2 Rituals of killing

Public punishment, *munera* and the dissemination of Roman values and ideology in the *Imperium Romanum*

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I

The Roman Republic never hesitated to propagate her warrior-state ideology and to publicize examples of her citizens' bravery on the battlefield. In her coinage, numerous coin types show military themes, asses almost exclusively (the *prora* of a warship), and the earliest regular silver coinage is known as Victoriati. Besides common motives such as the goddess Victoria, the Dioscuri on horseback, or trophies, are more specific representations: battle scenes, vanquished enemies, captives, and particular historic reminiscences.[1] One silver denarius struck by the moneyer M. Sergius Silus in 116 BCE shows a horseman galloping, holding aloft his sword and an enemy's severed head (Figure 2.1).[2]

Figure 2.1 Denarius (reverse) of M. Sergius Silus, Rome, 116–115 BC, 3,9 g, 18 mm, horseman galloping left, holding sword and severed head in his left (Crawf. 286/1, Syd. 534)

Source: photograph courtesy of Robert Dylka, Seminar für Klassiche Archäologie, Münster

This remarkable public testimony of Roman valour and grimness – or, to the modern beholder, of cruelty and barbarism – highlights the Roman attitude towards warfare, enemies and, in part, violence in general. Not only coins appear to reflect Roman ritualized violent behaviour. The *res publica*, in the course of her expansion that cost many hundreds of thousands of lives, developed various bloody public rituals. These were prominent in the military sector but were in fact distinctive of Roman society and public life as a whole – and they mostly concerned staged public killings in the public interest.

This is particularly evident in the case of *decimatio*, the punishment of a unit which had displayed cowardice, disobeyed orders in battle, or mutinied. Every tenth man was selected by lot only to be beaten to death with sticks, in full view of the whole army, by his very comrades who had been spared by the lot.[3] This cruel custom was no myth; neither was it a long-since obsolete practice dating back to the time of heroic Early Rome that was only told to intimidate young recruits and to motivate them to fight bravely in battle. *Decimatio* was practised during the Principate and discussed in the rhetorical schools. Here, young Roman aristocrats were taught to regard it as an established method of military punishment and to consider in which situations they themselves, in their later careers, might have to make use of it.[4] No ancient historian ever calls the *decimatio* in question. Tacitus alone remarked, 'well, even in a beaten army when every tenth man is felled by the club, the lot falls also on the brave. There is some injustice in every great precedent, which, though injurious to individuals, has its compensation in the public advantage (*utilitas publica*)'.[5] Roman soldiers not only killed the enemies of the *res publica*. For the benefit of Roman society and the state, and to corroborate the most fundamental Roman principles and values, they killed each other as well – and they did so in public, in broad daylight and in full view of their fellow-citizens, as was the explicit order.[6]

The ritual of *decimatio* emphasizes several aspects which are essential to understanding Roman society: the primacy of political and social values, the importance of immediacy, the principle of visibility and the prominence of theatricality and dramatic performances, the ideology of commitment, and the active participation of the citizen or soldier in civic or military ritual. In the *decimatio*, as in other rituals and spectacles, the audience participated; in fact, it had an essential role in the performance. The *decimatio*, however, at the same time mirrors a culture of violence which pervades Roman public life and which propagates the indispensable values of the warrior state: total obedience, bravery, courage, eagerness to kill, self-contempt and readiness to sacrifice. It is important to realize that these values were still unstintingly propagated and vigorously pushed as a pedagogical program when, under the Principate, the audience of such staged performances, the population of the *Imperium Romanum*, in particular the inhabitants of Rome, had no longer an immediate relationship to these warlike virtues as the imperial army was now almost exclusively deployed and recruited in the frontier zones of the now vast empire. The public execution of prisoners of war in the capital, who had often been transported there over thousands of kilometres, demonstrated to Roman men, women and, indeed, children the fate deserved by soldiers who had not fought bravely enough or had not been willing to make sacrifices but had surrendered instead and had thrown themselves to the mercy of their conqueror.

II

To non-Roman contemporaries, the gruesome ritual of *decimatio* served as an example of Roman warfare, which they perceived as brutal without parallel. Roman generals did not content themselves with simple victory in battle: the bestowal of a triumph, the ultimate goal of every Roman commander, required the slaughter of 5,000 enemies at least.[7] Accordingly, victorious battles were prolonged, wounded combatants killed, fleeing enemies hunted down and executed. Conquered cities often became the scene of massacres, prisoners of war were killed, women and children were not spared.[8] The brutal reality of merciless Roman warfare was not hidden from the eyes of citizens or provincials. On the contrary, each triumph in the capital aimed at visualizing the successful campaign and allow the Roman population to behold the military actions in all detail on large paintings displayed on carriages in the triumphal procession. Flavius Josephus informs us that, in Vepasian's and Titus's triumph of 71 CE, the final stage of the siege of Jerusalem was narrated in pictures:

> [A]n army pouring within the ramparts, an area all deluged with blood, the hands of those incapable of resistance raised in supplication, temples set on fire, houses pulled down over their owner's heads, and after general desolation and woe, rivers flowing . . . across a country still on every side in flames . . . and the art and magnificent workmanship of these structures now portrayed the incidents to those who had not witnessed them, as though they were happening before their eyes.

Josephus does not forget to note that massacres with all their horrible details were recorded.[9] No Roman onlooker could have been in any doubt about the true character of Roman warfare – and will at the same time have felt deep satisfaction at seeing the Jewish revolt bloodily suppressed, the insurgents relentlessly punished and Roman law and order triumphantly restored. During the Principate, the slogan *Vae Victis* carried a multiple message: it extolled the *pax Romana* or *Augusta* and the victoriousness of the ruling emperor and his army, it warned potential rebels and foreign enemies, and it thus vividly (and violently) expressed, for citizens and for provincials alike, key elements of imperial ideology with a soteriological ring.

Rome's wars, scrupulously portrayed as 'just' wars,[10] were regularly, whenever possible, staged as wars of retaliation, retribution or vengeance: Rome preferred to punish its enemies. This later helped, *inter alia*, to qualify the ensuing prisoners of war, an important part of the victorious army's booty, as criminals and thus as handy victims for public execution in spectacles.[11] Here, the Empire's public, in Rome as in the provinces, could follow the 'continuation' of Rome's warfare and the destruction of her enemies, now in a ritualized form. When Titus returned, in 70 CE, from Jerusalem, he 'presented multitudes (of the Jewish captives) to the various provinces, to be destroyed in the theatres by the sword or by wild beasts'; ' . . . in costly spectacles . . . making his Jewish captives serve to display their

own destruction'.[12] It has been argued that a third-century mosaic, discovered in a Roman Villa at Silin (near Leptis Magna, Libya) and *prima facie* showing a bull chase, in fact represents the execution of prisoners of war taken by Caracalla on his eastern campaign 216 CE: men in oriental costume leaping up and turning over before an enormous bull are indeed driven against the beast by a servant, while another attendant is already waiting with a hook to pull the bodies of the crushed victims out of the arena.[13]

