

# **POLYBIUS' THEORY OF THE ANACYCLOSIS OF CONSTITUTIONS**

This thesis is submitted as requirement  
for the degree of Master of Arts

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# ABSTRACT

The principal purpose of Polybius' History is the narration and explanation of Roman world domination. It is particularly the explanation of this phenomenon which Polybius believed would make his History beneficial and instructive. The Roman mixed constitution is identified as the cause of Roman world domination. In order to explain the concept of the mixed constitution, and the development of the Roman mixed constitution, Polybius uses a political theory called the Anacyclosis of Constitutions. In this thesis, I examine the structure, functions, character and background of the anacyclosis, and every aspect of the relationship between the anacyclosis and the Roman constitution. In addition to this, I also analyse Polybius' concept of the mixed constitution and his description of the Spartan, Carthaginian and Roman mixed constitutions.

Polybius' description of the anacyclosis is simple and consists largely of commonplace concepts. The anacyclosis is composed of two principle elements: the sequence in which constitutions follow upon one another, and the biological paradigm of genesis, growth, acme and decline. Polybius places more emphasis on the biological paradigm than on the sequence of constitutions, both within the description of the anacyclosis and with the association between the Roman constitution and the anacyclosis. This causes certain problems with interpretation.

The anacyclosis of constitutions stands in a double relationship to the mixed constitution. It illustrates the concept of the mixed constitution through comparison with simple forms of constitution, and it is also illustrative of the path which Roman constitutional history followed *en route* to the development of the Roman mixed constitution. While the first relationship is not problematic, the second is.

The relationship between the anacyclosis and the Roman constitution is confusing and contradictory. The confusion is caused by Polybius' lack of terminology to describe a mixed constitution and the emphasis which he places on the biological paradigm in the association between the Roman constitution and the anacyclosis. The relationship is also contradictory. Polybius fits the Roman constitution into the anacyclosis, but the emphasis on natural development in the description of the anacyclosis means that it is exclusively illustrative of simple constitutions. The Roman constitution was mixed, and therefore logically excluded.

Polybius' concept of the mixed constitution is simple. His discussion on the Spartan and Carthaginian mixed constitutions is perfunctory and characterless, though the discussion on the Roman mixed constitution is more elaborate. Polybius merely lays emphasis on the identification of the elements which make up the mixed constitution, and upon the bonds of balance and counterbalance which exist between these elements.

An examination and analysis of Polybius' Anacyclosis of Constitutions is not an original topic. Scholarship on this issue can be dated to the 18th century AD. What I offer in this thesis is a reinterpretation of many of the key aspects of Polybius' discussion which have confounded and dogged Polybian scholarship. Even though the topic is not original, this thesis provides a new perspective, removes old paradoxes and offers further insight into the functions and importance of the anacyclosis in Polybius' History.

# CONTENTS

## 1. AN ANALYSIS OF THE ANACYCLOSIS

- 1.1 Introduction
- 1.2 The Biological paradigm
- 1.3 The Decay Similes
- 1.4 The Modes of Decay
- 1.5 The Sequence of Constitutions
- 1.6 Periodical Destruction
- 1.7 Primeval Civilisation
- 1.8 Monarchy - The Seventh Constitution
- 1.9 From Monarchy to Kingship
- 1.10 Transition of the Six Simple Constitutions
- 1.11 Conclusions

## 2. THE ANACYCLOSIS OF CONSTITUTIONS AND THE MIXED CONSTITUTION

- 2.1 Introduction

### A. THE SPARTAN CONSTITUTION

- 2.2 The Principle of the Mixed Constitution

### B. THE ROMAN CONSTITUTION

- 2.3 The Two Concepts of the Anacyclosis
- 2.4 The Paradox in 4.13 and 9.12
- 2.5 The Naturalness of the Anacyclosis
- 2.6 Cicero's *de re publica* and Polybius VI
- 2.7 The Functions of the Anacyclosis
- 2.8 Conclusions

## 3. THE MIXED CONSTITUTION

- 3.1 Introduction
- 3.2 Definition, Structure, Sources
- 3.3 The Spartan Mixed Constitution
- 3.4 The Carthaginian Mixed Constitution

## **THE ROMAN MIXED CONSTITUTION**

- 3.5 The Roman Constitution and *Tyche*
- 3.6 The Structure of the Roman Constitution
- 3.7 The Development of the Roman Constitution
- 3.8 Conclusions

## **4. THE ANACYCLOSIS OF CONSTITUTIONS OUTSIDE BOOK VI**

## **5. CONCLUSIONS**

## **6. BIBLIOGRAPHY**

# **ABBREVIATIONS**

**DK** - Diels, H and W. Krantz.

**FHG** - Fragmenta Historicum Graecorum.

**IG** - **Inscriptiones Graecae.**

**KRS** - Kirk, GS, JE. Raven and M. Schofield.

**OCD** - **Oxford Classical Dictionary.**

**SVF** - **Stoicorum Veterum Fragmenta.**

**WH** - Wachsmuth, C and O. Hense.

# 1. AN ANALYSIS OF THE ANACYCLOSIS

## 1.1 INTRODUCTION

1.1.1 This thesis consists of four main chapters. In this, the first chapter, I analyse Polybius' theory of the anacyclosis of constitutions, identifying and examining the constituent elements of this theory. This analysis becomes especially relevant in the second chapter, where I use it to examine the functions of the anacyclosis, in particular the relationship between the anacyclosis and the Roman mixed constitution. In the third chapter I examine Polybius' perception of the mixed constitution, how he analysed the Spartan, Carthaginian and Roman mixed constitutions, and in the fourth chapter I determine the use and relevance of the anacyclosis of constitutions outside book VI.

1.1.2 The description of the anacyclosis is based upon two primary concepts. The one is the sequence in which constitutions were seen to follow upon one another. The sequence is monarchy, kingship, tyranny, aristocracy, oligarchy, democracy and ochlocracy, illustrating the three simple forms of constitution and their respective, symbiotic corrupt forms.<sup>1</sup> The other primary concept is the biological paradigm of genesis, growth, acme and decline,<sup>2</sup> a pattern which all living matter was seen to exemplify. Polybius also applies this paradigm to the development of constitutions. Every function of the anacyclosis, and nearly every aspect of Polybius' discussion on the various forms of constitution, whether they are simple or mixed, is based upon, and centred around, these two concepts. They constitute the very basis of the anacyclosis. The purpose of this chapter is to analyse these two concepts in order to understand how the anacyclosis is structured. The chapter is subdivided into the following sections:

**1.2 THE BIOLOGICAL PARADIGM.** In the description of the anacyclosis of constitutions the biological paradigm supersedes the sequence of constitutions in the range of functions which it performs. In this section I enumerate the multiplicity of

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1 - VI 4.7-10. Cf. also 5.9; 6.12; 7.8; 8.1,5; 9.3,7,9

2 - Indicative of these stages are the terms *συνίσταται* (4.7), *γεννᾶται* (4.9), *ἀρχή* (5.10), *καταλύσεως* (7.8), *ἀνηρεῖτο* (8.1), *ἀρχὴν καὶ γένεσιν* (7.1; 8.1. cf. also 51.4) and *καταλύεται* (9.7). Cf. also 4.11-12 and 9.11

functions for which the biological paradigm is used and I examine the commonness of the biological paradigm in Greek thought.

**1.3 THE DECAY SIMILES.** Of all the stages in the biological paradigm, it is particularly that of decay upon which Polybius lays emphasis. In order to elucidate and illustrate the concept of decay, Polybius makes use of the analogy of rust and woodworms. In this section I examine the commonness of similes to illustrate the concept of decay, and also how the similes are used by Polybius to illustrate the inevitability of decay in constitutions.

**1.4 THE MODES OF DECAY.** Decay could occur either from within or from without. In this section I particularly look at GW. Trompf's postulation that Polybius associated external decay with *tyche*.

**1.5 THE SEQUENCE OF CONSTITUTIONS.** Although Polybius places more emphasis on the biological paradigm than the sequence of constitutions in his description of the anacyclosis, the sequence in which constitutions follow upon one another is not irrelevant. This becomes especially evident once the connection between the anacyclosis and the Roman constitution is expounded. In this section I examine the probability of Plato as the source of the sequence of constitutions in Polybius' anacyclosis of constitutions.

**1.6 PERIODICAL DESTRUCTION.** Polybius begins his discussion on the anacyclosis of constitutions by returning human civilisation to its beginning. This return to the beginning is effected by a destruction of the human population. In this section I examine Polybius' portrayal of this destruction and I compare it with those of other Greek authors who also wrote about a periodical destruction of the earth.

**1.7 PRIMEVAL CIVILISATION.** Once human civilisation has been returned to its beginning, Polybius begins to discuss the evolution of human society. He begins with the lifestyle of early man. This section looks at his description, and also the possibility that Plato's *Laws* may have been the source of this discussion.

**1.8 MONARCHY.** The first form of rule which humans are said to have experienced, is monarchy. In this section I analyse Polybius' idiosyncratic characterisation of the monarch, and also the relationship within which monarchy stands to the six simple forms of constitution.

**1.9 FROM MONARCHY TO KINGSHIP.** The transition from monarchy to kingship heralds the start of the anacyclosis of constitutions. It also signifies an important progression in human civilisation. This section examines the aspects of this progression.

**1.10 THE SIX SIMPLE CONSTITUTIONS.** In this section I examine the factors involved in the transition from the one form of constitution to the next in the anacyclosis.

## **1.2 THE BIOLOGICAL PARADIGM**

1.2.1 Polybius uses the biological paradigm to delineate the development of simple forms of constitution.<sup>3</sup> The biological paradigm forms an important part of the argumentation in book VI. It is the single most important tenet upon which the anacyclosis of constitutions is built. The biological paradigm pervades the anacyclosis. In 4.11-12 the anacyclosis is related entirely in terms of the stages of the biological paradigm. It is the set generation-growth-acme-decline pattern which established the value of the anacyclosis for prognostication (4.12; 9.11). It is the observation of the biological paradigm which is supplied as proof of the veracity of the anacyclosis (4.11). It is the occurrence of the biological paradigm in both the Roman constitution and the simple forms of constitution, as exemplified by the anacyclosis, which is supplied as the basis for the association of the anacyclosis with the Roman constitution (4.13). It is the unalterable pattern of the biological paradigm which is used to prove that although the mixed constitution of Rome was superior to the simple forms of constitution, it too could not last forever and would have to suffer an inevitable decline.<sup>4</sup> The anacyclosis of constitutions is said to be useful for determining the genesis, growth, acme and decline of the Roman constitution (9.12). Finally, it is the identification of the various stages of the biological paradigm in a state's constitution (51.4-5) which is cited as vindication of the claim made in VI 2.9-10, that it is the form of a state's constitution which can be determined as the cause of that state's triumphs and defeats.

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3 - Vocabulary connoting generation, growth, acme and decline is to be found in 4.7,9,11-12; 5.10; 7.1,8; 8.1; 9.7,11-13; 51.4-5

4 - 9.12-13. Cf. also 57.1

1.2.2 The biological paradigm can be regarded as an elaboration of the Presocratic idea that everything has a point of genesis and decline.<sup>5</sup> This concept also figures in the works of later Greek writers.<sup>6</sup> Ocellus Lucanus, a contemporary of Polybius, composed a work, **On the Nature of Everything**, which prominently featured the principles of *genesis*, *auxesis* and *phthora*.<sup>7</sup> Much later, Diogenes Laertius used this classification in his **Lives and Opinions of Eminent Philosophers** to designate the various stages in the lives of the philosophers he was writing about.<sup>8</sup> Other authors who made use of the biological paradigm include Philo<sup>9</sup> and the pseudo-Pythagorean Hippodamus.<sup>10</sup> It cannot be determined from whom Polybius specifically borrowed the concept of the biological paradigm,<sup>11</sup> since, like nearly every other aspect of the discussion on the anacyclosis, it was common and popular.

### 1.3 THE DECAY SIMILES

1.3.1 Polybius considered that decay was such a common occurrence, recognised and accepted by so many people, that there was no need to state or explain the concept (57.1). That everything was susceptible to decay was indeed a common sentiment.<sup>12</sup> To justify his decision not to elaborate on the concept of decay, Polybius labels it as "a necessity of nature" (57.1).<sup>13</sup> The term "necessity" is used to

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5 - One of the aims of Presocratic philosophers was to determine the principal element upon which everything was based and into which everything would decline once again - cf. Thales 87 (KRS); Anaximenes 139-41 (KRS); Anaximander 101, 110 (KRS). In connection with Anaximander, cf. also pp.118, where KRS comment on the frequency of the abstracts *genesis* and *phthora* in Presocratic and Peripatetic philosophy.

6 - Plato **Rep.** VIII 546A; Herodotus I 5; Thucydides II 64.3

7 - The second chapter of this work, which deals with *genesis*, is largely a reproduction of Aristotle's **On Genesis and Decay** - cf. DK (1985<sup>1</sup>:440-1).

8 - Solon (I 62); Chilon (I 72); Periander (I 98); Socrates (II 44); Xenophon (II 55,56); Plato (III 2); Aristotle (V 9,10); et al.

9 - **de aet. mundi** 58, 60

10 - *ap.* Stob. IV 34.71 (WH)

11 - Cf. Walbank (1957:644-5)

12 - Cf. *ap.* Diog. Laert.: Carneades (IV 64,66); Crates (VI 89)

13 - Cf. Anaximander 110 (KRS) and Hippodamus *ap.* Stob. IV 34.71 (WH) where nature and necessity are also associated with decay.

intensify the connotations of *physis*.<sup>14</sup> By saying that decay is natural, Polybius is indicating that it is an inevitable, regular and inescapable phenomenon. It is something which occurs often and regularly enough to be considered a universal law.<sup>15</sup>

1.3.2 The concept of decay, its character and nature, is elucidated by the woodworms and rust similes in 10.3. The use of similes to illustrate the concept of decay is not without precedent. Plato<sup>16</sup> has a multiplicity of examples to illustrate the internality and inevitability of decay. His similes include ophthalmia affecting the eyes, disease the body, mildew grain, rot wood, rust bronze and iron. A fragment of Menander (fr. 538)<sup>17</sup> cites rust, moths and woodworms as decaying agents.<sup>18</sup> It is then apparent that the natural destruction of metal and wood were commonly used in the form of similes to illustrate the concept of decay.

1.3.3 It is not only the examples, but also the vocabulary which is similar. In each of the passages cited above, emphasis is laid on the internality, and consequent inevitability, of decay. Polybius notes that rust and woodworms are the congenital banes<sup>19</sup> of metal and wood respectively. Furthermore, because these maladies are engendered (*συγγενομένων* - 10.3), corruption is considered to be inevitable.<sup>20</sup>

1.3.4 Menander reiterates the internality of decay - *ὑπὸ τῆς ἰδίας ἕκαστα κακίας σήπεται / καὶ πᾶν τὸ λυμαινόμενόν ἐστιν ἔνδοθεν* (fr. 538, ll.2-3). The words *τῆς ἰδίας κακίας* suggest that decay is engendered in its hosts, a suggestion which is amplified by the following line, that corruption occurs from within (*ἔνδοθεν*).

1.3.5 Plato also characterises degeneration as a congenital malady - *σχεδὸν πᾶσι ξύμφυτον ἕκαστῷ κακόν τε καὶ νόσημα* (**Rep.** 609 A). Furthermore, Plato, like Polybius, also considered a congenital defect to be inescapable - *τὸ ξύμφυτον ἄρα*

14 - Cf. 2.5.5 for the complete discussion.

15 - Cf. 2.5.6 - 2.5.9

16 - **Rep.** X 609A

17 - Cf. Koerte (1953:178)

18 - Philo, who writes more than a century after Polybius, has rust consuming iron and brass, and disease the body - **de aet. mundi** 20.

19 - *συμφυεῖς λῦμαι* - 10.3

20 - Cf. 2.5.6 for the complete discussion.

κακὸν ἑκάστου καὶ ἡ πονηρία ἑκάστου ἀπόλλυσιν ἢ εἰ μὴ τοῦτο ἀπολεῖ οὐκ ἂν ἄλλο γε αὐτὸ ἔτι διαφθείρειεν (609 A).<sup>21</sup>

1.3.6 The similar examples and vocabulary suggest a common tradition. The concept of a common tradition, as Walbank notes (1957:659-60), is more probable than the possibility that Polybius borrowed and adapted the similes and vocabulary from Plato, since the differences between Plato and Polybius are fairly extensive: Polybius does not have as many examples of decay as Plato, he does not specify what types of metal it is which rust is consuming, and he has his wood wasted by two varieties of woodworms, not rot. Ryffel argues (1973:248-50), and Walbank concurs (1957:659-60), that this tradition can be traced all the way back to the Presocratic philosophers Antiphon<sup>22</sup> and Empedocles.<sup>23</sup> These passages do not, however, explicitly express the idea of a congenital flaw, nor do they have the examples of decay as discussed above. Despite this, the idea of a common tradition is still valid. Diogenes Laertius records traces of this tradition in his biography on Carneades (IV 65), Antisthenes (VI 5), Crates (VI 89) and Zeno (VII 115).

1.3.7 The purpose of the rust and woodworms similes in 10.3 is to prove, by analogy, the statement made in 10.2, that each good and simple form of constitution is susceptible to decay, and that they will invariably be followed by their corresponding corrupt forms.<sup>24</sup> The corrupt form of, and defect in, kingship is identified as tyranny, of aristocracy oligarchy, and of democracy ochlocracy (10.4-5). That every type of rule can be divided into a good and a corrupt form, and that every good form of constitution will naturally be followed by its corresponding corrupt form, was already recognised by Plato<sup>25</sup> and Aristotle.<sup>26</sup>

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21 - Philo also expresses the internality of decay: "There are two sources of destruction, which are attendant upon all things susceptible to decay, from within (ἐντός) and from without. You would find, for example, iron, brass and other such substances corroding of themselves (ἐξ ἑαυτῶν) ... In the same way, animals die of their own accord through illnesses..." - *de aet. mundi* 20

22 - II 87 B15 (DK)

23 - I 31 B26.7; B81; B95; B121 (DK)

24 - For the complete discussion, cf. 2.5.8

25 - *Polit.* 291D - 292A, *contra* Cole (1964:444) who cites Aristotle as the first person to have done this.

26 - *Nic. Eth.* 1160a31-b22; *Eud. Eth.* 1241b 27-32; *Pol.* 1279a28-b6

1.3.8 Each of the six simple forms of constitution does not go through the stages of genesis, growth, acme and decline, but the good forms go through the first three stages, and their corresponding corrupt form through the last. It is only as a unit that each corresponding good and corrupt constitution is able to exhibit the biological paradigm. Therefore, although Polybius is insistent that there are six forms of constitution (4.6), what he actually enumerates are three types of constitution each of which is divided into a good and corrupt form (3.9-4.5). Even though Polybius makes a distinction between corresponding good and corrupt forms of constitutions (4.1-5), each pair represents the same type of constitution. The one is just a perversion of the other, as can be seen from the distinctions which Polybius draws between the two (4.1-5). The characteristics of the corrupt constitutions are not different from those of the good constitutions, merely the reverse of them.

1.3.9 von Fritz observes (1954:88) that the rust and woodworms similes in 10.3 do not reflect the stages of the biological paradigm, stages which the development of Rome are seen to exemplify.<sup>27</sup> He concludes that, despite this, the similes are not inappropriate, since simple forms of constitution do not grow (*sic*), but are made by revolutions. The decay similes are appropriate, however, not because simple constitutions do not grow, but because the similes are used to justify the statement made in 10.2, that each simple form of constitution tends to be corrupted by an innate flaw.<sup>28</sup> The sole purpose of the similes is to illustrate the inevitability and regularity of decay, and to this extent they are successful. The similes do not, it is true, reflect the biological stages of genesis, growth, acme and decline, but this was not their function. Furthermore, since the similes are only illustrating the occurrence of decay, and since decay is only one stage in the biological paradigm, the decay similes do not preclude the other stages. The argument as it stands in 10.2-5 is logical, and there is no inconsistency with what is said in other sections of book VI.

#### 1.4 THE MODES OF DECAY

1.4.1 Polybius identifies two ways according to which decay can occur, either from within or from without (57.2).<sup>29</sup> Like the idea that everything is susceptible to

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27 - 4.13; 9.12

28 - 10.2 also states that the corruption occurs speedily. The similes do not account for this.

29 - Cf. 10.3, where wood and metal are said to be susceptible to both internal and external decay.

decay, this too is a common concept. It is noted by Ocellus Lucanus,<sup>30</sup> Philolaos,<sup>31</sup> Aristotle,<sup>32</sup> and Stobaeus (IV 1.95).<sup>33</sup> The difference between internal and external decay is that while the causes of the former are regular, those of the latter are variable (Polyb. VI 57.2). A further distinction between the two is that while external decay is avoidable, internal decay, on account of the congenital relationship between it and the substance concerned, is inescapable (10.3, 5).

1.4.2 Trompf (1979:72-5) postulates that Polybius categorised external decay under the aegis of fortune (*sic*). His rationale is that while the natural biological paradigm is ideal for analysing the structure of a naturally developing constitution, it cannot explain the interaction between independent states. This, he reckons, is where *tyche* comes into its own. *Tyche* represents the irregular, the unexpected, the incalculable, all aspects which Trompf considers to be contained in the definition of external decay (57.2). With these two models, Polybius could then categorise every occurrence of decay.

1.4.3 Trompf's postulation is based upon the premises that the connotations of external decay and *tyche* coincide, and that the distinction between internal and external decay is maintained throughout the History. Neither premiss is correct.

1.4.4 The *tyche* paradigm states that prosperity is invariably followed upon by adversity.<sup>34</sup> Human, or political, affairs generally experience either good or bad fortune, and it is *tyche*, representative of the unknown future and changing situations, which is held responsible for the change.<sup>35</sup>

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30 - **On the Nature of Everything** I xi.13

31 - I 44 B21 (DK)

32 - **Pol.** 1312a39 ff.

33 - This distinction is also made by Philo (**de aet. mundi** 20,74). The identification of only internal decay is made by Menander (fr. 538) and Plato (**Rep.** X 609 A).

34 - III 31.3; XV 6.8; XXIII 12.4-5; XXIX 22.1-4; XXXVIII 21.2-3. In Herodotus (I 207) and Aristotle (**Nic. Eth.** 1100b 4-5) change of fortune is said to be cyclical. The circularity of fortune is not evident in Polybius - cf. Trompf (1979:62-4).

35 - I 35.2; XXV 3.9; XXIX 20.1-4; XXXV 21.2-3. A characteristic of the reversal of fortune is that it is always unexpected and impervious to rationale - XV 8.3; 15.5; XXIX 21.5; 22.2; XXX 10.1

1.4.5 *Tyche* is indicative of adversity. It is invoked wherever there has been a reversal of prosperity, and the only criterion is that the cause be unfathomable (XXXVI 17.1-15). This is the essential connotation of *tyche*, and it does not coincide with Polybius' definition of external decay (57.2). External decay is said to be ἀστατος. It is contrasted with internal decay, which is said to be τεταγμένη. Τεταγμένη connotes order and regularity, ἀστατος the opposite of these. Although the connotations of *tyche* and external decay appear to be similar, there is one important difference: external decay does not necessarily mean that the causes of the decay are outside of human comprehension, merely that they are of such a diverse nature, that they cannot be conveniently categorised. *Tyche*, per definition, is attributed to that which cannot be explained.

1.4.6 The distinction which Polybius draws between internal and external modes of decay in book VI is not made in the rest of his History. The distinction is ideal in book VI because it allows Polybius to characterise the transitions from good to corrupt forms of constitutions as regular, invariable and predictable. Outside book VI however, the categorisation of decay as either internal or external diminishes in importance. There, if a rational explanation is possible, it is supplied.<sup>36</sup> If it is not possible, then the incident is attributed to *tyche*. This methodology pervades the entire History. Trompf's assertion that Polybius attributed external decay to *tyche* is therefore incorrect.

1.4.7 It appears, furthermore, that Polybius made the distinction between internal and external decay because it was traditional, rather than because it was relevant to his discussion. Central to the concept of internal decay is the attribution of a congenital defect to everything subject to corruption (10.3-4). This not only means that decay is inevitable, but also that everything will be corrupted by the defect which is peculiar to it (10.3-4). Although external decay is not excluded entirely,<sup>37</sup> Plato<sup>38</sup> is insistent that something can only be corrupted by the vice which is peculiar to it. An external factor can activate or aggravate the flaw responsible for the dissolution of something or other, but it itself cannot be regarded as the cause of the dissolution.<sup>39</sup>

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36 - Success and defeat in battle are often attributed to the skill or lack of judgement of the generals - IX 12.1-4; X 32.7; 33.1-3; XI 14.2

37 - Philo notes that metal could be melted down by a fire before its particular flaw, rust, took effect - *de aet. mundi* 20.

38 - *Rep.* X 609A - 611A

39 - Cf. also Plato *Rep.* VIII 556E

1.4.8 Polybius adopts a similar attitude. In 18.2-6 and 44.4-8 it is made clear that a constitution can either collapse from within, on account of the condition of the state, or from without, when the country is invaded by a foreign army. Yet, in 51.3-8, although Carthage is defeated by Rome in war, Polybius does not attribute Carthage's defeat to the superiority of the Roman army, an external factor, but to prior corruption within the constitution of Carthage. His argument is that when Carthage went to war with Rome, its constitution had already passed its peak, and decay, represented by the growth of the power of the people in the Assembly,<sup>40</sup> had set in (51.5-6). It is therefore possible to deduce that if Rome was to be invaded and conquered by some or other foreign army, Polybius would rather have attributed that defeat to a worsening of the Roman mixed constitution, than to the superiority of the other army. External decay is then virtually excluded.

## 1.5 THE SEQUENCE OF CONSTITUTIONS

1.5.1 The second principal tenet upon which the anacyclosis of constitutions is based, is the sequence in which constitutions follow upon one another. The importance of this sequence is overshadowed by the emphasis which Polybius places on the biological paradigm, but the sequence of constitutions is still very relevant, especially in the association of the Roman constitutions with the anacyclosis of constitutions. In this part of the chapter I examine how constitutions developed and followed upon one another.

1.5.2 In 5.1-3 Polybius forewarns that his discussion on the anacyclosis of constitutions will not be elaborate, and he gives the reason for this: since the debate concerning these issues was so diverse and lengthy that only a few people could understand it (5.1), he thought it best to simply high-light those aspects of these discussions which pertained to pragmatic history and common knowledge (5.2). Of all the various philosophers who are said to have expounded on the transition of constitutions, Plato in particular is named (5.1). Although there are certain isolated similarities between Polybius and Plato, Plato cannot be regarded as the source of Polybius' anacyclosis. Plato does indeed have the division of each of the three types of constitution into a good and corrupt form,<sup>41</sup> but he does not string them together

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40 - Polybius also predicted that the uncontrolled growth of the democratic element would be the cause of the Roman mixed constitution's decline (57.7-8).

41 - *Polit.* 291D-292A; 302 C-D

into any sort of sequence or order. In his criticism of Socrates' sequence of constitutions following the degeneration of the ideal state in book VIII of the **Republic**, Aristotle observes<sup>42</sup> that Socrates does not explain what will happen after tyranny. He comments that there ought perhaps to have been a change back to the first constitution, with the result that the process is a continuous cycle. But Socrates himself does not envisage such a cycle, and, in any event, the sequence of constitutions following the ideal state represents a steady worsening of affairs, not, as Polybius has it, a constant interchange between good and corrupt constitutions.

1.5.3 There is however, a passage in Plato's **Laws** (676C) which bears a striking resemblance to what Polybius does in book VI. In this passage the Athenian stranger speaks of cities which have possessed all of the constitutions several times, and which have, in the course of time, experienced a change from small to great, from great to small, from better to worse, and from worse to better. He then proposes to determine the cause of these fluctuations, and also the origin and transition of constitutions. There is a definite correlation with Polybius' anacyclosis. Polybius begins his discussion by asking, What then are the origins I speak of, and how did the constitutions at first develop? (5.4). A main objective of the anacyclosis is to demonstrate the transition of constitutions from the one to the other (9.10), how they fluctuate between good and bad (4.7). It is very probable that it is this passage in the **Laws** that Polybius is referring to when he attributes to Plato a treatise on the transformation of constitutions. In addition to the common programme, both Plato and Polybius begin their discussion with a similar description of a catastrophe which destroys human civilisation.<sup>43</sup>

1.5.4 Yet, despite this similarity in agenda, it cannot be said that Polybius 5.5-9.9 is an abbreviation of book III of the **Laws**.<sup>44</sup> There are indeed certain similarities like the catastrophe theory and the belief in the gradual progression of human civilisation, but there are also a number of differences. Polybius' comparison of human and animal behaviour (5.7-9) is not paralleled by Plato,<sup>45</sup> and while Polybius' first leader is a monarch whose rule is based upon physical strength and

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42 - Pol. 1316a 25-29

43 - **Laws** 677A ff.; Polyb. 5.5-6

44 - Cf. Cole (1964:485,n.115)

45 - There is one reference in the **Laws** (680E), where a community of people is compared to a covey of birds. It is unlikely though, that this single, perfunctory statement is the source of Polybius' elaborate comparison.

courage (5.7,9), Plato has a patriarchy held by the eldest male.<sup>46</sup> The sequence of constitutions which Plato has, is also different from that of Polybius. While Polybius has the sequence monarchy, kingship, tyranny, aristocracy, oligarchy, democracy, ochlocracy (4.7-10), Plato's sequence of constitutions is patriarchy (680A), followed by either an aristocracy or a monarchy (681D), a "mixed" polity (681D), and a confederacy consisting of three states leagued together (683A-B). Polybius would not have adopted Plato's sequence of constitutions anyway, since it would have been useless in a comparison with Roman history, a principal function of the anacyclosis (9.12).

1.5.5 Trompf's attempt (1979:18-20, 37-42) to derive the anacyclosis from the **Laws** and **Republic** places too much importance on the reference to Plato in 5.1. Although Plato is the only philosopher specifically mentioned there, Polybius does specify that there were others, albeit anonymous, who also expounded on this topic, and whose works he, presumably, also consulted (5.1). In addition, the line of development which Trompf traces from Polybius to Plato is too convoluted to be plausible,<sup>and</sup> the amount of traditional material in the anacyclosis precludes the existence of one specific source. There are also certain fundamental differences between Plato and Polybius which negate the possibility of Plato as the source of Polybius. The sequence of constitutions in the **Republic**, for example, represents a steady degeneration, whereas Polybius has a continual interchange between good and corrupt constitutions. Secondly, whereas legislation is of central importance in the **Laws**, it is completely neglected by Polybius. Legislation is the political device used to curb the avarice and injustice which increased with the development of technological skills (678E-680A). Polybius, on the other hand, adopts the *physis* argument, and reasons that people are naturally inclined to justice and goodness (7.1).

1.5.6 Since Plato can be discounted as the source of Polybius' anacyclosis, it can be concluded that 5.1 is not a statement on Polybius' sources for the anacyclosis, but rather a general remark reflecting the Greek preoccupation with observing and speculating about the transition and transformation of constitutions,<sup>47</sup> and of all the philosophers in antiquity engaged in this endeavour, Plato was probably the most well known, which explains why Polybius mentions him specifically. 5.1 is then no help in determining who Polybius' sources for the anacyclosis of constitutions were.

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46 - **Laws** 680 D-E

47 - Cf. Ryffel (1973)

## 1.6 PERIODICAL DESTRUCTION

1.6.1 In order to examine how constitutions developed, Polybius returns human development to its beginning.<sup>48</sup> Polybius does not consider human development to have occurred only once, but several times, whenever there has been a catastrophe which not only destroyed a large section of the human population, but also all traces of civilisation (5.5-6).

1.6.2 The concept of a periodical destruction of the earth is not unique to Polybius. It is expounded several times by Plato,<sup>49</sup> and Polybius' account bears certain similarities to that of Plato. The destruction is not seen to have been a singular occurrence, but one which has happened several times in the past, and one which will undoubtedly occur again in the future (5.5). Although this destruction can be the result of various causes, it is particularly flooding and *ecpyrosis* which Plato cites as the responsible factors. Polybius omits *ecpyrosis*, but adds crop failure and famine (5.5). The city, with all its inhabitants and culture, is razed, and only a few people survive the catastrophe (5.6). Polybius does not specify who these people are, but in the *Timaeus* passage it is the shepherds and goatherds who inhabit the mountains who survive a flood, and the people in low lying areas, protected as they are by the surrounding rivers, who survive a great fire. Irrespective of who survives the disaster, it is agreed that they are unskilled in all of the arts and crafts indicative of civilised life, which marks a virtual return to the beginning of human civilisation.

1.6.3 The concept that all life, or a section thereof, is periodically destroyed, in particular by either a flood or fire, is an old one. The flood myth has a Babylonian origin and the fire myth comes from Persia.<sup>50</sup> In Greek mythology, Deucalion and Pyrrha are associated with the flooding of the earth,<sup>51</sup> and Phaethon with

48 - Plato follows the same procedure in order to examine how and why laws came into being (*Laws* 676A ff.). Cf. also Aristotle (*Pol.* 1252a 24-25).

