Plato to Polybius on Constitutional Change

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Abstract

Plato in the fourth century BCE penned an indelible sequence of constitutional decline ending in tyranny, as well as a more complex set of possibilities for mixing different constitutional kinds. Two centuries later, Polybius portrayed constitutional change as cyclical, with an eventual collapse of democracy into 'ochlocracy' (mob rule) and then reversion to monarchy. These and other ancient authors proposed that a mixed constitution might prevent unwanted political change – an idea that would influence many later generations of political thinkers.

Introduction

> *'…*[*W*]*ho is so indifferent or indolent as not to wish to know by what means and under what constitution [politeia] the Romans in less than fifty-three years succeeded in subjecting nearly the whole inhabited world to their sole rule—a thing unique in history?'*[1] (Polyb. *Hist.* 1.1.5, trans. modified by Lane)[2]

With this question, Polybius, an historian writing in Greek – his mother tongue – framed the extraordinary period of history as he was living through it (having decided later to take his *Histories* down to the explosion of the power of the Roman Republic across the Mediterranean and far beyond (albeit not quite to 'the whole inhabited world' of the time). Polybius (c.208-c.118 BCE) had witnessed the latter years of Rome's remarkable rise from a succession of ringside seats. As an ascending political leader in the Achaean League of Greek cities seeking to maintain some meaningful independence (the son of a man who had served them at the highest level), he was one of a thousand hostages taken by Rome – only to make a new life for himself there as tutor and friend of a boy who would grow up (as Publius Scipio Aemilianus) to command the Roman army that razed and burned Carthage – Rome's greatest enemy – with Polybius by his side. That was in 146 BCE, the same year in which Rome also destroyed Corinth, a leading Greek city, symbolizing the subjection of Greek independence across the board.

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[1] The 'fifty-three years' mentioned here were 220–167 BCE, though in books 1-2 he also refers to events as far back as 264 BCE in setting the scene; later in the *Histories* (in book 3), Polybius announced a revised plan to take the narrative down to 146/5 BCE, when Carthage (and also Corinth) were destroyed. Note that books 6-39 survive only in fragments.

[2] Polybius, *The Histories*, trans. W.R. Paton, 2nd edn, rev. F.W. Walbank and Christian Habicht (Cambridge, MA: Harvard University Press, Loeb Classical Library: for date of the respective volume, see References below); all translations of Polybius, as well as the Greek text, are taken from the relevant volume of this edition unless otherwise noted. In this case, I have substituted 'constitution' for 'system of polity' and 'rule' for 'government', consonant with translations that I have defended in other work.

In short, Polybius lived through (and later helped mediate the outcome of) the destruction of the cause for which he had spent his youth fighting.[3] And so in writing his *Histories*, what he wanted to help his readers to understand was just how the Romans developed the special type of 'mixed' constitution, including the distinctive customs and laws, that had enabled them to succeed in (near-) world conquest while maintaining a stable political constitution.

Why was a stable constitution so important? Because only this can ward off the danger of what the Greeks called *stasis*: factional division that risks imploding into full-scale civil war, which would tear the city apart and make the pursuit of any kind of meaningful life impossible. Plato dramatized constitutional stability in the *Republic* with an image of circularity: 'if one time the constitution is set in motion well, it will go on as if growing in a circle' (4.424a5–6, trans. Lane).[4] This is because the 'law' of such a city would be 'the ally of everyone' (9.591e1-2, trans. Grube/Reeve), not captured by any one particular faction against others. Such a constitution would reproduce itself reliably across time: keeping individual values and beliefs in sync with the values of the constitution: as opposed to corruption or decline that would at the limit result in a different, and worse, constitutional type altogether.

Polybius inherited this Platonic (and previous) discourse seeking constitutional stability. Yet he found it insufficient to serve in answering his own question about the spectacular growth of Roman power. To do so, he would add a second cross-cutting dimension assessing a different and less desirable kind of stability: the stagnation of state power, wealth and other conventional measures of political success, as opposed to its untrammelled growth. Constitutional stability versus decline, state power stagnating (or perhaps more positively consolidating) as opposed to growing: these would be for Polybius the further terms in which constitutional and political change must be assessed.[5]

With this double set of distinctions in hand, Polybius sketched out a whole panorama of constitutional development and decline, built around a comparison, and a contrast, between Rome and Sparta. Both cities, on his telling, had 'mixed constitutions' – and we shall be exploring exactly what that means. But the two constitutions diverged in their origins, and even more, in their suitability for enabling the growth of state power. Whereas the specifics of Sparta made it ill-suited to imperial expansion, the specifics of Rome enabled it to become an imperial power par excellence, even while it was still a republic.[6]

	Stagnation/decline of state power	*Growth of state power*
Stability of constitution	Sparta (for a long while)	Rome
Corruption of constitution	Sparta (in 4th century BCE)	Rome? (Polybius: prophesying the future fall of the republic)

This lecture therefore will move back and forth between Greece and Rome, just as Polybius himself did, and more specifically between on Sparta and Rome (though Athens will still pop up occasionally; a fuller account of all these debates would extend to the constitutions of other cities and polities, from Crete to Carthage). To begin, I'll introduce Greek constitutional thinking in a broader sense, moving on to its development by both Plato and Aristotle in assessing the 'mixed constitution' as an idea and as a way of talking about Sparta, before returning to a deeper consideration of Polybius on Sparta and Rome.

