

Office of *Quaestor Parricidii* During the Regal Period of Ancient Rome

Roma Kralliyet Dönemi'nde Quaestor Parricidii Memuriyeti

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Abstract: The title of *quaestor* is recognized as one of the oldest *magistratus* titles in the history of Rome. It is thought that the office of *quaestor parricidii*, which was probably established during the regal period, emerged as a judicial office as the first form of the office of *quaestor*. This study evaluates the claim that, as a result of Rome's sphere of dominance growing in the Republic period and the need for different state duties arising, the office of *quaestor* was transformed into a civil authority responsible for financial management and supervision, while the office of *quaestor parricidii*, assumed to have been established in the regal period as a judicial body, was replaced by the office of *praetor* formed in 366 B.C.

Keywords: Quaestor • Quaestor Parricidii • Cursus Honorum • Decemvir • Praetor

Öz: *Quaestor*'luk görevi Roma tarihindeki en eski *magistratus*'luk makamlarından biri olarak kabul edilmektedir. Muhtemelen Roma Krallık Dönemi'nde oluşturulan *quaestores parricidii* görevinin, *quaestor*'luğun ilk formu olarak yargısal nitelikli bir görev şeklinde ortaya çıktığı düşünülmektedir. Bu çalışmada Cumhuriyet Dönemi'nde Roma'nın hâkimiyet alanının büyümesiyle farklı devlet görevlerine olan ihtiyacın ortaya çıkması sonucunda, *quaestor*'luk makamının mali yönetim ve denetimden sorumlu memuriyete dönüştüğü, Krallık Dönemi'nde oluşturulduğu varsayılan yargısal fonksiyonu haiz *quaestores parricidii* makamının zaman içinde yerini MÖ 366 yılında oluşturulan *praetor*'luk görevine bıraktığı yönündeki görüşler değerlendirilmektedir.

Anahtar Kelimeler: Quaestor • Quaestor Parricidii • Cursus Honorum • Decemvir • Praetor

The office of *quaestor* was deemed the first step in a career in the civil service, which the Romans defined as the *cursus honorum*¹. The progression of offices began with army service, followed by the offices of *quaestor*, *praetor*, *consul*, and *ensor*, respectively². The office of *aedile* was also included in this progression, but was not mandatory³. In this sense, the office of *quaestor* as the first civilian step *primus gradus honoris* in the *cursus honorum* was the office at which the struggle for a state career began. Marius, Sulla, Cicero, and Caesar, as well as all consuls who shaped the history and politics of Rome during the Roman Republic period with the exception of some outstanding examples such as Pompeius Magnus, began their careers as a *quaestors*.

From a general point of view, the duties of this office can be understood from its name; the word *quaestor* is derived from the Latin verb *quaero*, which means asking or questioning. In the *Dictionary of Greek and Roman Antiquities*, it is stated that the word *quaestor* is derived from the verb *quaero* and

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¹ The term *cursus honorum* was defined by a law established in 180 B.C. entitled *Lex Villia Annalis* as a course of civil service employment. See also Abbot 1911, 70; Lintott 1999, 130.

² Jones 2013, 88-89; Beard 2018, 136; Martin 2022, 61.

³ Howatson 2013, 205.

that the infinitive form of *quaero* is *quaerere*⁴. Marcus Terentius Varro, in his work on the Latin language titled *De Lingua Latina*, uses the verb *quaerere* in defining the office of *quaestor*. The duties of this office as he describes it are to “seek into’ the public moneys and illegal doings...and pronounce judgements on the matters of investigation”⁵. *Lewis & Short’s Dictionary* states that some *quaestores* were responsible for the financial affairs of the public, while others were involved in criminal cases as delegates or members of commissions⁶.

