

## The TLRR II-Project – Providing a Digital Infrastructure to Research Roman Republican Trials

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**Abstract:** The project *Trials in the Late Roman Republic II* (TLRR II)<sup>1</sup> aims at collecting, organizing, and analyzing information about Roman legal cases in an XML database. M. Alexander published the book “Trials in the Late Roman Republic, 149 BC to 50 BC” (TLRR I) in 1990, and initiated the current project that will make Roman republican trials easily accessible with modern technology. For each case a short description is provided, a clear distinction between assumptions and facts is made, and an updated bibliography can be found at the end of each entry. The open access database can serve both as a reference work and as a starting point for further research in Roman Republican history. It could be a connecting link within the developing digital infrastructure for that era.

### 1. Relevance of a Digital Companion for Roman Republican Trials

In his speech *Pro Milone* Cicero not only reminds the judges of the misdeeds of Clodius but also mentions several members of the court; among them the presiding judge, L. Domitius. But was Pompey, sole consul and author of the law establishing the court, really seeking justice, dignity, humanity and honesty by letting this man preside?<sup>2</sup> To answer this question one has to research who L. Domitius was. This is an easy task if a good historical commentary is at hand. Otherwise, the task will amount to finding the right L. Domitius in Pauly-Wissowa, among the 88 male members of the gens Domitia in an article stretching over 196 columns.<sup>3</sup> Of course, one could use a less comprehensive reference work but a lesser-known person will perhaps not be mentioned there, or the information available will focus on something other than his political or judicial accomplishments. In order to find a person in modern encyclopedias, usually the *nomen gentile* is needed, but neither Cicero nor other ancient sources constantly use this part of a Roman name. Hence, the identification of the person referred to will require special knowledge and time, while promising only meager results.

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1 The current homepage is <http://tlrr.blackmesatech.com/> with information about the project, a simple search interface and a provisional editing interface. I would like to thank C. M. Sperberg-McQueen for working on the TLRR II, answering my questions and improving the draft.

2 Cic. Mil. 22: *Quod vero te, L. Domiti, huic quaestioni praeesse maxime voluit, nihil quaesivit aliud nisi iustitiam, gravitatem, humanitatem, fidem.*

3 The Pauly-Wissowa is not completely accessible online, some volumes are available as pdf on <https://archive.org/> and many entries are can be found through <http://de.wikisource.org/wiki/RE>.

For prosopographical questions, especially in the context of Roman legal history, we are still dependent on printed books and indices. This comes as a huge disadvantage because the participation in trials in one way or another was and is used as an important fact(or) establishing who belongs to which political faction, and thus represents a key tool for clarifying the connection between politics and the courts during the Republic.<sup>4</sup>

In speeches, historiographies, and biographies hundreds of people are mentioned. Only a few of them are important enough to make following their traces through ancient sources appear a worthwhile task on its own, but if all the small pieces of evidence for defendants, prosecutors, witnesses, judges are compiled, our picture gradually becomes complete and new questions can be answered quickly.

This is especially true for research interests involving more than just the biography of one person. Even a simple question like how many tribunes of the plebs were involved in cases *de repetundis* requires a lot of work. The most efficient approach today would be to use the index of M. Alexander's *Trials in the Late Roman Republic* in order to determine all cases *de repetundis* and to check the entry for each of those 63 cases to see whether a *tribunus plebis* is mentioned.<sup>5</sup> With the TLRR II database a search for 'de repetundis' and 'tribunus plebis' would result in a list of all the cases which fit those requirements within seconds. Thus, the scholar has more time to explore, e.g. in which roles and under what circumstances tribunes of the plebs acted in court.

## 2. Tradition and Innovation – TLRR I and II in Comparison

During the 19th century different collections of Roman trials were published; most of them were barely more than a re-narration of ancient sources.<sup>6</sup> A new era in the study of Roman criminal law and Roman republican history began in 1899 with Th. Mommsen's *Römisches Strafrecht*. He offered a systematic approach to the development and functionality of Roman Republican criminal law, and the influence of this book cannot be overstated.<sup>7</sup> On the other hand, the *Strafrecht* is not very helpful for determining which sources contain information about a specific trial. Of course, this was not Mommsen's aim, but the dominance of his work made all the previous books that might have listed all known references for a judicial proceeding hard to find.<sup>8</sup>

Only in 1968 with Gruen's book about *Roman Politics and the Criminal Courts, 149–78 B.C.* was a new work widely available where one could use the extensive footnotes to gather the sources relating to a trial. But the real turning point was 1990 when Alexander's *Trials of the Late Roman Republic, 149 BC to 50 BC* (TLRR I) was published. Inspired by the model of Broughton's *Magistrates of the Roman Republic*, Alexander developed a standardized format to record all the available information for each Roman trial in the covered period.

