

## 1: Full text of "The Gracchi, Marius, and Sulla"

*Plebs and Politics in the Late Roman Republic analyses the political role of the masses in a profoundly aristocratic society. Constitutionally the populus Romanus wielded almost unlimited powers, controlling legislation and the election of officials, a fact which has inspired 'democratic' readings.*

First and foremost, my gratitude goes to Victoria Pagn, the chair of my dissertation committee. Her encouragement and praise motivated me to commit to the doctoral program; her own zeal for Classics reminded me that so much has yet to be said in our field and that I wanted to be one of the voices that would continue the work. Her classes on Tacitus and Cicero sparked my interest in historiography and oratory. Whenever my resolve faltered and the work loomed as though insurmountable, Dr. Pagn was there with her kind words and some much needed perspective. I also thank her for encouraging me in my teaching and for helping to shape my teaching philosophy and method. To Lewis Sussman I offer my thanks for serving on my committee and for inspiring my entire course of study. When I was a junior working on my B. I thank her sons, Tim and Tony Louthan; their happy and easy passion for Latin always inspired me, and I can only hope that I brought as much love of Latin into their lives as they brought into mine. He recruited me to stay at the University of Florida in for my M. I also thank Robert Wagman and Andrew Nichols for keeping me grounded and reminding me that it is worth taking the time to just chill out. Without the support and love of my family, this would not have been possible. I thank my mother in law, Julia Stevens, for her encouragement and for reminding me to finish the dissertation first. To Lauren Crampton, I offer my thanks for the countless hours of encouragement she offered in person and on the phone. Finally, I thank my husband, Matthew Stevens, for keeping me focused on my work when I needed to focus, for offering distractions when I needed a break, and for knowing the difference between the two.

A Latin Lexicon of Fear Sallusti Crispi Historiarum Reliquiae Maurenbrecher ed. Classical Studies This study examines fear mongering, the arousal of fear to influence the thoughts or actions of others towards a particular end in late Republican Rome from 88-28 BCE. This project relies on a close reading of these texts with the judicious application of modern approaches to understanding fear and fear mongering. This dissertation presents the results of a word study on seven word families used in Latin to express fear: Then, a different method of fear mongering is explored in each selected text. By employing character assassination in Philippics 3 and 4, Cicero turns the consul into an enemy of the state by painting Antony as a would be king, a usurper consul, a brigand, and a second Catiline. Getting a Grip on Fear, I explain my choice of time period and how I arrived at my selection of materials through a careful word study of the lexicon of fear in extant Latin literature from 88-28 BCE. I compare the semantic range of timor metus vercundia terror formido pavor and dirus to our English word fear and trace the understanding of this emotion offered by modern psychology and psychoanalysis. I then describe the specific methods of fear mongering that emerge from the four speeches that are the focus of this study. On Behalf of Murena I show how Cicero uses his authority to justify his use of fear and to make his claims of risk credible to secure acquittal for his client, Lucius Murena, on the charges of electoral bribery. By relying on his status as consul, Cicero changes the conversation from one of legal guilt to one of political expediency. He positions the threat of the Catilinarian conspiracy as the primary concern for the safety of Rome and makes the question of electoral bribery seem trivial in comparison. At such a time, a leader such as Cicero can see that the most important concern is that Rome has leaders to protect her against Catiline, not whether one of those leaders attained his office illegally. In Chapter 4: Character Assassination in Philippics Against Marcus Antonius 3 and 4, I show how Cicero attacks the consul Antony by painting him as a would be king, a usurper consul, a brigand and a second Catiline to drum up fear against Antony and secure formal praise for those who oppose him. By granting such praise, the senate brands Antony an enemy of the state and justifies any otherwise illegal actions taken against him. Cicero engages in this character assassination in two speeches delivered back to back, the first in the morning to the senate and the second in the afternoon to the people. I explore how the same orator makes the same case to two separate audiences and what changes in focus that shift entails. How to Trade in Fear: I have heard them so many times and seen the film clip so often that the

word fear alone can evoke the image of a black and white Roosevelt pouring forth this profound statement, an image made all the more striking by the grainy quality and the vocal distortion of 1930s news reels I was not alive in, nor were my parents, yet somehow my memory of this speech is an integral part of my identity as an American. I am courageous, bold, free among the free, capable of anything, and these words idealize that spirit. My memory, however, is fundamentally flawed. These words are almost always removed from their context. Those ten words were not spoken in a void; Roosevelt continued to delimit the fear of which he speaks. He did not censure fear in general, but the specific type of fear that causes a freeze response. He calls this fear terror which paralyzes, and this difference between generic fear and the fear akin to terror implies that fear can mean different things and that perhaps we do not need to fear all manifestations of this emotion. Roosevelt leaves unsaid that we do not have to fear the named, reasoned, justified fear that emboldens our advance. In his treatise on rhetoric, Aristotle reminds the orator that fear can be a useful tool. In so doing he offers the first extant critical discussion of fear in the Greco Roman world Rh. Let fear be a kind of pain or disturbance deriving from an impression of a future evil that is destructive or painful; for not all evils are feared, for example whether one will be unjust or slow, but as many as are productive of great pain or destruction, and these are not distant but rather seem near so as to impend. For things that are remote are not greatly feared. Aristotle stresses that the speaker must make his listeners feel that they are truly in danger and that the evil they face has happened or is happening to those more powerful than themselves and just like themselves. Ross ; translation: Konstan , 3 For a full discussion of Aristotle on fear, see Fortenbaugh , 15, 18 22, 64 15, 76, 79 80 ; Nehamas ; Konstan , 4 Rh. PAGE 16 16 This purposeful act of arousing such fear to influence the thoughts or actions of others towards a particular end is fear mongering. This study of how Romans engaged in fear mongering and used fear as a political tool contributes to a growing field of study in the Classics dedicated to the emotions. In the last twenty years, the study of ancient emotions had examined Greek and Roman philosophical works as literature in an effort to understand ancient Epicurean and Stoic theories on emotion. In , Brunschwig and Nussbaum edited a volume on philosophies of the mind that focused on the passions in Hellenistic philosophy. Studies in Aristotle and Classical Literature an examination of the emotions defined by Aristotle and Emotion, Restraint, and Community in Ancient Rome a study of the emotions specifically, *vercundia*, *pudor*, *paenitentia*, *invidia* and *fastidium* and ethics of the Roman upper class in the late Republic and early Empire. My aim is not to understand ancient perspectives on fear, but to understand fear mongering in action. However, accomplishing this goal requires a mastery of the Latin lexicon of fear, to which I will return below. Unlike Konstan, who used Aristotle as a 6 Brunschwig and Nussbaum ; Gill ; Braund and Gill ; Kaster ; Konstan Additional general works on the emotions in antiquity include Fortenbaugh ; Annas ; Konstan ; Braund and Most ; Konstan a b ; Serghidou ; Munteanu ; Braund PAGE 17 17 starting point but examined emotions across the spectrum of antiquity, or Kaster, who used a diachronic approach to establish the relative stability of emotions in antiquity, I focus on the unique political circumstances in a short time period to draw substantive conclusions about specific moments of fear mongering in the context of the late Republic. The years 88 28 BCE provide a large enough window to ensure that data are not aberrations and that the conclusions are significant, but a narrow enough one to allow careful attention to detail and to focus on a uniquely turbulent period of Roman history. During these years prominent historical figures engaged in fear mongering, and those who in turn became objects of fear themselves would later have their names invoked to arouse terror in the Roman people or to discredit an opponent by association. Land reform, the contest for the composition of the law courts, and recurring civil war provided the hotbed climate in which fear mongering tactics thrived. At the extremes of this period, both Sulla and Octavian altered the course of the Roman constitution, as did Pompey and Caesar between them and Catiline tried. Furthermore, this was a time of great unrest and upheaval with the rise of powerful generals, such as Marius, Sulla, Pompey, and Caesar ; later with the fragmentation of the Republic under a new civil war between Pompey and Caesar ; and finally with yet another civil war and the earliest beginnings of a new imperial system. Sertorius and Lepidus, rogue members of Roman society, threatened the state from within and without. His *Philippics Against Marcus Antonius* 3 and 4, delivered in 44 BCE, reveal the impact of character assassination, as Cicero uses fear to cast Marcus Antonius as a threat to the very stability of the Republic. A

