

Res Publica

I. *Res Publica* – Public affairs, public things, property of the public, the people

A. *Senatus Populusque Romanus* (SPQR) - The Senate and People of Rome

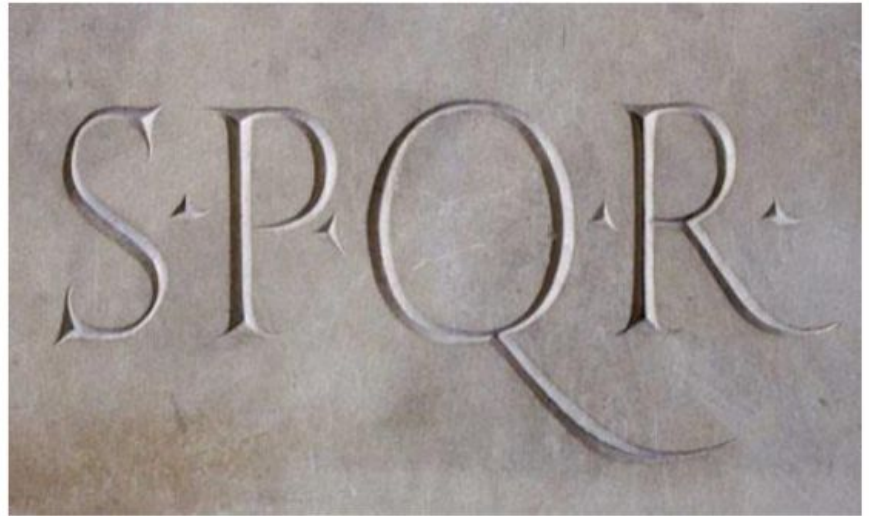
II. Mixed Regime

A. Monarchical, aristocratic, democratic elements

1. Monarchical – Consul, Magistrate

2. Aristocratic – Senate

3. Democratic - Assembly



Polybius' Republican Constitution

I. Polybius - The Roman constitution was at its best during the time of the Second Punic War

A. Mixed regime – Impossible for a native to pronounce whether the constitution was predominantly aristocratic, democratic, or monarchical

II. The Consul – Exercise authority over all public affairs, all other magistrates are under them (not tribunes)

A. Carry out decrees of the Senate

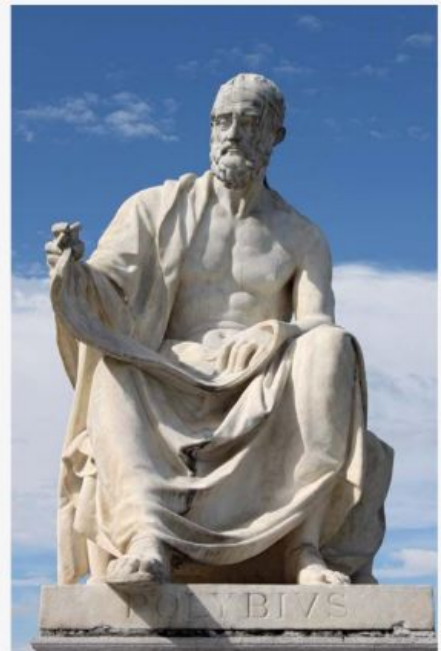
B. Summon assemblies, introduce measures, executes popular decrees

III. The Senate – Control over the treasury, all revenues and expenditures (other than funds requested by the consul in the field) must be approved by the Senate

A. Crimes requiring public investigation

B. Dispatch of embassies, foreign affairs

IV. The People – Confer honors and inflict punishments, bestow office on the deserving, try capital charges, approve and reject laws, deliberate on war and peace, ratify treaties



Polybius' Checks and Balances

- I. Consuls require the support of the Senate and people
 - A. Senate pays legions, pays for grain, supplies
 - B. Senate chooses whether or not to sustain consuls after their term in office
 - C. Senate chooses whether to hold triumphs
 - D. The people ratifies treaties
- II. The Senate must be attentive to the people
 - A. The people approve or reject Senate decrees
 - B. Tribunes hold the power to veto Senate decrees and resolutions
- III. The People must be submissive to the Senate
 - A. The Senate controls public works, public contracts
 - B. Judges in civil trials are appointed from among senators



