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Staring into the Face of Roman Power:  
Resistance and Assimilation from behind the 'Mask of *Infamia*'

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in History

by

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## ABSTRACT OF THE DISSERTATION

Staring into the Face of Roman Power:  
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Professor Ronald Mellor, Chair

The power to define and characterize various groups, as well as those individuals commonly associated with them, remains one of the most effective ways to reinforce social hierarchy in almost any society through a justification of status, influence, and privilege based on identity. This dissertation represents an exploration of the power of social identity utilizing the framework of *infamia* (dishonor, ill-repute, disgrace, social stigmatization, civic disability) within the world of ancient Roman spectacle and entertainment. Such an analysis will illustrate how the Roman elite used the concept of *infamia* as something to define themselves against in order to augment their perceived moral and political authority. In an era of social turmoil and transformation, the gradual increase in the legal restrictions placed upon public performers in the late stages of the Republic suggests *infamia* was used as a social and political tool to reinforce the integrity of the

traditional orders of elite Roman society. How were these disreputable performers able to create a distinctive sub-culture of their own despite a popular perception, both ancient and modern, that they lived in a state of ‘social death’ resulting from the moral censure and civic disability associated with the stigma of *infamia*? How might socially marginalized people have envisioned their unique place within Roman society, and in what ways did those of degraded civic status preserve or construct a sense of identity, both individual and collective, in the face of overwhelming Roman power? The evidence suggests some of these people constructed their own form of community, in many ways modeled on traditional Roman society, with a complex network of social bonds based on family, occupation, dependency, and religion. The iconic gladiators and actors of ancient Rome conducted their daily lives in a public arena that provided an environment for them to challenge the limitations of the traditional ‘social death’ models that are so often associated with the subjugated elements of hierarchical societies.

The dissertation of Jeffrey Allen Stevens is approved.

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## TABLE OF CONTENTS

FIGURES		vii
ABBREVIATIONS		viii
ACKNOWLEDGEMENTS		ix
VITA		x
I: STARING INTO THE ‘MASK OF <i>INFAMIA</i> ’ THROUGH THE MIRROR OF ROMAN SPECTACLE		1
The ‘Mask of <i>Infamia</i> ’ at Rome and the Scholarship of Civic Disability .....		3
<i>Infamia</i> , Rome’s ‘Moralizing Gaze’ and the Social Mirror of Spectacle .....		10
<i>Infames</i> , Limiting ‘Social Death’ and the Resurrection of Social Identity.....		20
II: PIERCING THE VEIL OF ARISTOCRATIC MORALITY AND THE CONSTRUCTION OF THE ‘MASK OF <i>INFAMIA</i> ’ IN REPUBLICAN ROME		26
Adorning the ‘Mask of <i>Infamia</i> ’ with the Veil of Religion.....		27
Divine Right and the Majesty of Authority: Religion as the ‘Mask of Virtue’ .....		39
Moral Censure and Inceptive <i>Infamia</i> in the Early Roman Tradition.....		45
The Two-Faced Aspect of Roman Morality and the ‘Mask of <i>Infamia</i> ’ .....		60
III: CRACKS IN THE ‘MASK OF <i>INFAMIA</i> ’: SOCIAL CONFLICT, EARLY SPECTACLE, AND THE MONSTROSITIES OF THE STAGE		63
The Deceptive ‘Mask of Early Spectacle’ and the Rationalization of <i>Pietas</i> .....		65
Anxiety in Early Theater and the ‘Mask of the Old Slave’ on Stage.....		71
Bloody Spectacle, the Rise of the Gladiator, and the ‘Mask of <i>Infamia</i> ’ .....		83
Cultural Misinterpretation in the Adoption of the ‘Mask of <i>Infamia</i> ’ .....		94
IV: THE ‘MASK OF <i>INFAMIA</i> ’ IN THE AGE OF POLITICAL VIOLENCE AND REVOLUTION		103
Foreign Expansion, Spectacle, and the Reforms of the Gracchi.....		106
Military Transformation and the Influence of the Gladiator.....		115
The Shadow of Slave Rebellions on <i>Infames</i> and the Legacy of Spartacus.....		119
V: FEAR OF <i>INFAMES</i> AND THE INCREASING CODIFICATION OF THE ‘MASK OF <i>INFAMIA</i> ’ AT THE END OF THE REPUBLIC		128
Laws to Limit the Gaze of the ‘Mask of <i>Infamia</i> ’ .....		129
Rise of Cicero: <i>Infamia</i> and the ‘Conspiracy of Catiline’ .....		133
Political Violence and the Invective of the <i>Infamis</i> Gladiator.....		138

<i>Infamia</i> Inscribed in Bronze in the Age of the Early Caesars.....	145
VI: THE FACE BEHIND THE ‘MASK OF THE ROMAN GLADIATOR’	162
Revealing the Paradox of <i>Infamia</i> in Roman Spectacle.....	163
‘To Die like a Gladiator’: Rome’s Elite and the Culture of Virtuous Death.....	170
Placing a Helmet upon the Monster.....	173
‘Reveling Excessively in Worthless Blood’ ( <i>vili sanguine nimis gaudens</i> ).....	180
Objectification of the Gladiator: Sex and Violence in an Arena of Lust.....	185
The Legacy of the Gladiators at Pompeii.....	194
Exposing the Limits of ‘Social Death’.....	205
VII: BREAKING THE CHAINS OF <i>INFAMIA</i> AND THE BROTHERHOOD OF THE MASK	208
Fighting Natal Alienation: Asserting Ethnic Pride in the Face of ‘Social Death’.....	210
Adopting the Familial ‘Mask of <i>Infamia</i> ’: Wives and Children of the Arena.....	220
Occupational Brotherhood of the Arena and the Fraternity of <i>Infamia</i> .....	227
<i>Infamia</i> and the Bonds of Religion: Cultic Practice in the World of the Arena.....	232
CONCLUSION: DAILY LIFE IN AN ARENA OF SOCIAL DEATH	236
BIBLIOGRAPHY	239

## FIGURES

- Fig. 1. Helmet and greaves imagery built into wall of church near ancient amphitheater.  
Duomo di Teramo, Italy. 1
- Fig. 2. Three disc early Italic armor chest plate.  
Museo Archeologico Nazionale di Campli, Italy 212
- Fig. 3. Three disc early Italic armor chest plate.  
Museo Archeologico Nazionale di Paestum, Italy. 212
- Fig. 4. Funerary epitaph for the *retiarius* Generosus.  
Museo Lapidario Maffeiano, Verona, Italy. 218



## ABBREVIATIONS

- AE* = *Année Epigraphique*.
- AJP* = *American Journal of Philology*.
- CAH* = *Cambridge Ancient History*.
- CIG* = *Corpus Inscriptionum Graecarum*.
- CIL* = *Corpus Inscriptionum Latinarum*.
- CQ* = *Classical Quarterly*
- EAOR I* = P. Sabbatini Tumolesi, *Epigrafia anfiteatrale dell' Occidente Romano I. Roma*. Rome, 1988.
- EAOR II* = G. L. Gregori, *Epigrafia anfiteatrale dell' Occidente Romano II. Regiones Italiae VI-XI*. Rome, 1989.
- EAOR III* = M. Buonocore, *Epigrafia anfiteatrale dell' Occidente Romano III. Regiones Italiae II-V, Sicilia, Sardinia et Corsica*. Rome, 1992.
- EAOR IV* = M. Fora, *Epigrafia anfiteatrale dell' Occidente Romano IV. Regio Italiae I: Latium*. Rome, 1996.
- ILS* = *Inscriptiones Latinae Selectae*.
- JRA* = *Journal of Roman Archaeology*
- JRS* = *Journal of Roman Studies*.
- OCD*<sup>3</sup> = S. Hornblower and A. J. Spawforth (eds.) *Oxford Classical Dictionary*, rev. 3<sup>rd</sup> edition, (Oxford, 2002).
- OLD* = *Oxford Latin Dictionary*
- PBSR* = *Papers of the British School at Rome*
- Robert* = Robert, L. *Les gladiateurs dans l'Orient grec* (Paris, 1940).
- TAPA* = *Transactions and Proceedings of the American Philological Association*.
- ZSS* = *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*.

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(Fig. 1. Duomo di Teramo, Italy)

## CHAPTER I

### STARING INTO THE ‘MASK OF *INFAMIA*’ THROUGH THE MIRROR OF ROMAN SPECTACLE

The amphitheaters and stages of ancient Rome provided a grandiose platform for the public representation of power, a distinctive space for the populace to be brought together to bear witness to the dominion of the Roman state, as well as the supposed greatness of the elite members of society that held sway over it. Recent scholarship has identified how Roman

spectacle served as a kind of ‘social mirror’ through which the crowd could bear witness to power and direct their gaze at the social structure of the Roman world being reflected back at them.<sup>1</sup> Not only was Roman spectacle a mirror that helped to define greatness, such entertainment provided a public forum for the necessary “political communication” between the ruling elite and its populace that had long been a core component of Roman political tradition.<sup>2</sup> As the images that appear in any mirror tend to be the product of the viewpoints of those who gaze into it, power often appears blind to all but its own reflection, frequently exhibiting an apparent need to mark those most subject to it in order to reaffirm its very existence for all to see. There have been few places where this reality has been more apparent than upon the bloody sands of the gladiatorial arenas, or the theatrical stages, of the ancient Roman world. The power and respect afforded to certain members of society would be reaffirmed through the popular acclamation of the crowd, thus shaping attitudes about how the various groups within Rome’s social hierarchy should be viewed, from the most honored who occupied the seats of privilege, to those seemingly debased souls, the lowest of the low, who were on display in the arenas for the pleasure of the howling Roman masses. One might ask, however, did the mirror of spectacle reflect only the vision of Roman power that those at the pinnacle of society wished to project? If not, did the mirror of spectacle also inadvertently provide a unique, and often unexpected, glimpse into the hidden value of the lives of those thought to be on the fringes of the mirror’s lens, the socially stigmatized performers stained by the inherent *infamia* (dishonor, ill-repute, social stigmatization, civic disability) associated with their discredited occupations?

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<sup>1</sup> Flower, H. “Spectacle and Political Culture in the Roman Republic” in *The Cambridge Companion to the Roman Republic*, (ed.) Flower (Cambridge, 2004) 322-43. Handelman, D. *Models and Mirrors: Towards an Anthropology of Public Events* (Cambridge, 1990).

<sup>2</sup> Hopkins, K. ‘Murderous Games’ in *Death and Renewal: Sociological Studies in Roman History 2* (Cambridge, 1983).

## The 'Mask of *Infamia*' at Rome and the Scholarship of Civic Disability

The allusion to the 'mask of *infamia*' throughout this study serves to help frame an exploration of the many facets and divergent perspectives of the various individuals and social groups, both high and low, within ancient Roman society that shaped, and were shaped by, the moralizing influence of *infamia* and its representation in Rome's culture of spectacle. Much like the malleable conceptions of *infamia* itself, the 'mask of *infamia*' can represent and embody different meanings and perspectives for the divergent strata of Roman society. The 'mask' simultaneously conceals the true appearance of those who wear it, while also serving to project the desired image out to the spectators whose public gaze is directed its way. Consequently, the implications of *infamia*, for both the individual and the society, are dependent upon the perspective from which it is viewed. Through Roman spectacle, the aristocracy could juxtapose themselves against those who wore the 'mask of *infamia*' in order to construct their own veil of moral authority and superiority, which often served to obscure the hypocrisy and moral failings in their own lives. The 'mask of *infamia*' can also represent the one that covers the face of the Roman actor upon the stage, or the masked helmet of the debased gladiator who risks life upon the sands of the arena. In both disreputable occupations, the identity and infamy of the public performer is simultaneously reinforced, and yet obscured, by the 'mask' and what it represents. It is important to note, however, that what the 'mask' likely represented to those in the crowd was undoubtedly very different from what it meant to the performer. Furthermore, even amongst the spectators themselves, the 'mask of *infamia*' assuredly meant different things depending on which section one was seated in because the significance of *infamia* as part of Roman identity formation was a function of one's place within the social hierarchy. Therefore, the true significance of *infamia* should not be viewed as immutable in terms of legal categorization,

definition, nor popular conception, as it very much depended upon the time period, social context, and individual perspective from which it was viewed. In recent centuries, the scholarship on the subject has grappled with this challenge in a multitude of methodological approaches, some more effective, some less so. Yet, there remains space to continue to explore this issue through a more complete integration of the viewpoints of those behind the ‘mask’ with the perspectives of those spectators whose gaze was directed toward the visage presented by the mask.

In order to lay a proper foundation for an exploration of the various manifestations and implications of *infamia* in Roman identity formation, it seems appropriate to acknowledge how traditional scholarly assessments, as well as most ancient Roman characterizations, have tended to emphasize the degradation of formal status within the Roman social system because *infames* were not considered trustworthy enough to be vested with any public authority of consequence. Recent traditional definitions of *infamia* are commonly classified as follows:

INFAMIA: ... It is at root social, involving loss of *fama* (‘reputation’) or *existimatio* (‘good name’)... engaging in certain disreputable occupations. In classical law there is no single concept of *infamia* (or *ignominia* – the earlier word...), but in the law of Justinian there appears to be an attempt to generalize.  
(*OCD*<sup>3</sup>: Art. Infamia. 757, Nicholas, B.)

Such technical characterizations of *infamia* have been heavily influenced by the 19<sup>th</sup> century legal approaches to Roman society which tend to emphasize well defined legal classifications and formal juristic distinctions, categories that the amorphous and malleable nature of *infamia* ultimately proves resistant to.

Despite the challenges posed by *infamia* within this juristic historic tradition, the important work of F. C. Savigny served as the solid basis for many of the modern conceptions about *infamia* and the respective differences in its relative importance under the Republic as



compared to the Empire, although this analysis suffered from the legal historian's relentless attempts to establish clear definition and consistent categorization for *infamia* within his methodological system.<sup>3</sup> Prominent legal historians would continue to try to address the problematic issues posed by this subject, and in opposition to some of Savigny's earlier assertions, there emerged a commonly accepted interpretation that *infamia* was a rather malleable legal distinction, with Theodor Mommsen concluding that it was unlikely to have been codified in the early Republic because the limited evidence reflected a diverse range of applications of *infamia* that targeted a variety of actions and circumstances.<sup>4</sup> Also reacting to Savigny's observations about the reduced significance of *infamia* with respect to the relative loss of political rights under the imperial system, A. H. J. Greenidge eventually published a valuable monograph on the subject in 1894 which has proven itself to be the most comprehensive and enduring review of the legal distinctions surrounding *infamia* and its application under both the Republic and the Principate.<sup>5</sup> Although the aforementioned *Oxford Classical Dictionary* entry clearly emphasized the legal terminology and technical application of *infamia* with greater precision, older definitions from scholars like Greenidge tend to reflect the full civic force behind moral censure in ways that are consistent with the broader implications of social stigmatization at Rome:

The *infamia* at Rome was 'a moral censure pronounced by a competent authority in the state on individual members of the community, as a result of certain actions which they had committed, or certain modes of life which they had pursued. This censure involved disqualification for certain rights in public and private law, and the persons so censured and disqualified were called *infames*.'<sup>6</sup>

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<sup>3</sup> Savigny, F. C. *System des heutigen römischen Rechts* (Berlin, 1840) vol. II. 76.

<sup>4</sup> Mommsen, T. *Römisches Staatsrecht* (Leipzig, 1876) vol. II. 1.

<sup>5</sup> Greenidge, A. H. J. *Infamia: Its Place in Roman Public and Private Law* (Oxford, 1894).

<sup>6</sup> Greenidge, 37: Note that Greenidge (p. 37, n. 1) acknowledges the use and common acceptance of this definition, citing 'Art. *Infamia* in *Smith's Dictionary of Greek and Roman Antiquities* (3<sup>rd</sup> edition)', but the wording

(Greenidge, 37)

This strong tradition of legalistic scholarship has provided an excellent foundation for understanding the various circumstances that could result in the legal and civic disabilities associated with *infamia* throughout the various stages of ancient Roman society.

