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Lictors in the Roman World

Erin Pierik
The University of Western Ontario

Supervisor
Nousek, Debra L
The University of Western Ontario

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Abstract

Lictors attended the senior magistrates of Rome for nearly its entire history. As an important part of the apparatus of state, lictors have received little scholarly attention in their own right. This thesis explores the roles lictors played within the constitution of Rome and how they supported and reinforced the authority of the magistrates. Lictors were highly symbolic as representatives of state authority and were used in the literary sources to demonstrate certain aspects of the state. Finally, material evidence for lictors is analyzed to provide a picture of lictors as people and as a social class that is not described in the literary sources. This thesis concludes that lictors formed an essential component of magisterial authority, were potent symbols of state, and formed an important part of the civil service for the sub-elite classes.

Keywords

Lictor, Magistrate, Rome, Apparitor, Fasces, Roman Civil Service, Procession, Administration, Roman Law, Roman Constitution.

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Introduction

Lictors were very likely one of those aspects of daily Roman life that hardly merited mention by the ancient sources. Within the pageantry, processions, and daily functioning of the state, lictors were omnipresent. They attended magistrates at war and at home, they presided over legal proceedings and were part of maintaining the Roman presence abroad. Yet most ancient authors did not see fit to take the time to describe lictors in any detail. Similarly modern scholarship has paid little attention to the role of lictors in Roman society. Two scholars have explored lictors in some detail. Nippel's article, "Policing Rome" (1984), and his later book on the same topic, *Public Order* (1995), explore the structures and institutions used to maintain order in Rome and naturally discuss the role of lictors. As lictors by themselves had no independent authority to enforce laws or maintain public order as a modern police force does, but rather served to support and reinforce the authority of the magistrates, lictors are not a major feature of either work. Purcell's "The Apparitors: A Study in Social Mobility" (1983) treats lictors within the broader context of the social mobility of the apparitorial class, which was composed of the scribes, criers, messengers and lictors that attended the chief magistrates of Rome. He devotes the most space to the *scribae*, for whom the sources are better and the cases of social advancement more striking. Lictors, whose role is described as 'menial', play a lesser role within the study and are certainly not treated within their own right.¹

This thesis developed from a desire to understand what the occupation of lictor entailed and how Romans might have regarded their role in society. I begin with an attempt to categorize the various jobs for lictors that appeared in the literary sources. The roles available to lictors were closely tied to those available to the Roman magistrates that they attended. As the Roman constitution and its magistrates evolved, so too did the lictors who attended them. Chapter One examines the broad framework of the Roman constitution and the magistrates who were accompanied by lictors in order to understand

¹ Purcell 1983, 149.

what role lictors, as a part of the apparatus of state, played in Roman society. Lictors are most often mentioned in reference to the Republic and the impression left to us of lictors is considerably influenced by this bias of the sources.

Chapter Two examines the literary uses of lictors in the two significant sources of information about lictors, Cicero and Livy. Both authors provide many examples of lictors carrying out their duties and serve as a valuable resource for the analysis of Chapter One. Cicero and Livy, however, also use the cultural symbolism of lictors within their narratives. Chapter Two examines this symbolism and its use in building literary narratives.

The surviving literary sources were largely written by and for an elite Roman audience and very much embody a senatorial perspective. As a result, the ancient authors express little interest in lictors as individuals or as a class within the Roman social hierarchy. Material evidence, including funerary epitaphs inscribed by or in memory of lictors, inscribed laws concerning the allocation of apparitors, and relief sculpture depicting magistrates and their entourage, provides a perspective on lictors that is not present in the literary sources. Chapter Three attempts to analyze the material evidence in order add further depth to our understanding of lictors in the Roman world.

Chapter 1

1 Lictors and the Roman Constitution

Lictors exist in the literary sources largely as an extension of their magistrates and emerge only briefly as silent players in the drama of the magistrates. It is therefore essential to understand the social, legal, and political framework in which we catch brief glimpses of lictors; the capacities of the lictors were intimately tied to those of their magistrate. As Rome and its magistrates evolved, so too did the lictors who embodied magisterial authority and carried out the tasks of administration. As a result, this chapter will focus chiefly on the magistrates of the city of Rome and how lictors played a part in the administration of Rome. For reasons that will be explored in Chapter Two, the literary sources for lictors are biased toward and primarily concerned with the Republic, where lictors were more visibly emblems of power. This bias is reflected in the amount of time spent discussing the Imperial period, where, although lictors surely continued to operate, their diminished prominence garnered them less literary attention.² This chapter attempts to use the Roman constitution as a frame on which to build a sense of the lictor as an occupation in the Roman world.

1.1 Lictors and the Senior Magistrates of Rome

The constitution of the Roman Republic was not codified in a legal document, nor did it exist as a universally recognized legal framework in which to operate. Rather, the constitution of Rome was an amorphous, evolving agreement among the ruling elites based on Roman customs, values, and history.³ The Roman constitution, such as it is, was mixed, with the senate, the magistrates, and the popular assemblies constituting the

² All dates are BCE unless otherwise stated. All translations are my own, except where indicated.

³ Lintott 1999, 26.

branches. The senate was a non-binding advisory body, ultimately lacking the power to enact legislation without ratification by the assemblies, but it wielded considerable power through the control of finances and personnel appointments. The magistrates were popularly elected, but, especially with respect to the consulship and the praetorship, were generally drawn from among the ruling elite of the senatorial class.⁴ These senior magistrates were granted considerable power and discretion once elected by the assemblies, especially while on campaign beyond the *pomerium*.⁵ It is with these senior magistrates and their *imperia* that lictors are most closely associated. Lictors, along with *imperium*, were granted to the senior magistrates by the People.⁶

Consuls, praetors, dictators and masters of horse all held *imperium*. The consuls were Rome's chief regular magistrates whose *imperium* was *maius* to that of the remaining regular senior magistrates. The consuls wielded considerable power and discretion, most of all during their commands abroad. While abroad, the consul had the near monarchical power ascribed to him by Polybius, but while he was at home, there was no such precedent for acting unilaterally.⁷ Magistrates in the provinces or at war had full discretion to act in accordance with the interest of the *res publica*, without having to consult either the senate or assemblies, although they were bound to certain laws and

⁴ Beck *et al* 2011, 4: Senior magistrates were elected by the *comitia centuriata*.

⁵ Lintott 1999, 66: It is a matter of some debate for both modern scholars and the Romans themselves, whether the balance of power lay with *imperium*-holding magistrates or with the senate. According to Lintott, Mommsen was of the view that the real power lay with the magistrates with *imperium* to such an extent that changes to the role of the magistrates would amount to changes in the constitution itself. The opposing view is that the senate is the real government of Rome, not simply an advisory body. These opposing views are not incompatible in that the balance of power between the senate and magistrates is a matter of degrees of difference; the lack of a written constitution and our lack of more than a surface level understanding of how power was exercised prevent definitive conclusions. This conflicting understanding of where power lay existed for the Romans too.

⁶ The allocation of lictors will be discussed in more detail in Chapter Three. Generally, lictors are referred to as being voted to someone. For example, Plut. *Cic.* 45.4: ...[Cicero] Καίσαρι δὲ ῥαβδούχους καὶ στρατηγικὸν κόσμον, ὡς δὴ προπολεμοῦντι τῆς πατρίδος, ἔπεισε ψηφίσασθαι τὴν σύγκλητον (“...Cicero persuaded the senate to vote the fasces and the adornment of generalship to Caesar.”)

⁷ Lintott 1999, 18.

senatorial directives, especially in the later Republic, and there was always the threat of prosecution if the magistrate's conduct was found wanting.⁸

The consulship evolved over the course of the Republican period. The earliest days of the consulship are obscured by the paucity of sources and Rome's foundation myths. During the period from 444 to 367/6, a board of three to eight military tribunes with consular power often governed in place of the regular consuls.⁹ These consular tribunes were granted both *imperium* and the use of consular insignia, which certainly would have included lictors and fasces.¹⁰ By the mid-fourth century, however, the consulship emerged alone as Rome's most senior and important magistracy. From this era down to around the end of the second century, the consuls were primarily military commanders, departing the city on campaign within days or weeks of taking office, and not returning until near the end of their term.¹¹ While on campaign, the consuls held *imperium militiae*, signified by the axes mounted in their lictors' fasces. As military commanders, consuls held broad discretion in matters of military command and military discipline. Military discipline was of paramount importance and the consuls, with lictors as their agents, were responsible for maintaining that order.

During the late Republic, from the late second century down to the end of the Republic, the consulship became increasingly politicized, and during that same period the consuls themselves also tended to spend most or all their time at Rome. From around 80 BCE onward, in response to promagistrates having longer campaigns and provincial governorships abroad, consuls sometimes lacked commands abroad altogether, and as a

⁸ Lintott 1999, 94. Cicero's prosecution of Verres is an example of such consequences.

⁹ For a discussion of the development of the consular tribunate, see Forsythe 2005, 234-39.

¹⁰ Liv. 4.7.2-3: *...et imperio et insignibus consularibus usos*. ("...having the use of both *imperium* and of consular insignia."). Dio. in Zonar. 7.24: relates a story about a consular tribune of 376, Sulpicius Rufus, who has the use of a lictor.

¹¹ Lintott 1999, 105.

result were often more involved in politics at Rome and had a greater influence there.¹² Within the *pomerium*, consuls held *imperium domi*, which still allowed them considerable power, although they had less discretion to act in matters of punishment due to the protections of *provocatio* and the ability to appeal to the tribunes against a magistrate's decision.¹³

The lesser of the regular senior magistracies with *imperium* was the praetorship. According to tradition, there was initially only a single praetor, who seems to have been a colleague with the consuls. By the mid-third century, there were two praetors, and the office appears to have been reduced in status.¹⁴ The praetorian *imperium* was considered to have been *minus* to that of a consul, but the praetors still held a great deal of power. The number of praetorships increased to four and then to six by the second century. Judicial competencies were added, with which the consuls largely did not interfere.¹⁵ In the sphere of civil administration, the praetorian lictors would have held similar roles to those of consular lictors while *domi* and acting in civil and legal administration. Increasingly from the second century on, praetors were sent abroad on military or provincial assignments. After the Sullan reforms of the late 80s, former praetors might be sent abroad with *imperium proconsule*.

In times when the regular senior magistrates were not sufficient, a dictator, along with his master of horse (*magister equitum*), would be appointed for a period of limited duration

¹² Lintott 1999, 106.

¹³ Lintott 1999, 94. *Provocatio* was the right of citizens to appeal against decisions of the magistrate and will be discussed further below.

¹⁴ Beck 2011, 83-4: At the end of the first Punic war, ca. 244 BCE, a second praetorship was added, perhaps due to the demand for more military commanders, but judicial competencies were also introduced, which had the effect of separating the three colleagues *cum imperio*. Whereas before c. 244 the praetorship was often held by successful former consuls, afterwards consuls seem not to have run for the praetorship. This seems likely due to a diminishment of the status of the office, and the praetorship thereafter is always a lower rung on the *cursus honorum*. See also Lintott 1999, 107-8.

¹⁵ Lintott 1999, 105.

to administer the *res publica*.¹⁶ The occasion might be something as routine as the need for someone to run elections in the absence of the consuls returning late to Rome from campaign, or something as serious as a major crisis or foreign threat.¹⁷ With the exception of the new arrogations of the dictatorship during the first century, the dictatorship was largely uneventful and effective with terms of office of short duration, with some abdicating as soon as possible; elsewhere a six-month term is mentioned.¹⁸ The *imperium* of both the dictator and the master of horse was *maius* to that of the regular magistrates, which allowed for unilateral action to solve problems, something that the collegial nature of the regular magistracies did not.¹⁹ In a further display of their special authority, both the dictator and the master of horse were allowed to have axes mounted in the fasces while within the *pomerium*.²⁰ Similarly, the regular magistrates continued to hold their office during a dictatorship, but those who normally held the fasces did not appear before the dictator with them.²¹

¹⁶ The dictator normally nominated his *magister equitum*, who had only six lictors with fasces. Once appointed, the *magister*'s period of office ran as long as that of his dictator. His power seemed to run parallel to that of the dictator, almost like that of another consul. Lintott 1999, 112.

¹⁷ Lintott 1999, 110.

¹⁸ Lintott 1999, 110.

¹⁹ Lintott 1999, 18: "Indeed, one reason given for the invention of the dictatorship in the Roman Republic was that, irrespective of the fact that he had no colleague, he could behave in an authoritarian way in the city, where a consul could not." Brennan 2000, 41 prefers the idea of the *imperium* of a dictator being *valentius* ("more efficacious") to that of the consuls, rather than *maius*.

²⁰ Dion. Hal. *Rom. Ant.* 5.75.2: having the fasces with axes within the *pomerium* was closely associated with the kings and therefore disliked by the public.

²¹ Lintott 1999, 111. Liv. 22.11.5: *viatorem misit, qui consuli nuntiaret ut sine lictoribus ad dictatorem veniret*. ("...he sent a messenger, who announced to the consul that he should come to the dictator without lictors.") Plut. *Fab.* 4 also provides an example of this. Fabius Maximus Cunctator is described as ordering that a consul 'dismiss his lictors and put aside the insignia of office.' ("...έκέλευσε τοὺς ῥαβδούχους ἀπαλλάξαι καὶ τὰ παράσημα τῆς ἀρχῆς ἀποθέμενον..."). It is not clear from these examples whether this was a common custom or whether this was a unique command from the dictator. Regardless, it seems that the dictator had the right to order the regular magistrates to do this. The fact that an order was issued to bring this about need not suggest that these cases were unusual, as there seems to have been a protocol for when senior magistrates approached each other, discussed below. See also Val. Max. 2.7.7. Brennan 2000, 42 believes when the consuls and dictator were in Rome at the same time, the consuls' *imperia* lay dormant, much like during the system of the turn, on which, see further pp. 11-13.

A symbol of primary importance between the lictors, their magistrates, and their magistrates' *imperium*, was the fasces, which were carried by the magistrate's lictors. The fasces were bundles of rods or switches (*virgae*) that represented *imperium domi*, and when abroad, a single bladed axe was embedded in the bundle to represent *imperium militiae*.²² The fasces were symbols of personal *imperium* as granted by the People, and the number of fasces represented the gradations of *maius* or *minus imperium* between different magistrates.²³ The dictator had twenty-four lictors and fasces;²⁴ the consuls had twelve, and the praetors six.²⁵

Proconsuls and propraetors had twelve and six lictors and fasces, respectively. This would indicate that while acting in their defined theatres, both the regular consul and a proconsul would have held *par imperium*. The consul's *imperium* would have covered all of Rome's territories, while that of the proconsul would have been limited to the assigned

²² Staveley 1963, 464-65. Liv. 31.29.9: A praetor abroad presides over an assembly with "the rods threatening their backs and the axes their necks" (...*virgae tergo secures cervicibus imminet*...).

²³ App. *Syr.* 11.3.15: ...καὶ στρατηγούς ἐπὶ τῇ στρατιᾷ, περιέπεμπον, οὓς αὐτοὶ καλοῦσιν ἐξαπελέκεας, ὅτι τῶν ὑπᾶτων δώδεκα πελέκεσι καὶ δώδεκα ῥάβδοις, ὡσπερ οἱ πάλαι βασιλεῖς, χρωμένων, τὸ ἥμισυ τῆς ἀξιώσεως ἔστι τοῖσδε τοῖς στρατηγοῖς καὶ τὰ ἡμίσηα παράσημα. ("and with the army they sent around generals [praetors], whom they call six-axe ones, because with the highest ones [consuls] having use of twelve axes and twelve rods, just as the kings of old, those generals [praetors] have half of the dignity and half of the insignia.") and Staveley 1963, 469-70.

²⁴ Polyb. 3.87. Because dictators and masters of horse were appointed rather than elected, their fasces were not symbolic of power granted by the people. Dictators might not have displayed the full twenty-four fasces within the city, but instead only twelve: see note 78 in Lintott 1999, 111. Liv. *Per.* 89: *Sylla dictator factus, quod nemo umquam fecerat, cum fascibus viginti quattuor processit* ("Sulla having been made dictator, that which no one ever had done, proceeded with twenty-four fasces"). The Latin here is ambiguous as to 'what had never been done before'. It could refer specifically to Sulla being made dictator, although the appointment of dictators was not that unusual. Alternatively, it could refer to going about with twenty-four lictors and fasces.

²⁵ The *magister equitum* had only six lictors and fasces, despite having *maior imperium* and outranking the consuls and praetors; this therefore does not follow neatly within Staveley's framework of gradations. If, however, the *magister equitum* is seen as acting as an extension of the dictator's *imperium* and therefore not falling within the hierarchy of magistrates, I believe this schema holds. As for praetors, the urban praetor and possibly also the peregrine praetor, while at Rome, had only two lictors and fasces: Cic. *leg. agr.* 2.93: *Deinde anteibant lictores non cum bacillis, sed, ut hic praetoribus urbanis anteeunt, cum fascibus bini* (Then lictors preceded them not with staffs, but, as here they go before the urban praetor, with two fasces"). Brennan 2000, 110-11: the reduction from six to two within the *pomerium* happened at some point during the mid-Republic; if the urban praetor should have reason to leave the city, he would do so with the full six lictors.

provincia. When in the *provincia* of the proconsul, the consul would have lacked a legal basis from which to coerce behaviour from the proconsul, although he would have held greater *auctoritas* than the regular office holder.²⁶ Fasces were symbols and instruments of coercion and they were said to inspire terror, especially in those outside of Rome.²⁷ Breaking the fasces of a magistrate could represent the breaking of his *imperium* and therefore the end of his office. In Dio's description of the confrontation between Gaius Julius Caesar and his co-consul Marcus Calpurnius Bibulus of 59, Bibulus' active opposition to Caesar ends when the crowd turns against him and breaks his fasces.²⁸ After being so treated by the crowd, Bibulus can muster no further support and retreats to his house for the remainder of the year.

The origins of the fasces are obscure, but the Roman sources firmly believe that they were of Etruscan origin. Theories that they came from each of the twelve cities of the Etruscan league, which Rome came to dominate, suffer from a lack of historicity.²⁹ Twelve was, however, a highly symbolic and important number for Romans and for many other ancient civilizations, which may point to some early religious significance to the twelve fasces.³⁰ Irrespective of their origins, the fasces came to be the primary

²⁶ Beck 2011, 88.

²⁷ Cic. *Leg. agr.* 1.9: the magistrates have *fasces formidolosi* ("terrifying").

²⁸ Dio. 38.6.3: αἱ ῥάβδοι αὐτοῦ συνετρίβησαν ("his fasces were shattered to pieces"). In Liv. 2.55.9 a further example comes after Volero's successful use of *provocatio* in the early Republic, as discussed above. After Volero is able to turn the crowd to his side, the mob drives the consuls from the forum, "does violence to the lictors and breaks the fasces" (*violatis lictoribus, fascibus fractis*), marking a complete breakdown in consular control. For a similar instance, see Liv. 3.49.4: *franguntur a multitudine fasces* ("the fasces were smashed by the crowd").

²⁹ Drews 1972, 42-3: Rome likely did not come to dominate the Etruscan League until sometime in the fifth century. Drews argues that if Roman magistrates had only one lictor before then, it is unlikely not to have left a trace in the historical tradition.

³⁰ For example, Liv. 1.7-8: While waiting to mark out the sacred boundaries of their towns, Romulus sees twelve vultures after Remus' six. Livy later reports that some believe that when Romulus assumed twelve lictors, he did so because of those twelve vultures. Drews 1972, 43 and *passim*: "In Rome we find twelve Arval Brethren, twelve Salii, twelve *flamires minores*, and perhaps twelve *Luperci*." Drews finds seventh century parallels with Lydian kings who were apparently accompanied by an attendant carrying an axe that could have been imported by early Etruscans through their links to pan-Mediterranean culture. Regardless of whether the Roman narrative of how Rome came to adopt the fasces holds up historically, Etruscan

insignia imperii.³¹ Due to the necessity of having lictors to carry the fasces, lictors and fasces became closely connected, to such an extent that they are nearly metonyms for one another.

As mentioned above, outside the *pomerium*, the fasces were mounted with axes, perhaps symbolizing the greater range of power abroad, the essential role in military discipline, or perhaps they were a military symbol in their own right. It seems possible that lictors and the fasces had military symbolism similar to that of the military standards. At an early stage of the Slave War of 71 against Spartacus, a certain praetor engages in battle and loses his lictors.³² Later in the war in the aftermath of the decisive battle, Frontinus relates how the fasces *imperiae*, perhaps those same ones lost by the praetor, were reclaimed, along with the standards and eagles.³³ Furthermore, in the mock-triumph celebrating the death in 53 of that same Marcus Licinius Crassus who had brought the Slave War to an end, the Parthians used lictors and the captured fasces *militiae* as a grotesque humiliation.³⁴ Finally, the dishonourable appearance (*facies inhonora*) of a defeated army is described as being with “no eagles, no standards, no high command of a consul, no axes carried by a lictor.”³⁵ As the commander travelled everywhere with his

funerary art portrays figures that resemble lictors, although there are differences in form to the later Roman version.

³¹ Cic. *Rep.* 2.55.

³² Plut. *Crass.* 9.7: αὐτὸν δὲ τὸν στρατηγὸν ἄλλαις μάχαις πολλαῖς καταγωνισάμενος, τέλος δὲ τοὺς τε ῥαβδούχους καὶ τὸν ἵππον αὐτοῦ λαβὼν, ἤδη μὲν μέγας καὶ φοβερὸς ἦν... (“and having prevailed against the praetor himself in many other battles, finally seizing his lictors and his horse, now [Spartacus] was great and fearsome”).

³³ Front. *Strat.* 2.5.34: *receptas quinque Romanas aquilas, signa sex et XX, multa spolia, inter quae quinque fasces cum securibus* (“and five Roman eagles were taken back, as were twenty-six standards, much booty, among which were five fasces with axes”). Frontinus attributes this fact to Livy, and we have reference to it at *Per.* 97.

³⁴ Plut. *Crass.* 32.2: πρὸ αὐτοῦ δὲ σαλπικταὶ καὶ ῥαβδούχοι τινες ὀχούμενοι καμήλοις ἤλαυνον· ἐξήρτητο δὲ τῶν ῥάβδων βαλάντια καὶ παρὰ τοὺς πελέκεις πρόσφατοι κεφαλαὶ Ῥωμαίων ἀποτετμημένα. (“before him trumpeters and certain lictors traveled mounted on camels; and from the rods were hung the bags and the freshly severed heads of Romans beside the axes”).

³⁵ Sil. *Pun.* 10.390-92: *non aquilae, non signa uiris, non consulis altum /imperium, non subnixae lictore secures*. Littlewood 2017, *ad loc*: the dishonour comes from having lost both the standards and the fasces.

lictors, even into battle, the loss of lictors was a possibility in the case of a severe defeat. In the three cases cited above, the lictors were lost along with their magistrate, perhaps signifying a defeat so spectacular that not even the commander survived. Within the *pomerium*, the axes were removed, perhaps with equal symbolism.³⁶ Lintott believes that the fasces without axes were “a sign that within the *pomerium* a magistrate with *imperium* was not expected to inflict capital punishment on his own authority.”³⁷ The difference in fasces *domi militiaeque* lends support to the idea of two different *imperia*, *imperium domi* and *imperium militiae*.

While *domi*, the fasces and political leadership alternated monthly between the consuls, in an agreement that has been named the system of the turn.³⁸ When both consuls were within the *pomerium* at the same time, they would technically be equal in *imperium*, *potestas*, and *auctoritas*, which would have had the potential to lead to conflict. To avoid such issues, the consuls alternated *potestas*. The consul with political leadership for that month would have the normal procession of twelve lictors and their twelve fasces preceding him. The other consul would have his lictors, apparently without fasces, follow behind him while a single attendant (*accensus*) would lead him.³⁹ The system of the turn may have developed out of a desire not to have more *insignia imperii* within the *pomerium* than during the regal period. This agreement apparently gave the fasces first to

This section describes the disarray and despair after the loss at Cannae in 216; the passage especially laments the loss of consul Lucius Aemilius Paullus, whose fasces are likely being referred to here.

³⁶ Removing the axes in the city (Dion. Hal. 5.19.3, 10.59; Cic. *Rep.* 2.55; Liv. 24.9.2) and lowering fasces before the people (Liv. 2.7.7; Cic. *Rep.* 1.62, 2.53, Quint. *Inst.* 3.7.18) were signs of respect towards the Roman people. Val. Max. 4.1.1 and Plut. *Publ.* 10 (...μέγα ποιῶν τὸ πρόσχημα τῆς δημοκρατίας (“[Publicola] making a great show of democracy”)) cite both as important signs of moderation before the people.

³⁷ Lintott 1999, 98.

³⁸ Lintott 1999, 100. Brennan 2000, 41: the term seems to be a coinage of Mommsen: “Turnus der Amtführung.”

³⁹ Liv 2.1.8 and Liv. 3.33: *decimo die ius populo singuli reddebant. eo die penes praefectum iuris fasces duodecim erant: collegis nouem singuli accensi apparebant* (“On the tenth day each decemvir returned the law to the people. On that day the twelve fasces were in the custody of the one in charge of the law: single *accensi* attended his nine colleagues.”) See also Dion. Hal. *Ant. Rom.* 5.2 and Dio. 53.1.

the elder consul.⁴⁰ Livy's last references to the system of the turn date to the second half of the fourth century.⁴¹ From Suetonius' claim that Caesar brought back this system, the *argumentum e silentio* is that the system died out around the time of Livy's last reference. It is not clear that the practice died out, but instead may simply have not merited mention. In his reference to Caesar bringing back the old custom with regard to lictors, Suetonius might have been discussing how Caesar had introduced some minor changes to the relative positions of lictors and the *accensus*, during alternation of the turn.⁴²

Being preceded by an *accensus* might have been a considerable reduction in apparent status. Prominent Romans might be accompanied by a personal entourage of clients, slaves and hangers-on that would mark them out from among the lower classes.⁴³ Being preceded by an *accensus* that might well have been a personal appointment or a client would have had a much less impressive effect than that of being preceded by a train of

⁴⁰ Cic. *Rep.* 2.55: ...*quod erat maior natu, lictores transire iussit instituitque primus, ut singulis consulibus alternis mensibus lictores praeirent, ne plura insignia essent imperii in libero populo quam in regno fuissent* ("because he was senior in birth, he ordered that his lictors to transfer over and he established first, that the lictors go before each consul in alternate months, lest more insignia of *imperium* exist among the free people than there were in the Regal period"). See also Plut. *Pub.* 12.5: ...ὅ τῆς ἡγεμονικωτέρας ἐξιστάμενος ὄντι πρεσβυτέρῳ τάξεως παρέδωκε τοὺς καλουμένους φάσκης· καὶ τοῦτο διέμεινεν εἰς ἡμᾶς τὸ πρεσβεῖον ἀπ' ἐκείνου τοῖς γεραιτέροις φυλαττόμενον ("deferring the position of command to the consul, being older, he handed over what they call the fasces; and this privilege of age persisted down to use from that man, being preserved for the more senior").

⁴¹ Brennan 2000, 262: Livy makes passing reference to the system being in use in 339 (Liv. 8.12.13) and in 320 (Liv. 9.8.2).

⁴² Staveley 1963, 466 argues that the Latin here is not clear as to what is being brought back from the *mos antiquus*: Suet. *Iul.* 20 *antiquum etiam rettulit morem, ut quo mense fasces non haberet, accensus ante eum iret, lictores pone sequerentur* ("he also brought back the ancient custom, that in those months in which he did not have the fasces, an *accensus* would go before him, lictors followed behind"). It could be the system of the turn that is being brought back (i.e. that in Caesar's time, both consuls were being preceded by lictors at all times). Alternatively, it could be this particular processional arrangement. The consul without the turn might have had lictors carrying "dummy rods" instead. Caesar might have come along with the system of the turn well established, and simply made the dummy rods walk behind. Westcott and Rankin 1918, 129 assert that "the change made by Caesar was not in having the *accensus* go before him, but in having the lictors follow him instead of going without them when his colleague had the fasces."

⁴³ See Apul. *Met.* 2.2 where a woman is first recognized as a woman of rank (*matrona*) due to the crowd of servants (*frequens famulitium*) that surround her in the market place.

lictors, who were independently allocated and who served the state.⁴⁴ With the introduction of Augustus' *lex Iulia de maritandis ordinibus*, the fasces were given first to the consul with more children, one who was married, or had lost children in war, rather than to the consul more senior in age, as had been done during the Republic.⁴⁵

1.2 Lictors of the Principate

Under the early principate, the regular senior magistracies continued to exist and there were no institutional reforms that affected any of the civil or military capacities of the consulship, in keeping with Augustus' desire to preserve the appearance of continuity with the past. The nature of the consulship did evolve under Augustus due to the powers now concentrated in his person.⁴⁶ The consulship retained many of the civil capacities that it had held under the late Republic. Augustus had more to fear from consuls with *imperium militiae*, where the magistrates would be in charge of an army and be physically distant from the emperor's control, than from those with *imperium domi*, with its civil obligations within Rome itself. From around the time of Sulla in the first half of the first century, the consular year was considerably more centered on Rome, with provincial assignments going to former magistrates as proconsuls.⁴⁷ In 27 BCE Augustus instituted the requirement that consuls wait five years between holding the consulship and a proconsular appointment in their provinces of Africa and Asia. This development had

⁴⁴ Purcell 1983, 140: The office of *accensus* seems to have been of a different kind among the various apparitorial orders. The *accensus* could be a dependent, whereas the other apparitorial orders served the state rather than the magistrate, providing some critical distance. Millar 1977, 66: during the Imperial period, all *accensi* were freedmen of the emperor.

