University of Nebraska - Lincoln
DigitalCommons@University of Nebraska - Lincoln

Honors Theses, University of Nebraska-Lincoln | Honors Program

Spring 5-10-2021

Criminal Law and Parricide in a Reflection of Social Parameters from the Roman Monarchy into the Early Empire

Sierra Epke
University of Nebraska - Lincoln

Follow this and additional works at: https://digitalcommons.unl.edu/honorstheses

Part of the Ancient History, Greek and Roman through Late Antiquity Commons, Gifted Education Commons, Higher Education Commons, and the Other Education Commons

Epke, Sierra, "Criminal Law and Parricide in a Reflection of Social Parameters from the Roman Monarchy into the Early Empire" (2021). *Honors Theses, University of Nebraska-Lincoln*. 358.
https://digitalcommons.unl.edu/honorstheses/358

This Thesis is brought to you for free and open access by the Honors Program at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Honors Theses, University of Nebraska-Lincoln by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

CRIMINAL LAW AND PARRICIDE IN A REFLECTION OF SOCIAL PARAMETERS FROM THE ROMAN MONARCHY INTO THE EARLY EMPIRE

An Undergraduate Honors Thesis
Submitted in Partial Fulfillment of
University Honors Program Requirements
University of Nebraska-Lincoln

by
Sierra Epke, BA
History and Global Studies
College of Arts and Sciences

March 15, 2021

Faculty Mentors:
Vanessa Gorman, Ph.D. Classical Studies
Morgan Palmer, Ph.D. Classics

Abstract

This paper seeks to determine the role of Roman criminal law and its connection to the social responses and punishments relating to parricide. The research for this project was conducted through print materials pertaining to the subject and online resources including databases accessed through the University of Nebraska-Lincoln Library system. As Roman society progressed, criminal law grew in range and scope providing different categories of homicide. One such category created was the crime of parricide in which a family member is killed by another member. Because of the power the heads of households, generally the father, possessed in Roman society, parricide became an alternative route to social independence and economic freedom for sons and other descendants. Because the head of the household was endowed with large amounts of power and authority over his family, the crime of parricide weakened traditional Roman familial power dynamics and, in response, received a heavy punishment. To illustrate the breakdown of this familial dynamic, this paper also includes an analysis of three cases of parricide that manifest the negative social reactions to parricide and its destructive social consequences.

Key Words: parricide, history, criminal law, Roman society, Roman criminal law, Roman court systems, homicide law

Roman criminal laws regarding homicide and court procedures were established in many forms from the Roman Monarchy to the Empire. As criminal laws evolved within Rome's governments, various provisions provided distinctions between types of homicide and their corresponding penalties. Parricide, the act of killing one's close relative, became one such distinction. With the almost all-encompassing power and authority given to the *paterfamilias* over his wife's, children's, and sometimes direct descendants' lives, the *patres familiae* were more prone to be victims of parricide. Because of the restraints placed on family members under the custom of *paterfamilias*, sons especially, and other members of the family, may be inclined to commit parricide to gain financial and social independence. It was recognized as an act that tore apart social conventions and upended familial power dynamics The act of parricide became one of the most heinous crimes under Roman criminal law, receiving a correspondingly heavy penalty.

This paper first gives an overview of Roman criminal law by addressing the various trial systems, analyzing criminal liability, and describing the four classes of criminal acts. The discussion then turns to the different homicide laws created over time, and the penalties attached to these laws including the use of capital punishment. The focus is then placed on the crime of parricide, its legal interpretation, the social implications and significance related to the concept of *paterfamilias* and break-down of traditional Roman societal values, related legislature, and proscribed punishment procedures. Finally, three case studies are presented from parricide cases recorded between 27 B.C.E. and 43 B.C.E. The goal of this project is to identify the progression of Roman criminal law and its subsequent relation to the extreme reaction to the crime of parricide based on its societal ramifications. Roman society placed heavy importance on the

father's power, with the result that, when this power was upended by parricide, fundamental building blocks of Roman society were challenged.

The Roman judicial system was characterized by its distinct categories of public and private law. Public law encompassed crimes that were committed against the state, and private law related to crimes committed against individuals.[1] The Roman jurist Ulpian stated, "There are two branches of legal study: public and private law. Public law is that which respects the establishment of the Roman commonwealth, private that which respects individuals' interests, some matters being of public and others of private interest.[2] By this distinction, most modern-day criminal offenses fall under the private law category. Offenses like theft and assault were tried as private cases. In turn, public courts were reserved for political affairs that endangered the welfare of the Roman state as a whole. Despite their connection to individuals, acts like murder, forgery, corruption, kidnapping, and adultery were all tried in the public sphere due to their social impacts on the community.[3]

The first Roman trial systems were comprised of a magistrate and jury in a system called the *iudicium populi* ("public court") These trials were initiated when a tribune of the plebs questioned a suspect in an inquiry called an *anquisitio.* The exact dates for this system are unknown, but Titus Menenius was charged with a capital crime as early as 476 B.C.E. in the *iudicium populi* (Livy 2.52.3-5).[4] Though the origins of this system are debated, it is believed that during the Struggle of the Orders, a plebian threatened with summary judgment by a patrician magistrate cried out to bystanders in search of help. In response to his pleas, a tribune

---

[1] Andrew M. Riggsby, *Roman Law and the Legal World of the Romans* (Cambridge, UK: Cambridge University Press, 2012), 195.
[2] *The Digest or Pandects of Justinian* (From D. Godefroy, *Corpus juris civilis, Pandectis ad Florentinum archetypum expressis, Institutionibus,* Amsterdam, 1663; A. Kreigel & E. Osenbrüggen, *Corpus iuris ciuilis*, Leipzig, 1872), 1.1.2; Ulpian 1, *Institutes.*
[3] Riggsby, 195.
[4] Richard A. Bauman, *Crime and Punishment in Ancient Rome* (London, UK: Routledge, 2012), 12.

of the plebs vetoed the sentence, and over time, a system was created where a tribune of the plebs called for an assembly to hear such cases.[5] An *anquisitio* was held once a day for three days. During the questioning, spectators listened to the inquiry and interjected their opinions. At the end of the questioning on each day, the tribune of the plebs sentenced the accused and assessed a penalty. If the accused refused to admit guilt, another round of questioning was performed the next day. If the defendant did not admit guilt after the three inquiries, a fourth hearing called the *quarta accusatio* took place. This hearing was a trial in which an assembly of people was created by the tribune of the plebs. In the *quarta accusatio* stage, additional assemblies called the *comitia centuriata* convened to decide capital punishment cases, and the *comitia tributa/concilium plebis* decided sub-capital punishment cases. Additional information was not divulged, and the assembly simply voted on whether they thought the defendant was guilty or innocent of the capital or sub-capital crime (Cic., *Dom.* 45).[6]

Under the *iudicium populi*, penalties were not defined by the law, and the tribune in charge of the courts had the discretion to continue the trial under either assembly. Charges of capital or sub-capital punishments changed throughout the *iudicium populi*'s multiple trials depending on the praetor's discretion, and dual punishments could be forced on the accused in certain circumstances.[7] This process is demonstrated by a sentence announced against Postumius Pyregensis. In 212 B.C.E., Postumius fraudulently claimed compensation from the Roman state and was charged with both sub-capital and capital punishments.[8] Postumius was accused of sinking older ships and claiming they were shipwrecked in order to gain financial compensation from the state. Postumius was first fined 200,000 asses for his actions before his friends rushed

[5] Bauman, 10.
[6] Bauman, 10-11.
[7] Bauman, 12.
[8] Bauman, 12.

the trial forcing its suspension. Postumius was then charged with capital punishment and had to ensure his appearance at the next trial or face imprisonment. Because Postumius failed to appear, the conditional death sentence, called *aquae et ignis interdictio*, was pronounced.[9] The tribunes declared, "If Marcus Postumius does not respond to summons by the first of May he is to be deemed to be in exile, his property is to be auctioned…and he is to be interdicted from water and fire – *ipsi aqua et igni placere interdici.*"[10] Under this penalty, the law allowed for an accused person to be killed if they refused to enter exile and instead remained in Rome or Roman Italy.[11] The accused was also supposed to be denied shelter and provisions to survive under the punishment (Livy 25.3.8 – 4.9).[12] Through this doctrine, many accused of crimes entered exile before sentencing in order to escape any punishment imposed upon them.[13]

Throughout the Monarchy, Republic, and early Empire, three distinct court systems were used to try public and private criminal offenses. By the second century B.C.E., the *iudicium populi* fell out of popularity, and a system of permanent jury courts became the preferred method of trying criminal cases. This new system, called *quaestiones perpetuae* ("permanent courts"), tried defendants in jury courts.[14] In 149 B.C.E., the *lex Calpurnia de repetundi* established the *iudicia publica* system by creating the first *quaestio perpetua* that judged non-citizen restitution claims (Cic., *Off*. 2.21.75). Later laws like the *lex Acilia de repetundis* in 123 B.C.E. added criminal penalties to cases tried in *quaestiones perpetuae* (Plin., *Ep*. 2.11.12). By the time Augustus became emperor in 27 B.C.E, nearly all forms of political and common-law crimes had *quaestiones perpetuae*. Under the *iudicia publica* system, a complaint called the *nominis delatio*

---

[9] Livy 25.3.8 – 4.9, trans. Baker.
[10] Livy 25.3.8 – 4.9.
[11] *Dig.* 48.1.2, Paulus 15, *On the Edict of the Praetor*.
[12] Bauman, 27.
[13] Bauman, 15.
[14] Bauman, 21.

