

# Philo of Alexandria as a Witness to Roman Law?

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## 1) Philo, *Spec.* 3.1-3

There was a time when I had leisure for philosophy and for the contemplation of the universe and its contents, when I made its spirit my own in all its beauty and loveliness and true blessedness, when my constant companions were divine themes and verities, wherein I rejoiced with a joy that never cloyed or sated. I had no base or abject thoughts nor grovelled in search of reputation or of wealth or bodily comforts, but seemed always to be borne aloft into the heights with a soul possessed by some God-sent inspiration, a fellow-traveler with the sun and moon and the whole heaven and universe. Ah then I gazed down from the upper air, and straining the mind's eye beheld, as from some commanding peak, the multitudinous world-wide spectacles of earthly things, and blessed my lot in that I had escaped by main force from the plagues of mortal life. But, as it proved, my steps were dogged by the deadliest of mischiefs, the hater of the good, envy, which suddenly set upon me and ceased not to pull me down with violence till it **had plunged me in the ocean of civil cares, in which I am swept away, unable even to raise my head above the water.**

Ἦν ποτε χρόνος, ὅτε φιλοσοφία σχολάζων καὶ θεωρία τοῦ κόσμου καὶ τῶν ἐν αὐτῷ τὸν καλὸν καὶ περιπόθητον καὶ μακάριον ὄντως νοῦν ἐκαρπούμην, θείους ἀεὶ λόγοις συγγινόμενος καὶ δόγμασιν, ὧν ἀπλήστως καὶ ἀκρέστως ἔχων ἐνευφραϊνόμενη, οὐδὲν ταπεινὸν φρονῶν ἢ χαμαιζήλον οὐδὲ περὶ δόξαν ἢ πλοῦτον ἢ τὰς σώματος εὐπαθείας ἰλυσπώμενος, ἀλλ' ἄνω μετάρσιος ἐδόκουν ἀεὶ φέρεσθαι κατὰ τινα τῆς ψυχῆς ἐπιθυσιασμὸν καὶ συμπεριτολεῖν ἡλίω καὶ σεληνῇ καὶ σύμπαντι οὐρανῷ τε καὶ κόσμῳ. τότε δὴ τότε διακύπτων ἄνωθεν ἀπ' αἰθέρος καὶ τείνων ὡς περ ἀπὸ σκοπιᾶς τὸ τῆς διανοίας ὄμμα κατεθεώμην τὰς ἀμυθήτους θεωρίας τῶν ἐπὶ γῆς ἀπάντων καὶ εὐδαιμόνιζον ἐμαυτὸν ὡς ἀνά κράτος ἐκπεφευγότα τὰς ἐν τῷ θνητῷ βίῳ κῆρας. ἐφήδρευε δ' ἄρα μοι τὸ κακῶν ἀργαλειώτατον, ὁ μισόκαλος φθόνος, ὃς ἐξαπιναιῶς ἐπιπεσὼν οὐ πρότερον ἐπαύσατο καθέλκων πρὸς βίαν ἢ με **καταβαλεῖν εἰς μέγα πέλαιος τῶν ἐν πολιτείᾳ φροντίδων, ἐν ᾧ φορούμενος οὐδ' ὄσον ἀνανήξασθαι δύναμαι.**

## 2) Philo, *Legat.* 28

With these words he deceived both the audience and the lad. The adoption was a snare to assure not the sovereignty which he expected, but the loss of that which he held already. And Gaius proceeded to plot against his fellow-heir and true partner with full security and disregard of all opposition, **for the Roman laws assign absolute power over the son to the father**, not to mention his irresponsible authority as emperor, since no one had either the courage or the power to call him to account for his actions of any kind.

τούτοις καὶ τοὺς παρόντας ἀπατήσας καὶ τὸ μεράκιον—δέλεαρ γὰρ ἦν ἡ θέσις οὐκ ἐλπίζομένης ἡγεμονίας, ἀλλ' ἀφαιρέσεως ἧς εἶχεν ἤδη—τῷ συγκληρονόμῳ καὶ κοινῶν δικαίῳ μετὰ πολλῆς ἀδείας οὐδενὸς ἔτι πεφροντικῶς ἐπεβούλευεν. **ἡ γὰρ υἱοῦ παντελῆς ἐξουσία κατὰ τοὺς τῶν Ῥωμαίων νόμους ἀνάκειται πατρί, δίχα τοῦ καὶ ἀνυπεύθυνον ἀρχὴν εἶναι τὴν αὐτοκράτορα, μηδενὸς ἐπὶ τοῖς ὅπως οὖν πεπραγμένοις λόγον ἀπαιτεῖν τολμῶντος ἢ δυναμένου**

