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FATAL CHARADES: ROMAN EXECUTIONS STAGED AS MYTHOLOGICAL ENACTMENTS*

By K. M. COLEMAN

(Plates I–II)

Tertullian, illustrating the sacrilegious nature of pagan religion, records that in an auditorium he saw a person being burned to death in the role of Hercules and another being castrated as Attis; both of these examples he adduces to substantiate his assertion to his pagan audience that 'criminals often adopt the roles of your deities' ('et ipsos deos vestros saepe noxii induunt').¹ The practice that Tertullian here deplures is the subject of this paper: the punishment of criminals in a formal public display involving role-play set in a dramatic context; the punishment is usually capital.

This practice, which I term 'fatal charades', has provoked occasional comment from scholars: some have been horrified and repelled by the gruesome incongruity² of the element of make-believe, others have stressed the theatricality at the expense of the realism;³ a few have recognized these displays for what they were;⁴ but no comprehensive survey of the evidence exists.⁵ I shall begin by reviewing the aims of the Roman penal system, and demonstrate how public displays provided an opportunity to exact punishment. Against this background I shall examine evidence for these charades, and in conclusion try to offer some explanations for their emergence in the early Empire.

I. PENAL AIMS

The paragraphs that follow sketch the most important assumptions that underlie Roman modes of punishment; the distinctions drawn here between various aims are frequently artificial, since an individual penalty and the legislation governing it usually serve a complex of purposes rather than a discrete aim. Discussion of Roman

* Versions of this paper were delivered in 1988 at the Thesaurus Linguae Latinae and the Institut für Klassische Archäologie of the Ludwig-Maximilians-Universität in Munich, and in 1989 at the University of Cape Town and at the forty-third conference of the Société pour l'Histoire des Droits de l'Antiquité in Ferrara. The audiences on each of these occasions provided many stimulating ideas, and I have further benefited considerably from the criticism and advice of T. W. Bennett, N. M. Horsfall, R. G. M. Nisbet, the late E. D. Rawson, and the Editorial Committee. I acknowledge also with much appreciation funding from the Alexander von Humboldt-Stiftung, the University of Cape Town, and the South African Institute for Research Development; and the assistance of the Deutsches Archäologisches Institut at Rome in obtaining the plates.

In addition to the usual abbreviations, the following will be used:

Dunbabin: K. M. D. Dunbabin, *The Mosaics of Roman North Africa* (1978)

Garnsey (1968a): P. Garnsey, 'Legal privilege in the Roman empire', *Past & Present* 41 (1968), 3–24

Garnsey (1968b): P. Garnsey, 'Why penalties become harsher: the Roman case, late Republic to fourth century Empire', *Natural Law Forum* 13 (1968), 141–62

Garnsey, *SSLP*: P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (1970)

Harding-Ireland: C. Harding and R. W. Ireland, *Punishment: Rhetoric, Rule, and Practice* (1989)

Hopkins: K. Hopkins, 'Murderous games', in *Death and Renewal. Sociological Studies in Roman History* Vol. 2 (1983), 1–30

Ignatieff: M. Ignatieff, 'State, civil society, and

total institutions: a critique of recent social histories of punishment', in M. Tonry and N. Morris (Eds), *Crime and Justice. An Annual Review of Research* 3 (1981), 153–92

MacMullen: R. MacMullen, 'Judicial savagery in the Roman empire', *Chiron* 16 (1986), 147–66

Millar (1984): F. Millar, 'Condemnation to hard labour in the Roman empire, from the Julio-Claudians to Constantine', *PBSR* 52 (1984), 124–47

Musurillo: H. Musurillo (Ed.), *The Acts of the Christian Martyrs* (1972)

Ville, *GO*: *La Gladiature en Occident des origines à la mort de Domitien* (1981)

Weinreich: O. Weinreich, *Studien zu Martial* (1928)

¹ Tert., *Apol.* 15. 4 (quoted in full in Part III below); a doublet of this passage occurs at *Nat.* 1. 10. 47.

² 'Welch perverses Spiel mit der Würde des Todes und mit dem Sinn der Todesstrafe!' (Th. Birt, cit. O. Kiefer, *Kulturgeschichte Roms* (1933), 98).

³ 'Eigentlich theatralische, besonders pantomimische Vorstellungen' (L. Friedländer, *Darstellungen aus der Sittengeschichte Roms* (1920), 91); 'skits [staging] famous scenes from mythology' (S. Newmyer, 'The triumph of art over nature: Martial and Statius on Flavian aesthetics', *Helios* 11 (1984), 1–7, at 4).

⁴ 'Sometimes, as a variation, elaborate sets and quasi-theatrical performances were prepared, in which as a climax a criminal was devoured limb by limb' (Hopkins, 11); 'dressing-up of criminals who were to be executed, and the setting of them into some drama so as to present their death as part of an entertainment' (MacMullen, 150).

⁵ The most detailed account is given by Friedländer, op. cit. (n. 3), 91–2.

penal aims is sadly lacking in contemporary juristic sources,⁶ nor has any modern sociological study been devoted to systems of punishment in the ancient world; sociologists have concentrated on the emergence of imprisonment and other so-called 'humanitarian reforms' dating from the latter half of the eighteenth century. While no single sociological model seems to fit ancient society, a brief outline of the leading schools of thought will nevertheless show that each can illuminate some aspect of the Roman penal system.

The traditional reformist view⁷ saw the eighteenth-century developments as an enlightened step away from the primitive retributive practices of previous eras: as we shall see, a retributive basis is very prominent in Roman penal practice. In the 1930s the perspective began widening, and stress on economic factors set punishment in the broader context of society as a whole:⁸ the demand for brutal public entertainment will be seen to act as a 'market force' in the selection of punishment at Rome. The revisionists⁹ have questioned the eighteenth century's avowed aims of combining deterrence with reform; they have insisted upon the necessity of studying the institution of punishment along with other social institutions designed to modify the behaviour of 'aberrant' elements in society (asylums etc.), and have produced a model of oppressive and exploitative authoritarianism to replace the 'reformist' humanitarian view: the increase in *cognitiones* as a mode of trial under the empire, and the increasing identification of the emperor's person with the sanctity of the state, clearly point in this direction. Most recently, counter-revisionist voices have warned that a model must be developed that can account for the co-operative function of all levels in society in informally regulating dispute and outlawing deviance in the community:¹⁰ here the participation of the audience in the amphitheatre demands a modification of the authoritarian model.

Harding and Ireland have responded to the counter-revisionist call by expanding the study of punishment to include techniques of social control that lie outside formal legal processes, thereby interpreting punishment as the manifestation of disapproval by members of a society (or its rule-enforcing authorities) when that society's norms are violated; adducing examples from a broad historical and geographical spectrum, they stress the importance of cultural context in determining penal aims and methods, so that the history of punishment is not seen as a chronological development from 'primitive' to 'civilized' but rather as a constantly adjusting balance of techniques of social control determined by the physical resources, moral basis, and belief system of any given society. Shifting the spotlight off state-enforced punishment, Harding and Ireland highlight other areas in society capable of imposing sanctions, and stress especially that penalties of degradation, sometimes entailing a public spectacle of punishment, are a 'pervasive penal practice':¹¹ this view of punishment as a product of cultural autonomy has obvious advantages in the study of a society like Rome which differed radically in its economy, value system, and social hierarchy from those post-Enlightenment western societies on whose penal practices modern sociologists have based their models of punishment.

(a) *Retribution*

With these preliminaries, we may now look at some of these aims in their Roman context. In the absence of a state machinery to set penalties and see to their implementation, the private redressing of a wrong sustained is chiefly limited to acts of vengeance and the exacting of retribution.¹² In its most primitive form this

⁶ Contrasted by Millar (1984), 145, with the intense debate about penal reform in eighteenth-century France.

⁷ Summarized by Ignatieff, 154.

⁸ See G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (1939); D. Melossi and M. Pavarini, *The Prison and the Factory: Origins of the Penitentiary System* (1981).

⁹ Most influentially M. Foucault (trans. A. Sheri-

dan), *Discipline and Punish* (1977) = *Surveiller et Punir* (1975).

¹⁰ Ignatieff, 166–8, 173–4.

¹¹ Harding-Ireland, 198.

¹² The alternative approach to settling dispute is that of awarding compensation, which may co-exist with afflictive punishment: see Harding-Ireland, 128–34. For traces of this combination in the Roman *poena dupli* see J. M. Kelly, *Roman Litigation* (1966), 154–5.

demands 'an eye for an eye and a tooth for a tooth'. This retributive aim is taken over by the state as it evolves the machinery for exacting punishment; Seneca admits that retribution and revenge are the chief factors motivating emperors in their punishment of crimes.¹³

Enshrined in the notion of retribution is the principle of *talio*,¹⁴ according to which the means of punishment evokes the misdeed,¹⁵ as in the penalty of *crematio* (*vivicomburium*) prescribed for people who commit arson in a built-up area.¹⁶ Such appears to have been Galba's intention in amputating the hands of a fraudulent money-changer and nailing them to the table where the crook had conducted his business,¹⁷ although a preventive element is also present here (see I (d) below). The execution of brigands at the site of their crime¹⁸ is advocated as both a public deterrent (see I (e) below) and a means of giving satisfaction to their victims' surviving friends and relatives: 'solacio sit cognatis et adfinibus' (*Dig.* 48. 19. 28. 15 [Callistr.]).

Here retribution shades into the notion of asserting the status of the person who has been wronged, and ensuring that due respect is paid to him. This refined version of the retributive principle is expressed by Gellius' teacher, the Middle Platonist L. Calvenus Taurus, for whom pure retribution had been condemned as animalistic and pointless by Plato (*Gell.*, *NA* 7. 14. 3):¹⁹

That reason for punishment exists when the dignity and the prestige of the one who is wronged must be maintained, in case the omission of punishment should bring him into contempt and diminish the esteem in which he is held.

This concern to reassert the status of the wronged party has its counterpart in the humiliation of the offender (discussed under I (b) below).

Intrinsic to the notion of retribution is the intention that the offender, having caused harm and suffering, should in turn suffer for his offence; the criminal's wickedness has earned him cruel treatment: cf. Tert., *Spect.* 19 'homo ... tam nocens factus est, ut tam crudeliter impendatur'. Thus the harshest punishments should inflict maximum pain. (The variously mitigating or exacerbating influence of the offender's social status will be discussed in II (c) below.) Fergus Millar²⁰ has shown how condemnation to hard labour, while not divorced from economic considerations, was primarily devised in order to inflict physical suffering; it follows that the death penalty, *summum supplicium*, should not merely deprive the offender of his life but do so as painfully as possible for the worst types of offender. The humanitarian notion that execution should be carried out with dignity, speed, and discretion is a modern idea.²¹

(b) *Humiliation*

Alongside the notion of physical suffering as a punitive aim comes humiliation; physical suffering can be measured, however crudely, by the number of lashes or the amount of bleeding, but humiliation, constituting mental and emotional suffering, is unquantifiable. Yet in class-conscious Roman society damage to one's *existimatio*²² was so serious that *infamia* entailed a citizen's loss of very specific rights and privileges.²³ For those categories of persons (non-citizens) who were regarded as *turpes*, their lack of status in society made them subject to the most degrading penalties, and, just as *infamia* damaged the *existimatio* of citizens, so did humiliating

¹³ Sen., *Clem.* 1. 20. 1.

¹⁴ *RE* ivA. 2069–77 s.v. *Talio* (Herdlitzka); Kelly, loc. cit. (n. 12).

¹⁵ By a sophisticated application of this principle, places of exile may sometimes fit the crime: see R. G. M. Nisbet, *JRS* 72 (1982), 51 n. 22.

¹⁶ *Dig.* 48. 19. 28. 12 (Callistr.).

¹⁷ Suet., *Galba* 9. 1.

¹⁸ For other examples where the criminal is punished at the site of his crime see MacMullen, 151 n. 12.

¹⁹ See L. Holford-Strevens, *Aulus Gellius* (1988), 70–1.

²⁰ Millar (1984), 147.

²¹ Perhaps prompted (moral considerations apart) by generally higher standards of health and physical comfort, and by increasingly institutionalized care for the injured and dying, which protects the average person from acquaintance with suffering and death: Harding-Ireland, 149, 191–3.

²² Garnsey (1968a), 9, quoting *Dig.* 22. 5. 3 *Praef.*, describes *dignitas*, *existimatio*, and *auctoritas* as the three 'upper-class' virtues.

²³ See D-S iii. 482–5 s.v. *Infamia* (G. Humbert/Ch. Lecrivain); *RE* ix. 1537–40 s.v. *Infamia* (Pfaff).

punishments mock even those criminals whom Roman society had already classified as innately *infamis*; the most extreme form of degradation for persons who were not condemned to capital punishment was the application (in itself a painful process) of a permanently visible mark in the form of a tattoo or, occasionally, a brand.²⁴

Often an element of humiliation perforce accompanies another more dominant aim,²⁵ as in the example of Galba's fraudulent money-changer (cited above): the retributive aim automatically involves the humiliation of the offender in that he receives his come-uppance in public and frequently in a manner that mocks the perpetration of his crime. Humiliation was also Galba's method of dealing with an offender, already sentenced to crucifixion, who lodged an appeal; Galba, 'quasi solacio et honore aliquo poenam levaturus' (Suet., *Galba* 9. 1), ordered his cross to be exchanged for one much taller and painted white; this publicity must have been designed to mock the offender's claim to special treatment.

The humiliation of the offender further validates the processes of the law by distancing the onlooker from the criminal and reducing the possibility of a sympathetic attitude towards him on the part of the spectators. Rituals of humiliation to which the inmates of 'reformist' prisons were subjected have been interpreted by modern revisionists as tools of domination wielded by the ruling classes;²⁶ but the public nature of Roman execution shows that one purpose of humiliating the miscreant was to alienate him from his entire social context, so that the spectators, regardless of class, were united in a feeling of moral superiority as they ridiculed the miscreant.

In Roman society the mockery of a condemned person was sometimes performed spontaneously by parties other than the legal adjudicators, which emphasizes its function in dissociating and distancing the onlooker from a person whose behaviour has been officially declared unacceptable by the state. The best-known example from our period is the soldiers' mockery of Jesus. Before he was taken away to be crucified, he was given a crown of 'thorns'²⁷ and a purple cloak²⁸ and, perhaps, a reed for a sceptre;²⁹ tricked out in this guise, he was mocked by the Roman soldiers for his messianic claims.³⁰ The Gospels are not consistent in their details, and do not unanimously locate this episode between sentence and execution,³¹ but the mocking purpose is plain: the crown of thorns, nowhere in the Gospels identified as an instrument of torture,³² is plausibly interpreted as an imitation of the radiate crown of divine rulers, as depicted on contemporary coins;³³ the purple robe likewise mocked the regalia of hellenistic rulers;³⁴ Jesus so attired would be a parody of θεός as well as βασιλεύς, and hence an object of mocking *proskynesis*.³⁵

Sometimes, however, the humiliation of the offender seems to be an integral part of the punishment, and it is obvious that this feature is going to bulk large in the context of executions performed in the course of spectacular enactments in the arena.

(c) *Correction*

The aims we have been considering so far have been predicated upon the notion of inflicting upon the criminal what are regarded as his just deserts. But there are occasional references to correction of the wrongdoer (consistently held by Plato, along

²⁴ See C. P. Jones, 'Stigma: tattooing and branding in Graeco-Roman antiquity', *JRS* 77 (1987), 139–55; Harding-Ireland, 193.

²⁵ Harding-Ireland distinguish between the general sanction of stigma (104) and the application of specifically degrading penalties (198–200).

²⁶ Ignatieff, 156.

²⁷ στέφανον ἐξ ἀκανθῶν: *Matt.* 27. 29, *John* 19. 2; ἀκάνθινον στέφανον: *Mark* 15. 17.

²⁸ χλαμύδα κοκκίνην: *Matt.* 27. 28; πορφύραν: *Mark* 15. 17; ἱμάτιον πορφυροῦν: *John* 19. 2.

²⁹ κάλαμον: *Matt.* 27. 29.

³⁰ The soldiery would consist largely of locally-recruited gentiles, who would be familiar with the

messianic aspects of Judaism: R. Delbrueck, 'Antiquarisches zu der Verspottungen Jesu', *ZNW* 41 (1942), 124–45 (at 126–7).

³¹ Sentence before mockery: *Matt.* 27. 26, *Mark* 15. 15; sentence after mockery: *John* 19. 16.

³² First at Clem. Alex., *Paedag.* 2. 73–5.

³³ See H. St. J. Hart, 'The crown of thorns in John 19, 2–5', *JTS* n.s. 3 (1952), 66–75 (suggesting, for the 'thorns', the modified leaflets that grow on the base of the axis of date-palm fronds); C. Bonner, 'The crown of thorns', *HTR* 46 (1953), 47–8.

³⁴ Delbrueck, *op. cit.* (n. 30).

³⁵ Hart, *op. cit.* (n. 33), 74.

with deterrence, to be the only proper aim of punishment³⁶). This notion is usually rehearsed by the philosophers (and later became the zealous aim of the eighteenth- and nineteenth-century reformers, motivated by a belief in salvation through faith and works³⁷); if the Roman authorities ever took correction into account during sentencing, it is extremely unlikely that it influenced the average person's attitude towards the fate of criminals.