Many public and private monuments – state reliefs, columns, statue groups, sarcophagi etc. – with their sometimes spine-chilling narrative images conveyed the message of Roman mercilessness towards barbarians and rebels, and the massacres they suffered. Bloody slaughter, even atrocities suffered at the hands of Roman soldiers – for example, the presentation of severed enemy heads on poles around Roman camps, the rape of women, the enforced mass suicide of captives, who mostly appear as ugly and repulsive people – symbolize the triumph of Roman civilization over barbarism and are intended to evoke Roman *virtus* and superiority (Figures 2.2 and 2.3).[14]

Figure 2.2 Trajan receives severed Dacians' heads from victorious Roman soldiers, Trajan's column, Rome

Source: Cichorius, Conrad, Die Reliefs der Traianssäule, Berlin 1896–1900, Plate LI – Scene LXXII: The Last Battle of the First War

Figure 2.3 South Vietnamese soldiers present severed heads of Vietcong, 1967
Source: UPI Southpress; image reproduced courtesy of Karl Reinhard Krierer

Bella iusta, in Roman understanding, not only allowed but demanded visible documentation, narration and illustration going well beyond the transitory impressions gained from a grand triumph in the capital. Romans and foreigners alike were the intended audience of these artworks, which above all served to justify imperial rule, the brutal punishment of enemies included.[15]

The punishment and execution of prisoners of war as public entertainment was common practice during the Principate and throughout Late Antiquity – and it served imperial ideology. When the new Flavian dynasty, in the person of Vespasian's victorious son Titus, took over in Rome, the whole empire was invited to join in the celebrations: the urban population in the provinces received *spectacula* with the massacres of the Jewish captives as special *beneficium* and inaugural gift. The men had been spared and provided for these occasions to generate common *consensus* with and promising *auguria* for the incipient reign of the new imperial dynasty. The visual presentation of the killing of captives, the transfer and staging of the wholesale slaughter of conquered enemies in *spectacula* and the refined methods of execution and destruction as entertainment for the Roman and provincial audiences earmark a cornerstone of the ruling emperor's and the Roman Empire's victoriousness.[16]

The erection of the Colosseum, the biggest amphitheatre of the ancient world, by Vespasian and Titus from the booty of the Jewish War is animated by the same

spirit: the venue pursued no other purpose than the regular, institutionalized and safe performance of *spectacula*: that is, of *munera* comprising gladiatorial duels (*paria gladiatorum*), often using prisoners of war,[17] public executions (*damnationes ad ferrum*, *ad bestias* or *ad gladium*), animal baiting (*venationes*), and some special performances such as staged land battles or *naumachiae*.[18] While they were in Republican times still erected as temporary wooden constructions, the monumentalization of amphitheatres in stone and marble under the Empire signalled the definite establishment of the *munera* in urban public life as privileged and highly popular entertainment for the Roman population. The steady provision of suitable material – criminals, prisoner of wars, gladiators, wild animals – became a politically sensitive task of the emperor.

It must be noted that the amphitheatre was more than just one of various types of venues for entertainment, such as the theatre, hippodrome or stadium. As a functionally highly specialized, necessarily monumental and conspicuous building type of a distinctive architecture, it dominated the respective urban prospects whenever it was added to an urban topography. Since it offered, besides seating for a remarkably large audience, the sole space for the regular performance of bloody *spectacula* with their genuine and exclusively Roman character, it unmistakably stood as a monumental marker of Roman identity.[19] The construction of an amphitheatre in an Italian city, and *a fortiori* in a provincial city, thus meant far more than a simple addition to its urban infrastructure and public entertainment. So the earliest amphitheatres appear in Campania exactly at a time when, in the aftermath of the Social War (91–88 BCE), veterans were deducted there as colonists on an unprecedented scale.[20] Similarly the construction of an amphitheatre by Roman colonists in an overseas settlement, as in Corinth, served as an architectural symbol of their Roman cultural identity and expressed their strong consciousness of being Roman veterans and citizens abroad. Beyond the early association with the military, however, the attraction of the gladiatorial games spread among wider parts of the population and of the provinces. In imperial times, most major cities in the Latin West possessed amphitheatres and regularly organized *spectacula*.[21]

III

The issues of the reception of the *munera* and of the geographical expansion of the amphitheatre in the *Imperium Romanum* have traditionally been analyzed by scholars primarily for the Greek world. Here Greek pride, refined Hellenistic culture and strong agonistic traditions could have meant a possible obstacle or provided superior indigenous ways of entertaining the crowds. While the first staged Roman-style gladiatorial combats in the East are attested under Antiochos IV Epiphanes – he presented 240 pairs of *monomachoi* for a pan-Hellenic audience in Daphne in 166 CE – they initially remained a rather infrequent event, organized by Roman generals.[22] However, under Roman imperial rule, they quickly gained wide acceptance in the entire East: *munera* were established beside, and independent of, the traditional agonistic competitions which remained highly popular.

The long-held opinion that there existed a widespread resistance among the Greek elites against Roman *munera* and their barbarism has been convincingly refuted in recent years.[23] Amphitheatres were far more widespread in the Greek world under the Empire than was long believed, and new discoveries steadily add to our list.[24] Unlike in the West, *munera* were also often held in other venues, provisionally or permanently adopted for that purpose. The best-known example is the theatre of Dionysus in Athens, which was converted specifically for this purpose.[25] More importantly, in the imperial period, gladiatorial shows were now being sponsored by Greek aristocrats and the number of *spectacula* increased steadily through the first three centuries. The epigraphic evidence, admirably made accessible by Louis Robert in 1940, proves that Roman *spectacula* were regularly and emphatically held in the centres and minor cities of the Greek world, and that they enjoyed a striking popularity besides athletic *agones*, chariot races and theatre performances.[26]

The most significant development, however, was the prominence and political meaning the *munera* won as part of the celebration of the flourishing imperial cult: imperial priests on the local and provincial level (i.e. the most powerful members of the urban elites in the East) sponsored *munera* in the context of the festivals as personal *euergesiai* on behalf of the emperor. Their personal prestige, in respect to the urban population as well as to the provincial administration, depended on their munificence – and this served as a benchmark of their loyalty towards Rome. The inclusion of 'Roman' executions expressed the consensus with Roman power and notions of punishment.

Gladiatorial *munera* spread throughout the urban culture of all Roman provinces without exception but we should note that, unlike other Roman cultural practices or achievements, it never crossed the boarders of the Empire anywhere: so overwhelmingly did the *munera* represent *Roman* power, military virtues and social relations. However, their reception within the *Imperium*, among its provinces, people and regional societies, was by no means uniform. In view of the greatly varying conditions and even more of the highly uneven literary and archaeological documentation, any such processes are difficult to gauge. But when one takes into account other types of public entertainments which followed close on the heels of Roman expansion and urbanization, such as theatre performances, chariot races and agonistic competitions, one can see that the attraction of the various *ludi* and of *munera* markedly differed geographically.[27]

A highly informative case, and very different to the one discussed before, are the Jews of Palestine (and elsewhere) – the people under Roman dominion who, due to their repeated revolts during the first and second centuries CE, suffered more than any other nation from Roman military virtues, suppression and brutality. How were gladiatorial *spectacula* received by Jewish subjects, could *munera* propagate the message of Roman superiority, cruel punishment and the merciless destruction of men under the eyes, and for the entertainment, of a crowd in this part of the Empire too?

