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"Yes, Quaestor." A Republican Politician Versus the Power of the Clerks

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There is a long-standing debate between "primitivists" and "modernists" on the character of Roman administration. The strongest case for the primitivist view was put forward by Fergus Millar in his *Emperor in the Roman World*.[1] The primitivist view denies that the Roman state ever developed anything comparable to orderly bureaucratic structures that are known to us in the modern world. The modernists, on the other hand, tend to attribute to the Roman administration, particularly under the Empire, a certain degree of "bureaucratic" professionalism. This debate, which started already in the last century,[2] raises various important questions, including the definition of "bureaucratic" administrative patterns and the dividing line between routine administration and political decision-making. Some of the issues involved can be illuminated by the story of Cato the Younger's quaestorship in 65 B. C., told by Plutarch. Trying to change the way the Roman *aerarium* was run, Cato had to face stiff resistance by the treasury clerks.

"[He had] read the laws relating to the quaestorship, learned all the details of the office from those who had had experience in it, and formed a general idea of its power and scope. Therefore, as soon as he had been instated in the office, he made a great change in the assistants and clerks connected with the treasury. These were fully conversant with the public accounts and the laws pertaining thereto and so, when they received as their superior officers young men whose inexperience and ignorance made it really needful that others should teach and tutor them, they would not surrender any power to such superiors, but were superiors themselves. Now, however, Cato applied himself with energy to the business, not having merely the name and honour of a superior official, but also intelligence and rational judgement. He thought it best to treat the clerks as assistants, which they really were, sometimes convicting them of their evil practices, and sometimes teaching them if they erred from inexperience. But they were bold fellows, and tried to ingratiate themselves with the other quaestors, while they waged war upon Cato."

Plutarch goes on to relate, in detail, how Cato, having expelled from the treasury one clerk found guilty of a breach of trust, succeeded, despite considerable opposition and obstruction, in neutralising (though not, apparently, actually firing) another one.[3] "By thus humbling the clerks and making them submissive, and by managing the business as he himself desired . . . he brought the quaestorship in greater respect than the senate, so that all men said and thought that Cato had invested the quaestorship with the dignity of the consulship."[4]

It is commonplace to say that the Republic had no civil service. Anything like a modern comprehensive civil service it certainly did not have. But the humble treasury clerks described here look remarkably like senior civil servants; they are certainly much more than mere servants of the quaestors. They are experienced, influential, self-confident, ready to protect their interests; they cannot be arbitrarily dismissed. The whole passage sounds remarkably "modern". It would be hard to read it

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[1] London 1977, 2nd. ed. 1992; contra J. Bleicken, Zum Regierungsstil des römischen Kaisers. Eine Antwort auf Fergus Millar, Wiesbaden 1982.

[2] Cf. e. g. L. Mitteis, the jurist, in his commentary of 1895 to CRP 1 20.

[3] The clerk was prosecuted for fraud and acquitted thanks to the vote of another quaestor, irregularly given. Cato refused to recognise the vote, and would neither employ the clerk nor give him his pay; this apparently amounts to "suspension" for the duration of Cato's quaestorship.

[4] Plut. *Cat. Min.* 16–17,1 (Loeb translation). Cato introduced various changes in the treasury practices: he rigorously demanded payment from the debtors, while promptly paying the creditors, and improved the procedure for the registration of decrees (to prevent forgeries). He successfully prosecuted, for illegal possession of public money, those who had been rewarded by Sulla for killing men under proscription; this was a momentuous political decision.

without drawing the obvious parallels with a well-known dilemma of modern government: the tension between political leadership and the "power of the apparat". On the one hand, there is the legal authority, the political responsibility, the desire to get things done, to stamp one's mark on the office, and, naturally, to get public credit for the performance. On the other side are ranged expert knowledge and professional experience, corporate interests, esprit-de-corps, a certain disdain for an outsider and amateur, and the power of routine. It is bad enough to be "convicted of evil practices" by one's political superior; it is perhaps even more infuriating to be "taught" by him that one had "erred through inexperience". While the political decision-maker strives to master the apparat, the apparat will often succeed in mastering him. Not everyone has bothered to "read the laws" and "learn the details" pertaining to one's office before entering it. Not everyone is ready to invest time and energy in a war of attrition with one's subordinates, not everyone has the stomach for the inevitable conflicts: not everyone is a Cato. And if a Cato comes, like a sudden storm, the patient clerk knows that he will not stay forever: politicians come and go, the clerks remain.

Of course, this testimony relates to a specific field of Republican administration, where one would have expected in any case to find at least some degree of "bureaucratic" professionalism. This testimony should not necessarily be thought to apply to other areas of Roman administration – such as running the provinces – which are usually at the centre of scholarly attention and debate. Moreover, it refers to the Republic rather than to the period mostly dealt with in this context – the Principate; although this may actually be regarded as an *a fortiori* argument in favour of the existence of certain similar patterns and structures in some areas of administration under the Principate.[5] Imperial decision-making is a special category, in various respects. To the Emperor's will no overt resistance was possible; which is not to say that it could not be influenced, manipulated and frustrated in various ways and at various levels.

Finally, it must be noted that this glimpse into the world of the treasury administration is both unique and rather accidental. The story is only brought by Plutarch because he wants to illustrate Cato's character. We can hardly imagine Livy describing a power-struggle between a quaestor and his *scribae* over who is the real boss in the treasury – this is not the stuff of which Roman history is made. Describing the normal division of labour between them would interest neither a historian nor a biographer. If any of the aediles' clerks thought that they knew better than their bosses how to run the affairs of the city administration, this is nowhere recorded. Ancient literary sources are not usually interested in such things as the minutiae of administrative practice – this should be taken into account when we interpret their silence on such matters.

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[5] Cf. Fron. *Aq*. 1–2, who stresses that the responsible official needs expert knowledge of the duties of his office, in order that a man of his standing should not be dependent on his *adiutores*; the latter should be kept in their proper place as "but the hands and tools of the directing head" (We thank Prof. W. Eck for this reference). Frontinus' dilemma in facing his clerks is somewhat similar to that of Cato. But his own office, that of a *curator* appointed by the Emperor, was not "political" in the republican sense – he was not a magistrate dependent on popular elections.