⁴⁵ Hurllet 2011, 329. See also Dio. 53.13.4.

⁴⁶ Hurllet 2011, 320-9. Here I am passing over the period of the Second Triumvirate, which suffers from poor sources. The legal position of the magistrates and triumvirs is uncertain. It does seem, however, that the traditional roles of the magistracies continued during this period. For a discussion of the triumvirate and the suffect consuls of that era, see Millar 1973, 50-61.

⁴⁷ Hurllet 2011, 323-4: the issue of the Sullan *lex Cornelia de provinciis ordinandis* is disputed, although it seems likely that such a law did not exist. Nevertheless, the increasing consular focus on Rome originates in this era.

the effect of removing *imperium militiae* from the consuls, who no longer went to provinces during their consulship and now also could not do so afterwards. This demilitarization of the consulship reduced the status of the consulship, which had been the embodiment of supreme power for the *res publica* during the Republic.⁴⁸ Also under the settlement of 27, Augustus obtained the right to appoint governors to the major provinces; such appointments would later be titled '*legatus Augusti pro praetore*.'⁴⁹ This made Augustus the only one who simultaneously held civil and military *imperium*. This reform did not actually change the consulship itself, but had a profound depreciating effect on it in practice.⁵⁰ The consulship had depreciated in comparison to the powers now concentrated in the *princeps*, but the prestige afforded by the magistracy to those seeking high office seems to have increased under the early principate.⁵¹ Even though the consulship was devalued under the principate, it was still the key office for ambitious aristocrats.⁵² There is no reason to believe that there was a change in the lictors accompanying the city magistrates or the provincial governors during the transition to the principate.⁵³

The *princeps* and Imperial family came to occupy a place of prominence and prestige in the Roman constitution. While Augustus was consul during the Second Triumvirate and through to 23, he held the twelve consular fasces, carried by lictors.⁵⁴ In 19 BCE Augustus took for himself the consular *imperium*, which gave him the right to sit in the curule chair

⁴⁸ Beck *et al* 2011, 9.

⁴⁹ Millar 1973, 62-63.

⁵⁰ Hurlet 2011, 329-30: To maintain appearance that this reform was in keeping with the restoration of the Republic, Augustus cited as precedent Pompey's rule of taking such a break in 52 BCE.

⁵¹ Hurlet 2011, 335.

⁵² Beck *et al* 2011, 15.

⁵³ Millar 1977, 59 and 67: We have a reference to consular lictors as late as the reign of Constantine in 335 CE: *CTh* 8.9.1: *ordines decuriarum scribarum librariorum et lictoriae consularis oblati precibus meruerunt, ut in civilibus causis et editionibus libellorum officiorum sollemnitate fungantur...*

⁵⁴ Millar 1977, 67.

between the actual consuls and to always have the twelve fasces with him in perpetuity.⁵⁵ Domitian was granted the privilege of twenty-four lictors when going to the senate house; we lack evidence as to whether later emperors continued to keep the right of twenty-four lictors.⁵⁶ Despite the paucity of Imperial literary sources for lictors, relief sculpture indicates that lictors remained an important part of the image of office. The reliefs on the Arch of Trajan at Benevento, ca. 117-120 CE, feature lictors, identifiable by their fasces, in the background around Trajan in scenes as diverse as distributing bread to citizens, processing under an arch with his retinue, and meeting barbarian princes. The latest sure evidence of lictors attending emperors comes from Trajan's *lictor proximus*, Marcus Ulpius Phaedimus, after which there is only a rare but suggestive mention of fasces in the Imperial context.⁵⁷

Throughout the Republic, lictors had accompanied magistrates as an embodiment of their prestige and authority, but the power represented by lictors and fasces was not absolute and did not have weight of military authority behind it within the city. The removal of the axes from the fasces while within the *pomerium* represented the distinct separation between *imperium domi* and *imperium militiae*. Furthermore, armed men and armies were not permitted within the *pomerium* under normal circumstances. This separation between civil and military realms, which lictors symbolically upheld in part, weakened in the final decades before Augustus established the principate, as armed guards were used within the city boundary.⁵⁸ The *princeps* was allowed both the Praetorian Guard and *speculatores*, who were specially trained praetorians introduced during the time of the

⁵⁵ Dio. 54.10.5. Hurler 2011, 328: While Augustus had taken the power of the consuls, he was himself not an actual consul. There were two regular consuls elected normally in addition to the *princeps* with consular power. Staveley 1963, 483 believes that Augustus had twenty-four fasces outside the *pomerium*; Millar 1977, 67 does not follow this argument.

⁵⁶ Dio. 67.4; Millar 1977, 67. Domitian's predecessor, Titus, is portrayed being accompanied by twelve lictors in the triumphal scene on the Arch of Titus, ca. 81 CE.

⁵⁷ CIL VI 1884; Millar 1977, 67-68 believes it likely that emperors continued to be accompanied by lictors after our sources run out.

⁵⁸ Nippel 1995, 91.

Second Triumvirate and who often performed escort duties for the Imperial family.⁵⁹ The *princeps*, along with his family, were the only people permitted such a display of military power in the city and this permanent military escort came to represent the transition from Republic to principate.⁶⁰ For example, Tiberius was accompanied by some praetorian guards whenever he entered the senate house.⁶¹ This type of display had a similar effect to that of having lictors during the Republic, when the consul was the highest power in Rome and was instantly identifiable as such by his procession of twelve lictors. The early emperors adopted the consular insignia as their own, although the regular city magistrates with their consular insignia, who were either elected or appointed, continued to exist alongside emperors. The addition of the armed escorts, something not commonly seen during the Republic, marked the emperors out as being in a class of their own among the elite of Rome, who had no such monopoly on armed force.⁶²

The difference between the lictors of the Republic and those of the Empire seems to hinge on their symbolic importance.⁶³ For magistrates of the Republic, having lictors provided a highly visible statement of rank and status. A consul preceded by a retinue of twelve lictors would immediately be recognized as the most highly ranking individual in the Roman world, a valuable statement in the social context of fierce aristocratic competition for status. Under the principate, Augustus effectively co-opted many of the significant markers of status for himself and the Imperial family, including triumphs and

⁵⁹ Dio. 42.27: Already as master of horse to Gaius Julius Caesar, Marcus Antonius' entourage of soldiers drew criticism that it made the political situation "resemble a monarchy": (ὅτι μάλιστα τὴν μοναρχίαν ἐνεδείκνυτο). See also Millar 1977, 62.

⁶⁰ Tac. *Ann.* 1.7: *sed defuncto Augusto signum praetoriis cohortibus ut imperator dederat; excubiae, arma, cetera aulae; miles in forum, miles in curiam comitabatur* ("but with Augustus having died, as emperor he gave a sign to the praetorian cohorts; the watchmen, the arms, the other courtiers; a soldier attended him to the Forum and to the Assembly").

⁶¹ Nippel 1995, 93; Tac. *Ann.* 6.15 for his entourage to the senate house.

⁶² Nippel 1995, 51: *ad hoc* bodyguards might be hired in special circumstances requiring extra security. The scale of the Praetorian Guard was altogether on a different order, being roughly the size of a small army: Millar 1977, 59-67 for the various armed bodies available to the emperor.

⁶³ Another key difference seems to have been the decline in prominence of the apparitorial orders within the Imperial household. This will be explored further in Chapter Three.

public funerals.⁶⁴ The social arrangement shifted to a situation where the supreme power was always going to be the emperor, and whichever magistrates held the fasces were secondary in rank to the emperor, thus diminishing the impressive spectacle of having a retinue of lictors. This likely goes some way toward explaining why most of the later Imperial sources reference lictors in the context of earlier Republican history: lictors came to symbolize a bygone era of aristocratic competition and excellence that had been somewhat mythologized after the fall of the Republic.

1.3 Lictors and the Magistrates' Use of Force

Through their *imperium*, magistrates had broad authority to use coercion (*coercitio*) to overcome resistance to their will. The two methods most frequently represented in our sources, which seem to have loomed large in the Roman imagination, though they were infrequently used, were scourging and capital punishment.⁶⁵ Lictors served as the instruments of these particular methods of coercion. For capital *coercitio*, lictors would first strip the man being coerced naked and bind him to a stake in order to humiliate him.⁶⁶ The lictors would then unbundle the rods and use them to scourge the man. The punishment might go no further, but if called for, the lictor would use his axe to decapitate the condemned man. This particular exercise assumes that the axes were mounted in the fasces. This would only have been the case outside of the *pomerium*, where the magistrate held *imperium militiae*, allowing the magistrates broad discretion to discipline soldiers and to act against those without Roman citizenship. There might also be capital coercion within the city, especially during the early Republic, even though the

⁶⁴ Flower 1996, 96.

⁶⁵ Lintott 1999, 99: Other methods of coercion might include “flogging, imprisonment, fines, the taking of pledges, selling into slavery for failing to obey a levy, relegation from the city, even the destruction of a house.”

⁶⁶ Holkeskamp 2011, 179: especially within a military context, the act of stripping a soldier of his military insignia by agents who themselves were part of the insignia of *imperium*, thus degrading him before his peers and military authority, was an essential part of the ritual.

fascēs would have been without their axes within the *pomerium*. Descriptions of executions sometimes involve the condemned being dragged away, perhaps to a specific location or until axes could be retrieved.⁶⁷ While describing the death of the emperor Claudius, Dio remarks on the habit of executioners to drag the bodies of those executed in the prison (δεσμωτήριον) to the Forum, suggesting that, in the Imperial period at least, executions might have occurred out of sight.⁶⁸ In this way, in addition to the mounted axes having a symbolic function, they might also have had a practical function, in that outside the *pomerium*, magistrates would not have had access to the regular city infrastructure and a concomitant supply of readily available axes.

For Republican Rome, military discipline was of paramount importance and it fell to the commanders abroad to enforce it. The standard method of execution is that the condemned are stripped, scourged with rods, and beheaded with the axes.⁶⁹ An example that encompasses all the elements of this tripartite form of coercion comes from the Spanish campaign of the Second Punic War in 206. Mutineers are stripped nude, bound to a stake, scourged with rods, and finally beheaded by the axes, following a pattern of

⁶⁷ For example, Dion. Hal. *Rom. Ant.* 5.9.2: κελεύσαντος δὲ τοῦ Βρούτου τοῖς ῥαβδούχοις ἀποσπᾶν αὐτοὺς καὶ ἀπάγειν ἐπὶ τὸν θάνατον (“and with Brutus having ordered to the lictors to drag them away and lead them to death ...”). For other examples of lictors dragging away the condemned to prison, see Val. Max. 2.10.7.5; Tac. *Ann.* 6.40.6.

⁶⁸ Dio. 61.35: ἐπειδὴ γὰρ τοὺς ἐν τῷ δεσμωτηρίῳ θανατουμένους ἀγκίστροις τισὶ μεγάλοις οἱ δῆμοι ἐξ τῆς ἀγορᾶς ἀνεῖλκον κἀντεῦθεν ἐς τὸν ποταμὸν ἔσυρον... (“for when the public executioners were drawing out those having been killed in the prison with those great hooks into the Forum and were drawing them thence into the river...”).

⁶⁹ This tripartite execution of stripping, scourging with rods and decapitation by axe is closely associated with lictors and their fascēs, and will be the focus here. For a classic example see Liv. 2.5.8 ...*missique lictores ad sumendum supplicium. Nudatos virgis caedunt securique feriunt.* (“...having sent lictors to inflict the punishment. They scourge the naked men with rods and strike them with an axe.”). See also Dion. Hal. *Rom. Ant.* 5.9.2 and 3.30.5 for similar accounts. There were, of course, other methods of execution, for example see Polyb. 6.37-38 for the *fustuarium* and decimation. There may be an account of hanging from the Regal period in Liv. 1.26: the surviving triplet of the Horatii, who murders his sister and is charged with treason (*perduellio*), would have been scourged within the *pomerium* and hung: *Accesserat lictor iniciebatque laqueum* (“The lictor approached and took hold of the noose”). Ogilvie (1965) believes that hanging was unheard of as a form of judicial punishment and that the most likely form of execution being referred to is that Horatius would have been scourged to death while tied to the unlucky tree (*infelix arbor*).

maintaining military discipline through capital *coercitio*.⁷⁰ One particularly explicit example of military discipline and its central importance to Roman culture involves the consul Titus Manlius Imperiosus Torquatus executing his son, Titus Manlius, in 340. The consul had given orders that the enemy was not to be engaged, but the son disobeyed, fighting and killing an enemy soldier in single combat. The son returned to camp triumphant, but upon learning of his son's disobedience, the consul immediately summoned an assembly for execution. On the consul's orders, the lictor bound Manlius to a stake ("*i, lictor, deliga ad palum*") and beheaded him, to the horror of those assembled. Livy seems to relate this story as an *exemplum* of military discipline.⁷¹ The episode was a sorrowful but beneficial example for posterity (*Triste exemplum sed in posterum salubre iuventuti erimus*). Livy then proceeds to describe how the example was beneficial for the army, leading the reader to the conclusion that despite the horror of a father executing his son, the action was both justified and beneficial. Roman society used spectacular executions as a deterrent.⁷² The lictors were highly visible symbols in the military context and their public display of stripping, scourging with rods and beheading with an axe served this purpose. The record of the spectators' reactions to these dramatic executions (*torpens metu*) is consistent with these forms of executions as being spectacular deterrents.

Short of execution, lictors might be used to enforce military discipline by means of stripping and scourging. A deserter might be scourged with rods and sold into slavery, or for the lesser infraction of ill-equipping soldiers, a man was stripped of his clothes by a

⁷⁰ Livy 28.29: *Deligati ad palum virgisque caesi et securi percussi, adeo torpentibus metu qui aderant ...* ("Having been bound to the stake and scourged with rods and struck with an axe, those who were present being frozen with fear to such a degree..."). Nippel 1995, 6: *coercitio* involving scourging with rods, followed by decapitation with axe was used primarily to enforce military discipline.

⁷¹ Liv. 8.7-8; Val. Max. 2.7.6 makes the same link between Torquatus' execution of his son and military discipline: *...satius esse iudicans patrem forti filio quam patriam militari disciplina carere* ("...judging it to be better for a father to be without a brave son than for the fatherland to be without discipline of the military"). For accounts of the same, see also Cic. *Fin.* 1.7.23; Cic. *de Off.* 3.31; Sall. *Cat.* 52; Dion. Hal. *Rom. Ant.* 2.26; Front. *Strat.* 4.1.40-41; Gell. 9.13. Interestingly, Gellius' narrative foregoes scourging with rods.

⁷² Nippel 1995, 25.

lictor and made to stand in a public area.⁷³ A soldier who does not hold the line might simply be beheaded by axe (*securi percussit*) without further spectacle.⁷⁴

The threat of capital punishment at the whim of a magistrate was a real fear, especially while on campaign. This is colourfully illustrated in an anecdote related by both Livy and Dio.⁷⁵ A praetor from Praeneste was found to be lacking in his military duties. The commander, Papirius Cursor, calls for his lictor to ready his axes, in an apparent command to prepare capital punishment of the praetor. Rather than carrying out an execution, the magistrate instead orders that the lictor cut out a root, lest someone hurt himself while walking around the camp. In Livy's account, Papirius even uses a variation on the formulaic language used in execution.⁷⁶ Papirius, "satisfied by the praetor's fear," then dismisses the praetor, "who is thoroughly disturbed by the fear of capital punishment."⁷⁷ Livy presents this episode within a larger celebration of Papirius' virtues and of the virtues of a bygone generation more generally. In support of this, Livy

⁷³ Front. *Strat.* 4.1.20 for scourging and slavery in 138 BCE: *P. Cornelio Nasica Decimo Iunio consulibus, qui exercitum deseruerant, damnati virgis caesi publice venierunt* (When Publius Cornelius Nasica and Decimus Junius were consuls, those who had deserted the army, having been condemned, scourged with rods they went into public slavery), see also Liv. *Per.* 55; Front. *Strat.* 4.1.28 for public stripping from 58-9 CE *...vestimenta per lictorem scidit eidemque ut erat foedato habitu perstare in principiis, donec emitteretur, imperavit* ("He tore off the clothes by means of a lictor and ordered the same that he should stand in his disgraced state in the headquarters until he was released") See also Front. *Strat.* 4.1.30 for a consul scourging a military tribune with rods from 252 BCE: *Cotta consul in Sicilia in Valerium, nobilem tribunum militum ex gente Valeria, virgis animadvertit* ("The consul Cotta in Sicily paid attention with his rods to Valerius, a noble tribune of the soldiers from the Valeria clan"); Val. Max. 2.7.4 and Front. *Strat.* 4.1.31 for the same consul Cotta scourging and demoting a soldier.

⁷⁴ Front. *Strat.* 4.1.35-36; Front. *Strat.* 4.1.39 for more scourging and near-beheading for going against orders; for the fear instilled by military discipline under the Republic, see Polyb. 6.37-38.

⁷⁵ Liv. 9.16 and Dio. 8.36.24; see also Plin. *Nat.* 17.81-2.

⁷⁶ Here Livy has Papirius say, "*Agedum, lictor, excide radicem hanc*," rather than the usual command of "*I, lictor, conliga manus*."

⁷⁷ Liv. 9.16.19: *...perfusumque ultimi supplicii metu...* ("thoroughly terrified by the fear of the ultimate punishment"); Dio. 8.36.24: *...τῷ τε φόβῳ αὐτοῦ ἠρκέσθη...* ("he was satisfied with his fear").

describes Papirius' use of strict military discipline on campaign and suggests that this was an exemplary use of his powers.⁷⁸

A balancing power to the magisterial powers of *coercitio* was the People's power of *provocatio*, which provided for a chance to appeal against a magistrate's use of *coercitio* or against a verdict in a more formal legal proceeding.⁷⁹ Accounts of capital punishment by magistrates with *imperium* within the *pomerium* are unusual, but where they occur there is often reference to some sort of delay or judicial process.⁸⁰ Like much of very early Republican history, the origins of *provocatio* are far from clear. Lintott, however, convincingly provides a timeline for its progression. *Provocatio* likely started as a basic appeal to one's fellow citizens for relief from a perceived abuse of power. In the smaller setting of early Rome, a man being hauled away by lictors might simply have called out for help. Livy records such an example from the early fifth century;⁸¹ a certain plebeian, Publius Volero, defied an unpopular levy being raised by the consuls. Volero appealed to the tribunes of the plebs without success, and the consuls ordered that he be stripped and that the rods be readied, presumably for capital punishment. Volero appealed to the assembled crowd of plebeians and soldiers ("*provoco ad populum*") for help against the consuls' coercion. While the lictor was aggressively stripping him, sympathizers from the crowd helped to free him and he was able to re-enter the crowd, appealing again that they stand up against the consul. The crowd was then sufficiently mobilized that they turned

⁷⁸ MacMullen 1990, 212: In late antiquity, Marcellus Ammenius relates how Valentinian's general Theodosius maintains military discipline by burning men alive. For example, Amm. Marc. 29.31: Theodosius burns alive a few deserters (*exustis desertoribus paucis*), which is part of a trend of increasing brutality throughout the empire.

⁷⁹ Lintott 1972, 228. It seems customary, although not explicit, that there was no *provocatio* against the power of the dictator, although the veto of the tribunes seems to have stood. Lintott 1999, 111.

⁸⁰ Lintott 1999, 98-99.

⁸¹ Liv. 2.55: *Volero appellat tribunos. Cum auxilio nemo esset, consules spoliari hominem et virgas expediri iubent. "Provoco," inquit "ad populum" Volero...* ("Volero called to the tribunes. When there was no one with help, the consuls ordered that the man be stripped and that the rods be readied. 'I appeal,' Volero said, 'to the people.'") and later *Provoco et fidem plebis imploro. Adeste cives, adeste commilitones...* ("I appeal and I implore the protection of the plebeians. Draw near citizens, draw near comrades...").

against the consuls and their twenty-four lictors, broke the fasces in a highly symbolic repudiation of magisterial authority, and drove the consuls from the Forum. This episode from 473 long predates the later legislation enshrining the rights to appeal and demonstrates the ‘grassroots’ approach to curbing magisterial overreach.⁸²

Around 300 BCE, the *lex Valeria de provocatione* is believed to have enshrined into law the rights of citizens within the *pomerium* to a formal appeal before an assembly in cases of capital coercion.⁸³ By the late second century, the *leges Porciae* extended the protection against scourging and beheading to all Roman citizens, wherever they might be in the empire.⁸⁴ In his speech against Verres, Cicero invokes the Porcian laws (*o lex Porcia*) and laments, “have all these rights finally fallen back to this point, that a Roman citizen, in a province of the Roman people in a town of the allies, bound in the forum should be scourged with rods by him who has the fasces and axes by the favour of the

⁸² For another example of simple appeal to the people for protection against capital punishment, see Liv. 8.29-35: While on campaign in 325, a dispute over military discipline arises between the dictator Lucius Papirius Cursor and his *magister equitum*, Quintus Fabius Maximus Rullianus. Fabius narrowly escapes execution by appeal to the soldiers: *...tunc Papirius redintegrata ira spoliari magistrum equitum ac virgas et secures expediri iussit. Fabius fidem militum implorans lacerantibus vestem lictoribus...* (“then Papirius, with renewed anger, orders the master of horse to be stripped and for the rods and axes to be readied. Fabius, imploring the protection of the soldiers, with the lictors shredding his clothes...”). Fabius then flees to Rome for the protection of the tribunes of the plebs. The tribunes again do not know whether they should help Fabius, but the crowd is on his side, and the dictator decides not to execute him after all. Also see the accounts of Front. *Strat.* 4.1.39; Val. Max. 2.7.8 and 3.2.9. See also Liv. 1.26.5-8 for the story of Horatius, who was tried for treason (*perduellio*). He obtains acquittal through *provocatio* to the people.

⁸³ Liv. 10.9: The Valerian law had prohibited the scourging with rods and killing with an axe anyone who had appealed: *Valeria lex cum eum qui provocasset virgis caedi securique necari vetuisset...* (“The Valerian law had prohibited a man to be scourged with rods and killed with an axe when he had appealed”). Livy reports that there had been no penalty for breaking this law, except that such an act would be a disgraceful act (*improbe factum*).

⁸⁴ Liv. 10.9: the Porcian laws impose a serious penalty (*gravi poena*) if anyone should break this law. Cic. *Rep.* 2.54-55: Cicero links the removal of axes from the fasces within the *pomerium* to the passage of the Porcian laws. Lintott 1972, 250-52: The coin of Publius Porcius Laeca (Grueber 1970, 301, nos. 649-650; Crawford *RRC* 301/1) shows a man in a toga being flogged by a lictor while a magistrate, dressed in a *lorica*, stands by. The legend reads ‘PROVOCO’ and the scene is taken to be that of a citizen protesting his flogging. The fact that the magistrate is dressed in military garb is taken to suggest that the *provocatio* protections of the *leges Prociae* extended to Roman citizens abroad.

Roman people?”⁸⁵ In this passage and throughout the *Verrines*, Cicero uses the premise that these rights were inviolable to conjure outrage against their contravention. While the *leges Porciae* likely provided protection against flogging and execution abroad to Roman citizen civilians, there was still broad discretion to punish within the military context. A magistrate of course could choose to ignore *provocatio* and risk prosecution at home, a decision that involved varying levels of risk based on the status of the person involved.⁸⁶ *Provocatio* became an important symbol of *libertas* in the Roman mindset as an opposing and essential force and check on magisterial power.⁸⁷

The exercise of *coercitio* features prominently in the literary sources and is closely associated with lictors as a group. Lictors also performed various other tasks associated with the duties of the magistrates. Some of the tasks carried out by lictors have to do with the regular powers of the magistrates, such as issuing summonses, arrests, and presiding over assemblies and meetings; other tasks have to do with chance expressions of power or the quotidian reality of administration.⁸⁸ Magistrates with *imperium* had the right to summon assemblies and to convene meetings of the senate.⁸⁹ At such meetings, as well as

⁸⁵ Cic. *Verr.* 2.5.163: “*Hucine tandem haec omnia reciderunt, ut civis Romanus in provincia populi Romani, in oppido foederatorum, ab eo qui beneficio populi Romani fasces et seures haberet deligatus in foro virgis caederetur?*”

⁸⁶ Lintott 1972, 250-52. From Cicero’s prosecution, Verres seems to have taken such a risk. This will be discussed further in Chapter Two.

⁸⁷ For example, in his description from the early Republic of Appius Claudius’ appeal against a magistrate’s summary judgement, Livy (3.55-57) refers to the word ‘*provocatio*’ as the defender of liberty (*vindex libertatis*). Another integral check on magisterial overreach was the power of the tribunes of the plebs. Their bodies were considered sacred and inviolate, backed by the threat of violence from the people. As such, tribunes could use their bodies as a veto against the ruling elite, and could even use the fact of their inviolability to march unfortunate magistrates off the Tarpeian Rock. In the examples of Appius Claudius and of Volero Publilius, both resorted to *provocatio ad populum* only after the tribunes of the plebs proved unwilling or unable to intervene. The intercession of the tribunes of the plebs played an important role within the constitution of the Roman Republic, but as they have less to do directly with lictors, I will not dwell on them here.

⁸⁸ Lintott 1999, 99: Magistrates with *imperium* had the right of summons (*vocatio*). Lictors might be sent with summons (*vocatio*) in fulfillment of the magisterial power to summon. For example, when Cicero uses consular lictors to summon the Sicilians to Verres’ trial: Cic. *Ver.* 1.1.53.5: *...eos tum lictores consulum vocent...* (“the lictors of the consuls then summon them”).

⁸⁹ Lintott 1999, 43, 77: aediles and tribunes also had this right.

at other public events such as trials and public performances, it fell to the lictors to maintain order.⁹⁰ When presiding over a meeting, the presence of lictors acted as a projection of power but it also was a necessity for the smooth proceedings of the meeting.⁹¹ The presiding magistrate might interrupt discussions, introduce ambassadors, or read letters; applause, heckling, and calling for silence played a part in senate proceedings, which required some management.⁹² The presence of lictors at a meeting lent authority to the presiding magistrate, and having the lictors do the actual work of maintaining order allowed the magistrate to remain above the fray and to maintain his own dignity. Livy provides a vivid expression of the effect of having the presiding magistrate surrounded by his lictors, given voice through a Macedonian legate, who said, “The Roman praetor presides over these meetings: those having been summoned by his command assemble; they see him imparting domineering laws on his lofty platform, crowded by his lictors, the rods threaten their backs, the axes their necks.”⁹³ The meetings of the senate were theoretically open to the public and intruders were an occasional hazard.⁹⁴ While in practice lictors served as poor guards if things ever turned violent, the presence of those threatening fasces and the lictors as physical manifestations of a magistrate’s *imperium* would have provided some protection from incursion.

In addition to maintaining order by means of their threatening presence, lictors dictated speaking order to ensure that speakers were not interrupted, again projecting the authority

⁹⁰ Cic. *Q. Fr.* 1.1.21.4 for what happens when a lictor and *accensus* do not maintain order: ...*proximus lictor quievit, tacuit accensus, quotiens quisque voluit dixit et quam voluit diu* (“the proximate lictor was quiet, the attendant was silent, everyone spoke as often as he wished and for as long as he wished”); see also Plaut. *Poen.* 18 for a possible allusion to a lictor keeping order at a public performance during the Republic.

⁹¹ For an example of what was surely a show of Imperial power, Domitian was permitted to attend senate meetings with twenty-four lictors: Dio. 67.4.

⁹² Lintott 1999, 77-82.

⁹³ Liv. 31.29: *praetor Romanus conventus agit: eo imperio evocati conveniunt, excelso in suggestu superba iura reddentem, stipatum lictoribus vident, virgae tergo secures cervicibus imminet...*

⁹⁴ Lintott 1999, 77-82.

of the magistrate without the magistrate having to enter the fray.⁹⁵ Lictors are mentioned as taking part in a *quaestio*, a job that was certainly an extension of the legal duties of an *imperium*-holding magistrate.⁹⁶ At a murder trial, lictors kept decorum for a proconsul by suppressing excessive expressions of praise.⁹⁷ Lictors are most often silent actors in the literary accounts, but we have an example of a lictor announcing that a verdict had been decided.⁹⁸

The right to initiate proceedings of the senior magistrates was of central importance to the functioning of the Republican state.⁹⁹ Some of that initiative can be found in the various administrative duties that the magistrates assigned to their lictors. There is an account of a lictor acting as a messenger, accompanying a letter of Cicero to its recipient.¹⁰⁰ Lictors might also deliver oral messages or might be sent to intercept someone with an urgent warning.¹⁰¹ A lictor might act as an intermediary during tense moments.¹⁰²

What magistrates and their lictors did not do was maintain public order in a broad sense. As in the examples discussed above, lictors were instruments of magisterial power that kept a localized kind of order. Within the context of an army camp, magistrates could use

⁹⁵ Liv. 1.40: (from the Regal period): *Primo uterque vociferari et certatim alter alteri obstrepere; coerciti ab lictore et iussi in vicem dicere tandem obloqui desistunt; unus rem ex composito orditur.* (“At first each cried out and the one clamoured over the other in rivalry; coerced by the lictor and ordered to speak in succession, at last they stopped interrupting each other”). See also Cic. *Q. Fr.* 1.1.21.

⁹⁶ Cic. *Clu.* 147.7: *apparere huic quaestioni* (“they are attendants to this trial”). Lintott 1999, 96: Magistrates with *imperium* could act on judicial matters, either hearing a case, or conducting an investigation, or delegating the responsibility

⁹⁷ Suet. *Gram. et rhet.* 30.6.3.

⁹⁸ Liv. 3.45: *lictor decresse ait* (“The lictor said that it was decided”).

