

**YORK UNIVERSITY
DEPARTMENT OF HISTORY**

HIST 5038

*Crime and Society in the
Roman World*

Syllabus

**Autumn Semester, 2009
Ben Kelly**

GENERAL INFORMATION

SEMINARS

There will be 12 seminars for this course. Seminars and lectures will be held in FRQ 045 Tuesdays from 2.30-5.30 pm.

COURSE READINGS

It is recommended that you buy the following book for this course, copies of which are available at the York bookshop:

J. Harries, 2007, *Law and Crime in the Roman World*. Cambridge: Cambridge University Pres. ISBN: 0521535328

A selection of the other readings required for seminars will be made available on the course Web-CT site. (For details of the Web-CT site, see below.)

COURSE INSTRUCTOR

Ben Kelly

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Email: benkelly@yorku.ca
Phone: 416-736-2100 ext. 30415

Office hours:
Monday 1-2; Tuesday 1-2 (Fall Semester)
'Virtual' office hour: Friday, 9-10 (Full Year). I shall answer emails during this hour, although I shall not necessarily be physically on campus.

ASSESSMENT

The course will be assessed on the basis of the following tasks:

Short Paper	- 20 %
Seminar Presentation	- 15 %
Proposal and Bibliography for Research Essay	- 5%
Research Essay	- 50 %
General Seminar Participation	- 10 %

SEMINAR PRESENTATIONS

Students will be asked to undertake two different types of seminar presentations. Firstly, each of Seminars 2 to 5 is broken up into two or three discrete sections. In the course of these four seminars, each student will be asked to lead discussion on two of these sections. Students are not so much required to give a formal presentation as to take responsibility for reading most of the readings for the given section, and to have something to say about them. It is anticipated that the presenter will read most of the English readings for their section, and not just the starred items. Contributions by leaders of discussions will be very relevant to the general seminar participation mark. Furthermore, the Short Paper is expected to come from one of these two presentations (see below).

Secondly, in Seminars 6 to 11, each student will give one formal presentation focusing on the readings and questions allotted for that session. It is expected that the presenter will at least have read the bulk of the ancient sources and English readings for this presentation. The formal presentation will be worth 15 % in its own right. Furthermore, it is anticipated that students' Research Essays will arise from their formal presentations (see below).

THE SHORT PAPER

Students are requested to write a short paper, which will be due in Seminar 6 (Tues. 27 October). Take one of the laws or issues that you dealt with in your informal presentations in Seminars 2 to 5, and write a 2000-word paper on it. Focus on one or more of the questions set for the seminar discussion for that particular law or issue. (Be sure to define which one in the Introduction to your paper.) In marking this, I shall look particularly at the following: [a] your grasp of the relevant modern literature; [b] the level of precision in your discussion of legal principles and processes; and [c] your use of the ancient evidence to answer the questions.

Example: Student A has just given a presentation on the *lex Iulia de adulteriis*. He is particularly interested in the political context of the law. He therefore decides to write a paper focusing on this question. This requires student A to say something about the terms of the law and how they reacted to the political climate of the day. It also requires him to examine the ancient sources which report the passage of the law, and also those which show the contemporary anxieties about adultery. This, of course, requires engagement with the modern literature: both the narrower juristic literature, and also discussions like that of Edwards (1993) about contemporary moralizing discourses in politics.

THE RESEARCH ESSAY

The purpose of this essay is to allow students to develop their own research projects, using their formal presentation as a springboard. Finding your own research topic is a rewarding and exciting process. However, it can also be a daunting task in an area of history which you have only just begun to study. How are you meant to know whether there is sufficient evidence to answer the question that interests you? And how are you meant to know whether modern scholars have said everything there is to be said on the topic?

To get around these difficulties, you are invited in this task to use your formal seminar presentation as an opportunity to gain the background knowledge necessary to develop a viable research topic. The questions covered in Seminars 7-11 are quite wide, so do not set out to write an essay on all of them. Rather, try to pick a discrete issue that you covered briefly in the presentation, and go more deeply into it. Look for a question that has not been exhausted in the modern literature, and for which there is a good body of relevant ancient evidence.

By the week after your formal presentation, you are asked to submit to me an essay proposal and bibliography (worth 5%). The proposal should be no more than 500 words long, and the bibliography no more than two pages, single spaced. I shall return this with comments as quickly as possible. If you wish, you may even submit the proposal earlier – for students presenting in the late sessions, this could be a wise idea.

The research essay will be due at the end of the Fall Semester examination period, on Wed., 23 December. Essays should be 5,000 words in length. They will be judged partly on the usual criteria (use of ancient sources, grasp of modern literature, adherence to referencing conventions, etc.). But I also expect that the very best essays will make a convincing new argument or cover a gap in the existing literature.

Example: Student B has just completed a presentation on policing in the Roman world. She was intrigued by the various hints of police brutality and corruption in the literary, epigraphic and papyrological records. She therefore decides to write an essay on the question: ‘What forms did police misconduct take in the Roman World? How did the structure of policing institutions restrain or encourage such misconduct?’ This will require her not only to hunt down all the ancient references to police misconduct that she can find, but also to use her general knowledge of policing institutions, which she gained in reading for the presentation, to answer a narrower question.

SEMINAR PREPARATION

You will notice that some items of reading for each seminar are starred. It is my expectation that students will at least read these starred items in preparation for each week's seminar. Of course, if you are presenting, you will be expected to have read a good deal more than this. But the starred items are a minimum for everyone else.

A number of the modern readings are in modern languages other than English. No student will be penalized for not reading one of these items: I fully realize that you may not have all your languages up to speed at this early stage in your graduate studies. These items are there simply for the interest of those who can read them.

ACCESS TO MATERIALS

The starred items on the bibliography are all available in Scott reserve, as E-books, on JSTOR, or as PDF scans on the course Web-CT site. The exception is mainstream classical authors: there are enough copies of these that competition for resources should not be a problem.

I have also made available on the Web-CT site PDFs of some items that are not starred, but might be especially difficult to come by.

I would also request that you yourself re-shelve any journals that you might use, given that library staff are sometimes slow to do this...

Students can log in to Web-CT at <http://webct.yorku.ca> . To do this successfully, York students will need to have activated your Web-CT service. To do this, you need to take the following steps:

1. Go to **Manage My Services** page at <http://mms.yorku.ca>
2. Log in to **Passport YORK** as directed.
3. Once you've logged in, select **Activate New Service**, and then select **WebCT** from the list of your available services.
4. Follow the instructions to select your WebCT password.
5. To exit, click the **Logout** button in the upper right corner.

Your WebCT account will be active in approximately 30 minutes.