## 3) Philo, *Legat.* 155-8

How then did he show his approval? He was aware that the great section of Rome on the other side of the Tiber is occupied and inhabited by Jews, most of whom were Roman citizens emancipated. For having been brought as captives to Italy they were liberated by their owners and were not forced to violate any of their native institutions. He knew therefore that they have houses of prayer and meet together in them, particularly

on the sacred sabbaths when they receive as a body a training in their ancestral philosophy. He knew too that they collect money for sacred purposes from their first-fruits and send them to Jerusalem by persons who would offer the sacrifices. **Yet nevertheless he neither ejected them from Rome nor deprived them of their Roman citizenship because they were careful to preserve their Jewish citizenship also, nor took any violent measures against the houses of prayer, nor prevented them from meeting to receive instructions in the laws, nor opposed their offerings of the first-fruits. Indeed so religiously did he respect our interests that supported by wellnigh his whole household he adorned our temple through the costliness of his dedications, and ordered that for all time continuous sacrifices of whole burnt offerings should be carried out every day at his own expense as a tribute to the most high God.** And these sacrifices are maintained to the present day and will be maintained for ever to tell the story of a character truly imperial. Yet more, in the monthly doles in his own city when all the people each in turn receive money or corn, **he never put the Jews at a disadvantage in sharing the bounty, but even if the distributions happened to come during the sabbath when no one is permitted to receive or give anything or to transact any part of the business of ordinary life, particularly of a lucrative kind, he ordered the dispensers to reserve for the Jews till the morrow the charity which fell to all.**

πῶς οὖν ἀπεδέχετο; τὴν πέραν τοῦ Τιβέρεως ποταμοῦ μεγάλην τῆς Ῥώμης ἀποτομὴν [ἦν] οὐκ ἠγνόει κατεχομένην καὶ οἰκουμένην πρὸς Ἰουδαίων. Ῥωμαῖοι δὲ ἦσαν οἱ πλείους ἀπελευθερωθέντες· αἰχμάλωτοι γὰρ ἀχθέντες εἰς Ἰταλίαν ὑπὸ τῶν κτησαμένων ἠλευθερώθησαν, οὐδὲν τῶν πατρίων παραχαράξει βιασθέντες. ἠπίστατο οὖν καὶ προσευχὰς ἔχοντας καὶ συνιόντας εἰς αὐτάς, καὶ μάλιστα ταῖς ἱεραῖς ἐβδόμαις, ὅτε δημοσίᾳ τὴν πάτριον παιδεύονται φιλοσοφίαν. ἠπίστατο καὶ χρήματα συναγοντας ἀπὸ τῶν ἀπαρχῶν ἱερὰ καὶ πέμποντας εἰς Ἱεροσόλυμα διὰ τῶν τὰς θυσίας ἀναξόντων. **ἀλλ' ὅμως | οὔτε ἐξώκισε τῆς Ῥώμης ἐκείνους οὔτε τὴν Ῥωμαϊκὴν αὐτῶν ἀφείλετο πολιτείαν, ὅτι καὶ τῆς Ἰουδαϊκῆς ἐφρόντιζον, οὔτε ἐνεωτέρισεν εἰς τὰς προσευχὰς οὔτε ἐκώλυσε συνάγεσθαι πρὸς τὰς τῶν νόμων ὑφηγήσεις οὔτε ἠναντιώθη τοῖς ἀπαρχομένοις, ἀλλ' οὕτως ὠσίωτο περὶ τὰ ἡμέτερα, ὥστε μόνον οὐ πανοίκιος ἀναθημάτων πολυτελείαις τὸ ἱερὸν ἡμῶν ἐκόσμησε, προστάξας καὶ διαιωνίους ἀνάγεσθαι θυσίας ἐντελεχεῖς ὀλοκαύτους καθ' ἐκάστην ἡμέραν ἐκ τῶν ἰδίων προσόδων ἀπαρχὴν τῷ ὑψίστῳ θεῷ, αἱ καὶ μέχρι νῦν ἐπιτελοῦνται καὶ εἰς ἅπαν ἐπιτελεσθήσονται, μῆνυμα τρόπων ὄντως αὐτοκρατορικῶν. οὐ μὴν ἀλλὰ κἀν ταῖς μηνιαίοις τῆς πατρίδος διανομαῖς, ἀργύριον ἢ σῖτον ἐν μέρει παντὸς τοῦ δήμου λαμβάνοντος, οὐδέποτε τοὺς Ἰουδαίους ἠλάττωσε τῆς χάριτος, ἀλλ' εἰ καὶ συνέβη τῆς ἱερᾶς ἐβδόμης ἐνεστώσης γενέσθαι τὴν διανομὴν, ὅτε οὔτε λαμβάνειν οὔτε διδόναι ἢ συνόλως τι πράττειν τῶν κατὰ βίον καὶ μάλιστα τὸν ποριστὴν ἐφεΐται, προσετέτακτο τοῖς διανέμουσι ταμιεῦειν τοῖς Ἰουδαίοις εἰς τὴν ὑστεραίαν τὴν κοινὴν φιλανθρωπίαν.**

