ROMAN TRIALS

A. M. RIGGSBY: *Crime and Community in Ciceronian Rome*. Pp. xvi + 249. Austin: University of Texas Press, 1999. Paper, $19.95 (Cased, $40). ISBN: 0-292-77099-5 (0-292-77098-7 hbk).

In what way are Cicero's forensic speeches political? Despite the familiar division of his oratory into speeches in court and deliberative ones, the latter clearly political, most commentators look also for a political side to Cicero's forensic activity: it is widely assumed that the courts in Republican Rome do not operate independently from the activities in the Senate and Forum, and provide an alternative arena for the operation of political alliances and oppositions. R.'s book has a different approach to politics and the courts, or rather to politics and crime, asking what the *iudicia publica* were, how they functioned, and seeking on this basis to ask what the concept of crime meant in the late Republic. Criminal trials are always political, he concludes, because 'the purpose of the *iudicia publica* was to try persons for harms done to the community as a whole' (p. 151).

This is not, then, primarily a book about Ciceronian oratory, but about what the basis was for conviction and acquittal: 'We must use these [sc. Cicero's] speeches, in combination with evidence from outside the courtroom, to attempt to triangulate the position of the jurors and to try to estimate what their concerns were in judging criminal cases' (p. 1). Four of the chapters, however, deal with Cicero's speeches concerned with the offences of electoral bribery, murder, violence, and extortion, that is, those for which we have more than one speech. R. offers careful analyses of argument and characterization, of a sort familiar from other recent work on Cicero, together with extremely useful summaries of what is known of the legislation governing each court; but it is not always clear that this approach coheres with the more innovative and theoretical arguments pursued in the first and last chapters.

The first chapter is an expanded reprise of R.'s article in *Rhetorica* 15.3 (1997), 'Did the Romans Believe their Verdicts?': the answer is an emphatic and convincing yes. Jurors did use guilt and innocence as criteria, their minds were not made up by pre-existing political allegiances, and, consequently, what advocates talked about must have had a bearing on the question of guilt and innocence. The final chapter asks, however, whether the courts are dealing with 'crime'. R.'s answer is a qualified 'no': the *iudicia publica* deal with actions which threaten the community. This is obviously so in the case of treason, or the court dealing with violence, given the importance in the definition of *uis* that it must be *contra rem publicam*; even the definition of murder supports this, covering poisoning, parricide, and the racketeering of *sicarii*, causes of violent death which are bad for the community as a whole (pp. 157–60). The problem with this conclusion is that, as R. himself acknowledges (pp. 151–7) it does not fit every case: Cicero does not talk about the threat to the community in his murder speeches, nor is the offence of extortion presented as one which undermines the state. It would be worth asking, indeed, how far there was a concept of *iudicia publica* which could override, for a juror, the specificity of the particular court he was serving in. However, R. does demonstrate, particularly convincingly in the case of trials *de ui*, that Cicero's arguments cease to seem irrelevant if one accepts that the effect of the accused's actions upon the community is something the court must consider.

R. concludes by exploring the absence of discussions of 'crime' in our surviving sources, and arguing that the argument from silence is significant: this was not a concept that Romans in the late Republic used, and where we do find discussions of

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criminal behaviour (e.g. *De off*. 3.73) the categories do not match up with the offences covered by the *iudicia publica*. A brief remark in the book's penultimate paragraph, in a reference to Nippel's *Public Order in Ancient Rome* (Cambridge, 1995), concerning 'a society (such as Rome's) in which the law-writing class is largely insulated from ordinary crime by private security' indicates how many issues R. has left out: what happened outside the ruling classes? How did the ordinary citizen conceptualize being mugged? And what were his remedies? R.'s 'community' is too narrow for the social history he is trying to write.

Overall, however, this is a valuable book. The chapters on the four categories of speeches are a significant addition to the interpretation of Ciceronian oratory, and to say that they will be of immense use to students is not derogatory, but a reflection of how little material, apart from commentaries, there is as yet in English on these speeches. Just as importantly, R. demonstrates that those working on forensic oratory must take legal issues seriously: these are not an irrelevance to the rhetorical strategies that Cicero pursues, but an essential factor in moulding his arguments.

University of Glasgow C. E. W. STEEL

EQUITES REVISITED

S. Demougin, H. Devijver, M. T. Raepsaet-Charlier (edd.): *L'Ordre équestre. Histoire d'une aristocratie (IIe siècle av. J.-C.–IIIe siècle ap. J.-C.)*. (Collection de l'École française de Rome 257.) Pp. 691, maps. Rome: École française de Rome, 1999. Paper. ISBN: 2-7283-0445-9.

This volume contains sixteen papers from a conference in Brussels in 1995 on developments in research on Roman *equites*, especially since the publication in 1950 and 1960–1 of H.-G. Pflaum's studies of equestrian procurators. The results, besides adding much new information, vividly illustrate the ways in which the interests and methods of ancient historians have changed and developed in recent years. The papers are arranged roughly into four groups, covering equestrian social status, in both private and public life, *equites*' governmental and military rôle in various provinces under the Empire, and their history in imperial government.

The main emphasis is on social history rather than, as in the past, on imperial military and administrative posts. However, three papers (Sablayrolles, Magioncalda, Piso) re-examine the career structures and responsibilities of equestrian military officers and provincial governors. Sablayrolles discusses the origin, development, and growth of the responsibilities of *equites* as governors of selected provinces, pointing out also the respective rôles in their selection of imperial patronage and individual talent. Criteria for appointment are the main theme of Magioncalda, who argues convincingly against assuming that equestrian provincial careers were determined exclusively either by a rigid *cursus* or by patronage; the criteria, he claims, were much more flexible, and adapted to suit particular circumstances. However, the most thorough-going attack against the notion of such a dichotomy is provided in the paper by the late Hubert Devijver, grouped elsewhere with papers concerned with social history.

Devijver's paper, 'Les relations sociales des chevaliers romains', is a *tour de force*. He criticizes the view presented by Saller and Brunt that careers were primarily

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