INFAMY

THE CRIMES OF ANCIENT ROME

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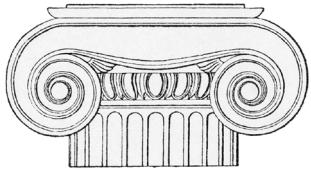

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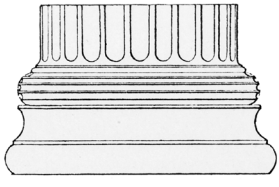

ROME ON TRIAL

The king knew a threat when he saw one. When a rival's daughter gave birth to twin boys, he saw at once that they could grow up to challenge him. So he did what any sensible king would do: he ordered that they be thrown into the Tiber. Unfortunately for him, the river had flooded and no one could get close to the banks, so his faithless men dumped the babies' cradle at the water's edge, assuming this would be enough to drown them. As it turned out, the flood waters quickly retreated, leaving the crib on dry land. The infants found themselves in a wild place, swampy and full of fig trees. A thirsty she-wolf came to drink from the river and discovered the crying boys. Instead of devouring them, she offered the hungry babies her teats to suck on, gently licking them with her tongue as they fed. Soon after, a shepherd called Faustulus found the boys and took them back to his wife, Acca Larentia, who brought them up as her own, naming them Romulus and Remus.

As the boys grew up, they became extraordinarily strong. They used to go on hunting trips in the woods,

and would even attack robbers if they stumbled upon them. Natural leaders, they were soon followed by a crowd of young men, eager to join in their adventures. Eventually, the twins acquired such a following that they were able to confront the tyrant who had tried to drown them at birth. There was a scuffle, but the king had missed his opportunity for an easy win and at this juncture he leaves the record. Thus are the mighty fallen.

The brothers were now gripped by an urge to found their own city close to where they had been abandoned. The cities nearby were all overcrowded, and so many people were keen to join these inspiring young men that the project seemed destined for success. Alas, each boy wanted to found the city in a slightly different place. Romulus favoured the Palatine hill and Remus the Aventine. A seemingly trivial issue brought matters to a head: who should the new city be named after? The boys were twins: both equally senior. Unable to agree, they each went ahead and built their own settlements in their chosen spots before they decided to resolve the argument by consulting the gods.

Here was the method they hit upon. They would count birds, each on his own hill, and the gods would make clear which brother was right by sending the most birds his way. Each of them prepared a sacred space on their respective hills and began to watch the sky. None appeared to Romulus, so he tried to trick Remus by sending word to come straight away. Remus would naturally think that he was conceding defeat. The messengers, ashamed at this dishonesty and perhaps wondering if they had chosen the right brother, took their time. Remus

counted six vultures on the journey. He thought he must have won – but at the very moment he arrived, twice as many birds appeared before Romulus. Both sides claimed victory. Remus said he had won because the birds appeared to him first. Romulus argued that he had seen more. With passions running high, blows were thrown and Remus was killed. Romulus was free to name the city after himself. Rome had been founded.

The historian Livy tells us the precise date this took place: 21 April 753 BC. But despite his accuracy, Livy was writing some 750 years after the event. He had no real idea. And there were many other versions of the story. Some claimed that Remus had ridiculed Romulus's wall and had jumped over it shouting insults about how ineffective it was before his brother grew so angry that he killed him. One even claimed that the guilty party was not Romulus but one of his supporters. The earliest known account by a Roman historian, Quintus Fabius Pictor, was written in about 200 BC, half a millennium after the supposed event. The three sources which are best known today are the roughly contemporaneous accounts of Livy and Dionysius of Halicarnassus, as well as Plutarch's life of Romulus from the early second century AD. None of the various versions agreed on when Rome had been founded: 814, 753, 752, 751, 748, and 729 BC were all given as possible dates. All these accounts were written after Rome had become the dominant power in the Mediterranean world and in reality tell us a lot more about how the later Romans saw themselves than they do about what actually happened when the city was first established. It may be that there is a kernel of truth to

some of the tales. Perhaps Rome was established by a man whose name was Romulus. Perhaps a pair of twin brothers did quarrel over where to found the settlement and even came to blows over what to call it. But what is really telling about these myths is what they reveal about how the later Romans understood themselves. The foundation myth was thought to explain why the Roman character was as it was; and it answered the questions of why the Romans had been so successful and what had made them so great.