#### 4) Philo, *Legat.* 311-6

While I have a great abundance of evidence to show the wishes of your great-grandfather Augustus I will content myself with two examples. The first is a letter which he sent to the governors of the provinces in Asia, as he had learnt that the sacred first-fruits were treated with disrespect. He ordered that the Jews alone should be permitted by them to assemble in synagogues. These gatherings, he said, were not based on drunkenness and carousing to promote conspiracy and so to do grave injury to the cause of peace, but were schools of temperance and justice where men while practising virtue subscribed the annual first-fruits to pay for the sacrifices which they offer and commissioned sacred envoys to take them to the temple in Jerusalem. Then he commanded that no one should hinder the Jews from meeting or subscribing or sending envoys to Jerusalem according to their ancestral practice. For these were certainly the substance if not the actual words of his instructions. But there is one letter which I subjoin here to convince you, my lord and master, sent by Gaius Norbanus Flaccus declaring what Caesar had written to him. **Here is a transcript of this letter. 'Gaius Norbanus Flaccus proconsul to the magistrates of the Ephesians, greeting. Caesar has written to me that the Jews, wherever they may be, regularly according to their old peculiar custom, make a rule of meeting together and subscribing money which they send to Jerusalem. He does not wish them to be hindered from doing this. I therefore write to you to let you know that this is what he orders to be done.'** Is not this a clear proof, my emperor, of the principles which he followed as to the honour due to our temple? He did not think that the form generally adopted about meetings should be applied to do away with

the assemblages of the Jews to which they resort for collection of the first-fruits and their other religious observances.

τεκμηρίους δὲ ἀφθόνοις πιστώσασθαι δυνάμενος τὸ βούλημα τοῦ Σεβαστοῦ προπάππου σου δυσὶν ἀρκεσθήσομαι. τὸ μὲν γὰρ πρῶτον ἐπέστειλε τοῖς ἐπιτρόποις τῶν κατὰ τὴν Ἀσίαν ἐπικρατειῶν, πυθόμενος ὀλιγωρεῖσθαι τὰς ἱερὰς ἀπαρχάς, ἵνα ἐπιτρέπωσι τοῖς Ἰουδαίοις μόνους εἰς τὰ συναγωγία συνέρχεσθαι· μὴ γὰρ εἶναι ταῦτα συνόδους ἐκ μέθης καὶ παροινίας ἐπὶ συστάσει, ὡς λυμáινεσθαι τὰ | τῆς εἰρήνης, ἀλλὰ διδασκαλεῖα σωφροσύνης καὶ δικαιοσύνης ἀνδρῶν ἐπιτηδευόντων μὲν ἀρετῆν, ἀπαρχὰς δὲ ἐτησίους συμφερόντων, ἐξ ὧν ἀνάγουσι θυσίας στέλλοντες ἱεροπομποὺς εἰς τὸ ἐν Ἱεροσολύμοις ἱερόν. εἶτα κελεύει μηδένα ἐμποδῶν ἴστασθαι τοῖς Ἰουδαίοις μήτε συνιοῦσι μήτε συνεισφέρουσι μήτε διαπεμπομένοις κατὰ τὰ δηλῶν τὰ ὑπὸ Καίσαρος αὐτῷ γραφέντα. **ἔστι δὲ τῆς ἐπιστολῆς τὸ ἀντίγραφον τόδε·** Ἰάγιος Νορβανὸς Φλάκκος ἀνθύπατος Ἐφεσίων ἄρχουσι χαίρειν. Καῖσάρ μοι ἔγραψεν, Ἰουδαίους, οὐκ ἂν ὧσιν, ἰδίῳ ἀρχαίῳ ἐθισμῷ νομίζειν συναγομένους χρήματα φέρειν, ἃ πέμπουσιν εἰς Ἱεροσόλυμα· τούτους οὐκ ἠθέλησε κωλύεσθαι τοῦτο ποιεῖν. ἔγραψα οὖν ὑμῖν, ἵν' εἰδῆτε, ὡς ταῦτα οὕτως γίνεσθαι κελεύει. ἄρ' οὐκ ἐναργῆς πίστις ἐστίν, αὐτοκράτορ, τῆς Καίσαρος προαιρέσεως, ἧς περὶ τὴν τοῦ ἡμετέρου ἱεροῦ τιμὴν ἐκέκρητο, μὴ βουληθεὶς τῷ κοινῷ τύπῳ τῶν συνόδων ἀναιρεθῆναι τὰς τῶν Ἰουδαίων εἰς ταῦτο συμφοιτήσεις, ἃς ἀπαρχῶν ἕνεκα ποιοῦνται καὶ τῆς ἄλλης εὐσεβείας;

### 5) Philo, *Probos* 81-3

In these they are instructed at any other time, but especially on the seventh days. For the seventh day has been respected as holy and on it they refrain from other works. They arrive at holy places, which are called synagogues, and take a seat in the order of their age, the younger below the elder, eager to listen with appropriate discipline. Then a certain person takes the scroll and reads it, while another of the most skilled experts comes forward and explains whatever may be unfamiliar. For most things are studied among them philosophically by means of symbols and with an archaic zeal. They are thus trained in piety, holiness, justice, domestic and civic conduct, knowledge of things truly good and bad and indifferent, as well as in the choices of things that are either necessary or demand flight to their opposites. As their premises they use three standards, namely love of God and love of virtue and love of humanity.

