

SPECTACLES OF  
DEATH IN ANCIENT  
ROME

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## THE PHENOMENON: THE DEVELOPMENT AND DIVERSITY OF ROMAN SPECTACLES OF DEATH

One of the simplest things of all and the most fundamental is violent death.

(E. Hemingway, *Death in the Afternoon*, 1960 (1932) 2)

Rome violently and publicly killed human and animal victims in a variety of 'games' or 'shows'.<sup>1</sup> These entertainments became more elaborate and complex over time but danger and death were not stylized and reduced, as in modern violent sports, but intensified and actualized. Even after Olympics, Superbowls, and World Cups, moderns are still amazed not just by the brutality but by the extent and the diversity of the Roman spectacles. For example, Caesar's triumphal games in 46 BC were a truly spectacular combination of theatrical, equestrian, athletic, and gladiatorial events held on several sites in front of large crowds:

He gave entertainments of diverse kinds: a combat of gladiators and also stage-plays in every ward of the city . . . as well as races in the circus, athletic contests, and a sham sea-fight . . . [military dances, theatrical events, equestrian contests, and the Game of Troy (an equestrian performance) also were held] . . . Combats with wild beasts were presented on five successive days, and last of all [in the Circus Maximus] there was a battle between two opposing armies, in which five hundred foot-soldiers, twenty elephants, and thirty horsemen engaged on each side . . . [three days of athletic competitions took place in the Campus Martius] . . . For the naval battle a pool was dug in the lesser Codeta and there was a contest of ships . . . Such a throng flocked to all these shows from every quarter, that . . . the press was often such that many were crushed to death, including two senators.<sup>2</sup>

To open the Flavian Amphitheater in AD 80 Titus gave extravagant spectacles lasting for a hundred days:

animals both tame and wild were slain to the number of nine thousand . . . several [men] fought in single combat and several groups contended together both in infantry and naval battles. For Titus suddenly filled this same theater with water and brought in horses and bulls and some other domesticated animals . . . He also brought in people on ships, who engaged in a sea-fight there . . . and others gave a similar exhibition outside the city . . . There, too, on the first day there was a gladiatorial exhibition and a wild beast hunt . . . On the second day there was a horse-race, and on the third day a naval battle between three thousand men, followed by an infantry battle.<sup>3</sup>

In AD 107, as an entertainment and a celebration after his Dacian campaigns, Trajan held 23 days of games in which 11,000 animals were killed and 10,000 gladiators fought.<sup>4</sup> Such *spectacula* were things seen in public, spectacular things in scale and action, things worth seeing and meant to be seen, put on by elite representatives of the community to reinforce the social order, which included their own status. When resources permitted, emperors put on spectacles as impressively as they could, and the obligation on the leader and the appreciation by the people continued into the Christian era.

This chapter surveys the historical development and growing diversity and pervasiveness of the phenomenon of spectacles of death in which creatures were intentionally and violently killed in 'arenas' at Rome.<sup>5</sup> The early roots and natures of different types of spectacles of death suggest enduring religious concerns and punitive motives. Like other peoples, from its origins Rome saw the public killing of animals in sacrifices and humans in executions as vital to the security of the city as an ordered society and as a sacral community. Over time the categories of sacrifice, ritual killing, execution, and hunting became blurred, especially as they increasingly overlapped in what might be called the 'conglomerate' or multi-dimensional spectacles of the first century BC.

### Festivals, punishments, celebrations, and games

From its earliest days Rome celebrated festivals or holidays (*feriae*) concerned with fertility and harvest, fields and lustration. These rustic ceremonies (e.g. Saturnalia, Lupercalia) were moved into the emerging city, held close to temples and shrines, and added to the official festival calendar. The fundamental rite was the sacrifice of domesticated animals to honor the gods. A proper sacrifice was one in which an unblemished animal was induced to suggest its willingness by stretching forward its neck. The meaning of beast sacrifices in antiquity has been interpreted in many sophisticated ways, but at its core was the sense that the community was dependent on the good will of the gods. Convinced that they had to give up things in order to

get things, ancient peoples regularly and ritually offered blood sacrifices for the welfare of the community. Some sacrifices were done discreetly by priests, but most were performed in public after a procession of the victims. Wanting to know that the rites had been performed properly, people participated indirectly as witnesses, and some of the meat might be distributed to be eaten by worshippers. Other things, such as grain, were sacrificed as well, but in the ancient mind blood and death were intimately associated with fertility and regeneration. Holidays with sacrifices reinforced social and cosmic hierarchies, and ritual violence, security, and the sacred were inseparable.<sup>6</sup> For centuries Romans saw sacrifices of animals as essential to the vitality of the group, and their magnitude and splendor were a reflection of the sacrificial group's status. Done regularly and properly, sacrifices of flawless, willing beasts provided few problems, psychological or logistical, for pagan Rome.<sup>7</sup>

At this point a digression on the question of whether Rome practiced human sacrifice is called for on various accounts: human sacrifice is a widespread phenomenon in human history, Romans knew of human sacrifice and may have performed it symbolically and regularly via surrogates or occasionally in actuality, Christian sources repeatedly accuse Rome of performing human sacrifices (at funerals, in festivals, and at *mumera*), and some scholars associate gladiatorial spectacles with aspects of human sacrifice.<sup>8</sup> As we shall see, while human sacrifice was a motif in Roman literature,<sup>9</sup> and while some groups within the Empire did practice it,<sup>10</sup> Rome did not routinely perform human sacrifice in a conventional sense. Nevertheless, the ritualized killing of humans in the arena was not without religious overtones and concerns, for homicide in antiquity always involved the sacred.

Human sacrifice was the most extreme form of sacrifice of a living creature, but unfortunately the term is often used very generally of any killing of a human in a religious context. In the most obvious examples, as among the Aztecs, human lives were offered regularly to seek the gods' help in ensuring continued security (e.g. via fertility, rainfall, success in war) for the community.<sup>11</sup> More specifically, we should distinguish between human sacrifice and ritual killing. In human sacrifice societies feel that a god or its cult requires the regular offering of human life. In ritual killing (or ritualized murder), in reaction to circumstances (e.g. crises, crimes, prodigies), societies carry out the killing of humans in ritualized and sacralized ways, in hopes that the consecration of the victim to the god(s) will sanction or legitimize the violence, prevent pollution, and bring a restoration of order. In human sacrifice the gods (or the dead) are thought to demand the sacrifice, while in ritual killing the gods (or the dead) accept, approve of, or appreciate the killing as an honorific gesture. Both of these forms of homicide enlist divine aid in preventing or resolving a crisis (e.g. famine or pestilence), and in purifying the community – on a regular basis or by removing a particular offense to the gods and the related disruption to the social order.<sup>12</sup>

Human sacrifice tended to be regular and preventive, while ritual killing tended to be occasional and reactive. Such distinctions are difficult, however, because descriptions of ritualized killing often appropriate the vocabulary of sacrifice.<sup>13</sup> For example, in the ritual killing or expulsion of a 'scapegoat' a person, often a criminal or a scapegoat who the community feels must be executed (or exiled), is consecrated or devoted to infernal or chthonic deities and then executed or driven off to a symbolic death. While 'scapegoat' phenomena are often associated with human sacrifice, if scapegoats are actually killed, they are better seen as examples of ritual killing – unless the scapegoat ritual is institutionalized on a regular basis, as in a recurring festival, in which case it would be better seen as human sacrifice.<sup>14</sup>

Recently J. Rives has shown convincingly that recurrent charges and counter-charges of human sacrifice between Christians and Romans were not historically reliable accounts but rather were a feature of an extensive Graeco-Roman discourse about civilization and religion. Pagan claims that Christians performed human sacrifices, killed babies, and drank blood seem to have been a phenomenon of the second half of the second century AD used against a group that rejected central features of Roman religion (e.g. blood sacrifice) and society (e.g. spectacles). Accusations were noted from Justin Martyr (e.g. *Apol.* 11.12.5) in the 150s on, and reversed and applied against pagans by Tertullian (*Apol.* 9), Minucius Felix (*Oct.* 30), and others. Well into the fourth and fifth centuries Christians continued to indict Rome as moved by demons to sacrifice humans – to Saturn in the annual gladiatorial games in December and to Jupiter in the *Feriae Latinae* (see below). Accusers on both sides used such charges (and related charges of cannibalism) as signs or cultural markers to assert their cultural superiority, to establish cultural distance, and to malign their opponents as 'the other' – as barbaric rather than civilized, and as worshippers of bad rather than proper religion.<sup>15</sup> On neither side were the accusations based on actual customary human sacrifices.

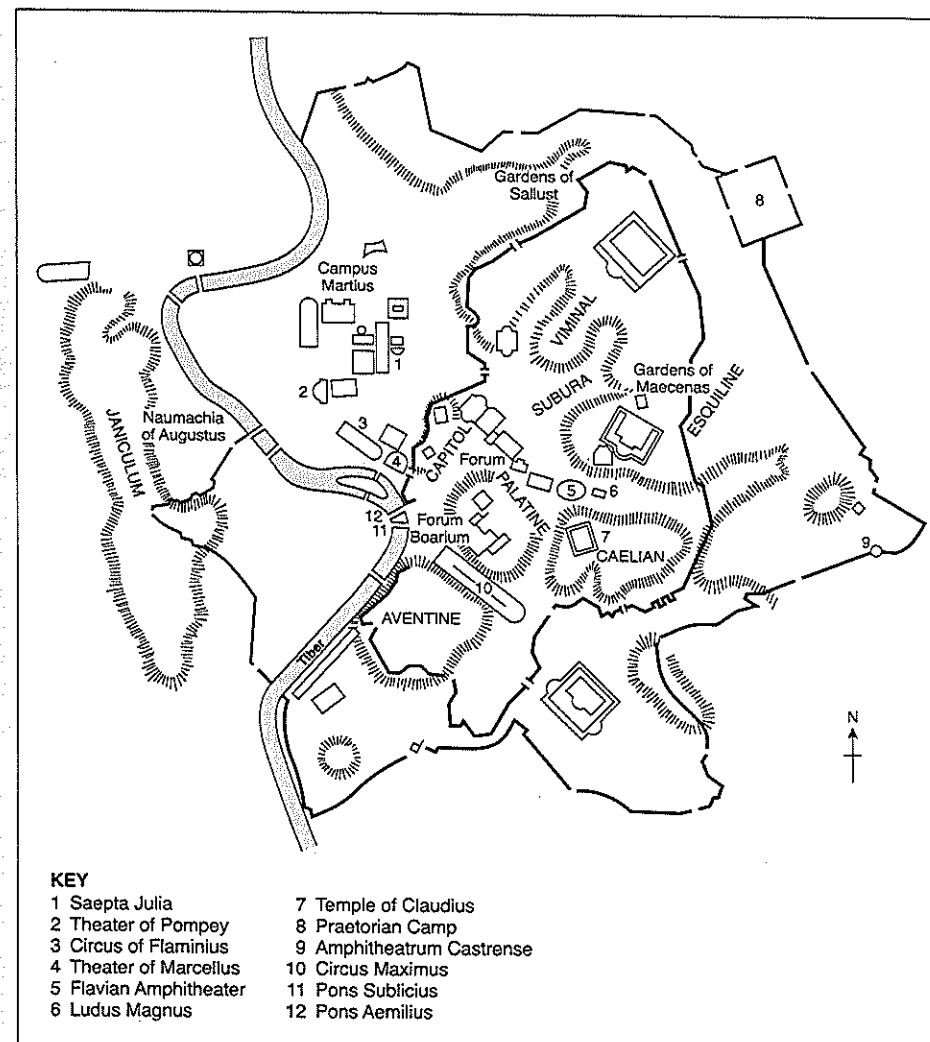
We do not know whether Latins ever practiced human sacrifice in prehistory, but by historical times any such Roman traditions had normally been stylized via effigies and surrogates.<sup>16</sup> Human sacrifice was condemned as a non-Roman and barbaric rite, but sources claim that some examples of human sacrifice, or more probably ritualized killing, took place in Rome.<sup>17</sup> In the earliest purported example, Livy says that in 356 BC the Tarquinians sacrificed 307 Roman captives in the forum of Caere, and in revenge 358 captives from the noblest Tarquinian families were sent to Rome in 355 and flogged in the Forum and beheaded.<sup>18</sup> The Tarquinians may have been enacting an Etruscan form of human sacrifice, but the Roman response – if historical – was an act of vengeance, not a cultic obligation.

In a probably historical but exceptional case, Rome later reportedly buried alive various Celtic and Greek couples as well as certain Vestal Virgins. In 228 BC, alarmed by a Sibylline oracle and the prodigy of lightning striking

the Capitoline Hill, the senate felt compelled to order an uncharacteristic rite and buried alive a Celtic couple and a Greek couple in the Forum Boarium, the old cattle market (see map 1).<sup>19</sup> In 216 BC terrifying news of the defeat at Cannae added to religious anxiety about recent bad omens and prodigies. Convicted of unchastity, one Vestal had committed suicide and another was executed in the customary (indirect) fashion: she was buried alive near the Colline Gate in a chamber and provided with food to absolve the executioners of responsibility for the taking of a consecrated life. Also, the Pontifex Maximus had beaten to death the secretary of the Pontiffs, who had violated a Vestal, in the place of assembly (*comitium*). Livy further says that, to propitiate the gods, on the orders of the Sibylline Books, 'a Gaulish man and woman and a Greek man and woman were buried alive in the Cattle Market, in a place walled in with stone, which even before this time had been defiled with human victims, a sacrifice wholly alien to the Roman spirit'.<sup>20</sup> Later, in 114/13 three Vestals caught in a sexual scandal were apparently executed by being buried alive. Subsequently a consultation of the Sibylline Books ordered the burial alive of a Greek and a Celtic couple in the Forum Boarium as a sacrifice to some non-Roman gods.<sup>21</sup>

The traditional interpretation of these incidents is that scandals concerning the Vestals led to the sacrifices in the traditional manner of punishing unchaste Vestals. However, this does not explain the selection of the victims, and there is no certain evidence for Vestal impropriety for 228, so A. M. Eckstein argues that the Vestal scandals were merely great *prodigia* which, in combination with other portents, led the senate to consult the Sibylline Books, which ordered the killings. Since Rome was not actually at war with Celts or Greeks at the time of the killings, Eckstein revises the old interpretation of human sacrifices at Rome as a *Kriegsopfer*, a magical diffusion of the military power of current enemies. Rather, perhaps as part of the legacy of Etruscan influence, Rome was trying to ward off future military disasters by offering Celts and Greeks, as former and likely future foes, who appropriately represented 'enemies' in a general way.<sup>22</sup> In other words, while the deaths of the Celts and Greeks may have been highly unusual human sacrifices ordered by the Sibylline Books, the deaths of the Vestals were more conventional ritual executions.

In the late Republic, rather than being part of a broad cultural discourse, charges that individuals performed human sacrifices refer to acts of political vengeance thinly disguised or justified as sacrifices, or the charges were simply figments of political slander. For example, when some of Caesar's soldiers rioted during his games in 46, three of them were executed. Dio says they were killed 'as a sort of ritual observance . . . the Sibyl made no utterance and there was no other similar oracle, but at any rate they were sacrificed in the Campus Martius by the pontifices and the priest of Mars, and their heads were hung up near the Regia'.<sup>23</sup> Clearly not responding to the expressed will of the gods, Caesar at best was trying to sacralize a



Map 1 Imperial Rome

military punishment. Despite some possible examples *in extremis*, then, Rome did not routinely perform human sacrifices; but, as in the burial alive of corrupted Vestals, Rome did ritually execute threatening or disruptive humans and assign them to the gods of the underworld. Execution, punishment and revenge were primary; dedication to the gods was secondary.<sup>24</sup>

As Rives says, in Christian polemic the 'canonical example of Roman human sacrifice' was the festival of Jupiter of Latium (Latiaris), the *Feriae*

Latinae, an old Latin festival which was celebrated at Rome from the fourth century. By the first century BC the festival included some sort of games, and Christian sources charge that blood from the human victims was poured on the statue of Jupiter as a sacrifice.<sup>25</sup> Tertullian (*Apol.* 9.5, Loeb) said that at Rome there 'is a certain Jupiter, whom they drench with human blood at his own games. "Yes, but only the blood of a man condemned already to the beasts", you say?' Following Tertullian, Minucius Felix (*Oct.* 30.4, Loeb, cf. 23.6) claims that 'even to-day a human victim is offered to Jupiter Latiaris, and, as becomes the son of Saturn, he batters on the blood of a criminal offender (*mali et noxii hominis*)'. In the third century Novatian (*De spect.* 4.1–2, cf. 5.1) says that all spectacles are sacrifices dedicated to the dead; idolatry is the mother of all the games (*ludorum omnium matrem*), and blood from the throat of a victim is thrown from a libation cup and given to an idol to drink. The Christian tradition is long and lurid but, on both sides, the charges were part of a discourse of cultural differentiation.<sup>26</sup> Christians did not sacrifice humans, and the Romans did not regularly perform human sacrifice. By the Christian era spectacular executions at this festival may have recalled an early tradition of human sacrifice,<sup>27</sup> but it is more likely that Christians misunderstood or misrepresented 'gladiatorial' games (which they saw as deriving from human sacrifices at graves – see below) as a traditional part of the festival rather than a later addition.<sup>28</sup>

Despite Christian claims that Rome regularly performed human sacrifices and that gladiatorial combat was human sacrifice, homicides in Roman spectacles are better understood as ritualized or sacralized killings – preceded and followed by ceremonies, performed to some degree in stylized fashion, and associated with gods or spirits of the dead. No Roman god required human sacrifice as a regular act, and it is unlikely that early Romans felt that the spirits of their dead required human sacrifice as a funeral rite.<sup>29</sup> While *munera* were prominent in the age in which Christianity emerged, the killing in public of humans, supposedly as a duty or offering to the spirit of the dead, at a funeral at Rome is not attested until 264 BC. Even if the early, private funeral *munus* required human life, the gladiatorial *munus* was not a regular part of the official festival calendar until the late first century BC. The gladiatorial *munus* was not purely a secular event, but human sacrifice in the arena was not a traditional element of official Roman religion.