49 - *Tim.* 22C-23C; *Crit.* 109D-110A; *Laws* 677A-678B. In *Polit.* (268E ff., esp. 273A) there is not a catastrophe, but a periodic reversal of the direction of the planets' revolutions which causes a destruction of animals and people. Cf. also Aristotle *Metaph.* 1074b10 ff. In his *Meteor.* 339b 28-30; *de Caelo* 270b20 ff.; and *Pol.* 1329b25-27, Aristotle talks of a periodical abeyance and resurgence of ideas, but it is only in the *Metaphysics* passage where this is associated with a destruction of the earth.

50 - Cf. van der Waerden (1952:129)

51 - Recounted in Apollodorus (*Libr.*, I vii.2) and Ovid (*Met.* I 262 ff.).

*ecpyrosis*.<sup>52</sup> In other instances of destruction by flooding, Zeus, in an extended simile in the *Iliad* (XVI 384-93), punishes lawless citizens by flooding their city,<sup>53</sup> and Xenophanes<sup>54</sup> has the earth periodically carried down to the sea and turned into slush. All of civilisation is destroyed in the process.

1.6.4 Aristotle<sup>55</sup> attributes the abundance of water in certain regions of the world to cyclical periods of prolonged rain.<sup>56</sup> In this he alludes to a Great Year, which, like ordinary years, also has a winter, though much longer in duration. A Great Year, as defined by Plato (*Tim.* 39D), is the period of time taken by the eight planets, moving in various orbits and at varying speeds, to reach the same alignment at which they were at a predetermined time before. Plato's description, which is of Pythagorean origin, gives no indication whether the completion of a Great Year will be accompanied by the destruction of life on earth, or whether the events of each successive Great Year are replications of one another.<sup>57</sup>

1.6.5 The Stoics explicitly associated their doctrine of *ecpyrosis* with the Great Year. Their doctrine of *ecpyrosis* is derived, perhaps mistakenly,<sup>58</sup> from the teaching of Heraclitus. Although fire did form an important aspect of his philosophy, it is unclear whether he taught about a periodic destruction of the world by fire. In addition to this, Stoic teaching stipulates that the development of civilisation is replicated,<sup>59</sup> in the finest detail, after each *ecpyrosis*. The Stoics may have been the

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52 - Cf. Euripides *Hipp.* 735 ff. and Ovid *Met.* i 750 ff.

53 - Cf. also Apollodorus *Libr.* (III viii.1-2 and xiv.5) where Zeus annihilates the population of the Bronze Age by flooding. Only Deucalion and Pyrrha survive to repopulate the earth.

54 - Cf. KRS (184)

55 - *Meteor.* 352a10-b15

56 - Cornford (1952:182 ff.) associates this passage with Anaximander's doctrine of the drying up of the sea - KRS (132). KRS postulates (1983:p.139, n.1), however, that Aristotle is probably referring to Democritus who, unlike Anaximander, thought that the world was coming to an end on account of the drying up of the sea. Cornford's other assertion, that Anaximander's doctrine suggests alternate destruction of the earth by fire and water, is also dubious - cf. KRS (1983:139-40) and Guthrie (1971:101).

57 - Cf. Taylor (1928:217)

58 - Cf. Guthrie (1971:454-58)

59 - The doctrine of the replication of history is attributed to the Pythagoreans by Eudemus - I 58 B34 (DK). cf also KRS (1983:p.238) and Porphyrios, *ap.* Dicaearch. *Vita Pyth.* 19. For the repetition of history in Plato, cf. *Polit.* 269D; 270E-271D,

first to combine the concepts of periodical destruction, the Great Year, and repetition of history after each destruction. It is because each of these concepts was associated with planetary movements, that they could be used in conjunction with one another.

1.6.6 Polybius only says that the earth, or at least a section thereof, is destroyed at various intervals. He does not associate it with a Great Year, nor is there any statement with regard to the replication of history after each destruction. Yet, with regard to the replication of history, although the same people will probably not be involved, nor the events perfectly identical, the stress which Polybius places on the naturalness of early human development<sup>60</sup> suggests that social development will be similar after each catastrophe. This is because what is natural, is innate and therefore invariable,<sup>61</sup> and given similar circumstances, people will invariably behave in a similar manner.

## 1.7 PRIMEVAL CIVILISATION

1.7.1 Polybius' discussion on the development of civilisation immediately following the catastrophe (5.5-9) is simple. It is simple almost to the extent of being simplistic. All that he says is that the earth has several times, and will again, suffer a destruction (5.5). This destruction can be caused by a cataclysm, famine, crop failure, or any such cause (5.5), and it will result in the annihilation of everything associated with civilisation (5.6). With the passage of time the human population increases (5.6) and people begin to form homogeneous groups (5.7). Their accepted leader is that person in the group who is pre-eminent in physical strength and courage (5.7). He is titled monarch (5.9). Both the formation of a homogeneous group and the criteria for choosing a leader are compared with, and found identical to, the behaviour of animals (5.7-9). That is the extent of Polybius' discussion.

1.7.2 After the catastrophe there is an increase in the human population: *ὅταν ἐκ τῶν περιλειφθέντων οἶον εἰ σπερμάτων αὐθις ἀύξηθῆ σὺν χρόνῳ πλῆθος ἀνθρώπων* (5.6). Guthrie (1986:66) sees in this passage an allusion to an earlier

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though this is an account of how the world operated in the beginning, before the gods lost control.

60 - VI 5.7,8; 6.2; 7.1

61 - For the association of naturalness with internality and invariableness, cf. 2.5.2 - 2.5.4

Greek belief, expressed in the procreation myths of Cadmus<sup>62</sup> and Jason,<sup>63</sup> that the first humans had literally sprung from the earth.<sup>64</sup> Following the increase in the human population there is the formation of homogeneous groups (5.7). That humans beings at first roamed the earth on their own and only later began to form homogeneous groups, is an idea common to just about every description of early human development.<sup>65</sup> There are traditionally two explanations why people decided to band together. The first is that they could ward off attacks from wild animals more effectively in this way,<sup>66</sup> and the other that people were not self-sufficient, and that they tended to group together in order to lead productive lives.<sup>67</sup> Polybius gives no particular reason why humans grouped together, except to say that it was "on account of the weakness of their nature" (5.7). Here, as with other aspects of human and social development,<sup>68</sup> Polybius adopts the *physis* argument. *Physis* is not only indicative of regular occurrences, but it is also used in place of rational explanations. In this sense it is the opposite of *tyche*. When used as explanations, both *tyche* and *physis* are used in lieu of rational explanations. The only difference is that while *tyche* is used to explain irregular, one-off occurrences, *physis* explains regularly recurring events.

1.7.3 Yet, although Polybius gives no specific reason why human beings grouped together at first, it appears that he perceived it was because this improved their chances of survival against wild animals, rather than because they needed each other's skills in order to lead a good life, since the choice of a leader who is brave and courageous is senseless unless these are the qualities which were most advantageous to the group, and in 6.8 a man who bravely faces the onslaught of wild animals is considered worthy of approbation.

1.7.4 Neither Plato nor Polybius perceived the first people to have been conversant with all of the arts and skills of civilised life. It is only over a long period of time that

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62 - Cf. Euripides *Phoen.* 638 ff. and Ovid *Met.* 3.106 ff.

63 - Apollonius Rhodius *Argo.* 3.1346, 1355, 1374

64 - For the concept that humans are ἀντόχθονες, cf. Guthrie (1986:21-28).

65 - Diodorus Siculus I 8.1-2; Plato *Prot.* 322A-B; Isocrates *Panegy.* 39

66 - Plato *Prot.* 322A-B; Diodorus Siculus I 8.1-2

67 - Plato *Rep.* 369B ff.; Aristotle *Pol.* 1253a 26-29

68 - Cf. 5.7,8; 6.2; 7.1

these skills were developed and discovered.<sup>69</sup> Even though Polybius is more concerned with constitutional than technological development, the fact that he considers the destruction of all the arts and skills of civilised life to be indicative of a return to the beginning of human development, indicates that he did not perceive the first humans to be fully civilised beings. In this regard Plato and Polybius are in line with the doctrine of the gradual evolution of human culture and society which developed in the fifth century BC and which soon pervaded Greek thought.<sup>70</sup> Although it is generally believed that the primitivist view of human evolution originated with Democritus, it may have predated him.<sup>71</sup> This doctrine is in contrast to the other doctrine of human development, which portrays early human existence as ideal and complete.<sup>72</sup>

1.7.5 Yet Plato and Polybius' account differs from the primitivist view of human evolution in one important respect: they associate the doctrine of gradual development with the theory of periodical destruction, and consequently envisage repeated, rather than a single, evolutions of human civilisation. As a result of this, even though Plato's cataclysm has obliterated all traces of civilisation and has placed the survivors in a state of relative helplessness, human beings are not returned to the absolute beginning. The survivors are already social beings, it is only a lack of transport which keeps them apart (*Laws* 678C). They had clothes, they knew how to build shelters, how to protect themselves from the elements (*Laws* 679A). In comparison with this, primitive man, as represented by Diodorus Siculus (I 8.1-9), leads an uncomfortable and precarious life. Before they formed communities, people lived like animals and were constantly being attacked by wild beasts. They had to learn speech. They had no clothing, shelters, fire. They did not know how to harvest and store food. Many died from hunger and cold.

1.7.6 There is too little information in Polybius to determine what he considered life after the catastrophe to be like. There is the reference to the formation of homogeneous groups for greater security (5.7) which implies prior insecurity, but what this insecurity entails is not stated, though susceptibility to the attacks of wild animals is probably one of them (6.8). There is also the mirroring of human

69 - Plato *Laws* 677D, 678A-B

70 - Aeschylus *Prometheus Bound* 442-68, 478-506; Sophocles *Antig.* 332-71; Euripides *Suppl.* 201-13; *Critias II* 88 B25.1-8 (DK). Cf. also Collard (1975:160-1).

71 - Cf. Burton (1972:47-8)

72 - cf. Hesiod *Works and Days* 109-120

behaviour with that of animals (5.7-9), which implies that in the beginning people were indistinguishable from animals. Yet, since the distinction between people and animals is described in terms of intellectual ability, and the development of civilised life is associated with the manifestation of this distinction (6.4), not the discovery of certain skills, it is not clear that the animal comparisons are indicative of a bestial existence.

1.7.7 Besides not being concerned with technological development, Polybius is neither concerned with what Lovejoy and Boas term "cultural primitivism", which is defined as "the discontent of the civilised with civilisation, or with some conspicuous and characteristic feature of it. It is the belief of men living in a relatively highly evolved and complex cultural condition that a life far simpler and less sophisticated in some or all respects is a more desirable life" (1965:7). Plato considers that a simple lifestyle, such as that created after the cataclysm, is ideal. People were indeed isolated from one another, but when they did meet, they were well disposed towards one another (678B). Since there were enough herds and produce for everyone, there were no quarrels about food (679A). They had clothing and shelter (679A). There was no poverty, wealth, war (679B). It was a period of blissful innocence. The situation is different with Polybius. Homogeneous groups are indeed formed to provide greater security, and the development of kingship, introducing rule by persuasion rather than force (6.11), suggests an improvement in conditions, yet Polybius gives no indication of the stage of human development at which people were happiest.

## 1.8 MONARCHY - THE SEVENTH CONSTITUTION

1.8.1 Having maligned those political philosophers who only enumerated three simple forms of constitutions (VI 3.5-7), and, having corrected them (3.7-4.5), Polybius concludes that there are actually six simple forms of constitutions (4.6). Yet, in both the summarised (4.7) and elaborated (5.9; 9.9) schemes of the anacyclosis, a seventh constitution is added. This is monarchy. It is the first form of rule experienced by humans. It arises in the primitive stage of human development, when they are not yet intellectual beings and they resemble animals in their behaviour. The criterion for the selection of the monarch, for example, pre-eminence in physical strength and boldness in spirit, is compared with, and found identical to, leadership in the animal world (5.7-9).<sup>73</sup> While it is generally accepted

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73 - Cf. Plato *Polit.* (267D-E, *passim*) where the king is seen as a herdsman tending his flock of humans.

that people would at first have had a single dominant ruler,<sup>74</sup> Polybius' monarch is unique in that nowhere else is monarchy defined as a primitive form of rule based on physical strength (5.9).

1.8.2 To complicate matters, Polybius often substitutes the term monarchy for tyranny, the corrupt form of kingship.<sup>75</sup> It is also used in conjunction with the term tyranny (3.9), as a synonym for kingship (11.11), and in conjunction with the term kingship (12.9). Throughout his History, Polybius uses *monarchos* as a synonym for *tyrannis*. For example, in II 41.10-11, 13-14; 44.3-4, 6; XI 13.5, 7-8, *monarchia* and *tyrannis* are used in conjunction with one another, as interchangeable terms, for no other apparent reason than stylistic variation, to express one concept, tyrannical rule.

1.8.3 While Polybius' use of *monarchos* and *tyrannis* as synonyms is not problematic, since this was common practice, his use of *monarchos* both in a specialised sense, to describe a primeval leader, and as a synonym for *tyrannis*, in the same context, is. Walbank (1943:79) used this double connotation to prove that the theory of anacyclosis was composed after the bulk of book VI had been completed. In a subsequent article written in conjunction with CO Brink (1954:97-122), he abandoned his theory of separate composition. In his commentary on Polybius (1957:648-9) he attributes the technical connotation of *monarchia* to Polybius' sources. Cole (1964:461,n.55) objects that Polybius' sources would most probably not have contained the term *monarchia*, but *dynasteia*, the term used by Isocrates<sup>76</sup> and by Plato.<sup>77</sup> However, neither Isocrates nor Plato uses the term *dynasteia* consistently to describe the first form of rule. In *Panathenaicus* 119 Isocrates uses the term *monarchia* to describe the early form of kingship which preceded the establishment of oligarchies and democracies, and in the *Laws* Plato terms the first type of rule, which was likened to kingship, a patriarchy (680E).

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74 - Plato *Laws* 680D-E; Dionysius of Halicarnassus *Roman Antiqu.* V lxxiv.1; Diodorus Siculus I 9.2; Seneca *Epist.* XC 4; Tacitus *Ann.* III 26; Cicero *de off.* II 41

75 - 3.10; 4.2,6; 8.1,2; 10.4. Aristotle (*Pol.* 1310b1 ff.) defines *monarchia* as the rule of one supreme person, which can manifest itself either as kingship or tyranny. Cf. also Plato *Polit.* 291E, 302D.

76 - *Panegyricus* 39, *Panathenaicus* 121

77 - *Laws* (680B and 681D)

1.8.4 Polybius' monarch is basically similar in character to his tyrant. A monarch is defined as the strongest and bravest person amongst any group of people while they are still living in a primeval state (5.7,9). His rule is not described as being benevolent or despotic, just natural (5.8). The fact that people grouped together for greater security (5.7), and that they were led by a person whose rule was based on his pre-eminent strength, probably to protect them against the attacks of wild animals (6.8), only indicates that his leadership was beneficial, not that it was benign. There is also a phrase in 6.11, οὐκέτι τὴν βίαν δεδιότες, which suggests that the monarch ruled through enforced subjection. This is substantiated in 6.12 where the transition from monarchy to kingship, a progression in human evolution, is associated with a transition from θύμος and ἰσχύς to λογισμός. Enforced subjection is also referred to in 9.9, where *monarchos* is used in conjunction with *δεσπότης*. This is, however, a description of monarchy at the end of the anacyclosis, and not the monarchy associated with the primitive stage of human development. It would then seem that the choice and use of the term *monarchia* to describe a primeval leadership is not inappropriate, since Polybius uses *monarchia* throughout his History as a synonym for *tyrannis*, to denote the absolute and enforced authority of one person.

1.8.5 Monarchy is different from the other simple forms of constitution. Its development is said to have been ἀκατασκεύως καὶ φυσικῶς (4.7). This is contrasted with the development of kingship, which occurs κατασκευῆς καὶ διορθώσεως (4.7). On the one hand, this distinction could mean nothing more than that monarchy is the only constitution to have developed *e nihilo*. The character of each of the other constitutions is determined, to some or other extent, by the constitution which preceded it: the good forms of constitution are followed naturally by their corresponding corrupt forms, but aristocracy follows upon tyranny because it is the leading men in the city who plotted against the tyrant (8.2), and democracy follows upon oligarchy because kingship and aristocracy had already been tried and found to be defective (9.2-3). On the other hand, as Trompf notes (1979:22-3), the distinction illustrates a fundamental difference between monarchy and the other six constitutions. Monarchy is the only constitution whose development is not the result of conscious human endeavour. This is because monarchy arises in that stage of human development when the rational abilities of humans are not yet acute, and when human behaviour is identical to that of irrational animals. Animal imagery predominates in the description of early human development. Both the formation of homogeneous groups (5.7) and the criteria for choosing a leader (5.7-9) <sup>are</sup> compared

with, and found identical to, animal behaviour.<sup>78</sup> Although it was customary to draw comparisons between human and animal behaviour in order to sanction human behaviour,<sup>79</sup> the comparisons drawn by Polybius appear to be valid because humans are, as yet, no different from animals. The similarity between primitive humans and animals must be seen in terms of intellectual ability. Animals are incapable of rational thought. They can only follow the impulses of their nature (5.8), which never falters. The same applies to primitive human beings. Their development is not the result of any rational contemplation, but instinct. Monarchy therefore develops because that is the direction in which people's nature impelled them.<sup>80</sup> Kingship, on the other hand, developed because people rationalised that the king was a just and good leader (6.10-11).<sup>81</sup> Similarly, the remaining constitutions, in particular aristocracy and democracy, develop on account of human reasoning and choice.<sup>82</sup>

1.8.6 A further distinction is that monarchy has none of the distinctive properties of simple forms of constitutions. It does not contain a congenital flaw, it is not described as either a good or a corrupt form of constitution, nor is there any other constitution which is closely allied to it (4.6).<sup>83</sup> Primitive monarchy does not conform to the up-down pattern made by the six simple forms of constitution either.<sup>84</sup> There is neither an incline nor a decline from primitive monarchy into kingship, but monarchy is simply the form of rule out of which kingship develops with the progression of human evolution. Monarchy at the end of the anacyclosis breaks the zigzag pattern even further; it is a degeneration of ochlocracy (9.9), which is in itself a corrupt form of constitution. Monarchy clearly does not fit into the six part classification of constitutions, but it is the constitution which has been

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78 - With regard to the selection of a leader, Seneca (*Epist.* XC 4) uses animal imagery similar to that of Polybius to justify the rule of the stronger over the weaker, but not, as Polybius has it, to show a direct correlation between animal and human behaviour.

79 - Herodotus 2.64; Aristophanes *Clouds* 1427 ff. and *Birds* 753 ff.

80 - εἰκὸς 5.7,9; ἀνάγκη 5.7; φύσις 5.8

81 - Cf. also 6.4, where the transition from monarchy to kingship is associated with the growth of intellect in humans.

82 - Cf. 7.8-8.2; 9.1-3

83 - In this passage (4.6), *monarchia* denotes tyrannical rule, not the first form of rule in the anacyclosis.

84 - Cf. Trompf (1979:23)

added to form the base out of which all of the other constitutions could develop, and it is also the bridging constitution between the end and the restart of the anacyclosis.

1.8.7 Since monarchy is both the first and last form of constitution in the anacyclosis, it remains to be examined to what extent primitive monarchy is similar to monarchy at the end of the cycle, or, phrased differently, to what extent does Polybius associate the return of the anacyclosis to its starting point with a periodic destruction of the earth? Primitive monarchy is associated with a near complete annihilation of the human population, the survivors living scattered apart from one another, the destruction of all *technai*, and the identification of people with animals (5.5-9). Monarchy at the end of the anacyclosis is preceded by large scale killing, banishments, and the appropriation of land (9.8-9). Since this is a common description of how demagogues behave,<sup>85</sup> it is unlikely that the killing ought to be associated with a destruction of a large section of the population, or the banishments with a situation where those people who had escaped being killed, found themselves living in small isolated groups. During monarchy at the end of the anacyclosis people are also seen to degenerate to the level of wild animals (*ἀποτεθηριωμένον* - 9.9). Again, it is unlikely that the comparison with animals signifies a return to a bestial existence. It is more likely that it ought to be understood in the context of the distinction which Polybius draws between people and animals, that it is people alone who possess the faculty of reason. During and following ochlocracy the behaviour of people becomes so base that, as in primitive monarchy, they cannot be ruled with appeals to their intelligence (6.12), only by enforced subjection.

1.8.8 If there is a difference between the two monarchies, then it is this: primitive monarchy only arises when some or other catastrophe has hit the earth. Associated with primitive monarchy is the repopulation of the earth, survival against the wild beasts and the elements, and the establishment of political rule. Monarchy at the end of the anacyclosis is a more regular occurrence. It occurs whenever the anacyclosis reaches ochlocracy and there has been a complete breakdown of political life. It is the constitution which binds the anacyclosis into a cycle. The return to monarchy at the end of the anacyclosis does not herald a destruction of the earth.

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85 - Cf. Walbank (1957:657)

## 1.9 FROM MONARCHY TO KINGSHIP

1.9.1 The transition from monarchy to kingship is much more than simply the change from one form of rule to another. It also represents the origin of human society (5.10) and the progression of humans from irrational animals to intellectual beings (6.4). Polybius does not follow the tradition which perceived early human existence to have been one of blissful innocence, and which saw the emergence of the first constitution, accompanied by the introduction of laws, after the destruction of that ideal lifestyle by the growth of vice, jealousy and avarice.<sup>86</sup> Polybius does not expound the social contract theory either, the theory that primitive humans made a compact not to do each other harm.<sup>87</sup> The evolution of human society is rather accompanied and effected by the formation of a community and the subsequent recognition of the concepts of goodness and justice by the people (5.10).

1.9.2 Polybius' description of the development of justice and goodness amongst primeval humans is elaborate. It is accompanied by three illustrations, two demonstrating justice<sup>88</sup> and the third goodness (6.8). Justice, in the opinion of Polybius, is associated with proper reciprocal behaviour, which is recognised by comparison with improper behaviour. Both illustrations of justice serve to make this point. When children malign and ill-treat their parents (6.2), the very people who had nurtured them, that is considered to be improper behaviour.<sup>89</sup> It is also improper behaviour when a person who has been injured is not thankful to his succourer, but intent on doing him harm (6.5). The people who witness this know that this is not the correct way to behave because they feel displeased and offended by it,<sup>90</sup> and because they realise that if they were in the position of the parents or succourer, they would not want to be treated in such a way (6.5,6).<sup>91</sup> Lovejoy and Boas formulate the development of justice by Polybius rather succinctly: A disapproves those actions of B towards C which he would dislike or resent if he were in C's place (1965:217).

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86 - Traces of this tradition is still evident in Tacitus *Ann.* III 26 and Seneca *Epist.* XC 5-6.

87 - Cf. Kahn (1981:93 ff.)

88 - 6.2-3 and 6.6. These two illustrations are similar in form and vocabulary.

89 - It is also recognised as such by Hesiod, *Works and Days*, 185-8. Cf. also Polyb. VI 4.5, where disrespect towards parents is counted as a mark of ochlocracy.

90 - For displeasure as a determining factor, cf. 6.3,5-6,8; 7.3

91 - It is primarily on account of their intelligence that people are able to distinguish good from bad, justice from injustice (6.4). Cf. also Aristotle *Pol.* 1253a15-18.

1.9.3 Goodness, on the other hand, is associated with expediency (*συμφέρον* - 6.9). A *καλὸς* man is that person who is foremost in protecting his comrades from danger and in warding off the attacks of wild animals (6.8). Since such action is advantageous to the community, his behaviour is admired and imitated, while that of persons who act in a manner opposite to this, are condemned and avoided (6.9).

1.9.4 The monarch becomes a king once his opinions on goodness and justice coincide with that of the community, and he uses his authority to condemn the improper behaviour of children towards their parents, of the injured person to his succourer, and he condones those actions which are as a protection and advantage to the community (6.10). People then no longer yield to the monarch/king because there is no-one strong enough to challenge his authority, but because they approve of his judgements (6.11).

1.9.5 The formation of community life is primarily responsible for the recognition of the ethical concepts of goodness and justice. This is in agreement with Stoic philosophy where people's natural tendency to group together is the root of justice and the social bonds which hold human society together (SVF I 197). Previously, before the formation of homogeneous groups, each person was only concerned about his own survival and welfare, but once people began to live and eat together, the survival and welfare of the community became of greater importance. It is therefore logical, that those persons who excelled in their concern for the community were praised.

1.9.6 Polybius' description of the transition from monarchy to kingship contains elements characteristic of Stoic philosophy. Such elements include the attribution of procreation as a characteristic common to all animals (6.2),<sup>92</sup> the identification of rationale as the distinction between people and animals (6.4),<sup>93</sup> the naturalness of goodness and justice to human beings (7.1),<sup>94</sup> being able to project oneself into the

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92 - Cicero *de off.* I 11, 54. It is, though, not exclusively Stoic, - cf. Aristotle *Pol.* 1252a26 ff.

93 - While animals can only act on the impulses of their nature, people can determine which impulses they prefer to accede to, - cf. Cicero *de off.* I 11, 107; *de fin.* II 45. Cf. also Aristotle (*de anima* 427b8 ff.) where sensation is considered common to all animals, but thinking only to a few.

94 - Cf. Cicero *de fin.* III 21; Diog. Laert. VII 53, 128. The concept of right and wrong originating from the experience of social life, is also found among Epicureans, cf. Porphyrius *de abstin.* I 10.

future,<sup>95</sup> concern with duty (καθήκον - 6.7),<sup>96</sup> what is probable (εὐλογον - 6.9)<sup>97</sup> and expedient (συμφέρον - 6.9),<sup>98</sup> honouring one's parents (6.3),<sup>99</sup> and the definition of justice as the apportioning to every person of what he deserves (6.11).<sup>100</sup>

1.9.7 Panaetius may have been the Stoic to influence Polybius. In support of this is Cicero's *de re publica* (I 34), where Scipio is said to have held political discourses with Panaetius and Polybius. Whether this means that the three of them held discussion together, or whether Scipio spoke with each of them individually, is not certain. In his *History* Polybius refers to his friendship with Scipio (XXXI 23-25.1), but no reference is made to Panaetius. Another work of Cicero, his *de officiis* (I 11), which has several elements in common with Polybius' description of primeval human society, is based upon Panaetius' teaching. Against Panaetius as the Stoic who influenced Polybius is Walbank,<sup>101</sup> who doubts whether the older Polybius would have been influenced by the younger Panaetius, and whether Polybius was still in Rome when Panaetius came there. Gärtner (1981:97), however, does not find these objections convincing. von Fritz (1954:54 ff.) does not believe that Polybius came into contact with Stoic teaching through Panaetius. He considers the Stoic elements in Polybius to be a perversion of Panaetius' teaching and traditional Stoic doctrine. Trompf (1979:447, n.20) also objects to Panaetius as Polybius' source on the grounds that Polybius' account of social origins is not exclusively Stoic.

1.9.8 Although a specific Stoic source cannot be identified, it cannot be denied that Polybius' description of the development of justice and goodness amongst human

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95 - Cicero *de off.* I 11

96 - "Duty" was a technical term introduced by Zeno (*ap.* Diog. Laert. VII 108) to describe the endeavour of humans to live in harmony with the impulses of their nature. For the Stoic doctrine of life in accordance with nature, cf. Diog. Laert. VII 87-8. Cf. also Diog. Laert. VII 4 for a work by Zeno entitled **On Duty**.

97 - Although not used in such a sense here, the Stoics defined duty in terms of probability, since they could not be absolutely certain that they had chosen the correct impulse to follow - cf. Inwood (1985:204).

98 - Cf. Diog. Laert. VII 98-9; Cicero *de off.* III 12-13, 34.

99 - In Diog. Laert. VII 120, it is considered second in importance only to honouring the gods.

100 - Cf. von Arnim *SVF* III 262. It is, though, not exclusively Stoic, - cf. also Aristotle *Nic. Eth.* 1130b31, 1131a24, and Herodotus I 96.2 ff, where such a definition is already implicit.

101 - (1957:296). Cf. also Brink and Walbank (1954:103, nn.3-4).

beings (7.1) contains elements which were prevalent in Stoic philosophy. It is also possible that Polybius was not dependant upon any specific Stoic source, but that he assimilated his knowledge of social origins from the general milieu of Stoic teaching. This is possible since Polybius' discussion only contains the barest, most popular concepts of Stoic doctrine, without delving into their complexities. It is also relevant that some of these concepts are not exclusively Stoic, which increases the likelihood that Polybius is drawing upon common knowledge and not a specific Stoic source.

### 1.10 TRANSITION OF THE SIX SIMPLE CONSTITUTIONS

1.10.1 Both Plato and Aristotle expounded a sequence of constitutions. In his *Republic* VIII, Plato has the sequence aristocracy, which is representative of the ideal, philosopher's state, timocracy, oligarchy, democracy and tyranny. Aristotle has the sequence kingship, common government, oligarchy, tyranny, democracy.<sup>102</sup> There are hardly any similarities between these sequences and that of Polybius. He constructed his sequence by linking together the three basic constitutions, kingship, aristocracy and democracy, together with their corresponding corrupt forms. This six part classification of constitutions is also made by Plato<sup>103</sup> and Aristotle.<sup>104</sup> In Polybius then, we have the union of two separate ideas, the sequence of constitutions and the six part classification of constitutions.

1.10.2 The criteria for distinguishing between a good and a corrupt form of constitution, and the circumstances surrounding the change from the one to the other, are at every stage similar.<sup>105</sup> Whether a form of constitution is good or corrupt, is determined by investigating who derives the most benefit from it. In a good constitution, those in power are always more concerned about the needs and welfare of their subjects than their own needs. Kings, for example, fortify and wall cities as a protection for the citizens, and they also acquire land in order that there will always be sufficient sustenance for everyone (7.4).<sup>106</sup> The primary concern of the aristocracy is the public, and they handle both their own affairs and that of the

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102 - *Pol.* 1286b7-20

103 - *Polit.* 291D-E. Cf. also *Epist.* VII 326B ff.

104 - *Nic. Eth.* 1160a31-b22; *Eud. Eth.* 1241b 27-32; *Pol.* 1279a28-b6.

105 - Cf. also Ryffel (1973:192)

106 - Cf. Lucretius *de rer. nat.* V 1108-10 for a similar preoccupation attributed to kings. Cole (1964:450-1) identifies the Lucretian passage as part of his B-tradition, an alternate tradition upon which Polybius' discussion is supposed to be based.

people with care and vigilance (8.3). In a democracy, the people, distrusting both kingship and aristocracy, determine to take care of their own affairs (9.2-3).

1.10.3 As long as these conditions hold true, corruption does not occur. However, since decay is inevitable, it does set in, and the factor primarily responsible for this is the progression of time together with a corresponding incremental change in the attitude of succeeding generations with regard to the government.<sup>107</sup> The difference between earlier and later generations is their level of involvement in, and understanding of, the establishment of that constitution in the first place. The greater their involvement and comprehension, the greater their appreciation, and the less likely the possibility of decay. Since later generations have no experience of the previous corrupt form of constitution, or when they find that all of the measures for the maintenance of their constitution have already been taken, they become corrupted by, and begin to exploit, the power which they have inherited. They are subsequently more concerned about indulging their own avarice and licentiousness than the welfare of their subjects.<sup>108</sup> Except in the case of ochlocracy, which just degenerates completely until there arises a monarch to start the cycle again (9.9), the behaviour of these rulers raises the ire and displeasure of some section of the population, which then becomes responsible for the subversion of that constitution and the establishment of the new government.<sup>109</sup>

1.10.4 Polybius' discussion on the anacyclosis of constitutions has a strong moral perspective. The anacyclosis is not only illustrative of the biological paradigm and the sequence of constitutions, but it is also indicative of the correct way for citizens and rulers to behave if their constitution is not to become corrupt. Polybius lays more emphasis on the moral behaviour of rulers when he discusses the corruption of constitutions than on purely political questions. Tyrants, for example, are not associated with lawlessness and enforced rule, the commonplace description of tyrants, but they are characterised as gluttonous snobs. The kings become tyrants because the later generations of these ruling families find that their essential function, that of providing security and sustenance for the people (7.4), the preoccupation which had kept them humble (7.5), has already sufficiently been

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107 - 7.6-7; 8.4-5; 9.5. Cf. also Plato *Laws* 696A

108 - Polyb. 7.7; 8.5; 9.6. Cf. Plato's *Laws* (694C-695B) where Cambyses is a worse ruler than his father Cyrus because, unlike his father who had an austere upbringing, he enjoyed a pampered education courtesy of his father's wealth. Cf. also the example of Darius and his son Xerxes (695D-696A).

109 - 7.8-8.1; 8.6-9.3

taken care of by previous kings. They consequently distinguish themselves from the people in what they eat and how they dress (7.6-7). Significantly, the aristocrats conspire against the tyrants because they, the aristocrats, as noble, honourable and courageous men, were offended by the hybriatic behaviour of the tyrants (7.9). The distinction between kingship and tyranny now depends on whether their style of dress and eating habits raises the ire of the people or not (7.8).