It is assumed that the office of *quaestor parricidii*, which arose in the regal period, had an area of responsibility involving judicial matters⁷. The word *parricidii* is the genitive form of the word *parricidium*, which means “parricide” or “murder” The title of this office indicates a judicial function in the context of investigating a kind of murder. The legal basis of this office was established by the first written law of Rome⁸. *Decemviri consulari imperio legibus scribundis*, a *decemvir*⁹ formed in 451 B.C., which decided the powers and duties of consuls, was commissioned to prepare the first written law of Rome¹⁰. At the same time, another delegation was sent to Athens to study *The Laws of Solon*, which the Romans considered as a precedent in determining this authority¹¹. The text issued by the *decemvir* delegation after it completed its studies in 449 B.C. was first written on ten bronze plaques to be announced to the public, and then two more plaques were added¹². The issue was first accepted by the *comitia centuriata*¹³, and then it was announced to the public at the *Forum Romanum*. This regulation entitled *Laws of the Twelve Tables* was the first written law that was approved by the people’s assembly and entered into force¹⁴. Cicero and Livy describe the *Laws of the Twelve Tables* as the source of all public and private law¹⁵. However, the text of the tablets was not exactly a legal text, but a set of legal rules¹⁶. It is known that legal interpretation was left to the priests in the early republican period. The interpretation of laws later fell to the jurists.¹⁷ The full contents of the *Laws of the Twelve Tables* has not survived to the present day¹⁸. The texts known today as *Laws of the Twelve Tables* are quite short texts compiled from ancient sources.

According to these ancient sources, the fourth line of the ninth tablet includes the following statement¹⁹:

⁴ Smith 1859, 980.

⁵ Var. *ling.* V. 81.

⁶ Lewis & Short 1879, 1502.

⁷ Taylor 1899, 8; Dementeva 2009, 1.

⁸ Sriram 2004, 27.

⁹ The commission of ten people or the *decemviri legibus scribundis*, “ten men for writing the laws”.

¹⁰ Kuiper 2011, 31.

¹¹ Forsythe 2005, 203; Vigletti 2021, 48-49.

¹² Cornell 1995, 272; Dillon & Garland 2015, 21.

¹³ A people’s assembly of legislative authority that elected high-ranking civil servants and made important decisions such as declaring war. For detailed information, see Howatson 2013, 196.

¹⁴ Coleman Norton 1950, 51; Tahiroğlu & Erdoğan 2014, 46.

¹⁵ Cic. *de Or.* I. 195; Liv. III. 34. 6.

¹⁶ Johnston 1999, 2.

¹⁷ Bunson 2002, 303.

¹⁸ Rives 2002, 272; Howatson 2013, 660.

¹⁹ Bruns 1887, 33; Magdelain 1984, 549.

*Quaestores – qui capitalibus rebus praeessent, – appellabantur quaestores parricidii*²⁰.

Our knowledge of the task of the *quaestores parricidii* is quite limited. They probably in the early Republican era investigated a murder or, in a more limited definition, an act of killing relatives. The task may therefore represent its interests in ensuring that government plays a role in maintaining public order through the suppression of ordinary crime²¹. The public power did not exercise any jurisdiction over homicide until the Twelve Tables. Unless the crime of "homicide" was proven to be a crime against society, it was very difficult to prosecute²².

Reporting on the trial of consul Spurius Cassius Vecellinus, which took place immediately before the period in which *Laws of the Twelve Tables* was prepared, Livius writes of the judicial office of *quaestor*. According to Livius (III. 9), Spurius Cassius Vecellinus²³ (541-485 B.C.), who was elected consul thrice, in 502, 493, and 486 B.C., oversaw two-thirds of the territory belonging to the Hernici on behalf of Rome during his last term as consul²⁴. Following his return to Rome, he prepared an important draft law on granting shares of the occupied lands to plebeians²⁵. However, the draft law was met with a major reaction from the *senatus* members of the period. As a result of an attempt initiated by his opponents to end his political career, Cassius was accused of tyranny by the consuls Quintus Fabius and Servius Cornelius in 485 B.C. In his works, Livius explains of rumors that Cassius was killed by his own father after being flogged in his home according to the *patria potestas* tradition. However, Livius finds another account of the events more plausible: namely, that Cassius was publicly tried by *quaestores* Caeso Fabius and L. Valerius, he was convicted of treason, and his home was ordered to be demolished²⁶.

In addition to Livius, Dionysius of Halicarnassus also wrote about Cassius' battles with the Hernici in 485 B.C. and the developments in Rome after the war. According to Dionysius, Cassius was found guilty of the accusations in the trials led by *quaestores* Caeso Fabius and L. Valerius during the period in which Quintus Fabius and Servius Cornelius were consuls, and he was brought to the top of the cliff overlooking the *Forum Romanum* (the Tarpeian Rock) by the aforementioned *quaestores*, where he was executed by being hurled off the cliff in front of the citizenry²⁷.