τούτους ἀναδιδάσκονται μὲν καὶ παρὰ τὸν ἄλλον χρόνον, ἐν δὲ ταῖς ἐβδόμοις διαφερόντως. ἱερὰ γὰρ ἡ ἐβδόμη νενόμισται, καθ' ἣν τῶν ἄλλων ἀνέχοντες ἔργων, εἰς ἱεροῦς ἀφικνούμενοι τόπους, οἱ καλοῦνται συναγωγαί, καθ' ἡλικίας ἐν τάξεσιν ὑπὸ πρεσβυτέροις νέοι καθέζονται, μετὰ κόσμου τοῦ προσήκοντος ἔχοντες ἀκροατικῶς. εἴθ' εἰς μὲν τις τὰς βίβλους ἀναγινώσκει λαβῶν, ἕτερος δὲ τῶν ἐμπειροτάτων ὅσα μὴ γνώριμα παρελθῶν ἀναδιδάσκει· τὰ γὰρ πλεῖστα διὰ συμβόλων ἀρχαιοτρόπῳ ζηλώσει παρ' αὐτοῖς φιλοσοφεῖται. παιδεύονται δὲ εὐσέβειαν, ὁσιότητα, δικαιοσύνην, οικονομίαν, πολιτείαν, ἐπιστήμην τῶν πρὸς ἀλήθειαν ἀγαθῶν καὶ κακῶν καὶ ἀδιαφόρων, αἰρέσεις ὧν χρῆ καὶ φυγὰρ τῶν ἐναντίων, ὄροις καὶ κανόσι τριτοῖς χρώμενοι, τῷ τε φιλοθέῳ καὶ φιλαρέτῳ καὶ φιλανθρώπῳ.

### 6) Philo, *Hypoth.* 7.11-4

You may ask: Is not this merely a case of practicing self-control so that they should be capable of abstaining from toil if necessary no less than of toilsome activity? No, it was a great and marvelous achievement which the lawgiver had in view. He considered that they should not only be capable of both action and inaction in other matters but also should have expert knowledge of their ancestral laws and customs.

What then did he do? He required them to assemble in the same place on these seventh days, and sitting together in a respectful and orderly manner hear the laws read so that none should be ignorant of them.

And indeed they do always assemble and sit together, most of them in silence except when it is the practice to add something to signify approval of what is read. But some priest who is present or one of the elders reads the holy laws to them and expounds them point by point till about the late afternoon, when they depart having gained both expert knowledge of the holy laws and considerable advance in piety.

Do you think that this marks them as idlers or that any work is equally vital to them? And so they do not resort to persons learned in the law with questions as to what they should do or not do, nor yet by keeping independent transgress in ignorance of the law, but any one of them whom you attack with inquiries about their ancestral institutions can answer you readily and easily. The husband seems competent to transmit knowledge of the laws to his wife, the father to his children, the master to his slaves.

ἄρ' οὐ πρὸς ἀσκήσεως μόνον αὐτοῖς τοῦτο ἐγκρατείας ἐστίν, ὡς ἐξ ἴσου καὶ δρᾶν τι πονοῦντας καὶ ἀνέχειν ἰσχύειν ἀπὸ τῶν ἔργων, εἰ δέοι; οὐ δῆτα. ἀλλὰ καὶ πρὸς ἔργου μεγάλου καὶ θαυμαστοῦ τινος ὤθηθαι δεῖν ὁ νομοθέτης αὐτοὺς μὴ τᾶλλα μόνον ἰκανοὺς εἶναι δρᾶν καὶ μὴ δρᾶν ὡσαύτως, ἀλλ' ἔτι καὶ τῶν πατρίων νόμων καὶ ἐθῶν ἐμπείρως ἔχειν.

τί οὖν ἐποίησε; ταῖς ἐβδόμαις ταύταις ἡμέραις αὐτοὺς εἰς ταῦτόν ἤξιου συνάγεσθαι καὶ καθεζομένους μετ' ἀλλήλων σὺν αἰδοῖ καὶ κόσμῳ τῶν νόμων ἀκροᾶσθαι τοῦ μηδένα ἀγνοῆσαι χάριν.