1.10.5 Since it was the aristocrats who overthrew the tyrant, they are allowed to form the new government (8.1-2).<sup>110</sup> The discussion on aristocracy is sketchy. All that is said about it is that it consisted of a group of very noble, honourable and courageous men (7.9) who were concerned with political equality and freedom of speech (8.4).<sup>111</sup> The description of them as wise and just men in 4.3, is not reiterated here. Aristocracy changes into oligarchy since successive generations are not conversant with adversity, and because they do not understand the importance of political equality and freedom of speech. As a result of this they are corrupted by the power into which they are born (8.4). Characteristics of oligarchic behaviour include avarice, shameful craving for money, overindulgence in wining and dining, and the rape of women and boys (8.5).<sup>112</sup> Except for the oligarch's interest in wealth, which Aristotle warns against,<sup>113</sup> Polybius prefers, as with tyranny, to analyse oligarchy in terms of the personal lifestyles of the rulers, than in their relation towards government. Oligarchy is subverted for the same reasons that tyranny was. There is an abhorrence of the behaviour of these corrupt rulers (8.6), someone, with the backing of the populace (9.1),<sup>114</sup> speaks out against them, and they are violently overthrown. This is also one difference between the transition from good to corrupt constitutions, and that from tyranny to aristocracy, and oligarchy to democracy: while the former are gradual and hardly discernable, the latter are brought about by violent revolutions.

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110 - Cf. Seneca (*Epist.* XC 5-6) and Tacitus (*Ann.* III xxvi) where laws are introduced to stabilise society which had been corrupted by tyrants. In Plato (*Laws* 681D), the magistrates who frame the laws could band together to form an aristocracy.

111 - Democracy is also concerned with equality and freedom of speech (9.4).

112 - These are also noted as indications of corruption by Plato - *Rep.* 559A-E; 560E; *Laws* 690E. Cf. also Herodotus III 80.

113 - *Pol.* 1273 b1-b4. Cf. also 1286b14 ff, *Nico. Eth.* 1160b 11-16, and Plato *Polit.* 300E-301A; *Rep.* 550C ff.

114 - The support of the people is an important element of the anacyclosis - cf. 8.1-2; 9.8-9.

1.10.6 Democracy is chosen to follow upon oligarchy<sup>115</sup> by default and the process of elimination. Since kingship and aristocracy have already been tried and found to be defective, democracy remains as the only viable option (9.2-3). It is associated with equality and freedom of speech (9.4), but its degeneration is not, as in Plato's **Republic** (562C ff.), the result of excessive equality and freedom of speech, but corruption sets in when later generations begin to take these concepts for granted (9.5).<sup>116</sup> The corruption of democracy can be divided into three stages. In the first there is the abandonment of the principles of equality and freedom of speech, and rich people's desire to possess more than anyone else (9.5). In the second stage the rich develop an infatuation with holding office, but since they do not possess the necessary skills which will make them eligible for election, they use their wealth to curry favour with the people and in this way attain the offices they so desire (9.6). In this way they instil in the populace a dependancy upon receiving gifts of money, and it is this dependancy which Polybius cites as the root cause of decay in democracy (9.7). This brings on the third stage. Having been spoilt by gifts and bribes, the people back a champion who is enterprising and bold,<sup>117</sup> but excluded from holding office on account of his penury (9.8). They then establish the rule of force, banding together and bringing about large scale murder, banishments and appropriation of land (9.9).<sup>118</sup> This process continues until people regress to the level of animals and a monarch arises to rule over them (9.9). This then marks a return to the start of the cycle.

1.10.7 Although the accounts are not at all similar, there are certain similarities between Plato<sup>119</sup> and Polybius' description of the corruption of democracy. Plato divides the population of the democracy into three groups, one part consisting of

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115 - Such a transition was not without precedent - cf. Plato **Rep.** VIII 555B ff.

116 - Compare this with the degeneration of aristocracy, where successive generations understand the value of civic equality and freedom of speech less and less (8.4).

117 - After Thucydides it was generally accepted that demagogues destroyed democracies - Thucydides II 65.10 ff.; Theopompus FGH I fgg. 90-96; Aristotle **Ath. Pol.** XXVIII; **Pol.** 1304b19-1305a10; Isocrates **de pace** CXXVI-CXXXI.

118 - Expropriation of property and redistribution of land forms part of the pattern of social and economic revolutions in Greece - cf. Fuks (1984:76-79). Cf. also Isocrates **Arch.** 67-8; **Panath.** 258-9; **Panegy.** 114 and Atkinson (1981:42). This is also a commonplace description of corrupt democracy - cf. Walbank (1957:657-8)

119 - **Rep.** 564A ff.

industrious leaders, the second of wealthy plebeians, and the third the bulk of the populace. The leaders of the people rob the wealthy, keep most of the proceeds for themselves, and distribute the rest amongst the people. Those who have been robbed, retaliate by taking the popular leaders to court, but they are in turn accused of plotting against the people, since the people will not tolerate any impingements on their freedom to do as they want. During this period of theft and court action, the people bring to power one person to defend their rights against that of the wealthy. This popular leader, however, becomes intoxicated by the absolute authority with which he is invested,<sup>120</sup> and he misuses it to banish and execute his opponents, cancel debts and redistribute land until he is either killed or he turns into a tyrant. Despite the similarities, the dissimilarities indicate that Polybius did not draw upon Plato for his discussion on the corruption of democracy.

## 1.11 CONCLUSIONS

1.11.1 Throughout the first chapter of his book, **The Idea of Historical Recurrence in Western Thought**, Trompf often concludes that some or other aspect of Polybius' description of the anacyclosis represents a mean between divergent traditions. The implication is that in the exposition of the anacyclosis of constitutions Polybius had studiously avoided points of contention from the various philosophical schools. With such an interpretation Polybius is credited as a thoughtful and knowledgeable historian and philosopher. There is, however, another way to interpret Polybius' discussion on the anacyclosis of constitutions. It is the case that for many aspects of Polybius' discussion, from the similes which he uses to illustrate the concept of decay to his perception of primeval civilisation, no specific source can be found. This is because the discussion on the anacyclosis consists to a large extent of commonplace ideas. It consists of the basic concepts which were either traditionally accepted or which nearly all of the philosophical schools agreed upon. The anacyclosis does therefore not consist of concepts which accommodated divergent traditions, but a conglomeration of popular ideas.

1.11.2 Some of these popular ideas include the omnipresence of decay, the occurrence of decay either from within or from without, the categorisation of constitutions into good and corrupt forms, and the transition of a good constitution into <sup>its</sup> a corrupt form. These concepts are used to underpin the two principal elements

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120 - After Thucydides it was generally accepted that demagogues destroyed democracies,- Thucydides II 65.10 ff; Theopompus FGH, vol.1, p.292-3, fgg. 90-6; Aristotle *Ath. Pol.* xxviii; *Pol.* 1304b19-1305a10; Isocrates *de pace* cxxvi-cxxxi.

of the anacyclosis, the biological paradigm of genesis, growth, acme and decline, and the sequence in which constitutions followed upon one another. The prominence of these commonly accepted concepts in the anacyclosis is not insignificant. On the one hand it lends credibility to the anacyclosis of constitutions, and on the other it validates the discussion on the Roman constitution, since the anacyclosis was specifically expounded to aid with the discussion on the Roman constitution. This is the ultimate function of the anacyclosis. In the following chapter I will show how Polybius used the biological paradigm and the sequence of constitutions to forge the connection between the anacyclosis and the Roman constitution, and how he subsequently used the anacyclosis in his discussion on the Roman constitution.

## **2. THE ANACYCLOSIS OF CONSTITUTIONS AND THE MIXED CONSTITUTION**

### **2.1 INTRODUCTION**

2.1.1 The place and purpose of the anacyclosis of constitutions in Polybius' History is inextricably linked to the discussion on the mixed constitution. There are three cities in book VI which are said to have possessed a mixed constitution, Sparta, Rome and Carthage, and the way in which the anacyclosis is used to explain the development of the mixed constitution in Sparta is different from the way in which it is used to explain the development of the Roman mixed constitution.<sup>1</sup> In this chapter I examine and analyse the relationship between the anacyclosis and the Spartan mixed constitution, and that between the anacyclosis and the Roman mixed constitution. The chapter is divided into the following subsections:

### **A. THE SPARTAN CONSTITUTION**

**2.2 THE PRINCIPLE OF THE MIXED CONSTITUTION.** In order to illustrate the excellence and concept of the mixed constitution, Polybius contrasts it with simple forms of constitution. In order to illustrate the character and nature of simple constitutions, Polybius expounds the anacyclosis of constitutions. The anacyclosis of constitutions is then used to illustrate, by comparison, the principle upon which the mixed constitution is based and the superiority of the mixed constitution over simple forms of constitution. In addition, Polybius uses the Spartan constitution as the typical example of a mixed constitution, and to illustrate the concept of the mixed constitution. The Spartan constitution is then cited as an historical example to illustrate the principle, superiority and excellence of the mixed constitution.

### **B. THE ROMAN CONSTITUTION**

While the relationship between the anacyclosis and the Spartan mixed constitution is relevant, the anacyclosis is specifically expounded by Polybius with a view to the discussion on the Roman mixed constitution. The categorisation and analysis of the Roman constitution forms an integral part of Polybius' History, since it is the form

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1 - The development of the Carthaginian constitution is not explained in terms of the anacyclosis.

of constitution which the Romans possessed which Polybius identified as the determining factor in the explanation of Roman world domination.<sup>2</sup> The analysis of the Roman constitution, its structure, character, excellence and development (past, present and future) are all facilitated and elucidated by the political theory which Polybius calls the anacyclosis of constitutions. The rest of this chapter is devoted to an analysis of the relationship between the anacyclosis and the Roman constitution.

**2.3 THE TWO COMPONENTS OF THE ANACYCLOSIS.** The anacyclosis of constitutions essentially consists of two elements: the sequence in which constitutions follow upon one another, and the biological paradigm of genesis, growth, acme and decline. This section looks at the relationship between these two components within the anacyclosis, and also at how they are used to forge the connection between the anacyclosis and the Roman constitution.

**2.4 THE PARADOX IN VI 4.13 AND 9.12.** It appears that in these two passages Polybius has applied the biological paradigm to the anacyclosis as a unit. This has been identified as a contradiction in Polybius' theorising. In this section I re-examine the connection between the anacyclosis and the Roman constitution, concentrating on the role which the biological paradigm plays within this relationship.

**2.5 THE NATURALNESS OF THE ANACYCLOSIS.** The two components of the anacyclosis are frequently described as having occurred naturally. The Roman constitution is also said to have had a natural development. This section examines some of the connotations of *physis*, both in Greek literature and Polybius VI, and determines what this implies about the anacyclosis, the Roman constitution, and the relationship between the two.

**2.6 CICERO'S DE RE PUBLICA AND POLYBIUS VI.** The whole of book VI is not extant. It is particularly that section where Polybius discusses the early history of Rome, and where he illustrates how the anacyclosis can be used to analyse the development of the Roman constitution, which has not survived. On account of certain marked similarities between Cicero's *de re publica* and Polybius VI, the *de re publica* can be used to fill in some of the gaps in book VI. The purpose of this section is to determine the extent to which Cicero was dependant upon Polybius,

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2 - I 1.5-6; III 2.6, 118.11-12; VI 2.2-3; XXXIX 8.7. Cf. also III 118.5-12

and also to examine how Polybius might have represented Roman constitutional history following the anacyclosis.

**2.7 THE FUNCTIONS OF THE ANACYCLOSIS.** The anacyclosis and the functions which it performs, conform to Polybius' purpose in writing history. This section examines the importance of the anacyclosis by listing the multiplicity of functions which it fulfills.

## **A. THE SPARTAN CONSTITUTION**

### **2.2 THE PRINCIPLE OF THE MIXED CONSTITUTION**

**2.2.1** Polybius uses the Spartan constitution as a practical example to illustrate the principle upon which the mixed constitution was established. The Spartan mixed constitution was established to correct the deficiency in simple forms of constitution, and it is the anacyclosis of constitutions which illustrated the character and nature of simple constitutions. Lycurgus, the architect of the Spartan constitution, is said to have had a knowledge of the anacyclosis of constitutions and to have been aware of the deficiency in simple constitutions. The deficiency exists in the concentration of authority found in simple constitutions (10.2). In kingship and tyranny it is centred upon one person, in aristocracy and oligarchy upon a council of selected men, and in democracy and ochlocracy upon the people. Concentration of power is a defect because it means that simple forms of constitution are precarious and easily susceptible to corruption. Lycurgus countered this problem by dividing the government of Sparta amongst different political officials and bodies, and in this way created a more stable and superior form of constitution (10.6-11).

**2.2.2** The different political officials and bodies to whom the government of the city is entrusted, are also provided by the anacyclosis. The mixed constitution is defined as a form of constitution which combines within itself all of the best and most idiosyncratic features of the three good, simple forms of constitution. These three constitution are found in the anacyclosis. The anacyclosis of constitutions consists of six constitutions which are subdivided into three pairs, each consisting of a good and corrupt form of constitution (3.6). The three good forms of constitution are kingship, aristocracy and democracy, and the elements from each of these constitutions which make up the mixed constitutions are the principal holders of authority in each of them. In a mixed constitution authority is therefore divided between a supreme official, a council and an assembly, representative of kingship, aristocracy and democracy respectively (10.8-10; 11.12).

2.2.3 This is then the relationship between the anacyclosis of constitutions and the Spartan constitution. The anacyclosis illustrates the concept, principle and structure of the mixed constitution by contrasting it with simple forms of constitution. The Romans are said to have possessed a similar form of constitution to that of the Spartans, and what is said about the relationship between the anacyclosis and the Spartan mixed constitution, therefore also applies to the Roman mixed constitution. There is, however, much more than this to the relationship between the anacyclosis and the Roman mixed constitution. The anacyclosis does more than simply indicate that the Romans possessed an excellent form of constitution.

## **B. THE ROMAN CONSTITUTION**

### **2.3 THE TWO COMPONENTS OF THE ANACYCLOSIS**

2.3.1 The description of the anacyclosis is based upon two concepts: the sequence in which constitutions follow upon one another and the biological paradigm of genesis, growth, acme and decline. Within the anacyclosis these two concepts are of primary importance for prognostication. With a knowledge of the sequence in which constitutions follow upon one another, it is possible to pinpoint the position of any constitution in the cycle, and also to determine which constitution preceded it and which will follow it (9.11). With a knowledge of the biological paradigm again, it is possible to determine at which stage of development any constitution is, whether it is at its genesis, its peak, or in the process of declining (4.12; 9.11).

2.3.2 Polybius places more emphasis on the biological paradigm than on the sequence of constitutions, both in the anacyclosis of constitutions and in the application of the anacyclosis to the Roman constitution. In 4.11-12 the proof of the veracity of the anacyclosis, and its value for prognostication are both related in terms of the stages of the biological paradigm. The sequence of constitutions is not ignored, but it is related as a series of biological paradigms (4.11-12). In 9.10-11 again, the relationship between the sequence of constitutions and the biological paradigm is more equal. The anacyclosis is defined as a sequence of constitutions (9.10), and it is said to be useful both for predicting what form a future constitution will take, and for determining at what stage of development a constitution is (9.11).

2.3.3 With regard to the connection between the anacyclosis and the Roman constitution, the emphasis is entirely on the biological paradigm. In 4.13 the anacyclosis is said to be applicable to the Roman constitution because they both

exhibit the natural stages of the biological paradigm, and in 9.12 it is said that the development of the Roman constitution can be determined with a knowledge of the anacyclosis. The emphasis on the biological paradigm to forge the connection between the anacyclosis and the Roman constitution is problematic, since it creates the impression that the sole purpose of the anacyclosis is to elucidate the stages of genesis, growth, acme and decline within the Roman constitution. This is a false impression. Polybius uses the commonness of the biological paradigm to both the simple forms of constitutions in the anacyclosis and the Roman constitution (4.13) to fit the Roman constitution into the anacyclosis. The biological paradigm only forges the connection between the Roman constitution and the anacyclosis. The actual relationship between the anacyclosis and the Roman constitution is the similarity between the sequence of constitutions and Roman constitutional history. Although this relationship is not made very clear, and even though the exposition of this relationship is not extant, it can be shown, mostly with reference to, and by comparison with, Cicero's *de re publica*, that the sequence of constitutions is the principal connection between the anacyclosis and the Roman constitution. Polybius envisaged Roman constitutional history following the anacyclosis of constitutions *en route* to the development of the mixed constitution.

2.3.4 Polybius does mention this relationship between the anacyclosis and the Roman constitution, but rather obtusely, since it is related wholly in terms of the stages of the biological paradigm. The foundation is laid in 4.13 where the biological paradigm is identified as the intersection between the anacyclosis and the Roman constitution. The import of this passage is that since the Roman constitution follows the same, natural stages of development as simple forms of constitution in the anacyclosis, there is also a place for it in the anacyclosis. In 9.12, where it is said that the development of the Roman constitution can be determined with a knowledge of the anacyclosis, the same thing is implied. These passages establish that the Roman constitution forms part of the anacyclosis, and the inference is that Roman constitutional history followed the anacyclosis of constitutions *en route* to the development of the Roman mixed constitution.

2.3.5 The relation between the Roman constitution and the anacyclosis becomes more clear if we ignore the Roman constitution for the moment, and only consider the simple forms of constitutions in the anacyclosis. Since the genesis, growth, acme and decline of a simple constitution, like democracy, is described in the anacyclosis, it can be said that the development of democracy can be determined with a

knowledge of the anacyclosis. Such a statement is entirely logical, since the anacyclosis provides an exposition of the standard development of democracy.

2.3.6 When Polybius adds the Roman constitution to the anacyclosis he explains the relationship between the anacyclosis and the Roman constitution in the same way as he had that between the anacyclosis and simple forms of constitution. The contradiction is that the anacyclosis does not indicate the position of the mixed constitution in the sequence of constitutions and it does not provide a description of the mixed constitution's development. There are indeed several factors which count against the inclusion of the mixed constitution in the anacyclosis. First of all, the anacyclosis is exclusively illustrative of simple constitutions. The Roman constitution is mixed. Secondly, the development of the anacyclosis, including both the sequence of constitutions and the biological paradigm, is characterised as a natural process. This means that the development of the anacyclosis is regular and predictable, which in turn means that the anacyclosis cannot be altered to make provision for the mixed constitution.<sup>3</sup> Since the Roman constitution is logically excluded from the anacyclosis, it cannot be said that the anacyclosis is useful for determining the development of the Roman constitution.

2.3.7 There is then a double contradiction in Polybius' theorising. The first is that despite the commonness of the biological paradigm to the simple forms of constitution in the anacyclosis and the Roman constitution, the Roman constitution cannot be included in the anacyclosis. The second contradiction is a consequence of the first. Since the Roman constitution cannot be made to fit into the anacyclosis, it follows that the anacyclosis cannot be used to determine the genesis, growth, acme and decline of the Roman constitution, or, avoiding the vocabulary of the biological paradigm which Polybius employs, Roman constitutional history cannot be said to have imitated the anacyclosis of constitutions *en route* to the development of the Roman mixed constitution.

2.3.8 There is a further problem with regard to the biological paradigm and the role which it plays in the relationship between the anacyclosis and the Roman constitution. From 9.12 it is clear that the stages of the genesis, growth, acme and decline form the connection between the anacyclosis and the Roman constitution.<sup>4</sup>

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3 - Cf. 2.5.13 - 2.5.14

4 - Cf. also 4.13

These stages are applied to the Roman constitution consistently,<sup>5</sup> and from passages such as 4.11-12 and 9.11 it is clear that Polybius also means to apply them to simple forms of constitution. Yet, when Polybius describes the development of the simple forms of constitution, it is only the stages of generation<sup>6</sup> and degeneration<sup>7</sup> which are delineated. The stages of growth and acme are omitted. This is not insignificant, since the biological paradigm is pivotal in the connection between the anacyclosis and the Roman constitution.

2.3.9 The contradiction of fitting the Roman constitution into the anacyclosis cannot be eradicated. It can only be explained why this inclusion is made. There are several reasons. The anacyclosis of constitutions facilitated the discussion on Roman constitutional history. The anacyclosis was useful for prognostication, to predict into which form of constitution the Roman constitution would develop (57.3-4). The association of the Roman constitution with the anacyclosis characterised Rome's development as natural, which in turn sanctioned Rome's achievements. It is the many functions of the anacyclosis which effect the association of the Roman constitution with the anacyclosis of constitutions.

2.3.10 It remains to be examined why so much emphasis is placed upon the biological paradigm, especially when the relationship between the anacyclosis and the Roman constitution is expounded. It is probable that the anacyclosis of constitutions, as Polybius was introduced to it, already contained the concept of the biological paradigm. It is also probable, and this can be deduced from the description of how the constitutions developed, that only the stages of genesis and decay were delineated. The anacyclosis of constitutions, as Polybius was introduced to it, probably didn't place much emphasis on the sequence in which the six constitutions followed upon one another. The emphasis would have been on the observation that each good form of constitution has a corresponding corrupt form, and that there is a general tendency for good constitutions to transform into their respective corrupt forms. The usefulness of the anacyclosis for prognostication would probably also have been expressed in terms of the biological paradigm. For Polybius however, it is the sequence of constitutions which was of greater importance, but he nevertheless expresses the relationship between the anacyclosis

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5 - 11.2; 51.4-5; 57.10

6 - 5.10; 7.1; 8.1. Cf. also 6.12 and 9.3

7 - 7.8; 8.1, 5-6; 9.7

and the Roman constitution in terms of the biological paradigm, using the terminology of the anacyclosis, as he was introduced to it, directly.

## 2.4 THE PARADOX IN VI 4.13 AND 9.12

2.4.1 These two passages, 4.13 and 9.12, have a common content. They both express the applicability of the anacyclosis of constitutions to the Roman constitution. In the first passage the biological paradigm is cited as the intersection between the anacyclosis and the Roman constitution, thereby justifying the application of the former to the latter. In the second passage it is explained that a knowledge of the anacyclosis facilitates the discussion on the Roman constitution's development. A paradox was seen to exist in the apparent malapplication of the biological paradigm to the anacyclosis of constitutions.

2.4.2 It appeared to certain scholars<sup>8</sup> that Polybius had not only applied the biological paradigm to each set of good and corrupt forms of constitution within the anacyclosis, but also to the anacyclosis itself. This is a summary of their argument: The anacyclosis of constitutions consists of three sets of good and corrupt forms of constitution, to each of which the pattern of generation, growth, acme and decline is applied.<sup>9</sup> The anacyclosis is in turn applied to the Roman *politeia*, to which is attributed only one period of growth, acme and decline (4.13; 9.12). The logic follows that if the Roman *politeia* is to be mirrored by the anacyclosis, then in order for the two to concur, the anacyclosis has also to consist of only one generation, growth, acme, decline pattern. The problem was that while the anacyclosis, as illustrated by the Roman *politeia*, could subscribe to each of the stages of the biological paradigm, the anacyclosis, as it normally operated, had no clearly defined acme. The identification of the stages of genesis and decline was not problematic. They were associated with monarchy and ochlocracy respectively, since these constitutional forms represented the beginning and the end of the anacyclosis. The problem existed in determining which of the three good forms of constitution, kingship, aristocracy or democracy, ought to be regarded as the acme of the cycle.<sup>10</sup> Since Polybius does not say which of the three good forms of constitution is the best or the worst, neither kingship, nor aristocracy, nor democracy could be identified as

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8 - Brink and Walbank (1954:110-12, 115-19); Walbank (1957:645-50); von Fritz (1958:87 ff.); Cole (1964:448-9, 478-82).

9 - 4.11-12 and 9.11

10 - This problem is discussed by Walbank (1957:645-7) and Ryffel (1973:216 ff.).

the acme of the anacyclosis. This was then perceived to be the contradiction in Polybius' theorising, that the anacyclosis of constitutions was used to illustrate the growth, acme and decline in the Roman *politeia*, and yet it itself could not lay claim to all of these stages.

2.4.3 This idea of a contradiction in Polybius' theorising is, however, based upon a misinterpretation of the text. Polybius does not ever attribute the biological paradigm to the anacyclosis of constitutions as a unit. This is something which modern commentators have inferred from the text. The text does not, however, support such an inference. It is particularly Polybius' use of the demonstratives which clarify and emphasise that the biological paradigm is only applicable to the simple forms of constitution individually:

4.11 - ἐπὶ τὰς ἑκάστων κατὰ φύσιν ἀρχὰς καὶ γενέσεις καὶ μεταβολὰς

4.12 - καὶ τὴν αὐξήσιν καὶ τὴν ἀκμὴν καὶ τὴν μεταβολὴν ἑκάστων

9.11 - ποῦ τῆς αὐξήσεως ἑκάστον ἔστιν ἢ τῆς φθορᾶς ἢ ποῦ

μεταστήσεται

2.4.4 The misinterpretation of the text is particularly caused by the misunderstanding of the phrase ἡ τῶν Ῥωμαίων πολιτεία (4.13; 9.12). Once this phrase is interpreted correctly the apparent paradox disappears.

2.4.5 Since it is known that Polybius traced Roman history to the foundation of the city, and since it is known that Polybius discerned a similarity between Roman political history and the anacyclosis of constitutions, it was assumed that 4.13 and 9.12 was a reference to this discussion.<sup>11</sup> Ἡ τῶν Ῥωμαίων πολιτεία was therefore interpreted as "Roman constitutional history". Furthermore, since the biological paradigm was applied to the Roman *politeia* only once, its genesis was identified with Romulus, the founder and first king of Rome, its acme was identified with the mixed constitution, the balance of royal, aristocratic and democratic elements, and its decline was associated with corruption into a form of constitution called democracy, but resembling ochlocracy (VI 57.9).

2.4.6 The term *politeia* can indeed have the connotation "constitutional history", but this is not how it is used in book VI. This can be shown in two ways: by tabulating the different connotations of *politeia* in book VI, and by citing passages from outside book VI which offer insight into the interpretation of ἡ τῶν Ῥωμαίων πολιτεία.

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11 - Brink and Walbank (1954:112); Cole (1964:479).

2.4.7 Polybius uses the term *politeia* in a variety of meanings in book VI. Among its connotations are "government"<sup>12</sup> and "city".<sup>13</sup> By far the most frequent connotation of *politeia*, however, is "constitution", which can in turn be subdivided into two categories:

a. In the first category *politeia* refers to a constitutional model, like monarchy or aristocracy: 3.5, 9; 4.6; 5.1; 9.10, 11; 10.6; 57.3.

b. In this second larger category *politeia* refers either to the characteristic constitution of a state, or to a political system in general:

2.1 2.3 2.4 2.6 2.9 3.3 3.7 3.8 9.13 10.2 10.4 10.6 10.7  
 10.12 10.14 11.3 11.11 12.9 13.8 14.12 15.1 18.1 18.2 18.4 18.6  
 43.1 43.5 43.7 44.8 45.3 46.9 46.10 46.11 47.1 47.3 47.4 47.7 48.1  
 48.3 48.5 50.2 50.4 51.1 51.4 51.5 52.5 56.6 57.2 57.5 57.9 57.10  
 58.1

2.4.8 The term *politeia* occurs approximately 71 times in book VI. On only six occasions can it not be translated as "constitution". On the remaining 65 occasions it generally refers to a specific type of constitution. On not one occasion does it refer to the constitutional history of a city. Therefore, looking only at the distribution of the meanings of *politeia*, it is improbable that ἡ τῶν Ῥωμαίων πολιτεία in 4.13 and 9.12 alludes to Roman constitutional history. It is only improbable, and not impossible, since Polybius might have used *politeia* in a different sense on these two isolated occasions.

2.4.9 Incontrovertible evidence that ἡ τῶν Ῥωμαίων πολιτεία does not refer to the constitutional history of Rome, is provided by passages outside book VI. They show that the term ἡ τῶν Ῥωμαίων πολιτεία should rather be seen to allude to that period in Roman political history when the constitution consisted of a balance of royal, aristocratic and democratic elements.

2.4.10 One of the main aims of Polybius' History was to determine the root causes of historical events.<sup>14</sup> Since he identified the composition of a state's constitution to be the basis for determining why things went well or wrong (VI 2.9), an analysis of the Roman constitution forms an important part of his discussion on Roman world domination. The importance of understanding the form of the Roman constitution

12 - 10.8; 11.13; 14.2

13 - 3.1; 14.4; 56.10

14 - II 38.5; III 7.5-6, 31.12-13; VI 2.8; XII 25<sup>b</sup>.2

and his intention to analyse it is mentioned several times: I 1.5; III 2.6; V 111.10. In each of these passages Polybius uses the term *politeia* to connote "constitution", and on each occasion it refers to a specific type of constitution which the Romans possessed, and not to Roman constitutional history.

2.4.11 In I 1.5 Polybius indicates his intention to determine what type of constitution Rome had which allowed it to achieve near world domination in approximately 53 years. This 53 year period extended from the beginning of the 140th Olympiad (220 BC) to 168 BC,<sup>15</sup> counting inclusively. It was during this period of the Hannibalic war that Polybius reckoned the Roman mixed constitution had reached its peak.<sup>16</sup> In these passages Polybius is specifically referring to the acme of the Roman mixed constitution, since it was especially the structure and characteristics of the mixed constitution which gave Rome the ability to conquer the world (III 118.8-9).

2.4.12 In III 2.6 again, Polybius indicates that he will show how the peculiar characteristics of the Roman constitution contributed to the subjection of the Italians, Sicilians, Spaniards, Celts and Carthaginians. Paton translates ἀνακτήσασθαι (III 2.6) as "to subjugate", referring misleadingly to the conquering of these nations, or at least the first two, early in the third century BC. Walbank (1957:298) interprets ἀνακτήσασθαι as "to reconquer", referring to the period during and following the Hannibalic war. This is the correct interpretation. Since Polybius considered the Roman constitution to have been at its prime during the Hannibalic war, it is unlikely that he would have attributed events which occurred before this period to the strength of the Roman constitution. Since these events then refer to the period following 220 BC, and since Polybius identified the peculiar characteristics of the Roman constitution as a contributory factor in the subjection of these people, the reference is once again specifically to the Roman mixed constitution and not Roman constitutional history.

2.4.13 Finally, in V 111.10 κατὰ τὴν ἐν Ἀργαῖς ὑπόσχεσιν refers to I 1.5 and III 2.6, so that here too *politeia* alludes to the Roman mixed constitution.

2.4.14 Each of these passages shows that it was Polybius' intention to discuss the Roman mixed constitution in Book VI, and the reference to the Roman *politeia* in

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15 - III 1.9-10; 4.2

16 - VI 11.1

4.13 and 9.12 must therefore be indicative of this discussion. Interpreted in this manner the contradictions are eradicated. The one problem was that the biological paradigm was only seen to be applied to Roman constitutional history once. With the new interpretation Roman constitutional history could display the biological paradigm more than once. The Roman mixed constitution must be seen as a form of constitution with its own genesis-growth-acme-decline pattern. The biological paradigm could also be applied to the stages of kingship, tyranny, aristocracy and oligarchy in Roman history. The other problem was to identify one particular peak in the anacyclosis. With the new interpretation this becomes unnecessary. Since Roman constitutional history displayed the biological paradigm on more than one occasion, there is no need to find only a single genesis, growth, acme decline pattern in the anacyclosis.

2.4.15 The confusion and uncertainty as to how 4.13 and 9.12 ought to be interpreted has been caused by several factors. The first is the general lack of terminology to denote the various constitutional forms. Nomenclature is non-existent. Polybius just has the one term, *politeia*. The simple forms of constitution all have their traditional names, but the constitutions of Sparta, Crete, Athens and Carthage are merely referred to by the names of their respective cities,<sup>17</sup> without any specific indication being given to the nature of their respective constitutions. Polybius assumes that his readers are aware of the types of constitution generally associated with these cities, and he therefore does not bother to mention it specifically. The same situation exists with regard to the Roman constitution. Polybius has no particular term for "the mixed constitution". In VI 3.7 it is described as ἀρίστην πολιτείαν and in 10.14 the Roman constitution is described as κάλλιστον δὲ σύστημα τῶν καθ' ἡμᾶς πολιτειῶν. We are told that the best form of constitution is that one which consists of the best elements of kingship, aristocracy and democracy (3.7), that Lycurgus drew up such a form of constitution for Sparta (3.8; 10.6ff), and that Rome had achieved a similar type of constitution to that of Sparta (10.13); but no particular name is given to this best form of constitution. Polybius merely uses the noun *politeia*, (sometimes in conjunction with the ethnic genitive ῥωμαίων), or the synonym πολίτευμα.<sup>18</sup> It is only from the context and what we know of the mixed constitution, that it is possible to determine that *politeia* alludes specifically to the Roman mixed constitution.

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17 - 43.1; 45.3; 46.11; 48.1; 50.4; 51.1

18 - 2.1; 11.3; 15.1; 18.2, 4, 6; 52.5; 56.6; 57.5, 9, 10; 58.1

2.4.16 A second problem is the juxtaposition of the sequence of constitutions and the biological paradigm within the anacyclosis, and Polybius' failure to explain the relationship between the anacyclosis and the Roman constitution cogently. The problem is that while the sequence of constitutions is the obvious similarity between the anacyclosis and Roman constitutional history, Polybius describes the relationship between the anacyclosis and the Roman constitution wholly in terms of the biological paradigm. Polybius fits the Roman mixed constitution into the anacyclosis, using the commonness of the biological paradigm to the simple forms of constitution and the Roman mixed constitution as his basis, and in this way states that Roman constitutional history, and in particular the Roman mixed constitution's development, could be determined with the aid of the anacyclosis of constitutions.