Livius offers another report related to *quaestores* involving an accusation in 461 B.C. by *tribunus plebis*²⁸ Marcus Volscius Fictor against Caeso Quinctius, the son of Lucius Quinctius Cincinnatus, who was to be elected *dictator* for the year 458 B.C. According to this account, Marcus Volscius Fictor

²⁰ The *quaestores* – who rule on deadly crimes – are called *quaestores parricidii*.

²¹ Gaughan 2010, 110-112.

²² Ellart 2013, 3285.

²³ Broughton 1951, 8 vdd.; 14-20.

²⁴ Dion. Hal. *ant.* VIII. 68. 1-4; also see Last 1928, 488.

²⁵ Cic. *Rep.* II. 49; Liv. II. 41.

The small peasant and artisan class, excluded from the system of *curia* created by the class of patrician nobles, were considered semi-legal people and referred to as plebeian. See Atlan 2014, 18.

²⁶ Liv. II. 41.

²⁷ Dio. Hal. *ant.* VIII. 77-78.

²⁸ *Tribuni plebis*, or tribunes of the people, were elected officials charged with protecting the rights of the plebeians. For detailed information, see Howatson 2013, 955.

accused Caeso Quinctius, the son of Cincinnatus, of attacking his brother and causing his death, and the public wants to punish Caeso Quinctius. However, with the intervention of prominent families of the patrician class, Caeso Quinctius is merely fined. Volscius Fictor is re-elected as *tribunus plebis* for the year 460 B.C., and *quaestores* A. Cornelius and Q. Servilius, who serve in the same year, attempt to have Volscius tried for perjury because of his accusations against Caeso Quinctius. Other *tribuni plebis* try to prevent Volscius from being tried. Titus Quinctius Capitolinus, who was elected consul thrice and was also a member of the Quinctius family, and Marcus Valerius, who came from an equally important patrician family, were both *quaestores* of this period and would try the case in question. However, Livius states that despite these effective and powerful *quaestores*, the case could not be completed in a sense, as Caeso Quinctius no longer had the opportunity to return to his former position of authority²⁹.

The texts above do not specify that these *quaestores* were *quaestores parricidii*, mentioning only the more general term. However, the contents of the texts reveal that these *quaestores* had the authority to judge consuls and *tribuni plebis*.

In 530 A.D., a collection of laws named *Digesta*, later to be called *Corpus Iuris Civilis*, was prepared under the supervision of Tribonius, who was serving as *quaestor sacri palatii*, which at that time was a sort of ministry of justice, and who was commissioned by the Eastern Roman emperor Justinianus I. It is known that the 17 officials who served on the board formed to issue the compilation of this body of law evaluated 2000 books and more than 30,000 lines written by classical legal authors³⁰. This compilation of laws states that the office of *quaestor parricidii* was created for conducting interrogations regarding major crimes and that the office was previously defined in *Laws of the Twelve Tables*³¹. An excerpt taken from the *Enchiridion* of Pomponius Sextus, one of the 2000 books reviewed to create the compilation, states that cases of crimes resulting in death could only be brought before the public by *quaestores parricidii*³². This compilation of law also states that the origin of the *quaestores* dates back to ancient times; Romulus and Numa Pompilius had two *quaestores* appointed, not by themselves but by the votes of the people (according to an excerpt from *De potestatibus*, the seventh book of Iunius Gracchanus), and although it is stated that the presence of *quaestores* in the period of Romulus and Numa is doubtful, the presence of *quaestores* during the reign of Tullus Hostilius is said to be certain. Furthermore, according to the statements of ancient sources, Tullus Hostilius was the first ruler to establish the office of a *quaestor* official in state administration³³. Iunius Gracchanus, the author of *De potestatibus*, whose name is mentioned in the compilation via excerpts of the work of the jurist Ulpianus (170-228 A.D.), is thought to have been born in the middle of the second century B.C.³⁴. If the accuracy of this claim is accepted, it can be said that *De potestatibus* is

²⁹ Liv. III. 13. 24-25.

³⁰ Tahiroğlu & Erdoğan 2014, 91.

³¹ Watson 1998, 6.