GENERAL RESOURCES

- **Ancient Texts in Translation.** Translations of many of the ancient texts relevant to this course have been scanned and placed on the course Web-CT. In addition, students will find translations at the following locations:
 - The Perseus website: <http://perseus.uchicago.edu/>
 - The Lacus Curtius website:
<http://penelope.uchicago.edu/Thayer/E/Roman/home.html>
 - The Livius: www.livius.org
 - The PACE project website: <http://pace.mcmaster.ca/york/york/index.htm>
 - The Loeb Classical Library contains many translations of Greek and Latin texts. The Library is in hard copy, and is shelved in Scott at PA6156 (Latin – small, red, hardcover books), and at PA3611-3612 (Greek – small, green, hardcover books)
- **Websites devoted to Roman law.** A number of websites are devoted to aspects of Roman law, and provide copies of Latin juristic texts and other materials. The two most useful are:
 - www.iuscivile.org (see under ‘Sources’ for links to texts)
 - The Roman Law Library
- <http://webu2.upmf-grenoble.fr/Haiti/Cours/Ak/index.htm>
- **Bibliography – Roman.** Most of the main modern studies in English directly relevant to the themes of this course appear on the seminar reading lists. However, for additional bibliography on issues tangential to the seminar themes, or for bibliography in other modern European languages, students might usefully consult the following resources:
 - The *L'Année philologique* online database, at <http://www.annee-philologique.com/aph/> . Note that this is a subscription site, so you need to log in via the York or UofT catalogue, and search for *Année philologique*.
 - Nippel's *Public Order in Ancient Rome* contains a good bibliographical essay, as well as a very thorough bibliography.
 - *The Cambridge Ancient History*, 2nd Edition, Vols IX and X contain extensive bibliographies for most aspects of the history of the late Republic and early Principate.
- **Bibliography – Early Modern.** The bibliography on crime and punishment in the early modern world contained in this course guide is merely the tip of the iceberg. For more comprehensive bibliography, see the following:

- The on-line bibliography at <http://earlymodernweb.freehostia.com/wikindx/index.php> and
- The links page at <http://www.earlymodernweb.org.uk/themes/crime.htm>

THE SEMINAR PROGRAMME
AT A GLANCE

Week		
1	Course Introduction. Defining 'crime'. Criminal Law in Early Rome	15 Sept.
2	Defining Crimes I: political crimes	22 Sept.
3	Defining Crimes II: violence	29 Sept.
4	Defining Crimes III: the regulation of sexuality	6 Oct.
	READING WEEK 12 – 16 Oct.	
5	The Criminal Justice System in Operation: informers, prosecutors and trials	20 Oct.
6	The Theory and Practice of Punishment	27 Oct.
7	Brigandage in the Roman Empire	3 Nov.
8	Riots and Riot Control	10 Nov.
9	'Policing' the Roman Empire	17 Nov.
10	Self-help and Community Self-regulation	24 Nov.
11	Regional Case-study I: enemies of the Roman order in Palestine	1 Dec.
12	Regional Case-study II: crime and violence in Roman Egypt	8 Dec.

1. DEFINING 'CRIME'. CRIMINAL LAW IN EARLY ROME

In this session, we begin by examining whether the Romans even had a concept of 'crime'. There are plenty of Latin words that we routinely translate as 'crime', 'criminal' etc. But are we being anachronistic in doing this? In the second part of the session, we examine the various ways in which the Roman community dealt with 'crime' or 'deviance' in the early phases of Roman history, before the establishment of the standing criminal courts of the late Republic.

a] Defining 'crime'. To what extent did the Romans have a concept of 'crime' in our sense? To what extent did they have a vocabulary of 'crime'?

Modern

HARRIES Ch. 1-4

Riggsby, A. M., 1999, *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press. [Scott res. and Robarts KJA 3340 R54 1999]

Reiss, W., 2004, *Apuleius und die Räuber: ein Beitrag zur historischen Kriminalitätsforschung*. Stuttgart : F. Steiner. 32-44 [Robarts PA6217 .R54 2001]

b] Criminal Law in Early Rome. What do the XII Tables tell us about legal responses to 'crime' and deviance in the early Rome?

Ancient

*The XII Tables (Text and trans. M.H. Crawford (ed.) *Roman Statutes*. London: Institute of Classical Studies. No.40)

Modern

HARRIES pp. 14-16

Jolowicz, H. F., 1954, *Historical Introduction to the Study of Roman Law*. Cambridge: Cambridge University Press. Chs. 7, 11, 12. [Scott KC J64 H56 1954 and Robarts K .J7568 H5 1965]

Jones, A. H. M. 1972. *The Criminal Courts of the Roman Republic and Principate*. Oxford: Blackwell. Ch. 1 'Iudicia Publica' [York Law X 471 C72 J6 and Robarts JC85 .J9 J6]

Kunkel, W., 1962, *Untersuchungen zur Entwicklung des römischen Kriminalverfahrens in vorsullanischer Zeit*. Munich. [Robarts AS 182.M8175 V. 56]

c] Crime and deviance in the Middle Republic: the Bacchanalian affair. What does the Bacchanalian affair tell us about legal and political responses to 'crime' and deviance in the Middle Republic?

Ancient

**SC de Bacchanalibus* (Text *FIRA* I 30; Trans. N. Lewis and M. Reinhold, 1990, *Roman civilization : selected readings*. New York: Harper. 1st ed. 1.472-3)

*Livy XXXIX 8-19 (Text ed. Briscoe, Teubner; Trans. A. De Sélincourt, Penguin)

Modern

Gruen, E.S. 1990. 'The Bacchanalian Affair', in his *Studies in Greek culture and Roman policy* (Leiden; Brill), 34 - 78 [Scott and Robarts DG 78 G78]

Takács, S.A., 2000, 'Politics and religion in the Bacchanalian affair of 186 B.C.', *Harvard Studies in Classical Philology* 100: 301-310 [JSTOR]

Robinson, O. F. 2006. *Penal Practice and Penal Policy in Ancient Rome*. London: Routledge. Ch. 1 [E-Book]

2. DEFINING CRIMES I: POLITICAL CRIMES

For the next three weeks we examine the main types of 'criminal' action which were brought under the jurisdiction of the quaestiones perpetuae during the late Republic and early Principate. This represents a new phase in the definition of what was 'criminal', and in the creation of a process to punish it. During these seminars, we will ask three main questions of each type of crime:

- 1. How was the crime defined by the law?**
- 2. What can we tell about the political forces that led to the creation of the law?**
- 3. What was the social and cultural context of the law?**

i] *Repetundae*

Ancient

**Lex Repetundarum* (Text, trans. and comm. Crawford, M. H. (ed.) *Roman Statutes*. London: Institute of Classical Studies. Vol. 1 No. 1) [Trans. on Web-CT; text and comm. Scott and Robarts KJA 195 R65 1996 V.1]

**Digest XLVIII 11* [Web-CT]

Cicero, *In Verrem* (note too *Pro Flacco; Pro Fonteio; Pro Scauro; Pro Rabirio Postumo*)
Pliny, *Letters* II 11; 19; 20; III 4; 9; IV 9; V 20; VI 5; 13; 22; 29; 31; VII 6; 10; 33; X 3a

Modern

*HARRIES, pp. 61-71

Robinson, O. F., 2006, *Penal Practice and Penal Policy in Ancient Rome*. London: Routledge. Ch. 4 [E-Book]

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 81-2. [Web-CT]

Lintott, A.W., 1992, *Judicial Reform and Land Reform in the Roman Republic*. Cambridge: Cambridge University Press. Part I, Chapter 2 [York Law and Robarts KJA 3461 L56 1992]

Lintott, A.W. 1981, 'The *leges de repetundis* and associated measures under the Republic', *ZRG* 98: 162-212 [Robarts K .S2673 Z47]

Brunt, P. A., 1961, 'Charges of Provincial Maladministration under the early Principate', *Historia* 10: 189-227 [JSTOR]

Balsdon, J. P. V. D., 1938, 'The History of the Extortion Court at Rome 123-70 BC', *Papers of the British School at Rome* 14: 98-114. [Scott periodical and Robarts DG 12 B85]

