

Introduction



Ancient Roman society developed in a tiny farm village on the banks of the Tiber River, about fifteen miles from the Mediterranean coast. Over a period of a thousand years this village evolved into a very large¹ and cosmopolitan city that was the ruler of a vast empire. The citizens of Rome had advanced relentlessly to establish control over areas bordering their own, and eventually they came to dominate the peoples of Europe and the entire Mediterranean world. They sometimes introduced, sometimes imposed on these peoples many of their customs and practices so that a gradual Romanization of the western world occurred. In Britain, North Africa, Syria, and elsewhere, people began to embrace various aspects of Roman society as their own. As the Romans extended their influence, they also extended their citizenship, and finally, in A.D. 212, they took the remarkable action of granting Roman citizenship to every free person within the borders of the Roman Empire. Now a free person born in Egypt or in Spain, in Britain, in Greece, or in Syria, could declare, "I am a Roman citizen."

Cultural influence was never, of course, a one-way street. Romans traveling to distant parts of the Empire learned many new practices, and in the city of Rome itself foreigners from diverse areas of the world introduced their customs to the Romans. One of the most remarkable aspects of the ancient Roman character was its ability to absorb elements of other cultures and to adapt them to its own. This process of adaptation and absorption, occurring over many centuries, made Roman society complex and multifarious. Yet the people who made Rome great were essentially conservative; they cherished the traditions of their ancestors and passed them on to each successive generation. Thus, throughout the long period of Rome's greatness, there always remained in Roman society a solid core of convictions and beliefs which had endured from the time when Rome was a village; and it was the preservation of this core which gave to Roman society its stability, cohesiveness, and continuity.

¹The population of Rome in the second century A.D. was about one million. The population of Europe declined sharply during the Dark Ages, and by A.D. 1600 only two European cities—Paris and Naples—had populations over 200,000. Not until A.D. 1800 did the population of London exceed one million, and then it was by far Europe's largest city.

THE ROMAN IDEAL

Horatius at the Bridge

All people make virtues out of necessities, for life would otherwise be unbearable. We glorify the very patterns of behavior that we need for survival. The ancient Romans were no exception. Since Rome began as an agricultural community, the qualities necessary to a successful farmer became esteemed as virtues: diligence, determination, austerity, gravity, discipline, and self-sufficiency. Centuries passed, and the farm village evolved into an imperial capital, but the descendants of the early rugged farmers preserved their ancestors' notion of "the Roman virtues," the qualities to which Rome owed its successes. The Romans thus created for themselves a "national self-image" or a "national character," and they perceived of the ideal Roman as being stern, diligent, and self-sufficient.² This perception did not, of course, always match the realities of a particular situation; there were certainly lazy Romans and frivolous Romans. But Romans of all periods nonetheless retained a notion of how a Roman was expected to act, and this undoubtedly influenced their general outlook.

The legends of Rome's early heroes articulate this national self-image, and they are instructive because they indicate to us how the Romans perceived of themselves. The passage translated below tells the story of Horatius Cocles. Horatius was portrayed as the farmer-soldier, the Roman ideal, the man whose main interest was farming but who would fight bravely to defend his own property and that of his fellow citizens.³ He embodied the characteristics that the Romans prized most highly: dogged determination and an unflinching devotion to duty. It is impossible to understand Roman society without being acquainted with this concept of duty, which the Romans called *pietas*. *Pietas* pervaded every sphere of life, for Romans were expected to be devoted and dutiful to their family, friends, fellow citizens, country, and gods.

In studying the Roman national character, it is interesting to contrast Greek heroes such as Ulysses, who prevails because he is quick-witted, agile, and aggressive, with a Roman hero like Horatius, who defeats the enemy because he is persistent, stands his ground, and offers a strong defense.⁴ And, above all, Horatius is willing to sacrifice his own life to save the city of Rome.

1

Livy,⁵ *A History of Rome* 2.10

When the enemy⁶ approached, everyone left his fields⁷ and headed for the city, which they surrounded with troops. Some parts were protected by the city walls, others by the Tiber River, which

²The American self-image is remarkably similar.

³References to other farmer-soldier heroes appear in selection 194.

⁴Of all the Homeric heroes, only Ajax resembles Horatius, particularly in *Iliad* 11.556 ff., where he moves as slowly and as obstinately as a donkey who is being chased out of a grain field by boys with sticks. Although Ajax's strength was respected by the Greeks, he was not as attractive to them as Ulysses or Achilles, who were much "flashier." The Romans, on the other hand, would admire Ajax but be suspicious of crafty Ulysses or Achilles, who would put personal glory before communal safety.

⁵Brief biographies of all authors cited are found in Appendix I.

⁶the enemy: the Etruscans. This battle is reported to have taken place in 508 B.C.

