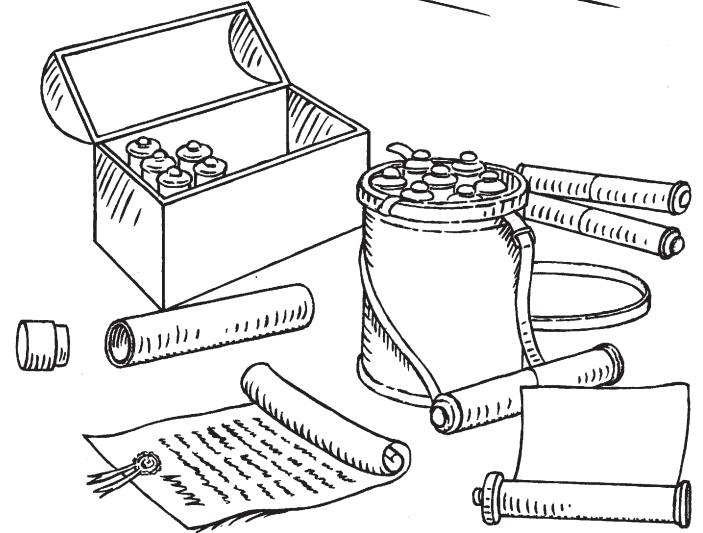
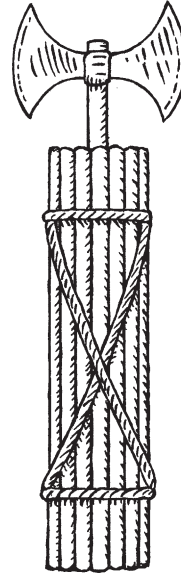
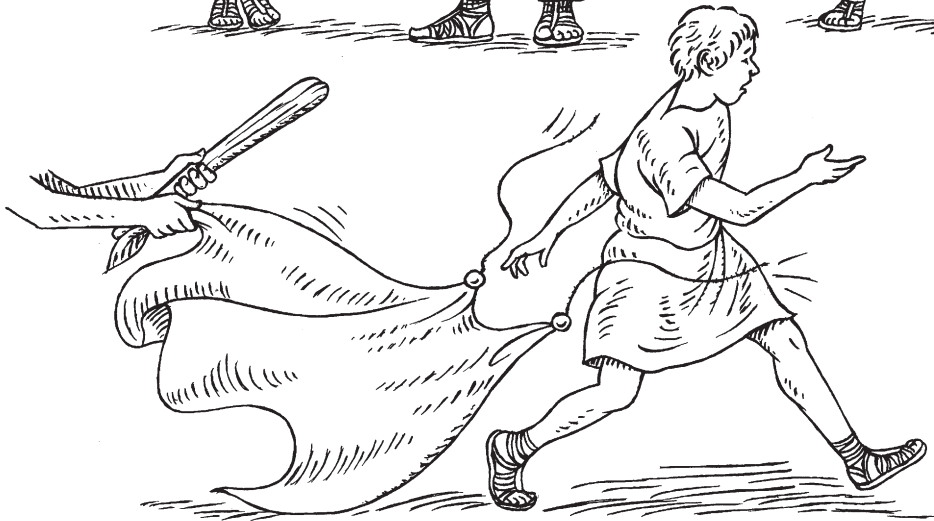
