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**D. Liebs, Vor den Richtern Roms. Berühmte Prozesse der Römischen Antike, München 2007**

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**Detlef Liebs, *Vor den Richtern Roms. Berühmte Prozesse der Antike.* München: Verlag C. H. Beck, 2007. Pp. 254. ISBN 978-3-406-56296-9. €4.90.**

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Detlef Liebs has written extensively about the history of Roman private and criminal law.<sup>1</sup> In his work he has tried to link the study of ancient law with the history and the social context of Roman times, obtaining important results. Here, he deals with a typical interdisciplinary subject, the evolution of the law in the centuries from archaic Rome to late antiquity. The topic of the book is not new (see the interesting book edited by U. Manthe und J. von Ungern Sternberg, *Grosse Prozesse der römischen Antike* [München 1997], to which Liebs contributed an article about criminal trials on magic).<sup>2</sup> Liebs's book follows in Manthe's footsteps, but with a decisive advance; as explained in the Preface, Liebs chose the sixteen trials covered in his work because they represent progress in the development of the law and in the juridical praxis of Rome. All these cases contributed not only to jurisprudential but also to historical development.

After the Preface and the Index, the book has a short Introduction, where Liebs stresses his interest in the role of judges and jurors, who were a professional group neither in classical antiquity nor in the Middle Ages; they received suggestions from *iurisperiti*, but they reached decisions on their own, and their decisions exerted a profound influence on life, politics and religion in Rome. As a matter of fact, selected trials include some innovative factors that changed the view of lawyers and courts. This explains the lack of important trials in the seventies (including the trial of Verres, which according to Liebs was rather insignificant), or why there is a big gap in time between the seventh case (Otacilia against Gaius Visellius Varro in 65 BC) and the eighth case, the trial of Ovid of the 8 AD. This book contains nothing about either the most important part of Cicero's activity or the trials of the triumviral times. However, the author's choice must be respected.

The main section of the book is divided into five civil trials (cases nos. 4, 5, 7, 13 and 14) and eleven criminal trials.<sup>3</sup> Liebs acknowledges that the small number of civil cases might surprise the reader who thinks of the daily life of our tribunals. However, at p. 179 the author observes that criminal trials reverberated more strongly in public opinion than civil trials, as is also true today. Moreover, the complexities of civil law were surely more difficult to explain clearly to ancient people. These may not be the only reasons behind the silence of sources about civil cases, but these psychological

arguments surely have a great importance.

In the book the order of the trials is well thought through: the trial of Jesus is in the middle, between republican and imperial ones.<sup>4</sup> Clearly, this central moment of history is considered to have been a very important step for the history of law as well. Attention is devoted also to some well-studied trials, such as the *causa Curiana*, which determined a major change within the law of inheritance at Rome.

The structure of Liebs's chapters is flexible and changes according to the needs of the discussion, but there are some basic elements that ground the discussion in any case:

- a) the narration of facts (in straightforward language, even if technical), that usually explains the sources; their Latin version is contained in the endnotes, a system that enhances ease of reading, but does not permit a constant -- and philological -- check of original texts;
- b) the interpretation of data given by the sources, with a reconstruction of the juridical situation and of the reasons for the judgments;
- c) a reflection on the consequences of the trial in the following jurisprudence.

This recurring sequence of topics allows the author to broaden the individual parts when the argument is particularly relevant, as, for instance, in the case of P. Calpurnius Lanarius (no. 4), which he subjects to a deep examination of the sole legal problem of the trial (problems of *bona fides* in the house sale). In the case of the trial of Jesus, Liebs includes some pages about the role of Jews and Pilate, with some interesting reflections as well about modern scholarship on Jewish history, which tries to defend Jesus' coreligionists against the charge of homicide. Liebs's pages successfully explain the problems surrounding the lack of clarity or misunderstandings in the sources, trying to clarify the difficulties while avoiding boring the reader. In some cases, perhaps, the observations (inserted in the endnotes) could be more complete, helping the reader with a richer bibliography: for instance, in the case of Fannia (no. 3), it would be better to cite also A. Watson, *The Law of Persons in the Later Roman Republic* (Oxford 1967), and, in general, M. Alexander, *Trials in the Late Roman Republic. 149-50 BC* (Toronto 1990).

In my opinion, some doubts remain concerning the exact nature of the trial of Jesus, where Liebs wants to demonstrate that the trial was regular and in compliance with Roman criminal procedure *pace* K. Rosen, J. Ermann and others, who point to the *contumacia* or to the *coercitio* of the Roman governor. There are uncertain boundaries between the power of the governors and the legal development of a trial in a context -- e.g., the provincial administration of the justice -- not well-known to us.<sup>5</sup>

Liebs's use of the sources is precise, even if he does not quote the Greek texts in original, but only in translation: perhaps a sign of the times, which are not so favorable to Greek and Latin in the original. The endnotes are wide and well-organized, with a good bibliography. The index is usefully divided into two parts, Persons and Subjects, and offers an interesting preliminary key to approach problems.