While it is doubtful whether there ever existed a critical discourse regarding the *munera* in the Greek world of the East, Rabbinic sources articulated a fierce

resistance against amphitheatrical performances. Jews in Palestine were strongly warned by their religious leaders not to attend gladiatorial combats. However, *munera* were performed as early as the Herodian period when criminals, prisoners of war and slaves, like elsewhere in the Roman Empire, were thrown into the arena. Second century BCE rabbis, however, condemned any attendance of gladiatorial shows: 'If someone sits in a venue [where gladiators fight], then he is guilty of bloodshed'. They granted permission for only two reasons, 'because [the Jew] cries out to save lives [of the defeated] and because he testifies on behalf of a woman [whose husband is killed in the arena], so she can remarry'.[28]

It is clear, then, that in this province with its highly mixed population, Greek- and Roman-style contests, and gladiatorial duels (including public executions of criminals) were regular events in the province's capital, Caesarea (where few Jews lived), and in strongly Hellenized cities. During the Great Persecution, Christians were publicly executed in Caesarea's arena and the same practice is known for Scythopolis in the mid-fourth century.[29] Rabbinic prohibitions to visit spectacles, however, seem to have had only limited effects. We know that during the economic crisis of the mid-third century CE some Jews sold themselves as gladiators or animal baiters despite the explicit rabbinic pronouncement that 'if a man sold himself to gladiators even once, he is not to be redeemed'.[30] The conflicting Mishnaic interpretations which are appended to this verdict reveal how rather widespread and multifaceted this phenomenon apparently was.

No doubt, public spectacles were highly popular in Roman Palestine and drew large crowds from the urban population in particular. But it is less certain to what extent the entertainments in theatres, hippodromes, stadia and amphitheatres were shunned by Jews, how far the pagan idolatry associated with the attendance, in particular of the *munera* and their bloody spectacles and executions, was avoided by them. The fierce opposition to all games in the Rabbinic sources, for religious and moral reasons, together with the boom in building such venues in the major cities in Palestine, some of them (for instance the second-century CE theatre of Sepphoris) located in proximity to the Jewish residential quarters, strongly suggest a Jewish audience too. However, it must be stressed that not a single amphitheatre has so far been discovered in Jewish Galilee and no honorary inscription or other epigraphical testimony for a Jewish *editor* has been found elsewhere.[31] Members of the Jewish elite kept away from the ranks of provincial upper classes in this highly indicative practice and so did their brothers in the diaspora.

The Jewish ambivalence to Greco-Roman culture and Roman rule thus becomes unmistakably visible in the field of public entertainment. Jews attended, enjoyed and cheered a wide range of performances but many may indeed have refrained from visiting gladiatorial shows and public executions. Since the former were closely linked to the imperial cult and pagan sacrifice, the latter to the demonstrative enforcement of Roman rule, *munera* may indeed have only been the favourite spectacles of – apart from Roman citizens and soldiers – those juridical or ethnic groups in the provincial population of Palestine which, even when they were not *cives Romani* proper yet, always stayed loyal to Rome and indeed found it suitable to demonstrate this loyalty at fitting occasions. A lavish *munus* with the

execution and slaughtering of enemies of the Roman order of whatever kind with the Roman governor presiding should for these individuals have been the option of first choice.

IV

What amount and kind of violence and killing could spectators in the arena expect to see? The length and program of *spectacula*, the amount, kinds and savagery of beasts, and the number of *gladiatorum paria* depended on the financial means and connections of the *editor*. Unmistakably, the rules of conspicuous consumption played a prominent role. The rarity and ferocity of the beasts provided and massacred were a visible benchmark for the sponsor's munificence and generosity, as was the number and 'quality' of the fighters hired and killed. Thus, in an honorary inscription, an *editor* and former magistrate is praised for the eleven pairs of gladiators he had provided – and in particular for the fact that eleven of the fighters, all of the first rank (*primarii*), had been killed during the event. The same happened to ten bears which are specifically earmarked as *crudeles* in the same inscription.[32]

The display of public executions of criminals at midday during *munera* persuasively demonstrated the well connectedness of the *editor*. The *damnati* normally had to be provided or at least approved by Roman magistrates or the provincial administration.[33] The execution or rather massacring of the convicted was regularly performed in a spectacularly cruel manner, although in the Roman penal system neither the talion principle (principle of retaliation) nor deterrence by horror were explicitly pursued.[34] It is true that the ritual of public execution, even in a cruel form, is no specific feature of Roman Antiquity but rather common practice in pre-modern societies.[35] However, no other society has placed the performance of the death penalty so squarely in the centre of the public life of the civic community, or had it so strongly institutionally embedded and staged in such a drastic manner, as imperial Rome.

Crucifixion[36] and *damnatio ad bestias*, *ad ferrum* or *ad gladium* in the arena,[37] especially, reveal features which transgress the limits known in other societies and cultures. These Roman practices refer to more than the public destruction of an enemy of the social or political order for pedagogical purposes. The punishment of the Christians convicted for arson in Rome in 64 CE was staged as a mass crucifixion. Tacitus reports revealing circumstantial detail:

> And derision accompanied their end: they were covered with wild beasts' skins and torn to death by dogs; or they were fastened on crosses, and, when daylight failed were burned to serve as lamps at night. Nero had offered his gardens for the spectacle, and gave an exhibition in his circus, mixing with the crowd in the habit of a charioteer, or mounted on his car.

Tacitus notes the sympathy of some spectators for the victims but comments that this was 'in spite of a guilt which had earned the most exemplary punishment'. Neither the humiliating presentation of the victims nor their cruel incinerations

were contentious as such: these followed traditional custom. The place of the *spectaculum* and Nero's role alone scandalized.[38] Still, only the Neronian staging and atrocious aggravation made the death penalty into a real *spectaculum*. Otherwise, crucifixion, after a dramatic beginning, is hardly a spectacular event as it usually drags on, incalculable in length, and its completion is hardly observable. Thus, it was not practised in the context of a *munus* unless it could be used to add some colour to the re-enactment of a myth or a historical drama.

