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XI.14 How the distribution of the three powers began to change after the expulsion of the kings

- The Spirit of Law - Book XI. On the laws that constitute political freedom in their relation to the constitution -
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Four things principally were undermining the liberty of Rome : the patricians alone were obtaining all the sacred, political, civil and military positions ; exorbitant power had been attached to the consulate ; the people were being violated ; and finally, they were left almost no influence in the balloting. It was these four abuses which the people corrected.

1. They had magistracies instituted for which plebeians were eligible, and progressively obtained participation in all except that of an interregnum.

2. They dissolved the consulate, and from it created several magistracies. They created prætors to whom they gave judicial authority in private matters [1] ; they named quæstors for the judging of public crimes [2] ; they established ædiles who were responsible for public order ; they made treasurers who had the administration of public funds [3] ; finally, by the creation of censors, they divested the consuls of that part of legislative authority that oversees the behavior of citizens and the transient administration of the various bodies of the state. The principal prerogatives they retained were to preside over the great assemblies of the people, [4] to call the senate into session, and to command the armies.

3. The sacred laws established tribunes which could at every moment check the enterprises of the patricians, and prevented not only individual but also general offenses.

Finally, the plebeians increased their influence in public decisions. The Roman people were divided in three ways : by centuries, by curiæ, and by tribes ; and when they cast their ballots, they were assembled and grouped in one of these three ways.

In the first, the patricians, the principals, the rich, and the senate, which was about the same thing, had almost all the clout in the second they had less, and in the third, still less.

The division by centuries was rather a division of *cens* and means than a division of persons. The people as a whole were divided into one hundred ninety-three centuries, [5] each of which had one vote. The patricians and the principals made up the first ninety-eight centuries ; the rest of the citizens were distributed into the ninety-five others. The patricians therefore, in this division, controlled the voting.

In the division by curiæ, [6] the patricians did not have the same advantages. Still they had some. The auspices, which the patricians controlled, had to be consulted ; no proposal could be made to the people unless it was first taken to the senate and approved by a *senatus consultum*. But in the division by tribes there was nothing about either auspices or *senatus consultum*, and patricians were not admitted.

The people always sought to hold by curiæ the assemblies that were customarily held by centuries, and to hold by tribes the assemblies that were held by curiæ, which caused matters to pass from the hands of the patricians into those of the plebeians.

Thus, when the plebeians had obtained the right to judge patricians, which began with the Coriolanus affaire, [7] the plebeians wanted to judge them assembled by tribes and not by centuries [8] ; and when the new magistracies of tribunes and ædiles were instituted in favor of the people, [9] the people were allowed to assemble by curiæ to name them ; and when their authority was assured, it was granted [10] that they should be named in an assembly by tribes.

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[1] Livy, Decade I, book VI.

[2] *Quæstores parricidi* (Pomponius, Law 2, following *de origine juris*).

[3] Plutarque, *Life of Publicola*.

[4] *Comitiis centuriatis*.

[5] See on this subject Livy, book I, and Dionysius of Halicarnassus, books IV and VII.

[6] Dionysius of Halicarnassus book IX, p. 598.

[7] *Ibid.*, book VII.

[8] Against the former custom, as we see in Dionysius of Halicarnassus, book V, p. 320.

[9] Dionysius of Halicarnassus, book VI, p. 410 and 411.

[10] See Dionysius of Halicarnassus, book IX, p. 605.