³² Ruperti 1696, 222.

³³ Mommsen 1870, 30; "Dig. I. 13; Origo quaestoribus creandis antiquissima est et paene ante omnes magistratus. Gracchanus denique Iunius libro septimo de potestatibus etiam ipsum Romulum et Numam Pompilium binos quaestores habuisse, quos ipsi non sua voce sed populi suffragio crearent, refert. Sed sicuti dubium est an Romulo et Numa regnantibus quaestor fuerit, ita Tullo Hostilio rege quaestores fuisse certum est. Et certe crebrior apud veteres opinio est Tullum Hostilium primum in rem publicam induxisse quaestores".

³⁴ Polo & Fernandez 2019, 6.

one of the oldest sources pointing to the emergence of the office of *quaestor*.

It is known that *quaestores* largely functioned in the field of financial supervision in the first years of the Republic of Rome³⁵. In his work titled *Antiquitates Romanae*, Dionysius of Halicarnassus describes in detail the peace negotiations that were mutually held between the ambassadors of the two nations toward the end of the war between the Romans and Lars Porsena. This author reports that Lars Porsena had learned about the conspiracies of Tarquinius Superbus, who was in the Etruscan camp and wanted to disrupt the peace initiatives. He expelled the deposed king and his supporters from his presence and left his military headquarters to the Romans, and the assets of material value obtained from those headquarters were sold by *quaestores*³⁶. Plutarchus wrote on the life of Publius Valerius Publicola, who was consul³⁷ during the war between Rome and Lars Porsena. Plutarch mentions the names of the *quaestores* who sold the material assets from the headquarters abandoned by Lars Porsena to the Romans, most likely having taken them from Dionysius of Halicarnassus. The mentioned *quaestores* are Publius Veturius and Marcus Minucius, who served in the year 509 B.C.³⁸. Another important feature of this account is that the *quaestores* mentioned here are the oldest known by name.

Another account relating to the office of the *quaestores* was included in *Historia Romana*, written by the Anatolian-born Roman senator Cassius Dio (164-229 A.D.). The author notes that *quaestores* were appointed for the administration of public revenues, that they were inquisitors as per their name, and that they were appointed to clarify facts in their inquiries. They were primarily involved in financial cases but were charged with the management of public revenues, and thus were also titled in Greek *tamiai*, or treasurers³⁹.

The narratives of the office of the *quaestores* in ancient sources are also reflected in modern historiography. According to L. Lang (1856, 735), *quaestores* were appointed officials who first served the kings and then the consuls. L. Lang argues that Publicola's new regulation on the authority of *quaestores parricidii* made the office more independent, and in subsequent periods, the judicial duties of the *quaestores* were completely removed⁴⁰. According to K. Niemeyer (1854, 526), *quaestores* were not regularly appointed during the regal period. The *quaestores* appointed during this period were probably judges with extraordinary powers, and they continued their judicial duties with the title of *quaestor parricidii*. T. Mommsen, in his work entitled *The History of Rome*, states that *duoviri perduellionis*⁴¹ were appointed to investigate important crimes in the regal period together with two *quaestores parricidii*, described by the author as "murder pursuers" whose primary duties were to find and arrest murderers in incidents that resulted in death⁴². The historian also argued that the office did not exist in the regal period, although the duty was related to similar institutions in the period in

³⁵ Lomas 2022, 242.

³⁶ Dion. Hal. *ant.* V. 34

³⁷ Broughton 1951, 1-6.

³⁸ Broughton 1951, 1.

³⁹ Cass. Dio IV. 13.

⁴⁰ Lang 1856, 632-634.

⁴¹ This two-person judicial committee, *duoviri perduellionis*, is also written as *duumviri perduellionis* in some sources. This latter usage, which does not differ from the former in meaning, is found in translations of related texts into other languages, and especially into English. This study uses the original version of the word, *duoviri*.

⁴² Mommsen 1862, I. 158.

question. In addition, he discusses the authority of judicial processes that is transferred to consuls in the subsequent period. According to this author, the responsibility for the management of the state treasury and the state archives was included in the duties of the consuls, but in the early periods these responsibilities were transferred to *quaestores*, who served as assistants to consuls⁴³. According to F. F. Abbott (1911, 206), the office of *quaestor parricidii* was created during the regal period and it continued its existence during the Republic period, with significant changes made to the duties of the office over time. Within the framework of these changes, the power to appoint *quaestores*, who were responsible for the supervision of public treasuries over time, passed from kings to consuls.