It is no less telling that in visual representations with narrative pretensions, as in large-format mosaics with sequences of arena scenes, the representation of executions *ad bestias* is depicted with considerable detail. In particular, the delinquent and his horrible fate is embedded in the other 'spectacular' events of the *munera*.[39] So the *damnatus*, bound to a pole, is rolled into the arena on a special carriage and delivered to hungry beasts. A drastic scene on a domestic floor mosaic from El Jem focuses on this very moment when the delinquent is attacked by a leopard (Figure 2.4): the cat, having jumped up his body, immediately locks its jaws in the face of the victim, the blood streaming down and collecting in puddles in the arena sand. The music bands in the arena may have enlivened the unsteady beasts to attacks and equally brought out the dramatic moment of each attack.[40]

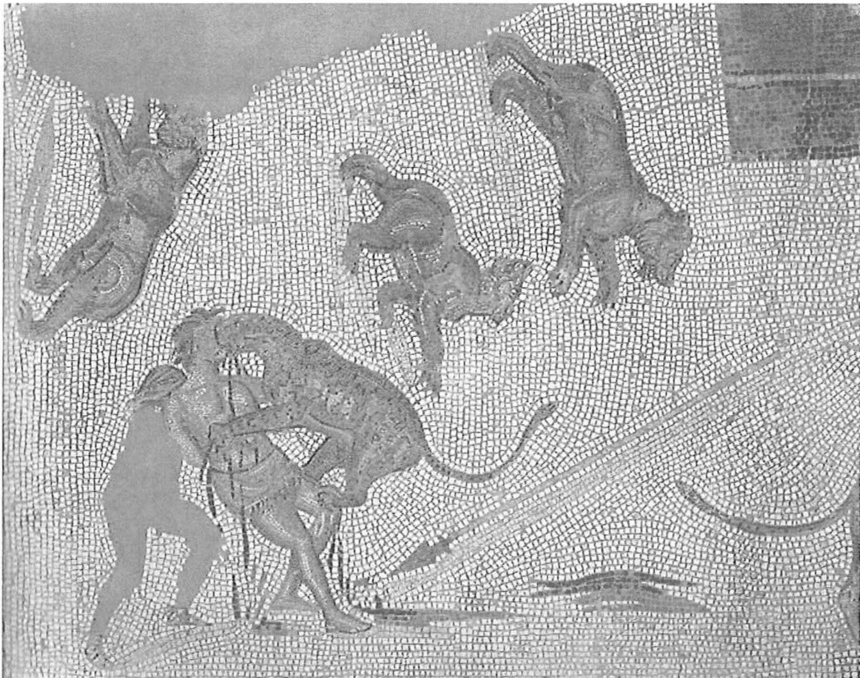

Figure 2.4 A *damnatus ad bestias* pushed by attendant towards attacking leopard, detail of floor mosaic from El Jem (Tunisia), third century AD

Source: photograph by the author

The staging of executions as spectacular killing events in the arena was not restricted to the *ludi meridionales*, the midday program, and the *damnatio ad bestias* or *ad ferrum:* the latter as duels between *damnati*, without any protective armour and no chance of mercy nor *missio*, after which the last survivor was struck dead by a masked gladiator dressed as Charon with an enormous iron hammer. The physical destruction and mass slaughter of prisoners of war in particular could be arranged for and exploited in many ways – and the city of Rome was evidently privileged in this respect with special shows. Several Caesars gave *naumachiae* and other battles with thousands of participants.[41] In the case of Domitian's sea battle, given at the inauguration of his newly built customized *stagnum*, we know for sure that almost all prisoners were massacred; the same seems to have been the case with the 19.000 men who had to fight, under extensive security measures, in the guise of Rhodians and Sicilians on board of 100 ships under with Claudius watching on the Fucinus Lacus.[42] Other mass killings imitated historical land battles or the taking of cities: history and, even more, mythology provided rich inspiration for fatal charades and produced the smashing, incineration, castration, dismembering and tearing to pieces of huge numbers of human beings as *spectacula* for roaring crowds.[43]

Closer examination of the rich diversity of gladiatorial representations – in mosaics, frescos, as statuettes, on oil lamps, etc.[44] – reveals that the focus of the artists and their patrons and clients often was not so much the fighting itself: it was the moment of the decision of the fight, the defeat, the surrender, the death blow. The killing and dying of the men, and not so much the duel, was fashioned and brought out in the objects or depictions. Clearly these climactic moments fascinated the public most, independently of status or sex. Not the life but the death, the manner of a gladiator's dying captivated the ancient beholder and purchaser of the work of art. The very moment of the killing, of the decision *pollice verso*, of the resultant slaughter, of the execution were the favoured motives on objects decorated with gladiatorial scenes.

This correlates with what we know of the reception of the real duels in the arena.[45] Although the crowd appreciated a fine fight and sided with skilful fighters, it lived and longed for the crucial – and cruel – moments, in particular the kill, the *editor*'s decision concerning the defeated gladiator's fate or the death blow for a beast's victim bleeding to death under their eyes instead of outside the arena – if they did not demand an even greater severity for the *modus mortis*.[46]

In the majority of gladiatorial duels, the fight did not end with a fatal attack by one combatant. Instead, one gladiator, defeated or wounded, was unable to continue fighting and surrendered, or he remained helpless in the sand. Here, the *rudis* intervened, prevented the victor from placing the death blow and turned to the *editor* or *munerarius*. It was the latter's decision or rather the joint decision of *editor* and crowd who in a semantically highly charged ritual – *pollice verso*[47] – reached an agreement whether the defeated deserved *missio* or death, whether he was released from the fight or had to take the death blow: *ferrum recipere*. This communicative ritual, whether it took place in the Colosseum in Rome between emperor and *plebs Romana* as agents or in a provincial venue between a local

magistrate and the town's *populus*, was one of high socio-political significance: it mediated, achieved and demonstrated consensus, of magistrate and citizens, of elite and *plebs*.[48] It did this in a judgement on the martial virtues of Rome – on discipline, toughness, bravery, courage, contempt of death. At the same time, and in a second ritualized step, it made *editor* and audience into joint killers: the victorious gladiator was not an autonomous fighter any longer but now had to execute the citizen-spectators' decision and, in a way, let them thus participate in the *virtus* of his victorious combat, and slaughtered his opponent with a thrust into throat, neck, or heart.

It is important to see that this thrust was not a simple death blow: the *iugulatio* corresponded a skilful execution and again a riualized act (Figure 2.5); it had to demonstrate, just as in bloody bull fights still today, the fighter's expertise and perfection and accomplished an elegant kill which may have reminded ancient onlookers of a sacrificial performance, that is, of a *victimarius'* measured, almost effortless thrust that ended a victim's life for a higher purpose. And just as a *victimarius* only performed as an executing servant of the priest responsible for the ceremony and the climactic sacrifice, so the *editor*, joined by the citizen-body, had the responsibility for the core act of the 'ceremony' in the arena, while the

Figure 2.5 A *murmillo* places his sword for death blow (*iugulatio*) at back of defeated *thraex*, relief from Apollonia (Fiori, Albanien), first century CE

Source: Patsch 1904, p. 157, fig. 125

executing victorious gladiator, finalizing his task, acted as no more than the assistant of the preceding 'political' communication and decision.