The earliest institutionalized ritualized homicides at Rome were not rooted in prehistoric traditions or Christian rhetoric, but were sacro-legal executions. As societies become more complex, dealing with dysfunctional community members becomes a greater problem. If disobedient and dangerous elements arise within small groups, they can simply be cast out and driven away. In larger communities, however, such persons are punished in public to demonstrate the power of the state, to reassure the obedient, and to deter the potentially disobedient. Long before the first *munus* in 264, ritual killings as

executions, both punitive and sacral, were entrenched in law and ritual. Even official executions retain sacral overtones, but when states become autocracies and empires, demonstrations of state power become even more mandatory and spectacular. Such executions were exacerbated rather than mollified over time, and their continuance and expansion formed a major dimension of Roman spectacles.

Along with Livy, the XII Tables of 451 BC show that in early Rome, while executions were not common, those convicted of treasonous acts (e.g. arson, parricide, breaking patronage by defrauding a client, moving boundary stones, etc.) were declared *sacri* and could be killed with impunity. Such men were devoted or consecrated to the nether gods, usually Ceres.<sup>30</sup> Treason – a threat or an affront to the social and religious order – was treated as a religious crime and required expiation. As J.-L. David notes, archaic execution rituals go back to an age when penal law and religious punishment could not be distinguished.<sup>31</sup> Under Table VIII, 'Sacred Law', adults who pastured or harvested by night another's crops received 'capital punishment and, after being hung up, death as a sacrifice to Ceres'.<sup>32</sup> Men who bore false witness or slaves who committed theft were thrown from the Tarpeian Rock.<sup>33</sup> Debtors might suffer capital punishment, or be delivered across the Tiber, or the creditors might 'cut shares' of them.<sup>34</sup>

In early Rome the *fasces*, each a bundle of rods with an axe, carried by the lictors, symbolized the political and sacral power of the highest officials to punish and execute.<sup>35</sup> A citizen of status condemned to death, if his appeal to the assembly failed and he declined to go into exile, faced summary execution by the sword (*gladio*). Floggings in the 'ancient fashion' (*more maiorum*) and executions were often done in public in the center of town, the Forum.<sup>36</sup> An expert on Sulla and proscriptions, François Hinard suggests that executions under the Republic were sacral ceremonies with set times and places, and set roles for executioners and attendants: the trial took place in the Forum, possibly involving the torture of slaves, the magistrate condemned the criminal and called a crowd together, a procession led to the place of execution, lictors, musicians, and heralds attended, the magistrate pronounced the sentence, the execution took place, and the body was mutilated and removed.<sup>37</sup> As we shall see, the punishment and execution of malefactors continued in the area of the Forum but increasingly shifted to the arena.

Roman games (*ludi*) arose as celebrations of religious rites with sports or shows, acts of communal thanksgiving to the gods for military success or deliverance from crises. Inherently popular, they increased over time and became annual and state financed as supplements to traditional *feriae*. *Ludi* usually included *ludi circenses* or chariot races, begun, according to tradition, in the Circus Maximus by the Etruscan king Tarquin, and *ludi scaenici* or theatrical performances. The *Ludi Romani*, the oldest games, begun in 366, and the *Ludi Apollinares*, instituted during the Second Punic War,

each presented both circus and theater games.<sup>38</sup> Neither type was originally or primarily deadly, but ultimately spectacles of both animal and human death took place in *ludi* in Roman circuses (chariot-racing facilities) and even in theaters.<sup>39</sup>

Triumphs, the highest honor a Roman could achieve (Livy 30.15.12), were spectacles of military victory and death. Since the right to put on these parades of captives and booty was awarded only after a set number (apparently 5,000) of foes were killed on campaign, triumphs functioned as visible 'proof' of deaths.<sup>40</sup> As well as the procession of the successful general (the *triumphator*) in the guise of Jupiter, triumphs included the ritual public murder of the captured enemy leader in the Forum, representing the vanquishing of the threat to Rome (see ch. 7 below). As Rome's frontiers expanded, displays of foreign beasts were added (to symbolize foreign enemies and lands), and later large numbers of captives were displayed and killed directly at Rome. *Ludi Magni Votivi* originated as triumphal games vowed by generals to Jupiter before a campaign. Paid for by the victorious general out of his spoils of war, they were put on at the end of triumphal processions, further demonstrating the extent and glory of the victory. Originally occasional, some votive *ludi* were institutionalized as regular annual games, such as the *Ludi Victoriae Sullae* from 82 and the *Ludi Caesaris* from 46 BC, and the days of *ludi* grew accordingly.<sup>41</sup>

Offensive and yet impressive to us, the great beast spectacles of Rome must be understood in the changing context of Rome's history from humble rural roots to imperial power.<sup>42</sup> From the first exhibition of elephants in 275 to the first 'hunt' (*venatio*) in 186 BC to the great triumphal shows of Pompey and Caesar, the beast spectacles became more and more popular.<sup>43</sup> During the second half of the first century BC exotic animals (e.g. giraffes, crocodiles) were apparently merely displayed as curiosities and not killed, but probably before and certainly later the beasts that appeared in *venationes* were routinely killed.<sup>44</sup> These 'hunts' spread from state festivals to funeral games and shows (*munera*), they expanded in size with imperial excesses from Augustus to Commodus and beyond, and they outlived the decline and fall of gladiators and of Rome itself.

As well as having native hunting traditions, from early times Romans regularly killed animals in blood sacrifices, and the ritual process continued beyond the killing. Most of the flesh of the victims was eaten, and sometimes the skins, blood, and head were used for ritual purposes, as in the Luperalia and the October Horse.<sup>45</sup> Moreover, in certain festivals, in addition to chariot races and theatrical performances, early Romans also hunted, baited, or abused animals.<sup>46</sup> In the *Ludi Cereales*, the games of the ancient Italian fertility goddess Ceres, dating from before 202 BC, foxes with burning brands tied to their tails were let loose in the Circus Maximus.<sup>47</sup> Pliny mentions an annual sacrifice of dogs who were crucified live and carried about in a procession.<sup>48</sup> In the *Ludi Piscatorii* fish from the Tiber

were thrown live into a fire in the Forum.<sup>49</sup> From 173 BC the games of Flora, an ancient Italian fertility goddess of flowers and vegetation, were celebrated with the drinking and social license typical of festivals of fertility and dissolution, and they also included hunts of harmless small wild animals (roe deer and hares) staged in the Circus.<sup>50</sup> The killing of such animals may represent the elimination of vermin that threatened the cultivated lands, but Italians also hunted such animals for food and for sport. Such public animal-baiting ceremonies were not normal sacrifices of domesticated animals. Even before it expanded overseas, Rome brought dogs and wild beasts from the local countryside into the heart of the city and publicly tormented or hunted them.<sup>51</sup> When *venationes* became an official part of state festivals in 169 BC, in addition to traditions of public sacrifice and rustic subsistence hunting, customs like the games of Ceres and Flora no doubt made Romans more receptive to the carnage of beast spectacles in the arena.

As Rome conquered Italy and embarked on overseas expansion, Roman hunting took on new dimensions. Under Greek influence and consistent with changes in society, well-to-do Romans took up sport hunting in the Italian countryside as an elitist recreation.<sup>52</sup> Moreover, from Macedon and the Hellenistic East, which had learned it from Egypt, Assyria, and Persia, Rome also adopted the custom of 'royal hunts', of collecting and transporting large numbers of beasts, often unusual and foreign ones, to be displayed or usually killed as a demonstration of imperial power and territorial control.<sup>53</sup> Roman generals adapted this practice as a natural expansion of votive games and triumphal celebrations. The collection of the animals was equivalent to a circumambulation ritual of 'beating the bounds' to lay claim to hunting territory, and the exotic animals were paraded like exotic prisoners of war.<sup>54</sup> Since hunting in the wilds was seen as a good preparation for warfare,<sup>55</sup> and exposure to the blood and death of humans in the arena was considered a positive acculturation for citizens of this warrior nation, exposure to the blood and death of animals in hunts in the arena would have been seen to have similar benefits.<sup>56</sup>

### Munera: rites and spectacles

The prime occasions for abundant human death were the *munera*, which were originally violent rites associated with funerals as duties or tributes owed to dead ancestors.<sup>57</sup> Tertullian gives the standard Christian position on the origin of gladiatorial *munera*:

The ancients thought that by this sort of spectacle they rendered a service to the dead, after they had tempered it with a more cultured form of cruelty. For of old, in the belief that the souls of the dead are propitiated with human blood, they used at funerals

to sacrifice captives or slaves of poor quality whom they bought. Afterwards it seemed good to obscure their impiety by making it a pleasure. So after the persons procured had been trained in such arms as they had and as best they might — their training was to learn to be killed! — they did them to death on the appointed day at the tombs. So they found comfort for death in murder.<sup>58</sup>

As we have seen, rituals of condemnation, execution, and sacrifice all existed at Rome before the introduction of gladiatorial games. At the earliest level sacrifice and punishment overlap in that both seek security for the community. Death spectacles were a way to punish criminals, to dispose of captives, to venerate the dead, and to demonstrate munificence. As Tertullian says, these 'sacrifices' and executions were ritualized into entertainments and performances; Rome turned the *munus* into a 'pleasure' and a 'more cultured form of cruelty'. As well as punishments and sacrifices, *munera* became entertainments.

Romans may always have staged contests or, less likely, human sacrifices at the funerals of prominent men, but the earliest recorded gladiatorial combat at Rome was not until 264 BC. Violence was essential to the *munus*: blood could be spilled in the *spectacula gladiatorum* and later the *venationes*, the beast fights, overflowed from *ludi* to *munera*. In early *venationes* wild animals faced skilled and well-equipped hunters, and over time in *munera* beasts were set against other animals or set upon (almost or fully) defenseless victims. Though subject to state regulations by the first century, *munera* at Rome were organized privately by individuals or families until the end of the Republic. They became politically expedient and even essential, but they were not part of a magistrate's official duties.<sup>59</sup>

Traditionally, works have assumed that Rome adopted gladiators from the Etruscans.<sup>60</sup> As Wiedemann notes, moderns were long willing to blame the 'oriental' Etruscans for corrupting the European Romans.<sup>61</sup> Sixth-century Etruscan tomb paintings depict a blindfolded man with a club or lash being attacked by a dog and attended by a masked figure named Phersu with a whip or leash. The involvement of a beast and some hindrance or abuse of the victim are intriguing, but it remains uncertain whether the 'game of Phersu' was an execution, sacrifice, contest, or performance.<sup>62</sup> Exponents of an Etruscan origin for gladiators feel that this was a form of funerary human sacrifice turned into a ritual competition. By the fourth century scenes of the killing of bound captives, especially attended by the death demon Charon, were prominent,<sup>63</sup> but the Phersu 'game' at best was a precursor to Roman beast combats.

Although it is unlikely that gladiatorial combats per se came to Rome solely through Etruscan influence, it is likely that the legacy of Etruscan rule contributed in significant ways to Roman spectacles of death. As well as their enthusiasm for spectator sports, most notably chariot racing, the Etruscans passed on to Rome their preference for foreign, slave, or captive

performers, and the notion that good citizens watched rather than performed in public games. Like the Etruscans, the Romans believed in social stratification in this world and beyond.<sup>64</sup>

Scholarship now tends to reject an Etruscan origin for gladiators in favor of a Campanian, Sabellian, or Samnite one. Fourth-century tomb paintings and vase paintings from Campania seem more obviously to depict armed single combats, and sources do refer to Campanian combats at banquets.<sup>65</sup> Suggesting that gladiatorial games originated in South Italy or Campania among Oscans and Samnites in the early fourth century or earlier, Ville argues that Campania had gladiatorial fights as part of funeral games. In these fourth-century combats elite volunteers competed for prizes, but fought mainly to expend energy and only to the point of first bloodshed. From Homer's *Iliad* 23 Ville suggests that the original combats were not to the death, but that death became common as slaves and captives were used. From their armament, prizes, and organization, he argues that gladiators were professionalized under the Etruscans: men might be spared for doing a good professional job to the point of injury or incapacity, or they were killed as a penalty for a poor job.<sup>66</sup> However, certain evidence for gladiatorial prizes, decision ceremonies and volunteerism at Rome does not appear until at least a century after 264 (see ch. 3 below).

The origin of gladiatorial and beast combats is probably not a historical question answerable in terms of a single original location (e.g. Etruria or Campania), a single original context (e.g. sacrifice, contests, vengeance, scapegoats), and a simple linear transmission (e.g. Etruria to Rome). Combats, sacrifices, and blood sports were simply too widespread in antiquity. Before the first gladiatorial fight in 264 Rome had already been exposed, directly or indirectly, to all the suggested original influences. By then Rome already knew other spectacles of death: animals sacrificed, tormented, or hunted in festivals, criminals consecrated to Ceres and executed, and countless acts of brutality in war. Since the adoption of imported cultural features such as sports and spectacles usually involves cultural adaptation, whatever the origins or precursors beyond Rome, the best historical approach is to concentrate on the context of Rome's adoption and development of the gladiatorial spectacle.<sup>67</sup>

Romans apparently became familiar with Campanian gladiatorial combats in the late fourth century. Livy writes of a battle in 308 of Romans and Campanians against Samnites, who fought with inlaid shields, plumed helmets, and greaves on their left leg. In battle the Samnites 'dedicated themselves in the Samnite manner' (see 10.38.2–4 on the *devotio* and oath of the Samnite troops) and C. Junius Bubulcus attacked them 'declaring that he offered these men as a sacrifice to Orcus (Pluto)'.<sup>68</sup> Celebrating the victory, the Romans adorned the Forum with the captured arms.

So the Romans made use of the splendid armour of their enemies to do honour to the gods: while the Campanians, in consequence



of their pride and in hatred of the Samnites, equipped after this fashion the gladiators who furnished them entertainment at their feasts (*gladiatores, quod spectaculum inter epulas erat*), and bestowed on them the name of Samnites.