Cicero's Republican Constitution

- I. Magistrates shall use compulsion by means of fines, imprisonment, or lashing, unless an equal or higher authority or the people, to which the people shall have the right of appeal, forbids it.
 - A. No appeal from commanders or generals in the field
- II. Quaestors (city), Military Tribunes (army) – custodians of the public money, charge over the confinement of criminals, inflict capital punishment, coin bronze, silver, and bronze money
- III. Aediles – Caretakers of the city, markets, games
- IV. Censors – conduct the census, temples, streets, aqueducts, prohibit celibacy, regulate morals of the people, regulate the conduct of senators
- V. Praetors – Administrators of justice, guardians of the civil war, decide or direct civil cases
- VI. Consuls – Royal power, supreme military power, the safety of the people shall be their highest law
- VII. Dictator – Serious war or civil dissensions arise, one man should hold the power of the two consuls for no longer than six months
- VIII. 10 Tribunes – elected to protect the plebians from violence
- IX. The Senate – Consists of those who have held magistracies, decrees shall be binding, equal or higher authority than the presiding officer can veto decrees of the Senate
 - A. The presiding officer must observe the auspices and obey the state augur



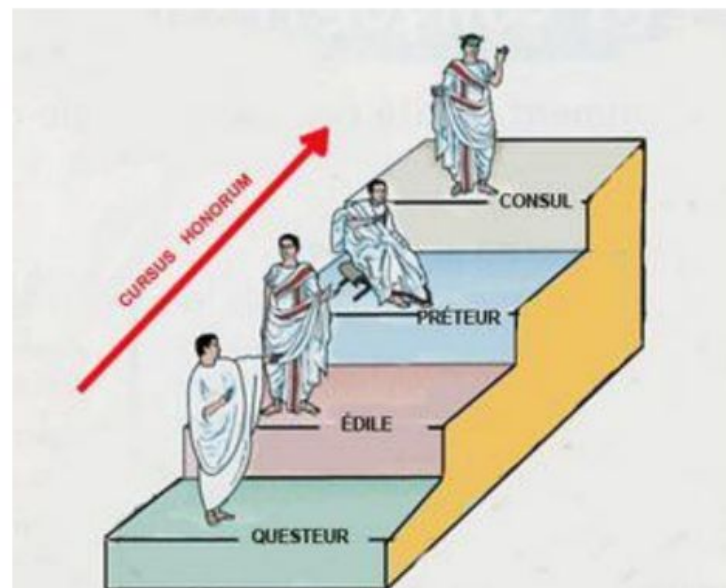


The Senate of Rome

- I. The Senate is the stable political body in Rome and represents political wisdom
 - A. Meets in the *curia* or Senate House
 - B. Made up of former consuls, censors, praetors, tribunes, aediles, and quaestors
 - 1. Senators serve for life
 - C. The Senate advises magistrates who carry out recommendations
 - 1. The Senate's decisions are called *consulta* or *decreta*
 - D. The Senate's prestige (*auctoritas*) gives it great influence
 - E. Senate can initially veto laws of the assemblies
 - F. Senate determines Rome's expenditures and revenues (power of the purse)
 - G. Senators can speak for as long as they wish (filibuster)

Cursus Honorum

- I. The course of honors
 - A. Path of promotion
- II. Quaestor
 - A. First office
- III. Aedile
 - A. Games and parties to win votes for praetor
- IV. Praetor
 - A. Must wait three years to become consul
- V. Consul
 - A. Desire of all ambitious Romans
- VI. Censor
 - A. Become a censor after consulship