⁷fields: i.e., which they were farming. The ideal Roman is a farmer-soldier.

served as a barrier. However, the pile bridge almost provided the enemy with access to the city, had it not been for one man, Horatius Cocles. The city of Rome was fortunate to have this strong bulwark on that day. By chance, he had been posted as a guard at the bridge when the enemy captured the Janiculum⁸ in a sudden attack. He saw them running quickly down the hill toward the bridge. . . . He warned and ordered the Romans who were fleeing before the enemy to destroy the bridge with iron implements, fire, or any instrument at their disposal. He said that he would bear the onset of the enemy, at least as far as it could be withstood by one human body. Then he strode to the entrance of the bridge . . . and astonished the enemy with his amazing audacity. A sense of shame held two other men on the bridge with him, Spurius Larcius and Titus Herminius, both distinguished for their family background and their deeds. With them, Horatius endured the first rush and the stormiest part of the battle. But when only a little bit of the bridge remained and when the men who were cutting it down were calling them back, he forced the other two to retreat to safety. Then, looking around at the Etruscan nobleman with savage, defiant eyes, he first challenged them individually to combat, and then chided them as a group, saying they were slaves of haughty kings and, having lost their own freedom, had come to undermine the freedom of others. The Etruscans hesitated for a moment, each looking at the other, each expecting someone else to start the fight. Finally shame moved them to action; they raised a shout and from every side flung their javelins at their one opponent. But all their weapons stuck in the shield which he used to protect himself, and, obstinate as ever, he stood fixed on the bridge, feet planted wide apart. The Etruscans tried to dislodge him by a charge, but right at that moment two sounds shattered the air: the crash of the falling bridge and the cheer of the Romans excited by the completion of the task. Sudden fear checked the charge of the Etruscans. Then Horatius Cocles cried out, "Father Tiber,⁹ I piously invoke you. Receive these arms and this soldier into your kindly waters." Having prayed, he jumped with all his armor and arms into the Tiber and swam safely to his friends despite the barrage of Etruscan missiles, having dared a deed which has gained more fame than credence among posterity.

The state was grateful for such amazing valor; a statue of Horatius was erected, and he was given as much farmland as he could plow around in one day. And amidst these public honors, private displays of gratitude were also apparent, for each citizen, even in this time of distress, bestowed on him some gift proportionate each to his own means, some even depriving themselves of their own provisions.

⁸*Janiculum*: a hill situated across the Tiber from Rome; see map 1.

⁹*Father Tiber*: The Tiber River is personified as a father who will care about his son, Horatius, and receive him. . . . The river is not cause his drowning. For more on personifications of the Tiber River, see

I

The Structure of Roman Society



CLASS STRUCTURE

Roman society was extremely class-conscious. Three major factors determined the class structure: (1) wealth (or lack of it), (2) freedom (or lack of it), and (3) Roman citizenship (or lack of it). The stratification of ancient Roman society involved much more than snobbish discrimination or a tacit understanding by members of one social group to exclude other people from its company. In ancient Rome social divisions were sustained by laws, and one group might be denied political and legal privileges allowed to another group. For example, until 88 B.C. people dwelling within Italy but outside of Rome had for centuries lived under the domination of Roman citizens and fought alongside the Roman army, but they had been denied the rights of Roman citizenship. They could not vote in Roman elections, they could not participate in the government which ruled them, they could not marry into Roman families, and they were subject to execution for capital offenses.¹ In 90 B.C. the Italians went to war to protest this inequity,² and in 89 B.C. the government of Rome yielded to their demands: Full Roman citizenship was extended to all free people in Italy. Three hundred years later Roman citizenship was extended to all free people within the borders of the Empire.³

This final enfranchisement erased the distinctions between Roman citizen and noncitizen within the Empire. Distinctions based on wealth and freedom, however, persisted. With respect to freedom, for example, three categories existed in Roman society: (1) slaves, (2) freedpersons (ex-slaves), and (3) free persons. Later chapters will deal with the position of slaves and freedpersons.

Among free persons who were Roman citizens, status was based primarily on

¹ Roman citizens could not be executed for capital offenses. It was therefore vital for someone charged with such an offense to be able to declare, "I am a Roman citizen." See note 301 in Chapter XV about St. Paul's declaration of Roman citizenship.

² This war is called the Social War, or War with the Allies; the Latin word for "ally" is *socius*.

³ In A.D. 212. Prior to this date, individuals, families (such as St. Paul's), or sometimes even communities had occasionally been awarded Roman citizenship.

wealth. During the period of the monarchy,⁴ male members of the wealthier families in the community served as the king's advisers,⁵ and, since they acted as the elders or "fathers" of the state, they were called patricians.⁶ The rest of the families in the state were called plebeian.⁷ Specific families, therefore, were patrician and could be distinguished from plebeian families by their names. Claudius and Julius, for example, are patrician family names; Clodius and Licinius are plebeian family names. Patrician rank was therefore inherited, and it was never possible for a plebeian to become a patrician, except by adoption.⁸ The patrician families formed Rome's earliest aristocracy, and they jealously guarded their own power in the state by establishing rigid limitations on the social and political movements of the plebeians, who formed the majority.