close reading of this text shows how Lepidus via Sallust carefully manipulates his diction, tone, word order, and imagery to arouse among the common people a fear of Sulla and his supporters so great that he spurred a popular uprising in Etruria but also sealed his own fate as an enemy of the state who would be forced to retreat to Sardinia. I arrived at this selection of material after a survey of all extant Latin literature from 88-28 BCE with significant references to fear. To find these references, I first researched the semantics of fear in English and psychoanalytic approaches to understanding fear. Then I identified the word families in Latin that directly represent fear to confirm that Roman perceptions of fear are near enough to our own that we can conduct a morphological search on all fear words in extant Latin literature from 88-28 BCE. After reading through the 3 citations, I assembled a list of features common to fear mongering from the approaches of two authors on fear and fear mongering, Glassner, a sociologist and Gardner, a journalist and lecturer. I then read through the passages that seemed particularly significant as I went through the citations of fear words, looking for these features. The selections I chose highlight these features, cover the scope of my chosen time period, and are uniquely interesting in and of themselves. Fear Defined Fear is an emotion we all know. But what precisely is fear? The online version of the Oxford English Dictionary offers this basic definition: So, fear is an emotion accompanied by pain or unease and looks towards some future ill, and we modern English speakers use the label fear to cover the broad spectrum of this emotion. Lazarus, writing about the psychology of fear, observes the same phenomenon. Furthermore, there are the physical manifestations of fear in the subject that almost seem synonymous with the fear itself: In the phrases for fear of for fear lest and for fear that we weaken the noun to represent a simple desire to avoid anything, not necessarily something we actually fear OED 3. For example, they closed their windows for fear that it would rain. Only a phobic person would actually fear the rain; rather, the fear provides the justification for closing the windows that is grounded in caution and avoidance, not fear. The phrase no fear usually indicates the belief that something is not likely to happen OED 5. I have no fear that it will rain merely means that I do not expect it to rain This broadening of semantic range reflects the aspect of fear that is concerned with the future and the unknown. The verb to fear receives a definition dependent upon the noun: A dependent clause of ten follows to indicate the future event feared or avoided: As with the noun, this use can adhere strictly to the true emotion or may indicate a desire to avoid any future event regardless of the risk of harm: I feared that I would be late. Only serious circumstances would warrant actual fear. The verb may also take a direct object to indicate the source of the fear, a person or thing as a source of danger, an anticipated event or state of things as painful or evil OED II. When a child fears crossing the street, what the child really fears is not the street crossing itself, PAGE 21 21 but the car collision that might follow. When the fear represents an uneasy sense of the probability of some unwelcome occurrence in the future, it opposes the verb to hope OED II. From these definitions we learn three important things: Even when we fear God, we fear him and respect him because of his power to bring future ill upon us. The future evil may be a mere annoyance. Synonyms have stricter ranges, with terror and dread at one extreme and solicitude and anxiety at the other. Fear, however, can represent any of these. Freud complains that nervousness and fear are often confused, but many people are fearful without being nervous, whereas many people who are nervous are prone to many distresses least of all fear. True fear [Realangst] strikes us as something very rational and intelligible. We may say of it that it is a reaction to the perception of an external danger that is, of an injury which is expected and foreseen. It is connected PAGE 22 22 with the flight reflex and it may be regarded as a manifestation of the self preservation instinct 9 Freud then notes that fear is intricately linked to knowledge. Good knowledge allows us to access accurately whether a potential source of fear is actually something we should fear.

## 2: Electoral abuse in the late Roman Republic

*Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.*

Italienische Handschrift auf Papier. Englische Handschrift auf Papier. Geschrieben von William M. Hollis, dessen vom 1. Mit 52 ausfaltbaren Tafeln in Federzeichnung. Nach diesem Titelzusatz auf Bl. Mit 11 Federzeichnungen, davon 1 doppelblattgr. Dazu von der Hand desselben Schreibers: Deutsche Handschrift auf Papier. Piccard, datiert Berlin Deutsche Handschrift auf starkem Papier. Die den Text illustrierenden Federzeichnungen u. Jahrhunderts verbreitet war EA Here we have the edition with the Theoremata by the Italian astrologer, astronomer and mathematician Luca Gaurico as first issue with own title-page. Mit 3 gleichen Druckermarken. Mit Titelholzschnitt, Verlegermarke am Ende und 26 meist schematischen Textholzschnitten, davon 1 ganzseitig. Adams C unter Cosmographia. Zusammenfassung des Cosmographicus liber aus dem Jahr The work is the summary of the Cosmographicus liber from the year Den Haag, van Duren, Mit 27 statt 28 ausfaltbaren Kupfertafeln. Goldsmith B beide die Ausg. Es fehlt wohl der Gesamttitel. So auch der Lustgarten. Er erschien erstmals, zuletzt An Drucken des Jahrhunderts sind im VD 17 neben der EA Ausgaben von, , und verzeichnet, nicht jedoch der vorliegende von Paris, Didot und Jombert, Mit 9 Tabellen auf 12 gefalt. Merita pure osservazione la storia premessavi della origine, fabrica ed uso della tavoletta pretoriana. Mit Druckermarke auf dem Titel und zahlr. Einblattdruck Kupferstich mit sieben Darstellungen und gestoch. Erstmals erschienen Steck III. XV et alia opuscula. Mit 2 Druckermarken sowie zahlr. VD 16 E First Latin edition printed at Basle. Druckermarken auf dem Titel und am Ende sowie zahlr. First published in Omnes scholijs illustrati auctore Ch. Sie arbeitet die bisherige Textkritik auf und bringt eine Edition, an der sich eine lange Zeit die Forscher und die Praktiker orientieren. Omnes perspicuis demonstrationibus illustrati: This edition of Euclid mentioned because the editor has thought it necessary to add to Book II some arithmetical work. The text of our copy ends with leaf Q 5 as in all copies described by bibliographers, there was however a copy in the trade which still contained 4 more leaves corrections after the here missing blank ending leaf Q 6. Some marginalia by contemporary hand, slightly browned, hardly soiled. III war erstmals erschienen. II bei den S. Diviso in tre libri. Mit Holzschnitt-Druckermarke und zahlr. Smith, Rara, und It follows the lines laid down by Borghi, and the author acknowledges his indebtedness to him and to Paciolo. The first part of the book is commercial in character, and in the second part the author treats of roots, rule of false, and algebra, the third part being devoted to geometry from the practical side. Jahrhunderts in Gebrauch gewesen sei. Diagrammen im Text und Druckermarke am Ende. In gratiam studiosae juventutis iterum exposita. II, , 2 unter Chales. Eine Anleitung vom Gebrauch des Ebenpassers oder Proportionalzirkels. Ein gesichertes Geburtsjahr gibt es ebenfalls nicht, als wahrscheinlich ist die Zeit um anzunehmen. Aratus und Proclus mit griechisch-lateinischem Paralleltext. Textkupfer, 7 2 gefalt. Der erste Band erschien erstmals, Bd. II erstmals, dann in 2. Auflage; John Harris ist gestorben. Eiusdem poeticon astronomicon libri quatuor. Paris, Jombert, Jahrhundert mehrfach neu aufgelegt. Amsterdam, de Coup, Textkupfern und vielen Diagrammen im Text. Jahrhundert mehrfach neu aufgelegt worden ist. Wappenexlibris Sigismund Graf von Spreti; Warnecke Or, A new and easy method of treating that art. Potsdam und Paris, Jombert,

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*Plebs and Politics in the Late Roman Republic* by Henrik Mouritsen, , available at Book Depository with free delivery worldwide.

No portion of this book may be reproduced, by any process or technique, without the express written consent of the publisher. Library of Congress Catalog Card Number: Contents Chronology vii Introduction xi 1. Food and Dining 23 4. Family Life 71 8. Holidays and Leisure Activities 83 9. Sports and Amusements 97 This page intentionally left blank Chronology ca. Aeneas flees the burning walls of Troy and begins his long sea journey culminating in Italy, where he founds a new race, the Roman people ca. A book about the Roman common people would distinguish itself by occupying a unique niche in the "daily life" pantheon. Unfortunately, that book has yet to be written. They have a knack for charging over even the sturdiest of "Famous Romans: Keep Out" signs that an author might want to figuratively post on an emerging manuscript. So the finished product has evolved as something of a compromise. True, noted names and famous families have found their way into these pages, but I hope that many Romans heretofore cloaked in anonymity have been able to shed that confining apparel and attain their own brief moment of fame within this book. The emphases of the chapters education; slavery; food and dining; housing; travel; politics; family life; XII Introduction holidays and leisure activities; sports and amusements; religion; and retirement cumulatively paint a reasonably accurate portrait of what it meant to be a typical ancient Roman. Each chapter begins with a brief introduction to the topic under consideration. These introductions are brief by design; it is hoped that the reader will learn about the chapter topics not through my contemporary prose but through the writings and actions of the ancient Romans themselves. These writings and actions are presented in the form of individual entries, most of which are headed by titles. The content of each entry has been derived from an ancient source or sources, which are identified within the text. No attempt has been made to prejudice the reader by offering value judgments on the validity or credibility of the entries or their sources. Although certain ancient authors do enjoy a more favorable reputation among modern critics than others, the contention here is that all have something to contribute to our overall knowledge of life in ancient Rome. To that extent, at least, their work is worthy of inclusion in an effort such as this one. The works of ancient authors have been the major Sources and sources of information for this book. A reference list is provided at the end of each chapter. A bibliographic essay is included at the end of the book to provide the reader with a list of modern authors. Other sources that were used in the preparation of this book are abbreviated as follows: Corpus Inscriptionum Latinarum, the massive collection of Latin inscriptions. Loeb Classical Library, a collection of translated works of most of the major Greek and Roman authors, with the English translation appearing on odd-numbered pages, facing the text in the original language on the even-numbered pages. Oxford Classical Dictionary, a reference work on classical antiquities. Was life in ancient Rome in B. Of Chronological course it was. Whenever possible, individual entries are dated so that the reader has a chronological context in Introduction xui which to place each entry. Most of the entries fall within the period B. Whenever an author employs the topical organization of material, difficult editorial decisions occasionally must be made about the appropriate placement of some entries. Attentive readers will no doubt observe instances of entries that may seem more suited to chapters other than the ones in which they currently appear. It is my hope instances occur infrequently. The modern reader may not be familiar with words like sestertium, praenomen, or censor. Some Roman names have variant forms or spellings. Notable examples are mentioned here. The latter spelling appears in this book. Similarly, Heracles and Hercules. Again, the latter has been used. Thanks to Shakespeare and Hollywood, however, he is much better known today as Mark Antony, so it is by that name that he is referred to in this book. Other members of the Antonius family who find their way into these pages bear the Roman form of the name: The Roman emperor Augustus did not actually receive that title until 27 B. References to Augustus prior to that time would more accurately appear as Octavianus. If an author really wants to be historically accurate, he or she would have to call him Octavius prior to 44 B. The man did undergo several name changes. The present volume sacrifices