Richardson, J.S. 1987. 'The Purpose of the *Lex Calpurnia de repetundis*', *JRS* 77: 1-12. [JSTOR]

ii] *Maiestas and perduellio.*

Ancient

**Digest* XLVIII 4

Cicero, *Pro Rabirio perduellionis reo*

Tacitus, *Annals* II 69 - III 19

SC de Cn. Pisone patre (Trans. Griffin 1997: 250-3)

Modern

*HARRIES, Ch. 6

Ferrary, J.-L., 1983, 'Les origines de la loi de majesté à Rome', *CRAI* 127.4: 556-72
[Online at www.persee.fr]

Bauman, R. A., 1967, *The Crimen maiestatis in the Roman Republic and Augustan Principate*. Johannesburg : Witwatersrand University Press [Scott KC B38 C75; York Law X 471 T7 B38; Roberts Storage K .B3473 C7 1967]

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 74-81.
[Web-CT]

Robinson, O.F. 2006. *Penal Practice and Penal Policy in Ancient Rome*. London: Routledge. Chs. 3 and 6 [E-Book]

Griffin, M., 1997, 'The Senate's Story', *JRS* 87: 249-63, esp. 255-6. [JSTOR]

Rogers, R. S. 1952. 'A Tacitean Pattern in Narrating Treason Trials', *TAPA* 83: 279-311
[JSTOR]

Rogers, R. S. 1959. 'Treason in the Early Empire', *JRS* 49: 90-4. [JSTOR]

Rogers, R. S. 1960. 'A Group of Domitianic Treason Trials', *CPh* 55: 19-23. [JSTOR]

iii] *Ambitus*

Ancient

Cicero, *Pro Murena*

Cicero, *Pro Cn. Plancio*

Digest XLVIII 14 [Web-CT]

[Q. Cicero] *Commentariolum Petitionis*

Modern

*HARRIES, pp. 60-1.

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 84-6. [Web-CT]

Lintott, A.W., 1990, 'Electoral Bribery in the Roman Republic', *JRS* 80: 1-16. [JSTOR]

Riggsby, A. M., 1999, *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press. Ch. 2. [Scott res. and Roberts KJA 3340 R54 1999]

Griffin, M., 1973, 'The Tribune C. Cornelius', *JRS* 63: 196-213. [JSTOR]

Gruen, E.S. 1968. *Roman Politics and the Criminal Courts, 149-78 BC*. Cambridge, Mass.: Harvard University Press [Scott KC G78 R65; Roberts JC85 .J9 G7]

3. DEFINING CRIMES II: VIOLENCE

For introduction and focus questions, see the introduction to Seminar 2.

iv] The *leges de vi* and the *lex Cornelia de iniuriis*

Ancient

**Digest* XLVIII 6-7 [Web-CT]

Cicero, *Pro Milone*; (note too *Pro Caelio*; *Pro Sestio*; *Pro Sulla*)

Modern

*HARRIES, Ch. 8 and pp. 49-50.

* Lintott, A. W., 1999, *Violence in Republican Rome*. Oxford. Chs. 7-8 [York and Robarts DG211 .L5 – multiple copies in both; first edition will do]

Cloud, J. D., 1989, ‘*Lex Iulia de vi*: Part 2’, *Athenaeum* 67: 427-65. [Web-CT]

Cloud, J. D., 1988, ‘*Lex Iulia de vi*: Part 1’, *Athenaeum* 66: 579-95. [Web-CT]

Cousin, J., 1943, ‘*Lex Lutatia de vi*’, *Revue historique de droit français et étranger* 88–94 [Copy from BK]

Riggsby, A. M., 1999, *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press. Ch. 4. [Scott res. and Robarts KJA 3340 R54 1999]

Buckland, W.W. 1932. *A Text-book of Roman Law from Augustus to Justinian*. Cambridge: Cambridge University Press. 2nd ed. 589-92 [York Law and UofT Law X435.B85 1932]

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 48-51. [Web-CT]

Krause, J.-U. 2004. *Kriminalgeschichte der Antike*. Munich: Beck. 92-122. [Robarts HV 7075.5 K72 2004]

Kelly, B. 2005. ‘The Law that Catulus Passed’, in K. E. Welch and T. W. Hillard (eds.) *Roman Crossings. Theory and Practice in the Roman Republic*. Swansea: The Classical Press of Wales. 95-118. [Web-CT]

v] The *lex Cornelia de sicariis et veneficis*

Ancient

**Digest* XLVIII 8-9 [Web-CT]

Pauli Sententiae V 23 (trans. Rives 2003: 329)

Cicero, *Pro Sexto Roscio Amerino*

Cicero, *Pro Cluentio*

Apuleius, *Apologia*

Modern

*HARRIES, Ch. 9

*Robinson, O. F. 2006. *Penal Practice and Penal Policy in Ancient Rome*. London: Routledge. Ch. 2 [E-Book]

Cloud, J. D. 1969 'The Primary Purpose of the *lex Cornelia de sicariis*', *ZRG* 86: 258-86. [Robarts K .S2673 Z47]

Ferrary, J. L., 1991, '*Lex Cornelia de sicariis et veneficis*', *Athenaeum* 69: 417-34 [Robarts DE1 .A45]

Rives, J., 2003, 'Magic in Roman Law: The Reconstruction of a Crime', *Classical Antiquity* 22: 313-39. [JSTOR]

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 41-7. [Web-CT]

Riggsby, A. M., 1999, *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press. Ch. 3. [Scott res. and Robarts KJA 3340 R54 1999]

Krause, J.-U. 2004. *Kriminalgeschichte der Antike*. Munich: Beck. 122-135. [Robarts HV 7075.5 K72 2004]

vi] *Parricidium*

Ancient

Cicero, *Pro Sexto Roscio Amerino*

Modern

Cloud, J. D. 1971 '*Parricidium: from the lex Numae to the lex Pompeia de parricidiis*', *ZRG* 88: 1-66. [Robarts K .S2673 Z47]

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 41-7. [Web-CT]

Radin, M. 1920, 'The *lex Pompeia* and the *poena cullei*', *JRS* 10: 119-30 [JSTOR]

Riggsby, A. M., 1999, *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press. Ch. 3. [Scott res. and Robarts KJA 3340 R54 1999]

Robinson, O. F. 2006. *Penal Practice and Penal Policy in Ancient Rome*. London: Routledge. Ch. 2 [E-Book]

4. DEFINING CRIMES III: THE REGULATION OF SEXUALITY

For introduction and focus questions, see the introduction to Seminar 2.

vii]Adultery and *incestum*

Ancient

*Digest, XLVIII 5

Crawford, M. H. (ed.) *Roman Statutes*. London: Institute of Classical Studies. Vol. 2
No.60 (Web-CT)

Cicero, *Pro Caelio*

Suetonius, *Life of Augustus* 34

Cassius Dio *Roman History* 54.16; 54.30

Horace *Carmen Saeculare*

Modern

*HARRIES pp. 90-105

*Cohen, D., 1991, 'The Augustan Law of Adultery: The Social and Cultural Context', in
D. I. Kertzer and R.P. Saller (eds.), *The Family in Italy from Antiquity to the
Present*. New Haven. 109 – 126 [Scott res. and Robarts HQ 629 F36 1991]

Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 54-67
[Web-CT]

