Not a great deal has been published concerning madness in the *Digest.* Despite the impression created by this neglect—that little is to be garnered from its apparently infrequent references to madness—there in fact exists a considerable amount of unambiguous allusion to mental disorder in this legal text. The *Digest* contains more on the subject than most other ancient works, even the literary and the medical. In fact it contains far more allusion to madness than could be covered in the space of a short essay. Because this abundant material is less well known, I have attempted to provide at least a representative sampling of some of the more intriguing commentaries within the *Digest* on madness. What emerges is a vivid and accurate picture of what it could be like to be mad in one pre-modern society. I say ‘accurate’ with deliberation, for there can be little doubt that what is termed madness in the *Digest* is madness. It is my opinion that the *Digest* provides the most illuminating portrait of madness that is preserved from the Greco-Roman world. And it is an accurate one.

The word ‘portrait’ is used with due circumspection. The term implies that the *Digest* is capable of presenting a unitary vision of madness. This is
what I believe it does, for, as far as I can see, the *Digest* offers a strikingly consistent picture of the mad in the Roman empire. It does this despite the text’s representing a compilation of the work of many jurists and a compilation that was drawn from a broad chronological base.\(^2\) What then provides this unity, if it is not authorial nor chronological? I presume that this is produced because, when the *Digest* contemplates and meditates on madness, it is reflecting on real-life situations that are of a common and limited type and that persist through time. Furthermore it is reflecting on conditions with which the jurists and the readers of the *Digest* would have been quite familiar from their daily lives.

**Retrospective Diagnosis**

*quo tempore, ut Marcus Brutus refert, Octaviius etiam quidam ualitudine mentis liberius dicax conuentu maximo, cum Pompeium regem appellasset, ipsum reginam salutauit.* (Suetonius, *Divine Julius* 49)

At this same time, so Marcus Brutus declares, one Octavius, a man whose disordered mind made him somewhat free with his tongue, after saluting Pompey as ‘king’ in a crowded assembly, greeted Caesar as ‘queen’.

What is the matter with Octavius? He sounds quite mad (not just of ‘disordered mind’) to have been bold enough to have made sarcastic comments in front of such powerful individuals as Pompey and Caesar, referring more or less openly to Caesar’s alleged sexual relations with King Nicomedes of Bithynia. It would be easy to assert of a passage like this that it shows that Octavius was mad, or at least that Suetonius thought that he was mad. But of course we can never be sure, neither whether Suetonius thought that he was mad, nor whether he was in reality mentally unbalanced. To assert Octavius’ madness is to assert what is usually termed a retrospective diagnosis. Retrospective diagnosis, however, is most successful where there are actual remains, such as mummified or frozen bodies. So, retrospective diag-

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\(^2\) Did the legal views on madness evolve and change during the reporting period covered by the *Digest*? Logically they must have. Yet the impression of this reader, at least in the case of the *furiosi*, is that there is a sameness to the way that the mad are characterized and to a degree legislated on. I presume that this is the result in the sameness of the way that madness was viewed by society at large—in which no great changes seem to occur until the influence of Christianity and its views on possession took root. Certainly there is no great change in the characterization of madness in the historical literature. But perhaps the one area where evolution is more obviously possible is in the application of curatorships. Johnston 1999, 41–42, is very helpful on this matter.