4 Cf. the classical work Gruen (1968). Brunt (1988) argued convincingly against the concept of *clientela* which was an essential basis for the prosopographical approach. Hence modern scholarship like Powell / Paterson (2007), 41 is more skeptical about the value of court appearances as evidence for political alliances.

5 Alexander (1990). If they exist, a thematic treatment of the desired topic can be consulted, in this case Thommen (1989), could be used alternatively.

6 Geib (1842); Rein (1844); Zumpt (1871), 468–558.

7 Mommsen (1899).

8 With reference to his age – he was 82 at the time as the *Römisches Strafrecht* came out – Mommsen declined to cite the scholarly literature of his time and thus making it even harder to track it down now (Mommsen, Th. (1899), XXIV).

The year 149 BC was chosen to begin with because according to Cicero the first permanent jury court was then established by L. Calpurnius Piso.<sup>9</sup> Since Caesar crossed the Rubicon in January 49 BC and started the civil war, the last orderly trials in the Roman Republic would have taken place in the year before.

Alexander decided to record eleven attributes for each trial. These are (1) date; (2) charge / claim; (3) defendant; (4) advocates / speakers of the defense; (5) prosecutors / plaintiffs; (6) presiding magistrate; (7) jurors; (8) witnesses; (9) parties to a civil suit; (10) verdict and (11) “miscellaneous information”, i.e. facts concerning legal and formal aspects of the trial.<sup>10</sup> Following those categories, there is a list of all the ancient sources for the case, sometimes a few bibliographic references and very often footnotes explaining controversial details are added. As much information regarding the legal procedures is far from certain, doubtful entries are marked with a question mark while only in case of scholarly debate an endnote lists the most important opinions and works on the controversy.

Since June 1988 when the last revisions on TLRR I were made much has changed: important books and articles have been published, some omissions and mistakes have become known and, not least, the development of information technology and the internet has offered new opportunities for the analysis of the material.<sup>11</sup> Thus Alexander issued a call for a team to update the book and convert it into a state-of-the-art database.<sup>12</sup> As Alexander has agreed to the re-use of the existing data and since the existing division of information has proven very reasonable the basic structure of TLRR I will be kept. However TLRR II will not be only a slightly revised edition with an updated bibliography. It will offer (1) more internal differentiation, (2) more information about the cases and (3) it will make use of the modern technology.

First, while TLRR I listed ‘charge / claim’, i.e. usually the statute under which the trial was held, as one item, TLRR II provides the type of the court (ranging from *apud centumviros* to *quaestio extraordinaria*) and the procedure (ranging from *actio ad exhibendum* to *vis*) to the specific law (ranging from *lex Acilia de repetundis* to *lex Varia*). Such accuracy of discrimination provides the opportunity to show what is known for sure about the legal procedure of a case and what is just conjecture. For example, the ancient sources (including the legal ones) do not mention a *lex venefici* or a *lex de veneficis* and the earliest texts attesting a *lex Cornelia de sicariis et veneficis* belong to the 3rd century AD.<sup>13</sup> Nevertheless, TLRR I, in accordance with most of the scholarly literature, assigns 13 cases to such a law, among them three cases of attempted poisoning. The TLRR II database, in contrast, discloses whether we know if it was trial by jury, if the crime was attempted poisoning and if it is only assumed that the trial took place under a *lex Cornelia de sicariis et veneficis*. Thus TLRR II will give future scholars an opportunity to check which views the ancient authors held and which views were developed within the tradition of Roman legal scholarship.