was brought to the court by any adult male citizen with a good reputation regardless of his connection to the crime. This system, starting as early as 103 B.C.E., was the precursor to the practice of public accusation and private initiative that was required to bring cases forward and was used well after the collapse of the jury-court system. Cases tried by *quaestio perpetua* consisted of a fifty to seventy-five member jury made up of senators that was overseen by a praetor where jury members were selected from a list kept by the praetor in a random draw. After hearing the case, the jury voted to decide whether the defendant was innocent or guilty. When the verdict was determined, the supervising praetor declared either *fecisse* or *non fecisse videtur* ("he appears to have done it" or "not to have done it"). The jury then applied a penalty based upon the severity of the crime and the standing legislature.[15]

As the *quaestiones perpetuae* came into standard use after 149 B.C.E., permanent *quaestiones* were dedicated to punishing specific crimes. Later, Sulla's *lex Cornelia de sicariis et veneficis* reorganized the *quaestio* for homicide in the 80s B.C.E,[16] and Pompey established laws against *parricidium* in 55 B.C.E.[17] After the jury had voted and the verdict was announced, the *poena legis,* or "penalty of the law," was enacted. According to Cicero, jury courts under the *quaestiones perpetuae* solely decided guilt, and "…the penalty is the act of the law," meaning punishments were set by the current laws.[18] Under Sulla, interdiction from water and fire became a formal statute. If charged with the capital punishment of *aqua et igni interdicatur,* the wrongdoer had to leave the community in order to preserve the public's interest. Sulla also made interdiction the specific penalty in some of his laws in the *quaestiones perpetuae* era.[19]

---

[15] Bauman, 22-25.
[16] Bauman, 24.
[17] Bauman, 31.
[18] Cicero, *Pro Sulla*, trans. C.D. Yonge.
[19] Bauman 26-27.

After the Roman Principate was established in 27 B.C.E, Augustus ushered in a new criminal tribunal system called the *cognitio extraordinaria*. This system, in which the Senate, the Emperor's delegates, or Emperor himself conducted a tribunal, operated simultaneously with the *questio perpetua*. These tribunals operated outside codified laws, and court magistrates added categories for crimes and changed the severity of punishments based on the present offense.[20] This meant that crimes not codified in law were still tried, unlike in the jury court system where penal modifications were not allowed (Plin., *Ep.* 4.9.17).[21] Courts operated under the Emperor's delegates, so any legislature or penal modifications that were produced through trials were seen as direct extensions of the Emperor's power.[22] The emperor had the discretionary authority to issue edicts changing statutes and the power to declare trial verdicts.[23] Between 6 and 8 C.E., Augustus also created a controversial regulation that allowed slaves to participate in trials if they had admissible evidence against their owner.[24]

With the transition into the *cognitio extraordinaria,* some of the restraints on criminal penalties were altered. The extent to which someone was punished was dependent upon the inclination of the sentencing authority (Plin., *Ep*. 4.9.17).[25] This power is demonstrated during Augustus' reign when a series of defamatory pamphlets were distributed in Rome (c. 6-8 CE). After Augustus allowed the admittance of slave testimony against their masters in mitigating circumstances, Cassius Severus, one of the pamphleteers, was tried by the Roman Senate. Charged under the *lex maiestatis,*[26] Cassius Severus should have been interdicted; instead, he

---

[20] Bauman, 5.
[21] Bauman, 50.
[22] Bauman, 51.
[23] Bauman, 6.
[24] Bauman, 52.
[25] Bauman, 50.
[26] Tacitus, *The Annals*. 1.72. trans. J. Jackson.

received a lesser charge[27]of banishment called *relegatio. Relegatio* did not call for the confiscation of land and revocation of citizenship that was entailed in interdiction (Cass. Dio., 56.27).[28]

Criminal liability was adjudicated unequally depending on factors like sex, age, social class, legal status, nature of the crime, and state of mind throughout the Monarchy, Republic, and early Empire. Children under the age of seven were generally immune from being prosecuted for crimes. Children older than seven, before entering puberty, were either given the benefit of the doubt or held liable for crimes they committed. People who were deemed as insane were also generally immune to criminal prosecution,[29] but the designation of being insane was usually hard to obtain. Leniency was shown, especially in the Principate, to women, rural citizens, and minors, because it was believed they did not have a clear understanding of standing law.[30] Accomplices were often held liable for the same crimes as the actual perpetrator.[31]

In order to be held liable for a crime, a specific action needed to have been performed, known as an *actus reus.*[32] Additionally, those subject to criminal penalties also needed malicious intent, known as *dolus*.[33] Crimes of defamation and forgery were tried under criminal law, along with other physical acts like assault and murder.[34] To persuade juries that criminal liability did

[27] In the Empire, the 212 C.E. Edict of Caracalla created citizenship for all free males (Bernard W. Hoeter, “Roman Civil Law,” LawNow 35, no. 2 (2010): 31). Citizens with higher status, called *honestiores,* received more lenient punishments than their poorer counterparts, the *humiliores.* An *honestior* faced with the death penalty was simply beheaded, whereas the *humilior* was subjected to more bizarre forms of the death penalty like crucifixion, burning alive, or being thrown to the beasts. (Jill Harries, *Law and Crime in the Roman World* (Cambridge, UK: Cambridge University Press, 2007), 36).

[28] Bauman, 52.

[29] *Dig.* 9.2.5.2, Ulpianus 18, *On the Edict*.

[30] O. F. Robinson, *Criminal Law of Ancient Rome* (Baltimore, MD: The Johns Hopkins University Press, 2001), 16 – 17.

[31] *Dig.* 2.1.7.4-5, Ulpianus 3, *On the Edict*.

[32] Robinson, 17

[33] Robinson, 16.

[34] *Dig.* 48.29.16, Claudius Saturninus, *On the Penalties of Civilians.*

not apply to a case, defenses of superior orders, passion, and self-defense were used.[35] The excuse of drunkenness was also taken into account for some defenses.[36] Much like today's legal systems, certain crimes had statutes of limitations that released criminal liability. Other crimes like parricide had no statute of limitations and were prosecuted at any time.[37] Diocletian later prescribed a statute of limitations (287 C.E.) for previously undefined crimes in which a period of twenty years was given to bring a complaint for *falsum* ("fraud") crimes (*Cod. Iust.* 9.22.12).[38]

Now that a synopsis of the three Roman courts has been made, we can move to an overview of criminal charges. Throughout the history of Roman criminal law, four major categories of criminal acts were consistently recognized. The main topics of theft, violence against persons, sexual offenses, and crimes against the state were codified in criminal legislature. These categories acted as umbrella terms for a variety of related crimes.

The first category of concern was theft and other related offenses. Victims of theft brought cases to either civil or criminal courts depending on the circumstance. Sometimes theft cases entered criminal courts because there was some element of assault, but theft cases that challenged social parameters and needed "public disapproval" were more likely to be tried in criminal courts.[39] Examples of different types of theft under Roman law included livestock rustling, regular theft like burglary, pickpocketing, and stealing of goods, and the resale of stolen goods (*Dig.* 48.7.1, Marcianus 14, *Institutes*). Offenses that were related to theft included the misuse of one's inheritance, sacrilege relating to the theft of things of religious significance or promised to the gods,[40] swindling, kidnapping,[41] although slaves that were taken were prosecuted

---

[35] *Dig.* 48.8.9; *Dig.* 48.8.1.5, Marcianus 14, *Institutes.*
[36] *Dig.* 48.3.12, Callistratus 5, *On Judicial Inquiries.*
[37] *Dig.* 29.5.13, Venuleius Saturninus 2, *On Public Prosecutions*.
[38] Robinson, 20-21.
[39] Robinson, 24.
[40] *Dig.* 48.13.1, Ulpianus 44, *On Sabinus.*
[41] *Dig.* 48.15.1, Ulpianus 1, *Rules.*

under the corruption of a slave charges, and looting during a disaster.[42] Forgery was considered a crime of theft and was automatically seen as a public crime. Cases relating to will tampering were also often seen in criminal courts (*Dig.* 48.10.1.4 Marcianus 14, *Institutes*).[43]

The second area of Roman criminal law was concerned with violent acts against a person. This area was relatively unregulated due to other mediation methods and the social doctrine of *paterfamilias*. In cases where homicide was performed by the head of the household, outside family members had to intervene to receive justice. For cases where a victim was murdered by someone outside the family, the head of the household either reached remedy through private means or allowed the perpetrator's family to punish their family member.[44] In order to have the crime classified as a homicide, all that was needed was an intention to kill; motive did not matter.[45] Yet, not all forms of killing were criminal offenses. Killing a deserter or killing someone in self-defense or defense of another person was socially permissible.[46] Likewise, through the principle of *paterfamilias,* the father held the power of life and death over his family members.[47] Parricide, or the killing of a parent, grandparent, or another close family member, was considered an aggravated form of homicide and had no statute of limitations.[48] *Vis* was a subcategory of violence against a person that covered various forms of physical assault and injury to a person. Another subsection of violence against a person was the crime of *iniuria. Iniuria* was a charge related to the feeling of outrage brought on by assault of a person's honor or body.[49] For crimes against a person, most penalties followed the statutory punishment of

---

[42] Robinson, 25-35.
[43] Robinson, 36.
[44] Robinson, 41-42.
[45] Robinson, 43.
[46] *Dig.* 48.8.3.6, Marcianus 14, *Institutes.*
[47] Robinson, 45-46.
[48] *Dig.* 48.9.10, Paulus, *On the Penalties of All Laws*.
[49] Robinson, 49-50.