⁹⁹ Lintott 1999, 193.

¹⁰⁰ Cic. *Fam.* 2.19.2. *existimavi tamen faciendum esse ut ad te statores meos et lictores cum litteris mitterem* (“Nevertheless I judged that it should be done that I should send my attendants and lictors to you with a letter”). Shackleton Bailey 1977, *ad loc.*: Cicero always refers to the *statores* as letter-carriers. The role of the lictors seems to have been to accompany the *statores*.

¹⁰¹ Liv. 8.9.9; 22.58.9.

¹⁰² Liv. 2.56.13.

coercitio to maintain army discipline. Within the context of an assembly or a court, the magistrates could use the lictors to impose a localized order on that space. The magistrates' *imperium* was personal; they had broad authority to enforce their will, but that will did not extend far beyond their person. Lictors were not used to break up a crowd and the magistrates generally did not need physical protection from the people. Popular assemblies and gatherings were often raucous affairs, but there does not seem to have been much mob violence against the magistrates in their daily affairs.¹⁰³ Magistrates were advised not to take on confrontations that could affect their dignity.¹⁰⁴ In most cases, the majesty of the office, partially expressed through the presence of lictors, was sufficient to maintain the respect of the crowd. In 138 Publius Cornelius Scipio Nasica Serapio silenced a crowd angered by a grain shortage by declaring that he knew better than the angry crowd, "when this speech was heard, everyone, in a full silence out of respect, gave greater regard to his authority than to their own nourishment."¹⁰⁵ In terms of law enforcement and the maintenance of public order, the magistrates had little to do with anything like what we would consider to be a regular police force.¹⁰⁶ In an exception that perhaps proves the rule, Caesar attempted to employ soldiers and lictors to enforce his

¹⁰³ Nippel 1995, 14-16: the function of lictors is to "represent the magistrate's legitimate claim upon reverence and obedience." Liv. 2.55: In the example the arrest of Volero Publilius, the consuls were accompanied by twenty-four lictors, but did not use them to control the crowd. Instead, they used a single lictor to arrest a ringleader.

¹⁰⁴ Nippel 1984, 23. See Liv. 25.3.19 for an example of a consul advising that an assembly (*concilium plebis*) be dissolved (*dimittere*) before it becomes violent. See also Cic. *Leg.* 3.42-43: the passage seems to suggest that the magistrate must dissolve an uncontrolled assembly.

¹⁰⁵ Val. Max. 3.7.3: *qua voce audita omnes pleno venerationis silentio maiorem auctoritatis eius quam suorum alimentorum respectum egerunt*. Cicero similarly rebukes a hostile crowd to good effect: Plut. *Cic.* 13.4.

¹⁰⁶ Perhaps the closest Rome got to a police force that was involved in public order were the *tresviri capitales*, who, created around 290-87 BCE, were established as night watchmen and as lookouts for fires. In the middle and late Republic, the *tresviri capitales* supervised the prisons and executions, and they could flog thieves and runaway slaves, who apparently lacked *provocatio* due to their shameful status (actors similarly did not have the right of *provocatio*). The *tresviri capitales* were responsible for people's lives and property, although they fell short of a modern police force, lacking time and resources. Lintott 1999, 141-42. For a contrasting view, see Echols 1958, 377: Echols places the lictors in the framework of policing, saying that "No doubt lictors and viatores managed to keep reasonable order in the city..." Echols begins with the premise that all organized governments have an agency to enforce their laws, an assertion that seems anachronistic.

sumptuary law of 46.¹⁰⁷ The use of lictors to enforce such a law seems to have been both unusual and unsuccessful, but follows the pattern of localized order around a magistrate, as the law was later disregarded when the lictors were not present to snatch interdicted food from tables.¹⁰⁸ The perhaps unusual degree to which Roman magistrates relied on widespread acceptance of their authority, rather than coercion, to exert influence is reflected in their choice of entourage. The lictors were highly symbolic of the authority vested in the magistrates with *imperium*, but from a practical matter of physically enforcing their will, they were relatively weak and ineffectual when challenged.

1.4 The Appearance of Lictors

The *domi militiaeque* boundary determined much of lictors' appearance. Lictors *militiae* wore the red military cloak (*paludamentum*) and carried fasces mounted with axes. *Domi* they carried fasces without axes, and in alternate months the consular lictors carried no fasces.¹⁰⁹ While the literary sources often refer to lictors abroad as wearing the *paludamentum*, there is a complete lack of descriptions of what lictors wore within the *pomerium*.

¹⁰⁷ Suet. *Iul.* 43.2: ...*submissis nonnumquam lictoribus atque militibus, qui, si qua custodes fefellissent, iam adposita e triclinio auferrent.* (“sometimes with lictors and soldiers having been sent, who, if his guards had fallen short in any way, now take away from the dining couches that which had been laid out”).

¹⁰⁸ Cic. *Att.* 13.7.1: ...*ne se absente leges suae neglegerentur sicut esset neglecta sumptuaria...* (“lest his laws be neglected with him being absent just as his sumptuary laws had been neglected”).

¹⁰⁹ Occasionally secondary scholarship refers to ‘dummy fasces’ carried in the alternate months and universally fail to provide evidence for this assertion. One possible source for this comes from Liv. 3.41 ...*neque se imaginariis fascibus eorum cessuros esse* (“and nor would they withdraw themselves from their false fasces”). If this is the origin of the idea of ‘dummy fasces’, it is a misreading: the decemvirs had overstayed their office and were illegally holding onto power; therefore their fasces were not real as they had not come from an office voted by the people (cf. Liv. 3.51). This raises the question of what constitutes fasces. They are a symbol of legitimate office, so if the office is not properly conferred, then the fasces cease to be symbols of *imperium* and become simple bundles of *virgae*, which were not hard to come by. Another possibility comes from Dion. Hal. *Ant. Rom.* 5.2: ...*τοῦ δ' ἑτέρου δώδεκα ὑπηρέτας ῥάβδους ἔχοντας μόνον, ὡς δὲ τινες ἰστοροῦσι, καὶ κορύνας...* (“but the attendants of the the other consul having only the rods [i.e. no axes], and as some record, also staffs/maces”). Although the reference to the κορύνη is interesting, it does not seem to suggest the presence of ‘dummy rods.’

One of the best sources for the appearance of lictors are the processional friezes that run along the north and south walls of the Ara Pacis Augustae, commissioned by the senate in 13 and inaugurated in 9 BCE. Both processions face toward the entrance to the altar, and the direction of movement is led by lictors on both the north and south friezes.¹¹⁰ A total of ten lictors have been identified among the ninety-two figures of the frieze.¹¹¹ The regular lictors of the south frieze and N2 of the north frieze are all identified by their fasces and occupy the second row, mostly obscured from view except for their heads and fasces. On the south frieze, seven lictors have been identified ahead of the figure identified as Augustus (S15). This part of the frieze is highly fragmentary, but there are a further four figures that could reasonably be identified as lictors, which would bring the total to eleven lictors, near the twelve that would actually have preceded him.¹¹² Even without the unidentified figures, lictors constituted a consificant part of the processional composition.

Unlike most sculptural depictions of lictors, which are identifiable only by their fasces, lictors N1 and S25 occupy the front row and are visible in their entirety. N1 is wearing the same toga as that of the magistrates and other figures who follow behind.¹¹³ He bears

¹¹⁰ Rossini 2007, 48-53: the lictors leading the procession are North 1 and North 2; and South 3 and South 4. Hereafter abbreviated N and S, respectively.

¹¹¹ On the south frieze, in addition to S3 and S4, there are five more lictors (S8, S10, S11, S12, S13), and a flaminian lictor (S25) for a total of eight lictors. The section of the south frieze with most of the lictors is fragmentary. On the north frieze, only the two lictors leading the procession (N1 and N2) have been identified. See Rossini 2007, 50-53 for an identification of the figures.

¹¹² S1 and S2 stand at the front of the procession, much like N1 and N2, and could have been lictors. S5a and S6a are both in the second row, largely obscured by figures S5, S6 and S7, and are similarly positioned to lictors S8, S10, S11, S12, and S13. This is all, of course, speculative, as the remains of this part of the frieze prevent identification; even the existence of such figures is based on the reconstruction of Rossini 2007, 50-51. Ryberg 1949, 86 believes that the figure leading the procession is the Pontifex Maximus as such a place of prominence would be in keeping with the statue of the office. I would suggest that being at the front of a procession was not necessarily prestigious, as demonstrated by the procession of lictors that preceded many holders of high office. He also allows that some of the missing figures could be lictors.

¹¹³ Although the Ara Pacis itself is outside the *pomerium*, this seems not to have any bearing on the clothing choice. Lictor N1 is clearly clad in the civic toga of the magistrates he precedes, rather than the *paludamentum* of a military campaign beyond the *pomerium*. Nero Claudius Drusus (S38) is dressed in the *paludamentum*, likely in reference to him being on campaign against the Germans at the time that the altar was commissioned (Rossini 2007, 66).

the fasces over his left shoulder and carries a sprig of laurel with the same hand that supports the fasces. There is no obvious axe in the fasces that they are carrying, but only a small portion of it is visible. Both N1 and the largely obscured N2 are adorned with a crown of laurel. The use of the *toga praetexta* does not seem to have been terribly restricted, and it does not seem unreasonable that the lictors assigned to a magistrate would also wear the *toga praetexta*.¹¹⁴

Lictor S25 has been identified as the *flaminus lictor*, who would have attended the *flamen Dialis*. The lictor is also togate, as is his priest, but the lictor's head is covered with a fold of his toga, in contrast to the pointed headwear of the priest. Just behind the lictor is Marcus Vipsanius Agrippa, who is wearing the same head covering (*velatus*). The lictor carries a "ritual axe" in his left hand.¹¹⁵ The matching dress of magistrate and lictor suggest that lictors might have followed the dress of their magistrate, providing an amplification of the magisterial clothing. This is further suggested by triumphal dress. In his description of a Republican era triumph, Appian describes lictors wearing purple tunics (φοινίκεος) preceding the general and he later describes the general as wearing a purple (πορφύρα) traditional garment, probably a toga.¹¹⁶

As extensions of their magistrates' *imperium*, lictors' appearance changed along with that of their magistrates when they departed the city. The important boundary between the two types of *imperium* is illustrated by the ritual of *mutatio vestis*. The ritual was complex, highly symbolic and involved a change in both the magistrates and the lictors from civilian dress to military dress. When leaving on campaign with a magistrate, the lictors took part in the same ritual of *mutatio vestis*, where the civic toga would be shed

¹¹⁴ Wilson 1924, 51-52.

¹¹⁵ Rossini 2007, 48.

¹¹⁶ App. *Pun.* 8.9.66: αὐτοῦ δ' ἡγούνται τοῦ στρατηγοῦ ῥαβδοῦχοι φοινικοῦς χιτῶνας ἐνδεδυκότες ("lictors clothed in purple tunics led the general himself") and ἔσταλται δ' ἐς τὸν πάτριον τρόπον πορφύραν ("the general dressed in the traditional purple style"). I cannot be sure whether φοινίκεος and πορφύρα are the same colour. Both words can be translated as 'purple' and both etymologically stem from the purple Phoenician *murex* dye.

for the *paludamentum* of war and axes would be mounted into their fasces.¹¹⁷ The military cloaks themselves are described as red.¹¹⁸ The *mutatio vestis* marked the important symbolic distinction between *domi militiaeque* of the *pomerium* boundary. Livy describes the departing ceremony of Publius Sulpicius Galba (cos. 211, 200) as he departs the city for Brundisium with his *paludati lictores* and later highlights the importance of conducting the correct ceremonies in the custom of the ancestors, noting that departing without lictors, insignia and the correct ceremonies more resembles going into exile.¹¹⁹ If the magistrates and lictors did indeed match within the *pomerium*, the effect of having the magistrate and lictors change together into the *paludamentum* would have made the *mutatio vestis* all the more dramatic in seeing the magistrate and the retinue of lictors undergoing the same transformation in anticipation of their departure.

The *mutatio vestis* had great religious and traditional importance for the Romans, but there might also have been political considerations. When attempting to depart for his second consulship in 217, Gaius Flaminius (cos. 223, 217) attempted to begin his consulship abroad, without observing the *mutatio vestis*. He had old conflicts with the senators and was hated by them for his populist policies.¹²⁰ So he slipped away secretly to his province, fearing political interference if he should observe the usual formalities, but

¹¹⁷ Marshall 1984, 122; Varro, *L.L.* 7.37.5. Cf. Cic. *Pis.* 55: *Togulae lictoribus ad portam praesto fuerunt; quibus illi acceptis sagula reiecerunt, catervam imperatori suo novam praebuerunt.* (“Little togas were at hand at the gate for the lictors; with the little togas having been received, those lictors threw off the cloaks, and they gave the impression of a new troop for their commander”). In this passage the *togulae* are meant as a disguise.

¹¹⁸ Sil. *Pun.* 9.421: *sagulum rubens* (“a red cloak”). Southern 2007, 154-55: The *sagulum* was actually a different kind of cloak from the *paludamentum*. Although both were standard military wear and both were red, the *paludamentum* is more often associated with the officer class in the Roman army.

¹¹⁹ Liv. 31.14; 41.10: *cum is more maiorum, secundum vota in Capitolio nuncupata, lictoribus paludatis profectus ab urbe esset* (“when he had departed from the city in the custom of the ancestors, after the vows had been made on the Capitol, and with paludate lictors”); See also Liv. 21.63; Liv. 45.39.

¹²⁰ Liv. 21.63: *Hic in provincia consulatum inire consilium erat memori veterum certaminum cum patribus...* (“Here in the province there was a plan that he should enter into the consulship for the memory of old disputes with the patricians”); *Invisus etiam patribus...* (“also having been hated by the patricians”).

in doing so, he received the ire of the senate.¹²¹ Flaminius would soon after die, along with most of his army, at the disastrous battle at Lake Trasimene, which Livy forcefully links to the religious upset caused by departing the city in such a haphazard way.¹²² By making it important to leave in a very specific way, with religious duties that were open to political interference, the ritual allowed the senate to exert control over the magistrates.

Conversely there is also a less cynical reading of the rituals of the *mutatio vestis*. The lictors and fasces were a symbol of the regal power that had been granted by the Roman People to the magistrates. Having this ritual within the city before the magistrates departed in Rome's name was an important expression of this. The transformation of the lictors from civil servants within the *pomerium* to military officers, with greater authority and discretion, had to be ceremonially observed. In 177 the consul Caius Claudius Pulcher departed to his province in great haste, without lictors in military dress and without proclaiming his vows (*non votis nuncupatis, non paludatis lictoribus*). Upon arriving in his province, Claudius ordered two commanders to leave the province, but they declined to obey because he had no standing in the province, as he had not left Rome in the traditional manner (*de more maiorum*).¹²³ Outraged, Claudius ordered the arrest of those two commanders, but the officer in charge sided with the commanders on the same grounds. After being ridiculed by the crowd, Claudius returned to Rome to complete the

¹²¹ Liv. 21.63: *Ob haec ratus auspiciis ementiendis Latinarumque feriarum mora et consularibus aliis impedimentis retenturos se in urbe, simulato itinere privatus clam in provinciam abiit.* ("Having calculated from these things that they would retain him in the city by means of falsified auspices and the custom of the Latin festivals and other consular impediments, as a private citizen on a simulated journey he departed secretly to his province"). And after they find out about his secret departure: *Ea res ubi palam facta est, novam insuper iram infestis iam ante patribus movit...* ("This matter, when it was made plain, aroused fresh anger beyond what was already there before for the hostile senators").

¹²² Book 21 ends (Liv. 21.63) with Flaminius taking office and having his first sacrifice for the occasion going terribly wrong. Book 22.1 opens with a list of all the bad omens that foreshadow Flaminius' disaster at Lake Trasimene (22.1-6).

¹²³ Liv. 41.10: *Ad quod cum illi tum consulis imperio dicto audientes futuros esse dicerent, cum is more maiorum, secundum vota in Capitolio nuncupata, lictoribus paludatis profectus ab urbe esset* ("To [Claudius' order] those men said that they would listen to the command given by the consul, when he had departed from the city in the manner of their ancestors, following vows proclaimed on the Capitol, with lictors in military uniform").

necessary ritual before returning once more to his province.¹²⁴ Claudius lacked the legitimacy that was conferred by the ceremony that transformed the civil command into the foreign military one.

In addition to lictors' clothing broadcasting the magistrate's status, lictors might also have expressed distinction with laurel. Cicero refers to his lictors as being *laureati*.¹²⁵ The mention of the consul, Piso, being accompanied by *laureati lictores* suggests that it is the lictors themselves who are laurelled.¹²⁶ Cicero elsewhere attacks Marcus Antonius, then *tribunus plebis*, for having *lictos laureati* lead a procession that included the *mima*, Volumnia, who would likely have been considered *infamis* due to her profession and therefore a denigration of the office and its external symbols of respect.¹²⁷ Cicero seems to be our only literary source to specifically mention *lictos laureati*, which raises the possibility that it is an idiom unique to Cicero. On the Ara Pacis Augustae, however, lictors N1 and N2 on the north wall processional frieze wear crowns of laurel and N1 carries a further sprig of laurel in the hand holding the fasces, which supports Cicero's use of *lictos laureati*.

The idea that it was the fasces that were laurelled is, in fact, more common.¹²⁸ Laurel as a ceremonial adornment has a great deal of symbolic significance.¹²⁹ Obtaining laurel for

¹²⁴ Liv. 41.10: *Postremo fatigatus consul et contumeliis singulorum et multitudinis—nam insuper iridebant—ludibriis...* (“The consul finally having been exhausted both by the insults of everyone and the mockery of the crowd – for above all they were laughing at him”).

¹²⁵ Cic. *Pis.* 53.4; Cic. *Att.* 7.10.1.2; Cic. *Phil.* 2.58.2.

¹²⁶ Cic. *Pis.* 53.4.

¹²⁷ Cic. *Phil.* 2.58.2. The incident is repeated in a private letter to Atticus (Cic. *Att.* 10.16.5), but without the adjective *laureatus*.

¹²⁸ Cic. *Div.* 1.59.14: *cum fascibus laureatis*.

¹²⁹ Pliny the Elder has much to say on the symbolic significance of laurel. He notes that laurel was used to guard the thresholds of emperors and pontiffs (Plin. *Nat.* 15.39), and that laurel symbolizes peace and victory (Plin. *Nat.* 15.40). Pliny further associates laurel with the trappings of military command: laurel decorates certain dispatches from the general, laurel was used in triumphs, and laurel decorated the spears of the soldiers and the fasces of the lictors. Having laurelled fasces about would seem to provide a solution to Beard's disbelief that military commanders would have a ready supply of laurel available for their

one's fasces requires being hailed '*imperator*,' but does not require having celebrated a triumph. As Dio explains, when a commander accomplishes a worthy deed and is hailed 'imperator', the fasces are immediately (αὐτίκα) tied with laurel.¹³⁰ The process of being granted a triumph is more protracted and depends on the highly political approval of the senate. This standard accords with Cicero having laurelled fasces. While he was never granted the honour of a triumph, he was hailed '*imperator*' during his time as proconsul of Cilicia in 51/50.¹³¹ Cicero's letters discussing his frustration with his lictors (see below), all written in 49 while he was in southern Italy, stemmed from his enduring hope that he would still be granted a triumph by the senate; he could not dismiss his lictors and give up his *imperium*, for it was required that the triumphator retain his original *imperium*.¹³² Although Cicero was clearly inconvenienced by his retinue of lictors, he used the ongoing prospect of a triumph as a convenient excuse not to become embroiled in the pre-civil war politics; the fact that he still held *imperium militiae*, however, made him politically important to the military calculus of Pompey and Caesar. Cicero held onto his troublesome lictors and remained outside the *pomerium* until 47.¹³³

laurelled letters; Beard 2007, 201-3; for the choice of laurel in the triumph, see Beard, 246-7. Another consular connection made by Pliny is the legend of Lucius Junius Brutus, who would later be remembered as Rome's first post-regal consul, kissing the laurel-bearing soil at Delphi. Finally Pliny notes that laurel is the only plant that will not be struck by lightning, a superstition that, if truly believed, could have made laurel seem a like beneficial accessory when bearing metal axes aloft for extended periods of time (Plin. *Nat.* 15.40).

¹³⁰ Dio. in Zon. 7.21: ὅτε τι κατωρθώθη μέγα καὶ ἐπινικίων ἐπάξιον, αὐτοκράτωρ αὐτίκα ὁ στρατηγὸς ὑπὸ τῶν στρατιωτῶν ὠνομάζετο, καὶ κλώνας δάφνης περιέδει ταῖς ῥάβδοις καὶ τοῖς δρομοκῆρυξι τοῖς τὴν νίκην καταγγέλλουσι τῇ πόλει κομίζεῖν ἐδίδου ("when some great and worthy deed of fighting was accomplished, the commander at once was named 'all powerful' by the soldiers, and sprigs of laurel were tied around the fasces, and gave it to the care of the heralds announcing the victory to the city").

¹³¹ For a good discussion of the processes involved in obtaining a triumph and Cicero's attempt to do so, see Beard 2007, 187-99. Cicero was hailed *imperator* and was even granted the ceremony of thanksgiving to the gods (*supplicatio*) that was a prerequisite for a triumph, but amid the deteriorating political situation before the start of the civil war, Cicero was unable to rally sufficient political support in the senate to be granted a triumph.

¹³² Cic. *Att.* 7.10.1: Near Rome, 18 January 49; Cic. *Att.* 7.12.4: Formiae, 22 January 49; Cic. *Att.* 7.20.2 Capua, 5 February 49; Cic. *Att.* 8.1.3: Formiae, 15 or 16 February 49; Cic. *Att.* 9.1.3 Formiae, 6 March 49; Cic. *Fam.* 2.16.2: Cumae, 2 or 3 May 49. All dates and locations are from D. R. Shackleton Bailey 1999 and 2001.

¹³³ Beard 2007, 195-96. The last time that Cicero's triumph was discussed as part of the public business of the senate was on 7 January 49. Cicero did attend a senate meeting in January 49, which presumably would

The laurelled fasces also indicated distinction. When Lucius Licinius Lucullus and Gnaeus Pompeius Magnus, both at the head of their respective armies, meet one another in 66 during the Mithridatic Wars, Plutarch provides an assessment of their relative standing. Lucullus was senior in age, but Pompeius had led more campaigns and had celebrated two triumphs, making the honour (ἀξίωμα) of Pompeius greater.¹³⁴ Both commanders had their fasces tied with laurel on account of their victories, but the laurel of Pompeius had withered when he had traveled through a waterless and dry area.¹³⁵ When Lucullus' lictors, who had travelled through a green and shady region, noticed Pompeius' withered laurel, they offered some of their own to decorate his fasces.¹³⁶ This passage is interesting in that it gives the lictors the agency of minding each other's fasces in an almost collegial way. Plutarch is describing a meeting of two commanders, likely with *par potestas*, but where Pompeius is coming to take over the Third Mithridatic War from Lucullus' command. The meeting is tense and they do not seem to have much affection for one another. Taking the laurel from the one and passing it to the other in a way is like passing the torch. In the passage we get elements of relative prestige and likely social signaling. Plutarch marks for the audience the relative honour of the each commander, but this would likely have been apparent to those present and adept at

have been held outside the *pomerium*. Wistrand 1979, 201-02: Gaius Julius Caesar offered Cicero a triumph in autumn 47, but Cicero declined and dismissed his lictors, likely because he wished to maintain his independence of Caesar.

¹³⁴ Plut. *Luc.* 36: πρεσβύτερος μὲν ὢν ὁ Λούκουλλος, ἀξίωμα δ' ἦν τὸ Πομπηίου μείζον ἀπὸ πλείονων στρατηγιῶν καὶ δεῖν θριάμβων (“On the one hand, Lucullus was the older man, but on the other hand the honour of Pompey was greater, on account of more commands and his two triumphs”).

¹³⁵ Plut. *Luc.* 36: the laurel is from their victories, not from triumphs: ῥάβδοι δ' ἀμφοτέρων προηγούντο δαφνηφόροι διὰ τὰς νίκας (“The fasces of both, being laurelled on account of their victories, preceded them”). Later, sharing the laurel: καὶ τοῦ γε Πομπηίου μακρὰν ὁδὸν διὰ τόπων ἀνύδρων καὶ ἀχμηρῶν ὁδεύσαντος τὰς δάφνας ξηρὰς περικειμένας ταῖς ῥάβδοις ἰδόντες οἱ τοῦ Λουκούλλον ῥαβδοφόροι φιλοφρονούμενοι τοῖς ἐκείνου μετέδωκαν ἐκ τῶν ἰδίων, προσφάτους καὶ θαλερὰς ἔχοντες (“and because Pompey's long route traveled through a waterless and arid place, having seen the dry laurel tied around the fasces, Lucullus' lictors being positively minded towards those of Pompey shared from their own, having fresh and lush laurel”).

¹³⁶ The anecdote is related in both Plut. *Luc.* 36 and Plut. *Pomp.* 31. The sharing of the laurel is treated as an omen in both accounts, but portends different things. In *Luc.* this is interpreted that the achievements of the Lucullus will come to adorn Pompeius' command; in *Pomp.* it is interpreted that as Pompeius coming to steal Lucullus' recognition.

reading these kinds of signals. Unsurprisingly, the fasces were perpetually laurelled during the principate.¹³⁷

1.5 Lictors in Procession

Perhaps the most striking element of the appearance of lictors is the general effect they had as the entourage of the magistrate. Roman culture was highly visual and its expression of power had a theatrical quality.¹³⁸ The procession made the magistrates and their rank instantly recognizable. Magistrates always went out in public with their lictors, even when on private business, whether going to the theatre, baths, or private houses, but hopefully not to the brothel.¹³⁹ This could turn out to be a nuisance, as Cicero writes that his lictors are tiresome (*molestus*) and that they hinder his movement and plans. Cicero even goes so far as to depart before the break of dawn to avoid the attention brought by his laurelled lictors.¹⁴⁰ Within the city, lictors walked in single file in front of a magistrate and would not have formed an effective bodyguard.¹⁴¹ During the turbulent early Republic, Livy describes the lictors using some amount of force to clear the way; on one

¹³⁷ Millar 1977, 67.

¹³⁸ Holkeskamp 2011, 162-67.

¹³⁹ Nippel 1995, 13 and Holkeskamp 2011, 170. Sen. *Controv.* 9.2.17: *Licet ire in lupanar; si praecedentibus fascibus praetor deducetur in lupanar, maiestatem laedet, etiamsi quod licet fecerit* (“it is permitted to go to a brothel; if, with fasces preceding, a praetor is led to a brothel, he betrays his dignity, even if he is allowed to do it”).

¹⁴⁰ See discussion above, pp. 33 for a discussion about why he might find his laurelled lictors tiresome. Cic. *Fam.* 2.16.2: *molesta haec pompa lictorum meorum* (“this tiresome procession of my lictors”) and Cic. *Att.* 8.1.3: *hos lictores molestissimos* (“these extremely tiresome lictors”); for being a hindrance, see Cic. *Att.* 7.12.4: *me cum multa tum etiam lictores impediunt* (“The lictors hinder me with much else besides”), Cic. *Att.* 7.20.2, and Cic. *Att.* 9.1.3; Cic. *Att.* 7.10.1: *Subito consilium cepi ut ante quam luceret exirem, ne qui conspectus fieret aut sermo, lictoribus praesertim laureatis* (“Suddenly I undertook the plan that I should depart before it becomes light, lest any scene or rumour should be made, especially with the laurelled lictors”).

¹⁴¹ Nippel 1995, 13.

occasion lictors send off a confrontational man (*submovere*).¹⁴² In keeping with the dignity of their office and inclination to avoid confrontations that could not be won, as discussed above, most instances of clearing the way under normal, non-violent circumstances would not often have merited mention in the sources.¹⁴³

The procession itself was almost inviolable, as it was well documented that no one was to come between the proximate lictor and the magistrate.¹⁴⁴ There is perhaps a practical reason behind this. In Livy's description of a consul approaching his father, the son's lictors remained silent as they passed by the father, not wanting to disrespect him by ordering him to show deference to his son's office. After all but one of the lictors had already passed in silence, the consul ordered the proximate lictor to take notice and to give the order to dismount.¹⁴⁵ This might hint at the way that a magistrate communicated with his procession. If it was undignified for a magistrate to be shouting commands throughout, the proximate lictor might have been the liaison between the magistrate and the rest of the procession. Being at such a critical point of contact, and also having

¹⁴² Liv. 3.45.5: although this use of force seems to be described by Livy as a violent affront (*atrox iniuria*). Liv. 3.48 "I," inquit, "lictor, submove turbam et da viam domino..." ("Go lictor," he said, "remove this crowd and give a path to the master"). Liv. 6.38.8 ...*tum percitus ira Camillus lictores qui de medio plebem emoverent misit* ("Then thoroughly excited with anger Camillus sent his lictors who removed the plebs from the middle"). See also Liv. 8.33.

¹⁴³ Liv. 28.27.15: ...*lictor apparuit, summoto incesserunt, fasces cum securibus praelati sunt* ("The lictor attends [them], they proceed with the way having been cleared, the fasces with axes are borne before them"). Liv. 45.7: *progredi prae turba occurrentium ad spectaculum non poterat, donec a consule lictores missi sunt, qui summoto iter ad praetorium facerent* ("He was not able to advance beyond the crowd of those running up to him to see, until lictors, who, with the way having been cleared, made a path to the commander's tent, were sent by the consul."). See also Sen. Ep. 94.60. Plut. *Pomp.* 22: κελεύσας διασχεῖν τοὺς ῥαβδοφόρους ("having ordered the lictors to make way").

