

men, its advice on matters of statecraft was usually taken seriously by lawmaking assemblies and by individual politicians.

Chief Offices of the Roman Republic

- *consuls* (two elected annually): chief administrators of the government; commanded the Roman army during times of war. The replacement for a consul who died in office was called a *suffect*.

- *praetors* (the number varied; by the second century B.C. six were elected annually); administered the government when both consuls were absent; often served as presiding magistrates in court cases.

- *aediles* (four elected annually); responsibilities included overseeing road, bridge, and aqueduct repairs; supervising weights and measures; enforcing traffic laws.

- *quaestors* (like praetors, the number varied; by the first century B.C. twenty were elected annually); primarily treasury officials; often assigned to travel with the army in the field, to maintain records of expenditures and administer the payroll.

- *tribunes of the people* (initially five, later ten, elected annually); primarily responsible for protecting the interests of the plebeians; they had the right of *intercessio*—absolute veto power—over any legislation they deemed harmful to plebeian interests.

- *censors* (two elected every five years, to serve eighteen months). One of the best descriptions of censorial powers comes from the pen of Plutarch: “[their duties were] to watch, regulate, and punish any tendency to indulge in licentious or voluptuous habits . . . they had the authority to degrade a Roman knight or expel a senator [from the Roman senate]. . . They also carried out and maintained a general census of property, kept a register of all the citizens . . . and exercised various other important powers” (Plutarch *Life of Cato the Elder* 16; tr. Ian Scott-Kilvert LCL).

A Sampling of Roman Laws

Individual magistrates, often tribunes, could propose legislation, whereupon the proposal would be debated and various opinions—especially those of senators—weighed. Then the measure would be referred to the

Centuriate Assembly (the chief legislative body), where voting took place; if the proposal passed, it became law. The new law was often named after its originator (e.g., a law passed under the sponsorship of Julius Caesar would be called the *Lex Julia*). The following entries provide a sampling of specific Roman laws (*lex*; pl. *leges*).

Pop the Question. Prior to 445 B.C., intermarriage between patricians and plebeians was prohibited. However, in that year a tribune named Gaius Canuleius proposed a law that would outlaw the prohibition. His efforts were successful, and such marriages were henceforth permitted under the provisions of the *Lex Canuleia*.

There’s Never a Fee, Whether We Win or Not. The *Lex Cincia*, passed in 204 B.C. probably at the behest of the tribune Marcus Cincius Alimentus, prohibited lawyers from accepting fees for legal services rendered to individual clients.

Cut Her Out of the Will! In 169 B.C. the tribune Quintus Voconius Saxa successfully pushed for the passage of his *Lex Voconia*, which limited the rights of women to receive inheritances (Cicero *Against Verres* 2.106–108; Broughton, *Magistrates of the Roman Republic* I: 425).

Dinner Bell Blues. Gaius Fannius Strabo’s name would probably never appear in an ancient gourmand’s hall of fame, even if such a thing existed. In 161 B.C., as consul, the strict Strabo sponsored a law—the *Lex Fannia*—that placed severe restrictions on the amount of money that could be spent on banquets. More specifically, a limit “of one hundred *asses* a day at the Roman and plebeian games, at the Saturnalia, and on certain other days; of thirty *asses* on ten additional days each month; but on all other days of only ten,” according to Aulus Gellius (*Attic Nights* 2.24; tr. John C. Rolfe LCL). Pliny the Elder (*Natural History* 10.139) adds that the *Lex Fannia* permitted no fowl to be served at dinner parties except for one skinny hen.

The *Lex Fannia* applied to banquets and feasts in Rome only. But the rest of Italy soon fell under similar restraints, when in 141 B.C. the tribune Titus Didius engineered passage of the *Lex Didia*, a sort of pan-Italian version of the *Lex Fannia*.

Keep Out the Foreigners! In 126 B.C. the tribune Marcus Junius Pennus successfully entered into the law books his *Lex Junia*, which prohibited noncitizens from residing in Rome or Roman towns; it also expelled any who had already established residences.

Bridge under (Re)construction. On election days, voters had to cross over to the polls on walkways called bridges. As tribune in 119 B.C., Gaius Marius proposed a law that would narrow these bridges, presumably to make it more difficult for voters to be harangued or threatened as they prepared to cast their votes. One of the consuls, Lucius Aurelius Cotta, opposed the measure and demanded that Marius appear before the senate to defend it. Marius did just that, and although he was still a political neophyte, he immediately proclaimed that he would order Cotta to be incarcerated forthwith unless he modified his opinion on the matter. Cotta, in turn, appealed to his consular colleague, Lucius Caecilius Metellus. Metellus indicated that he agreed with Cotta’s position, whereupon Marius threatened to have him arrested. Because neither consul could muster much support from the other politicians present at the time, they withdrew their opposition, and Marius’s proposal subsequently became the *Lex Maria* (Plutarch *Life of Marius* 4).