9 Cic. Brut. 106.

10 Alexander (1990), IX–X. On <http://indigo.uic.edu/handle/10027/99> a legal download of the book as PDF is possible.

11 E.g. David (1992); Brennan (2000).

12 After the project had begun, health issues compelled Alexander to step down as editor-in-chief of TLRR II, although he has remained available for consultation as needed. Dr. T. Deline (Grant MacEwan University, Edmonton, AB) has taken over the position as editor-in-chief. Dr. V. Arena (University College London); Dr. A. Borgna (Università di Torino); Dr. A. Raggi (Università di Pisa); Dr. F. Russo (Universität Konstanz/ München) and the author of this article make up the TLRR II team working on structure and content while Dr. C. M. Sperberg-McQueen (Black Mesa Technologies LLC) develops the technical infrastructure.

13 One doubtful source is Liv. per. 8: *Lex de veneficio tunc primum constituta est*, because the same story is told in Liv. 8,18 without any mention of a law (*neque de veneficiis ante eam diem Romae quaesitum est*). For a *lex Cornelia de sicariis et veneficis* cf. D. 48,8,1pr., 3, 5 (Marcian) and Coll. 1,2,1 (Paulus).

Second, TLRR II provides additional information for every trial. The most important change is the following one: in order to get a quick and general idea about the facts of a case there will be a short description of the trial. In TLRR I, the information for case #161 is:

date:	between 74 and 70
charge:	lex Cornelia de ambitu
defendant:	Ti. Gutta (1) sen.
prosecutors:	people condemned for electoral bribery (ambitus condemnati)
outcome:	C(ondemned)
sources:	Cic. Clu. 98, 103, 127; Quint. Inst. 5.10.108; [Asc.] 216St

In TLRR II, this description of the case will follow:

“Gutta was accused of attempting to bribe the jury in the case of Oppianicus (#149); his fellow conspirators were C. Aelius Paetus Staienus and M. Atilius Bulbus.”

Furthermore additional information will be given about unique details of the case, e.g. name of the province involved for cases *de repetundis* or reported omen. The bibliography will be more closely connected to each single case in form of bibliographic entry accompanying each case record.<sup>14</sup>

Third, the advantages of a database for searching and counting sets of data are obvious. The same goes for the possibility to constantly change and update the data entered. But the TLRR database II will also offer some smart ways to move within the datasets, e.g. there will be links to follow related (or most likely related) cases through the database. For trial #161 there will be a link to trial #149, in which the bribery allegedly had taken place, and to the cases against the other corrupt judges. Another feature will show the names of individuals that belong to one side of the trial (accusation, defense or staff) next to each other and in similar colours.

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14 TLRR I closes with an extensive bibliography and only some works cited and often quoted to illustrate the controversies appear in the footnotes for a specific case.

### 3. Technical Choices and Current Status

The manuscript of TLRR I used Waterloos Script. While the first task was to decide which modern format to use, the second one was to transfer the data. The technical advisor to the project, Dr. C. M. Sperberg-McQueen (co-editor of the Extensible Markup Language [XML] and chair of the W3C XML Schema working group), believes that XML has better capabilities to manage uncertain, semi-structured, and fragmentary data, like the data for the Roman trial, than a relational databank management system like MySQL.<sup>15</sup> Using XSLT he transferred the data into XML.<sup>16</sup> Now each individual, law, and trial is represented by a different XML document.

```

-<trial id="ZMM" tlrr1="309" sortdate="">
  -<date xml:space="preserve">
    52, Milo charged on March 26, trial on April 4-7/[8]
  -<en>
    -<p xml:space="preserve">
      On the chronology of this trial and related trials, see Ruebel (1979) 245-47.
    </p>
  </en>
</date>
-<ccGrp>
  -<charge>
    <procedure pid="c-lex_Pompeia_de_vi">lex Pompeia de vi</procedure>
  -<p xml:space="preserve">
    (murder of Clodius)
  -<en>
    -<p xml:space="preserve">
      On the meeting of Clodius and Milo, see Davies (1969);
      <i>contra</i>
      Wellesley (1971).
    </p>
  </en>
  </p>
</charge>
</ccGrp>
-<defGrp>
  -<defendant>
  -<namelist>
  -<person-entry xml:space="preserve">
    <person pid="pAnnius67T.Milo" ix="2" form="Annius (+67), T. Milo">T. Annius Milo (67)</person>
    pr. 55
  </person-entry>
  </namelist>
</defendant>
-<advocate label="advocates">
  -<namelist>
  -<person-entry xml:space="preserve">
    <person pid="pClaudius229M.Marcellus" ix="3" form="Claudius (229), M. Marcellus">M. Claudius Marcellus (229)</person>
    cos. 51
  </person-entry>
  -<person-entry xml:space="preserve">
    <person pid="pTullius29M.Cicero" ix="3" form="Tullius (+29), M. Cicero">M. Tullius Cicero (29)</person>

```

Fig. 1: TLRR 2: XML for the trial Pro Milone in 52 (detail)

A first query interface, named ‘Balbus’, relying on the data of TLRR I is available since January 2016 on the homepage, and any user wanting to know more about L. Domitius would get this result:

<sup>15</sup> Sperberg-McQueen (2016).