deportation, forfeiture of property, or interdiction.[50] Some offenses called for capital punishment, but the death penalty was rarely used against Roman citizens. Other forms of punishment included the loss of civic rights like the ability to vote or hold political office.[51]

Roman criminal law was also concerned with sexual offenses. Although not codified, incest was a crime based on the idea of natural law and often led to the prohibition of marriage between close blood relatives to a certain degree (first-cousins were allowed to marry).[52] Divorces and remarriages made the process of determining what was a legal marriage between nonbiological members difficult.[53] Forbidden marriages also extended to matches within Roman citizens' relationships between members of different religions.[54] Adultery was always considered a crime, but it was handled as a private matter until Augustus' legislation in 18 B.C.E.[55] in which it became a public offense.[56] If caught in the act of adultery in the father's house, the daughter and her lover were legally allowed to be killed by the father.[57] Unlike a father's power, if a husband found his wife in the act of adultery in his own house, the husband was allowed to kill the lover if he followed the provisions of the *lex Julia*.[58] Practices of homosexuality and prostitution did not have overarching laws that prohibited their practice.[59] Penalties for the crime of rape were liable under assault laws found in the *iniuria* and *vis* categories of violence against a person (*Dig*. 48.6.3.4, Marcianus 14, *Institutes*).[60]

---

[50]Robinson, 46-47.
[51] Riggsby, 198-99.
[52] *Dig*. 23.2.39.1, Paulus 6, *On Plautius.*
[53] Robinson, 54-55.
[54] *Codex Theodosianus* (Berlin: Th. Mommsen & Paul M. Meyer, 1905), 9.7.5, Valentinianus, Theodosius, and Arcadius.
[55] Robinson, 59.
[56] *Dig*. 48.5.1, Ulpian 1, *On Adultery*.
[57] *Dig*. 48.5.22.2-3, Papianus 1, *On Adultery.*
[58] *The Code of Justinian* (From D. Godefroy, *Corpus juris civilis, Pandectis ad Florentinum archetypum expressis, Institutionibus,* Amsterdam, 1663; A. Kreigel & E. Osenbrüggen, *Corpus iuris ciuilis*, Leipzig, 1872), 9.9.4, *The Emperor Alexander to Julian, Proconsul of the Province Narbonne*.
[59] Robinson, 70-71.
[60] Robinson, 71-72.

The final area of Roman criminal law pertained to acts against the state. Treason in Roman criminal law was defined as "an offense against society itself."[61] A charge of treason related to a wide array of offenses. Bearing arms against a Roman citizen or aiding an enemy were considered treasonous.[62] Political authorities and those in power behaving wrongfully potentially received charges of treason, and these charges could be brought by anyone including women, freedmen, and slaves.[63] The crime of *vis* (injury to public order) was also a relevant subcategory of treason and was often characterized by lesser charges. *Vis* in a treason context included actions like sedition and conspiring against the government.[64] Government corruption and abuses of power in some cases were viewed as treasonable acts as well.[65] Accepting bribes, embezzling state money, and trying to influence political elections were seen as forms of government corruption and therefore fell under the category of acts against the state.[66]

In any legal system, exact terminology must be established. In ancient Rome, the term *homicide* (*homicidium*) simply means "taking a life" whether intentional, unintentional, or in varying situations like war. *Murder* is a subset of homicide and is synonymous with the intentional act of killing another person.[67] Although many Latin words can have the connotation of murder, a direct translation did not exist in Roman vocabulary. Legislature specifically focused on *murder* did not exist, yet depending on the circumstances in which a person was killed, citizens were afforded different protections and rights under the law.[68] Enemies in war

---

[61] Robinson, 74.
[62] *Dig.* 48.4.1.1, Ulpian 7, *On the Duties of Proconsul.*
[63] *Dig.* 12.2.1.13, Ulpian 22, *On the Edict.*
[64] Robinson, 79-80.
[65] *Dig* 48.11.3-4, Macer I, *Public Prosecutions*; *Dig.* 48.11.4, Venuleius Saturninus 3, *Public Prosecutions*.
[66] *Dig*. 48.11.3, Macer Book I, *Public Prosecution*; 48.13.1, Ulpian 44, *On Sabinus*; *Dig.* 48.14.1.1, Modestinus II, *On Punishments*.
[67] Judy E. Gaughan, *Murder Was Not a Crime: Homicide and Power in the Roman Republic* (Austin, TX: University of Texas Press, 2011), 2-3.
[68] Gaughan, 3-5.

and outlaws were able to be lawfully killed. Adulterers and thieves were also killed in certain situations, and self-defense was an acceptable justification for murder if successfully argued in front of the courts.[69] In general, Rüpke describes Roman attitudes on killings manifested in stories like the legend of the Horatii:

> Killing is no problem in war. It is to be minimized between allied states, but even here it is a legitimate form of producing a decision. In war, the commander has to order to kill, he is the one who takes the responsibility, which might become "guilt" under special circumstances. Kinship is a hindrance to kill, even across borders. The *paterfamilias* is the highest judge of his family, he might even inflict capital punishment on his children. Religion might make killing both a problem and provide religious rites to remove such problems.[70]

The distinction between what was determined a homicide or "taking a life" and what was determined a murder and punishable under Roman criminal law was largely based on social context.

One of the first Roman murder laws was created under Numa Pompilius during the Roman monarchy. The ability to control the act of killing and the punishments associated with these acts were reserved for the monarch in order to promote his power and establish a sense of stability.[71] The *lex Numae* stated, "If anyone knowingly with guilty intent kills a free person, let him be *parricidas*."[72] *Parricida* in the law's context was most likely synonymous with a person threatened with capital punishment. Because unintentional homicide penalties called for a ram to be killed instead of the perpetrator of the crime, the accused was not subjected to capital punishment and therefore not *parricida.* The *lex Numae* explains, "It is the concern of a law of

---

[69] Jill Harries, *Law and Crime in the Roman World* (Cambridge, UK: Cambridge University Press, 2007), 118.

[70] Jörg Rüpke, "You Shall Not Kill. Hierarchies of Norms in Ancient Rome," *Numen* 39, no. 1 (1992): 59-60.

[71] Gaughan, 9.

[72] As cited in Gaughan, 10.

Numa that if anyone unintentionally killed a person, in the place of his head he would offer a ram to the agnates of the victim [an assembly]."[73]

With the rise of the Roman Republic, additional legislature in 509 and 450 B.C.E. introduced the beginnings of homicide law. In one of the Republic's earliest plebiscites, the plebian assembly claimed the right to order the death penalty for a person determined to be *homo sacer* or a "sacred person." By being named *homo sacer*, the person became the property of the gods and potentially a sacrificial victim, and this meant the person could be killed without any punishment. Because the sacrificial victim was the property of the gods, a malicious and punishable homicide did not occur.[74] Festus states of the plebiscite, "But a *homo sacer* is he whom the people judged guilty of an evil deed, and it is not right for him to be killed, but whomever kills him is not condemned as a parricide; for it is the concern of the first tribunician law, 'If anyone will kill him who has been made *sacer* by this plebiscite, he is not to be [treated as] a parricide.' "[75] By claiming the power to designate a person as *homo sacer*, the plebian tribune adopted the power to determine who lived and who died. The Twelve Tables, which is considered the framework for the Roman legal system, was created in the mid-fifth century B.C.E. and held certain provisions on justifiable and nonintentional homicide.[76] They held the same punishments for unintentional homicide as the *lex Numae*, and again, the punishment for the accused was transferred to a ram. In turn, the punishment for intentional killing most likely mirrored the *lex Numae* as well, and the accused was sentenced to death. The Twelve Tables also allowed for the practice of *talio* which allowed for retaliation or an "eye for an eye" mentality stating, "…If anyone has broken another's limb there shall be retaliation in kind unless he

[73]As cited in Gaughan, 10.
[74] Gaughan, 54-55.
[75] As cited in Gaughan, 54.
[76] Gaughan, 59.

compounds for compensation with him."[77] If an intentional homicide was committed, it is feasible to believe that *talio* may have been the chosen response to these acts and resulted in a quasi-death sentence.[78]

After 142 B.C.E., a series of courts were created to try specific crimes related to a chain of poisonings and gang-related crime (Cic., *Fin.* 2.16.54).[79] Besides these quasi-homicide courts, there seems to be a lull in legislature directly concerned with homicide. Riggsby argues that a general prohibition against murder was not recognized until 81 B.C.E.[80] Gaughan also makes a similar argument,

> …When Roman institutions began to take an interest in criminal activity (to some degree before the second century, but certainly during the second century), offenses that included homicide found their way into what eventually became a permanent system of standing courts. The reasons for inclusion reflect Roman perceptions of the role of government and its responsibilities and limitations. Murder was not a crime because the judicial forces of the government did not involve themselves with the private activity of one Roman killing another, and because it was not an act intended to harm the *res publica.*[81]

Created in 80 B.C.E., the *lex Cornelia* officially codified the crime of homicide in Roman law. The statute governed all forms of homicide and actions that caused death, and it survived both Caesar's and Augustus' reforms. The severity of the *lex Cornelia* was conditioned upon a person's intention when committing an act.[82] In the first chapter of the *lex Cornelia*, jury courts presiding over murders committed in Rome or within a mile radius of Rome were given capital jurisdiction to punish those who carried weapons with the intent to kill or steal.[83] Ulpian

---

[77] *The Twelve Tables* (From *Ancient Roman statutes: translation, with introduction, commentary, glossary, and index* by Allan Chester Johnson, Paul Robinson Coleman-Norton, Frank Card Bourne; general editor, Clyde Pharr. Austin, TX: University of Texas Press, 1961), 8.2.
[78] Gaughan, 62.
[79] Robinson, 42.
[80] Riggsby, 200.
[81] Gaughan, 68.
[82] Harries, 118-19.
[83] Robinson, 42.