The influence of the legalistic tradition has proved itself to be very enduring in continuing to shape modern historical assessments of *infamia* over the last century, and the difficulties with respect to *infamia* led eminent classical legal scholars such as W. W. Buckland and F. Schulz to defer to Greenidge for the most part, allowing themselves to address *infamia* only within the narrow context of other legal issues they were concerned with.<sup>7</sup> Fortunately, the valuable comparative sociological studies on the subject adopted by L. Pommeray and C. W. Westrup throughout the 1930's expanded the overall context with which *infamia* was viewed.<sup>8</sup> While Pommeray acknowledged many of the difficulties surrounding the previous scholarly debates over the legal origins and categorization of *infamia*, he expands the significance of *infamia* to include its role within the social, political, and general moral principles that informed the entire Roman legal and social systems. According to Pommeray, the full force of the sanction of *infamia*, both legal and popular, could be imposed upon an individual as a consequence of specific legal transgression, as established and legally conferred by the censorial *nota* and accompanying *ignominia*, in addition to the more generalized violations of the moral

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Greenidge employs here does not seem to appear under the *infamia* entry in any of the source dictionary editions from the late 19<sup>th</sup> century. Nevertheless, the definition used by a noted expert like Greenidge seems preferable to that of the *Oxford Classical Dictionary* because it conveys the full force of moral censure and the larger social implications associated with the stigma of *infamia* at Rome.

<sup>7</sup> Buckland, W. W. *A Text-Book of Roman Law from Augustus to Justinian* (Cambridge, 1921) 91-92; see also Schulz, F. *Classical Roman Law* (Oxford, 1951) 45.

<sup>8</sup> Pommeray, L. *Études sur l'infamie en droit romain* (Paris, 1937); Westrup, C. W. *Introduction to Early Roman Law: Comparative Sociological Studies*. 5 vols. (Copenhagen and London, 1934-54).

and religious codes of society, often resulting in the popular dishonor associated with a breach of *fides* and *pietas* which was considered a serious moral affront to Rome's entire social system. For Pommeray, there remained an important technical distinction between popular *infamia* and the technical legal sanctions of the censorial *nota* and *ignominia*, but the social importance and implications should not be viewed as completely separate from each other. Expanding on Pommeray, Westrup would explore the religious and moral associations even further in addressing the sociological and anthropological dynamics that gave force to the general conception of *infamia*, which he conveyed through the useful terminology of 'collective popular disapprobation' derived from the contemporaneous characterizations and language employed by Pommeray.<sup>9</sup>

The value of Westrup's exploration of 'collective popular disapprobation' was that the force of *infamia* could be expanded to include Roman social dynamics that fell outside of the typical categories of the legalistic tradition, and the work of M. Kaser in the 1950's illustrated how the moral censure of *infamia* retained no clear delineation between behavior which occurred within the public versus the private spheres.<sup>10</sup> The Roman moral system simply did not distinguish very much between behavior which was public and that which was private, and moralizing assessments of personal behavior were always an important aspect of the Roman political tradition.<sup>11</sup> Although the larger influence of Kaser's work on *infamia* appears to have

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<sup>9</sup> Westrup, vol. III. 170; Notice the heavy influence of Pommeray on Westrup's terminology of 'collective popular disapprobation' in Pommeray "la condamnation de la procédure collective de l'infamie" (p. 19), "la reconnaissance tout à la fois du caractère populaire et collectif que doit avoir la procédure de l'infamie" (p. 20), "ils avaient déjà trouvé leur sanction dans la réprobation du groupe, dans l'*infamia*" (p. 24), "l'infamie populaire...portant une note de désapprobation" (p. 25).

<sup>10</sup> Kaser, M. "Infamia und ignominia in den römischen Rechtsquellen," *SZ* 73 (1956) 220-278.

<sup>11</sup> See also Earl, D. *The Moral and Political Tradition of Rome* (London, 1967) as a frequently cited work on this subject.

been less influential than his other extensive contributions to the study of Roman law, he helped to establish a trend towards greater acceptance of scholarly approaches that utilized an expanded scope in addressing the wider implications of moral censure and popular disapprobation within Roman society.

Edwards relatively recent work on the politics of immorality, aristocratic *infamia*, and the dishonor of the ‘unspeakable professions’ associated with public performance has proven to be a most valuable advancement of the scholarship on the subject, even though her work sometimes appears to be a rather cursory overview with respect to issues related to *infamia*.<sup>12</sup> She proves all too willing to use her valuable insight to touch on a particular aspect of *infamia*, but then does not engage fully with her observation, often truncating her own gladiatorial analysis in deference to the ongoing work of some of the specialists on the subject, namely Ville, Hopkins, Wiedemann, and Barton. With respect to the legal aspects of prostitution and sexuality at Rome, this void was filled very well with the publication of the most comprehensive legal work on Roman prostitution by T. McGinn in 1998.<sup>13</sup> McGinn’s technical mastery of the historical and legal aspects of the prostitution manifestation of *infamia* remains a very detailed standard that will hold up over time, even though he is not always as accessible or insightful as Edwards with respect to the larger social implications of the subject matter, nor does he address the evolution of the scholarship on *infamia* between Greenidge and Kaser as effectively as Edwards does.<sup>14</sup>

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<sup>12</sup> Edwards, C. *The Politics of Immorality in Ancient Rome* (Cambridge, 1993); Edwards, C. “Unspeakable Professions: Public Performance and Prostitution in Ancient Rome” in *Roman Sexualities*, ed. Hallett & Skinner (Princeton, 1997).

<sup>13</sup> McGinn, T. *Prostitution, Sexuality, and the Law in Ancient Rome* (Oxford, 1998).

<sup>14</sup> Note that Edwards (1993: p. 123, n. 101) found many of Kaser’s assertions derivative of Greenidge, characterizing Kaser as “less helpful”, whereas McGinn sometimes gives more credit to Kaser for articulating what Greenidge had already put forth decades earlier. As an example, see McGinn’s decision to not acknowledge Greenidge’s conclusion that “civil honor at Rome is known to us entirely under its negative aspect” (Greenidge, 3)

Furthermore, Edwards' acknowledged integration of some of A. Richlin's observations on the role of *infamia* in Roman sexual identity construction and conceptions of aristocratic immorality have informed the valuable work of more recent scholars on sexual morality, such as R. Langlands, whose conception of Rome's 'moralizing gaze' proves a valuable addition to the framework which will be employed throughout the first section of this study.<sup>15</sup>

Edwards' lasting influence on the various veins of scholarship related to the subject of immorality remains both valuable and considerable, yet with respect to the world of the gladiator and the arena, she deferred to other studies, admitting that "gladiators will be discussed only briefly here, since they have been the subject of several thorough and suggestive studies in recent years."<sup>16</sup> Unfortunately, the comprehensive gladiatorial studies Edwards alludes to have exposed their own limitations with respect to the *infamia* of arena performance, and in her recent work on Roman death published in 2007, Edwards appears to backtrack on her earlier assertion by engaging with unexplored aspects of *infamia* within her own gladiatorial section.<sup>17</sup> Despite the validity of her unique insights, Edwards leaves many aspects of her own valuable observations underdeveloped. In fact, one of the most striking examples of this is her acknowledgement of the social significance of the infamous public performer as the antithesis of Roman honor:

Those who followed professions associated with public performance and prostitution were utterly devoid of honor – that precious commodity that was thought to inhere most fully in those who governed Rome. But so conspicuously

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as the original impetus for McGinn's assertion of a '*communis opinio*' that he attributed to Kaser for having 'shown that dishonor never existed as a positive legal concept at Rome' (McGinn, p. 65; see also n. 355).

<sup>15</sup> Langlands, R. *Sexual Morality in Ancient Rome* (Cambridge, 2006); Langlands utilizes the phrase 'moralising gaze' throughout her work on Roman sexuality, and it shares certain similarities with Edwards' earlier characterization of the Roman moralizing tradition and *infames* being "tarnished by exposure to the public gaze" (Edwards, 1997: 68).

<sup>16</sup> Edwards (1997) 77, n. 38: specifically mentions Ville, Hopkins, Wiedemann, and Barton, whose limitations on the issue of *infamia* in the gladiatorial context will be discussed throughout this study.

<sup>17</sup> Edwards, C. *Death in Ancient Rome* (New Haven and London, 2007).

did they lack honor that they played a vital part in the processes by which honor was constructed. Actors, gladiators, and prostitutes were paraded as examples of what those who sought officially sanctioned *dignitas* ('social standing') should at all costs avoid. Paradigms of the antithesis of honor, they occupied a crucial place in the symbolic order.

(Edwards, *Politics of Immorality*, 67)

While Edwards elaborates on this to some degree in specific aspects of her various works, there remains considerable space to explore the way civic honor and aristocratic morality at Rome was defined against negative manifestations of honor, namely, that which was considered infamous and dishonorable. That is the true power of *infamia*, a power most prominently on display upon the grandiose stage of arena sand contained by the Roman amphitheater, an area at the core of this study.

The early sections of this study will explore the critical role played by the development of generalized conceptions of *infamia* within the Roman moral and social system, and how the elite Romans exploited this through the culture of spectacle. Employing the useful terminology developed throughout the scholarly tradition, a new comprehensive framework can show how the 'collective popular disapprobation' eventually associated with *infamia* was reflected through the 'social mirror' of spectacle in ways that allowed the Roman elite to direct the 'moralizing gaze' of the populace in ways that further shaped the development and maintenance of the entire Roman social system to their benefit.

### ***Infamia*, Rome's 'Moralizing Gaze', and the Social Mirror of Spectacle**

Chapters two through four of this work explore how in an environment where morality was being used as a political tool, the stigma of *infamia* grew in relative importance due to its ability to help define the social standing of Roman aristocracy with respect to the lower orders. One consequence of this moral emphasis was an implicit expectation of good character for those vested with power in Roman society. Whether this expectation proved true or not, it enhanced

the ability of the elite to present themselves as morally superior to those labeled with the stigma of *infamia* resulting from some perceived defect in moral character. By using the mark of *infamia* to purge the political system of questionable individuals on moral grounds, the aristocracy was able to justify power and privilege based on a representation of moral superiority that was made manifest by the public authority derived from the very offices they held within Roman society. Accordingly, status and the holding of office were associated with a public recognition of moral authority, and conversely, the lack of status or public authority could be represented as having been the consequence of a deficiency in moral character.

It is not my intention to engage with all of the intricate applications of *infamia*, nor the myriad of complicated legal classifications that helped to define social status within ancient Rome, but rather, to explore the way conceptions of *infamia* within the world of spectacle were used to help define the nature of power in Rome's highly stratified society, as well as the intended and unintended consequences associated with this. The apparent significance of Roman spectacle can be observed in the evolution of very specific restrictions found in Roman legal texts involving public performance. In the later Roman legal tradition, preserved in the *Digest*, jurists clearly designated any type of stage performance as having required the strict imposition of *infamia* upon the performer, but most conspicuously, not the sponsor or benefactor associated with the event:

The praetor says: 'Anyone who has appeared on a stage incurs *infamia* [*infamis est*].' A stage, as defined by Labeo, is any structure erected for the purpose of providing spectacles, in any place where one might stand or move to perform in a show, whether the place be public, private, or in the street, provided only that men are admitted to the performance indiscriminately [*quo tamen loco passim homines spectaculi causa admittantur*]. In response, Pegasus and Nerva, son of Nerva, do indeed assert that all those who seek to debase themselves [*descendant*] through the

participation in contests for inducement, and all appearing on the stage on account of reward are considered to be infamous [*famosos esse*].<sup>18</sup>  
(D. 3. 2. 5 [Ulpian, *ad Ed.* 6. 5])

The emphasis of this edict is clearly directed at public performance as an occupation, and on the public nature of spectacle. It was not the act of performing that was at issue, but rather, any performance given for gain or reward where the general public was admitted to the place of spectacle indiscriminately (*quo tamen loco passim homines spectaculi causa admittantur*). Those individuals who performed on any type of public stage were designated through the stigma of *infamia* as having lowered and debased themselves (*descendant*) in a way that left reputation and social standing, as well as legal status, severely degraded. It remains an important question to ask, however - why this aspect of *infamia* was given such detailed attention, especially when the social position of many of the performers might have already been severely restricted by the legal constraints associated with Roman slavery. In fact, elsewhere in the *Digest*, Ulpian explicitly compares servitude to death with respect to legal status: “We compare slavery very nearly with death (*Seruitutem mortalitati fere comparamus*).”<sup>19</sup> This comparison likely serves as the basis for the rise of ‘social death’ scholarly models, such as those of Patterson and Bradley, that will be discussed later in this chapter. Furthermore, it is a fundamental tenet of Roman Law that “no one can be viewed as having ceased to have who never had (*Non potest uideri desisse habere, qui numquam habuit*),” or more plainly, one can’t be viewed as having lost something they never had in the first place.<sup>20</sup> With any enslaved

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<sup>18</sup> D. 3.2.5 (Ulpian, *ad Ed.* 6.5): *Ait praetor: ‘qui in scaenam prodierit, infamis est’. scaena est, ut Labeo definit, quae ludorum faciendorum causa quolibet loco, ubi quis consistat moueaturque spectaculum sui praebiturus, posita sit in publico priuatoe uel in uico, quo tamen loco passim homines spectaculi causa admittantur. Eos enim, qui quaestus causa in certamina descendant et omnes propter praemium in scaenam prodeuntes famosos esse Pegasus et Nerua filius responderunt.*

<sup>19</sup> D. 50.17.209 (Ulpian, *ad legem Iuliam et Papiam*, 4).

<sup>20</sup> D. 50.17.208 (Paulus, *ad legem Iuliam et Papiam*, 3).



performers already in a virtual state of ‘social death’ with respect to the law, the detailed regulations on *infamia* and public performance that emerged over time might merely reflect some concern for dealing with free Roman citizens who were thought to have debased themselves in public through their association with disreputable occupations and behavior. Despite this emphasis, it must be remembered that these performers were only a very small subset of the population that one would not expect to be a major concern. A deeper look at the much older tradition and evolution of how *infamia* was portrayed in Roman society, however, reflects a rather strong concern over defining social status and behavior in a very clear way. Why was this so important in Rome, and especially, such a concern for the aristocracy? The answer seems to reside in the way the Roman elites used spectacle and the negative conceptions of *infamia* to define and to justify their own privileged positions in direct opposition to those that were forced to submit to the yoke of elite authority.

At Rome, as in many places in the ancient world, it was not always enough to elevate oneself merely through public displays of one’s own positive strengths, but also, to solidify and confirm one’s own elevated social position by the public degradation of those considered to be inferior through a projection of power and control over them. In fact, as Greenidge has concluded, “civil honor at Rome is known to us entirely under its negative aspect,” and this was at the core of the aristocratic emphasis on *infamia* and the importance of public spectacle.<sup>21</sup> *Infamia* was one of the popular concepts that elite Romans used to define themselves against in order to project their own moral superiority, and this helps to explain their apparent desire to codify the degraded status of the spectacle performers in very detailed and conspicuous legal

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<sup>21</sup> Greenidge, 3. See also n. 14 (pp. 8-9) earlier in this study on McGinn’s choice to attribute the traditionally accepted observation to Kaser as the basis for the emergence of this ‘*communis opinio*’ rather than Greenidge.

language. Over time, however, there does appear to be an increasing concern among the aristocracy over the role of *infames* within Roman society, as well as some questioning of the ability of the elite to control the messaging as the popularity of spectacle rose considerably through the years. Despite their apparent degraded status and exclusion from all public honors, it was on display in the public arenas where *infames* themselves could actually become most prominent and visible, projecting their own sense of value and worth through public acknowledgement of their skill. This likely explains an even greater motivation for the aristocracy to clearly define and diminish the legal status of the *infames* within the law codes, as a reaction against the popularity and notoriety of the performers. This was an unintended consequence of spectacle that had enough allure to attract certain free Roman citizens into the arena, apparently even a few of aristocratic origin.

Increasing concern over maintaining the integrity of the upper orders of society as the Roman world was transformed through imperial conquest and the cultural assimilation of conquered peoples would further shape attitudes about *infames* over the decades and centuries. The aristocracy carefully cultivated derogatory attitudes towards *infames* as a means to define for the public their own superiority, socially, politically, as well as morally, by contrasting themselves with the degraded status of the popular performers they sponsored to entertain the vulgar masses through spectacle.

