who ratify them or the reverse. These considerations again would lead one to say that the chief power in the state was the people’s, and that the constitution was a democracy.
Checks and Balances

15. Such, then, is the distribution of power between the several parts of the state. I must now show how each of these several parts can, when they choose, oppose or support each other.

The Consul, then, when he has started on an expedition with the powers I have described, is to all appearance absolute in the administration of the business in hand; still he has need of the support both of people and Senate, and, without them, is quite unable to bring the matter to a successful conclusion. For it is plain that he must have supplies sent to his legions from time to time; but without a decree of the Senate they can be supplied neither with grain, nor clothes, nor pay, so that all the plans of a commander must be futile, if the Senate is resolved either to shrink from danger or hamper his plans. And again, whether a Consul shall bring any undertaking to a conclusion or no depends entirely on the Senate: for it has absolute authority at the end of a year to send another Consul to supersede him, or to continue the existing one in his command. Again, even to the successes of the generals, the Senate has the power to add distinction and glory, and on the other hand to obscure their merits and lower their credit. For these high achievements are brought in tangible form before the eyes of the citizens by what are called “triumphs.” But in these triumphs the commanders cannot celebrate with proper pomp, or in some cases celebrate at all, unless the Senate concurs and grants the necessary money. As for the people, the Consuls are preeminently obliged to court their favor, however distant from home may be the field of their operations; for it is the people, as I have said before, that ratifies, or refuses to ratify, terms of peace and treaties; but most of all because when laying down their office they have to give an account of their administration before it. Therefore in no case is it safe for the Consuls to neglect either the Senate or the good will of the people.

16. As for the Senate, which possesses the immense power I have described, in the first place it is obliged in public affairs to take the multitude into account, and respect the wishes of the people; and it cannot put into execution the penalty for offenses against the republic, which are punishable with death, unless the people first ratify its decrees. Similarly even in matters which directly affect the senators—for instance, in the case of a law depriving senators of certain dignities and offices, or even actually cutting
down their property—even in such cases the people have the sole power of passing or rejecting the law. But most important of all is the fact that, if the Tribunes interpose their veto, the Senate not only are unable to pass a decree, but cannot even hold a meeting at all, whether formal or informal. Now, the Tribunes are always bound to carry out the decree of the people, and above all things to have regard to their wishes: therefore, for all these reasons the Senate stands in awe of the multitude, and cannot neglect the feelings of the people.

17. In like manner the people on its part is far from being independent of the Senate, and is bound to take its wishes into account both collectively and individually. For contracts, too numerous to count, are given out by the censors in all parts of Italy, for the repairs or construction of public buildings; there is also the collection of revenue from many rivers, harbors, gardens, mines, and land—everything, in a word, that comes under the control of the Roman government: and in all these the people at large are engaged; so that there is scarcely a man, so to speak, who is not interested either as a contractor or as being employed in the works. For some purchase the contracts from the censors for themselves; and others go partners with them; while others again go security for these contractors, or actually pledge their property to the treasury for them. Now over all these transactions the Senate has absolute control. It can grant an extension of time; and in case of unforeseen accident can relieve the contractors from a portion of their obligation, or release them from it altogether, if they are absolutely unable to fill it. And there are many details in which the Senate can inflict great hardships, or, on the other hand, grant great indulgences to the contractors: for in every case the appeal is to it. But the most important point of all is that the judges are taken from its members in the majority of trials, whether public or private, in which the charges are heavy. Consequently, all citizens are much at its mercy; and being alarmed at the uncertainty as to when they may need its aid, are cautious about resisting or actively opposing its will. And for a similar reason men do not rashly resist the wishes of the Consuls, because one and all may become subject to their absolute authority on a campaign.

18. The result of this power of the several estates for mutual help or harm is a union sufficiently firm for all emergencies, and a constitution than which it is impossible to find a better. For whenever any danger from without
compels them to unite and work together, the strength which is developed by the State is so extraordinary, that everything required is unfailingly carried out by the eager rivalry shown by all classes to devote their whole minds to the need of the hour and to secure that any determination come to should not fail for want of promptitude; while each individual works, privately and publicly alike, for the accomplishment of the business in hand. Accordingly, the peculiar constitution of the State makes it irresistible, and certain of obtaining whatever it determines to attempt. Nay, even when these external alarms are past, and the people are enjoying their good fortune and the fruits of their victories, and, as usually happens, growing corrupt by flattery and idleness, show a tendency to violence and arrogance—it is in these circumstances, more than ever, that the constitution is seen to possess within itself the power of correcting abuses. For when any one of the three classes becomes puffed up, and manifests an inclination to be contentious and unduly encroaching, the mutual interdependency of all the three, and the possibility of the pretensions of any one being checked and thwarted by the others, must plainly check this tendency; and so the proper equilibrium is maintained by the impulsiveness of the one part being checked by its fear of the other.