Although the monarchy was expelled from Rome in 509 B.C. and the republic was established, the patricians retained their control of the state. Plebeians were not allowed to hold public office, to become members of the Senate, or to serve as priests. Moreover, plebeians and patricians were not allowed to intermarry. In the fifth century B.C. the plebeians began to agitate for more political power and legal rights, and by 287 B.C. the plebeian families had obtained parity with the patrician families, in theory at least. Since political campaigns were expensive and since most officials received no remuneration for their services, few plebeian families could afford to become politically active even if they now had the right to do so. A small number of plebeian families, however, did achieve political prominence, and by the middle republican period a new aristocracy or, more accurately, an expanded aristocracy had developed, which was composed of both the patrician families and the plebeian families who now controlled Rome's wealth and government.⁹ These people were often called *nobiles* ("nobles"). Yet, although the composition of the aristocracy had been modified, the same rigid social stratification remained: a wealthy powerful few versus a multitude of poor.

The main sources of wealth for most aristocratic families in the early republican period were land ownership and the sale of products from agricultural land. These families seldom worked the land themselves; the farming was done by slaves, indentured servants, hired free men, or sharecroppers. The landowner lived in the city and visited his property occasionally.¹⁰ Traditionally the men of Rome's wealthiest fami-

⁴The legendary date for the founding of Rome is 753 B.C., and the legendary first king was Romulus. The legendary date for the expulsion of the monarchy is 509 B.C. The last king of Rome was Tarquinius Superbus (Tarquin the Arrogant), an Etruscan.

⁵These families may have been native Roman, but it is also possible that they were, like Rome's last kings, Etruscan. The Etruscans dominated Rome during the sixth century B.C. and may have imposed on the native Roman society an Etruscan aristocracy, as William and the Normans imposed a Norman aristocracy on the native Anglo-Saxon society after the battle of Hastings. Within a few generations, the distinction between Etruscan and native Roman would have been forgotten and replaced in people's minds with the distinction between Roman upper-class and Roman lower-class.

⁶*patrician*: Latin *patricius*; Latin *pater* = "father."

⁷*plebeian*: Latin *plebeius*; Latin *plebs* = "multitude."

⁸However, by the end of the republican period, when only about fifteen patrician families still existed, Caesar and Augustus employed a policy of creating new patrician families by decree.

⁹In the late republican period, therefore, *plebeian* might mean (1) a member of a family with a plebeian name, whether rich or poor, or (2) a commoner, not of the senatorial class.

¹⁰More information about farmworkers and landowners is given in Chapter VII.

lies occupied their time with unpaid public service; they served as legal advisers, judges, magistrates, diplomats, military officers, priests, and senators. The young men of these families aspired to membership in the Roman Senate, which controlled both the domestic and foreign affairs of Rome, and thus the affairs of the whole Empire. Once admitted into the Senate, a man was a member for life, and he and his family were said to belong to the senatorial class or order.¹¹ Since only a limited number of men had the time and money to pursue senatorial careers, a handful of families controlled Rome and the Empire for generation after generation.

During the early republican period Roman society could be divided into "the many" (the poor, the common people) and "the few" (the wealthy aristocrats, the senatorial families, who dominated every aspect of Roman society). Military expansion and wars overseas in the third and second centuries B.C., however, created new opportunities for trade, shipping, business, and banking, and also a new type of upper class. Some wealthy men chose to devote themselves to business matters rather than public service. Although they may have been born into senatorial families, they did not themselves pursue senatorial careers. These men were called *equites* ("equestrians"),¹² probably because they had done their military service in the cavalry.¹³ (Only wealthy young men could afford to be cavalymen because of the high costs of purchasing and maintaining horses.) *Equites* who embarked on political careers when their eligibility for military service ended were then called *senatores* ("senators"). However, *equites* who were not interested in a senatorial career after military service continued to be called *equites* even though they were no longer attached to the cavalry. The term *eques* thus became a designation for a wealthy man who was not a Roman senator.¹⁴

By the second century B.C., however, a sharper distinction began to emerge between the wealthy political families and the wealthy nonpolitical families. Overseas expansion had produced an increase in the number of "public contracts" let out by the Senate for road construction, building construction, mine operation, army provisions, and tax collection. Individual businessmen or groups of businessmen would bid on these contracts, and the Senate would choose the bidder it felt would do the best job for the best price. Men who held public contracts were called publicans.¹⁵ It may seem strange to us that the government would hire a private company to collect taxes, but this practice was common in the ancient world. Members of the Senate were not allowed to bid on these government contracts, obviously to prevent conflicts of interest.¹⁶ And since they were expected to devote their time

¹¹ *senatorial order*: Latin *ordo* = "class," "rank." Members of the senatorial order were expected to maintain a net worth of at least 800,000 sesterces, later raised to 1 million sesterces (*sesterce*: a silver coin; see Appendix II).

¹² The Latin word for "horseman" or "equestrian" is *eques* (plural *equites*); the Latin word for "horse" is *equus*. The word *eques* is sometimes translated as "knight."

¹³ In the republican period Roman male citizens were eligible for a military draft; see Chapter XI.