The environment of social upheaval and internal violence that plagued Italy throughout the late Republic created a variety of circumstances where concern over the role of *infames* in Roman society commanded the attention of the ruling aristocracy. These circumstances include, but are not limited to, the legislation enacted under the Gracchi, the numerous military reforms initiated under Marius, the rise of Sulla and his attempts to preserve the integrity of the senatorial

order, as well as the series of slave rebellions in Sicily which reached their culmination in the Third Servile War (73-71 BC) against Spartacus, a traumatizing event where Rome found itself battling throughout Italy against an army of slaves led by gladiatorial *infames*. An examination of the surviving texts which deal with these events suggests the increased emphasis on negative characterizations of *infames*, suggests they were likely the product of the increased fear and anxiety associated with the social turmoil of this period. Aside from the legacy of the inherent dangers of slave rebellion embodied by the conflicts in Sicily and the war with Spartacus, there were also accounts which expressed significant concern about the potential impact of gladiatorial *infames* in the political violence and civil wars of the late Republic. Similarly, there are other Roman sources which emphasize, rather conspicuously, many of the occasions where prominent actors were used by opportunistic aristocrats to garner popular support among the voting public, a morally questionable and base tactic, given the taint of *infamia* attached to stage performers. The increasingly negative, and often conspicuous, characterizations of *infames* in this era are consistent with an increased anxiety that was emerging within the aristocracy regarding the perceived corrupting influence such tainted individuals might have on Roman society and politics.

The works of Cicero provide some of the best literary evidence concerning the complex political dynamics associated with the Roman games, as well as some of the first expressed attitudes, often paradoxical, about *infames* and the significance of spectacle for Roman culture as a whole. The attitudes expressed in the literature of the time appear consistent with the pursuit of regulations concerning *infames* that had begun throughout the 60's BC. Cicero's sponsorship of legislation like the *Lex Calpurnia*, and the later *Lex Tullia* in 63 BC, as well as the Senate's restriction of the size of Julius Caesar's proposed *munus* in 65 BC, seems to reflect an

implementation of measures designed to address the growing concern among the aristocracy regarding the role *infames* in Roman society. There are also issues surrounding the *Lex Roscia* that can provide valuable insights on this trend. By the time of the assassination of Julius Caesar, detailed regulations had begun to appear, as evidenced by the wording of legal charters, such as those attributed to the *Lex Julia municipalis* and often connected to the *Tabula Heracleensis*, which specifically excluded certain *infames* from serving on municipal councils. Such restrictions were implemented to exclude individuals associated with certain occupations or activities tainted by *infamia* from election to local councils or higher political offices in a time where the very fabric of the Republic was seen by many to have been collapsing. This trend would continue in similar regulations such as those found in the *Tabula Larinas* that appeared throughout the early Principate, especially in times of transition and succession.

One of the compelling aspects of any analysis of the prevalent Roman views regarding *infames*, especially in the world of spectacle, is that the aristocratic contempt directed towards such debased individuals existed alongside a strong respect for the culture of the arena and what its performers could represent for the populace. Even though *infames* in the arena were largely reviled because of their degraded status, imperial authors like Pliny the Younger identified the potential benefit to the populace in bearing witness to how a gladiator might exhibit martial skill and face death bravely. This paradoxical view of the gladiator had a long tradition in Roman literature dating all the way back to Cicero, who grappled with the ‘paradox of the gladiator’ in his own right. For Pliny, and Cicero before him, even lowly gladiators, criminals, and ‘other undesirables’ condemned to suffer horrific deaths upon the sands might exhibit some worth with the last of their existence if they faced death bravely. Witnessing such confrontations with mortality and the disciplined acceptance of the inevitability of death was often portrayed as

instructive to the populace, as well as being consistent with the martial virtues that were central to the social values of ancient Rome. This was seen by many elites as a means to strengthen and fortify the Roman people.

Over time, the dramatic scene of an individual exhibiting the strength of will to meet death bravely took on an almost operatic quality as the embodiment of what defined a proper 'Roman death' (*Romana mors*). The conception of an honorable 'Roman death' rose to a position of prominence within the collective Roman psyche, especially among the Roman elite. The recent scholarship by Edwards has explored many important aspects of the tradition of virtuous death that developed in aristocratic circles, including such the act of 'dying like a gladiator,' 'dying for the glory of Rome,' 'death as spectacle,' 'the honorable suicide,' 'death as an act of political defiance,' and 'laughing in the face of death,' among other related motifs.<sup>22</sup> Whereas Fagan's recent work has primarily focused on the perspectives of the Roman crowd, Edwards' exploration of the role of gladiatorial *infames* and spectacle is mostly from the perspective of the Roman elite.<sup>23</sup> Although each of these recent approaches are extremely valuable in understanding certain popular attitudes regarding *infamia* in the imperial world, and differ in terms of the emphasis of their perspectives, they both remain rooted in the long tradition of viewing imperial spectacle through Roman eyes. Despite these limitations, however, they do expose the 'paradox of the gladiator' in the Roman mindset.

The frequently contradictory nature of the evidence has contributed to considerable debate about what the nature of the scholarship of the gladiatorial world should look like. One of the longstanding issues centers on whether *munera* should be viewed as primarily agonistic

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<sup>22</sup> See Edwards (2007) for the various manifestations of these motifs explored throughout her entire work.

<sup>23</sup> Fagan, G. *The Lure of the Arena: Social Psychology and the Crowd at the Roman Games* (Cambridge: 2011).

rather than sacrificial. This agonistic characterization is prominent in the scholarship of Ville and Veyne that tends to reject religious or cultic significance for the games.<sup>24</sup> These important works emphasize the entertainment aspect of public spectacle and the political dynamics associated with benefactions that were good for the city, what Veyne describes as ‘euergetism’.<sup>25</sup> The emphasis on agonistic displays and the politics of ‘gift and entertainment’ has been challenged in recent years by approaches representing the games as having symbolized something much deeper for the Roman audience beyond simple entertainment. This scholarly emphasis on the ritualistic role of the games in reinforcing critical aspects of Roman society illustrates much of the perspective of the elite consistent with a ‘social death’ model of utter contempt for gladiators due to their ascribed status as *infames*.

Over the last two decades, this conception has been further perpetuated by the scholarship of Barton which puts forward some of the more extreme manifestations of the ‘social death’ concept, one that relies on a psychological examination of the literary record of the Roman elite to explore the influence of aristocratic attitudes that portrayed the gladiator as a form of ‘monster’, essentially devoid of any vestige of humanity.<sup>26</sup> While this ‘monster’ assessment

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<sup>24</sup> Ville, G. *La gladiature en occident des origines à la mort de Domitien* (Rome, 1981); Veyne, P. *Le pain et le cirque: Sociologie historique d'un pluralisme politique* (Paris, 1976).

<sup>25</sup> Veyne, P. *Bread and Circuses: Historical Sociology and Political Pluralism*, abridged with an introduction by Oswyn Murray, trans. Brian Pearce (London, 1990), first published as *Le pain et le cirque: Sociologie historique d'un pluralisme politique* (Paris, 1976).

<sup>26</sup> Barton, C. *The Sorrows of the Ancient Romans: The Gladiator and the Monster* (Princeton, 1993). Barton’s ‘monster’ portrayal has its value within her model, but her representation of the gladiatorial world does not reflect the complexity of all of the available evidence. Barton admits her emphasis on emotional extremes to make broad cultural assertions “may cause some consternation to ancient historians.” (p. 4). This is confirmed by Welch’s critical review of Barton’s work that concluded the use of limited imperial literary sources “to explicate broad cultural phenomenon” proves problematic; Welch, K. *Journal of Social History*, Vol. 27, No. 2 (Winter, 1993) pp. 430-433. See Fagan (p. 21, n.31) for his acknowledgement of the limitations of Barton’s work as well. Dunkle, R. *Gladiators: Violence and Spectacle in Ancient Rome* (London, 2008) 37, n. 35: “Carlin Barton has argued eloquently for a psychological explanation” of certain aspects of the gladiatorial world.

might have some validity in certain contexts, an unbalanced application of this model tends to strip gladiators of all individuality by reducing them to almost inhuman instruments consistent only with the very narrow perspective of the Roman elite, and to some extent, a voracious Roman crowd. Barton does touch on some aspects of gladiatorial life with a more nuanced approach in subsequent sections of her study, but her emphasis on extreme emotion and the psychological effects of the inhuman ‘monster’ comparison dominate the overall tone of her work in this area. The most recent trends in gladiatorial scholarship, however, have moved away from these highly theoretical and psychological models of ritualized sacrifice in the arenas, returning to the more pragmatic ‘spectacle as entertainment’ theories of Ville and Veyne. Potter acknowledges the validity of the ‘social death’ model, one where aristocratic society exhibited considerable animosity and contempt toward the gladiator, but he completely refutes the notion that gladiatorial combat should be viewed as any form of ritualistic sacrifice.<sup>27</sup> Although many of these approaches prove consistent with an appropriate application of the available evidence to particular frameworks, they continue to reflect a very Roman perspective, and not necessarily the limitations of the ‘social death’ models in providing a complete vision of the lives of arena participants.

Another important aspect related to the paradoxical views associated with gladiators can be seen in the way Roman society embraced the popularity of the games and seemed to almost ‘revel in the worthless blood’ spilt upon the sands of arena.<sup>28</sup> The conflicting attitudes visible in the gladiatorial characterizations of imperial authors such as Seneca, Juvenal, Martial, and

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<sup>27</sup> Potter, D. S. ‘Entertainers in the Roman Empire’ in Potter and Mattingly (ed.), *Life, Death, and Entertainment in the Roman Empire* (Ann Arbor, 1999) 256-325.

<sup>28</sup> See Tac. *Ann.* I. 76: ‘*vili sanguine nimis gaudens*’ for the larger political context of this ancient characterization of ‘reveling excessively in worthless blood’ associated with the gladiatorial games.

Tacitus, reflect the immense popularity and allure of the gladiator that existed alongside a strong sense of disgust among the Roman elite. This mixture of attraction and revulsion is prevalent in how the gladiator tended to be objectified by the Roman audience, often resulting in a strong association between the violence of the gladiatorial games and the sexual attraction of the gladiator as an embodiment of masculine *virtus*. The linkage of sex and violence in ancient Rome was a topic many imperial authors grappled with, and their accounts often struggle to reconcile the popular allure of the gladiator with the sense of disgust and contempt Rome's civilized society was supposed to have for *infames*, especially the crude and barbarous gladiator. While the gladiator and their displays of carnage might have represented 'worthless blood' to many Romans, the acknowledged power of gladiator blood is visible in the ancient accounts as well. There exists enough available literary evidence, such as that found in Festus, Tertullian, and Celsus, among others, as well as select discourses on medicine, to suggest that there was a sense of potency and power related to the blood of a gladiator in the minds of many Romans. This supplements the various material culture, epigraphic, and artistic remains, in addition to some examples of crude graffiti, which emphasize the potency and allure of the gladiator. The objectification of the gladiator suggests that, for many Romans, gladiators were not simply 'worthless blood'.

### ***Infames*, Limiting 'Social Death' and the Resurrection of Social Identity**

Chapters five through seven of this work will rely heavily on epigraphic and material remains to illuminate the world of the Roman spectacle and entertainment from the point of view of the individuals actually tainted with the stigma of *infamia*, many of which were those who actually risked their bodies upon the sands of the arena. This approach diverges from the traditional 'top-down' scholarship on Roman society and spectacle that is rooted in the attitudes



of the ancient aristocracy. While the social ramifications of the attitudes of the Roman elite must continue to be addressed, there is enough relatively obscure archaeological evidence to incorporate a more comprehensive ‘bottom-up’ approach, one that takes into account the perspective of people marked in some way as ‘other’ or ‘lesser’ by the dominant society. Such a perspective has been lacking in most of the traditional scholarship on Roman spectacle due to various sociological, ideological, and evidentiary issues associated with the historiography of the lower classes.

Various sections throughout the final three chapters will incorporate much of the epigraphic evidence available on arena *infames* that has been relatively underrepresented in the highly theoretical models that have dominated scholarship on Roman spectacle and *infamia* over the past twenty years. The valuable collections of Robert and Ville allow the epigraphic record to be used to explore the daily lives of arena *infames*.<sup>29</sup> While these French scholars were influenced in many ways by the important, and long-standing, German scholarly tradition on the subject that had emerged with Friedländer in the late 1800’s, their impressive collections of archaeological evidence, especially from the eastern portions of the empire, provide the opportunity to achieve a more realistic view of the complexities of the world of Roman spectacle.<sup>30</sup> Similar to the French and German contributions, the recent additions of Italian epigraphic collections by Tumolesi, as well as the work by Jacobelli on the gladiators at

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<sup>29</sup> Robert, L. *Les gladiateurs dans l’Orient grec* (Paris, 1940); Ville, G. *La gladiature en occident des origines à la mort de Domitien* (Rome, 1981).

<sup>30</sup> Friedländer, L. *Darstellungen aus der Sittengeschichte Roms in der Zeit von August bis zum Ausgang der Antonine* (Leipzig, 1896).

Pompeii, have paved the way for the incorporation of new evidence to further challenge the legacy of the literary evidence related to the lives of *infames*.<sup>31</sup>

An analysis of the relevant archaeological evidence exposes many of the limitations of relying on the popular ‘social death’ models, such as those influenced by the work of scholars like Patterson and Bradley in much of the more recent scholarship on slavery, to assess the world of the Roman spectacle and the daily lives of arena performers.<sup>32</sup> In addition to the proliferation of ‘social death’ approaches throughout the recent scholarship related to the Roman arena, other scholarly frameworks have tended toward highly theoretical models seeking to explain such public displays of violence as a means to reinforce the power of the imperial state, the hierarchy of the Roman social system, or the imperialist vision of Roman civilization in confronting and overcoming a world of perceived barbarity. The view of life from the perspective of the arena participants has been largely ignored due to the limitations of these approaches. Through the use of inscriptions, material culture, and other archaeological evidence, in conjunction with relevant literary analysis, a less abstract, and more realistic, view of the violent world of the arena and the lives of gladiatorial *infames* can be achieved, one that provides a more nuanced understanding of the actual scope of ‘social death’ related to *infamia*.

Many of the funerary epitaphs and surviving monuments for *infames* suggest a lingering sense of ethnic identity, despite the realities of ‘natal alienation’ related to Roman conquest and the ancient slave trade, where deliberate measures were sometimes taken to strip subjugated peoples of any sense of their own origins. There is also evidence for a strong sense of

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<sup>31</sup> Tumolesi, P. *Gladiatorum Paria: annunci di spettacolo gladiatorii a Pompei* (Rome, 1980); Jacobelli, L. *Gladiators at Pompeii* (Los Angeles, 2003).

<sup>32</sup> Patterson, O. *Slavery and Social Death: A Comparative Study* (Cambridge, 1982); Bradley, K. *Slavery and Society at Rome* (Cambridge, 1994).

occupational brotherhood and pride reflected in the way arena *infames* attempted to define themselves, both for their brothers within the school (*ludus*), as well as in how they identified themselves for the public. Strong familial connections are also visible, with respect to the bonds of love within a personal family, as well as the general affection and connection that comes with belonging to the familial larger household or school. Select inscriptions even suggest the possibility for a limited social role through participation in civic cults and religious practices associated with Roman imperial society, most visibly the Cult of Nemesis. The importance of funerary clubs and other *collegia* also seem to reflect a concern for finding a sense of belonging in the face of death. There remains a rather large void in the scholarly tradition dealing with these issues, one that might be able to be filled by further examination of this type of evidence.

The monuments of these *infames* seem to reflect a strong sense of pride in collective identity, as well as an importance placed upon fraternal and familial connections in defining one's place in the world, even in the overwhelming shadow of a Roman system that actively sought to strip away the humanity of those debased individuals most subject to its power. It is also interesting to note how these bonds of brotherhood and affection are not just visible between social equals, horizontally within the social hierarchy, but these bonds also appear to manifest vertically up and down to different rungs of the social ladder. This is very surprising in as rigid a hierarchical social structure as Rome possessed, but it does suggest the limitations of the practical effects of 'social death' and *infamia* with respect to the daily lives of many *infames*. As the analysis of this evidence will show, social interaction at the margins of Roman society was the reality despite the fact it ran contrary to the projected attitudes commonly found among the Roman elite. While many *infames* held unique positions within Roman society, their apparent struggle to reconcile their individuality within an oppressive environment of social

marginalization provides valuable insight, and it begs the question as to how these dynamics might apply to other marginalized segments of Roman society.