precision on the altar of clarity in the matter of Augustan nomenclature; he is called Augustus throughout. Patricians might be described as the "haves" of Roman society, for they were generally the people who had money, property, power, and perhaps most important, the right family connections. Plebeians, on the other hand, were for the most part the antitheses of patricians: Over time, some plebeians and plebeian families climbed the socioeconomic ladder, but the ascent was usually a difficult one. In the third and second centuries B. Eventually many equestrians became persons of influence in Roman society, primarily because of their wealth and commercial interests. These class distinctions were keenly felt throughout Roman history. Two of the most prominent "new men" to make it all the way to the consulship were Cato the Elder, in B. Roman history can be broadly divided into three periods: Some disagreement exists among historians over the exact date of the fall of the Republic. The date 27 B. During the monarchy the city was ruled by the following seven kings; dates of their reigns are close approximations: Numa Pompilius, Tullus Hostilius, Ancus Martius, Tarquinius Priscus, Servius Tullius, Tarquinius Superbus, After expulsion of the last king the Roman Republic was instituted, whereby the government was run by elected officials see below, "Political Offices". When the Republic fell, a one-man rule was established; even though Introduction xv the offices of the Republic were retained, it soon became common knowledge that the emperor controlled the government. The first nineteen of seventy-nine total Roman emperors were as follows: Augustus, reigned 27 B. Because the Roman consulship was an annual magistracy, and because two Calendar new consuls generally assumed the office each year, these consular changeovers could be used as reference points for referring to a specific year. For example, in 59 B. The Romans referred to the events of that year as happening "in the consulship of Bibulus and Caesar. C, could also be used as a reference point, generally accompanied by the abbreviation A. One of the reforms that Julius Caesar implemented was to base the Roman calendar on the solar year, with twelve months, days, and a leap year every fourth year. This so-called Julian calendar is still the one we use today, along with a few modifications made by Pope Gregory XIII in the sixteenth century. The twelve months of the Roman year were actually expressed adjec- tively, with the name of the month used as a modifier for the noun mensis "month" , thus: Also, the adjectives *quintilis*, *sextilis*, *September*, *October*, *november*, and *december* actually mean "fifth, sixth, seventh, eighth, ninth, and tenth [months]," a reflection of the fact that the Roman year origi- nally began not on January 1 but on March 1. Each month contained three reference points: The Kalends was always the first day of the month, whereas the Nones might be the fifth or seventh, and the Ides the thirteenth or fifteenth, depending on the month. In March, May, July, and October, the Nones fell on the seventh and the Ides on the fifteenth; in all other months, the Nones fell on the fifth and the Ides on the thirteenth. Days were identified by counting inclusively backward from the next reference point. For example, January 23 was referred to as "ten days or the tenth day before the Kalends of February. In practice, however, no Roman would write out such a lengthy conglomeration of words when a simple abbreviation would do just as well: Likewise, we would probably not write "January twenty-third" but rather "Jan. The often-superstitious Romans viewed some days as inherently un- lucky or inauspicious, as *dies nefasti*; one might equate them to contem- porary uneasiness over the occasional Friday the Thirteenth. And Suetonius tells us that the emperor Augustus was leery about traveling or conducting business on the Nones of any month. Because the sound of the word Nones bore an uncomfortably close resemblance to the Latin phrase *non is*, which means "you do not go. Given that some 2, years of economic, social, and political vagaries separate the modern United States from the glory of days of ancient Rome, it is impossible to provide accurate equivalencies. However, we do have some information about the buying power of these Roman coins. For example, the Edict of Dio- cletian, an early fourth century A. Would-be Roman politicians could run for a variety of offices; quaestor, aedile but see the following para- Political Offices graph , praetor, consul. The Ro- mans observed severe term limits: The aedileship was not explicitly listed in the *cursus*, but many up- and-coming politicians ran for the office anyhow. Even Julius Caesar, in many ways a revolutionary innovator, held the offices in the traditional order: Quaestors were financial officials who supervised the col- lection of taxes and other revenues and kept track of government ex- penditures. Quaestors were often assigned to provinces or to the army, to oversee budgeting and payroll, and to prepare financial reports. The number of quaestors varied dramatically. Their numbers gradually

increased; by the time of the dictator Sulla early first century B. Four aediles were chosen each year: Although the curule aedileship apparently carried higher prestige, all four aediles had similar responsibilities: Originally there was only one praetor. But as the government bureaucracy expanded, so did the need for additional praetors. Around the number of praetors was increased to four, and later, in , to six.

**4: Trials in the Late Roman Republic, BC BC**

*There is a brief but well written appendix on the Lex Licinia de sodalitatibus, a thorough and up to date bibliography, and an index that includes not only references to Roman names, places and concepts, but to the many modern authors whose ideas are discussed as well.*

Although it is not an official document, it was written by someone apparently associated with the royal administration. It lists and explains the laws, and includes explanations of how to conduct legal proceedings. It covers a diverse range of subjects, including ecclesiastical cases, treason, murder, theft, feuds, assessment of danegeld, and the amounts of judicial fines. The work survives in six manuscripts that range in date from about to around, belonging to two different manuscript traditions. Besides the six surviving manuscripts, three others were known to scholars in the 17th and 18th centuries, but have not survived to the present day. Two other separate copies may also have existed. The complete work itself was first printed in, but an earlier partial edition appeared in. The Leges is the first legal treatise in English history, and has been credited with having the greatest effect on the views of English law before the reign of King Henry II than any other work of its kind. Background and similar works The Leges Henrici Primi or Laws of Henry I is not merely a compilation of laws but an integrated legal treatise, the first such in the history of England, written in the Latin language about. It records the legal customs of medieval England. Besides the Leges, other works of this type produced at this time were the Quadripartitus, parts of the Leges Edwardi Regis, the Instituta Cnuti, and the Consiliatio Cnuti. It is possible the Leges Willhelmi was also written during this time period. Also, certain legal terms used in the Leges, whether in their original English language or rendered into Latin, cannot be found in any extant legal code, and may be another example of preserving now-lost legal codes or provisions. Sayles, argue that the two works were by different authors. It gained that name from the inscription "De libertate ecclesie et totius Anglie obseruanda leges Henrici primi" which occurs on five of the six extant manuscripts. The sixth manuscript adds "filii conquestoris" at the end of the inscription. It is not a comprehensive listing of all laws that were in force during the early 11th century. Some discussions of juridical matters then follow, then a long treatment of ecclesiastical issues. The rest of the treatise is concerned with non-ecclesiastical subjects, including cases of injury, theft, murder, and feuds. Procedural topics are included, such as how summonses to court should be formed, what notices need to be made before judicial procedures, how adjournments should be handled, and other such concerns. There is no strong organizational framework to the entirety of the Leges, which leads the author to repeat subjects as well as treating some subjects less than adequately. Treasure trove and salvage from wrecks were also matters of interest to the crown. The tract also set out who should attend the shire court, ruling that the local bishop and earl, as well as the sheriff and local barons, among others, should attend. Clergy are not only to take part in the shire court, but could be summoned to answer charges in the court. It also contains a number of dicta which became cliches, such as "who unknowingly offends will knowingly amend" and "witness is not needed as to what did not occur, but as to what an accused claims did occur". The Sc group is composed of the Sc manuscript itself, which probably dates from about, and its copy, Hg, which was written about. Hg is held by the British Library and is catalogued as Hargrave. The surviving manuscripts are known as K, Co, Or, and Rs. The three lost manuscripts have been assigned the names of Gi, Sl, and Tw. K is a manuscript currently in the British Library, and was part of the Cotton Library before becoming part of the British Museum then the British Library. Given the catalogue name of Cotton Claudius D II, it is the only illuminated manuscript of the Leges and dates to around. This manuscript dates to around and is catalogued as Corpus Christi College. It dates from around and is catalogued as Oriel College. It was written about and is catalogued as Rylands lat. The Sl manuscript belonged to John Selden in the 17th century, but it is unclear when it was created. The last securely known lost manuscript is the Tw manuscript, and was used by Twysden in his edition of the Leges, and was perhaps owned by him also. The other possible manuscript was one that Wilkins referred to as "quod iudetur fuisse Archiepiscopi aut Monachorum Cantuar", but it has not been found in searches of Lambeth Palace Library or the various Canterbury repositories. The actual text of the Leges was edited by Twysden.