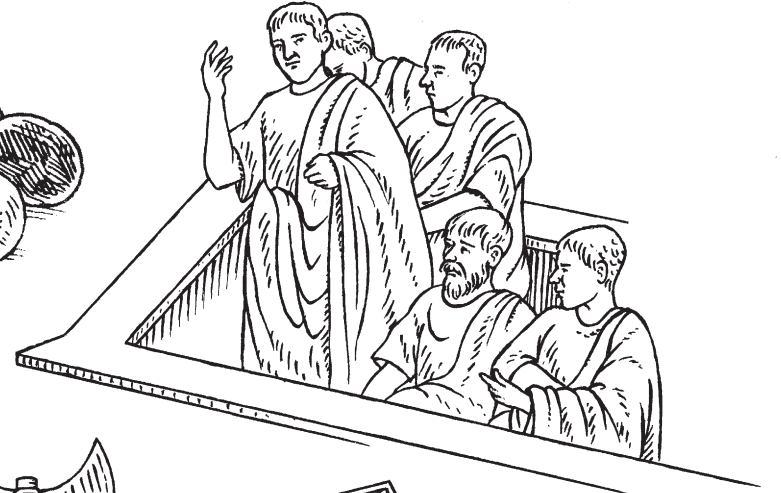
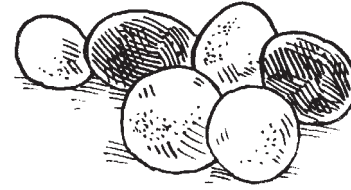
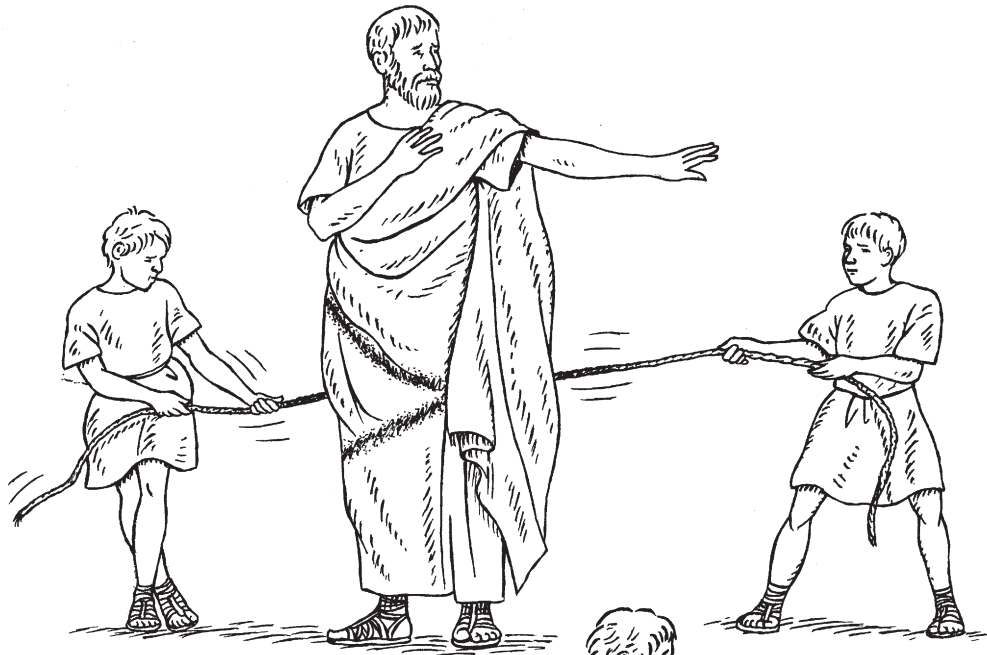