People identified as *infames* were thought to be ‘set apart’ from the social fabric that bound Roman society together, despite often retaining very prominent public roles in the popular celebrations and institutions that helped to define Roman culture, the very one they were thought to have been ostracized from. The relatively inferior social position afforded to such tainted individuals and morally contemptible groups was thought to be a completely appropriate aspect of Roman dominion. In this way, a self-fulfilling, and rather self-serving, social dynamic was fostered among the traditional Roman elite. A largely closed and highly stratified social system emerged where status was greatly enhanced by the holding of public office, and perceptions about the moral authority to hold office were largely predicated upon the social esteem garnered from public acknowledgement of that status. For the longest time, this system had allowed the ruling aristocracy to regulate access to the very offices that conferred status within the Roman social hierarchy, thus, partially obscuring their monopolization of power through the assumption of a veil of moral superiority.

The association of social status and moral behavior would serve as one of the most powerful means by which elite Romans reinforced the stratification of their own brutal social order. Assertions of a lack of moral character could be used to justify the existing social structure in many ways: conquered peoples were defeated because they were weak and uncivilized, slaves were servile and lazy by their very nature, the urban masses lacked the rustic discipline and civic ambition of Rome’s idealized citizen soldiers, and perhaps most conspicuously, any who might question or oppose the privileged position and authority of those who held power in Roman society were portrayed as impious, traitorous, and dangerous figures,

often worthy of exile or death. From the aristocratic point of view, such debased groups and individuals did not have the moral integrity necessary to be anything other than the uncivilized filth that they were, usually regarded as unworthy of truly being counted or recognized as part of the fabric of Roman society. In this way, the stigma of *infamia* could be used by the elite to set such people apart from Roman society by defining them as the morally inferior ‘other’. Such people were represented as existing in a debased social state. Elite authors propagated an image for Roman society where *infames* were to be viewed as being deserving of their fate, or perhaps even of punishment, for their perceived moral deficiencies. The nature of the evidence explored throughout this work, however, will expose the ambiguous complexities surrounding *infames*, and how such individuals were defined by an oppressive Roman society, as well as the ways these subjugated individuals sought to define themselves and negotiate a livable space within that society. Ultimately, one might conclude, the ‘social death’ for an individual, often associated with the stigma of *infamia* at Rome, should not be viewed as merely existing as ‘a despised social outcast,’ but rather, as ‘someone who continues to fight for a life on the margins of society.’ Through this struggle, an individual marked as ‘other’ might stare back into the face of the power that oppresses them, and force those that would deny the value of their humanity to acknowledge their existence. Through this, *infames* begin to realize their own sense of worth, in life, and in death.

## CHAPTER II

### PIERCING THE VEIL OF ARISTOCRATIC MORALITY AND THE CONSTRUCTION OF THE 'MASK OF *INFAMIA*' IN REPUBLICAN ROME

Just as power so often serves itself, politics tends to care for its own interest, rather than serving the needs of the state. Much the same could be said of the litany of moralizing politicians and leaders in ancient Rome who sought to portray themselves as the moral arbiters and righteous defenders of the sanctity of Roman ancestral tradition and social custom. All too often, Roman politicians adopted the veil of moral propriety as a useful and convenient means to protect and perpetuate their own familial positions of privilege, especially during times of social change and unrest. While this allows those vested with power to project a sense of moral authority that reinforces and justifies an elevated social position, it tends to disguise an unsettling reality that most people choose to ignore; morality itself is largely an ongoing social negotiation between competing factions and disparate groups, rather than any universal or immutable conception of actual right and wrong. Consequently, moral convention can prove itself to be a rather inconstant and malleable cultural construct. Even in the face of this inherent malleability, however, the nostalgic allure afforded by a strong respect for tradition and ancestral custom enables a moral system to retain its considerable power to bind disparate and unequal groups together in a social compact of 'appropriate behavior' intended to reinforce civic cohesion and the perpetuation of an existing cultural order.

Ancient Rome was no exception to this, proving itself to be a society where much of the populace was complicit in perpetuating characterizations about those who exercised power, as well as those who were subject to it. Even as Rome's ruling families projected a mask of moral

virtue, with lofty positions that often obscured their actual behavior, the condemnatory moral characterizations directed at the lower orders seeped down into the very roots of the society, strengthening the bonds of enslavement which bound Rome's slave system together. The popular acceptance of moral attitudes about the righteousness of the administration of power, as well as the moral debasement of the subjugated and powerless, permeated Roman society from top to bottom, undoubtedly internalized by the subjugated themselves. In an environment where social status was so intertwined with moral rationalization, the mind of a slave, or even that of an impoverished citizen, could serve as a tool of its own enslavement, further facilitating the condition of subjugation by accepting and internalizing the moral condemnation directed at Rome's lower orders. For the Roman world, the powerful bonds of propriety and morality supported communal relationships of dominance and dependency that were at the very heart of Rome's patronage system and highly stratified social order. It fell to the heads of Rome's elite families to define and perpetuate the moral and ancestral traditions that were at the center of Roman society, for themselves, as well as the larger populace as a whole. The moral censure associated with *infamia* was an important instrument in this process of social negotiation, one that helped shape the Roman social system down through the centuries. Throughout the Republic, moral censure served as a valuable weapon in protecting the supposed integrity of Rome's ruling elite, but much like many honed weapons, *infamia* was a blade that could cut with more than one edge.

### **Adorning the 'Mask of *Infamia*' with the Veil of Religion**

The office holders vested with public authority at Rome were expected to maintain a moral standard that lived up to the ancestral traditions their society was built upon, one intended to set them apart from their social inferiors, but a standard that many among the aristocracy

proved unable to live up to. Consequently, the generalized stigma of *infamia* was used to identify individuals deemed morally unworthy of holding office by cutting them away from full participation within the civic community, sometimes even slicing into the highest levels of the Roman aristocracy itself. This was done in an attempt to protect the moral authority of the patricians and their hereditary religious positions which further perpetuated the popular perception of Rome's senatorial elite as the moral arbiters of society. Despite the social esteem afforded by these venerated religious offices, however, the force of moral censure still depended upon the complicity of the populace in acknowledging and accepting the moral authority of Rome's leading men. In order to help secure the willing acceptance of the social order by the general populace, the religious implications of any breach of *pietas* or *fides* (traditional Republican virtues at the very core of the Roman social structure) were represented as moral affronts to the divine will, deserving of the harshest of punishments. Rome's elite families used such negative moral *exempla* as something to define themselves against, and it is important to reiterate how the available historical sources confirm that civil honor at Rome was most frequently defined through a stark contrast with dishonor.<sup>33</sup> The ultimate consequence of this was that it was not sufficient for Rome's venerated families and leading figures to be honored in accordance with their own hereditary rights, positive virtues, and honorable accomplishments, but rather, their elevated status was consistently defined against negative characterizations associated with those who were portrayed as morally inferior, or even beastly, in nature. Accordingly, the socially inferior were thought to be deserving of being treated poorly, or at the very least, of being allotted by fortune to conduct their lives subject to the unquestioned authority of their social superiors.

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<sup>33</sup> See prior n. 14 (p. 8) and n. 21 (p. 13) on negative aspects of honor definition in Greenidge and Kaser.



Although Rome's leading families tended to contrast themselves against the debased nature of their social inferiors, there remained aspects of the Roman patronage system that required the maintenance of a delicate balance of mutual dependency between the elite and their vast networks of *clientela* that they gathered from all levels of society. Furthermore, though many of the priesthoods were secured by hereditary aristocratic privilege, many of the powerful political magistracies of the Republic, the most important being the consulship, could only be achieved through election by the Roman citizenry. Even with this democratic element, however, the influence of the senate over the assemblies remained palpable, and certain pro-magistrates could be assigned by the senate to suit specific needs.<sup>34</sup> For any Roman to rise to the true heights of political power and influence, numerous electoral victories were required over the course of a political career. Accordingly, the power of the populace to confer public honors upon those individuals deemed to be virtuous was identified in antiquity as an extremely important aspect of the Roman political system. Popular election was heavily dependent upon public perceptions of the reputation, prestige, and power of the individual aristocrats and their families. In a social structure like Rome's, one built largely upon personal glorification, intense aristocratic competition, and the public recognition of honor, any loss of reputation and social esteem resulting in a diminished status was "a very serious matter."<sup>35</sup> The full significance of *infamia* must be viewed within the context of popular opinion and how it was acknowledged in ways that appeased public sentiment.

It was the historian Polybius, a Greek who lived in Italy for many years among the Roman elite as a political hostage, who most notably observed "it is the people [*ὁ δῆμος*] who

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<sup>34</sup> Lintott, A. W. *The Constitution of the Roman Republic* (Oxford, 1999) 113-120.

<sup>35</sup> Ibid. 119: "the loss of status involved in *infamia* of any kind was a serious matter in a society where ambition was focused on glory and a good name."

confer offices upon the deserving, which is the most honorable prize of virtue in the state.”<sup>36</sup> As a foreigner embedded for many years among the elite families of the Republic, Polybius was able to observe Roman politics from a unique perspective and his account of the Roman constitutional structure remains one of the most influential works on the subject. It was clear to Polybius that one of the most, if not the most, important powers of ‘the people’ resided in the populace’s ability to recognize publicly the moral authority of the office holder through popular election. *Infamia*, in both popular and legal sanction form, is part of this process because it represents the negative manifestation and symbolic antithesis of what is honorable, giving weight and actual force to the popular disapprobation of the people in ways that help to define those who are deserving of civic honor in the political and social spheres.

In Polybius’ idealized vision of the Roman political system, power and political prestige were acquired through electoral success resulting from a demonstration of moral virtue, and this perception of virtue and greatness would be reaffirmed by popular vote throughout an official’s career. While the significance of ‘the vote’ of the people in the politics of the Republic has long been acknowledged in scholarship, the degree to which ‘the vote’ of the people was actually a popular one remains debatable. For much of the last century, the influential work of M. Gelzer, asserting that ‘relationships based on *fides* and personal connections’ determined the distribution of power in Roman politics, led to the emergence of a dominant theory that popular voting was merely an expression of control by the Roman elite.<sup>37</sup> More recently, Brunt and Millar, among others, have sought to challenge this dominant view that the strength of the ‘vertical links of

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<sup>36</sup> Plb. 6.14.9: *καὶ μὴν τὰς ἀρχὰς ὁ δῆμος δίδωσι τοῖς ἀξίοις: ὅπερ ἐστὶ κάλλιστον ἄθλον ἐν πολιτείᾳ καλοκάγαθίας.*

<sup>37</sup> Gelzer, M. *Die Nobilität der römischen Republik* (Leipzig, 1912) 134-35; *Kleine Schriften*, vol. I (Wiesbaden, 1962) 17, as translated in *The Roman Nobility*, R. Seager (Oxford, 1969) 139.

dependence' and the importance of networks of *clientela* were the key to Roman political life.<sup>38</sup> While the influence that patronage and dependence actually had on the popular vote of 'the people' remains the subject of vigorous scholarly debate, Savigny and Greenidge have shown that as time went by there developed a greater concern among the Roman elite in preserving the integrity of the orders, and that *infamia* would lead to eventual exclusion from all dignities and public honors under the imperial system.<sup>39</sup> The increased concern exhibited by the aristocracy for the preservation of the integrity of the Roman social order is a critical component in understanding why attitudes about *infamia* were important, as public *mores* served a very strong regulative function in Roman society. More recently, scholars like Garnsey have touched on the significance of public *mores* and conceptions of *infamia* within the context of a 'vocabulary of privilege' that was cultivated over the centuries by the Roman aristocracy to reinforce an elevated social and political position.<sup>40</sup> Within the context of this political vocabulary, the power of *infamia* went well beyond its legal definition and restrictions because it was an important component of the ongoing political dialog that was employed to maintain Rome's hierarchical social structure.

While the extent to which the power of the people and the significance of 'the vote' remains a debated subject in the recent scholarship on ancient Rome, the role of religion in the maintenance of the Roman political and social system remains a critical component of this debate because it exposes the ways in which the power of the people could be shaped and regulated by the elite through the strict enforcement of the various conceptions of *pietas* that

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<sup>38</sup> Brunt, P. A. "Clientela" in *The Fall of the Roman Republic and Related Essays* (Oxford, 1988); Millar, F. *The Crowd in Rome in the Late Republic: Jerome Lectures*, 22, (Ann Arbor, 1998) 4-11.

<sup>39</sup> Greenidge, 103.

<sup>40</sup> Garnsey, P. *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970) 230-32.

served as part of the foundation of Roman morality. Most notably, it was Polybius who once again identified the distinctive role religion played in compelling, or perhaps manipulating, ‘the people’ to bind themselves willingly to the Roman moral and social system. Polybius’ views on Roman religion were rooted in a utilitarian framework where religious observances helped to facilitate a stable social and moral order by placing constraints upon the human tendency toward the unfettered emotional impulses and desires that usually represented a condition of irrationality, one contrary to the interests of a society as a whole:

But it seems to me that the best distinction the Roman state has for the better is in the understanding of things concerning the gods. And I believe that what other peoples view with reproach is actually what binds the Roman state together, namely, a fear of the gods [δεισιδαιμονίαν]. For these beliefs have been so elaborately exaggerated and introduced into their public and private lives to such a degree that nothing could exceed it, a truth that would be unexpected to many. It is my own opinion that they have done this for the favor of the masses [τοῦ πλήθους]...Since the throng is fickle, impregnated with lawless desires, irrational anger [ὀργῆς ἀλόγου], and violent spirits, all that is left is for invisible terrors and such tragic scenes as these to constrain the masses [τὰ πλήθη συνέχειν].<sup>41</sup>

(Plb. 6.56.6-11)

Religion had a pragmatic purpose for Polybius where fear of the gods could be used to condition the masses in order to restrain them from ‘irrational anger’ (ὀργῆς ἀλόγου), and “according to the prevalent modern interpretation of this passage, religion to Polybius was only an instrument for controlling the masses.”<sup>42</sup> While this cynical characterization by some modern scholars could be accurate to a degree, especially with respect to Polybius’ assertion of the need ‘to constrain the

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<sup>41</sup> Plb. 6.56.6-11: *μεγίστην δέ μοι δοκεῖ διαφορὰν ἔχειν τὸ Ῥωμαίων πολίτευμα πρὸς βέλτιον ἐν τῇ περὶ θεῶν διαλήψει. καὶ μοι δοκεῖ τὸ παρὰ τοῖς ἄλλοις ἀνθρώποις ὀνειδιζόμενον, τοῦτο συνέχειν τὰ Ῥωμαίων πράγματα, λέγω δὲ τὴν δεισιδαιμονίαν: ἐπὶ τοσοῦτον γὰρ ἐκτετραγώδηται καὶ παρεισῆκται τοῦτο τὸ μέρος παρ’ αὐτοῖς εἰς τε τοὺς κατ’ ἰδίαν βίους καὶ τὰ κοινὰ τῆς πόλεως ὥστε μὴ καταλιπεῖν ὑπερβολήν. ὃ καὶ δόξειεν ἂν πολλοῖς εἶναι θαυμάσιον. ἐμοὶ γε μὴν δοκοῦσι τοῦ πλήθους χάριν τοῦτο πεποιηκέναι. εἰ μὲν γὰρ ἦν σοφῶν ἀνδρῶν πολίτευμα συναγαγεῖν, ἴσως οὐδὲν ἦν ἀναγκαῖος ὁ τοιοῦτος τρόπος: ἐπεὶ δὲ πᾶν πλήθος ἐστὶν ἐλαφρὸν καὶ πλήρες ἐπιθυμιῶν παρανόμων, ὀργῆς ἀλόγου, θυμοῦ βιαίου, λείπεται τοῖς ἀδήλοισι φόβοις καὶ τῇ τοιαύτῃ τραγωδίᾳ τὰ πλήθη συνέχειν.*

<sup>42</sup> Candau, M. “Polybius and Plutarch on Roman Ethos” in *The Shadow of Polybius: Intertextuality as a Research Tool in Greek Historiography*; *Studia Hellenistica*, vol. 42. pp. 307-28 (Leuven, 2005) 309.

masses' (*τὰ πλήθη συνέχειν* [Plb. 6.56.11]: perhaps 'to constrain the vulgar masses' might convey the full force of the historian's intended meaning given the preceding language of fickle, lawless, irrational, and violent in describing the populace), it does not necessarily allow for a more nuanced view of the intricate relationship between religion, morality, individual belief, and the complicated perceptions of either the cosmic or social order. This characterization of religion by Polybius seems to embody a much broader philosophical view that took into account the distinctive role of religious practice in terms of appropriate social conditioning and the moral responsibilities it conferred upon all the orders of Roman society.<sup>43</sup>

In this Polybian model, the aristocracy was thought to retain a moral responsibility to use their authority to train and educate the populace in virtuous conduct in order to promote the health, integrity, and longevity of Roman society as a whole. Virtue was not necessarily something that was inherent at inception for any group or state; it was cultivated through training and social conditioning within the context of rational social structures. Polybius emphasized 'customs and laws' (*ἔθνη καὶ νόμοι*) as the logical means by which to judge the virtue of any society or state, as illustrated in his comparative critique of the Cretan constitution:

For I think there are two primary things in every state, through which the true quality and form of its constitution is either desirable or the opposite; these are customs and laws [*ἔθνη καὶ νόμοι*]. Of these, the preferred are those that make the private lives of men pious and sensible, and the general nature of the state more complete and just...<sup>44</sup>

(Plb. 6.47.1-2)

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<sup>43</sup> Walbank, F. *A Historical Commentary on Polybius* vol. 1 (Oxford, 1957) 741, n. 6.56.6-12: "[Polybius] approves the use of religion and superstition for disciplinary purposes;... But his interpretation of Roman *religio* is that of the Greek rationalist, not of a native Roman. The idea of the divine origin of law and divine sanction as a socially useful concept may originally go back to the Pythagoreans."