(Livy 9.40.17, Loeb)

The Romans did not use the spoils for gladiatorial entertainments at banquets in Campanian fashion, but the incident exposed them to elements of the later *munus*: gladiatorial entertainment, *devotio* (positively by Samnites, negatively by Romans), Samnite gladiatorial armor, and 'Samnite' – like later 'gladiator' – as a hateful insult for a foe.<sup>69</sup>

After the Samnite Wars and Rome's further expansion to the south, to honor their dead father the sons of Decimus Junius Brutus Scaeva, another member of the Junii, gave the first gladiatorial *munus* at Rome in 264 BC, a modest affair with three pairs of gladiators in the Forum Boarium. 'Pairs', presumably each with a loser and a victor, is suggestive, but there is no mention of later standard elements: crowds, a special facility, training and skills, appeal for *missio*, manumission, etc. Campanian influence, however, is suggested by the Campanian experience of the earlier Junius, the consul of 317.<sup>70</sup>

The Romans had not adopted gladiators in 308 BC, but did so by 264. Significantly, the first display of animals, elephants captured in warfare shown by a general, had taken place in Rome in 275, and in 270 there had been a public execution of rebel soldiers in the Roman Forum (see below). The military demands of the conquest of Italy had been great, spotlighting successful generals and facilitating the political gains of the Struggle of the Orders. Constitutionally the Struggle ended Rome's old caste system: the plebeians shared the consulship, they dominated the Tribal Assembly, and by 287 they could legislate. After centuries of stratified hierarchy and with the entrenched conservative ideology of *mos maiorum*, Rome did not become egalitarian, nor did its elite welcome upward mobility in politics. In this age of political readjustment the Roman elite reformulated itself as the 'nobles' (*nobiles*), a class of descendants of office-holders.<sup>71</sup> The nobles included successful plebeian families, but like the old patricians the nobles saw themselves as an exclusive elite entitled to run the state. Since non-nobles were no longer formally excluded from higher offices, to establish and maintain their legitimacy, to stay on top in the competitive world of popular politics, the new elite had to compete and dominate in the political arena. They could no longer rely simply on birth. Along with a number of para-political devices such as clientship, marriage, factions, and bribery, they had to restore the deferential tendencies of the now potentially dominant masses by active competitive demonstrations of their worthiness for leadership. As Roman social and political dynamics became more complex, the elite shifted from personal single combats and military exploits, as a way

to display valor essential to political power, to more indirect devices including the provision of military displays in triumphs, *venationes*, and *munera*.<sup>72</sup>

Political anthropology, stressing the effectiveness of gestures, symbols, and ceremonies, has noted the widespread use of displays of power, wealth, generosity, and clemency in the 'Roman Revolution', but such use of *munera* developed in the third century. Elite Romans had long used elaborate funerals to reinforce familial claims to status, and they would later use imposing monuments and tombs as more enduring symbols. Just as the feasting and circus and theatrical games of triumphal *ludi* were vindications of awarded *dignitas*, the innovation of the gladiatorial *munus* on a limited, almost experimental, basis in 264 allowed families, under the pretext of honoring a dead relative, to display their claim to status.<sup>73</sup> With the wars against Carthage and with elite families vying for consulships and thus generalships, demonstrations of the destruction of foreign captives, rebel slaves or deserters, or exotic beasts from the expanding limits of Roman power seemed entirely appropriate for the military leaders of a burgeoning empire. Through the era of the Punic Wars, often called 'the age of senatorial ascendancy', the nobles entrenched their control. From the magnitude of the Punic Wars to the Roman atrocities in Spain, Romans fought 'total' wars against non-Italians and became more tolerant and even expectant of public brutality.<sup>74</sup> In the same period *munera* and *venationes* expanded in scope and frequency as the provision of spectacles of death was becoming more and more politically advantageous.

The symbolic dynamics of the gladiatorial combat – what its actions and participants 'meant' to the Romans beyond the demonstration of the status of the provider – emerged (or were 'constructed') as despair forced adaptation in the wake of the defeat at Cannae in 216 BC.<sup>75</sup> Cannae and its aftermath crystallized the ideology of military virtue, of enlistment, endurance, and elevation, that Rome traditionally expected of its soldiers in battle and now demanded of gladiators in the arena. Hannibal's legacy included an intensified need for Rome to show foes and rebels being destroyed in public on a grand scale, a need to demonstrate that poor fighters would be punished and good soldiers rewarded,<sup>76</sup> and a need to entertain and communicate with urbanized and underemployed masses. Politicians and generals soon cultivated these needs into a peculiarly Roman social institution.

Cannae brought a national crisis of both mass despair and depleted resources.<sup>77</sup> Of the same family that introduced the gladiatorial combat in 264, the Dictator Marcus Junius Pera,<sup>78</sup> and his Master of the Horse, Tiberius Sempronius Gracchus, proclaimed a levy of young men over 17, sent to the allies and Latins for troops, and even turned to using slaves.

They gave orders that armour, weapons and other equipment should be made ready, and took down from the temples and porticoes the



ancient spoils of enemies. The levy wore a strange appearance, for, owing to the scarcity of free men and the need of the hour, they bought, with money from the treasury, eight thousand young and stalwart slaves and armed them, first asking each if he were willing to serve. They preferred these slaves for soldiers, though they might have redeemed the prisoners of war at less expense.

To these slave volunteers, Valerius Maximus explains, Rome administered an oath that they would bear arms and serve courageously as long as the enemy was in Italy.<sup>79</sup> As long as they individually expressed volition, Rome preferred slaves, selected for their fighting potential and equipped with the dedicated spoils of earlier wars, to free men who had already surrendered and broken their oaths.<sup>80</sup> Through virtue and fidelity to their oaths even the lowliest men could serve Rome by fighting and by inspiring free young recruits.<sup>81</sup>

Recounting the debate over whether to ransom the Roman captives from Cannae, Livy repeats the commonplace of Rome's disdain for prisoners who failed their oaths and surrendered. An envoy of the prisoners admits (22.59.1, Loeb) 'that no state ever held prisoners of war in less esteem than ours', but he argues that they had been brave and deserved to be spared, and that they valued their honor above life.<sup>82</sup> Titus Manlius Torquatus had intended to say little, merely to warn Rome (22.60.7) 'to hold fast to the tradition of our fathers and teach a lesson necessary for military discipline', but he felt that the envoy's speech almost boasted of their surrender.<sup>83</sup> In disgust Torquatus (22.60.14–15, Loeb) said, 'You lack even the spirit to be saved! . . . you have forfeited your status, lost your civic rights, been made slaves of the Carthaginians. Do you think to return, for ransom, to that condition which you forfeited by cowardice and turpitude?'<sup>84</sup> True to Rome's tradition of showing the 'scantiest consideration for prisoners of war' (22.61.1–3), the senate declined to ransom the captives. The envoy had said that slaves by their lack of civil rights were unworthy and despised, but the senate decided that slaves, by their willingness to serve Rome well, rose – morally if not legally – beyond their status and became admirable and preferable to men of status who had disgraced themselves and reduced themselves – morally if not legally – to the level of slaves.<sup>85</sup>

Cannae left a legacy of insecurity, a need for reassurance through brutality, and a willingness to see moral exempla beyond the ranks. After 216 the escalation of gladiatorial spectacles at Rome was almost geometrical.<sup>86</sup> The practice of pitting men against each other in contests to the death appealed to the warring Romans, and it grew quickly because it was politically effective. So popular were such displays that generals held them beyond Rome and foreign leaders experimented with them in their own domains.<sup>87</sup>

Soldiers – and probably early gladiators – were expected to win or die.<sup>88</sup> The arena's military morality plays reenacted the lessons of Cannae: gladiators

faced death in the arena like those slave volunteers and like the heroes who died in battle.<sup>89</sup> Roman deserters and rebels, however, were beyond hope and were to die miserably.<sup>90</sup> In 270, 300 or more Campanian troops who rebelled and took over Rhegium in South Italy were sent to Rome, paraded into the Forum, bound to stakes, scourged in public, and executed by having the back of their necks cut with an axe.<sup>91</sup> In 214, 370 deserters caught in southern Italy were publicly scourged in the place of assembly (*comitium*) and thrown from the Tarpeian Rock at Rome, and in the same year Claudius Marcellus, the Roman commander of Sicily, stormed pro-Carthaginian Leontini and beheaded 2,000 troops as deserters.<sup>92</sup> Using an even more spectacular form of execution, in 167 Lucius Aemilius Paullus had non-Roman deserters trampled to death by elephants, and in 146 Scipio Africanus Minor, as well as crucifying Roman and beheading Latin deserters at Carthage, threw non-Roman deserters and runaway slaves to wild beasts at public shows at Rome.<sup>93</sup> The brutal destructions of Carthage and Corinth in 146 were emphatic demonstrations that Rome would tolerate no insubordination, that it would eliminate perceived threats and punish affronts with utmost severity and without remorse. Such messages increasingly moved from the military frontier to the artificial confrontations in arenas at Rome.

#### Late Republic: power, proscriptions, and multi-dimensional spectacles

In origin rituals of piety, punishment, or reassurance, spectacles of death, through expansion and recurrence, became ritualized entertainment.<sup>94</sup> On the decline of morality after 146 owing to excessive prosperity, Florus (1.47.10, Loeb) says that the excessive size of slave establishments led to Servile Wars: 'How else could those armies of gladiators have risen against their masters, save that a profuse expenditure, which aimed at winning the common people by indulging their love of shows, had turned what was originally a method of punishing enemies into a competition of skill (*supplicia quondam hostium artem faceret*)?' In other words, politics turned damned victims into performers. Pliny tells us that Gaius Terentius Lucanus, who celebrated his grandfather's death with a show of thirty pairs in the Forum in the second half of the second century, began the practice of publicly exhibiting commissioned pictures of gladiatorial shows.<sup>95</sup> Displays were effective. In 122 Gaius Gracchus, seeking popular support as tribune, took down the barriers built around an arena in the Forum for a gladiatorial show and opened spectatorship without payment to all Romans.<sup>96</sup> Politicians responded to the Romans' desire to watch gladiators, and punitive performances in spectacles developed a hierarchy of craft or entertainment value.

With the escalation of combats, gladiatorial virtues and skills became more appreciated, the worlds of the gladiator and soldier were increasingly correlated, and the facilities used to house the combats took on characteristic

and monumental features. Rutilius Rufus as consul of 105 BC began the practice of using gladiatorial trainers to instruct landless army recruits;<sup>97</sup> this was formerly misinterpreted as the introduction of official *munera*.<sup>98</sup> Recently, Welch has tied the emergence and spread of gladiatorial shows and amphitheatres to military training and the interests of military veteran colonists in the first century BC. Rejecting the conventional interpretation of the amphitheater as a Campanian invention, she makes a convincing argument that amphitheatres spread not from Campania to Rome but from the Roman Forum to Campania and elsewhere with the establishment of military colonies, as at Pompeii and Capua. She associates the model for the oval amphitheater with gladiatorial shows (from the third century on) in the Forum at Rome, where temporary wooden seating for gladiatorial shows was adapted to the trapezoidal space of the Forum and led to the typical elliptical shape of amphitheatres.<sup>99</sup> She feels that the amphitheater at Pompeii of around 70 BC was made specifically for veteran colonists, that the idea was familiar from shows in the Roman Forum, and that such amphitheatres made statements about Roman power and cultural distinctiveness.<sup>100</sup>

From Marius and Sulla to Octavius and Antony, rival warlords and triumvirs established a parasitical perversion of earlier spectacles of death-proscriptions. Violence and homicide had erupted somewhat spontaneously against the Gracchans earlier, but these new homicides were planned and orchestrated. Now citizens of status – not criminals and slaves – were condemned and killed publicly in artificially ritualized public spectacles. Early rituals of execution were adapted for vengeance and political intimidation, there was no reassurance for the community, and the terror was long remembered.<sup>101</sup> Proscriptions, the collapse of the façade of the Republic, and the autocratic power of generals with client armies all added to the disruption and despair of the civil war era.

In the first century BC rival generals expanded and conflated existing spectacles and imported or invented variations to court popular support. The actual activities, the range of spectacular killing, became very similar in *munera* and triumphal *ludi*. In theory or pretext *munera* under the Republic were apparently always associated with death and funerary honors, but aspiring politicians clearly had to provide spectacles of death, whether officially in *ludi* or unofficially in *munera*.<sup>102</sup> A law of 63 made it *ambitus* (electoral corruption) to give gladiatorial shows, banquets, or cash within two years of candidacy, but candidates sidestepped the law.<sup>103</sup> In the 60s and 50s politicians also extensively used gangs of gladiators for protection.<sup>104</sup>

Dynasts, and soon emperors, put on grander and more complex shows, using funeral and triumphal honors and the festival calendar as excuses. By the late first century BC Rome had what might be called 'conglomerate spectacles', what Ville calls *munera legitima*, multi-dimensional entertainments combining any or all of the once distinct elements discussed above.

Different events were held in sequence throughout the day: *venationes* in the morning gave way to *meridiani*, the midday games – essentially executions – and *munera* followed in the afternoon.<sup>105</sup> Such conglomerate spectacles conflated pretexts (e.g. funerals, victory *ludi*, magisterial duty, electoral largesse, hunts, public banquets, patronage, punishment, vengeance) and were soon institutionalized by autocracy. From the circus to the theater, formerly separate elements continued in combination, with violence as the common mortar.

In numerous ways the career of Julius Caesar signalled the end of the Republic and the need for a transition to Empire. In the history of the spectacles Caesar was innovative in scale, context, and content. He got past the need for the recent death of a male relative: in 65 he held games for his long-dead father (with gladiators and a combat of criminals with silver weapons against beasts) and in 45 he held a *munus* for his daughter, who had died eight years earlier.<sup>106</sup> He kept gladiatorial troops at Capua and assembled so many gladiators at Rome (320 pairs) in 65 that a bill was passed limiting the number that a person could keep in the city. After the civil wars his triumphal games outdid even those of Pompey.<sup>107</sup> As well as a *venatio* with 400 lions and the first display of a giraffe at Rome, as Suetonius (above) shows, Caesar's spectacles compounded many earlier activities (e.g. gladiators, stage-plays) with new variations such as athletic contests, Thessalian bullfighting, the Game of Troy, and mock battles both on land and on water.<sup>108</sup> In his games in the Circus in 46 Caesar put on a mock battle with 500 troops, thirty horsemen, and twenty elephants in each army. Rather than harmless military displays or even combats of professional gladiators, these 'mock battles' were spectacular mass executions of captives.<sup>109</sup>

In his triumphal spectacles of 46 BC, Julius Caesar gave the first naumachy or 'mock sea battle' at Rome.<sup>110</sup> *Naumachiae* meant both the artificial sites and the spectacles – large shallow basins with banks of seats for spectators, and the 'mock' naval battles staged thereon with large numbers of victims and mass killing.<sup>111</sup> Caesar had a special basin dug in the Campus Martius, and 4,000 oarsmen and 2,000 fighters in costume recreated a battle between Tyrians and Egyptians.<sup>112</sup> In 2 BC Augustus built a large naumachy on the right bank of the Tiber (see map 1) to mark the dedication of the Temple of Mars Ultor, and 3,000 fighters staged the battle of Salamis with Athenians against Persians.<sup>113</sup> Titus staged one on Augustus' lake (along with other water spectacles) in which 3,000 men put on the battle of the Athenians against the Syracusans, and another one in the Colosseum in AD 80 with Corcyreans against Corinthians.<sup>114</sup> As Coleman suggests, emperors tried to outdo each other by producing such technologically miraculous spectacles. Symbolically, the recreation of ancient naval battles in Rome was meant to demonstrate the emperor's power over history and nature, and thus confirm his claim to eventual apotheosis.<sup>115</sup>

Apparently Caesar's legacy also included the first associations of *munera* with state expenditure and with the duties of officials. Contrary to Wiedemann's argument that all Republican *munera* were held in private contexts (see above), Welch notes that Caesar's municipal legislation ordered that public funds were to pay part of the cost of the *munera* given by *duoviri*. She also argues that gladiatorial combat was part of the Quinquatrus festival to Minerva at Rome by 43 BC.<sup>116</sup> Gladiatorial *munera* were officially organized (if perhaps not institutionalized) in 44 in the sense that the senate ordered that Caesar be given a special day of his own in association with all gladiatorial games at Rome and in Italy.<sup>117</sup>

In political history the pivotal role of Augustus in the transition from Republican politics to imperial rule has always been recognized. Recently cultural and social historians increasingly have stressed his role in orchestrating changes in Rome's perceptions of its own cultural identity, its social customs, and its images of power.<sup>118</sup> Wiedemann argues that Augustus monopolized the symbolic value of *munera* for the Principate, that he institutionalized and centralized *munera* on an official basis with legislation, imperial gladiatorial schools (*ludi*), and an imperial administration, and that he expanded and dispersed these spectacles of death through the emperor cult.<sup>119</sup> Wiedemann further shows that gladiatorial combats, which had become emblematic of Romanness (*Romanitas*) during the unification of Italy, were exported and emulated throughout the empire. Under Augustus *munera* were established even in the Greek East by provincial elites trying to proclaim their *Romanitas*. Wiedemann also ties Augustus to the tripartite format of morning hunts, midday executions, and afternoon gladiatorial combats, and to the concentration of *munera* on a few days near the winter solstice and in March.<sup>120</sup>

As Suetonius (*Aug.* 43.1, Loeb) says, Augustus 'surpassed all his predecessors in the frequency, variety and magnificence of his public shows'. Wanting to dominate the giving of *munera*, in 22 BC Augustus limited the praetors to two shows while in office, with a maximum of 120 gladiators.<sup>121</sup> He also seems to have crafted an efficient empire-wide administrative system using procurators (*procuratores familiae gladiatoriae*).<sup>122</sup> His system of conglomerate spectacles of death at Rome continued under the Julio-Claudians and Flavians and remained intimately tied to the imperial regime. The bureaucracy and the facilities used expanded into elaborate imperial schools and the Flavian Amphitheater.<sup>123</sup> Under the Empire the amphitheater and the circus became forums for the definition of the limits of popular and imperial sovereignty. Although not officially a requirement, magnificent, properly held games were a necessary if not sufficient condition for the popularity of emperors.