## 2.5 THE NATURALNESS OF THE ANACYCLOSIS

2.5.1 The anacyclosis is said to be applicable to the Roman constitution not only because the biological paradigm was common to both the simple forms of constitution and the Roman constitution, but specifically because the stages of the biological paradigm occurred naturally (*κατὰ φύσιν*) in each case (4.13). The concept of *physis* pervades the anacyclosis. It is not only the biological paradigm,<sup>19</sup> but also the sequence of constitutions which was seen to have occurred naturally.<sup>20</sup> It is, however, particularly the characterisation of the stages of the biological paradigm as natural in both the simple forms of constitution and the Roman constitution which justified the application of the anacyclosis to the Roman constitution (4.13). In order to determine what this implies about the anacyclosis, the Roman constitution, and the relationship between the two, it is necessary to understand the connotations of the term *physis*.

2.5.2 The term *physis* has a variety of connotations in ancient Greek literature.<sup>21</sup> This is a brief list of some of them. Among some of the Presocratic philosophers *physis* represented the primary substance upon which everything else was based and into which everything would degenerate again.<sup>22</sup> It is unlikely, however, that they used the term *physis* themselves. The presence of this term is an anachronism due to

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19 - 4.11, 13; 9.13; 10.4; 51.4; 57.1

20 - 4.7, 9; 5.1; 9.10; 10.2

21 - Leisegang (1941:1129-64) provides a comprehensive history of this term. Cf. also Lovejoy and Boas (1965:447-56) for a list of meanings.

22 - Thales 85 (KRS); Anaximenes 140, 152 (KRS)

the interpretation of later philosophers who commented on the writings of Presocratic philosophers. It is probably in the fragments of Heraclitus that the first true occurrence of the term *physis* is to be found.<sup>23</sup> In his fragments *physis* tends to have the connotation of "real constitution".<sup>24</sup> Pohlenz (1953:426) postulates that *physis* was a creation of the Ionian philosophers to symbolise their new interpretation of the world, which saw a shift away from the search for external and divine, to internal, causation. The term *physis* later became generalised to mean the actual composition of things, including their character and the way they behaved.<sup>25</sup> The concept of *physis* was also used to distinguish between spontaneous and humanly influenced events, with *physis* representing divine and unalterable behaviour, and *nomos* that which is man-made and shifting. Thucydides, again, used the term *physis* to justify what he reckoned was ethically proper.<sup>26</sup> If the behaviour of people was the result of the congenital, intrinsic characteristics of human beings, then that action was considered justifiable and ethically proper. Such natural acts included the wont to rule over other people,<sup>27</sup> the habit of having contempt for the obsequious and admiration for those who are reluctant to yield (III 39.5), and the tendency for human beings to make mistakes (III 45.3). *Physis* is also used in a variety of other contexts, from being a synonym for generation, as opposed to degeneration,<sup>28</sup> to being the general title attributed by doxographers to the works of the Presocratic philosophers,<sup>29</sup> to denoting the human body's reaction to foreign substances in the writings of Hippocrates,<sup>30</sup> and in each of these cases *physis* tends to have the same connotations. When it is used to describe the qualities of something or other, those characteristics are seen to be intrinsic and permanent. Events which are seen to have occurred naturally, happen spontaneously, without the benefit of human intervention or planning. These events are also seen as correct, the way they ought to have happened. Natural events also tend to be indicative of

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23 - Guthrie (1971:82)

24 - Cf. Kirk (1954:227-31)

25 - Heraclitus 194 (KRS)

26 - Gorgias takes a similar stand - II 82 B11(6) (DK)

27 - Thucydides I 76.3; IV 61.5; V 105.2 Each of these sentiments are expressed in speeches.

28 - Empedocles I 31 B8 (DK)

29 - Cf. KRS (1983:102, n.1) and Leisegang (1941:1135)

30 - Guthrie (1974:352-3)

regular behaviour, with irregular, irrational behaviour being attributed to Fortune. Natural events are also predictable events, since identifiable patterns are ideal for prognostication. Such events subsequently acquire the status of universal laws, the veracity of which is beyond question.

2.5.3 The concept of *physis* is not used in any novel sense in book VI of Polybius' History. The cognate forms of the verb φύω and of the noun *physis* occur approximately 25 times in this book. It is generally used to indicate natural behaviour, except on two occasions where it is growth and development which is being connoted (4.8, 12). It occurs in various forms to connote naturalness. It takes the form of an adverb twice (4.7; 10.2) and once the perfect form of the verb (10.12). The accusative form of the noun is compounded with the preposition κατά a total of eleven times.<sup>31</sup> It also occurs without any prepositions: once as an accusative (46.5), once again as a dative (10.2), and then four times as a genitive.<sup>32</sup> It occurs as the adjective συμφυής three times.<sup>33</sup> It is used mainly in connection with the sequence of constitutions<sup>34</sup> and the biological paradigm of generation, growth, acme and degeneration,<sup>35</sup> but it is also used to characterise the relationship between the good and corrupt forms of constitution;<sup>36</sup> to illustrate the human species' tendency to group together (5.7), to choose a leader based on physical strength (5.8), and to have sexual intercourse (6.2); and it is also used in reference to the first conception of goodness and justice amongst humans (7.1), the essential nature of the governments of Crete and Sparta (46.5), and bonds of blood relations (54.5).

2.5.4 The connotations of internalism, permanence, inevitability, regularity, predictability and preclusion of human influence, are all present in book VI of Polybius' History. The concept that nothing can last forever and that everything is subject to decay illustrates these connotations rather well.

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31 - 4.9, 11, 13; 5.1; 6.2; 7.1; 9.13; 10.4; 51.4; 54.5

32 - 5.7-8, 9.10, 57.1

33 - 4.6, 8; 10.7

34 - 4.7, 9; 5.1; 9.10; 10.2

35 - 4.11, 13; 9.13; 10.4; 51.4; 57.1

36 - 4.6, 8; 10.7

2.5.5 In 57.1 decay is described as "a necessity of nature".<sup>37</sup> *Physis* and ἀνάγκη are not antonyms. Among the Presocratic philosophers such as Parmenides,<sup>38</sup> Empedocles<sup>39</sup> and Heraclitus,<sup>40</sup> necessity appears as an uncompromising divine force with connotations very similar to that of *physis*. With Leucippus and Democritus necessity becomes a mindless force which is cited as the cause of everything.<sup>41</sup> Aristotle,<sup>42</sup> arguing from a teleological perspective, objects to the attribution of everything to necessity, reasoning that if the results are predictable, then the chain of events which leads to that result must also be predictable. It should then rather be called natural. *Physis* and ἀνάγκη are also used in conjunction with one another. In the Melian dialogue Athenian domination is justified on the basis of "natural necessity".<sup>43</sup> Necessity has therefore only an emphasising function when it is combined with *physis*. In Polybius VI 57.1, ἀνάγκη is then used to emphasise the connotations of *physis*.<sup>44</sup>

2.5.6 Precisely what the implications are of describing decay as a necessity of nature is elucidated in 10.3 by the woodworms and rust similes. The vocabulary used here emphasises that rust and woodworms are the internal components of the structure of metal and wood respectively. These agents of decay are described as symbiotic flaws, συμφυεῖς (10.3) alluding to a congenital relationship between the decaying agent and the substance concerned. This congenital relationship is reiterated by ὑπ' αὐτῶν φθείρονται τῶν συγγενομένων (10.3), and further emphasised by the distinction which is made between internal and external factors of decay. While external factors could be circumvented, the effects of internal factors were

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37 - The concept of necessity is also used in conjunction with that of nature in 10.2.

38 - 298 (KRS)

39 - 359 (KRS) *Physis* and ἀνάγκη appear as interchangeable terms in these passages.

40 - 211 (KRS)

41 - 566; 569 (KRS)

42 - *Generation of Animals* 789b3 ff.

43 - Thucydides V 105.2

44 - *Physis* also coalesces with other phrases to intensify its meaning. The tendency amongst animals to always choose the strongest and the bravest in their ranks as leader, is described as φύσεως ἔργον ἀληθινώτατον (5.8), and the anacyclosis of constitutions is seen as φύσεως οἰκονομία (9.10).

inescapable (10.3). The principle is that since decay forms part of the constitution of wood and metal, it is inevitable.

2.5.7 The distinction between internal and external modes of decay is made fairly often in book VI,<sup>45</sup> and it is especially in 57.2 where the difference between the two is illuminated. Whereas external factors of decay did not conform to any type of system, internal factors were regular and predictable (57.2). It is then clear from the description of decay as a necessity of nature, and the woodworms and rust similes, that *physis* is indicative of innate, regular and inevitable behaviour.

2.5.8 The rust and woodworms similes are used to illuminate the effects and nature of decay in constitutions (10.4-5). The ideas which Polybius uses here is similar to that which he used in the woodworms and rust simile: the defect is seen to be engendered (*συγγενῆται*) in the various constitutional forms, and the inevitability of the effects of this defect is expressed by a very strong negative - *εἰς οὓς οὐχ οἶον τε μὴ οὐ* (10.5). Furthermore, just as a symbiotic relationship was seen to exist between woodworms and wood, and between rust and metal (10.3), in the same way a symbiotic relationship was seen to exist between good and corrupt forms of constitution.<sup>46</sup> Tyranny, oligarchy and ochlocracy were then seen to be the flaws engendered in kingship, aristocracy and democracy respectively (10.4-5), and on account of the nature of the relationship between them, the corrupt forms of constitution were regarded as inevitable and predictable occurrences.

2.5.9 The various connotations of the term *physis* have been made quite clear by the woodworms and rust simile in 10.3, and by its application to constitutional forms in 10.4-5. By being described as natural (57.1), decay becomes indicative of a universal law, one which occurs with sufficient regularity to establish its own veracity. The regularity and inevitability of decay was due to the relation within which the agent of decay stood to its host. It was because decay formed part of the internal structure of its host that the effects of decay were inescapable. Furthermore, any event which can be said to be regular, inevitable and invariable, also has to be predictable. In 9.13 and 57.1-4 the inevitability of decay is used to prove that even the Roman mixed constitution will experience a decline.

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45 - 18.2-6, 57.2. Cf. also 44.4-8, 46.7

46 - 4.6,8; 10.7

2.5.10 Events which can be said to have happened naturally tend to preclude human forethought and planning. Lycurgus, for example, established the Spartan mixed constitution by using his intelligence and through a process of reasoning.<sup>47</sup> Although the Spartan constitution was certainly exemplary,<sup>48</sup> it is nowhere referred to as natural, or as having had a natural development.

2.5.11 The Theban constitution offers another example. It is excluded from a comparison with the Roman constitution because it was not the Theban constitution, but rather the eminent Theban leaders, which Polybius identified as being responsible for that city's successes (VI 43.5-7). The development of the Theban constitution is described in 43.2. Its growth is not considered to have been *κατὰ λόγον*, its acme was not *ἐπιμόνους*, and its decline not *μετρίως*. The emphasis is on the abnormality of the Theban constitution's development, with *κατὰ λόγον*, *ἐπιμόνους* and *μετρίως*, by comparison, being indicative of the way a constitution ought to develop. Since the anacyclosis of constitutions, with its emphasis on natural development, is illustrative of the correct way for constitutions to develop, and since the Theban constitution's development does not conform to this, it can be concluded that the development of the Theban constitution had not been natural.<sup>49</sup> Furthermore, the development of the Theban constitution was directly influenced by two of the city's leaders, Epaminondas and Pelopidas. The growth, acme and decline of the Theban constitution could be linked directly to the growth, acme and decline in the authority and military prowess of these two men (43.6). In the case of Thebes then, as was the case with Sparta, human endeavour precluded a naturally developing constitution.

2.5.12 It would be incorrect, on the other hand, to say that the anacyclosis of constitutions progresses without any human involvement. Human intellect and endeavour play a major part in the subversion and establishment of the simple forms of constitution in the anacyclosis.<sup>50</sup> It is only in the primitive stages of human

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47 - *λόγω* - 10.12. Cf. also 3.8; 10.2,6.

48 - 3.7-8; 10.11

49 - It can therefore be deduced that in the anacyclosis constitutions grow *κατὰ λόγον*. This appears to contradict what had been said about the Spartan constitution. Its establishment had been considered to be due to *λόγω* (10.12), and on the basis of this, had not been considered to be natural. The solution is that *κατὰ λόγον* means "comprehensible", rather than "through a process of reasoning", which is what *λόγω* means. There is then no contradiction.

50 - 7.9 - 8.2; 9.1-3

evolution, before people become rational beings, that instinct is predominant.<sup>51</sup> Whether a constitution can be said to have had a natural development or not depends more on the nature of the constitution's development, than on the level of human involvement. *Physis* connotes regularity, and a natural constitution, whether by observation or by theorisation, was postulated to develop in a certain way. Any constitution whose developments conformed to this pattern could be termed natural. For those constitutions whose development did not, an alternative explanation had to be found. The choice was limited to *tyche* and human involvement, with the former being used if the deviation from the norm could not be explained, and the latter if it could. Neither the Spartan nor the Theban constitution had developed in any normal manner, and in both cases their respective leaders were cited as the reason for the deviation.

2.5.13 I have shown, using decay as an example, that *physis* connotes internality, inevitability, predictability and regularity. It is not only decay, however, but the entire paradigm of genesis, growth, acme and decline,<sup>52</sup> and also the sequence in which constitutions were seen to follow upon one another,<sup>53</sup> which Polybius characterises as natural. This means that the anacyclosis is a description of certain predetermined constitutional patterns which are inevitable, regular and predictable. Any deviation from these patterns then constitutes a breach of the anacyclosis and is indicative of unnatural development.

2.5.14 Polybius does not appear to have realised this basic principle when he associated the Roman constitution with the anacyclosis. He not only argues that there was a place for the Roman constitution in the anacyclosis, but also that the anacyclosis could be used to aid in the analysis of the Roman constitution's development. Yet the Roman constitution breaches the anacyclosis on at least two points. First of all, the anacyclosis is illustrative of the development of simple forms of constitution. The Roman constitution was mixed. Irrespective then, of where Polybius placed the Roman constitution in the anacyclosis, it constituted a violation of a natural, predetermined chain of events. Secondly, the Roman constitution is predicted to decline into a form of constitution called democracy, though resembling an ochlocracy (57.9). This prediction is said to be based upon the anacyclosis (57.3-4). There is, however, little correlation between this prediction and

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51 - 5.7-8; 6.2; 7.1

52 - 4.11, 13; 9.13; 10.4; 51.4; 57.1

53 - 4.7, 9; 5.1; 9.10; 10.2

the development of constitutions in the anacyclosis. In the anacyclosis, democracy is a good, not corrupt, form of constitution, and it is very distinct from ochlocracy, even though they are congenital constitutions (4.4-5). The Roman constitution therefore developed differently to the anacyclosis of constitutions.

2.5.15 It was, however, useful for Polybius to characterise the development of the Roman constitution as natural and to set the Roman constitution in the anacyclosis. Just as *physis* was used to sanction and legitimise human behaviour, in the same way Polybius uses *physis* to sanction and legitimise the Roman constitution. Being characterised as natural also means that the Roman constitution was superior to other forms of constitution which had been established either through fate or through human design.<sup>54</sup> The absence of any statesman in Roman history who could be said to have masterminded the Roman mixed constitution, might also have persuaded Polybius to characterise the Roman constitution as natural, especially since he was unwilling to attribute it to fate (I 63.9). With the anacyclosis again, Polybius had a system which was ideal for prognostication and didacticism. Using the anacyclosis of constitutions Polybius could predict the decline of the Roman constitution and he would also be able to show his readers the advantages of a mixed constitution.

## 2.6 CICERO'S DE RE PUBLICA AND POLYBIUS VI

2.6.1 It is clear from 4.13 and 9.12 that Polybius placed the Roman constitution within the anacyclosis, and it has to be inferred from this that the anacyclosis was illustrative of Roman constitutional history. Unfortunately, the whole of book VI is not extant, and it is particularly that section where Polybius discusses the early history of Rome and demonstrates the similarity between it and the anacyclosis which has not survived. This would have been an important discussion, since it would have shown how Polybius considered the mixed constitution to fit into the anacyclosis. He does not describe this in his discussion of the anacyclosis. While it is not possible to reconstruct the lost portions of book VI, it is at least possible to gain an impression of how Polybius illustrated the similarity between Roman constitutional history and the anacyclosis, and also how he grafted the Roman mixed constitution into the anacyclosis.

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54 - 10.12-14. Cf. also 43.2-3 where the superiority of the Roman constitution is implied.

2.6.2 This impression is made possible by a comparison between Polybius VI and Cicero's **de re publica**. In his work Cicero also discusses the Roman constitution, and the marked similarity in the way Polybius and Cicero approach this topic suggests that Cicero was influenced to a large extent by the Greek historian. Polybius himself is mentioned a few times in the **de re publica**. His friendship and association with Scipio Aemilianus Africanus<sup>oyle</sup> considered as sufficient credential for Scipio to lead the discussion (I 34). Polybius is also directly referred to in II 27, where Scipio mentions Polybius' accuracy in dating the Roman kings, and again in IV 3 where Polybius is said to have regarded the lack of education for young men as a deficiency of the Roman constitution. Polybius' History was, however, not the only influence upon Cicero. It is not only Polybius, but also Panaetius with whom Scipio is said to have held political and philosophical discourses,<sup>55</sup> and in II 1-3 Cato is hailed as Scipio's main influence. Other evidence of possible influences is confusing. In II 21 Laelius comments that Scipio's approach to the discussion is not paralleled amongst Greek political thinkers, and in I 13 Scipio states that the elements of his discussion are neither novel nor original, but that they are based upon his own experience (I 36).

2.6.3 While the question of influences is certainly complex, Cicero's debt to Polybius is particularly evident in the way that the argument progresses in the **de re publica**. Polybius categorises the Roman constitution as a mixed constitution, describing it as the best possible kind of constitution. The advantages and principles of the mixed constitution are illustrated by contrast with simple forms of constitution. The simple constitutions are divided into three types, each of which is further divided into a good and corrupt form. A congenital bond is seen to exist between each good and corrupt pair, and the transition from a good to a corrupt constitution is considered to be a regular and predictable occurrence. The six simple forms of constitution are also seen to follow upon one another in a certain, cyclical sequence. This is called the anacyclosis of constitutions and Polybius uses it to describe the development of the Roman constitution. In Cicero's **de re publica** the same arguments are used.

2.6.4 Scipio begins his discussion on the Roman constitution by examining human beings as political animals (I 39-41). Once he has established that domination is an

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55 - I.34. Cf. also I.15

integral element of human society, it is categorised into three types: the rule of one person, of a selected few, and of the majority:

*deinde aut uni tribuendum est, aut delectis quibusdam, aut suspiciendum est multitudini atque omnibus. quare cum penes unum est omnium summa rerum, regem illum unum vocamus, et regnum eius rei publicae statum. cum autem est penes delectos, tum illa civitas optimatum arbitrio regi dicitur. illa autem est civitas popularis - sic enim appellant - in qua in populo sunt omnia. [I 42]<sup>56</sup>*

2.6.5 The terminology which Cicero employs here (*uni, delectos, optimatum arbitrio, popularis*) indicates that he is only thinking of the good forms of constitution.<sup>57</sup> Polybius, again, begins his discussion on the cycle of constitutions with an invective against those philosophers who only delineated three types of constitution, and he questions whether these are the only, or the best, forms of constitution (VI 3. 5-6). He insists that although each corresponding good and corrupt form of constitution represents a similar type of rule, they are distinctly different and ought to be regarded as separate constitutional forms (VI 3.9-4.5).

2.6.6 Cicero recognises that kingship, aristocracy and democracy contained certain flaws:

*atque horum trium generum quodvis, si teneat illud vinculum quod primum homines inter se rei publicae societate devinxit, non perfectum illud quidem neque mea sententia optimum, sed tolerabile tamen, et aliud <ut> alio possit esse praestantius. nam vel rex aequus ac sapiens, vel delecti ac principes cives, vel ipse populus, quamquam id est minime probandum, tamen nullis interiectis iniquitatibus aut cupiditatibus posse videtur aliquo esse non incerto statu.*

*sed et in regnis nimis expertes sunt ceteri communis iuris et consilii, et in optimatum dominatu vix particeps libertatis potest esse multitudo, cum omni consilio communi ac potestate careat, et cum omnia per populum geruntur quamvis iustum atque moderatum, tamen ipsa aequabilitas est iniqua, cum habet nullos gradus dignitatis. [I 42-3]*

2.6.7 The deficiency in kingship and aristocracy is seen to lie in the disproportionate participation of the different sectors of the population in the government. Yet, when the reign is in the hands of the people, it is equality and a lack of distinction based upon honour, which are cited as the defects. Polybius does not specify what the flaws in kingship, aristocracy and democracy were. He only emphasises that there were flaws present and that it was impossible for the negative effects of these flaws to be avoided (10.4-5). Even when he describes the transition of the constitutions in detail, the reasons why the good forms of constitution became corrupt, are not

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56 - Aristotle makes a similar categorisation - Pol. 1279a22-b10

57 - The corrupt forms of constitution are characterised by terms such as *dominus, factio*, and *turba et confusio* (I 69).

related in terms of the defects in these constitutions. It is rather time which appears as the prime motivator. With the progression of time the rulers tend to change their attitudes from care for the subjects to self-interest.<sup>58</sup>

2.6.8 Cicero then attributes to kingship, aristocracy and democracy a corresponding corrupt form:

a. *nullum est enim genus illarum rerum publicarum, quod non habeat iter ad finitimum quoddam malum praeceps ac lubricum.* [I 44]

b. *quod et illa prima facile in contraria vitia convertuntur, ut existat ex rege dominus, ex optimatibus factio, ex populo turba et confusio* [I 69]

2.6.9 Both Cicero and Polybius regard the change from a good to a corrupt form of constitution as a regular, invariable process. Unlike Polybius,<sup>59</sup> Cicero does not posit a symbiotic relationship between the two. Both authors do, however, regard the simple forms of constitutions as being precarious: *iter...praeceps ac lubricum* (I 44); *facile ... convertuntur* (I 69).<sup>60</sup> The similarity in thought and expression between I 44 and VI 10.2 is very close. The only difference is that while Cicero is speaking about constitutions in general, Polybius is specifically referring to simple forms of constitution. Other than that, *quod non habeat iter* is reminiscent of ἐκτρέπεσθαι, *quoddam malum* of κακίαν, *finitum* of τὴν οἰκείαν καὶ παρεπομένην, and *praeceps ac lubricum* of ταχέως.

2.6.10 The simple forms of constitution are then considered to be deficient and Cicero posits the mixed constitution as a better form of constitution. It is not insignificant that Polybius also praises the mixed constitution by contrasting it with the unstable simple forms of constitution (10.6).

*primum enim numero definieram genera civitatum tria probabilia, perniciosam autem tribus illis totidem contraria, nullumque ex eis unum esse optimum, sed id praestare singulis, quod e tribus primis esset modice temperatum.* [II 65]<sup>61</sup>

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58 - 7.6-8; 8.4-5; 9.4-5

59 - 4.6, 8; 10.7

60 - For the Polybian passage, cf. VI 10.2

61 - Cf. also I 45, 54, 69; II 41, 65, 69 and Polyb. VI 3.7; 10.6-7, 14.

2.6.11 The mixed constitution contained a balance of royal, aristocratic and democratic elements, which afforded it its stability:

*statuo esse optumo constitutam rem publicam, quae ex tribus generibus illis, regali et optimati et populari, confusa modice nec puniendo iritet animum inmanem ac ferum* [II 41]

2.6.12 Cicero's perception of the mixed constitution is not consistent. In II 57-8 it is described as a balance of rights, duties and functions, and in II 69, in a musical analogy, it is described as the harmony between the upper, middle and lower orders. In the passage cited above (II 41), however, Cicero follows Polybius in regarding the mixed constitution as a congregation of political bodies.<sup>62</sup>

2.6.13 Cicero also classified the Roman constitution as mixed:

*Quam, si placet, quoniam ea, quae tenebatis ipsi, etiam ex me audire voluistis, simul et qualis sit et optimam esse ostendam ex positaeque ad exemplum nostra re publica accommodabo ad eum, si potero, omnem illam orationem, quae est mihi habenda de optimo civitatis statu.* [I 70]<sup>63</sup>

2.6.14 A particular feature of Polybius' discussion is that he sets the six forms of constitution into a certain sequence which he terms the anacyclosis of constitutions (9.10). He then postulates that the Roman constitution fitted into this sequence (4.13 and 9.12). Cicero also postulates a cycle of constitutions which he considers to have been followed by Roman constitutional history:

a. *Atqui multo id facilius cognosces, inquit Africanus, si progredientem rem publicam atque in optimum statum naturali quodam itinere et cursu venientem videris.* [II 30]

b. *Hic ille iam vertetur orbis, cuius naturalem motum atque circuitum a primo discite adgnosceret.* [II 45]<sup>64</sup>

2.6.15 The path which simple forms of constitution are said to have followed is called natural: *naturali quodam itinere* (II 30); *naturalem motum* (II 45). This corresponds well with the use of *physis* by Polybius.<sup>65</sup>

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62 - Cf. Polybius 10.8-10. Cf. also 12.9; 13.8; 14.12, referring to the consuls, the senate and the assembly respectively.

63 - Cf. also II 65; Polybius 10.13-14

64 - Cf. also I 45 and 65.

65 - Cf. 4.11; 9.10

2.6.16 Cicero's cycle of constitutions is not as strict as that of Polybius. A king, for example, could be corrupted to become a tyrant<sup>66</sup> or he could be overthrown by the people.<sup>67</sup> The tyrant again, could be overthrown by either the aristocrats or the people, who in turn could be overthrown by either oligarches or a tyrant:

*sic tanquam pilam rapiunt inter se rei publicae statum tyranni ab regibus, ab iis autem principes aut populi, a quibus aut factiones aut tyranni, nec diutius unquam tenetur idem rei publicae modus. [I 68]*

2.6.17 Cicero's cycle of constitutions has both a prognostic and a practical political value:

(broken text)...*taeterrimus, et ex hac vel optimatum vel factiosa tyrannica illa vel regia vel etiam persaepe popularis, itemque ex ea genus aliquod ecflorescere ex illis quae ante dixi solet, mirique sunt orbes et quasi circuitus in rebus publicis commutationum et vicissitudinum; quos cum cognosse sapientis est, tum vero prospicere inpendentis, in gubernanda re publica moderantem cursum atque in sua potestate retinentem, magni cuiusdam civis et divini paene est viri. [I 45]*

2.6.18 Cicero appears to have modified Polybius slightly here. Polybius also recommends the use of the anacyclosis for prognostication (4.12; 9.11), but unlike Cicero, he does not give any indication that this will be a particularly difficult task. Polybius does not list the correction or alteration of a constitution as a use of the anacyclosis either, only prognostication (4.12; 9.11). Polybius does, however, consider that the anacyclosis and its application to Rome has a practical purpose. In III 118.12 Polybius notes that the discussion on the Roman constitution can help statesmen in the formation of their own constitutions.

2.6.19 The similarities between Cicero's **de re publica** and Polybius VI cannot be denied. The categorisation of good and corrupt forms of constitution, and simple and mixed constitutions, the lauding of the mixed constitution by comparing it with simple forms of constitutions, and the postulation of a cycle of constitutions, which was exemplified by Roman constitutional history, are common to both Polybius and Cicero. It can therefore be concluded that Cicero was dependant upon Polybius for the basic structure of his work. Cicero's **de re publica** can therefore be used to determine how Polybius probably perceived Roman history to have followed the anacyclosis, since this discussion has survived, albeit partially, in Cicero's **de re publica**.

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66 - *cum rex iniustus esse coepit, perit illud ilico genus, et est idem ille tyrannus* - I 65.

67 - *si quando aut regi iusto vim populus attulit regno eum spoliavit* - I 65.

2.6.20 The first form of constitution in the anacyclosis is monarchy (Polyb. 4.7; 5.9).

*Monarchy - perhibetur ut adoleverit et corporis viribus et animi ferocitate tantum ceteris praestitisse, ut omnes qui tum eos agros ubi hodie est haec urbs incolebant, aequo animo illi libenterque parerent. [de re publ. II 4]*

2.6.21 From Cicero's description of Romulus, before he founded the city of Rome, as a man pre-eminent in physical strength and boldness of spirit, which is also how Polybius defines the monarch,<sup>68</sup> it appears that Polybius designated Romulus as a monarch before he became king.

2.6.22 Following monarchy, kingship was established. According to tradition Rome was ruled by seven different kings from the time the city was founded to 509 BC when Tarquinius Superbus was expelled from the city. The transition from monarchy to kingship is in accordance with the anacyclosis.<sup>69</sup>

i. Romulus - *Iustissimus* (Servius Tullius), *et deinceps retro usque ad Romulum, qui ab hoc tempore anno sescentesimo rex erat [I 58]*<sup>70</sup>

ii. Numa Pompilius - *quibus cum esse praestantem Numam Pompilium fama ferret, praetermissis suis civibus regem alienigenam patribus auctoribus sibi ipse populus adscivit, eumque ad regnandum Sabinum hominem Romam Curibus accivit. [II 25]*

iii. Tullius Hostilius - *mortuo rege Pompilio Tullum Hostilium populus regem interrege rogante comitiis curiatis creavit [II 31]*

iv. Ancus Martius - *post eum Numae Pompili nepos ex filia rex a populo est Ancus Marcius constitutus [II 33]*

v. Lucius Tarquinius - *itaque mortuo Marcio cunctis populi suffragiis rex est creatus L. Tarquinius [II 35]*

vi. Servius Tullius - *nam post eum Servius Tullius primus iniussu populi regnavisse traditur [II 37]*

2.6.23 According to the anacyclosis, tyranny is the corrupt form of kingship.<sup>71</sup> This transition is mirrored in Roman constitutional history. Tarquinius Superbus, the seventh and final king of Rome, was a tyrant.

*quem ad modum Tarquinius, non novam potestatem nactus, sed, quam habebat, usus iniuste totum genus hoc regiae civitatis everterit. [II 51]*<sup>72</sup>

68 - τὸν τῆ σωματικῆ ῥώμῃ καὶ τε ψυχικῆ τόλμῃ διαφέροντα - 5.7

69 - Polyb. VI 4.7; 6.12

70 - Cf. also II 17

71 - Polyb. VI 4.8; 7.8

72 - Cf. also II 45-48

2.6.24 Following tyranny, and still in accordance with the anacyclosis,<sup>73</sup> the Roman constitution became an aristocracy:

a. *Tenuit igitur hoc in statu senatus rem publicam temporibus illis, ut in populo libero pauca per populum, pleraque senatus auctoritate et instituto ac more gererentur ... quodque erat ad optinendam potentiam nobilium ... sed tamen omnia summa cum auctoritate a principibus cedente populo tenebantur.* [II 56]

b. *quae (auctoritas) tamen gravis et magna remanebat sapientissimis, et fortissimis et armis et consilio civitatem tuentibus.* [II 59]

c. *Sed aliquot ante annis, cum summa esset auctoritas in senatu populo patiente atque parente.* [II 61]

2.6.25 Although the Roman constitution definitely had the character of an aristocracy following 509 BC, there is evidence that the mixed constitution had begun to take root during this period. The first piece of evidence is provided by a passage in Strabo's **Geography** which proclaims that the Romans had established a constitution which was a combination of monarchy and aristocracy after the expulsion of Tarquinius Superbus (VI 4.2). In this passage Strabo is summarising Roman history, and his comments are significant since he appears to be dependent upon Polybius for at least part of this summary. Evidence of this is the fact that in the same passage (VI 4.2) there is a reference to Rome's quest for a world dominion, Polybius' favourite topic, and there is also a direct reference to Polybius' History. Strabo was, furthermore, familiar with Polybius' work. His own extant books are littered with references to Polybius. In addition, it has been postulated that Strabo inherited his admiration for the Romans from Polybius.<sup>74</sup>

2.6.26 Cicero complements the evidence supplied by Strabo. He comments that following the expulsion of Tarquinius the office of consul was established, and the royal character of this office is emphasised.<sup>75</sup> Another office which had a royal character was the dictatorship.<sup>76</sup> The dictators and consuls had supreme authority

73 - Polyb. VI 4.8; 8.1

74 - Jones (1917:xix)

75 - *Atque uti consules potestatem haberent tempore dumtaxat annuam, genere ipso ac iure regiam* - *de re publ.* II.56. Cf. also Keyes (1943:163) and Büchner (1984:229).

76 - *atque his ipsis temporibus dictator etiam est institutus ... novumque id genus imperii visum est et proximum similitudine regiae* - II 56.

in military affairs.<sup>77</sup> The Roman constitution could then, during this period, be said to be a combination of kingship and aristocracy, represented by the consuls and senate respectively.

2.6.27 Besides the establishment of the consulship, the other important development in Roman political history was the first secession of the plebs in 493 BC. The importance of this event lies in Cicero's justification of it. He does not approve of this move completely, but he nevertheless sees the validity of it, significantly, in terms of the mixed constitution (II 57-8). In II 58 it is also said that plebeian tribunes were elected to counterbalance the authority of the consuls. This is how Polybius analysed the mixed constitution, as a system of balances and counterbalances (10.7). Polybius himself, however, had the plebeian tribunes check the authority of the Senate (16.4-5).

