

CAPX

Is America heading down the road to Roman ruin?

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Remember the story of an ambitious Roman general who marched his army on Rome, thereby destroying the ancient Republic?

Chances are, many a reader will think of Gaius Julius Caesar, the conqueror of Gaul, vanquisher of Pompey and lover of the Egyptian queen Cleopatra, who had himself declared dictator for life and was assassinated on the floor of the Roman Senate on the Ides of March in 44BC.

Alas, the “hero” of this column is someone altogether different. Lucius Cornelius Sulla Felix was a man large enough to contain multitudes. He was *abon vivant* with a seemingly endless appetite for food and drink. He was married to a succession of five women while carrying on a life-long love affair with another man.

Sulla was born to an impoverished but patrician family in 138BC. Having joined the army, he distinguished himself in Numidia, where he captured Rome’s foremost enemy King Jugurtha. Other military triumphs, both in the provinces and in Italy’s “Social War”, followed. These led to a successful political career and an election to the consulship, Rome’s highest elected office, in 88BC.

Once in power, Sulla became the focus of patrician or *optimata* opposition to the growing strength of the *populares* represented by Gaius Marius. Sulla was a staunch conservative, committed to law and order and to scrupulous interpretation of the Roman constitution.

Yet in order to accomplish his political goals, he unleashed an epic reign of terror and broke with many a constitutional precedent. He tried to excise from the Roman body politic the cancerous legacy of Gaius Marius – but failed to revive the dying Republic.

A constitution, once compromised, is difficult to restore by the force of arms. It must be defended by the vigilance and application of a knowledgeable and concerned citizenry. Therein lies a lesson for the US presidential election next Tuesday.

Like Sulla, Marius joined the army at an early age. Unlike Sulla, Marius was an equestrian by birth and his political sympathies lay with the plebs. Elected as a tribune of the plebs in 120BC,

he pushed through a number of electoral reforms that curtailed the power of the aristocracy and annoyed the *optimates*.

Marius' political career continued to flourish and culminated in the consulship of 107BC. As consul, Marius pushed through a set of military reforms that fatally undermined the Roman constitution and, ultimately, doomed the Republic.

Prior to the Marian reforms, a Roman seeking to join the army had to meet a minimum property qualification of 3,000 sestertii. The typical salary of a Roman legionary, by comparison, was 900 sestertii a year. Needing more soldiers to further his military and political career, Marius ignored the minimum property requirement and opened the army to the property-less *capite censi*.

The new recruits were poor, hungry for the spoils of war, and totally loyal to their commander, Marius. Ignoring constitutional precedent, which banned the same man from holding the consulship twice in his lifetime, Marius – victorious in battle and supported by the swelled ranks of the military – got himself elected to Rome's highest office seven times, including five years in succession.

The *optimates* were apoplectic. They coalesced around Sulla and furnished him with a powerful army to wage war on King Mithridates of Pontus – but also, presumably, to keep an eye out for possible trouble at home.

Seeing his star fade, Marius bribed one of the tribunes to call a popular assembly, which overrode the decree of the Senate and gave Sulla's command to Marius. This was an unprecedented attack on the power of the Senate and Sulla resorted to the unthinkable: he commanded his legions to march on Rome.

The magic spell that kept Rome at peace with itself for centuries was broken. The Marians fled, only to return after Sulla departed for Pontus. They killed many of Sulla's supporters, but their luck would not last.

Having concluded a truce with Mithridates, Sulla marched back and defeated the Marians at the Battle of the Colline Gate on November 1, 82BC. On that day, 50,000 Romans lost their lives – but worse was to follow.

Once installed as Rome's supreme ruler, Sulla slaughtered up to 9,000 Roman civilians suspected of loyalties to the *populares*. Per Plutarch, "Sulla now began to make blood flow, and he filled the city with deaths."

Sulla then proceeded to restore the ancient constitution. He strengthened the *optimates* by declaring that all bills needed senatorial approval before they could be submitted to the popular assembly. The tribunes of the plebs lost their right to initiate legislation and were prohibited from ever holding another office in their lifetimes. They also lost their right to veto the acts of the Senate.

To further solidify the power of the Senate, Sulla transferred the control of the courts from the equestrian order to the Senators. He codified the minimum age for every stage of the *cursus honorum*, the sequential order of public offices held by aspiring politicians. And to prevent

another general, like himself, from marching on Rome, Sulla decreed that all future generals would have to wait for 10 years before being elected to any office.

Sulla then retired from public life and died of liver failure shortly thereafter. No sooner was his body cold than ambitious politicians, including Gaius Julius Caesar, started to dismantle his legacy.

Caesar, who narrowly escaped Sulla's assassins (because of his aunt Julia's marriage to Marius, Caesar was a marked man), would, famously, lead his army across the Rubicon in 49BC, sack Rome and become the city's first (though unofficial) emperor. The Roman people were far too enamored with their victorious general, and addicted to the gold he brought back from the provinces, to check his rising power – and saw their freedom slip away.

Like a latter-day Marius, Barack Obama has subjected the American constitutional order to a relentless barrage of unconstitutional acts.

To be sure, Obama was not the first president committed to extending the power of the executive. Since America's first progressive president, Theodore Roosevelt, those of both parties have had varying respect for the Constitution.

But Obama stands alone in having the US Supreme Court strike down his legislation unanimously a record 44 times – far surpassing any other president in history.

The future does not look much more promising.

In her last debate with Donald Trump, Clinton said that she wanted to appoint “justices who would defend women's rights, back LGBT rights, support Roe v. Wade and reverse the Citizens United decision and its ability to funnel dark money into elections”. She added that she wanted a court to “stand on the side of the people” rather than wealthy donors and corporations.

Fine sentiments to many a reader, no doubt, but what about the fidelity of the justices to the Constitution? That, alas, was completely absent from Clinton's answer.

And then there is Donald Trump, whose public pronouncements indicate that he is yet to familiarize himself with America's basic law. Moreover, Trump's temperament suggests that he will encourage, rather than restrain, the ravenous appetite of the executive for more power.

As I wrote in May, Trump's presidency is preferable to Clinton's only if you believe that the mercurial entrepreneur will do what he says and appoint to the Supreme Court justices who respect the Constitution. That's a big “if”.

Sulla, whom his foremost biographer has graced with the moniker “the last republican”, was, personally, tremendously successful. He vanquished his enemies, achieved his political goals and died doing what he liked best –whoring and drinking.

Institutionally, he was a massive failure. Sulla failed to preserve the Republic not because of the inferiority of his reforms, but because of the indifference of the Roman people.

In the end, it is not strongmen, however gifted, that are the best defense against institutional decay, but the vigilance of the people – animated by their commitment to the principles of constitutional government.

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