<sup>44</sup> Plb. 6.47.1-2: *ἐγὼ γὰρ οἶμαι δὴ ἀρχὰς εἶναι πάσης πολιτείας, δι' ὧν αἰρετὰς ἢ φευκτὰς συμβαίνει γίνεσθαι τὰς τε δυνάμεις αὐτῶν καὶ τὰς συστάσεις: αὐταὶ δ' εἰσὶν ἔθνη καὶ νόμοι: ὧν τὰ μὲν αἰρετὰ τοὺς τε κατ' ἰδίαν βίους τῶν ἀνθρώπων ὁσίους ἀποτελεῖ καὶ σώφρονας τὸ τε κοινὸν ἦθος τῆς πόλεως ἡμερον ἀπεργάζεται καὶ δίκαιον.*

This entire moral framework was rooted in a logical pragmatism where religious propriety and rational sensibility were linked through the application of laws and customs designed to condition the populace to behave in a virtuous manner. From the Polybian perspective, laws and customs were instruments by which to train and educate the masses on how to endure the vicissitudes of Fortune (*Τύχη*), and should not be viewed as merely a means to manipulate the favor of the gods. They were an important part of the pursuit of what should be considered existentially good and proper within the framework of the rational universe.

Roman piety and adherence to traditional Roman virtue was judged favorably by Polybius because of the fact that they could be used to train and educate the populace toward rational behavior. The *mos maiorum* that embodied the ancestral customs and laws at Rome were replicated throughout society in a myriad of ways that supported a situation where group character was formed in an environment of highly exaggerated (*ἐκτετραγώδηται*) ritualistic piety.<sup>45</sup> The ‘exaggerated’ aspect of this should be viewed as a conspicuous observation by Polybius that highlights a rather intentional aspect of the Roman religious system which was practiced in ways that were intended to shape and restrain public behavior through fear of divine retribution. For Polybius, this active moral conditioning was elaborately obscured for the populace by the veil of religion that adorned certain public offices with the force of religious authority. The role of *infamia* and ‘popular collective disapprobation’ rooted in a sense of divine authority was an important part of this process. Furthermore, *infamia* and *infames* served as the symbolic

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<sup>45</sup> Plb. 6.56.8 for the exaggerated (*ἐκτετραγώδηται*) ritualistic piety. For an interesting analysis of this type of targeted social conditioning in reinforcing group identity, see Champion’s analysis of the way ancestral mask processions contributed to the formation of group character, as it illustrates the degree of effectiveness that the Roman social conditioning program would likely have had. In this example, Polybius himself describes the positive, character-building effect the display of the masks had upon Roman aristocratic youth. (Plb. 6.53.4-9) Although the origins and nature of the masks are far from clear, “it is reasonable to view the depiction of rugged, hard-nosed Roman aristocrats in our period as a reaction to the idealizing royal portraiture of the Hellenistic monarchies.” Champion, C. *Cultural Politics in Polybius’s Histories* (Berkeley, 2004) 57-58.

antithesis of personal, familial, and civic honor. Accordingly, it should be viewed within this larger context of highly exaggerated and conspicuously deliberate identity construction that was representative of the social conditioning described throughout much of the Polybian model. This process of conditioning was used to define the elite that dominated Roman society, as well as the dependent classes underneath them. Furthermore, it was even considered appropriate that the aristocracy had the responsibility for providing both moral instruction and enforcement for the masses in order to secure and maintain the overall health and longevity of the society.

The emphasis Polybius placed upon building Roman character through social conditioning was used to form the foundation for the historian's moralizing characterizations that rationally explained the outcomes of particular events and battles throughout his *Histories*. Of particular interest to this study on the power of *infamia*, is Polybius' acknowledgement of the power of perceived dishonor and shame within Roman society:

When a commonwealth, after fending off many great dangers, has arrived at a high level of prosperity and unchecked power, it is evident that, by the prolonged continuance of great wealth within it, the manner of life of its citizens will become more extravagant; and that the competition for office, and in other aspects of society, will become fiercer than it should be. And as this state of things goes on more and more, the desire of office and the shame of losing reputation, as well as the ostentation and extravagance of living, will prove the beginning of a deterioration. And of this transformation the people will be credited with bringing about the change, when they become convinced that they are being cheated by some out of greed, and are built up with flattery by others on account of the desire for elected office.<sup>46</sup>

(Plb. 6.57.5-7)

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<sup>46</sup> Plb. 6.57.5-7: ὅταν γὰρ πολλοὺς καὶ μεγάλους κινδύνους διωσαμένη πολιτεία μετὰ ταῦτα εἰς ὑπεροχὴν καὶ δυναστείαν ἀδήριτον ἀφίκηται, φανερὸν ὡς εἰσοικιζομένης εἰς αὐτὴν ἐπὶ πολὺ τῆς εὐδαιμονίας συμβαίνει τοὺς μὲν βίους γίνεσθαι πολυτελεστέρους, τοὺς δ' ἄνδρας φιλονεικοτέρους τοῦ δέοντος περὶ τε τὰς ἀρχὰς καὶ τὰς ἄλλας ἐπιβολάς. ὧν προβαιόντων ἐπὶ πλεόν ἄρξει μὲν τῆς ἐπὶ τὸ χεῖρον μεταβολῆς ἢ φιλαρχία καὶ τὸ τῆς ἀδοξίας ὄνειδος, πρὸς δὲ τούτοις ἢ περὶ τοὺς βίους ἀλαζονεία καὶ πολυτέλεια, λήψεται δὲ τὴν ἐπιγραφὴν τῆς μεταβολῆς ὁ δῆμος, ὅταν ὑφ' ὧν μὲν ἀδικεῖσθαι δόξη διὰ τὴν πλεονεξίαν, ὑφ' ὧν δὲ χαννωθῆ ὑποτακόμενος διὰ τὴν φιλαρχίαν.

Polybius conspicuously identifies how the intense competition for acquiring office and the attendant public recognition of honor that accompanied a successful election combined with the perceived shame of losing reputation in ways that could contribute to a toxic environment of moral deterioration. While the frequent concern over the corrupting influence of wealth and aristocratic competition was a common trope of the Greco-Roman moralizing tradition, the conspicuous inclusion by Polybius of the great concern among the Romans over the shame of losing reputation confirms the serious implications and social restraints that were imposed on the populace by the fear of dishonor within Roman society.

The regulating force of disgraceful behavior within Roman society was very observable with respect to both private and public transactions, especially where the conceptions of personal *fides* that so commonly attached to the sanctity of private monetary transactions informed perceptions of the importance of honorable transactions within the public sphere. Early in his passage on religion, Polybius identifies how seriously Romans were expected to take any perceived shame or breach of the public trust as a most egregious offense, one worthy of death:

Once again, the Roman customs and laws regarding monetary transactions [*τὰ περὶ τοὺς χρηματισμοὺς ἔθη καὶ νόμιμα*] are superior to those of the Carthaginians. In the view of the latter nothing is disgraceful that provides profit, but with the former nothing is more dishonorable than to accept bribes and to secure gain through such shameful means. For they regard wealth obtained from unlawful transactions to be as deserving of reproach, as a fair profit obtained from the most honorable source is commendable. As proof of this: the Carthaginians obtain office through blatant bribery, but among the Romans, death [*θάνατός*] is the penalty for this.<sup>47</sup>

(Plb. 6.56.1-4)

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<sup>47</sup> Plb. 6.56.1-4: *καὶ μὴν τὰ περὶ τοὺς χρηματισμοὺς ἔθη καὶ νόμιμα βελτίω παρὰ Ῥωμαίοις ἐστὶν ἢ παρὰ Καρχηδονίοις παρ' οἷς μὲν γὰρ οὐδὲν αἰσχρὸν τῶν ἀνηκόντων πρὸς κέρδος, παρ' οἷς δ' οὐδὲν αἰσχίον τοῦ δωροδοκεῖσθαι καὶ τοῦ πλεονεκτεῖν ἀπὸ τῶν μὴ καθηκόντων καθ' ὅσον γὰρ ἐν καλῷ τίθενται τὸν ἀπὸ τοῦ κρατίστου χρηματισμόν, κατὰ τοσοῦτο πάλιν ἐν ὀνειδείῃ ποιοῦνται τὴν ἐκ τῶν ἀπειρημένων πλεονεξίαν. σημείον δὲ τοῦτο: παρὰ μὲν Καρχηδονίοις δῶρα φανερώς διδόντες λαμβάνουσι τὰς ἀρχάς, παρὰ δὲ Ῥωμαίοις θάνατός ἐστι περὶ τοῦτο πρόστιμον.*



The fact that death (*θάνατος*) was the stated penalty, even though exile was traditionally the most likely option for such shameful behavior, helps to illustrate how the conceptions of virtue associated with *fides* and *pietas* could be linked together with the public trust associated with elected office in ways that imbued Roman social, political, and economic compacts with the full force of divine sanction. Moreover, due to the scarcity of office, it could be argued that shame and dishonor were likely to have been a more powerful force in Roman social dynamics than positive manifestations of civic honor because the offices and titles associated with honor were only available to a rather small portion of the aristocracy, let alone the populace at large. The fear of disgrace was at the heart of *infamia*, perhaps even the very blood that sustained the entire Roman system of morality and honor.

Consistent with Polybius' views, Roman religion proved to be the most effective instrument in facilitating the necessary social conditioning that bound the entire populace to the moral system at Rome. It was the strict adherence to the moral system which provided the true foundation for the fidelity and loyalty at the very center of the Roman social structure. Rome's rigidly hierarchical structure required full faith and trust in the social compact between the father and the family, the master and the slave, the elected official and the citizen, just as with the patron and the client. The sense of *fides* and *pietas* toward these relations proved to be an absolutely critical component in conducting and maintaining the social negotiations and transactions at the core of the whole Roman patronage system. In order for a social system rooted in this kind of patronage to remain viable, the moral sacrosanctity of these social compacts was presented to the populace in ways that made the masses complicit in their own subjugation to social superiors. Accordingly, the democratic power of the people 'to vote' and 'to confer civic honors' within the electoral aspects of the Roman republican system was

intertwined and heavily influenced by the considerable power disparity between social groups and the complex legacy of generations of patronage at Rome. This exposes one of many insidious lies of that can plague democracy, namely, that ‘the people’ are actually free to vote in their own interest. To many times throughout history, and Rome was no exception, the masses have been complicit in their own enslavement by proving susceptible to manipulation and deception by the influential and powerful, with the façade of the ‘popular vote’ often validating the tools of subjugation by absolving the ruling class of direct responsibility for the ratification of policies that reinforce the vested interests of an existing social order. Over the centuries, Rome’s senatorial aristocracy proved itself masterful at constructing, implementing, and exploiting an intense moralizing tradition to condition the Roman populace to accept the authority of its leading families willingly.

Rome’s elite families utilized the system of honor and dishonor to bind the larger populace to its will, with the power of moral censure and dishonor serving as the fetters that restrained the behavior and resistance of the subjugated. It was the divine sanction of religion that could imbue the sense of dishonor and popular disapprobation associated with the necessary force to constrain and shape behavior within Roman society through the social conditioning described throughout Polybius. The powerful families of Rome’s elite exploited this religious impulse to full effect, using religious practice and their hereditary monopoly on religious offices to reinforce their justification for authority and elevated social position, while simultaneously defining their social inferiors and dependent clients as lacking in moral rectitude and being in need of moral guidance, social groups that the aristocracy could define themselves against. Once again, positive honor in the Roman system was most effectively defined against its negative antithesis. This is where the role of *infamia* and the place of *infames* within Roman society come

into focus, as effective tools of social conditioning that could define and perpetuate social identity through the starkest of contrasts. In order to understand the evolution, complexity, and larger significance of this process of deliberate social identity construction and *infamia* within the Roman moral system, it is beneficial to explore some of the earliest connections between divine sanction, the tradition of hereditary religious position, and moral authority with respect to justifying social and political standing of Rome's senatorial aristocracy.

### **Divine Right and the Majesty of Authority: Religion as the 'Mask of Virtue'**

Just as law can be meaningless without the support and complicity of the populace, moral sanction is only as powerful as the masses believe it to be. As has been shown in Polybius, religion was perhaps the most effective tool of social conditioning used by elite Romans to constrain the beastly and potentially destructive impulses of the vulgar masses by imbuing the strict adherence to Rome's ancestral custom (*mos maiorum*) with the full force of divine sanction for any breach of honor in social transactions, both public and private. The sacrosanctity of these social transactions was at the very heart of Rome's patronage system, and the ongoing social negotiations between the upper and lower orders of society required maintaining integrity and fidelity throughout the entire moral system. Just as with numerous other ancient societies, there existed a long history in the Greco-Roman tradition of imbuing political authority with the power of divine sanction, but following the expulsion of the last of the Tarquin kings, Rome's leading men faced the challenge of dividing the sacred and secular functions of kingship in ways that were intended to prevent other concentrations of power that could lead to tyranny under the Republic. Although initially "the sacred duties of the king passed to the *rex sacrorum* and the administration of religious affairs to the *pontifex maximus*," eventually, there emerged a much wider array of honorable priesthoods, many of which were the hereditary privilege of patrician

senatorial families, that were part of a process of increased pontifical and religious authority which seems to have gradually increased over the first two centuries of the Republic during the so-called ‘Struggle of the Orders’.<sup>48</sup> Identifying the significance of how this type of religious authority was carefully cultivated and controlled by Rome’s patrician class is critical in understanding how the aristocracy used the ‘veil of morality’ to define their group identity within Roman society, and how the fear of dishonor, religious pollution, and divine sanction were deliberately exploited to condition the populace to accept Rome’s rigid hierarchical social system as morally righteous.

Momigliano has concluded that religious authority was “the first and easiest to monopolize because it implied some special knowledge and some leisure and required that respectability aristocrats always have,” and furthermore, “religious authority was indeed what the Roman patricians traditionally tried to keep for themselves.”<sup>49</sup> This concerted effort to monopolize religious authority, primarily among the patricians at the very core of the senatorial aristocracy, allowed Rome’s elite to define what was “*ius, mos, and fas* – what was legal, customary, and (morally) right.”<sup>50</sup> This provided the aristocracy a means to define and to enforce a strict adherence to the *mos maiorum* through the entire legal framework of Roman society, and this is the broad context through which the true force and complex evolution of *infamia* must be viewed. It was a powerful social, legal, and political tool for the Roman aristocracy to define itself with, and furthermore, one which could be exploited to justify and

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<sup>48</sup> Mitchell (1990) 69; see also Momigliano, A. “The Origins of the Roman Republic” in *Interpretation: Theory and Practice*, C. S. Singleton, ed., (Baltimore, 1969) 1-34: 15-16; and Raaflaub, K.A. (*SSAR*) *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders* (Berkeley, 1986) 38-39.

<sup>49</sup> Momigliano, A. “An Interim Report on the Origins of Rome” *JRS* 53 (1963) 95-121: 118; see also Mitchell (1990) 65.

<sup>50</sup> Mitchell (1990) 65.

maintain the elevated status and authority enjoyed by Rome's leading families through hereditary privilege.