“An Incredibly Disgraceful Law.” Lucius Valerius Flaccus (suffect consul in 86 B.C.) was the author of a measure permitting debtors to repay

creditors only one-fourth of the sum owed to them. Velleius Paterculus, who termed the Lex Valeria "an incredibly disgraceful law," wrote that the murder of Valerius a short time later was a "punishment he deserved" (Velleius Paterculus *Compendium of Roman History* 2.23).

The Best Seats in the House. The Lex Roscia, passed in 67 B.C. under the sponsorship of the tribune Lucius Roscius Otho, mandated that the first fourteen rows in theaters and amphitheaters be reserved for the equestrians (the upper middle class citizens) (Livy *From the Founding of the City* 99).

A Bad Law Brought Low by a Cruel Whipping. Gaius Publilius was a handsome young man of unquestioned integrity. Unfortunately, he had been given over by his father to a certain usurer named Lucius Papirius, as security for a loan. Papirius took advantage of the situation by abusing and beating young Publilius. During one of the whippings Publilius managed to escape from his tormenters and ran, bloodied, into the street.

A huge crowd soon gathered; when they heard the story that Publilius had to tell, they were irate. They ran en masse from there to the forum and then to the senate house, to demand some changes in the debtor laws; they supported their case by displaying the cut and bleeding back of Publilius to the senators.

And changes were made. No longer could creditors physically abuse or humiliate debtors, and no longer would it be legal to use human beings as collateral for loans (Livy 8.28). Livy indicates that these events occurred in 326 B.C.

THE ROMANS AS POLITICAL ANIMALS

Being Robbed Is Better Than Being Sold Gaius Fabricius Luscinus and Publius Cornelius Rufinus both played central roles on the Roman political stage in the early third century B.C., but it would be difficult to imagine two men of such contrasting values. Fabricius was upright, honest, respectable;

Rufinus, although highly regarded as a soldier and a military tactician, was dishonest and greedy. Nevertheless, when Rufinus ran for the consulship during the campaign season of 291 B.C., Fabricius supported his bid wholeheartedly because the other candidates were not comparably qualified. Although a military crisis loomed, many of Fabricius's friends were surprised that he would back Rufinus, a man whom they knew he despised. Fabricius's reply was *Malo civis me compilet quam hostis vendat*: "Better that a citizen robs me than an enemy sells me [into slavery]."

But later, when Fabricius was censor (in 275 B.C.), he felt no compunction in ejecting Rufinus from the senate on a charge of un-senatorlike extravagance: he owned 10 pounds of silver dinnerware. (Many ancient writers—Dionysius of Halicarnassus, Pliny the Elder,

Livy, Ovid, Seneca, and Plutarch among them—discuss or at least mention early Roman attitudes toward wealth and conspicuous consumption. But Aulus Gellius [*Attic Nights* 4.8] offers the most complete account of the strange bedfellows Fabricius and Rufinus. Cicero [in *On the Orator* 2.268] also refers to the story; in his version, Fabricius's famous line was addressed directly to Rufinus.)

Quintus Caecilius Metellus Macedonicus was the proud owner of a very impressive résumé: praetor in 148 B.C., consul in 143, Roman general in Greece, and later in Spain, quasher of a slave revolt, augur for the last twenty-five years of his life. But his career probably peaked in 131, when he held the office of censor. (A footnote: he and his colleague were both plebeians, the first time in Roman history that two plebeians occupied the censorship.)

A Controversial Speech on Marriage

Metellus did two things during his censorship that caused him more than a little grief. One of these deeds was his expulsion from the Roman senate of a tribune named Gaius Atinius Labeo Macerio. But more on this matter later.

The more immediate controversy erupted over a speech made by Metellus in which he said, "If we could get on without a wife, Romans, we would all avoid that annoyance, but since nature has ordained that we can neither live very comfortably with them, nor at all without them, we must take thought for our lasting well-being rather than for the pleasure of the moment" (Aulus Gellius *Attic Nights* 1.6; tr. John C. Rolfe LCL).

The reaction of Metellus's listeners ranged from puzzlement to outrage. Many noted the inconsistencies; after all, a censorial responsibility was the encouragement of stable marriages and families. To proclaim that a wife was at best an irritation, and marriage an inconvenience, seemed hardly in keeping with the august duties of the office that Metellus occupied. They pointed out that even though any marriage inevitably encounters some rough spots it has its pleasures as well, and these almost always outweigh the difficulties. Furthermore, they said, matrimonial pitfalls are exclusively the fault of the partners in the marriage and do not arise from the institution itself.

But Metellus did have at least one defender: Titus Castricius. Castricius opined that Metellus had merely spoken from the heart and had courageously articulated the truth as he saw it. What blame could anyone attach to that, especially as the speaker was a man of unquestioned honor and integrity? Furthermore, said Castricius, Metellus concluded that the efficacy of the Roman Republic depended on stable marriages, and many of them. Therefore, it was unfair to twist his words in such a way as to suggest that he was opposed to marriage.

Somehow the Republic managed to survive the squabble, and the Roman people continued to marry and propagate. Metellus's own survival,