<sup>16</sup> All programs are available at <http://tlrr.blackmesatech.com/lib/>

TLRR trial record editor I (v0.23)

5 July 2016

N.B. This version of this form appears to be nearing completion. It has been elaborated step by step for several weeks now; it is hoped that it will soon achieve a workable form.  
Instructions for the use of this form (and the others) are given on the [Dexter main page](#).

Trial ID ZMM (309) [[Display in new window](#)] [[Show XML in new window](#)]

The nb element holds a brief initial remark signaling any uncertainty about whether the trial actually happened, e.g. "trial only threatened" or "trial uncertain".

date (date element)

date: 52. Milo charged on March 26, trial on April 4-7/8)<sup>1</sup>

<sup>1</sup> On the chronology of this trial and related trials, see Ruebel (1979) 245-47.

charge or claim (ccGrp element)

charge

procedure: [lex Pompeia de vi](#)

Fig. 2: TLRR 2 search interface 'Balbus' (detail)

Instead of having to look through 88 Domitii in the Pauly-Wissowa a result of 13 trials is given. Because 'Balbus' is designed to prefer high recall, any trial involving a Domitius is given as a result. But only two of them are named Lucius: one is a witness in the trial against Verres and one is the presiding judge named in *Pro Milone*. The user now has his full name: L. Domitius Ahenobarbus; his number within the Domitii in the Pauly-Wissowa: 27; the knowledge that Domitius was consul in 54 BC and that this case is his only legal involvement we know of (or one might speculate that this Domitius and the witness in the Verres case are identical). For people familiar with XPath a further query tool is available on the project website.

An additional query interface is in development and will support Boolean operators making it possible to search for all cases in which Cicero AND Milo were involved or all cases in which Cicero appeared AND NOT acted as an advocate. The different search interfaces will be available on the website all the time catering for different needs of different users.

Another challenge of the Roman trials data is the fact that, frequently, we do not have a precise date of a trial. Sometimes the precise year is known, sometimes we only know that one trial took place prior to another, or we have to deal with a larger or smaller time span. In some cases trials are dated differently by different scholars and a few trials have no reliable dating at all. Such material makes a simple question like "How many ambitus trials took place between 80 and 50 BC?" hard to answer. In order to solve this problem the TLRR II search assesses the quality of the match, i.e. 75 BC is within the desired period and hence a 100% match, a case dated in the period between 90 and 70 BC is not a 100% match. A scale to allocate equal probability to each year has to take into account the years 509 to 27 BC. This is necessary because for a few trials it can only be said that they took place within Roman Republican times (i.e., between 509 and 27 BC). If it is highly probable that a case can be assigned to the desired time-span it will show up equally high in the search results.

Still in testing phase is the editing interface. Because the project members are geographically dispersed, it is of great importance that the interface fosters a consistent entry of data. In the current state the record editor data can be changed or added via two different interfaces: one, 'Lacrimae', that provided a more structured display of the XML which makes it easier to use and one called 'Ianua', giving the XML.

**TLRR query tool B (v0.04c)**  
 15 January 2016, last rev. 5 July  
 Type in a search string and click the 'Search' button.

Search string:

Results 1 to 10 of 13

1 Trial 63 [ZCK]

date: 104? after Dec. 10?<sup>1</sup>

charge: *iudicium populi* (illegal war poorly conducted by defendant against Cimbri, injury to Aegritomarus)<sup>2</sup>

defendant: M. Iunius Silanus (169) cos. 109

prosecutor: Cn. Domitius Ahenobarbus (21) tr. pl. 104? 103? cos. 96, cens. 92 (*ORF* 69.II)

outcome: A, by large majority (only tribes Sergia and Quirina voted to condemn)<sup>3</sup>