¹⁴ An *eques* was not necessarily apolitical. Some equestrians ran for local offices in their hometowns. Generally, however, equestrian families did not pursue the highest public offices of Rome. There were always exceptions, of course; Cicero, who was elected to Rome's highest public office, the consulship, came from an equestrian family which had been active in the local politics of the town of Arpinum. Moreover, equestrians who did not themselves run for office had considerable political influence because of their wealth.

¹⁵ *publican*: Latin *publicanus* = "dealing with public revenues."

¹⁶ Once a man became a member of the Roman Senate, he remained a member for life.

and energy to government and community service (for which they received no salary), they were expected *not* to occupy themselves with trade, business, and industry.¹⁷ Of course, members of the Senate were only hindered, not prevented, by these legal and social restrictions from engaging in nonagricultural business and trade. (They simply hired agents to handle their commercial enterprises, and they became silent partners in contract and banking transactions.)¹⁸ Many, if not all, senators would in public solemnly denounce the world of business as dirty and undignified but would in private thank the gods for the success of their most recent investments. Still, there were other men, often the brothers or cousins of senators, who declined to run for public office and who therefore engaged openly in moneymaking. Thus the term *equestrian* evolved to become a designation for a wealthy man actively involved in business and commerce. In turn, it became increasingly more difficult for such a man to embark on a political career in Rome because political positions were the jealously guarded monopoly of the old senatorial families.¹⁹

business
★

The first formal delineation between the senatorial order and the equestrian order appeared in 122 B.C. when senators in the jury system were replaced with equestrians. This action suggests that a method already existed of differentiating members of the senatorial and the equestrian orders. About 100 B.C. a regulation was passed whereby a man could be officially enrolled in the equestrian order if he met a property qualification of 400,000 sesterces. This was considerably less than the 800,000 sesterces required for admission to the senatorial order but was still substantially more money than the average family would ever have.²⁰

Members of the equestrian order played a prominent role in the expansion and maintenance of the Roman Empire, and this role increased during the imperial period.²¹ As successive emperors sought to reduce the power of the senatorial order by denying its members public offices, they appointed equestrians to high-ranking financial, administrative, and military positions.

The senatorial and equestrian orders formed the upper classes of Roman society. Far beneath them were the lower classes. The gap between rich and poor was so wide that scant opportunity existed for social mobility. Most people remained in the class into which they were born and seemed, moreover, resigned to the inequities of their rigidly structured society. The term *middle class* does not appear in this text because it invites an identification with the modern American middle class, an identification that proves false. The modern American middle class has a high standard of living and represents a large segment of the population and a wide variety of occupations. In ancient Rome, however, the majority of the population had a low standard of living, and many occupations that would today place one in the middle class would have put one in the lower class in Rome. Just as there were varying degrees of wealth

¹⁷In fact, a law passed in 218 B.C. forbade senators to own cargo ships.

¹⁸On the use of agents, see selection 320.

¹⁹For example, there were only 300 seats in the Roman Senate, and they were held for life.

²⁰On the relative values of Roman money, see Appendix II.

²¹The imperial period began in 27 B.C., when Augustus assumed absolute authority in the Roman state and became the first emperor. The preceding period was the republican period, extending from 509 B.C. (the expulsion of the monarchy) to 27 B.C. During the republican period the Roman Empire was ruled by the aristocracy of senatorial families.

among the upper classes, so too there were certainly varying degrees of want among the lower classes. Some families lived at bare subsistence level; others lived simply but comfortably. Few families, however, enjoyed the affluence of the modern American middle class.²²

Aristocracy

The wealthy members of Roman society were convinced that they were superior to the poor in every way—intelligence, talent, and ethical conduct, as well as wealth. Although Rome was called a republic,²³ it was in practice ruled by an aristocracy formed of the senatorial families. Cicero and his fellow senators believed that aristocracy was the best form of government, as long as they were the aristocrats, of course.²⁴ In the passage translated here, Cicero, writing in the first century B.C., discusses the advantages of aristocracy over either monarchy or democracy. Notice that he considers the common people of Roman society ignorant and rash.

2

Cicero, *About the Republic* 1.34.52–53

What situation can be more splendid than the government of the state by excellence and virtue?²⁵ When the man who rules others is not himself a slave to any base emotions, when he himself cherishes all those things in which he instructs and to which he beckons his fellow citizens, then he does not impose on the people laws which he does not himself obey, but rather offers to his fellow citizens his own life as a model of lawful behavior. If a single individual could accomplish all these things satisfactorily, we would have no need of more than one ruler. Or if all the citizens as a whole could see the best course of action and agree upon it, no one would prefer a small group of rulers. However, the difficulty of devising policy has caused the transfer of power from a king to a group, and the ignorance and rashness of the masses have caused its transfer from the many to the few.²⁶ Thus, between the weakness of a single ruler and the rashness of the masses, the aristocrats have occupied a middle position, and there is no position more moderate than theirs.²⁷ When such men

²² Some scholars consider the equestrian order to have been the middle class of Roman society. Only a small percentage of the population, however, was equestrian; today, on the other hand, the middle class forms the bulk of the population.