explained, "This law does not punish the bearing of arms as such, but only where weapons are carried with the object of murder or theft. It likewise punishes the perpetrator of a murder, and adds no qualification concerning his status; hence this law seems also to apply to a slave and a foreigner."[84] The *lex Cornelia* also outlined provisions for intentional homicides committed with poison. Specifically, the preparation of murder by poisoning like making, selling, or possessing poison were all punishable criminal offenses under the *lex Cornelia*.[85] The *lex Cornelia* was designed to uphold public order and covered general aspects of murder as well. Murders on public highways, private houses, and deaths that occurred during brawls were punishable under the *lex Cornelia*. The inclusion of slaves and foreigners under this law showed the importance of upholding public order that any act of murder tore away. Justinian's Digest, created in the 530s C.E., was a compilation of Roman law and designed to be a systematic way of establishing a uniform set of law from previous statutes, provisions, and juristic writings.[86] Book forty-eight section eight of the Digest outlines the provisions of the *lex Cornelia* from writers like Marcia and Ulpian.[87] The *lex Cornelia* marked the first pointed effort at codifying homicide laws since the creation of the Twelve Tables.[88]

The crime of parricide can be plainly explained as the killing of a close relative.[89] The term *parricide* comes from the compound *patris-cidium*, the killing (*caedere*) of the father (*pater*).[90] In general, homicides punishable under criminal laws were reserved for specific cases

[84] Moses Hyamson, *Mosaicarum et Romanarum Legum Collatio* (London, UK: Oxford University Press, 1913), 1.3.1-2, Ulpian 7.
[85] *Dig.* 48.8.3.1, Marcianus 14, *Institutes.*
[86] Riggsby, 39.
[87] *Dig.* 48.8, Marcianus 14, *Institutes.*
[88] Harries, 119.
[89] J.D. Cloud, "Parricidium: from the Lex Numae to the Lex Pompeia De Parricidiis," *Zeitschrift der Savigny-Stiftung für Rechtsgeschite: Romanistische Abteilung* 88, no. 1 (1971): 11.
[90] Barbara Biscotti. "What Kind of Monster or Beast Are You?' Parricide and Patricide in Roman Law and Society." *Parricide and Violence against Parents throughout History: (De)Constructing Family and Authority* (2018): 13.

like parricide.[91] In the Late Republic, five parricide cases in Rome are documented before Cicero's famous defense of Sextus Roscius Amerinus in 80 B.C.E. Plutarch references L. Hostius as the first case of parricide followed by Q. Fabius Maximus in 105 or 104 B.C.E., Publicius Malleolus in 101 B.C.E., and the sons of T. Cloelius sometime after 101 B.C.E.[92] The parricide committed by L. Hostius is largely unknown and only briefly mentioned by Plutarch in *The Life of Romulus:* "…but after the war with Hannibal, Lucius Hostius is reported to have been the first parricide."[93] The merits of the second parricide case against Q. Fabius Maximus are debated even though Orosius refers to Q. Fabius Maximus' killing of his son as a parricide in his *History Against the Pagans*.[94] Cloud rightly argues that Orosius' use of the word parricide is incorrect, since, as *paterfamilias*, Q. Fabius Maximus had the right to decide his son's fate.[95] Publicius Malleolus' conviction and subsequent execution for murdering his mother in the third recorded case is considered the first reliable account of a child-parent parricide (Livy, *Per.* 68.9).[96] Malleolus is also said to have been drowned in the *poena culleus* ("penalty of the sack"), referred to in Cicero's *De Inventione.*[97] Cicero also references the T. Cloelius case in his *Pro Sextus Roscius of Amerino;* after their father was found with his throat cut, the sons were accused but eventually acquitted of parricide.[98] Finally, in 80 B.C.E., Sextus Roscius Amerinus was accused of murdering his father before being successfully defended by Cicero.[99]

Although terms related to *parracidium* are relatively limited before Sulla's criminal legislation, seven works reinforce the general idea behind the crime of parricide. Three

---

[91] Riggsby, 200.
[92] Cloud, 38-46.
[93] Plutarch, *Rom.* 22. trans. J.C. Rolfe.
[94] Orosius, *Against the Pagans*, 5.16.8. trans. I.W. Raymond.
[95] Cloud, 39.
[96] Robinson, 46
[97] Cicero, *De Inventione,* 2.50. trans. C.D. Yonge.
[98]Cicero, *Rosc. Am.* 23.64-65. trans. C.D. Yonge.
[99] Robinson, 46.

categories from these examples arose: the killing of a *parens* or killing of a son, *patriae parricida* (abuse against one's country), and its use as a term of strong abuse. Cicero later expanded on the second description of parricide, and J.D. Cloud explains, "one's country is a kind of parent and thus a grave injury to one's country is analogous to parricide."[100] Each of these interpretations holds the key idea that someone or something is being harmed. The comparison between the killing of a parent and harming one's country demonstrates the moral reprehensiveness of these acts.

In Roman society, parricide was regarded as an inconceivable act. In *pro Roscio Amerino*, Cicero relates that Titus Caelius of Terracina was found murdered in the same room where his sons slept. Both sons were acquitted of parricide charges for the following reason:

> Because it was made clear to the judges, however, that the young men had been found asleep when the door was opened, they were acquitted and freed from all suspicion. For no one thought there would be anyone who, after he had violated all human and divine laws by an impious offense, would be able to go to sleep immediately, because those who have committed such a deed are not only unable to rest without anxiety, but they cannot even breathe without fear.[101]

This case illustrated the collective attitude that parricide was an incomprehensible crime, and Plutarch even stated that Romulus never promulgated a law against parricide because it was an unthinkable crime.[102] Because of the nature of the crime, parricide cases were tried in public courts for two reasons; parricide was a heinous act, and the idea of domestic jurisdiction was torn apart when the *paterfamilias* was killed.[103] When cases of parricide occurred and the father was killed, familial jurisdiction to punish family members for their crimes was disrupted. Even if a different family member was killed in a case of parricide, this act signaled that the father was not

---

[100] Cloud, 11.
[101] Cic., *Rosc. Am.* 64-65.
[102] Plut., *Rom.* 22.
[103] Gaughan, 86-87.

performing his duty as the *paterfamilias.* Society's trust in the *paterfamilias* to punish the offender was diminished based on the assumption he was not able to regulate his own family members. As Gaughan writes, "The position of the *pater* in the family was absolutely central to the family's functioning, and so his absence or weakness seems a likely reason for parricide trials to enter the public sphere."[104] In a broader sense, the inability to govern one's own family also decreased the stability of the *res publica.* As individual families were the building blocks to society, the inability to control one's family signaled an ineffective *paterfamilias* and therefore an unstable piece of the *res publica.* This instability is illustrated in the legend of the Horatii, mentioned above, who murdered his sister. According to Livy, the patricians and plebians alike were horrified by Horatius' deed even after he had won submission from the Albans. Horatius was to be tried and executed if convicted, but his appeal was accepted by the people. Livy states Horatius' acquittal was based upon his father's allowance of the murder and his argument that he would have punished his son if the murder was unjust.[105] Although he was spared from execution, Horatius was still punished as:

> "The father's tears and the young soldier's courage ready to meet every peril were too much for the people. They acquitted him because they admired his bravery rather than because they regarded his cause as a just one. But since a murder in broad daylight demanded some expiation, the father was commanded to make an atonement for his son at the cost of the State."[106]

To atone for his son's mistakes, Horatius' father made expiatory sacrifices and had his son pass under a beam he put in place called "The Sister's Beam." In varying sources, Horatius was charged with *perduellio* ("treason") or parricide. Other aspects of the legend remained the same in different versions lending to the idea that parricide challenged conventional Roman societal

---

[104] Gaughan, 87.
[105] Livy, 1.24-26.
[106] Livy, 1.26.

factors in the same societally destructive way that *perduellio* did.[107] Thus, parricide had comparable social consequences to treason.

Although the specific date for the creation of the *lex Pompeia de parricidiis* is debated, this first statute concerning parricide was created by Pompey sometime in the late 50s B.C.E. (Paulus., *Sent.* 5.24.1). [108] Severan jurist Aelius Marcianus wrote, "The *lex Pompeia de parricidiis* provides that if anyone kills a father, a mother, a grandmother or a grandfather…or maliciously caused any such person to be killed, he/she incurs the penalty laid down by the Cornelian law on homicide – *ea poena teneatur quae est legis Corneliae de sicariis*."[109] The *lex Pompeia* also addressed the familial relationships needed to determine crimes of parricide if a family member was killed. Under the *lex Pompeia*, parents, grandparents, brothers, sisters, patrons, and most likely uncles, aunts, first cousins, step-mothers, and betrothed persons were protected by the law.[110] While the law was intended to protect older family members in particular, it also applied to murders that were performed by older family members against younger members.[111] The *lex Pompeia* concerning parricide is also included in Justinian's *Digest,* which explains the various familial connections that resulted in punishment for murder under the *lex Cornelia.*

> By the *lex Pompeia* on parricides it is laid down that anyone who kills his father, mother, grandfather, grandmother, brother, sister, first cousin on the father's side, first cousin on the mother's side, paternal or maternal uncle, paternal [or maternal] aunt, first cousin (male or female) by mother's sister, wife, husband, father-in-law, son-in-law, mother-in-law, [daughter-in-law], stepfather, stepson, stepdaughter, patron or patroness, or with malicious intent brings this about, shall be liable to the same penalty as that of the *lex Cornelia* on murderers. And a mother who kills her son or daughter suffers the penalty of

[107] Gaughan, 87.
[108] Robinson, 47.
[109] *Dig*. 48.9.1, Marcianus 14, *Institutes*.
[110] *Dig.* 48.9.1, Marcianus 14, *Institutes.*
[111] Robinson, 47.