¹⁴⁴ Val Max 2.2.4: ...*ne quis se inter consulem et proximum lictorem, quamvis officii causa una progredieretur, interponeret* ("...that no one should put himself between a consul and his proximate lictor, even if approaching only for the sake of official business"). Valerius provides the example of a consul who invites his aged father, who himself was consul five times, to take shelter from the crowd in the procession. The father declines the invitation so as not to undermine the procession. The procession may have ceased to be inviolable during the empire: Suet. *Dom.* 14: ...*ut, quotiens gereret consulatum, equites R. quibus sors obtigisset, trabeati et cum hastis militaribus praecederent eum inter lictores apparitoresque* ("Whenever Domitian held the consulship, Roman *equites*, whom the sortition allotted, preceded him among his lictors and apparitors, wearing the *trabea* and with military spears").

¹⁴⁵ Liv. 24.44.

physical proximity to the magistrate, might have made that particular position prestigious. The Greek term for proximate lictor, the τῶν ῥαβδούχων ὁ ἡγούμενος, literally ‘the leader of the rod-bearers,’ adds further support to the prestige of that position, since the Greek phrase is explicit about the relative rank within the procession. In this case also, just as in the case above, the proximate lictor is the one recorded as issuing commands, ordering an approaching boat to lower its flag (προσέταξε καθελεῖν τὸ σημεῖον).¹⁴⁶

As part of clearing the way, we get a hint of calls that might have been made by the lictors. Sadly, the sources are silent on what was said by the lictors. The sources describe the procession of lictors clearing the way as being associated with sounds. For example, Livy describes a scene from the early Republic in which a sudden and unexpected arrival is announced by the sound (*strepitus*) of the lictors clearing the way. The word *strepitus* has connotations of a din or clamorous sound, which could refer to the general chaos of the moment, but the subjective genitive *lictorum summoventium* closely associates the noise with the lictors in a way that suggests that the lictors are the source of the noise. In the Imperial period, Pliny the Younger describes “that ceremonial and pre-nunciative call of the lictors,” which is highly suggestive of a particular call rather than chaotic commands to move as needed.¹⁴⁷ Pliny’s description of Trajan’s silent and quiet lictors (*silentes quietosque lictores*) praises Trajan’s power and popularity by implying that he does not need force to clear the way because his authority is so well respected.¹⁴⁸ This

¹⁴⁶ App. B. Civ. 5.6.55.

¹⁴⁷ Liv. 8.33: *repente strepitus ante curiam lictorum summoventium auditur...* (“suddenly the sound of lictors making way was heard before the curia”). Plin. Pan. 61.7.4: *sollemnis ille lictorum et praenuntius clamor*. Durry 1938, 179 claims that the call is ‘*Animadvertē*’ without further comment. A possible source for this conclusion is Suet. Jul. 80.2: *cum lictor animaduerti ex more iussisset* (“when the lictor had ordered, according to custom, that he be noticed”). This does not actually have lictors calling out ‘*animadvertē*’, but rather ordering that the magistrate’s presence be noticed; how that was accomplished remains unclear.

¹⁴⁸ Plin. Pan. 23.3.4. Durry 1938, 121 concurs that the *silentes* lictors are not making their customary cries (“*le cri habituel*”) and that *quietos* refers to the lictors not using violence to make their way in the crowd. By way of contrast with Pliny giving Trajan silent lictors as a sign of his eminence, in a first century CE account of the Second Punic War, arriving back to the city after a defeat on campaign with *mutō lictore* can be a symbol of the depressed nature of the return: Sil. Pun. 10.638.

further supports the existence of a normal call for the lictors in procession. Finally, a late Imperial source from the third or fourth century CE describes, among the entourage of the ruler, “lictors making an uproar” (οἱ ῥαβδοῦχοι θορυβοῦσιν).¹⁴⁹

While the exact nature of the lictors’ calls while marching in procession is unclear, lictors were tasked with giving orders related to the rank of their magistrates. Lictors were responsible for giving the order to those of lesser rank to dismount at the approach of a consul.¹⁵⁰ This ability to use the lictors to verbally enforce rank seems to have been an important function of lictors’ projection of magisterial authority. Lictors in procession would have provided a visual cue as to who was coming, what their rank was, and that they should act appropriately. Suetonius describes lictors announcing the entrance of a consul to the theatre in a customary manner (*ex more*), further suggesting well-known calls, but more importantly ensuring that everyone took appropriate notice of the consul’s rank and presence.¹⁵¹ During the Third Mithridatic War, King Tigranes approached Pompeius as a suppliant and his initial approach was mediated by lictors.¹⁵² Dio has Tigranes approaching on horseback, but Pompey sends a lictor to make him dismount in order that he enter the fortifications in a more humble manner.¹⁵³ Plutarch provides a similar story, but has two lictors approach Tigranes.¹⁵⁴ Appian relates that when he was

¹⁴⁹ [Asterius Sophista], *Hom.* 10.4, cf. Millar 1977, 59.

¹⁵⁰ Liv. 24.44: ...*lictoresque verecundia maiestatis eius taciti anteirent*... (“and the lictors were preceding him silently on account of deference to his [father’s] majesty”); finally ...*ut consul animadvertere proximum lictorem iussit et is ut descenderet ex equo inclamavit*... (“he orders the proximate lictor to take notice and he exclaims that he should descend from his horse”).

¹⁵¹ Suet. *Iul.* 80.2: *cum lictor animaduerti ex more iussisset* (“When the lictor, according to custom, had ordered that he be noticed”).

¹⁵² The encounter is related by Dio. 36.52, Plut. *Pomp.* 33, and App. *Mith.* 490.

¹⁵³ Dio. 36.52: Πομπήιος δὲ ἀπὸ μὲν τοῦ ἵππου κατεβίβασεν αὐτόν, ῥαβδοῦχόν τινα πέμψας (προσήλαυνε γὰρ ὡς καὶ ἐς αὐτὸ τὸ ἔρυμα κατὰ τὸ σφέτερον ἔθος ἱπεύσων)... (“Pompeius made him dismount from his horse, having sent a certain lictor, for he was approaching the fortifications according to his own custom, on horseback”).

¹⁵⁴ Plut. *Vit. Pomp.* 33: ὡς δὲ ἦλθεν ἱππότης ἐπὶ τὸν χάρακα, ῥαβδοῦχοι δύο τοῦ Πομπηίου προσελθόντες ἐκέλευσαν ἀποβῆναι τοῦ ἵππου καὶ πεζὸν ἐλθεῖν· οὐδένα γὰρ ἀνθρώπων ἐφ’ ἵππου καθεζόμενον ἐν Ῥωμαϊκῷ στρατοπέδῳ πώποτε ὀφθῆναι (“And as he came on horseback upon the defensive stakes, two

sent for by Pompeius, Tigranes was led in by lictors.¹⁵⁵ All three accounts have lictors taking the foreign king, who was recently at war with Rome, into custody in some manner and mediating his approach to the Roman camp. The lictors are sent forward to assert Pompeius' greater rank and privilege in this position.

The protocol for dismounting before a superior officer raises the question of whether lictors themselves were mounted. From a practical standpoint, it seems likely that lictors employed the same mode of transportation as their magistrate; lictors walking in front of a mounted magistrate would limit movement to walking pace and negate the advantage of riding a horse. The literary sources are silent on whether this was the case, but there is a suggestive relief on an urn commemorating a sacrifice in honour of an Italic magistrate.¹⁵⁶ The relief shows a procession of attendants mounted on horses, two with palm branches and the final attendant bearing fasces, which has been identified as an equestrian lictor. The urn does not originate from Rome, but by the time of its creation, the late second to early first century, Rome had come to dominate the region, influencing the local political and administrative structures. Finally, the lictor and all the other figures in the relief are riding horses, which is consistent with the trend of lictors matching their magistrate. The urn is far from conclusive, but suggests that the idea of an equestrian lictor was not unheard of during the Republic.

In a similar assertion of rank, when Marcus Antonius was sailing at the head of a fleet during the civil war against Octavian, his proximate lictor stood in the prow of his ship, as was the custom (τῶν ῥαβδούχων ὁ ἡγούμενος Ἀντωνίῳ, κατὰ τὴν πρῶραν, ὥσπερ ἔθος ἐστίν, ἐστώς). When Antonius' ship pulled up alongside that of Lucius Domitius

lictors of Pompey coming forward ordered him to dismount from his horse and to go on foot; for no person had ever yet been seen seated on a horse in a Roman camp”).

¹⁵⁵ App. *Mith.* 490: εἰσι δ' οἱ λέγουσιν ὑπὸ ῥαβδούχοις αὐτὸν ἀχθῆναι, μετὰπεμπτον ὑπὸ τοῦ Πομπηίου γενόμενον (“Those who were present say that he was led by lictors, when he was sent for by Pompeius”).

¹⁵⁶ Holliday 2002, 157. The only literary source featuring mounted lictors is a scene following of the Parthian commander conducting a mock-triumph in celebration of his victory over Marcus Licinius Crassus. Plut. *Crass.* 32: ῥαβδοῦχοί τινες ὀχούμενοι καμήλοις ἤλαυνον (“certain lictors traveled mounted on camels”). As Plutarch seems to be demonstrating the barbarity of the Parthians, little can be gleaned about normal Roman practice from this episode.

Ahenobarbus, a shifty character (ἀμφίβολος ἀνήρ), the proximate lictor ordered that the other boat lower its flag (προσέταξε καθελεῖν τὸ σημεῖον).¹⁵⁷ This episode is interesting not only because it reveals the protocol for lictors at sea, which is not found elsewhere, but it shows that the same patterns of lictors regulating deference before their magistrate applies.

When the ever-present procession accompanied the magistrate to a private home, the lictors would knock and announce the presence of the magistrate. Livy describes a visit between two sisters during the early Republic that demonstrates how readily lictors demonstrated the status of those in office. One sister had married a patrician, Servius Sulpicius, and the other had married a plebeian, and was therefore unaccustomed to the elite way of life. One day in 377, the two sisters were at the house of Sulpicius, when “a lictor of Sulpicius, when he was returning home from the Forum, knocked on the door with his rod, as is the custom,” and thus terrified the plebeian sister.¹⁵⁸ The patrician sister laughed at the ignorance of her plebeian sister, which produced awareness and regret about her lower status. In another episode Gnaeus Pompeius Magnus forbids his lictor from knocking on the door in the customary way in order to show respect.¹⁵⁹ While

¹⁵⁷ App. *B. Civ.* 5.6.55: καὶ τῶν ῥαβδούχων ὁ ἡγούμενος Ἀντωνίῳ, κατὰ τὴν πρῶραν, ὡσπερ ἔθος ἐστίν, ἐστῶς, εἴτ' ἐκλαθόμενος, ὅτι ἀμφίβολος ἀνήρ καὶ στρατοῦ κάκεῖνος ἡγούμενος ἰδίου προσπλέοι, εἴτε ἀπὸ εὐγενεστέρου φρονήματος, ὡς ὑπηκόοις ἢ ἐλάσσοσιν ἀνδράσιν ὑπαντῶσι, προσέταξε καθελεῖν τὸ σημεῖον (“And the leader of the lictors for Antonius, standing down in the prow, just as is custom, either having not noticed that he was a shift character and was sailing as the leader of his own army, or from noble thoughts, as if he were meeting obedient or inferior men, ordered him to lower the flag”).

¹⁵⁸ The episode dates from 377 BCE during the Struggle of the Orders, when differences in status between patricians and plebeians were institutionally entrenched. Liv. 6.34: *lictor Sulpici, cum is de foro se domum reciperet, forem, ut mos est, virga percuteret. Cum ad id moris eius insueta expavisset minor Fabia, risui sorori fuit miranti ignorare id sororem*; (“The lictor of Sulpicius, when he was returning home from the Forum, as is the custom, and strike his rods on the door. When the younger Fabia, unaccustomed to the way of their custom, was thoroughly terrified, it was amazing to her laughing sister that her sister was ignorant of it”). Flor. 1.17.26 provides an account of the same. Mart. 8.66: ...[iubet] *nobilique virga/vatis Castaliam domum sonare*... (“he orders the Castalian home of the bard to resound with the noble rod”).

¹⁵⁹ Plin. *NH.* 7.112: ...*domum forem percuti de more a lictore vetuit* (“he did not permit the house door to be struck according to custom by the lictor”).

inside the residence, the lictors would wait in the forecourt (*vestibulum*) and their fasces would be put by the door as an announcement of the magistrate's presence within.¹⁶⁰

The procession seems to have been an important signal of rank and prestige, not only in Rome, but in the ancient world more generally. This universal recognition of the symbolism of a procession would have been a useful political tool for projecting the image of power abroad, as magistrates always travelled abroad with lictors and therefore with symbols of Roman power. Within Rome, lowering the fasces was a widely acknowledged way to demonstrate respect or deference.¹⁶¹ Dionysius of Halicarnassus states this show of respect explicitly, noting that it is the custom for the inferior Roman magistrates to set aside the axes and to lower the rods for the greater magistrates. Furthermore, he states that the tradition continued into his own day, in the late first

¹⁶⁰ Holkeskamp 2011, 170. It seems that this conclusion is drawn from Liv. 39.12, where a freedwoman, Hispala, is summoned for questioning: *...postquam lictores in vestibulo turbamque consularem et consulem ipsum conspexit, prope exanimata est* ("after she saw the lictors in the *vestibulum*, and the consular retinue and the consul himself, she nearly fainted"). The Latin could be read as *in vestibulo* applying to the lictors only, implying that the lictors remained in the *vestibulum*. Briscoe (2008, *ad loc.* 39.12.2) disagrees and instead believes that everyone is in the *vestibulum* at this moment, therefore taking *in vestibulo* to apply to the lictors, consular retinue, and the consul himself.

¹⁶¹ Cic. *Rep.* 2.53: *eademque mente P. Valerius et fasces primus demitti iussit, cum dicere in contione coepisset...* ("in that same mindset, Publius Valerius first ordered that the fasces be lowered, when he had begun to speak in an assembly"). The text here is corrupt, but the passage comes after a discussion about the end of the kings and the Romans' hatred of them. The 'in same mindset' seems to be referring to the practice, adopted by consuls that replaced the kings, of recognizing the origin of their power and differentiating themselves from the kings. Livy (2.7) records the same event: when the consul comes before the People with lowered fasces (*submissis fascibus*), *gratum id multitudini spectaculum fuit, submissa sibi esse imperii insignia confessionemque factam populi quam consulis maiestatem uimque maiorem esse* ("it was a beloved sight for the crowd, that the insignia of command were lowered to them and that an acknowledgement was made that the dignity and power of the People was greater than that of the consuls"). See also Cic. *Planc.* 98 for an example of appearing before Cicero without insignia of office as a sign of respect. Vell. Pat. 2.99 describes proconsuls and legates, who would visit a Roman in retirement while departing for their provinces under the reign of Nero. They would all lower their fasces to him (*fasces suos summiserint*), even though he was then a private citizen and would never normally have merited such an honour (*si illa maiestas privata umquam fuit*). App. *B. Civ.* 1.65 associates setting aside the fasces with being seen as a private individual (τάς τε ράβδους καθεῖλεν οἷα ιδιώτης) but also as a way for a magistrate to appear humble; see also Plut. *Pomp.* 22 and Dio. 3.13: ἔσελθὼν γὰρ ἐς τὴν ἐκκλησίαν τάς τε ράβδους ἔκλινεν, ὀρθαῖς πρότερον ταύταις χρώμενος, καὶ τοὺς πελέκεις τοὺς συνδεδεμένους σφίσι περιεῖλε· σχηματίσας δὲ ἐπὶ τούτοις ἑαυτὸν ἐς τὸ ταπεινότατον... ("For having come into the assembly house he lowered the fasces, having previously used them upright, and removed the bound axes from them; and in these things for he displayed the greatest humility").

century.¹⁶² After the Mithridatic War, Pompey prevented his lictor from performing the customary knock with rods when entering the Athenian home of a famous Greek intellectual, showing respect to “the gates of learning.”¹⁶³

Spectacle was perhaps the most important component in the expression of power.¹⁶⁴ The magistrate was considered a public person at all times for the duration of his office, and it was considered inappropriate to act in a private capacity while holding office.¹⁶⁵ Most of the magistrates’ duties were highly public spectacles, and the lictors formed an essential part of their tableau of power, whether processing through the streets to the Forum or to an assembly, conducting state religious functions, or departing and returning from campaign. Given lictors’ central importance to the procession and to the public

¹⁶² Dion. Hal. *Ant. Rom.* 8.44: ἐπεὶ δ’ ἀγχοῦ ἦσαν, ὑπαντᾶν τῇ μητρὶ προελθὼν ἐκ τοῦ χάρακος ἔγνω σὺν ὀλίγοις, τοὺς τε πελέκεις, οὓς προηγεῖσθαι τῶν στρατηγῶν ἔθος ἦν, ἀποθέσθαι κελεύσας τοῖς ὑπηρέταις, καὶ τὰς ῥάβδους, ὅταν ἐγγὺς τῆς μητρὸς γένηται, καταστεῖλαι. ταῦτα δὲ Ῥωμαίοις ἐστὶ ποιεῖν ἔθος ὅταν ὑπαντῶσι ταῖς μείζουσιν ἀρχαῖς οἱ τὰς ἐλάττους ἀρχὰς ἔχοντες, ὡς καὶ μέχρι τοῦ καθ’ ἡμᾶς χρόνου γίνεται· ἦν δὴ τότε συνήθειαν φυλάττων ὁ Μάρκιος, ὡς ἐξουσία μείζονι μέλλων εἰς ταῦτ’ ἔξειν, πάντα ἀπέθετο τὰ τῆς ἰδίας παράσημα ἀρχῆς. (“And when they were near, he decided come to his mother, going out from the entrenchments with a few men, having ordered his lictors to both to put away the axes, with which it was customary to precede generals, and to lower the rods, when they became near to his mother. And it is the custom to do such things for the Romans, whenever those having a lesser command should come to the greater rulers, it happens also all the way down to our own time; then preserving which custom Marcus, as though about to come to a greater authority, he put away all the insignia of his personal rank”). It seems that this practice likely applied to everyone, although it is not clear in what capacity Seneca is writing: Sen. *Ep.* 64.10: *Si consulem videro aut praetorem, omnia, quibus honor haberi honori solet, faciam; equo desiliam, caput adaperiam, semita cedam* (“If I should see a consul or a praetor, I do everything, to which the office is accustomed to be held in honour; I dismount from my horse, I uncover my head, and I yield the lane”).

¹⁶³ Plin. *NH.* 7.112 ...*forem percuti de more a lictore vetuit, et fasces litterarum ianuae summisit is cui se oriens occidensque summiserat* (“Pompeius prohibited that the gate be struck in the customary manner by the lictor and he, to whom the East and West had submitted itself, lowered the fasces to the gates of literature”).

¹⁶⁴ Flower 2014, 377: “Indeed, a person’s identity and status took on their full meaning only in the eyes of his fellow citizens.” *ibid.* 377-88 for a discussion of the centrality of display and spectacle in the performance of a magistracy.

¹⁶⁵ Liv. 39.32: *sed Claudius consul sine lictoribus cum fratre toto foro volitando, clamitantibus adversariis et maiore parte senatus meminisse eum debere se prius consulem populi Romani quam fratrem P. Claudii esse* (“But the consul Claudius without his lictors, with his brother, with the entire forum to be fluttered about, with his clamouring adversaries and the greater part of the senate reminding him that he ought to be first the consul of the Roman people rather than the brother of Publius Claudius”).

presentation of a magistrate, it should come as no surprise that lictors featured in the ultimate procession, that of the magistrate's funeral.

For aristocratic families during the Republic, a funeral procession through the city might be given in the event of the death of a family member who had attained a senior magistracy. The procession was a highly public affair and by the late Republic was often a lavish spectacle. Actors and musicians were hired for the occasion and crowds were drummed up in the days prior.¹⁶⁶ On the day itself, the procession would pass with great fanfare from the house of the deceased to the Forum, in an atmosphere similar to that of a triumph, both sacred and carnivalesque. Once at the Forum, a funeral speech (*laudatio*) would be given on the rostra, before finally proceeding to the gravesite for a private burial among the family.¹⁶⁷ For the last two generations of the Republic, aristocratic women also received this kind of funeral procession.¹⁶⁸ Although such women would not have held high office, it seems that they brought the *imagines* of their own ancestors with them when they married, and would also have been followed in death by any illustrious ancestors with their full complement of lictors.

Polybius' description of Republican funeral processions indicates that a person was dressed up to look like the deceased, wearing the purple-bordered toga if he had been a consul or praetor. This lookalike, who was wearing a realistic funeral mask (*imago*) of the deceased, rode in a chariot and "the fasces and the axes and the other things that were customary to go along with their magistracies precede [him] according to the worth for

¹⁶⁶ Flower 1996, 95-98. Permission was required to conduct such a procession and for non-magistrates to make a speech on the rostra. The funeral procession itself occurred during the day, in contrast to the burials of individuals of lower status, which generally were held quite soon after death and at night.

¹⁶⁷ Flower 1996, 91-114 for an excellent overview of these processions. These were very public processions, but should not be confused with a public funeral (*funus publicum*), which was voted by the senate, paid for a public expense, and only seems to have come into practice in the first century sometime around the rule of Sulla.

¹⁶⁸ Flower 2014, 390.

each of the rank attained during his life as a citizen...¹⁶⁹ This description does not explicitly mention lictors, but it seems reasonable to conclude they would fall under the category of ‘other customary insignia’; at the very least lictors would have been necessary to carry the fasces.¹⁷⁰ Not only was the deceased impersonated by an actor wearing his *imago* and accompanied by his magisterial retinue, but so too were all his ancestors who had held high political office. Each ancestor would be impersonated by an actor wearing his *imago* and would be accompanied by the appropriate number of lictors and fasces. The procession of ancestors stretched back behind the deceased in chronological order, providing a visual representation of the nobility of the family.¹⁷¹ In a culture where one’s public reputation and prestige was the mark of greatness, the display of ‘nobility of office’ achieved by a family had a didactic function, reinforcing in the public arena the aristocratic pedigree of the family.¹⁷² Any current magistrates attending the procession would have been in mourning dress, and likewise their lictors would have worn black. The contrast between the somber lictors of the current magistrates and those of the ancestors and of the deceased would only have served to emphasize the glory of the family’s heritage.¹⁷³ The use of lictors and magisterial insignia within the funerary context provided a simple and immediately recognizable identifier of magisterial rank, which both Polybius and Livy describe in the context of aristocratic competition for glory.¹⁷⁴

¹⁶⁹ Polyb. 6.53: ῥάβδοι δὲ καὶ πελέκεις καὶ ἄλλα τὰ ταῖς ἀρχαῖς εἰωθότα συμπαρακεῖσθαι προηγείται κατὰ τὴν ἀξίαν ἐκάστῳ τῆς γεγενημένης κατὰ τὸν βίον ἐν τῇ πολιτείᾳ προαγωγῆς... Diod. 31.25.2 also expresses that the point of the insignia of office was to demonstrate the advance through the ranks of society.

¹⁷⁰ Suggestive that lictors were closely associated with the funerary context is Plutarch’s description of Sulla’s funeral, where such an abundance of spices were collected for the occasion that figures of Sulla and of a lictor were formed from the excess. Plut. *Sull.* 38.2.

¹⁷¹ Flower 1996, 112-14.

¹⁷² Flower 2014, 380-88: After the ‘Struggle of the Orders’, nobility came from attaining high office much more so than from wealth or nobility of birth.

¹⁷³ Flower 1996, 102. The magistrates’ mourning dress would have consisted of darker togas or togas turned inside out to hide the purple border. Flower seems to be using Hor. *Epist.* 1.7.5 from the Imperial period for the presence of black lictors.

¹⁷⁴ Polyb. 6.52-4 and Liv. 8.40.

Given the element of spectacle in aristocratic funeral processions and the fact that such a procession may not have been granted lictors by the state, it is possible that if not lictors, then at least actors playing lictors, would have been part of the funeral procession.¹⁷⁵ For a family with a particularly illustrious history, the procession would have included the lictors of the deceased, of his ancestors, and of any current magistrates in attendance. Such a procession, with six to twenty-four lictors for each magistrate, might have formed the largest group of lictors that a Roman was likely to see.¹⁷⁶ Cicero writes that the master of the funeral has the use of lictors, but it is still far from clear that the lictors of the funeral procession came from this allocation.¹⁷⁷ To the contrary, Flower believes that “to create such a pageant families drew on a large cast of actors and extras, who represented lictors and other attendants.”¹⁷⁸ The fasces used in the funeral seem to have been kept at the sacred grove of Libitina, the deity of death or corpses. We know that fasces were kept there there from a description of a mob led by the late Republican politician and rabble-rouser, Titus Annius Milo, which broke into the temple to steal fasces for their preferred leader. That fasces were being kept at the headquarters of the *collegium* of the undertakers is suggestive of those fasces existing solely for the purpose

¹⁷⁵ See Bodel 1999, 260-65 for a discussion of the performative aspects of the Roman funeral procession and Sumi 2002 for the use of actors in funerary rites.

¹⁷⁶ Flower 1996, 91. Families with a dictator in their history would have represented him with the full complement of lictors: Brennan 2000, 42.

¹⁷⁷ Cic. *Leg.* 2.24.61-61: *reliqua sunt in more: funus ut indicatur, si quid ludorum, dominusque funeris utatur accenso atque lictoribus...* (“The remainder are according to custom: that should a funeral be declared, if there are any funeral games, the master of the funeral should have the use of an attendant and lictors”). Dyck 2004, 409-10 believes that the *dominus* was organizer of the funeral. Flower 1996, 94-116 mentions the *pollinctor*, who was in charge of the body, incense and flowers; the *dissignator*, who was in charge of the parade; and *libitinarii*, who organized the funeral, but makes no mention of a *dominus*. Regardless of who the *dominus* was, the wording suggests that the use of an attendant and lictors was limited to the *dominus* in his personal capacity as organizer of the games rather than that he had access to hire lictors for the procession, making it unlikely that these lictors came from the state. An entirely different reading is possible that would support the idea that lictors were appointed to the procession. *Dominus* is actually a correction of the transmitted ‘*domus*’ (Dyck). If the passage reads, “the house of the funeral (i.e. the household of the deceased) has the use of an attendant and lictors,” then it seems much more likely that Cicero meant that real lictors could be used as part of the procession.

¹⁷⁸ Flower 1996, 114.

of funerals, which might far exceed the normal number of fasces.¹⁷⁹ If the fasces used in funeral processions were purpose-made, it does not seem unreasonable that the lictors might also have come from an irregular source. This line of reasoning raises the question of what a ‘real’ lictor actually is. Milo’s mob was intending to use the fasces, which are little more than a bundle of rods, to offer *imperium* to their preferred leaders and for that purpose, the undertakers’ fasces were real enough. Similarly, someone dressed as a lictor and carrying the fasces might seem real enough.¹⁸⁰ If the realness of the lictors resides in their being granted along with *imperium* to a magistrate, then clearly those attending long deceased ancestors were not real. Due to the demands of the magnitude of the procession, it remains an open question as to whether the lictors attending the deceased and his ancestors were career lictors appointed by the state or simply actors in costume.

Through the late Republic and early Empire, the *funus publicum* grew in popularity. Horace refers to black lictors (*lictiores atrii*) in a funerary context, suggesting the continued association of lictors and funeral processions into the early Imperial period, even though Augustus and his successors co-opted public funerals for their own aggrandizement and for the purposes of moderating aristocratic competition.¹⁸¹ The practice of liberally granting *funera publica* under Augustus and Tiberius reduced the prestige of the award and further modifications, such as having the *laudatio* delivered by a

¹⁷⁹ Asc. *Mil.* 33C: *Tum fasces ex luco Libitinae raptos attulit ad domum Scipionis et Hypsaei...* (“Then it took the fasces, having been snatched from the grove of Libitinae, to the home of Scipio and Hypsaeus”). Flower 1996, 116 believes that the fasces were likely kept in the storerooms of the temple of Venus Libitina. Lewis 2006, 238-39 concurs that such a store of equipment was kept there, “whether the real thing, or dummy sets.”

¹⁸⁰ Flower 1996, *passim* places a great deal of emphasis on the realism of the *imagines*. Such an emphasis on realism in portraying the ancestors would suggest accurate uniforms over a crude costume.

¹⁸¹ Hor. *Epist.* 1.7.6: It would seem that black lictors can be taken to refer to the lictors’ appearance, denoting some sort of mourning dress. Dio. 55.8.5 describes the Imperial family dressing in dark grey clothes (φαίαν ἐσθῆτα) for funeral games (except for Augustus, who is the only one with lictors). If lictors’ appearance followed that of their magistrate, lictors may have changed their appearance to match. Mayer 1994, *ad loc.* suggests that “dingy togas were worn as a sign of mourning.” Bodel 1999, 271 and *passim* for changes to funerary practice in the Imperial period.

senator rather than an heir, reduced aristocratic families' ability to display their nobility.¹⁸²

Lictors also formed part of the procession of the triumph. Understandably the presence of the lictors would have been overshadowed by the procession of the army, captives, and war booty. Senators and magistrates preceded the rest of the triumphal procession and they certainly would have been accompanied by their lictors. Caesar was permitted to be accompanied by many lictors.¹⁸³ The triumphator himself was also preceded by lictors bearing laurelled fasces with axes, an unusual sight within the *pomerium*.¹⁸⁴ The triumphal scene on the Arch of Titus features lictors who surround Titus' triumphal *quadriga* and who are identifiable by their fasces, suggesting that they were a sufficiently important part of the procession to be included in the relief sculpture.¹⁸⁵

A central aspect of the senior magistrates not mentioned so far is their role in the state religion and specifically their involvement in sacrifice. Magistrates with *imperium*, especially the consuls, performed a central role in maintaining the *pax deorum*, especially during the beginning of their terms of office. The religious welfare of the Republic was in the hands of the senate and the advisory colleges of priests, but the consuls, as leaders of the state, played an especially important role.¹⁸⁶ The consul was responsible for sacrifices and vows when he first assumed office, for establishing dates for the Latin festival (*feriae*

¹⁸² Bodel 1999, 271 and Flower 1996, 95-96.