2.6.28 With the secession of the plebeians the three elements necessary for a mixed constitution were all in place, with kingship represented by the consuls, aristocracy by the senate, and democracy by the popular assemblies. This is not inconsistent with how Polybius interpreted the mixed constitution. Polybius did not define the mixed constitution in terms of a division of labour, as a combination of legislation from the various simple forms of constitution, or as a constitution which attended to the needs of the all of the sectors of the population, but as a constitution which consisted of a supreme official, a council and an assembly. Additionally they had to have equal status and the ability to restrict one another's authority. The mere presence of the consuls, senate and assembly then, with indications of balance and counterbalance between them, would have been enough to suggest that the genesis of the Roman mixed constitution had occurred.

2.6.29 Although the mixed constitution could be said to have taken root, the Roman constitution was still basically an aristocracy, as II 56, 59 and 61 in Cicero's *de re publica* attests. According to the anacyclosis, an aristocracy would be perverted into an oligarchy.<sup>78</sup> This stage is also mirrored in Roman constitutional history. In 451 BC, the consuls and plebeian tribunes resigned their posts, and a board of ten men, with absolute authority, was elected in their stead. In 450 BC a second decemvirate was elected, but they refused to resign their posts at the end of their tenure and

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77 - *Magnaeque res temporibus illis a fortissimis viris summo imperio praeditis, dictatoribus atque consulibus, belli gerebantur* - II 56.

78 - Polyb. VI 4.9; 8.5

continued for an unlawful second term (II.61). The Roman constitution had now become an oligarchy:

a. *Tertius est annus Xvralis consecutus, cum idem essent nec alios subrogare voluissent* [II 62]

b. *qui* (the decemvirate) *duabus tabulis iniquarum legum additis* [II 63]

c. *libidinose [que] omni imperio et acerbe et avare populo praefuerunt* [II 63]

2.6.30 The reaction to this iniquity was the subversion of the constitution: *ergo horum ex iniustitiae subito exorta est maxima perturbatio et totius commutatio rei publicae* - II 63. Unfortunately the text breaks off before Cicero can reveal which form of constitution supplanted oligarchy. It is known, however, that consuls and plebeian tribunes, amongst other magistrates, were once again elected in 449 BC.<sup>79</sup> It has also been shown that Cicero's description of these two magistracies anticipated the mixed constitution. It can therefore be deduced that the Roman constitution was mixed following 449 BC.

2.6.31 The question is which stage in the development of the mixed constitution this represents. Properly the genesis of the mixed constitution has to be placed in at least 509 BC, or certainly in 493 BC. 449 BC must then represent the beginning of the mixed constitution's growth, which continued until the desired mean of balance and counterbalance between the authority of the consuls, senate and assembly was reached during the Hannibalic war (VI 11.1).

2.6.32 Brink and Walbank (1954:113-5) interpret the development of the Roman constitution in a different way. According to them 450 BC is the year which marks the end of the Roman constitution's growth. From this date the Roman constitution would not experience any further fundamental changes. The year 450 BC is calculated by subtracting 30 from 480 BC, the date of Xerxes' crossing into Greece (VI 11.1). The significance of this date is increased for the authors by the fact that Cicero also appears to have ended his account of Roman history in 450 BC.

2.6.33 There are two problems with this interpretation. The first is that Roman constitutional history is only seen to have exhibited the biological paradigm once. This means that the Roman constitution grew through the stages of kingship, tyranny, aristocracy and oligarchy, reached its acme with the subversion of oligarchy, and then maintained that position for the next two and a half centuries. The

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79 - Cf. Broughton (1951:47-9)

exhibition of only one biological paradigm by Roman constitutional history has already been shown to be incorrect.<sup>80</sup>

2.6.34 The other problem is the calculation of the year 450 BC.<sup>81</sup> The passage upon which the calculation is based, is grammatically problematic: “ὅτι ἀπὸ τῆς Ξέρξου διαβάσεως εἰς τὴν Ἑλλάδα \* \* \* \* καὶ τριάκοντα ἔτεσιν ὕστερον ἀπὸ τούτων τῶν καιρῶν ἀεὶ τῶν κατὰ μέρος προδιευκρινουμένων ἦν καὶ κάλλιστον καὶ τέλειον ἐν τοῖς Ἀννιβιακοῖς καιροῖς, ἀφ’ ὧν ἡμεῖς εἰς ταῦτα τὴν ἐκτροπὴν ἐποιησάμεθα (11.1). The chief complication is the one time reference, 30 years, and two points of reference<sup>82</sup> from which the 30 years can be calculated. This is ungrammatical. The usual construction is to have one time period for every one point of reference. Both the Loëb and Teubner editions of Polybius’ History posit a lacuna between the words Ἑλλάδα and καὶ, though in the latest edition of Polybius’ History,<sup>83</sup> the lacuna is omitted.

2.6.35 The problems of assuming that there is no lacuna in VI 11.1 is evident from von Fritz’s analysis of this passage (1958:467-9, n.5). At several places in his discussion he has to admit that the sentence is awkward (*sic*), but rationalises that the syntax of VI 11.1, which is an extract, may have been altered through abbreviation. He also sees the reference to Xerxes’ crossing as an attempt by Polybius to synchronise Greek with Roman history. First of all, it is strange that of the entire extract, it is only the first sentence which the epitomist bothered to abbreviate. Secondly, if VI 11.1 does refer to an important date in Roman history, then this has to be marked by an important event in Roman history. It cannot be marked by an important event in Greek history. The Greek event can be used to pin-point the date in Roman history, as in Polybius III 22.2, and it then becomes a frame of reference for Greek readers, but it cannot become the important event in Roman history. von Fritz makes the crossing of Xerxes an important event in

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80 - Cf. 2.4.14

81 - Cf. also Meyer (1882:622-3) and von Fritz (1958:467-9, n.5) who use the same method of calculation as Brink and Walbank.

82 - ἀπὸ τῆς Ξέρξου διαβάσεως and ἀπὸ τούτων τῶν καιρῶν.

83 - R. Weil (1977). Cf. Ferrary (1984:88, n.12)

Roman history. This is evident from his translation of 11.1: "After, starting from the time of Xerxes' crossing into Greece and thirty years later, from this moment onward the details of the Roman political order had steadily continued to be ever more well arranged" (1958:366). Scott-Kilvert (1984:311) has a stylistically better translation, "From the time of the crossing to Greece, and especially from a date some thirty thirty-two years after that, the details of the Roman political system continued to pass through even more satisfactory modifications", but it is still nonsense, especially since 480 BC doesn't mark any important event in the development of the Roman mixed constitution.

2.6.36 The incongruities of VI 11.1 can best be explained by positing a lacuna between Ἑλλάδα and καὶ, as it is indicated in the Loeb and Teubner editions of Polybius' History. Information lacking in VI 11.1 include the number of years which has to be calculated ἀπὸ τῆς Ξέρξου διαβάσεως, as well as the point of reference from which the 30 years ought to be calculated. ἡ τῶν Ῥωμαίων πολιτεία is the subject of ἦν. This can be deduced from other passages where Polybius reiterates that he considered the Roman mixed constitution to have been at its best during the Hannibalic war, and that he would digress to a discussion of the Roman constitution at that point in his History.<sup>84</sup> Whether the Roman constitution was also the subject of whatever happened sometime after 480 BC, and 30 years after some unspecified date, cannot be determined. The antecedent of τούτων τῶν καιρῶν and τῶν ... προδιευκρινουμένων is also lacking. Von Fritz postulates (1954:468) that the latter could be a genitive absolute with the antecedent omitted, and translates "the details (κατὰ μέρος) of the Roman political order had steadily continued to be ever more well arranged" (1954:366). This translation makes sense, especially when the reference to the acme of the Roman constitution in the following part of the sentence is considered, but it is not certain that the reference is to the growth of the Roman constitution, or that προδιευκρινουμένων has the meaning which von Fritz attributes to it.<sup>85</sup>

2.6.37 VI 11.1 might be a summary of the development of the Roman constitution, that possibility cannot be excluded, but there is too much information lacking in this passage to justify such an interpretation. The incompleteness of the passage also

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84 - III 2.5-6, 118.5-12; V 111.8-10

85 - Liddell and Scott (p.1278) cite its meaning as "to examine thoroughly", a meaning no different from διευκρινέω, as found in Polybius II 56.4. Passow's Griechisches Wörterbuch gives the meaning as ins Reine bringen, - to clarify uncertainty and misunderstanding to the satisfaction of all parties".

negates the calculation of the year 450 BC from it. The year 450 BC, or rather 449 BC, the year in which the decemvirate was overthrown, is an important date in the development of the Roman mixed constitution, and it is probably this importance which led to VI 11.1 being made to render this date.

## **2.7 THE FUNCTIONS OF THE ANACYCLOSIS**

2.7.1 In conclusion to this chapter, it will be beneficial to examine the functions of the anacyclosis. It will be beneficial because the number of functions which the anacyclosis fulfills was probably the prime motivation for the association of the Roman constitution with the anacyclosis of constitutions.

2.7.2 The anacyclosis has a multiplicity of functions. It is used for prognostication,<sup>86</sup> for education, to illustrate the method by which Rome attained its mixed constitution<sup>87</sup> and to demonstrate the instability of simple forms of constitution and the superiority of the mixed constitution.<sup>88</sup> Encompassing all of this, the anacyclosis exemplifies the utility of Polybius' History. There is a direct correlation between the functions of the anacyclosis and the purpose of Polybius' History.

2.7.3 For Polybius it was absolutely essential that his History be beneficial. History could also be entertaining, but it is far less important than the benefit aspect.<sup>89</sup> The benefit of history existed therein that people could learn from it.<sup>90</sup> Since Polybius confined his History almost exclusively to military and political affairs (IX 1.5), the lessons to be learnt are mostly of such a nature. It was Polybius' philosophy that a general could lead an army, and a politician could administer a city, using the experiences of generals and politicians of the past as precedents.

2.7.4 The concept that people can learn from history is based upon the observation that history repeats itself. There is nothing which can happen in the future which has

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86 - 4.12; 9.11

87 - 4.13; 9.12-13

88 - 10.2, 6ff.

89 - I 4.11; III 4.11; IX 2.6; XV 36.3

90 - I 1.2; 35.9-10

not already, in one form or another, happened in the past.<sup>91</sup> That is why Polybius is particularly concerned with regular behaviour, behaviour which conformed to some or other identifiable pattern.<sup>92</sup> By studying history the politician or soldier will be able to avoid common mistakes in administration or stratagem. In order to do this, they have to imitate events of the past which have been successful, and avoid those events which have not. Emulation and correction are the key concepts.<sup>93</sup> Yet, neither emulation nor correction is possible unless the student is aware of the factors which caused the success or failure in the first place.<sup>94</sup> It is in particular the identification of causes which validates the utility of history.<sup>95</sup>

2.7.5 The anacyclosis of constitutions fulfills all the requirements of a beneficial history. It is a prime example of the repetition of history. It is useful for education, prognostication, correction and the examination of causes. Emulation, the opposite of correction, cannot be counted as a use of the simple model of the anacyclosis. The anacyclosis of constitutions is defective, which makes it valuable only for correction.

2.7.6 The anacyclosis is an excellent example of the repetition of history. It consists of two elements, the sequence of constitutions and the biological paradigm. Both concepts are described as natural laws, which characterises them as regular, inevitable and predictable occurrences. The anacyclosis is therefore also useful for prognostication. The sequence of constitutions can be used to determine at which point in the cycle a constitution is, and also which constitution preceded, and which will follow it (4.12; 9.11). The biological paradigm again, can be used to determine at which stage of development - generation, growth, acme or decline - that form of constitution is (*ibid*).

2.7.7 That is the anacyclosis as it pertains to simple forms of constitution. The sequence of constitutions is also used to predict into what form of constitution the Roman mixed constitution will decline (57.3-4), and the biological paradigm is used

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91 - IX 12.2; X 36.1; XI 16.7-9; XII 25<sup>e</sup>.6

92 - VI 57.2; IX 12.6-7; XV 36.8

93 - IX 9.9-10; 16.5; XII 25<sup>b</sup>.3

94 - XI 19<sup>a</sup>.1-2; XII 25<sup>b</sup>.1

95 - XII 25<sup>b</sup>.2; III 31.12-13

to emphasise that the Roman mixed constitution will indeed experience a decline (9.13).

2.7.8 The politician or soldier could either emulate or rectify past actions, depending on whether those actions were a success or not. Since the anacyclosis is inherently defective, it is not a system to be emulated. It could, however, be used for correction. The main problem with simple forms of constitutions is that decay takes place too quickly (10.2). This is because simple forms of constitution are only constructed on one principle (10.6). There is a concentration of authority in simple forms of constitution. On account of this of this, once a good form of constitution begins to decline, there is nothing to retard the process (10.2). The solution was to take the best elements from each of the three good forms of constitution<sup>96</sup> and to fuse them in such a way that there was balance and counterbalance between them (10.7). None of the three elements could become dominant, and so cause decay (10.8-10), since there were always two other elements holding it back (15.1). Both the Spartan (10.6-7) constitution and Roman constitution<sup>97</sup> are examples of the correction of the anacyclosis.

2.7.9 While the anacyclosis, as it normally operated, was not worthy of emulation, the anacyclosis, as illustrated by Roman constitutional history, certainly was. The Romans had an excellent form of constitution (10.13-14). Therefore, by describing how Rome acquired the mixed constitution, Polybius was indicating the factors which other statesmen could follow to achieve the same result as Rome.<sup>98</sup>

## 2.8 CONCLUSIONS

2.8.1 The anacyclosis of constitutions performs a double function in book VI of Polybius' History. First of all, it illustrates and elucidates the concept of the mixed constitution. The anacyclosis of constitutions illustrates the principle upon which simple forms of constitution are based, the deficiency of this principle, and how the mixed constitution was established to combat this deficiency. This is the first function of the anacyclosis and it is without contradictions. The anacyclosis is used to illustrate the superiority of the mixed constitution over simple forms of constitution.

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96 - 3.7; 10.6

97 - 10.13-14

98 - Cf. III 118.12

2.8.2 The second function of the anacyclosis is more problematic. Polybius not only uses the anacyclosis to indicate the excellence of the mixed constitution which the Romans possessed, but he also made Roman constitutional history illustrative of the sequence of constitutions in the anacyclosis. This is problematic because the Roman constitution cannot be made to fit into the anacyclosis. Polybius uses the commonness of the biological paradigm to both the Roman constitution and the simple forms of constitution in the anacyclosis to place the Roman constitution within the anacyclosis. Yet, despite the intersection of the biological paradigm, the inclusion of the Roman constitution constitutes a breach and violation of the anacyclosis. This is on account of the emphasis which Polybius places on natural development in the anacyclosis. A further problem is the way in which Polybius expresses the relationship between the anacyclosis and the Roman constitution. Although the similarity between the anacyclosis and Roman constitutional history is the sequence in which simple forms of constitution followed upon one another, Polybius expresses the relationship entirely in terms of the biological paradigm. This only makes sense if the anacyclosis, as it is expounded in book VI, also included the mixed constitution. It does not.

2.8.3 The anacyclosis of constitutions did, however, concur with Polybius' methodology on historiography and it is also used in a range of functions with regard to the Roman constitution. It is then probably this which blinded Polybius to the contradictions inherent in an association between the Roman constitution and the anacyclosis. The anacyclosis offered a convenient system with which to discuss the Roman constitution, and Polybius took advantage of it.

# 3. THE MIXED CONSTITUTION

## 3.1 INTRODUCTION

3.1.1 The form of constitution which the Romans possessed and which allowed them to achieve world domination, was the mixed constitution. Nearly the whole of book VI is devoted to the illustration of this concept. Its superior features, its structure and application to Rome, are all elucidated in book VI. In this chapter I examine Polybius' concept of the mixed constitution. The chapter is subdivided into the following sections:

**3.2 DEFINITION, STRUCTURE, SOURCES.** The theory of the mixed constitution was well known by the time that Polybius composed his History. In this section I mainly examine how Polybius defines and describes the mixed constitution, and then I also look at how this compares with the concept of the mixed constitution as described by other Greek authors.

**3.3 THE SPARTAN MIXED CONSTITUTION.** The Spartan mixed constitution is an important aspect of Polybius' discussion on the mixed constitution. It is not only used as a historical example to illustrate the structure and principle of the mixed constitution, but it also offered a useful comparison with the Roman constitution. In this section I examine the place of the Spartan constitution in Polybius' discussion on the mixed constitution, the role which Lycurgus plays in the establishment of the Spartan constitution, and the way in which the Spartan constitution is contrasted with the Roman constitution.

**3.4 THE CARTHAGINIAN MIXED CONSTITUTION.** The only other city, besides Sparta and Rome, which is said to have possessed a mixed constitution, is Carthage. The classification of the Punic constitution as mixed is important, since it is the worse condition of the Punic constitution which Polybius cites as the reason for Carthage's defeat and Rome's victory in the Hannibalic war. In this section I examine the Punic constitution, using sources other than Polybius, and I also look at how Polybius applies the mixed constitution to Carthage.

## THE ROMAN MIXED CONSTITUTION.

**3.5 THE ROMAN CONSTITUTION AND TYCHE.** There is confusion amongst scholars about whether Polybius cites both the Roman constitution and *tyche* as the causes of Roman world domination. The problem is that these two *aitiai* are

mutually exclusive, since the former offers a rational explanation for Roman world domination while the latter denies that a rational explanation is possible. In this section I re-examine the relevant passages and clear up the confusion.

**3.6 THE STRUCTURE OF THE ROMAN CONSTITUTION.** In keeping with his definition of the mixed constitution, Polybius divides the Roman constitution into its royal, aristocratic and democratic sections. In this section I look at the political officials and bodies which Polybius associates with each of these sections, the functions which they each performed, and their relation to one another.

**3.7 THE DEVELOPMENT OF THE ROMAN CONSTITUTION.** In accordance with the biological paradigm the development of the Roman mixed constitution exhibits the stages of genesis, growth, acme and decline. Since I have already discussed the stages of genesis and growth,<sup>1</sup> and since the acme of the Roman constitution is not a matter of dispute, I concentrate mainly on the decline of the Roman constitution in this section. I particularly look at whether the explicit references to the decline of the Roman constitution in book VI are later additions and what the circumstances were which prompted Polybius to predict the Roman mixed constitution's decline.

### 3.2 DEFINITION, STRUCTURE, SOURCES

3.2.1 The first known reference to a mixed constitution is to be found in the Histories of Thucydides: Ἀθηναῖοι φαίνονται εὖ πολιτεύσαντες. μετρία γὰρ ἦ τε ἐς τοὺς ὀλίγους καὶ τοὺς πολλοὺς σύγκρασις ἐγένετο - (VIII 97.2). There is, however, uncertainty whether εὖ πολιτεύσαντες refers to the constitution of the Athenians, or whether it is a comment on the political conduct of the Athenians, the way in which they managed their affairs.<sup>2</sup> It is suspected that the idea of the mixed constitution may have originated with the Pythagoreans.<sup>3</sup> The theory of the mixed constitution had a long history and period of development, and Polybius' discussion is not independent of this tradition. By analysing certain aspects of this tradition it will be possible to determine which person, or school of thought, influenced Polybius the most. Before this comparison can be made, however, it will first be necessary to examine Polybius' perception and description of the mixed constitution.

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1 - Cf. 2.6.25 - 2.6.31

2 - Cf. Gomme, Andrewes and Dover V (1981:331-8)

3 - Cf. Aalders (1968:13-23)

3.2.2 Polybius defines the mixed constitution as a form of constitution which has combined within itself all the best and most idiosyncratic elements of the three good simple forms of constitution (VI 3.7; 10.6). The principle upon which the mixed constitution is based, is that since a concentration of power results in the speedy corruption and dissolution of that form of rule, the inevitable process of decay can be retarded through the sharing of authority (10.7, 11). Polybius' discussion on the mixed constitution therefore consists of two parts, the first identifying the best and most particular features of the three good simple forms of constitution, and the second examining how authority is shared between them, and what the nature of their relationship is which guarantees the mixed constitution a longer lifespan than simple forms of constitution (10.7).

3.2.3 The constituent elements of the mixed constitution are identified as those political bodies which held absolute authority in the respective simple forms of constitution. A mixed constitution therefore consists of the combination of a supreme official, a council and a popular assembly, corresponding to kingship, aristocracy and democracy respectively.<sup>4</sup> The relationship between these three elements is essentially one of balance and counterbalance. On the one hand the three elements each fulfil important functions in the government of the city, and the roles which they play are of such a magnitude that it is possible to confuse the mixed constitution for a kingship, aristocracy or democracy, depending upon whether the supreme official, the council or the assembly is being viewed in isolation.<sup>5</sup> This then becomes an alternative definition of the mixed constitution, that on account of its multifarious nature, there arises confusion and uncertainty about its proper classification. The Greek words *ἰσορροποῦν* and *ζυγιστατούμενον* (10.7), connoting equilibrium and equipoise, are used to describe the equality between the elements. On the other hand, the relationship between the elements was also one of opposition and restriction, described by *ἀντιπλοίας*<sup>6</sup> and *ἀντισπωμένης* (10.7). The principal aim of the mixed constitution is to prevent a concentration of power. This is not only achieved by the sharing of power, but also by the manner in which the

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4 - VI 10.8-9; 11.12

5 - VI 11.11-12. Cf. also 12.9; 13.8; 14.12

6 - There is much controversy about the meaning of this word (cf. Walbank (1957:660-1)), but the essential purport is that the direction in which the boat is being rowed and the direction in which the wind is blowing, or the current is flowing, are opposite to one another, and the effectiveness of these two forces are being impeded by one another.

three elements are placed in relation to one another. Their relationship is mainly one of interdependence. Mutual co-operation is required for each political body to fulfil its functions. This means that if one of the political bodies becomes too dominant, or entertains thoughts of predominance, there are always the other two political bodies which are able to impede this growth towards predominance by withholding their co-operation.<sup>7</sup> The relationship of mutual co-operation also contributes to the strength of the mixed constitution. When the city is being threatened by an external force, the three political bodies combine their efforts, and by concentrating their energy upon the emergency at hand, the strength of the mixed constitution becomes irresistible.<sup>8</sup>

3.2.4 This is then Polybius' perception and description of the mixed constitution, with the main points being the definition, that it consists of a mixture of royal, aristocratic and democratic features, the identification of these features as a supreme official, a council and an assembly, the alternative definition with regard to the confusion of categorisation, and the relationship of balance and counterbalance between the three elements. Some of these aspects of Polybius' discussion are common to nearly every discussion of the mixed constitution. In Plato's *Laws*, for example, Sparta is cited as an example of a moderate constitution. The reasoning is that an excess of any kind is ruinous, and it is suggested that a situation like that which existed at Sparta, where the absolute authority of the king was limited by the dual kingship, the 28 Elders and the Ephorate, was a good example of the advantages of moderation (τὸ μέτρον).<sup>9</sup> Plutarch, in a passage which is reminiscent of that by Plato, glosses that the Council of Elders was introduced to prevent the constitution from inclining towards tyranny and democracy (*Lyc.* V 6-7). In VII 1 it is said to prevent a slide towards oligarchy. Neither the term "mixed constitution", nor the idea of an equilibrium between the constituent elements of the constitution, as Polybius has it, is present in the *Laws*, but the essential idea that a concentration of authority is pernicious, and that this concentration can be diluted through the sharing of authority, is common to both authors. Plutarch adds the further concept of counterbalance. Another common point is the alternative definition of the mixed constitution. In the *Laws* (712 D-E), speaking about the

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7 - Cf. 18.5-8 where this principle is applied to the Roman constitution. Cf. also 10.6-7

8 - Cf. 18.2-4 where this reasoning is applied to the Roman constitution.

9 - *Laws* 691C-692A

Spartan constitution, Plato says that there is uncertainty whether the Spartan constitution ought to be categorised as a monarchy, tyranny, aristocracy or democracy, since there were elements of each of these types of constitution in the Spartan constitution. It is also significant that, as in Polybius, it is the political bodies from the various simple forms of constitution which make up the mixed constitution.

3.2.5 Superficially there are also several points of similarity between Polybius and Aristotle's perception of the mixed constitution. Aristotle regards the mixed constitution as a more steadfast form of constitution (**Pol.** 1297a 6-7), defines it as a combination of democracy and oligarchy (1294a30 ff.),<sup>10</sup> regards the proof of a well mixed constitution as one which can be termed both a democracy and an oligarchy (1294b 14-16), and cites the Spartan constitution as an example thereof.<sup>11</sup> The essential difference between Polybius and Aristotle exists in what they considered the mixed constitution to be a combination of. Aristotle differentiates three ways to establish a mixture (1294a 35-6). The first is to simply combine the legislation from the two basic constitutions (1294a36-b2), the second is to adopt a compromise between the laws of the two (1294b 2-6), and the third method is to take some measures from the one constitution and some from the other (1294b 6-13). Here the emphasis is on the particular policies and laws of the constituent simple forms of constitutions (1297a39 ff.), rather than on the principal holders of authority in those constitutions, which is how Polybius defines the mixed constitution. Aristotle also mentions the opinions of other philosophers on the mixed nature of the Spartan constitution, and they, like Polybius, also identified Sparta's various political bodies as representative of the various simple forms of constitutions (**Pol.** 1265b33-1266a1).

3.2.6 There are also other authors whose perceptions of the mixed constitution are said to bear a resemblance to that of Polybius. The evidence is, however, mainly tenuous. First of all there is Archytas of Tarentum, a Pythagorean of the first half of the fourth century BC. He considered that every constitution ought to consist of a mixture of democratic, oligarchic, monarchic and aristocratic elements. He then cites the Spartan constitution as an example of this, with the kings, Elders, ephors and army representing the monarchic, aristocratic, oligarchic and democratic elements respectively.<sup>12</sup> There is no further elaboration on this idea, but there is a

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10 - Aristotle regards democracy and oligarchy, rather than monarchy, aristocracy and democracy, as the basic simple forms of constitution - **Pol.** 1290a 15-16; 1291b 11-13

11 - 1294b 18-40. Cf. also 1265b33-1266a1

12 - Stobaeus IV 1.138 (WH)

similarity with Polybius in the choice of Sparta to illustrate the concept of the mixed constitution, and in the identification of the dominant political bodies of the various simple forms of constitution as the constituent elements of the mixed constitution. It is, however, improbable that this is a genuine extract from Archytas. There are fragments of his mathematical works which are extant, but other fragments which have been attributed to him have to be regarded as forgeries.<sup>13</sup>

3.2.7 A second author, whose works have not survived at all, but who is nevertheless considered to have written on the mixed constitution, and who is regarded as a possible source of Polybius' discussion, is Dicaearchus of Messana. He was a pupil of Aristotle and a contemporary of Theophrastus. Dicaearchus composed a work entitled **Tripolitikos**,<sup>14</sup> and it has been postulated that he dealt with the tripartite character of the Spartan constitution in this work. This theory was proposed by F.Osann.<sup>15</sup> The evidence for the postulation that Dicaearchus wrote on the Spartan mixed constitution is based upon a passage by Photius<sup>16</sup> in which a constitution compounded of monarchic, aristocratic and democratic elements is termed an *εἶδος πολιτείας Δικαιαρχικόν*. Dicaearchus also composed a separate work on the constitution of the Spartans which was read aloud annually in Sparta, and Osann has suggested<sup>17</sup> that this work formed one of the chapters of the **Tripolitikos**. The same scholar also suggested that Polybius derived his theory of the mixed constitution directly from Dicaearchus, a suggestion which Martini (1905:551) rightly rejects. Dicaearchus' discussion on the Spartan constitution would probably not have differed much from that of Aristotle, since he was a pupil of that philosopher, and Aristotle's analysis of the mixed constitution is distinctive in that it is the policies and laws of the relevant simple constitutions which form the mixture,<sup>18</sup> rather than the holders of authority in those constitutions. Cole (1964:447,n.19) questions whether the mixed nature of the Spartan constitution was discussed in the **Tripolitikos**. He feels that the title could just as easily refer to a discussion of three different cities, of which Sparta was perhaps one. He also notes the objection of

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13 - **OCD** s.v. Archytas

14 - Cicero *ad Att.* XIII 32.2; Athenaeus *Deip.* IV 141A

15 - Cf. Walbank (1957:640) and Martini (1905:550-1)

16 - *Bibl. Cod.* 37 p.8a, 2 ff.

17 - Cf. Martini (1905:551)

18 - *Pol.* 1294b 18-40

Wilamowitz, that εἶδος πολιτείας Δικαιοκρατικόν ought not to be interpreted as "the Dicaearchan form of constitution", but that it indicates the type of constitution *ubi regnat iustitia*. Wilamowitz's interpretation has subsequently been rejected.<sup>19</sup>

3.2.8 The concept of the mixed constitution is not, as the evidence above may suggest, exclusively Peripatetic. Diogenes Laertius also lists it as a doctrine of the Stoics (VII 131). Only the definition of the mixed constitution is mentioned here, that it consisted of a mixture of democracy, kingship and aristocracy. It has been postulated that it was Panaetius of Rhodes, a contemporary of Polybius, who took over the idea of the mixed constitution from Aristotle and introduced it into Stoic philosophy. This is possible since it is known that Panaetius was an admirer of Aristotle.<sup>20</sup> Another possibility is that it was Chrysippus who introduced the concept of the mixed constitution into Stoic philosophy.<sup>21</sup> The possibility that it was Panaetius, rather than Chrysippus, is more interesting since it allows for speculation whether it was Panaetius who introduced the theory of the mixed constitution to Polybius. In favour of the supposition that this was indeed the case is the fact that Panaetius went to Rome in about 144 BC, approximately the same time that Polybius was there, that he subsequently joined the circle of educated people which had formed around Scipio Aemilianus, of which Polybius was also a member,<sup>22</sup> and that there is evidence of his influence in Polybius VI.<sup>23</sup> There is also the passage in Cicero's *de re publica* (I 34) which states that Scipio Aemilianus had held discussions of a political nature with both Polybius and Panaetius. The passage is, however, ambiguous, since it can either mean that the three of them had held discussions together, or that Scipio held dialogues with each of them separately. The possible influence of Panaetius has, again, been rejected on the grounds that it cannot be determined with certainty whether Polybius and Panaetius actually met each other in Rome, whether the older Polybius would have been influenced by the younger Panaetius,<sup>24</sup> and the fact that the nature of Polybius' discussion in book VI is not entirely Stoic. A further point is that by 144 BC, when Panaetius presumably arrived at Rome, Book VI of Polybius' History, together with the theory of the

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19 - Martini (1905:551)

20 - Cf. Cicero *de fin.* IV 79

21 - von Arnim, *SVF* III, fr. 700

22 - For Polybius' association with the Scipio family, cf. XXXI 23.5; 24.12-25.1

23 - Gartner (1981)

24 - Brink and Walbank (1954:103)

mixed constitution and its application to Rome, had already been composed.<sup>25</sup> Therefore, even if Panaetius and Polybius had met each other in Rome, and even if they had held philosophical discussions with one another, Panaetius could not have been the person who introduced the concept of the mixed constitution to Polybius, since he already knew about it by then.

3.2.9 The last passage of importance is that recorded by Stobaeus.<sup>26</sup> This passage, which is said to be an extract from the work of Areius Didymus, lists the three good forms of constitution, their three corrupt partners, and defines the mixed constitution as a combination of the three good forms. This passage is particularly instructive because of the use of the word *ὀχλοκρατία* to describe the degenerate form of democracy. This is the same term which Polybius uses. Unfortunately it is not known who Areius' source is. All that can be said with certainty about this passage is that it is Peripatetic in origin.

3.2.10 Besides the authors listed above, Polybius is also said to have been influenced by Cato,<sup>27</sup> but to attempt to link Polybius' discussion on the mixed constitution to any one specific source is self-defeating, since Polybius' discussion displays similarities with each of them. There are certain elements which are common to just about every discussion on the mixed constitution, and it is these elements of which Polybius' discussion mainly consists. These elements include the definition of the mixed constitution, the citing of the Spartan constitution as an example of the mixed constitution, the alternative definition of the mixed constitution, and the illustration of the concept of the mixed constitution by comparison with simple forms of constitution. Aristotle appears also to have been the only person not to have identified the political bodies of the simple forms of constitution as the constituent elements of the mixed constitution. The idea of a sharing of authority, and the concept of balance and counterbalance between the political bodies, although not fully developed, is already known to Plato,<sup>28</sup> and it is implicit in every passage which describes the mixed constitution as the best, or more stable, form of constitution. Since there is then nothing specific about Polybius' discussion which points towards a particular source, and since nearly all the

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25 - Brink and Walbank (1954:98-102)

26 - II 150 (WH)

27 - Laqueur (1930:165)

28 - Laws 691C-692A

discussions on the mixed constitution have certain elements in common, it can be concluded that Polybius assimilated his knowledge of the mixed constitution from the intellectual milieu of his time. This is not improbable, since it has been postulated that the mixed constitution was a well discussed topic during the Hellenistic era.<sup>29</sup>

### 3.3 THE SPARTAN MIXED CONSTITUTION

3.3.1 The Spartan mixed constitution forms an important aspect of the discussion on the mixed constitution and the Roman mixed constitution. First of all, it is cited as a historical example to substantiate the assertion that a mixed constitution is the best form of constitution (VI 3.7-8). Secondly, it is the development of the Spartan mixed constitution which is again used as a historical example to illustrate the concept, principle and superiority of the mixed constitution (10.2-11). Thirdly, Polybius contrasts the Spartan with the Roman mixed constitution. By describing the structure and virtues of the Spartan mixed constitution, Polybius was, by analogy, describing the structure and virtues of the Roman mixed constitution (10.13-14), and, by comparing Rome's achievements with those of Sparta, the superiority of the Roman mixed constitution is illuminated (50.1-6).

