



Murder Was Not a Crime: Homicide and Power in the Roman Republic (Ashley and Peter Larkin Series in Greek and Roman Culture)

Judy E. Gaughan

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Embarking on a unique study of Roman criminal law, Judy Gaughan has developed a novel understanding of the nature of social and political power dynamics in republican government. Revealing the significant relationship between political power and attitudes toward homicide in the Roman republic, *Murder Was Not a Crime* describes a legal system through which families (rather than the government) were given the power to mete out punishment for murder.

With implications that could modify the most fundamental beliefs about the Roman republic, Gaughan's research maintains that Roman criminal law did not contain a specific enactment against murder, although it had done so prior to the overthrow of the monarchy. While kings felt an imperative to hold monopoly over the power to kill, Gaughan argues, the republic phase ushered in a form of decentralized government that did not see itself as vulnerable to challenge by an act of murder. And the power possessed by individual families ensured that the government would not attain the responsibility for punishing homicidal violence.

Drawing on surviving Roman laws and literary sources, *Murder Was Not a Crime* also explores the dictator Sulla's "murder law," arguing that it lacked any government concept of murder and was instead simply a collection of earlier statutes repressing poisoning, arson, and the carrying of weapons. Reinterpreting a spectrum of scenarios, Gaughan makes new distinctions between the paternal head of household and his power over life and death, versus the power of consuls and praetors to command and kill.

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