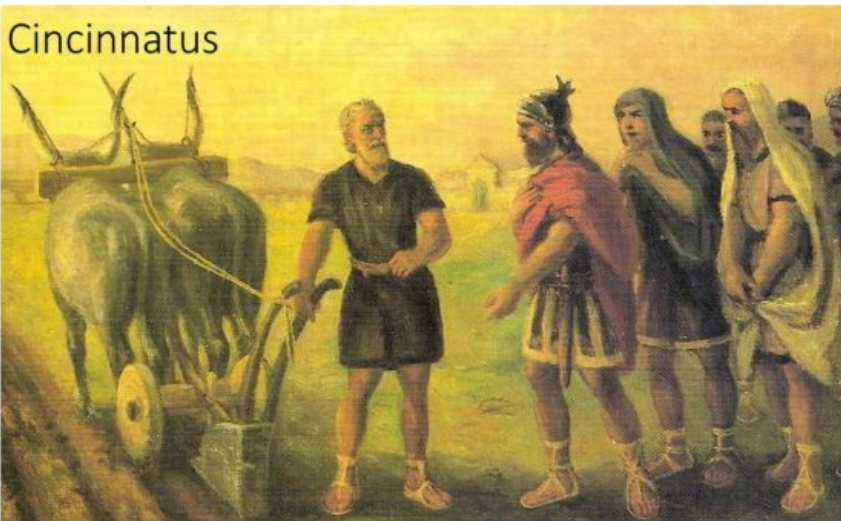
LE CURSUS HONORUM PENDANT LA RÉPUBLIQUE ROMAINE



Roman Magistrates - Consul

- I. He who consults the people and Senate; He who counsels
 - A. Imperium (authority of the king) assumed by the consuls, chief magistrate of the Republic, commanders-in-chief of the armies
 - 1. Accompanied by the Lictors and Fasces
 - 2. *Sella curulis* – Ivory chair of the consuls
 - B. Convenes and oversees the meeting of the Senate
 - C. Power of life and death over the army
 - D. Propose laws and issue edicts
- E. Having 2 consuls ensures that power is not abused or misused
 - 1. Each consul serves as a check on the other
 - 2. Each consul is accompanied by lictors every other month

Cincinnatus



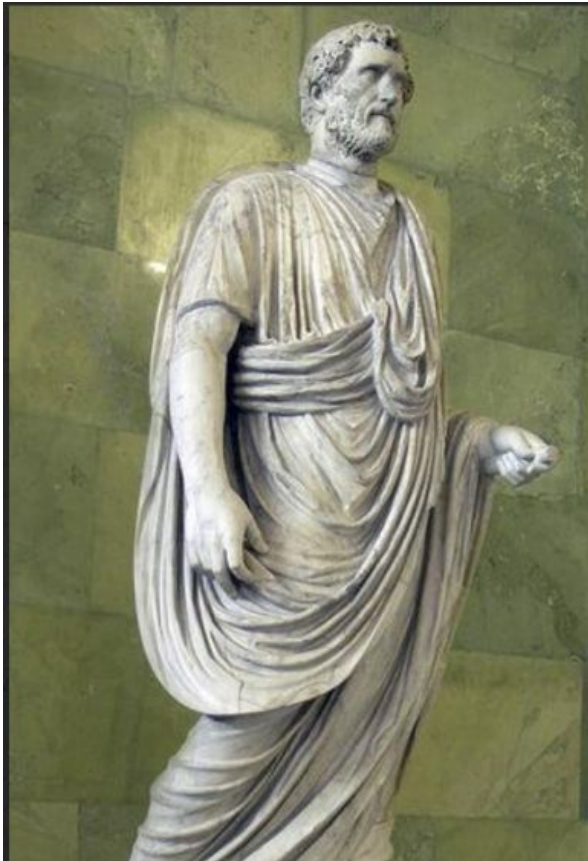
Roman Magistrates - Dictator

- I. The one to whose dictum all should be obedient
 - A. Appointed during times of crisis or emergency; six-month term
 - 1. Need for prompt, unanimous decision or action
 - B. Absolute authority in Rome; power of life and death within Rome
 - 1. No appeal or veto prior to 300 B.C.
 - 2. Dictator accompanied by 24 lictors
 - C. Senate recommends the appointment of a dictator, consuls nominate a candidate, law of the *comitia centuriata* installs the consuls' choice

Roman Magistrates - The Censors

I. The one who rates or judges the people
(*censio*)

- A. Conducts the Census every five years
- B. Assessment of wealth; censors determine who is eligible to serve in Senate (wealth requirement)
- C. Revision of the Senate List
 - 1. Determine who is fit and suitable to serve in the Senate
- D. Supervise public morality
 - 1. Sumptuary laws – concern luxuries
- E. Award government contracts for public works and services
 - 1. Collecting taxes, building bridges and roads



Roman Magistrates - Praetor

- I. The one who heads (*praeire*) the law and army; those who out in front and before
- II. 449 B.C. - Consul distinguished from Praetor
 - A. Office of Praetor
 - 1. In charge of the courts
 - 2. Two types of praetors
 - a. *Praetor urbanus* – Law and Justice in Rome
 - b. *Praetor Peregrinus* – Lawsuits involve foreigners
 - 3. Could also command armies
 - 4. Praetors serve in the Senate