Throughout the ancient world, the morality of exercising power and authority over one's inferiors enjoyed a very long tradition that remained virtually unchallenged, as Thucydides so famously, and rather bluntly, identified in his 'Melian Dialogue':

We who know are telling you who already know, that indeed whatsoever is just and right [*ὅτι δίκαια*] in the world of men is only ever in debate between those who are equal in power; while the strong do what they will, the weak endure what they must.<sup>51</sup>

(Thuc. 5.89)

This acceptance of the relationship between the nature of power, the justifiable authority of the strong to rule, and the moral conception of what constituted right and wrong permeated Roman thought in much the same way as it did elsewhere in the Mediterranean. Furthermore, there seems to have existed a powerful moral tradition in primitive thought among both the Greeks and the Romans that portrayed civic honor and the dignity of the sovereign as an extension of the authority of divine law, with the honored person granted such power and majesty by the gods themselves. The legacy of this tradition can be traced back all the way to Homer, and seemingly developed out of the earlier "functions of the king and the primitive tribal chieftain as the mediators and executors of the divine law, ... that arose from the idea, widespread in primitive popular belief, of a supernatural, or rather a supranormal, magical vital force."<sup>52</sup> This connection between the divine sanction of honor and the authority to rule in the primitive Greek tradition

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<sup>51</sup> Thuc. 5.89: *ἐπισταμένους πρὸς εἰδότας ὅτι δίκαια μὲν ἐν τῷ ἀνθρωπείῳ λόγῳ ἀπὸ τῆς ἴσης ἀνάγκης κρίνεται, δυνατὰ δὲ οἱ προύχοντες πράσσουσι καὶ οἱ ἀσθενεῖς ζυγγωροῦσιν.*

<sup>52</sup> Westrup, vol. III. 1.56-7.

may well have informed the development of the conceptions of dishonor and *infamia* at Rome over the centuries.

It should be noted that in many of the Greek texts, most notably those written by later historians such as Cassius Dio, the full meaning of Roman *infamia* and its particular sense of popular disapprobation tended to be conveyed with various forms of the Greek term *ἀτιμία* that were most consistent with the intended meaning of ‘dishonor, disgrace, and the civic disability associated with a loss of civil rights’.<sup>53</sup> While the civic context of this type of characterization remains central to understanding the general meaning, on an even deeper level, the choice of wording could also convey remnants of the primitive conceptions of *τιμή* (the positive term of ‘honor’ from which *ἀτιμία* ‘dishonor’ was derived) that were embodied by Homeric conceptions of ‘royal dignity’ and ‘honor’ which conferred the authority and power to lead the people through divine sanction. In the *Iliad*, the religious force conveyed by *τιμή* is portrayed as a divine confirmation of the political and legal authority of the ruler, often associated with the symbolic imagery and power associated with the scepter:

Mighty is the soul [*θυμὸς...μέγας*] of kings, cherished by Zeus,  
Honor [*τιμή*] he has from heaven, all-knowing Zeus has given it to whom he loves  
But whatever man among the people he saw, and discovered shouting out,  
Let him drive out with the scepter [*τὸν σκῆπτρῳ ἐλάσασκεν*], and upbraid him with  
these words...<sup>54</sup>

(Hom. *Il.* 2.196-199)

The ‘honor’ (*τιμή*) bestowed by Zeus includes the inherent force and political authority of scepter ‘in smiting or driving out’ (*τὸν σκῆπτρῳ ἐλάσασκεν*) troublesome elements of the populace, as

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<sup>53</sup> Various examples of Cassius Dio employing the term *ἀτιμία* to convey the peculiar Roman sense of *infamia* in multiple contexts include, but are limited to: 38. 23. 1; 38. 24. 1; 38. 26. 1; 40. 45. 4; 48. 35. 2; 52. 7. 1; 52. 37. 3; 55. 18. 3; 57. 18. 5; 58. 3. 4; 60. 4. 5.

<sup>54</sup> Hom. *Il.* 2. 196-199: *θυμὸς δὲ μέγας ἐστὶ διοτρεφέων βασιλῆων,  
τιμὴ δ’ ἐκ Διὸς ἐστὶ, φιλεῖ δὲ ἐμητίετα Ζεὺς.  
ὄν δ’ αὖ δῆμον τ’ ἄνδρα ἴδοι βοόωντά τ’ ἐφεύροι,  
τὸν σκῆπτρῳ ἐλάσασκεν ὀμοκλήσασκέ τε μύθῳ*

well as serving as a divine confirmation of ‘the mighty soul’ or ‘great vitality of spirit’ (*θυμὸς μέγας*) associated with kingship. In this primitive Homeric context, the political leadership role implied through the use of the divinely inspired authority of the scepter to literally ‘drive out’ or ‘smite’ any negative or disruptive elements of the populace is not completely dissimilar to the legal sanction and popular disapprobation associated with *infamia* and how certain elements of society are cut away from the larger citizen body through the imposition of civic disabilities.

In addition, the force of this religious sanction of public authority should not be underestimated, and it is also noteworthy that elsewhere in the *Iliad*, the conception of ‘honor’ conveyed by *τιμῆ* is conspicuously connected with powerful Greek conceptions of ‘virtue’ and ‘excellence’ (*ἀρετή*), and much like the Roman conception of *virtus*, the high repute and social esteem that accompanies it, as well as the inherent ‘might’ or ‘force’ associated with the term *βίη*.<sup>55</sup> Westrup has even noted that the honor conveyed by *τιμῆ* actually increased and decreased, and with it, the authority and power among the people.<sup>56</sup> Furthermore, it was dependent on the king/chieftain being ‘continually strong’ with a ‘divine strength’ that embodied vital force:

If his magical power, and with it the “greatness of his soul”, his *θυμὸς μέγας*, his “mighty vital force” – automatically manifesting itself in renown, *κῦδος*, in the work he actually does among the people, - declines, he loses his divine repute, his royal dignity and with it his authority in the land.

(Westrup, C. W. *Introduction to Early Roman Law* vol. III.1.59)

This is an important distinction because it reflects how integrated religious sanction, political authority, and the ongoing maintenance of social esteem and public honor were in the Greco-Roman tradition, even within a Homeric context where political leaders were conceived of as, at the very least, reflecting the very spark of the divine themselves. The recognition of public

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<sup>55</sup> Hom. *Il.* 9.498: *τῶν περ καὶ μείζων ἀρετῆ τιμῆ τε βίη τε.*

<sup>56</sup> Westrup, vol. III.1.58-59.

honor was a reflection of both religious and political authority, and it proved to be a rather visible and powerful sociological component of the ancient societies of the Mediterranean that survived through the centuries from as far back as their most primitive origins. The inherent force of *τιμή*, and the fact that the social esteem associated with public honor was malleable, provides the proper cultural context for understanding the full significance and power behind public sanctions of dishonor (*ἀτιμία*) in the Greek world, and the similarities that might exist with the evolution of the Roman conception of *infamia* and its accompanying derogation of both *dignitas* and *existimatio* within the public sphere.

The frequent choice by Greek authors to use terminology related to *ἀτιμία* when attempting to convey the distinct sense of dishonor associated with Roman *infamia* should not be viewed as an accidental choice, but rather, a deliberate attempt to convey the full religious force and sanction behind public dishonor, especially at Rome. It is also likely that it was one of the most accurate ways for Greek authors to distinguish clearly for the reader the extreme respect for religious tradition, as noted by Polybius, which informed the divine sanction of dishonor associated with *infamia* at Rome. Rigid enforcement of this traditional religious and moral system was also one of the important means by which the Roman aristocracy defined themselves and justified their right to rule over society, eventually differentiating their own strict morality from that of the more decadent Greeks. Rome's elite families exploited this moralizing tradition to not only set themselves apart from the masses of Rome, but also to distinguish themselves from the Hellenized cultures and various barbarian peoples the Romans subjugated as they expanded their empire throughout the eastern Mediterranean. The evolution of the Roman view of the weak and subjugated must be viewed within the larger context of this tendency by the Romans, especially the Roman aristocracy, to project themselves as morally superior in order to



rationalize and justify their rise to prominence under the veil of divine sanction. Although Rome could not compete with so many of the numerous cultural achievements associated with the Greek world, for many Romans, most especially the elite families, their own sense of moral superiority became a means by which they could define themselves as truly great and deserving of elevated status. They ruled because they were morally superior, and the subjugated were deserving of their fate because they were morally inferior. This perspective of the right to rule as deriving from moral authority was at the very core of the rigid and hierarchical Roman social system, and Rome's severe moral system and religious tradition would inform the development of *infamia* and the attitudes about those stigmatized as *infames* for centuries.

### **Moral Censure and Inceptive *Infamia* in the Early Roman Tradition**

At Rome, the contempt for, and debasement of, the weak, can be seen clearly in the condemnatory characterizations of Rome's enslaved peoples, the denigration of the vulgar masses so often associated with the city's lower class citizens, or even in invectives leveled against any vulnerable aristocratic competitors that might prove particularly susceptible to the taint of moral condemnation in one way or another. No matter the framework of the contrast, elite Romans tended to define themselves not so much by what they were, but instead, by distinguishing themselves from what they were not – this is where the power of *infamia* truly resided. The moral censure of *infamia* should be viewed within the context of a long moralizing tradition in Roman society, one that goes all the way back to at least the inception of the Republic.

From its earliest origins, the power of moral censure and the weight of public opinion had “been expressed – as the voice of the people – in the collective popular disapprobation, *infamia*, and later also manifested itself in the official control of the *mores majorum* exercised by the

censors.”<sup>57</sup> This sense of ‘collective popular disapprobation’ manifested itself in one way or another through a wide array of loosely affiliated Roman terms, and formulaic Latin combinations, intended to convey the appropriate sense of personal dishonor and derogation of public standing. In his well respected and lasting work on the subject, Greenidge acknowledges the lack of a standardized terminology for this concept as he identifies numerous variations of *improbis, probum, ignominia, nota, notare, notatio*, as well as the many appearances of *fama* in its negative form, from which the later common term of *infamia* was derived from.<sup>58</sup> The diverse terminology reflects the lack of a clear and consistent legal definition or meaning for the concept, and Greenidge begrudgingly acknowledges this problem by admitting “modern historians are not agreed as to what was the general name given by the Romans by this derogation of *dignitas*, or whether it had such a general name at all. It will be provisionally spoken of here as the Roman *infamia*.”<sup>59</sup> Despite the complex and diverse nature of the associated terminology, the Romans themselves seemed to understand the significance of this type of disapprobation and the derogation of social status it conveyed. It eventually coalesced into the generalized conception of moral censure commonly associated with the popular sense of *infamia*, a form of moral

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<sup>57</sup> Westrup, vol. III.1.170.

<sup>58</sup> Greenidge, 2-6: catalogs a sample of the diverse Latin terminology combinations used for conceptions of *infamia*. Included here are relevant elements of n. 1 (p.4) in Greenidge: “Liv. 37.2 (of the *ensoria notatio*), ‘erant perpauci, quos ea infamia adtingeret’; Cic. pro Rosc. Amer. 39, 113; pro Quinctio, 14, 46. In the legal books, *infamia* is the usual term, with its variants as ‘infamiae detrimentum’ (Cod. ii. 11 (12) I), ‘damnum infamiae’ (ib. 5), ‘famae damnum’ (ib. 8), ‘infamine macula’ (ib. 20), ‘detrimentum fama’ (ib. 25). *Ignominia* – “pro Quinctio, 15, 49, and often *probum*, ib. 2, 9, these two words are generally applied to *ensoria notatio*. The expression used for the pronouncement of *infamia* is in the Edict (Dig. iii. 2) ‘infamia notare’; this is the most usual expression. *Notare* is often used alone, and generally of persons, but we also find ‘factum notare’ (Dig. ii. 3, 13). But the modes of expression of the fact of *infamia* are very numerous, especially in the imperial rescripts. Among them may be cited ‘infamiam irrogare’ (Just. Inst. iv. 18, 2), ‘ignominia irrogare’ (Dig. ii. 3, 20), ‘damnare ignominia’ (Tertull. de Spect, 22)...In Capitolinus (Vit. M. Anton. 12) we find ‘famae detestandae’ used of the *infamia* incurred by a man who fought as a gladiator.”

<sup>59</sup> Ibid. 3-4.

censure that was used to define, augment, and enforce a lasting respect for Roman ancestral custom (*mos maiorum*). It is important to note, however, the moral censure that eventually became defined by the concept of *infamia* manifested itself in a variety of iterations throughout Roman history, iterations that expose a myriad of ways the authority of moral censure was used to sustain the cohesion of the Roman state, during its initial rise to power, and eventually, through its transition to empire.

From very early on, the power of *infamia* as a political tool seemingly resided in the ability to designate an individual for exclusion from the senatorial order based on perceived deficiencies in moral character that were associated with a wide variety of disreputable acts or behaviors. Under the Republic, Roman censors were vested with the power to place a mark (*nota*) against the name of any individual deemed morally unfit. Early instances of censorial condemnation seem to have been inflicted for poor cultivation of land, but later examples from the middle Republic, related to cowardice or disobedience in military affairs, failures in the performance of civic duties, corruption, and debt, appear with increasing frequency as the scope of Rome's dominion increased.<sup>60</sup>

The ongoing social struggles that occurred throughout various phases of the Republic eventually resulted in an environment where the levers of power employed by the traditional aristocracy were transformed by an expansion of the rights of citizenship and the attendant political efficacy of garnering popular support among the masses. With the expansion of Rome's citizenry, apprehension about the role of *infamia*, and those designated as *infames*, within Roman society seems to have grown more intense, ultimately resulting in greater codification of the formal restrictions placed upon a wide variety of individuals engaged in certain occupations or

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<sup>60</sup> Lintott (1999) 118.

behaviors thought to be reflective of the moral degeneracy associated with the mark of *infamia*. Eventually, the social upheaval and internal violence of the late Republic created a new socio-political environment in Rome, one where the mark of *infamia* served as an important weapon in the fight to maintain the purity and dominance of the upper orders of Roman society during the chaotic transition to imperial system.

In order to understand the increasing codification and regulation of *infamia* that had emerged by the late Republic, it is necessary to examine the earlier conceptions of social dishonor that informed Roman thought on this subject. The significance of *infamia* and its impact upon Roman society changed over time because it was adapted to suit the needs of the state, as well as the community as a whole, in response to the changing social and political circumstances that informed ‘appropriate behavior’ within Rome’s civic structure. Much like some of the earliest formulaic terminology that was used to designate civic honor, or more frequently dishonor, in Rome’s legal tradition, *infamia* did not seem to have a fixed definition. The various reasons for the imposition of *infamia* suggest the manifestations of social dishonor in early Roman society were ambiguous and rather amorphous, largely determined by reactions to specific circumstances and concerns that arose throughout different stages of the Republic. Despite the limitations of the oldest evidence, some of the early terminology used to describe civil dishonor at Rome can be useful in evaluating the evolution of the generalized conceptions of *infamia* and its peculiar place in shaping Roman social tradition.

One of the earliest examples of civic dishonor within the Roman legal system can be inferred from the power of declaring an individual *improbis* and *intestabilis* under the Laws of the Twelve Tables (a provision preserved in Aulus Gellius), which resulted in an apparent public

damnation and dishonor for failing to testify when designated as a proper witness or balance-holder (*libriprens*) in judicial affairs:

‘Whosoever shall have allowed himself to be called as a witness or shall act as one who balances the scales (*libriprens*), if he refuses to provide his testimony as a witness, he must be dishonored as morally corrupt (*inprobus*) and incapable of acting as witness (*intestabilisque*) in the future.’<sup>61</sup>

(Gell. Att. 15.13.11)

Tainting an individual with the stigma of *improbitas* and *intestabilis* is thought by many scholars to have carried the secondary derogatory meaning of *sacer esto* (detestable, accursed, horrible), essentially rendering the designated person akin to an outlaw deserving of exclusion from active participation in the civic community.<sup>62</sup> The Roman understanding of this type of terminology and the derogation of civic status it seemed to entail, can be inferred from earlier Roman sources that appear to be consistent with Gellius’ later interpretation of the specific legal provision.