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[3] All this experience contributed to his eventual decision to write history, for as he would contend, 'It is neither possible for a man with no experience of warlike operations to write well about what happens in war, nor for one unversed in the practice and circumstances of politics to write well on that subject' (Polyb. *Hist.* 12.25g).

[4] Here and below, translations of the *Republic* follow those in Plato, *Republic*, trans. G.M.A. Grube, rev. C.D.C. Reeve (Indianapolis and Cambridge: Hackett, 1992), unless otherwise noted; Greek follows that of Platonis, *Respublica*, ed. S. R. Slings (Oxford: Clarendon Press, 2003).

[5] This distinction is neglected by Dan Edelstein, *The Revolution to Come: A History of an Idea from Thucydides to Lenin* (Princeton: Princeton University Press, 2025), 57-58, who emphasizes Polybius' aim of 'avoiding revolution' but does not add adding that in Polybius' view, the very lack of constitutional revolution (once the best constitutional balance had been achieved) actually fostered what might be thought of as a revolutionary, and certainly an unprecedented, explosion of Roman power and prosperity.

[6] It is conventional to use 'empire' and 'imperial' for the conquests made by the Roman Republic, while distinguishing these from the later period (from Augustus onward) of those we call 'emperors' and whose rule is categorized by historians as the periods of the Principate and Dominate.

Constitutional Theorizing in Classical Greece

Herodotus on the three simple kinds of constitutions – and sixfold variations

To start, we may ask: why think in terms of constitutions at all? Polybius would give an answer to this that builds on the whole previous Greek tradition:

> *'[T]he chief cause of success or the reverse in all matters is the form of a state's constitution; for springing from this, as from a fountain head, all designs and plans of action not only originate, but reach their consummation*'. (Polyb. *Hist.* 6.2.9)

It is because 'the form of a state's constitution' is 'the chief cause' of its political success, or failure, that my investigation of 'Political Crises', in this year's series of Gresham Lectures, must step back to consider the workings of constitutions and the causes of constitutional change (stability or decline). For we need to learn: are some constitutions more vulnerable to political crises than others, and conversely, is there a special kind of constitution that is more than any others built to last?

The terms of this debate in ancient Greece (and for many thinkers beyond) were set out by the historian Herodotus, who staged it as a political debate among aristocrats in archaic Persia, but whom he depicts with Greek vocabulary characteristic of the late fifth century BCE. The debate set out a basic threefold distinction among simple constitutional types:

- rule by one person ('monarchy')
- rule by an elite few ('oligarchy')'
- rule by the multitude or the many (which would come to be called 'democracy').[7]

Herodotus' characters fleshed out the strengths and weaknesses of each. A monarch might fail to heed advice, and so be usurped by an oligarchy; the oligarchs might quarrel among themselves and so fall prey to the many, giving way to a democracy; a democracy might fall under the sway of a manipulative and ambitious politician, who would turn it into rule by a single person.

Plato & Aristotle: from three simple constitutions to six (three good, three bad)

So much for the simple kinds of constitutions. The next development was the observation that each correct kind might mutate into a corrupt version of itself. In the hands of Plato and Aristotle, these three types soon turned into six: each being subdivided into a good kind (aiming at the good of those ruled) and a bad kind (aiming at the good of the ruler).

Here is the sixfold schema in Aristotle's version:

Aristotle, *Pol.* 3.7: Sixfold Schema of Constitutions

	Correct: for common benefit	**Flawed: for private benefit (of rulers)**
One	Kingship	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy [used here as a pejorative term]

The idea, again, is that each of the good simple kinds has a characteristic flaw: a monarch's ambition might turn them into a corrupt tyrant; an aristocracy's virtue might degenerate into factional infighting for no better aim than self-interest; a democracy's sense of the common good might collapse into populism.

How can such declines be avoided? The answer that we will be examining for the rest of this lecture – first in the abstract, then as it took shape in both Sparta and Rome – is the prospect of a special seventh kind of constitution, that would stand outside the simple grid. This would be a 'mixed constitution': made up of elements that embody each of the simple kinds, so that that whenever one element is vulnerable to corruption, another element should be able to check that decline – with its own decline being checked in turn.

[7] Herodotus' character Otanes refers to this as 'rule of the multitude' and says that it has the name *isonomia* (3.80.6, trans. Lane).

Three modes of mixing

What does it mean to 'mix' elements of a constitution? Ancient Greek authors explored three different modes of constitutional 'mixing':

> [1] Blending: mixing elements as if into a cake batter, so that they can no longer be separated.[8]
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> - **Thucydides**, historian of the Peloponnesian War between Athens and Sparta (and their respective allies), praises the political achievement in his native city of Athens in 411 BCE when the short-lived oligarchic constitution was modified into 'a balanced mixture of the few and the many' (8.97.2, trans. Connor),[9] i.e. a 'mixture (*sugkrasis*)' between oligarchy and democracy.[10]

But Aristotle would argue that 'blending' was not really a form of mixing at all: when he thought about a completely or largely homogeneous constitution, he called it not a 'mixed' constitution but instead a 'middle' constitution: a constitution in which the bulk of the people, and also the bulk of the officeholders, are 'in the middle' between the rich and the poor (4.11, 1295b1-1296a20), and so they are 'equal and similar'.[11] In this picture of a 'middle' constitution, its success derives not from conflict or counterbalancing, but rather from similarity and unification.[12]