Seneca, for example, maintains that the law fulfils three functions in punishing offenders: correction, deterrence, and the restoration of security by removing the criminal from society.³⁸ The best corrective, in his view, is *severitas*, so long as it is applied sparingly (*Clem.* 1. 22. 2):

Severity is the best corrective, but it loses its efficacy by over-use.

Gellius quotes the views expressed by Taurus in his commentary on the *Gorgias*, that punishment embraces three aims: correction (κόλασις or νοθεσία), deterrence (τιμωρία), and the upholding of the victim's status (παράδειγμα). At *NA* 7. 14. 2 he defines correction as

when punishment is inflicted for the purpose of correction and reformation, so that one who has accidentally done wrong may become more careful and scrupulous.

cum poena adhibetur castigandi atque emendandi gratia, ut is, qui fortuito deliquit, attentior fiat correctiorque.

The key word is *fortuito*,³⁹ which strictly limits the applicability of this principle.

(d) *Prevention*

Whereas correction aims to persuade the offender to behave henceforth in a socially acceptable manner, prevention aims to make it impossible for him to repeat his offence. Prevention can most simply be the permanent removal of the offender from society,⁴⁰ or else the means whereby he committed the offence may be removed: the retributive gesture of cutting off the hands of the fraudulent money-changer constitutes also a preventive measure. Yet incarceration, which today has prevention as one of its aims (along with the punitive purpose of restricting the subject's freedom),⁴¹ was not usually employed as a punishment in antiquity, except in so far as forced labour (e.g. *damnatio in metallum*) combined removing the criminal from society with making him perform a debilitating but economically profitable duty.⁴²

(e) *Deterrence*

While correction and prevention are concerned solely with the behaviour of the offender himself, deterrence is a pre-emptive aim designed to inhibit potential offenders in society at large.⁴³ It is seldom acknowledged by the ancient jurists as a punitive aim, possibly because the prominence of gallows at crossroads and other public places made the deterrent purpose obvious: cf. [Quint.] *Decl. Mai.* 274. 13 Winterbottom:

whenever we crucify criminals, the most heavily used routes are chosen where the greatest number of people can watch and be influenced by this threat; for every penalty is aimed not so much at the offence as at its exemplary value.

³⁶ e.g. *Gorg.* 525b, although at *Leg.* 862e he allows that capital punishment can serve the purpose of removing incurably wicked people from society.

³⁷ Ignatieff, 160.

³⁸ Sen., *Clem.* 1. 22. 1 'transeamus ad alienas iniurias, in quibus vindicandis haec tria lex secuta est, quae princeps quoque sequi debet: aut ut eum, quem punit, emendet, aut ut poena eius ceteros meliores reddat, aut ut sublatis malis securiores ceteri vivant.' Under the last category Seneca is presumably thinking of capital punishment; on the absence of custodial penalties see n. 42.

³⁹ The jurists commonly limit the culpability of persons who have caused damage *fortuito*: cf. Callistr., *Dig.* 47. 21. 2 (removing boundary-stones), Marcian., *Dig.* 47. 9. 11 (starting a fire), 48. 4. 5. 1 (throwing a stone that hits the statue of an emperor).

⁴⁰ cf. Sen., *Clem.* 1. 22. 1 (cit. n. 38).

⁴¹ Harding-Ireland, 198.

⁴² Millar (1984), 130-2, 143-4.

⁴³ The further deterrence of a proven wrong-doer is closely related to the notion of correction: see Harding-Ireland, 119.

In the view of Phileas, Bishop of Thmuis in the Nile delta early in the fourth century, the crowning outrage to the dignity of Christian martyrs was that, after they had been horribly tortured, their naked and disfigured corpses were displayed in public, *crudele cunctis praetereuntibus spectaculum*;⁴⁴ while *spectaculum* may imply that the spectators were likely to gain satisfaction from the sight, deterrence was surely the purpose of this display.

Deterrence is an aim endorsed by the philosophers;⁴⁵ it constitutes Taurus' third justification for punishment (Gell., *NA* 7. 14. 4):

A third reason for punishment is ... when punishment is necessary for the sake of example, so that others, through fear of a recognized penalty, may be kept from similar offences which it is in the common interest to prevent.

Seneca argues that when the aim is deterrence, punishment can be inflicted more rationally and with greater self-confidence than when it is revenge (*Clem.* 1. 20. 1):

difficilius est enim moderari, ubi dolori debetur ultio, quam ubi exemplo.

It is more difficult to control oneself when one is exacting revenge out of anger, than when one is doing it for the sake of example.

Deterrence is, however, given jurisprudential recognition by Callistratus at *Dig.* 48. 19. 28. 15:

The practice approved by most authorities has been to hang notorious brigands on a gallows in the place which they used to haunt, so that by the spectacle others may be deterred from the same crimes, and so that it may, when the penalty has been carried out, bring comfort to the relatives and kin of those killed in that place where the brigands committed their murders.

Here execution of brigands at the site of the crime is advocated as both a public deterrent and a means of giving satisfaction to the victim's surviving friends and relatives (i.e. a retributive aim).

Diocletian and Maximian argue against the remission of penalties, on the grounds that this would weaken the deterrent force of punishment (*Cod. Iust.* 9. 47. 14):

If the day fixed in advance by a sentence laying down a fixed-term penalty of *opus publicum* has not yet passed, it is right for it to be awaited, since it is in the public interest that a penalty should not lightly be remitted, in case anyone should rush recklessly into wrongdoing.

To be an effective deterrent, a penalty should arouse horror and aversion; no doubt audiences in the amphitheatre experienced these sensations, but so effective was the gulf created between spectacle and spectators that the dominant reaction among the audience was pleasure rather than revulsion (see II (d) below). In these circumstances, the deterrent factor was the assumption (to be confounded by the Christian martyrs) that no one would want to suffer such physical torture, nor to provoke such humiliating *Schadenfreude*.

II. PUBLIC DISPLAYS INVOLVING PUNISHMENT

The concept of 'public execution' may imply a context no more formal than gallows erected at a crossroads or outside a city wall. But of crucial importance for our enquiry into Roman fatal charades is the adoption of custom-built public auditoria as venues for the dispatch of criminals condemned on capital charges. The basic requirements were: a person or administrative system to mount the spectacle; a venue equipped with adequate facilities; a supply of persons to be displayed; an approving

⁴⁴ Euseb., *HE* 8. 10 (= Musurillo 26B. 5).

⁴⁵ cf. Sen., *Clem.* 1. 22. 1 (cit. n. 38).

audience. In the following section each of these elements will be discussed separately. Once again, no exhaustive discussion is intended; my purpose is simply to highlight those features that may illuminate our fatal charades.

(a) *The munerarius*

Regular public shows to which spectators were granted free admission were the responsibility of the annual magistrates; in Keith Hopkins' words, this obligation constituted a 'tax on their status',⁴⁶ but the analogy is not exact, since the magistrates' status was also considerably increased thereby.⁴⁷ The well-known correspondence between Caelius and Cicero on the subject of panthers from Cilicia for Caelius to display at his aedilician games in Rome⁴⁸ attests the seriousness with which magistrates pursued the acquisition of fauna for their spectacles. A breakdown in the supply meant a damaging loss of prestige to the presiding magistrate, as we learn from Pliny's letter⁴⁹ commiserating with his friend Maximus, whose *gladiatorium munus* at Verona was spoilt because the felines he had bought were prevented by the weather from being delivered in time. Maximus may have sponsored these games in the capacity of a private patron of the city without holding any magistracy, since Pliny implies that in staging the games Maximus was responding to popular pressure ('tanto consensu rogabaris', 6. 34. 2), and that they were held in honour of his late wife.⁵⁰ Pliny praises Maximus for being 'liberalis in edendo' (6. 34. 2);⁵¹ the absence of felines apparently caused dissatisfaction, since Pliny stresses that this disappointment was not Maximus' fault.⁵²

Inscriptions recording the munificence of *munerarii* are common. Sponsors strove to outdo their predecessors in *magnificentia muneris*, and were concomitantly rewarded by having statues and other honours voted to them.⁵³ Often *magnificentia muneris* was demonstrated by a tally of participants, both human and animal, and casualties amongst them. An oft-quoted example is part of an inscription from Minturnae dated to A.D. 249, commemorating games given by a certain P. Baebius (*CIL* x. 6012 = *ILS* 5062): 'Hic Mint(urnis) diebus IIII | edidit paria XI | ex his occid(it) gla(diatores) | prim(arios) Camp(aniae) XI ur|sos quoque crudel(es) | occid(it) X'. *Occidit* is a frank acknowledgement of the purpose of these spectacles; *ursos crudeles*⁵⁴ conveys the bravery of the *venatores*, and also suggests, however obliquely, that they deserved their fate because of their savagery: P. Baebius has performed an honourable service.

The complex relationship between *munificentia* and *favor populi* is illustrated on some well-known mosaics, nowadays thought to be private commissions celebrating successful *munera* staged by the *impressario* who commissioned them.⁵⁵ (I use the word 'impressario' deliberately, to convey the glamour and publicity attached to the *munerarius*.) Of unique significance is the graphic pictorial record provided by the mosaic of Magerius from Smirat in Tunisia;⁵⁶ dated to the middle of the third century A.D.,⁵⁷ it can nevertheless be taken as illustrative of the staging of *ludi* throughout our period.

⁴⁶ Hopkins, 6.

⁴⁷ As recognized by Tertullian, making a rhetorical point out of attributing the origins of *munera* to funeral games (*Spect.* 12): 'licet transierit hoc genus editionis ab honoribus mortuorum ad honores viventium, quaesturas dico et magistratus et flaminia et sacerdotia'.

⁴⁸ Cic., *Fam.* 2. 11. 2; 8. 6. 5; 8. 8. 10; 8. 9. 3; cf. *Att.* 6. 1. 21.

⁴⁹ Plin., *Epist.* 6. 34.

⁵⁰ 6. 34. 1: 'uxorem ... habuisti, cuius memoriae aut opus aliquod aut spectaculum atque hoc potissimum, quod maxime funeri, debebatur'; see Ville, *GO*, 354.

⁵¹ Sherwin-White ad loc. suggests that Pliny's friend may be the tight-fisted Maximus of *Epist.* 8. 4; but this phrase is a standard compliment, expressed by Pliny about Trajan also (*Pan.* 33. 2): 'quam deinde in edendo liberalitatem ... exhibuit'.

⁵² 6. 34. 3: 'tu tamen meruisti ut acceptum tibi fieret, quod quo minus exhiberes, non per te stetit'. Sherwin-White ad loc. suggests that the audience may have thought that Maximus was economizing.

⁵³ cf. *CIL* viii. 5276 (Hippo Regius): '... ob magnificentiam | gladiatorii muneris | quod civibus suis tri| duo edidit quo omnes | priorum memorias | supergressus est.'

⁵⁴ For the expansion *crudel(es)* see Ville, *GO*, 419 n. 141; the unjustifiably sadistic *crudel(ite)r* is asserted without textual comment by Hopkins, 26.

⁵⁵ The amphitheatre mosaics from Zliten and El Djem are discussed in 11 (c) below.

⁵⁶ See A. Beschaouch, 'La mosaïque de chasse à l'amphithéâtre découverte à Smirat en Tunisie', *CRAI* (1966), 134–57, Dunbabin, 67–9.

⁵⁷ Beschaouch, op. cit. (n. 56), 147.

The perimeter scenes depict a *venatio* in the arena; the central portion contains the figures of Diana and Dionysus, part of the figure of a richly dressed man, and a boy holding a tray with four bags on it labelled with the symbol ∞ . Incorporated into the design of the mosaic are inscriptions supplying the narrative: the left-hand inscription⁵⁸ records an appeal by the herald to the audience immediately after the *venatio*, in which he asks them for 500 denarii per leopard to be paid to people called ‘Telegenii’, apparently the *familia venatorum* hired for this *venatio*.⁵⁹ The other inscription⁶⁰ records the audience’s response to the herald’s appeal; they call upon ‘Magerius’ to pay the *venatores* for their display.

Magerius’ name in the vocative case (‘Mageri’) appears twice, once above the richly dressed man. Hence this mosaic is interpreted as recording the moment at which Magerius, the *munerarius*, responds to the crowd’s *adclamatio* calling upon him to reward the *venatores* who have put on the *venatio* that he sponsored. Magerius’ generosity (*munificentia/liberalitas*) has caused him to double their fee: the symbol ∞ on the bags represents 1,000 denarii apiece, twice the amount requested by the audience. A telling feature is that this mosaic decorates the floor of a private building, and thus it has been deduced⁶¹ that it was a commission by Magerius himself for display in one of the public rooms in his house, where it would impress his visitors and clients.⁶² The importance of this mosaic for us is that it demonstrates the power and status of the *munerarius*: he is regarded by the spectators as directly responsible for the entertainment provided for them, and his *munificentia* earns him *favor populi*; it is his largess alone that rewards the *venatores*, and without his sponsorship there would have been no spectacle.

It is a reflex of the Roman social hierarchy that the emperor, being patron *par excellence*, sponsors the most lavish and exotic spectacles;⁶³ and, just as with any other sponsor, his status and popularity are increased proportionately. A single text that conveniently illustrates this point (and to which we shall return) is Martial’s *Liber Spectaculorum*, where by a brilliant poetic conceit the performances provided in the arena by the emperor are depicted as a spontaneous tribute to his greatness and omnipotence: cf. 5. 4 ‘quidquid fama canit, praestat harena tibi’ (discussed further below), 9. 1–2 ‘praestitit exhibitus tota tibi, Caesar, harena | quae nova (Shackleton Bailey: non *codd.*) promisit proelia rhinoceros’, 21. 1–2 ‘quidquid in Orpheo Rhodope spectasse theatro | dicitur, exhibuit, Caesar, harena tibi’, 28. 9–10 ‘quidquid et in circo spectatur et amphitheatro, | dives, Caesar, io, praestitit unda tibi’. This hyperbolic flattery is predicated upon a crucial factor: no display could be performed in the amphitheatre without the sponsorship and administrative contribution of the *munerarius*, and the variety of displays performed and any innovations introduced were attributed entirely to his energy and initiative.

(b) *Venue and facilities*

The growing popularity of gladiatorial displays and wild beast fights during the last century of the Republic strained the resources of the forum at Rome as a site for staging public displays before an assembly of spectators. Underground passageways excavated below the Forum Romanum bear witness to an attempt to create adequate facilities;⁶⁴ but it was the adoption during the first century of a Campanian architectural design, the amphitheatre,⁶⁵ which greatly increased the potential for

⁵⁸ ‘per curionem | dictum “domi|ni mei ut | Telegen(i)| pro leopardo | meritum ha|beant vestri | favoris donate eis denarios | quingentos”.’

⁵⁹ See Beschtaouch, *op. cit.* (n. 56), 150; Dunbabin, 79 and n. 59.

⁶⁰ ‘adclatum est | “exemplo tuo mu|nus sic discant | futuri audiant | praeteriti unde | tale quando tale | exemplo quaesto|rum munus edes | de re tua mu|nus edes | (i)sta dies” | Magerius dol|nat “hoc est habe|re hoc est posse | hoc est ia(m) nox est | ia(m) munere tuo | saccis missos”’, discussed fully by Beschtaouch, *op. cit.* (n. 56), 139 ff.

⁶¹ By Dunbabin, 68.

⁶² On this type of self-advertisement see Ville, *GO*, 468.

⁶³ Augustan legislation made it impossible for anyone to rival the emperor in sponsoring *munera* beyond the official quota beholden upon the regular magistrates: see Ville, *GO*, 121–3.

⁶⁴ G. Carettoni, ‘Le gallerie ipogee del Foro Romano e i ludi gladiatorii forensi’, *Bull. Comm.* 76 (1956–8), 23–44.

⁶⁵ R. Étienne, ‘La naissance de l’amphithéâtre: le mot et la chose’, *REL* 43 (1965), 213–20.

sophisticated displays, made permanent accommodation available for seating a large audience, and allowed easier control and handling of the animals,⁶⁶ with a corresponding guarantee of the safety⁶⁷ of the audience.