7

Roman Law and Politics

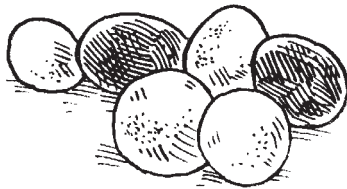
Odd as it sounds, modern law students still study Roman law – so what was it all about and what does it have to do with us?



*Well, I never knew that . . .
 . . . Cicero's ladle is still with us*

The Latin word for elder is *senior*, which we use in the same form in phrases such as SENIOR CITIZEN, etc. Many countries have evolved a form of this word that conveys respect for such a person, and in some cases is also a formal title for an individual empowered by the king. Hence in England we have SIR; in Spain, SEÑOR; in France, MONSIEUR; in Italy, SIGNOR.

In ancient Rome, to vote for a candidate involved placing a white (or sometimes red) ball or pebble into a container, or a black ball to vote against a candidate: hence the phrase TO BLACKBALL SOMEONE, meaning to exclude them.



The Roman statesman Cicero derided someone who was trying to make a big issue about something that really did not matter by saying that he had 'made waves in a ladle'. The phrase stuck and evolved over time, via glasses and wash basins, to the phrase that we know today: A STORM IN A TEACUP.

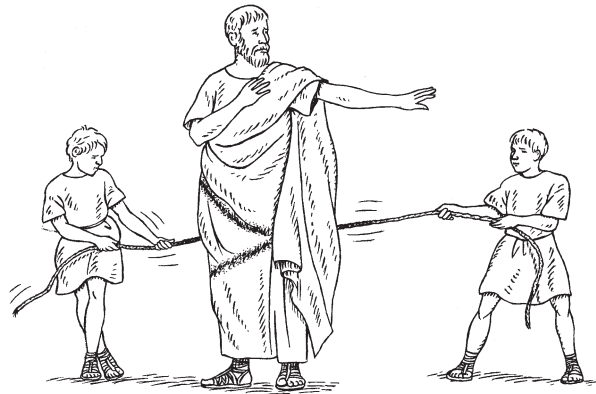
*Well, I never knew that . . .
 . . . a dazzling politician might not be as honest as he looks*

Roman politicians were very image-conscious (nothing new there then!) and when seeking votes for election they would have white chalk rubbed into their already white togas to make them appear shining white – attracting attention and conveying purity and honesty to those who saw them. These extra white clothes were named *candidus*, meaning 'glowing white'. The individuals were then named after these clothes: CANDIDATES. Two shorter evolutions of the word still convey the sense of honesty and openness: CANDOUR and CANDID.

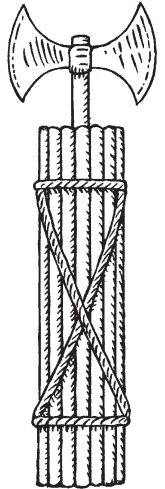
As they walked around Rome trying to win support, the candidates would have special assistants by their side to

whisper the names and roles of important people whom they met. Given that *clator* was Latin for 'caller' and *nomen* was Latin for 'name', these men became known by a term that we still use to describe the correct naming of people and things: NOMENCLATURE.

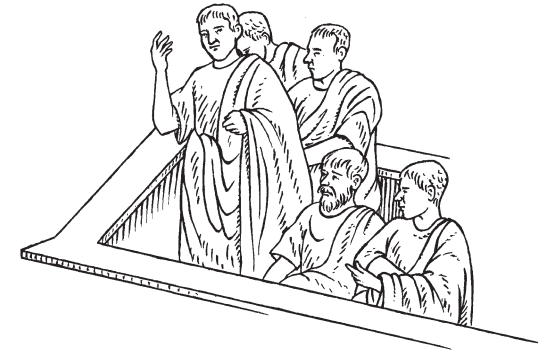
On one occasion when several Roman senators failed to attend an important Senate meeting, slaves were sent out across the city with rope soaked in dye to wrap around and mark the senators not present in an effort to embarrass them. Hence the phrase for being reluctantly coerced into doing something: BEING ROPED IN.



The senior magistrates in Rome were very powerful people. They could in theory deliver a death sentence on the spot as they walked around the city; they were attended by men called *lictors* who carried symbolic bundles of sticks with which people could be beaten, and a double-headed axe with which people could be beheaded. This symbol can often be seen in legal documents. The bundle – *fasces* in Latin – was tied together with a red cord and was designed to remind everyone of the power, ultimately over people's lives, that these magistrates had. Two thousand years later this concept was applied again in Italy by a new political party trying to stamp out the rising popularity of the socialists in the lead-up to the First World War. Hence the name of the party: the FASCISTS. Eventually, in 1922, the King of Italy was forced to appoint the leader of these rebels as Prime Minister; in 1925 he took over from the king as a dictator, basing his model of power on that of ancient Rome. He even adopted the symbol of the *fasces* as his party's logo. His name was BENITO MUSSOLINI.



Incidentally the tradition of using red cords to tie the lictors equipment together continues to this day with red ribbon still being used by lawyers to wrap up sets of legal documents. In fact this association with complex, difficult to understand documents has become associated with bureaucracy in general and gives us the term RED TAPE.



As we have seen, the consuls were the most powerful men of all. Either consul could stop any debate taking place in the Senate by simply saying 'I forbid it', from which we get a Latin word used a great deal in negotiation and, meaning literally 'I forbid': VETO.

The Roman Senate was always a hotbed of politics and intrigue where secret deals would be done behind the scenes. However, ultimately senators had to vote by standing up in the Senate building. This was where they had to let everyone know who and what they supported. This gives us two phrases: STAND UP AND BE COUNTED and literally LET EVERYONE KNOW WHERE YOU STAND.