Instead, Aristotle mainly discussed the 'mixed' constitution in terms of what I shall call type [2]:

> [2] Compresence, or Passive Counterbalancing: mixing elements so that they both separately and independently remain present:
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> - **Aristotle** writes of constitutions that achieve a 'just mixture' by 'combin[ing] elements from both' oligarchy and democracy, for example fines levied on the rich and the poor for different causes in order to provide them with differing incentives for various kinds of military and political participation (quoting from *Pol.* 4.13, 1297a38-40; he refers to a "well-mixed 'harmony' at 4.3, 1290a26; see also 4.7, 4.9).

From this, it was at most a small step to the full-fledged Polybian idea of 'mixing' as type [3]:

> [3] Active counterbalancing: mixing elements to interact so that each one can check and correct the others' tendencies to decline or corruption, and be similarly checked in turn:
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> - **Polybius** (and possibly some earlier thinkers) portrayed the 'mixed constitution' in both Sparta and Rome as operating this way: imagine a complex pendulum, with several weights each swinging in its own orbit, but with the power to move out of its orbit – only to be checked by being knocked by another back into shape.

Our main interest in the latter part of the lecture will be in Polybius on sense [3]. Before we get there, however, I want to say a bit about Plato and Aristotle on Sparta: as an introduction, and contrast, to the account of Sparta that Polybius would later give as a comparison case for Rome.

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[8] Frank Walbank emphasizes the Polybius' idea of a mixed constitution is not akin to that of a cake (and also cites the fragment associated with Archytas of Tarentum that I discuss below), in 'A Greek Looks at Rome: Polybius VI Revisited', *Scripta Classica Israelica*: Yearbook of the Israel Society for the Promotion of Classical Studies 17 (2020) 45–59, at 51.

[9] Following the translation of W.R. Connor, *Thucydides* (Princeton: Princeton University Press, 2013 [first published 1984]), 228.

[10] This might alternatively be considered a version of type [2] of mixture (combining oligarchic and democratic institutions). However, Thucydides may be referring primarily to an enfranchisement threshold in terms of wealth, in which case it would be closer to type [1], as all citizens enfranchised on the basis of wealth would be relevantly similar.

[11] Aristotle proposes this constitution in answering the question that he poses of 'What is the best constitution, and what is the best life for most cities and most human beings' (*Pol.* 4.11, 1295a25-26, trans. Reeve): translations of the *Politics* in this lecture are from Aristotle, *Politics: A New Translation*, trans. with introduction and notes by C. D. C. Reeve (Indianapolis and Cambridge: Hackett, 2017), unless otherwise noted; Greek from Aristotle, *Politica,* ed. Sir David Ross (Oxford: Oxford University Press, 2020).

[12] However, in *Pol.* 4.9, Aristotle distinguishes three ways of creating the 'mixture' that constitutes a 'polity' (the good form of rule of the many in his broader analysis): one is to 'combine the legislation of both constitutions'; the second is 'to take the mean'; the third is 'to take one element from one and another from another' (*Pol.* 4.9, quoting variously from 1294a30-13). I return to this passage in its continuance regarding the example of Sparta below.

Sparta matters because Greek thinkers themselves recognized that it didn't fit into the simple types (either good or bad). It had an element embodying the principle of rule by one: two kings, each from a different royal house, who mainly served as military leaders (as well as a small elected body of officeholders called *ephors*). Yet it also had an element of rule by a few: an elected (but then lifelong) Council of Elders (*Gerousia*). And it had an element of rule by the many: a citizen assembly, which voted by vocal acclamation rather than by counted hands or other means: 'by shouting and not by ballot' (Thuc. 1.87.2).[13]

Thus, for ancient Greek thinkers, the case of Sparta made the mixed constitution not just an academic topic. Rather, its workings were a matter of political urgency to understand, given its power in the Greek world in the fifth century BCE, as well as the decline of that power rather swiftly in the fourth. Moreover, the Spartan constitution was widely reputed to have distinctive norms, attributed to the archaic lawgiver Lycurgus: as one thinker would put it in describing this constitution, 'the fighting class will be prevented from taking part in farming, manual labour or other ways of making money', and this same group will 'eat communally and devote itself to physical training and training for war' (Plato, *Republic* 8.547d5-8). Many Greek observers celebrated such norms as making Sparta uniquely constitutionally stable. Thucydides wrote, for example, that Spartan constitutional stability was rooted in its consonance with its citizens' values and behaviours.[14]

Plato's two accounts of Sparta: as a distinctive simple type, and as a mixed constitution

Plato for his part would talk about Sparta in two very different ways. On the one hand, in his work called the *Republic*, he would present it as a distinctive kind of simple type of constitution (in the course of describing the 'timocratic' constitution as a type that Socrates says 'corresponds to the Laconian form of constitution' (8.545a3):[15] Laconia being the name of the core territory claimed by the Spartans, so this is to say that the timocratic constitution corresponds to the Spartan one). Here Plato portrays it as a constitution in which the officeholders are chosen for their competitive zeal (their 'love') for honour and victory in competitions, both military (in foreign wars) and political (in domestic competitions for political office and associated honours).