Prior to this, two other scholars, William Lambard and Spelman, had intended to produce printed editions of the Leges, but were unable to follow through on the project. In 1793, the Record Commission published an edition of the text that had been edited by Richard Price and Benjamin Thorpe. The next major production of the Leges was Felix Liebermann who produced three volumes of Gesetze der Angelsachsen between 1875 and 1888, with the Leges being one of the legal treatises being reproduced in the Gesetze. Downer,[34] and includes updated commentary and manuscript information. An edition was published along with other 12th-century legal treatises, in the Die Gesetze der Angelsachsen, and more recently it has been studied by the historian L. British Library Manuscripts Catalogue. Archived from the original on 20 October Retrieved 10 November Frost, Amanda Clark, ed. Parker Library on the Web. The Governance of Norman and Angevin England â€” The Governance of England. The Making of English Law: King Alfred to the Twelfth Century. Further reading Turner, Ralph V. Journal of British Studies.

**5: Tertullian: The Apology, translated by Wm. Reeve, ( reprinted )**

*Tor Sivertsen Prestegard Masteroppgåve i historie Lex Clodia de Sodalitatibus (58 fvt.) Lex Licinia.*

April 2, Keywords: Failure to Hold Elections 21 2. Abuse of the lex annalis and Successive Terms 27 3. Abuse of the Auspices 32 4. Violence and Gangs 38 5. Bribery and Electioneering Abuses 45 6. Prearranged Results, Cabals and Conspiracies 49 7. Usurpation of Constitutional Roles 53 8. Procedural and Miscellaneous Abuses 59 Culmination, B. Magistracies and Candidates 77 2. Classical Antiquity C Phil. Denarius with reverse depicting a voting scene Syd. Denarii with ballot themes on reverse Syd. A review of the primary source accounts shows a pattern of abuse that clearly accelerated over the final century, until the turning-point of the 60s and 50s B. We can categorize these abuses and examine their effect on societal attitudes and subsequent practice. It was no coincidence that at Augustus paid showy respect to the Republican voting assemblies, the voting-places and the annual election rituals. The escalating abuse of elections inculcated in the Romans the idea that their constitution and the rule of law had no intrinsic value by themselves, but existed only as tools in the service of power and desired goals. With the rule of law battered into submission, the Republic all the more easily succumbed to the rule of men. Introduction Electoral Abuse as Effect and Cause The Republic that governed at Rome for nearly years with annually elected magistrates was wracked in its dying years by an unprecedented degree of electoral abuse. To be sure, there had always been electoral irregularities. But as the Republic moved toward collapse in the mid-first century B. Abusive tactics were employed eagerly by all sides and parties, with each group justifying its practice by the offenses of the other. The Romans recognized the damage they were causing and railed at each other for it, but they were unable or unwilling to stop. Each episode served to justify the next. In the end, the forms and purposes of the ancient constitution no longer mattered. Once the state fell under the personal control of the despots, Caesar and the Second Triumvirate, they had ample precedent to do with the elections as they pleased. Centuries of learned scholars have spent lifetimes on that question. Electoral abuse inured the Romans to their weakened constitution, made alternatives more conceivable, emboldened and enabled the despots, and gave Augustus and his supporters a ready platform. For the rise of the knights, generals and Italians, L. Cambridge University Press, , 96; for personal hatred as opposed to structural causes for the civil war, A. Life of a Colossus New Haven: Yale University Press, , A good shopping-list of causes is found in P. Clarendon Press, , for instance, mismanaged provinces and the Italian problem, 69; conflict between senatorial class and equites 72; failure to control the army, 77; weakness of the senate, Two trends in the modern debate surrounding this issue are relevant. Gruen, argue that the Republic remained reasonably stable until the end, and that the first-century political turmoil was well within the bounds of flexible Republican practice. Pompeius Magnus to topple an otherwise sturdy government. A second line of the modern debate led by F. This debate, too, bears heavily on the significance of electoral abuse. If the whole electoral mechanism was a sham and everybody knew it, then election abuse meant considerably less than if meaningful constitutional institutions were under attack. The question is not whether the Republicans abused their elections by our standards, but whether they abused them by their standards. Then we can survey the general categories of electoral abuse in our source accounts and see how they escalated. Such categories include 1 elections PAGE 11 4 delayed or canceled, 2 violations of the laws concerning ages and terms of candidates, 3 cynical manipulation of the state religion, 4 the effect of violence and gangs, 5 bribery and electioneering, 6 electoral cabals and prearranged results, 7 usurpation of constitutional roles, and 8 violations of process as well as other miscellaneous abuses. We will see how all of this reached a boilingpoint in the climactic years B. Whether the old Republic had fallen or been pushed, it was surely broken, and the career talent of Augustus was to get to everyone to agree or to pretend that he had fixed it. The Modern Debate In , E. Gruen published his Last Generation of the Roman Republic. A major theme of the book is summed up in his conclusion: He surveys the consuls elected during the 70s and 60s B. University of California Press, , PAGE 12 5 control of the state nor to repeal not yet, at least the Sullan constitution. Gruen downplays the significance of the first triumvirate of Caesar, Pompey and M. Licinius Crassus, an arrangement which he calls largely a modern construct, and likewise the renewal of that pact at

Luca in Gruen further argues that during the 50s the first triumvirs, despite their portrayal as a malevolent power pushing levers behind the curtain, had little actual influence over the elections, with the glaring exception proving the rule being the arranged consulships of Pompey and Crassus in 60. Girardet in concurred in blaming the dynasts and not a systemic weakness: Yakobson, in his influential recent work on Republican elections, held that violence, bribery and other irregularities did not overly affect the outcome of affairs until late in the Republic. Gruen forces his argument in several places. He and his successors must vie against a historiographic tradition that goes back to our original sources. For good reason, Roman history textbooks unanimously begin their chapters on the fall of the Republic in 44. Velleius Paterculus beats them to the punch by nearly two millennia with his observation that after the death of Tiberius Gracchus the rule of law gave way to power, civil disagreement turned to violence, and wars were fought for profit rather than for rightful cause. Sallust, admittedly, was prone to complaining about his times, and oversimplified a complex problem as a bipolar struggle. *Festschrift für Carl Werner Müller zum 70. Geburtstag*, Teubner, 1988, 147. For another argument on stability, see K. Yakobson, *Elections and Electioneering in Rome*. Franz Steiner Verlag, 2008, 158. *Inde ius vi obrutum potentiorque habitus prior, discordiaequae civium antea condicionibus sanan solitae ferro diiudicatae bellaque non causis inita, sed prout eorum merces fuit.* PAGE 14 7 And so the nobles began to take advantage of their status, and the people abused their liberty in wantonness, and each man led himself into robbery and pillage. In this way the whole was divided in two, and the state between these extremes was torn to pieces. Brunt, in his own *Fall of the Roman Republic* concludes that the Republican constitution simply could not withstand the pressure when all players in the system wielded their obstructive powers to the utmost. The senate was blind to the pressures that resulted from imperial expansion and the Italian problem, while the equites the plebs, the peasantry and the soldiers ripped the state apart. Taylor<sup>11</sup> recognizes the pressures coming from the knights, the Italians and the army warlords, as does D. Mourtsen argues its cause was increasing competition for power and status. Lintott, despite an overall argument in favor of constitutional flexibility, admits that the abuse of form had an effect: *Namque coepere nobilitas dignitatem, populus libertatem in lubricum vertere, sibi quisque ducere, trahere, rapere. Ita omnia in duas partis abstracta sunt, res publica, quae media fuerat, dilacerata.* Routledge, 1999, 158. Cambridge University Press, 1999, PAGE 15 8 higher magistracies in the city. The traditional view of late 19th and early 20th century scholars, particularly T. Gelzer, was that Republican Rome was an oligarchy with the citizen assemblies effectively controlled by patron-client relations. Syme characterized the Augustan transformation as an oligarchic revolution, and he propounded a much-quoted dictum: In all ages, whatever the form and name of government, be it monarchy, republic or democracy, an oligarchy lurks behind the facade, and Roman history, Republican or imperial, is the history of the governing class. Clarendon Press, 1988, 7. Polybius, *The Rise of the Roman Empire* trans. Syme, The Roman Revolution Oxford: Clarendon Press, 1978, 7. PAGE 16 9 This patron-client model for Republican politics became the orthodox view, and many subsequent scholars such as Taylor and H. In the latter 20th century new generations of Republican scholars argued there is simply too much evidence that the power of the *populus Romanus* was real and discretionary, that it mattered a great deal in the outcome of contested elections and debates, and that rather than commanding the masses, the nobles had to court popular favor to win elections and support for their causes. Foremost among these latter-day scholars is F. Millar, whose works from the 1970s onward explored the importance of oratory and mass opinion and showed the lengths to which the candidates and nobles went to seek popular favor. True, the fasti of consuls show an overwhelming preference for aristocrats, but Millar and several others replied that these lists merely show a customary deference to noble status, and the preference of the 18 Taylor, *Party Politics in the Roman Republic* University of Michigan Press, 1989, 7. University of North Carolina Press, 1989, 17 10 crowd for a certain political pedigree in their choice of candidates. Morstein-Marx agreed in Deniaux, in a study of the use of urban space in the Republic, notes the array of spectacle, the necessity of physical presence and direct appeal to voters, and the role of oratory and entertainments associated with forming public opinion, all of which involved the whole city: Even in the U. Cambridge University Press,

