

## Roman law: the art of the fair and good?

Pedanius Secundus and the 'greater good'

The following passage tells the story of the murder of Pedanius Secundus, city-prefect, by one of his slaves. Gaius Cassius Longinus argues for the execution of **all** Pedanius' slaves, according to ancient Roman custom.

Tacitus *Annals* 14.42-44 (abridged, based on translation by Church & Brodribb, and Thayer)

Pedanius Secundus, the city-prefect, was murdered by one of his own slaves (perhaps as the slave had been denied his freedom, despite making a deal with his master? perhaps he and his master were rivals in love?). According to ancient custom, all the slaves living in the household should be executed.\*

A great uprising of the people however, who wanted to save a large number of innocent lives, made for trouble in the city.

In the Senate too, opinions were divided - though the majority of votes were opposed to changing the custom. One of those men was Cassius Longinus, who argued the following:

"I have often been present when the Senate passed new laws that went against ancient traditions. I have always kept silent at those times. I did not doubt that the ancient ways were better and fairer and all changes were for the worse, but I didn't want to undermine my influence by acquiring a reputation for bickering. But today I must speak up.

An ex-consul has been murdered in his house by the treachery of his slaves - none of whom hindered the murderer or revealed him. If you vote for them to go free, in heaven's name, who will be protected by his rank, when even the city prefect isn't protected? Which of us will be saved by his slaves, if they won't even think about our welfare when they're under threat of punishment?

Do you all want to go around arguing about something that has been carefully weighed up and decided upon by men wiser than we are? Do you think that a slave could muster the courage to murder his master without giving himself away at some point by muttering a threat, or uttering a rash word? Alright, let's say he concealed his plan and got hold of a weapon without his fellow slaves knowing it.

Could he pass the night-guard, open the open the doors of the bedroom, carry in a light and carry out the murder, all without anyone noticing?

There are lots of signs that come before a crime. So long as our slaves disclose them, we may live solitary among their numbers, secure because of their worry of punishment, and finally — if die we must — certain we will be avenged.

Our ancestors were always suspicious of the temper of their slaves, even if they were born in the household and had a natural affection and loyalty for their masters. Nowadays, we have in our homes people of many nations, with different customs, foreign religions (or none at all) - and it is only by terror you can control such a motley rabble.

'But some innocent lives will be lost!' it will be said. All great examples carry some injustice, bringing about suffering of individuals - but this injustice is compensated for by the advantage to the community."

\*about 400 slaves lived in Pedanius' household

What reasons does Cassius give for voting for the execution of all the slaves?

To what extent do you approve of them?

In 2015 Labour party leader Jeremy Corbyn said that he was not happy with armed police officers and special forces operating on a shoot-to-kill policy in fighting terrorism. Any shoot-to-kill policy inevitably rests on the presumption of guilt and operates for the preservation of others over the target.

In the light of terrorist attacks the question has been raised 'Would you sacrifice one person to save the lives of many?' In drone strikes often it is accepted that innocent people will be killed but this is justified by the deaths of the terrorists who were planning to kill many.

### Gaius Cassius Longinus:

"All great examples carry some injustice, bringing about suffering of individuals - but this injustice is compensated for by the advantage to the community."

### Jeremy Corbyn:

"I am not happy with the shoot to kill policy - I think that it is quite dangerous and I think can often be counter-productive."

Do you think there are circumstances where the killing of innocent people is justified, for the sake of protecting others?

What are the differences between the ancient case of killing the slaves, and the modern example of the shoot-to-kill policy, and the loss of lives in drone strikes?

#### *Further reading:*

The moral dilemma of sacrificing a life to save others is often referred to as the "Trolley problem": [https://en.wikipedia.org/wiki/Trolley\\_problem](https://en.wikipedia.org/wiki/Trolley_problem).

It has recently come into the public eye during the development of the self-driving car: <https://www.theatlantic.com/technology/archive/2013/10/the-ethics-of-autonomous-cars/280360/>