In the same account, Plato also questioned Sparta's purported constitutional stability. In fact, in doing this, he was part of a generation of observers in the fourth century BCE who witnessed Sparta losing international power and influence and sought to explain this as due to a decline in stability of its constitutional type. For Plato, like other authors of overlapping generations (such as Xenophon and Theopompus), this was due to a key constitutional flaw: that despite publicly honouring those seeking military and political laurels, Sparta had started allowing its citizens to accumulate private wealth. As Xenophon put it, in a study of the *Constitution of the Spartans* revolving around a contrast between Sparta 'in former days' and the way things are 'nowadays',[16] whereas 'in former days they [sc. Spartans] were afraid to be found in possession of gold…nowadays there are some who even boast of their possessions' (*Lac.* 14.3).[17] Plato for his part emphasized a more widespread desire among the Spartans to possess 'gold and silver in secret' (*Resp.*

[13] I follow here the translation of this phrase by Paul Cartledge, 'Not Just Voting, but Being Counted: The Cases of Ancient Greece', in *Cultures of Voting in Pre-Modern Europe*, edited by Serena Ferente, Lovro Kunčević, and Miles Pattenden (London: Routledge, 2018), 11-19, at 15.

[14] Thucydides makes this observation in the context of observing that the people of Chios were 'after the Spartans (…) the only people who to my knowledge have remained contented and politically stable' (Thuc. 8.24.4), trans. following Simon Hornblower, *Thucydides* (London: Duckworth, 1987), 161-2.

[15] A bit earlier, the constitution in question is identified as the one 'praised by most people, namely, the Cretan or Laconian' (Plato, *Republic*, 8.544c2-3). For reasons of space, I am leaving the *Laws*' discussion of the mixed constitution and of Spartan history aside.

[16] On the question of Spartan constitutional stability, Xenophon temporises. On the one hand, he disclaims the ability to 'say (…) with any confidence whatever' that "the laws of Lycurgus still remain unchanged [sc. in Sparta] at this day" (*Lac.* 14.1); on the other hand, he contends that the '*archē'* (type of rule) established by Lycurgus is the only one of its kind to have remained unchanged, 'continu[ing] exactly as it was originally established, whereas other constitutions will be found to have undergone and still to be undergoing modifications' (*Lac.* 15.1, a passage in which *archē* must refer to the broad form of political rule, and so be roughly equivalent to a *politeia*, as it is contrasted with *tas…allas politeias*).

[17] Translations of Xenophon's *Constitution of the Lacedaemonians [Spartans] (Lac.*) follow that of E. C. Marchant / G.W. Bowersock in Xenophon, *Hiero. Agesilaus. Constitution of the Lacedaemonians. Ways and Means. The Cavalry Commander. On the Art of Horsemanship. On Hunting. Constitution of the Athenians* (Cambridge, MA: Harvard University Press, 1925).

8.548a6-7). Other observers too would describe '[t]he introduction of coined gold and silver…[as] a standard explanation for Sparta's decline'.[18]

So on this view, Sparta looked strange but simple: it was a simple constitution, aiming at honour, but undermined by a hidden vice of greed. Nevertheless, in a different discussion of the Spartan constitution, in book 3 of his work called the *Laws*, Plato would adopt what would become the more standard way of thinking about it: namely, as a mixed constitution. There he argued that a good constitution must 'establish measure' between different elements, and specifically not be 'unmixed (*ameiktous*)' (*Leg.* 3.693a6-7, 691e3).[19] There he also describes the Spartan constitution in particular in the language of 'mixing (*meignusin*)', saying that Lycurgus and later Spartans having contributed to a measured 'mixture (*summeiktos*) (*Leg.* 3.691e3, as the work of Lycurgus; *Leg.* 3.692a7-8, the result of a succession of changes both before, by, and after Lycurgus). Yet here again Plato's conception of mixing seems to be very much that of type [1] blending: not taking either of two elements, democratic and monarchical, to extremes, but rather ensuring that a constitution will 'partake of both' in the sense of being a blend of them (*Leg.* 3.693d7-8).

Plato's student Aristotle would follow this latter tack, the one that would prove most influential on later thinkers. He too would associate the mixed constitution with Sparta above all. He would make the case that the effect of mixing would be to promote longevity and stability, insofar as the mixture could in principle ward off the flaws of any of the single types which composed it. But unlike Plato, who emphasized mixing as type [1] or blending, Aristotle would discuss it primarily as type [2] or passive combining.

Aristotle: rethinking mixed constitutions and Sparta

The passive combining that Aristotle thought typical of a mixed constitution was a combining of elements of rule by the few and rule by the many, which in this context he dubbed oligarchy and democracy (*Pol.* 4.3, 4.7). And he specifically highlights the case of Sparta (ignoring its dual kingship in this analysis), writing that:

> *'the defining mark of a good mixture of democracy and oligarchy is when it is possible to speak of the same constitution both as a democracy and as an oligarchy…which is just how things are in the case of the Spartan constitution'* (Arist. *Pol.* 4.9, 1294b14-19)

Yet his later syntax indicates that perhaps the combination of the two in Sparta should not be considered to be perfectly 'well mixed' after all (Arist. *Pol.* 4.9, 1294b34-36). And indeed, on the international stage, Sparta's sympathies had long lain clearly with oligarchies, given that its own citizen body were a very small number of 'peers' who ruthlessly exploited subordinate groups of indigenous peoples. Moreover, like Plato, Aristotle had in his lifetime seen deleterious changes in the Spartan constitution ('because some of the Spartans came to own far too much wealth and others altogether too little, the land passed into the hands of a few') (*Pol.* 2.9, 1270a16-18).