## 6: Ancient Roman - [PDF Document]

*We wish to enter into a detailed examination of the lex Licinia, but before so doing have deemed it expedient to thus pass in review the agrarian agitations. The result of this work has, we trust, been a better understanding of the real tendency, the true purpose, of the law which is now to absorb our attention.*

By including Pisa and by treating Florence as a separate synod, certain writers have brought the number of oecumenical councils up to twenty-two. These standard lists are of the type which became established through the authority of Cardinal R. Bellarmine, who criticized Constance and Basel, while defending Florence and the fifth Lateran council against the Gallicans. The Greek Church accepts only the first seven synods as oecumenical; and it reckons the Trullan synod of the Quinisextum as a continuation of the sixth oecumenical synod of But concerning the first seven councils it should be remarked that Constantinople I. Similarly the only representatives of the West present at Constantinople II. Just as there have been synods which have come to be considered oecumenical though not convoked as such, so there have been synods which though summoned as oecumenical, failed of recognition: The last two received the imperial confirmation and from the legal point of view were no whit inferior to the others; their decrees, however, were overthrown by subsequent synods. As the Protestant leaders of the 16th century held fast the traditional christology, they regarded with veneration the dogmatic decisions of Nicaea I. In the 17th century the liberal Lutheran George Calixtus based his attempts at reuniting Christendom on this consensus quinquesaecularis. Many other Protestants have accepted Constantinople II. The common Protestant attitude toward synods is, however, that they may err and have erred, and that the Scriptures and not conciliar decisions are the sole infallible standard of faith, morals and worship. The Church of England has maintained its ancient provincial synods or convocations, though for the greater part of the 18th and the first part of the 19th centuries they transacted no business. In the Lutheran churches of Germany there was no strong agitation in favour of introducing synods until the 19th century, when a movement, designed to render the churches less dependent on the governmental consistories, won its way, until at length Prussia itself fell into line and As the powers granted to the German synods are very limited, many of their advocates have been disillusioned; but the Lutheran churches of America, being independent of the state, have developed synods both numerous and potent. In the Reformed churches outside Germany synodal life is vigorous; its forms were developed by the Huguenots in days of persecution, and passed thence to Scotland and other presbyterian countries. Even many of the churches of congregational polity have organized national councils see Congregationalism; but here the principle of the independence of the local church prevents the decisions from binding those congregations which do not approve of the decrees. Moreover, in the last decade of the 19th century a growing desire for a rapprochement between the Free Churches in the United Kingdom as a whole led to the annual assembly of the Free Church Council for the consideration of all matters affecting the dissenting bodies. This body has no executive or doctrinal authority and is rather a conference than a council. In general it may be said that synods are becoming more and more powerful in Protestant lands, and that they are destined to still greater prominence because of the growing sentiment for Christian unity. Collectio regia Paris, , 37 vols. Cossart, Sacrosancta concilia Paris, , 17 vols. Hardouin Harduinus, Conciliorum collectio regia maxima Paris, , 11 tomi in 12 vols, to; more exact; indexed; serious omissions; enlarged edition by N. Coletus Venice, , supplemented by J. Mansi, Sanctorum conciliorum et decretorum nova collectio Lucca, , 6 tomi. O Introductio seu apparatus ad sacrosancta concilia, and tom. A careful text of Roman Catholic synods from to is Collectio Lacensis Acta et decreta sacrorum conciliorum recentiorum, Friburgi, ff. Concilia Magnae Britanniae et Hiberniae, ed. Wilkins London, , 4 vols. Stubbs Oxford, ff. Joseph Robertson Edinburgh, Bannatyne Club, , 2 tom. Maassen Hanover, Monumenta Germaniae historica, Legum sectio iii. Sirmont Paris, , 3 vols. Odespun, Concilia novissima Galliae Paris, ; Conciliorum Galliae tam editorum quam ineditorum, stud. Synods of the Reformed Churches of France are contained in J. Quick, Synodicon in Gallia reformata London, , 2 vols. For the synods of other countries see Herzog-Hauck, 3rd ed. Canones apostolorum et conciliorum saeculorum, iv. Bruns Berlin, , 2 vols. Fulton, Index Canonum 3rd ed. Hahn 3rd edition, revised and enlarged, Breslau, , with variant readings; C. These last

five are elaborately indexed. General Histories of Councils: Harnack, History of Dogma Boston, , 7 vols. Loofs, Leitfaden der Dogmengeschichte 4th ed. Zitelli-Natali, Epitome historico-canonica conciliorum generalium Rome, ; F. Cheetham, Dictionary of Christian Antiquities London, , 2 vols. Graz, excellent notes and references ; E. Leipzig, brilliant ; A. Herzog, 3rd revised ed. Hauck Leipzig, ff. Allen, Christian Institutions New York, , chap. It is built for the most part on level ground at the foot of high bluffs; and has several parks, the most attractive of which, commanding fine views, is Fairmount Park. In the Federal government made this the headquarters of the Pottawattamie Indians, removed from Missouri. They remained until , when the Mormons came, built many cabins, and named the place Kaneshville. The Mormons remained only about five years, but on their departure for Utah their places were speedily taken by new immigrants. During Council Bluffs became an important outfitting point for California gold seekers—the goods being brought by boat from Saint Louis—and in it was incorporated as a city. Counsellor or, more fully, counsellor-at-law, is practically an obsolete term in England, but is still in use locally in Ireland as an equivalent to barrister. The title of earl, applied by the English to the foreign counts established in England by William the Conqueror, is dealt with elsewhere see Earl. The present article deals with 1 the office of count in the Roman empire and the Frankish kingdom, 2 the development of the feudal count in France and under the Holy Roman Empire, 3 modern counts. The Latin comes meant literally a companion or follower. In the early Roman empire the word was used to designate the companions of the emperor comites principis and so became a title of honour. The emperor Hadrian chose senators as companions on his travels and to help him in public business. The designation comes thus developed into a formal official title of high officers of state, some qualification being added to indicate the special duties attached to the office in each case. Others were sent into the provinces as governors, comites per provincias constituti; thus in the Notitia dignitatum we find a comes Aegypti, a comes Africae, a comes Belgicae, a comes Lugdunensis and others. Two of the generals of the Roman province of Britain were styled the comes Britanniae and the comes littoris Saxonici count of the Saxon shore. The count of the sacred bounties was the lord treasurer or chancellor of the exchequer, for the public treasury and the imperial fisc had come to be identical; while the count of the private estates managed the imperial demesnes and the privy purse. Another important officer of the later Roman court was the comes sacri patrimonii, who was instituted by the emperor Anastasius. In this connexion it should be observed that the word patrimonium gradually changed in meaning. In the beginning of the 3rd century patrimonium meant crown property, and res privata meant personal property: It is difficult to give briefly a clear idea of the functions of the three important officials comes sacrarum largitionum, comes rei privatae and comes sacri patrimonii; but the terms have been well translated by a German author as Finanzminister des Reichsschatzes finance minister of the treasury of the Empire , F. The Frankish kings of the Merovingian dynasty retained the Roman system of administration, and under them the word comes preserved its original meaning; the comes was a companion of the king, a royal servant of high rank. Others filled the highest offices, e. The kingdom was divided for administrative purposes into small areas called pagi pays, Ger. Gau , corresponding generally to the Roman civitates see City. Anglo-Saxon scire-gerefa, 3 sheriff. The comes was appointed by the king and removable at his pleasure, and was chosen originally from all classes, sometimes from enfranchised slaves. He enjoyed a triple wergeld, but had no definite salary, being remunerated by the receipt of certain revenues, a system which contained the germs of discord, on account of the confusion of his public and private estates. He also retained a third of the fines which he imposed in his judicial capacity. Under the early Carolings the title count did not indicate noble birth. While, however, he was theoretically paid by the king, he seems to have been himself one of the sources of the royal revenue. The counties were, it appears, farmed out; but in the 7th century the royal choice became restricted to the larger landed proprietors, who gradually emancipated themselves from royal control, and in the 8th century the term comitatus begins to denote a geographical area, though there was little difference in its extent under the Merovingian kings and the early Carolings. The count was about to pass into the feudatory stage. Throughout the middle ages, however, the original official and personal connotation of the title was never wholly lost; or perhaps it would be truer to say, with Selden, that it was early revived with the study of the Roman civil law in the 12th century. The unique dignity of count of the Lateran palace, 4 bestowed in by the emperor Louis IV. Comites Palatii Lateranensis;

Selden, op. In the confusion of the period of transition, when the title to possession was usually the power to hold, designations which had once possessed a definite meaning were preserved with no defined association. In France, by the 10th century, the process of decomposition of the old organization had gone far, and in the 11th century titles of nobility were still very loosely applied. In the oldest register of Philip Augustus counts are reckoned with dukes in the first of the five orders into which the nobles are divided, but the list includes, besides such almost sovereign rulers as the counts of Flanders and Champagne, immediate vassals of much less importance—such as the counts of Soissons and Dammartin—and even one mediate vassal, the count of Bar-sur-Seine. In the official lists it was early placed second to that of duke Luchaire, Manuel, p. Thus, too, in modern times royal princes have been given the title of count Paris, Flanders, Caserta, the heir of Charles X. From the 16th century onwards the equivocal nature of the title in France was increased by the royal practice of selling it, either to viscounts or barons in respect of their fiefs, or to rich roturiers. In Germany the change from the official to the territorial and hereditary counts followed at the outset much the same course as in France, though the later development of the title and its meaning was different. In the 10th century the counts were permitted by the kings to divide their benefices and rights among their sons, the rule being established that countships *Grafschaften* were hereditary, that they might be held by boys, that they were heritable by females and might even be administered by females. By the second half of the 12th century the official character of the count had quite disappeared; he had become a territorial noble, and the foundation had been laid of territorial sovereignty *Landeshoheit*. The first step towards this was the concession to the counts of the military prerogatives of dukes, a right enjoyed from the first by the counts of the marches see Margrave, then given to counts palatine see Palatine and, finally, to other counts, who assumed by reason of it the style of landgrave *Landgraf*, i. In , on the formation of the Confederation of the Rhine, the sovereign counts were all mediatized see Mediatization. Even before the end of the Empire the right of bestowing the title of count was freely exercised by the various German territorial sovereigns. It is now simply a title of honour and one, moreover, the social value of which differs enormously, not only in the different European countries, but within the limits of the same country.