### Spectacular punishments: summa supplicia and 'fatal charades'

With the institutionalization of conglomerate spectacles came variations on ritualized public executions of criminals (and in time Christians).<sup>124</sup> Rome did not execute everyone the same way. Quick and unaggravated, decapitation at the edge of town was the most discreet form of execution, a privilege for citizens of status.<sup>125</sup> For a host of crimes Rome punished criminals of low status with aggravated or ultimate punishments (*summa supplicia*), which included exposure to wild beasts, crucifixion, and burning alive.<sup>126</sup> One could also be condemned to become a gladiator, or sent for life to the mines (*metallum*) or public works (*opus publicum*).<sup>127</sup> From the time of Augustus on, various forms of executions were performed on an increasingly spectacular basis in the arena. The victim's lasting agony and death provided a terrifying and exemplary public spectacle.<sup>128</sup> Some of the punishments have precedents under the Republic (see above), but under the Empire the torture and aggravated death of criminals became a standard part of *munera*.

According to the XII Tables men might be bound, beaten, and burned alive (*vivicomburium, damnatio ad flammam, vivus uri, crematio*) as an ancient penalty for treachery and arson.<sup>129</sup> This was rare under the Republic, but the Roman masses knew the violent use of fire as a threat and as vengeance.<sup>130</sup> More common under the Empire, execution by fire was mostly for slaves and the lower orders (*humiliores*) for arson, desertion, magic, and treason, and it was an especially common punishment for Christians (see ch. 8 below). Used earlier in the Near East and probably invented by Persia,<sup>131</sup> crucifixion at Rome seems to have developed from a form of punishment (the public carrying of a cross, being bound to it, and whipped) to a form of execution (being attached to a cross and suspended).<sup>132</sup> Usually this form of execution was authorized by the Roman court; the victim was stripped and scourged; a horizontal beam was placed on his shoulders; and he was marched to the execution site, usually outside the city walls, where a vertical stake was set in the ground and the man was bound or nailed to the cross.<sup>133</sup> The normal form of execution for criminal slaves, crucifixion was used frequently against rebellious Jews and Christians.<sup>134</sup> For exemplary effect, crucifixions were held at well-travelled public roadways, offering a stark contrast to the hallowed burials of good citizens nearby.<sup>135</sup>

As we have seen, Roman generals had killed deserters and runaway slaves via beasts in the second century, and exposure to beasts (*damnatio ad bestias*) became a supplement to *munera*. Little known under the Republic, it became more common than fire or crucifixion under the Empire. Criminals were led into the arena almost or fully naked, with a rope or chain around their necks, sometimes bearing the verdict (*titulus*) attached to them. Their condemnation was proclaimed, and, tied to posts or without weapons, they were exposed to

beasts. Beasts (see figures 1b and 4) were a common penalty for slaves, foreign enemies, and free men guilty of a few heinous offenses, but Severan sources show more use concerning rustling, murder, and sacrilege.<sup>136</sup>

Such aggravated punishment might even be compounded. In Apuleius (*Met.* 6.31–2, Loeb) a group of men debate how to punish and gain revenge upon a girl. Some suggest that she should be burned alive, thrown to the beasts, hanged on a gibbet, or flayed alive with tortures (*tormentis excarnificari*). Another man, saying that she deserves more than these sudden deaths, proposes that the girl be stripped and sewn into the belly of an unreliable ass, with only her head exposed:

Then let us lay this stuffed ass upon a great stone against the broiling heat of the sun . . . she shall have her members torn and gnawed with wild beasts, when she is bitten and rent with worms; she shall endure the pain of the fire, when the broiling heat of the sun shall scorch and parch the belly of the ass; she shall abide the gallows, when the dogs and vultures shall drag out her innermost bowels.

Such images might be dismissed as figments of literary imagination, but they were inspired by familiarity with horrific historical punishments.<sup>137</sup>

Executions became even more spectacular and dramatic in what Coleman calls 'fatal charades' – 'the punishment of criminals in a formal public display involving role-play set in a dramatic context; the punishment is usually capital'.<sup>138</sup> Coleman's definition is based on Tertullian (*Ad nat.* 1.10.47; also *Apol.* 15.4–5) concerning criminals in mythological roles in *meridiani*: crowds laughed as an Attis was castrated or a Hercules was burned to death.<sup>139</sup> In the earliest known example, probably in the late 30s BC, Selurus, a Sicilian brigand, was placed on a model of Mount Etna at Rome, which collapsed and dropped him into a cage of wild beasts.<sup>140</sup> Such incidents actually took place, for myths and legends became real punishments in the arena. For his crimes, Laureolus, as the character Prometheus in a play, was crucified and mauled to death by a bear on stage in the amphitheater.<sup>141</sup> Most evidence for charades comes from the second half of the first century AD, notably Martial's *On the Spectacles*, and concerns events mostly under Nero and Titus. As motives Coleman suggests an increased taste for realism on stage, the demonstration of absolute, autocratic power, and possibly scapegoat (e.g. dressing up in costumes as an honorific ritual prior to punishment) or compensatory reactions to disasters (e.g. Vesuvius, fires).<sup>142</sup> As factors in the psychological appeal of fatal charades, Coleman suggests the audience's endorsement of just punishment of deserving victims, the reinforcement of social inequality, and a fascination with horror.<sup>143</sup> The state as rule-enforcer cooperated with the audience as sanctioners by their participation: authoritarian power was approved by mass disapproval of the

breaking of social norms. Feeling morally superior and distant, the spectators showed no humanitarian sentiment or sympathy. Crowd reactions were ones more of pleasure than revulsion, amusement rather than terror.

Against the perspective of *summa supplicia* and fatal charades, the actual methods of execution of Christians in the persecutions seem less bizarre or extreme. Punishment of Christians was not unique, nor was it the greatest element in Roman spectacles of death, but special animosity or abuse was possibly involved (see ch. 8 below). Under the Empire Rome's legal system clearly sanctioned violence against the lowly or the disloyal, and more and more victims were punished in spectacularly brutal ways. Arena death became both banal and surreal, and it continued throughout the history of the Empire and even later.

After Christian protests about gladiatorial fights as idolatrous and demonic, Constantine forbade them in 325, but the ban probably only applied to the eastern Empire and it was in vain. Gladiatorial combats continued on for many years.<sup>144</sup> Rejecting anachronistic perceptions of the end of gladiatorial combats as a simple legislative *fait accompli*, like the modern abolition of slavery, Wiedemann offers a cultural explanation for the eventual decline of the shows. He suggests that Christians were uncomfortable with the Roman imagery of gladiatorial salvation and resurrection, that gladiatorial survival in this world was a symbolic rival for Christian resurrection beyond this world. He points out that in the fourth century imperial gladiatorial combats were concentrated at the winter solstice and in March, times which Christians later claimed for Christmas and Easter, that the end of gladiatorial combats does not coincide with the triumph of Christian emperors, and that combats continued through the fourth century despite local or temporary bans. He concludes that the combats were not killed but rather died off gradually in the fifth century as the Christian sacraments provided a Christian, less urban, less Mediterranean-based society with a more satisfactory model of resurrection.<sup>145</sup> In more mundane terms, gladiatorial games had been dependent on imperial (economic and legal) structures and munificence for centuries; with a few exceptions (e.g. the Northwest) they ended with the demise of emperorship in the West. While beast shows and executions continued on a reduced scale, gladiatorial combats, as the most expensive and infrequent spectacles, were vulnerable to the systems collapse of the western Empire.

## NOTES

1 My use of 'victim' is modern, not Roman. From our point of view even the justifiable killing of the guiltiest man or the fiercest beast in the arena involved inappropriate abuse of the sufferers and enjoyment by the spectators. From the Roman point of view, however, the victims deserved their treatment, and Rome deserved the entertainment.

2 Suet. *Iul.* 39, Loeb; on Caesar, see below.

- 3 Dio 66.25.1–5, Loeb; cf. Suet. *Tit.* 7.3; Mart. *Spect.*
- 4 Dio 68.15.1. Edmondson (1996) 70–1, with nn. 4–7, clarifies that this was preceded by another show organized by Hadrian in 106 (SHA *Had.* 3.8), adds the testimony of a calendar of public events from Ostia (*Inscr. Ital.* 13.1, no. 5, frags. 21–2) including details of another show by Trajan in AD 108–9.
- 5 Herein I use arena (*harena* (*arena*): sand, sanded place) as the generic word for any site (e.g. from the Forum to amphitheatres) where blood sports were held. For overviews of the spectacles, and compendia of evidence, the works of Friedländer (1965), vol. 2; Robert (1940); Ville (1981); Balsdon (1969) 244–313; K. Schneider, 'Gladiatores', *RE Suppl.* 3 (1918) 768–84; and G. Lafaye, 'Gladiator', *Dar.–Sag.* 2 (1896) 1563–99, remain starting points for lesser derivative studies like this one. Auguet (1972) and M. Grant *Gladiators* (London: George Weidenfeld and Nicolson, 1967, repr. New York: Barnes and Noble, 1995) are readable but without footnotes. Recent treatments include Wiedemann (1992); Golvin and Landes (1990); Clavel-Lévêque (1984a) and others noted in ch. 1.
- 6 On sacrifice: Burkert (1983), esp. 1–22, and now his *Creation of the Sacred: Tracks of Biology in Early Religions* (Cambridge, Mass.: Harvard U., 1996); *Le Sacrifice dans l'antiquité* (Geneva: Fondation Hardt, 1981); J. Scheid, 'Sacrifice, Roman', *OCD*<sup>3</sup> (1996) 1345–6. Cf. ch. 1 above. Lincoln (1985), 9–29, interprets Indo-European sacrifice as a ritual repetition of creation, both cosmogony and sociogony, tied to a myth of creation through dismemberment. Some pieces of the victims were distributed differentially and eaten to represent the social order and some pieces were dispersed to the cosmos (e.g. through fire) to relate the microcosm to the macrocosm; see further in his *Myth, Cosmos and Society: Indo-European Themes of Creation and Destruction* (Cambridge, Mass.: Harvard U., 1986).
- 7 On Roman festivals and cults, see H. H. Scullard, *Festivals and Ceremonies of the Roman Republic* (Ithaca: Cornell U., 1981). Christian objections led Constantine to forbid beast sacrifices as idolatrous: Euseb. *Vit. Const.* 4.25; *CTh* 16.10.2.
- 8 Suggesting that gladiators devoted themselves to gods, or that victims for execution were consecrated to gods or spirits of the dead, some see stylized or attenuated forms of human sacrifice in the arena. E.g. H. S. Versnel, *Inconsistencies in Greek and Roman Religion*, vol. 2, *Transition and Reversal in Myth and Ritual*, 2nd ed. (Leiden: Brill, 1994) 210–17, feels that human arena victims were still seen to some degree as sacrifices even under the Empire. Cf. Barton (1994) on the sacralization of victims; and further below in ch. 3.
- 9 Like Achilles' sacrifice of the Trojan captives on the pyre of Patroclus, Aeneas captured eight enemy warriors alive to pour their blood on the flames of the pyre of Pallas as offerings to his shade: Verg. *Aen.* 10.517–20. See S. Farron, 'Aeneas' Human Sacrifice', *A. Class.* 28 (1985) 21–33.
- 10 A. Rouselle, *Porneia: On Desire and the Body in Antiquity*, trans. F. Pheasant (Oxford: Basil Blackwell, 1988) 112–21, 124–8, argues that human sacrifice, especially of children, to gods such as Saturn, Ceres, Cybele, and Baal continued in Syria and North Africa under Rome into the third century. Cf. Pignaniol (1923) 126–36. For a detailed study, see Shelby Brown, *Late Carthaginian Child Sacrifice and Sacrificial Monuments in their Mediterranean Context*, JSOT/ASOR Monograph Series no. 3 (Sheffield: JSOT Press, 1991). Cf. further in J. Rives, 'Tertullian on Child Sacrifice', *MH* 51 (1994) 54–63. On human sacrifice and *irinquī* in Gaul, see ch. 8 below.
- 11 On Aztec and Mayan sacrifices, see ch. 4 below. See Patrick Tierney, *The Highest Altar: Unveiling the Mystery of Human Sacrifice* (New York: Penguin, 1989) for an anthropological demonstration that the rite continues in modern South

- America. We generally assume, from an evolutionary and modernist perspective, that in most cultures human sacrifice has usually become mollified over time and stylized into the offering of surrogates or symbolic effigies or into the staging of contests and duels involving exertion and often bloodshed but usually not death. For a general survey using a broad definition, see Nigel Davies, *Human Sacrifice in History and Today* (New York: William Morrow, 1981).
- 12 Greek myth and legend viewed human sacrifice as a ritual of expiation to appease the gods and as a way to honor or avenge a dead friend or relative. Dennis D. Hughes, *Human Sacrifice in Ancient Greece* (London: Routledge, 1991) 1–8, approaches human sacrifice – the killing of a human offered to a super-human recipient – as but one type of ritual killing of humans, which he defines, 3, as 'a killing performed in a particular situation or on a particular occasion (a religious ceremony, a funeral, before battle, etc.) in a prescribed stereotyped manner, with a communicative function of some kind'. Hughes notes the recurrence of the motif of human sacrifice in literature and myth (e.g. Iphigenia), but sees almost no sound, clear archaeological evidence of the practice in Greece. Similarly, A. Henrichs, 'Human Sacrifice in Greek Religion: Three Case Studies', in *Le Sacrifice* (1981) 195–235, sees no undeniable evidence of human sacrifice in Greek or Latin literature, but suggests that the idea still had influence.
- 13 Vocabulary: J. Rives, 'Human Sacrifice among Pagans and Christians', *JRS* 85 (1995) 65–85, at n. 9 on 66. Davies (1981), 52, explains that premodern societies did not see execution as distinct from sacrifice: 'In general terms, throughout the history of mankind, sacrifice, vengeance and penal justice were not separate notions but different facets of the same process, needed alike to protect the state against the wrath of the gods.'
- 14 Accepting violence as universal and cyclical, Girard (1977) theorizes that primitive societies used human sacrifice to resolve great 'sacrificial crises', that the killing (or exiling) of a victim or scapegoat resolved social tensions and restored (social and cosmic) order until the next cycle of crisis and solution. James G. Frazer, *The Golden Bough: A Study in Magic and Religion* (repr. London: Macmillan, 1957, orig. 1922) 756–8, notes that in ancient cultures scapegoats (sometimes criminals) might be scourged (to rid them of maleficent influences), killed, driven beyond bounds, stoned, or thrown into the sea (or burned and their ashes thrown into the sea) to purify the community. In Greece the scapegoat (*pharmakos*) was elevated, honored, and then expelled (but probably not killed) as atonement for the community: see Jan Bremmer, 'Scapegoat Rituals in Ancient Greece', *Harv. Stud.* 87 (1983) 299–320, esp. 315–18; W. Burkert, *Structure and History in Greek Mythology and Ritual* (Berkeley: U. California, 1979) 59–77; Hughes (1991) 139–65.
- 15 See Rives (1995), esp. 74–7, for testimonia and discussion. Also see Versnel (1994) 211–16. On the symbolism of human sacrifice and its relationship to accusations of cannibalism, see Andrew McGowan, 'Eating People: Accusations of Cannibalism Against Christians in the Second Century', *JECs* 2 (1994) 412–42, esp. 433–4, 437–8; cf. ch. 6 below. On Ausonius *Ecl.* 23.33–7 on gladiatorial games to Saturn/Cronus, see Wiedemann (1992) 47, and ch. 8 below.
- 16 The classic example, made famous in Frazer's *Golden Bough*, concerns the Latin sanctuary of Diana at Nemi, where a stylized version of the traditional sacrifice of kings was practiced to protect the crops; the underlying myth was that of the slain god (or priest king) correlated with the cycle of crops. On effigies, see below. Rives (1995) 66: 'certainly in historical times human sacrifice did not regularly feature in either Greek or Roman religion'.
- 17 See J. S. Reid, 'Human Sacrifices at Rome and Other Notes on Roman Religion',