With the construction of amphitheatres⁶⁸ came the installation of machinery that increased the scope and ingenuity of the displays that could be mounted. Calpurnius Siculus marvels at an arena (probably Nero's wooden amphitheatre constructed in A.D. 57)⁶⁹ in which a 'forest' rose into view out of the *hypogeum*.⁷⁰ With technological skill came realistic effects: for the pantomime of the Judgement of Paris⁷¹ that occupied part of a composite entertainment at Corinth,⁷² Apuleius describes a wooden mountain erected through the floor to simulate Mt Ida, complete with real plants and incorporating plumbing to facilitate a stream flowing from the top; live goats added verisimilitude. At the end of the performance it sank out of sight.⁷³ A *hypogeum* is similarly implied in Lucian's version of the story (*Asin.* 53), when the ass is worrying that an animal will come up from underneath (ἀναπηδήσεται) during his intercourse with the woman who has been condemned *ad bestias*.⁷⁴

It has been suggested⁷⁵ that when *venationes* were held in the circus, the *euripus*, *metae*, and other monuments in the middle, far from being a hindrance, added interest and suspense as the animals dodged between them, much as they would derive protection from their natural habitat. The circus was likewise a suitable venue for displaying technical novelties: Septimius Severus celebrated the Ludi Saeculares in 204 with a *venatio* for which he constructed an enormous cage in the form of a ship that 'foundered' and broke apart, releasing hundreds of animals;⁷⁶ this occasion is commemorated on coins minted by Septimius and, later, by Caracalla, depicting on the verso a ship, with a *venatio* underneath and a chariot race above.⁷⁷ The chariot race suggests that the circus was the venue; this impression is strengthened if features on the deck of the ship are correctly to be identified as monuments of the *euripus*,⁷⁸ around which the ship must have been constructed.⁷⁹ The combination of fantasy with technological skill converted a common display into an imperial 'first' for Septimius.

Such technological ingenuity is sometimes explicitly associated with the execution of prisoners during the displays. An example (albeit from fiction) comes from the *Metamorphoses* of Apuleius. When preparations are being made for *munus*, *venatio*,

⁶⁶ There were two basic designs: either the amphitheatre had a hypogeum underneath, from which the animals could be let into the arena (via galleries, lifts, and trapdoors, in the case of the Flavian Amphitheatre (Colosseum): see G. Cozzo, *Il Colosseo* (1971), 60–71), or else cages were constructed at ground level adjacent to the amphitheatre, with vertically sliding doors for controlling the animals' entry into the arena (as, for example, at the military amphitheatre at Carnuntum on the Danube downstream from Vienna: see W. Jobst, *Provinzhauptstadt Carnuntum* (1983), 103 and pl. 100).

⁶⁷ Nero's safety nets were knotted with amber (Plin., *NH* 37. 45); Calpurnius describes *rotuli*, cylinders with an ivory veneer upon which the animals' claws would not get a purchase, and gold filigree netting stretched between elephants' tusks (*Ecl.* 7. 50–5). Rectangular niches in the wall of the podium in the Flavian Amphitheatre may have been vantage points for pairs of archers, to protect the space between the podium and the net: see Cozzo, loc. cit. (n. 66).

⁶⁸ In 46 B.C. Julius Caesar built a θέατρον κυνηγετικόν or ἀμφιθέατρον (Dio 43. 22. 3); in 29 B.C. L. Statilius Taurus built Rome's first stone amphitheatre (Suet., *Aug.* 29. 5), which burnt down in A.D. 64 (Dio 62. 18. 2).

⁶⁹ For the date see Tac., *Ann.* 13. 31. 1. I accept Calpurnius Siculus' Neronian dating, upheld by G. Townend, *JRS* 70 (1980), 166–74; R. Mayer, *JRS* 70 (1980), 175–6; T. P. Wiseman, *JRS* 72 (1982), 57–67; a late date, perhaps under Alexander Severus, is advocated by E. Champlin, *JRS* 68 (1978), 95–110 and *Philol.* 130 (1986), 104–12, with D. Armstrong, *Philol.* 130 (1986), 113–36 (and a joint summing-up at p. 137).

⁷⁰ Calp. Sic., *Ecl.* 7. 69–72: 'a! trepidi quotiens harenae | vidimus in partes, ruptaque voragine terrae | emersisse feras; et in isdem saepe cavernis | aurea cum subito creverunt arbuta nimbo'. The conceit whereby the wood is said to 'grow' from below while 'rain' falls from above depends upon the practice of sprinkling the audience in theatres and amphitheatres with perfume: cf. Sen., *NQ* 2. 9. 2 'sparsio ... ex fundamentis mediae harenae crescens in summam usque amphitheatri altitudinem pervenit'.

⁷¹ Apul., *Met.* 10. 30. 1–34. 1. For this story as a pantomime theme cf. Augustine, *Ciu.* 18. 10. 16–21.

⁷² The occasion is described as 'dies muneris destinatus' (Apul., *Met.* 10. 29. 3). The programme began with a *pyrricha* (see above) and pantomime. The death of a woman condemned to the beasts was scheduled, and a *venatio*. Apuleius seems to imagine a hybrid venue: the *aulaeus* and *siparius* argue for a theatre, the *munus*, *venatio*, and *hypogeum* for an amphitheatre.

⁷³ Apul., *Met.* 10. 34. 2, 'iamque tota suave fragilante cavea montem illum ligneum terrae vorago recepit.'

⁷⁴ See M. Kokolakis, *Gladiatorial Games and Animal-baiting in Lucian* (1959), 16.

⁷⁵ By J. H. Humphrey, *Roman Circuses. Arenas for Chariot Racing* (1986), 186.

⁷⁶ Dio 76. 1. 4.

⁷⁷ See Humphrey, op. cit. (n. 75), 115–16 (with plates).

⁷⁸ Formerly known as the *spina*; but prior to the sixth century (and at least from the second) this central barrier was named after the water basins that usually decorated it: see Humphrey, op. cit. (n. 75), 175–6.

⁷⁹ Humphrey, op. cit. (n. 75), 115–16.

and *damnationes* at Plataea, the condemned prisoners are made to build a contraption (apparently resembling a movable house, i.e. perhaps on wheels) which is to be used when the prisoners themselves are sacrificed to the animals (*Met.* 4. 13):⁸⁰

noxii perdita securitate—suis epulis bestiarum saginas—instruentes confixilis machinae sublic<i>as turres tabularum nexibus, ad instar circumforaneae domus.

(sublic<i>as turres tabularum *Westendorp Boerma*: sublicae turres stabularum [tabularum *Q*] *F*: sublicae turres s<tructae> tabularum *Helm*)

convicts with the abandon of despair busy fixing towers—provision to fatten the beasts with meals of themselves!—of beams joined with boards forming a complicated machine in the image of a movable house.

It may be objected that this bizarre scene is simply a product of Apuleius' quirky imagination, and that too much credence should not be vested in such a textually uncertain passage. But we have one early and very valuable eye-witness account that attests an ingeniously devised execution in the period when displays were still put on in the forum (Strabo 6. 273):

νεωστὶ δ' ἐφ' ἡμῶν εἰς τὴν Ῥώμην ἀνεπέμφθη Σέλουρός τις, Αἴτνης υἱὸς λεγόμενος, στρατιᾶς ἀφηγησάμενος καὶ λεηλασίαις πυκναῖς καταδεδραμηκῶς τὰ κύκλω τῆς Αἴτνης πολὺν χρόνον, ὃν ἐν τῇ ἀγορᾷ μονομάχων ἀγῶνος συνεστῶτος εἶδομεν διασπασθέντα ὑπὸ θηρίων ἐπὶ πῆγματος γὰρ τινος ὑψηλοῦ τεθεῖς ὡς ἂν ἐπὶ τῆς Αἴτνης, διαλυθέντος αἰφνιδίως καὶ συμπεσόντος κατηνέχθη καὶ αὐτὸς εἰς γαλεάγρας θηρίων εὐδιαλύτους ἐπίτηδες παρεσκευασμένας ὑπὸ τῷ πῆγματι.

And recently, in my own time, a certain Selurus, called 'son of Etna', was sent up to Rome because he had put himself at the head of an army and for a long time had overrun the environs of Etna with frequent raids; I saw him torn to pieces by wild beasts at an organized gladiatorial fight in the forum: he was put onto a tall contraption, as though on Etna, and the contraption suddenly broke up and collapsed, and he went down with it into fragile cages of wild-beasts that had been set up beneath the contraption for that purpose.

Despite Strabo's notoriously vague use of νεωστὶ and ἐφ' ἡμῶν,⁸¹ can we date this execution at all precisely? Since Strabo witnessed it at Rome, it cannot have taken place before his first visit in 44 B.C.;⁸² and since it happened in the forum it is likely to pre-date the construction of Statilius Taurus' stone amphitheatre in 29 B.C.⁸³ The execution has been linked⁸⁴ to notices in Appian and Orosius concerning Octavian's punishment of slaves who had fought for Sextus Pompeius,⁸⁵ and at this period brigands in general.⁸⁶ The middle voice ἀφηγησάμενος, however, suggests a self-styled bandit-leader rather than an acolyte of Sextus Pompeius, and it is surely significant that he was executed at Rome and not in his home town, which (no doubt for deterrent reasons) was the fate of runaway slaves who had adhered to Sextus Pompeius and remained unclaimed by their owners after they had been captured by Octavian.⁸⁷ So 35 B.C.⁸⁸ may be too precise a date; but the later thirties seem likely, and the stress upon Octavian's initiative in these punitive measures will be seen to be significant.

The usual punishment for insurgent slaves was crucifixion;⁸⁹ Selurus' prominence as a bandit-leader seems to have earned him his more spectacular fate. Given the history of slave-revolts in Sicily,⁹⁰ the Romans were justifiably anxious to forestall any recurrences; but an execution would best function as a local deterrent if it were

⁸⁰ Text and translation come from the Groningen commentary. See further R. E. H. Westendorp Boerma and B. L. Hijmans (Jr), 'Apuleiana Groningana III', *Mnem.*⁴ 27 (1974), 406–12 (at 409–12).

⁸¹ Generally recognized, though played down by E. Pais, *Straboniana. Contributo allo studio delle fonti della storia e dell'amministrazione romana* (1886, repr. 1977), 122.

⁸² Strabo 12. 568; see *RE* ivA. 82. 13–16 (E. Honigmann).

⁸³ See n. 68 above.

⁸⁴ By Pais, op. cit. (n. 81), 131; presumably this is the source for the date of 35 B.C. stated without discussion by E. Honigmann, *RE* ivA. 82. 20–2.

⁸⁵ App., *BC* 5. 131; Oros., *Adu. Pag.* 6. 18. 19–20, 32–3.

⁸⁶ App., *BC* 5. 132.

⁸⁷ App., *BC* 5. 131: ὅσους δ' οὐκ ἦν ὁ ληψόμενος, ἔκτεινε παρά ταῖς πόλεσιν αὐταῖς, ὧν ἀπέδρασεν.

⁸⁸ See n. 84 above.

⁸⁹ See M. Hengel, *Crucifixion* (1977), 51–63.

⁹⁰ *Diod. Sic.* 34/35. 2; 36. 2a–11.

performed locally. Hence Selurus' execution at Rome must have had another purpose. The crucial link is between his nickname, 'son of Etna' (Αἴτνης υἱὸς λεγόμενος), and the rigging up of the scaffold to resemble his power-base (ἐπὶ πύργου ... ἐπὶ τῆς Αἴτνης); the collapse of this contraption to deposit Selurus in the cages of beasts must have been meant to recall the stones and lava which issue almost constantly from Etna's cone.⁹¹ Hence the offender is humiliated by the expedient of associating the instrument of his execution with the symbol of his power,⁹² a trick with obvious visual appeal for an audience; its ingenuity made an impression on Strabo.

(c) *Supply of performers*

The disposal of lives as public entertainment presupposes a category of persons whom society regards as dispensable; Tacitus, while asserting that the lives lost in gladiatorial shows are *vilis sanguis*, nevertheless criticizes as excessive the blood-lust that Drusus exhibited at the gladiatorial shows over which he presided.⁹³ Leaving aside professional gladiators, and *venatores* and *bestiarii*, there are two categories of person who are disposed of in this manner: condemned criminals and prisoners-of-war; both have offended against society and the state, and therefore have a debt to discharge to that same state and society.⁹⁴ The *ludi* have been described⁹⁵ as both a levy on the profits of empire, and an investment; prisoners-of-war, no less than captured beasts, are among the spoils of empire that can be displayed as proof of the success of the imperial venture, and to entertain loyal subjects.

In the surviving portion of the amphitheatre mosaic from the Villa di Dar Buc Amméra at Zliten in modern Libya a *damnatus* is being gripped by the hair and propelled towards a lion by a *bestiarius* who has a whip in his free hand, presumably to control the animal (Pl. I, 1); the prisoner is leaning backwards and has thrown up his hands to ward off the beast. Both this man and the other *damnati* depicted on the mosaic (notably two who are tied to wheeled stakes with long handles attached for manoeuvring them towards the animals: Pl. I, 2) have yellowish-brown skins, in contrast to the pinkish-brown of the gladiators and *bestiarii*; hence they appear to be native tribesmen.⁹⁶ The amphitheatre mosaic from the Domus Sollertiana at El Djem in Tunisia depicts two barefoot prisoners whose arms are apparently bound to their sides and who are being pushed towards their assailants by attendants in protective clothing; the expression of one of these prisoners (Pl. II, 1) is obscured by the leopard that is mauling him in the face, but the wide-eyed gaze of the other one (Pl. II, 2) is fixed on his animal assailant in stark terror. From their hair, sticking out wildly, we may again conjecture that aliens are being represented. Just as we saw with the Magerius mosaic (II (a) above) the realism and narrative detail of these two mosaics suggests that they were special commissions commemorating the shows put on by a *munerarius* who was anxious to advertise to his visitors his munificence and ingenuity.⁹⁷ If these theories are correct, the mosaics surely also reflect the taste for observing spectacular suffering on the part of persons who were of no account while they were alive and could provide enjoyment by their death (and were, no doubt, felt to deserve it).

⁹¹ Etna's ceaseless and varied emissions are described by Strabo, 6. 273-4. Perhaps the πύργος was of the flame-shooting variety that was later used to disastrous effect by Carinus (*SHA Car.* 19. 2 'pegma ... cuius flammis scaena conflagravit').

⁹² His exercise of power constituted his crime; hence a form of *talio* is in operation.

⁹³ Tac., *Ann.* 1. 76. 3: 'edendis gladiatoribus, quos Germanici fratris ac suo nomine obtulerat, Drusus praesedit, quamquam vili sanguine nimis gaudens'.

⁹⁴ cf. Cic., *Tusc.* 2. 41: 'gladiatores, aut perditii homines aut barbari, quas plagas perferunt!'.

⁹⁵ By M. Clavel-Lévêque, 'L'espace des jeux dans le monde romain: hégémonie, symbolique et pratique sociale', *ANRW* II 16. 3 (1986), 2405-563 (at 2470).

⁹⁶ An identification with the Garamantes, defeated by the Romans in a campaign in A.D. 70, has been adduced as evidence for a Flavian date for this mosaic by S. Aurigemma, *I mosaici di Zliten* (1926), 269-78. But Dunbabin, 235, objects that we cannot know of all the occasions on which barbarians were taken captive. G. Ville advocates a late-first- or early-second-century date on the basis of the style of the gladiators' equipment: 'Essai de la datation de la mosaïque de Zliten', in *La Mosaïque gréco-romaine. Colloques internationaux du centre national de la recherche scientifique* (1965), 147-55. Dunbabin (237) accepts this date, adding further stylistic grounds, and ascribes the mosaic to immigrant craftsmen from the E. Mediterranean working in the hellenistic tradition.

⁹⁷ Dunbabin, 66.

We have already seen how deviant members of the community must be punished so as to inflict suffering. A crucial factor in the Roman penal system was the evolution of differentiated penalties for offenders of different status: *humiliores* and *honestiores*.⁹⁸ This is a phenomenon that is characteristic of societies with a strongly differentiated class- or caste-system,⁹⁹ and it follows that, when the upper classes are equated with true humanity, the lower classes are sub-human and therefore legitimately liable to cruel treatment.¹⁰⁰ Increasingly under the Empire the pool of persons treated as *humiliores* grew, so that penalties previously reserved for slaves became applicable to free aliens and perhaps even to citizens of low status.¹⁰¹

By the second century various forms of the death penalty were invoked to punish capital offences committed by low-status offenders (*humiliores*), whereas for *honestiores* alternative penalties were available; this dual-penalty system dates back at least to Hadrian.¹⁰² But in cases of parricide and, by extension, violation of the emperor's *maiestas*,¹⁰³ no mitigated sentence was available for *honestiores*. A further distinction was made between simple execution by decapitation and 'aggravated' forms of capital punishment:¹⁰⁴ crucifixion, *crematio* (otherwise known as *vivicomburium*), and *damnatio ad bestias*.¹⁰⁵ These penalties afforded no chance of survival, and must be carefully distinguished from service as a gladiator or *venator* (see below).

There is some evidence that those who were *damnati ad bestias* were dispatched in the arena during the midday pause between the morning's *venationes* and the afternoon's *munera*.¹⁰⁶ This pause seems to have been observed regularly from the time of Claudius onwards (Suet., *Claud.* 34. 2):¹⁰⁷

Claudius so greatly enjoyed the *bestiarii* and *meridiani* that he would arrive in the amphitheatre at dawn and, when the audience were sent away for lunch, he would carry on sitting there.

Seneca makes it clear that the midday spectacle could be very bloodthirsty (*Epist.* 7. 3):

I happened to go to one of the lunchtime interludes, expecting there to be some light and witty entertainment, some respite for the purpose of relieving people's eyes of the sight of human blood: far from it.

He implies also that this spectacle was a direct response to popular demand (*Epist.* 7. 4):

In the morning men are thrown to the lions and the bears: but it is to the spectators that they are thrown in the lunch hour.