**7: Calamity - A Roman Man of Letters: Gaius Asinius Pollio**

*Henrik Mouritsen-Plebs and Politics in the Late Roman Republic-Cambridge University Press () Appendix. The 'Lex Licinia de sodalitatibus'*

I have divided this material into two sections, first the procedural aspect of the case, and then inside parentheses the substantive aspect of the case. For criminal cases, the procedural aspect is usually defined by the statute under which the trial was held. Obviously, if the name of the statute is not known, then the charge is only indexed generically. I have used generic indexing even where we do know the name of the statute for the benefit of readers who wish to study a particular type of crime. I should add that, if I were to follow the view which I expressed in *Alexander* in its most extreme form, I would not have included, in the case of trials before *quaestiones perpetuae*, the substantive allegations, for I argued that they may not have been formally defined and thus would not be relevant to this work. In the case of *iudicia populi*, I have indicated that the trial took place before a *iudicium populi*, along with any other procedural fact of which we know, and then put the substantive allegations in parentheses. The work begins with trials in BC and ends with trials in 50 BC. The beginning date of BC is a somewhat less obvious choice. It is the year in which a *lex Calpurnia* established the first *quaestio perpetua*, or standing criminal court, an institution which expanded over the next seventy years, until it constituted the dominant element in Roman criminal jurisdiction. Admittedly, the date has little importance for civil law, but since most of the trials listed here are criminal, it seemed appropriate to use this date as the beginning of the period which the book covers. The footnotes are designed to make the reader aware of any dubious or controversial points which relate to the formal aspects of the trial. In those instances where I have an original contribution to put forward, I have expressed it as concisely as possible, but normally I simply cite publications of other scholars or occasionally my own as the places to find discussion of these points, and summarize the views very briefly. I also cite publications which are relevant either to the trial as a whole or to aspects of it at the bottom of the listing for that trial. For the sake of brevity, however, I do not repeat there a citation to an article or book which I have already cited in the notes. Therefore, the reader should consider that both the citations in the notes and those at the bottom of the listing comprise the list of publications relevant to the formal aspects of these trials. The trials are listed in chronological order with trials of unknown or very indefinite date listed at the end. Cases 1 to are listed chronologically; cases to are of indefinite date. Because of the Roman system of annual magistracies, it is usually possible to date a trial to a particular year. Since extortion trials figure quite prominently in this period, readers should be aware that they are often dated to the year after the defendant held provincial office. This is a reasonable surmise, but, if there is no other information dating the trial, not a known fact. It is often very difficult to date a trial to a particular day or month. Trials consisted of several stages, and some trials lasted longer than others. For example, the *nominis delatio* for trial A might occur before that of trial B, but the actual hearing of trial A might end after that of trial B; in this case, it would be difficult to say whether trial A preceded or followed trial B. One might suggest using one stage in each trial, say the *nominis delatio*, as the criterion by which the trials are to be chronologically ordered, but this procedure would not be practical, in view of the fact that for one trial we may know something about the date of one stage, and for another trial the date of another stage. Therefore, the order of trials is often based on limited evidence for dating, and should be viewed as giving merely a relative indication of the chronological order of trials within any given year. I have not included what I consider to be inherently speculative matter. Rather, I mean questions which would have been speculative even at the time of the trial, such as possible political forces behind a prosecution or the political consequences of a verdict, no matter how plausible or well-founded such speculation may be. Since I have excluded inherently speculative matters from the presentation of information about the trials, it makes sense not to cite modern publications which deal solely with those matters. I should therefore emphasize that this book does not attempt to cite all the bibliography on any given trial, but includes only those works which pertain to the formal and legal aspects of the trial. The exclusion of other works should not be seen as a reflection on their value, but as dictated by considerations of relevance. I did so for two reasons. Second, it does pertain to the legal aspects of

the trial, for bribery could lead to hearings and judgments of *praevaricatio* or *calumnia*. Some readers will doubtless be surprised to see these trials divorced from the political context in which they are usually discussed. The reason is not that I reject out of hand any connection between law and politics, especially in view of the fact that in most of these trials the defendant and many other participants were politicians. Rather, I believe that in the absence of extant court records, such as the sort most scholars of legal history have at their disposal, Roman historians can profit from this distillation of what we actually know about each trial. This work serves as a basis for further research in legal or political history. In order to exclude any bias which our preconceptions might impart to the study of late Republican legal history, I have not highlighted or distinguished those trials which political histories of the Late Republic generally view as crucial. Because of the limits and gaps in our sources, there are many pieces of information in this volume which represent guesses, however educated and plausible these guesses may be. I would like to make one other point about the purpose of this book. Its focus is on the trials of the period, not on the individuals who participated in them; in this respect, it is different from *Magistrates of the Roman Republic*, which obviously focuses on individual careers. Although I do record the highest magistracy acquired, in order to identify senators and help place them in terms of their careers, the book is not meant to be a prosopographical analysis of those individuals who happen to participate in trials. In the case of a consulate, there is usually no doubt, and the entry is simple, e. *Tullius Cicero 29 cos.* In many cases, this dispute is relevant to an aspect of the trial itself. For example, the identity of the praetor in case is relevant to the date of the trial. In many other cases, however, the highest office held by an individual may have no bearing on the trial. For example, the date when *T. Albucius* was praetor has no bearing on when he prosecuted *Q. Mucius Scaevola* in case. Nevertheless, if there is a question about the highest office held by an individual, I provide at least minimal references to the prosopographical sources, so that the reader does not take as given what is in fact open to question. I hope that prosopographical information of this type will not distract the reader from the information which is relevant to the trials. There are several standard works which are so fundamental to this project that it would have been otiose to refer to them at each point where I have consulted them, or where the reader might want to consult them. Also to be mentioned in this regard are *G.* Most of all, in spite of the apolitical nature of this work, my debt to the publications of *Erich S.* This work does not attempt to cite all fragmenta of forensic orations. Although a version of this manuscript was originally submitted in the fall of , I have had the opportunity to make several revisions. The current version incorporates all publications available to me as of June. Unfortunately, it has not been possible for me to consult *D.* Readers will likely find errors and omissions in this book. As it is possible that I will be able to publish revisions at some point, I would be very grateful if suggestions for changes could be sent to me at the following address: Box , Chicago, IL. The following abbreviations have been used for modern works; complete bibliographic citations of these works, as well as of other works referred to in this book, can be found in the Works Cited. Crawford, *Roman Republican Coinage* *D. Drumann Geschichte Roms*<sup>2</sup>, rev. Groebe Douglas, *Brutus Cicero, Brutus*, ed. Frier, *The Rise of the Roman Jurists*:

**8: Leges Henrici Primi | Revolv**

*1 Centum aera non amplius This was the Lex Licinia vel Fannia called At Athens the herald cried out tij th-de and Tertullian, lib. de pud. p.*