McGinn, T. A. J. 1998. *Prostitution, Sexuality and the Law in Ancient Rome*. Oxford:
Oxford University Press. Chs. 5-6 [E-Book – search 'Oxford Scholarship online'
in the York library catalogue]

Edwards, C., 1993, *The Politics of Immorality in Ancient Rome*. Cambridge: Cambridge
University Press. Chs.1-2 [Scott and Robarts PA6029.M67E38 1993]

Radista, L.F., 1980, 'Augustus' Legislation Concerning Marriage, Procreation, Love
Affairs and Adultery', *Aufstieg und Niedergang der römischen Welt* II.13, 278 –
339 [Web-CT]

Csillag, P., 1976, *The Augustan Laws on Family Relations*. Budapest. Trans. Decsényi, J.
[York Law X 471 M35 C7413 , Robarts K .S4167 A8]

Rizzelli, G., 1997, *Lex Iulia de adulteriis. Studi sulla disciplina di adulterium,
lenocinium, stuprum*. Lecce: Edizioni del Grifo. [Robarts KJA 3468 A38R49
1997]

Puliatti, S., 2001, *Incesti crimina. Regime giuridico da Augusto a Giustiniano*. Milan:
Giuffrè. [Robarts KJA 3468 I52P855 2001]

viii] Other kinds of *stuprum*

Ancient

Digest XLVIII 6

Cicero *Ad fam.* VIII 12 (=SB 98)

Modern

*HARRIES pp. 88-9

- Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 70-3. [Web-CT]
- Fantham, E. 1991. 'Stuprum: Public Attitudes and Penalties for Sexual Offences in Republican Rome,' *EMC* n.s. 10: 267-91 [Robarts DE2 .C532; Trinity College Periodicals]
- Ryan, F. X. 1994. 'The *lex Scantinia* and the Prosecution of Censors and Aediles', *CPh* 89: 159-62 [JSTOR]
- Moses, D. C., 1993, 'Livy's Lucretia and the Validity of Coerced Consent in Roman Law', Laiou, A. E. (ed.), *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*. Washington: Dumbarton Oaks Research Library and Collection. 39-81. [Scott and Robarts KJC 8550 C66 1993]
- Deacy, S. and Peirce, K.F. (eds.), 1997, *Rape in Antiquity: sexual violence in the Greek and Roman worlds*. Swansea : Classical Press. of Wales. [Robarts HQ13 .R3 1997]
- Packman, Z.M., 1999, 'Rape and consequences in the Latin declamations. *Scholia* 8: 17-36. [Online via Proquest]
- Botta, F., 2004, 'Per vim inferre'. *Studi su stuprum violento e raptus nel diritto romano e bizantino*. Cagliari: Edizioni AV. [Robarts KJA 3424 R38B68 2004]
- Rizzelli, G., 1997, *Lex Iulia de adulteriis. Studi sulla disciplina di adulterium, lenocinium, stuprum*. 249-62. Lecce: Edizioni del Grifo. [Robarts KJA 3468 A38R49 1997]

ix] Prostitution

Ancient

The ancient sources for this topic are very scattered. Please use the modern works to find the relevant ancient passages.

Modern

- *McGinn, T. A. J. 1998. *Prostitution, Sexuality and the Law in Ancient Rome*. Oxford: Oxford University Press. esp. Chs. 2; 6-9 [E-Book – search 'Oxford Scholarship online in the York library catalogue]
- Fleming, R. 1999. '*Quae corpora quaestum facit*: The sexual economy of female prostitution in the Roman Empire', *JRS* 89: 39-61 [JSTOR]
- Robinson, O.F. 1995. *The Criminal Law of Ancient Rome*. London: Duckworth. 67-70. [Web-CT]
- Rizzelli, G., 1997, *Lex Iulia de adulteriis. Studi sulla disciplina di adulterium, lenocinium, stuprum*. Ch. 3. Lecce: Edizioni del Grifo. [Robarts KJA 3468 A38R49 1997]

5. THE ROMAN JUDICIAL SYSTEM IN ACTION: INFORMERS, PROSECUTORS AND TRIALS.

We have a reasonably clear idea about the theoretical structure of the Roman judicial system. Yet it is less clear whether the reality matched the legal rhetoric. Were Roman courts about due process, the pursuit of justice, and the fair arbitration of disputes, or were they capricious and riddled with class-bias and patronage (see Kelly 1966 & Garnsey 1970)? This was also a system in which prosecutors were (in theory) private citizens, and successful prosecutors were rewarded with a proportion of the property of the condemned (cf. Lintott 2003-4). This apparently led to the creation of a class of people who prosecuted on a professional basis. What impact did all of this have on the proper functioning of the judicial system? In view of the fairly bleak picture that the literary sources paint of the judicial system, we really have to ask whether the system was fulfilling some other function, apart from the fair adjudication of disputes.

x] The Quality of Justice. What impediments were there to fair criminal trials during the late Republic and Principate? What impact did the social class and status of the accused have on his or her chances of a fair trial?

Ancient Sources

- *Levick, B., 2000, *The Government of the Roman Empire: A Sourcebook*. London: Routledge, Ch. 4 [Web-CT]
- Alexander, M.C., 1990, *Trials in the Late Roman Republic*, Toronto (This reference book gives a list of all the attested trials in the late Republic, with a brief description of facts and a full list of references in ancient sources).

Modern Literature

- *Burton G.P., 1975, 'Proconsuls, assizes and the administration of justice under the empire', *Journal of Roman Studies* 65: 92 – 106 [JSTOR]
- *Garnsey, P.D.A., 1970, *Social Status and Legal Privilege in the Roman Empire*. Oxford. Ch. 8 [Web-CT]
- *Campbell, J.B., 1984, *The Emperor and the Roman Army. 31 BC - AD 235*, Oxford, Ch. 5 [Web-CT]
- Kelly, J.M., 1966, *Roman Litigation*, Oxford [York Law X 471 J8 K44; Robarts K.K2942 R6]
- Crook, J.A., 1995, *Legal Advocacy in the Roman World*, London [Scott and Robarts KJA2157 .C76 1995X]
- Saller, R.P., 1982, *Personal Patronage under the Early Empire*, Cambridge, 55-8; 60; 150-4; 160; 165 [E-book]
- Millar, F.G.B., 1992, *The Emperor in the Roman World*, London, 2nd ed., 507-37 [Robarts DG83.5 .I6 M54 1992]

Gruen, E.S. 1968. *Roman Politics and the Criminal Courts, 149-78 BC*. Cambridge, Mass.: Harvard University Press [Scott KC G78 R65; Roberts JC85 .J9 G7]

xi] Informers. *Should we believe that the criminal justice system was as corrupted by the system of informants as the literary sources would have us believe?*

Ancient

For references, see the prosopographical survey in Annexe 1 of Rivière 2002.