Corroborative evidence seems to come from Tertullian in connection with the eyewitness account that we took as our starting point (*Nat.* 1. 10. 47):

We often saw Attis, that god from Pessinus, castrated, and a man who was burnt alive had taken on the role of Hercules. We laughed at the mockery of the gods in the lunch-hour spectacle.

⁹⁸ Various locutions are employed by the jurists, e.g. *Dig.* 48. 8. 1. 5 'humiliore loco positum ... in aliqua dignitate positum'; 48. 8. 3. 5 'humiliores ... altiores'; the *honestiores/humiliores* formula is confined to the *Sententiae Pauli*: see Garnsey (1968a), 4. For the general phenomenon of differentiated penalties see J. A. Crook, *Law and Life of Rome* (1967), 272–5, and Garnsey's summary of the issue at *SSLP*, 103–4.

⁹⁹ See Harding-Ireland, 166, 182 (Inca civilization).

¹⁰⁰ See Barrington Moore, Jr, *Injustice. The Social Bases of Obedience and Revolt* (1978), 29.

¹⁰¹ Garnsey (1968b), 147.

¹⁰² Garnsey (1968b), 148; P. A. Brunt, 'Evidence given under torture in the Principate', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 97 (1980), 256–65 (at 262).

¹⁰³ Garnsey (1968b), 145; *SSLP*, 111.

¹⁰⁴ Th. Mommsen, *Römisches Strafrecht* (1889), 927 n. 2; Garnsey, *SSLP*, 104, 124 n. 2.

¹⁰⁵ Garnsey (1968a), 20 n. 72, observes that decapitation was both the least unpleasant and the least degrading form of the death penalty. Millar (1984), 134, makes a further distinction, contrasting *crematio* and *damnatio ad bestias* with the less spectacular means of execution (i.e. crucifixion and decapitation).

¹⁰⁶ See P. Sabbatini Tumolesi, *Gladiatorum Paria. Annunci di spettacoli gladiatorii a Pompei* (1980), 145; Ville, *GO*, 236 n. 21, 379. The scenes on the Zliten mosaic have been explained as a cycle occupying two mornings and two afternoons: see Ville, *GO*, 393 n. 105; further, since it also shows *damnati* being exposed to ferocious animals, the narrative for each day may proceed from morning (*venationes*), through midday (*damnationes*), to afternoon (*munera*).

¹⁰⁷ The *bestiarii* here must be the people responsible for goading the animals to attack their victims, as illustrated on the Zliten mosaic (see above).

vidimus saepe castratum Attin deum a Pessinunte et qui vivus cremabatur, Herculem induerat. risimus et meridiani ludi de deis lusum.

'Indirect' death penalties¹⁰⁸ were also applied, whereby offenders were condemned to performances that might offer a chance of temporary survival, depending upon skill and luck, but would in the end usually prove fatal: service as gladiators and *venatores* fell into this category. It is important that these penalties are seen as providing a public service in the form of entertainment; a clue is contained in some notoriously obscure remarks by Ulpian concerning punishment (*Dig.* 48. 19. 8. 11):

quicumque in ludum venatorium fuerint damnati, videndum est, an serui poenae efficiantur: solent enim iuniores hac poena adfici ... et magis est, ut hi quoque serui efficiantur: hoc enim distant a ceteris, quod instituuntur venatores aut pyrricharii aut aliam quam voluptatem gesticulandi vel aliter se movendi gratia.

We must see whether all those who have been condemned to the hunting games are made *serui poenae*; of course, it is customary for the younger men to suffer this punishment ... The prevailing view is that they too are made *serui* [*poenae*]; for they only differ from the others in this, that they are set to be huntsmen or Pyrrhic dancers or [to provide] some other kind of pleasure by pantomime or other movements of their bodies.

Since *venatores* are sentenced to an 'indirect' death penalty, *pyrricharii* should refer to a similar category of prisoner, whose death was likely but not inevitable: if they were to survive, their skill at the *pyrricha* would be crucial.¹⁰⁹

Just as we have seen that special features of displays put on by individual *munerarii* could be listed afterwards in honorific inscriptions (see II (a) above), so too graffiti survive in which forthcoming attractions such as *venationes* were advertised, along with special facilities that were to be provided, including *vela* (awnings).¹¹⁰ On the basis of Ulpian's text quoted above, one such advertisement from Pompeii has been restored to include *pyrricharii* among the attractions: *CIL* IV 1203 '[venatio] vela pyrr[icharii erunt] | [P]om[peis] | [?]Sulp[icio Aelio[doro sal(utem)]'.¹¹¹ Relevant is another Pompeian inscription, *CIL* IV 9983a, which includes a line advertising criminals to be crucified in the amphitheatre during the regular *munus*: 'cruciar[um] ven[atio] et vel[a] er[unt]'.¹¹² An advantage of this attraction is that it does not require prisoners to be trained.¹¹³ Crucifixion, however, involving a lingering death that lasts hours if not days,¹¹⁴ does not offer the same spectacular appeal as the other 'aggravated' death penalties that were commonly imposed: burning and beasts. But the actual moment of death may be relatively insignificant in relation to the satisfaction spectators derived from witnessing preliminaries that culminated in the hoisting of the body onto the cross. It is also possible that a combined penalty was envisaged such as that suffered by the martyr Blandina, who was hung on a post as bait for the animals in a posture that is explicitly likened to crucifixion.¹¹⁵ Similarly the martyrdom of Pionius, who was nailed to a ξύλον, raised, and burnt, combined crucifixion and *crematio*.¹¹⁶ As well as intensifying the punishment by doubling the pain, these variations sustain interest by their novelty.

Garnsey¹¹⁷ notes that the punishments deemed appropriate for *humiliores* are derived from those applied to slaves. Hence the application of these penalties to

¹⁰⁸ Crook, op. cit. (n. 98), 272–3, Garnsey, *SSLP*, 104.

¹⁰⁹ *Pyrricha* (πυρρίχη) was originally an armed dance: see W. E. Downes, 'The offensive weapon in the pyrrhic', *CR* 18 (1904), 101–6, and *RE* IVA. 2240–1 s.v. 'Tanzkunst (Warnecke)'. By our period it seems to have acquired a wide range of meanings. Here perhaps gladiatorial combat (in pairs or *gregatim*) or service as *bestiarum* is meant: see P. Sabbatini Tumolesi, 'Pyrricharii', *PP* 25 (1970), 328–38 (at 336).

¹¹⁰ See the monumental study by R. Graefe, *Vela Erunt. Die Zeltdächer der römischen Theater und ähnlicher Anlagen* 2 vols. (1979); also N. Goldman, 'Reconstructing the Roman Colosseum awning', *Archaeology* 35. 2 (1982), 57–65 (with bibliography).

¹¹¹ Sabbatini Tumolesi, loc. cit. (n. 109); her restoration is commended by H. Solin, *Gnomon* 45 (1973), 265 n. 1.

¹¹² Both the editor in *CIL* (F. Weber) and the original editor of this inscription (M. della Corte, *NSc* 1958, 146–7) print 'cruciarum (pro cruciarum)', mistakenly transcribing as N a cursive R with I: see Solin, op. cit. (n. 111), 261.

¹¹³ Solin, op. cit. (n. 111), 266.

¹¹⁴ cf. Isid., *Etym.* 5. 27. 34 (Lindsay): 'patibuli minor poena quam crucis. nam patibulum adpoenos statim exanimat, crux autem subfixos diu cruciat'; Hengel, op. cit. (n. 89), 29.

¹¹⁵ *M. Lyons* (= Musurillo 5) 1. 41.

¹¹⁶ *M. Pion.* (= Musurillo 10) 21.

¹¹⁷ Garnsey, *SSLP*, 127.

honestiores, while legally permissible, would run counter to tradition and the consensus of what was deemed proper. As the comparative adjectives *honestior* and *humilior* themselves suggest, the criteria for membership of either group were relative and imprecise, depending on 'property, power, and prestige',¹¹⁸ so that neither group was a homogeneous and identifiable sector of society. The distinction between *honestiores* and *humiliores* betrays the opinion that long-drawn-out agony culminating in death was suitable for slaves and other persons without *dignitas*;¹¹⁹ hence to humiliate and degrade them physically did not offend against any notions of propriety and was, indeed, part of the punishment (corresponding to the disgrace which compounded the physical discomfort of exile for *honestiores*: cf. n. 15).

These developments also accompany the gradual replacement of jury trials by *cognitiones*,¹²⁰ at Rome presided over by the emperor and in the provinces by provincial governors. As the governor had licence to prescribe the penalty, so also he had the power to dispose of the prisoner after the trial; so it is that we hear of condemned criminals being sent to Rome for execution or being sold to the local magistrate to be used in his shows.¹²¹ Herennius Modestinus in the early third century gives a hint of the criteria a governor could apply when deciding whether to send prisoners to Rome for the games (*Dig.* 48. 19. 31):

si eius roboris vel artificii sint, ut digne populo Romano exhiberi possint, principem consulere debet.

Robur is straightforward, since a burly criminal grappling with the beasts would provide a better spectacle than a weakling incapable of resistance; but *artificium* is less obvious, implying presumably a certain resourcefulness that would delay the inevitable outcome of the encounter, thereby increasing the suspense.¹²² The stress upon what we might call 'quality of commodity' reflects the fact that, of the aggravated penalties, *damnatio ad bestias* was the most complicated and costly to implement: it required considerable forward-planning to ensure that beasts would be available and that all the necessary arrangements had been made. That is why, although a capital sentence was supposed to be executed promptly, an exceptional delay was permitted in instances of *damnatio ad bestias*.¹²³

On occasions when the supply of beasts had run out and no more *venationes* were due to be staged in the foreseeable future, one of the other penalties had to suffice. Frustrated martyrs, who had hoped to die glamorously for Christ at the mercy of the leopards and bears of the arena, sometimes had to make do with less sensational deaths: in 305, the governor of Caesarea, confronted by six truculent Christians demanding to be thrown to the beasts, foiled their ambition by having them decapitated.¹²⁴

(d) *An approving audience*

Sometimes it was the spectators whose hopes were dashed, as when the audience at Smyrna demanded that Philip the Asiarch set a lion upon Polycarp, and Philip replied that it was impossible, since the period for the beast shows was over.¹²⁵ We have already observed the link between *munificentia munerarii* and *favor populi*; why did four centuries of audiences in Rome and the provinces find it entertaining to watch men and women being slaughtered in their presence? That they did enjoy it is attested not merely by the longevity of this type of spectacle, but by the graphic

¹¹⁸ Garnsey, *SSLP*, 280.

¹¹⁹ 'Properly and normally employed against slaves and perhaps humble aliens' (Garnsey, *SSLP*, 127).

¹²⁰ Garnsey (1968b), 157.

¹²¹ See F. Millar, *The Emperor in the Roman World* (1977), 194–5, and (1984), 134.

¹²² This occurrence of *artificium* is classified under the rubric *studium vel officium* at *TLL* ii. 704. 62–3, along with *Dig.* 10. 4. 11. 1 (Ulpian): 'si forte ipse servus ex operis vel officio suo solebat se exhibere'.

But Ulpian is talking about a slave's means of livelihood, whereas Modestinus cannot mean that professional beast-handlers turn criminal often enough to merit special treatment under the law (although admittedly he might be referring to people in very muscular occupations in general).

¹²³ *Dig.* 48. 19. 29 (Gaius).

¹²⁴ Euseb., *Mart. Pal.* 3. 3–4.

¹²⁵ *M. Polyc.* (= Musurillo 1) 12.

representations of amphitheatre scenes on their floors (some of which we have already noted), on their walls, their statuary, reliefs, artefacts, and decorative objects of all types;¹²⁶ and by a wealth of literary evidence ranging from anecdote to criticism by pagan philosophers and early church fathers. In this section I shall attempt to isolate some of the factors that contributed to the psychological appeal of these gruesome displays.

First, in instances when the participants were *damnati* or prisoners-of-war, the spectators were endorsing the course of justice: as was demonstrated above, condemned criminals 'deserved' a harsh fate, and so the display put on by the magistrates served a worthy end in the eyes of the spectators. Thus the spectators themselves identified with those who implemented justice in this form, rather than with the criminals being dispatched.¹²⁷ If the sympathies of the audience had been transferred to the objects being displayed, the impressarios mounting the displays would rapidly have found themselves alienated, as Pompey discovered at the games inaugurating his theatre in 55 B.C. (Cic., *Fam.* 7. 1. 3):

extremus elephantorum dies fuit. in quo admiratio magna vulgi atque turbae, delectatio nulla exstitit; quin etiam misericordia quaedam consecutast atque opinio eius modi, esse quandam illi beluae cum genere humano societatem.

The last day was for the elephants. The mob showed much astonishment at them, but no enjoyment. There was even an impulse of compassion, a feeling that the monsters had something human about them.

Significantly, it was animals and not people for whom the spectators felt sympathy.¹²⁸ As might be expected, the martyrologists occasionally claim that audiences sympathized with the Christians;¹²⁹ but their protests were evidently not forceful enough to save the martyrs' lives.

Horror exercised its fascination. Plato recounts a story concerning a certain Leontios who, seeing corpses at the place of execution under the north wall outside Athens, was caught between a desire to look and a dread and abhorrence; at first he covered his eyes, but when desire triumphed he told them to gaze their fill: *Rep.* 440a ἰδοῦ ὑμῖν, ἔφη, ὧ κακοδαίμονες, ἐμπλήσθητε τοῦ καλοῦ θεάματος. Not only horror but also the sight of violence in action exercises a fascination.¹³⁰ The corrupting influence of a violent sight was the downfall of Augustine's friend Alypius who, going reluctantly to the *ludi*, closed his eyes but not his ears, until he was seduced by the shouts of the crowd into opening his eyes to satiate his (ultimately insatiable) vision (*Conf.* 6. 13):

hauriebat furias et nesciebat et delectabatur scelere certaminis et cruenta voluptate inebriabatur.

He drank up unawares the very Furies, was charmed by the barbarity of the combat, and became drunk on the pleasures of blood.

Augustine's imagery conveys the completely irrational state of a spectator overpowered by the attraction of what is happening in the arena.

Largely excluded from crucifixion and *vivicomburium*, but titillatingly attendant upon executions employing beasts was the chance factor: the outcome of a gladiatorial contest was unpredictable, and gladiators with numerous successes to their credit

¹²⁶ Nor was ownership of these objects confined to the élite, some (e.g. terracotta lamps) being among the most popular consumer items: see M. Clavel-Lévêque, *L'Empire en jeux* (1984), 71–2.

¹²⁷ Ritualized public displays of this type can be seen to be endorsing social inequality as a desirable and proper state of affairs: see Barrington Moore, op. cit. (n. 100), 41.

¹²⁸ Ville, *GO*, 92, shows how later authors capitalized upon this incident: in the elder Pliny it is embroidered

with a description of Pompey's elephants kneeling before the audience in supplication (*NH* 8. 21); Dio dwells on the duplicity of the Roman nation, alleging that the elephants' original captors swore that they would come to no harm (39. 38. 2–5).

¹²⁹ e.g. *Passio Perpet. et Felic.* 20. 2; *M. Fruct.* (= Musurillo 12) 3. 1.

¹³⁰ Perhaps because impulses of this sort have to be suppressed in normal social intercourse: see Clavel-Lévêque, op. cit. (n. 95), 2468.

attracted a great following.¹³¹ The excitement provided the audience with an escape from the boredom of their daily routines, and it was in the interests of the establishment to channel people's enthusiasms into an area like this that could be tightly controlled; boredom is a powerful incentive to overt expressions of dissatisfaction.¹³²

When criminals were *damnati ad bestias*, there was no certainty that the beasts would attack their victims, let alone wound them fatally, even when measures were taken that made the encounter practically inevitable.¹³³ Alternatively, the victims might be restrained just out of the animals' reach; here the intention was presumably twofold: to incite the animals by putting them in frustrating circumstances and to increase the uncertainty of the outcome by putting the victim at a slight advantage. Such appears to be the purpose of a scene depicted on a Roman lamp:¹³⁴ on top of a platform equipped with ramps fore and aft a prisoner is bound to a stake, while a lion lunges up the ramp in front of him; this contraption may be what is known as a *pulpitum*.¹³⁵

The experiences of Perpetua's male companions in the arena at Carthage well illustrate the unpredictability of *damnatio ad bestias*. Saturninus and Revocatus, restrained *super pulpitum*, were attacked by a bear (*Passio Perpet. et Felic.* 19. 3); Saturus was tied to a boar, but instead of goring him the boar merely dragged him along; it was the *bestiarius* who had tied them together who was gored and subsequently died (*Passio Perpet. et Felic.* 19. 5); then when Saturus was restrained *in ponte*,¹³⁶ the bear that was meant to attack him refused to come out of its cage, and so Saturus was granted a second reprieve (*Passio Perpet. et Felic.* 19. 6).

At his third encounter with a beast, this time a leopard, Saturus was mauled and bled profusely: for the martyrologist, Saturus' bleeding represented a second baptism; from the crowd, who appreciated the irony, it elicited the valediction commonly given at the baths, 'salvum lotum!'¹³⁷ So great was the *Schadenfreude* enjoyed by the audience that when, as was apparently customary, the mauled victims were thrown on one side to be dispatched by having their throats cut,¹³⁸ the crowd demanded that this should be done in full view (*Passio Perpet. et Felic.* 21. 7):

But the mob asked for their bodies to be brought out into the open, so that their eyes could share the killing as the sword entered their flesh.