K. Latte (1936, 24-33) also authored one of the most comprehensive assessments of the origin of *quaestores*. He states that according to the legal norms of the period, the full punishment in cases of crimes resulting in death was only issued if the deceased was a free person and the crime was committed intentionally. If these conditions were met, the murderer could be assumed to have committed *parricidium*, and the processing of the case would be handled by *quaestores parricidii*⁴⁴. K. Latte (1936, 24-33), in relation to the lexical meaning here, references the infinitive form of the word *quaero*, namely *quaerere* (to investigate). He defines the officials of the Hellenic world responsible for the public treasures kept in temples, who were titled *μαστρος*⁴⁵, as “inquisitors,” thus pointing to the origins of the office of the *quaestores*. With this similarity established, he further argues that *quaestores* were officials who held financial responsibility in the period in which they first appeared and that they should be evaluated separately from the *quaestores parricidii*, who held judicial powers⁴⁶. He also argues that the office of *quaestor parricidii* served the same function as *duoviri perduellionis*⁴⁷.

T. Livius’ account of Horatius confirms K. Latte’s inference. According to Livius (II. 26), Publius Horatius Cocles was accused of treason for handling the punishment to be given to his sister for charges levied against her, thus usurping the authority of the state during the reign of the king Tullus Hostilius (673-641 B.C.). Livius states that Horatius was judged by the *duoviri* appointed by Tullus Hostilius. It is apparent that the *duoviri* mentioned here are *duoviri perduellionis*. It can be inferred from this account that the officials in question did not fulfill regular duties in the form of *officium*; rather, they were officers charged with special duties, appointed as situations required. By this account, it can be argued that the *duoviri perduellionis* did not have the same nature as *quaestores parricidii*. However, it is also possible within the framework of this assumption that these duties were later united and/or separated.

In the *Encyclopedic Dictionary of Roman Law*, A. Berger argued that although some ancient sources claim that the office of *quaestor* was established in the regal period, the office is specific to the Republic period. He observes that the two commissioned *quaestores* were appointed to assist consuls, while the *quaestores* elected by the *comitia centuriata* had duties in the realm of state finances. These

⁴³ Mommsen 1862, I. 260.

⁴⁴ Latte 1936, 24-33.

⁴⁵ *μαστρος* (= *mastos*, singular; *μαστροι*, *mastroi*, plural) was an official title with financial responsibilities. The earliest records of the title are seen in inscriptions that recorded duties in a new city formed as a *synoikismos* from the cities of Ialysus, Lydus, and Camirus on the island of Rhodes in 406 B.C. For more detailed information, see Fowler 1885, 472 ff.; Durham 2006, 452.

⁴⁶ Polo & Fernandez 2019, 14.

⁴⁷ *Duoviri perduellionis*: a kind of two-person judicial board consisting of two judges who would investigate crimes against the state. Regarding this subject, see Smith 1859, 439; Latte 1936, 25.

officials, who served since the earliest stages of the Republic period, had no *imperium*⁴⁸, *lictor*⁴⁹, or *sella curulis*⁵⁰.

According to A. W. Lintott (1999, 134), the office of *quaestor parricidii* as mentioned in *Laws of the Twelve Tables*, aside from discussions on the duties of and procedures for taking office, was probably established during the regal period. He explains that the offices of other *quaestores* should be evaluated separately from the office of *quaestor parricidii*⁵¹. A. W. Lintott does not find convincing the account of Livius on Cassius' trial⁵² by the *quaestores*. However, he states that he is convinced that the office of the *quaestor parricidii*, which is mentioned in the *Laws of the Twelve Tables* and had a judicial function, was established during the regal period⁵³.