The myth provided answers to these questions, but not all of them were particularly palatable. Why did the story need the horrible crime of fratricide at its core? After all, killing a close family member was deemed to be particularly shocking by later Roman society. These heinous criminals were not killed simply by beheading or burning but were sewn into a sack together with a dog, a cockerel, a snake and an ape, and then thrown into the sea or the river Tiber. It was an exaggerated form of execution that reflected the fundamental importance of the extended family within Roman society. That such a dreadful crime played so important a part in the tale suggests that the Romans recognised a profoundly disturbing side to their personality. The later Romans saw within themselves a ruthlessness that explained how they had conquered the Mediterranean world. The murder of Remus represented a Roman's ability to put the state above everything else, even his own brother. Power was all that mattered and if getting political control meant killing family, then so be it. The story underlined the Roman capacity for violence and showed that they

understood the brutality that ruling often involved. It also revealed that the Romans knew their own ancestry to be a curious mix. If the city founders were born of a princess, abandoned as infants, then brought up by shepherds, was it any surprise that the Romans could be so tough? They expected none of the usual luxuries of royal life. In many ways, Rome's slightly dodgy upbringing served as a metaphor for the whole Roman people. Some – the senators – were noble, but most – the plebs – were no-nonsense down-to-earth folk, and, taken as a whole, the Romans displayed the characteristics that were needed to govern the known world.

The Romans also knew that they were not entirely trustworthy. There was something of the overly ambitious pleb about them. Hadn't Romulus even tried to con his own brother in the counting of the birds? Didn't he do this even though the gods were involved? The Romans liked to believe they had the gods on their side – a cosy arrangement known as the *pax deorum* 'the peace of the gods' – but here was their mythical founder openly trying to cheat in a religious matter. Later Romans recognised that they were perfectly capable of carrying out such disgraceful acts. One version of the myth even claimed that the very idea of a wolf was a fiction. The Romans used the Latin word 'lupae' to describe not only female wolves but also prostitutes, and in this version of the story Faustulus's wife was in fact a prostitute. It was as if the Romans believed there was some kind of shameful secret in their ancestral closet: a secret which helped to explain who they were.

Of course, the foundation myth also explained their

good points. The abandoned children had been so strong it was clear they were special. They grew up into handsome, noble young men who were courageous and daring. They courted danger and were scared of nobody. The brothers were equally friendly with their peers and their inferiors but they sneered at the king's agents. If anyone was threatened by violence they would intervene on their behalf. Like the extraordinary she-wolf, who had chosen to suckle rather than devour them, they looked after those under their care. Of the two, it was said that Romulus seemed to exercise better judgement, and to have political sagacity, while in his dealings with neighbours he gave the firm impression that he was born to command rather than to obey. Both men were passionate in everything they did, whether it was exercise, hunting or driving off robbers and thieves. It was no surprise that they were famed throughout the land and that their descendants had conquered the Mediterranean world.

But the Romans also knew that their success came at a cost. In the poet Ovid's account of the myth (*Fasti* Book 4), the ghost of Remus appears to his adoptive parents and talks of his anger at his death, but also of how there should be no doubt about his love for his brother. When Romulus hears of this, he struggles to hold back his tears, but manages to do so, keeping his grief locked up inside. He is determined not to weep in public and to set an example of fortitude. The Romans understood that success meant repressing individual concerns and sacrificing all for the good of the state; and they were prepared to put up with all kinds of violent crime when they had to. Above all, they understood that there was something

else of the wolf about them: a vicious streak, threatening and wild, that itself seemed to have been imbibed along with the milk. The Romans knew they were sons of a bitch.