²³ *republic*: Latin *res publica* = "the public matter."

²⁴ In 44 B.C., when Julius Caesar, himself a senator, declared himself dictator for life, his declaration horrified Senate members who knew that his assumption of absolute control meant the end, not of a democracy, but of the aristocracy. They therefore assassinated him in order to preserve the aristocracy and their positions in it. Similarly, the opposition to Augustus (Caesar's grandnephew and Rome's first emperor) came from disgruntled senators who wanted an aristocracy, not a monarchy.

²⁵ The Latin word for "excellence and virtue" is *virtus*. The corresponding Greek word is *arete*, and cognate with this word is *aristoi*, "the most excellent men," "the best." *Aristocracy* (*kratos* = "power," "rule") therefore means "rule by the best men." Obviously there will always be some disagreement about just which men are the best, although the men in power, the aristocrats, undoubtedly define themselves as best. Democracy means "rule by the people" (Greek *demos* = "common people") and monarchy means "rule by one man" (Greek *monos* = "one man," and *arche* = "reign," "rule").

²⁶ It is certainly true that, as policymaking for the Empire became ever more complicated, the people were forced to give the Senate greater authority and control. (It is also true today that the ordinary person, who does not have the time and experience to understand complicated issues of domestic economy or foreign policy, must rely heavily on government "experts" for advice.)

²⁷ Aristocracy is thus seen as the middle ground between "rule by one" and "rule by many (the people)." Cicero supports an oligarchy, "rule by a few" (Greek *oligoi* = "a few men" + *arche*), provided the few are virtuous

watch over the state, the citizens must necessarily be very happy and blessed, since they are free of anxiety and care and have entrusted their security to others whose duty it is to guard this security and never to act in such a way that the people think their best interests are being neglected by their rulers. Indeed, equality under the law, a right which free people cherish, cannot in fact be maintained, for although the people themselves are unrestricted and unrestrained, they give, for example, many positions of honor to many men, and thus create a great hierarchy of men and honors.²⁸ And therefore what we now call equality is really very inequitable. On the other hand, if equal honor and rank are held by the highest and the lowest men (for both groups must exist in every state), this so-called equality is also very inequitable. However, this latter type of inequity cannot occur in those states which are ruled by their "best" citizens.

Definitions of Justice and Law

In the previous passage, Cicero stated that "equality under the law [was] a right which free people cherish." And Roman legal theory accepted this proposition as a basic premise in its definitions of justice and law.

/ 3

Cicero, *About the Republic* 3.22.33

True Law is, in fact, unerring Reason, consistent with Nature, applicable to all, unchanging and eternal, which demands that people fulfill their obligations, which deters and prohibits them from wrongdoing. . . . There will not be one law at Rome, another at Athens, or one law now and another later. Rather, all people, at all time, will be bound by one everlasting and immutable law.

The following passage is taken from *The Digest of Laws*, a codification of the Roman laws commissioned by Justinian (emperor A.D. 527–565).²⁹

/ 4

The Digest of Laws 1.1.10 (Ulpian)

Justice is the constant and unceasing determination to grant to every man his legal rights. The precepts of the law are these: live honestly, injure no one, grant to each man his rights.

Discrimination in Assigning Penalties

Although Roman jurists strove to formulate a definition of justice that would be valid for all times and all peoples, in practice the Roman legal system, which was con-

and excellent. It would be interesting to know how many senators of Cicero's day would fit his definition of "excellent."

²⁸*honors*: The Latin word *honor* has two meanings: (1) political office (such as the consulship) to which one is elected by the people, or (2) public esteem. The two meanings are, of course, related. The common people "honor" the senatorial class and show their esteem by electing them to political offices or "honors." And men who occupy these unpaid public "honors" deserve the esteem or "honor" of the multitude. Cicero did not believe that all men are created equal. He believed that some men had greater talent and were therefore chosen by their fellow citizens as leaders. The hierarchy of "ruling class" and "ruled" is therefore, according to Cicero, a natural situation. Cicero opposes a concept of equality which gives equal amounts of political power to each and every man because then the basest men have as much power as the best men. Cicero assumes that it is the morally best men who run for and are elected to public office. In fact, however, in ancient Rome it was the wealthiest men, morally good or bad, who entered politics.

²⁹For more on *The Digest*, and on the Roman legal writer Ulpian, see Appendix I.

trolled, of course, by the upper class, reinforced the distinctions between the classes in Roman society.³⁰ For example, penalties differed for Roman citizens and non-citizens,³¹ for slaves and free persons, and even, among free persons, for rich and poor.

Corporal punishment, that is, the infliction of pain or the mutilation of the body (Latin *corpus* = "body") was considered appropriate for the lower classes, and the lower one's status, the more painful and disfiguring was the punishment. Roman aristocrats, on the other hand, paid for their crimes with finis or exile and thus retained control over the integrity of their own bodies. In turn, as members of the governing class, they held the power to damage the bodies of others of lesser status. The ability to inflict or avoid corporal punishment was thus a gauge of social status.