- JRS 2 (1912) 34–45; J. P. V. D. Balsdon, *Romans and Aliens* (Chapel Hill: U. North Carolina, 1979) 245–8; Farron (1985); A. M. Eckstein, 'Human Sacrifice and the Fear of Military Disaster in Republican Rome', *AJAH* 7 (1982) 69–95; and D. Porte, 'Les Enterrements expiatores à Rome', *Rev. Phil.* 58 (1984) 233–43.
- 18 Livy 7.15.10, 7.19.2–3. Farron (1985), 23, feels that the incident was probably not historical. Cf. the treatment of rebel soldiers from Rhegium in 270 BC described below. On Etruscan human sacrifices, see L. Bonfante, 'Human Sacrifice on an Etruscan Funerary Urn in New York', *AJArch.* 88 (1984) 531–9; and L. Bonfante, ed., *Etruscan Life and Afterlife* (Detroit: Wayne State U., 1986) 262, 265.
- 19 Plut. *Marc.* 3.3–4; Dio, frag. 50; Oros. *Adv. Pag.* 4.13.3. Eckstein (1982), 76, puts the first human sacrifice in November of 228, a year and a half after the latest date for the Vestal scandal and trial in Livy *Per.* 20. See further in his Appendix, 82–7. On the location: Hinard (1987b) 112–13, 117.
- 20 Livy 22.57.2–6, Loeb; cf. Min. Fel. *Oct.* 30.4; Plut. *Fab.* 18.3. Plutarch, *Num.* 10.4–7, describes the traditional punishment of Vestals. On the burial of the Vestals as ritual expulsions of prodigies, see A. Frascchetti, 'La sepoltura delle Vestali e la Città', 97–129, in *Châtiment* (1984); and Eva Cantarella, *I supplizi capitali in Grecia e a Roma* (Milan: Rizzoli, 1991) 136–40. For a recent discussion, see Bauman (1996) 92–7, who sees Domitian's execution of Vestals (Suet. *Dom.* 8.3–4; Plin. *Ep.* 4.11.5) as a device to publicize his message of moral reform.
- 21 Livy *Per.* 63; Plut. *Quaest. Rom.* 83.
- 22 Traditional interpretation: C. Cichorius, 'Staatliche Menschenopfer', in his *Römische Studien* (Berlin: Teubner, 1922) 7–21. Eckstein (1982), 72, feels that Rome was restoring the *pax deorum* 'not in order to expiate the *prodigia* themselves, but in order to avert the impending danger'. Later Rome possibly continued to sacrifice Greeks symbolically via straw effigies; see ch. 7 below.
- 23 Dio 43.24.3–4, Loeb. Hinard (1987b) 15, 124, arguing for a sacralized execution ceremony at Rome, takes this as a ritual sacrifice to Mars. On displaying heads and on ritualized killings in proscriptions as abuses of rituals, see ch. 7 below. Allegations (e.g. Suet. *Aug.* 15; Dio 48.14.4; accepted by Sen. *Clem.* 1.11.2) that Octavian sacrificed 300 captive rebels (a conventional number) from Perusia at the altar of Caesar in 40 BC are rejected by Farron (1985) 26–7, as an exaggeration or invention from anti-Octavian propaganda. As well as showing revulsion (4.765–97), Silius Italicus (11.249–51, noted by Farron (1985) 30) says that a false accusation of human sacrifice was a way to slander an enemy. As McGowan (1994) 431–2, and Rives (1995) 73, observe, suggestions (Sall. *Cat.* 22; Plut. *Cic.* 10.4; Dio 37.30) that Catiline and his conspirators sanctified an oath by drinking human blood, or even sacrificing a human, were made to condemn Catiline as a barbarous and conspiratorial threat to Roman order, and thus to justify his punishment. Rives further notes, n. 67 on 79, that charges of human sacrifice were made against 'bad' emperors beginning with Didius Julianus. E.g. SHA, *Heliogab.* 8.1–2, claims that Élegabalus, raised to be a priest of Baal, shocked Rome as emperor by trying to introduce the sacrifice of children whose parents were alive, and he even had their entrails examined.
- 24 A problem remains concerning Pliny's comment (*HN* 28.2.12) that human sacrifice had taken place in Italy in his own time. Plutarch, *Marc.* 3.4, however, says that the human sacrifice of 228 was commemorated every November, implying that actual homicides were not performed. Eckstein (1982), n. 59 on 93, notes that, if Pliny is accepted, the senate's ban of 97 BC (Plin. *HN* 30.1.12)

- was not being upheld. Possibly Pliny was referring to illegal magical practices or to incidents of *devotio*, self-sacrifices vowed *pro salute* and enforced under Caligula. See ch. 7 below.
- 25 Rives (1995) quote at 76. Testimonia include Justin *Apol.* 2.12.5; Tatian *Ad Gr.* 29; Tert. *Scorp.* 7.6; Lactant. *Div. inst.* 1.21.3; Athan. *Gen.* 25; and more in Rives, n. 52 on 75. On the festival: H. J. Rose, 'De Iove Latiari', *Mnemos.* 55 (1927) 273–9.
- 26 Later Christians increasingly generalized about executions of criminals ritually dedicated to infernal deities. E.g. in the fourth century, Prudentius, *C. Symm.* 1.379–98, Loeb, wrote:

Look at the crime-stained offerings to frightful Dis, to whom is sacrificed the gladiator laid low on the ill-starred arena, a victim offered to Phlegethon in misconceived expiation for Rome . . . Why, Charon by the murder of these poor wretches receives offerings that pay for his services as guide, and is propitiated by a crime in the name of religion. Such are the delights of the Jupiter of the dead (*Iovis infernalis*) . . . Is it not shameful that a strong imperial nation thinks it needful to offer such sacrifices for its country's welfare? . . . With blood, alas, it calls up the minister of death from his dark abode to present him with a splendid offering of dead men . . . human blood is shed at the Latin god's festival (*Latiari in munere*) and the assembled onlookers there pay savage offerings at the altar of their own Pluto.

- Clavel-Lévêque (1984b), 190–3, 201, generalizes from such testimonia to argue that gladiatorial spectacles were always at some level a form of human sacrifice to revitalize the spirit of a family or to assure the safety of the state. On Charon, Dis, and *sacri*, see ch. 5 below.
- 27 Scullard (1981), 111–15, feels that the little puppets of humans hung in the trees during the *Feriae Latinae* were perhaps just charms against evil spirits or offerings to Jupiter to spare the living, but ancient writers saw these effigies (*oscilla*: Plut. *Quaest. Rom.* 86; Dion. Hal. *Ant. Rom.* 1.38.2; Schol. Bob. ad Cic. *Planc.* 23), typically thrown into the Tiber later, as substitutions for earlier human sacrifices. Cf. below on *oscilla* and hanging in ch. 4.
- 28 Another possibility is that Christians (e.g. Min. Fel. *Oct.* 30.5) misunderstood or misrepresented what seems to have been the occasional but actual use of blood from gladiatorial combats or executions in potions or rituals (see ch. 6 below).
- 29 Wiedemann (1992) 34: 'there is no evidence that the Romans in any period thought that any such human sacrifices [as at Perugia] were appropriate in connection with funerals'.
- 30 See A. Watson, *Rome of the XII Tables* (Princeton: Princeton U., 1975); T. Mommsen, *Römisches Strafrecht* (Leipzig: Dunker und Humblot, 1899, repr. Darmstadt: Wissenschaftliche Buchgesellschaft, 1961) 899–905; Cantarella (1991) 290–305; Claire Luvisi, 'La peine de mort au quotidien', 23–9, in Hinard (1995).
- 31 J.-M. David, 'Du Comitium à la Roche Tarpéienne: Sur certains rituels d'exécution capitale sous la République, les règnes d'Auguste et de Tibère', 131–76, in *Châtiment* (1984) 145.
- 32 A. C. Johnson et al., *Ancient Roman Statutes, a Translation with Introduction, Commentary, Glossary, and Index* (Austin: U. Texas, 1961) Doc. 8.8.9, 8.8.24b, repeats this and adds that sacrifice to Ceres was 'a punishment more severe than homicide'. Rome already conceived of punishments worse than death.



- 33 False witness: Johnson (1961) Doc. 8.8.23; slaves: Doc. 8.8.14; freemen were flogged and adjudged to the injured party for compensation. On the use and topography of the Tarpeian Rock, see Cantarella (1991) 238–63; T. P. Wiseman, 'Topography and Rhetoric: The Trial of Manlius', *Hist.* 28 (1979) 32–50 (= *Roman Studies* (Liverpool: F. Cairns, 1987) 225–43); L. Richardson, Jr, *A New Topographical Dictionary of Ancient Rome* (Baltimore: Johns Hopkins U., 1992) 68, 377–8. David (1984), 131–8, sees the use of the Tarpeian as a typical archaic type of execution, i.e. as a form of consecration or abandonment to the gods, a ritual expulsion of a criminal performed with communal involvement in the center of Rome; those who survived would be spared further execution. On the execution procedure: Gell. *NA* 20.1.53; Sen. *Controv.* 1.3; Livy 6.20.12; Festus 458L; Tac. *Ann.* 6.19; [Aur. Vict.] *De vir. ill.* 24.6, 66.8. The exact location has long been debated, but the Tarpeian was probably in full view of the Forum and near the Comitium, Carcer, and Scalae Gemoniae (see map 2 and ch. 7 below); see Wiseman; David (1984) 135; and now Richardson.
- 34 Johnson (1961) Doc. 8.3.5–6. Some sources (Gell. *NA* 20.1.52; Quint. *Inst.* 3.6.84; Tert. *Apol.* 4.9) feel that cutting shares meant actually cutting up the debtor's body; see M. Radin, 'Secare Partis: The Early Roman Law of Execution against a Debtor', *AJPhil.* 43 (1922) 32–48.
- 35 A. J. Marshall, 'Symbols and Showmanship in Roman Public Life: the Fasces', *Phoenix* 38 (1984) 120–41.
- 36 Appeal to the assembly (*provocatio*) was a legal safeguard but also a way to dissipate blood guilt. On flogging, see W. A. Oldfather, 'Livy i, 26 and the *Supplicium de More Maiorum*', *TAPA* 39 (1908) 49–72, on Livy 1.26.6; Suet. *Ner.* 49.2, *Dom.* 11.2–3, *Claud.* 34.1. Livy, 2.23.3–6, Loeb, tells a story, set in 495 BC, as an example of the 'binding over' of debtors to creditors, of an aged impoverished debtor who appeared suddenly in the Forum and was 'carried off by his creditor, not to slavery, but to the prison and the torture-chamber (*in ergastulum et carnificinam*)'. On the later executions of citizens by beheading at the edge of town, see ch. 5 below.
- 37 Citing Sen. *Controv.* 9.2.12 and Cic. *II Verr.* 5.169, Hinard (1987b) 111–25, esp. 111–12, 121–5, stresses the influence of *mos* (custom) and *fas* (sacral law). Influenced by the Annales school and often drawing parallels to ceremonial executions as social diversions under *ancien régime* France, Hinard sees a process of social restoration, a release of collective violence, and the exclusion of the criminal; he also asserts a symbolic correlation of the site of punishment with the nature of the crime and he feels that the ceremony turned sites (e.g. the Campus Sceleratus, Esquiline, Campus Martius, Forum, and Tiber) into spaces of communal action and resolution. However, as an early practice, his elaborated execution ceremony rests on inadequate sound evidence and it recalls later well-attested procedures concerning the Carcer and martyrdoms. Hinard suggests that the traditional ritual was perverted during the Civil Wars, and that a shift to the use of the Carcer and Gemoniae, and the arena, followed. On the procedures and sites, see ch. 7 below.
- 38 The other five fixed Republican games began in the half-century after 220 BC; Balsdon (1969) 245–8; see further in Scullard (1981).
- 39 For insights into the 'spectacular' nature of violence in theaters as well as arenas, see various chapters, esp. Edmondson, in Slater (1996).
- 40 W. V. Harris, *War and Imperialism in Republican Rome 327–30 B.C.* (Oxford: Clarendon Press, 1979) 25–6, on triumphs, cites Polybius, 6.15.8, saying that the *triumphator* in effect recreated for citizens the spectacle of his achievements on campaign. Harris also suggests that through most of the middle Republic about one consul in every three celebrated a triumph.

- 41 H. S. Versnel, *Triumphus: An Inquiry into the Origin, Development and Meaning of the Roman Triumph* (Leiden: E. J. Brill, 1970) 101–14, rejects the idea that *Ludi Romani* were an original part of the triumphal ceremony. Versnel, 396–7, sees Greek and Etruscan strands in the triumph: the Greek myth of the epiphany of Dionysus and Etruscan ceremonies (a new year's festival with the king acting as a god, and a festival of victory) developed into a Roman ceremony with elements of victory, new beginnings, and the coming of the bearer of good fortune. E. Künzli, *Der römische Triumph: Siegesfeiern im antiken Rom* (Munich: Beck, 1988), shows the shift under the Empire from a religious celebration of Jupiter to a celebration of the emperor as conqueror. C. Nicolet, *The World of the Citizen in Rome*, trans. P. S. Falla (Berkeley: U. California, 1980) 352–6, notes the politicization and the shifting focus of triumphs from the religious celebration to the victor; he sees triumphs, like funerals, as 'alternative institutions' which developed beyond their original purpose into political and spectacular occasions. Clavel-Lévêque (1984a), 40–5, compares the triumph to the parade of participants entering an arena.
- 42 *Venationes* were associated with *ludi* and triumphs under the Republic, but they were increasingly associated with *munera* under the Empire. For overviews, see Friedländer (1965) 2:62–74, 4:181–9; G. Jennison, *Animals for Show and Pleasure in Ancient Rome* (Manchester: U. Manchester, 1937) 44–59, on early shows to 30 BC, 60–98, on the Empire; Aymard (1951) 74–85, 185–99, 537–58; Auguet (1972) 81–106; Ville (1981) 51–6, 88–94, 106–16, 123–8; Toynbee (1973) esp. 17–22; G. Lafaye, 'Venatio', *Dar.-Sag.* 5 (1914) 680–709, on arena hunts, 700–9; Balsdon (1969) 302–13; A. M. Reggiani, 'La venatio: origine e prime raffigurazioni', 147–55, in A. M. Reggiani, ed., *Anfiteatro Flavio: immagini, testimonianze, spettacoli* (Rome: Edizioni Quasar, 1988); Clavel-Lévêque (1984a) 78–86; Wiedemann (1992) 55–67.
- 43 In 275 BC M. Curius Dentatus exhibited four elephants, taken from Pyrrhus at Beneventum, in his triumph (Sen. *De brev. vit.* 13.3). In 251 the proconsul Lucius Caecilius Metellus brought 142 elephants to Rome and exhibited them as spoils of war in the Circus Maximus (Polyb. 1.84). In 186 Marcus Fulvius Nobilior, after the war with the Greeks, held the first *venatio* at Rome, with a hunt of lions and panthers (Livy 39.22.1–2). Aymard (1951), 74–6, feels that the hunt of 186 is simply the first recorded *venatio*, and that it was preceded by a longer history. He points out, 79–80, that the lifting by 170 of the senate's ban of 186 (Plin. *HN* 8.64) on the importation of African beasts indicates that animal shows were already very popular. In 169 the curule aediles, Scipio Nasica and P. Lentulus, gave a show in the Circus Maximus with 63 leopards, 40 bears and elephants (Livy 44.18.8).
- 44 K. M. Coleman, 'Ptolemy Philadelphus and the Roman Amphitheater', 49–68, in Slater (1996) at 61–3, suggests that later some of the beasts from the spectacles at Rome may have been taken to the imperial game park south of Rome, but she notes that the mere display of exotic species at Rome (e.g. Suet. *Aug.* 43.11) was short-lived (i.e. from the 50s to 2 BC). On the fate of beasts at Rome, see ch. 3 below.
- 45 At the Lupercalia priests clad in the bloody skins from a sacrifice of goats (unusually, dogs were also sacrificed) ran about flogging spectators. Also, in the *Equus October* held in the Campus Martius, possibly in the Circus Flaminius, the right-hand horse of the victorious team in a chariot race was sacrificed. The ritual included a contest among regions of the city for the head of the horse victorious in a preceding race. Paulus (in Festus 246L) says that the tail of the sacrificed racehorse, dripping blood, was carried to the Regia in a rite to bless the crops. The Vestals saved some of the dried blood for later



- use in the Parilia. Whatever the custom meant, it somehow combined elements of sacrifice, contest, and carnival *melée*. On these rituals, see Scullard (1981) 76–8, 193–4. C. Bennett Pascal, 'October Horse', *Harv. Stud.* 85 (1981) 61–91, sees a superimposition of religious trappings onto a popular contest.
- 46 Jennison (1937) 3, 42, sees the origin of beast shows in the hunting or baiting of native Italian animals in the Circus Maximus in the festivals of Ceres and Flora. Similarly, Aymard (1951), 77–9, associates the *venationes* with ancient rites of the field and fertility among Romans and other Italian peoples.
- 47 Ovid, *Fast.* 4.681–712, Loeb, offers a fanciful tale to explain the custom: at Carseoli, a fox, wrapped in straw and set afire by a farmboy as punishment for stealing chickens, escaped and set crops afire; therefore (711–12) 'to punish the species a fox is burned at the festival of Ceres, thus perishing itself in the way it destroyed the crops'. Scullard (1981), 102–3, thus suggests a punishment or a warning to other vermin to keep away from farms.
- 48 *HN* 29.57; see more testimonia in Scullard (1981) 170.
- 49 According to Festus (274L; *Ov. Fast.* 6.235–40), this represented a sacrifice to Volcanus of fish instead of human victims; Scullard (1981) 148. As Scullard, 179, notes, according to Varro, *Ling.* 6.20, at the Volcanalia in August people threw animals into the fire as substitutes for themselves (*pro se*).
- 50 The Sibylline Books ordered these games in 283 BC to end a drought (see n. 73 below), and they were held annually from 173. See *Ov. Fast.* 5.371–4; and Scullard (1981) 110–11, with testimonia. Martial, 8.67.4, says that the arena still exhausts the animals at Flora's games (*et Floralicius lasset harena feras*). Prostitutes claimed the Floralia as their feast, and Juvenal's lady fencers (6.247–67) may have been preparing for the Floralia (6.250) or for more serious combats.
- 51 Timothy Mitchell, *Blood Sport: A Social History of Spanish Bullfighting* (Philadelphia: U. Pennsylvania, 1991) 15–25, notes that rural Spanish festivals often involve violence, animal baiting, and mass participation in touching, killing, or 'running' with beasts. Activities include the killing of chickens, calves, and bulls, and the driving through the streets of bulls with firebrands or flares attached to their horns.
- 52 See Anderson (1985) 83–100; Aymard (1951) 43–63; and Dunbabin (1978) 46–64. Certainly there were Greek influences, but Rome was also experiencing other historical factors (e.g. urbanization, *latifundia*) which led wealthy urbanites to maintain villas and fashionable ties to the countryside.
- 53 Anderson (1985), 57–83, discusses Persian royal hunts, and says that Rome learned great hunts from the Greek East. Great imperial hunts, even of Pharaohs, go back to tribal concerns about providing food and defending the community; see W. Decker, *Sports and Games of Ancient Egypt*, trans. A. Guttmann (New Haven: Yale U., 1987) 147–67. In the great royal hunts of Assyria recorded in inscriptions and palace reliefs, the kings, hunting from horseback or chariots, delighted in brutal, self-glorifying hunts. Ashurbanipal did hunt in the wild, but sometimes game was driven to the king or brought to him in cages and then released to be killed by him before spectators in a display of royal prowess. Similar to their boasts of brutality and heaps of bodies in war (see ch. 4 below), kings' descriptions of their hunting exploits suggest that hunting was a royal and a religious duty (i.e. to protect subjects, herders, and their cattle and sheep) aided by the gods (hunts ended with libations over the victims laid out in rows). Persian kings adopted the Assyrian hunting imagery of empire and royal protection, and also used stocked animal parks or paradises. See Anderson (1985) 6–10, 14, 63–70. On the symbolism of such hunts, see Leo Bersani and Ulysse Dutoit, *The Forms of Violence: Narrative in Assyrian Art and Modern Culture* (New York: Schocken Books, 1985) esp. 3–39.