Sallust used the same formulaic *improbus intestabilisque* terminology to portray the Roman Titus Turpilius Silanus as *infamis*, the infamous commander having lost respect for his good name (*existimatio*) in his inglorious escape from death at the hands of the Numidians during their slaughter of the Romans at Vaga in northern Africa:

In the middle of this slaughter, although the Numidians were exacting every savagery, and the town was encircled upon all sides, Turpilius the commander, was the only one of the Italians, who escaped away uninjured. Whether this escape was the result of the mercy of the host, of a pact, or of mere chance, I have never discovered; but since, in such a terrible massacre, he chose the shame of a disgraceful life to an irreproachable reputation [*integra fama*], he seems to have

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<sup>61</sup> Gell. Att. 15.13.11: ‘*Qui se sierit testarier libripensve fuerit, ni testimonium fariatur, inprobus intestabilisque esto*’.

<sup>62</sup> Westrup (vol. III.1.171-72) suggests the possibility of a religious aspect for this type of moral sanction being related to *consecratio* in the archaic Roman penal system, a connection where the formula *sacer esto* could be used to imply excommunication from the civil community, much like Dionysius’ account of the *lex Valeria* where a *consecratio* is described as a legal effect of the transgression of the law. See Dion. Hall. 5.70; Serv. A. 7.609.

been an utterly untrustworthy and detestable individual [*improbus intestabilisque videtur*].<sup>63</sup>

(Sall. *Jug.* 67)

Sallust's choice to use wording that connects the maintenance of a good reputation to the old formulaic legal terminology related to trustworthiness found in the Twelve Tables provides insight into how important the sense of 'collective popular disapprobation' was in Roman social and legal dynamics. Moreover, the emphasis the historian places on keeping one's good reputation whole and intact (*integra fama*) seems very similar to the legal conceptions associated with the power of one's name (*nomen*) in Roman society, the loss of which resulted in *ignominia* [from the privative *in* and *nomen*], meaning 'the deprivation of one's good name,' and an earlier word for the conception of *infamia* in Roman classical law.<sup>64</sup> The power of the Roman censors to place a mark (*nota*) in the census list against the *nomen* of a condemned person designated that name and reputation with the derogatory assignation *ignominia*. While the later popular *infamia* exhibited some differences when compared to the traditional *ignominia*, such as no definitive time limit, whereas the 'ignominy' associated with the censorial *nota sive animadversio* retained a temporal duration which was limited to the cycle of a current *lustrum*, "the two forms of social condemnation had, however, the same social function of securing respect for the *mores antique*."<sup>65</sup> Viewed in this light, the connection made by Sallust between keeping one's reputation intact and the formulaic legal terminology related to *improbitas* in the

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<sup>63</sup> Sall. *Jug.* 67: *In ea tanta asperitate saevissimis Numidis et oppido undique clauso Turpilius praefectus unus ex omnibus Italicis intactus profugit. Id misericordiane hospitis an pactione aut casu ita evenerit, parum comperimus, nisi, quia illi in tanto malo turpis vita integra fama potior fuit, improbatus intestabilisque videtur.*

<sup>64</sup> Westrup, vol. III.1.176; see also *OCD*<sup>3</sup> (rev. 3<sup>rd</sup> edition, 2002) ed. Hornblower and Spawforth, Art. *Infamia*: Nicholas, B. 757.

<sup>65</sup> Westrup, vol. III.1.176.

Twelve Tables suggests how significant the power of ‘collective popular disapprobation’ could be in Roman society.

Similarly, Horace employed the combination of *intestabilis et sacer esto* to convey the connection between perceived moral untrustworthiness and a virtually ‘accursed’ status within the civic sphere that reflected a sense of religious impropriety:

‘Further, lest ambition should titillate you, I will bind you both by an oath: whichever of you shall become an aedile or a praetor, let him be infamous (in the eyes of men) and accursed (in the sight of the gods)<sup>66</sup> [*intestabilis et sacer esto*]. Would you squander your substance on a largess of peas, beans, and lupines, so that you may strut in the Circus, or be set up in bronze, though stripped of the lands, stripped of the money, madman, of your paternal estate? So that you, to be sure, may win the applause which Agrippa wins, just as a cunning fox imitating a noble lion?<sup>67</sup>

(Hor. *Sat.* 2.3.179-86)

Here, *intestabilis* is conspicuously paired with *sacer esto* in a manner that conveys the full religious force inherent in this kind of slanderous disapprobation, where the target of the invective is considered ‘infamous in the eyes of men, and accursed in the sight of the gods’.

While the allure of wealth and fame is acknowledged as truly tempting, the substance of a Roman man was to be found in the strength of his reputation and his respect for propriety, both in the realm of men as well as that of the divine. To lose repute and suffer a derogation of

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<sup>66</sup> See Bennett, C. and Rolfe, J. C. *Horace: The Complete Works*, rev. ed. 1958 (Boston and Chicago, 1934) for commentary on both the civil and the religious interpretations of *intestabilis et sacer esto* (n. 181) that were consistent with the context of *infamia* explored throughout this work.

<sup>67</sup> Hor. *Sat.* 2.3.179-86: *praeterea ne vos titillet gloria, iure iurando obstringam ambo: uter aedilis fueritve 180*  
*vestrum praetor, is intestabilis et sacer esto.’*  
*in cicere atque faba bona tu perdasque lupinis,*  
*latus ut in circo spatiere et aeneus ut stes,*  
*nudus agris, nudus nummis, insane, paternis;*  
*scilicet ut plausus quos fert Agrippa feras tu, 185*  
*astuta ingenuum volpes imitata leonem?*

*dignitas* was to become virtually nothing within Roman society, and the ability of ‘collective popular disapprobation’ to cut an individual away from society was the true force behind *infamia* as it evolved through the centuries. While the true strength of this social and religious sanction remains a topic of scholarly debate, it manifested itself a variety of forms, as well as diverse Latin terms throughout Rome’s social evolution.

In Livy’s characterization of the evolution of the provisions of the *Lex Valeria de provocatione* during the early centuries of the Republic, the failure of a magistrate to adhere to the law would be considered a most ‘wicked deed’ (*improbe factum*), one that carried the full force of social infamy later associated with *infamia*.

The Valerian law, having forbidden that he who had appealed should be scourged with rods or beheaded, merely provided that if anyone should disregard these injunctions it should be deemed a wicked act (*improbe factum*). This seemed, I suppose, a sufficiently strong sanction of the law, so modest were men in those days; at the present time one would hardly utter such a threat in earnest.

(Liv. 10.9.5-6)

In this passage, however, Livy’s language seems to call into question the significance of the practical force of the sanction and he did not elaborate on the actual legal effects of such a condemnation. Furthermore, Livy finishes his commentary on this subject with an assertion of how respect for the law and the sense of moral propriety was so profound among the Romans of the past that the threat of moral censure was more than sufficient to prevent such a violation of the law (*vinculum satis validum legis*), whereas, by Livy’s own time, the historian asserts it would have been ridiculous to think that any Roman would allow himself to be constrained by such a threat.<sup>68</sup> Livy’s failure to outline the specific legal sanctions associated with *improbitas*,

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<sup>68</sup> Liv. 10.9.6: *Valeria lex cum eum, qui provocasset, virgis caedi securique necari vetuisset, si quis adversus ea fecisset, nihil ultra quam improbe factum adiecit. id, qui tum pudor hominum erat, visum, credo, vinculum satis validum legis; nunc vix serio ita minetur quisquam.*



as well as his characterization that such a designation would not have been sufficient to restrict behavior in his own time, has led some modern scholars to question the force of sanction behind any moral censure of *infamia*, essentially viewing it as merely a moral “censure or rebuke without much punitive power.”<sup>69</sup> This view, however, doesn’t necessarily take into account the full implications of what Livy’s characterization might say about the evolution of *infamia* at different stages of the Republic.

Livy’s characterization of the respect for the law and moral authority in early Rome (*vinculum satis validum legis*) does suggest that the moral censure associated with *improbitas* was indeed significant and something to be taken very seriously, but that the perceived moral degeneracy of the late Republic had eroded the foundations of the original principle.<sup>70</sup> Much like other early manifestations of general *infamia*, as an ancient legal concept, *improbitas* had always lacked general definition in terms of the legal effects of diminution of civil honor (*existimatio*), but the nature of the sanction may well have retained both a moral and religious aspect that could have severe consequences on one’s ability to function within a civic community.<sup>71</sup> Moreover, for scholars such as Westrup and Mitchell, the judicial force inherent with the use of *improbitas*, and later popular *infamia*, was rooted in a sense of excommunication that diminished an individual’s standing within the community in a significant way:

And there is then a possibility that this *improbitas*, in certain cases imposed directly by the law as punishment, is merely a single concrete development of a general

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<sup>69</sup> Livy’s assertion seems to have contributed to the development of a common attitude in modern scholarship that the moral censure may not have carried much force. Westrup and Momigliano, however, seem to question this assumption, eventually leading Mitchell to reject the view that such moral censure or rebuke was likely void of significant punitive power. See Mitchell (1990) 169.

<sup>70</sup> Liv. 10.9.6.

<sup>71</sup> Westrup draws a connection between the potential power of this type of sanction and the legal effect of *consecratio* as discussed in Dionysius of Halicarnassus as a precise form of punishment; Westrup, vol. III.1.171-72, Dion. Hal. 5.70.2 (*νηπιονὶ τεθνάναι*).

primitive legal principle, a condemnation by the community, which, rising to malediction and abandonment to revenge of Gods and men, excommunicated from the civil fellowship the person who violated the legal principles (*mores*) which were the very foundation of the social order, and here we are confronted by the first appearance of that *infamia*, the collective popular disapprobation, which, before it was supplanted by the *regimen morum* of the censors, was the people's own direct vigorous reaction for the safeguarding of the respect of Law and Justice.<sup>72</sup>

(Westrup, vol. III. 1.172)

In a social structure like Rome's, one largely built upon personal glorification, intense aristocratic competition, and the public recognition of honor, any loss of reputation and social esteem resulting in a diminished status was a very grave matter indeed.

The potent mixture of politics, morality, and religion was at the very core of what was used to define and perpetuate the patrician class of the old Republic. There remains considerable scholarly debate as to exactly who the men were that were acknowledged as *patres* in early Rome, and how they secured the public acknowledgment of their identity that was deemed necessary to perpetuate their elevated status within Roman society down through their familial lines over successive generations. The identity of these individuals, and how they were defined, is considered by many scholars to one of the significant and enduring problems related to historiography on early Rome. For Momigliano, if it could be determined who actually made up the *patres*, many of the challenges faced by modern historians in accessing the early and middle Republican issues might actually be mitigated to some degree. Following in this line of thought, Mitchell purports to have made strides in solving this problem by looking at the hereditary nature of priesthoods, as well as the strict moral and behavioral expectations required by the holding of priesthoods in early Roman society, as some of the most important elements that helped define the Roman *patres* across generations.<sup>73</sup>

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<sup>72</sup> Westrup, vol. III. 1.172; see also Mitchell (1990) 170.

<sup>73</sup> See Mitchell's argument on *patres* monopolizing the religious offices. Mitchell, (1990) 64-76.

Prominent within the formation of Mitchell's theory is an account from Livy characterizing the peculiar circumstances of how Gaius Valerius Flaccus became a priest of Jupiter (*flamen dialis*) around the time of the Second Punic War:

There was one candidate, a plebeian, C. Mamilius Atellus, and the patricians put forth that no votes should be counted for him, as none but a patrician had ever yet held that dignity. The tribunes, upon appeal, referred the affair to the senate, the senate left the decision to the people. C. Mamilius Atellus was accordingly the first plebeian to be elected *curio maximus*. P. Licinius, as *pontifex maximus*, compelled C. Valerius Flaccus to be consecrated as a *flamen dialis* against his will. C. Laetorius was made one of the ten custodians of the sacred texts [*decemvirum sacris faciundis*] in the place of Q. Mucius Scaevola, who had died. As to the cause of his forced inauguration as *flamen*, I would have been pleased to keep my silence, except he turned from a man of infamy [*mala fama*] to one of honorable character. It was on account of his negligent and immoderate life as a young man, which had estranged his own brother L. Flaccus and his other relatives, that he was made a *flamen* by P. Licinius the *pontifex maximus*. When his thoughts became entirely occupied with the carrying out of his sacred duties, he cast off his prior character so thoroughly that amongst all the young men in Rome, none held a higher place in the respect and approbation of the leading *patres*, whether personal friends or strangers to him. Encouraged by this overall sentiment he gained sufficient self-confidence to revive a custom which, on account of the base character and behavior of former *flamines*, had long ago fallen into disuse; he took his seat in the senate. As soon as he appeared, L. Licinius the praetor had him removed. He [Flaccus] claimed it as part of the ancient privilege of the priesthood and pleaded that it was conferred together with the *toga praetexta* and *sella curulis* as to be the right of the office of the *flamen*. No *flamen dialis*...had exercised that right within the memory of their fathers or their grandfathers. The tribunes, when appealed to, gave their opinion that because it was through the idleness and negligence of recent *flamines* that the practice had fallen out of use, the priesthood should not be deprived of its privileges. They led the *flamen* into the senate amidst great applause...though all felt that the *flamen* had acquired his seat more through the great sanctity of his life than because of any right inherent to the priesthood.<sup>74</sup>

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<sup>74</sup> Liv. 27.8.4: *tribuni appellati ad senatum rem reiecerunt; senatus populi potestatem fecit: ita primus ex plebe creatus maximus curio C. Mamilius Atellus. et flaminem Dialem invitum inaugurari coegit P. Licinius pontifex maximus C. Valerium Flaccum; decemvirum sacris faciundis creatus in locum Q. Muci Scaevolae demortui C. Laetorius. causam inaugurari coacti flaminis libens reticuissem, ni ex mala fama in bonam vertisset. ob adulescentiam negligentem luxuriosamque C. Flaccus flamen captus a P. Licinio pontifice maximo erat, L. Flacco fratri germano cognatisque aliis ob eadem vitia invisus. is ut animum eius cura sacrorum et caerimoniarum cepit, ita repente exiit antiquos mores ut nemo tota iuventute haberetur prior nec probatior primoribus patrum, suis pariter alienisque, esset. huius famae consensu elatus ad iustam fiduciam sui rem intermissam per multos annos ob indignitatem flaminum priorum repetivit, ut in senatum introiret. ingressum eum curiam cum P. Licinius praetor inde eduxisset, tribunus plebis appellavit. flamen vetustum ius sacerdotii repetebat: datum id cum toga praetexta et sella curuli ei flamonio esse. praetor non exoletis vetustate annalium exemplis stare ius, sed recentissimae cuiusque consuetudinis usu volebat: nec patrum nec avorum memoria Dialem quemquam id ius usurpasse. tribuni rem*

(Livy 27.8.4)

While many of Mitchell's conclusions about the significance of hereditary priesthods as a defining characteristic of early Rome's patrician class remain very questionable in the eyes of many modern scholars for a variety of reasons, not the least of which is the reliability of Livy on such matters, as well as how to interpret the account, there are some interesting aspects related to this passage that suggest a greater understanding of the social, religious, and political elements that come together in Roman society to help explain how the force of *infamia* should be viewed, despite its elusive and malleable nature.

Mitchell looked at the preceding passage and saw how "Valerius was an example of how the priesthood made the man" by inspiring him to "put aside his roguish ways."<sup>75</sup> This seems a valid interpretation that exposes the force of religious compulsion in shaping behavior, it also shows how the 'infamous behavior' (*mala fama*) of Valerius Flaccus was of such concern to the leading members of the aristocracy that only the duties and restrictions of a forcibly sanctioned priesthood were thought sufficient to restrain such behavior. It seems a rather drastic step that may have had more to do with meeting the challenges posed by the need to maintain and to transfer the 'veil of aristocratic moral superiority' through a familial system dominated by the importance of hereditary and generational succession. The forced priesthood was one example of a method that was devised to preserve the generational integrity of an aristocratic family by redeeming the poor behavior of a prominent son through the power of religious sanction, rather than allowing him to be cut away from the social and political fabric of the aristocracy through

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*inertia flaminum oblitteratam ipsis, non sacerdotio damno fuisse cum aequom censuissent, ne ipso quidem contra tendente praetore magno adsensu patrum plebisque flaminem in senatum introduxerunt, omnibus ita existimantibus, magis sanctitate vitae quam sacerdotii iure eam rem flaminem obtinuisse*; See also a version of this incident recorded in Val. Max. 6.9.3.

<sup>75</sup> Mitchell (1990) 74.

the infamy of ill repute. It also shows how the privileges of the senatorial aristocracy were best preserved through their ongoing attempts to monopolize certain priesthoods that helped support their elevated positions within Roman society, allowing them to define the moral system at Rome for their social and political advantage. Their status remained a function of their ability to guard the integrity of the patrician order against any popular perceptions of pollution, debasement, or corruption. They did this most effectively by defining their entire order against negative examples of moral degeneracy, which was the very purpose behind the ongoing development and refinement of conceptions of early *infamia* throughout the Republican period.

