

Roman Law Courts

1. What were “quaestiones” and how did they vary?

“Quaestiones” refer to the Roman law courts. Each “quaestio” dealt with specific types of crimes. For example, one “quaestio” would deal with very serious crimes such as treason, murder, forgery and election bribery. Another dealt with domestic disputes and arguments over property boundaries. etc.

2. By the time of our story, what other way might a law case be handled?

Increasingly in the early empire, law cases were heard in the Senate or before the emperor himself.

3. How did Roman trial proceedings differ from modern trials?

In our court system a defendant is arrested by the police, charged of a crime and brought to trial by a public prosecutor, all under the guidance of a government judicial system.

In ancient Rome, none of these public officials or government agencies existed. Only a private citizen, not an official, could take another citizen to court. He would also have to investigate and prosecute the case himself; and if he won, he might receive a reward.

4. Why was the act of accusing or defending a citizen in the courts so very important, especially to the senatorial class?

The courts were a public platform where a talented young man with the proper education in rhetoric could get much needed exposure to the public and hopefully win favor and popularity that would make it possible to win election to public office and insure his advancement up through the “cursus honorum”.

5. How much were Roman lawyers paid for a court case?

Romans received no money for prosecuting or defending in a court case. In fact, early on it was illegal for them to accept any remuneration for their work. They did it for the honor and prestige it offered. Later on in Roman history, lawyers were allowed to accept gifts but were not allowed to ask for them.

6. How did the public view court cases?

Trials were very popular with Roman citizens, who viewed them as a form of entertainment. A popular orator at a trial could draw thousands of people eager to hear him speak, hanging on every word he uttered. Trials were most popular in the 1st century BC at the end of the Roman republic when orators vied for political power by their performances in the courts, but even during the Empire, when there was much less political power to be attained, people held a fascination for the talented speakers they could listen to trials.

7. What are some of odd behaviors that went on during a Roman court case that would probably not be allowed in our courts today?

- lawyers who always wore eye patches to get sympathy from the crowd
- paid audience members who would start clapping just at the right time
- discursions by the speaker into stories and accounts totally unrelated to the court case
- frequent notes brought in from the wife of the defendant asking how the case was going for her husband
- the defendant dressed in mourning cloths and bring his children into the court to illicit sympathy from the jurors or the audience. Often these children were rented for the spectacle.

8. How fair were Roman courts?

Romans did have written laws (the Twelve Tablets) and there were rules for court proceedings but fairness, as today, depended much on the presiding judge's interpretation of the laws and prejudices and interest in the case.

*****This is not all you need to know. Re-read the reading.*****