καὶ δῆτα συνέρχονται μὲν αἰεὶ καὶ συνεδρεύουσι μετ' ἀλλήλων· οἱ μὲν πολλοὶ σιωπῇ, πλὴν εἴ τι προσεπευφημῆσαι τοῖς ἀναγινωσκομένοις νομίζεται· τῶν ἱερέων δέ τις ὁ παρῶν ἢ τῶν γερόντων εἰς ἀναγινώσκει τοὺς | ἱεροὺς νόμους αὐτοῖς καὶ καθ' ἕκαστον ἐξηγεῖται μέχρι σχεδὸν δειλῆς ὀψίας· κάκ τοῦδε ἀπολύονται τῶν τε νόμων τῶν ἱερῶν ἐμπείρως ἔχοντες καὶ πολὺ δὴ πρὸς εὐσέβειαν ἐπιδεδωκότες.

ἄρα σοι δοκεῖ ταῦτα ἀργούντων εἶναι καὶ οὐ παντὸς ἔργου μᾶλλον ἀναγκαῖα αὐτοῖς; τοιγαροῦν οὐκ ἐπὶ θεσμοδούς ἔρχονται περὶ τῶν πρακτέων καὶ μὴ διερωτῶντες οὐδὲ καθ' ἑαυτοὺς ὑπ' ἀγνοίας τῶν νόμων ῥαδιουργοῦσιν, ἀλλ' ὄντινα αὐτῶν κινεῖς καὶ περὶ τῶν πατρίων διαπυνθάνη, προχείρως ἔχει καὶ ῥαδίως εἰπεῖν· καὶ ἀνὴρ γυναικὶ καὶ παισὶ πατὴρ καὶ δούλοις δεσπότης ἰκανὸς εἶναι δοκεῖ τοὺς νόμους παραδιδόναι.

## 7) Seneca, *Superst.*, fragm. in Aug., C.D. 6.11 = GLAJJ 1.186

Along with other superstitions of the civil theology Seneca also censures the sacred institutions of the Jews, especially the sabbath. He declares that their practice is inexpedient, because by introducing one day of rest in every seven they lose in idleness almost a seventh of their life, and by failing to act in times of urgency they often suffer loss... But when speaking of the Jews he says: "Meanwhile the customs of this accursed race have gained such influence that they are now received throughout all the world. The vanquished have given laws to their victors." He shows his surprise as he says this, not knowing what was being wrought by the providence of God. But he adds a statement that shows what he thought of their system of sacred institutions: "The Jews, however, are aware of the origin and meaning of their rites. The greater part of the people go through a ritual not knowing why they do so. "

Hie <scil. Seneca> inter alias civilis theologiae superstitiones reprehendit etiam sacramenta Iudaeorum et maxime sabbata, inutiliter eos facere adfirmans, quod per illos singulos septenis interpositos dies septimam fere partem aetatis suae perdant vacando et multa in teme pore urgentia non agendo laedantur... De illis sane Iudaeis cum loqueretur, ait: "Cum interim usque eo sceleratissimae gentis consuetudo convaluit, ut per omnes iam terras recepta sit; victi victoribus leges dederunt." Mirabatur haec dicens et quid divinitus ageretur ignorans subiecit plane sententiam, qua significaret quid de illorum io sacramentorum ratione sentiret. Ait enim: "Illi tamen causas ritus sui noverunt; maior pars populi facit, quod cur faciat ignorat.

## 8) Josephus, *C.Ap.* 2.175-8

For ignorance he left no pretext. He appointed all the Law to be the most excellent and necessary form of instruction, ordaining, not that it should be heard once for all or twice or on several occasions, but that every week men should desert their other occupations and assemble to listen to the Law and to obtain a thorough and accurate knowledge of it, a practice which all other legislators seem to have neglected. Indeed, most men, so far from living in accordance with their own laws, hardly know what they are. Only when they have done wrong do they learn from others that they have transgressed the law. Even those of them who hold the highest

and most important offices admit their ignorance; for they employ professional legal experts as assessors and leave them in charge of the administration of affairs. But, should anyone of our nation be questioned about the laws, he would repeat them all more readily than his own name. The result, then, of our thorough grounding in the laws from the first dawn of intelligence is that we have them, as it were, engraven on our souls. A transgressor is a rarity; evasion of punishment by excuses an impossibility.