In the martyrologist's opinion, this desire for autopsy compounded the spectators' guilt as accessories to judicial murder.¹³⁹

A morbid desire to witness the actual moment of death must have been commonly acknowledged, since a character in Petronius' *Satyricon* boasts of a friend of his who is to put on a *munus* in which the losers will be dispatched in public (*Sat.* 45. 6):

ferrum optimum daturus est, sine fuga, carnarium in medio, ut amphitheatrum videat.

He'll give us cold steel, no way out, the slaughter-house in the middle where all the stands can see it.

So it is a reasonable assumption that Saturus' two surprising escapes heightened the atmosphere of suspense during the third encounter, and correspondingly increased the satisfaction the audience felt when he eventually and inevitably met what they regarded as his deserts and their due.

¹³¹ Hopkins, 20–7; he conjectures (26) that spectators gambled on the results of fights and chariot races.

¹³² Barrington Moore, *op. cit.* (n. 100), 473.

¹³³ e.g. by tying man and beast together, as depicted on the Zliten mosaic.

¹³⁴ See D-S i. 1574 fig. 2083; J. Colin, *Les Villes libres de l'Orient gréco-romain et l'envoi au supplice par acclamations populaires*, Collection Latomus LXXXII (1965), pl. V.

¹³⁵ Apparently some form of *catasta* (scaffold): see D-S i. 1574 s.v. Crux II (E. Saglio).

¹³⁶ Evidently another variation on the *catasta*: see previous note.

¹³⁷ cf. *CIL* v. 4500 = *ILS* 2725 (from a nymphaeum at Brescia) 'bene laua! salvu(m) lotu(m)!'

¹³⁸ *Passio Perpet. et Felic.* 21. 6: 'solito loco'.

¹³⁹ For the independent volition ascribed to the faculty of sight cf. Plato, *Rep.* 440a (cit. above).

III. THE EVIDENCE FOR FATAL CHARADES

Tertullian's eye-witness account from the Severan age¹⁴⁰ has furnished us already with a basic definition for fatal charades; now his account demands detailed examination (Tert., *Apol.* 15. 4–5):¹⁴¹

plane religiosiores estis in cavea, ubi super sanguinem humanum, super inquinamenta poenarum proinde saltant dei vestri argumenta et historias noxii ministrantes, nisi quod et ipsos deos vestros saepe noxii induunt. vidimus aliquando castratum Attin, illum deum ex Pessinunte, et qui vivus ardebat, Herculem induerat.

But you really are still more religious in the amphitheatre, where over human blood, over the polluting stain of capital punishment, your gods dance, supplying plots and themes for criminals—unless it is that criminals often adopt the roles of your deities. We have seen at one time or another Attis, that god from Pessinus, being castrated, and a man who was being burnt alive had taken on the role of Hercules.

Attis I shall deal with later, concentrating for the moment on the immolation of Hercules. Either the setting for the immolation was the pyre on Mt Oeta; or else 'Hercules' had to don a noxious garment after the fashion of the one Deianira gave him smeared with Nessus' blood:¹⁴² the equivalent in the Roman context would be the so-called *tunica molesta*,¹⁴³ a garment smeared with pitch that made it inflammable.¹⁴⁴ But, whichever context was envisaged, the penalty was *crematio*,¹⁴⁵ i.e. a condemned criminal is here identified with a mythological hero whose fate was relevant to the mode of execution employed. It is important that Tertullian is not simply noting a similarity between a method of execution and a myth; he explicitly attributes to the prisoner the assumption of a role: *induo* properly describes the act of putting on clothing, ornaments, chains, etc.,¹⁴⁶ and, by transference, the assumption of a role or appearance.¹⁴⁷ Tertullian is illustrating his premise 'deos vestros saepe noxii induunt'.¹⁴⁸

An epigram of Lucillius dating from the reign of Nero records the *crematio* of a miscreant, known as Meniscus, before a large number of spectators (*Anth. Pal.* 11. 184):

Ἐκ τῶν Ἑσπερίδων τῶν τοῦ Διὸς ἦρε Μενίσκος
ὡς τὸ πρὶν Ἡρακλῆς χρύσεια μῆλα τρία.
καὶ τί γάρ; ὡς ἑάλω, γέγονεν μέγα πᾶσι θέαμα
ὡς τὸ πρὶν Ἡρακλῆς ζῶν κατακαϊόμενος.

Out of Zeus' Hesperidean garden Meniscus—like Heracles before him—lifted three golden apples. Why so? When he was caught, he—like Heracles before him—furnished a great spectacle to everyone: burnt alive.

Can we be sure that this epigram describes a real event and is not just a product of

¹⁴⁰ The occasion(s) to which Tertullian refers cannot be dated, but *Ad Nationes* and the *Apologeticum* were probably early works, c. A.D. 197; see T. D. Barnes, *Tertullian* (1971; corr. repr. 1985), 55. Barnes (1–2) judges Tertullian's dates to have been c. 155–230/240. As a young man he spent time in Rome; but since both our passages were written on his return to Carthage, *in cavea* would most naturally refer to an auditorium (presumably an amphitheatre) in Carthage itself.

¹⁴¹ The rhetorical sequence *vidimus ... risimus ... vidimus* is surely meant to emphasize autopsy. Hence this passage cannot be reduced to the status of a literary echo of *Anth. Pal.* 11. 184 (discussed below), as suggested by L. Robert, 'Dans l'amphithéâtre et dans les jardins de Néron. Une épigramme de Lucillius', *CRAI* 1968, 280–8 (at 283).

¹⁴² See *RE* Suppl. xiv. 137–96 s.v. Herakles (Friedrich Prinz) (at 192–3).

¹⁴³ A poetic euphemism perhaps borrowed from popular speech: *Mart.* 4. 86. 8; 10. 25. 5; *Juv.* 8. 235.

¹⁴⁴ cf. Plato, *Gorg.* 473c τὸ ἐσχάτον ἀνασταυρωθῆ ἢ καταπιπρωθῆ; *Sen., Epist.* 14. 5 'illam tunicam alimen-

tis ignium et inlitam et textam'; Tert., *Mart.* 5. 1 'iam et ad ignes quidam se auctoraverunt, ut certum spatium in tunica ardente conficerent'; L. R. Farnell, 'Evidence of Greek religion on the text and interpretation of Attic tragedy', *CQ* 4 (1910), 178–90 (at 185, on Aesch., *Choeph.* 267–8), and see further V. Capocci, 'Christiana I. Per il testo di Tacito, *Annales* 15, 44. 4 (sulle pene inflitte ai cristiani nel 64 d. Cr.)', *Studia et Documenta Historiae et Iuris* 28 (1962), 65–99 (at 72–4 n. 14).

¹⁴⁵ For the common methods of burning people alive see *RE* iv. 2. 1700–2 s.v. Crematio (Hitzig); *ixA*¹. 497–8 s.v. Vivicomburium (T. Mayer-Maly).

¹⁴⁶ *TLL* vii. 1. 1262. 47–1263. 32.

¹⁴⁷ cf. Cic., *Tusc.* 5. 73 (Epicurus) 'induit personam philosophi'; Tert., *Resurr.* 6. 5 'limus ille iam tunc imaginem induens Christi futuri in carne'; *TLL* vii. 1. 1263. 38–71.

¹⁴⁸ For the brachylogy whereby *induo* with a personal object stands for the assumption of the role or appearance of that object cf. Tac., *Ann.* 16. 28. 2 'nisi ... proditorum palam et hostem Thraesea induisset'; *TLL* vii. 1. 1263. 71–83.

Lucillius' sadistic imagination? Or did perhaps a straightforward *crematio* take place, onto which Lucillius grafted his own sophisticated comparison between Meniscus and Heracles? Tertullian's corroborative evidence helps to authenticate Lucillius' veracity, and plausible correspondences have been suggested between details in the poem and aspects of contemporary Rome. On the grounds of the common identification of the emperor with Jupiter, ἐκ τῶν Ἑσπερίδων τῶν τοῦ Διὸς has been interpreted as referring to the Domus Aurea of Nero,¹⁴⁹ i.e. the theft of three 'apples'¹⁵⁰ from this garden was punished by *crematio*. If the crime committed by Meniscus involved trespassing in the grounds of the Golden House, then presumably to earn the penalty of capital punishment by *crematio* this must have been treated as treason (*maiestas*).¹⁵¹ We need not envisage an elaborate, lengthy enactment: a club and a lionskin would be enough to identify Meniscus as Heracles, and to add a dimension of theatricality to his fate that would make it μέγα πᾶσι θέαμα.¹⁵² Lucillius focuses upon the spectacle; the execution is merely the vehicle for the entertainment.

To the immolation of Hercules Tertullian coupled the castration of Attis: *Apol.* 15. 5 'vidimus aliquando castratum Attin, illum deum vestrum ex Pessinunte' ('we have seen at one time or another Attis, that god from Pessinus, being castrated'). To what penalty had this *noxius* been condemned? Since castration is not usually fatal, this does not look like a novel form of capital punishment; and yet the use of torture in the Roman penal system was broadly confined to the cross-examination of low-status witnesses.¹⁵³ A constant element among many variants in the myth of Attis¹⁵⁴ is that he performed his own castration. It is possible that the criminal had been condemned on a capital charge and was being forced to inflict suffering and humiliation upon himself before having his throat cut. But it is hard to see how a criminal could be forced to castrate himself if he knew that he was facing death anyway. The only conceivable basis on which a person could be persuaded to self-castration would surely be if his refusal would result in something worse (presumably, death); in England as late as the seventeenth century capital sentences were imposed that enjoined self-mutilation as the only means of survival: a prisoner impaled through part of his body would be supplied with the means to cut it off if he were not to starve to death.¹⁵⁵ If the Romans conceived of self-castration as a mitigated sentence, it seems probable that it was as an alternative to a related form of execution: a likely candidate is that mode of crucifixion, mentioned by Seneca, whereby the victim was impaled through the genitals.¹⁵⁶

The notion of a mitigated death penalty may lie behind an enactment in the Flavian Amphitheatre¹⁵⁷ of the legend of Mucius Scaevola, described in two epigrams by Martial (8. 30 and 10. 25). In the later epigram Martial belittles 'Scaevola's' bravery in plunging his right hand into the flames, on the grounds that the alternative is *crematio*:

In matutina nuper spectatus harena
Mucius, inposuit qui sua membra focus,
si patiens durusque tibi fortisque videtur,
Abderitanae pectora plebis habes.
nam cum dicatur tunica praesente molesta
'Ure manum,' plus est dicere 'Non facio.'

If Mucius, whom you saw in the amphitheatre one morning recently putting his hand in the fire, seems to you stoical, unflinching, and strong, you have the intelligence of the mob

¹⁴⁹ See Robert, op. cit. (n. 141); Weinreich, 44, has suggested the Horti Sallustiani.

¹⁵⁰ Robert, op. cit. (n. 141), 283, thinks that 'Meniscus' really did steal apples. I wonder whether the theft of 'apples', corresponding to the imagery of the Hesperides, does not merely represent the act of trespassing.

¹⁵¹ *Crimen laesae maiestatis* is Weinreich's interpretation (44). On capital punishment for all statuses of defendant found guilty of *maiestas* see Garnsey, *SSLP*, 105.

¹⁵² A rival explanation of this epigram, which does not affect its interpretation as a 'staged' execution,

identifies the crime as a theft of statuary and the site of the *crematio* as a circus or theatre: see Margherita Guarducci, 'I pomi delle Esperidi in un epigramma di Lucillio', *Rend. Accad. Naz. Linc.* 24 (1969), 3–8.

¹⁵³ See Brunt, op. cit. (n. 102); Crook, op. cit. (n. 98), 274; Garnsey, *SSLP*, 141–7.

¹⁵⁴ See *RAC* i. 889–99 s.v. Attis (H. Strathmann) (at 893–4).

¹⁵⁵ Harding-Ireland, 156.

¹⁵⁶ Sen., *Dial.* 6. 20. 3: 'per obscena stipitem egerunt'.

¹⁵⁷ cf. Mart. 8. 30. 1 'Caesareae lusus ... harenae', 10. 25. 1 'in matutina ... harena'.

from Abdera. For when you are told, with the *tunica molesta* waiting, 'Burn your hand,' it takes more to say 'I won't.'

The sceptical explanation is that Martial has engineered an ironical twist to his epigram by undercutting the heroism of 'Scaevola's' display with the suggestion that he must be trying to escape a worse fate. But the interpretation Martial puts on this act may be literally true: to be made to act the role of Mucius Scaevola plunging his hand into the fire would be appropriate as a mitigated alternative to *crematio*; self-inflicted torture might plausibly rank equal in entertainment value to the high-risk (but not necessarily fatal) category of gladiators and *venatores*.

Highly stylized literary genres that purport to treat matters of verifiable fact are accorded a somewhat ambiguous status by historians. Epigram is one such genre. The largest body of evidence for fatal charades comes from the *Liber Spectaculorum*, recognizably a collection of epigrams commemorating Titus' magnificent games celebrating his dedication of the Flavian Amphitheatre in A.D. 80.¹⁵⁸ The text is corrupt, lacunose, and incomplete; the divisions between the poems, and hence even their total number in the extant collection, are uncertain.¹⁵⁹ The author is believed to be Martial.¹⁶⁰ His desire to compliment the emperor is manifest; to what flattering flights of fancy does this lead him? Does epigrammatic point blunt the veracity of the text? I am here concerned to approach the problem from an unfashionable direction: to see not whether what the poems say could be false,¹⁶¹ but whether it could be true.

Three epigrams in the *Liber Spectaculorum* concern fatal enactments of Greek myth. The longest of these describes 'Orpheus' in a scene with a macabre denouement (*Lib. Spect.* 21):¹⁶²

Quidquid in Orpheo Rhodope spectasse theatro
dicitur, exhibuit, Caesar, harena tibi.
reperunt scopuli mirandaque silva cucurrit,
quale fuisse nemus creditur Hesperidum.
adfuit inmixtum pecori genus omne ferarum
et supra vatem multa pependit avis,
ipse sed ingrato iacuit laceratus ab urso:
haec tantum res est facta παρ' Ἰστροίαν.

παρ' Ἰστροίαν *Housman*: ita pictoria *H, T*

Whatever Rhodope is said to have seen on the Orphic stage, Caesar, the amphitheatre has displayed to you. Cliffs crept and a marvellous wood ran forwards such as was believed to be the grove of the Hesperides. Every kind of wild beast was there, mixed with the flock, and above the minstrel hovered many birds; but the minstrel fell, torn apart by an ungrateful bear. Only this one thing happened contrary to the story.

Here the irony, enjoyed by Martial and presumably intended for the amusement of the spectators, is that one animal remained impervious to the charms of Orpheus' music—the *ursus ingratus* that tore him apart: hence Housman's brilliant emendation,¹⁶³ contrasting myth with the reality of the arena. The multiplicity of trapdoors

¹⁵⁸ See U. Carratello (Ed.), *M. Valerii Martialis Epigrammaton Liber* (1981), 11–20.

¹⁵⁹ See conveniently M. D. Reeve in L. D. Reynolds (Ed.), *Texts and Transmissions* (1983), 239–44.

¹⁶⁰ Carratello, loc. cit. (n. 158), esp. 20 n. 33.

¹⁶¹ Advocates of the 'Herrscherkritik' theory hero-worship the likes of Martial and Statius as courageous exponents of the subversive *double entendre*: see F. M. Ahl, 'The rider and the horse. Politics and power in Roman poetry from Horace to Statius', *ANRW* II 32. 1 (1984), 40–110 (with an appendix by J. Garthwaite, 'Statius Silvae 3. 4: on the fate of Earinus', 111–24); M. Benker, *Achill und Domitian. Herrscherkritik in der 'Achilleis' des Statius* (diss. Erlangen-Nürnberg, 1987); J. Garthwaite, *Domitian and the court poets Martial and Statius* (diss. Cornell, 1978).

¹⁶² *Lib. Spect.* 21B cannot provide substantial evidence for mythological enactments in the arena, what-

ever its relationship to *Lib. Spect.* 21: see Weinreich, 40–5; U. Carratello, 'Orfeo e l'orsa. Note a Marziale spect. 21–21b', *GIF* 18 (1965), 131–44 (at 138).