Modern

- *Lintott, A.W., 2003-4, 'Delator and Index. Informers and Accusers at Rome from the Republic to the Early Principate,' *Accordia Research Papers* 9 [Web-CT]
Rutledge, S.H., 2001, *Imperial Inquisitions: Prosecutions and Informants from Tiberius to Domitian*, London & New York. [E-book]
Rogers, R. S. 1935. *Criminal Trials and Criminal Legislation under Tiberius*. Middletown, Conn. [Robarts DG211 .R58 1935]
Rivière, Y. 2002. *Les délateurs sous l'empire romain*. Paris: École française de Rome. [Online at <http://digital.casalini.it/efr> or Roberts DG271 .R484 2002]

xii] The Spectacle of the Trial. *How should we imagine the Roman courtroom as a physical spectacle? What ideological messages did the spectacle of the courtroom convey?*

Ancient

- *SB XVI 12949 (= Rea, J.R., 1983, 'Proceedings before Q.Maecius Laetus, Praef. Aeg., etc.', *Journal of Juristic Papyrology* 19: 91–101) [Web-CT]
**The Acts of the Christian Martyrs* [trans. Musurillo, H., 1972, *The Acts of the Christian Martyrs*, Oxford] [Robarts BR1603.A1.M8 1972]
Acta Alexandrinorum [trans. Musurillo, H., 1954, *The Acts of the Pagan Martyrs: Acta Alexandrinorum*, Oxford] [Robarts PA3318.B85 1954]

Modern

- Robinson, O. F. 2006. *Penal Practice and Penal Policy in Ancient Rome*. London: Routledge. Ch. 5 [E-Book]
Potter, D.S. 1996. 'Performance, power, and justice in the high empire,' in Slater, W. J. (ed.) *Roman Theater and Society*, 129-59. Ann Arbor: University of Michigan Press. [Scott res. PA 6073 E2 1997 and Roberts PA6073 .R66 1996X]
Bablitz, L., 2007, *Actors and Audience in the Roman Courtroom*. London and New York: Routledge. [Robarts KJA 3040 B33 2007]

6. THE THEORY AND SPECTACLE OF PUNISHMENT IN THE ROMAN WORLD

The Romans are famous for their cruel and unusual punishments. Indeed, one might argue that the most enduring symbol of Roman civilization in modern western culture is one of a gruesome mode of execution: the crucifix. In this seminar, we explore the ways in which the Romans (and their intellectual forebears the Greeks) justified various types of punishment. We also look at punishment with a sociological (and anthropological) eye. Should we 'apply' Foucault to a Roman context and see corporal punishments as designed to terrorize the population and symbolically reassert the proper order of society (cf. Wiedemann 1992 for such an approach)? Or are there other ways of 'reading' Roman punishment?

What were the different types of punishment used by the Romans? How did members of the Roman elite justify such punishments? What was the function of corporal punishment in Roman society?

Ancient Sources

*Sallust *The Conspiracy of Catiline* 50 – 53

*Dio Cassius LV 14-22

Cicero *Against Catiline* Speeches I – IV

Seneca, *De clementia*; *De ira* I 16

Thucydides 3.36-50

Plato *Laws*

Modern

*Coleman, K.M., 1990, 'Fatal Charades: Roman Executions Staged as Mythological Enactments', *JRS* 80: 44 – 73 [JSTOR]

*Wiedemann, T., 1992, *Emperors and Gladiators*. London and New York. 68-97 [Web-CT]

*Garnsey, P., 1968, 'Why Penalties Become Harsher: The Roman Case, Late Republic to Fourth Century Empire', *Natural Law Forum* 13: 141 – 162 [Web-CT]

*Millar, F.G.B., 1984, 'Condemnation to Hard Labour in the Roman Empire, from the Julio-Claudians to Constantine,' *Papers of the British School at Rome* 52, 124 – 147 [Web-CT]

Hengel, M., 1977, *Crucifixion in the Ancient World and the Folly of the Message of the Cross*, London, trans. Bowden, J. [Scott and Robarts HV8569 .H4]

MacMullen, R., 1990, "Judicial Savagery in the Roman Empire" in his *Changes in the Roman Empire. Essays in the Ordinary*, Princeton, 204 - 217 = *Chiron* 1986, 16, 147 – 166 [Web-CT]

- Peters, E.M., 1995, 'Prison Before the Prison. The Ancient and Medieval Worlds,' in Morris, N. & Rothman, d. (eds), *The Oxford History of the Prison*, Oxford [Web-CT]
- Thomas, Y. (ed.), 1984, *Du Châtiment dans la cité*, Rome (Collection de l'École française de Rome, Vol. 79) [Robarts HV8545.D8]
- Rivière, Y. 2007. 'L'Italie, les îles et le continent: Recherches sur l'exil et l'administration du territoire impérial (I^{er}-III^e siècles)' in C. Brélaz and P. Ducrey (eds.) *Sécurité collective et ordre public dans les sociétés anciennes*. Geneva: Fondation Hardt, 2008. [Web-CT]
- Potter, D.S. 1993. 'Martyrdom as spectacle,' in Scodel, R. (ed.) *Theater and Society in the Classical World*, 53-88. Ann Arbor: University of Michigan Press. [Scott and Robarts PA3024 .T5 1993]
- Saunders, T. J., 1991, *Plato's Penal Code*, Oxford [Scott and Robarts HV8523.S28 1991]
(This book discusses Greek ideas on punishment, which eventually influenced the Romans.)

Comparative

- *Foucault, M., 1977, *Discipline and Punish. The Birth of the Prison*, London, trans. Sheridan, A., Chs. 1-2 [Scott and Robarts HV8666.F6813 (multiple copies at both)]
- McGowen, R., 1987, 'The Body and Punishment in Eighteenth-Century England', *Journal of Modern History*, 59: 651-679 [Web-CT]
- Blok, A., 1989, 'The Symbolic Vocabulary of Public Executions,' in Starr, J. & Collier, J.F. (eds), *History and power in the study of law: new directions in legal anthropology*. Ithaca. 31-54 [Web-CT]
- Spiereburg, P., 1995, 'The Body and the State: Early Modern Europe', in N. Morris and D. Rothman (eds), *The Oxford History of the Prison*. Oxford: Oxford University Press [Web-CT]

7. BRIGANDAGE IN THE ROMAN EMPIRE

Casual references to banditry in the Roman Empire are many, but there is little agreement amongst modern scholars about the nature and extent of this phenomenon. Should we believe claims in the ancient sources about the extent of brigandage? There is a distinct chance that many such claims are contaminated by the ideological agendas of their authors. What about the causes of banditry? Some scholars have applied Hobsbawm's model of 'social banditry' to the Roman world. Others have strenuously denied it, and have argued, for instance, that there were often links between bandits and local landowners. There are certainly texts in which bandits appear to fight the rich and powerful and obtain the support of the poor. Yet other texts apparently contradict these. Where did the truth lie? And is it right to try to generalize about banditry throughout the Empire over a span of several centuries? Finally, there is the question of attitudes to banditry: were bandits seen by our elite sources in morally black-and-white terms, or were attitudes more nuanced than this?

Were there 'social bandits' in the Roman Empire? Were there 'landlords' bandits'? How do our literary sources present bandits, and why do they present them in the way that they do?