> the same statute, as does a grandfather who kills a grandson; and in addition, a person who buys poison to give to his father, even though he is unable to administer it.[112]

Parricide was considered a capital crime and therefore was subject to capital punishment. The penalty for parricide under the *lex Pompeia de parricidiis* followed the traditional penalties enforced by the *lex Cornelia de sicariis.*[113] This meant the penalties for parricide included *interdictio aquae et ignis* (interdiction by fire and water as mentioned above), forfeiture of all property, or exile. Also under the *lex Pompeia,* sons who purchased poison with the intent of killing their fathers were punished with parricide without even administering it.[114] Moneylenders who were aware that sons were intending to buy poison with borrowed money were also subject to parricide punishments.[115] A particularly gruesome punishment was instituted most likely in the late third or early second century B.C.E.[116] This punishment, called the *poena cullei,* involved drowning the convicted party in a leather sack with a cock, dog, serpent, and monkey.[117] According to a law created around 200 B.C.E., "A punishment was instituted for parricide: that a parricide is flogged, with blood-colored rods, then sewn up in a sack (*culleus*) with a dog, a dunghill cock, a viper, and a monkey; then the sack is thrown in to the depths of the sea."[118] Although most likely inscribed in the legislature in 200 B.C.E., various literature sources and scholars differ on when and to what extent the *poena cullei* was truly introduced and utilized as a form of capital punishment. Various forms of the punishment were used that omitted the animals or certain ritual aspects.[119] In the most complete form of the *poena cullei* used during

---

[112] *Dig.* 48.9.1, Marcianus 14, *Institutes*.
[113] *Dig*. 48.9.1, Marcianus 14, *Institutes.*
[114] *Dig.* 48.9.1, Marcianus 14, *Institutes.*
[115] *Dig.* 48.9.7, Paulus 29*, On Plautius.*
[116] Robinson, 47.
[117] Florike Egmond, "The Cock, the Dog, the Serpent, and the Monkey. Reception and Transmission of a Roman Punishment, or Historiography as History," *International Journal of the Classical Tradition* 2, no. 2 (1995): 159.
[118] *Dig*. 48.9.9, Modestinus 11, *Pandects.*
[119] Egmond, 172-73.

Hadrian's time, the *parricida* was taken to the execution location on a cart pulled by black oxen and then flogged with rods. The guilty party's head was covered by a cap made of wolf's skin, and his feet were bound to wooden soles. The *parricida* was then sewn into the leather sack with the animals and drowned.[120]

One of the characteristics of this punishment was that it served as a propitiation of the gods.[121] Cloud argues, "The *culleus* penalty has the hallmarks of a *procuratio prodigii*: its purpose is not so much to deter the parricidally inclined but to avert the anger of heaven against the community once the unnatural crimes has been perpetrated."[122] Roman texts view the murder of a parent as an act against nature, and the *poena cullei* was designed to illustrate these views. In the punishment, "The convict's body was denied the sky, the sun, water, and earth forever. A person who had murdered someone to whom he owed his existence was then denied access to those elements that formed the basis of natural life on earth."[123] The *poena cullei* focused on removing the "polluting element" in society in the *procuration prodigii* process.[124] This process:

> "re-establishes the ordered relationship between the profane world and the supra-terrestrial powers which the appearance of the prodigy has violated…The primary purpose of the ritual in the third and second centuries must have been to remove all trace of the pollution, though there may give been some relic of the concept of '*sacer'* attached to the convicted parricide…to form the basis for a consecratory element in the practice."[125]

The act of drowning the individual ensured that the "pollution" was carried away. Because the perpetrator of an "unnatural crime" was no longer in the city, the citizens were spared from whatever supernatural punishment they awaited if the crime went unpunished.[126]

---

[120] Egmond, 166.
[121] Gaughan, 85.
[122] Gaughan, 85.
[123] Cic., *Rosc. Am.* 22.6.
[124] Egmond, 177.
[125] Cloud, 34.
[126] Cloud, 34.

According to Seneca, Roman emperors were heavily concerned with parricide. Claudius frequently utilized the *poena cullei* punishment, and Seneca wrote to Nero, "Your father sewed up more parricides in sacks during five years, than we hear of in all previous centuries."[127] The *senatus consultum Macedonianum* was also passed by the senate to dissuade parricide attempts. While its inception is debated, with Tacitus citing its creation under Claudius (Tac., *Ann.* 11.13) and Suetonius crediting it to Vespasian (Suet., *Vesp.* 11), under this resolution, moneylenders were unable to recover their investments if they lent to a son under *patria potestas* and the father died.[128] According to Theophilus in his *Paraphrase:*

> The following especially applies to the former, namely, that the Macedonian decree of the Senate forbids money to be loaned to those who are under the control of their relatives; and an action is denied to a creditor who makes a loan to a son or a daughter, a grandson or a granddaughter themselves (whether they are still under parental control, or whether by the death of their ascendant or by emancipation they have become their own masters); or against the father or grandfather, whether he still has them under his control, or has emancipated them. The Senate established this rule for the reason that parties burdened with debts for borrowed money which they had squandered in luxury often plotted against the lives of their relatives.[129]

Additional legislature like the *senatus consultum Macedonianum* highlighted the fears of parricide.

Three cases are recorded between 27 B.C.E and 43 B.C.E. that illustrate Roman attitudes toward the morality of parricide. In the first case, Livy writes of Tullia Minor in the *History of Rome* detailing her father's murder and the societal reactions to this event. Cicero was charged with defending Sextus Roscius in 80 B.C.E. against a charge of parricide in the second case and based his defense on the ethics needed to commit parricide. Finally, Julius Caesar's murder was

---

[127] Seneca, *De Clememtia*, 1.23.1. trans. Aubrey Stewart.

[128] *A Dictionary of Greek and Roman Antiquities* (London, UK: John Murray, 1875).

[129] *The Institutes of Justinian* (From D. Godefroy, *Corpus juris civilis, Pandectis ad Florentinum archetypum expressis, Institutionibus,* Amsterdam, 1663; A. Kreigel & E. Osenbrüggen, *Corpus iuris ciuilis*, Leipzig, 1872), 4.7.7. *Concerning Business Transactions Entered Into With a Person Under the Control of Another.*

viewed as parricide case for his title as *parens patriae* and its destructive nature to the *res publica*.

Tullia Minor was the daughter of the sixth Roman king Servius Tullius and is recorded in historical accounts as committing parricide against her first husband and sister, as well as having orchestrated the murder plot against her father.[130] Livy's account of the events in the *History of Rome* were written five centuries after the act between 27 and 9 B.C.E. Therefore, his account of the events may not accurately portray monarchial values as they are subject to his interpretation. Because of the high drama of the subject and the descriptive method in which Livy recounts the story, its retelling focused on providing an entertaining moralistic lesson rather than a pure historical account.[131] However, according to Livy, Tullia Minor was originally married to Aruns Tarquinius, while her sister was married to Tarquinius Superbus. He characterizes the marriages as mismatches since Tullia Minor and Tarquinius Superbus were both highly ambitious while Aruns Tarquinius and the other Tullia lacked this sense of ambition:[132]

> The haughty Tullia was highly chagrined, at finding in her husband no principle either of ambition or enterprise; she turned, therefore, her whole regard towards the other Tarquinius; him she admired, him she called a man, and a true descendant of the royal blood…Similarity of disposition quickly produced an intimacy between them, as is generally the case; evil is fittest to consort with its like. But it was the woman who set on foot the scene of universal confusion which followed.[133]

Tullia is then characterized as manipulating Tarquinius into agreeing that both his brother and wife must die so that he and Tullia could marry each other and fulfill their ambitions for the throne. Through the deaths of Tullia's sister and husband, her first acts of parricide were

---

[130] Fanny Dolansky, "Regal Resonaces: Ovid, the princeps, and the Remote Past in *Fasti* 2, 4, and 6," *Illinois Classical Studies* 45, no. 1 (2020): 84-85.

[131] Jo-Marie Classen, "The Familiar Other: The Pivotal Role of Women in Livy's Narrative of Political Development in Early Rome," *Acta Classical* 41 (1998): 87.

[132] Livy, 1.46.

[133] Livy. 1.46.

performed. Livy explains, "…for Tullia now prepared to proceed from one wickedness to another, and never ceased, either night or day, teasing her husband not to let the parricides which they had committed, pass without effect."[134] Tullia then goaded her new husband into raising support from members of the patrician class for his take over as king, and Tarquinius went to the senate house and sat on the king's throne. Servius entered the senate-house to address the commotion before being thrown out onto the steps by Tarquinius and killed by some of his men.[135]

Tullia was thought to have orchestrated these events. Livy says, "It is believed, other instances of her wickedness rendering it credible, that this was done by the advice of Tullia."[136] After saluting Tarquinius as king in the Forum, Tullia was then sent home before coming upon her father's body in the street where,

> …the person who drove the horses, struck with horror, stopped and drew in the reins and showed his mistress the murdered Servius lying on the ground. Her behaviour on this occasion is represented as inhuman and shocking; and the place bears the testimony to it, being thence called the Wicked street, where Tullia, devested of all feeling, agitated by the furies, the avengers of her sister and husband, is said to have driven her chariot over her father's corpse, and to have carried on her bloodied vehicle, part of the body and the blood of that parent, with which herself was also sprinkled and stained, to the household gods of her and her husband's family, through whose resentment followed, shortly after, a train of events suited to the iniquitous commencement of this reign.[137]

With the desecration of her father's body, Tullia committed the final act of outrage against her family and completed triple parricide in the pursuit of the Roman throne.