3.3.2 The discussion on the Spartan mixed constitution is rather brief. Polybius' purpose appears not to have been to analyse the idiosyncrasies of the Spartan mixed constitution, but only to show that a mixed constitution had existed at Sparta. This he achieves by identifying the three elements necessary for a mixed constitution, *videlicet* kingship, aristocracy and democracy, which are represented by the kings, Elders and People respectively, and by stating that there were certain forces of balance and counterbalance which existed between them (VI 10.8-10). What function each of these three political bodies performed, is not mentioned, but deference (*φóβος*) is identified as the element which maintained the balance in the constitution. The kings acted in deference to the people, the people in deference to the Elders, but the Elders themselves are not said to be wary of anyone, perhaps because they were chosen from the best citizens and because they were always on the side of justice (10.9).<sup>30</sup>

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29 - Cf. Aalders (1968:85)

30 - In the Roman mixed constitution the system of balances was more elaborate, with each political body generally being checked by both, and not only one of, the remaining political bodies - 15.3; 17.1, 9. The only exception is the Senate, whose authority is said to be checked by the people alone - 16.1-5.

3.3.3 Lycurgus is identified as the author of the Spartan mixed constitution. He is credited with having realised that simple forms of constitution are inherently defective, and with having consciously formulated the mixed constitution to combat these defects (10.2-10). Polybius thus portrays Lycurgus as a rational being, but there was also a further tradition which portrayed Lycurgus as a divine being, and his legislation as of divine inspiration.<sup>31</sup> In X 2.8-12 Polybius fuses these two traditions concerning Lycurgus by compromising that Lycurgus was a rational being who deliberately used superstition to lend authority to his legislation. Plato again, describes the development of the Spartan constitution as a gradual process to which several people, of whom Lycurgus was just one, made contributions (*Laws* 691E).<sup>32</sup>

3.3.4 The concept that the Spartan constitution consists of certain political bodies which are dependent upon one another, is quite old. There is, however, little consistency as to what the principal political bodies and their relationship to one another were. One of the earliest pieces of evidence is provided by Tyrtaeus (*Eun.* 4). He cites an oracle of Apollo which stipulated how the Spartan government was to be structured<sup>33</sup> - the king and Elders were to initiate legislation which was to be ratified by the People. The effect of this was that the common people acquired a measure of authority in the government of the city.

3.3.5 Xenophon cites the oaths which were sworn annually by the kings and ephors.<sup>34</sup> While the king swore to rule in accordance with the established laws of the city, the ephors promised not to subvert the kingship as long as they, the kings, did not contravene their part of the agreement.<sup>35</sup> Neither the Elders nor the People are mentioned here, and kingship is prevented from being perverted into tyranny by its wariness of the ephorate.

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31 - Plato *Laws* 691E; Herodotus I 65; Polybius VI 48.2

32 - Plato does not mention Lycurgus by name, but cf. Plutarch (*Lyc.* V 6) where the passage in the *Laws* is understood to be referring to Lycurgus.

33 - This oracle is also quoted by Plutarch (*Lyc.* VI 5).

34 - *Laced. resp.* XV 7

35 - The Ephorate had the authority to dismiss any magistrate - Xenophon *Laced. resp.* VIII 4.

3.3.6 Plato,<sup>36</sup> like Polybius (10.2), considers that a concentration of power is a chief cause of corruption, and therefore praises Sparta for its moderate constitution. He does not, however, call it a mixed constitution, but a kingship where the absolute power of the kings has been moderated by the dual kingship, the 28 Elders and the Ephorate (691D-692A). Plutarch, elaborates on this discussion of Plato by glossing that the Council of Elders was introduced by Lycurgus to prevent the constitution from inclining to tyranny, democracy (*Lyc.* V 6-7), or oligarchy (VII 1). It is also with Plato that these political bodies, probably for the first time, are associated with the various forms of simple constitutions (*Laws* 712 D-E).

3.3.7 By the time that Aristotle composed his *Politica*, the Spartan constitution was generally being cited as the epitome of a mixed constitution,<sup>37</sup> and Plato's association of political bodies with constitutional forms had taken root. There was, however, little agreement as to which political bodies of the Spartan constitution were analogous to which simple forms of constitution. The one opinion was that the kings corresponded to monarchy, the Elders to oligarchy, and the Ephorate to democracy,<sup>38</sup> the other that the Ephorate resembled tyranny, and that the public messes were indicative of democracy (1265b 35-42).

3.3.8 Aristotle himself expresses several opinions on the Spartan constitution. In 1270b 12-26 the Spartan government is said to be stable and to consist of three parts, the kings, nobility and the People. The government was stable, not because the constitution was mixed, but because the three parts of the government each wanted it to be preserved. This was so because they each had a stake in the government, a stake with which they were satisfied. In 1293b 16-18 again, the Spartan constitution is categorised as a type of aristocracy which deviated from normal aristocracy in the attention that it paid to excellence (*ἀρετή*) and the People.<sup>39</sup> Finally, in 1294b 13-34 the Spartan constitution is classified as a mixture of democracy and oligarchy. Aristotle defines the mixed constitution as a constitution which consists of a combination of the essential characteristics of the

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36 - *Laws* 691C-D

37 - *Pol.* 1265b 33-35

38 - The Ephorate was indicative of democracy in as far as they were elected from the people - *Pol.* 1265b 38-40.

39 - Aristotle regarded aristocracy as an excellent form of constitution, - cf. 1289a 31-3; 1293b 18-19

constituent simple constitutions.<sup>40</sup> The democratic element is therefore discerned in the lack of distinction in the lifestyle of the various sectors of the population, and the share which the people had in the government of the city. The People elected the Elders and the members of the Ephorate were chosen from their ranks.<sup>41</sup> The oligarchic feature is discerned in the way in which the magistrates were chosen,<sup>42</sup> and the fact that decisions concerning capital punishment and banishment were made by a small group of men.<sup>43</sup> The evidence then suggests that even though there was not complete agreement on the exact nature of the Spartan mixed constitution, it was traditionally categorised as mixed, and Polybius' discussion on the Spartan constitution is not out of line with this tradition.

3.3.9 In VI 10.11 Polybius says that liberty was preserved at Sparta for a very long period of time, and the mixed constitution is cited as the responsible factor. In 48.5 a similar statement is made, except that here it is the legislation of Lycurgus which is regarded as the principal cause. These laws were designed to promote civil concord and to secure the city from invading armies. Civil concord was attained by the eradication of wealth and distinctions of wealth (45.4; 46.7).<sup>44</sup> This was done in several ways. First of all, gold and silver were removed as currency and were replaced by iron money.<sup>45</sup> This iron money was large, cumbersome, and of little value, which discouraged the hoarding of money and transactions being concluded with money. This obviated the strife which arose from distinctions of wealth.<sup>46</sup> Secondly, everyone owned an equal share of property (45.3; 48.3).<sup>47</sup> Thirdly, Lycurgus promoted a communal lifestyle (48.3). According to Plutarch,<sup>48</sup> Lycurgus

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40 - Pol. 1294a35-b18; 1297a38-b1

41 - 1294b 29-31 and 1265b 38-40

42 - Magistrates were elected (1294a 32-33). Appointment by lot was regarded as a feature of aristocracy.

43 - Pol. 1294a 33-34

44 - It is not insignificant that Polybius identified avarice (*φλαργυρία*) as a chief cause of corruption - XXIX 8.10; XXXII 11.1.

45 - Cf. Plut. Lyc. IX 1-2; Lys. (XVII 2-3); Xenophon Laced. resp. VII 3-6

46 - 45.4. Cf. also 46.7

47 - Plutarch (Lyc. VIII.1) mentions a redistribution of land. The problems of understanding Spartan land ownership, whether there was an equal distribution of land, whether this distribution was made by Lycurgus, and what the nature of this land was, are discussed by Walbank (1957:728-31).

48 - Lyc. XXV 3

did not want people to live for themselves, but to be an integral part of the community. The practice of common meals, for example, was introduced to promote equality and to discourage luxury and wealth.<sup>49</sup> Other aspects of communism included the education of children as everyone's responsibility,<sup>50</sup> and the sharing of slaves, animals, implements and food.<sup>51</sup> As a result of the eradication of all distinctions and displays of wealth, the Spartans were prudent in their personal lifestyles and lived their lives free of avarice and corruption.<sup>52</sup>

3.3.10 In order to preserve the city from foreign invasions, Spartans were trained to endure hardship and discomfort. From childhood, boys were whipped frequently and harshly to promote modesty and obedience.<sup>53</sup> They did not wear any sandals, to make scaling and descending hills easier (II 3), wore only one kind of garment throughout the year to be able to endure changes in temperature more easily (II 4), and did not receive enough food to satisfy their hunger (II 5-6), though they could steal something extra to eat (II 6), but were punished for stealing if caught (II 8-9).<sup>54</sup> This training was intended to produce courageous and noble soldiers who would be able to protect Sparta's borders. It is this combination of civil concord and security from foreign invasions which is seen to have preserved freedom at Sparta for a very long period of time.

3.3.11 These are then the two separate reasons given by Polybius for Spartan prosperity, the mixed constitution and the legislation of Lycurgus. The two reasons represent two different perspectives which have not been integrated with one another. When Polybius describes the Spartan mixed constitution, Lycurgus' endeavours to produce civic concord and harmony are not mentioned at all. The converse is also true, that when Polybius describes Lycurgus' legislation, all mention of the mixed constitution is omitted, even though Polybius has occasion to refer to

49 - Plutarch *Lyc.* X.1-3

50 - Plato praises Sparta for the equality of education of all the children (*Laws* 696 A-B).

51 - Xen. *Laced. resp.* VI 3-4

52 - 46.7; 48.3. Cf. also 48.8

53 - Xen. *Laced. resp.* II 2

54 - It was felt that the patience, skill and planning required for a successful theft were also the characteristics needed in a good soldier - Xenophon *Laced. resp.* II 7

the kings and Elders.<sup>55</sup> The superfluity of having two explanations becomes more evident when the Roman constitution is considered. At Rome it is the mixed constitution alone which was responsible for both the moderation in the lives of the citizens and the cultivation of brave soldiers to protect the city from foreign invasions (VI 18.2-8). Each reason, on its own, offers a satisfactory explanation for Sparta's prosperity, but the lack of integration causes problems. The contradiction appears when the achievements of Rome are compared to those of Sparta (50.1-5). The problem is that even though the description of the Spartan mixed constitution is specifically included in the History to demonstrate the superiority of the mixed constitution, to explain Spartan prosperity, and to provide a comparison with the Roman mixed constitution, it is not the Spartan mixed constitution, but the legislation of Lycurgus, to which the Roman mixed constitution is found superior.

3.3.12 There are several possible reasons why two explanations are cited as the causes of Spartan prosperity. It could be, as Walbank observed (1957:734, n.1), that the discussion of Lycurgus' legislation was introduced to rebut the contentions of those authors who equated the Spartan with that of Crete. However, in 48.1 ff., Polybius is not enumerating the differences between the Spartan and Cretan constitutions anymore, but he is discussing the cause of Spartan prosperity itself, and it is still the legislation of Lycurgus which is cited as the cause (48.5).

3.3.13 A second possible reason is the traditions surrounding Lycurgus and the role which he plays in Spartan development. The one tradition only credits Lycurgus with instituting many of Sparta's military, social and political practices<sup>56</sup> while the other, perhaps first finding specific expression in Plato,<sup>57</sup> associates Lycurgus with the Spartan mixed constitution. It is possible that the attribution of nearly every facet of Spartan history and life to Lycurgus facilitated the transition from the mixed constitution to the legislation of Lycurgus as the cause of Spartan prosperity.

3.3.14 A third possible reason is the connection which Polybius draws between customs and laws on the one hand, and the character of citizens and the constitution on the other. The reasoning is that if the laws and customs of a city are good, this

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55 - Polybius notes the hereditary nature of the king's office and the life long tenure of the Elders as particular features of the Spartan constitution (45.5).

56 - Herodotus I 65-6; Xenophon *Laced. resp.* I 2; VI 1; VII 1; Plato *Laws* 630D (cf. also 632D; *Rep.* 599D and *Minos* 318C); *Plut. Lyc.* V.3

57 - *Laws* 691E

goodness will be reflected in the lives of the citizens and the character of the constitution (47.2-3). The corollary is also true, that if the personal and public lives of the citizens are reprehensible, then this is a reflection of the baseness of the laws, customs and constitution of that city (47.4). It is therefore possible that by discussing the advantages and defects of the Lycurgan legislation, Polybius is, through inference, delivering comment on the condition and character of the Spartan mixed constitution.

3.3.15 A fourth possible reason is contained in the explanation which Polybius supplies for discussing the advantages and deficiencies of Lycurgus' legislation. This is done in order to provide a comparison with Rome, to show that the Roman constitution was better framed than that of Sparta to sustain a policy of expansion (50.1-6). The deficiencies in the legislation of Lycurgus offer a better explanation for Spartan avariciousness in foreign conquests and the Spartan inability to conduct wars outside the Peloponnese, than the triple-faceted mixed constitution. The difference between the achievements of Sparta and Rome is contained in the size of the area over which they held dominion. Sparta maintained the hegemony of Greece, without being beaten in battle, for just on twelve years (I 2.3),<sup>58</sup> while Rome managed to attain world sovereignty in approximately 53 years (I 1.5). The reason for this discrepancy is that while Rome was able to sustain a programme of expansion successfully, Sparta could not. This was on account of certain defects in the legislation of Lycurgus. The first problem is that while Lycurgus had instituted several practices and customs to regulate the lives of Spartans in the city itself, he had made no provisions concerning how Spartans ought to behave towards other nations. As a result of this, while the citizens of Sparta were most unambitious and prudent in their own city, they were overly ambitious, imperialistic and avaricious with regard to the other cities (48.8). As examples of Spartan avariciousness, Polybius cites their war against the Messenians (49.1), their desire to maintain sovereignty in Greece (49.3), and their accession to the peace of Antalcidas to gain financial support from Persia (49.5). An example of imperialism is Sparta's absolute determination to invade Messene (49.2). The second defect in the legislation of Lycurgus is, ironically, a feature which promoted civil concord. The problem is that

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58 - The twelve years extended from 405 to 394 BC, when the Spartan fleet was defeated by Conon near Cnidus, - cf. Xenophon *Hell.* IV iii.10-14. Justin (VI 4.1) and Nepos (*Conon* 4), however, do not mark 394 as the first time since 405 that Sparta was defeated in battle, which is how the Polybian passage has to be interpreted, but as the end of Sparta's hegemony. Isocrates (*Phil.* 47) more realistically estimates Spartan hegemony to have lasted 30 years, ending with Sparta's defeat by Thebes at Leuctra.

the Spartan economy was too conservative and introverted to allow for an effective imperialistic policy. In particular it was their iron money, which was worthless outside of Sparta, and their restrictive trading laws, which inhibited success on military expeditions outside the Peloponnese (49.7-10).

3.3.16 Except for the first reason, which does not appear to be applicable, each of these reasons are of equal validity. None of them offers a complete explanation for the conflation, or confusion, of the two reasons for Spartan prosperity, but they have to be considered in conjunction with one another.

3.3.17 The deficiencies in Lycurgus' legislation were specifically listed to illustrate, by comparison, the superiority of the Roman mixed constitution and the greater achievements of which Rome was capable. In order to do this, Polybius does not merely tabulate the accomplishments of the two cities, but Spartan achievements are denigrated. Sparta is portrayed as a voracious city, whose only concern was to conquer as many cities as possible. To achieve this negative bias, Polybius conveniently overlooks certain pieces of evidence. Firstly, while there was indeed a tradition which stated that Lycurgus had specifically structured Spartan life to promote internal coherence,<sup>59</sup> there was also a second tradition which portrayed the Spartans as a warring nation,<sup>60</sup> and which stated that nearly every law and practice instituted by Lycurgus was intended to promote military honour and valour.<sup>61</sup> Secondly, there was a Greek belief that it was in the nature of a sovereign state to expand its borders. Sparta's extension of its dominion over its neighbouring cities, and its successful rise to prominence in the Peloponnese,<sup>62</sup> are therefore not necessarily evidence of an overly ambitious city, but of a normal city following natural tendencies. Thirdly, Polybius' claim that Sparta acceded to the peace with Persia in order to procure money with which to keep the Greek cities in subjugation (VI 49.5), cannot be substantiated. Diodorus Siculus and Xenophon<sup>63</sup> both say that the peace had been concluded because of Sparta's inability to continue waging war against the Persians and revolting Greek cities simultaneously. Sparta is also said to

59 - Cf. Plutarch *Lyc.* XXXI.1. cf also XIII.5

60 - Cf. Plutarch *Lyc.* XXIII.1-2

61 - Aristotle *Pol.* 1271 b2-3, 1324b 5-9, 1333 b12-14; Athenaeus XIV 630E-631B; Xenophon *Laced. resp.* II 7; IV 7; IX 1-2; XI 1; XII 7. Cf. also Plut. *Lyc.* XXVII 2 and Plato *Laws* 626A ff., 633A ff.

62 - Cf. Thucydides I 10.2; 18.1; Xenophon *Laced. resp.* I 1

63 - Diod. Sic. XIV 110.2; Xenophon *Hell.* V i.29

have found itself in a more favourable position after the conclusion of the peace, but this is cited as an accidental result thereof, not as a primary motivation for the accession to the peace. Finally, Sparta's iron money is cited as one of the causes which inhibited military success outside of the Peloponnese (49.8). This argument is anachronistic. That Sparta did have an iron currency, which was cumbersome and of little value, is not to be disputed, but it is uncertain to what extent it was actually used. It was certainly not used by the government in the collection of taxes or for public expenditure during the period of the Peloponnesian war (IG V 1). According to Plutarch,<sup>64</sup> everyone had to pay a small sum of money towards the common messes, which is explained by Dicaearchus<sup>65</sup> to have consisted of ten Aeginetan obols. According to Posidonius,<sup>66</sup> rich Spartans kept their money on deposit at Arcadia, and Herodotus (III 56) records an incredible story about how the Samians tricked the Spartans into lifting the siege of their city by bribing them with lead coins which had been plated with gold (525/4 BC). Finally, Plutarch records (Lyc. XXX.1) that gold and silver coins re-emerged in the Spartan economy during the reign of Agis II (427-399). Although the numismatic evidence indicates that the Spartans did not actually begin minting coins until the end of the fourth century BC., they did have a monetary system which was widely accepted and they did not use iron money exclusively.

3.3.18 There is a reason for portraying Sparta as an overly ambitious and imperialistic city. It is to show, again by comparison with Rome, what the attitude of an expanding city ought to be. Sparta, an avaricious city, was scarcely able to hold the hegemony of Greece for 12 years without being beaten, while Rome, through moderation and consideration, attained a world empire in 53 years.<sup>67</sup>

3.3.19 The collapse of the Spartan mixed constitution is described in IV 81.12-13. It is said to have been fine until the battle of Leuctra (371 BC) when *tyche*

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64 - Lyc. XII 2

65 - *ap.* Athen. IV 141C

66 - *Ap.* Athen. VI 233 E-F

67 - Cf. Polyb. X 36.5-7. Cf also Diod. Sic. XXXII 2, a passage which is considered by Gelzer (1963:64-5) to be influenced by Polybius: "Those whose object is to gain dominion over others use courage and intelligence to get it, moderation and consideration for others to extend it widely, and paralysing terror to secure it against attack. The proofs of these propositions are to be found in attentive consideration of the history of such empires as were created in ancient times as well as of the Roman domination that succeeded them" (Walton).

capriciously<sup>68</sup> turned against Sparta and caused the city to be defeated by Thebes. Indicative of the decay of the Spartan mixed constitution are banishments, confiscation of property, civic discord and tyranny. This description of the decay of the Spartan mixed constitution bears no relation to how Polybius determined that a mixed constitution would come to its end. A mixed constitution is said to be vulnerable during periods of prosperity when the city's rule is uncontested (VI 57.5), to be marked by an increase in the number of overly ambitious men (57.5), and to be subverted by the emergence of a demagogue (57.7-8). The resultant constitution is not a tyranny, as is the case with Sparta, but it would be called a democracy, though it would have the character of an ochlocracy (57.9). Furthermore, Polybius' statement that the Spartan constitution only began to decline after the battle of Leuctra, is curious, since there is evidence, of which Polybius ought to have been aware, that corruption had been identified in the Spartan constitution before this event. Plutarch dates the influx of gold and silver into Sparta to the reign of Agis II (427-399 BC), and says that wealth and luxury were once again part of Spartan life (Lyc. XXX.1).<sup>69</sup> The omission of this information is curious, especially since Polybius identifies the love of money as a chief cause of corruption in cities.<sup>70</sup>

### 3.4 THE CARTHAGINIAN MIXED CONSTITUTION

3.4.1 Polybius' description of the Carthaginian mixed constitution is, like that of the Spartan mixed constitution, perfunctory and characterless. There is nothing which specifically identifies it as a description of the Punic mixed constitution. Polybius expresses his praise of it, states that kings,<sup>71</sup> a council of Elders and the people played a part in the government, and proclaims that it was similar to the constitutions of Sparta and Rome (VI 51.2). That is the extent of the discussion, a mere identification of the principal political bodies in the Punic government. A similarity with the Spartan and Carthaginian constitutions is also noted by Aristotle<sup>72</sup> and Isocrates (Nic. 24), though there is a difference, especially between

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68 - Cf. II 39.8 where the adverb παράδοξως is used to describe the outcome of the battle.

69 - Cf. also Xenophon - Laced. resp. XIV.

70 - Cf. Polyb. XXIX 8.10; XXXII 11.1.

71 - Technically the Carthaginians were never ruled by kings, but suffetes.

72 - Aristotle Pol. 1272b 24-29 and 1272b33-1273a2

Polybius and Aristotle, as to the nature of this similarity. While Polybius perceives the similarity to exist in the common prerequisite elements for a mixed constitution, Aristotle sees the similarity in their common social and political structures.

3.4.2 Polybius does not specifically state what type of constitution the Carthaginians had, but that it was mixed can be deduced from the division of the government into royal, aristocratic and democratic sections, and the similarity which was seen to exist between it and the constitutions of Sparta and Rome. What duties and functions the kings, Elders and People performed, what political, juridical and legislative authority they each possessed, or how they related to one another, Polybius neglects to narrate. As with the discussion on the Spartan mixed constitution, Polybius does not describe the particular features of the Punic constitution, but is satisfied with establishing that a mixed constitution had existed at Carthage.

3.4.3 There are certain problems of terminology with regard to the political offices in the Punic constitution. It is unlikely that Carthage was ever governed by kings, as Greek authors were wont to term the supreme official at Carthage. What they did have were suffetes.<sup>73</sup> The existence of suffetes can be securely dated to at least as early as the fifth century BC,<sup>74</sup> and it is this official which is to be understood by the Greek βασιλεύς. Βασιλεύς is not, however, an inaccurate interpretation of the status and authority of the suffete. He held both civil and military authority, held the highest magistracy in the government, and was frequently described as the most eminent citizen. Βασιλεύς is the term used throughout by Greek authors, even of the suffetes of the third and second centuries, whose authority had been curtailed and could no longer be said to resemble that of a king, since they did not lead the army anymore.<sup>75</sup>

3.4.4 Information on the Punic constitution in the works of Greek historians and philosophers is not extensive. The first author whose work has survived and who perceived a division of labour within the Punic government, is Isocrates. He observed that during foreign military excursions the Carthaginian constitution resembled a kingship, while at Carthage itself, it could be called an oligarchy (Nic.

73 - The term "suffete" is derived from the Semetic *shofet*, meaning "prince" or "judge".

74 - The earliest known suffete is Hamilcar - Herodotus VII 166.

75 - Roman authors reflected the status of the suffetes more accurately with their choice of terminology: *consul* - Nepos Hann. 7.4; Livy XXX 7.5; Seneca Dial. IX 4.5; Justin XXXI 2.6. *Praetor* - Nepos Hann. 7.4,6; Livy XXXIII 46.3.

24). Isocrates does not categorise the Carthaginian constitution as mixed, but it is a characteristic of the mixed constitution, that it can appear to have more than one classification.<sup>76</sup> The kingship is represented by the suffete, who held authority on military expeditions, and the oligarchy by the senate, which was in control of all public affairs.

3.4.5 Aristotle also considered the Punic constitution to have consisted of a mixture of oligarchic, aristocratic and democratic features. The one oligarchic feature was the emphasis placed upon wealth. The offices of suffete and general were purchased,<sup>77</sup> which suggests that more emphasis was placed on their financial standing than on their leadership, administrative and military abilities. This is, however, countered by certain aristocratic features in the constitution. The other oligarchic feature was the supreme authority vested in a small group of people. The pentarchy had authority over many important matters, elected its members by co-optation, elected members to the Council of 100, and their tenure exceeded that of any other official (1273a 13-17). Aristocratic features included the non-payment of wages to public officials (1273a 17-18), the attention which was paid to ability (1273a 23-4), and the fact that magistrates were elected and not appointed by lot (1273a 17-18). Democratic features included the authority which the Assembly had over matters brought before it (1273a 9-13). Essentially, however, Aristotle considered the Punic constitution to be a type of aristocracy<sup>78</sup> which took wealth, excellence (*ἀρετή*), and the People into consideration (**Pol.** 1293b 14-16).

3.4.6 Even though there is little specific information on the structure and operation of the Punic constitution, there is general agreement that the Carthaginians possessed an admirable form of constitution,<sup>79</sup> and it is probably this, together with the similarity which was seen to exist between it and the Spartan constitution, which influenced the attribution of a mixed constitution to Carthage.

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76 - Cf. Arist. **Pol.** 1294b 13-16. Cf. also Polybius' application of this definition to the Roman mixed constitution (VI 11.11-12; 12.9; 13.8; 14.12) and Plato's application of it to the Spartan constitution (**Laws** 712 D-E).

77 - Aristotle **Pol.** 1273a 35-37. Cf. also 1273a 23-30; Diog. Laert. III 82

78 - Aristotle also considered the Spartan constitution to be a type of aristocracy - **Pol.** 1293b 16-18.

79 - Aristotle **Pol.** 1272b24; Eratosthenes *ap.* Strabo I 4.9.

3.4.7 The extent of Polybius' analysis of the Punic mixed constitution is that it consists of the three prerequisite components for a mixed constitution: the suffetes, council of Elders, and the People, which corresponds to kingship, aristocracy and democracy respectively. Yet the mixed constitution is more than simply this. The political bodies also have to have fairly equal authority, and there has to be a measure of dependence between them. This can be said to have been the case in Carthage in the fourth century BC. This is also how Polybius described the Punic constitution nearly 200 years later. Since the Punic constitution did not remain constant during this period, it has to be examined to what extent the Carthaginian constitution resembled a mixed constitution, albeit a corrupt one, during the Hannibalic war (Polyb. VI 51.3).

3.4.8 If there was a period when the Punic government most closely resembled a mixed constitution, then it was at the time that Aristotle analysed it. Picard and Picard (1968:142) reckon that Aristotle's description of the Punic government ~~reflects~~ the Punic history of the second half of the fourth century BC. During this period the suffetes were usually invested with both civil and military authority,<sup>80</sup> and in this respect very much resembled the Roman consuls.<sup>81</sup> As general of the army the suffete held authority during military excursions,<sup>82</sup> and as suffete he was regarded as the most eminent citizen of Carthage.<sup>83</sup> Precisely what the limit to his authority was, is not clear,<sup>84</sup> though, according to Diodorus Siculus, Himilcon, who was general in 397 BC (XIV 49.1) and suffete the following year (XIV 54.5), could make allies (XIV 61.4-5) and enter into negotiations after being defeated (XIV 75.1-4), Magon could draw up terms of peace (XIV 96.1-3), and Hamilcar (311 BC) could enrol mercenaries and enlist troops from Sicilian allies (XIX 106.5). The authority of the generals was held in check by the Council of 104, alternatively referred to as the Council of 100,<sup>85</sup> which was formed about 396 BC specifically to

80 - Hamilcar - Herodotus VII 166; Himilcon - Diod. Sic. XIV 54.5; Hannibal, son of Gescon - Diod. Sic. XIII 43.5; Magon - Diod. Sic. XV 15.2

81 - Cf. Nep. **Hann.** 7.4; Livy XXX 7.5

82 - This can be deduced from Isocrates' comment (**Nic.** 24) that the Punic government resembled a kingship when they were at war.

83 - Hannibal - Diod. Sic XIII 43.5; Eshmuniaton - Justin XX 5; Hanno the Great - Justin XXI 4

84 - Aristotle merely states that they were very important offices - **Pol.** 1273a 29-30.

85 - Aristotle **Pol.** 1273a 14-15.

curb the growing authority of the Magonid dynasty (Justin XIX 2). Generals were accountable to them for their actions during the wars which they waged (Justin XIX 2). Although there is little evidence of the exercise of the Council of 104's authority early on, by 310 BC it had become common practice to grill generals.<sup>86</sup> Other councils of the Senate included the Pentarchy, about which nothing is known save for that which is mentioned by Aristotle, that they controlled many of the important aspects of the government, including the election of members to the Council of 100, and that their tenure exceeded that of any other public official;<sup>87</sup> and the council of Elders, which is not mentioned by Aristotle, but which is described by Livy (XXX 16.3) as a subdivision of the Senate with the highest authority. The third component of the mixed constitution, the People, also played a significant role in the government. When the senate and suffetes could not come to an agreement on a proposal, the assembly was convened to arbitrate. The assembly was also convened when the senate and suffetes agreed that the People ought to be consulted on a certain matter, and the assembly did not merely ratify or reject proposals brought before it, but it could also discuss them.<sup>88</sup>

3.4.9 This is then an approximation of the structure of the Punic constitution during the fourth century, when the senate, suffetes and assembly had fairly equally important functions to perform, and were, to a certain extent, dependent upon, and checked by, one another. This situation changed towards the end of the fourth century. In particular the offices of the suffete and general were no longer entrusted to the same person, and there was a corresponding increase in the authority which the senate wielded, with the result that the Punic constitution resembled an oligarchy more than a mixed constitution.<sup>89</sup> Yet, despite this shift in authority, Carthage could still be said, at least from a Polybian perspective, to have had a mixed constitution. This is because the shift was in terms of political and juridical authority, and this is not how Polybius measures a mixed constitution. At least these are not the terms in which he analyses the Roman mixed constitution. There he is

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86 - Diod. Sic. XX 10.1-4

87 - Pol. 1273a 14-17

88 - Aristotle Pol. 1273a 6-13

89 - von Fritz reckons (1954:119) that the Punic constitution was essentially aristocratic or oligarchic, and that there was never a period in Punic history when their government represented a perfect balance of monarchy, oligarchy and democracy.

satisfied to assign a particular area of duty to each of the three components of the mixed constitution and to show that they are dependant upon one another, without establishing the juridical, legislative or political authority which they each wielded.

3.4.10 There are also certain similarities between the Punic and Roman constitutions which makes it impossible for the latter and not the former to be called a mixed constitution. The basic structure of the constitutions of the two cities were similar, with the Roman consuls, senate and Assembly equivalent to the Punic suffetes,<sup>90</sup> council of Elders and Assembly respectively. There is, furthermore, a definite correlation in the duties which the three components of the Punic constitution and their respective Roman counterparts performed. The suffete convened the senate,<sup>91</sup> and possibly also the Assembly,<sup>92</sup> presided over the senate,<sup>93</sup> was the highest magistrate,<sup>94</sup> was concerned with the enactment of laws,<sup>95</sup> and was in charge of ensuring the execution of the state's interests.<sup>96</sup> The senate received embassies from abroad,<sup>97</sup> dispatched embassies,<sup>98</sup> and debated on questions of war and peace.<sup>99</sup> The Punic assembly was generally concerned with the approbation or reprobation of proposals and decisions made by the suffetes and senate,<sup>100</sup> a duty similar to that performed by the Roman assembly.<sup>101</sup> It is then

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90 - Even though the Punic suffete did not have military authority anymore, which would seem to negate a comparison with the Roman consuls, the fact that there were two of them and that they held office for a year, was sufficient to merit that comparison - Nepos **Hann.** 7.4; Livy XXX 7.5.

91 - Livy XXX 7.5

92 - Livy XXXIII 46.5. Convocation of the assembly is also listed as a function of the consul - Polyb. VI 12.4.

93 - Diod. Sic. XXV 16; Polyb. III 33.1-4

94 - Livy XXVIII 37.2. All the magistrates, except the tribunes, were subject to the Roman consuls - Polyb. VI 12.2.

95 - Livy XXXIII 46.6

96 - Livy XXXIII 46.5. The consuls executed the decrees of the Senate (12.3) and the popular assembly (12.4).