Οὐδὲ γὰρ τὴν ἀπὸ τῆς ἀγνοίας ὑποτίμησιν κατέλιπεν, ἀλλὰ καὶ κάλλιστον καὶ ἀναγκαϊότατον ἀπέδειξε παιδεύμα τὸν νόμον, οὐκ εισάπαξ ἀκροασομένοις οὐδὲ δις ἢ πολλάκις, ἀλλ' ἐκάστης ἐβδομάδος τῶν ἄλλων ἔργων ἀφεμένους ἐπὶ τὴν ἀκρόασιν ἐκέλευσε τοῦ νόμου συλλέγεσθαι καὶ τοῦτον ἀκριβῶς ἐκμανθάνειν· ὁ δὲ πάντες εἰκόσασιν οἱ νομοθέται παραλιπεῖν. Καὶ τοσοῦτον οἱ πλεῖστοι τῶν ἀνθρώπων ἀπέχουσι τοῦ κατὰ τοὺς οἰκείους νόμους ζῆν, ὥστε σχεδὸν αὐτοὺς οὐδ' ἴσασιν, ἀλλ' ὅταν ἐξαμάρτανωσι, τότε παρ' ἄλλων μαθηθάνουσιν ὅτι τὸν νόμον παραβέβηκασιν. οἱ τε τὰς μεγίστας καὶ κυριωτάτας παρ' αὐτοῖς ἀρχὰς διοικοῦντες ὁμολογοῦσι τὴν ἀγνοίαν· ἐπιστάτας γὰρ παρακαθίστανται τῆς τῶν πραγμάτων οἰκονομίας τοὺς ἐμπειρίαν ἔχειν τῶν νόμων ὑπισχνουμένους. ἡμῶν δ' ὄντινοῦν τις ἔροιτο τοὺς νόμους ῥᾶον ἢ εἴποι πάντας ἢ τὸ νόμον. τοιγαροῦν ἀπὸ τῆς πρώτης εὐθύς αἰσθήσεως αὐτοὺς ἐκμανθάνοντες ἔχομεν ἐν ταῖς ψυχαῖς ὥσπερ ἐγκεχαραγμένους, καὶ σπάνιος μὲν ὁ παραβαίνων, ἀδύνατος δ' ἡ τῆς κολάσεως παραίτησις.

## 9) Cicero, *Or.*, 1.239-40

I ask then, of what service was legal knowledge to an advocate in those cases, when that learned lawyer was bound to come off victorious, who had been upheld, not by his own dexterity but by a stranger's, that is to say, not by legal knowledge but by eloquence?

“Often too have I heard how, when Publius Crassus was a candidate for the aedileship, and Servius Galba, his senior and a past consul, was in attendance upon him, having arranged a marriage between his son Gaius and the daughter of Crassus, a certain countryman approached Crassus to obtain his opinion: he took Crassus apart and laid the facts before him, but brought away from him advice that was more correct than conformable to his interest; whereupon Galba, noting his chagrin, accosted him by name, inquiring what the question was on which he had consulted Crassus. Having heard the client's tale and observing his agitation, ‘I see,’ said he, ‘that Crassus was preoccupied and distracted when he advised you’: he then seized Crassus himself by the hand and asked, ‘How now, whatever entered your head to suggest such an opinion? ‘Upon this the other, with the assurance of profound knowledge, repeated that the position was as he had advised and the point unarguable. Galba however, sportively and with varied and manifold illustrations, brought forward a number of analogies, and urged many considerations in favour of equity as against rigid law, and it is related that Crassus, being no match for him in discussion—though ranked among the accomplished, Crassus came nowhere near Galba—, took refuge in authorities, and pointed out his own statement both in the works of his brother Publius Mucius, and in the text-book of Sextus Aelius, yet after all admitted that Galba's argument seemed to him persuasive, and very near the truth.

Quaero igitur, quid adiuverit oratorem in his causis iuris scientia, cum hic iurisconsultus superior fuerit discessurus, qui esset non suo artificio, sed alieno, hoc est, non iuris scientia, sed eloquentia, sustentatus.

Equidem hoc saepe audivi, cum aedilitatem P. Crassus peteret, eumque maior natu, etiam consularis, Ser. Galba assectaretur, quod Crassi filiam Gaio filio suo despondisset, accessisse ad Crassum consulendi causa quemdam rusticanum: qui cum Crassum seduxisset, atque ad eum rettulisset, responsumque ab eo verum magis, quam ad suam rem accommodatum abstulisset; ut eum tristem Galba vidit, nomine appellavit, quaesivitque, qua de re ad Crassum rettulisset. Ex quo ut audivit, commotumque ut vidit hominem, ‘Suspenso,’ inquit, ‘animo et occupato Crassum tibi respondisse video’: deinde ipsum Crassum manu prehendit, et, ‘Heus tu,’ inquit, ‘quid tibi in mentem venit ita respondere? ‘Tum ille fidenter, homo peritissimus, confirmare, ita se rem habere, ut respondisset; nec dubium esse posse. Galba autem alludens varie, et copiose, multas similitudines afferre, multaque pro aequitate contra ius dicere; atque illum, cum disserendo par esse non posset—quanquam fuit Crassus in numero disertorum, sed par Galbae nullo

modo—, ad auctores confugisse, et id, quod ipse diceret, et in P. Mucii, fratris sui, libris, et in Sext. Aelii commentariis scriptum protulisse, ac tamen concessisse, Galbae disputationem sibi probabilem et prope veram videri.

