

REVISTA INTERNACIONAL DE DERECHO ROMANO

**MACIEJ JOŃCA, *Głośne rzymskie procesy karne* (Zakład
Narodowy im. Ossolińskich – Wydawnictwo, Wrocław,
(2009)
Pp. 320**

Łukasz Jan Korporowicz

University of Łódź

Books written by the scholars may be very often characterized as a largely incomprehensible for the ordinary readers. Specific terminology, different methods of argumentation and interpretation of the sources lead to limit the number of readers of certain publications.

The main aim of science seems to be the approximation of the ordinary readers to the problems of the surrounding world (this aim is common either for natural science, social science,

and humanities or any other kind of science). Every book or article then, which approximates an ordinary reader to the unknown matters (and does not require any professional training), is particularly important. A work that definitely accomplishes this main aim of science is a new book written by Maciej Jońca, Ph.D who is a lecturer in Chair of Roman law at the Faculty of Law, Cannon Law and Administration at the Catholic University of Lublin (Poland). His *Głośne rzymskie procesy karne* (i.e. *Famous Roman Criminal Trials*) is an extraordinary achievement of this young scholar. The author discusses the problems of the Roman criminal litigation (a very intractable but interesting issue) in an exceptionally clear way.

This book is surely one of the first attempts to present the history of Roman criminal law for the wider audience. Although in his introduction the author mentions a recent book of D. Liebs¹ he also notes that his book is addressed to a wider, non-legal group of readers. This does not mean that Jońca's book is devoid of legal terminology. The author simply found the Aristotelian golden mean between the hard legal language and simple unscientific talk.

In his book M. Jońca refers to a large number of legal and literary sources (an index of sources at the end of book contains more than a 200 items), but simultaneously he tells the story of

¹ Liebs D., *Vor den Richtern Roms: Berühmte Prozesse der römischen Antike*, München 2007

the trials in a chatty and narrative manner. At the end of the book an inquisitive reader may also find a selection of bibliographical items. Many professional publications about Roman criminal law and criminal litigation were placed there. The book is wonderfully complemented by its illustrations that correspond with the content of each chapter. A rivet cover illustration which represents a scene of "Christ before Pilate" is particularly interesting and worth mentioning. The illustration is a part of Rossano Gospels.

The work is divided into fifteen chapters. Each chapter tells a story of a single trial. All the trials are chronologically ordered. The author interlaces the exact stories with legal and historical anecdotes. The first case which was discussed by the author is the semilegendary story from the times of Roman kings about Horatius, who killed three enemies (the Curatii brothers from Alba Longa) and then killed his own sister, after she proclaimed that one of the Curatii brothers was her fiancé. The assassination of the young woman by her brother was the very first Roman example of the parricide (*parricidium*)². The next trial to be discussed is the trial of Appius Claudius who almost enslaved a free Roman girl named Verginia. Both cases are similar in several points. First of all in the two cases readers are introduced with the concept of *parricidium* and *provocatio ad populum*. Furthermore, both cases described by M. Jońca are

² M. Jońca published recently his doctoral thesis in book: Jońca M, *Parricidium w prawie rzymskim [Parricidium in Roman Law]*, Lublin 2008.

legendary and were created by the Romans in order to explain (a specific *ratio legis*) the existence of certain institutes in the system of Roman law.

Third chapter of the reviewed book is devoted to the trial of *virgines Vestales* in 114 B.C. Three of six distinguished priestesses, who were strictly obliged to sexual abstinence, were sentenced to death penalty for *incestum*³. Together with the dishonoured *virgines* death penalty was given to a large number of men and women who were acquainted with the sacrilegious secret. The author also mentions other similar cases in that chapter, like the trial of Postumia in 420 B.C. or the trial of Floronia and Optimia in 216 B.C. Also the next chapter was devoted by the author to another problem of the sexual crime. While homosexual intercourses were generally tolerated in Rome, both homosexual and pederasty intercourses were strongly prohibited by the Roman criminal law. In chapter four M. Jońca discusses the trial of Caius Scantinius Capitolinus, a plebeian tribune, who tried to convince young Marcus Claudius Marcellus to that prohibited activity. The trial took place in 266 B.C. In this chapter M. Jońca broke a chronological structure of the analyzed trials. Many anecdotes which were included in the chapter caused the loss of smoothness in the narration.

³ Recently the problem of *incestum* was widely analyzed in Polish literature by J. Misztal-Konecka, Ph.D. in her book *Incestum w prawie rzymskim* [*Incestum in Roman Law*], Lublin 2007.

In the fifth chapter M. Jońca mainly described an interesting case from the times of Second Punic War. Quintus Pleminius, a commander of a Roman garrison in Locri, a town in the Southern part of Italy, performed dreadful acts with his troops. He plundered the entire town and robbed in sacrilegious way a temple of Proserpina. This last act became a cause of different exceptional events. Romans decided to punish the unholy commander and perform propitiatory rites. Pleminius died when he was awaiting the condemnation in a Roman prison. The religious aspect of the litigation was also revealed in the next case which was discussed by the author of the book. The problem of the bacchanalia ceremonies is well preserved and known thanks to the *S. C. de Bacchanalibus* issued by the Roman senate in 186 B.C. The chapter was widely devoted to the problem of the ceremonies themselves and the reasons of commencing the special litigation by *quaestio extraordinaria*.