It is this particular, highly charged ritualized death thrust, closely observed by everybody present and performed only after the delay caused by the *editor*'s and audience's symbolic communication, which is caught in so many contemporary depictions, as if it constituted the true essence of the whole event. And this very slaughter, performed with a thrust in the throat, the heart (while kneeling on the defeated) or the neck according to the circumstances, we see also documented in archaeological finds from a gladiator cemetery in Ephesos, the first such graveyard ever excavated.[49] Forensic studies of the gladiators' skeletons have revealed, besides typical wounds for gladiatorial combat and other features, that several of the men have indeed been killed by *iugulatio* (Figure 2.6).

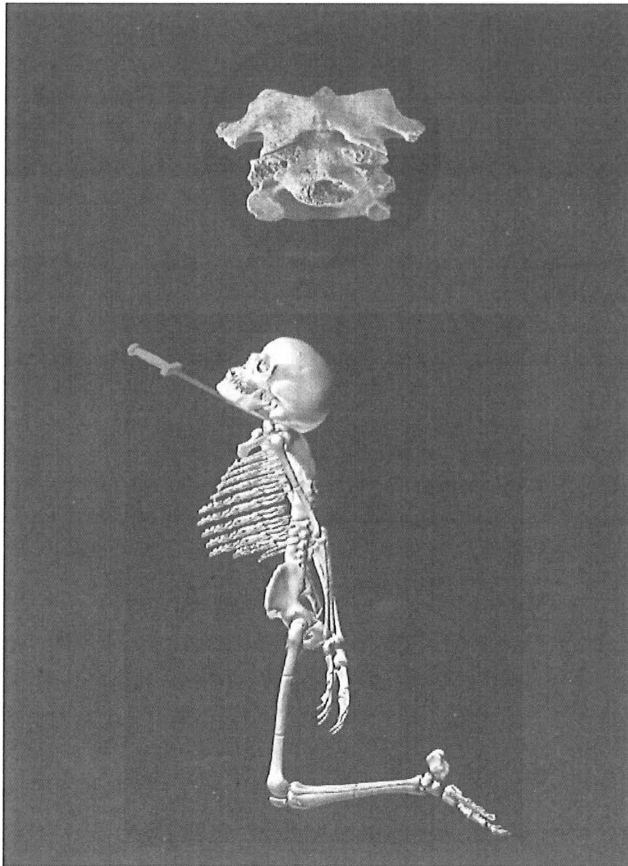

Figure 2.6 Forensic reconstruction of the execution (*iugulatio*) of a defeated gladiator, based on injured vortex bone excavated in the gladiatorial cemetery of Ephesos, second century CE

Source: photograph by the author

These fighters had not received *missio*, honourable release; they had apparently not fulfilled the spectators' expectations. Their fate was *ferrum recipere*, the ritualized kill by *iugulatio*. And still the audience, we must assume, will have followed this act with deep satisfaction: 'habet!' or 'hoc habet!' ('here, he got it!') are the roars that regularly accompanied the death blows.[50]

This execution was a joint act and a shared experience, in which victor, spectators and *editor* had come to the understanding that the defeated deserved to be slaughtered. It was a consensual ritual and it was celebrated in a common killing act. And it was the Romans in the audience, under the guidance of the aristocratic *editor*, or the emperor himself, who ruled over the spectacle, were entitled and called to judge the gladiatorial performance of military *virtus* and who could be seen not only as the final experts of manly Romanness but, in their role as spectators and judges, as essentially the guardians of Roman martial virtues and military tradition.

V

There exists an enormous number of visual representations of arena scenes from Rome, Italy and the provinces. It is important to note that mosaics and frescos with such representations – of *venationes*, gladiatorial combats and *damnationes ad bestias* – did not adorn court basilicas or other public spaces. Almost all were placed in the private rooms of Roman *villae* as a costly form of decorative luxury and thus mirrored the taste, predilections and mentality of members of the imperial, provincial and local elites.[51] The spectacular mosaic from Zliten (modern Dar Buk Ammera in Lybia) with its complete iconographical program of a *munus*, including the detailed representation of three executions *ad bestias* (three others probably lost), covered the floor of the socially most important room of the villa, the *triclinium* (Figure 2.7).[52]

Here the owner and his illustrious guests, while lying down at dinner, could take delight in the sight of an exquisite variety of delicate fish in the central vignettes of the floor framed in valuable multicoloured marble. But they no less delighted in admiring and discussing the dramatic scenes of a full day's program of *munera* in the arena: images of bloody *venationes*, meticulous representations of wounded and dying fighters, and, not at least, depictions of the gruesome execution of helpless tied victims suffering a *damnatio ad bestias*.

The dramatic moments of the killing of a defeated gladiator and of the delivery of a convicted *ad bestias* to the imminent attack of a lion or leopard are in each case displayed more than once in the mosaic, thus visible for all participants of the meal in the room. In the social exclusivity of a private dinner, members of the sociopolitical elite took delight in jointly admiring the mosaicist's skilful rendering of delicate fish and costly seafood on the one hand, and the indiscriminate bloody slaughtering of wild animals and men on the other (Figure 2.8).

The latter event had otherwise to be observed, together with a roaring crowd, at its proper place, in the arena. Instead, at an intimate dinner, rich Romans enjoyed and esteemed in the mosaic's iconography the faithful and vivid evocation of

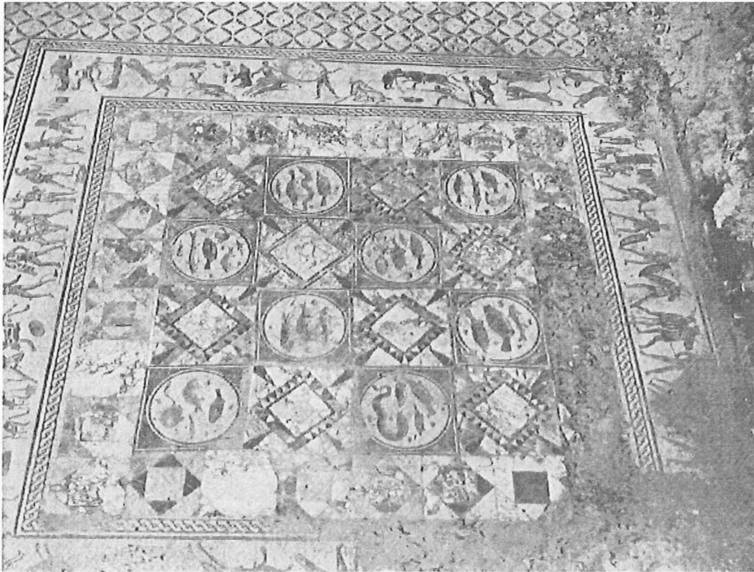

Figure 2.7 View of the floor mosaic from the *triclinium* of the Villa of Dar Buc Amméra near Zliten (Libya), after uncovering in 1914

Source: Aurigemma 1926, p. 133, fig. 76

Figure 2.8 Floor mosaic from the *triclinium* of the Villa of Dar Buc Amméra near Zliten (Libya), upper left corner in coloured reconstruction

Source: Aurigemma 1926, p. 137, tav. D

central Roman values: *virtus*, *iustitia* and – occasionally – *clementia*. In their dinner, these men celebrated their close attachment to the values which had founded and enlarged the *Imperium Romanum* – the same values that now even enabled provincials like them, here in overseas North Africa, to participate in the *gloria imperii* and in the exercise of power over a world empire. The elevating solemnity of these feelings indissolubly coalesced with the admiration of unrestrained acts of killing.