¹⁸³ Dio. 43.14 ...καὶ μετὰ ῥαβδούχων τῶν τε τότε αὐτῷ συνόντων καὶ ἐτέρων ὅσοις ἐν τῇ πρώτῃ δικτατορίᾳ ἐκέχρητο, ἄλλων τε αὖ ὅσους ἐν τῇ δευτέρᾳ ἐσχίκει... (“with the lictors both with him then and the others, with which he had been furnished in his first dictatorship, and the others, which he had brought in his second”). Dio. 43.19: ...τό τε πλῆθος τῶν ῥαβδούχων καὶ τὰ ἀπὸ τῶν πολιτῶν τῶν ἐν τῇ Ἀφρικῇ ἀπολωλότων πομπεῖα δεινῶς αὐτοὺς ἐλύπησεν. ὃ τε γὰρ ἀριθμὸς ὁ τῶν ῥαβδούχων ἐπαχθέστατόν σφισιν ὄχλον, ἅτε μήπω πρότερον τοσοῦτους ἅμα ἐορακόσι, παρέσχε· (“and the crowd of lictors and the procession vessels from the citizens killed in Africa distressed them terribly. For the number of lictors provided a very distressing throng for them, having not yet seen one such together before”).

¹⁸⁴ Versnel 1970, 95 and 303.

¹⁸⁵ Titus seems to be accompanied by twelve lictors.

¹⁸⁶ Pina Polo 2011, 21-27. It was routine for the urban praetor to assume the religious duties of absent consuls: Brennan 2000, 123-5.

Latinae), for expiating the prodigies, and again before departing the city as part of the *mutatio vestis*, which contained a significant religious and sacrificial element.¹⁸⁷ These three main elements contained a processional element.

This performative expression of power begins with the ceremony of the consuls taking office. Among the rituals performed that day, which included taking the auspices and donning the *toga praetexta*, the lictors would raise their fasces. The lictors then preceded the magistrates in single file, making their way through the streets of Rome from the magistrate's home to the Forum and finally to the temple of Jupiter Optimus Maximus on the Capitol where he made his vows and sacrificed white oxen.¹⁸⁸ Later, the expiation of the prodigies was in large part a lustration with a procession of the sacrificial victims.¹⁸⁹ And finally the departure ceremony, which attracted considerable crowds, involved an extended procession, sacrifice, the *mutatio vestis*, and then the procession out of the city.¹⁹⁰

The visual impact and spectacle of public sacrifice enhanced the visibility and positive impression of magistrates among the People.¹⁹¹ It seems clear that during the processional part of the sacrificial ritual, lictors would have accompanied their magistrate as usual. The freizes on the north and south walls of the Ara Pacis Augustae show a sacrificial procession headed in the direction of the entrance to the altar itself. Lictors lead the procession on the north frieze, and may do so also on the south frieze.¹⁹² On the Boscoreale cup II from the late first century, there are two or three lictors behind the altar

¹⁸⁷ Pina Polo 2011, 21-30.

¹⁸⁸ Holkeskamp 2011, 166-67. Liv. 21.63. Versnel 1970, 300-303: during the Imperial period from at least the time of Domitian, the consular procession (*processus consularis*) came to closely resemble the triumphal *pompae*, with purple robes for the consul, laurelled fasces, and a *quadriga* to ride in.

¹⁸⁹ Pina Polo 2011, 27.

¹⁹⁰ Marshall 1984, 122-23.

¹⁹¹ Bell 1997, 12.

¹⁹² Rossini 2007, 48-53. See discussion above under 'Appearance of Lictors.'

and to the left of the bull being sacrificed. Furthermore, Etruscan urns from the first century show scenes of sacrifice with lictors forming part of the procession.¹⁹³ Both the expiation of the prodigies and the ceremonies of the *feriae Latinae* would have involved similar processional aspects.

The literary sources attest that lictors attended some priests. Vestal Virgins were each given a lictor, reportedly to remove prostitutes from their way or to guard against a lack of recognition and the risk of assault.¹⁹⁴ Likewise Livia, priestess of Augustus' cult during the Imperial period, was allowed to employ a lictor in her duties, and priests generally seem to have been allocated a lictor.¹⁹⁵ On the north side of the crowning slab of the sacrificial table of the Ara Pacis there is a processional relief of the Vestal Virgins. Their procession is led by a togate lictor bearing the fasces in front of him, in what appears to be his left hand. The other frieze features a priest proceeding behind two togate attendants, one of whom is bearing fasces in front of him, just like in the procession of the Vestals.¹⁹⁶ The arrival of Vespasian scene from the Cancelleria reliefs, ca. 80-90 CE, also portrays a group of Vestal Virgins accompanied by a lictor in full toga, bearing fasces in his left hand. This raises some questions about the nature of the priests' lictors, as they lacked *imperium* and would not be expected to be carrying fasces.¹⁹⁷

¹⁹³ Holliday 2002, 157-72.

¹⁹⁴ Regarding the risk of prostitutes: Sen. *Con.* 1.2.3.9; 1.2.7.16; 9.2.2.3; 9.2.21.8; Plut. *Num.* 10.3; for the risk of not being recognized and then being assaulted: Dio. 47.19.

¹⁹⁵ Livia Drusilla, widow of Augustus: Dio. 56.46: καὶ οἱ μὲν καὶ ῥαβδούχῳ χρῆσθαι ἐν ταῖς ἱερουργίαις αὐτῇ ἐπέτρεψαν: (“and they also permitted her to use a lictor in her religious duties”). Against this is Tac. *Ann.* 1.14: *ne lictorem quidem ei decerni passus est*: (“[Tiberius] did not permit a lictor to be voted to her”). Bauman 1981, 175 n60: both could be true: Livia could have had a lictor for her duties as priestess and Tiberius could have denied her a lictor for non-religious circumstances. Agrippina the Younger might have been voted two lictors by the senate for similar religious purposes: Tac. *Ann.* 13.2. For priests: Cf. Gell. 10.15; Plut. *Quaest. Rom.* 113.

¹⁹⁶ Ryberg 1949, 89-90.

¹⁹⁷ It is possible that the fasces are present for the purpose of marking the figures as lictors. To modern scholars, lictors are only identifiable by the presence of fasces, and in the simplified depictions of sculptural relief, this might have been the case then too. It does, however, raise the possibility that all lictors carried fasces, regardless of whom they attended.

Lictors do not feature in the literary sources as a significant part of the religious life of Rome, but passing references hint at their presence. Appian describes a lictor placing an upside down garland (στέφανος) on Gaius Cassius Longinus during the civil war following Caesar's assassination, a mistake that serves as a bad omen.¹⁹⁸ Likewise during the civil war, Dio reports that a lictor fell down dead during a sacrificial ritual, another ill omen.¹⁹⁹ Both episodes are being used as omens that undermine the command and legitimacy of the men involved and are historically suspect. The episodes provide literary support to the idea lictors were not unimaginable at religious events. Dio's account might even suggest the possibility of a participatory role for lictors in religious ritual.

To conclude, processions were a quintessentially Republican expression of power and nobility. It is due to their Republican nature that Augustus coopted them for the Imperial family and modified their nature in support of his own rule.²⁰⁰ The *funus publicum* grew in popularity under Augustus and Tiberius, but then decreased in importance. Likewise triumphs were no longer granted to those outside the Imperial family. Gone was the associated prestige that might drive a hopeful magistrate to remain outside Rome for years on end. The procession is a useful way of examining what lictors meant. With the decline of such public processions and access to nobility through high office, on which the Imperial family now had a monopoly, lictors too diminished in prominence.

1.6 Lictors Beyond Rome's College of Senior Magistrates

The close association between lictors, *imperium*, and the senior magistrates is most prominent in the literary sources and therefore occupies the majority of the discussion in

¹⁹⁸ App. *B Civ.* 4.17.134: Κασσίω τε γὰρ τὸν στρατὸν καθαίροντι ὁ ῥαβδοῦχος ἀνεστραμμένον τὸν στέφανον ἐπέθηκε· (“For the lictor placed an upside down garland on Cassius, while purifying his army”).

¹⁹⁹ Dio. 45.17: ἄλλως τε καὶ ἐπειδὴ τοῦ Οὐιβίου τὰ ἐσιτήρια τῆ νομηγία θύοντος ῥαβδοῦχος τις αὐτοῦ ἔπεσεν ἐξαίφνης καὶ ἀπέθανεν. (“...one of his lictors suddenly fell and died”).

²⁰⁰ Flower 2014, 278-80.

this thesis.²⁰¹ Once separated from their fasces-carrying capacity, however, lictors performed other related roles in less prominent circumstances. These form a varied miscellany; for instance lictors were allotted to particular irregular offices during the Imperial period: the person in charge of the city waterworks was granted two lictors while outside the city, but none while within the city boundaries.²⁰² Similarly, during the construction of a roadway, ex-praetors were assigned to oversee the project and were allotted two lictors each while doing so.²⁰³ There is also, according to Dio, a rule that any public office that has been appointed by a dictator is then entitled to use the insignia of the dictatorship, including lictors, curule chair, and bordered toga.²⁰⁴

The allotment of two lictors to a public official is mentioned frequently and seems to have been a standard way of providing authority and prestige to that role. During the debate about what to do with the exiled Egyptian king, Ptolemy XII, one suggestion was that Gnaeus Pompey, accompanied by two lictors, escort him back to Egypt.²⁰⁵ It is not clear what official role, if any Pompey would have held, whether a senatorial legate or simply a royal escort in need of some display of authority. When the senate sent envoys to Augustus to discuss issues relating to the consulship of that year, the envoys were sent with two lictors each.²⁰⁶ When Augustus established the separate military treasury, he appointed ex-praetors to oversee it and granted them two lictors each. By the time of Dio's writing in the early third century CE, these military treasurers were no longer

²⁰¹ The junior magistrates, specifically the quaestor and censor, are cited as having neither lictors nor messengers: Gell. 13.12; Dio in Zonar. 7.19 for the censors; Plut. *Quaest. Rom.* 81: also plebeian tribunes were not given lictors.

²⁰² Cic. *Leg.* 2.61.11; Frontin. *Aq.* 100.1.6, 100.3.1

²⁰³ Dio. 54.8.4. Rich 1990, 182-83: the *curatores viarum* and the *curatores aquarum* were both instituted under Augustus to help deal with the ongoing issues of maintaining infrastructure. Rich believes that the grant of lictors to both is the same entitlement.

²⁰⁴ Dio. 43.48.2

²⁰⁵ Dio. 39.16.2; Plut. *Pomp.* 49.6; Dio. 39.12-17. This is referred to again in chapter 76.5.

²⁰⁶ Dio. 54.10.2 ...πρέσβεις πρὸς τὸν Αὐγουστον, μετὰ δύο ῥαβδούχων ἕκαστον, ἔπεμψαν ("they sent ambassadors, with two lictors each, to Augustus"). Rich 1990 *ad loc* suggests an association of ambassadors having two lictors.

granted lictors.²⁰⁷ Street commissioners (στενωπάρχος) were given two lictors each after some buildings caught fire in 7 BCE.²⁰⁸ During a grain shortage, former consuls were appointed grain commissioners and were given the use of lictors.²⁰⁹ Former praetors with the use of lictors were selected for a board to collect debts owed to the government.²¹⁰ The Compitalian Games were organized by the heads of the districts of Rome (*magistri vicorum*), who were accompanied by lictors.²¹¹

On the significance of two lictors, Lucius Antonius (cos 41) and Octavian meet with only two lictors each, in an apparent sign of good will.²¹² The encounter happens in 41 when Lucius and Fulvia, the wife of L. Antonius' brother, Marcus Antonius, were attempting to gain control of Italy in what would become known as the Perusine War.²¹³ As consul, L. Antonius would have had twelve lictors, and as triumvir, Octavian would likely have had the same.²¹⁴ The gesture of approaching with only two lictors from their full complements is seen as one of goodwill (εὔνοια). A retinue of two lictors might signify the dignity of their position, but would be somewhat more humble than the full procession of twelve, with all its regal associations.

²⁰⁷ Dio. 55.25.2-3. Cassius' work covers up to 229 CE.

²⁰⁸ Dio. 55.8.7.

²⁰⁹ Dio. 55.31.4: ... δύο αἰθις ἐκ τῶν ὑπατευκότων ἐπιμελητὰς τοῦ σίτου σὺν ῥαβδούχοις ἀπέδειξε (“moreover he appointed two curators of the grain from those having been consuls”). This likewise seems to have been an Augustan appointment.

²¹⁰ Dio. 60.10.4: καὶ τρεῖς ἄνδρας τῶν ἐστρατηγηκότων πράκτορας τῶν τῷ δημοσίῳ ὀφειλομένων κατέστησε, καὶ ῥαβδούχους καὶ τὴν ἄλλην ὑπηρεσίαν αὐτοῖς δούς (“and he established three men from the praetors/generals as tax-collectors from those being debtors to the people, having given to them lictors and the other attendant”).

²¹¹ Nippel 1995, 72-3.

²¹² App. *B Civ.* 5.5.41.

²¹³ Reinhold 1933, 180.

²¹⁴ Millar 1973, 51: the triumvirs had consular *imperium* lasting for periods of five years at a time and the triumvirs themselves were responsible for appointing the city magistrates annually.

Legates abroad received lictors, although the allocation of lictors outside of the *pomerium* was considerably less regulated and fell mainly upon the discretion of the magistrate with *imperium*.²¹⁵ Late in the Republic, the fasces were distributed somewhat indiscriminately. While in the provinces, Senators were accompanied by lictors as a point of personal dignity. This seems to have been an unofficial but customary courtesy that was granted by the local magistrate with *imperium*.²¹⁶ While done at the discretion of the presiding magistrate, Cicero himself was aware of the tradition, had been the beneficiary of the practice, and elsewhere knew that it had been done by great men (*a summis viris*).²¹⁷ These were merely prestige objects and lacked the weight of the fasces granted with *imperium*.²¹⁸

Lictors of Rome's senior magistrates operated differently beyond the *pomerium*, where their magistrates had more power and more discretion. During the Republic up until the changes to the consulship of the first century, consuls and praetors abroad served primarily as military commanders, and as such they had broad authority to enforce military discipline and to administer their *provincia* as they desired. These duties shifted to the promagistrates in the first century. In theory magistrates were bound by public law, but in reality, unruly magistrates could be quite difficult to control. Their role in coercion in the military context is more marked and they might take a more active role in

²¹⁵ During his time as legate in Asia, Verres has the use of a lictor, named Cornelius, who dies during his plots at Lampsacus. Cic. *Fam.* 12.30.7; it also unclear how many lictors were granted to legates.

²¹⁶ Cic. *Fam.* 12.21.1.7; legates and other dignitaries might be accorded similar grants of lictors while abroad: Cic. *Fam.* 12.30.7.3.

²¹⁷ Cic. *Fam.* 12.21: *dignitatem eius tibi commendo idque a te peto quod ipse in provincia facere sum solitus non rogatus, ut omnibus senatoribus lictores darem; quod idem acceperam et id cognoveram a summis viris factitatum*. ("I would ask you to look after his personal dignity, and to do for him what I myself used to do for all Senators in my province without being asked: I granted them lictors, having received the same privilege myself and knowing it had been commonly done by persons of the highest eminence. Translation D.R. Shackleton Bailey, 2001). The friend for whom Cicero is requesting lictors is a *negotiorum suorum causa legatus est in Africam legatione libera* ("Free Commissionership to Africa for purposes of private business"). Cic. *Fam.* 12.30: *quod scribis, quo illi animo aequiore ferrent, te tuis etiam legatis lictores ademisse* ("you say that to spare these people's feelings you have also withdrawn lictors from your own Legates." Translation D.R. Shackleton Bailey, 2001).

²¹⁸ Staveley 1963, 469-70.

administration than they had the ability to in Rome, where there were considerably more offices. Lictors were lent out more freely to persons of distinction in a mark of respect.

Under Rome's control and outside of its *pomerium* were, of course, many smaller cities and towns with their own local systems of governance. There is evidence that these cities and towns imitated or borrowed the apparitorial system from Rome. In the case of Ostia and Puteoli, cities with very similar social structures to Rome, the entire apparitorial system was copied, meaning that there were local lictors for the local magistrates.²¹⁹ The appearance of lictors in Apuleius' *Metamorphoses* seems to attest the imitation of the apparitorial system of Rome in the smaller towns of the empire. Millar suggests that Apuleius' portrait of quotidian rural life is based on the reality of the High Empire in which he was writing.²²⁰ For example, a *magistratus quinquennalis* of Corinth, the capital of Achaëa, wanted to put on games to respond to the dignity of having attained the fasces, an apparent recognition of the significance of having gained high office and honour that is demonstrated at Rome.²²¹

Unfortunately there is little detail about these local *apparitores*. Justice and much of the governance during the Imperial period were decided at a local level.²²² While the specific competencies of the local magistrates would surely have differed from those at Rome, as far as lictors are concerned, their roles seem likely to have closely followed the direction of their magistrates, just as did the lictors for the consuls and praetors *militiae*. In pursuing charges of murder, magistrates and their attendants (*magistratus eorumque ministri*) burst into the abode of the accused and two lictors arrest and drag him away.²²³

²¹⁹ Purcell 1983, 163.

²²⁰ Millar 1981, 66: "...Apuleius clothes his sequence of fantastic episodes in a mass of vivid, concrete and realistic detail, on physical objects, houses, social structure, economic relations, the political framework of the local communities, and the wider political framework of the Empire."

²²¹ Apul. *Met.* 10.18: *...ut splendori capessendorum responderet fascium...*

²²² Millar 1981, 71.

²²³ Apul. *Met.* 3.2: *...statimque lictores duo de iussu magistratum immissa manu trahere me sane non retinentem occipiunt.*

These same lictors later follow the directions of the magistrate during the proceedings of the ensuing trial.²²⁴ In a separate episode, a magistrate was enlisted by a soldier to search the house of a gardener, who was resisting requisition efforts. The magistrate ordered his lictors and other attendants to make the search.²²⁵ All three examples follow the known regular duties for the lictors of the magistrates of Rome.²²⁶ Apuleius describes the lictors as following the direct commands of the magistrate, as would the regular lictors.

To conclude, lictors performed a varied and vital role in the administration of Rome. In a sense, the lictors and fasces were the office. For a magistrate who exercised power through external acceptance of his position, which was demonstrated and reaffirmed through public display rather than a state monopoly on violence backing his authority, the magistrate in a very real way was nothing without the lictors of his office. Lictors accompanied the magistrates every day that they held *imperium*. Lictors performed nearly every duty required of magistrates; lictors constituted the magisterial processions of everyday business, of military departures and returns, of triumphs, and even of funerals. Lictors performed the action behind magisterial summonses, arrests, sentencing, punishments, and executions. They lent the authority of the state to legates and municipal magistrates and lent dignity to the priests of Rome. Despite reduced literary attention to lictors, epigraphic evidence attests their enduring value as projections of authority and prestige well into the Imperial period.

²²⁴ Apul. *Met.* 3.9: ...*lictores iussu magistratum*... (“the lictors by the command of the magistrate”).

²²⁵ Apul. *Met.* 9.41: “*Immissis itaque lictoribus ceterisque publicis ministeriis*...”

²²⁶ Summers (1970, 521) takes the principals of an incident involving a magistrate who orders his attendants to turn out the stall of a fishmonger charging high prices, as being a local aedile with lictors. Apul. *Met.* 1.24: *Nam et lixas et virgas et habitum prorsus magistratui congruentem in te video*. (“For I see on you the hangers-on and rods and the suitable style of a magistrate.”) The attendant that later enforces *coercitio* (1.25) is referred to as an *officialis*. Summers takes the magistrate’s regulation of the marketplace as evidence that he should be understood as a local aedile of the period. The *virgae* are highly suggestive of the presence of lictors. If Summers is correct, this would suggest that the local magistrates allocated lictors differently than at Rome.

Chapter 2

2 The Use of Lictors in the Literary Sources

A large majority of the references to lictors in the literary sources come either from authors writing during the Republican period or from later authors writing about the Republican period. The early Roman historians were highly influential among later writers and were often used as sources in turn, which likely had the effect of perpetuating certain ideas about the Republic. Livy and Cicero are our major sources for lictors, and this seems due at least partially to the fact that they comprise such a large portion of the extant Latin corpus. Furthermore, although Imperial authors had access to a number of other sources, Livy and Cicero were important sources themselves and their portrayal of lictors is unlikely to have departed significantly from societal attitudes of the era. Livy's and Cicero's use of lictors in their writing likely had a significant effect on how later writers viewed and understood their own Republican past, which became somewhat mythologized during the Imperial period. Lictors seem to have been closely associated with Republican power structures in a way that simply did not transfer on to the Imperial period. As discussed in Chapter One, the senior magistracies were much diminished in comparison to the emperor and lictors simply did not carry the symbolic display of power that they had once held under the Republic. This chapter aims to look at the literary uses of lictors, and will focus predominantly on the works of Livy and Cicero as the influential sources.

2.1 The Etruscan and Regal Origins of Lictors

There are no narratives that primarily concern lictors among the extant sources. Lictors most often appear to us in a descriptive way. For example, sources will mention that lictors are present at an event or that the magistrate is accompanied by lictors while doing something. They essentially add to the scenery, without existing as characters in their own right. Most often their presence in a narrative serves one of two purposes: lictors are essentially prestige objects that lend authority or majesty to a character or situation; or

lictors are there to inspire a sense of terrible power, which is often being abused. This dichotomy stems from the understanding that lictors were an inheritance from the regal period. Kings were widely reviled at Rome and during the Republican period, leading Romans needed to avoid the appearance of being a king. On the other hand, the aristocratic elite were desirous of power and acclaim, and walked a fine line between achieving glory and becoming despotic. Lictors existed on both sides of this divide. They could represent the raw power of the kings and their absolute power, but once mediated through a grant by the people, lictors represented legitimate power within the societally acceptable limits of the Republican constitution.²²⁷

In antiquity, Roman authors believed lictors to be an inheritance from ancient Etruscan society. The first descriptions of lictors come as the historical narratives emerge out of myth into a semi-historical period.²²⁸ According to Livy, Romulus was the first to adopt twelve lictors in the hope that doing so would make him more august.²²⁹ This comes at the moment when Romulus was beginning to set down the laws for the first time to establish a community and he believed that certain insignia of office would be necessary to maintain the rule of law. Livy supports the idea that the twelve lictors with fasces came from the Etruscans, whose twelve cities contributed a lictor each to the common king.²³⁰ Strabo provides a similar origin for lictors, creating a lineage from Lucius Tarquinius Priscus all the way back to Hercules and Omphale, thereby linking the foundation myth of Rome to the Panhellenic historical myth.²³¹ The Tarquinii, the Etruscan family from

²²⁷ Beck 2011, 95 “The gain of prestige [which included aspects of *dignitas*, *honor*, *gloria*, *fama*] was inextricably linked to *imperium*, which opened the gates to social distinction.”

²²⁸ For issues of historicity regarding the Etruscan origin of lictors, see Drews 1972.

²²⁹ Liv. 1.8: : ...*iura dedit; quae ita sancta generi hominum agresti fore ratus si se ipse venerabilem insignibus imperii fecisset cum cetero habitu se augustiorem, tum maxime lictoribus duodecim sumptis fecit.* (“...he gave them laws, which thus he thought he would be sacred to a rustic type of people if he made himself venerable with the insignia of office, he made himself more august in appearance, and especially with twelve lictors having been taken up”).

²³⁰ Liv. 1.8.

²³¹ See Gehrke 2001 for a discussion of how communities build ‘intentional history’ from the larger panhellenic mytho-historical traditions.

which Tarquinius Priscus descends, are, in Strabo's account, responsible for bringing lictors and fasces to Rome when Tarquinius becomes king of Rome.²³² Dionysius of Halicarnassus presents the Etruscan origin via King Tarquinius in a similar manner to that of Strabo, but also acknowledges the existence of the story of Romulus introducing the custom, noting that Romulus might have adopted the lictors from the Etruscans.²³³ Further, Dionysius does not question the Etruscan origin of lictors.²³⁴ In fact, Dionysius' version of history has the twelve conquered Etruscan cities presenting the insignia of royalty to Tarquinius Priscus.²³⁵ But in Dionysius' rendering of their origin, Tarquinius is hesitant to assume such symbols, foreshadowing the primacy of the People during the Republic that is to come: "but having given to the senate and to the people the power to decide if such things should be taken, when it was by all those being in favour, he then hospitably received them for all time from that moment..."²³⁶ This passage clearly echoes the attitude towards magistrates and their insignia of the late Republic, in which Dionysius was writing. It emphasizes the regal nature of lictors and magisterial insignia; they are the accoutrements of Etruscan kings that are being presented to a Roman king. In theory they represent the hegemonic power (ἡγεμονία) of hereditary kings. Although Dionysius' presentation of a king submitting such power to the senate and people for

²³² Strab. 5.2.2: λέγεται δὲ καὶ ὁ θριαμβικὸς κόσμος καὶ ὑπατικὸς καὶ ἀπλῶς ὁ τῶν ἀρχόντων ἐκ Ταρκυνίων δεῦρο μετενεχθῆναι καὶ ῥάβδοι καὶ πελέκεις... ("And they say that the triumphal and consular adornment and that of the rulers was brought over here from the Tarquinius, also the rods and axes...").

²³³ Dion. *Ant. Rom.* 3.61

²³⁴ Dion. *Ant. Rom.* 3.60-62; especially 3.61: ὡς δὲ τινες ἱστοροῦσι, καὶ τοὺς δώδεκα πελέκεις ἐκόμισαν αὐτῷ λαβόντες ἐξ ἑκάστης πόλεως ἓνα. Τυρρηρικὸν γὰρ εἶναι ἔθος δοκεῖ ἑκάστου τῶν κατὰ πόλιν βασιλέων ἓνα προηγείσθαι ῥαβδοφόρον ἅμα τῇ δέσμῃ τῶν ῥάβδων πέλεκυν φέροντα· εἰ δὲ κοινή γίνοιτο τῶν δώδεκα πόλεων στρατεία, τοὺς δώδεκα πελέκεις ἐνὶ παραδίδοσθαι τῷ λαβόντι τὴν αὐτοκράτορα ἀρχήν ("And as some relate, they also provided the twelve axes to him, having taken one from each city. For it seems to be a Tyrrhennian custom for each of the cities' kings to be led by one lictor together with a bundle of rods bearing an axe; and if a common expedition of the twelve cities should happen, the twelve axes would be handed over to the one assuming absolute rule"). Note that Roman authors prefer to refer to the Tyrrhenians as 'Etruscans', in contrast to the Greek authors writing about Rome (Strab. 5.2.2).

²³⁵ Dion. *Ant. Rom.* 3.61: τὰ σύμβολα τῆς ἡγεμονίας, οἷς ἐκόσμουσαν αὐτοὶ τοὺς σφετέρους βασιλεῖς ("the symbols of hegemony, with which they adorned their own king").

²³⁶ Dion. *Ant. Rom.* 3.61: ἀλλ' ἀποδοὺς τῇ τε βουλῇ καὶ τῷ δήμῳ τὴν διάγνωσιν εἰ ληπτέον αὐτάς, ἐπειδὴ πᾶσι βουλομένοις ἦν, τότε προσεδέξατο καὶ πάντα τὸν ἐξ ἐκείνου χρόνον...

ratification is surely anachronistic, it relates contemporary norms about the source of magisterial power. Cicero expresses a similar sentiment, conjuring imagery of kings and tyrants, and of lictors who were not conferred by the people but were the insignia of the kings' power (*insignia potestatis*): "All these things are of this sort, Romans, that he who would have them without your vote, would seem to be either an unbearable king or an insane private citizen."²³⁷ Cicero is, of course, attempting to drive home a political point and to persuade his audience, but in doing so he was also voicing sentiments that likely were widely held.

This close association between lictors and regal power also represents the discomfort that Romans felt about the proximity to kingship that was so closely associated with the highest offices. Another reason that lictors might not have retained their prominence under the Empire is that Rome had essentially reverted to a monarchy. The repudiation of regal tyranny found in Livy would be awkward to navigate when the Republic had reverted to that early state. Lictors were very explicitly conferred by the People, as was *imperium*. Obviously this ceased to be the case with the return of the Empire.

The story of the Horatii and Rome's legendary third king, Tullus Hostilius, is the first that features lictors as part of a narrative. The Roman historians were preoccupied with establishing aetiologies, which certainly plays a role in shaping Livy's narrative; the story of the Horatii is the first example of the *duumviri perduellionis* and of *provocatio ad populum*, which has been discussed in Chapter One.²³⁸ In addition to explaining these elements of legal process, Livy is also working to establish the role of lictors. Solodow argues that the story about Horatius' victory in battle and the killing of his sister are meant to function in parallel as two expressions of patriotism; likewise King Tullus Hostilius is functioning on a parallel divide between his personal desire to be liked by the people on the one hand, and his role as the patriotic king and dispenser of justice on the

²³⁷ Cic. *Leg. agr.* 2.32.13: *Omnia sunt haec huius modi, Quirites, ut, ea qui habeat sine vestris suffragiis, aut rex non ferendus aut privatus furiosus esse videatur.*

²³⁸ Solodow 1979, 261-64. See Chapter One, pp. 21-23 for *provocatio*.

other.²³⁹ Hostilius is unable to deal with the conflict, so he hands off the responsibility to the *duumviri*. When the *duumviri* pass the sentence, it is they who give the order to the lictor; the state apparatus of law and justice is put in the hands of magistrates, who prove more able to carry out the law than the compromised, if well-intentioned, king.²⁴⁰ The lictors are instrumental in demonstrating this. Hostilius does not employ his lictors in this context, because he is compromised and cannot effectively be impartial. If there is a crime to be punished, as Livy suggests, then justice must be seen to and the lictors are part of the apparatus that sees to this. Ultimately this episode is not explicitly tyrannical in nature, but it does express concerns about the desires of a king with absolute power who is unable to do his duty.