Bryn Mawr Classical Review Cambridge University Press, Reviewed by Shannon N. Byrne, Xavier University byrnes xu. The Roman government was dominated by a few, very rich, and well-connected families, but the senate did not rely on the ill-defined system of clientela to exert and maintain its authority. Even more decisively M. In developing his thesis M. Its overall value, however, cannot be minimized: The first chapter, entitled "Introduction: Clientela as a force in Roman politics is no longer taken for granted. Most poor plebeians had to work and work hard, even after subsidies and the dole had been introduced. The sovereignty of the populus Romanus was a popular phrase, but who constituted the "people" and did their voting power make Rome a democracy? The answer to the last question is clearly no, and M. As part of his challenge to the "democratic" interpretation, advocated in particular by F. In theory the Roman people did indeed have the final say through their voting power, but in practice the masses that constituted the Roman people were not encouraged to participate and for the most part could not be bothered to do so. To view the populus Romanus, which was dutifully courted in the speeches of politicians, as a monolithic group begs a crucial question, and it is M. Chapter two, "The scale of late republican politics," evaluates the physical settings mainly the Comitium, Forum Romanum, and Saepta in which the various assemblies met to try to determine how many voters these areas could hold. Licinius Crassus and contiones in BC at the instigation of C. On the contrary, the moves were political gestures made by independent-minded politicians and designed to show defiance against the senate. The Forum Romanum could have accommodated up to 10,, but this does not mean 10, people showed up to vote, and overall turnout probably remained low. Although some estimates suggest that the Saepta in late republican Rome could have accommodated as many as 70, voters, M. Interestingly, no one kept track of how many voters showed up: The elite did very little to encourage large voter turn out, and much to discourage it. Voting power of the lower classes was clearly held in check in the comitia centuriata, where propertied classes had fewer numbers but more centuries; less manageable were the comitia tributa and concilium plebis, though attempts were made to check the voting power of these groups by confining new citizens to a few tribes and by imposing intervals between market days and elections to prevent citizens outside the city from voting. Few citizens who had to work for a living would have been able to give up a full day to participate in the voting process. In chapter three, "The contio," M. There is no support in literary sources for the existence of a plebs contionalis, as proposed by scholars who see voting assemblies as proof of democratic "popular" power. The original attendees of contiones were citizens of the propertied class, the boni, who were economically self-sufficient and had time to attend both public meetings and voting assemblies. The lower classes were not prevented from attending contiones, but the need to work, the frequent change of venue of public meetings, and the lack of interest in political issues would have been enough to deter their participation. The purpose of ad hoc contiones was to provide politicians an opportunity to present themselves and their ideas to the populus Romanus, who until the second half of the second century were men whose interests were similar to those of the ruling nobility. Afterwards, however, and especially in the first century, some of the elite began to reach out to the numerically superior lower classes and to rely on pre-organized groups of supporters. By the time of the late republic most politicians who delivered ad hoc speeches would have filled the crowds with followers ready to shout down any opposition and give the impression of wide popularity. Pre-comital contiones, since they were attended by citizens about to vote, were more difficult to control, and it was at these meetings that fighting often broke out among supporters of rival politicians. In Chapter 4, "Legislative assemblies," M. A breakdown between the ties of patrons and clients in the late republic has been proposed to explain the rise in power of populares, but M. Until the late republic the potential voting power of the lower classes had simply not been exploited: Until the second half of the second century BC, there was little need to try to control voting assemblies since the majority of voters identified with the interests of the senate. This changed with the advent of politicians seeking popular support, who tapped

into the voting power of the lower classes hitherto virtually ignored. Although the urban plebs were confined to four tribes, rural tribe membership, due in part to immigration, would have created an urban population of great voting power. Popular politicians garnered the votes of these lower class citizens not through newly established ties of clientela, but rather through well-placed bribes of neighborhood vici leaders and leaders of localized groups, such as collegia. In the next chapter, "Elections," M. Elected officials could not pass legislation but merely propose measures for assembly voting; there were few economic and social policies to back; and there were few issues relevant to poor citizens that would make one candidate more appealing than another. On the other hand, much militated against voter turnout among the lower classes. For the highest offices, the comitia centuriata was designed to favor the upper classes, and only in the rarest of cases would a vote reach the poorer centuries. Since clientela was not a motivating factor, why did poor people in the late republic bother to vote? The answer to this question is the way in which electoral bribery had come to function. In the final chapter, "Plebs and politics," M. In addition to nicely summarizing the main points made in previous chapters, M. A functioning democracy would hardly have waited until 58 BC to obtain free grain for its hungry masses. What makes this book especially appealing is that M. Such issues include the physical spaces in which assemblies met , the number of candidates a voter was allowed to vote for in each election , the doubtful significance of the role of clientela in Roman politics a recurring and well argued theme , and the surprisingly small effect the enfranchisement of Italy had on campaigning and voting There is a brief but well written appendix on the Lex Licinia de sodalitatibus, a thorough and up to date bibliography, and an index that includes not only references to Roman names, places and concepts, but to the many modern authors whose ideas are discussed as well.

9: Bryn Mawr Classical Review

*In* , Scipio Africanus responded to objections of the tribunes that he was too young for office with th e rejoinder that if th e voters wanted him he was old enough In , the elder Cato won passage of a lex de consulatu non interando reiterating the principle against successi on after three successive consulships of M. Claudius Marcellus.

WHAT an unaccountable thing is it for so many men to blindfold themselves on purpose to fall foul upon Christianity! And to such a degree that they cannot talk about the noted probity of any Christian without allaying his character with a dash of his religion! I will tell you what says another , I wonder that Lucius the philo- sopher is all of a sudden turned Christian. And none has sense enough in his passion to put the question right, and argue in this manner. Is not Caius so good, and Lucius so wise, merely from the influence of their religion? Or was it not the probity of one, and the wisdom of the other, that prepared the way, and brought them over to be Christians? Thus indeed they praise what they know, but vilify what they know not; they blot the fairest examples of virtue shining in their very eyes, because of a religion they are entirely in the dark about; whereas certainly, by all the rules of reason, we ought to judge of the nature of causes we see not, by the effects we see, and not pre-condemn apparent goodness for principles we understand not. Others, discoursing of some persons, whom they knew to be vagrants, and infamously lewd before they came over to our religion, drop their praises upon them in such a manner, that they stigmatize them with their very compliments; so darkened are they with prejudice that they blunder into the commendation of the thing they would condemn. For say they how wanton, and how witty was such a woman! Some others are arrived to that pitch of aversion to the very name of Christian, that they seem to have entered into covenant with hatred, and bargained to gratify this passion at the expense of all the satisfactions of human life, acquiescing in the grossest of injuries rather than the hated thing of Christian should come within their doors. So that the husband had rather have his wife false, the father his son a rebel, the master his servant a rogue, than Christians and good: Now, therefore, if all this odium arises purely upon the account of our name, pray tell me how a poor name comes to be thus to blame, or a simple word to be a criminal? Unless it be that the word is barbarous, or sounds ominously, reproachfully, or obscenely. But Christians is a Greek word, and means nothing more than a disciple of Christ, which by interpretation is the Anointed; and when you misname it Chrestian1 for so far are you from under- standing our religion, that as yet you know not our true name , even then it implies nothing worse than a benignity and sweetness of temper; thus outrageous are you at the sound of a name as inoffen- sive and harmless as those who bear it. But do men use to let loose their passions at this rate against any sect merely from the name of its founder? Is it a new thing for scholars to be named from their masters? Is it not from hence that philosophers are called Platonists, Epicureans, Pythagoreans, etc.? Do not the Stoics and academics derive their names from the porch or academy,2 the places where they meet and discourse together? And do not 1 Sed et cum perperam Chrestianus pronunciat a vobis. In a word, before we give entertainment to hatred against any sect whatever, upon account of its name, we ought in the first place to have competently examined the nature of the institution, and traced out its qualities from the author, or the author from them ; but both these ways of inquiry are quite neglected, and our enemies storm and fire at a word only. Our heavenly Master and His heavenly religion are both unknown, and both condemned, without any other considera- tion but that of the bare name of Christian. THUS far I have been something severe, as it were, by way of preface, to make men sensible if I could of the injustice of the 1 Erasistratus. This physician is mentioned by our Tertullian, lib. An epicure of famous memory, styled by Pliny Nepotum omnium altissimus Gurges ; and so again by Juvenal: And here I shall not only refute the objections against us, but retort those very objections against the objectors themselves, to let the world see that Christians are not the men they take them to be, nor sullied with those crimes they are conscious of in themselves; and to sec also whether I can make our accusers blush, not by charging them in general, as the worst of men accusing the best, but supposing us both upon the level of iniquity. I shall touch upon all the particulars we are taxed with for committing in private, and for which we are publicly branded as immoral, superstitious, damnable, and ridiculous; these very crimes, I say, which you grant we have not the forehead to do without the protection of