We may assume that the magnificent second century CE mosaic from Zliten, like others of this kind,[53] was commissioned by a patron who formerly, as a local magistrate or perhaps as a private *potens*, had indeed sponsored the games which he later decided to commemorate in this costly mosaic. The illustration of the amphitheatre scenes and hunts appears to render the chronological sequence in which the actual events had taken place. The arena's setting comprises scenes with various moments of gladiatorial combats, one with a victorious fighter waiting for the sign to kill his helpless adversary on the ground, music bands, the fighting and killing of various animals, and three (originally probably six) bound criminals convicted *ad bestias*. Striking is not only the realism of the whole narrative and of single scenes but also that of emphatic detail. The delinquents, one of them rolled into the arena on a small cart and bound to a pole, in a virtually petrified posture, faces the open mouth of a leopard jumping up to his head, while the other, naked with long hair, is whipped and driven by an attendant towards the claws of an attacking lion and is desperately leaning backwards to escape his horrible fate (cf. Figure 2:8).

The mosaic clearly attaches particular importance to the depiction of violence as applied to the *munus*'s helpless victims: criminals in the moment of their deliverance to the beasts or defeated gladiators awaiting the *editor*'s verdict and possibly death. The surrounding detail – attendants, *rudis*, an empty raised stage (*catasta*), music bands, etc. – underlines the official and well-ordered character of the events visualized. The condemned facing their imminent death are distinctly and visibly designated as legitimate victims: their hair and appearance marks them as social outcasts. The *rudis* holds back the victorious gladiator from the kill while his knocked-down opponent requests *missio* with raised hand waiting for the *editor*'s intercession. Thus, legitimate punishment, institutionalized violence and orderly execution, not simply bloody entertainment, are the key messages of the artwork and its narrative. No doubt, the mosaicist has translated the commissioner's explicit visual intentions into his composition and detail in order to convey the patron's own understanding of his games to the beholder: this was how the donor wanted the *munus* and beast hunt to be seen and admired by his peers at dinner table. This patron in the North African province understood and styled himself as a representative and guarantor of public (i.e. Roman order), and as an agent of all the necessary acts of ritualized violence involved.

The rituals of killing are thus not limited to the arena – they conquer the living spaces of the wealthy and socially privileged in the cities and towns of the Roman

Empire. Members of elites from all parts of the Empire articulated their *romanitas* in their adoption of social habits, preferences of artistic taste and the acceptance and patronage of distinctively Roman rituals. The representation of gladiatorial and venatorial scenes in domestic decoration refers to a conscious and ostentatious association with the political culture of the capital, with the Roman tradition of public and bloody punishment, not only of criminals but of prisoners of war and of social outcasts (*infames*) – if it not unambiguously expresses an open propagation of Roman values and political order altogether. The demonstrative visualization of such violence, the staged slaughtering of victims and Roman enemies in highly artificial narrative enactments and forms of entertainment (*damnatio ad bestias*, *naumachiae*, mythological charades, etc.) demonstrates a striking and overwhelming dissemination of specific Roman values and social concepts and distinctively Roman political culture.

The nobles not only adopted but identified with the specific culture and with the attitude towards public violence. The display of amphitheatre scenes in the setting of an aristocratic dwelling served more than the demonstration of social prestige: the commissioning of elaborate mosaics and frescoes depicting games sponsored by the villa's owner distinguished him, at the same time, as member of the governing class, as a magistrate and representative of the Roman order who communicated with his local community according to the same rules and traditions that evolved from the Republican *mos maiorum* in Rome. At the same time, the patronage of *munera* by members of the local and provincial elites served as a strong signal of political loyalty since *munera* were regularly connected with the imperial cult.[54] Serving as an imperial priest or magistrate and *editor/munerarius* imparted invaluable social and political prestige and was nothing less than a key towards advancement in imperial society, the administration and imperial power structures.

VI

Contemporaries watching *munera* with their ritualized violence and killing clearly saw other things in the arena than the modern beholder: the triumph of order over chaos, the perpetual renewal of the victory of Roman culture, Roman social and political order and values, and the subjugation of wild nature and primitive barbarism. The grand-scale slaughter of wild animals, the ritualized executions and the gladiatorial contests under the strict rules of the *munus* proved the superiority of Roman values. Here, even criminals and *infames* in the face of death and destruction could give proof of manliness, bravery and contempt of death, essentially Roman military virtues, and recover, by proving their worthiness in bravely dying or in being victorious, their citizen status or some kind of dignity at least.

The ritual of killing, testing and proving, however, is only complete with the participation and active intervention of the spectators, *editor* and crowd. They, as Roman citizens convened for the purpose, had to pass the judgement, to decide in

ritualized form, *pollice verso*, on the transformation of humiliation and punishment into respect and honour. The arena, whether in Rome's Colosseum or in a provincial venue, served as ultimate stage for the superiority of Roman civilization. Here, in a sense, elite and crowd ritually celebrated, time and again, the real *arcanum imperii*, the true cause and origin of eternal Rome anywhere in the Mediterranean world: the valour and virtues of her citizens and soldiers, their contempt of death and unshakeable devotion to victory.

The spread of the *munera* and *ludi* and of their venues and iconography throughout the entire Roman Empire thus does not reflect simply the superior entertainment-attraction of these *spectacula* but, more importantly, mirrors the diffusion of key Roman values and attitudes in the provinces. Mosaics in *villae* with *munera*, *venationes* and circus scenes and the proud self-presentation of their owners as *editores* of these local *spectacula* expressed the adaptation by the local and provincial elites of Romanness not only in terms of public entertainment but also in terms of political and social culture and values. Their dinners with fellow aristocrats in *triclinia* with thrilling views of cruel *ad bestias* executions or bloody gladiatorial combat scenes signalled the acceptance of Rome's social structure and penal system, served as an expression of loyalty to the imperial order, and demonstrated active participation in the implementation of Roman rule over its subjects in the cities and provinces of the Empire.

Notes

1 Crawford 1974; Wolters 1999: p. 25–37 (with bibliography).

2 Crawford I 286; Sydenham 535. This reverse type probably portrays the grandfather of M. Sergius Silus, who was *praetor* in 197 BCE and in his youth fought left-handed after losing his right hand in battle; Plin. *HN* 7, 104–106.