2.2 Lictors in the Early Republic

After lictors had been firmly established in the founding myths of Rome, dating back to the earliest mythical ancestors and to the semi-historical Regal period, the role of the fasces and consular insignia is further refined during the early Republican period, which is light on facts and heavy on mythologized *exempla*. These narratives express Republican values of sovereign assemblies and a healthy suspicion of anything resembling monarchy.

A particularly negative *exemplum* comes only sixty years after the abolition of the monarchy and the establishment of the Republic, when Rome was attempting to codify its laws on the model of democratic Athens. Rome suspended regular rule, and instituted a

²³⁹ Solodow 1979, 254-56.

²⁴⁰ Livy seems to make a complicated legal formulation that leaves the *duumviri* with no other choice but to convict and pass sentence. The choice is clear then about what must be done; the king simply cannot bring himself to do it. Liv. 1.26: When the *duumvir* gives the order, he uses the formulaic language that would come to be characteristic of magistrates passing a sentence: *cum condemnassent, tum alter ex iis* “P. Horati, tibi perduellionem iudico,” inquit; “i, lictor, colliga manus.” (“when they had condemned him, then one of them said, ‘I judge you guilty of treason. Go, lictor, bind his hands’”).

body of ten men with broad authority, known as the decemvirs, to rule during the process of creating what would become the Twelve Tables of Roman law. The defining moment of the narrative comes in 450/49 when a decemvir of Rome, Appius Claudius, becomes infatuated with a young and virtuous woman of plebeian status. When she rejects his advances, he contrives a plan to take her against her will. Appius plans to have his associate (*cliens*) claim that she is not a freeborn woman, but his runaway slave. Appius' henchman brings his claim against Verginia to trial, where Appius himself is sitting as judge. When Appius announces against Verginia, her father stabs her in the heart to avoid her being defiled and the plebeians rise up against the rule of the decemvirs.²⁴¹

Appius' tyranny is the culminating event in a longer narrative about the descent into tyranny of the decemvirs.²⁴² Initially, the decemvirs were acting appropriately, setting down the laws as they had been appointed to do and respecting appeals from one another, even though the right of appeal had been suspended.²⁴³ The decemvirs dispensed justice equally and even obeyed the system of the turn, with only one of the ten having twelve lictors and fasces at a time, and the others having only an *accensus*.²⁴⁴ The decline from benevolence to tyranny is accompanied by a change in the use of lictors. Early in the decline, a new board of decemvirs that was much more aligned with Appius' tyrannical designs was elected. The right of appeal, which has close associations with lictors, was suspended in practice as well as in law and the new decemvirs took office with a marked change in how they employed their lictors.²⁴⁵ Livy writes,

²⁴¹ Liv. 3.44-58

²⁴² Livy (3.44) makes an explicit parallel between Verginia and Lucretia's role in the fall of the kings.

²⁴³ Liv. 3.33: *Placet creari decemviros sine provocatione* ("It was approved that decemvirs be created without appeal.")

²⁴⁴ Liv. 3.33: *Decimo die ius populo singuli reddebant. Eo die penes praefectum iuris fasces duodecim erant: collegis novem singuli accensi apparebant.* ("On the tenth day each decemvir returned the law to the people. On that day the twelve fasces were in the custody of the one in charge of the law: single *accensi* attended his nine colleagues.")

²⁴⁵ As the agents of magisterial coercion, *provocatio* provided protection from the lictors. This is clearly demonstrated on the coin of Publius Porcius Laeca (Grueber 1970, 301, nos. 649-650; Crawford *RRC* 301/1), which portrays a scene of *provocatio* with a lictor flogging a man.

“For whereas previous decemvirs had safeguarded that one only held the fasces and this insignia of royalty in circulation, the alternation of which went through everyone, suddenly everyone went forth with twelve apiece. One hundred and twenty lictors filled the Forum and they were carrying axes bound up with the fasces; they explained that they declined to have the axes removed, since their position had been created without the right of appeal. The appearance was of ten kings and the fear having been multiplied not only for the lowest but also for the foremost of the patricians, who judged that a reason and beginning of violence was sought, that if anyone either in the senate or among the people had made a reminiscence of liberty, immediately the rods and axes would be readied if only for the fear of the others.”²⁴⁶

The decemvirs’ abuses continued from there in a crescendo of tyranny, culminating with the attack on Verginia.²⁴⁷

Only eight years before the decemvir’s descent into tyranny, Livy provides an *exemplum* of the ideal relationship to power. The *exemplum* is that of Lucius Quinctius Cincinnatus, who was appointed to the dictatorship in 458. Cincinnatus was a simple farmer on a small plot of land (*quattuor iugerum colebat agrum*) who was elevated to the role after the consuls failed to deal with the threat of invasion. Livy’s version has Cincinnatus being sought initially by legates (*ab legatis*), and later he is escorted as dictator to his home by

²⁴⁶ Liv. 3.36: *Nam cum ita priores decemviri servassent ut unus fasces haberet et hoc insigne regium in orbem, suam cuiusque vicem, per omnes iret, subito omnes cum duodenis fascibus prodire. Centum viginti lictores forum impleverant et cum fascibus seures inligatas praeferebant; nec attinuisse demi securem, cum sine provocatione creati essent, interpretabantur. Decem regum species erat multiplicatusque terror non infimis solum sed primoribus patrum, ratis caedis causam ac principium quaeri, ut si quis memorem libertatis vocem aut in senatu aut in populo misisset statim virgae seuresque etiam ad ceterorum metum expedirentur.*

²⁴⁷ Liv. 3.37: *et iam ne tergo quidem abstinebatur; uirgis caedi, alii securi subici;* (“And now indeed they did not hold back from their backs; some were struck with rods, others were subjected to the axe;”) and Liv. 3.38 *Nullis subrogatis magistratibus privati pro decemviris neque animis ad imperium inhibendum imminutis neque ad speciem honoris insignibus prodeunt. id vero regnum haud dubie videri.* (“With no magistrates having been chosen, private citizens in place of decemvirs proceeded neither with diminished spirits of restrained command nor with insignia for the display of their office. But it undoubtedly seemed like royalty.”)

lictors.²⁴⁸ Once dictator, he immediately employs his supreme authority to counter the foreign threat; for example, he “declares a cessation of the courts, orders the shops in the entire city to be closed,” and raises a levy of all men of military age.²⁴⁹ The use of his authority has broad similarities to that of the decemvirs; both exercised their power over the courts and over the people they governed. Cincinnatus, however, could almost be a perfect foil to Appius, who drew out his one-year term as decemvir to more than two years and became irredeemably corrupt in the process. Instead of illegally hanging on to power, Cincinnatus brings about the deliverance of the city in an astonishingly short time and immediately abdicates the dictatorship to return to his life as a farmer.²⁵⁰ Other contemporary (Seneca the Elder) and later authors (Persius, Florus) emphasize the contrast between the splendor of the lictors with fasces and the lowly plow, in all likelihood for the literary contrast, but also because it so clearly represents the ideal use of power on behalf of the Republic, where power is quickly relinquished once the task has been completed.²⁵¹ This demonstrates that particularly Roman discomfort with kingly ornament, which Cincinnatus is upheld as rightly eschewing. The *exemplum* also helps to

²⁴⁸ Liv. 3.26: *Ea frequentia stipatus antecedentibus lictoribus deductus est domum* (“Surrounded by this crowd, he was led home with lictors preceding”).

²⁴⁹ Liv. 3.27: *iustitium edicit, claudi tabernas tota urbe iubet*; and the levy: *Tum, quicumque aetate militari essent, armati ... Martio in campo adessent*; (“Then, anyone who was of military age went armed to the Campus Martius”).

²⁵⁰ Liv. 3.29: *Quinctius sexto decimo die dictatura in sex menses accepta se abdicavit* (“On the sixteenth day, Quinctius abdicated himself from the dictatorship, which had been taken for six months”). Flor. 1.5: *Intra quindecim dies coeptum peractumque bellum, prorsus ut festinasse dictator ad relictum opus videretur* (“The war was begun and concluded within fifteen days, it seemed that the dictator was hurrying right back to the remaining work...”). See also the description at Dion. *Ant. Rom.* 10.24.2.

²⁵¹ Sen. *Controv.* 2.1.8: *...ceteros patres nostros, quos apud aratra ipsa mirantes decora sua circumsteterunt lictores* (“our other ancestors, whom at the plough, marveling at their dignity, the lictors surrounded”). Pers. 1.75: *...sulcoque terens dentalia, Quinti, cum trepida ante boves dictatorem induit uxor et tua aratra domum lictor tulit* (“...grinding away the plough in the furrow, Quinctius, when your anxious wife dresses you as a dictator before the oxen and the lictor carries your plow home”). Flor. 1.5: *medium erat tempus forte sementis, cum patricium virum innixum aratro suo lictor in ipso opere deprehendit* (“By chance the time was in the middle of sowing, when the lictor took away that noble man leaning on his plough in the duty itself”).

define early roles for the dictatorship; for much of the Republic, dictators held to his ideal through brief and unremarkable terms.²⁵²

Livy also provides less dramatic instances of lictors being used to express societal norms during the Republic. There are several incidents where elite father-son interactions play out almost as *exempla*. At conflict are the normal familial obligations, where the *pater familias* is the head of household with the power of life and death over his descendants and to whom all living sons must show deference. This is complicated when the duties external to the family cause a conflict between normal social rules. The incident of the Fabii is recounted repeatedly.²⁵³ In 213, the elder Quintus Fabius Maximus Cunctator, highly regarded and a five-time consul himself, is approaching his son, a current consul who is also called Quintus Fabius Maximus. As the Fabii approach one another, the elder Fabius has to dismount to show deference to his son, the present consul.²⁵⁴

The details of the story vary between authors. The relative rank of the Fabii matters. The son is universally identified as a consul. Plutarch provides no indication of the father's current rank. Livy and Valerius Maximus make the father a legate (*legatus*), while Quadrigarius makes him a proconsul (*pater proconsul*).²⁵⁵ The accounts also differ in the motivations of the father. Livy mentions only that the father did not dismount as the lictors went past; when the proximate lictor ordered the father to dismount, he did so immediately and said, "I wanted to sufficiently test that you know that you are consul."²⁵⁶

²⁵² Lintott 1999, 110.

²⁵³ Liv. 24.44; Val. Max. 2.2.4; Gell. 2.2; Plut. *Fab.* 24; Plut. *Apophthegmata Romana* 196.7.

²⁵⁴ It was customary for an inferior magistrate to show deference to a superior magistrate. While in the provinces, a consul and proconsul would have held *par potestas*, meaning that a proconsul might reasonably not believe it necessary to show deference to a consul. For a discussion about the protocol for approaching magistrates, see Chapter One.

²⁵⁵ Liv. 24.44: *Pater filio legatus ad Suessulam in castra venit* ("The father came as legate to his son at Suessula in the camp"). Val. Max. 2.2.4: *Idem a senatu legatus ad filium consulem Suessam missus* ("The same having been sent by the senate as legate to his son the consul at Suessula"). Gell. 2.2.

²⁵⁶ Liv. 24.44: "*Experiri*" inquit "volui, fili, satin' scires consulem te esse." Valerius Maximus and Plutarch relate a nearly identical story.

Quadrigarius again differs slightly, making the father not want to dismount because he was the father in the situation. Furthermore Quadrigarius does not frame the reluctance to show deference as a test, although the father does congratulate his son on retaining his command.²⁵⁷ Livy's version presents a clear difference in rank between father and son, and the framing of the challenge as a test of the son makes the episode much more explicit in its praise of civic authority over familial respect. Quadrigarius makes the two very close in rank and renders the episode much less explicitly about the civic-familial distinction.

Common to all accounts is the presence of lictors mediating the scene, which strongly suggests that the lictors form an essential part of the narrative; even Plutarch's brief description, conveyed in a single Greek sentence, does not forego the role of the lictor.²⁵⁸ The presence of the lictors in the scene is an easy way to visually remind the reader of the rank of the two men involved.²⁵⁹ But the presence of lictors also seems to be used to emphasize that it is the role of the state official that is part of the discussion here. This is especially important in Quadrigarius' version, where the personality of the father is in play and the role of relative rank is less pronounced. Lictors, who are physical representatives of *imperium*, draw the focus to matters relating to command, and away from the personal dynamic between father and son.

This is borne out in the wider context in which Gellius presents the historical anecdote from Quadrigarius. Gellius describes a private meeting between a philosopher, a Roman governor (*praeses Cretae provinciae*), and his son. While they are waiting for more

²⁵⁷ Gell. 2.2: *neque descendere voluit, quod pater erat* ("and he did not want to dismount, because he was his father"); *Fabius imperio paret et filium collaudavit, cum imperium, quod populi esset, retineret* ("Fabius submitted to the command and praised his son, since he had retained his *imperium*, which was from the people").

²⁵⁸ Plut. *Apophthegmata Romana*, 196.7.

²⁵⁹ Livy has the old man proceed on horseback in front of eleven fasces (*praeter undecim fasces equo praevectus senex*).

chairs to arrive, they have a philosophical debate about whether it is better for the father to take precedence over the son, or the magistrate over the father.²⁶⁰ They conclude that

In publicis locis atque muneribus atque actionibus patrum iura, cum filiorum qui in magistratu sunt potestatibus collata, interquiescere paululum et conivere; sed cum extra rempublicam in domestica re atque vita sedeatur, ambuletur, in convivio quoque familiari discumbatur, tum inter filium magistratum et patrem privatum publicos honores cessare, naturales et genuinos exoriri.

“In public places, as regards duties and actions, the rights of the fathers rest a very little bit and are overlooked, since those of the sons are gathered in the powers of the magistrate; but when, outside the public sphere, he is seated in domestic matters and life, he walks, or he is also reclined in a dinner party of friends, then the public duties cease between the son who is a magistrate and the father who is a private citizen, and those duties that are natural and innate arise.”²⁶¹

The lictors are a way to signal what is most important in this instance and symbolize the prestige of office before which even a father must dismount.²⁶²

2.3 Cicero’s Invective in the Late Republic

The stories of the early centuries of Rome helped to define norms for magistrates and the acceptable use of power, which is often expressed through the presence and actions of

²⁶⁰ Gell. 2.2: “...tene potius sedere, qui pater es, an filium, qui magistratus est.”

²⁶¹ Plut. *Fab.* 24 provides a further anecdote of the Fabii’s ancestors having a father follow behind his son in a triumph; Val. Max. 2.2.4 then goes on to relate the story of the elder Fabius refusing refuge from the crowds in a space between the son and his proximate lictor, discussed in Chapter One, pp. 36-37.

²⁶² The power of the cultural expectation that a son show respect to his father should not be underrated in this instance. Plutarch’s onlookers clearly express their initial dislike of the show of magisterial rank over familial. Plut. *Apophthegmata Romana*. 196.7 οἱ μὲν ἄλλοι διετράπησαν (“...the others looked away perplexed...”); Plut. *Fab.* 24: καὶ τοὺς μὲν ἄλλους ἠνίασε τὸ ἐπίταγμα, καὶ σιωπῇ πρὸς τὸν Φάβιον ὡς ἀνάξια πάσχοντα τῆς δόξης ἀπέβλεψαν (“And the command distressed the others, and in their silence against Fabius that they regarded him as unworthy to hold the reputation”).

lictors. In the late Republic, the well-known norms surrounding magistrates and their lictors could be used to characterize a magistrate and to lend colour to the story. In his prosecution of the governor Verres, for example, Cicero makes use of lictors as key points of evidence primarily in his second *actio*, in books one and five.²⁶³ The *actio secunda* was never delivered and its publication in five books, an extraordinary length for a regular speech, emphasizes its literary quality as something to be read rather than something to be delivered in a law court.²⁶⁴ While Verres is technically on trial for extortion during his time as governor of Sicily, Cicero's prosecution depends on demonstrating that Verres was a bad magistrate, that he "both is bad, and does bad things."²⁶⁵ Cicero's approach to demonstrating that Verres was a bad magistrate was to show that Verres had surpassed the acceptable exercise of magisterial power and crossed over into the realm of the tyrant.

As a magistrate abroad, Verres would have held the near monarchical powers of *imperium militiae*, which were broad and poorly defined. The existence of an official channel for abused provincial subjects to seek redress against the ruling elite seems unusually kind-hearted of the Romans, but the *quaestio de repetundis* seems to have been created to provide "less the protection of the ruled from theft or extortion than the assurance (or at least the appearance) of uncorrupted administration."²⁶⁶ Furthermore, these laws provided a productive outlet for aggrieved subjects; the laws recognized their grievances and focused them on the behaviour of a particular governor, rather than on Roman rule more generally.²⁶⁷ This structure provides context for the prosecution of

²⁶³ Cicero's prosecution of Verres comprises three parts: first the *divinatio*, the preliminary hearing on the case. The second was the *actio prima*, which was made uncharacteristically brief in the interest of preventing his opponents' delaying tactics. Finally, there was what would have been the *actio secunda*, which was never delivered due to Verres' flight, but was published in five books. See Zetzel's 2009 introduction to *Verr.* 2.4.

²⁶⁴ Zetzel 2009, 3-4.

²⁶⁵ Steel 2001, 29.

²⁶⁶ Riggsby 1999, 124.

²⁶⁷ Riggsby 1999, 124-29.

Verres. Cicero's Sicilian clients clearly hated Verres on account of the litany of abuses Cicero would go on to document. This aggressive prosecution of Verres as a tyrant allowed Cicero to give voice to his frustrated clients, thus doing his duty to them, appeasing their anger, and also providing ample reason for the senatorial class to convict him. In this context, therefore, it makes sense to dedicate so much time to building up charges extraneous to that of extortion. By portraying Verres as a tyrant, Cicero demonstrates that Verres acted terribly and Cicero is able to sidestep the question of where the limits of a governor's power lay, which is useful when the limits were not clearly defined and it is not clear that Verres broke a particular law.²⁶⁸ By showing how Verres' actions as governor fit the model of tyrannical behaviour, Cicero established that Verres was beyond the pale and worthy of conviction. Cicero was arguing before a jury of senators, who needed to be persuaded to condemn one of their own. There was an element of self-policing among the senatorial elite and a magistrate who had transgressed the boundaries of propriety threatened stability.²⁶⁹ Throughout the speech, Cicero hints that the court, the *quaestio de repetundis*, could pass out of their control and to the equestrian order.²⁷⁰ The charge of acting like a tyrant, if sufficiently proven, could have made the choice of conviction easy for the senators and would have been an effective rhetorical approach for the prosecution. By making the connection between Verres' rule,

²⁶⁸ Steel 2001, 31.

²⁶⁹ The exemplary punishment in the *quaestio de repetundis* is similar to the role of the censor in regulating senate membership. Nippel 1995, 9: "Like that of *coercitio*, the public effect of censorial punishment depended not on its blanket application to the greatest possible number of violators of public order, but on its exemplary and unpredictable use especially against members of the upper classes."

²⁷⁰ See Berry 2006, 6-12 for a detailed explanation of the politics surrounding the courts during the late Republic. In outline, the first extortion court was established under civil law in 149 with senatorial juries. In 123/2, the court was reformed under criminal law, the penalties were increased in severity, and the juries were changed to consist of *equites*, who could be less generous towards senatorial defendants. In the following years the constitution of the juries became a significant point of contention between the senators and *equites*, with multiple changes back and forth occurring. Finally in 81, Sulla reformed the courts, establishing senatorial juries and the death penalty upon conviction (or 'voluntary' exile for elite defendants). It is under this system that Cicero was trying the case. While the trial was under way, however, a new law, the *lex Aurelia*, was being drafted to abolish the senatorial juries and to replace them with juries that were, in effect, one-third senatorial and two-thirds equestrian. Berry believes that an acquittal could have upset the compromise of the law and resulted in a complete loss of a senatorial presence on the juries.

his office, and his various failings, and by making sure that these could not be written off as simple private indulgences, Cicero builds the case that Verres was a threat to the established order.

The model of the despotic Roman *rex* as an autocratic ruler had long existed in the Roman imagination. With the introduction of Greek tragedy to the Roman audience around the third century, the character of the Greek tyrant of Euripides and Herodotus became a common stock character.²⁷¹ The despotism of the Greek tyrant, which included violent and sexual appetites as the animating feature of his personality, was added to the simple autocracy of the Roman *rex* and came to occupy a prominent role in the political invective of the late Republic.²⁷² The characteristics most closely associated with tyranny were *vis*, *superbia*, *libido*, and *crudelitas*, all of which feature prominently in the prosecution of Verres.²⁷³ Cicero uses lictors, which symbolize Verres' exercise of power, to illustrate how Verres had departed from the norms of acceptable behaviour for a governor and had become a dangerous tyrant.

To avoid a tedious catalogue of transgressions, Cicero employs *exempla*, illustrated in dramatic narrative form, to describe the nature of Verres' crimes.²⁷⁴ Cicero's portrayal of Verres as tyrant is consistent throughout the *actio secunda*, but there are three significant episodes where lictors are an important part of the rhetorical approach. The first comes in the first book, which covers Verres' public life prior to his governorship of Sicily. The other two come from the fifth and final book, which covers the destruction of the fleet under Verres' tenure and Verres' most brutal acts as governor.

²⁷¹ Dunkle 1967, 153-54.

²⁷² Dunkle 1967, 151-61; 153: "A composite description of these would present a ruler who uses force, threatens and sometimes imposes death on his subjects, and demonstrates a propensity for *hybris*, rape and impiety." Cf. Herodotus' succinct description of a tyrant (3.80.5): [τύραννος] νόμαιά τε κινέει πάτρια καὶ βιάται γυναῖκας κτείνει τε ἀκρίτους ("The tyrant meddles in the hereditary laws and ravishes women and kills men without trial").

²⁷³ Dunkle 1967, 151. For a plethora of examples of each vice in *In Verrem*, see Dunkle, page 162, note 21.

²⁷⁴ Vasaly 2002, 31.

For the first *exemplum*, Cicero relates a story from when Verres went to Cilicia and Asia from 80 to 78 as a legate to the proconsul Gnaeus Cornelius Dolabella. Cicero describes how, while there, Verres passed through the town of Lampsacus in the Hellespont in the province of Asia and left his mark of debauchery and disgrace.²⁷⁵ After making inquiries into the women of the town, Verres arranged for one of his companions, Rubrius, to billet with a local man called Philodamus, who had a beautiful, unmarried, and chaste daughter. When Philodamus threw a banquet to welcome his new billet, Verres and Rubrius planned to abduct the daughter. In the attempt, a fight broke out that ended with many injuries and the death of one of Verres' lictors, Cornelius, who had been stationed as if a guard, but in reality to carry out the abduction himself.²⁷⁶ Cicero clearly frames the attempted assault as disgraceful, and the killing of the lictor and subsequent mob violence against Verres as being entirely justified.²⁷⁷ Following the trouble, Philodamus was put on trial for the murder of Cornelius. Even though the trial was heavily biased against Philodamus, the verdict was not immediately pronounced due to the seriousness of Verres' abuse.²⁷⁸ Upon later conviction, Philodamus and his son were executed in the forum, almost certainly by lictors.²⁷⁹

²⁷⁵ Cic. *Verr.* 2.1.62-63: *stuprorum flagitiorumque suarum*.

²⁷⁶ Cic. *Verr.* 2.1.67: *Hic lictor istius Cornelius, qui cum eius servis erat a Rubrio quasi in praesidio ad auferendam mulierem collocatus, occiditur* ("That man's lictor, Cornelius, who was been placed together with his slaves by Rubrius as if a guard in order to carry away the woman").

²⁷⁷ Cic. *Verr.* 2.1.68-72.

²⁷⁸ The biased court and death of a lictor of Rome should have been a quick conviction, but Verres' behaviour gave the court pause. Cic. *Verr.* 2.1.74: According to Cicero, the trial itself was biased due to Verres' omnipresence in its arrangement and conduct: *Verres fortunas agi suas diceret, idem testimonium diceret, idem esset in consilio, idem accusatorem parasset*; ("Verres said that his fortunes were being decided, the same man was giving testimony, the same man was on the council, and the same man had prepared the charge..."). Even in proceedings so heavily weighted in his favour, Verres initially failed to secure his desired outcome: *...tamen tanta vis istius iniuriae, tanta in isto improbitas putabatur, ut de Philodamo "amplius" pronuntiaretur* ("...nevertheless that man's force of injustice was considered to be so great and his depravity so great, that concerning Philodamus, it was decided 'more time'"). Cf. Cic. *Brut.* 22.86 for prolonging a trial: *Cum consules re audita 'amplius' de consili sententia pronuntiavissent*.

²⁷⁹ Cic. *Verr.* 2.1.75: *securi feriantur* ("they were beheaded with an axe").

Cicero's argument is that Verres acted in an appalling way and that Verres' version of events, presumably that there was some kind of uprising rather than the nefarious attempted abduction of a local nobleman's daughter, does not hold up to scrutiny. The presence of Cornelius the lictor is necessary for this rhetorical attack against Verres. First, when Cornelius is central to the abduction plan, it demonstrates that Verres is abusing the power of his office to commit *stuprum*. Cicero describes Philodamus as honourable, the town as obliging and calm towards Roman rule, and the daughter as unmarried and chaste, all of which support the outrage of the crime of *stuprum*.²⁸⁰ The presence of the lictor and his role as the one who would actually kidnap the girl implicates magisterial authority and abuse of that authority in the plot. Cicero makes almost exactly this point himself, writing that Cornelius was 'a lictor in name, but in truth a servant of the most monstrous lust.'²⁸¹ Later, the presence of the lictor is essential to undermining Verres' defence. Cicero argues that if a lictor had been killed, it would have been an injury to Rome and would have been worthy of a major response.²⁸² If the lictor had been killed while acting in an official capacity on behalf of Rome rather than on

²⁸⁰ Cic. *Verr.* 2.1.63: The town of Lampsacus is *officiosus, sedatus, quietus*; 2.1.64: Philodamus excels in birth, high office, wealth, and reputation (*genere, honore, copiis, existimatione*); Philodamus' daughter was exceedingly beautiful, chaste and modest (*virum non haberet, eximia pulchritudine, integritate pudicitiaque*).

²⁸¹ Cic. *Verr.* 2.1.72: *Quod toti Asiae iure occisus videbatur istius ille verbo lictor, re vera minister improbissimae cupiditatis, pertimuit iste ne Philodamus Neronis iudicio liberaretur* ("Because to all Asia that one, a lictor in name but in truth a servant of the most monstrous lust, seemed to have been justly killed, Verres was thoroughly afraid lest Philodamus be freed by the judgement of Nero").

²⁸² Cic. *Verr.* 2.1.79: *Video enim et ex iis quae legi et audivi intellego, in qua civitate non modo legatus populi Romani circumsessus, non modo igni, ferro, manu, copiis oppugnatus, sed aliqua ex parte violatus sit, nisi publice satis factum sit, ei civitati bellum indici atque inferri solere* ("For I see and I understand from that which I have read and have heard, in which city-state a legate of the Roman people was not only surrounded, not only was attacked with fire, with iron, by hand and by mobs, but if he was insulted from any other part, if it is not sufficiently done in public, then it is customary that war be declared and carried out against that state"). Cf. Cic. *Verr.* 2.1.83: *Quid si doceo, si planum facio teste homine nequam, verum ad hanc rem tamen idoneo—te ipso, inquam, teste docebo te huius circumsessionis tuae causam et culpam in alios transtulisse, neque in eos quos tu insimularas esse animadversum* ("What if I demonstrate, if I plainly form the truth from this worthless man as witness, nevertheless sufficient for this matter – I will demonstrate that you, by your testimony itself, I say, transferred the cause and guilt of your besieging onto others, but you did not punish those, whom you accuse").

behalf of a private, sinister plot, the reaction would have been swift.²⁸³ But as this was an inappropriate abuse of power, Verres had to hush up the insult to Rome and to himself, in order that his misdeeds not become public. The lictor's death is the linchpin to Cicero's proof that Verres had committed these attacks against the people of Lampsacus and that Verres cannot point to Philodamus' later conviction as a sign that all was normal.

The presence of the lictor in this episode emphasizes Verres' failings as an officer of the governing class of Rome, which is relevant to his later misdeeds in Sicily. This episode also presages the use of lictors to abuse a local population, which would be taken to extremes with the lictor Sextius in Sicily. It is not enough to show that Verres was lustful, as there was a certain degree of license granted to elite men.²⁸⁴ The debauchery had to be connected specifically to his office. The *libido* that Verres displays here establishes a pattern of behaviour that will dominate the speech.²⁸⁵ Finally, Cicero sums up the case of Lampsacus as one of lust and of the most wicked desire.²⁸⁶

The episode at Lampsacus is part of Cicero's rhetorical opening in his characterization of Verres as a lecherous and cruel tyrant.²⁸⁷ Although Verres' conduct during his time as legate to Dolabella is legally irrelevant to the charges of the present case, Cicero is demonstrating the early origins of the tyrannical behaviour that would become much more apparent when he was given command of his own province years later. The story

²⁸³ Cic. *Verr.* 2.5.80: *lictorem tuum occisum esse dicis* ("You say that your lictor was killed"); later, Cic. *Verr.* 2.5.85: *si lictor occideretur ...quis non commoveretur?* ("If a lictor was killed, who would not be shaken?").