- 54 Coleman (1996), 57–68, discusses the display of animals in processions in Ptolemaic Alexandria compared to the use of beasts in spectacles at Rome. In both cases foreign fauna could symbolize territorial control, but, unlike Rome, the Ptolemies killed animals only in sacrifices; 64: 'Slaughterer for the sake of spectacle is unattested.'
- 55 See Anderson (1985) on the value of hunting for education and warfare in Greece, 17–18, 26–7, 30, 37, 87, and in Rome, 87, 101–2, 151, with testimonia including *Hor. Sat.* 2.29ff., and *Plin. Pan.* 81.1–3. The analogy between hunting and war was well established: e.g. *Cic. Nat. D.* 2.64.161; *Veg. Mil.* 1.7; see further in Aymard (1951) 469–81.
- 56 The rise and expansion of the *venationes* corresponds in time, especially after Hannibal, to a demographic shift of Romans toward urbanization and away from rustic subsistence farms intimately associated with the countryside. Yeomen Romans, with long traditions of rural hunting and of service in the army, found themselves in urban settings and, before Marius, often ineligible for the army after losing their farms. However contrived, the hunts of the arena were an attractive surrogate for the violence of the hunt and the battlefield. Moreover, as the Empire expanded, Rome incorporated other peoples with native hunting traditions.
- 57 Servius (*Ad Aen.* 3.67 quoting Varro; *Ad Aen.* 10.519–20) says that gladiators developed out of human sacrifice to the dead and through forced contests between prisoners of war at funerals.
- 58 Tert. *De spect.* 12, Loeb; but recall Rives' cautions (above) about a discourse on human sacrifice. Cf. Hopkins (1983) 4–12; Ville (1981) 1–19; L. Maltén, 'Leichenspiel und Totenkult', *MDAI(R)* 38/9 (1923–4) 300–40.
- 59 Balsdon (1969), 250, notes that *munera* might include other games but were distinguished from festival *ludi*. Like Balsdon, Wiedemann (1992), 6–7, rejects earlier assumptions about 105 BC and feels that gladiators fought only at privately produced *munera* during the Republic. On these issues, see below.
- 60 Athenaeus, 4.153f–154a, Loeb, quotes Nicolaus of Damascus (*FGrH* 90, F78 = *FHG* iii.264) on Roman gladiatorial fights (*monomachias*) during banquets:

The Romans staged spectacles of fighting gladiators not merely at their festivals and in their theatres, borrowing the custom from the Etruscans, but also at their banquets. . . some would invite their friends to dinner . . . that they might witness two or three pairs of contestants in gladiatorial combat . . . when sated with dining and drink, they called in the gladiators. No sooner did one have his throat cut than the masters applauded with delight at this feat.

Note, however, that Athenaeus mentions this within an eclectic discussion (4.153e–154d) of deadly combats and games among Campanians, Celts, or Mantineans (as well as Etruscans), and he also mentions duels, self-sacrifice for prizes, a Thracian game involving a noose and a knife, and more esoterica. Livy, 39.42.7–43.5, Loeb (cf. *Plut. Cat. Mai.* 17.1–5, *Flam.* 18.4–10), tells two versions of a story that the proconsul L. Quintius Flamininus in Gaul personally killed a prisoner at a dinner party. Cf. SHA *Heliogab.* 25.7.8 and *Verus* 4.9 for combats held before or during banquets.

- 61 Etruscan origins are accepted e.g. by Auguet (1972) 248–9; Carcopino (1975) 208; and Schneider (1918) 760–1. Maltén (1923–4), 304–5, 317–18, 328–30, feels that gladiatorial combats originated in the cult of the dead in Etruria but reached Rome via Campania (when under Etruscan rule); cf. Ville (1981) n. 32 on 8, on Suet. *De regibus*. Wiedemann (1992), 33, says that the ascription

- of an Etruscan origin 'has to be explained as a result of Roman ambivalence about the games, and not vice-versa'.
- 62 Ville (1981), 2–6, feels that this contest (*agon*) was an element in funeral games, and that the object was to spill blood and not to kill the man. L. B. van der Mere, 'Ludi scenici et gladiatorum munus: A Terracotta Arula in Florence', *BaBesch.* 57 (1982) 87–99, discusses Phersu and scenes in Etruscan art of the second and first centuries BC, and asserts an Etruscan origin for the gladiatorial *munus*. On three depictions of Phersu in Etruscan tomb frescoes, see J.-P. Thuillier, *Les Jeux athlétiques dans la civilisation Étrusque* (Rome: Palais Farnèse, 1985) 124, 267, 338–40, 587–90, who argues that the 'game' of Phersu is not a gladiatorial combat, that the *munus* came to Rome from the South, and that the Phersu figure was acting as an executioner in an Etruscan version of exposing a doomed victim to a beast. Cf. Thuillier's similar conclusions in his 'Les Origines de la gladiature: une mise au point sur l'hypothèse étrusque', 137–46, in Domergue et al. (1990). Plass (1995), 57–8, sees a combination of gladiatorial combat and exposure to animals with Phersu playing the role of a circus master orchestrating the violence. On Phersu and various aspects of sport and spectacle in Etruria, now see L'École française de Rome, *Spectacles sportifs et scéniques dans le monde étrusco-italique*, CÉFR 172 (Rome: Palais Farnèse, 1993), esp. Jean-René Jannot, 'Phersu, Phersuna, Persona. A propos du masque étrusque', 281–320.
- 63 A punitive and malicious adaptation of the Greek ferryman, the Etruscan Charon conducted shades to the lower world and tormented the souls of the guilty; see Emeline Richardson, *The Etruscans: Their Art and Civilization* (Chicago: U. Chicago, 1976) 229. J. M. C. Toynbee, *Death and Burial in the Roman World* (Ithaca: Cornell U., 1971) 13, n. 14, see pls. 1–2, says that of the hideous Etruscan male demons, 'Charon, beak-nosed, blue-fleshed, grasping or swinging a hammer or clutching a pair of menacing snakes, is by far the most grisly.' Roughly contemporary with historical examples of slaughters of Roman and Tarquinian captives (see above), scenes of Charon in fourth-century depictions of stylized executions of helpless captives (e.g. the Trojan captives) were popular in Etruscan art; see J. Heurgon, *Daily Life of the Etruscans*, trans. J. Kirkup (London: Weidenfeld and Nicolson, 1964) 210–11; Toynbee (1971) 13. Against the association of the Etruscan Charon with the Roman arena, see ch. 5 below.
- 64 See Toynbee (1971) 11–14, and ch. 4 below.
- 65 E. T. Salmon, *Samnium and the Samnites* (Cambridge: Cambridge U., 1967) 60–1, noting that gladiatorial combats do not appear in Etruscan art until the third century, suggests that Samnites introduced gladiators to Rome in 264. Cf. Ville (1981) 19–35; Golvin (1988) 15–17. S. P. Oakley, 'Single Combat in the Roman Republic', *CQ* 35 (1985) 392–410, argues, 398, that duels were common at Rome and in Campania; see below. Paintings of fighters: M. W. Fredericksen, *Campania*, ed. N. Purcell (London: British School at Rome, 1984); P. C. Sestieri, 'Tombe dipinti di Paestum', *RIA* 5–6 (1956–7) 65–110; Gigliola Gori, 'Elementi Greci, Etruschi e Lucani nelle pitture tombali a soggetto sportivo di Paestum', *Stadion* 16 (1990) 73–89 at 78–9, with pls. 4–6. Banquets: Strabo 5.4.13; Ath. 4.153f–154a (quoted above in n. 60); cf. Livy 9.40.17 (below) and Sil. *Pun.* 11.51–4 on third-century banquets. Christopher P. Jones, 'Dinner Theater', 185–99, in William J. Slater, ed., *Dining in a Classical Context* (Ann Arbor: U. Michigan, 1991) 193–4, feels that such practices were cited as 'proof of Campanian decadence' in the middle Republic. On gladiators and imperial banquets, see ch. 6 below.
- 66 Ville (1981) 7, 35–42. He feels the finger gesture in this context would be an admission of defeat, as in Greek combat sports, not an appeal for mercy in later Roman fashion.

- 67 Wiedemann (1992), 33–4, surveys theories about the original gladiatorial context and suggests that Rome's motives for adoption may have differed from the original purpose of *munera* elsewhere.
- 68 Consul in 317, 313, and 311, C. Junius Bubulcus in 311 held a command in Samnium, retook Cluviae, took Bovianum, and celebrated a triumph; see T. R. S. Broughton, *The Magistrates of the Roman Republic*, 3 vols. (New York: American Philological Association, 1951–2, repr. Atlanta: Scholars Press, 1986) 1: 155, 158, 160.
- 69 Wiedemann (1992), 33, feels that gladiatorial combats were borrowed from Campania and cites this passage on the moral uncertainties of foreign borrowing and on the 'Samnite' type of gladiator. One of the four standard types of gladiators (see Plin. *HN* 7.81), 'Samnite' gladiators probably were actually associated with Samnium. On types of gladiators, and on *devotio*, see ch. 3 below.
- 70 Livy *Epir.* 16; Val. Max. 2.4.7; Auson. *Griphus ternarii numeri* 36–7. See Ville (1981) 42. Decimus Junius Brutus Pera, son of Decimus Junius Brutus Scaeva (consul of 292), was consul in 266, campaigned in Umbria, and celebrated a triumph over Sassina; Broughton (1951–2) 1: 201. Balsdon (1969), 249, suggests that the 'gladiators' may have been captives from his campaigns. Van der Mere, op. cit., 91, asserting an Etruscan origin for the gladiatorial *munus*, suggests that captives from Etruscan territory and gladiatorial combats arrived in Rome at the same time, but he ignores the earlier experience of the family in Campania. Note that Valerius Maximus, 2.4.7, further remarks that Marcus Scaurus added a 'contest of athletes' to the ceremony. From its inception, a 'gladiatorial *munus*' was distinguished from a 'contest of athletes'.
- 71 See Matthias Gelzer's classic study, *The Roman Nobility*, trans. R. Seager (Oxford: Basil Blackwell, 1969); and P. A. Brunt, 'Nobilitas and novitas', *JRS* 72 (1982) 1–17.
- 72 Oakley (1985), 400–1, shows that military single combats (when champions of armies accept formal challenges to fight) were a primitive tradition throughout Italy, and that they continued for Rome through the middle and late Republic to 45 BC; cf. Harris (1979) 38–9. These duels were a 'sideshow', a display allowing individuals to show initiative and win glory, not a way to settle wars. Oakley suggests that such duels took place every year in the middle Republic and several times a year during the Hannibalic war, but, significantly, there is only one known combat by a *nobilis* (in 101) after that of Scipio Aemilianus.
- 73 On the politicization of early as well as later *munera*, see E. Baltrusch, 'Die Verstaatlichung der Gladiatorenspiele', *Hermes* 116 (1988) 324–37. Similarly, Plass (1995) 46–55, on expensive and violent games as conspicuous consumption, notes symbolic largesse as a traditional means of exercising power. For a counter-argument, that the expansion of the number of days of *ludi* was influenced by sincere religious sentiment and not just political manipulation, see M. Gwyn Morgan, 'Politics, Religion and Games in Rome, 200–150 B.C.', *Philol.* 134 (1990) 14–36, who suggests that the development of the Floralia from a *feria* to the annual Ludi Florales in 173 BC was a religious response to a crop blight and an epidemic.
- 74 After urging Rome to continue the war effort, perhaps in 249 BC, M. Atilius Regulus returned to his Carthaginian captors, who supposedly cut off his eyelids and tortured him to death in a barrel lined with spikes: Cic. *Off.* 3.99–101, Hor. *Carm.* 3.5, and Val. Max. 9.2.5. Acquiring more and more imperial subjects, becoming more overtly imperialistic and intolerant of defiance, Romans showed less and less sensitivity to the suffering of enemies and inferiors. Harris (1979), 50–3, suggests that the brutality of Romans in war, 51, 'sprang from an unusually pronounced willingness to use violence against alien peoples'. He

- relates Roman ferocity in war to the regularity of their warfare, which, 53, gave it 'a pathological character'. At the fall of New Carthage in Spain Scipio ordered that the soldiers kill everyone they met, as was customary, before they could plunder goods. Even dogs were cut in two and animals were dismembered: Polyb. 10.15.4–5. Cf. further examples in Harris (1979) 263–4.
- 75 Barton (1993) posits a 'physics' of desire and despair to explain the 'inverse elevation' of gladiators, and she ties that elevation and ambivalence to the crises of the late Republic. Perhaps Livy retrojected the ideology of the arena as a moral lesson for contemporary Rome, but his account of the Hannibalic war is more firmly grounded than his stories of legendary heroics in early Rome. The pivotal significance of Cannae in Roman history suggests that Romans understood the elevation of the lowly by demonstration of military *virtus* and *amor mortis* much earlier than the late Republic. On the gladiatorial paradox, see ch. 3 below.
- 76 To teach his men glory of victory or death in battle rather than in captivity, in 218 Hannibal invited prisoners captured in the mountains to use Gallic weapons and to fight duels with the possibility of death or freedom, and thus avoid death as a slave or captive: Livy 21.42–3; Polyb. 3.62–3. Hannibal was less successful when he staged a fight between an elephant and a captive (Plin. *HN* 8.18). Hannibal had agreed to let the prisoner go free if he killed the beast, but when he did so to the dismay of the Carthaginians, Hannibal had the man killed, lest news of the event diminish fear of elephants. Barton (1993), 20–2, notes Hannibal's duels and emphasizes the analogous virtues of soldiers and gladiators; see ch. 3 below. Gunderson (1996), 138–40, feels that in 21.42 and 28.21 (on Scipio's games at New Carthage, see n. 87 below) Livy has reworked his material to present idealized gladiatorial combats using a Roman and Augustan-era model of the noble gladiator.
- 77 The news of Cannae brought panic and religious fervor – the introduction of the cult of Magna Mater, even 'human sacrifice' (see above); on the possible introduction of 'the sack', see ch. 7 below. Plutarch, *Fab.* 18.3, says that rituals used after Cannae were meant to propitiate the gods and avert further evil omens. Plass (1995), 38–40, sees the taste for brutal entertainments as a function of insecurity in Roman history in general: gladiatorial violence evoked and exorcised military danger and built morale.
- 78 Before becoming dictator after the news of Cannae, Marcus Junius Pera had been consul in 230 and censor in 225; Broughton (1951–2) 1: 226, 231, 248.
- 79 Livy 22.57.9–12, Loeb. Valerius Maximus, 7.6.1, says that a commission was chosen to purchase 24,000 slaves. He comments that Rome now turned to slaves even though before it had rejected free men without property as soldiers.
- 80 Livy, 22.38.1–5, points out that in 216 immediately before Cannae the military oath was changed from a voluntary agreement not to desert the field of battle into a mandatory and legally binding oath (*sacramentum*) formally made before the military tribune. The oath gave commanders the power to put deserters and disobedient soldiers to death without trial. In a later version, probably true to earlier practice, the soldier swore enthusiastic allegiance to the emperor and promised never to desert or to resist death for Rome: Veg. *Mil.* 2.5. See G. R. Watson, *The Roman Soldier* (Ithaca: Cornell U., 1969) 44, 49–50. On the gladiator's oath, see ch. 3 below.
- 81 Cf. Claudius' remark in AD 48 that Rome had a traditional policy of bringing conspicuous merit to Rome from whatever origins: Tac. *Ann.* 11.24. Elitist authors remarked on humble individuals who showed virtue beyond that associated with their status. Tacitus, *Ann.* 15.57, applauds the virtue of the