Thus, for Aristotle, while the (perhaps imperfectly) Spartan mixed constitution might have helped to explain Sparta's political success in the fifth century BCE, in his own lifetime a century later, he could see that this didn't last forever. Spartan values and norms had already by his own lifetimebegun to decline. Nevertheless, the idea that Sparta had enjoyed a mixed constitution would be long lived. And while Aristotle mainly emphasizes type [2] mixing when he talks about a mixed constitution, he may have had contemporaries already discussing Sparta as an example of type [3].

Here I am thinking of *On Law and Justice*, that is attributed to Plato's contemporary, the Pythagorean philosopher Archytas of Tarentum, but which scholars argue was more likely written later – as two recent scholars have suggested, perhaps by Aristoxenus, a student of Aristotle, in the later fourth century BCE (though possibly, as others think, much later). In any case, the text makes a relevant assertion about Sparta:

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[18] Michael A. Flower, *Theopompus of Chios: History and Rhetoric in the Fourth Century B.C.* (New York and Oxford: Clarendon Press, 1994), 81, emphasizing the later generations of universal histories composed by Ephorus and by Theopompus. This paragraph draws on Melissa Lane, 'Locating the Cities in the *Republic* 8-9 Dual Narratives: Historiographical Functions and Contexts', in *PLATON, RÉPUBLIQUE VIII-IX. NOUVELLES LECTURES = ENTRETIENS SUR L'ANTIQUITÉ CLASSIQUE vol. LXXI,* ed. Vanessa Monteventi (Vandoeuvres, Geneva: Foundation Hardt, 2026), 329-62, with discussion 363-73.

[19] Translations of Plato's *Laws* in this lecture are my own; the Greek is that of the Oxford Classical Text (ed. Burnet).

> *The better law and state should be a synthesis of all the other political constitutions…just as it is in Sparta… Accordingly, the law should not only be good and noble, but also reciprocated in its portions, for this <sc. law> is strong and durable.*[20]

Here too the criterion of a successful constitution is taken to be its stability or 'durability'. The author of this text argues that Sparta succeeds on this measure in virtue of combining the principle of each kind of simple constitution. But unlike Aristotle, he specifies that the mixing or combining works as a kind of 'counterbalance': so that, for example, if 'some of the rulers who get more than their fair share preponderate, they are enjoined by the others'.[21] That language of active counterbalancing would again be used (whether through direct influence or not) by Polybius.

Constitutional theorizing in Greek in the shadow of Rome: Polybius

Polybius on Sparta as a mixed constitution

Like most students of the Spartan constitution, Polybius attributed its key features to its greatest lawgiver, Lycurgus, who had designed it for stability, in order that 'the constitution should remain for long thanks to the principle of reciprocity' (*Hist.* 6.10.7). The 'principle of reciprocity' here indicates the kind of counterbalancing that I identified as type [3] of a mixed constitution. Polybius' language is very similar to the account of (ps.-)-Archytas in the use of weights and counterbalancing imagery:

> *'the force of each [element] being neutralized by that of the others, [so that] neither [i.e. none] of them should prevail and outbalance another'* (Polyb. *Hist.* 6.10.7).

Like Plato, Polybius presents this as seeking to stave off a natural form of decay:

> *'For just as rust in the case of iron and wood-worms and ship-worms in the case of timber are inbred pests…so each constitution has a vice engendered in it and inseparable from it'*. (Polyb. *Hist.* 6.10.3-4)

Each such vice would over time turn the constitution into its corresponding corrupt form. By mixing the different elements together, however, each will be able to neutralize the degeneration of the other. Polybius spells out how this might work: the kings would be checked by fear of the commons (the many, gathered in the assembly), while the commons would be checked (and in particular prevented from forming contempt of the kings who were in some ways afraid of them) by fear of the (Council of) elders (Polyb. *Hist.* 6.10.8-11). He concluded that:

> *'The consequence was that by drawing up his constitution thus he [sc. Lycurgus] preserved liberty at Sparta for a longer period than is recorded elsewhere'*. (Polyb. *Hist.* 6.10. 11)

That conclusion would have an influential history. Several centuries later, another Greek living under Roman rule, Plutarch, would speak in terms consonant with Sparta as having a 'mixed constitution' in a biographical 'life' of Lycurgus that would resonate powerfully with authors from Machiavelli to Rousseau and beyond. Plutarch credits Lycurgus with 'mixing (*mixantos*)' the polity (Plut. *Lyc.* 7.1), in particular with having done so by instituting the Council of Elders, thereby 'making the power of the senate a sort of ballast for the ship of state and putting her on a steady keel' (Plut. *Lyc.* 6.7).[22] And the biographer's functional explanation of how this worked was the same as that of the earlier historian (Polybius), in terms of each element of the constitution being able to check the others. In this case:

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[20] *On Law and Justice*, fr. 4(a), p. 34.15–27 Thesleff = Stob. 4.1.138; quoted from Phillip Sidney Horky and Monte Ransome Johnson, *On Law and Justice*: attributed to Archytas of Tarentum, in *Early Greek Ethics,* ed. David Conan Wolfsdorf (Oxford: Oxford University Press, 2020), 455-490, at 471. Horky and Johnson propose Aristoxenus or another Peripatetic as the possible author of the text at 456-460.