²⁸⁴ Nisbet 1992, 3.

²⁸⁵ The characterization of debauchery and burning shame (*stuprorum flagitiorumque suarum*) established at the beginning of Verres' public life (Cic. *Verr.* 2.1.62-63) is found in his later conduct in Sicily: Cic. *Verr.* 2.5.20: *...quo in oppido multas familias totas in perpetuum infames tuis stupris flagitiisque fecisti*. ("In those towns in which you made many entire families forever disreputable with your debauchery and burning shame").

²⁸⁶ Cic. *Verr.* 2.1.86: *Magnum hoc Lampsacenum crimen est libidinis atque improbissimae cupiditatis*.

²⁸⁷ Cic. *Verr.* 2.1.82: *cum te in oppidis et civitatibus amicorum non legatum populi Romani, sed tyrannum libidinosum crudelemque praebueris* ("When in the towns and cities of our friends, you behaved not as a legate of the Roman people, but as a lecherous and cruel tyrant").

amply demonstrates two of the key characteristics of tyrannical behaviour, *libido*, which provided the impetus for Verres' actions, and *vis*, with which he accomplished them.

As a crime of *libido*, which carries connotations of unlawful or inordinate desire, unnatural lust, and caprice, the attempted rape of a local woman seems straightforward. Immediately upon arriving in Lampsacus, Verres is driven by his desires (*libidines*) to seek out any virgins or noble women (*virgo aut mulier digna*).²⁸⁸ Verres' desire for young women of the town over which he has power quickly descends into something much more serious as the town and province rebel against his actions. Cicero shows how Verres' actions might overrun the empire and undermine his authority as a legate of a Roman magistrate.²⁸⁹ This is an important shift that demonstrates how Verres' actions are not simply a burden on some remote provincial subjects, but rather threaten the stability and authority of Rome itself.

This theme is continued with Verres' application of force or violence (*vis*). The entire Lampsacus episode is prefaced as one example of many in which he brought violence to bear (*vim attulisse*) against the freeborn *matres familias* of the area.²⁹⁰ Verres disregards the custom of billeting and orders with *vis*, against objections, that his companion be billeted with Philodamus, the first of many customs that the tyrant would disregard in service of his desires.²⁹¹ The trial of Philodamus and his son for the murder of Cornelius

²⁸⁸ Cic. *Verr.* 2.1.63: *Ut mos erat istius atque ut eum suae libidines flagitiose facere admonebant...* ("As it was the custom of that man and as his disgraceful desires were admonishing him to do..."). Cic. *Verr.* 2.1.64: Verres' companion, Rubrius, is there to attend to his lusts (*ad istius libidines*).

²⁸⁹ Cic. *Verr.* 2.1.78: *Tantaene tuae, Verres, libidines erunt ut eas capere ac sustinere non provinciae populi Romani, non nationes exterae possint?* ("Will your lusts be so great, Verres, that provinces of the Roman people will not be able to contain and sustain them, nor foreign nations?"). Cic. *Verr.* 2.1.82 *ut vehementius odio libidinis tuae quam legationis metu moverentur* ("that they are moved more strongly by hatred of your lust than by fear of you as legate...").

²⁹⁰ Cic. *Verr.* 2.1.62-63: Contrast with the town of Lampsacus, which is not inclined towards any violence (*ad ullam vim*).

²⁹¹ Cic. *Verr.* 2.1.65: *Iste, qui una cupiditate raperetur, totum illius postulatam causamque neglexit; per vim ad eum, qui recipere non debebat, Rubrium deduci imperavit* ("That man [Verres], who was being seized by a single desire, denied his [Philodamus] every claim and reason; he ordered through force Philodamus, who was not obligated to receive him, to take in Rubrius"). According to Cicero's account of normal billeting practice (2.1.65), Philodamus was accustomed to host consuls and praetors, but that it was

concludes that “innocent and noble men, allies and friends of the Roman people, were struck with an axe because of the singular worthlessness and most wicked desire of that disgraceful man.”²⁹² Dolabella’s interference on Verres’ behalf in the trial is described as being accomplished with violence and cruelty ([rhetorically addressing Dolabella] *tua vi et crudelitate*).²⁹³

The tyrannical abuse of power and the plot involving a companion and lictors to add the veneer of legitimacy that Cicero describes in Lampsacus has significant similarities to Livy’s story of Verginia and the decemvir Appius Claudius.²⁹⁴ The basic structure of this story is very similar to that of Verres’ abuses at Lampsacus: a man in a position of authority is driven by lust to extraordinary lengths to obtain a beautiful and virtuous young woman; he uses *vis* to overcome resistance, and then abuses his position in the courts; finally the people revolt against this oppression, threatening the stability of the region.²⁹⁵ Livy portrays Appius as a tyrant, employing the vices of *libido* and *vis* to characterize his rule.²⁹⁶

below his status to billet the attendants of legates (*praetores et consules, non legatorum adseculas, recipere solere*).

²⁹² Cic. *Verr.* 2.1.76: *securi esse percussos homines innocentes, nobiles, socios populi Romani atque amicos, propter hominis flagitiosissimi singularem nequitiam atque improbissimam cupiditatem.*

²⁹³ Cic. *Verr.* 2.1.77.

²⁹⁴ Liv. 3.44-58.

²⁹⁵ Among the many similarities between these episodes, the descriptions of the women are striking. Both are explicitly described as adult, living at home with their fathers, virgins, very beautiful, and modest. It seems that this is designed to solicit the greatest outrage, as this was likely an idea of marriageability. The tyrants aim to snatch the girl from her father’s home, Philodamus’ daughter during a banquet hosted by her father, Verginia because her father was away on campaign. The girl is an adult virgin, very beautiful, modest (*virginem adultam, forma excellentem, pudore*); it is possible that Cicero is basing part of his characterization of Verres upon the famous story of Appius Claudius’ tyranny, hoping to really make the connection to tyranny stick. It could also be that he was playing to *stuprum*, which he mentions as a charge. *Stuprum* can have a colloquial meaning of debauchery or could also reference the crime of fornication: “a man who had non-marital sexual relations with an unmarried woman of high class would be committing criminal fornication, *stuprum*.” Crook 1984, 101.

²⁹⁶ Liv. 3.44: the incident itself “arose from lust” (*ab libidine ortum*) and *libido* motivates Appius to action: *Ap. Claudium virginis plebeiae stuprandae libido cepit* (“A desire for debauching a plebeian virgin seized Appius Claudius”). When Appius cannot have her, he turns to the typical vices of a tyrant: *ad crudelem superbamque vim animum convertit* (“he turned his spirit to cruelty and domineering violence”).

When Appius makes his attempt on Verginia, lictors are present to exercise his *vis*. Appius sits as judge in the trial convened to decide his own plot and has his lictor announce the summary verdict. The lictor shoves aside Verginia's betrothed, Ilicius, thus provoking the first challenge to Appius' rule.²⁹⁷ On the following day when the trial resumes, Appius uses the pretext of sedition to use coercion to overcome opposition to his judgement against Verginia; this is followed by a command to his lictor to seize her.²⁹⁸ In the chaos following Verginia's death, Appius attempts to assert his authority over the situation through his lictors, but the crowd, for the first time in his reign as decemvir, mounts a serious challenge to his authority, breaking his fasces and forcing him to retreat.²⁹⁹ Finally, during the fall of the decemvirs, the rhetoric against them refers to the one hundred and twenty lictors that had inaugurated their rule.³⁰⁰

When Appius gets his lieutenant to claim her as his slave, Appius' lieutenant in the initial encounter is twice described as acting with *vis*. Liv. 3.48: *Decemvir alienatus ad libidinem animo...* ("The decemvir, having been driven mad in spirit to lust..."). Liv. 3.51: *...nova fama de virgine adeo foede ad libidinem petita...* ("the new story about the virgin sought so disgustingly for his lust"); the uproar is attributed to Appius' lust (*Appiana libido*).

²⁹⁷ Liv. 3.45: *...lictor decresse ait vociferantemque Icilium submovet.* ("The lictor said that it had been decided and shoved down the protesting Ilicius."); Ilicius is then moved to verbally challenge Appius: *Proinde omnes collegarum quoque lictores convoca; expediri virgas et secures iube* ("Then also summon all the lictors of your colleagues; order the rods and the axes to be loosened"); *Saevite in tergum et in cervices nostras...* ("Savage our backs and our necks"). Appius then responds to Ilicius and diffuses the situation for the moment, fearing a plebeian uprising (3.46): *Nec se utique collegarum lictores convocaturum ad coercendos seditionis auctores: contentum se suis lictoribus fore.* ("And in any case he would not summon the lictors of his colleagues for the purpose of coercing the authors of the sedition: he would be content with his own lictors").

²⁹⁸ Liv. 3.48: *...sed ut turbantes civitatis otium pro maiestate imperii coerceret* ("but that he might coerce in accordance with the majesty of his command those throwing into chaos the peace of the city"); *I, inquit, lictor, submove turbam et da viam domino adprehendendum mancipium* ("Go, lictor, remove the crowd and provide a path for your master to apprehend his property"). The term *dominus*, although closely associated with the master-slave relationship, has implications of tyranny: cf. Dunkle 1967, 152.

²⁹⁹ Liv. 3.49: *Valerium Horatiumque lictor decemviri invadit: franguntur a multitudine fasces* ("The lictor of the decemvir rushed at Valerius and Horatius [leaders of the crowd (*duces multitudinis*)]: the fasces were broken by the crowd").

³⁰⁰ Liv. 3.52: *Non pudet lictorum vestrorum maiorem prope numerum in foro conspici quam togatorum aliorum?* ("Is it not shameful that nearly a greater number of your lictors can be seen in the forum than other citizens?").

Livy's use of lictors in his narrative demonstrates more clearly why they are included. The presence of lictors emphasizes the use of state power in a tyrannical way. For an effective portrayal of abuse, the outrages must be connected to their office for the portrayal of tyrant to be effective. Thus, when Cicero names the lictor and makes repeated reference to Cornelius in the *Verrines*, he is drawing attention to the lictor and his role in the crimes. There is a close association with kingship, so this element is required to demonstrate that Verres is not simply a depraved person in private, but is actually undermining the state to satisfy his appetites.

In Cicero's second *exemplum*, in book five, Verres is being tried for his abuses during his propraetorship of Sicily from 73-71. The more famous of Verres' lictors is Sextius, who is introduced as "the keeper of the prison, the executioner of the praetor, the death and terror of allies and of Roman citizens, the lictor Sextius, for whom a certain price was matched to every groan and anguish."³⁰¹ Sextius appears near the end of the *Verrines* where Cicero is describing the destruction of the fleet and the abuses that Verres inflicted on the local population and Roman citizens alike during his governorship. After the destruction of the navy by pirates, Verres used the surviving sailors as scapegoats for his incompetence. Sextius imprisoned the sailors and they were later executed in the traditional manner of lictors: beheading by axe. What is unusual is that the sailors' parents were extorted for money so that their children could have a swifter and less painful execution. Cicero has Sextius ask the grieving parents, "what will you give me, that I should carry out the death of your son with one stroke of the axe? That he not be tortured for a long time, that he not be struck repeatedly, that his spirit be carried away without any sensation of pain?" Even for this reason, money was given to the lictor."³⁰²

³⁰¹ Cic. *Verr.* 2.5.118: *Aderat ianitor carceris, carnifex praetoris, mors terrorque sociorum et civium Romanorum, lictor Sextius, cui ex omni gemitu doloreque certa merces comparabatur.* This paragraph, which graphically outlines the abuses perpetrated by Sextius, was apparently famous in antiquity: Berry 2006, 288 n.117. The description of Verres' and Sextius' abuses occurs from 2.5.115-145.

³⁰² Cic. *Verr.* 2.5.118: "*Quid? ut uno ictu securis afferam mortem filio tuo, quid dabis? ne diu crucietur, ne saepius feriat, ne cum sensu doloris aliquo spiritus auferatur?*" *Etiam ob hanc causam pecunia lictori dabatur.* Cic. *Verr.* 2.5.120: Furthermore, the parents were extorted for the right to bury their children.

Cicero's prosecution of Verres provides us with the only named lictors, Cornelius and Sextius, in all of the surviving literary sources. Elsewhere in the prosecution, Cicero also dwells on the role played by Timarchides, Verres' freedman and *accensus*, although Cicero chose instead to refer to him as his runaway slave (*fugitivus*).³⁰³ Steel argues that the purpose of describing Timarchides' role in the extortion of Sicily is to show that Verres had both inappropriately given so much power to a mere freedman and had also allowed Timarchides to have power over himself.³⁰⁴ In Cicero's description of Timarchides' dealings under Verres' name, Cicero makes clear his contempt that the freedman has come to wield so much power and influence and wonders aloud why other apparitors, lictors included, should not also be elevated.³⁰⁵ By demonstrating that Verres, as a propraetor of the Roman People, had relinquished some of his *imperium* to those unworthy of the position, Cicero demonstrates that Verres was unfit to be a magistrate and that his actions undermined the authority of his *imperium*, and by extension, both the legitimacy of the senatorial order and the security of the Roman state.³⁰⁶

The prominence given to Timarchides is similar to that given to Sextius. Cicero names Sextius, which helps the audience to build an image of the character of the murderous lictor and also to allow him some autonomy beyond simply being 'Verres' lictor'.³⁰⁷

Despite allowing Sextius some freedom in his reign of terror, Cicero makes sure to leave

³⁰³ The difference between lictors and *accensi* has already been detailed in Chapter One. Cicero could not reasonably have made the similar associations of a slave ruling over Romans with lictors, because it would have been unimaginable for a lictor to be a slave, less so for an *accensus*. Cic. *Verr.* 2.3.154: *Timarchidi, liberti istius et accensi* ("Timarchides, the freedman and attendant of that man").

³⁰⁴ Steel 2001, 37.

³⁰⁵ 2.3.154: *Iam hoc quidem non reprehendo, quod ascribit "accensus." Cur enim sibi hoc scribae soli assumant: "L. Papirius scriba?" volo ego hoc esse commune accensorum, lictorum, viatorum.* ("Now indeed I do not reprehend this, that he writes down "attendant." For why should scribes alone adopt this for themselves, "Lucius Papirius, scribe?" I wish this to be a common thing for attendants, for lictors, for messengers"). Steel, 41 reads this as being sarcasm on the part of Cicero, expressing his contempt for lower attendants becoming too powerful.

³⁰⁶ Steel 2001, 37-42.

³⁰⁷ See especially Cicero's colourful introduction of Sextius: Cic. *Verr.* 2.5.118: *ianitor carceris, carnifex praetoris, mors terrorque sociorum et civium Romanorum.*

the blame for Timarchides and Sextius' behaviour with the man who gave them such license.³⁰⁸ The license Verres granted to his apparitors ran counter to the ideal that lictors and attendants should be agents of a magistrate's power, not of their own, as Cicero would later explain to his brother.³⁰⁹

Accensus sit eo numero quo eum maiores nostri esse voluerunt, qui hoc non in benefici loco sed in laboris ac muneris non temere nisi libertis suis deferebant, quibus illi quidem non multo secus ac servis imperabant. sit lictor non suae sed tuae lenitatis apparitor, maioraque praeferant fasces illi ac secures dignitatis insignia quam potestatis. toti denique sit provinciae cognitum tibi omnium quibus praesis salutem, liberos, famam, fortunas esse carissimas.

“Let your orderly be what our forebears meant him to be. Except for some good reason they gave this function to none but their own freedmen, and that not as a favour but as a task and duty; and their authority over their freedmen differed little from their authority over their slaves. Let your lictor be the servant of your clemency, not of his own; let the rods and axes bear before you insignia of rank rather than power. In a word let the whole province know that the lives, children, reputations, and property of all over whom you rule are most precious to you.”

In his description of Sextius' reign as jailor and executioner, Cicero makes Sextius the agent of the cruel and extortionate acts against the sailors and their families; Verres' presence as governor is barely noticed as part of that narrative. Whereas some context was required for Timarchides' position and its inappropriateness, it went without saying that lictors should not be given free rein.

³⁰⁸ Cic. *Verr.* 2.3.156: *Quis istuc Apronio attribuebat... aut Timarchidi... aut Sextio lictori, cum aliquem innocentem securi percusserat?* (“Who attributed that to Apronius... or to Timarchides... or to the lictor Sextius, when he had beheaded any innocent person with an axe?). Cf. Cic. *Verr.* 2.5.140.

³⁰⁹ A decade after *In Verrem* in 60/59, Cicero wrote to his brother, then propraetor of Asia, on the proper use of apparitorial staff. Cic. *Q. fr.* 1.1.13. Translation: D. R. Shackleton Bailey. This advice was perhaps prompted by the actions of Quintus' own freedman, Staius, who had begun to wield considerable influence in Quintus' entourage: Treggiari 1969, 158.

Furthermore, Cicero uses violent imagery, particularly that of execution by lictors, as way to conjure outrage against Verres. Cicero makes repeated use of imagery and vocabulary associated with lictors and executions, suggesting that the lictors are again essential to the point he is trying to make.³¹⁰ Cicero summarizes his charge against Verres, again using the imagery of the rods and the axe to emphasize the wrongdoing:³¹¹

Itaque ad me, iudices, hanc querimoniam praeter ceteras Sicilia detulit; lacrimas ego huc, non gloria inductus accessi, ne falsa damnatio, ne carcer, ne catenae, ne verbera, ne secures, ne cruciatus sociorum, ne sanguis innocentium, ne denique etiam exsanguia corpora mortuorum, ne maeror parentum ac propinquorum magistratibus nostris quaestui posset esse.

“And so Sicily brought to me this complaint in addition to the others; I have come here for their tears, not having been induced by glory, in order that neither the false convictions, nor the prison, nor the chains, nor the rods, nor the axes, nor the torture of our allies, nor the blood of the innocents, and nor afterwards the exsanguinated bodies of the dead, nor the grief of the parents and of the relatives can be used for profit for our magistrates.”

Cicero, as with his narrative of the Lampascus episode, relates that the Sicilians are the oldest and most faithful allies.³¹² Cicero compares Verres to a tyrant and hopes to discount the claim that this could fall under the category of normal conduct for a magistrate abroad, claiming that the issue was not about the use of lictors to enforce

³¹⁰ Cic. *Verr.* 2.5.121: *Quibus omnibus rebus actis atque decisis producuntur e carcere, deligantur.* Later, *Feriantur securi* (“With all the business conducted and concluded, they were led out from the prison and bound.” A bit later, “They were struck with an axe”); *Verr.* 2.5.124: *ad eius funestam securem esse servatos?* (“...and to be kept alive only for his deadly axe?”); *Verr.* 2.5.125: *istius carnifici Sextio dederetur.* (“...he was handed over to that man’s executioner, Sextius”).

³¹¹ Cic. *Verr.* 2.5.130.

³¹² Cic. *Verr.* 2.5.115: *Hic cuncti Siculi, fidelissimi atque antiquissimi socii.*

military discipline.³¹³ Cicero continues that it was the extortion surrounding the violence which itself was arguably unwarranted.³¹⁴ The extortion goes directly to the charges that Verres was facing. It also implicates the lictor, Sextius. In the form of Sextius, Cicero is able to combine many of the elements of tyranny that he is attempting to establish. Verres has allowed his entourage excessive license, allowing his lictors to use violence without his oversight and to use their position to extort money from the local population. Most damning of all, Verres' lictors have lost respect for the most fundamental protections of Roman liberty.³¹⁵

For good measure, Cicero returns to another violent abuse of power against a sympathetic victim, which places repeated emphasis on the victim's status as a Roman citizen who had likely broken no laws, which would support the idea that at least part of the charges being leveled were due to abuses of the protections of *provocatio*. The incident involves a

³¹³ Cic. *Verr.* 2.5.117: *non de praetore Siciliae sed de nefario tyranno fieri iudicium arbitratur* ("This trial seems to have been conducted not in accordance with a praetor of Sicily, but in accordance with an abominable tyrant"); and Cic. *Verr.* 2.5.133 *Etiam illud praecidas licet, te, quod supplicium more maiorum sumpseris securique percusseris, idcirco a me in crimen et invidiam vocari. Non in supplicio crimen meum vertitur; non ego securi nego quemquam feriri debere, non ego metum ex re militari, non severitatem imperii, non poenam flagitii tolli dico oportere; fateor non modo in socios sed etiam in cives militesque nostros persaepe esse severe ac vehementer vindicatum* ("It is also not permitted that you give that defence that, because you have seized the punishment and beheaded with an axe in the custom of our ancestors, you were called into accusation and ill-will on account of this by me. My accusation does not hinge on this punishment; nor do I deny that anyone ought to be killed with an axe, nor do I say that it is fitting for fear to be lifted from military service, nor strictness of command, nor punishment of disgrace; I confess that very often punishment was violently and severely carried out not only against our allies but also against our own citizens and soldiers").

³¹⁴ Cic. *Verr.* 2.5.134: *...dico etiam in ipso supplicio mercedem lacrimarum, mercedem vulneris atque plagae, mercedem funeris ac sepulturae constitui nefas fuisse* ("And I also affirm that in actually executing them it was a monstrous thing to charge fees to their weeping friends, fees for the blows that mangled them, fees for the right to be buried in a grave. I also say that it was the gravest wrong to institute in the punishment itself a price for tears, a price for a wound and for blows, a price for funeral rites and for burials").

³¹⁵ Cic. *Verr.* 2.5.140: *Tantum brevissime, iudices, dico: Nullum fuit omnino civitatis isto praetore in hoc genere discrimen. Itaque iam consuetudine ad corpora civium Romanorum etiam sine istius nutu ferebatur manus ipsa lictoris* ("Ever so briefly, judges, I say: there was no division at all of citizenship in this matter by that praetor. And so now out of habit the hands themselves of the lictor were taken up against the bodies of Roman citizens, even without the assent of that man").

Cic. *Verr.* 2.5.136: *... tu, qui cives Romani esse dicerentur, qui a multis cognoscerentur, securi ferire potuisti...* ("You were able to strike with an axe he who was said to be a Roman citizen, who was recognized by many").

Roman citizen, Gaius Servilius, who was beaten to death by the lictors while Verres was holding court at Lilybaeum.³¹⁶ The elderly Roman citizen was summoned by Verres to account for the fact that ‘he had spoken rather freely about [Verres’] wickedness and worthlessness.’³¹⁷ When Servilius appeared, the charges fell through, but Verres attempted to draw him into unfair legal proceedings which carried a capital sentence and against which he rightly appealed.³¹⁸ In the midst of his appeals, six lictors surround him and begin to beat him. What follows is an account of Servilius’ violent beating, torture, and death: “While he was objecting profusely to these things, six lictors, men who were very strong and well practiced in beating and scourging, encircled him, they beat him most violently with rods; and only then did the proximate lictor, Sextius, about whom I have already spoken often, began to strike the wretched man with extreme violence on the eyes with the reverse of his staff. And so that man, when blood had filled his mouth and eyes, fell down, and when those men were beating him with no fewer blows on his side, at last he said that he would make the required surety. So that man, being in such a state near death was taken from there and very shortly afterwards, he died.”³¹⁹

The incident involves the cruelty of Verres and his lictors together. They are acting outside of Roman law, torturing and killing a sympathetic victim, an act that ties together the earlier narratives of Cornelius and Sextius. The lictors are an extension of Verres’ willingness to abuse the locals, to misuse his lictors, and to act outside of the norms of acceptable behaviour. Furthermore, Sextius is Verres’ proximate lictor, which further strengthens the association between Sextius and Verres. Again, all this is described as happening both at Verres’ feet (*ad tribunal ante pedes*) and before his eyes (*ante oculos*

³¹⁶ Cic. *Verr.* 2.5.140.

³¹⁷ Cic. *Verr.* 2.5.141: *Locutus erat liberius de istius improbitate atque nequitia.*

³¹⁸ Cic. *Verr.* 2.5.142: Verres was going to try Servilius with biased judges (*iniquis iudicibus*), selected from his own staff (*de cohorte sua*).

³¹⁹ Cic. *Verr.* 2.5.142: *Haec cum maxime loqueretur, sex lictores circumstant valentissimi et ad pulsandos verberandosque homines exercitatissimi, caedunt acerrime virgis; denique proximus lictor, de quo iam saepe dixi, Sextius, converso bacillo oculos misero tundere vehementissime coepit. Itaque ille, cum sanguis os oculosque complisset, concidit, cum illi nihilo minus iacenti latera tunderent, ut aliquando spondere se diceret. Sic ille affectus illum tum pro mortuo sublatus perbrevis postea est mortuus.*

tuos).³²⁰ The emphasis on Roman citizen is maintained and likewise the language of the lictors is carried throughout.³²¹

In its most basic elements, the execution follows the structure of the customary method of execution: Servilius is scourged and ultimately killed. But everything is wrong about this encounter. It begins with a summons that was instigated by personal animus, followed by trumped up charges, and finally some sort of sham court based on a bet with a lictor and a jury of Verres' friends. When Servilius rightly protests against the proceedings, Verres' lictors skip due process and begin savagely beating him, which is exactly counter to the protections of *provocatio*. Cicero's description leaves out the simple, brutal language often employed by other authors of officious killings with short sentences, and builds in extra elements to the beating beyond a simple scourging with rods. Violence is emphasized where other accounts minimize it. This execution acts as an inversion of norms that mirrors Cicero's characterization of Verres' governorship. The word *nefas*, previously used to describe Sextius' abuses at the prison, is apt in this situation. Even the little trial, where Verres attempts to lure Servilius into demonstrating that Verres was stealing from Sicily, is an inversion of the prosecution that Cicero is waging in these speeches.

To conclude, Cicero and Livy employ lictors in their works to similar ends. Lictors, as independent actors who nevertheless represented the state in a very literal way, were employed to show the boundaries of acceptable magisterial conduct and how transgressing those boundaries might lead to tyranny. In the earliest days of Roman history, as Livy imagines them, the characters of history are setting down the examples to follow.³²² In the examples discussed, Livy negotiates the transition from the ancient past

³²⁰ Cic. *Verr.* 2.5.140.

³²¹ Citizens: Cic. *Verr.* 2.5.140: *cives Romanos* and *ad corpora civium Romanorum* and *C. Servilium, civem Romanum*; 2.5.141: *civem Romanum* and *cuiquam civi Romano*; 2.5.143: *civium Romanorum* and *domicilium civium Romanorum*; 2.5.144: *civium Romanorum*; Lictors: Cic. *Verr.* 2.5.140: *Virgis* and *ferebatur manus ipsa lictoris* and *ad terram virgis et verberibus abiectum*; 2.5.141: *a lictoribus tuis* and *cum lictore suo*; 2.5.142: *sex lictores circumstant* and *caedunt acerrime virgis* and *proximus lictor*.

³²² Solodow, 251

of kings to the foundation of the Republic. The earliest examples are the most shrouded in myth, probably for Livy too, but they are also the easiest to form into foundational myths that embody the values of the late Republic. Livy is able to use lictors in these early stories to shape the historical progression from the kings to the exemplary Cincinnatus, followed by a near return to monarchy under the decemvirs and finally, by the middle Republic, to demonstrate proper magisterial conduct in a well established Republic.³²³ In his political invective, Cicero uses the full weight of lictors' history and cultural symbolism to undermine the conduct of a corrupt magistrate. Cicero plays on the longstanding association of lictors and tyranny, which Livy preserves in his historical episodes.

³²³ The Appius Claudius affair is explicitly compared to the fall of the kings: Liv. 3.44.

Chapter 3

3 Material Evidence for Lictors

The lictors that are portrayed in the literary sources, as covered in Chapters One and Two, are either discussed in their capacity as administrative appendages or are used in literature as symbols of authority and power. Aside from how the elite literary class viewed them, lictors formed their own organizations and the profession of lictor evidently served as an important occupation for many plebeians of sub-elite status. Evidence for who those lictors were is more difficult to come by. Much of the information for lictors as individuals and as a class comes from epigraphic sources, which tend to be from the Imperial period and therefore after the period described in many of the literary sources. Our epigraphic evidence comes mainly from funerary epitaphs, which tend to be terse and highly formulaic, with little biographical detail.³²⁴ Due to the paucity of sources, this chapter will draw on evidence for the four major apparitorial grades: the scribes (*scribae*), the lictors, the messengers (*viatores*), and the criers (*praecones*). These apparitors attended the magistrates of Rome and also the local magistrates of the municipalities under Rome's control, although the apparitors for Rome seem to have been very much separate in organization and allocation from those abroad.

3.1 Demographics

In terms of demographics, it seems to have been necessary for lictors to be free citizens. Referring to the early Republic, a time when the differences between patrician and plebeian were still substantial, Livy reports that the lictors were plebeians.³²⁵ It was

³²⁴ Liu 2013, 357.