- freedwoman Epicharis, who endured torture and committed suicide: she set a 'noble example' – beyond freedmen, knights, and even senators who had cracked and revealed accomplices in the conspiracy of Piso against Nero. See Anton J. L. Van Hooff, *From Autothanasia to Suicide: Self-Killing in Classical Antiquity* (London: Routledge, 1990) 18–20, who explains that Tacitus and others used accounts of suicides by lowly individuals as lessons for their noble contemporaries. Dio, 51.7.2, says that the gladiators of Antony and Cleopatra were despised for their status but that they fought bravely and loyally. SHA *Marc.* 21.7, 23.5, Loeb: Marcus Aurelius, facing a manpower shortage against the Marcomanni, trained slaves for military service, whom he called Volunteers, and he 'armed gladiators also, calling them the Compliant (*obsequentes*), and turned even the bandits of Dalmatia and Dardania into soldiers'.
- 82 He even claims, 22.59.19, that if they were ultimately spared by Hannibal, this would be no blessing if the Romans showed displeasure with them and found them unworthy of ransom.
- 83 A successful general himself, Torquatus was from a military family renowned for single combats against enemies; see Oakley (1985) nos 6 and 8. These 7,000 armed men had not tried to fight their way through the enemy despite a good opportunity during the night, and they refused to join the 600 men who forced their way through and returned themselves to their country free and armed. Instead they negotiated the price for ransom and surrendered. Torquatus, 22.60.12, also recalls the earlier call to *devotio* by Marcus Calpurnius Flamma in the First Punic War.
- 84 Livy, of course, embellished his speeches, and he used heroic deeds of early Romans to provide moral exempla for his own age; but the actions of the senate after Cannae are not in doubt. Before Cannae *munera* seem to have included the simple killing of slaves and captives, but after Cannae and the refusal to ransom the prisoners of war, *munera* came to embrace the notions of elevation and *missio* crucial to the later gladiatorial paradox; see ch. 3 below.
- 85 Arguing, 22.59.12, that the prisoners would fight well out of gratitude if ransomed, that their numbers are roughly the same as those of the recruited slaves, and that their ransom would cost no more, the envoy adds: 'I make no comparison between our worth and theirs, for that would be to insult the name of Roman.'
- 86 Detailed in Friedländer (1965) 2:41 and Toynbee (1971) 56 and nn. 219–22 on 294; 216 BC: 22 pairs of gladiators fought in three-day funeral games at the funeral of Marcus Aemilius Lepidus given by his sons in the Forum: Livy 23.30.15; 200 BC: 25 pairs at four-day funeral games given in the Forum by his sons for Marcus Valerius Laevinus: Livy 31.50.4; 183 BC: three-day funeral *ludi* with 120 gladiators and *visceratio data* at the funeral of Publius Licinius: Livy 39.46.2; 174 BC: a four-day *munus* with 74 fighters *cum visceratione epuloque et ludis scaenicis* at the funeral of the father of Titus Q. Flamininus: Livy 41.28.11. Providers of circus and theatrical shows found that audiences wanted them supplemented with more violent events. Terence, *Hec.* prologue 31, as Wiedemann (1992) 145 notes, complains that his play had to compete with a gladiatorial combat in 164.
- 87 On Scipio's games at New Carthage in 206, see ch. 3. Livy, 41.20.10–13, writing of gladiatorial spectacles 'in the Roman style' held by Antiochus Epiphanes in Syria in 175 BC, says that some combats went only to the point of wounds but others were without quarter, and that local volunteers came to be used instead of imported and expensive gladiators from Rome. See Wiedemann (1992) 42, who notes that Antiochus had been a prisoner at Rome.
- 88 Death and victory were probably the only options for the first gladiators; sparing

losers (*missio*) arose later as a way for spectators to express appreciation or as an economic measure by editors not wanting to waste valuable resources; see ch. 3 below. On the correlation between the virtues of gladiators and soldiers, see ch. 3 below. Cicero, *Off.* 3.32.114, says that the senate did not ransom the captives from Cannae in order to teach soldiers that they must conquer or die. Similarly, the speech by Regulus in Horace, *Carm.* 3.5.18–40, says that surrendered soldiers are not worth ransoming. On the Roman tendency to blame defeats on the soldiers rather than their generals, see Nathan Rosenstein, *Imperatores Victi: Military Defeat and Aristocratic Competition in the Middle and Late Republic* (Berkeley: U. California, 1990). Later, Crassus decimated some 500 troops defeated by Spartacus; Plut. *Crass.* 10.2–3, Loeb: he put to death one of every ten chosen by lot, 'thus reviving after the lapse of many years, an ancient mode of punishing the soldiers. For disgrace also attaches to this manner of death, and many horrible and repulsive features attend the punishment, which the whole army witnesses.' Crassus went on to defeat Spartacus and to crucify 6,000 slaves along the Appian Way as a means of improving 'the morale of the Roman citizens'. *Fustuarium*, a purification rite for military failure, involved forcing soldiers to club their comrades to death; see Polyb. 6.38.1–2 and Lintott (1968) 41–3 with testimonia. Suetonius, *Aug.* 24.2, says that this was Augustus' standard punishment for mass cowardice.

89 Livy, 22.51.5–8, describes the battlefield at Cannae strewn with corpses; some soldiers still alive, but incapacitated with their thighs and tendons slashed, bared their necks and throats (i.e. for the death blow); some committed suicide by burying their heads in holes which they dug in the ground. Cf. Cic. *Tusc.* 2.17.41: gladiators show discipline and a desire above all to please their masters; offering an education in pain and death, they sustain wounds, they die with honor, and when defeated they offer their necks for the death blow. Florus, 2.8.14, Loeb, says that Spartacus' men fought to the death (*sine missione*) as befitted men led by a gladiator.

90 Legal sources reflect the disgust that Rome felt toward deserters. It was considered treason possibly worthy of capital or even aggravated punishment if a soldier deserted, attempted to desert, retreated from an entrenchment, or betrayed information to the enemy. See Robinson (1995) 18, 45–6, 76, with testimonia. For soldiers, even attempted suicide without a valid justification was seen as desertion and was punishable by death: Dig. 49.16.6.7; see Van Hooff (1990) 84, 172; M. R. de Pascale, 'Sul suicidio del miles', *Labeo* 31 (1985) 57–61.

91 Polybius, 1.7.12, cf. 1.10.4, says that they were killed 'according to the Roman custom' for breaking faith with Rhegium and to restore the good name of Rome among the allies. See also Dion. Hal. *Ant. Rom.* 20.16.2. In 206 BC Scipio recalled that 'some time ago' a rebellious legion of 4,000 men sent to garrison Rhegium were executed in the Roman Forum: Livy 28.28.3. Such executions were customary, according to Dion. Hal. 20.5.5 (concerning an earlier rebellion at Rhegium), who, 20.16.2, puts the total killed in 270 at Rome, by a unanimous vote of all the tribes, at 4,500; see Harris (1979) 188. On the disposal of the bodies, see n. 34 in ch. 4 below.

92 Livy 24.20.6, 24.30.6. Also in 214, the people of Henna in Sicily were massacred by the Roman garrison to prevent any revolt: Livy 24.39.1–5.

93 Val. Max. 2.7.12–14, who approved of such disciplinary acts as beneficial (*utilissimo exemplo*); Livy *Per.* 51; Lintott (1968) 43; Ville (1981) 232–40. Cf. the story in *III Macc.* 4.11, 5.1–6.21 that Jews who resisted the orders of Ptolemy IV (221–203 BC) that they worship Dionysus were herded into a hippodrome to be trampled to death by 500 elephants intoxicated by wine and incense, but

- miraculously the beasts turned on Ptolemy's troops instead; cf. J. H. Humphrey, *Roman Circuses: Arenas for Chariot Racing* (Berkeley: U. California, 1986) 509–10. SHA *Claud. Goth.* 11.8, Loeb: when some of his soldiers were delinquent in their duties, turning to plundering and letting themselves be routed by a smaller force, Claudius 'seized all those who had shown a rebellious spirit, and he even sent them to Rome in chains to be used in the public spectacles'.
- 94 Plass (1995), 29–45, suggests that, in the context of war and militarism, games dealt with tensions and insecurity, and became stylized into a celebration of civic power. Ritual violence to outsiders reassured insiders of their security; 29: 'Games were essentially ceremonies for the living, not sacrifice for the dead.'
- 95 Plin. *HN* 35.52; Friedländer (1965), 2:41, suggests a date around 145; Wiedemann (1992), 15, suggests the late second century.
- 96 Plut. *C. Gracch.* 12.3–4. Wiedemann (1992), 20, suggests that Gracchus presented the show, but the passage does not say so.
- 97 A fifth-century AD writer, Ennodius, *Panegyricus dictus regi Theodorico* 213.25 (ed. Vogel) cited, e.g., in Barton (1993) 22, claims that the consuls of 105, Rutilius and Manlius, put on the first publicly sponsored gladiatorial games to give common Romans a sense of the battlefield. As Balsdon (1969) 250; Ville (1981) 46–7; Wiedemann (1992) 6–7; and Edmondson (1996) n. 39 on 79, correctly note, this was not an institutionalization of state *munera*.
- 98 Val. Max. 2.3.2. From the school of Aurelius Scaurus (cons. 108) at Capua, the earliest recorded private gladiatorial school, the instructors taught skills and also possibly the virtue of facing death without surrendering. In 105 the Roman defeat at Arausio by the Cimbri and Teutones was the worst since Cannae, and the Romans in crisis turned to Marius and to gladiatorial instructors. Frontinus, *Strat.* 4.2.2, comments that Marius preferred the troops trained by Rutilius to his own. Vegetius, *Mil.* 1.11, asserts the importance of training with weapons at stakes for both soldiers and gladiators. On the development in 105, now see Welch (1994) 62–5, who argues that gladiatorial instruction continued on a regular basis in the post-Marian army. On the enduring conservative opposition to the use of professional gladiatorial weapons trainers, see Watson, *op. cit.*, 55–7.
- 99 Welch (1994); also see her 'Roman Amphitheaters Revived', *JRA* 4 (1991) 272–81, esp. 274–7. Cf. Golvin (1988) 24, 42–67, 301–13, on the origin of the shape of the arena in forums where *munera* were held, and on the influence of the wooden seating in the Roman Forum on the amphitheatral architecture. Welch (1994) 61, 78, notes that the facilities at Pompeii and in the Roman Forum both were referred to as *spectacula*. Cf. Welch's proposed reconstruction of the facilities in the Forum: figs 6–8 on 73–75, rejecting that by Golvin (1988) pl. Vb. Note that this site is just southeast of the Comitium, Carcer and Scalae Gemoniae; see ch. 7 below.
- 100 Welch (1994) 80: 'For ancient Romans the games were entertaining because of the dramatic and uncertain outcome of the highly skilled combat, and useful because they promoted military courage, *virtus* – a key ingredient of the Roman self-image.'
- 101 See chs. 4 and 7 below.
- 102 Wiedemann (1992) 5–7; Ville (1981) 72–88.
- 103 Cic. *In Vat.* 37, *Sest.* 64.133–5, Loeb: Vatinius 'knew what the people wanted' and 'foresaw their applause'.
- 104 Milo's gang included the well-known gladiators Eudamas and Birria; on these and others, see Lintott (1968) 83–5. As Susan Treggiari, *Roman Freedmen during the Late Republic* (Oxford: Clarendon Press, 1969) 142, suggests, probably these gladiators were (or were promised that they would become) freedmen.

- 105 Ville (1981) 125–6, 236 and n. 21, 379, 393; cf. Suet. *Claud.* 21.4: *munus iustum asque legitimum*. Cf. Wiedemann below crediting Augustus with the tripartite arrangement; but Edmondson (1996), n. 21 on 74, via W. J. Slater's suggestion, points out that App. *B Civ.* 2.118 (on the aftermath to the assassination of Caesar) suggests that gladiatorial combats were already taking place in the afternoon in 44 BC. Edmondson, 76–9, noting the diversity of spectacles and their context, appropriately warns, 77, that, because leaders combined various elements in different ways, it is 'dangerous to attempt to reconstruct a "typical" *munus*'. He suggests that the format of *munera* was not standardized until the completion of the Flavian Amphitheater in AD 80.
- 106 Metcalf and Huntington (1991), 144–51, note that the Berawan people of Borneo build mausoleums as a means of conspicuous display, but by local custom leaders may not prepare a tomb for someone not yet dead (including themselves). Therefore, to achieve self-aggrandizement while alive, leaders build tombs for obscure relatives, and in honoring them they ennoble themselves.
- 107 Pompey had dedicated his theater in 55 with a *venatio* in which 20 elephants and 500 or 600 lions and some 400 other African beasts died: Dio 39.38.2; cf. Cicero's comments in ch. 1 above. Cf. further in Balsdon (1969) 256, 269, 303, 306–7, 310; Jennison (1937) 51–5.
- 108 Sources on Caesar's spectacles include: Suet. *Iul.* 39, quoted at the start of this chapter; Suet. *Iul.* 10.2, 26.2; Plut. *Caes.* 5.4; Dio 43.22–3; App. *B Civ.* 2.102; Plin. *HN* 8.22, 33.53. On Caesar's games, see Ville (1981) 68–71, 93–4; Jennison (1937) 56; Wiedemann (1992) 6. Welch (1994), 71, associates Caesar with the development of subterranean shafts in the area of the Forum used for gladiatorial shows; see further in G. F. Carretoni, 'Le gallerie ipogee del foro e i ludi gladiatorii forensi', *BCAR* 76 (1959) 23–44.
- 109 On mock battles, see Ville (1981) 228–31, esp. his nos. 45 (Caesar in 46) and 65 (Augustus); cf. further in ch. 3. Coleman (1990), 71–2, sees such battles as an extension of triumphal processions; see also Versnel (1970) 95–6.
- 110 Suet. *Iul.* 39.4; Dio 43.23.4, 45.17.8; App. *B Civ.* 2.102. Welch (1991), 279, notes, from Livy 29.22, that Scipio Africanus held a mock sea battle with his fleet in Sicily in 204 BC.
- 111 K. M. Coleman, 'Launching into History: Aquatic Displays in the Early Empire', *JRS* 83 (1993) 48–74, thoroughly discusses the venues, logistics, and purposes of *naumachiae*, comparing the deadly realism of reenacted sea battles with that of 'fatal charades' (see below) in the arena. She suggests, 49, that an aspect of the Roman *mentalité* was 'a passion for novel and elaborate ways of mounting spectacle, which in turn generates the notion of enhancing mortal combat by staging it in a theatrical setting'. As Wiedemann (1992), 89–90, explains, naumachies were usually elements of triumphs, not of *munera*. Further, see Joël Le Gall, *Recherches sur le culte du Tibre* (Paris: Presses Universitaires de France, 1953) 84, 115–16, 271, 282, 314; J.-C. Golvin and M. Reddé, 'Naumachies, jeux nautiques et amphithéâtres', in Domergue et al. (1990) 165–77; Richardson (1992) 265–6, 292; Friedländer (1965) 2:74–6; Balsdon (1969) 328–9. On the participants, see ch. 3 below. On aquatic displays (e.g. erotic water ballets, dressage or chariot races in water), see Coleman (1993) 64–7; G. Traversari, *Gli spettacoli in acqua nel tardo-antico* (Rome: L'Erma di Bretschneider, 1960).
- 112 Dio, 45.17.8, says that the site was filled in three years later by senatorial order because of an epidemic. Richardson (1992) 265: 'It is not clear whether this was a measure of hygiene or a gesture of atonement.'
- 113 *Mon. Anc.* 23; Suet. *Aug.* 43.1; Dio 55.10.7; Vell. Pat. 2.100.2; Tac. *Ann.*