The next several chapters of the book are unique. In the criminal trials which were told in those chapters by M. Jońca main figures are not the parties, but an excellent orator and expert of law – Marcus Tullius Cicero. In chapter seven the author described the trial of Sextus Roscius of Ameria who was accused of murdering his father (another example of *parricidium* mentioned in the book). In reality the murder was committed by the far relatives of the murdered man. In apprehension of assassins and others who were in close relations with them

any of famous orators wanted to advocate Sextus Roscius. The only one, who picked up the gauntlet, was very young Cicero. His brave speech saved Roscius's life. It also started Cicero's grand career. A subsequent chapter described the most well-known story in Cicero's legal career. It was an investigation into the Catiline Conspiracy (63 - 62 B.C.). The history of the investigation and a further trial is exceptionally interesting, but the legal context of the condemnation of five conspirators is strongly unclear. The entire proceedings of the judges and prosecutors (both parts were played by the same senators and officials) were incompatible with the law and customs of Rome. Still, Cicero managed to sentence his opponents. Finally, chapter nine tells the story of the prosecution of a young and arrogant orator, Marcus Caelius Rufus in 56 B.C. The prosecutors accused Caelius of an attempt to poison the group of emissaries from Alexandria. Such an act was considered by Romans as a violation of state's integrity. The charges were astonishing, but the bad reputation of the accused was sufficient to verisimilitude those accusations. The orator was defended by Crassus and Cicero. While two orators won the case and all the charges were dropped the further life of Caelius was worthless and based on a careerist ideology.

The tenth chapter transfers the plot of the M. Jońca's book to the period of the principate. The main story told by the author revolves around the trial of Julia, the daughter of Augustus, who committed multiply crimes which were both

adultery and prostitution. But the most significant in that trial was the Augustus's heritage as the matrimonial and moral regeneration legislator. Augustus punished his daughter and sent her on a small island into an exile (*relegatio*). Later on his granddaughter, Julia Minor, was also condemned by Augustus for the same crime and in the same manner.

Following chapter discussed the history of one of the best known trials of the antiquity – the trial of Jesus Christ. In Polish literature this trial was recently widely discussed on the pages of book published several years ago by the Cracovian scholar Paulina Świącicka, Ph.D.⁴ M. Jońca described in great detail all the events that happened in the last days of Christ's life from the legal perspective. He analyzed both the informal trial of Sanhedrin and the Roman trial before Pontius Pilate (in the opinion of M. Jońca it was more an administrative trial than a criminal one). Chapter twelve presented the accusation in the case of the ancient freedom of speech and its final political repercussions. In the A.D. 25 trial, an old senator Cremutius Cordus became the accused. The charges against him involved presumed glorification of two former Julius Caesar's murderers and defamation of Roman senate and people of Rome. Though all the charges were fabricated the accused senator knew that he could not fight with the political figures like a praetorian prefect, Sejanus, and the old man starved himself to death.

The emissaries from Alexandria became the heroes of the thirteenth chapter. This time the emissaries, led by Isidoros and Lampon arrived to Rome for the prosecution of Jewish king Agrippa II before the emperor Claudius himself. The struggles between Jewish and Greek inhabitants of the Alexandria occurred from time to time. Sometimes, like in the discussed by M. Jońca case, the struggles undertook the character of legal trials. The Greeks accused Agrippa II of disloyalty towards the Romans and being responsible for the instigation of the riot in Alexandria. The trial continued for a long time. The Greeks' accusations were naturally exaggerated and their behavior irritated Claudius. Greek delegates, during the rapid conversation stated that Claudius was the Hebrew foundling of the Salome. This statement infuriated the emperor who punished the accusers with a death penalty. The subsequent chapter deals with the legal problems of early Christianity. It is devoted to the letter of Pliny the Younger to Trajan. The letter contained the questions about the manner of litigation of the Christians. The questions were the aftermath of the trials which begun in Bithynia when Pliny was nominated the *propraetor* of the province. The procedures developed by Pliny and the emperor became standard measures that were used during persecutions of the Christians.

⁴ Świącicka-Wystrychowska P., *Proces Jezusa w świetle prawa rzymskiego* [*The Trial of Jesus in the light of Roman Law*], Kraków 2005

In the last chapter the author discussed the prosecution for a magical activity. The accused was a writer and a philosopher Apuleius of Madaura. During the trial he represented himself (in the past Apuleius was a lawyer in Rome). His comprehensive philosophical knowledge contributed to his dismissal of all the charges. An important feature of that case was probably the fact that a judge (proconsul Claudius Maximus) was a philosopher as well...

It has to be said that the book is an incredible review of the Roman legal tradition and Roman intellectual formation. Although the author did not describe all famous criminal trials that were recorded in the Roman sources (e.g. the trial of Gaius Verres⁵), he surveyed a huge number of sources that contain vast amount of information about ancient criminal trials. He has chosen the most representative of them. The entire book is admirably planned.

The general overview of the book is more than commendable and the book should be read by everyone who is interested in the Roman social history. Hopefully, M. Jońca will continue to write similar books in the future and it will be possible to read more of such fascinating and informative stories from Roman times.

⁵ See e.g. the description of the trial and the translation of the Cicero's speeches in: Berry D. H., *Cicero Political Speeches*, Oxford 2006, pp. 3 - 101