3 Plb. 6, 38. Fiebiger 1901; Sander 1960; Brand 1968; Salvo 2013.

4 Hermogenes in his rhetorical handbook (ca. 220 CE) lists a case of *decimatio* among his eleven *problemata*, topics for rhetorical compositions (Hermog. 1, 2); cf. Davis 2006. It is of little relevance that the practice was hardly used in reality. Tacitus comments upon a *decimatio* in 19 CE: *raro ea tempestate et e vetere memoria facinore* (Tac. *Ann.* 3, 21). The emperor Maurice (582–602), in his handbook intended for the field commander, still cites the *decimatio* as the ultimate punishment for a cowardly unit and adapts it to the circumstances of his time (*Strategikon* I 8 [17]).

5 Tac. *Ann.* 14, 44: *at quidam insontes peribunt. nam et ex fuso exercitu cum decimus quisque fusti feritur, etiam strenui sortiuntur. habet aliquid ex iniquo omne magnum exemplum, quod contra singulos utilitate publica rependitur.*

6 Roman Military law was extremely severe in other respects too: for the excessive usage of the death penalty and the (usually deadly) ritual of *fustuarium*, running the gauntlet, see Sander 1960: p. 290; Brand 1968: p. 106.

7 Val. Max. 2, 8, 8 with Versnel 1970.

8 For the Macedonian king Philip's reaction upon visiting a battlefield with victims of Roman slaughter and for an austere analysis of Roman warfare and its aim of spreading terror, see Plb. 10, 15, 4–6. Cf. Ziegler 1998.

9 J. *BJ* 7, 5. For an analysis of Josephus's description, see Beard 2003 with many lucid observations. Also Künzl 1988. Cf. Östenberg 2009.

10 Rüpke 1990: p. 117–124.

11 This connection is brought to the fore by the anonymous panegyrist of Constantine in 310 CE (*Pan. Lat.* 6, 12) when he celebrates the emperor's campaign against the Bructerians: *caesi igitur innumerabiles capti plurimi; quidquid fuerit pecoris, raptum aut trucidatum est; vici omnes igne consumpti; puberes qui in manus venerunt, quorum nec perfidia erat apta militiae nec ferocia servituti, ad poenas spectaculo dati saevientes bestias multitudine sua fatigarunt.* Translation: '*And so countless numbers were slaughtered, and very many were captured. Whatever herds there were were seized or slaughtered; all the villages were put to the flame; the adults who were captured, whose untrustworthiness made them unfit for military service and whose ferocity for slavery, were given over to the amphitheater for punishment, and their great numbers wore out the raging beasts*'.

12 J. *BJ* 6, 9 (418); 7, 3 (37–40. 96). In Caesarea Maritima, the collective punishment in the arena by *venationes*, burning, *damnatio ad bestias* and staged battles in the presence of Titus himself added to a toll of more than 2,500 Jewish lives.

13 The mosaic, not widely known, has been erroneously interpreted ('*e raffigura una scena di salto sul toro [Torocatapsia?]*') by the excavator, Mahjub 1983: p. 304 with fig. 8 (colour plate after p. 148) and again Mahjub 1978/79 (1987) 73 and tav. XXVI (very poor b&w illustration, reversed). Cf. Welch 2007: pl. 3 (after p. 186). For the interpretation as execution of prisoners of the campaign of 216 CE: Picard 1985: p. 238 with fig. 5. Cf. Blázquez et al. 1990: p. 157–160, fig. 2, with rich additional literary and archaeological sources.

14 For sarcophagi, often presenting a victorious general as an almost divine figure, see Zanker and Ewald 2004: p. 225–236; for the most splendid of the 'battle sarcophagi', the Ludovisi sarcophagus, see now Künzl 2010. For the iconography, and the battle scenes in particular, see Andreae 1956 and recently meticulously Krierer 2012 (also for other groups of Roman sculpture). For a comprehensive discussion of the Roman approach, see Zimmermann 2009: 11sqq.

15 This is particularly evident in the case of the imperial columns with their explicit narrative representations (which I cannot discuss here). For Trajan's column, see Lehmann-Hartleben 1926; Settis 1988; Lepper and Frere 1988; Coarelli 1999; Dillon 2006. The 'repressive' message is even clearer on Aurelius's column: Zwikker 1941; Scheid – Huet 2000; Coarelli 2008; Ferris 2009; Beckmann 2011 and the articles by Zanker 2000; Dillon 2006.

16 Under Trajan, we witness a highpoint of this development, with the presentation of thousands of Dacian captives over 123 days as gladiators in the Roman arenas, condemned to fight and lose their lives; Cass. Dio 68, 15, 1. In general, see Hopkins 1983.

17 For the men who were recruited and trained as gladiators – *damnati ad ludum*, slaves, volunteers under *auctoratio* – see Ville 1981: p. 232–248; Mann 2011: p. 88–96.

18 For the development of a fixed sequence of events during *munera* (Sen. *Ep.* 1, 7, 4: *mane leonibus et ursis homines, meridie spectatoribus suis obiciuntur;* translation: '*In the morning, men are thrown to lions and bears, in the afternoon they are thrown to the spectators*'), see Sabbatini 1980: p. 145; Ville 1981: p. 236 and 379; Fora 1996: p. 41–53.

19 Welch 1994; Dodge 1999; Welch 2007: p. 163–185; Dodge 2014. The criticism brought forward by Fear 2000 against this interpretation is not convincing.

20 Bomgardner 2000: p. 41–43; Welch 2007: p. 68, in particular on Pompeii with an analysis of the building inscription of its amphitheatre.

21 The most complete evidence comes from Pompeii, which is a rather special case (and of course it reaches only into the early Principate). For a compilation of all attested *munera*, see Cooley 2004: p. 51, for a good overview of the situation in the West, see Golvin 1988: p. 275–277; Golvin and Landes 1990; Dodge 2009.