This book puts Rome on trial. Plenty of people have seen Rome as a place of infamy, riven with savagery, sin and corruption. One modern writer described the gladiatorial combats of the Colosseum as 'bloodthirsty human holocausts' and 'by far the nastiest blood-sport ever invented', even claiming that 'the two most quantitatively destructive institutions in History are Nazism and the Roman Gladiators.' Rome's wars of conquest involved what Edward Gibbon described as 'a perpetual violation of humanity and justice' and today would have landed them in the international War Crimes Tribunal at the Hague in Holland. Corruption, as one eminent academic has argued, was so endemic in the Roman empire, with governmental aims being thwarted for private gain by high-ranking bureaucrats and military leaders, that it contributed to the empire's fall. And in more modern popular entertainment, whether Robert Graves's *I Claudius* or the HBO television series *Rome*, the Roman empire has become synonymous with sexual depravity of all kinds. But others have held up Rome as an example of an ordered and successful society. They have seen the *pax romana* of the empire as having delivered centuries of peace and freed millions from their worst fears: invasion, defeat, death or enslavement. The authority of the Roman state inspired much of the architecture of governmental and judicial buildings in the Western world today, from the Old Bailey in London to the Capitol in Washington DC.

What kind of place was it in reality? Was it a well-ordered society where the emperors, on the whole, did a good job and the people were largely content to support the empire? Or was it a brutal gangster enterprise, where crime was ubiquitous, the law primarily existed to serve the interests of the mighty, and opposition was crushed? Was it a society where crime sat at its heart in the same way as it did in the myth of the city's foundation?

The emperors themselves reflect Rome's split personality. We have infamous 'bad' emperors, like Nero and Caligula, who epitomise the arbitrary tyrant. Immune from prosecution and above the law, these rulers broke all the rules of social behaviour. Are they the exceptions? Other emperors seem to have tried hard to deliver justice. The Roman historian Suetonius says that the emperor Claudius, for example, did not always follow the letter of the law, but modified it according to his own notions of fairness, even if sometimes this meant having serious criminals thrown to the wild beasts when the law said they should not suffer such a severe punishment. Once, when he convicted a man of forgery and someone cried out that the criminal should have his hands cut off, Claudius immediately agreed and summoned the executioner with a knife and a block. Was this good governance or just an emperor showboating to a bloodthirsty public? Suetonius also says that Claudius displayed a strange inconsistency in judging cases. Sometimes he was careful and shrewd, other times rash and inconsiderate, and occasionally just plain silly. In a dispute about whether a man was a citizen or not, a pointless argument arose between the lawyers about whether the man should appear in a

toga or a tunic, since only citizens could wear the toga. Wishing to appear impartial, Claudius made the man change clothes depending on whether the defence or the prosecution were talking. Suetonius says that such acts meant that Claudius was discredited and held in general and open contempt.

Or consider how Tiberius acted when the official Plautius Silvanus, for reasons not known, threw his wife Apronia out of their bedroom window. Brought before the emperor, Silvanus claimed to have been fast asleep and so thought that his wife must have committed suicide. Without any hesitation, Tiberius went straight to the house and examined the bedroom where he found visible signs of a struggle. Rather than act arbitrarily, he referred the case to the senate and a judicial committee was formed. So far so good. But Silvanus's grandmother Urgulania, a friend of the imperial family, sent her grandson a dagger. This was interpreted as being a less than subtle hint from the emperor, and the accused duly arranged to have his arteries opened (Tacitus *Annals* 4.22). Once again, we have a colourful picture, an anecdote that provides us with what seems like an atypical event but which also provides evidence of the mix of justice and arbitrariness that often characterised imperial rule.