In the early third century A.D., about the same time that Roman citizenship was extended to all free people in the Empire, the citizen body was formally divided, for purposes of criminal jurisdiction, into two classes: the *honestiores*, which included members of the senatorial and equestrian orders, local officials, and army officers; and the *humiliores*, all other free citizens.³² Punishments for *humiliores* were much more severe than for *honestiores*. Indeed the most cruel corporal punishments once assigned only to slaves were now considered appropriate also for lower class citizens. The upper classes, which made and enforced the laws, justified this differentiation by arguing that the rich did more for the state—since they supplied it with magistrates, jurists, army officers, provincial administrators, and so on, and since they risked their money undertaking state contracts—and that the rich therefore deserved a separate scale of punishments. This belief—that the assumption of greater obligations should be rewarded with more rights and privileges—explains the apparent discrepancy between Roman theories of justice and the actual laws. This discrepancy can be observed in the passages translated below.

— 5

FIRA 2, p. 405 (Paulus, *Opinions* 5.19–19a)

Those who break into a temple at night in order to pillage or plunder it are thrown to wild animals.³³ But if they steal some minor object from the temple during the day, if they are *honestiores* they are exiled³⁴; if they are *humiliores* they are condemned to the mines.³⁵

In the case of people accused of violating sepulchers, if they actually drag out the bodies or remove the bones, if they are *humiliores* they are punished with the ultimate torture³⁶; if they are

³⁰ Cicero asserts that "equality under the law . . . cannot in fact be maintained."

³¹ On the differing punishments for capital offenses, see note 1 of this chapter.

³² *honestiores*: literally "more honorable," "more distinguished." *humiliores*: literally "more humble," "more insignificant."

³³ *thrown to wild animals*: made to fight wild animals, such as lions or bears, in an amphitheater event; see Chapter XIV.

³⁴ Exile (Latin *deportatio*) meant banishment to a specified remote area (often a small island) and loss of Roman citizenship.

³⁵ Condemnation to the mines meant being sent to work at a government mine. Although not considered a form of execution, it was in reality a death sentence because mineworkers died quickly of exhaustion; see selection 209.

³⁶ *ultimate torture*: Latin *sumum supplicium*. This meant a painful death by crucifixion or burning. In the republican period Roman citizens could not be executed for capital offenses (see note 1 of this chapter), although

honestiores they are exiled to an island. For other violations, *honestiores* are expelled³⁷ and *humiliores* are condemned to the mines.

6

FIRA 2, p. 407 (Paulus, *Opinions* 5.22.1–2)

People who plot sedition and riot or who stir up the masses are, according to the nature of their social rank, either crucified, or thrown to wild animals, or exiled to an island. Those who dig up or plough up boundary markers, or who cut down boundary trees: (1) if they are slaves acting on their own, they are condemned to the mines; (2) if they are *humiliores*, they are sentenced to work on public construction projects; (3) if they are *honestiores*, they are fined one-third of their property and expelled to an island or driven into exile.

PATRONAGE

The family was the basic unit of Roman society, and the undisputed head of the family was the *pater*, the father. It was his duty to protect the welfare of those inferior to him—his wife and his children—and it was their duty, in turn, to show him total obedience and deference. The Latin word most often used to express this family relationship is *pietas*.³⁸ The state was the largest unit of Roman society, but the Romans had traditionally viewed membership in the state (the “public matter”)³⁹ as similar to membership in an extended family. As if to emphasize this analogy, the heads of the state, who were the aristocratic senators, were called *patres* (“fathers”). The title implies that the aristocrats’ relationship to the lower-class masses was assumed to be one of paternal care in which they exercised control but with a kindly, fatherly concern. And since they accepted it as their duty to devote their time, energy, and money to the welfare of those inferior to them—the lower-class masses—and to provide public services without pay, they demanded in return gratitude, submission, and veneration. In the imperial period the head of the state was the emperor, who was called the *pater patriae* (“father of the fatherland”). Once again, *pietas* is the word that best describes the ideal relationship between the rulers and the ruled in the Roman state. In practice, of course, the relationship was seldom ideal. The senatorial *patres* frequently put their own welfare ahead of that of the common people and viewed the masses as troublesome children, as naive, uneducated, immature, and inferior beings who needed constant guidance. This arrogant and scornful attitude is quite evident in Cicero’s discussion of aristocracy which appears above.

Another type of paternalistic relationship existed in Roman society. An individual might ask someone better educated and more powerful than himself for advice and protection. In return, he became a retainer and provided various services for his protector. The retainer was called a *cliens* (“client”), and his protector was called a

they might be condemned to the mines. By the second century A.D., however, execution was allowed for *humiliores*. Thus *humiliores*, though Roman citizens, were in this respect treated the same as noncitizens.

³⁷Expulsion (Latin *relegatio*) meant banishment but no loss of citizenship.