Three counts of parricide are plainly seen in Tullia's quest for power. The most discussed is that she killed her father, Servius. Although the murder was carried out by some of Tarquinius' supporters, Tullia had a heavy hand in Servius' murder. Ovid includes a dialogue of her

[134] Livy, 1.47.
[135] Livy, 1.47
[136] Livy, 1.48.
[137] Livy, 1.48.

intentions in his *Fasti,* stating, "I offer as my dower the head and kingdom of my father; if thou art a man, go to, exact the promised dower. Crime is a thing for kings. Kill thy wife's father and seize the kingdom, and dye our hands in my sire's blood."[138] With her encouragement of Tarquinius to kill Servius and her actions after his death, Tullia demonstrated the lack of *pietas* (familial respect and attachment) present in cases of parricide. Like Livy, Ovid also includes moralistic aspects, and he similarly includes the account of Tullia's chariot. Ovid states, "A sure proof of the deed is the name of the street called Wicked after her; the event is branded with eternal infamy."[139]

The outcomes of and responses to Servius' murder also highlight parricide's societal consequences and influences. Livy characterizes Servius' popular forty-four year-reign as incomparable even to a "good and moderate successor."[140] With his death, Livy explains,

> This circumstance also still farther enhanced his fame, that, together with him perished all regular and legal government. Mild and moderate as his administration was, yet, because the government was lodged in the hands of a single person, some authors tell us, he intended to have resigned it, had not the wickedness of his family broken off the designs which he mediated, for establishing the liberty of his country.[141]

Tarquinius put to death senators who had supported Servius and surrounded himself with security, in case of an attempt to take the throne as he had. He took to ruling by fear and controlled the prosecution of capital offenses. Tarquinius was also the first of the Roman kings to terminate the use of the Senate as an advising body.[142]

Silius' *Punica* gives some insight into the societal reactions and moralistic quality in retellings of Tullia's actions. On Scipio's visit to the underworld, he first meets with various

[138] Ovid, *Fasti* 6.585, trans. James G. Frazer.
[139] Ovid, 6.585
[140] Livy, 1.48.
[141] Livy, 1.48.
[142] Livy, 1.49.

shades considered to be heroes like Achilles, Ajax, and Ulysses. He is then confronted by a group of guilty shades with Ovid writing, "But now an appalling sight met Scipio's eyes, such that he asked who was the guilty shade."[143] The first guilty shade mentioned is Tullia's, and when asked about her shade the priestess answered:

> "Tullia was the daughter of Servius Tullius, she who drove her chariot wheels over her father's mutilated body, reigning back her horses above his still-quivering features; therefore she swims the fiery Phlegethon, with never an end to her suffering, those waters rush furiously from dark furnaces, carrying red-hot rocks up from the depths, the burning stones striking her in the face."[144]

In this later account of the events, based upon the punishment she is projected to have seen in the underworld, the Roman society's views on parricide are portrayed. The evilness of her actions has sentenced her to never-ending suffering. Livy's account of the events also echoes the eternal characteristics of her crime, the city of Rome is eternally marked by naming a street after the deed. Livy may have even included the story in his *Histories* to have this pointed moral message.[145]

Similar to Tullia's case, Roman morality ideals played a part in Sextus Roscius' parricide case in 80 B.C.E. Sextus Roscius was tried for the crime of parricide after his father was murdered in the streets of Rome sometime in 81 B.C.E.[146] During this era, Sulla instituted the use of proscription lists of public enemies that allowed for those on the list to be killed with impunity and their property seized. The names of many wealthy men from the upper classes were added to the proscription lists through mid-81 B.C.E.[147] After the lists were closed on June 1, 81 B.C.E, some of Sulla's followers continued to fraudulently add names to the proscription lists to

---

[143]Silius Italicus, *Punica*,13.798 – 852. trans. A.S. Kline.
[144] Sil., *Pun*. 13.798-852.
[145] Classen, 87.
[146] Barbara Saylor Rodgers, "Cicero *Pro Roscio Amerino:* Introduction," (2015): 1.
[147] Plut., *Sull*. 31.

increase their wealth and buy property at extremely low prices.[148] According to Cicero, two to three months after the lists closed, the elder Sextus Roscius was found dead near the Pallacine baths. The news of his death was not delivered to the younger Sextus first, but instead, Mallius Glaucia brought the news to his client Titus Roscius Magnus. Titus Roscius Magnus and Titus Roscius Capito were clients of Sulla's freedman, Chrysogonus, and, although cousins, they were also enemies to the elder Sextus Roscius. Knowing that the elder Sextus Roscius had considerable land wealth, Chrysogonus entered that man's name on the closed proscription lists and purchased his land for an incredibly low sum. Magnus then removed the younger Sextus Roscius from his estates and divided them between himself and Chrysogonus.[149] When the younger Roscius tried to regain his property, the three conspirators agreed that they had to remove the younger Sextus Roscius in order to protect themselves.[150] Chrysogonus then tasked Erucius with prosecuting the younger Sextus Roscius with murdering his father (Cic., *Rosc. Am.* 13.35).[151]

There are three possibilities in the case: the younger Sextus Roscius killed his father, Roscius Magnus and Roscius Capito together killed the elder Sextus Roscius, or the murder was committed by someone unknown.[152] To defend the younger Sextus Roscius, Cicero bases his defense on the likelihood of the two cousins committing the crime and on the idea that the younger Sextus Roscius' rural characteristics and morals disassociated him from the crime. According to Cicero, the characteristics needed by someone to commit parricide included, "Extraordinary boldness, a savage character marked by a fierce disposition, and a life completely

---

[148] F. Richter and F. Fleckeisen, *Cicero: Pro S. Roscio Amerino,* Introduction (London, UK: University Tutorial Press, 1910), 6.

[149] Cic., *Rosc. Am.* 6.15-8.23.

[150] Cic., *Rosc. Am.* 9.26.

[151] Ann Vasaly, "The Masks of Rhetoric: Cicero's Pro Roscio Amerino," *Rhetorica: A Journal of the History of Rhetoric* 3, no. 1 (1985): 4.

[152] Rodgers, 2.

given over to vice and crime…" (Cic., *Rosc. Am.* 13.38).[153] Cicero argues that Erucius' defense does not make any of these necessary accusations,[154] and he then uses Erucius' attack on Roscius' rural upbringing to his advantage by contrasting respectable rural characteristics with the "vices of the city" attributed to Magnus, Capito, and Chrysogonus. Cicero argues,

> He is more than forty years old. Is he forsooth an old assassin, a bold man, and one well practiced in murder? You have not heard this so much as mentioned by the accuser. To be sure, then, luxury, and the magnitude of his debts, and the ungovernable desires of his disposition, have urged the man to this wickedness? Erucius acquitted him of luxury, when he said that he was scarcely ever present at any banquet. But he never owed anything further what evil desires could exist in the man who as his accuser himself objected to him has always lived in the country and spent his time in cultivating his land, a mode of life which is utterly removed from covetousness, and inseparably allied to virtue?...Let us return again to the same point, and ask what vices existed in this his only son of such importance as to make him incur the displeasure of his father. But it is notorious he had no vices. But he was the most reasonable and sensible of men. This, then, is evident, that, if the father was not crazy, nor his son profligate, the father had no cause for displeasure, nor the son for crime.[155]

Cicero goes on to elaborate on the virtuous tendencies of rural life. He characterizes the rural population as growing the Republic's land holdings and for being diligent and prosperous in their work. He even argues that some of the leading men of Roman history had cherished rural life and nothing was more honorable than to work the land.[156]

Cicero also employs the principle of *Cui bono?* or uncovering who stood to gain from the crime. Since the younger Sextus Roscius was in line to inherit his father's estates, Cicero argues there was no motive for his murder.[157] Therefore, following the money trail, the motive lay with Capito.[158] Cicero argues in the defense,

> First of all, why the property of a virtuous citizen was sold? Next, why the property of a man who was neither proscribed, nor slain in the garrisons of the opposite party, were

[153] Vasaly, 5.
[154] Cic., *Rosc. Am.* 13.38.
[155] Cic., *Rosc. Am*. 14.39-41.
[156] Cic., *Rosc. Am*. 18.50-51.
[157] Cic., *Rosc. Am.* 6.15.
[158] Andrew R. Dyck, 'Evidence and Rhetoric in Cicero's "Pro Roscio Amerino": The Case against Sex. Roscius," *The Classical Quarterly* 53, no. 1 (2003): 237-38.