¹⁶³ 'Two epigrams of Martial', *CR* 15 (1901), 154–5 = *Cl. Pap.* ii. 536–7. Cf. Weinreich, 40–5. K. Prinz, 'Zu Martial Spect. XXI 8', *WS* 32 (1910), 323–4, notes a similar contrast in *Anth. Pal.* II. 254 (Lucillius), describing a pantomime in which the story of Canace is enacted καθ' Ἰστροίην (line 1), except that the heroine fails to commit suicide (τοῦτο παρ' Ἰστροίην, line 6). Weinreich (42) points out that the non-fatal denouement distinguishes this Canace performance from the fatal charades in the arena. See also Carratello, op. cit. (n. 162), 135–8. To reject Housman's emendation on the grounds that a Greek expression is too colloquial for 'court' poetry to Titus (so F. della Corte (Ed.), *'Gli spettacoli' di Marziale* (1986), ad loc.) is to deny Martial the licence to demonstrate his debt to his Greek predecessors.

opening into the arena would enable the scene to be unfolded gradually.¹⁶⁴ We should probably envisage a high degree of forward-planning: harmless animals let into the arena first, some of them perhaps even trained to adopt postures of attentive submission.¹⁶⁵ We know that victims intended for the beasts were sometimes enveloped in netting to prevent them from eluding their predators,¹⁶⁶ if 'Orpheus' were restrained behind netting, a bear goaded directly from the *hypogeum* into this enclosure would almost definitely attack him.

There is a certain perverse appropriateness in the notion of Orpheus being killed by one of the beasts he is supposed to enchant (as opposed to the traditional version of his death at the hands of Thracian women); but in some cases the form of execution seems to bear little relation to the context in which it is set as, for example, the killing of 'Daedalus' by a bear (*Lib. Spect. 8*):

Daedale, Lucano cum sic lacereris ab urso,
quam cuperes pinnas nunc habuisse tuas!

When you are being torn apart like this, Daedalus, by a Lucanian bear, how you would wish you had your wings now!

The controversy surrounding the interpretation of this epigram typifies scholarly reluctance to accept the unpalatable truth that our sources provide. To avoid interpreting this poem as an unorthodox and gruesome enactment of the myth of Daedalus,¹⁶⁷ it has been suggested that 'Daedalus' is simply the stage-name of a gladiator-turned-*bestiarius*,¹⁶⁸ or else that this is a straightforward account of the death of a criminal *damnatus ad bestias* and that Martial was simply making a comparison with Daedalus as the perpetrator of a successful escape.¹⁶⁹ But Martial's apostrophe of 'Daedalus' is crucial: 'quam cuperes pinnas nunc habuisse tuas'; the irony would have some point if at first 'Daedalus', wearing wings, had appeared to fly (perhaps by being lowered on a crane or some other stage-mechanism),¹⁷⁰ and had then been divested of his wings before being exposed to the ferocity of a bear. If I am right in deducing that 'Daedalus' was enacted by a condemned criminal, and if this distich is complete, it is significant that Martial presents the scenario exclusively as entertainment; from the Roman point of view, a condemned criminal was a commodity whose punishment might fulfil a social need, and in this context his fate is more remarkable as entertainment than as punishment.

While the scenes involving 'Orpheus' and 'Daedalus' turn out contrary to the myth, Martial praises a scene involving 'Pasiphae' for its faithful representation of the traditional story (*Lib. Spect. 5*):¹⁷¹

Iunctam Pasiphaen Dictaeo credite tauro:
vidimus, accepit fabula prisca fidem.
nec se miretur, Caesar, longaeva vetustas:
quidquid fama canit, praestat harena tibi.

You must believe that Pasiphae did couple with the bull of Dicte: we have seen it, the age-old myth has been vindicated. Don't let the ancient tradition be astonished at itself, Caesar: whatever legend rehearses, the amphitheatre provides for you.

Although instances of bestiality are known in which women have performed

¹⁶⁴ For a reconstruction of how the elevators in the Flavian Amphitheatre worked see Cozzo, *op. cit.* (n. 66), 66–70. These trapdoors are no longer extant in the Flavian Amphitheatre, but elsewhere square hatches with lids can still be seen, e.g. in the larger amphitheatre at Pozzuoli: see A. Hönle and A. Henze, *Römische Amphitheater und Stadien* (1981), 138 and pl. 118.

¹⁶⁵ cf. the elephant kneeling in front of Titus (*Lib. Spect. 17*).

¹⁶⁶ cf. *Passio Perpet. et Felic.* 20. 2 'itaque dispoliatae et reticulis indutae producebantur', *M. Lyons* 1. 56

(Blandina) τοῦσχατον βληθεῖσα ταύρω παρεβλήθη.

¹⁶⁷ The conclusion of Carratello, *op. cit.* (n. 162), 131.

¹⁶⁸ W. O. Moeller, 'Juvenal 3 and Martial *De Spectaculis* 8', *CJ* 62 (1967), 369–70.

¹⁶⁹ R. K. Ehrmann, 'Martial, *De Spectaculis* 8: gladiator or criminal?', *Mnem.* 40 (1987), 422–5.

¹⁷⁰ For stage equipment see D-S iii. 1478 s.v. *Ma-china* (O. Navarre); *RE* xix. 1. 66–7 s.v. Πήγυα (Fensterbusch).

¹⁷¹ See Weinreich, 33–4, and Carratello, *op. cit.* (n. 162), 131.

intercourse with various animals,¹⁷² and in certain cultures such enactments are allegedly performed as public entertainment,¹⁷³ and although the fine lady in Apuleius' novel, infatuated with Lucius in the shape of an ass, successfully consummates her passion,¹⁷⁴ how are we to envisage intercourse between a woman and a bull in the arena?¹⁷⁵

We do know that one of the means whereby Nero added an element of *ludibrium* to his public execution of Christians was by clothing some in animal-skins before having them thrown to dogs:¹⁷⁶ Tac., *Ann.* 15. 44. 4 'et pereuntibus addita ludibria, ut ferarum tergis contacti laniatu canum interirent'. Perhaps 'Pasiphae' was enveloped in cow-hide. The most effective method of rousing taurine lust, however, would be to smear upon the woman's genitalia the vaginal secretions of a cow in season.¹⁷⁷ Were she a condemned prisoner, it would obviously not matter if her internal organs were damaged in such an enactment; indeed, the expectation is that she would be killed, if not in the encounter with the bull then dispatched afterwards by the sword. Thus Apuleius' *Golden Ass*, shown by Fergus Millar¹⁷⁸ to be a faithful representation of many aspects of contemporary life, may in one of its most Rabelaisian scenes be less fanciful than is usually supposed: the female poisoner condemned *ad bestias*, who had been bought up by the local magistrate, is due to perform intercourse with Lucius in his asinine form in front of the audience at Corinth (*Met.* 10. 29. 34). The *frisson* to be felt by the readers here is not, then, engendered so much by the prospect of a woman engaged in an act of bestiality as by the dramatic irony that her partner in this shocking scene is actually another human being in disguise.

Apart from Mucius Scaevola, all the examples of fatal charades that we have examined so far have come from Greek myth. A near-contemporary Roman legend that achieved great popularity forms the plot of the fourth 'charade' documented in the *Liber Spectaculorum*. The story of the bandit-leader Laureolus, who was eventually put to death after a successful career, formed the plot of a well-known mime, powerfully endorsing the triumph of authority over lawlessness.¹⁷⁹ The earliest recorded performance (under Gaius) is mentioned by both Josephus and Suetonius¹⁸⁰ because on this occasion the realism was grossly overdone: when 'Laureolus' had to vomit blood, the supporting actors tried so hard to rival his efforts that the whole stage was awash. It appears from Josephus (*AJ* 19. 94) and Juvenal (8. 188) that traditionally Laureolus died by crucifixion: Juvenal observes that it is so scandalous to see a Roman gentleman acting the part of Laureolus in a mime that he deserves real crucifixion, *dignus vera cruce*.

This realism could be achieved in the amphitheatre; but when his story is enacted in the arena, Laureolus' death acquires a bizarre twist: he is mauled by a bear (*Lib. Spect.* 7).¹⁸¹

¹⁷² A. Storr, *Sexual Deviation* (1964), 98.

¹⁷³ A veteran of the North African campaigns in the Second World War remembers friends reporting that they had seen displays in the back streets of Cairo in which women strapped to platforms of the right height were penetrated by various animals (including camels). Reports of such cabarets also emanate from Mexico, as well as the Middle East.

¹⁷⁴ Apul., *Met.* 10. 22 'operosa et pervigili nocte transacta'.

¹⁷⁵ Despite Plutarch's evidence that bulls, as well as horses, performed routines ἐν θεάτροις (*Mor.* 992b = *Brut. Anim. Rat.* 9), trotting this way and that around the arena can hardly be compared to performing a union with 'Pasiphae'.

¹⁷⁶ Capocci, op. cit. (n. 144), 72. It has been suggested that the myth of Actaeon being torn apart by his hounds would have suited the type of *damnatio ad bestias* that Tacitus ascribes to the Christians: see Th. Klauser, *Die römische Petrustradition im Lichte der neuen Ausgrabungen unter der Petruskirche* (1956), 12.

¹⁷⁷ The woman may even have been tied onto the

bull. The key word is *iunctam* (1), common diction for sexual intercourse (*TLL* vii. 2. 658. 60-659. 54); in contexts where people are literally joined together (e.g. by chains) an ablative of instrument is normally specified (*TLL* vii. 2. 657. 15-67), but the *double entendre* would demand its omission here.

¹⁷⁸ 'The world of the *Golden Ass*', *JRS* 71 (1981), 63-75.

¹⁷⁹ See H. Reich, *Der Mimos* (1903), 88 and 564; *RE* xv. 1727-64 s.v. *Mimos* (E. Wüst) (at 1751. 46-62); A. Nicoll, *Masks Mimes and Miracles* (1931), 110-11.

¹⁸⁰ Jos., *AJ* 19. 94; Suet., *Gaius* 56. 2; the mime is ascribed to one Catullus (Juv. 8. 185-8; Tert., *Adu. Val.* 14. 4). Although Catullus is usually assumed to have been a contemporary of Gaius (see, e.g., H. Bardon, *La Littérature latine inconnue*, Vol. II, *L'Époque impériale* (1956), 128-9), he may, however, have been a Republican figure (see W. S. Watt, 'Fabam mimum', *Hermes* 83 (1955), 496-500, at 498), although probably not the famous poet (pace T. P. Wiseman, *Catullus and his World. A Reappraisal* (1985), 192-3).

¹⁸¹ See Weinreich, 38-9.

Qualiter in Scythia religatus rupe Prometheus
 adsiduam nimio pectore pavit avem,
 nuda Caledonio sic viscera praebuit urso
 non falsa pendens in cruce Laureolus.
 vivebant laceri membris stillantibus artus
 inque omni nusquam corpore corpus erat.
 denique supplicium ...
 vel domini iugulum foderat ense nocens,
 templa vel arcano demens spoliaverat auro,
 subdiderat saevas vel tibi, Roma, faces.
 vicerat antiquae sceleratus crimina famae,
 in quo, quae fuerat fabula, poena fuit.

Just as Prometheus, chained on a Scythian crag, fed the tireless bird on his prolific breast, so Laureolus, hanging on no false cross, gave up his defenceless entrails to a Scottish bear. His mangled limbs still lived, though the parts were dripping with blood, and in his whole body there actually was no body. Finally punishment ... whether in his guilt he had stabbed his master in the throat with a sword, or in his madness robbed a temple of its golden treasure, or stealthily set you alight with blazing torches, Rome. This wicked man had outdone crimes recounted in tales of old; in his case, what had been legend became punishment.

The phrase 'non falsa pendens in cruce' suggests that 'Laureolus' was strung up on a cross as for a real crucifixion (instead of upon a simulated cross, as in theatrical performances of mimes involving crucifixion),¹⁸² and that once he was in this pendent position, unable to move his limbs, a bear was set upon him. As in the enactments of 'Orpheus' and 'Daedalus', a traditional (and therefore predictable) story acquires an unorthodox denouement: part of the appeal of these performances must have been the incongruity of disturbing a traditional narrative pattern by the introduction of a maverick factor. We have already noted (in II (c) above) that, because the slow agony of crucifixion was relatively lacking in spectacular appeal, it could be combined with a more spectacular mode of execution, thus effectively doubling the realism. We have also noted that measures were taken to ensure that the beasts performed their roles properly when confronted with their victims. Hence a scenario culminating in crucifixion would accommodate the type of *damnatio ad bestias* in which the savagery of the animals was guaranteed by their frustrating circumstances. So perhaps we should envisage the *cruciarum* advertised as an attraction at Pompeii (see II (c) above) suffering the same fate as Laureolus: sacrificed *ad bestias* in the posture of crucifixion.

I have left until the end a highly disputed passage¹⁸³ in which Clement of Rome alludes to Christian women martyred in the guise of the Danaids and Dirce¹⁸⁴ (*I Cor.* 6. 2):

Διὰ ζῆλος διωχθεῖσαι γυναῖκες Δαναίδες καὶ Δίρakai, αἰκίσματα δεινὰ καὶ ἀνόσια παθοῦσαι, ἐπὶ τὸν τῆς πίστεως βέβαιον δρόμον κατήνησαν καὶ ἔλαβον γέρας γενναῖον αἱ ἀσθενεῖς τῷ σώματι.

Δαναίδες καὶ Δίρakai *codd.*: ἀμνίδες δίκαιαι Haupt:
 νεανίδες παιδίσκαι *Dain*

Women suffered persecution as Danaids and Dirces because of their commitment. After they had experienced acute and unspeakable torture, they trod the firm track of their faith and, physically frail, received their noble reward.

¹⁸² In some forms of crucifixion the victim was seated on a small wooden peg: cf. Sen., *Epist.* 101. 11 (from a poem by Maecenas) 'vita dum superest, benest;| hanc mihi, vel acuta | si sedeam cruce, sustine', and see H. Fulda, *Das Kreuz und die Kreuzigung. Eine antiquarische Untersuchung* (1878), 149–50; Hengel, *op. cit.* (n. 89), 25. In a theatrical context the actor's comfort was perhaps ensured by replacing this peg with a more substantial support (or maybe a footrest). We know that Christ's crucifixion was the subject of a mime played before the emperor Maximian by one Ardalion, for whom the performance had a fatal sequel: when he shouted out that he was himself a Christian, he was first warned by Maximian and then, recalcitrant, was burned to death (Migne, *PG* 117. 407): see Reich, *op. cit.* (n. 179), 84 n. 1;

RE xv. 1756 s.v. Mimos (E. Wüst). It is noteworthy that Ardalion was not himself punished by crucifixion, as might have seemed appropriate; but this was presumably because the authorities did not want to allow him the honour of suffering the same death as his Master.

¹⁸³ For the conjectures printed here see: M. Haupt, 'Analecta', *Hermes* 3 (1869), 140–55 (at 145–6); A. Dain, 'Notes sur le texte grec de l'Épître de Saint Clément de Rome', *Recherches de Science religieuse* 39 (1951–2), 353–61.

¹⁸⁴ The plural form Δίρakai in the text, suspected by Dain (see previous note), may be genuine, alluding to several martyrs who died in this guise; but after the plural form Δαναίδες contamination may have occurred, attracting Δίρakai into the plural.

A straightforward application of the *lectio difficilior* principle has been challenged by scholars who cannot accept the brutality implicit in the manuscript reading; it may be profitable to approach the problem from the other direction, and see whether plausible circumstances can be envisaged that would lend credence to the transmitted text.

Since the mythological Dirce¹⁸⁵ was bound to the horns of a bull by her two stepsons in revenge for having plotted against their mother, it is easy to imagine how realistically her fate could be re-enacted in the arena. More difficult is Clement's claim that some of the martyrs were presented as the daughters of Danaus,¹⁸⁶ since the Danaids' traditional punishment for having murdered their bridegrooms was the endless task of pouring water into bottomless containers, a scenario plainly lacking in spectacular appeal. In the instances of 'Orpheus' and 'Daedalus', however, we have already seen that the mode of execution by which the protagonists in the charades were dispatched need not match their traditional fate in myth. Thus, a group of female prisoners furnished with jugs would immediately remind the audience of the Danaids, and they might then be executed in a manner not necessarily corresponding to any known variant of the story.¹⁸⁷

It seems legitimate to adduce here a piece of evidence which, though it does not involve enacting a mythological scene, nevertheless demonstrates that prisoners could be forced to appear in the arena in an assumed guise as part of their penalty. When Perpetua and her fellow-martyrs were to face death in the arena at Carthage c. A.D. 200,¹⁸⁸ she resisted attempts on the part of the authorities to make them all dress as priests of Saturn and priestesses of Ceres (*Passio Perpet. et Felic.* 18. 4–5):

et cum ducti essent in portam et cogerentur habitum induere, viri quidem sacerdotum Saturni, feminae vero sacratarum Cereri, generosa illa in finem usque constantia repugnavit. dicebat enim: ideo ad hoc sponte pervenimus ne libertas nostra obduceretur; ideo animam nostram addiximus, ne tale aliquid faceremus; hoc vobiscum pacti sumus.

When they had been led through the gate and were being forced to put on outfits—of the priests of Saturn for the men, and of the priestesses of Ceres for the women—the noble Perpetua strenuously resisted to the end. Her argument was: 'We came to this of our own free will, so that our freedom would not be compromised; we agreed to pledge our lives, on condition that we would do no such thing. You agreed with us on this.'

