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THE LATE ROMAN REPUBLIC IN 2017: Recent Developments

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Introductory:

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Cf. M.K. Hopkins, Conquerors and Slaves (Cambridge, 1978), 106;

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The Censorship of 131 B.C.

Q. Metellus, *oratio ad populum de ducendis uxoribus* [= Aulus Gellius, *Attic Nights* 1.6.2]:

"If we could get on without a wife, Romans, we would all avoid that annoyance; but since nature has ordained that we can neither live very comfortably with them nor at all without them, we must take thought for our lasting well-being rather than for the pleasure of the moment."

Livy The Summaries 59:

Quintus Pompeius and Quintus Metellus, censors both of plebeian origin—the first time this had happened—formally closed the half-decade; there were enumerated three hundred and eighteen thousand, eight hundred and twenty-three citizens, not counting wards of both sexes, and widows. Censor Quintus Metellus proposed that everyone should be compelled to marry in order to produce children. His speech is preserved, and was read by Augustus Caesar before the senate as though written for the present day, when the emperor was discussing the problem of marriage.

Suetonius, Divus Augustus 89:

[Augustus] even read entire volumes to the senate and called the attention of the people to them by proclamations; for example, the speeches of Quintus Metellus "On Increasing the Family," and of Rutilius "On the Height of Buildings";

to convince them that he was not the first to give attention to such matters, but that they had aroused the interest even of their forefathers.

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Cf. Robert MORSTEIN-MARX, 'Political Graffiti in the Late Roman Republic: "Hidden Transcripts" and "Common Knowledge", in Christina Kuhn (ed.), *Politische Kommunikation und öffentliche Meinung in der antiken Welt* (Stuttgart, Steiner, 2012), 191–217; and

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Omens:

Plutarch, Life of Sulla 7:

For fire broke forth of its own accord from the staves which supported the ensigns, and was with difficulty extinguished; and three ravens brought their young forth into the street and devoured them, and then carried the remains back again into their nest; and after mice had gnawed consecrated gold in a temple, the keepers caught one of them, a female, in a trap, and in the very trap she brought forth five young ones, and ate up three of them. But most important of all, out of a cloudless and clear air there rang out the voice of a trumpet, prolonging a shrill and dismal note, so that all were amazed and terrified at its loudness. The Tuscan wise men declared that the prodigy foretokened a change of conditions and the advent of a new age. For according to them there are eight ages in all, differing from one another in the lives and customs of men, and to each of these God has appointed a definite number of times and seasons, which is completed by the circuit of a great year. And whenever this circuit has run out, and another begins, some wonderful sign is sent from earth or heaven, so that it is at once clear to those who have studied such subjects and are versed in them, that men of other habits and modes of life have come into the world, who are either more or less of concern to the gods than their predecessors were. All things, they say, undergo great changes, as one age succeeds another, and especially the art of divination; at one period it rises in esteem and is successful in its predictions, because manifest and genuine signs are sent forth from the Deity; and again, in another age, it is in small repute, being off-hand, for the most part, and seeking to grasp he future by means of faint and blind senses. Such, at any rate, was the tale told by the wisest of the Tuscans, who were thought to know much more about it than the rest.

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Establishing consuetudo

- 1 Varro, de moribus (Logist. frag. 74 Bolisani = Macrobius, Saturnalia 3.8.9), defining mos ('best practice'): "it concerns that consuetudo ('common practice') which ought to be followed (quem sequi debeat consuetudo)."
- **2** Cic. *de inventione* 2.22.67:

consuetudine autem ius esse putatur id quod voluntate omnium sine lege vetustas comprobavit

Ius established by custom (*consuetudo*) is thought to be that *ius* which by common consent is confirmed by its very antiquity, without (the sanction of) law.

Respect for Custom— and Acceptance of Innovation

- 6 Cicero, Letters to his Friends. 4.3.1:

 nam quod exemplo fit, id etiam iure fieri putant; sed aliquid, atque adeo multa, addunt et afferunt de suo

 For it is thought that what is done by precedent is also done rightly; but they (who think so) both add and contribute something, and sometimes a great deal, of their own.
- 7 Cicero, In favour of the Manilian Law. 60: at enim ne quid novi fiat contra exempla atque instituta maiorum. Non dicam hoc loco maiores nostros semper in pace consuetudini, in bello utilitati paruisse, semper ad novos casus temporum novorum consiliorum rationes accommodasse ("Let no innovation be admitted that is contrary to precedent and the principles of the ancestors. I forebear to mention here that our ancestors always bowed to custom in times of peace, but in times of war expediency prevailed; they always adapted the reasoning behind their new plans to the new exigencies of new times."

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