The book aims at explaining difficult and relevant law cases to an educated public, and, thus, is conceived as a high-level introduction to an actual history of Roman trials. It cannot have been an easy task to carry out this plan, but Liebs has achieved a

good result, producing a book that can be interesting to most readers (especially German readers), who will find also some references to current times. This work, conceived as a *kleine Schrift*, is dedicated to Albert-Ludwigs-Universität of Freiburg for its 550th anniversary, which was celebrated on September 21, 2007: it is surely a nice present from one of its more important professors.

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#### Notes:

1. Some of his most recent books are *Römische Jurisprudenz in Africa mit Studien zu den pseudopaulinischen Sentenzen* (Berlin 1993, second edition Berlin 2005), *Römische Jurisprudenz in Gallien (2. bis 8. Jahrhundert)* (Berlin 2002) and *Römische Jurisprudenz in Africa mit Studien zu den pseudopaulinischen Sentenzen* (Berlin 2005).

2. 'Strafprozesse wegen Zauberei. Magie und politisches Kalkül in der römischen Geschichte,' pp. 146-158. There are also other important collections of famous trials of the classical age; in this genre, we can mention, e. g., L. Burckhardt and J. von Ungern-Sternberg, *Grosse Prozesse im antiken Athen* (München 2000); M. Sagenschneider, *50 Klassiker-Prozesse. Berühmte Rechtsfälle von der Antike bis heute* (Hildesheim 2002).

3. 1. Tötung der Schwester, die einen gefallenen Feind betrauert. Der Horatierprozess, angeblich um 670 v. Chr. (5. Jahrhundert?), p. 13; 2. Vorläufiges Ende der Prozesse wegen Schadenzauber. Furius Cresimus wehrt sich, etwa 191 v. Chr., p. 21; 3. Ein Mitgiftjäger verliert. Dei leichtlebige Fannia, 100 v. Chr., p. 29; 4. Ein argloser Käufer. Publius Calpurnius Lanarius nimmt Regress um 98/95 v. Chr., p. 37; 5. Parteiwille vs. Pedanterie der Juristen? Der Prozess des Curius, 93 v. Chr., p. 45; 6. Cicero vereitelt die Intrige einer Mächtigen. Sextus Roscius der Jüngere wird gerettet, 80 v. Chr., p. 53; 7. Abwehr der Arglist einer Geliebten. Otacilia vs. Gajus Visellius Varro, um 65 v. Chr., p. 65; 8. Verführer durch Literatur oder Miwisser einer Verschwörung? Ovids Verbannung, 8 n. Chr., p. 79; 9. Vorsorglich gekreuzigt. Der Prozess Jesu, 7 April 30 n. Chr., p. 89; 10. "Sie hassen das Menschengeschlecht". Nero verfolgt die Christen, 64 n. Chr., p. 105; 11. Eine kriminelle Vereinigung? Plinius der Jüngere richtet Christen, um 110 n. Chr., p. 115; 12. Brutale Sklavenhalter. Umbricia, Julius Sabinus und Alfius Julius vor Gericht um 130-152 n. Chr., p. 127; 13. Selbsthilfe wird bestraft. Marcian vor Mark Aurel, um 170 n. Chr., p. 141; 14. Mündelschutz geht vor Zahlungsmoral. Die Streit um das Rutilianische Landgut, um 200 n. Chr., p. 149; 15. Streit unter Christen. Die erste Donatistenprozess, 313-316 n. Chr., p. 159; 16. Ketzer werden hingerichtet. Priscillian und seine Anhänger vor Kaiser Maximus, 386 n. Chr., p. 169.; Zusammenfassung, p. 179; Anmerkungen, p. 187; Register, p. 247.

4. The link between politics and Christianity is particularly stressed by Liebs. The attention paid to the trials dealing with Christians is closely connected to the growing importance of Christianity in the political context of the Empire. In the beginning, Christians were a problem (see case nos. 10 and 11 about the fire of Rome and Pliny the Younger's letter to Trajan); after they gain resources and become an important political element, political power had to reckon with them; this fact could also provoke crisis and difficulties for imperial administration (see the case of the Priscillianists' prosecution).

5. About the trial of Jesus we could add another book to the rich bibliography of pp. 213-214: Massimo Miglietta, *Una recente indagine storico-giuridica sul processo*

*contro Gesù* (Mucchi editore, Modena 2001).

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