Priests of Saturn and priestesses of Ceres wore gaudily striking outfits.¹⁸⁹ It was apparently customary to force prisoners at Carthage (or maybe only Christian prisoners) to wear them, since Perpetua argues that she and her fellow-Christians had agreed to appear in the arena on condition that they need not don these outfits. It is possible that this garb associated with polytheistic cults was specified by the authorities as a deliberate insult to the monotheistic Christians. But, on the other hand, the pagan intention may have carried a deeper religious significance in that the *damnati* and *damnatae* then represented both ministers and offerings: as priests of Saturn and priestesses of Ceres they were attendant upon the deities of annual sowing and reaping,¹⁹⁰ and at the same time they themselves, about to die and enter the underworld, would constitute the sacrifice.

¹⁸⁵ See Roscher i. 309 s.v. Amphiön (Stoll). Comparable to Dirce's fate may be the vexed passage at Mart., *Lib. Spect.* 16B. 1–2: 'vexerat Europen fraterna per aequora taurus: | at nunc Alciden taurus in astra tulit'. Carratello interprets this as a criminal being tossed on the horns of a bull (op. cit. (n. 162), 135); but Weinreich envisages an enactment of the apotheosis of Hercules whereby a man rides on a bull that is being whirled into the air (51–61).

¹⁸⁶ See Roscher i. 949–52 s.v. Danaiden (Bernhard).

¹⁸⁷ e.g. it has been suggested that, according to the version whereby the widowed Danaids (except Hypermetra and probably Amymone) were offered as prizes in a race (Pind., *Pyth.* 9. 111–18; Paus. 3. 12. 2), the martyrdoms took place in the circus in the Vatican valley, the victims being submitted to unmentionable outrages ('oltraggi inenarrabili') and finally executed:

see Margherita Guarducci, 'La data del martirio di San Pietro', *PP* 23 (1968), 81–117 (at 92). The statues in the porticus of the Augustan temple of Palatine Apollo depicted the Danaids being threatened by Danaus with a drawn sword: cf. Prop. 2. 31. 1–4; Ov., *Am.* 2. 2. 3–4, *Ars* 1. 73–4, *Tr.* 59–62; Schol. Pers. 2. 56 (the fifty sons of Aegyptos depicted as well).

¹⁸⁸ The traditional date is A.D. 203; see Musurillo, pp. xxvi–xxvii.

¹⁸⁹ Tert., *Test. Anim.* 2. 7 'et vitta Cereris redimita, et pallio Saturni coccinata'; *Pall.* 4. 10 'cum ob cultum omnia candidatum et ob notam vittae et privilegium galeri Cereri initiantur ... cum latioris purpurae ambitio et Galatici ruboris superiectio Saturnum commendat'.

¹⁹⁰ See *RE* iiA. 218–23 s.v. Saturnus (Thulin), iii. 1970–9 s.v. Ceres (Wissowa).

IV. MYTH AND AUTOCRACY

In conclusion I shall attempt to address two questions: how did punishment come to be enacted in the context of mythological role-play, and why is it that most of the evidence is clustered in the latter half of the first century A.D.? My suggested answers are but tentative, and intended to provoke discussion.

(a) *Mythological role-play*

In a society where mythology was the cultural currency, the ritual events of ordinary life might naturally be set in a mythological context; to put it more broadly, Greco-Roman mythology provided an all-encompassing frame of reference for everyday Roman experience. A superficial appropriateness was quite adequate; points of detail did not have to correspond.

When Q. Hortensius picnicked with his guests in the game-park (*therotrophium*) on his estate near Laurentum, 'Orpheus' would be in attendance, decked out in robes and holding a lyre; when the signal was given (on a horn, as a concession to practical considerations),¹⁹¹ stags and boars would flock round 'Orpheus' (to be fed) as though charmed by his fabulous music (Varro, *RR.* 3. 13. 2–3). Trimalchio's ignorance of mythological detail might force Daedalus to shut Niobe inside the Trojan Horse,¹⁹² but in everyday matters he could exploit mythological prototypes: the slave who handed round grapes at table played the role of Bacchus in his various aspects (Petr., *Sat.* 41. 6); the veal that was served after an interlude of Homeric recitation was, appropriately enough, sliced by 'Ajax', who slashed at it in a feigned frenzy that belied his expertise at carving (59. 7). A phenomenon that began in Rome under Claudius and Nero, and remained largely confined to Italy and the western provinces, was the practice among slaves and freedmen of decorating funerary monuments with scenes in which deities and mythological characters were portrayed in the likeness of the deceased; scant regard was paid to the consequences of pursuing the mythological identification, so that (for example) a faithful wife could be portrayed as Alcestis without implying her suicide.¹⁹³

In this climate of thought, the outcome of fatal encounters in the amphitheatre was predictably ritualized in terms of the transition to the underworld:¹⁹⁴ 'Larvae' (i.e. Ποιῶν) hounded cowardly recruits,¹⁹⁵ 'Mercury' prodded corpses with a brand to test their lifelessness, and 'Pluto' accompanied the bodies out of the arena.¹⁹⁶ Yet this allegorizing interpretation of the amphitheatre does not require that those who die in the arena should do so in the role of famous characters from mythology, since the underworld catered for everyone and not only for mythological heroes. Indeed, it is clearly exceptional for displays in the amphitheatre to be cast as mythological enactments. But we can at least say that the cultural consciousness that interpreted the amphitheatre as the threshold of the underworld might infuse encounters in the arena with the same timeless mythological atmosphere.

A contemporary attitude that must have been significant in shaping the expectations of audiences is revealed by the stress our sources lay upon the actuality of what is being enacted in these fatal charades. 'Seeing is believing': 'acceptit fabula prisca fidem' is Martial's comment on the spectacle of 'Pasiphae' mating with the bull (*Lib. Spect.* 5. 2). Myth has been vindicated by the reality of 'here and now'. 'Laureolus', 'non falsa pendens in cruce', did in reality suffer the fate ascribed to him in legend: 'quae fuerat fabula, poena fuit' (*Lib. Spect.* 7. 12).

¹⁹¹ Apparently a standard procedure, since Varro's game-keeper (not in fancy-dress) blew a horn to summon boars and deer to be fed (*RR.* 3. 13. 1).

¹⁹² Petr., *Sat.* 52. 2.

¹⁹³ See H. Wrede, *Consecratio in Formam Deorum. Vergöttlichte Privatpersonen in der römischen Kaiserzeit* (1981).

¹⁹⁴ cf. the practice in medieval Italy of displaying pictures of Hell to condemned prisoners en route to their places of execution, to concentrate their attention upon their fate (Harding-Ireland, 154).

¹⁹⁵ Sen., *Apoc.* 9. 3 'qui contra hoc senatus consultum deus factus, dictus pictusve erit, eum dedi larvis et proximo munere inter novos auctoratos ferulis vapulare placet'; see R. Heinze, 'Zu Senecas Apocolocyntosis', *Hermes* 61 (1926), 49–78 (at 66).

¹⁹⁶ Tert., *Apol.* 15. 5 (cf. *Nat.* 1. 10. 47, cit. above) 'risimus et inter ludicras meridianorum crudelitates Mercurium mortuos cauterio examinantem; vidimus et Iovis fratrem gladiatorum cadavera cum malleo deducentem'. See Ville, *GO*, 378.

A key factor here is the increasing taste for realism on the stage. The degree of realism that was deemed permissible was related to the dramatic genre: Aristotle in the *Poetics*, while conceding that ὄψις can rouse pity and fear, plays down its role in tragedy because he considers fearsome and monstrous scenes to be at variance with the pleasure to be derived from the tragic genre.¹⁹⁷ Horace, on the other hand, rejects such scenes on the grounds of fitness:¹⁹⁸ *Ars* 182–3 ‘non tamen intus | digna geri promes in scaenam’. Mime, however, admitted cruder effects and might arouse wild emotions in the audience. Dio Chrysostom describes frenzied reaction from spectators in Alexandria to what seems to have been a mime (*Or.* 32. 55), and Lucian relates how the undiscerning part of the audience was carried away by admiration for the actor when a mime artist playing Ajax lost control of his emotions and rampaged hysterically upon the stage; others, however, realized that the actor had so identified with his own ultra-realistic performance that the ‘act’ had become reality (*Salt.* 83):

The situation caused some to marvel, some to laugh, and some to suspect that perhaps in consequence of his excessive mimicry he had caught the real disease.

The sophisticated stage properties and mechanisms of the amphitheatre that we observed in II (b) above would have enhanced the semblance of realism and stimulated greater efforts to emulate it. Limits of propriety were observed on the dramatic stage; but, in the *damnationes* performed in the amphitheatre, dramatic scenes that had hitherto been acted out in the theatre as mere make-believe could now be actually recreated and played out ‘for real’.

From reports of the gullibility of audiences we can conclude that by the time of the early Empire a considerable degree of realism must have been achieved in Roman spectacles of all types (i.e. not simply those involving fatal encounters in the arena). A highly contentious notice occurs in Suetonius’ description of *ludi* put on by Nero, who imported *ephebi*¹⁹⁹ from Greece to dance *pyrrichae*,²⁰⁰ and then rewarded them with Roman citizenship;²⁰¹ Suetonius goes on to give details of two *pyrrichae* performed at Nero’s games in the amphitheatre (Suet., *Nero* 12. 2):²⁰²

inter pyrricharum argumenta taurus Pasiphaam ligneo iuvencae simulacro abditam iniit, ut multi spectantium crediderunt; Icarus primo statim conatu iuxta cubiculum eius decidit ipsumque cruore respersit.

Among the plots of the pyrrhic performances there was the bull that penetrated Pasiphae hidden—so many of the spectators believed—inside a wooden replica of a heifer; Icarus right at the beginning of his flight crashed next to Nero’s box and splattered him with blood.

In the ‘Pasiphae’ scene, credulous spectators thought that the bull was performing intercourse²⁰³ with a real woman inside the wooden heifer; hence the bull certainly was real.²⁰⁴ (Perhaps the wooden heifer was tied onto the bull in a posture simulating copulation.) The Icarus performance ended in an accident in which ‘Icarus’ splattered the emperor with blood; but since one expects Icarus to crash, the accident on this

¹⁹⁷ See W. B. Stanford, *Greek Tragedy and the Emotions* (1983), 76–8; M. de Marco, “‘Opsis’ nella poetica di Aristotele e nel “Tractatus Cosilinianus”, in L. de Finis (Ed.), *Scena e Spettacolo nell’Antichità. Atti del Convegno Internazionale di Studio, Trento, 28–30 marzo 1988* (1989), 129–48.

¹⁹⁸ See Brink ad loc.

¹⁹⁹ See M. Kokolakis, *Pantomimus and the Treatise ΠΕΡΙ ΟΡΧΗΣΕΩΣ* (1959), 28–9.

²⁰⁰ By this period *πυρρίχη* seems to have acquired elements of plot from mythology, so that it comes close to a performance of pantomime: see Kokolakis, op. cit. (n. 199), 23.

²⁰¹ cf. Dio 60. 7. 2 (under Claudius), and see Kokolakis, op. cit. (n. 199), 28. Pantomime artists were likewise rewarded: see L. Robert, ‘Pantomimen im griechischen Orient’, *Hermes* 65 (1930), 106–22 (at 119).

²⁰² The chapter-divisions in modern texts make this chapter begin with a sentence describing Nero’s seat in the theatre; but this sentence belongs to the previous chapter, where Suetonius discusses theatrical events under Nero, and it corresponds to the sentence at the end of 12. 2 describing his customary seat in the amphitheatre. Hence all the items in 12. 1–2 should refer to performances staged in an amphitheatre.

²⁰³ In connection with an animal, *inire* would naturally be taken to refer to the act of mating: see *TLL* vii. 1. 1296. 37–53 (specifically of cattle: 37–40, 49–50).

²⁰⁴ A routine performed by trained animals could be referred to as a *pyrricha*: cf. Plin., *NH* 9. 4–5 (elephants, perhaps caparisoned: see Kokolakis, op. cit. (n. 199), 27); Babr. 80. 3–4 (a camel); Lucian, *Pisc.* 36 (apes); hence *πυρρίχη* is classified by Athen. 629 f. under the rubric γέλοια.

occasion was that he crashed in the wrong place, *iuxta cubiculum eius* (sc. *Neronis*), the cause being that he failed too early in his attempt at flight, *primo conatu*. Since the performance was a *pyrricha*, we should probably envisage an acrobatic leap rather than propulsion by a *ballista* or the like, and we should assume that 'Icarus' was not meant to die in his 'accident', but be saved by, for example, a safety-net. How much less tantalizing and frustrating to watch this type of scene enacted by criminals in the amphitheatre, where the bull could mate with a real woman as 'Pasiphae', and 'Daedalus' could lose his wings and meet a gruesome, if unorthodox, end.

It is important that in our charades reality does not necessarily endorse myth, but sometimes, as with 'Daedalus', subverts it: compare the fate of 'Orpheus', overpowered by a creature over which he should traditionally have exercised power himself. The myth is reproduced faithfully when the central character enacts the role of a victim (as Pasiphae or Attis), but when the central character is traditionally in control of his environment (as with Orpheus and Daedalus), the myth is subverted to reduce his role to that of victim. The point is that the criminal is to be humiliated in his dramatic *persona* and, of course, he must suffer physically. Death is almost incidental, in that the arena's function in the context of aggravated death penalties is to provide a spectacle of suffering so severe that death must inevitably follow; the actual killing may happen afterwards quickly, tidily, and out of sight.

There is one category of punishment recognized by anthropologists that involves the delinquent in role-play or, at the least, requires that he be temporarily accorded the trappings and treatment associated with a person of superior status: so-called 'scapegoat' rituals.²⁰⁵ The purpose of these rituals is to inflict suffering, banishment, and even (sometimes) death upon persons deemed worthless (but innocent), in order to redeem the remaining members of the community. A key element here, as Jan Bremmer has recently pointed out,²⁰⁶ is that the victim's worthlessness must be disguised in order for a properly valuable sacrifice to be seen to be made. Hence, in Greek instances, the sources stress both the lowly status of the individual and the honorific treatment he receives prior to his expulsion from the community. Bremmer²⁰⁷ cites the example of Athenian *φάρμακοί* who are 'of low origin and useless' but kept at state expense prior to their expulsion, for which they are dressed 'in fine clothes'.²⁰⁸ Likewise a poor man in Massilia, who offered himself during a plague, lived well at state expense for a year until he was finally 'dressed in holy clothes' and driven out of the city.²⁰⁹

A similar ritual seems to lie behind the martyrdom of Dasius at Durostorum on the Danube in the reign of Maximian and Diocletian.²¹⁰ Dasius was beheaded for refusing to play the role of king Kronos for the duration of a thirty-day festival that would culminate in his self-immolation at the altar of Kronos. Weinstock²¹¹ has shown that this festival combines elements of the Saturnalia and of a sun-festival, and enacts an atonement ritual similar to the annual drowning of a criminal at the Temple of Apollo at Leukas,²¹² where the victim's death atones for the community's sins. But the difference between the two is that the victim at Leukas does not receive any honorific treatment before his death, whereas Kronos' victim is accorded the highest possible status in the community. The ritual at Durostorum is, however, more extreme than the type of scapegoat ritual discussed by Bremmer, since Kronos' victim makes the ultimate sacrifice of death.

But both Bremmer's scapegoat rituals and the sacrifices at Durostorum and Leukas may shed some light on our fatal charades, however little conscious the average Roman may have been of the symbolic significance of what he was witnessing

²⁰⁵ The (e)scapegoat is the sacrificial goat that is required to get away: see *OED* s.v. *scape*¹ and *scapegoat*. 'Scapegoating' is acknowledged as a sub-category of vicarious punishment by Harding-Ireland (176).

²⁰⁶ 'Scapegoat rituals in ancient Greece', *HSCP* 87 (1983), 299–320 (at 305).

²⁰⁷ *op. cit.* (n. 206), 301, 303, 305.

²⁰⁸ Schol. Aristoph., *Eq.* 1136.

²⁰⁹ Petr. fr. 1, Lact. on Stat., *Theb.* 10. 793.

²¹⁰ Text conveniently at Musurillo (no. 21); first interpreted as a scapegoat ritual by J. G. Frazer, *The Golden Bough* (1922), 763–75.

²¹¹ S. Weinstock, 'Saturnalien und Neujahrsfest in den Märtyreracten', in A. Stüber and A. Hermann (Eds), *Mullus. Festschrift Theodor Klauser*, Jahrbuch für Antike und Christentum Ergänzungsband 1 (1964), 391–400.

²¹² Strabo 10. 2. 9; Ampelius 8.

in the arena. A moment of glory, dressed in finery, corresponds to the display of our victims in fancy-dress before an audience of thousands; and their humiliation and ultimate death correspond to the type of atonement ritual that is associated with those scapegoat rites that embrace human sacrifice.²¹³ The presence of the audience is also important as an endorsement of the alienation of the victim from his community, and the reintegration of that community as a homogeneous group that has expiated its guilt.²¹⁴ The selection of the victim, however, raises an interesting issue: a scapegoat should be innocent, so that if we were to interpret our charades as scapegoat rituals, we should have to exclude those that indisputably involved condemned criminals. We should then assume that the victims were simply low-status persons (such as slaves) whose lives were expendable, but who were accorded the lavish treatment accorded to a divine sacrifice.