[21] *On Law and Justice*, fr. 4(a), p. 34.15–27 Thesleff = Stob. 4.1.138, trans. Horky and Johnson, *On Law and Justice*, 471.

[22] Translations of Plutarch's *Lycurgus* follow *Plutarch's Lives*, trans. Bernadotte Perrin (Cambridge, MA: Harvard University Press, 1948), vol.1.

> *'the twenty-eight elders always took the side of the kings when it was a question of curbing democracy, and, on the other hand, always strengthened the people to withstand the encroachments of tyranny'* (Plut. *Lyc.* 5.7).[23]

Each part of the constitution was able when needed to check the rest – specifically, to check each of the others' proclivities that would, if left unchecked, be dangerous to the good of the whole.

Polybius' contrast of the 'mixed constitutions' of Sparta and Rome

Back to Polybius. His analysis of Sparta is fascinating. But it was all in the service of his larger project of explaining Roman history. For Polybius, Rome was a mixed constitution like Sparta. And like the Spartan mixed constitution, the Roman one too enjoyed remarkable stability (*qua* constitution) once it had come into existence. Nevertheless, Polybius contrasted the two constitutions on two counts.

First, the Romans never had a single lawgiver like Lycurgus, who had designed the constitution for the sake of stability. Instead, the Roman constitution was the result of trial and error: the Romans 'have not reached it [sc. 'the same final result' as the Spartan constitution] by any process of reasoning, but by the discipline of many struggles and troubles' (6.10.14). To be sure, judgment and learning did enter into it, but this was a gradual and collective process over time: 'always choosing the best by the light of the experience gained in disaster have thus reached the same result as Lycurgus, that is to say, the best of all existing constitutions' (Polyb. *Hist.* 6.10.14).

Notice that on this account, the Romans had not always enjoyed constitutional stability – nor indeed a *realpolitik* of international success. On the contrary, it was precisely bouts of failure – most significantly, their infamous defeat by Hannibal at the battle of Cannae in 216 BCE – that had 'brought [them] face to face with disaster' and so provoked them to make the drastic political and military changes that would eventually win them external success (Polyb. *Hist.* 6.11.2).

Yet while the constitutions of Sparta and Rome ultimately achieved the same 'mixed' form, the international power trajectories of the two states were very different. Sparta had won the Peloponnesian War, true, but after that had quickly declined in power. Rome, by contrast, had in Polybius' lifetime achieved an unprecedented hegemony in the Mediterranean and far beyond. In just over a century (counting from the First Punic War against Carthage that began in 264 BCE), Rome had destroyed all of its great historic rivals, from Macedon (in 168) to Carthage and the leading Greek city of Corinth (both in 146).

In other words, the distinction between constitution type and state stagnation or growth here began to bite, while also, the differences between Spartan and Roman laws and customs began to matter. Polybius had asserted more generally that 'there are two fundamental things in every state, by virtue of which its true quality and form is either desirable or the reverse. I mean customs and laws' (Polyb. *Hist.* 6.47.1). And he applied this claim to explain how some of the most distinctive Spartan constitutional laws and customs – especially the insistence on forgoing gold and silver in favour of iron currency (not useful abroad), and other drastic restrictions on the accumulation of individual wealth – undermined the state's efforts to expand and conquer. (Even though Sparta had won the Peloponnesian War with Athens, its projection of power beyond its borders soon afterward started to decline.) As Polybius explained:

> *'…for the purpose of remaining in secure possession of their own territory and maintaining their freedom the legislation of Lycurgus is amply sufficient….But if anyone is ambitious of greater things, and esteems it finer and more glorious…to be the leader of many men and to rule and….have the eyes of all the world turned to him, it must be admitted that from this point of view the Laconian constitution is defective, while that of Rome is superior and better framed for the attainment of power, as is indeed evident from the actual course of events'.* (Polyb. *Hist.* 6.50.1-5)

[23] Plutarch added that even after Lycurgus' work, the 'oligarchical element' in the constitution still proved too 'unmixed and dominant'; therefore, Lycurgus' successors in making laws for the city (in practice, the kings) imposed a further 'curb' in the form of five powerful elected officeholders called the 'ephors' (Plut. *Lyc.* 7.1).

Whereas the Spartan mixed constitution managed to achieve internal stability (here, Polybius like many later observers glossed over the internal fourth-century decline that Plato, Xenophon, Aristotle and others had noted), the Roman mixed constitution drove growth – indeed, the extraordinary growth of Roman power that, as we saw earlier, Polybius had promised to explain to his readers.

Polybius on the Roman 'mixed constitution'

According to Polybius, the Roman constitution was – like the Spartan one – composed of three fundamental building blocks. Each corresponded to one of the classic simple constitutional types: monarchy, oligarchy, democracy:

- *The monarchical element:*
  Unlike Sparta, the Roman republic had no kings. Instead, their *imperium* (an executive power of command) had devolved upon two annually elected consuls, whose role was to 'exercise authority in Rome over all public affairs' as well as to convene, equip and command armies in the field (Polyb. *Hist.* 6.12.1-10).