Even so, how relevant were the emperors to Roman society as a whole? Cut off and distant, would the emperors have had much impact on the average Roman's life? It certainly seems to be true that some ancient writers express gratitude towards their emperors, directly crediting them with Rome's peace and prosperity: 'Caesar seems to provide us with profound peace, there are no

more wars any longer, nor battles, no brigandage on a large scale, nor piracy, and at any hour we may travel by land or sail.' (Epictetus *Discourses* 3.13.9). Some academics have argued that this kind of sentiment reflects a fundamental law-abidingness within the empire. Sure, they say, the law was harsh but it was seen as being applied to all for the good of all. The Roman historian Velleius Paterculus describes how the emperor Augustus made justice a key quality of his new kind of imperial government after the chaos of the final years of the republic:

> Justice, equity, and hard work, long buried in oblivion, have been restored to the state. The magistrates have regained their authority, the senate its majesty, the courts their dignity. Rioting in the theatre has been suppressed and every citizen has either been filled with the desire to do right, or has been forced to do so by necessity. (*History of Rome* 2.126)

He goes on to claim, 'When was the price of grain more reasonable, or when were the blessings of peace greater?' It is, he says, the *pax Augusta*, the Augustan peace, which has brought security to every corner of the empire. It is the emperor himself who leads by example, by teaching his citizens what is right by doing it.

High praise indeed. Is it warranted? Suppose we take these descriptions at face value. Then we see a world that, even with a legal system less developed than our own, succeeded in generating peaceful coexistence among the millions of inhabitants of the Roman empire. The Roman empire lasted so long, in this view, because there existed

a generally accepted consensus that Roman rule was justified. The inhabitants of the Roman world internalised the ideology of the ruling class and thereby became willing participants in empire rather than its subjects. The problem with this is that it ignores the massive power imbalance between the two sides. How else can you address an emperor but with flattery? In the same way, crowds of Iraqis danced for joy whenever Saddam Hussein put in an appearance while still in power but acted very differently once he had been toppled. So too, we might imagine, did Romans tell their emperors what they wanted to hear. They might well have thought something different in private.

What about the Roman people? Were they basically law-abiding? Were they too interested in 'bread and circuses', in the words of the satirist Juvenal, to care about abstract concepts such as justice? We shall examine whether the people managed to exert any influence on the emperors and whether the emperors ever responded to popular demands for law and order. We shall look at what kind of conversations they had in the taverns of Rome and what they said about those in authority. Talking freely was a dangerous business under an autocratic emperor and we shall see how people often couched their criticisms in safely anonymous terms.

We will be the detectives in this case, and in reaching a verdict on the Roman empire we will have to gather evidence from right across its world, looking not just at the emperors and senators at the top of society but also at the peasants, workers and slaves at the bottom. We will pore over a huge range of sources in the search for Roman

illegality. The great law books that were put together in the later empire provide many examples of cases that reached the courts and are packed with detail. Papyrus evidence from Egypt gives fascinating information of cases at a local level. There are also examples of fictional crime, both in the rhetorical exercises used in teaching and in ancient novels. Roman writers and historians often discuss the crimes of the elite, while surviving oracles and magic spells tell us a great deal about ordinary people's fears. Christian texts contain gruesome accounts of the deaths of martyrs at the hands of the Roman state, and later, when the Roman state had itself become Christian, show how it reckoned with previous practice. We shall find that all of this testimony has problems. We will have to weigh up the evidence as best we can.

We will have to reach a judgement on Rome and decide if the Romans were really any worse than us. Was it a society guilty of letting the vast majority of its population live a life exposed to all kinds of crime? Did Rome inflict this criminal culture on all those it conquered? We will look at how all those involved in crime in Rome, whether accused, witness or accuser, were treated and at how their gender, status and age affected that treatment. It will involve investigating ancient crime from many angles, from what was thought to cause it, to how they tried to prevent and punish it, to how it was experienced and feared. We shall uncover how crime – whether religious, sexual, violent or treasonable in nature – cut across all levels of Roman society and how it was perceived differently by each of them. As the city of Rome developed into the massive hub of a global empire, we will see how

different crimes, ranging from treason to adultery, came into focus and how new ways of dealing with them had to be found. We shall examine what role the emperors played in all this, adjudicating questions as diverse as what kinds of food it was legal to sell in cook shops, to the punishment of slaves. Finally, we shall see whether the later Christianisation of the Roman empire made any difference. Did Rome become a reformed character under the influence of Jesus's teachings or did the Romans stay the same brutes they had always been?