³²⁵ Liv. 2.55: *Quattuor et viginti lictores apparere consulibus et eos ipsos [esse] plebis homines* ("Twenty-four lictors attended the consuls and they themselves were plebeian men"). In the plebeian struggle against oppressive patrician consuls, Livy seems to be illustrating how the power and fear that the magistrates inspired came partly through their own class maintaining the current system. The fearsome lictors were plebeian, and by extension, the power of the magistrates came from the plebeians.

prescribed in the town constitution, the *lex Coloniae Genetivae Iuliae*, that the attendants to the duumvirs of Urso are to be free citizens of the colony.³²⁶ Similarly, the *lex Cornelia de XX Quaestoribus* specifies that the messengers and criers assigned to the quaestors be Roman citizens.³²⁷ The Roman citizens could be either freeborn or freedmen; it was, however, necessary to pass a *senatus consultum* in 38 BCE prohibiting slaves from serving as lictors.³²⁸ This particular prohibition may have been necessary due to the chaos of the late Republic rather than from some longstanding custom of using slaves in that position. By the Imperial period, for which we have the best epigraphic evidence, over three quarters of inscriptions are from freedmen.³²⁹ Early in the Imperial period, foreigners who had become citizens could hold the position of lictor.³³⁰

3.2 *Collegia*

Lictors as a group were organized into professional associations called *collegia*, which were a common organizational structure for trade groups at Rome, some of which were able to trace their heritage to the Regal period.³³¹ Trade *collegia* had social and community functions, as well as social insurance functions, such as burial obligations and banquets for its members, which were supported by the collection of dues or through the benefactions of patrons.³³² Many *collegia* had internal hierarchies with titles, such as

³²⁶ Crawford 1996, 433. The law dates to the establishment of the colony by Gaius Julius Caesar, but it appears that the copy that survives to us was only inscribed in during the Flavian period.

³²⁷ The law dates to the reign of Sulla, ca. 81 BCE. Lines 7-8 and *passim*: *quei cives Romanei sunt*.

³²⁸ Treggiari 1969, 156. Dio. 48.43: ...καὶ προσαπηγορεύθη ... μήτε δοῦλον ῥαβδουχεῖν... (“and it was forbidden for a slave to be a lictor”).

³²⁹ Purcell 1983, 148: 78% were freedmen, compared to only about 10% freeborn.

³³⁰ *CIL* VI 1879; Purcell 1983, 170 n.271 believes the commemorators to be *peregrini*.

³³¹ Liu 2013, 353.

³³² Liu 2013, 359. For an example of an inscription erected to what might be the patron of a *decuria* of lictors, see *CIL* VI 1869 from the first century CE.

quinquennales, *duoviri*, and *curatores* that were appropriated from municipal constitutions. Some *collegia* even had positions named for the magistrates' apparitors; for example, a *lictor*, *scriba* or *viator* of a *collegium*.³³³ The *collegium* of lictors, and those of the apparitors more generally, seem to have had a special status as part of the state apparatus that the other trade *collegia* lacked. Trade *collegia* were restricted in the late Republic due to their connections to organized violence, but flourished again during the Imperial period.³³⁴ Due to their special status and ongoing role in the functions of state, the apparitorial *collegia* would likely not have been affected by these restrictions.

The apparitorial *collegia* were further subdivided into *decuriae*, of which, in theory, there were three for each apparitorial grade.³³⁵ A number of inscriptions refer to a lictor belonging to the three *decuriae*.³³⁶ Between the two significant scholars on apparitorial *decuriae*, there is disagreement as to how the *decuriae* functioned. At the most basic level, the lictors of a *decuria* served a *collegium* of magistrates. Cohen believes that a lictor would not have been confined to a single *decuria*, but rather would have rotated through, serving different magisterial *collegia* throughout his career.³³⁷ In contrast, Jones believes that the consuls and praetors were served as a single *collegium* by three *decuriae* and that there were not separate *decuriae* for the promagistrates, although the promagistrates would have drawn their lictors from the *decuria* at Rome, rather than recruiting them locally.³³⁸

³³³ Liu 2013, 361: The titles of *lictor*, *viator* and *scriba* might have referred to submagistrates or honorific titles for the *collegium*; ordinary members of the *collegium* might be referred to as *plebs* or *populus*.

³³⁴ Nippel 1995, 70-75.

³³⁵ Cohen 1984, 47.

³³⁶ *CIL* VI 1870a found on the *via Appia* commemorates an Imperial lictor for the three *decuria* (LICTORI • III • DEcuriar); see also *CIL* VI 1875 (LICTOR • III DEC); *CIL* VI 1878 (LICTORI • AVG III • DECVRIAR); *CIL* VI 1882 (LICTORI • III • DECVRIAR).

³³⁷ Cohen 1984, 48-9.

³³⁸ Jones 1949, 39-41.

The role of the *decuria* is illustrated by a memorial inscription from Rome's port town, Ostia, commemorating the establishment of a public fund that pays out sums to the apparitors serving the town magistrates.³³⁹ Based on the constitution of Urso, which was very likely the same as that at Ostia in terms of apparitorial assignments, the amounts of money allotted to each apparitorial grade correspond to 25 sesterces for each individual.³⁴⁰ The benefactor, Fabius Eutyclus, seems to have left equal amounts for each apparitor in every *decuria* in which he had previously worked.³⁴¹ This inscription demonstrates the collegial nature fostered by the *decuria* as well as the potential benefits to belonging to such an organization. The benefactor had become wealthy and risen sufficiently in social status to have become a benefactor for the organization he once served as an apparitor.³⁴² The inscription also suggests that Eutyclus had served in the *decuriae* of three different apparitorial grades.³⁴³ Most inscriptions mention only one apparitorial post, such a lictor, but some attest more, such as a lictor who appears to have served in the *decuriae* of both lictors and messengers.³⁴⁴

³³⁹ *CIL* XIV S. 4642. The inscription might date from the second century CE.

³⁴⁰ Swan 1970, 140-41.

³⁴¹ Swan 1970, 140-41.

³⁴² In addition to having served in the *decuriae* of the lictors, he also worked as a book-keeper (*librarius*) and scribe (*scriba*), both of which suggest literacy and a higher level of education. Purcell 1983 demonstrates that the scribes most of all tended to have greater social mobility and success in smaller communities. The positions of *scriba* and *librarius* are more likely to have been the source of Fabius Eutyclus' success than his position as lictor.

³⁴³ Swan 1970, 141.

³⁴⁴ *CIL* VI 1877, dates to first century CE.

3.3 Rank and Prestige

As a profession, lictors do not seem to have been of especially high status.³⁴⁵ Lictors were likely counted among the so-called third order, below that of the senatorial and equestrian orders. Among the apparitorial class, they ranked below the *scribae*, but seemingly above the *viatores* and *praecones*, which is expressed in the pay scale described above from the *lex Coloniae Genetivae Iuliae*. The *scribae* seem to have played a significant role, especially in the management of the treasury, and their literacy and administrative skills provided them opportunities for social mobility. By contrast, Purcell describes the role of lictors as menial and as a result they likely had fewer opportunities for advancement.³⁴⁶

The lictors did, however, have a position in the apparatus of power and were in close proximity to power. For example, lictors might have acted as gatekeepers to their magistrate, controlling access to his person.³⁴⁷ As lictors were allocated to praetors and were involved in court proceedings, lictors could have acquired considerable knowledge of the legal system.³⁴⁸ Lictors might also have been relatively well dressed. If they matched their magistrate, wearing either the *toga praetexta* or the *paludamentum* of the commanders, this surely would have provided some type of prestige among the lower classes. Although their clothes were not signifying their own office, lictors were still dressed like and in the company of Rome's most powerful men.³⁴⁹

³⁴⁵ At least from the perspective of the ruling elites: Plut. *Comp. Lys. Sull.* 4.4: οὐδὲ ῥαβδούχῳ Μάριος ἠξίωσε παραβαλεῖν τῶν ἑαυτοῦ (“nor would Marius think it worthy to compare them to his lictor”). Plutarch is comparing some great names of Greek and Roman history, and some fall even below the status of a lictor.

³⁴⁶ Purcell 1983, 149.

³⁴⁷ Liv. 23.15: *lictoribus imperat ut eum se adire quotiens velit patiantur* (“he orders his lictors that he should be permitted to approach himself whenever he wished”).

³⁴⁸ Jones 1949, 41.

³⁴⁹ Holliday 2002, 37-39: frescoes from the Arieti Tomb (post-early third century BCE), also known as the Tomb of the Magistrates, features a processional scene with four lictors wearing the red *sagum* with a white central stripe (*clavus*), perhaps suggestive of the *clavus latus* of the senatorial class.

From the Imperial period, inscriptions attest the success of those holding the title of lictor. One such inscription honours Tiberius Claudius Severus, a *decurialis lictor*, who was able to secure rights of navigation for the *collegium* of fishers and divers of the Tiber.³⁵⁰ The inscription dates to 206 CE and Liu writes that these rights were likely obtained through Tiberius' connections with a high-ranking magistrate.³⁵¹ The inscription attests Tiberius' wealth, noting his many benefactions, including a statue to the emperor Caracalla. The third century date of the inscription and the fact that Tiberius was their patron and held the titles *decurialis lictor* and *quinquennalis* suggest that he might have been a lictor in title only and was well connected and wealthy through other means.

3.4 Apparitorial *Ordo*

The status of the apparitors is further elevated by the suggestion that the four permanent types of apparitors formed a social and civic class (*ordo*) unto themselves that existed below the *ordo senatorius* and the *equester ordo*, but above the rest of the undifferentiated plebeian order.³⁵² In this apparitorial class, the *ordo scribarum* (scribes or clerks) was likely the most prestigious, followed by the *ordo lictorum*, and finally by the two lower grades, the *ordo viatorum* (messengers) and the *ordo praeconum* (callers).³⁵³

As an *ordo*, the apparitors enjoyed a privileged position within society and the group furthermore was arranged according to a hierarchy, both in relation to other orders and

³⁵⁰ Liu 2013, 364; *CIL* VI 1872: the findspot was Rome, perhaps indicating access to the main Imperial bureaucracy.

³⁵¹ Liu 2013, 364.

³⁵² Cohen 1984; Liu (2013) takes a less exclusive view, taking the apparitorial colleges to be in a special class of their own as part of the apparatus of the state, but would include other groups such as the *collegium victimariorum* (the college of sacrificial assistants).

³⁵³ Treggiari, *Freedmen*, 153-61 would add the *tribuni aerarii* above the *ordo scribarum*, although Cohen does not identify them as a class. The *viatores* and *praecones* were of a sufficiently low grade that slaves were sometimes recruited for the positions until it was outlawed twice during the first century BCE.

also within the apparitorial class itself.³⁵⁴ The *collegia* of the apparitors were different from those of other professional *collegia* and rose to the level of civic entity.³⁵⁵ For example, the apparitors most likely had their own seats in the theatre.³⁵⁶ In contrast to the many other trades organized into *collegia*, the profession of lictor, and of the apparitors more generally, was unique in that there was no use for it outside of the city's magisterial apparatus and in fact was an essential component of city's functioning.³⁵⁷ Some apparitors did not meet the criteria for being an *ordo*; the *accensus* in particular is singled out as being a personal appointment of the magistrate that therefore does not qualify as being its own order.³⁵⁸ Once appointed to an apparitorial grade, the position was more or less permanent.³⁵⁹ Except in special circumstances, apparitors were difficult to dismiss, although it was possible to substitute one for another at an intermediate point during the office of the magistrate.³⁶⁰ Once appointed to a *decuria*, the lictor would have continuously drawn a salary from the public treasury (*Aerarium*), even when not allotted to a magistrate.³⁶¹

³⁵⁴ Cohen 1984, 28-30

³⁵⁵ Cohen 1984, 38

³⁵⁶ Tac. *Ann.* 16.12: *Liberto et accusatori praemium operae locus in theatro inter viatores tribunicios datur* ("As a reward for the work, a place in the theatre among the tribunician messengers was given to the freedman and accuser"). Furneaux 1907, 442 notes that this indicates that "not only magistrates themselves but their attendants had places reserved for them." It is not clear from the passage whether the messengers would always have held this privilege for as long as they were a part of the *ordo viatorum* or if this only applied while attending a magistrate. Cohen 1984, 45: If the lower grade of the *viatores* was given such a privilege, it should follow that the higher and more prestigious grades were also granted this.

³⁵⁷ Cohen 1984, 35-38.

³⁵⁸ Cohen 1984, 37-38.

³⁵⁹ Cohen 1984, 49-53.

³⁶⁰ Cohen 1984, 41-42: most of our evidence for this comes from the *ordo scribarum*.

³⁶¹ Jones 1949, 40-41.

3.5 Size of the *Decuriae*

The size of the *decuriae* is difficult to estimate. By the late Republic, there were two consuls and eight praetors, and in addition there were promagistrates, legates, ambassadors, and priests who might require lictors. Cicero suggests that lictors were allotted to senators abroad, which would require a further supply of lictors.³⁶² Variations in the number of lictors required suggest extra capacity in the number of lictors in the *decuriae*.³⁶³ If the lictors were always accompanying their magistrate regardless of whether the business was public or private, it raises the possibility of magistrates having more lictors than the number associated with them in order to facilitate a kind of shift rotation. Magistrates are described being accompanied by the standard number of lictors befitting their rank, but it is entirely possible that these were not always the same lictors. Just as the Roman army had different night watches, so might the *decuriae* have had shifts or days of operation. Furthermore, as Cicero writes requesting that lictors be given to a magistrate on business in Africa, unless they were hired locally, which seems unlikely, those lictors came from the *decuriae* that served the regular magistrates, which again suggests that the magistrate had extra capacity among his apparitors to lend out.³⁶⁴ Having a large pool of potential lictors to draw upon might have been necessary for the appointment of a dictator. If the consuls were returning late to Rome and a dictator was appointed for a short term to administer elections, there would have been a sudden, short term need for an extra twenty-four lictors, as the twenty-four that were accompanying the two consuls would have been abroad at the time of need.

³⁶² Cic. *Fam.* 12.21

³⁶³ For example, an urban praetor, and likely the peregrine praetor too, would have had two lictors within the *pomerium*, but six if they left the city. The urban praetor might never leave the city, and it is unclear whether they would have had all six appointed to them in the event that they left or whether they were simply appointed the two, with the remaining four being provided as required.

³⁶⁴ Cic. *Fam.* 12.21; cf. note 215, above.

3.6 Remuneration

The *decuriae* seem to have been the organizational structure, providing ‘certified’ lictors to the magistrates, but they also served as the basis of payment of the lictors’ salary. During the Republic, the office does not seem to have been especially prestigious and the salary was likely a considerable draw for many entering the profession.³⁶⁵ Over three quarters of inscriptions of lictors are from freedmen, suggesting a more workman-like job taken primarily for the salary.³⁶⁶ How much the lictors of the city magistrates were paid is not clear. The *lex Coloniae Genetivae Iuliae* prescribes the wages for the lictors of the duumviri at 600 sesterces, providing them with income near the middle of the pay scale of the local apparitorial class.³⁶⁷ The *lex Coloniae Genetivae Iuliae* was a constitution for a provincial town and although it seems applicable to other towns, it likely did not apply to the *decuriae* that served the city magistrates of Rome. Those lictors drew continuous salaries from the state treasury, the *Aerarium*, regardless of whether they were currently attending a magistrate.³⁶⁸ The lictors of Rome’s magistrates might also have had other revenue streams. Cicero’s portrayal of Verres’ lictor, Sextius, has him extorting the local people for money. The circumstances of the extortion are horrific, but reality of lictors and other apparitors using their position as part of the governing entourage to line their pockets is not necessarily false. By the time of Verres’ governorship in Sicily, the taking of perquisites was likely routine in the post making Sextius’ extortion less exceptional.³⁶⁹

³⁶⁵ Purcell 1983, 127-8.

³⁶⁶ Purcell 1983, 148-49;

³⁶⁷ *Lex Coloniae Genetivae Iuliae* LXII: *eisque merces in eos singul(os), qui Iiviris apparebunt, tanta esto... in lictores sing(ulos) (sestertium) (sescenti)...* (“And the fee for them, for each one of them, who shall serve the Iiviri, is to be so much... for each lictor 600 sesterces...” Translation Crawford, 1996, 400 and 422). For comparison, the scribes are paid the most at 1,200 sesterces per year, followed by the *accensi* at 700 sesterces. All other apparitors have wages below that of lictors: the messengers (*viatores*) get 400 sesterces, the *haruspex* gets 500 sesterces, and the criers (*praeconi*) get only 300 sesterces.

³⁶⁸ Jones 1949, 40.

³⁶⁹ Treggiari, 159 and Jones 1949, 39 both consider most of Sextius’ actions not to have been exceptional.

Provisions were made to pay out lictors who did not serve out an entire term. An apparitor who departed from his position was eligible to receive a prorated salary after a quarter of a year in the position.³⁷⁰ Pliny writes about a scribe who was appointed to him by lot and who died before collecting his salary; there followed a conflict over who was entitled to the salary.³⁷¹ How often apparitors failed to serve a year-long appointment is not clear, but such a provision in the law suggests that there was cause to include it.³⁷²

3.7 Allocation

The *decuriae* were the means of apparitorial allocation to the magistrates. The mechanism of allocation is unclear, but lictors and the apparitorial class were not personal appointments through patronage, as the *accensus* might be. The language employed on inscriptions attests this; the statements of service are vague, most often stating that they served a group of magistrates rather than a particular one, emphasizing how they served a college of magistrates and the state.³⁷³ Seneca the Younger hints at lictors passing from one magistrate to another, suggesting that lictors served colleges of

³⁷⁰ *Lex Coloniae Genetiuae Iuliae* LXIII: *iisque apparitorib(us) merces tanta esto, quantam esse oportet, si partem (quartam) anni a<ppar-> uissent, ut pro portione, quam diu apparuisse<e>nt, mercedem pro eo kaperent, itque iis s(ine) f(fraude) s(ua) c(apere) l(iceto)* (“And the fee for those attendants is to be as much, as it would be appropriate for it to be, on condition that they had served for a quarter of the year, so that, for the length of the part for which they had served, they received the fee for that; and it is to be lawful for them to receive it without personal liability” Translation: Crawford 1996, 422 and 434).

³⁷¹ Plin. *Ep.* 4.12: *Cum in provinciam quaestor exisset, scribamque qui sorte obtigerat ante legitimum salarii tempus amisisset, quod acceperat scribae daturus...* (“When [Egnatius Marcellinus] had departed to his province as quaestor, he dismissed a scribe, who had fallen to him by lot, before the legal time of his salary, which he had received in order to give to the scribe”).

³⁷² One possibility for leaving a post early, aside from illness or death, might have been being re-assigned under unusual circumstances: Liv. 10.29: *At ex parte altera pontifex Livius, cui lictores Decius tradiderat iusseratque pro praetore esse* (“But from another area the pontifex Livius, to whom Decius had transferred lictors and had ordered to be propraetor”).

³⁷³ *CIL* VI 1874: even though he was a freedman, he serves ‘magistrates’ (*qui apparent magistratibus*); Cohen 1984, 39-40.

magistrates and were not supposed to repeatedly attend a particular magistrate.³⁷⁴ Ideally the *decuria* provided apparitors without regard to personal patronage, and the senate took steps to avoid patronage from being established in the *decuriae*.³⁷⁵ Despite such efforts and the outward appearance of maintaining a separation between apparitor and magistrate, some patronage was bound to occur.³⁷⁶ Contrary to the broad trend of lictors describing themselves in funerary inscriptions as serving a college of magistrates or the emperor, there are exceptions, especially in the Roman east. One lictor from the Roman east describes himself as a lictor of the legate to Galatia, Lucius Fufidius Pollio (cos. 166 CE), perhaps indicating that he was not part of a *decuria* that served a college.³⁷⁷

Once appointed to a *decuria*, the lictors then had to be assigned to a magistrate. Cicero describes the *scriba*, *lictor*, and *praeco* as being conferred by vote, but he was speaking more generally about the symbols of power (*insignia potestatis*) and likely meant that the office needed to be voted by the People rather than the individual apparitorial appointments.³⁷⁸ Pliny the Younger seems to reference a sortition being used to allocate the scribes in the early second century CE.³⁷⁹ Whether such a sortition would be operated by the senate or at the decurial level is unclear.

³⁷⁴ Sen. *QNat.* 4a.13: *...ista verba, quae iam ab alio magistratu ad alium cum lictoribus transeunt* (“...these words, which now pass from one magistrate to another with lictors”).

³⁷⁵ Cohen 1984, 39: Cohen reads the *lex Cornelia de XX Quaestoribus* as an attempt to prevent the formation of client relations. Consuls were to appoint apparitors three years into the future.

³⁷⁶ Livy 40.29: *et erat familiaris usus, quod scribam eum quaestor Q. Petillius in decuriam legerat* (“and he had enjoyment of friendship, because as quaestor, Quintus Petillius had chosen him as scribe for the *decuria*”). Nippel 1995, 12 believes that this is an instance of a magistrate filling a vacancy with his client.

³⁷⁷ *CIL* III 6759; cf. *CIL* III 6083 who likewise describes himself as a lictor of the proconsul Fonteius Apprippa (*D. Publicius Fructus lictor Fonteii Agrippae procos*).

³⁷⁸ Cic. *leg. Agr.* 2.32-33: *Omnia sunt haec huius modi, Quirites, ut, ea qui habeat sine vestris suffragiis, aut rex non ferendus aut privatus furiosus esse videatur* (“All these things are of the type, Romans, that he who has these things without your votes, would seem to be either an unbearable king or a crazed private individual”). Manuwald 2018, *ad loc.* suggests that a person with both the power and entourage must be elected by the Roman people.

³⁷⁹ Plin. *Ep.* 4.12: *qui sorte obtigerat* (“the scribe who fell to him by the sortition”). Cf. Jones 1949, 40.

The *lex Coloniae Genetivae Iuliae*, the founding constitution of the town of Urso, provides for the allocation of lictors, decreeing that the duumvirs “shall have the right and power to have two lictors” without further specifying where the apparitors are to come from.³⁸⁰ The *lex Cornelia de XX Quaestoribus* of 81 BCE concerns the appointment of apparitors to the newly created quaestors at Rome, who received *viatores* and *praecones* but not lictors. The law states that it is the consuls who choose (*legere*) the apparitors from the appropriate *decuria*.³⁸¹ This method of allocation could apply to lictors as well. This method of allocation finds further support in Cicero’s correspondence from 48 BCE. In a letter to Atticus, Cicero hints at the process of allocating lictors, mentioning a *senatus consultum* that has been disregarded and that Caesar ought to authorize (*comprobare*) some lictors, which suggests that it was not a blind sortition, but a process more like the provisions of the *lex Cornelia*.³⁸² The letter also mentions that Sestius was not allowed to keep his own lictors that were granted to him, but instead he was given some by Caesar (*cui non puto suos esse concessos sed ab ipso datos*). At the time that the letter was written, Caesar would have been serving as consul and might well have been responsible for choosing apparitors.

The ideal of a sortition independent of patronage did not always stand. Cicero portrays Verres’ *scriba* as having served him many times, a fact that Cicero uses to insinuate

³⁸⁰ LXII: *lictiores binos... habere ius potestasque esto.*

³⁸¹ II.7-15: *co(n)s(ules) quei nunc sunt, iei ante k(alendas) Decembreis primas de eis, quei cives Romanei sunt, viatorem unum legunto, quei in ea decuria viator appareat, quam decuriam viatorum ex noneis Decembribus primeis quaestoribus ad aerarium apparere oportet oportebit.* (“the consuls who are now in office, they before the Kalends of December next following are to choose, from those who are Roman citizens, on messenger who may attend as messenger in that group, which group of messengers it is or shall be appropriate that it attend on the quaestors at the treasury from the Nones of December next following...” Translation Crawford 1996, 297-300).

³⁸² Cic. Att. 11.7: *ita faciam igitur ut scribis istis placere, isdem istis lictoribus me uti, quod concessum Sestio sit; cui non puto suos esse concessos sed ab ipso datos. audio enim eum ea senatus consulta improbare quae post discessum tribunorum facta sunt. qua re poterit, si volet sibi constare, nostros lictores comprobare* (“Very well, I shall do as you say they think best, i.e. that I should keep the same lictors I now have, a concession made, you say, to Sestius. I suppose he was not allowed to keep his own lictors but given them by Caesar. For I hear that Caesar does not recognize senatorial decrees passed after the departure of the Tribunes. Therefore if he wants to be consistent he will be able to authorize my lictors” Translation D. R. Shackleton Bailey 1999). Shackleton Bailey 1965, *ad loc.* Sestius had been assigned Cilicia; Caesar did authorize Cicero’s lictors.

corruption among his entourage.³⁸³ If the allegation is true, it seems unlikely that this *scriba* had been allotted by chance so often to Verres.³⁸⁴ As often could occur in Republican Rome, supposedly blind sortitions, such as the sortition of provinces among praetors, could be rigged by the powerful.³⁸⁵ If the method of allocation was less like Pliny's sortition and more like the consular appointments of Cicero, Caesar and the *lex Cornelia*, the process would certainly have been open to tampering by the well-connected of the senatorial class.

3.8 Late Imperial Decline

The apparitorial structure of the Republic continued into the Imperial period, and lictors acquired new assignments in the quasi-magisterial posts created during this era.³⁸⁶ The apparitorial civil service of the Republic was gradually displaced by Imperial slaves and freedmen, who took on more of the administrative tasks that were centralized around the Imperial household.³⁸⁷ It is perhaps due to this trend that freedmen and Imperial lictors are so well attested during the Imperial period.³⁸⁸ The proximity to power provided by the Imperial household allowed some freedmen to flourish.³⁸⁹ One such example is Marcus

³⁸³ Cic. *Verr.* 2.3.87: *mecum et in legatione et in praetura et hic in Sicilia versatus es* (Verres' letter being read: "you were stationed with me both in my legateship and in my praetorship and here in Sicily").

³⁸⁴ There were many more *scribae* than lictors required for the magistrates as the junior magistrates, such as aediles and quaestors were also entitled to them; the *decuriae* of the *scribae* were likely commensurately larger.

³⁸⁵ Brennan 2000, 6 and Appendix B (758-63) for elites cheating at the provincial sortition.

³⁸⁶ Jones 1949, 42.

³⁸⁷ Jones, 1949, 41-44.

³⁸⁸ For examples of lictors who are freedmen: *CIL* VI 1874; *CIL* VI 1877 was a first century CE freedman who attained high rank within his lifetime; *CIL* VI 1880 freedman of the Imperial family (Purcell 1983, 149). For examples of lictors attending emperors: *CIL* VI 1871; *CIL* VI 1881. Imperial lictors continued to serve yearlong terms: Stat. *Silv.* 4.2.61: *saepe novo Ianum lictore salutes* ("often may you greet Janus with a new lictor").

³⁸⁹ Purcell 1983, 149.

Ulpian Phaedimus, a freedman and proximate lictor of the emperor Trajan, who died within days of his patron. The transportation of his body to Rome following his death and his large, beautifully inscribed, marble epitaph suggest influence and perhaps wealth.³⁹⁰

The role of lictors in the apparatus of state was elsewhere reduced by the use of selected soldiers for special duties for the Imperial household, which likely replaced much of what they had done during the Republic.³⁹¹

The apparitorial class survived into the sixth century CE. By the fourth and fifth centuries it had become part of the larger Imperial bureaucracy, although there is evidence that they were still lobbying to maintain certain legal rights and their ability to collect fees.³⁹²

At this late point, the *decuria* of consular lictors had likely ceased to resemble anything like the lictors of the Republic and early Empire, but instead had become little more than a titular position in the bloated bureaucracy, full of purchased sinecures and wealth accruing through emoluments and perquisites.³⁹³

³⁹⁰ *CIL* VI 1884; interestingly, he is also our last attested Imperial lictor: Millar 1977, 67-68.

³⁹¹ Jones 1949, 41-44.

³⁹² Jones 1949, 42.

³⁹³ Cohen 1984, 53.

4 Conclusion

Lictors were very much the embodiment of the Roman state. From the earliest traces of Roman history under Rome's kings through the Republic and well into the Imperial period, lictors bearing fasces served as the ultimate symbols of authority and magisterial dignity. Lictors were an omnipresent aspect of Roman governance that is only hinted at in the sources. During the Republic, lictors were an essential component of the magistrates' performance of their duties, which were public by their very nature. During the Imperial period when the Republican magistracies lost much of their importance, lictors continued to be prominent markers of prestige and identifiers of authority. This potent symbolism was picked up by Cicero and Livy for dramatic effect and provide us with a sense of the awe and majesty that a retinue of lictors provided. As such an important piece of the apparatus of state, the lictor was an important post within the Roman civil service and provided sub-elite Roman citizens with the opportunity for respect and social advancement.

There is much room for further research on this topic. In particular I would have liked to have explored the pan-Mediterranean roots of some of the traditions involving lictors. The most common word for lictors in the Greek sources, *ῥάβδουχος* and related terms, are loan words that had applications outside the context of describing Roman lictors.³⁹⁴ It should be noted that the Greek sources are notoriously vague and imprecise when describing Roman political offices and positions, but rod-bearers existed throughout the Greek world, and very likely in the Near East as well.³⁹⁵ For example the Spartans seem to have had some kind of rod-bearers, as did Alexander the Great; likewise, the centrality of procession and public pageantry was not unique to Rome but was a common part of

³⁹⁴ Mason 1974.

³⁹⁵ Brennan 2000, 11 for the vagueness of Greek terminology.

public life in the Greek *poleis*.³⁹⁶ Similarly, a further exploration of the Etruscan origins of lictors would help to illuminate the significance of the Roman lictor. Finally, lictors in the Imperial context and the apparitorial class as a whole seem especially worthy of further exploration.

³⁹⁶ Flower, *Ancestor Masks*, 107-8. Of particular interest are the Hellenistic processions that greatly influenced the triumphs and funeral processions of the Republic.

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Curriculum Vitae

Name: Erin Pierik

Post-secondary Education and Degrees: The University of British Columbia
Vancouver, British Columbia, Canada
2012-2016 B.A.

The University of Western Ontario
London, Ontario, Canada
2017-2019 M.A.

Honours and Awards: NSERC Canada Graduate Scholarship (Master's)
2018-2019

Related Work Experience Teaching Assistant
The University of Western Ontario
2017-2019