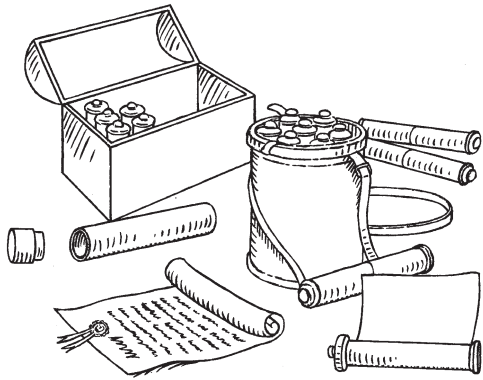
*Well, I never knew that . . .
 . . . screens and scrolls gave us treasurers and treatises*

Rome was one of the first nations to write down all of its laws in detail. This was done on scrolls of either papyrus or parchment (made from animal skins).

In the Roman Empire important scrolls would often have a summary and index glued on to the very top of a document as the first item. The Greek word for glue was *kolla*, and the word for 'first' was *prot*. The summary would often be read out at the start of meetings, and so the name of this front page came to be used to describe the purpose of the

meeting. Over time this section included not just the summary but also the outline of how a discussion or treaty negotiation would be conducted. Thus the word is now used to clarify how things should be done: **PROTOCOL**.

Most Roman writing was done on parchment or vellum scrolls which were then rolled up and stored in boxes or leather scroll-cases. Large documents would be split among several scrolls. Using the Latin word for 'to roll', *volvare*, we get the term for each roll, now used for each part of a work published in more than one book or series: **VOLUME 1**, **VOLUME 2**, etc. The word was then used to describe the



number of scrolls that a box could contain. Different-sized boxes were then referred to by their capacity to hold a certain number of scrolls, and so the word evolved into meaning the capacity of each box. Hence our second modern meaning of the word **VOLUME**. As a larger box of scrolls would take more reading out to convey the contents than a smaller box the word volume became associated with the amount of talking and hence loudness, and then to loudness in general. Hence we have another meaning related to loudness: **VOLUME** (of sound).

Incidentally, using the prefix *con-*, which means together, we get a term for the complications of trying to reconcile two separate scrolls that relate to each other but in a way that is difficult to understand: **CONVOLUTED**. Rolling two scrolls together into the same storage tube because they do fit together gives us a word meaning bringing two things together: **INVOLVE**. Rolling something out and then rolling it back up to put away gives us the word which we tend to use in the sense of continuous rolling: **REVOLVE**.

Rolling a scroll over is equivalent to turning it over. The Latin word *volta*, meaning to turn, gives us an expression for when we completely change our outlook (i.e. as if literally turning our head in the opposite direction) and conclusions on a subject: VOLTE-FACE.

Cancelli is the Latin word for 'screen'. Such a lattice screen was used to separate lawyers from other people in Roman courts of law. A clerk sat at the *cancelli* to enable controlled communication between the public and the inner workings of the court. The title of this clerk was taken from the name of the screen Cancelli. Over a thousand years later the same title was reused by Edward the Confessor to describe the noble who was responsible for overseeing the spiritual aspects of the King's rule and communicating on his behalf with the Church in Rome. At this time most important documents were written by monks or priests, and so over time these powerful nobles increasingly adopted additional responsibilities, including the creation of legal documents and then the use of the great seal to authorize documents in the King's name. The title allotted to these nobles (derived from *cancelli*) was CHANCELLOR.

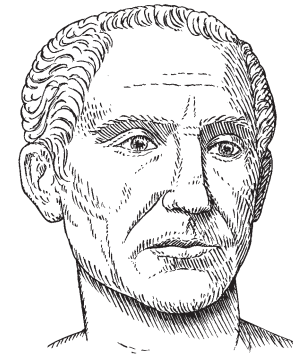
A similar screen to the *cancelli* in law courts was used to split the main part of a church from the altar and choir area. Hence this part of the church became known as the CHANCEL. The screen retained the mystery and ceremony of the service and hid the detail from the common people who were considered far too unsophisticated to appreciate it or show it sufficient respect. From the practice of priests carrying a cross on top of a rod around a church the word rod or 'rood' came to be associated with elevated crosses. As the new screens in churches always had a cross at the top they were called ROOD SCREENS.