- 14.15.3. On Claudius, see ch. 3 below. Nero had his new wood amphitheater designed so that the arena could be flooded, and gave one (Persians versus Athenians) or possibly two naumachies: Suet. *Ner.* 12.1. Dio 61.9.5 and 62.15.1 may concern separate or the same events. On locations and construction of facilities, see Coleman (1993) 50–60.
- 114 Suet. *Tir.* 7.3; Dio 66.25.2–4; cf. Mart. *Spect.* 24–6, 8, who marvels at land turned into sea and vice versa, and that the naumachy houses spectacles of both circus and amphitheater.
- 115 Coleman (1993) 57, 63, 68–74. Domitian dug a new facility near the Tiber: Suet. *Dom.* 4.1–2; Dio, 67.8.2–3, claims that in Domitian's naumachy virtually all the fighters died. Trajan apparently also built a naumachy; see Richardson (1992) 266. Finally, in AD 247 Philip the Arab's millennial games included water spectacles and possibly naumachies on an artificial lake across the Tiber: SHA *Heliogab.* 23.1; cf. Aur. Vict. *Caes.* 28.
- 116 Welch (1994), 61–2, cites the charter of Urso in Spain of 44 BC (*CIL* 2.5439.70–1 = *ILS* 6087) as the 'earliest surviving evidence of governmental organization of *munera*'. Quinquatrus: *ibid.*, n. 10 on 62, citing Ov. *Fast.* 3.809–14, *Tr.* 4.10.11–14.
- 117 Dio 44.6.2. Also, note the plebeian aediles' substitution of gladiatorial combats for chariot races in the Cerealia in 42 BC: Dio 47.40.6; which Balsdon (1969), 250, interprets as one of the first 'public' gladiatorial fights. Edmondson (1996) n. 39 on 79, however, cautions that the instances in 44 and 42 were special arrangements and not enduring practices.
- 118 E.g. Zanker (1988); Karl Galinsky, *Augustan Culture: An Interpretive Introduction* (Princeton: Princeton U., 1996).
- 119 Wiedemann (1992), 8–10, explains that, while *ludi* remained state occasions paid for by the state and officially part of magistrates' duties, *munera* were the personal gift of the editor; but he admits that public and private, like voluntary and official generosity, blurred under the Empire. Against the usual crediting of the imperial schools to Domitian, Wiedemann, 22, notes that a recent inscription (*AE* (1979) 33) suggests that at least one school existed under Tiberius, and he is inclined to associate the establishment of the imperial *ludi* with Augustus as another tactic of control. K. Welch, 'A Higher Order of Killing: Statilius Taurus and Rome's First Amphitheater' (abstract) *AJArch.* 98 (1994) 326, notes that Rome's first permanent amphitheater, that of Taurus in 30 BC (Suet. *Aug.* 29.5), was the first major building in Rome to be dedicated after Actium (Dio 51.23.1) and that it was completed in time for Octavius' triple triumph of 29. On Augustus' attempt at regulating seating at *munera* (cf. Suet. *Aug.* 44.2) to reinforce his social reforms, now see Edmondson (1996) 88–90, 102–3.
- 120 *Romanitas* and spread: Wiedemann (1992) 40–6. Tripartite: 55, 59, 67. *Venationes* were regularly associated with gladiatorial *munera* from Augustus on, and the execution of *noxii* also was added by the first century AD. Concentration: Wiedemann (1992) 41, 47, 55, 155–6; see below on decline. The date of the shifting of official *munera* in the calendar is uncertain; these games were possibly held in March under Augustus, but the transfer to December may date to Caligula; see Ville (1981) 102, 119, 159–60, 167–8; Edmondson (1996) 110 and n. 176; and also remarks by D. Potter, reviewing Wiedemann in *JRS* 84 (1994) 229–30.
- 121 Dio 54.2.4. As Gunderson (1996), n. 67 on 132, points out, if Augustus limited others' shows to 120 gladiators (Dio 54.2.3–4) and he himself gave eight shows with a total of 10,000 gladiators (*Mon. Anc.* 22.1), on average his shows were ten times larger than the legal limit. On imperial legislation



- about *munera*, see Ville (1981) 121–3; Balsdon (1969) 261–4; Wiedemann (1992) 132–5. Edmondson (1996) 79–81, esp. n. 45 on 80, asserts that Augustus turned the gladiatorial *munus* into an official state occasion as part of his reordering of Roman society and his redefinition of the relationship between emperor and senate. Tiberius apparently strengthened and then Caligula weakened the rules, and quaestors were put in charge from Claudius on. Recently Coleman (1996), 63, has noted that under Augustus and later emperors animals were killed and no longer just displayed. She interprets the conspicuous consumption of beasts in spectacles, with emperors trying to outdo each other, as an example of the drive of emperors to control (including via death) whatever is extraordinary or spectacular.
- 122 For epigraphical testimonia on the procurators and imperial training schools, see Edmondson (1996) n. 47 on 81. More broadly on the administration and financing of *munera*, see M. A. Cavallaro, *Spese e spettacoli: Aspetti economico-strutturali degli spettacoli nella Roma giulio-claudia* (Bonn: Habelt, 1984); and now Jean-Jacques Aubert, *Business Managers in Ancient Rome: A Social and Economic Study of Institutores*, 200 B.C.–A.D. 250 (Leiden: Brill, 1994) 347–68, on public entertainments, esp. 363–5 on amphitheaters.
- 123 On the Flavian use of games and amphitheaters to legitimize their new dynasty, see Wiedemann (1992) 42.
- 124 Punitive cruelty was hardly a Roman invention. Sall. *Iug.* 14.15: Jugurtha took Adherbal's relatives captive, some were crucified, some were thrown to wild beasts, and a few were put in dungeons. Among other brutal punishments (e.g. impaling on stakes #153, being burned #25, 157), Hammurabi's laws often order that persons be 'thrown into the water' as an execution (#108, 133a, 143, 155) or an ordeal (#132; cf. Num. 5.11–31); see James B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament*, 2nd ed. (Princeton: Princeton U., 1955) 163–77. On water and punishment, see ch. 7 below.
- 125 See P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford: Clarendon Press, 1970) 104, 124 and n. 2, and ch. 3 below. Hadrianic constitutions distinguished simple death (*capite puniri*: Dig. 48.19.28.13–14) from *summa supplicia*.
- 126 On *summa supplicia* and spectacles, see: Garnsey (1970) 122–36; Cantarella (1991); C. Vismara, *Il supplizio come spettacolo* (Rome: Edizioni Quasar, 1990); C. Vismara, 'L'amphithéâtre comme lieu de supplice', 253–7, in Domergue et al. (1990); Callu (1984), with a detailed analysis of the crimes, punishments, and status of criminals; D. Grodzynski, 'Tortures mortelles et catégories sociales: les *summa supplicia* dans le droit romain au IIIe et au IVe siècles', 361–403, in *Châtiment* (1984); Mommsen (1899) 911–44; Ville (1981) 235–40; U. Brasiello, *La repressione penale in diritto Romano* (Naples: Jovene, 1937) 246–71; and ch. 3 below. Coleman (1990), 46, explains that the offender was to suffer for his offense: 'The humanitarian notion that execution should be carried out with dignity, speed, and discretion is a modern idea.' With increased humanitarian concerns and impersonalization, modern executions may be too distant and impersonal for the masses to associate with the condemned as an individual and thus for significant deterrence to be achieved.
- 127 Condemnation to public labor (public works, mines, or gladiatorial troop) was an invention of the Principate, generally for the lower classes; it was seen as less severe than execution, but in effect death was usually merely delayed for a time while the state used your body. Free men condemned to public works, mines, or gladiatorial schools lost their liberty as well as citizenship, becoming 'penal slaves'. See Garnsey (1970) 131–4; Bauman (1996) 127–30, 132–5; F. G. Millar, 'Condemnation to Hard Labour in the Roman Empire

- from the Julio-Claudians to Constantine', *PBSR* 52 (1984) 125–47. As Millar explains, 130–2, 143–4, *damnatio in metallum* satisfied punitive and economic motives.
- 128 Grodzynski (1984), 361, emphasizes the effectiveness of the horror of the 'spectacle du corps souffrant'. He shows, 396–403, that such images from the arena persisted into astrological sources of the late Empire. Nippel (1995), 25–6, remarks that the available sources suggest that the use of spectacular punishments of humble persons to deter criminals was a phenomenon of the Empire and not of the Republic.
- 129 Gaius in *Dig.* 47.9.9 = XII Tables 8.10. Coleman (1990), 46, relates *crematio* to the principle of *talio* by which the punishment suits the crime. E.g. arsonists who committed arson in a built-up area faced *crematio*: *Dig.* 48.19.28.12 (Callistr.).
- 130 E.g. Dio 54.1.1–3 (cf. 53.33.4): in 22 BC, upset by a series of disasters (flood, famine, plague) and wanting Augustus appointed dictator, the people shut the senators up in the Curia, and threatened to set fire to it. *App. BCiv.* 2.126: after the assassination of Caesar a mob put wood around a house and intended to burn it and Cinna within it.
- 131 Cf. above on Scipio's crucifixion of Roman deserters in 146 BC. On crucifixion: Garnsey (1970) 126–9; M. Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia: Fortress Press, 1978); H.-W. Kuhn, 'Die Kreuzesstrafe während der frühen Kaiserzeit', *ANRW* 2.25.1 (Berlin: De Gruyter, 1982) 648–793; Callu (1984) 336–7; cf. ch. 5 below on inscriptions from Puteoli and Cumae. Constantine banned crucifixion (*Aur. Vict. Caes.* 41.4; Sozom. *Hist. eccl.* 1.8), but replaced it with the 'fork' (*furca*), by which a man was hung by the neck from a wooden fork until dead – a relatively quicker form of execution than crucifixion. On the history of the *crux* versus *furca*, and on what *suspensus* (cf. Plin. *HN* 28.3.12) meant in early Rome, see Grodzynski (1984) 364–7.
- 132 See Plin. *HN* 18.12; Livy 1.26.6; Plut. *Mor.* 554a; and Oldfather (1908).
- 133 Procedures: V. Tzaferis, 'Crucifixion – The Archaeological Evidence', *Biblical Archaeology Review* 11.1 (1985) 44–53, at 48–9.
- 134 On crucifixion of slaves, see Cic. *Clu.* 187, II *Verr.* 5.12; Val. Max. 8.4.2; Livy 22.33.2; Suet. *Dom.* 10.1. For murder of a master by a slave: Mart. *Spec.* 7.8–10. Crucifixion of brigands: Petron. *Sat.* 111.5. Cf. Cic. II *Verr.* 1.13 and 5.161–4 on Verres' improper crucifixion of citizens. Jews: in AD 70 for several months 500 or more Jewish captives were crucified a day in view of the walls of besieged Jerusalem: Joseph, *BJ* 5.450. On Christians, see ch. 8 below.
- 135 Deterrence as goal: see Coleman (1990) 48–9, who adds that it might be done at the site of the crime so that relatives of the murdered man might gain satisfaction; cf. *Dig.* 48.19.28.15.
- 136 Beasts: Garnsey (1970) 129–31; Ville (1981) 232–40; H. Leclercq, 'Ad Bestias', Cabrol-Leclercq, *Dict. d'arch. chrétienne* 1 (1907) 449–62; Mommsen (1899) 925–8. Reconstructions from literature and art: Ville (1981) 391–3; Potter (1993) 66–9. On exposure to beasts in art, see ch. 3. Suetonius, *Ner.* 29.1, Loeb, claims that Nero created a perversely erotic game for himself based on such spectacular punishments: 'covered with the skin of some wild animal, he was let loose from a cage and attacked the private parts of men and women, who were bound to stakes'. Cf. Dio 62(63).13.2 and discussion in Bartsch (1994) 57–8.
- 137 The SHA expands penal precedents into fantastic stories. E.g. Avidius Cassius, *Avid. Cass.* 4.3, Loeb, is credited with a spectacular form of execution: 'after erecting a huge post, 180 feet high, and binding condemned criminals to it

- from top to bottom, he built a fire at its base, and so burned some of them and killed others by the smoke, the pain, and even the fright'. Noting examples of punishment used for black comedic effect, Bauman (1996), 68–9, suggests that 'Macrinus was something of a coathanger for unusual penalties.' E.g. SHA *Macrin.* 12.4–5, Loeb: Macrinus punished two soldiers by ordering that two large, live oxen be cut open and one soldier be put into each, with their heads out so that they could talk to each other; SHA *Macrin.* 12.10: co-adulterers were fastened together and burned alive. Bauman explains both of these unreliable examples as inspired by fourth-century legal texts. Cf. Cartmill (1993) 61: by a traditional punishment poachers might be sewn into the fresh skins of deer, then chased and killed by hounds; citing E. P. Thompson, *Whigs and Hunters: The Origins of the Black Act* (New York: Pantheon, 1975) 30–1.
- 138 Coleman (1990), definition at 44. Cf. Wiedemann (1992) 85–9; Auguet (1972) 99–104; Bartsch (1994) 50–60. The combination of theater and execution in the amphitheater was not theater proper but rather, Bartsch says, 51–2, a 'violation of the theatrical by the actual, or rather a conflation of the two', not a representation but a replication. As she notes, the actual deaths in the charades fulfilled the requirements of both the plot and the penal code. Recently Coleman (1996), 49–52, has compared the use of myth in Roman spectacles with its use in the Grand Procession of Ptolemy Philadelphus in Alexandria in 275/4 BC, but Ptolemy's was not a spectacle of death.
- 139 Coleman (1990), 61, cites Sen. *Dial. (Cons. ad Marc.)* 6.20.3 on a type of crucifixion whereby the criminal was impaled through the genitals (with self-castration the only way to prevent death). Coleman sees this as a 'mitigated' punishment; cf. Potter's discussion (1993) n. 91 on 84–5.
- 140 Strabo 6.273C; cf. Coleman (1990) 53–4, 64–5.
- 141 Real punishments: Mart. *Spect.* 5.4, 7.12; cf. Coleman (1990) 60–6. Coleman, 56, suggests that crucifixion was not very spectacular and might be combined with other punishments, e.g. with fire or exposure to beasts. Laureolus: Mart. *Spect.* 7; this was a famous mime based on the crucifixion of a robber under Caligula; references in Coleman, 64–5, include Suet. *Calig.* 57.4; Joseph. *AJ* 19.1.13; Juv. 8.178f. Cf. Mart. *Spect.* 8 and 21: Daedalus and Orpheus are torn by a bear. Bartsch (1994), 52–4, feels that presentation of 'Laureolus' had a special appeal because a historical incident was turned into a mime (with staged violence) under Caligula and then that mime was turned into a fatal charade (with actual death) under Titus.
- 142 Coleman (1990) 67–73.
- 143 *Ibid.*, 57–60. She shows, 44–9 (e.g. via Gell. *NA* 7.14), that public punishments were to allow revenge and to inspire fear. As R. MacMullen, 'Judicial Savagery in the Roman Empire', *Chiron* 16 (1986) 147–66, at 150–1, explains, crowds tolerated and even demanded severe punishments; they felt that cruelty served society's moral ends or they 'simply didn't bother their heads over moral questions and shouted for more, more, without discriminating between the pleasures of violence and vengeance'.
- 144 Forbade: *CTh* 15.12.1; Euseb. *Vit. Const.* 4.25; ineffectual: see Wiedemann (1992) 156–7. Even this 'Christian' emperor could please his people with cruel punishments of barbarians and criminals in the arena. In AD 315 Constantine allowed *damnatio in ludum gladiatorum* for freeborn individuals convicted of aggravated cases of kidnapping (*CTh* 9.18.1 = *Clust* 9.20.16; slaves and freedmen were to be sent to the beasts), but he later substituted condemnation to the mines; see Robinson (1995) 35. Constantine achieved 'something lovelier even than his victory' when 'for the pleasure of all of us (*ad nostrum omnium voluptatem*)' he had his German prisoners, Bructeri 'too unreliable to be soldiers, and too savage to be slaves', thrown to the beasts, probably in the amphitheater at Trèves: *Pan. Lat.* xii (ix), 23; see Friedländer (1965) 4:45–6.
- 145 Wiedemann (1992) ch. 4, 'Opposition and Abolition', 128–64, esp. 147–60, and his 'Das Ende der römischen Gladiatorenspiele', *Nikephoros* 8 (1995) 145–59. Cf. Brown (1995) 378–40, 384, for reservations about Wiedemann's theories of gladiatorial rebirth and its rivalry with Christian ideas of resurrection. Cf. theories about changing tastes, Christian criticisms, etc., in Ville (1960) 273–335, esp. 326–9; Ville, 'Religion et politique: comment ont pris fin les combats de gladiateurs', *Annales (ESC)* (1979) 651–71.