- *The oligarchic/aristocratic element:*
  Like Sparta, Rome had a Senate who (once selected, from the pool of those who had held elected high office) served for life. The Senate enjoyed not *imperium* but *auctoritas*: it had general 'control of the treasury' as well as the role of receiving foreign embassies and investigating certain kinds of public crimes (Polyb. *Hist.* 6.13.1-9). But the Senate had no role in passing laws *per se*.

- *The democratic/popular element:*
  It was only popular assemblies that could pass laws. Even more importantly, Polybius says, is the fact that 'it is the people which alone has the authority to confer honors and inflict punishment, the only bonds by which kingdoms and states and...human society in general are held together (Polyb. *Hist.* 6.14.4-5, trans. modified by Lane). Honours and punishments are related to the power to 'bestow office on the deserving, the noblest reward of virtue in a state'. The people also 'have the power of approving or rejecting laws, and what is most important of all, they deliberate on the question of war and peace' and set terms of peace (Polyb. *Hist.* 6.14.10-12).

Polybius claims that the Roman constitution is composed of all three elements, and that this dynamic mixing makes it the best constitution in both good times and bad. In bad times, he thinks, all the elements will cooperate to strengthen the state in its course of action. It is in good times, by contrast, that the danger of individual corruption by any one of the parts might become too great. Polybius again explained in detail how this might work if any one part, enjoying 'prosperity', should become 'corrupted by flattery and idleness' so as to 'wax insolent and overbearing':

> *'…when one part having grown out of proportion to the others aims at supremacy and tends to become too predominant…the purpose of the one can be counterworked and thwarted by the others, [so that] none of them will excessively outgrow the others or treat them with contempt…any aggressive impulse is sure to be checked and from the outset each estate stands in dread of being interfered with by the others…'.* (Polyb. *Hist.* 6.18.5-8)

Moreover, Polybius insists that Rome met Aristotle's criterion for the success of a 'mixed constitution': to wit, that no one could say that the constitution was one simple kind or the other:

> *'such fairness and propriety in all respects was shown in the use of these three elements for drawing up the constitution and in its subsequent administration that it was impossible even for a native to pronounce with certainty whether the whole system was aristocratic, democratic, or monarchical'* (Polyb. *Hist.* 6.11.11).

It is interesting to contrast this with the later ideas of the Renaissance humanist Niccolò Machiavelli, who drew an even more pronounced contrast between Sparta and Rome. Machiavelli argued that republics, by

which he meant in effect states with mixed constitutions, were all divided between 'an upper and a lower class', and therefore he asked: *'into whose hands it is best to place the guardianship of liberty*', answering the following: *By the Lacaedemonians [Spartans], and in our day by Venice, it was entrusted to the nobles, but by the Romans it was entrusted to the plebs'*.[24] In his eyes, it was the common people of Rome who were jealous and assertive of their own liberty, driving both imperial power and the preservation of freedom. Today there is a resurgence of 'popular republicanism' animated by Machiavelli's redrawing of the line between Sparta and Rome as to how a mixed constitution might function.[25]

Polybius on the Cycle of Constitutions

Back again to Polybius. In his eyes, the mixed constitution was not simply a mechanical device (contrary to what my initial comparison to a set of pendulums might suggest). Instead, Polybius emphasized that every constitution must be seen as an organic entity with a life cycle: a moment of inception, a characteristic vulnerability to decay, and an eventual death. As noted earlier, he emphasized that just like '*rust in the case of iron…so each constitution has a vice engendered in it and inseparable from it'*. (Polyb. *Hist.* 6.10.3-4). The result is what Polybius famously called 'the cycle of political revolution (*politeiōn anakuklōsis*)', that is, 'the course appointed by nature in which constitutions change, are transformed, and finally return to the point from which they started' (Polyb. *Hist.* 6.10.10-11).

	Constitution: Good version	**"Congenital vice" version**
0. Neutral/primitive: here called 'monarchy': rule of strongest ➜		
	1.Kingship ('ferocity and force having yielded the supremacy to reason', Polyb. *Hist.* 6.6.12) ➜	2.Tyranny
	3.Aristocracy ➜	4.Oligarchy
	5.Democracy ➜	6. "government by force" ➜ monarchy (back to zero)
7. **"Mixed Constitution" which can temporarily arrest the cycle**		

Where does the 'mixed constitution' fall in this sixfold schema (setting aside the primitive stage zero)? It is a seventh constitution, outside the sixfold schema of three kinds of good ones paired with their counterpart bads. And, closer to home, for Polybius as for Aristotle, the mixed constitution is capable of arresting the tendencies to constitutional change: it carries within itself the capacity to neutralize each internal threat. There is no straightforward counterpart to the mixed constitution; it stands outside history, at least for a time.