22 Carter 2010; Mann 2011: p. 46–54.
23 Robert 1940 was pathbreaking; recently Carter 2010; Mann 2011: especially p. 111–124.
24 Dodge 2009.
25 Welch 2007: p. 163–174 with a detailed architectural analysis; Dodge 2014.
26 Robert 1940; Robert 1948; followed by numerous further studies and the discovery of new inscriptions; Mann 2011: p. 11–29.
27 This has been shown, from a closely comparative perspective, for the provinces at the Danube and in the Balkans by Bouley 2001. For the West, it is less surprising that *ludi circenses*, no doubt due to the enormous costs for providing the infrastructure, trained horses and personnel, could be established only in major cities, and amphitheatres were much less common than theatres. But it is striking (and in stark contrast to the aforementioned survey) that venues for agonistic competitions are completely lacking on the Iberian peninsula and in western North Africa. Here, however, we can establish on the basis of inscriptions and mosaics that boxing competitions became very popular: Pina Polo 2013.
28 *Avoda Zarah* 2, 7, ed. Zuckermandel, 462. Armitage Robinson 1911. Cf. Weiss 2014: p. 200–201. The statement refers to a situation at the end of the Bar-Kokhba revolt. Already after the revolt of 66–70 BCE, Jewish captives had been executed in the arena, fought as *damnati ad ludum*, or were thrown to the beasts.
29 Eusebius, *De Martyribus Palaestinae* 26; Amm. Marc. 19, 12, 8.
30 *J Gittin* 4, 9, 46b; *B Gittin* 46b–47a. Rabbi Simeon B. Laquish commented upon this practice (*J Terumot* 8, 5, 45d) – and had been a gladiator himself in his youth! Cf. Brettler-Poliakoff 1990: p. 93–98.
31 Weiss 2014: p. 200. Of course, it cannot be excluded that *munera* were performed in other venues but there is no hint whatsoever that this happened anywhere in Palestine (unlike in Greece and Asia Minor).
32 *CIL* 10, 6012 = *ILS* 5062 (from Minturnae): . . . *edidit paria XI / ex his occid(erunt) gla(diatores) / prim(arios) Camp(aniae) XI ur/sos quoque crudel(es) / occid(erunt) X quod ipsi / meminist(is) cives* . . . (translation: '. . . gave eleven pairs of gladiators. Of these were killed eleven gladiators of the first rank in Campania, and also ten truly cruel bears; all this is remembered by the citizens'). For the ranking of gladiators in *ordines* and, under a decree of Marcus Aurelius of 177 CE, into five different price bands and the respective costs for the *editores*, see Hopkins and Beard 2002: p. 90–92.
33 Coleman 1990: p. 54–57. For the increasing problems to supply suitable 'material' for the various *spectacula* in the program of *munera* in late antiquity, see Jones 2012: p. 305sqq. (with references and literature).
34 For the judicial side of the death penalty and the principles of public execution in Rome Mommsen 1899: p. 911–944 is still fundamental. Latte 1950: p. 1599–1619 (with many details), furthermore Bauman 1996: esp. p. 6–9 and 141–163; Kyle 1998, *passim*. For Rome's penal praxis in comparative perspective, see Riess 2002: p. 206–226. Deterrence as a pre-emptive aim is, however, mentioned by [Quint.] *Decl.* 274. 13 and *Dig.* 48, 19, 28, 15. With view to the pleasure that audiences drew from experiencing the sensations of executions in the Roman Empire, the efficacy of this principle may be questioned.
35 For a particularly extreme form in the ancient Orient, skinning, see Rollinger and Wiesehöfer 2012: p. 497–515; cf. Rollinger 2008. For modern European and non-European societies see, e.g. Foucault 1976; von Dülmen 1995; Sieferle and Breuninger 1998; Merback 1999; Martschukat 2000; Evans 2001; Botsman 2004.
36 Fundamental for Roman crucifixion is Hengel 1977; Kuhn 1982; Samuelsson 2011 and now Granger Cook 2014. For the material evidence, see Zias and Sekeles 1985; for medical aspects, see Maslen and Mitchell 2006.

37 For *damnatio ad bestias*, see Robert 1982: p. 228–276; Coleman 1990: p. 44–73. Cf. Mommsen 1899: p. 911–944.

38 Tac. *Ann.* 15, 44, 2: *et pereuntibus addita ludibria, ut ferarum tergis contecti laniatu canum interirent aut crucibus adfixi [aut flammandi atque], ubi defecisset dies, in usu[m] nocturni luminis urerentur. hortos suos ei spectaculo Nero obtulerat, et circense ludicrum edebat, habitu aurigae permixtus plebi vel curriculo insistens. unde quamquam adversus sontes et novissima exempla meritos miseratio oriebatur, tamquam non utilitate publica, sed in saevitiam unius absumerentur.* See Hahn 2006: p. 364–367. Cf. Wistrand 1992 (for Roman literary discourse).

39 Kondoleon 1995: p. 332. For the narrative sequence of scenes in mosaics, cf. 288.

40 For the mosaic and its interpretation, see also Coleman 1990: p. 54.

41 For Iulius Caesar's spectacular sea battle, see Suet. *Jul.* 39, 4; App. *BC* 2, 102. For the *naumachiae,* their provision and political meaning, see comprehensively Coleman 1993; Junkelmann 2008: p. 96–98.

42 Cass. Dio 67, 8, 2; Tac. *Ann.* 12, 56, 1; Suet. *Cl.* 21, 6.

43 The Christian Tertullian (*Apologeticum* 15, 4) gives a first-hand report from Carthage's amphitheatre: 'We have seen at one time or other Attis, that god from Pessinus, being castrated; and a man, who was being burned alive, had been rigged out as Hercules. We have laughed, amid the noon's blend of cruelty and absurdity, at Mercury using his burning iron to see who was dead. We have seen Jove's brother, too, hauling out the corpses of gladiators, hammer in hand'. For more detail, see the excellent account of Coleman 1990: p. 52–70.

44 The lavishly illustrated book by Junkelmann 2008 makes full use of the material evidence. For the revealing iconography of mass produced oil lamps with gladiatorial motives, see Dejean 2012.

45 Ville 1981: p. 410–425.

46 *Martyrium Polycarpi* 12, 2f.; *Passio Perpetuae et Felicitatis* 21, 7.

47 Juv. 3, 36–7: *munera nunc edunt et, verso pollice vulgus cum iubet, occidunt populariter.* ('Today they hold shows of their own, and win applause by slaying whomsoever the mob with a turn of the thumb bids them slay'.)

48 Flaig 2007: p. 86–89 whose analysis is further developed here with a different focus. See also Flaig 2003.

49 Grossschmidt 2002. Cf. also Junkelmann 2008: p. 175–179. Several other presumed gladiator cemeteries have been discovered, most recently – allegedly the best preserved, with more than 80 skeletons of gladiators and *bestiarii*, all with specific characteristics, including marks on their bones – in York.

50 Sen. *Ep.* 7, 5. Wiedemann 1992: p. 93.

51 Clarke 1991; Thebert 2007: p. 353–324, esp. 371–374.

52 Discovered in 1913 in a seaside villa East of Leptis Magna (Aurigemma 1926), it is now on display in the Archaeological Museum of Tripoli. Ville 1963; Kondoleon 1995: p. 278–282; Dunbabin 1999: p. 119–121, pl.; Vismara 2007: p. 114–116.

53 A striking case is the third century CE mosaic of Magerius of 6,8 × 5,3 m from Smirat (Tunisia, between ancient Thysdrus, present-day El Jem, and Hadrumentum, present-day Sousse), which shows a leopard hunting show's finale and names the *munerarius*, sponsor of the *venatio,* in the acclamations that where inserted into the visual narrative, as Magerius. The mosaic clearly decorated a room in Magerius's *villa* and most likely depicted a beast hunt he had sponsored in the arena of Thysdrus, the largest amphitheatre in North Africa. Beschaouch 1966; Dunbabin 1978: p. 67–69, fig. 53; Brown 1992: p. 197–200; Vismara 2007: p. 107–112; Bomgardner 2009: p. 211.

54 Robert 1940: p. 296–273; Mann 2011: p. 59–71.

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