³⁸On *pietas*, see the introduction to selection 1.

³⁹the public matter: Latin *res publica* or *res publica*.

patronus ("patron"). The *cliens* depended on his *patronus* for assistance in a variety of matters. In ancient Rome, the patronage system often accomplished for the lower classes what a regular police force and social welfare programs do in our own society. Moreover, client-patron associations sometimes extended through several generations of the same families, with upper-class sons "inheriting" clients (and sons of clients) from their fathers. The Roman upper class and lower class were thus bound to one another in relationships that emphasized deference and obsequiousness on the part of many toward a few. The patronage system was one of the most deep-rooted and pervasive aspects of ancient Roman society. It has endured into modern Italian society where a *padrone* or "godfather" offers protection and assistance to those less wealthy and powerful than himself, and in turn acquires a "clientele" of loyal supporters.

Mafia

Patrician and Plebeian

In the period of the monarchy, patrons were members of the patrician families.⁴⁰ The following passage describes the various duties of both the patrician patrons and their plebeian clients. The establishment of the patronage system was attributed by Roman historians to Romulus, the legendary founder and first king of Rome. In actual fact, we cannot ascertain the precise origins of the patronage system in Rome.

7

FIRA 1, p. 4 (Dionysius of Halicarnassus 2.9–10)

After Romulus had distinguished the more powerful members of society from the less powerful, he then set up laws and established what things were to be done by each of the two groups. The patricians were to serve as priests and magistrates, lawyers and judges. The plebeians were to till the land, herd livestock, and work for wages as craftsmen, tradesmen, and laborers. Romulus entrusted the plebeians to the protection of the patricians, but permitted each plebeian to choose for his patron any patrician whom he himself wished. This system is called patronage.

Romulus then established these rules about patronage. It was the duty of the patricians to explain the laws to their clients, to bring suits on their behalf if they were wronged or injured, and to defend them against prosecutors. . . .

It was unlawful and unholy for patricians and clients to bring suit against one another, to testify against one another in court, or to vote against the other. If anyone was convicted of some such misdeed, he was guilty under the law of treason and could be executed.

Patrons and Clients in Republican Rome

By the middle of the republican period, not only patricians were patrons. As some plebeian families gained power and wealth, they were in a position to become patrons. Most patrons were of senatorial rank and devoted their lives to the advancement of their own political careers. They provided free legal and business assistance to their clients but, in return, expected their clients to work for their political campaigns, to vote for them, and to appear with them in public as faithful retainers.⁴¹ A

⁴⁰The words *patron* and *patrician* both evolved from the same root as the word *pater*, "father."

⁴¹In selection 262, Cicero's brother states that a candidate's clients must accompany him from his house to the Forum every day. If they are unable to attend him, they must send a substitute.

patron who won elections and court cases would presumably be better able to help his clients and would attract even more clients. Thus the size of one's retinue became an important indication of one's success as a public figure. A man surrounded by many clients appeared more powerful than a man accompanied by only a few.

8

Cicero, *Speech in Defense of Murena* 70, 71

Men of the lower class have only one way of either earning or repaying favors from our class, and that is by working on our political campaigns and following us around. . . . This constant attendance, which we have come to expect for men who are honorable and generous, is an appropriate activity for friends who are of a lower class and not busy. . . . Allow these men, who hope to gain everything from us, to have something which they can give us in return. . . . As they themselves often say, they cannot plead cases for us, or pledge security, or invite us to their homes. Yet they ask all these things from us, and they think that the favors which they receive from us can be repaid by their service.

Patrons and Clients in Imperial Rome

The patronage system had originated as a relationship between free citizens. However, slaves who were given their freedom became clients of their former owners, who then became their patrons. By the early imperial period many clients were not native Romans and did not view the patron-client relationship in the same way as a native Roman might. Many retained a servile posture toward their former owners. In particular, freedpersons who had been born and raised in the eastern part of the Mediterranean before their enslavement frequently viewed the role of client as that of sycophant. In the imperial period, moreover, when popular elections were abolished, the opportunities for political campaigning were severely curtailed, and clients, who had once fulfilled their obligations to their patrons by supporting their campaigns, now sought other ways of maintaining the relationship. The term *client* was sometimes synonymous with *flatterer* or *parasite*. Clients flocked to a patron's house in the morning to salute him.⁴² They clustered around him all day, fawning and currying favor, hoping not for legal assistance as much as for a gift, an allowance, an invitation to dinner, or an inheritance. In the passage translated here, Seneca, writing in the first century A.D., laments the changes which have occurred in the patronage system.

9

Seneca the Younger, *Letters* 19.4

Clients, you say? Not one of them waits upon you, but rather what he can get out of you. Once upon a time, clients sought a politically powerful friend; now they seek loot. If a lonely old man changes his will, his morning visitor goes to someone else's door.

⁴²The salute (Latin *saluatio*, from the verb *salutare* = "to greet, salute, pay respects") was a formal reception held usually in the morning. Clients gathered at the home of their patron to bid him good morning. See selection 143.