Ancient Sources

*Pliny *Letters* 6.25

*Fronto *Letters* 1 pp.236-9 (Loeb)

**Digest* 1.18.13 (Ulpian) [Web-CT]

*Cicero *Letters to Quintus* 1.1.25 (=SB 1)

*Seneca *Letters to Lucilius* 14

*Petronius *Satyricon* 111-112

**The Martyrdom of Polycarp* pp.6-7
[Web-CT]

*Propertius 3.16

*Juvenal *Satires* 3.302-22; 10.1-53

*Dio Cassius 36.20-23; 75.2; 77.10

*Libanius *Orationes* 19.57; 23.18; 50.26

*Josephus *Jewish Wars* 1.204-11;
2.228-46; *Antiquities of the Jews*
14.158-62

CIL IX 2438 (Text and Trans. by M. Corbier 1983, 'Fiscus and Patrimonium: The Saepinum Inscription and Transhumance in the Abruzzi', *Journal of Roman Studies* 73, 126 – 131) [JSTOR]

Dionisotti, A.C., 1982, 'From Ausonius' Schooldays? A Schoolbook and its Relatives', *JRS* 72: 83 – 125 [JSTOR]

Apuleius *Golden Ass*

Schindler, F., 1972, *Die Inscripten von Bubon*, Vienna

Modern - General

*Shaw, B.D., 1984, 'Bandits in the Roman Empire', *Past & Present* 105: 3 – 52 [JSTOR]

- *Shaw, B.D., 1990, 'Bandit Highlands and Lowland Peace: The Mountains of Isauria-Cilicia', *Journal of the Economic and Social History of the Orient* 33: 199-233; 237-70 [JSTOR]
- *Braund, D.C., 1993, 'Piracy under the Principate and the Ideology of Imperial Eradication', in Rich, J. & Shipley, G. (eds.), *War and Society in the Roman World*, London & New York, 195 – 212 [Web-CT]
- *Hopwood, K., 1989, 'Bandits, Elites, and Rural Order,' in Wallace-Hadrill, A. (ed.) *Patronage in Ancient Society*, London, Ch.8 [Web-CT]
- Grünewald, T., 2004, *Bandits in the Roman Empire. Myth and Reality*. London & New York: Routledge (trans. Drinkwater, J.) [E-book]
- MacMullen, R., 1966, *Enemies of the Roman Order*. Cambridge, Mass. Ch. 6. [E-Book]
- Wolff, C., 2003, *Les brigands en Orient sous le Haut-Empire romain*. Rome: École française de Rome. [Online at <http://digital.casalini.it/efr>]
- Riess, W., 2001, *Apuleius und die Räuber. Ein Beitrag zur historischen Kriminalitätsforschung*. Stuttgart: F. Steiner. [Robarts PA 6217 R54 2001]

Comparative

- *Hobsbawm, E., 1959, *Primitive Rebels*, Manchester: Manchester University Press. Ch. 2 [Web-CT]
- Blok, A., 1972, 'The Peasant and the Brigand: Social Banditry Reconsidered', *Comparative Studies in Society and History* 14: 494-503 [JSTOR]
- Hobsbawm, E., 1972, 'Social Bandits: Reply', *Comparative Studies in Society and History* 14: 503-505 [JSTOR]
- Ruff, J.R., 2001, *Violence in Early Modern Europe*, Cambridge, 217-239 [Web-CT]

8. RIOTS AND RIOT CONTROL

Reports about riots constitute colourful interludes in the history of the Roman Republic and Principate. There is a large modern literature dealing with the causes of riots, in which scholars have separated riots into various categories according to their supposed causes. Yet to what extent can we really be confident about the claims that the sources make concerning the causes of riots? Are the sources hopelessly tainted by aristocratic prejudice against 'the mob'? And how did the authorities deal with riots? According to one influential school of opinion, the Roman authorities only took steps to deal with riots when they threatened the authority, position or dignity of the emperor or a particular magistrate. Do the sources support this? And was there at least an expectation that the authorities would take steps to repress rioters in a rather wider variety of situations?

Why did people riot in the Roman World? Can we really tell? What do the sources suggest that the authorities did in response to riots? What do the sources suggest that the authorities were expected to do?

Ancient

- *Vettius Valens 5.10 [Web-CT]
- *Tacitus *Annals* 14.17
- *Tacitus *Annals* 13.48
- *Tacitus *Annals* 12.43
- *Suetonius *Claudius* 18
- *Suetonius *Tiberius* 37
- **Historia Augusta* '30 Pretenders' 22
- **Historia Augusta* 'Maximus & Balbinus' 9
- *P. Mich. 8.477 [Web-CT]
- *Philostratus *Life of Apollonius* 15
- *Herodian 1.12.3-13.6
- *Herodian 7.9.11-12.7
- *Dio Cassius 69.8.1a; 73.13; 80.2
- *Eusebius *Church History* 4.2.1-6
- *Abbott and Johnson No. 124 (Trans. Levick 2000: No. 199) [Web-CT]

Modern

- *Nippel, W., 1995, *Public Order in Ancient Rome*. Cambridge: Cambridge University Press. Chs. 2-4 [Scott res. and Robarts HV 8212 N56 1995]
- *Africa, T.W., 1971, 'Urban Violence in Imperial Rome', *Journal of Interdisciplinary History* 2: 3 - 22. [JSTOR]
- *Yavetz, Z., 1969, *Plebs and Princeps*, Oxford, esp. Chs 1, 2 & 6 [Scott res. and Robarts DG 83.3 Y313]
- *MacMullen, R., 1966, *Enemies of the Roman Order*, Cambridge, Mass., Ch. 5 [E-book]
- *Lintott, A. W., 1999, *Violence in Republican Rome*. Oxford: Oxford University Press. 2nd edn. esp. Chs. 1, 5, 6, 7 and 11 [York and Robarts DG211 .L5 – multiple copies in both; first edition will do]
- Barry, W.D., 1993, 'Popular Violence and the Stability of Roman Alexandria', *Société Archéologique d' Alexandrie. Bulletin* 45: 19 – 33 [Web-CT]

- Barry, W.D., 1996, 'Roof Tiles and Urban Violence in the Ancient World,' *Greek, Roman and Byzantine Studies*, 37: 55-74 [JSTOR]
- Slater, W.J., 1994, 'Pantomime Riots', *CIAnt* 13, 120 – 144 [Web-CT]
- Jory, E.J., 1984, 'The Early Pantomime Riots', in Moffatt, A. (ed.), *Maistor. Classical, Byzantine and Renaissance Studies for Robert Browning*, Canberra, 57 – 66 [Web-CT]
- Kelly, B. 2007. 'Riot Control and Imperial Ideology in the Roman Empire', *Phoenix* 61: 150-76. [Web-CT]
- Oost, S.I., 1961, 'The Alexandrian Seditious under Philip and Gallienus', *Classical Philology* 61: 1 – 20 [JSTOR]
- D'Arms, J., 1975, 'Tacitus, *Annals* 13.48 and a New Inscription from Puteoli', in Levick, B. (ed.), *The Ancient Historian and his Materials: Essays in Honour of C. E. Stevens on his Seventieth Birthday*, Farnborough, 155 – 165 [Web-CT]
- Yavetz, Z., 1986, 'The Urban Plebs in the Days of the Flavians, Nerva and Trajan,' in Raaflaub, K. et al. *Opposition et résistances à l'empire d'Auguste à Trajan* Geneva, 135-181 [Scott DG 271 O77 1987 ; Robarts DG276 .O66 1987]
- Gregory, A.P., 1994, ' "Powerful Images": Responses to Portraits and the Political Uses of Images in Rome,' *Journal of Roman Archaeology* 7: 80-99 [Web-CT]
- Ménard, H., 2004, *Maintenir l'ordre à Rome*. Seyssel: Champ Vallon. [Robarts DG 835.A1]
- Ménard, H., 2006, 'Corrigere et mollire: les autorités face à l'émeute, dans le monde romain, à l'époque impériale', in M. Molin (ed.) *Les régulations sociales dans l'Antiquité*. Rennes: Presses universitaires de Rennes. 251-260. [Robarts HN9 .R45 2006]