97 - Polyb. III 20.9; Diod. Sic. XXXII 6.4. Cf. Polyb. VI 13.7 for a similar duty attributed to the Roman senate.

98 - Polyb. I 68.5; Diod. Sic. XXIII 12.1. For the Roman equivalent, cf. Polyb. VI 13.6.

99 - Polyb. III 33.1-4; XIV 6.10-12, 9.6-10.1; XV 19.2, 8-9; Diod. Sic. XXV 16. For the similarity with the Roman Senate, cf. Polyb. VI 13.6

100 - Polyb. I 82.12; III 13.4; Nepos **Hann.** 3.1; Livy XXI 3.1; Arist. **Pol.** 1273a 9-13.

particularly this similarity in functions which validates the assignation of a mixed constitution to Carthage at the time of the Hannibalic war.

3.4.11 At the time of the Hannibalic war the Carthaginian mixed constitution had already begun to deteriorate, and Polybius uses the difference in condition between the Punic and Roman constitutions to explain the outcome of that war (VI 51.3-8). This is one of the very few occasions that the form of constitution which the Romans possessed is cited as a cause of Roman victory in war,<sup>102</sup> even though the constitution of the Romans is regarded as being instrumental in their attainment of world sovereignty.<sup>103</sup>

3.4.12 Polybius could not simply say that the Romans had a superior form of constitution to the Carthaginians, since they both possessed the same praiseworthy form of constitution. His solution was to use the argument that the development of every constitution consisted of period of genesis, growth, acme, and decline (51.4), and then to attribute to the mixed constitution a specific lifespan. By therefore placing the genesis of the Punic mixed constitution prior to that of the Roman mixed constitution, Polybius could argue that at the time of the Hannibalic war the older Punic constitution had already reached that point in its development where it was necessary to decline, while the younger Roman constitution had not yet reached that stage (51.5).

3.4.13 The worse condition of the Punic constitution is discerned in the growth of the People's authority. They had managed to take over the function of deliberations, a duty which properly belonged to the senate (51.6).<sup>104</sup> As a result of this, decisions which were made at Rome, where the senate was still in control of deliberations, were better than those made at Carthage, which explains why Rome won the war (VI 51.8).

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101 - Poly. VI 14.4

102 - In III 118.5-9 the peculiarities of the Roman constitution are cited as the cause of Rome's reversal of their defeat at Cannae.

103 - Polyb. I 1.5; III 2.6; VI 2.3; XXXIX 8.7

104 - The occurrence of the word ἀκμή in this passage has been convincingly argued by Walbank (1954:117-8) to indicate the control of the Senate at Rome over deliberations, and not the predominance of aristocracy in the Roman mixed constitution.

3.4.14 The identification of the difference in condition between the Punic and Roman mixed constitutions during the Hannibalic war as the determining factor in the outcome of that war, is simplistic and more a reflection of Polybius' schematic approach to writing history, than a reflection of what actually transpired during the Hannibalic war. Evidence for a people's revolution is scanty. One possibility is the ascendancy of the Barca family (Walbank 1957:736). Picard and Picard (1968:207-210) again, date the growth of the People's authority to 237 BC. It is said to have consisted of a restriction of the power of the Council of 104 and the right of the assembly to elect the generals. The authors do not, however, cite any passages to substantiate their argument. In Polybius' History itself there is no indication that the Punic constitution had undergone any change, which is not conclusive proof that there had not been any changes, though in his narration of the Hannibalic war, it is still the Punic senate, and not the assembly, to which the making of decisions concerning the war are consistently attributed.<sup>105</sup> It is significant, however, that Livy describes Hasdrubal as a champion of the people influencing the vote in the senate (XXX 7.7), and that Polybius blames the Barca family, of which Hasdrubal was a member, for the Hannibalic war (III 9.6).

3.4.15 A second explanation for the increase in the People's authority is offered by von Fritz (1954:120-121). He argues that Hannibal used the authority of the Popular Assembly to have his law concerning the tenure of members of the High Court passed.<sup>106</sup> Von Fritz reckons that the referral of important matters such as this to the assembly made the People more aware of their political authority. The flaw in this argument is that the law of Hannibal, and the subsequent alleged advent of democratisation, was introduced in 197 BC, while the Hannibalic war, the outcome of which Polybius attributes to corruption in the Punic mixed constitution, had already ended in 202 BC.

3.4.16 In favour of the alternative argument, that Polybius' description of the Punic constitution's decline is schematic, is the fact that Polybius also predicts that the uncontrolled growth of the People's authority will be the cause of the Roman mixed constitution's collapse (57.7). Furthermore, Trompf (1979:73-4) shows that Polybius has a tendency to assign some inner degradation to a city before Rome conquered it,

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105 - Polyb. III 20.9-10; XIV 6.9-12; XV 19.1-2, 8-9. Cf. also Appian *War in Spain* II 10; Livy XXX 7.6; Diod. Sic. XXV 16

106 - Cf. Livy XXXIII 46

and he also shows (71-2) that Polybius has a penchant for ascribing the decay of a constitution to a growth in the People's authority.

3.4.17 Conclusive proof that Polybius' argument is schematic can be gauged from the very next section of the text (VI 52.1-56.15), where Polybius does a second analysis of the differences between the Carthaginians and Romans which resulted in the Roman victory. Here attention is paid to aspects of warfare such as the capabilities of their respective armies, navies, cavalries and their use of mercenary troops. All of this bears no relation to the condition of the Punic, or Roman, constitution, even though Polybius tries to argue that the use of mercenary troops by the Carthaginians (52.5), and the Roman reverence for the gods (56.6), reflects the superior condition of the Roman constitution.

3.4.18 The comparisons which Polybius draws between the Carthaginians and the Romans (52.1-56.15) highlights certain characteristics of the Romans: they were brave, patriotic, religious and honest. On the one hand these characteristics are indicative of the type of qualities which Polybius expects to find in the citizens' lives of a well structured constitution, while, on the other hand, they reflect the favourable bias Polybius employs in his description of the Romans and their achievements. Fairly often he manipulates arguments to favour Rome. A point in case is the difference in attitude of the Carthaginians and Romans towards money. Polybius comments that while making money, irrespective of the way in which it was done, was of paramount importance to Carthaginians, any unscrupulous profit was frowned upon at Rome (VI 56.2-3). As proof of this, Polybius points to the matter of electing candidates for public office. While bribery was common practice at Carthage, at Rome the penalty for this offence was death (VI 56.4). First of all, it is quite possible that Polybius is confusing bribery with the Punic practice of selling their public offices.<sup>107</sup> Secondly, Polybius ignores evidence of bribery and unscrupulous moneymaking at Rome itself. Two laws were passed, one in 181<sup>108</sup> and the other in 159 BC,<sup>109</sup> both concerning bribery. The laws themselves indicate the presence of bribery in Rome, and the severity of the punishment, death, indicates how rife it was. Furthermore, L. Hostilius Tubulus, who was praetor in 142

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107 - Arist. *Pol.* 1273a 35-37; Diog. Laert. III 82

108 - The consuls were P. Cornelius Cethegus and M. Baebius Tamphilus - cf. Broughton (1951:383-4).

109 - The consuls were Cn. Cornelius Dolabella and M. Fulvius Nobilior - cf. Broughton (1951:445)

BC, was notorious for accepting bribes while presiding over the *quaestio de sicariis*,<sup>110</sup> and with regard to earning money in general, a standing court was established in 149 BC to try cases of extortion.<sup>111</sup>

## THE ROMAN MIXED CONSTITUTION

### 3.5 THE ROMAN CONSTITUTION AND *TYCHE*

3.5.1 The Roman mixed constitution forms an important aspect of Polybian historiography. It is an integral and premeditated part of his History.<sup>112</sup> Polybius considered that a knowledge of the Roman constitution was necessary (I 1.5), and that it would be beneficial and instructive for his readers.<sup>113</sup> This conforms to the primary objective of Polybius' History, that it has to be useful, and that his readers, whether they were statesmen, military commanders or ordinary people, have to be able to learn something from it.<sup>114</sup> In particular Polybius envisaged that his discussion on the Roman constitution would teach political leaders how to rectify and form their own constitutions (III 118.12).

3.5.2 Besides being beneficial, instructive and necessary, the discussion on the Roman constitution exemplifies Polybius' quest for *aitiai*.<sup>115</sup> The primary theme of Polybius' History is Roman world domination (I 1.5), and the historian repeatedly identifies the type of constitution which the Romans possessed as a determining factor in their attainment of world dominion.<sup>116</sup> The type of constitution which the Romans had, was a mixed constitution. The term "mixed constitution" itself is not used, but from the description of the Roman constitution it is clear that this is the type of constitution to which Polybius is referring.<sup>117</sup> The mixed constitution had certain features which assisted the Romans in their attainment of world

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110 - Cicero *ad Att.* 12.5b; *de nat. deorum* I 63; Aulus Gellius II 7.20

111 - Cicero *Brut.* 106; *Verr.* II 3.195; II 4.56; *de off.* II 75; Tacitus *Ann.* XV 20

112 - The discussion on the mixed constitution is forecast in III 2.6 and 118.11-12

113 - *μεγάλα συμβάλλεσθαι* - III 118.12; *ὠφελιμώτατον* - VI 2.3; XXXIX 8.7

114 - Cf. I 35.9-10;; IX 2.4-6

115 - For some of Polybius' statements on aetiology, cf. II 38.5; III 31.12-13; XI 19<sup>a</sup>.1; XII 25<sup>b</sup>.1-3

116 - I 1.5; III 2.6; VI 2.2-3; XXXIX 8.7

117 - Cf. VI 10.6 in conjunction with 10.13; 11.11-12

dominion.<sup>118</sup> It was a stable form of constitution, known for its longevity.<sup>119</sup> This meant that the Romans had a longer period of time within which to achieve greater success than if they had only possessed a simple form of constitution. The stability of the mixed constitution was due to its structure. The forces of balance and counterbalance between the three elements of the mixed constitution ensured that decay could not easily take hold.<sup>120</sup> Furthermore, the Roman mixed constitution was suitably adapted to foreign conquest, and in this respect it was better than the Spartan mixed constitution, whose character and construction was geared more towards maintaining internal concord (VI 50.1-4). The manner in which the Roman constitution developed was also a factor. Its development is said to have been as a result of natural laws.<sup>121</sup> This implies that the achievements of the Romans were invariable, correct and worthy of approbation. A constitution which developed naturally is better than one which had been formed through the foresight of one person, a legislator. The Spartan constitution, for example, was formed by Lycurgus, and while it was certainly admirable,<sup>122</sup> the Roman constitution was better (10.13-14).

3.5.3 In I 4.1-2 the concept of universal history is said to have been co-ordinated by *tyche*. Universal history is defined as a description of that period in history when there was a form of unity and common purpose between all of the events of the world (I 4.1-2).<sup>123</sup> This definition is described more fully in I 3.3-4. Here the unity is explained as the commonness of enterprises, achievements and regions between the affairs of Italy, Africa, Asia and Greece. Furthermore, all of the events in all of these places were focused upon one point, Roman world domination. Roman world domination then provides the basis for universal history. The apparent contradiction is that both *tyche* and the Roman constitution are cited as the causes of Roman world domination.

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118 - Cf. III 2.6; 118-8-9.

119 - Cf. VI 10.11

120 - VI 10.7; 15.1; 18.1-8

121 - VI 4.13; 9.12-13. Cf. also 2.5.3

122 - VI 3.7-8; 10.11

123 - For a discussion on Polybius' conception of universal history, Cf. Sacks (1981:96-121).

3.5.4 The contradiction centres around Polybius' methodology on aetiology. By citing the Roman constitution as the cause of Roman world domination, Polybius is stating that the cause is explicable. The Roman constitution is representative of a rational explanation. *Tyche* indicates the opposite of this. Fortuitous events (II 7.1-3), events such as natural disasters which cannot be predicted,<sup>124</sup> and events which cannot be explained in terms of human shrewdness, calculation or foresight (X 5.8), are attributed to *tyche*. Therefore, by attributing Roman world domination to both the Roman constitution and *tyche*, Polybius appears to be saying that the same event is simultaneously explicable and unfathomable. The situation is further complicated by the fact that in I 63.9 Polybius states that *tyche* was not the cause of Roman domination, since it could be explained in rational terms.

3.5.5 Fowler, in an attempt to solve the dilemma, postulates (1903:446-7) that *tyche* in I 4.1-2 is synonymous with *physis* as it is used in book VI. There is, however, an irreconcilable difference between *tyche* and *physis*, one which Fowler, paradoxically, also recognises. While *physis* is indicative of regular, predictable phenomena, *tyche* represents inexplicable, one-off incidents. *Tyche* can therefore not be synonymous to *physis*. Shorey (1921:282) also recognises the inconsistency between I 4.1, 4-5 and I 63.9, but doubts whether Polybius was bothered by it. There is, however, a fine, but clear, distinction between I 4.1-2 and I 63.9. In the first passage Polybius is not actually commenting on Roman world domination, but universal history. It is the phenomenon of universal history which is said to have been orchestrated by *tyche*. Roman world domination does indeed form the basis for universal history, but Roman world domination and universal history are separate concepts, and Polybius does not confuse them. He does not confuse their respective causes either. *Tyche* is consistently used to explain world history,<sup>125</sup> while the Roman constitution is consistently described as an important factor in determining how the Romans attained world sovereignty.<sup>126</sup> There is then no contradiction.

3.5.6 The aim of Polybius' History is to describe and explain Roman world domination. The Roman constitution was ideal for describing the relation between Rome and world domination. It could account for factors such as stability and suitability for conquest which advantaged Rome in the attainment of its dominion. There are, however, also other factors which the Roman constitution could not

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124 - XXXVI 17.1-3

125 - I 4.1-2, 4-5; VI 2.4; VIII 2.3-4

126 - I 1.5; III 2.6; 118.11-12; VI 2.2-3; XXXIX 8.7

explain. It could not explain why, if the anacyclosis was representative of regularly recurring events, world domination was not a more common occurrence. It could not explain what the factors were which allowed Roman constitutional history to breach the anacyclosis and to form the mixed constitution. It could not explain the confluence of diverse events in Africa, Italy, Greece and Asia upon one point. This is where *tyche* fits in. *Tyche* was ideal for describing this unique, extraordinary series of events. It was used to explain the grand scheme of events. The Roman constitution explained Rome's suitability for world domination, but the concept of world domination, the extraordinary ordering of several diverse factors towards one point, is justifiably attributed to *tyche*.

### 3.6 STRUCTURE OF THE ROMAN CONSTITUTION

3.6.1 In VI 12.1-17.9 Polybius explains how the mixed constitution operated in Rome. The discussion consists of two parts, the first listing the various duties and powers of the three elements which make up the Roman mixed constitution (12.1-14.12), and the second the relationship which exists between them (15.1-17.9). This corresponds to the forces of balance and counterbalance which exist between the elements of the mixed constitution (10.7). The purpose of the first section is to illustrate the range of authority which each of the three principal political bodies possessed. This demonstrates how the Roman mixed constitution could be mistaken for a kingship, aristocracy or democracy when the consulship, senate and assembly respectively were viewed in isolation.<sup>127</sup> Royal authority is represented by the consuls. Their power is divided into two sections, depending upon whether they were in Rome or on a military expedition. It is particularly on military expeditions that their authority was most absolute and could be described as royal. Nearly every aspect of warfare was under their control (12.5). They gave instructions to the allies, appointed the military tribunes, levied the soldiers (12.6), possessed the authority to inflict punishment on anyone under their command (12.7), and had unlimited access to the public funds (12.8).<sup>128</sup> In the city, on the other hand, even though every public official, with the sole exception of the Tribune of the People, was subordinate to them (12.2), the authority of the consuls is mainly ancillary to that of the Senate and People. They convened the assemblies, introduced topics for discussion and carried into effect the resolutions of the People (12.4). With regard to the Senate,

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127 - Cf. 12.9; 13.8-9; 14.12

128 - The Senate was normally in control of all income and expenditure (13.1-2).

the consuls introduced embassies to it (12.2), initiated urgent topics for discussion, and were concerned with the administration of decrees (12.3). Although the authority of the consuls in the city might not appear to be absolute, they were nevertheless important, since neither the senate nor the assemblies could operate independently of them.<sup>129</sup>

3.6.2 The senate had financial and juridical authority, and it is particularly in the senate that state policy with regard to cities both inside and outside of Italy was determined. All expenses, except those incurred by the consuls, had to be approved by the Senate (13.1-2), and the senate also awarded the contracts for the restoration and construction of public works through the censors (13.3). All major crimes committed in Italy which required a public investigation, were tried by the senate (13.4). Individuals or cities in Italy which required arbitration, had to be censured, or were in need of succor or protection, were taken care of by the senate (13.5). It was also within the jurisdiction of the senate to despatch embassies to cities outside Italy for purposes of arbitration, offering advice, imposing demands, receiving submissions and declaring war (13.6). The Senate also received embassies from abroad (13.7).

3.6.3 The People were mainly in charge of approbation and reprobation. This is said to have been an important function, since the malapplication of this duty could lead to chaos (14.4-5). Included in this function are the trial of minor and major disputes, the trying of high ranking officials, the imposition of the death penalty (14.6-8), the election of public officials (14.9), the examination of laws, deliberation on questions of war and peace (14.10), and the confirmation of decisions made by the senate and consuls with regard to alliances, cease fires and compacts (14.11).

3.6.4 The purpose of the second part of the discussion (15.1-17.9) is to illustrate that although the Roman constitution may appear to resemble a kingship, aristocracy or democracy, depending on which part of the constitution was being observed, neither the consuls, nor the senate, nor the People held absolute authority. They ruled in conjunction with, and were dependent upon, one another. The nature of their interdependence was multifarious. First of all, they were able to block one another's operations or plans. The consuls, for example, were dependent upon the Senate for a supply of corn, wages and clothing for a successful campaign (15.4), and for *prorogation* to complete their aims (15.6). The Senate, in turn, was

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129 - Cf. Nicolet (1980:214)

kept in check by the Tribunes of the People, who had the authority to suspend all proceedings of the Senate (16.4-5). In other cases they had to appease one another for the successful completion of an endeavour. The consuls were dependent upon the senate for the supply of funds to celebrate their victory (15.7-8), and upon the People for their endorsement of ceasefires and peace treaties which they had taken care of (15.9). The senate was also dependent upon the co-operation of the demos to investigate capital crimes against the city (16.2). Wariness was also a factor. The consuls could not do as they pleased since they had to give an account of their actions to the assembly at the end of their tenure (15.10). The People also had the authority to pass or reject laws intended to limit the powers and privileges of the senate (16.3). A further aspect of dependence was fear of reprisal. The People were careful not to contradict or check the senate and consuls too often, since they were dependent upon the former for the contracts with which they earned a living (17.2-5), and they were subordinate to the latter on military excursions (17.9).

3.6.5 The forces of counterbalance which operated between the three elements of the Roman mixed constitution is fairly elaborate. They are certainly more elaborate than the dependance which existed between the king, council of Elders and Assembly of the Spartan constitution (10.8-10). There the dependence was simple, incomplete, and based exclusively on reverence (*φóβος*).<sup>130</sup> In the Roman mixed constitution the interdependence is of various natures. Each political body is also held in check by both remaining bodies. The only exception is the Senate, which is not said to have been dependant upon the consuls in any way.

3.6.6 A diverse number of opinions have been expressed about Polybius' perception and analysis of the Roman constitution. von Fritz (1954:155-219) distinguishes between a mixed constitution and a system of checks and balances. Having determined what these concepts denote, and having examined the Roman constitution, he comes to the conclusion that the Roman constitution can neither be called a mixed constitution, nor be said to have consisted of a system of checks and balances.<sup>131</sup> Other scholars argue that Polybius exaggerated the importance of the People, and that the senate actually maintained supreme authority. Walbank, for example, argues that Polybius did not recognise the political influence which was concentrated amongst the senatorial families (1972:155). In reaction to this, Millar

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130 - 10.8-9

131 - von Fritz also denied that the Carthaginians had a mixed constitution (1954:119).

argues that the People were indeed an important element in the Roman constitution and that Polybius' analysis was essentially correct (1984:1-19). Nicolet argues that it is the perspective from which Polybius analysed the Roman constitution which is instructive (1980:207-217). Polybius' description of the mixed constitution, he explains, is not based solely on juridical, economic, social or political considerations, but is more pragmatic (*sic*), concentrating not on what the political bodies were legally entitled to do, but what they actually did (*ibid*:209).

3.6.7 The controversy surrounding Polybius' description of the Roman constitution is to be expected. His discussion is not out of character with other aspects of his discussion in book VI. Polybius' political theory and discussions consistently lack detail and insight. They are consistently simplistic, consisting mainly of commonplace ideas. The same can be said about his analysis of the Roman constitution. Polybius defines the mixed constitution as a form of constitution which consists of a supreme official representative of kingship, a council or senate representative of aristocracy, and an assembly representative of democracy. In addition he also postulates that there are forces of balance and counterbalance between these three elements. In his discussion on the Roman mixed constitution then, Polybius identifies the royal, aristocratic and democratic elements, and illustrates how they were each simultaneously predominant and dependant upon one another. That is the extent and scope of Polybius' discussion. Other factors such as the predominance of senatorial families in politics, and what the juridical, legislative and political authority of the consuls, senate and assembly actually were, does not concern him. Polybius is more concerned with characterising the Roman constitution as mixed, and thereby supplying a reason for Roman stability, than with making a thorough analysis of the Roman constitution.

### 3.7 THE DEVELOPMENT OF THE ROMAN CONSTITUTION

3.7.1 The Roman constitution, like all other forms of constitution, displayed the stages of genesis, growth, acme and decline. Technically the genesis of the Roman mixed constitution can be dated to 509 BC.<sup>132</sup> By this year the consuls and senate, two of the three elements required for a mixed constitution, were already in place. The third element, the People, is added in 494 BC with the first secession of the plebeians. The Roman constitution was, however, still very much an aristocracy

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132 - For the complete discussion, cf. 2.6.26 - 2.6.31

controlled by the senate during this period. This only changed in 449 BC, from when the growth of the Roman mixed constitution can be dated.

3.7.2 The Roman mixed constitution then developed and grew through the next three centuries until it reached its climax in the Hannibalic war (218-202 BC). The period of the Hannibalic war is a pivotal period in Polybius' History. Polybius begins his History in the 140th Olympiad (220-216 BC),<sup>133</sup> the Olympiad in which the Hannibalic war started. Polybius also dates the 53 years which it took Rome to achieve world domination from this same Olympiad. Roman victory in the Hannibalic war was a great feat which was made all the more impressive by their defeat at Cannae in 216 BC. It was particularly their recovery from this defeat which convinced Polybius that Rome was on its crest. In III 118.8-9 Polybius comments that it was partly on account of the particular features of their constitution that the Romans not only recovered from their defeat and were subsequently victorious over the Carthaginians, but also managed to attain world sovereignty a few decades later. It is, furthermore; not insignificant that Polybius interrupts his narrative at this particular point in his narrative to discuss the Roman constitution.<sup>134</sup>

3.7.3 Despite the structure of the Roman mixed constitution, it was not insusceptible to decay. The mention by Polybius of the decline of the Roman mixed constitution (9.12) has been the source of numerous debate. It was assumed by scholars that since the mixed constitution had been developed to combat the precariousness of simple constitutions (VI 10.6), it was, by implication, itself incorruptible.<sup>135</sup> There was therefore thought to be a basic contradiction between those passages which extolled the virtues of the mixed constitution and those which narrated the vulnerability of the mixed constitution. It was further postulated that this contradiction was due to a revision of book VI, a revision which had been necessitated by a change in Polybius' opinion with regard to the stability of the Roman mixed constitution. Several dissections of book VI were then made in an attempt to separate and identify these various layers of revision. Theiler (1953:296-302) recognised 3 layers of revision. Walbank (1943:73-89) identified 2 strands.<sup>136</sup> Cole (1964:440-486) identified two distinct sources, rather than two periods of

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133 - I 3.1; III 1.11

134 - III 118.11; VI 11.1-2

135 -Cf. von Fritz (1954:83-91)

136 - This article also contains a summary of the history of the scholarship concerning this question.

revision, in an attempt to find a mean between the Unitarian and the separatist positions. It was not only the explicit references to the decay of the mixed constitution, but also implicit references to decay, even to that of simple constitutions, which were relegated to the arena of later revisions. This exercise was virtually brought to an end by the article of Brink and Walbank (1954:108-115) which demonstrated that any attempt to subdivide book VI would result in a destruction of the internal coherence of the book. Their conclusion (1954:97) was still, however, that book VI was a muddled whole (*sic*), that it was "in many respects a failure, albeit an impressive failure".

3.7.4 Yet, despite the article of Brink and Walbank, the original question still remains, whether the formation of the mixed constitution to combat the defects inherent in simple forms of constitution necessarily precluded decay from occurring in the mixed constitution. That it does not, can be determined from the relationship within which the mixed constitution stands to the anacyclosis. From passages such as 9.12 and 4.13,<sup>137</sup> it is clear that Polybius perceived the Roman mixed constitution to form part of the anacyclosis.<sup>138</sup> The Roman mixed constitution is as much a part of the anacyclosis of constitutions as, say, aristocracy, and just as the development of aristocracy could be determined with the aid of the anacyclosis, in the same way Polybius perceived that the anacyclosis could be used to trace the development of the Roman mixed constitution. Proof that this is exactly what he did, is provided by a comparison with Cicero's *de re publica*.<sup>139</sup> Viewed from this perspective the anacyclosis of constitutions, as exemplified by Roman constitutional history, is a variation on the anacyclosis as it normally operated. The mixed constitution was then no different a form of constitution than kingship or democracy, and the biological paradigm of growth, acme and especially decline<sup>140</sup> was just as applicable to it as to the simple forms of constitution.

3.7.5 Theoretically then, decay was never excluded from the mixed constitution. Simple and mixed forms of constitution only differed in how long they were able to stave off the advent of decay. Simple forms of constitution declined rather quickly

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137 - Cf. also 57.3-4

138 - The term "Roman mixed constitution" is not actually used in these passages. This is, however, to what ἡ τῶν Ῥωμαίων πολιτεία refers - cf. 2.4.6 - 2.4.10

139 - Cf. 2.6.19 - 2.6.24

140 - Cf. 4.11-12 and 9.10-11

(cf. 10.2 - *ταχέως*),<sup>141</sup> while Sparta, a city which had preserved liberty for the longest known period in history (10.11), had possessed a mixed constitution.

3.7.6 Although there was always an implicit acknowledgement of the vulnerability of the mixed constitution to decay, a further problem is whether the explicit references to the decline of the Roman mixed constitution formed part of the original draft of book VI. There are particularly two passages which refer to the decline of the Roman mixed constitution: 9.12-13 and 57.3-9. The first passage is not problematic, but the second is, because there is no indication whether Polybius is talking about a mixed constitution in general, specifically about the Roman mixed constitution, or about a mixed constitution at all. Polybius merely uses the term *politeia*.<sup>142</sup> It is fairly certain, however, that it is the Roman mixed constitution to which Polybius is referring. This can be deduced from the statement in 57.3-4, that the decline of this constitution can be determined with the aid of the anacyclosis of constitutions. The anacyclosis was specifically described to provide a comparison with, and to facilitate the discussion on, Roman constitutional history. That the reference is to the Roman mixed constitution can also be deduced from 57.10. In this passage Polybius is summing up his discussion on the Roman constitution. In this passage too, Polybius only uses the term *politeia*, without the ethnic adjective *Ῥωμαίων*, but since this passage sums up the discussion in book VI, there can be no doubt that it is the Roman constitution to which Polybius is referring. It can therefore be inferred that in the passage immediately preceding this, the reference is also to the Roman constitution. 57.3-9 is then a description of the decline of the Roman mixed constitution.

3.7.7 Evidence suggests that the explicit references to the decline of the Roman constitution did not form part of the original draft of book VI. Polybius placed the acme of the Roman mixed constitution during the Hannibalic war (218-202 BC)<sup>143</sup> and the attainment of world domination in 168 BC. Polybius was very impressed with what Rome had managed to achieve, and it is unlikely that he would have admitted to indications of decay, or would have made predictions regarding the corruption of the Roman mixed constitution, before Rome's greatest achievement had been completed. The recognition of decline, or even the forecast thereof, before

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141 - A good simple form of constitution would probably only last a few generations - cf. 7.6-7; 8.4-5; 9.4-5.

142 - 57.3, 5, 9

143 - VI 11.1

Rome had even reached its zenith, would have made nonsense of the biological paradigm. What indications of, or propensities for, decay there were, Polybius either ignores or explains away. The appropriation of spoils from the city of Syracuse in 211 BC (IX 10.1-13) offers a good example. Polybius disapproved of this move since he was concerned about the effects an influx of wealth into the city would have on Roman standards (10.11). He identified a propensity for corruption here. He rationalised, however, that the appropriation was necessary since the Roman ideal of world domination would have been impossible without sufficient funds (10.11).

3.7.8 The incidence of bribery at Rome offers another example. Bribery was rife at Rome in the first half of the second century BC, and there were two laws passed in 181 and 159 to discourage this practice. Polybius had to be aware of these events, though there is no mention of these laws in his History. In VI 56.1-5, where Roman society is said to be better than that of Carthage, and the difference in the incidence of bribery in the two cities is cited as evidence of this, the occurrence of bribery at Rome is played down. It is noted that the penalty for bribery at Rome was death (56.4), which indicates the Romans' abhorrence of this crime, yet, on the other hand, the penalty is cited without mention of the prevalence of bribery which had necessitated the implementation of that penalty in the first place.

3.7.9 Furthermore, those passages which refer to the decline of the Roman mixed constitution (9.12-14; 57.1-9) display the characteristics of additions. In 9.12 τῆς εἰς τοῦμπάλιν μεταβολῆς is not simply added to the list of genesis, growth and acme with a copulative, but is appended to it by an adverbial phrase introduced by ὁμοίως. The reference to the decline of the Roman constitution is then immediately justified (9.13), which increases the likelihood of it being an affixation. There is also a high degree of similarity between 4.11-13 and 9.10-12, and the reference to decay in the Roman mixed constitution in 9.12-13 is virtually the only difference between the two passages.

3.7.10 57.1-9 again, appears to be an affixation on account of the concepts which are expressed there, concepts which are different from those expressed in the anacyclosis. In 57.3-4 Polybius says that it is possible to determine the decline of the Roman mixed constitution with a knowledge of the anacyclosis of constitutions. Superficially the decline of the Roman mixed constitution (57.5-9) resembles that of democracy (9.6-9). The common elements are an infatuation with holding office,<sup>144</sup>

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<sup>144</sup> - φιλαρχία - 9.6; 57.6-7

the exploitation of the People to ensure election (9.6; 57.7), and the designation of the People as the authors of the constitution's demise (9.8-9; 57.7-8). There are also a certain number of differences between these two passages. Firstly, decay in the mixed constitution stems from the extravagance which follows upon prosperity, and the attainment of an uncontested dominion (57.5). With democracy, the principal agent of decay is the progression of time. The greater the period of time from the establishment of the constitution, the more complacent people become about political equality and freedom of expression, and, consequently, the greater the propensity for decay (9.5). Secondly, in a declining mixed constitution, it is flattery and a sense of being exploited which goads the People (57.7). They react by deliberating matters in the Assembly with anger and passion, and by refusing to share authority with anyone else (57.8). In a declining democracy, the people are corrupted by gifts and bribes (9.6-7). A consequence of this is the election of a demagogue (9.8). Thirdly, the corruption of the mixed constitution into a form of constitution called a democracy, but with the nature of an ochlocracy (57.9), is unparalleled in the anacyclosis, where democracy is a good form of constitution and ochlocracy the degenerate form thereof.<sup>145</sup> The superficial similarity and essential differentness between 9.6-9 and 57.5-9 are important in that they point to a slight unfamiliarity with the text, an unfamiliarity which was most probably caused by a lapse of time between when the former and latter passages were composed.

3.7.11 In addition to this, there was also a debate in Rome about whether the city of Carthage ought to be destroyed or not, because of the political consequences it would hold for Rome. Nasica opposed the move on the grounds that it would signal the removal of the last city which could threaten Rome's authority.<sup>146</sup> He feared that without this continual threat, Rome would no longer have any leverage with which to bridle the passions of the demos. Walbank (1943:87) concurs with Gelzer that Polybius, in his description of the Roman mixed constitution's decline, especially the fact that decay would begin once Rome's dominion was absolute, aligned himself with what Nasica had said. In a subsequent article, written in conjunction with CO. Brink (1954:103-5), Walbank rejects what he had written in the 1943 article. Brink and Walbank now argue that VI 18.2-3, where the Roman mixed constitution's defence against an external threat is summarised, is a rebuttal of Nasica's argument that an external threat was needed to maintain the stability of the mixed constitution. VI 18.2-3 is indeed a rebuttal of Nasica's arguments, but it

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145 - 4.6, 9-10; 9.7; 10.5

146 - Plutarch Cato XXVII 1-3

cannot be deduced from this that in 57.3-9 Polybius' view have remained unchanged. Firstly, the decline of the Roman mixed constitution is not described in terms of how it was structured. It is not narrated why the system of checks built into the constitution failed to curb men's desire for power, or the growth in the People's authority. Secondly, Polybius' remark that the Roman mixed constitution would decline once its dominion was absolute, is indeed synonymous with Nasic's argument that the removal of all external threats would put the Roman constitution at risk. On the one hand, this means that Brink and Walbank's arguments are defective, but more importantly, there has been a shift in Polybius' reasoning. At first Polybius believes that the internal structure of the Roman mixed constitution is secure enough to endure possible corruption resulting from periods of peace and prosperity. Later he believes that an external force is necessary for the constitution to stand. This shift in reasoning is a sure sign that 57.3-9 and 18.2-3 do not form part of the same composition.