The role of the chancellor soon also covered responsibility for the finances of the King and country. The inflow and outflow of money, especially taxes and other payments due from nobles, were monitored using a very large chequered cloth (similar to a chess/chequers board). Hence the title became CHANCELLOR OF THE EXCHEQUER. The room and subsequently the government department was also known as the Exchequer.

During the medieval period when the role was expanding, Henry II made his closest friend both Chancellor *and* Archbishop of Canterbury, assuming that he would have a loyal and trusted person in this vital role. However, his friend adopted a confrontational style and resolutely upheld the independence of the Church and its finances. Ultimately this led to the King making an uncontrolled outburst about how such a disloyal man should not be tolerated. Taking the king at his word, four knights went off and killed him. The archbishop's name was THOMAS À BECKET.

In Britain we have the Queen as head of state and a Prime Minister who in theory at least is subordinate to her. When the new German Empire was created in 1871, Bismarck became the leader of the government and adopted the title of Chancellor, at the time equivalent to the British Prime Minister. However, since the First World War there has not been a Kaiser (German king), and so the Chancellor is now the most senior figure in the German state.

Incidentally it is believed that the 'c' of Caesar was pronounced as we would say a 'k' and so the title Kaiser is in fact a pretty good emulation of the 2 millennium old Roman title of Caesar.

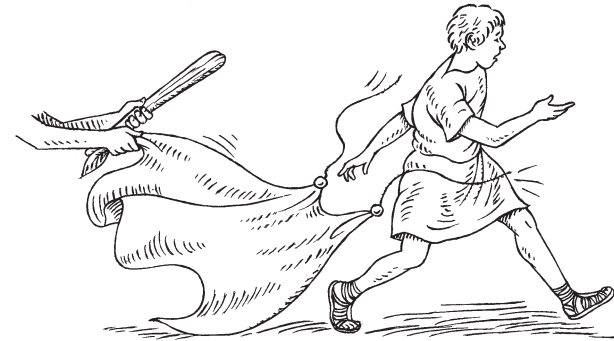


Incidentally, the section of the English law courts that looks after business-related matters (bankruptcy, probate, shares, etc.) is called the Chancery (a shortened form of Chancellery) and is headed by the Lord Chancellor – a completely different role from the Chancellor of the Exchequer, although both names are ultimately derived from the same Roman clerk. The road in London where the

Chancellery used to be located is still called CHANCERY LANE! Commercial and probate cases are very complex, so they tend to last a long time and can be exhausting for all parties. Hence the term used in boxing where one boxer tries to drag out a fight by holding the other boxer's head down against the rules: IN CHANCERY.

*Well, I never knew that . . .
 . . . you had to have balls to stand up in court!*

Rome suffered from robbers just as any modern city of its size would. These thugs would often operate in gangs and beset their victims by grabbing their clothes. Now, cloaks were popular in Rome because they could be left open in the heat and pulled close during the much cooler nights. They also had the advantage that if a robber grabbed your cloak you could simply slip it over your head and run away, leaving him just with the cloak. Using the word 'ex' meaning out and 'cape' for cloak we get the word ESCAPE.



The Romans put great emphasis upon their legal system, especially the use of witnesses. The use of such third parties who were separate from the two protagonists gave rise to the word for such witnesses – *testis*, developed from an older word that had meant 'third'. The legal use of this word has resulted in several words still used today: the process of giving evidence, to TESTIFY; the content of a statement, a TESTAMENT; and to state something vehemently, ATTEST. The idea of a man acting in this way led to the word being associated with honour and eventually to a man's self-worth, virility and manliness. Hence the word for a part of a man's body closely associated with his virility: TESTICLE.

In ancient Rome, when a debtor could not pay the person to whom he owed money, a court of law could decide that he become that person's slave until the debt was paid. They were known by a word that we now use very differently. Using the Latin *ad* (to) and *dicere* (say) we get the term that describes someone who is told (or compelled through habit) to do things that they don't really want to do as if a slave: ADDICT. So people really can be a 'slave' to their addiction!