Comparative

- Rudé, G., 1981, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730 – 1848*, London, 2nd edn. [Scott and Robarts HM283.R8]

9. 'POLICING' THE ROMAN WORLD

It is clear enough that there was not a Roman 'Police Service' in the modern sense of the word. There was, however, an array of officials (e.g. stationarii, frumentarii, eirenarchoi, and vigiles) who seem to have carried out some functions related to law and order. But just how many of the functions carried out by modern police were fulfilled by such officials? Were they in any real sense 'police'? In the Roman Empire there was an added complication, since law-and-order functions were fulfilled both by imperial officials and by civic officials (who were part of local communities' self-government, sometimes being left over from pre-Roman times). How might such officials have interacted? Did the imperial authorities tend to leave 'policing' to local elites unless some key imperial interest was threatened (cf. Nippel), or some well-connected aristocrat made a complaint about a breakdown in order (cf. Millar)? Finally, we might ask how such officials interacted with judicial institutions: did they use summary beatings and intimidation to keep order, or did they sometimes hand wrongdoers over to the courts for trial?

Were there officials in the Roman Empire whose functions allow us to call them police? How far was the maintenance of order left up to local elites? How did 'policing' officials interact with formal judicial institutions?

Ancient

- *CIGr 2.2768 (eirenarch) [Web-CT]
- *Aelius Aristides *Sacred Tales* 4.71-88 (eirenarch) [Web-CT]
- **Digest* 1.12.1.12 (stationarii) [Web-CT]
- **Theodosian Code* 16.2.21 (stationarii) [Web-CT]
- **Theodosian Code* 6.29.1 (stationarii & curiosi) [Web-CT]
- **Code of Justinian* 9.2.8; 12.57(58).1 (stationarii) [Web-CT]
- **Martyrdom of Marion & James* 4.3 (stationarius) [Web-CT]
- **Historia Augusta* 'Maximus & Balbinus' 10.3; 'Macrinus' 12.4; 'Hadrian' 11.4 & 6 (frumentarii)
- *Apuleius *Golden Ass* 7.6
- **Martyrdom of Agape, Irene & Chione* 3 (stationarius & beneficiarius) [Web-CT]
- *P.Oxy. XLVI 3304 (beneficiarius) [Web-CT]
- *P.Cair. Isidorus 63 (beneficiarius) [Web-CT]
- *Roueché *JRS* 71(1981), nos 7-8 (frumentarii) [JSTOR]
- *Lydus *On Magistrates* 2.10 (frumentarii) [Web-CT]
- *Eusebius *Church History* 6.40.2 (frumentarius)

Modern – City of Rome

- *Nippel, W., 1984, 'Policing Rome', *JRS* 74: 20-9 [JSTOR]
- *Lintott, A. W., 1999, *Violence in Republican Rome*. Oxford: Oxford University Press. 2nd edn. Ch. 7 [York and Robarts DG211 .L5 – multiple copies in both; first edition will do]

- Lintott, A.W., 2001, Review of Cosimo Cascione, *Tresviri capitales. Storia di una magistratura minore*, ZRG 118: 488 – 491 [Web-CT]
- Lintott, A.W., 1990, Review of Wilfried Nippel 'Aufruhr und "Polizei" in der römischen Republik', *American Historical Review* 95: 470 – 471 [JSTOR]
- Rainbird, J.S., 1986, 'Fire Stations of Imperial Rome', *Papers of the British School at Rome* 54: 147 – 169 [Web-CT]
- Davies, R.W., 1977, 'Augustus Caesar. A Police System in the Ancient World,' in Stead, P.J., *Pioneers in Policing*, Maidenhead, 12-32 [Web-CT]
- Echols, E., 1958, 'The Roman City Police: Origin and Development', *Classical Journal* 53: 377–384 [JSTOR]
- Sablayrolles, R., 1996, *Libertinus Miles: les cohortes de vigiles*, Rome [Robarts DG 83.5 V5S23]
- Sablayrolles, R. 2001. 'La rue, le soldat et le pouvoir: la garnison de Rome de César à Pertinax', *Pallas* 55: 127-153. [Robarts PA2 .P34]
- Sablayrolles, R. 1997. 'Sparteoli, les vigiles dans Rome', in A. Lemémoriel (ed.) *La rue, lieu de sociabilité?*, 97-104. Rouen: Publications de l'Université de Rouen. [Robarts HT155 .R8 1997]
- Ménard, H., 2004, *Maintenir l'ordre à Rome*. Seyssel: Champ Vallon. [Robarts DG 835.A1]
- Cascione, C. 1999. *Tresviri capitales. Storia di una magistratura minore*. Naples: Editoriale Scientifica. [Robarts KJA3010 .C37 1999]
- Nippel, W. 1988. *Aufruhr und 'Polizei' in der römischen Republik*. Stuttgart: Klett-Cotta. [Robarts DG 88 N 75]

Modern – Italy and the Provinces

- *Nippel, W., 1995, *Public Order in Ancient Rome*. Cambridge: Cambridge University Press. 90-119 [Scott res. and Robarts HV 8212 N56 1995]
- *Brélaz, C. 2008, 'Maintaining Order and Exercising Justice in the Roman Provinces of Asia Minor', in B. Forsén and G. Salmeri (eds.), *The Province Strikes Back: Imperial Dynamics in the Eastern Mediterranean*. Helsinki: Suomen Ateenan-instituutin säätiö (Papers and Monographs of the Finnish Institute at Athens, vol. 13). 45-64 [Web-CT]
- *Hopwood, K., 1983, 'Policing the Hinterland: Rough Cilicia and Isauria', in Mitchell, S. (ed.), *Armies and Frontiers in Roman and Byzantine Anatolia*, Oxford, 173 – 187 [Web-CT]
- Brélaz, C. 2005. *La sécurité publique en Asie Mineure sous le Principat (Ier-IIIème s. ap. J.-C.)*. Basel: Schwabe. [Robarts JC85 .P9 B74 2005]
- Bagnall, R.S. 1977. 'Army and Police in Upper Egypt', *Journal of the American Research Centre in Egypt* 14: 67-86. [Web-CT]
- Alston, R.A. 1995, *Soldier and Civilian in Roman Egypt. A Social History*. London and New York: Routledge. 81-96 [Web-CT]
- Millar, F.G.B., 1984, 'The World of the Golden Ass,' *JRS* 71: 63-75 [JSTOR]
- Davies, R.W., 1977, 'Augustus Caesar. A Police System in the Ancient World,' in Stead, P.J., *Pioneers in Policing*, Maidenhead, 12-32 [Web-CT]
- Petraccia Lucernoni, M.F., 2001, *Gli stationarii in età imperiale*, Rome: Bretschneider [Robarts PA 25.S39 v. 3]

10. SELF-HELP AND COMMUNITY SELF-REGULATION

Although we are used to thinking of the police (and more generally the state) as all that prevents a descent into mayhem, the fact is that many non-state institutions contribute to public order in modern societies. The same applies a fortiori in ancient societies, in which the state was comparatively weak, and there were no centralized, highly organized police forces in the modern sense (see Seminar 9). To understand how order was maintained in the Roman World, therefore, we need to understand some of the non-State institutions that helped to keep order and discipline in society. In this seminar, therefore, we examine two of the more important of these institutions: self-help by individuals and the community; and intra-household discipline.