From the sources mentioned here, the assumption that the office of *quaestor parricidii* began in the regal period of Rome (753-509 B.C.) with officials appointed by the king to serve as his assistants, and that the title had characteristics similar to those of *duoviri perduellionis*, who investigated crimes committed against the state or the administration, may be deemed plausible⁵⁴. Considering the relatively small sphere of dominance during the regal period, the existence of a separate title established for the administration and supervision of the public treasury does not seem realistic. Indeed, T. Mommsen stated that the public treasury was under the control of the king during this period⁵⁵. On the other hand, it is reasonable to imagine that the kings had appointed officials to help them in ensuring social order. The regulations issued within the framework of *Laws of the Twelve Tables* generally aim at meeting the legal needs of people living in settlements close to each other, offering definitions of crime, offenders, types of punishments, and inheritance regulations. However, very limited space is given to public law⁵⁶. With this understanding, it can be assumed that there would have been officials appointed by the king who had some sort of judicial authority to assist the king in the regal period with the aim of resolving the problems that arose from diverse peoples coexisting. This assumption also indicates the office of the *quaestores parricidii*. However, it is difficult to conclude whether these officials had the same duties as officials described as *duoviri perduellionis*. T. Mommsen argues that these duties were specific to the Republic period, but he also states that other

⁴⁸ *Imperium* means the power of command. This title, which defined the powers of high-ranking state officials in Rome, encompassed the authority of high priests, the highest judges, and the commander of the army. For more detailed information, see Atlan 2014, 19.

⁴⁹ *Lictor* defines officials in Rome who walked in front of government officials, leading the way and providing protection. They carried symbolic objects on their left shoulders called *fasces*, or axes wrapped inside bundles of wooden rods, symbolizing state authority. For more detailed information, see Howatson 2013, 546.

⁵⁰ *Sella curulis* or *magistratus curules* was a kind of seat of authority, indicating the status of *aedilis*, *praetores*, and consuls, who were senior civil servants in Rome. The usage that indicates a portable chair, *sella curulis*, is considered to be of Etruscan origin. For more detailed information, see Howatson 2013, 572. See also, Berger 1991, 664.

⁵¹ Lintott 1999, 134-135.

⁵² Liv. II. 41.

⁵³ Lintott 1999, 134-135.

⁵⁴ Giovannini 1984, 21.

⁵⁵ Mommsen 1862, I. 80.

⁵⁶ Tahiroğlu & Erdoğan 2014, 47.

authorities similar to these could be found in the regal period⁵⁷.

In conclusion, it has been shown here that the office of the *quaestores* was first established as the office of the *quaestores parricidii*, who were probably assigned to their posts by the king to assist him in the regal period⁵⁸, and who could also perform judicial duties whenever necessary for the primary social needs of the time. However, a conclusive verdict cannot be reached as to if the office of *quaestores* specifically tasked with financial duties existed during the regal period. It may be suggested, instead, that the office of the *quaestores aerarii*, who were responsible for the public treasures maintained in the Temple of Saturnus (*aerarium*), first arose in the Roman Republic period. It is also assumed that these officials were appointed by consuls until 446 B.C.⁵⁹, and then they obtained their offices by election from that time forward, and these *quaestor aerarii* who had financial responsibility, assumedly differed from the *quaestores parricidii*. According to the Licinian-Sextian law, the praetorship was created in 367 B.C. These new officers were appointed to assist the consuls, who had many responsibilities. Among these important responsibilities were legal duties⁶⁰. The Romans defined very important rights to the praetorship, including the authority of the *imperium*⁶¹. The office of *quaestor parricidii* apparently became that of the *praetura*, or praetors, which was established in 367 B.C. to alleviate the judicial burden shouldered by the consuls⁶². In fact, the main responsibility of the office established under the title of *praetor urbanus* was handling cases of conflict between citizens of Rome, and, to this purpose they presided over criminal courts called *quaestio*⁶³. As is confirmed by the ancient sources, no person who performed judicial duties after the specified date was referred to as a *quaestor*. Thus, it can be concluded that from the year 366 B.C. onwards, legal conflicts between Roman citizens were handled by the *praetor urbanus*, and that the *quaestor parricidii* duty that from time to time was handed to the *quaestores* thereby ended.

⁵⁷ Mommsen 1862, I. 150-151.

⁵⁸ Tolosa 2010, 106; Covino 2011, 1.

⁵⁹ Tac. *ann.* XI. 22.

⁶⁰ Bergk 2011, 64.

⁶¹ Brennan 2014, 27.

⁶² Liv. VI. 42. 7; Brennan 2001, 26.

⁶³ Howatson 2013, 776.

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