

Roman law: the art of the fair and good?

Punishments

Punishment under Roman law was harsh. Often punishments were a way of deterring others from committing the same crime and making a public spectacle out of the criminal. Punishment in Ancient Rome was decided upon by two factors: the social status of the condemned person and the severity of committed offence.

Punishments for citizens:

- fines
- bonds
- retaliation
- infamy
- banishment
- property confiscation
- death (for committing treason only, and not by crucifixion)

The more severe punishments were usually reserved for criminals of the lower classes.



Punishments only for non-citizens:

- death by crucifixion
- death in the arena by wild animals, called *damnatio ad bestias*

Above: mosaic showing *damnatio ad bestias*, from the Zliten mosaic, c. 200 AD (Archaeological Museum in Tripoli). For more information see: https://en.wikipedia.org/wiki/Zliten_mosaic

Patricide, or killing one's father, was considered the ultimate crime. As soon as someone was convicted of patricide they would be blindfolded as they were unworthy of the light and taken to the Field of Mars outside Rome. There they were stripped naked and whipped with rods. The convicted criminal would then be sewed up in a sack and thrown out to sea. This was so he would not die on Roman soil and pollute the earth with his evil. Later on a serpent was also sewed up into the sack with him, and still later an ape, a dog and a cockerel were added.

Death by crucifixion and *damnatio ad bestias* were usually watched by the public.
Why do you think this was?

The aim of punishments is usually one or more of:

deterrent - To stop someone else committing the same crime.

reform - To stop the same person committing the same crime again.

retribution - to inflict suffering on someone as vengeance for a wrong or criminal act.

A modern form of punishment that incorporates all three aims is a prison sentence. The Romans did not have prison sentences at all - prison cells were only used before punishment was decided or inflicted.

What do you think is the most effective form of punishment?
What did the Romans think?

What do you think punishment in our society aims to do?