> sold; when the law was made against them alone? Next, why were they sold long after the day which is appointed by the law? Next, why were they sold for so little!...But to say no more about what has happened already, cannot anyone thoroughly understand from what is happening now, that Chrysogonus alone is the author and contriver of all this, and that it is he who caused Sextus Roscius to be accused?[159]

Cicero tries to tie in the T. Roscii's participation in the crime by suggesting the murder was instead performed by Mallius Glaucia.[160] Although Cicero's defense rests largely on vivid descriptions and conjectures without concrete evidence proving the younger Sextus Roscius' innocence, his defense was effective.[161]

If he had been convicted of parricide in a *quaestio perpetua*, the younger Sextus Roscius would have been faced with the *poena cullei*.[162] Cicero detailed the punishment in his defense noting the religious facets of its implementation:

> Do they not seem to have cut this man off and separated him from nature; from whim they took away at once the heaven, the sun, water and earth, so that he who had slain him, from whom he himself was born, might be deprived of all those things from which everything is said to derive its birth. They would not throw his body to the wild beasts, lest we should find the very beasts who had touched such wickedness, more savage; they would not throw them naked into the river, lest when they were carried down into the sea, they should pollute that also, by which all other things which have been polluted are believed to be purified…These men so live, while they are able to live at all, that they are unable to draw breath from heaven; they so die that earth does not touch their bones; they are tossed about by the waves so that they are never washed; lastly, they are cast up by the sea so, that when dead they do not even rest on the rocks. Do you think, O Erucius, that you can prove to such men as these your charge of so enormous a crime, a crime to which so remarkable a punishment is affixed, if you do not allege any motive for the crime?[163]

Roscius' accusers most likely thought he would enter voluntary exile before taking his case to trial, because of the penalties attached to the case. Since his honor was at stake, the younger Sextus Roscius remained in Rome, and, because he did not confess outright responsibility to the

---

[159] Cic., *Rosc. Am*. 45.130-132.
[160] Cic., *Rosc. Am.* 35.98.
[161] Dyck, 239.
[162] Richter, 19.
[163] Cic., *Rosc. Am*. 26.71-72.

crime, Roscius may have escaped the *poena cullei* punishment for interdiction by fire and water.[164] The fear of any sort of punishment proved to be unnecessary since Sextus Roscius was acquitted. Plutarch writes of Cicero's defense, "Accordingly, he undertook the defense of Roscius, won his cause, and men admired him for it…"[165] Ultimately, restitution most likely did not occur and charges were not pressed against the T. Roscii.[166]

The charge of parricide against Sextus Roscius was a concrete case tried in a Roman jury court unlike Julius Caesar's metaphorical case. Although Caesar's murder was not a true parricide, the destructive and treasonous nature of his death simulated that of an actual case. The honors bestowed on Caesar before his death and the subsequent responses to his murder also support the idea that his death was considered a parricide. In January or early February of 44 B.C.E., Caesar was given the title of *parens patriae* by the Roman senate.[167] *Parens patriae* or "Father of the Fatherland" did not transfer any physical power to Caesar, but this honor did bestow a sense of filial piety toward him from the entire Roman populace. The title of *parens patriae* also held a sense of monarchial power, since the bearer of the title held "father honour" and a sense of wholistic power that only added to his other titles.[168] Suetonius writes, "For not only did he accept excessive honours, such as an uninterrupted consulship, the dictatorship for life, and the censorship of public morals, as well as the forename Imperator, the surname of Father of his Country; but he also allowed honours to be bestowed on him which were too great for mortal man…In fact, there were no honours which he did not receive or confer at

[164] Richter, 19.
[165] Plut., *Cic.* 3.
[166] Richter, *Amerino,* 12.
[167] Tom Stevenson, "Roman Coins and Refusals of the Title "Pater Patriae," *The Numismatic Chronicle (1966-)* 167 (2007): 120.
[168] Stevenson, 119.

pleasure."[169] For Caesar, the title of *parens patriae* afforded him another claim to power and created a straightforward method for classifying Caesar's assassination as a crime of parricide.

After Caesar's death, reactions from the Senate and people further support the sentiment of his assassination as parricide due to the negative societal reactions and reverence for Caesar. According to Plutarch's account of the events, after Caesar's will was read, the people rioted in the streets. Plutarch writes,

> But when the will of Caesar was opened and it was found that he had given every Roman citizen a considerable gift, and when the multitude saw his body carried through the forum all disfigured with its wounds, they no longer kept themselves within the restraints of order and discipline, but after heaping round the body benches, railings, and tables from the forum they set fire to them and burned it there; then, lifting blazing brands on high, they ran to the houses of the murderers with intent to burn them down, while others went every wither through the city seeking to seize the men themselves and tear them to pieces.[170]

Suetonius also writes of the peoples' reactions after Caesar's funeral, stating, "Afterwards they set up in the Forum a solid column of Numidian marbles almost twenty feet high, and inscribed upon it, 'To the Father of his Country.' At the foot of this they continued for a long time to sacrifice, make vows, and settle some of their disputes by an oath in the name of Caesar."[171] In the Senate, it was voted that the Ides of March was to be called the Day of Parricide in Caesar's honor, and senate meetings were no longer held on that day.[172] Coins bearing Caesar's title as *parens patriae* were also circulated after his assassination.[173]

Octavian's introduction of the *lex Pedia* in 43 B.C.E. and punishment of Caesar's assassins is reminiscent of the harshness of the *poena cullei* and further provides a connection

---

[169] Suetonius Tranquillus, *The Lives of the Twelve Caesars* (Cambridge, MA: Loeb Classical Library, Harvard University Press, 1913), 76.
[170] Plut., *Caes.* 68.
[171] Suet., *Iul.* 85.
[172] Suet., *Iul.* 88.
[173] Stevenson, 119-20.

between Caesar's murder and parricide. As Caesar's adopted son, it fell upon Octavian to avenge his death, and he began the process of revenge by trying and then ordering proscriptions for 200 men.[174] At the end of his life, Octavian remembered his revenge and the use of a court procedure in his *Res Gestae,* stating, "Those who slew my father I drove into exile, punishing their deed by due process of law…"[175] The *lex Pedia* was created to convict those involved in Caesar's assassination and other violent acts.[176] Velleius wrote, "And by the Pedian law, which the consul Pedius, Caesar's colleague, had proposed, all those who had killed the elder Caesar, being condemned, were denied water and fire."[177] Appian elaborates on the *lex Pedia* stating,

> Octavian caused a new law to be passed to repeal the one which declared Dolabella a public enemy, and also to punish the murder of Caesar. Indictments were found forthwith, the friends of Caesar bringing accusations against some for the act and others for guilty knowledge. This last charge was even brought against some who were not in the city when Caesar was killed. One day was fixed by public proclamation for the trial of all, and judgement was taken against all by default, Octavian presiding over the court, and none of the judges voting for acquittal except for one patrician…[178]

Caesar's assassins were hunted down and killed. According to Plutarch, "However the great guardian-genius of the man, whose help he had enjoyed through life, followed upon him even after death as an avenger of his murder, driving and tracking down his slayers over every land and sea until not one of them was left, but even those who in any way soever either put hand to the deed or took part in the plot were punished."[179] Caesar's assassination triggered the trend of treating plots against the emperor as crimes of parricide despite the lack of an official classification as a crime of parricide.[180] Through the combination of Caesar being recognized as

---

[174] Plut., *Brut. 27.*
[175] Augustus, *The Res Gestae of Augustus* (Cambridge, MA: Loeb Classical Library, Harvard University Press, 1924), 1.2.
[176] Kathryn Welch, "The Lex Pedia of 43 BCE and Its Aftermath." *Hermathena,* no. 196/197 (2014): 157.
[177] Welch, 141.
[178] Appian, *The Civil Wars*, 3.95. trans by Horace White.
[179] Plut., *Caes.* 69.
[180] D. Wardle, "The Sainted Julius': Valerius Maximus and the Dictator." *Classical Philology* 92, no. 4 (1997): 334.

parens patriae, reactions from the Roman people and Senate, and Augustus' efforts in punishing the perpetrators of Caesar's assassination, the incomprehensibleness and negative societal consequences of parricide are mirrored in Caesar's death.

The transformation of Roman criminal laws and trials throughout the various governmental structures from legislature introduced in the Monarchy, carried over into the Republic, and coming to full fruition under the Empire, was embodied in the application and prosecution of the crime of parricide. By tearing apart social customs and reversing power dynamics in the familial unit, parricide also confronted and challenged the stability of the state and society as a whole. Under the societal conventions of *paterfamilias*, the father of a family held considerable power over his household and controlled large aspects of their lives. This authority had the potential to create an unstable environment ripe for the crime of parricide. Because Roman society was partially built upon the fundamental blocks of respect for the father, when the unthinkable act of parricide occurred, the response was severe. This response, based upon traditional societal values as well as the development of Roman criminal law stemming from the early Roman Monarchy into the Empire, framed its social destructiveness.

Bibliography

A Dictionary of Greek and Roman Antiquities. London, UK: John Murray, 1875. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/secondary/SMIGRA/home.html.

Bauman, Richard A. *Crime and Punishment in Ancient Rome*. London, UK: Routledge, 2012.

Biscotti, Barbara. "What Kind of Monster or Beast Are You" Parricide and Patricide in Roman Law and Society." In *Parricide and Violence against Parents throughout History: (De)Constructing Family and Authority?* 13–34. Edited by Marianna Muravyeva and Raisa Maria Toivo. London, UK: Palgrave Macmillan, 2018.

Cantarella, Eva. "Fathers and Sons in Rome." *The Classical World* 96, no. 3 (2003): 281-98. Accessed June 11, 2020. doi:10.2307/4352762.

Classen, Jo-Marie. "The Familiar Other: The Pivotal Role of Women in Livy's Narrative of Political Development in Early Rome." *Acta Classica* 41 (1998): 71-103. Accessed June 11, 2020. www.jstor.org/stable/24595414.

Cloud, J. D. "Parricidium: from the Lex Numae to the Lex Pompeia De Parricidiis." *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 88, no. 1 (1971): 1–66. https://doi.org/10.7767/zrgra.1971.88.1.1.

Dolansky, Fanny. "Regal Resonances: Ovid, the *Princeps*, and the Remote Past in *Fasti* 2, 4, and 6." *Illinois Classical Studies* 45, no.1 (2020): 80-108. muse.jhu.edu/article/765800.