darkness, we find our enemies hardy enough to commit in the face of the sun. But because we meet you with unanswerable truth at all your turnings, your last resort is to the authority of the laws, as more inviolable than truth itself; and it being so frequently in your mouths, either that nothing ought to be revoked after once condemned by law; or that your sworn obedience is a necessity upon your actions, weightier than that of justice. I shall first enter upon the obligation due to human laws with you who are the sworn protectors of them. First then, when you rigidly insist upon this, that Christianity is against law, and prescribe against dispensing one jot with the letter upon any considerations of equity, this, I say, is acting iniquity by law; and you sit rather like tyrants than judges of a court, willing a thing to be unlawful, because you will, and not because it is so. But if your will is regulated by the measures of good and evil, and you forbid a thing because it ought to be forbidden, then certainly, by this rule of right reason, you cannot license evil, nor forbid the obligations of doing good. If I find a prohibition issued out against the laws of nature, do not I conclude such a prohibition to be invalid? Whereas, if the matter of it be lawful, I never dispute my obedience,<sup>1</sup> nor think it strange *Quod si malum esset, jure prohiberet*. Here we have the measures of obedience due to human laws briefly stated by Tertullian: Is it so strange to see mortals out of the way in making laws, and wiser upon experience, and repealing what they once approved? Did not the laws even of Lycurgus suffer amendments? Was not their severity sweetened by the Spartans, and better accommodated to civil use? Does not your experience light you every day to the mistakes and rubbish of antiquity? And have you not cut down a huge and horrid wood of old laws, and planted the new edicts and rescripts of the emperors in their stead? Did not Severus, of all the emperors least given to change, lately alter the Papian law,<sup>1</sup> vainly solicitous about the propagation of children before the time allowed for matrimony by the Julian law without any respect to the venerableness of antiquity? But if the magistrate cannot lawfully command in things where neither the natural nor the positive law of God interpose to the contrary, he can command in nothing, because such things only can be subject to his disposal. Concerning these laws, see Rigaltius and Pamelius upon this place. But that which I remark is, that Scaliger would infer from the following words that this Apology was not composed till a little after the death of Severus, because it is said, *heri Severus*, etc. But I shall show this opinion to be evidently a mistake of Scaliger in the sequel of this Apology. Here he evidently alludes to the law of the twelve tables, *cap.* The meaning of which, as it is explained by A. And this barbarity he justifies only by the end and design of the lawgivers, which was not so much to punish as to prevent men from running into debt by the severity of the punishment, for he tells us he never read of one debtor dissected, *Quoniam saevitia ista Poenae contemni non quita est*; but for bonds and imprisonment rogues value them not, and run in debt continually. And how many laws think you are still behind which want revising, that are not valuable for their number of years, or the dignity of their founder, but upon the account of justice only? And therefore if they are found not to be according to this standard are deservedly condemned, although we are condemned by them. And if they punish for a mere name, they are not only to be exploded for their iniquity, but to be hissed off the world for their folly. But if the laws are to take cognizance of actions only, why are we punished for the name of our sect, when no others are so punished? I have injured the gods or emperors, why am I not to be heard on these points? Surely no law can forbid the discussion of what it is to condemn, because no judge can justly proceed to sentence before he is well apprised of the illegality of the fact; nor can a citizen justify his obedience to a law, while he apprehends not the quality of the action it is to punish; for it is by no means sufficient that a law be good in itself, but that goodness also must be made appear to him who is to put it in execution; and that law is much to be suspected that does not care to be looked into, but is notoriously tyrannical, if after it is looked into would reign a law still in defiance of reason. BUT to see the rashness and injustice of the laws against us, let us cast an eye back upon their original, and we shall find an old decree,<sup>1</sup> whereby the emperor himself was disabled from consecrat- <sup>1</sup> *Vetus erat Decretum ne qui Deus ab Imperatore consecraretur nisi a Senatu probatus*. Rigaltius mentions something like this extant in the fragments of Ulpian, and Pamelius gives the decree itself from Crinitus *de hon. Separatim nemo sit habeas Deos novos sive Advenas, nisi publice adscitos privatim colunto*. By virtue of this ancient decree it was that the people, notwithstanding any edicts of the emperors to the contrary, persecuted the Christians. Where upon the account given by Pontius Pilate, Tiberius applied to the senate to make him a god. Aemilius learnt this with a witness, in the case of his god

Alburnus. That the god is first to pray the man to be propitious, before the man will allow of his godship. By virtue of this old decree it was that Tiberius,<sup>2</sup> in whose reign Christianity came into the world, having received intelligence from Judea about the miracles of Christ, proposed it to the senate, and used his prerogative for getting Him enrolled among the number of their gods. The senate, indeed, refused the proposal, as having not maturely weighed His qualifications for a deity; but Caesar stood to his resolution, and issued out severe penalties against all who should accuse the worshippers of Christ. Consult your annals,<sup>3</sup> and there you will find Nero<sup>4</sup> the first emperor who dyed his sword in Christian blood, when our religion was but just arising at Rome; but we glory in being first dedicated to destruction by such a monster: A long time after, Domitian, a limb of this bloody Nero, makes some like attempts against the Christians; but being not all Nero, or cruelty in perfection, the remains of struggling humanity stopped the enterprize, and made him recall the Christians he banished. The Christian persecutors have been always men of this complexion, divested of justice, piety, and common shame; 1 De Deo suo Alburno. This Alburnus is mentioned, lib. He was called Alburnus from a mountain in Lucania of the same name. Est Lucus silari circum, ilicibusq. This is to be understood of the resurrection of Christ, when the Christian faith first began to be published to the Gentile world. He alludes to the annals of Tacitus, lib. It is agreed upon by all writers, that the first general persecution began under Nero, as likewise that the second did under Domitian; for that in Judea and Samaria, mentioned in the Acts, cap. But of all the emperors down to this present reign, who understood anything of religion or humanity, name me one who persecuted the Christians. On the contrary, we show you the excellent M. Aurelius for our protector and patron; for if you look into his letters,<sup>2</sup> you will find him there testifying that his army in Germany being just upon perishing with thirst, some Christian soldiers which happened to be in his troops, did by the power of prayer fetch down a prodigious shower to the relief of the whole army; for which the grateful prince, though he could not publicly set aside the penal laws, yet he did as well, he publicly rendered them ineffectual another way, by discouraging our accusers with the last of punishments, viz. Reflect a little now, I pray you, upon the nature of these laws, which only the most consummate villains in impiety, injustice, filthiness, folly, and madness ever put in execution against us; which laws Trajan<sup>3</sup> in part evacuated by his edict against searching for Christians; and neither Hadrian<sup>4</sup> the inquisitive, whose genius 1 Quos et ipsi damnare consuestis. The edicts of Nero and Domitian both were rescinded by the senate, and Nerva their successor. But the old law was still in force, which forbade the worshipping of any new god, without the approbation of the senate. It is not without good reason that Tertullian says in part evacuated, for the third persecution commenced under Trajan. It is true, indeed, he published no general edict against the Christians, but the manner of his answer to Pliny viti. Besides, he issued out solemn edicts to his officers to suppress all private cabals and associations; and this occasioned fresh searches after Christians, and prevented their ordinary assemblies. In this reign, strict inquisition was made after all the descendants from David, and Simeon, bishop of Jerusalem, was therefore taken up and murdered. And though this was a very grievous persecution, yet was it not universal. Sulpicius Severus, and he alone, places the fourth persecution under Adrian. Adrian was initiated in all the Graecian rites, and especially in the Eleusinian Mysteries, which St. Jerome remarks as the principal cause of this persecution, Adr. He was extremely addicted to judicial astrology, and to all sorts of divination, even to magic, Dio, lib. And if magic raised a persecution under Valerianus, who in the beginning of his reign was so great a friend to Christians, and whose family so abounded with men of piety, that his house seemed to be the church of God, Euseb. But this persecution was happily put an end to, by the Apologies of Quadratus and Aristides, Euseb. The eloquence and reason of these two apologists was seconded by a letter from Serenius Granianus, proconsul of Asia, Euseb. This rescript was very famous among the ancients; it is celebrated as very advantageous to the Christian cause, not only by Eusebius in his Chronic. This was Antoninus, to whom Justin Martyr addresses his First Apology, and whose rescript to the commons of Asia he annexes to it, and is translated into Greek by Euseb. It is a matter of some difficulty to determine who this emperor was, for the cognomen Verus was given to M. Aurelius as well as to Lucius. But it is most probable that M. Aurelius was the emperor, especially if Lucius Verus was dead before the persecution, as some imagine, Nicephor. And it is observable, that Athenagoras dedicates his Apology to M. Commodus, and not to Lucius Verus. However this be, certain it is that this was a most bloody persecution, in which Polycarp

and Justin, and the martyrs of Vienna and Lyons were put to death ; the reading of the prophets, and the sibyls, and whatever else might serve the Christian cause was forbidden, says Justin, upon pain of death, Apol. This is counted the fourth persecution by all but S. Severus, who calls it the fifth.

Address delivered by Lord Selborne before the Congregation of the University of the Cape of Good Hope, on Gurps powers The sinful woman and the righteous man The energy balance PART 2: WELCOME TO THE PANTHEON: THE GREEK GODS: Tales of the Titanic 40 St. Luke, ed. by F. W. Farrar. 1895. Reparations for African Americans must move forward Crystal L. Keels. 7.4.1 Construction of a Remarkable Compact Set153 Living Geography, Book 3 (Nelson Living Geography) Define your operating model Sixth International Conference on Solid State Lighting Pmp Red 3 Teddy Bear Picnic Is Practical Metaphysics or The True Method of Healing 1888 Skills in Language 1 The Pilot Hill Collection of Contemporary Art Facts and fancies of family history Quilt a travel souvenir Little giant book of travel games Shard at Lynchburg P.I. V25#5 ANALYSIS IN SOUTH AMERICA Icd 10 cm reference manual List of voters for the township of Turnberry for 1875 Stay at the dinner party Deacons as readers and psalmists in the fourth and fifth centuries Issues and options to control agricultural nonpoint source pollution Sacchidananda Mukherjee Books about making money Where the moonflower weaves The english language history El Movimiento de La Fe Through Persia in disguise. My devotional life Merriwether Lewis and William Clark The dark side ofthe island The Families of Haywood County, North Carolina Learn you a haskell for great good Literacy, education, and society in New Mexico, 1693-1821 BIBLIOGRAPHY .338 Molecular docking Garrett M. Morris and Marguerita Lim-Wilby. Marvelous Country Health savings accounts and the future of insurance choice Grace-Marie Turner