And yet. Polybius reminds the reader that all constitutions are natural, the Roman one even more so than others, given its development through organic growth rather than studied design. So it too will eventually fail, decline, and die: 'That all existing things are subject to decay and change is a truth that scarcely needs proof; for the course of nature is sufficient to force this conviction on us' (Polyb. *Hist.* 6.57.1). Polybius described this not as due to any inherent flaw in the internal workings of the constitution (and in his account set aside the possibility of external shocks). Instead, ironically, the ultimate corruption and death of the Roman mixed constitution will be due to the very growth and flourishing and prosperity of the state that it had brought about:

[24] Machiavelli, *The Discourses*, trans. Leslie J. Walker, rev. Brian Richardson, edited with an introduction by Bernard Crick (Harmondsworth: Penguin, 1970), Book I, ch.5.
[25] This has been led by John McCormick, especially in his *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011).

> *'When a state has weathered many great perils and subsequently attains to supremacy and uncontested sovereignty, it is evident that under the influence of long established prosperity, life becomes more extravagant and the citizens more fierce in their rivalry regarding office and other objects than they ought to be. As these defects go on increasing, the beginning of the change for the worse will be due to love of office and the disgrace entailed by obscurity, as well as to extravagance and purse-proud display; and for this change the populace will be responsible when on the one hand they think they have a grievance against certain people who have shown themselves grasping, and when, on the other hand, they are puffed up by the flattery of others who aspire to office. For now, stirred to fury and swayed by passion in all their counsels, they will no longer consent to obey or even to be the equals of the ruling caste, but will demand the lion's share for themselves'.* (Polyb. *Hist.* 6.57.5-9)

The outcome is a bit unexpected. Republican Rome was not, on Polybius' analysis, a democracy (even though several modern scholars have made the case that it should be considered one).[26] But when its mixed constitution becomes corrupted, what it will turn into is a bad democracy: '*When this happens, the state will change its name to the finest sounding of all, freedom and democracy, but will change its nature to the worst thing of all, mob rule (ochlokratia)'* (Polyb. *Hist.* 6.57.9). Having eschewed simple democracy in its prime, in its decline, Polybius prophesies, Rome will claim the names of 'freedom' and 'democracy' – but use these as mere covers for *ochlokratia* (mob rule), a word that Polybius may have coined. From the best of constitutions, it will fall into nearly the worst: not tyranny, but as it were, a kind of anarchy.

Conclusion

Polybius' analysis of the Roman constitution has been hugely influential. It was also somewhat idiosyncratic, and very Greek, in emphasizing the role of the *demos* in Rome, without discussing the enormous extension of population and citizenship (including variations in citizenship) that took place during and after the period that Polybius was discussing. Polybius' account is also Greek rather than Roman in ignoring (at least in what survives) the segmentation of tribes in Rome and the differentiated Roman systems of voting that privileged the wealthy and elite in various ways.[27]

Beyond these foibles, we can see two contradictory strands of responses to Polybius. On the one hand, some readers of Polybius have criticized his account of the 'mixed constitution' for not going far enough (or for having failed to see that the Roman mixed constitution did not go far enough): specifically, for having failed to distinguish between 'actual powers' and 'legal competences'.[28] John Adams, for example, argued that neither Sparta nor Rome succeeded in turning the mixed constitution into a genuine separation of powers, which would have required a 'veto' for each element, on the grounds that 'three orders can never balance each other, unless each in its department is independent and absolute'.[29] On this view, the 'mixed constitution' was a step in the right direction that was only perfected with the separation of powers.

Against this, others see the very idea of the 'mixed constitution' as a red herring, or even more, as a snare and a delusion. Thomas Hobbes, for example, famously argued against the idea of a 'mixt' regime in chapter 29 of his *Leviathan*, arguing that 'such government, is not government, but division of the Common-wealth into three Factions'.[30] In other words, for Hobbes, a mixed constitution was a straightforward contradiction in

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[26] Rome as a democracy: Andrew Lintott, *The Constitution of the Roman Republic* (Oxford: Clarendon Press, 1999), 199: 'Aristotle might well have classified the Roman Republic as one of the more moderate forms of democracy'; Fergus Millar, *The Roman Republic in Political Thought* (Hanover, NH: University Press of New England, 2002), 159: 'Rome deserves serious consideration as a type of democracy'. Against: Bernard Manin, *Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), 44: 'Rome was not a democracy'.

[27] See Fergus Millar, *The Roman Republic in Political Thought* (University Press of New England (2002), 26, for one version of this criticism.

[28] Kurt von Fritz, *The Theory of the Mixed Constitution in Antiquity; a Critical Analysis of Polybius' Political Ideas* (New York: Columbia University Press, 1954), 307.

[29] John Adams, *A Defence of the Constitutions of Government of the United States of America* [1787], in *The Works of John Adams*, edited by Charles Francis Adams (Boston: Little, Brown, 1850), vol. 4, 544, 548.

[30] Thomas Hobbes, *Leviathan*, a critical edition, edited by Karl Schuhmann and G. A. J. Rogers (London: Bloomsbury Publishing, 2006), 261.

terms. There must be a single sovereign in every state – but in a purportedly mixed regime, there are three. Hobbes saw the mixed constitution as a recipe for the very *stasis* (civil war) that it purported to cure.[31]

To my mind, the moral is not to put any particular type of constitution – including the mixed constitution itself – on a pedestal beyond criticism. For the deepest lesson of this tradition of constitutional thinking is that no constitution is immune to corruption: constitutions alone cannot be guaranteed to protect us.

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[31] For a defence of the idea of a mixed constitution against this kind of criticism, see Philip Pettit, *The State* (Princeton: Princeton University Press, 2023).

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