Cic. *Div. Caec.* 67; 2 *Ver.* 2.118; *Corn. fr.* 2.7; Asc. 80-81C

<sup>1</sup> Sumner, *Orators* 98-99 maintains that the date given by Velleius (2.12.5) for the tribunate of Domitius, 103, can be squared with Asconius' (80-81C) date of 104 for the trial by postulating a trial at the end of 104, after Domitius had become tr. pl., but while Marius and Fimbria were still consuls. See Marshall, *Asconius* 277-78, *JGR* Suppl. 82.  
<sup>2</sup> Aegritomarus is not listed in *RE*. The name could be Aegritomarius. The injury may have been a cause for the prosecution, rather than grounds for the charge. Also, there is some question whether Cicero and Asconius are referring to the same trial. See Marshall (*AJP* 1977) 419-23.  
<sup>3</sup> Marshall (*LCM* 1977) tentatively suggests the possibility that the prosecutor issued a 'rigged' voting tablet. See also Gruen (1964) 108-10.

Fig. 3: TLRR 2: record editor 'Dexter'

date: 52, Milo charged on March 26, trial on April 4-7/[8]<sup>1</sup>

<sup>1</sup> On the chronology of this trial and related trials, see Ruebel (1979) 245-47.

(date)

#

(en)    
 (p)

#

(/p)   
 (/en)

#

(/date)

Symbols at the end of the line:

- Del = delete the text node or element (including all child elements).
- Ins = insert new element or text node within or after this element or text node.

```
<?xml version="1.0" encoding="UTF-8"?> <date xml:space="preserve">52, Milo charged on March 26, trial on April 4-7/[8]</date> <en> <p xml:space="preserve">On the chronology of this trial and related trials, see Ruebel (1979) 245-47.</p> </en> </date>
```

Fig. 4: TLRR 2: editing interface 'Lacrimae'

## 4. Projects and Possibilities – The TLRR II within the New Digital Landscape on Roman Republican History

In recent years several web-based projects have started to make the period of the Roman Republic more accessible. The ANHIMA Research Center worked on *Leges Populi Romani* (LEPOR) till fall 2014.<sup>17</sup> The database details the known information for every comitial law of the Roman people, including a commentary and bibliographic references.

At King's College London a team headed by H. Mouritsen is creating an open-access searchable digital database for all known members of the republican elite, updating and expanding the data of Broughton's *Magistrates of the Roman Republic*.<sup>18</sup> The *Digitizing the Prosopography of the Roman Republic* (DPRR) project works on the same set of individuals as TLRR II and it would be very useful to interlink both databases. As the DPRR plans to give URIs for each individual this should be a manageable task.

The project *Fragments of the Republican Roman Orators* (FRRO) with C. Steel as principal investigator at the University of Glasgow is less concerned with prosopography and all the more with texts.<sup>19</sup> The project aims to collect, edit, annotate and translate all evidence for public speech during the Roman Republic by all men other than Cicero. The project is using Malcovati's *Oratorum Romanorum fragmenta* and adding information about public speeches which are not transmitted as direct quotation. While some of these texts are merely public speeches by aspiring politicians and magistrates trying to foster their careers, many were delivered in the courts of law. For the moment TLRR 2 follows TLRR I in providing the ORF number of Malcovati and this may be one way to connect both projects in the future.

The ancient sources are essential for the TLRR 2, and with the Canonical Text Services (CTS) it will be possible to use concise citations in URN form, i.e. refer directly to *Pro Milone* paragraph 22 where L. Domitius is mentioned.<sup>20</sup> Ideally, all the sources mentioned will be connected via CTS with a standard edition of the ancient text. Thus, the reader will only need to simply click on the citation to see what, e.g. Valerius Maximus wrote and in which context he referred to the case. At the moment, the TLRR II team is trying to figure out whether this very useful feature can be added to our database without delaying the completion of TLRR 2 too far into the future.

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17 Website: <http://www.cn-telma.fr/lepor/introduction/>

18 A public website still does not exist but <http://gtr.rcuk.ac.uk/projects?ref=AH/K007211/1> and Robb (2012) give insights about the DPRR. Broughton (1951/52); Broughton (1986).

19 Website: <http://www.frro.gla.ac.uk/>

20 Blackwell / Schubert in DCO 2,1 (2016) and Schubert's CTS project „Erstellung und Implementierung eines Referenzierungstools zum Zitieren antiker Quellen aus Online-Datenbanken“, funded by the German Research Foundation.

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