Crime and Punishment in the Roman Empire

Your activity:

1. Read through the information sheet
2. Write a definition for the words you don’t understand (there will be quite a few and you may be tested on them e.g. Forest Laws)
3. When you return to the Academy in September you will be given a short assessment on this article to check your understanding. If you fail this test (below 70%) it will be considered that you did not complete your summer IL.

Learning outcomes

By the end of this you should be able to:

- understand how the history of crime and punishment shows both continuity AND change
- understand how what is considered to be a crime changes over time
- understand how governments can ‘create’ new crimes.

Types of crimes

There has been a large amount of continuity in the types of crimes committed during the years. For instance, the most common crimes in Roman Britain were small-scale thefts or more serious forms of robbery, such as burglary and street-robberies. This would appear to have still been the case in the Middle Ages.

Types of punishments

There has also been a considerable degree of continuity in the types of punishments imposed on those deemed guilty. However, there have also been some important changes - often associated with changing attitudes to both crime and punishment. For instance, one important factor was the growing influence of the Christian Church. This had begun to affect punishments in Anglo-Saxon times, when the Church began to argue that an important purpose of punishment should be to reform the criminal. This factor was also seen in the increasing use of trial by ordeal as a way of determining the innocence or guilt of an accused person. This was supposed to reveal the judgement of God. However, as events after 1066 showed, it was also possible for attitudes to revert to those of earlier periods. For instance, under the Normans, there was an increase in the number of capital and corporal punishments. One explanation for this was that the Normans were trying to impose their authority on the newly-conquered Anglo-Saxons - so more harsh physical punishments were one way to frighten the population into submission to their new rulers.

It was not until later into the Middle Ages that the Church was once again able to influence a decline in harsh physical punishments.

Law enforcement

Methods of law enforcement also show a mixture of continuity and change. One example of continuity was that, from the time of the Romans to about 1350, there was no professional police force for arresting suspected criminals or for preventing crime. As a result, victims were mostly responsible for collecting evidence - and even for taking a suspect to court. This continued into Anglo-Saxon and medieval times. However, under the Anglo Saxons, the idea of collective responsibility was developed, in the form of tithings and hue and cry.

This continued under the Normans, but began to decline gradually as the authority and role of kings began to grow. An example of change concerning law enforcement was that, under the Romans, there
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had been a centralised system of law and order which was imposed over all Roman Britain. However, after the Romans had left, there was no centralised or common system. For some time, England reverted to different areas having their own systems of laws and law enforcement - similar to the situation before the Romans had conquered Britain. However, once England had become a united country again in 954, a centralised system was once more developed.

Summary

- There has been both continuity and change in the types of crimes and punishments.
- Some actions have, at different times, been seen - and not seen - as crimes.
- Those with power have sometimes created ‘new’ crimes, such as the Norman ‘Forest Laws’.

Roman crime

History, Facts and Information about Roman Punishment:
What were the greatest crimes in Ancient Rome and what were the punishments? Criminal law was in many instances more severe for the Romans than it is at the present day. Thus adultery, which now only subjects the offender to a civil suit, was by the Romans, as well as the ancient Jews, punished corporally. The content of this article provides interesting history, facts and information about life in Ancient Rome including Roman Punishment.

Roman Punishment - Punishments given to Roman Slaves:
In Ancient Rome the slaves had no rights at all. They were thought of, treated like, merchandise. However, slaves did cost money to buy so many of the punishments did not inflict lasting damage. The lash was the most common punishment. When slaves were beaten, they were suspended with a weight tied to their feet, that they might not move them. Another punishment was to be branded in the forehead. An alternative punishment included the slave being forced to carry a piece of wood round their necks wherever they went. This was called furca; and whichever slave had been subjected to the punishment was ever afterwards called furcifer. Slaves were also, by way of punishment, often confined in a work-house, or house of correction, where they were obliged to turn a mill for grinding corn. When punished for any capital offence, they were commonly crucified; but this was eventually prohibited under the rule of the Emperor Constantine.

Roman Punishment – Forgery:
Forgery was not punished with death, unless the culprit was a slave; but freemen guilty of that crime were subject to banishment, which deprived them of their property and privileges; and false testimony, coining, and those offences which we term misdemeanours, exposed them to an interdiction from fire and water, or in fact an excommunication from society, which necessarily drove them into banishment.

Roman Punishment by Death
The Roman methods of inflicting death were various, in the time of Nero, the punishment for treason was, to be stripped stark naked, and with the head held up by a fork to be whipped to death. You could also get the death penalty for rape, murder and stealing large amounts. The most common punishment were as follows:

- Beheading
- Strangling in prison
- Throwing a criminal from that part of the prison called Robur
- Throwing a criminal from the Tarpeian rock
- Crucifixion
- Burying a person alive
- Throwing a criminal into the river
Roman Punishment for Patricide

The last-mentioned punishment (throwing a criminal into the river was inflicted for patricide or killing your father. As soon as any one was convicted of patricide he was immediately blindfolded as unworthy of the light, and in the next place the person were taken outside Rome, stripped of everything then whipped with rods. He was then sewed up in a sack, and thrown into the sea. Later in time, to add to the punishment for patricide, a serpent was put in the sack; and still later, an ape and a dog. The sack which held the criminal was called Culeus, on which account the punishment itself is often signified by the same name.