### 10) Cicero, *Lael.* 1.1

Quintus Mucius Scaevola, the augur, used to relate with an accurate memory and in a pleasing way many incidents about his father-in-law, Gaius Laelius, and, in every mention of him, did not hesitate to call him “the Wise.” Now, I, upon assuming the toga virilis,<sup>1</sup> had been introduced by my father to Scaevola with the understanding that, so far as I could and he would permit, I should never leave the old man’s side. And so it came to pass that, in my desire to gain greater profit from his legal skill, I made it a practice to commit to memory many of his learned opinions and many, too, of his brief and pointed sayings. After his death I betook myself to the pontiff, Scaevola, who, both in intellect and in integrity, was, I venture to assert, quite the most distinguished man of our State.

Q. Mucius augur multa narrare de C. Laelio socero suo memoriter et iucunde solebat nec dubitare illum in omni sermone appellare sapientem. Ego autem a patre ita eram deductus ad Scaevolam sumpta virili toga, ut, quoad possem et liceret, a senis latere numquam discederem. Itaque multa ab eo prudenter disputata, multa etiam breviter et commode dicta memoriae mandabam, fierique studebam eius prudentia doctior. Quo mortuo me ad pontificem Scaevolam contuli, quem unum nostrae civitatis et ingenio et iustitia praestantissimum audeo dicere.

### 11) Cicero, *Brutus* 306-7

I meantime, for the study of civil law, attached myself to Quintus Scaevola, the son of Quintus, who though he took no pupils, yet by the legal opinions given to his clients taught those who wished to hear him. The year following this was the consulship of Sulla and Pompeius. Publius Sulpicius was tribune at that time and addressed the people almost daily, so that I came to know his style thoroughly. At this time Philo, then head of the Academy, along with a group of loyal Athenians, had fled from Athens because of the Mithridatic war and had come to Rome. Filled with enthusiasm for the study of philosophy I gave myself up wholly to his instruction.

Ego autem iuris civilis studio multum operae dabam Q. Scaevolae Q. f., qui quamquam nemini se ad docendum dabat, tamen consulentibus respondendo studiosos audiendi docebat. Atque huic anno proximus Sulla consule et Pompeio fuit. Tum P. Sulpici in tribunatu cotidie contionantis totum genus dicendi penitus cognovimus; eodemque tempore, cum princeps Academiae Philo cum Atheniensium optimatibus Mithridatico bello domo profugisset Romamque venisset, totum ei me tradidi admirabili quodam ad philosophiam studio concitatus

### 13) Tacitus, *Dial.* 34

It was accordingly usual with our ancestors, when a lad was being prepared for public speaking, as soon as he was fully trained by home discipline, and his mind was stored with culture, to have him taken by his father, or his relatives to the orator who held the highest rank in the state. The boy used to accompany and attend him, and be present at all his speeches, alike in the law-court and the assembly, and thus he picked up the art of repartee, and became habituated to the strife of words, and indeed, I may almost say, learnt how to fight in battle. Thereby young men acquired from the first great experience and confidence, and a very large stock of discrimination, for they were studying in broad daylight, in the very thick of the conflict, where no one can say anything foolish or self-contradictory without its being refuted by the judge, or ridiculed by the opponent, or, last of all, repudiated by the very counsel with him. Thus from the beginning they were imbued with true and genuine eloquence, and, although they attached themselves to one pleader, still they became acquainted with all advocates of their own standing in a multitude of cases before the courts. They had too

abundant experience of the popular ear in all its greatest varieties, and with this they could easily ascertain what was liked or disapproved in each speaker.

Thus they were not in want of a teacher of the very best and choicest kind, who could show them eloquence in her true features, not in a mere resemblance; nor did they lack opponents and rivals, who fought with actual steel, not with a wooden sword, and the audience too was always crowded, always changing, made up of unfriendly as well as of admiring critics, so that neither success nor failure could be disguised. You know, of course, that eloquence wins its great and enduring fame quite as much from the benches of our opponents as from those of our friends; nay, more, its rise from that quarter is steadier, and its growth surer. Undoubtedly it was under such teachers that the youth of whom I am speaking, the disciple of orators, the listener in the forum, the student in the law-courts, was trained and practised by the experiences of others.

The laws he learnt by daily hearing; the faces of the judges were familiar to him; the ways of popular assemblies were continually before his eyes; he had frequent experience of the ear of the people, and whether he undertook a prosecution or a defence, he was at once singly and alone equal to any case. We still read with admiration the speeches in which Lucius Crassus in his nineteenth, Cæsar and Asinius Pollio in their twenty-first year, Calvus, when very little older, denounced, respectively, Carbo, Dolabella, Cato, and Vatinius.