What role was played in the maintenance of order by individual and community self-help, and intra-household disciplinary powers? Have modern scholars (e.g. Nippel) tended to idealize these institutions and overstate their efficacy?

Ancient

The ancient sources for this topic are quite scattered, so students would probably do best to approach them through the modern literature. The following source-books have chapters on discipline within the household:

- *Gardner, J.F. & Weidemann, T, 1991, *The Roman Household: A Sourcebook*, London & New York, 10-16; 170-183 [Web-CT]
- Lewis, N. & Reinhold, M., 1990, *Roman Civilization. Selected Readings. Volume II: The Empire*, New York & Oxford. 3rd ed., 171-3
- Appian, *Civil War* IV 28
- Schindler, F., 1972, *Die Inscripten von Bubon*, Vienna
- [Quint.] *Decl.min.* 364
- XII Tables* 8.1
- Catullus XLII

Modern – Self-help and Volkjustiz

- *Lintott, A. W., 1999, *Violence in Republican Rome*, Oxford, 2nd ed. Chs. 1-2 [York and Robarts DG211 .L5 – multiple copies in both; first edition will do]
- *Nippel, W., 1995, *Public Order in Ancient Rome*. Cambridge: Cambridge University Press. 30-46 [Scott res. and Robarts HV 8212 N56 1995]
- Lintott, A.W., 1970, 'The Tradition of Violence in the Annals of the Early Roman Republic', *Historia* 19, 12 – 29 [JSTOR]
- Lintott, A.W., 2008, 'How high a priority did public order and public security have under the Republic?' in C. Brélez and P. Ducrey (eds.) *Sécurité collective et ordre public dans les sociétés anciennes*. Geneva: Fondation Hardt. [Web-CT]

- Pease, A.S., 1907, 'Notes on Stoning among the Greeks and Romans', *TAPA* 38: 5-18 [JSTOR]
- Usener, H., 1912-13, 'Italische Volkjustiz,' in his *Kleine Schriften*. Leipzig. 4.356-382 (= *Rheinisches Museum für Philologie* 56.1 [1901], 1-28) [Web-CT]
- Veyne, P. 1983. 'Le folklore à Rome et les droits de la conscience publique sur la conduite individuelle', *Latomus* 42: 3-30. [Robarts PA 2002.L3]
- Brélaz, C. 2007. 'Lutter contre la violence à Rome: attributions étatiques et tâches privées', in Wolff, C. (ed.) *Les Exclus dans l'Antiquité. Actes du colloque organisé à Lyon les 23-24 septembre 2004*. Paris: de Boccard. [Robarts DE 59 E935]

Discipline within the Household

- *Shaw, B.D., 2001, 'Raising and Killing Children: Two Roman Myths', *Mnemosyne* 54, 31-77 [JSTOR]
- *Saller, R., 1991, 'Corporal Punishment, Authority, and Obedience in the Roman Household,' in Rawson, B. (ed.), 1991, *Marriage, Divorce, and Children in Ancient Rome*, Canberra & Oxford, 144 – 165 [Web-CT]
- *Harris, W.V., 1986, 'The Roman Father's Power of Life and Death,' in Bagnall, W.V. & Harris, W.V. *Studies in Roman Law in Memory of A.Arthur Schiller*, Leiden, 81-95 [Web-CT]
- Crook, J., 1955, *Consilium principis: Imperial Councils and Counsellors from Augustus to Diocletian*. Cambridge. 4-7 [Robarts JC85.C75 C7]
- Thomas, Y., 1990, 'Remarques sur la juridiction domestique à Rome,' in Andreau, J. & Bruhns, H. (eds) *Parenté et stratégies familiales dans l'antiquité romaine*, Rome (Collection de l'École française de Rome, Vol. 129), 449-474 [Web-CT]

11. REGIONAL CASE STUDY I: ENEMIES OF THE ROMAN ORDER IN ROMAN PALESTINE

In this seminar we examine the first of our regional case-studies: Roman Palestine. This region was, for most of our period, the Roman province of Judaea. It lends itself to such a case study because its religious importance for both Jews and Christians means that its history was heavily documented in antiquity. We are able to see in some detail various of the public order problems that the Roman authorities faced in the province. We are also able to see something of how the authorities dealt with such problems. Finally, we look at a case-study within a case-study: the crucifixion of Jesus. Did the Roman authorities, who usually tended toward religious tolerance, really execute an inhabitant of a religiously diverse province because of his novel religious teachings, or was there more to it than that? In all of this, we must keep before our eyes the question of whether Palestine/Judaea really was a “normal” Roman province in any sense.

What public order problems did the Roman authorities face in Palestine/Judaea? What were their origins? How did the authorities deal with these problems? Why did the Romans crucify Jesus?

Ancient

- *Josephus *Jewish Antiquities*, esp. bks XVIII- XX; *Jewish Wars*, esp., bk II
- **Gospel of Matthew* 21-28; *Gospel of Mark* 11-16; *Gospel of Luke* 19.28-24; *Gospel of John* 12.12-21

Modern – Regional Background

- *Goodman, M., 1996, ‘Judaea’ in Bowman, A.K., Lintott, A.W., & Champlin, E.J. (eds) *The Cambridge Ancient History. Volume X. The Augustan Empire, 43 BC-AD 69*, Cambridge, 2nd edn, Ch. 14d [Scott ref. D 57 C252; Robarts D57 .C25]
- Schürer, E, Vermès, G. & Millar, F.G.B., 1973 - 1987, *The History of the Jewish People in the Age of Jesus Christ (175 B.C. - A.D. 135)*. Rev. edn.. Edinburgh: T & T Clark [Scott and Robarts DS122 .S42 1973]

Modern – Crime and Punishment

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12. REGIONAL CASE STUDY II: VIOLENCE, PETITIONS AND THE LAW IN ROMAN EGYPT

In this final seminar, we examine the second of our regional case-studies: Roman Egypt. We are better informed about Roman Egypt than we are about any other Roman province because of the vast number of private and administrative documents written on papyrus paper that have been recovered from Egypt, preserved thanks to the remarkable dryness of the soil. In particular, there are hundreds of petitions containing complaints about acts that elsewhere in the Roman Empire would be called 'criminal'. Yet in what sense were these actions 'criminal' in the eyes of those who sent the petitions? And do the actions complained of in petitions represent a random selection of 'crimes' or 'wrongs'? Indeed, we might even ask whether a petition contains an accurate portrayal of what had happened to the individual petitioner. We are on firmer ground, perhaps, when we use the petitions as evidence of how people used the justice system. What patterns can we see here?

Can we use the papyri to write a history of crime and violence? When did ordinary people petition the Roman authorities complaining of wrongs suffered? What did they expect from the authorities when they did send petitions?

Ancient

[All on Web-CT]

*P.Amh. 2.77	*P.Oxy. 3.486
*P.Fay. 108	*P.Oxy. 19.2234
*P.Merton 1.8	*P.Oxy. 38.2852
*P.Merton 1.11	*P.Oxy. 38.2853
*P.Mich. 6.421	*P.Oxy. 50.3561
*P.Mich. 6.422-25	*P.Oxy. 58.3926
*P.Mich. 9.523-530	*SB 16.12951
*P.Oslo 22	

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