3.7.12 It would then appear that 9.12-14<sup>147</sup> and 57.1-9 are passages which were inserted into the text after book VI had already been published, or at least completely composed. The original draft was probably only filled with praise for the stability of the mixed constitution and for the magnitude of Rome's achievements. It is also significant that these two passages can be removed without compromising the contextual coherence of book VI.

3.7.13 It remains to be examined when it was, and under what circumstances, Polybius felt compelled to make specific references about the vulnerability of the Roman mixed constitution. Several proposals have been made. Unger and Meyer have suggested<sup>148</sup> that it was subsequent to the land reforms of Tiberius Gracchus in 133 BC. It is improbable, however, that this is the crucial date, since there is no correlation between the factors which led to Tiberius' reforms and the manner in which Polybius predicted that a mixed constitution would decline. Tiberius' reforms were mainly of an economic nature. The main problems were the creation of *latifundia* by the wealthy, the declining number of small farmers,<sup>149</sup> and the

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147 - ὁμοίως δὲ καὶ ... διὰ τῶν μετὰ ταῦτα ῥηθησομένων

148 - Meyer (1924:374)

149 - Many small farmers abandoned their land either because it had been neglected while they were on military duty, or because there was a declining market for their corn crops. The decreasing number of small farmers was a further cause for concern, since there was now a decreasing number of men eligible for military conscription - Cf. Scullard (1982:18-21).

increasing number of landless and unemployed people migrating to the city. This scenario bears no resemblance to Polybius' depiction of the decline of the mixed constitution, where extravagance, covetousness, ambition and an impassioned Assembly are the determining factors. The difference between how Polybius predicted that the Roman mixed constitution would decline and the events which resulted in Tiberius Gracchus' land-bill in 133 BC means that it is unlikely that it was the events of 133 BC which induced Polybius to consider how a mixed constitution would decline.

3.7.14 Another possibility is that it was Panaetius who convinced Polybius of the worse condition of the Roman constitution. Brink and Walbank reject this on the grounds that it is not certain whether Panaetius and Polybius were actually in Rome at the same time, and because they feel that it is unlikely that the older Polybius would have been influenced by the younger Panaetius (1954:103). With regard to the first objection, there is no evidence that Polybius and Panaetius did not indeed meet each other in Rome,<sup>150</sup> and the second objection is entirely subjective. It is quite possible that the disparity in their ages would have made no difference, especially considering how favourably Polybius was disposed to the much younger Scipio Aemilianus.<sup>151</sup> There is also no reason why Panaetius, and not any other person who had read a copy of book VI, could have been the person to influence Polybius.

3.7.15 The third suggestion is that it was the events of 150-146 BC, with 146 being the decisive date, which convinced Polybius of the vulnerability of the Roman constitution.<sup>152</sup> The significance of 146 BC lies therein that this is the year in which Carthage and Corinth were destroyed. This means that by 146 BC all of the cities which could challenge Rome's authority, had now either been subjugated or razed. Walbank (1943:86-7) argues that Rome had now completed the prerequisites for decline to occur in a mixed constitution, which was that the city's authority had to be absolute (VI 57.5). The problem is that Polybius already considered Rome's dominion to have been absolute in 168 BC (III 4.2-3).

3.7.16 In a subsequent article written in conjunction with CO Brink (1954:103-107), Walbank rejects the theory which he had propounded in his 1943 article. In rebuttal

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150 - Cf. Gärtner (1981:97)

151 - Cf. Polyb. XXXI 23-24

152 - Cf. Walbank (1943:86-88)

of the views set out there, Brink and Walbank argue that it could not have been the events of 150-146 which convinced Polybius of the vulnerability of the Roman constitution, since he had already noted indications of decay earlier in the century. They adduce as evidence passages such as I 13.12-13, where Rome and Carthage are said to be as yet uncorrupted in principle; I 64.1 ff., where Polybius promises to explain why Rome was no longer able to man and launch fleets as large as during the Hannibalic war; and XVIII 35.1 ff., where Romans, contrary to earlier times, are now said to accept bribes. Each of these passages can be discounted as evidence that Polybius noticed indications of decay before 150 BC. In I 13.12-13, the reference to decay is not explicit. Implicit references to the decay of the Roman constitution are ubiquitous, but it is only the explicit references which can be cited as evidence of Polybius' conscious awareness of the Roman constitution's vulnerability. With regard to I 64.1 ff., there is no indication in this passage that it was the corrupt state of the Roman mixed constitution which was going to be cited as the cause of Rome's inability to man and launch as many ships as before. Finally, in XVIII 35.1 ff. the emphasis is not on bribery, even though this passage is an elaboration on the preceding passage which is about bribery, but the emphasis is on the virtues of not coveting wealth and not plundering another city's resources. Despite this, XVIII 35.1 ff. is still invalid as an indication of corruption in Rome, since Polybius considers these transgressions to be isolated and not a general trend amongst Romans.

3.7.17 In order to determine when Polybius contemplated the corruption of the Roman constitution, it is necessary to understand how Polybius perceived that a mixed constitution would decline. There are three stages which follow upon, and are closely linked to, one another. The first stage stipulates the conditions which are favourable for decay. There are two provisions, the first that the city must have endured several crises successfully, and the second that the city must have risen to prominence and have acquired an uncontested empire (57.5). The second stage requires that for a while after these conditions have been met, the city enjoys a period of prosperity (57.5). This is when decay sets in. It is characterised by extravagance in the citizens' way of living and a greater than necessary contention for holding office (57.5). A further aspect of the citizens' lives is boastfulness (57.6). The third stage identifies the People as the authors of the constitution's demise (57.7). The People's behaviour is a reaction to the ambitiousness and extravagance of the public officials (57.7). They either feel that they are being done wrong by avaricious people, or that they are being flattered by people who have a craving for power. As a result of this, assemblies are characterised by anger and passion, and

the People do not want to share power with anyone else,<sup>153</sup> but want to wield absolute authority (57.8). Once this happens, the constitution changes into a democracy/ochlocracy (VI 57.9).

3.7.18 This description of the Roman mixed constitution's decline is important since it might provide a clue as to when Polybius noticed chinks in the Roman constitution. The description is, however, in general and formulaic terms. Ambitiousness, avarice and extravagance are commonly cited as the ailments of a degenerating constitution.<sup>154</sup> Yet, despite the general nature of the discussion, there is at least one part of this discussion which reflects what actually happened in Rome. By 168 BC the Romans had achieved world domination and had completed the prerequisites for decay to take place. Shortly hereafter, Polybius noted what effects prosperity, which accompanied uncontested sovereignty, was having on the Romans. How world domination affected Roman citizens, and in particular the Roman youth, is described in XXXI 25.3-7. It is characterised by licentiousness and extravagance. Men formed sexual liaisons with boys and prostitutes, and they abandoned themselves to excess in entertainment and drinking (25.4). Paying a talent for a male prostitute and 300 drachmae for a jar of preserved fish from the Pontus (25.5), was not unusual. Polybius offers a reason for this trend in Roman behaviour. The reason was the subjugation of Macedonia (25.6). This had two effects. On the one hand, the Romans now considered that their universal supremacy was absolute, and on the other hand, the influx of wealth from the defeated Macedonia to the victorious Rome resulted in a great private and public display of wealth (25.6-7). This passage (25.3-7) then complements the predictions made in VI 57.5 about extravagance following upon the establishment of an absolute dominion.

3.7.19 The main criticism of this passage is that the decline in moral standards occurs too shortly after 168 BC, when the *δυναστείαν ἀδηρίτων* was achieved.<sup>155</sup> In 57.5 a reasonable length of time is assumed between when absolute superiority is attained and the advent of extravagance.<sup>156</sup> The advent of extravagance shortly

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<sup>153</sup> - Astin (1989:165) used this passage (*οὐκέτι θελήσει πειθαρχεῖν οὐδ' ἴσον ἔχειν τοῖς προεστῶσιν* - 57.8) to show that Polybius considered the senate to be of central importance in the Roman constitution. *Τοῖς προεστῶσιν*, of course, refers to the other two elements of the mixed constitution and not to the senate itself.

<sup>154</sup> - VI 7.7; 8.5; 9.6. Cf. also III 8.1

<sup>155</sup> - Brink and Walbank (1954:104-5)

<sup>156</sup> - ἐπὶ πολὺ - 57.5; ἐπὶ πλέον - 57.6

after 168 BC is probably due to the confusion between the concepts of "absolute dominion" and "the acme of a constitution". With the mixed constitution, decay sets in after the attainment of superiority, rather than following its acme, as the biological paradigm prescribed. With Rome, the acme of the constitution and the attainment of superiority do not coincide. The former is achieved during the Hannibalic war (218-202 BC) and the latter in 168 BC. If it is assumed that prosperity and extravagance ought to be dated from when Rome attained its acme, then the corruption of moral standards prevalent after 168 BC is not out of schedule.

3.7.20 Whether other parts of Polybius' description of the mixed constitution's demise are also evident in Roman society following 168 BC, is dubious. There is a certain amount of evidence to complement Polybius' predictions about love of office and contention for magistracies. Gelzer (1969) adduced the theory that the senatorial families had considerable political influence, and that belonging to the senate afforded prestige to the member's family and a high social status to the member himself. Astin (1989:171-4) expanded on this by saying that the competition between the aristocratic families for prestige and honour was a principal source of political strife. He sees evidence of this competitiveness in elaborate triumphs, funeral rituals, dedicatory temples, games and prosecutions (174-80). Astin (188-194) also discerned two trends in Roman politics following 168 BC. The one was a greater appeal to the demos to ensure election, and the other a greater tendency to circumvent, or completely ignore, the rules with regard to election. This appears to mirror Polybius' predictions concerning the mixed constitution's decline. It is noticeable, however, that the examples Astin cites for the breaching of the rules of election, are mostly due to military expediency, and not an infatuation with holding office, as Polybius has it.

3.7.21 So far I have shown that the references to the decline of the Roman mixed constitution are additions. It remains to be examined when Polybius actually made the additions.

3.7.22 Although it is not certain, it has been postulated<sup>157</sup> that Polybius had composed at least 15 books by 146 BC, and that by 150 BC he had published the first five books, and possibly also the sixth. It is also known that following 146 BC Polybius extended the scope of his History. Those passages in book III (4.1-5.6)

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157 - Brink and Walbank (1954:98-102)

which give notice of the extension, were added after book III had already been published. The reason for the extension was to evaluate Roman authority, to determine whether it was worthy of approbation or not (III 4.1, 7). This was to be done in two ways: Polybius would examine how Roman policies had changed now that they had become world leaders, and he would also narrate how the subjugated nations felt about the city which lorded over them (III 4.6). It is not obvious from this section (III 4.1-5.6) what conclusion Polybius came to, or expected his readers to come to, but this passage marks a change in his attitude from that expressed at the beginning of his History, where Roman world domination, without reservation, is lauded as the greatest and most wonderful spectacle the world had ever seen.<sup>158</sup> Here provision is made for the possibility that the Roman method of rule might have changed for the worse following their attainment of world domination. This is indeed what the Romans were accused of by some Greeks following the destruction of Carthage (XXXVI 9.5-8). Their argument was that while the Romans had won their dominion legitimately, once this had been achieved, they changed their policy and became imperialistic like Athens and Sparta had done before. It is unlikely that Polybius actually accepted this argument. Gelzer (1963:64 ff.) associated a passage in Diodorus (XXXII 2 and 4) with Polybius, and used this passage to prove that Polybius had probably approved of, or at least did not bemoan, the destruction of Carthage. It is clear, however, that following 146 BC Polybius re-examined Roman superiority, and had occasion to consider the mortality of the Roman constitution. It is then possible that when Polybius extended the scope of his History, he also made certain additions regarding the decline of the Roman constitution in book VI.

### 3.8 CONCLUSION

3.8.1 It is especially Polybius' discussion on the Spartan and Carthaginian mixed constitutions which is curt, simple, and characterless. Polybius does not analyse the idiosyncracies of these constitutions, but merely mentions that these cities had possessed a mixed constitution, and then only in the case with Sparta does he mention the constituent parts of the mixed constitution. Polybius' discussion on the Roman mixed constitution is more elaborate, but no less simple. The discussion is predetermined by the definition of the mixed constitution, that it consists of royal, aristocratic and democratic elements, and that there are forces of balance and counterbalance between them. Polybius' discussion on the Roman mixed constitution therefore consists of the identification of the constituent elements of

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158 - I 1.4-6; 2.1, 7-8

the mixed constitution in the Roman constitution, and the enumeration of the duties they performed and the powers which they possessed to curb predominance by any one element. That is the extent of Polybius' discussion on the mixed constitution.

## 4. THE ANACYCLOSIS OF CONSTITUTIONS OUTSIDE BOOK VI

4.1 Within book VI of Polybius' History it is mainly the Roman constitution to which the anacyclosis of constitutions is applied.<sup>1</sup> The anacyclosis is representative of the path which Roman constitutional history followed *en route* to the development of the mixed constitution. Although Lycurgus is also said to have had a knowledge of the behaviour of simple forms of constitutions (10.2), and to have established the Spartan mixed constitution using this information (10.6), the Spartan constitution's development is not actually said to have followed the anacyclosis of constitutions. The anacyclosis was useful to Lycurgus only in as far as it was indicative of the deficiency in simple forms of constitution, which Lycurgus then rectified when he established the Spartan constitution.

4.2 The other city mentioned in book VI which also possessed a mixed constitution, is Carthage. The Carthaginian mixed constitution is said to have been fine (51.1) and similar in form to that of Rome and Sparta (51.2), but its development is not in any way associated with the anacyclosis. Carthaginian constitutional history is not said to have followed the path of the anacyclosis of constitutions, nor is the Carthaginian mixed constitution said to have been formulated by a prominent statesman who had a knowledge of the anacyclosis. Polybius does, however, use the biological paradigm to explain Carthage's defeat by Rome in the Hannibalic war (51.3-7). Since Roman constitutional history followed the anacyclosis of constitutions, since the Roman constitution was at its peak during the Hannibalic war, and since the Roman constitution's decline was associated with an increase in the power of the People (57.7), by comparing the condition of the Carthaginian constitution with that of the Roman constitution at the time of the Hannibalic war, and by discerning the worse condition of the Carthaginian constitution in the dominance of the People in deliberations, it can be deduced that the anacyclosis of constitutions is also applied to the Punic constitution. This application is, however, indirect and mainly accidental, since it comes about as a result of Polybius' attempt to explain, rather simplistically, the outcome of the Hannibalic war in terms of the biological paradigm.

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1 - 4.13; 9.12

4.3 The lack of cities whose constitutional histories had followed the anacyclosis of constitutions is problematic, especially when the manner in which the anacyclosis is expounded, is considered. In 9.10 it is described as a dispensation of nature,<sup>2</sup> indicating that the anacyclosis of constitutions is representative of the proper way for the transition of constitutions to be arranged. There are also other elements of the anacyclosis which are characterised as natural. These include the sequence of constitutions<sup>3</sup> and the biological paradigm.<sup>4</sup> Natural occurrences connote regular, invariable and inevitable behaviour. It is specifically because the anacyclosis exemplified natural behaviour that it was useful for prognostication.<sup>5</sup> The characterisation of the anacyclosis as natural therefore means that it had to occur far more frequently in history than the solitary example of Rome which Polybius cites.

4.4 The anacyclosis of constitutions is also ignored outside book VI. Outside book VI the development of constitutions and their transition from one form to another are not predetermined by, nor contrasted with, the anacyclosis of constitutions. On the one hand this at least means that Polybius' description and analysis of constitutions are not entirely schematic. On the other hand, however, it is an indictment of the position and function of the anacyclosis of constitutions in Polybius' History. Since it is only Roman constitutional history which is said to have followed the anacyclosis of constitutions, it can be deduced that the anacyclosis of constitutions is a political theory whose inclusion, purpose and functions are, to a large extent, predetermined and validated by Roman constitutional history.

4.5 It is therefore necessary to attempt to determine how Polybius came to apply the anacyclosis to Roman constitutional history, or, phrased differently, what the aspects of Polybius' analysis of the Roman phenomenon of world domination were which evoked an association with the anacyclosis of constitutions. Since book VI presents a logical exposition of the anacyclosis and the relationship between it and the Roman constitution, and since thought processes are hardly ever linear or

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2 - φύσεως οἰκονομία - 9.10

3 - 4.7, 9; 5.1; 9.10; 10.2

4 - 4.11, 13; 9.13; 10.4; 51.4; 57.1. For the other elements of the anacyclosis which are characterised as natural, cf. 2.5.3

5 - 4.12; 9.11

sequential, any attempt to determine how Polybius came to associate the Roman constitution with the anacyclosis can only amount to an approximation.

4.6 Aetiology is an important aspect of Polybius' History. He not only narrated Rome's ascent to a world power, but he also set out to determine the causes of Roman world domination. He had three options: caprice, natural laws, human endeavour. Roman world domination was therefore either due to *tyche*, the Roman constitution, or a prominent Roman statesman. Polybius is adamant that Roman success was not due to *tyche* (I 63.9), partly because he identified a train of events leading to Roman world domination (III 32.7), and partly because *tyche* denies that a rational explanation is possible. Roman success could not be attributed to a leading statesman either, since there was no one such prominent person in Roman history who could be said to have shaped Roman events. The Roman constitution was thus identified as the cause.

4.7 Once the Roman constitution had been singled out as the cause of Rome's success, it had to be analysed and classified. There are at least two possible ways how Polybius came to categorise the Roman constitution as mixed. The first is that since Polybius considered Roman achievements to have been without equal, the constitution which he was going to cite as the cause of these achievements also had to be without equal. The mixed constitution was generally cited as the best form of constitution. The second possible reason is that when Polybius attempted to classify the Roman constitution, he probably found that several classifications were possible. This is indeed the way in which he describes the Roman constitution, that it can be mistaken for a kingship, aristocracy or democracy depending on the perspective from which the constitution is being observed (11.11-12). This is also a characteristic of the mixed constitution, that it can conform to more than one classification.

4.8 In order to explain the concept of the mixed constitution, and especially what properties the mixed constitution had which were of benefit to the Romans, Polybius contrasts the mixed constitution with simple forms of constitution. This was common practice.<sup>6</sup> It is then probably at this point that Polybius realised the relevance of the six part classification of constitutions for his discussion. With it he could illustrate the deficiency in simple forms of constitutions, and also the superiority and structure of the mixed constitution. The categorisation of simple constitutions into six forms, consisting of three types each subdivided into a good

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6 - Cf. 3.2.6 - 3.2.9

and corrupt form, predates Polybius. Plato<sup>7</sup> lists the three good and corrupt forms of constitution, without specifying, as Polybius does, that each good form of constitution will be perverted into its corrupt form. Aristotle<sup>8</sup> does make that specification, but he does not link all six constitutions into any set sequence. He merely illustrates that good forms of constitution are generally followed upon by their corrupt forms.

4.9 In this way then, by contrasting the mixed constitution with simple forms of constitution, and especially by illustrating the deficiency in simple constitutions, Polybius could illustrate the principle, structure and excellence of the mixed constitution. The anacyclosis is, however, more than just a collection of simple constitutions. The anacyclosis represents the cyclical path which, philosophers theorised, the three good simple forms of constitution and their respective corrupt congenital forms followed upon one another. This cyclical path is just as important to Polybius' discussion on the Roman mixed constitution as the character and deficiencies of simple constitutions.

4.10 The cyclical path in which simple constitutions were theorised to follow upon one another is important to Polybius' discussion on the Roman mixed constitution since Polybius discerned a similarity between this path and Roman constitutional history. This similarity allowed Polybius to formulate the idea that the anacyclosis, with certain variations, is exemplified in Roman constitutional history. On the one hand this facilitated Polybius' discussion on Roman constitutional history. Polybius now had a system with which to trace the development of Roman constitutional history and predict the decline of the Roman mixed constitution. On the other hand, the association between Roman constitutional history and the anacyclosis of constitutions also allowed Polybius to characterise the Roman mixed constitution's development as natural. Being characterised as natural implied that the Roman mixed constitution, and by extension Roman world domination, was an invariable and commendable phenomenon. Polybius was a didactic historian, and the anacyclosis of constitutions offered a useful opportunity to illustrate the benefit of systems, and lend credibility to his discussion on the Roman constitution. This is then probably how Polybius came to associate the anacyclosis with his discussion on the Roman constitution.

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7 - **Polit.** 291D-292A and 302C. Cf. also **Epistle VII** 326D

8 - **Aristotle Nic. Eth.** VIII x.1-3

4.11 Even though the anacyclosis of constitutions is not referred to, or used, outside book VI, the moral message implicit in the anacyclosis, the characters of some of the simple constitutions, and also certain of their transitions, is not out of line with Polybius' description of societies and constitutions in the rest of the History.

4.12 In the anacyclosis, corruption is often associated with love of money (8.5), love of office,<sup>9</sup> covetousness (8.5), luxury (8.5) and extravagance (7.7). By associating excess with corruption, Polybius is advocating moderation. Excess is ruinous, moderation preserves. This truism is also reflected in the rest of his History. In XXIX 8.10 avarice is cited as the cause of all evil,<sup>10</sup> and in XXXII 11.1 Orophernes, the king of Cappadocia, is said to have lost his kingdom and to have died on account of his love for money. In III 8.1 again, Hasdrubal's covetousness and love of office is cited as a contributory factor to the cause of a war, and in VII 1.1-2 luxury and extravagance are cited as burdens for the people of Capua in Campania.

4.13 Luxury and extravagance did not, however, always corrupt. Hiero, the king of Syracuse, was not corrupted by the luxury with which he was surrounded (VII 8.7-8). Hiero was a king worthy of his title. He became king through his ability, not through any violent means, and he ruled for 54 years, keeping his country at peace (8.2-4). No plots were planned against him, and his position did not invite any envy (*φθόνος* - 8.4). The lack of envy is important, since *φθόνος* is listed as a cause of the subversion of both tyranny (7.8) and oligarchy (9.1) in the anacyclosis. Other worthy kings include Philopoemen,<sup>11</sup> Antiochus (XXVIII 18), Gelo, successor to Hiero (VII 8.9), and Eumenes (XXXII 8.1-7). These kings are characterised as industrious leaders who were more concerned with the interests of their subjects and country than with that of their own. This corresponds well with the description of kings in the anacyclosis (VI 7.4-5). An example of a king unworthy of his title is Euergetes Physcon, the king of Alexandria. He is said to have been troubled by the many conspiracies which were plotted against him (XXXIV 14.6-8). This is the mark of a corrupt king. In the anacyclosis the tyrant is overthrown as a result of a conspiracy plotted against him (VI 7.8-8.1).

4.14 In the anacyclosis a corrupt king distinguishes himself from his subjects in the luxury and variety of his dress and food (7.7). Oligarchy is associated with alcohol

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9 - 9.6; 57.5-6

10 - Cf. also XXIX 9.1-13

11 - X 22.4-5. Cf. also XI 10.2-6

and parties (8.5). In the rest of the History, however, it is not oligarchs but kings who are associated with abuse of alcohol and decadent conviviality. These kings include Genthius of Illyria (XXIX 13.1-2), Antiochus IV (XXX 26.5-9), and Demetrius, the king of Syria (XXXIII 19).

4.15 Tyrants again, are not associated with lawlessness or gluttony, but enforced rule. In IX 29.6, in a speech by Chloenas, tyranny is associated with enslavement. The Cyreneans were unwilling to submit to Ptolemy's rule because they considered it to resemble a tyranny (XXXI 18.14-15). Tyrants also had to make use of a mercenary force (XI 13.4-8), implying that a tyrant could not trust, and had to guard against, his own people. Enforced rule is not mentioned as a mark of tyranny in the anacyclosis, but it is cited as a distinction from kingship (VI 4.2).

4.16 There are hardly any descriptions of aristocracies or oligarchies outside book VI, but democracy is established at Messene after the subversion of what appears to be oligarchy, the expulsion of leading citizens (VII 10.1). The transition from oligarchy to democracy is mirrored in the anacyclosis.<sup>12</sup> The Tarentine democracy is said to have followed the general trend of democracies (VIII 24.1). The Tarentines became tired of the prevailing conditions and called in a master (*δεσπότης*), of whom they later also became tired. In the anacyclosis, the decline of democracy is associated with the establishment of a demagogue, but this does not happen because the people felt that they needed a change.<sup>13</sup>

4.17 In the anacyclosis, ochlocracy follows upon democracy<sup>14</sup> and is associated with commonplace crimes such as massacres, banishments and plundering (9.9). In XXXII 5.4-6.2, in what appears to be a description of ochlocracy, a similar list of impieties are attributed to Charops: public murders, assassinations, confiscation of property, proscriptions, extortion. The banishments and proscription were condoned by the People.

4.18 Ochlocracy in the anacyclosis is associated with a further degeneration in political and human affairs (9.9). This then effects the transition back to the start of the cycle. In this transition people are said to become like animals (*ἀποτεθρηλωμένον* - 9.9). This is indicative of lawless, irrational and unprincipled

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12 - 4.9; 9.1-3

13 - Cf. 9.8

14 - 4.10. Cf. also 9.8

behaviour. The Aetolians (XXX 11.1-6) and Epirots (XXX 12.1-3) are also described as behaving like animals, and in both instances this connotes lawlessness, confusion, disorder.<sup>15</sup>

4.19 The similarities between how Polybius describes constitutions within the anacyclosis and outside book VI, are not extensive. It can be deduced from this that the anacyclosis of constitutions was not devised by Polybius, and that the exposition thereof is based to a large extent on his source, whoever or whatever that may have been. The description of how constitutions behave in the anacyclosis is not based upon Polybius' own understanding and experience of the behaviour of constitutions. If it had been, there would have been many more explicit references to the anacyclosis outside book VI.

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15 - Isocrates (XXXII 3.7-9) is also said to have become like a beast, but this refers more to his dishevelled physical appearance and deranged state of mind, than his behaviour.

## 5. CONCLUSIONS

5.1 In this thesis I have concentrated to a large extent on the place, purpose and functions of the anacyclosis of constitutions in Polybius' History. To this end I have analysed the structure of the anacyclosis, the relationship between the anacyclosis and the mixed constitution, the concept of the mixed constitution, the association between the anacyclosis and the Roman constitution, and the use of the anacyclosis outside book VI.

5.2 I first of all identified the two elements of which the anacyclosis is composed: the sequence in which constitutions were seen to follow upon one another, and the biological paradigm of genesis, growth, acme and decline. Both are characterised as natural phenomena, which indicates that they are regular, invariable and predictable processes. The emphasis on natural development in the anacyclosis is an important aspect of Polybius' discussion. On the one hand it characterises the anacyclosis as a system which is ideal for determining the stage of a constitution's development, or that constitution's relative position in the sequence of constitutions. On the other hand it lends credibility, not only to the anacyclosis of constitutions, but also to Polybius' discussion on the Roman constitution, since the anacyclosis is expounded specifically to facilitate the discussion on the Roman mixed constitution.

5.3 The anacyclosis stands in two relations to the mixed constitution. In the first the anacyclosis of constitutions is representative of the character and nature of simple forms of constitution, which is then used to illustrate the structure, principle and excellence of the mixed constitution. Polybius explains the concept of the mixed constitution by contrasting it with simple forms of constitution. The mixed constitution developed as a correction of the defect in simple constitutions. The anacyclosis of constitutions illustrates the principle that any form of constitution where there is a concentration of authority is precarious. The mixed constitution countered this defect by sharing authority. In this way Polybius illustrates the superiority and excellence of the mixed constitution, the form of constitution which the Romans possessed, and the form of constitution which Polybius identified as a chief factor in the attainment of Roman world domination.

5.4 This is not, however, the only relation within which the Roman mixed constitution stands to the anacyclosis. Polybius also discerned a similarity between Roman constitutional history and the sequence in which simple forms of constitution followed upon one another in the anacyclosis. He consequently placed

the Roman constitution in the anacyclosis and presented Roman constitutional History as a variation of the anacyclosis as it normally operated. Having done this, Polybius then claims that the anacyclosis could be used to determine the development of the Roman constitution. The discussion where Polybius actually shows how he applied the anacyclosis to Roman constitutional history has not survived, but by comparing Cicero's *de re publica* with Polybius VI I have shown, not only that such a discussion did indeed exist, but also how Polybius may have perceived the stages of the anacyclosis developing in Roman constitutional history. Polybius not only utilised the anacyclosis to illustrate the excellence of the Roman mixed constitution, but it was also a useful system for his discussion on the Roman constitution.

5.5 While the first relationship between the anacyclosis and the mixed constitution is logical and without any contradictions, the second is problematic. The main problem is the inclusion of the Roman constitution into the anacyclosis. Polybius justifies this inclusion on the grounds of the commonness of the biological paradigm to both the Roman constitution and the simple forms of constitution within the anacyclosis. Yet, because the anacyclosis is illustrative of natural phenomena, it is exclusively illustrative of the development of simple forms of constitution. Since the Roman constitution is mixed, its inclusion represents a breach and violation of the anacyclosis of constitutions. Polybius' claim that the anacyclosis can be used to analyse the Roman constitution's development represents a contradiction in his theorising. The contradiction is that he uses an incompatible theory to facilitate his discussion on the Roman mixed constitution.

5.6 This is also the only contradiction regarding the relationship which Polybius posits between the anacyclosis and the Roman constitution. Scholars have also seen the assignation of the biological paradigm to the anacyclosis as a whole as a contradiction in Polybius' theorising, but this is incorrect. Their conclusions are based upon a misinterpretation of the text, a misinterpretation which is encouraged by the way in which Polybius describes the relationship between the anacyclosis and the Roman constitution. Polybius means to say that there is a similarity between the sequence of constitutions in the anacyclosis and Roman constitutional history, and that Roman constitutional history is therefore a variation on the anacyclosis as it normally operated, but he expresses this awkwardly. He places the emphasis on the biological paradigm, rather than the sequence of constitutions, he draws the connection between anacyclosis and the Roman constitution, rather than with Roman constitutional history, and he does not have a specific term for the mixed

constitution, which leads to the false assumption that ἡ τῶν Ῥωμαίων πολιτεία ought to be translated as "Roman constitutional history", rather than "the Roman mixed constitution".

5.7 The interpretation of ἡ τῶν Ῥωμαίων πολιτεία as "Roman constitutional History" leads to a further complication. Since the biological paradigm is applied to ἡ τῶν Ῥωμαίων πολιτεία only once, it was deduced that the Roman mixed constitution's genesis coincided with Romulus' reign as the first king of Rome and that it grew until 450 BC, from when it only underwent minor changes until it reached its peak of perfection during the Hannibalic war. This is incorrect. By showing that ἡ τῶν Ῥωμαίων πολιτεία has to be interpreted as the Roman mixed constitution, I have been able to give a new interpretation to its development. My study shows that the Roman mixed constitution's genesis began, technically, in 509 BC with the expulsion of Tarquinius Superbus from the city and the transfer of the government to two annual consuls and the senate. Two of the three prerequisite elements for a mixed constitution were now present, *videlicet* the royal and aristocratic elements. The third element, the democratic element, was added in 494 BC with the first secession of the plebeians. The growth of the Roman mixed constitution only started in 449 BC after the subversion of the oligarchic decemvirate. Its acme, the only stage of the Roman mixed constitution's development which is not a matter of dispute, was reached during the Hannibalic war.

5.8 The decline of the Roman constitution is a matter of dispute. The controversy surrounds whether the Roman constitution was declining during the third quarter of the second century BC, what form this decline took, whether Polybius noticed any indications of this decline, and if he did, whether his comments on it forms part of the original draft of book VI. My study shows that while Polybius does not consider the Roman constitution to be declining, he did identify propensities for decay. His predictions concerning the Roman constitution's decline is then partly based upon these propensities, and partly on general formulaic indications of decay. My study also shows that the explicit references to the Roman constitutions decline are later insertions, and to this extent I oppose the Unitarian position.

5.9 There is one particular aspect of the sixth book of Polybius' History which has become evident in this thesis. It is reflected in Polybius' discussion on the simple forms of constitution, on the anacyclosis of constitutions, both versions, on the Spartan, Carthaginian and Roman mixed constitutions, and on the relation between

the anacyclosis and Roman constitutional history. Simplesness and commonness. Polybius' discussions are consistently uncomplicated and they consistently consist of commonplace material which everyone knows about and agrees upon. While this may have made his work accessible and easy to read, it is also on account of the uncomplicated nature of Polybius' work that certain of his discussions are not very clear and that he has been accused of being inconsistent. This is unfortunate, because although Polybius is not as good a historian as Thucydides, or as intelligent a philosopher as Aristotle, his work, or at least book VI, is not teeming with inconsistencies and paradoxes, as certain modern scholars are wont to believe.

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