Seeking a Handout

In this passage from Martial, a poet of the early imperial period, we recognize both a greedy client and an arrogant patron.

10

Martial, *Epigrams* 6.88

Yesterday, Caecilianus, when I came to bid you "Good Morning," I accidentally greeted you by name and forgot to call you "My Lord." How much did this liberty cost me? You knocked a dollar off my allowance.⁴³

Patrons and Patrons

The *salutatio*, or "morning salute," was a ritual that acknowledged publicly and regularly the patron's superiority and control, and the client's deference and obsequiousness. Patronage was a vertical social structure, binding together people of higher and lower rank. However, there was also, within this vertical structure, a hierarchy of patrons. A less important man of the upper class would have a small following of his own clients but would in turn attach himself as a client to a more important man of the upper class; that is, he would be patron to his clients but a client to his patron, and in the latter relationship he would be expected to attend the morning salute. His own clients, then, would not find him at home when they came to pay their respects.

11

Martial, *Epigrams* 5.22

If I didn't wish and didn't deserve to see you "at home" this morning, Paulus—well, then, may I live even farther from your Esquiline home than I do.⁴⁴ As it is, I live on the Quirinal, near the temples of Flora and Jupiter.⁴⁵ I must ascend the steep path, up the hill from the Subura, and the filthy pavement of the slick steps. I can scarcely break through the long droves of mules and the marble blocks being hauled at the end of many cable ropes.⁴⁶ Then, at the end of these thousand labors, something even more annoying happens: Paulus, your doorman tells me, who am thoroughly exhausted, that you are not "at home." This is the outcome of my futile exertion and drenched little toga. I've decided it's just not worth that much to see Paulus in the morning. A dutiful client always has cruel patrons. From now on, you can't be "my lord" unless you stay in bed.⁴⁷

Rude Patrons

12

Seneca the Younger, *An Essay about the Brevity of Life* 14.4

How many patrons are there who drive away their clients by staying in bed when they call, or ignoring their presence, or being rude? How many are there who rush off on a pretense of urgent

⁴³*dollar*: The Latin reads "100 quadrantes." The quadrans was a very small Roman coin, worth about as much as our penny; see Appendix II.

⁴⁴*Esquiline, Quirinal*: two of Rome's seven hills; see map 1.

⁴⁵*Flora*: goddess of flowers. *Jupiter*: father of all the gods, lord of heaven.

⁴⁶On the dangers of walking in Rome, see selection 92.

⁴⁷*in bed*: i.e., where I can greet you.

business after keeping the poor client waiting for a long time? How many avoid going through an atrium⁴⁸ packed with clients and escape through a secret back door, as if it were not ruder to avoid a client than to turn him away? How many, still hung-over and half-asleep from last night's drinking, will yawn disdainfully at men who have interrupted their own sleep in order to wait upon his awakening, and will mumble a greeting through half-open lips, and will need to be reminded a thousand times of the client's name?

Another Rude Patron

The rudeness of keeping clients waiting was often a move calculated to humiliate and remind them of their inferior status. Distinctions in rank and status were also emphasized by such highly visible gestures as serving cheaper food and wine to dinner guests of lesser status. Pliny the Younger, an author of the early imperial period, describes such a situation.

13

Pliny the Younger, *Letters* 2.6.1 and 2

I was dining at the home of a certain acquaintance, a man who seemed, to himself, elegant, yet thrifty, but to me, both stingy and extravagant. For he served sumptuous foods to himself and a few guests, but cheap scraps to the others. And the wine! He served three different kinds, in tiny little flasks, not so that his guests might have the opportunity of choice, but rather so that they might *not* have the right of refusal. There was one wine for himself and us, another for his lesser friends (for he had graded his friends), and a third kind for his and our freedmen.

No Free Lunches (or Dinners)

The poet Juvenal lived at the end of the first century A.D. The client-patron relationship in his time was frequently a tedious social chore or, even worse, a degrading form of charity.

14

Juvenal, *Satires* 5.12–22, 24, 25, 67–71

First of all, remember this: when you are invited to dinner, you are being repaid in full for all your earlier services. Food is your payment for serving as a client to the great. Your master, I mean patron, records these infrequent dinner invitations under "debts discharged." And thus every two months or so, when he feels like using a normally neglected client to fill up an empty spot on the lowest couch,⁴⁹ he says: "Come and join us." Your greatest wish is fulfilled! What more can you ask for? This is your reward for cutting short your sleep and rushing out with your shoe laces untied, worrying about whether everyone else in the crowd of clients has already done the rounds before dawn. . . .

Ah, and what a dinner you get! The wine is so bad that even new wool won't absorb it. . . . The bread is so hard you can barely break it, a mouldy crust of petrified dough that you can't bite into without cracking your teeth. Of course, the master of the house is served soft, white bread made from the finest flour.

⁴⁸ *atrium*: main reception area of a Roman home.

⁴⁹ *the lowest couch*: the couch farthest away from the host. Some Romans reclined on couches during dinner.