Dyck, Andrew R. "Evidence and Rhetoric in Cicero's *Pro Roscio Amerino*: The Case against Sex. Roscius." *Classical Quarterly* 53, no. 1 (2003): 235-46. Accessed June 11, 2020. www.jstor.org/stable/3556493.

Egmond, Florike. "The Cock, the Dog, the Serpent, and the Monkey. Reception and Transmission of a Roman Punishment, or Historiography as History." *International Journal of the Classical Tradition* 2, no. 2 (1995): 159-92. Accessed June 11, 2020. www.jstor.org/stable/30222199.

Gaughan, Judy E. *Murder Was Not a Crime: Homicide and Power in the Roman Republic*. Austin, TX: University of Texas Press, 2011.

Harries, Jill. *Law and Crime in the Roman World*. Cambridge, UK: Cambridge University Press, 2007.

Hoeter, Bernard W. "Roman Civil Law." *LawNow* 35, no. 2 (November/December 2010): 28-33. Accessed March 4, 2021. https://heinonline-org.libproxy.unl.edu/HOL/P?h=hein.journals/lanow35&i=78.

Richter, F, F. Fleckeisen. “Introduction.” In *Cicero: Pro S. Roscio Amerino*, edited by Joseph Frankland Stout. Translated by Francis Giffard Plaistowe. London, UK: University Tutorial Press, 1910.

Riggsby, Andrew M. *Roman Law and the Legal World of the Romans*. Cambridge: Cambridge University Press, 2012.

Robinson, O. F. *Criminal Law of Ancient Rome*. Baltimore, MD: The Johns Hopkins University Press, 2001.

Rodgers, Barbara Saylor. “Cicero *Pro Roscio Amerino*: Introduction.” 2015. Accessed February 25, 2021. https://www.uvm.edu/~bsaylor/latin/RosciusCommIntro.pdf.

Rüpke, Jörg. “You Shall Not Kill. Hierarchies of Norms in Ancient Rome.” *Numen* 39, no. 1 (1992): 58-79. Accessed June 11, 2020. doi:10.2307/3270075.

Stevenson, Tom. “Roman Coins and Refusals of the Title "Pater ‘Patriae’.” *The Numismatic Chronicle (1966-)* 167 (2007): 119-41. Accessed January 12, 2021. http://www.jstor.org/stable/42666935.

Vasaly, Ann. “The Masks of Rhetoric: Cicero’s Pro Roscio Amerino.” *Rhetorica: A Journal of the History of Rhetoric* 3, no. 1 (1985): 1-20. Accessed June 11, 2020. doi:10.1525/rh.1985.3.1.1.

Wardle, D. “ ‘The Sainted Julius’: Valerius Maximus and the Dictator.” *Classical Philology* 92, no. 4 (1997): 323-45. Accessed June 11, 2020. www.jstor.org/stable/270366.

Welch, Kathryn. “The *Lex Pedia* of 43 BCE and Its Aftermath.” *Hermathena*, no. 196/197 (2014): 137-62. Accessed July 10, 2020. www.jstor.org/stable/26740133.

Primary Sources

Appian. *The Civil Wars*. Translated by Horace White. The Civil Wars - Book III. Cambridge, MA: Loeb Classical Library, Harvard University Press, 1913. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Appian/Civil_Wars/3*.html.

Augustus. *The Res Gestae of Augustus*. Translated by Frederick W. Shipley. Cambridge, MA: Loeb Classical Library, Harvard University Press,1924. http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Augustus/Res_Gestae/1*.html.

Cassius Dio, *Roman History*. Translated by Earnest Cary. Cambridge, MA: Loeb Classical Library, Harvard University Press, 1914-1927. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cassius_Dio/home.html.

Cicero, Marcus Tullius. *De Inventione*. Translated by C.D. Yonge. 1853. Accessed February 16, 2021. https://en.wikisource.org/wiki/On_Invention/Book_2#53.

Cicero, Marcus Tullius. *De Finibus.* Translated by H. Harris Rackham. Cambridge, MA: Loeb Classical Library, Harvard University Press, 1931. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cicero/de_Finibus/1*.html.

Cicero, Marcus Tullius. *De Officiis*. Translated by Walter Miller. Cambridge MA: Loeb Classical Library, Harvard University Press, 1913. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cicero/de_Officiis/2B*.html.

Cicero, Marcus Tullius. *For Sextus Roscius of Ameria*. Translated by C.D. Yonge. From *The Orations of Marcus Tullius Cicero.* London, UK: George Bell & Sons, 1903. Accessed January 13, 2021. http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.02.0018:text=S.%20Rosc.:chapter=14&highlight=he+is+more+than+forty%2C.

Cicero, Marcus Tullius, *For Sulla*. Translated by C.D. Yonge. From *The Orations of Marcus Tullius Cicero.* London, UK: George Bell & Sons, 1856. https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.02.0019%3Atext%3DSul.%3Asection%3D63.

Cicero, Marcus Tullius, *On His House*. Translated by C.D. Younge. From *The Orations of Marcus Tullius Cicero.* London, UK: George Bell & Sons, 1891. https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.02.0020%3Atext%3DDom.

Codex Theodosianus. Based upon Latin text of Berlin, DE: Th. Mommsen & Paul M. Meyer, 1905. Accessed February 24, 2021. https://droitromain.univ-grenoble-alpes.fr/Constitutiones/codtheod.html.

Gaius Plinius, Caecilius Secundus. *Epistulae.* Translated by J.B. Firth. 1900. http://www.attalus.org/info/pliny.html.

Hyamson, Moses. *Mosaicarum et Romanarum Legum Collatio*. London, UK: Oxford University Press, 1913.

Orosius. *History Against the Pagans.* Translated by I.W. Raymond. New York, NY: Colombia University Press, 1936. Accessed February 16, 2021. http://attalus.org/translate/orosius5B.html.

Ovid. *Fasti.* Translated by James G. Frazer. Ovid, Fasti Book 6 - Theoi Classical Texts Library. Accessed January 13, 2021. https://www.theoi.com/Text/OvidFasti6.html.

Paulus, Julius. “The Opinions of Julius Paulus Addressed to His Son.” Translated by Samuel P. Scott, 1932. From P.E. Huschke, *Iurisprudentiae Anteiustinanae Quae Supersant,* 5th ed., Leipzig, 1886. https://droitromain.univ-grenoble-alpes.fr/Anglica/Paul5_Scott.htm#24.

Plutarch. *The Parallel Lives.* Translated by J.C. Rolfe. Cambridge, MA: Loeb Classical Library, Harvard University Press, 1919. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Plutarch/Lives/home.html.

Seneca. *De Clementia.* Translated by Aubrey Stewart. From *L. Annaeus Seneca, Minor Dialogs Together with the Dialog "On Clemency."* London, UK: George Bell and Sons, 1900. https://en.wikisource.org/wiki/Of_Clemency/Book_I#XXIII.

Silius Italicus. *Punica*. Translated by A.S. Kline. Italicus, Silius (c. 28–c. 103) - Punica (The Second Carthaginian War): Book XIII, 2018. https://www.poetryintranslation.com/PITBR/Latin/ItalicusPunicaBKXIII.php#anchor_Toc500866317.

Suetonius. Tranquillus. *The Lives of the Twelve Caesars.* Translated by J.C. Rolfe. Cambridge, MA: Loeb Classical Library, Harvard University Press, 1913. http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Suetonius/12Caesars/Julius*.html

Tacitus. *The Annals*. Translated by J. Jackson. Cambridge, MA: Loeb Classical Library, Harvard University Press, 1925-1937. https://penelope.uchicago.edu/Thayer/E/Roman/Texts/Tacitus/home.html.

The Code of Justinian, Translated by Samuel P. Scott. Cincinnati, 1932. From D. Godefroy, *Corpus juris civilis, Pandectis ad Florentinum archetypum expressis, Institutionibus,* Amsterdam, 1663; A. Kreigel & E. Osenbrüggen, *Corpus iuris ciuilis*, Leipzig, 1872. https://droitromain.univ-grenoble-alpes.fr/Anglica/codjust_Scott.htm.

The Digest or Pandects of Justinian. Translated by Samuel P. Scott. Cincinnati, 1932. From D. Godefroy, *Corpus juris civilis, Pandectis ad Florentinum archetypum expressis, Institutionibus,* Amsterdam, 1663; A. Kreigel & E. Osenbrüggen, *Corpus iuris ciuilis*, Leipzig, 1872; R.J. Pothier, *Pandectae Justinianeae in Novum Ordinem Digestae,* Paris, 1818-23. https://droitromain.univ-grenoble-alpes.fr/Anglica/digest_Scott.htm

The Institutes of Justinian. Translated by Samuel P. Scott. Cincinnati, 1932. From D. Godefroy, *Corpus juris civilis, Pandectis ad Florentinum archetypum expressis, Institutionibus,* Amsterdam, 1663; A. Kreigel & E. Osenbrüggen, *Corpus iuris ciuilis*, Leipzig, 1872. https://droitromain.univ-grenoble-alpes.fr/Anglica/iust_institut_Scott.html

The Twelve Tables. From *Ancient Roman statutes: translation, with introduction, commentary, glossary, and index* by Allan Chester Johnson, Paul Robinson Coleman-Norton, Frank Card Bourne; general editor, Clyde Pharr. Austin, TX: University of Texas Press, 1961. https://avalon.law.yale.edu/ancient/twelve_tables.asp.

Titus Livius. *The History of Rome*. Translated by George Baker, A.M. New York City, NY: Peter A. Mesier, et al., 1823.

Titus Livius. *The Periochae.* Translated by Jona Lendering, 2020.
https://www.livius.org/sources/content/livy/livy-periochae-66-70/#68.1