This may be the impulse behind a spectacle that Plutarch describes to illustrate the misplaced envy felt by spectators watching gorgeously costumed performers (*Mor.* 554b = *Ser. Num. Vind.* 9):

ἀλλ' οὐδὲν ἔνιοι διαφέρουσι παιδαρίων, ἃ τοὺς κακούργους ἐν τοῖς θεάτροις θεώμενα πολλάκις ἐν χιτῶσι διαχρύσοις καὶ χλαμυδαίοις ἀλουργοῖς ἐστεφανωμένους καὶ πυρριχίζοντας ἄγαται καὶ τέθηπεν ὡς μακαρίουσ' ἄχρι οὗ κεντούμενοι καὶ μαστιγούμενοι καὶ πῦρ ἀνιέντες ἐκ τῆς ἀνθινῆς ἐκείνης καὶ πολυτελοῦς ἐσθῆτος ὀφθῶσιν.

But there are some people, no different from little children, who see criminals in the arena, dressed often in tunics of golden fabric with purple mantles, wearing crowns and doing the Pyrrhic dance, and, struck with awe and astonishment, the spectators suppose that they are supremely happy, until the moment when, before their eyes, the criminals are stabbed and flogged, and that gaudy and sumptuous garb bursts into flames.

The key features here are that criminals (κακούργους), dressed in gold and purple, perform movements which Plutarch describes by a term for 'dancing' (πυρριχίζοντας)²¹⁵ before being flogged and set on fire. Whether the spectacle took place in theatres or amphitheatres (θέατρον covers both),²¹⁶ the venue was chosen to accommodate spectators. From the fate of the criminals it is clear that the occasion was a public execution by means of *crematio*.²¹⁷ We are certainly not dealing with a true scapegoat ritual, in that the delinquent does not escape; nor is an explicit association with purificatory ritual and New Year festivals present.²¹⁸ But the notion of dressing up the criminal and giving him his moment of glory may be motivated as much by a desire to present a worthy religious offering as by the belief that the criminal in his hour of death owes a debt to society.

(b) *The miraculous Princeps*

Why do these fatal charades cluster in the first two centuries of the empire? Our earliest evidence comes from the reign of Nero, our latest from the Severan age; most of it clusters under Nero and Titus. The execution of Selurus by means of a fake Mt Etna is a significant step in this direction; it dates from the early years of Octavian's supremacy. At almost exactly the same period, however, we find comparable displays being performed, but on a grand scale: *naumachiae* (sea-battles).²¹⁹ Since the participants in these occasional spectacles were usually prisoners-of-war and *damnati*,²²⁰ *naumachiae* were effectively an extension *en masse* of the gladiatorial duel, and thus a form of 'indirect' death penalty. These battles were staged in a quasi-historical

²¹³ Weinstock, *op. cit.* (n. 211), 399, compares the Saka festival at Babylon in honour of Ishtar, in which for five days slaves and masters exchange places, and a condemned criminal is dressed as a king and fêted before being stripped, beaten, and hanged. Cf. Dio Chrys., *Or.* 4. 67.

²¹⁴ Bremmer, *op. cit.* (n. 206), 315.

²¹⁵ Yet another version of *pyrrichia*: see nn. 109 and 200 above.

²¹⁶ See E. Rawson, '*Discrimina ordinum: the Lex Julia Theatralis*', *PBSR* 55 (1987), 83–114 (at 87 n. 18).

²¹⁷ Friedländer's assertion (*loc. cit.* (n. 3)) that Plutarch is referring to an enactment of the story of Medea seems to be a mere guess.

²¹⁸ Bremmer, *op. cit.* (n. 206), 318–20; Weinstock, *op. cit.* (n. 211), 399.

²¹⁹ See *RE* xvi. 1970–4 s.v. Naumachie (Bernert); *OLD* s.v. *naumachia*.

²²⁰ cf. Dio 43. 23. 4 οἱ τε αἰχμάλωτοι καὶ οἱ θάνατον ὠφληκότες; 60. 33. 3 θανάτω ... καταδικασμένοι; and see H. J. Leon, '*Morituri te salutamus*', *TAPhA* 70 (1939), 46–50 (at 49).

setting: under Julius Caesar in 46 B.C. 4,000 oarsmen and 2,000 soldiers²²¹ fought as ‘Tyrians’ and ‘Egyptians’,²²² clearly a fictitious engagement designed to accommodate an exotic scenario. The spectator appeal must have been immense, since the occasion attracted numerous visitors to Rome.²²³ Under Augustus in 2 B.C. 3,000 soldiers²²⁴ participated in a battle between ‘Athenians’ and ‘Persians’, won (as at the historical Salamis) by the ‘Athenians’. Dio’s words may imply that he thought the outcome was a coincidence (55. 10. 7):

ναυμαχία... Περσῶν καὶ Ἀθηναίων ἐποιήθη· ταῦτα γὰρ τὰ ὀνόματα τοῖς ναυμαχοῦσιν ἐτέθη, καὶ ἐνίκων καὶ τότε οἱ Ἀθηναῖοι.

A naval battle was staged between the Persians and the Athenians; these, of course, were the names given to the combatants, and on this occasion, as originally, the Athenians won.

If so, we have the possibility that ‘staged’ versions may turn out to contradict the historical fact.

The most spectacular *naumachia* recorded was fought under Claudius in A.D. 52 in the fictitious context of Sicilians against Rhodians;²²⁵ 19,000,²²⁶ destined to die,²²⁷ participated on the Fucine Lake. Prosaic ritual was romanticized when the starting-signal was given by a mechanical device in the form of a silver triton that rose from the bottom of the lake and blew a trumpet.²²⁸ In earnest, however, was the intention that there be massive casualties. Security measures to prevent desertion included an outer ring of vessels manned by members of the Praetorian Guard, themselves protected by ramparts and equipped with catapults and *ballistae*, and reinforced by ships manned by marines.²²⁹ The famous salute delivered by the participants before the battle may reflect Claudius’ intention that on this occasion there should be no survivors;²³⁰ in at least one *naumachia*, staged by Domitian in his new *stagnum*, virtually everyone perished (Dio 67. 8. 2).²³¹

Nero, like Augustus, pitted ‘Athenians’ against ‘Persians’ (Dio 61. 9. 5); Titus favoured episodes associated with the Peloponnesian War, staging one contest between ‘Corcyreans’ and ‘Corinthians’ (Dio 66. 25. 3) and another (involving 3,000 combatants) between ‘Athenians’ and ‘Syracusans’ (Dio 66. 25. 4). In the confusion of a naval battle, spectator interest depended upon the opposing sides being easily distinguishable, but, if this had been the sole requirement, then colours (e.g. those of the circus factions) would have been adequate. A plausible historical context, whether based on fact or not, would seem to supply the degree of realism demanded by an event which copied a real life-and-death situation, whereas chariot-racing, for example, was more obviously treated as a straightforward sport. It is noteworthy that none of the recorded *naumachiae* was set in the context of a famous Roman naval battle, which may suggest that the outcome was unpredictable: no Roman emperor was likely to risk an Actium won by the eastern faction.

Another display of this type, in which a quasi-historical episode was enacted to provide the context for real fighting, was the *ad hoc* spectacle on the Campus Martius at which Claudius presided in his military cloak;²³² it staged the storming and sacking of a town, and the surrender of the British kings. We have here to do with an extension of the triumphal procession;²³³ the occasion presumably honours a recent

²²¹ App., *BC* 2. 102.

²²² Suet., *Jul.* 39. 4.

²²³ Accommodation ran out, and people were trampled to death (Suet., *Jul.* 39. 4).

²²⁴ *RG* 23.

²²⁵ Suet., *Claud.* 21. 6.

²²⁶ Tac., *Ann.* 12. 56. 2.

²²⁷ See Leon, op. cit. (n. 220), interpreting Tac., *Ann.* 12. 56. 3 ‘pugnatum quamquam inter sontes fortium virorum animo, ac post multum vulnere occidioni exempti sunt’.

²²⁸ Suet., *Claud.* 21. 6 ‘exciente bucina Tritone argenteo, qui e medio lacu per machinam emerserat’.

²²⁹ Tac., *Ann.* 12. 56. 2.

²³⁰ See Leon, op. cit. (n. 220), 50. Ville, *GO*, 407,

suggests that, rather than a spontaneous gesture on the part of the men, this salute may have been an ingenious touch added by the organizers.

²³¹ After Domitian’s reign the next *naumachiae* are not attested until the third century: *SHA Helioq.* 23. 1; Aur. Vict., *Caes.* 28.

²³² Suet., *Claud.* 21. 6: ‘edidit et in Martio campo expugnationem directionemque oppidi ad imaginem bellicam et deditionem Britanniae regum praeseditque paludatus’.

²³³ D-S v. 488–91 s.v. Triumphus (R. Cagnat); *RE* viiA. 493–511 (at 501 ff.) s.v. Triumphus (W. Ehlers); H. S. Versnel, *Triumphus* (1970), 95–6; the scenic aspects are properly stressed by C. Nicolet (trans. P. S. Falla), *The World of the Citizen in Republican Rome* (1980), 352–6.

imperial achievement. But the performance was aimed at spectators,²³⁴ and we may assume that the verisimilitude depended upon prisoners-of-war (presumably British) being killed. For members of a conquered people to re-enact their defeat before an audience which consisted of their victors would constitute an appropriate humiliation.

The staging of mass punishment in these elaborate contexts guarantees the victims a degree of anonymity that mitigates their degradation. But the sheer numbers involved in the spectacle bore eloquent testimony to the breadth of power wielded by the sponsor. Statistics impressed: Augustus' notice of his *naumachia* combines the record dimensions of his artificial lake with statistics for the craft and the human participants.²³⁵ The technical achievement is a source of pride,²³⁶ as well as the manpower the emperor had at his command. Displays on this scale are obviously contingent upon an available supply of superfluous persons: Julius Caesar's *naumachia* in 46, for example, presumably made use of the African followers of Juba I and other indigenous peoples in the Empire who had failed to back the right faction in the Civil War.

It has often been remarked²³⁷ that an event in the amphitheatre provided the occasion on which the emperor came into the presence of the largest number of his subjects. Not only that; every category of society was represented and visible, each occupying its own area according to the elaborate seating-divisions imposed by Augustus to reflect his view of the proper social order.²³⁸ These spectators, hierarchically arranged in their tiers of seats, were fringed at the back by those for whom Roman society allowed standing-room only, while at the front in the centre of the long axis sat the emperor, *primus inter pares*, solidly flanked by the occupants of the most privileged seats. All these spectators, from *pullati* to Princeps, were physically and ideologically separated from the criminals exposed to view in the arena beneath, and visibly bonded together in their rising tiers, which were so elevated that the gaze of every member of the audience was directed downwards to the clearly demarcated centre of display. In this context the emperor was seen to be the person who enabled the ultimate processes of the law to take their course, and at the same time provided thrilling and novel entertainment for his people. (It is significant that it was in the amphitheatre that political gestures were made, such as parades of *delatores* under Titus and Trajan.)²³⁹ Yet the roles are reciprocal: the spectators by their presence endorse the workings of justice, and by their participation they help to fulfil its aims.

It cannot then be coincidental that the earliest instance of a spectacle staged in a fictitious context and entailing casualties comes from the dictatorship of Julius Caesar: his *naumachia*. The survival of an autocracy depends upon the visible exercise of power by the autocrat himself; a democracy may be run by an abstract administrative entity (though even here figureheads are required), but an autocrat has to be seen to be actively in charge. Hence it is particularly important for him to embody the authority of the supreme purveyor of justice. A correlation has been made between increasingly harsh penalties under the Empire and the absolutist trend in Roman government;²⁴⁰ so too the emperor is free to devise ingenious methods of ridding his empire of undesirable elements, inflating his charisma by the reincarnation of myth.

There may be a correlation between a disaster-ridden reign and the mounting of an exotic extravaganza in the arena. We have already explored the direct link of treating members of the community as scapegoats; the more general link would be a combination of distracting and compensating the audience on the one hand, and reaffirming the charisma and authority of the emperor on the other. If Clement of

²³⁴ *Edidit* reflects the traditional diction for sponsoring public entertainment: see *TLL* v. 2. 94. 19–95. 27.

²³⁵ *RG* 23. Cf. the statistics for *munera* and human participants (*RG* 22. 1) and for *venationes* and animal casualties (*RG* 22. 3).

²³⁶ It is significant that Claudius exploits this trend by reacting against it in keeping the annual celebration of his accession deliberately simple, 'sine venatione apparatusque' (Suet., *Claud.* 21. 4).

²³⁷ cf. P. Veyne, *Le Pain et le cirque* (1976), 704–5; Millar, *op. cit.* (n. 121), 364–5; Hopkins, 15; Nicolet, *op. cit.* (n. 233), 364, shows that this confrontation between rulers and ruled originated in the theatrical shows put on by magistrates in the Republic.

²³⁸ Rawson, *op. cit.* (n. 216).

²³⁹ Mart., *Lib. Spect.* 4; Plin., *Pan.* 34–5.

²⁴⁰ Garnsey (1968b), 158.

Rome was writing under Nero, then the charades displaying the Danaids and Dirce presumably belong with Nero's persecution of the Christians after the fire and at a time of increasingly overt dissatisfaction with his reign. Titus' inauguration of the Flavian Amphitheatre was perhaps rather a dedication of his extensions to it; Vespasian may well have inaugurated the first three storeys,²⁴¹ completed in his own lifetime.²⁴² Titus' celebration must have made a striking impact after the disasters of volcanic eruption, fire and plague.²⁴³ Whatever ceremony Vespasian may have held was completely eclipsed by Titus' one hundred days of extravagant displays.²⁴⁴

The survival of evidence so particular as to mention charades of this nature is a matter of chance that makes it especially hazardous to draw inferences about the recurrence of such displays. We should recall that for Titus' magnificent *ludi* Suetonius and Dio yield the conventional statistics about participants and casualties, while Martial alone supplies evidence for the gruesome mythological enactments on the programme. Hence, while it seems safe to say that surviving testimony coincides with a period in which the Principate was being stripped of its mask of constitutional legitimacy to reveal the autocratic imperial authority beneath, in later reigns the silence of Dio and the *Historia Augusta* cannot be taken as proof that such displays had altogether ceased at Rome. In one province, at least, we know that such enactments were being performed at the end of the second century: although the Christians' monotheistic fanaticism would make them obvious targets for this type of punishment, Tertullian's remark, 'in cavea ... ipsos deos vestros saepe noxii induunt', implies neither that this treatment was exclusively reserved for Christians nor that it was especially rare. Indeed, ambitious provincial magistrates further afield than North Africa may have reinforced their own authority and boosted their reputations by so dramatizing, on occasion, the humdrum reality of capital punishment.

The amphitheatre was where one went to witness and participate in a spectacle of death: the death of animals and men, specifically the deaths of worthless and harmful persons. Whatever the crises of an emperor's reign and threats to the stability of his regime, there were people and animals available for sacrifice who, by dying violently, would earn him popular acclaim and demonstrate his authority over life and death. What makes our charades unique in the history of the *ludi* is the mythological context in which they were performed: to witness the enactment of myth here was to experience not escapism but reality, and the emperor who verified myth worked a miracle. Justice was seen to be done, and the death of the criminal was all the more degrading for the short-lived glamour of his mythological role. The wealth and ingenuity and benevolence of the sponsor; the heights of realism achieved by the technological wonders of the arena; the rapidly expanding category of persons subject to the harsher treatments in a differentiated system of penalties; the co-operation of a body of spectators who were used to violence and admired novelty—all these factors combined to interpret reality as myth, thereby translating myth into reality: *accepit fabula prisca fidem*.

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²⁴¹ As claimed by the Chronographer of A.D. 354 (*Chron. Min.* p. 146 Mommsen).

²⁴² The most plausible chronology for the contributions made by all three Flavians is still that of A. von Gerkan, *MDAI(R)* 40 (1925), 11–50 = E. Boehringer (Ed.), *Von antiker Architektur und Topographie. Gesammelte Aufsätze von Armin von Gerkan* (1959), 29–43.

²⁴³ Dedicated March/April 80 (*CIL* vi. 2059), i.e. after the eruption of Vesuvius (August 79) and result-

ing plague; the fire occurred in 80, but admittedly perhaps not until summer when Rome was at its most combustible (i.e. during or after Titus' games). The games are connected with compensation for disaster by B. W. Jones, *The Emperor Titus* (1984), 144. For the theory that those who suffer compensate for it by watching the suffering of others see Clavel-Lévêque, *op. cit.* (n. 95), 2467.

²⁴⁴ Dio 66. 25. 4.



(1) METHANA, SITE MS 109, VIEW OF SITE.



(2) METHANA, SITE MS 109, OLIVE-CRUSHING AND PRESSING EQUIPMENT.



(3) METHANA, SITE MS 211, PRESS WEIGHT BLOCK.



VILLA DI DAR BUC AMMÉRA, ZLITEN: DAMNATUS PROPELLED TOWARDS LION. *Photo Deutsches Archäologisches Institut, Rome.*



VILLA DI DAR BUC AMMÉRA, ZLITEN: DAMNATI BOUND TO WHEELED DEVICES. *Photo Deutsches Archäologisches Institut, Rome.*