Ergo apud maiores nostros iuvenis ille, qui foro et eloquentiae parabatur, imbutus iam domestica disciplina, refertus honestis studiis deducebatur a patre vel a propinquis ad eum oratorem, qui principem in civitate locum obtinebat. hunc sectari, hunc prosequi, huius omnibus dictionibus interesse sive in iudiciis sive in contionibus adsuescebat, ita ut altercationes quoque exciperet et iurgiis interesset utque sic dixerim, pugnare in proelio disceret. magnus ex hoc usus, multum constantiae, plurimum iudicii iuvenibus statim contingebat, in media luce studentibus atque inter ipsa discrimina, ubi nemo inpune stulte aliquid aut contrarie dicit, quo minus et iudex respuat et adversarius exprobret, ipsi denique advocati aspernentur. igitur vera statim et incorrupta eloquentia imbuebantur; et quamquam unum sequerentur, tamen omnis eiusdem aetatis patronos in plurimis et causis et iudiciis cognoscebant; habebantque ipsius populi diversissimarum aurium copiam, ex qua facile deprehenderent, quid in quoque vel probaretur vel displiceret. ita nec praeceptor deerat, optimus quidem et electissimus, qui faciem eloquentiae, non imaginem praestaret, nec adversarii et aemuli ferro, non rudibus dimicantes, nec auditorium semper plenum, semper novum, ex invidis et faventibus, ut nec bene nec male dicta dissimularentur. scitis enim magnam illam et duraturam eloquentiae famam non minus in diversis subselliis parari quam suis; inde quin immo constantius surgere, ibi fidelius corroborari. Atque hercule sub eius modi praeceptoribus iuvenis ille, de quo loquimur, oratorum discipulus, fori auditor, sectator iudiciorum, eruditus et adsuefactus alienis experimentis, cui cotidie audienti notae leges, non novi iudicum vultus, frequens in oculis consuetudo contionum, saepe cognitae populi aures, sive accusationem susceperat sive defensionem, solus statim et unus cuicumque causae par erat. nono decimo aetatis anno L. Crassus C. Carbonem, unoetvicesimo Caesar Dolabellam, altero et vicesimo Asinius Pollio C. Catonem, non multum aetate antecedens Calvus Vatinius iis orationibus insecuti sunt, quas hodieque cum admiratione legimus.

#### 14) Pliny, Ep. 7.24.8

It is a joy to witness the family affection shown by the deceased and the honour done to an excellent young man, and I am happy to think that the house which once belonged to Gaius Cassius, the founder of the Cassian School of jurisprudence, will have a master no less distinguished

Gaudeo enim pietate defunctae, honore optimi iuvenis; laetor etiam quod domus aliquando C. Cassi, huius qui Cassianae scholae princeps et parens fuit, serviet domino non minori.

## 15) Digest 1.2.2.48-9

Massurius Sabinus succeeded Ateius Capito, and Nerva, Labeo; and these still further increased the aforesaid distinction between the schools. Nerva was also very intimate with the Emperor. Massurius Sabinus was of Equestrian rank, and was the first who wrote with public authority, and after this privilege was conceded, it was also granted to him by Tiberius Caesar.

And We may remark, in passing, that prior to the reign of Augustus, the right of giving opinions publicly was not granted by the chiefs of the State, but anyone who had confidence in his own attainments gave answers to those who consulted him, but they did not impress their seals upon the latter, and very frequently wrote to the judges, or to those who had consulted them, to bear witness to their opinions. The Divine Augustus, in order to enable the authority of the law to have greater weight, first decreed that jurists might answer in his name; and from that time, this began to be claimed as a privilege. The result was that the distinguished Emperor Hadrian, when certain men of praetorian rank asked of him leave to deliver opinions, told them in a rescript, "that this permission was not to be asked, but was granted as a right; and therefore if anyone had confidence in his knowledge, he should be delighted, and he might prepare himself for giving opinions to the people."

Et ita Ateio Capitoni Massurius Sabinus successit, Labeoni Nerva, qui adhuc eas dissensiones auxerunt. Hic etiam Nerva Caesari familiarissimus fuit. Massurius Sabinus in equestri ordine fuit et publice primus respondit: posteaque hoc coepit beneficium dari, a Tiberio Caesare hoc tamen illi concessum erat.

Et, ut obiter sciamus, ante tempora Augusti publice respondendi ius non a principibus dabatur, sed qui fiduciam studiorum suorum habebant, consulentibus respondebant: neque responsa utique signata dabant, sed plerumque iudicibus ipsi scribebant, aut testabantur qui illos consulebant. Primus divus Augustus, ut maior iuris auctoritas haberetur, constituit, ut ex auctoritate eius responderent: et ex illo tempore peti hoc pro beneficio coepit. Et ideo optimus princeps Hadrianus, cum ab eo viri praetorii peterent, ut sibi liceret respondere, rescripsit eis hoc non peti, sed praestari solere et ideo, si quis fiduciam sui haberet, delectari se populo ad respondendum se praepararet.