Roman Magistrates - Aedile

- I. The one who looks after the buildings (*aedes*)
 - A. Oversee infrastructure in Rome
 - B. Two types of Aediles
 - 1. Aediles – Assistants of the tribunes
 - 2. Curule Aediles (initially held by nobles)
 - a. *Magistri* – Masters who are greater than inferior officials (includes other magistrates as well)
 - C. *Cura Annonae* - Ensure that the city has enough grain
 - D. Fine merchants who break the laws
 - 1. Govern the marketplace

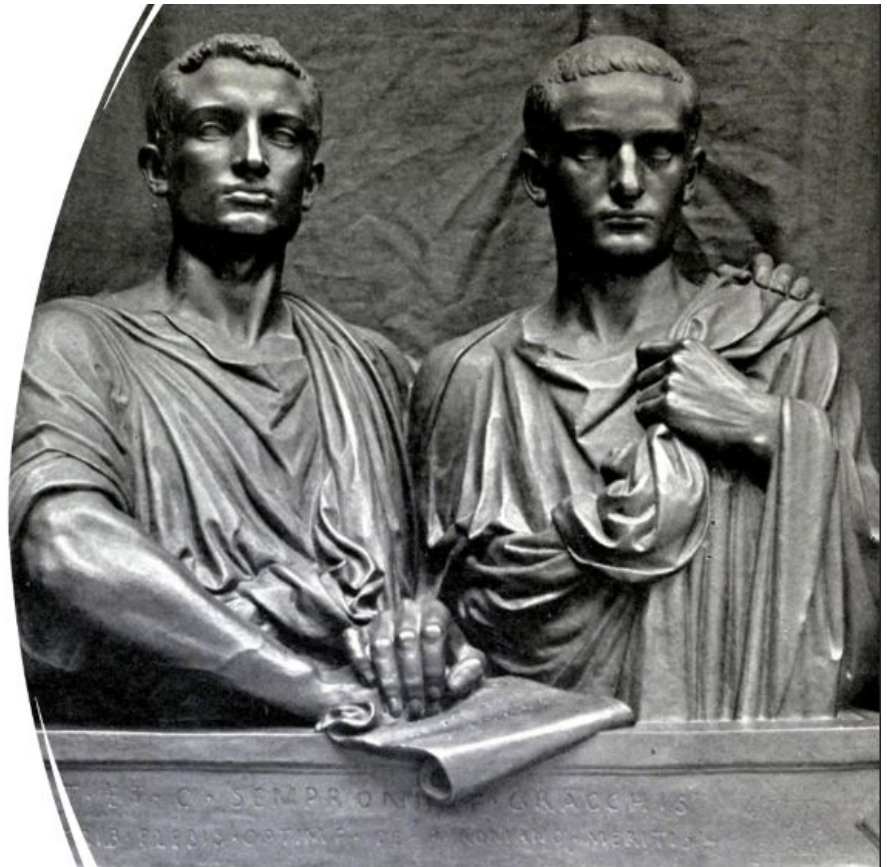


Roman Magistrates - Quaestors

- I. The one who inquires into public money and illegal doings (judicial function)
 - A. In charge of the treasury and public records
 - 1. *Signa* (standards kept in treasury)
 - B. Assigned to a consul or praetor during war
 - 1. Pay troops, procure supplies
 - C. After 80 B.C., quaestors become senators

The Tribunes

- I. Tribune
 - A. Represents the common people or plebians
 - 1. Tribunes have to be plebians
 - 2. Tribunes are not allowed to enter the senate house
 - 3. Tribunes are not magistrates, but checks on magistracy
 - B. *Intercessio* – Veto on Senate decrees, government action
 - 1. Power to protect a commoner from imperium or punishment within one mile of the city
 - C. Tribunes are not to be harmed
 - 1. Those who harmed tribunes could be killed themselves
 - D. Tribunes elected by the *Concilium Plebis*



The Assemblies of the People

I. *Comitia* – Assembly

A. *Comitia Centuriata* – elects magistrates, approves laws of the Senate, declares wars

- 1. Meets outside of the city because armies are not allowed beyond the *pomerium* (sacred boundary)

B. *Comitia Tributa* – organized according to geographical tribe

- 1. Less aristocratic than the Century Assembly

