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Mark Antony's Attempt to Pack Roman Juries with his Supporters

This paper examines the radical change made in the composition of juries in Rome's criminal courts when Mark Antony passed his *lex iudicaria* in Sept./Oct. 44 BC and established a third panel of jurors who were diehard Caesarians and did not have to meet the previous minimum census requirement of 400,000 sesterces. Antony thus stacked the juries in his favor and also outdid his rival, Octavian Caesar, in courting the loyalty of Julius Caesar's followers. The law was also perhaps intended to address a shortage of available jurors that resulted from Caesar's reform of the courts in 46 when he reduced the number of classes from which jurors were chosen from three (senators, *equites*, and *tribuni aerarii*) to only two (senators and *equites*). This paper seeks to identify more precisely the basis on which the new Antonian jurors were selected, and more importantly it argues that Antony's law operated for several decades after its passage. The prevailing view, by contrast, is that Antony's judiciary law was never implemented after its annulment in early 43.

Cicero characterizes Antony's new jurors as being drawn primarily from ex-centurions, as well as from some common soldiers, among them some recently enfranchised Gauls (*Phil.* 1.20). Since Cicero also identifies by name several civilians, including two Greeks, who were enrolled on Antony's new third panel of jurors (*Phil.* 5.12), military service alone cannot have been the sole qualification (despite the common assumption to the contrary: e.g. G. Rotondi, *Leges* 431; A. H. M. Jones, *Criminal Courts* 61; Z. Yavetz, *Julius Caesar* 116). Moreover, despite Cicero's insinuation to the contrary, Antony's law almost certainly set a census requirement, albeit one so modest that Cicero could brush it aside as nonexistent (Rawson, *CAH* 476 n.52). A hint of what that requirement may have been is provided by the recommendation purportedly made by Sallust to Caesar in 50 BC that jury service be extended to all members of the first census class (*Second Epistle to Caesar* 7.11). The property qualification for the *prima classis* was only an estimated 40,000 sesterces, and so, if jurors were drawn from that class, all ex-centurions would automatically have been in the pool because those veterans had received from Caesar bounties of 40,000 sesterces in 46 BC (App. 2.102). This will account for Cicero's claim that Antony planned to select his jurors from ex-centurions.

Next the implementation: We know that Antony lobbied strenuously for the preservation of his legislation after he ceased to be consul in 43 (*Phil.* 8.27; cf. 13.37). The Senate, however, annulled his laws, including the *lex iudicaria*, by March 43. Logic would lead us to expect Antony to insist upon the reversal of the Senate's annulment when he and his triumviral colleagues came to power before the year was out. Several later sources point to the conclusion that this is what happened. According to Pliny (*NH* 33.30), at the time of Augustus' reform of the jury courts in c. 17 BC, most jurors wore an iron ring, not gold as senators and Knights commonly did, the only two classes who were allowed to serve under Caesar's *lex iudicaria* of 46. Furthermore, Suetonius (*Aug.* 32.3) informs us that Augustus' reform added a fourth panel to an existing three, and yet we would expect there to have been only two panels, not three, if Caesar's reform of 46 remained the law of the land when Antony's judiciary law was annulled by the Senate in 43. It seems

likely, therefore, that from late 43 until c. 17 BC, Antony's third panel of jurors, drawn from citizens who fell far short of the equestrian census of 400,000 sesterces, played a prominent role in judging criminal cases.