The imposition of moral censure through ‘collective popular disapprobation’ was a social dynamic that could manifest itself in a wide variety of sanctions that constantly evolved to suit the needs of the Roman state and the aristocracy by enforcing a strict adherence to the moral regimen as defined by the Roman censors at any given time. In the early Republic, censorial condemnation seems to have been inflicted for poor cultivation of land, as appears in Gellius’ commentary on the social dishonor and derogation of rank that accompanied such delinquency:

Instances of disgrace and punishment inflicted by the censors, found in ancient records and worthy of notice

If anyone had allowed his land to run to waste and was not giving it sufficient attention, if he had neither ploughed nor weeded it, or if anyone had neglected his orchard or vineyard, such conduct did not go unpunished, but it was taken up by the censors, who reduced such a man to the lowest class of citizens.<sup>76</sup> So too, any Roman knight, if his horse seemed to be too skinny or not well groomed, was charged with *inpolitiae* a word which means the same thing as negligence

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<sup>76</sup> Made him an *aerarius*, originally a citizen who owned no land, but paid a tax (*aes*) based on such property as he had. The *aerarii* had no political rights until about the middle of the fifth century B.C., when they were enrolled in the four city tribes. See Mommsen, *Staatsr.* vol. ii. 392 ff; Gellius 4.12.1-3 (Loeb ed. by Rolfe, J.C. pp. 352-53: n. 1).

[‘*incuriae*’].<sup>77</sup> There are authorities for both of these punishments, and Marcus Cato<sup>78</sup> has cited frequent instances.<sup>79</sup>

(Gell. 4. 12. 1-3 [= *ORF* no. 8 fr. 124]; Loeb ed. trans. by Rolfe, 352-53)

Such seemingly mundane offenses, poor farming or even a knight keeping an unfit horse, could warrant punishment or derogation of rank in idealized vision of the strict moral regimen of the hallowed Republic. While the idealization of Rome’s traditional rustic *mores* among the later sources might well have distorted the realities of the situation under the old moral system, the very mythology surrounding the severity of the moral regimen reinforced the traditional social identities that made up the very fabric of Roman society. The perpetuation of this mythology, whether real or imaginary, mostly benefited those at the top of the social ladder, namely, Rome’s existing aristocratic families. Popular moral censure, and the various manifestations of early conceptions of what would come to be known as *infamia*, were central in perpetuating and exploiting this popular moralizing tradition.

Similar examples can be seen in the expanding range of the circumstances that might have lead to an individual being formally designated for social stigmatization can also be seen in Gellius’ peculiar account of the Roman attitude toward excessively obese equestrians:

On the custom of the censors of taking their horse from corpulent and excessively fat knights; and the question whether such action also involved degradation or left them their rank as knights.

The censors used to take his horse from a man who was too fat and corpulent, evidently because they thought so heavy a person was unfit to perform the duties of a knight. For this was not a punishment, as some think, but the knight was

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<sup>77</sup> Note 2 in Rolfe: more literally, *inpolitia* is “lack of neatness,” from *in-*, negative, and *polio*, “polish,” from which *pulcher* also is derived: 353.

<sup>78</sup> Cato: Fr. 2 (Jordan, 52).

<sup>79</sup> Gell. 4.12.1-3: *Notae et animadversiones censoriae in veteribus monumentis repertae memoria dignae Si quis agrum suum passus fuerat sordescere eumque indiligenter curabat ac neque purgaverat, sive quis arborem suam vineamque habuerat derelictui, non id sine poena fuit, sed erat opus censorium censorque aerarium faciebant. Item, si quis eques Romanus equum habere gracilentum aut parum nitidum visus erat, “inpolitiae” notabatur; id verbum significant quasi tu dicas “incuriae.” Cuius rei utriusque auctoritates sunt et M. Cato id saepenumero adtestatus est.*

relieved of duty without loss of rank. Yet Cato, in the speech which he wrote *On Offering Sacrifice*, makes such an occurrence a somewhat serious charge, thus apparently indicating that it was attended with disgrace. If you understand that to have been the case, you must certainly assume that it was because a man was not looked upon as wholly free from the reproach of slothfulness, if his body had bulked and swollen to such unwieldy dimensions.<sup>80</sup>

(Gell. 3.22.1-4: Loeb ed. trans. by Rolfe, 86-87)

Once again, even though Gellius often records things that were exceptional or oddities, this was a way for the leading elements of Roman society to define the code of conduct and the responsibilities expected for each order that were consistent with the vision of Rome's revered traditions. When an individual failed to live up to those traditional expectations, as with a knight deemed too obese to perform the traditional duties associated with equestrians, or as in the earlier example of a knight keeping an unfit horse, Rome's moralizing mythology superseded any practical concerns over contemporary relevancy. Even if the equestrian class was no longer defined by antiquated cavalry functions as the Republic evolved, the traditional image of the equestrian order mattered much more than any current reality. Tradition was what defined the social order, and the *ordines* within it, and the maintenance of traditional image and behaviors was at the very center of Roman culture. Those at the top of the Roman hierarchy were deemed superior precisely because they occupied positions of power and civic authority thought to confirm their inherent superiority, moral and otherwise, of living in accordance with the rustic values that were believed to have made Rome strong.

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<sup>80</sup> Gell. 3.22.1-4: *Quod censores equum adimere solita sunt equitibus corpulentis et praepinguibus: quaesitumque utrum ea res cum ignominia an incolumi dignitate equitum facta sit. Nimis pingui homini et corpulento censores equum adimere solitos, scilicet minus idoneum ratos esse cum tanti corporis pondere ad faciendum equities munus. Non enim poena id fuit, ut quidam existimant, sed munus sine ignominia remittebatur. Tamen Cato, in oratione quam De Sacrificio Commisso scripsit, obicit hanc rem crinosius, uti magis videri posit cum ignominia fuisse. Quod si ita accipias, id profecto existimandum est, non omnino inculpatum neque indesidem visum esse, cuius corpus in tam inmodicum modum luxuriasset exuberassetque.*

## The Two-Faced Aspect of Roman Morality and the ‘Mask of *Infamia*’

Roman moral values were most frequently defined against disparaging cultural traits the Romans assigned to the foreign peoples it subjugated through conquest, to the increasing slave population it was acquiring, or even unto the common and debased behaviors associated with the poor and the lower orders of Roman Italy itself. The power of the moral censure of *infamia* should be viewed within this larger context of the aristocracy deliberately cultivating a negative contrast with debased social groups and individuals within Roman society in an effort to define and justify social and political superiority and prominence. The tendency to define positive virtue through a contrast against negative characterization enjoyed a long and storied legacy within Roman culture, a legacy that appears in many contexts throughout the centuries.

The influence of the Roman moralizing tradition can be observed in the conspicuous use of paired moral *exempla* by the historian Livy throughout his entire work. Livy’s introduction explicitly conveyed the author’s moral vision of his history, one that was designed to provide moral instruction to the readers of his narrative by contrasting countless examples of good and bad behavior:

It is to these questions which I would have every reader keenly direct his mind, as to what life and morals [*mores*] were; through what men and by what artifices, in peace and in war, the empire was brought forth and expanded; then how gradually discipline began to totter, at first morals [*mores*] began to fall apart, followed by the spirit as it were, then lapsed more and more, and finally began to rush downward headlong, which has brought us to these present times, in which we are able to suffer neither our vices nor their remedy.

This, especially, is what is advantageous and fruitful in the study of history, that you behold all manners of documented exempla [*exempli*] inscribed on a brilliant monument [*in inlustri monumento*]; from there you may choose for yourself and your own state what to imitate [*imitere*], from these begin to discern what is shameful in inception and that which is shameful in the result [*foedum inceptu, foedum exitu*].

(Liv. *Prae.* 9-10)



Livy put forth a view that the study of history served as a means to convey the consequences of certain modes of behavior for an individual, as well as providing a greater understanding of the relationship between morality and the maintenance of state. Public acknowledgment and deliberation over what was considered to be shameful or disgraceful (*foedum*) served as a critical component of the entire Roman social system. Accordingly, the potential power of *infamia* as a mark of shame or disgrace in Roman society should not be underestimated. Furthermore, Livy conceived of his work as a very public inscription of Roman history ‘on a brilliant monument’ (*in inlustri monumento*) that Rome could cast its gaze upon; a lasting monument which informed the populace which *exempla* were worthy of imitation (*imitere*) by pairing them against their opposites. All throughout his history, numerous moral *exempla* that emphasized the traditional virtues associated with the *mores maiorum* of Rome’s glorious past were juxtaposed against negative examples of immoral behavior that tended to result in disastrous consequences.<sup>81</sup> Heavily influenced by the strong moralizing traditions employed by the Roman historians who preceded him, most notably Sallust, the historical framework adopted by Livy consistently contrasted opposed pairs of moral *exempla* in order to create a didactic paradigm explicitly emphasizing the consequences of moral and immoral behavior for both the individual and the state.

Despite this systematic endeavor among its most prominent citizens to control Rome’s moralizing tradition, which was perhaps at its most blatant in Livy, it is important to remember that very few figures actually reached the highest offices that conferred the most widely recognized public honors, or achieved the fame of Rome’s storied list of ‘great men’.

Furthermore, almost all of the vulgar masses, perhaps even a good portion of the aristocracy,

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<sup>81</sup> See Champlin, J. *Livy’s Exemplary History* (Oxford, 2000); see also Feldherr, A. *Spectacle and Society in Livy’s History* (Berkeley, 1998).

conducted their lives in relative anonymity. Accordingly, it is among the largely unrecognized souls that the true force of *infamia* can be inferred; namely, that it was considered by most Romans to be better to suffer anonymity and conformity to social expectations, to avoid *fama*, rather than to risk a breach of public reputation and moral censure for notable behavior. Those few who were willing to suffer the stain of *infamia* were at least known by the populace through the inversion of *fama* with their infamous reputations. This is the true paradox of *infamia*, whether it refers to the disgraced aristocrat whose failed ambitions resulted in public disgrace, or down to the disreputable public performer who escaped an obscure existence only through embracing the infamy associated with their talents. In the rather tenuous ancient world, where anyone's fortunes and longevity often proved dubious, would it have been better to live an anonymous life of conformity, or pursue an ambitious course that might result in attracting the 'public gaze' for good or ill, whether motivated by honorable reasons, or for dishonorable ones?

## CHAPTER III

### CRACKS IN THE 'MASK OF *INFAMIA*': SOCIAL CONFLICT, EARLY SPECTACLE, AND THE MONSTROSITIES OF THE STAGE

With the expansion of Rome's power and influence, sponsorship of grand spectacles served as an increasingly useful means for the aristocracy to promote their role in maintaining Rome's proper relations with the gods (*pax deorum*), as well as the dutiful respect for ancestral tradition, generational continuity, and familial loyalty that was at the very heart of the Roman moral system. In addition, spectacle had the added benefit of allowing the aristocracy to exhibit their mastery and control over the baser elements of Roman society: the captured, the condemned, the enslaved, as well as the lowly entertainers and procurers whose livelihoods were completely dependent upon aristocratic sponsorship. Directing the public gaze was absolutely central to Roman spectacle, and it clearly proved most useful in the active maintenance of Rome's social hierarchy. It remains important to keep in mind, however, that the intention behind a particular message does not always translate into that message being received by a target audience in the anticipated way. This exposes a fundamental paradox of Roman spectacle and entertainment, as well as one of the traps of *infamia* itself; the very popularity of the games augmented the notoriety of lowly performers in ways that cut against certain aspects of moral censure and propriety associated with how a debased social outcast or group was to be viewed. How *infamia* was projected and interpreted by those at the top of Rome's social pyramid was not always consistent with its reception among those who conducted their daily lives under the oppressive shadow of that pyramid.

Much of the recent scholarship on spectacle and entertainment has properly focused on the unifying aspects of the games in reinforcing Roman identity, and yet, despite this unifying

function, the way in which spectacle exposed some of the internal tensions and problematic fault-lines within Roman society has not received the attention it deserves. Even though the power of spectacle was used most effectively to differentiate and to stigmatize ‘the other’ in relation to the Roman crowd, as the social psychological modelling used in some of the recent scholarship on the subject suggests,<sup>82</sup> the potential for divergent perspectives amongst the various sections of the crowd to impact social and political developments should not be underestimated. Despite its glorious tradition and apparent political usefulness in reinforcing Roman power and social identity, the world of spectacle was fraught with internal contradictions that influenced a long history of cultural misinterpretation between Rome and the other peoples of the region. This exposed some of the long-standing tensions between the Greek and Roman tradition with respect to public entertainment. In addition to exposing these divergent external attitudes about the status of performers throughout the older Greek world, the games also aggravated some of the internal tensions between competing social groups at Rome, as well as fueling some of the anxieties buried deep within the psyche of the Roman aristocracy itself. At various times in Rome’s history, especially during times of social transition, this environment of miscommunication and anxiety surrounding the prominent role of spectacle and disreputable entertainers resulted in social, political, and legal modifications to *infamia* within Roman society. The increasingly negative, and often conspicuous, characterizations of *infames* found in many of the ancient sources of the Late Republic and Early Empire are consistent with a growing sense of concern among the aristocracy over the corrupting influence such tainted individuals seemed to have in Roman society and politics.

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<sup>82</sup> See Fagan (2011) and Plass, P. *The Game of Death in Ancient Rome* (Madison, 1995).

## **The Deceptive Mask of Early Spectacle and the Rationalization of *Pietas***

In the ancient world, it was common for those in positions of authority to serve as the moral arbiters of society because the maintenance of power so often relied on cultivating a popular belief in the moral superiority of the prominent members of that society, creating an inexorable connection between politics and morality where the prerogative of moral supervision tended toward the elders and so-called ‘great men’ of the state. At Rome, however, this phenomenon seems to have risen to ever greater heights, becoming culturally enshrined through the perpetuation of numerous mythological tales surrounding iconic Roman leaders of the past. The wide range of popular stories associated with the city’s legendary founders, as well as the lost regal age that was thought to have preceded the Republic, were shaped by a very strong historicizing impulse that seems to have emerged within Roman society by the time of our early literary sources. This historicizing impulse sought to explain the development of the city’s institutions and traditions within a larger mythological context. The blending of myth and history also suited a powerful moralizing tradition that had emerged from at least the time of Cato the Elder down through the chaos of the late Republic, contributing to the proliferation of numerous didactic tales and characterizations of how the great Roman leaders of the past had imposed a rigid discipline upon a crude and lowly populace. Supposedly, through this very deliberate cultivation of a fearful respect for the gods and a strict adherence to the traditional moral regimen, the Roman people had become quite renowned for their version of extreme piety (*pietas*), both at home and abroad. This was considered noteworthy enough to garner a special place in the representations of so many of the prominent classical sources, from the social and political characterizations of Polybius, to the poetry of Vergil and Horace, to the moralizing histories of Sallust and Livy, to name just a few. In many ways, the evolution of popular

attitudes toward spectacle and *infamia* were informed by this quintessentially Roman cultural environment, one that integrated austere forms of religion, morality, and politics in such a severe way.

The collision of the moralizing and historicizing traditions within Roman society resulted in an expectation that it was the duty of Rome's leading men, not unlike the legends of Romulus or Numa of old, to impose rigid discipline upon a base populace through the observance of proper religious practices, as well as an active cultivation of a moral rectitude which would result in proper behavior. In this environment, the preservation of moral authority to reinforce social order within the public sphere was essential. *Infamia*, in its most general sense of moral condemnation and popular disapprobation, is best viewed within this larger social context of an active *pietas* and the *mos maiorum*. From very early on in Roman society, spectacle was an important part of this process, as it provided the proper stage, both literally and figuratively, for the city's elite to exhibit their superiority through conspicuous sponsorship of festivals and games that celebrated the maintenance of Rome's grand tradition of extreme cultural piety embodied by the encompassing concept of *pietas*. This Roman vision of piety was an all-encompassing conception of duty rooted in correct Roman behavior designed to cultivate and to regulate so many aspects of interpersonal, social, and communal relations with the gods, the family, and the larger Roman state itself.

Many of our early Roman sources reflect a long legacy of the aristocracy exploiting spectacle for political purposes in rather deceptive and cynical ways that appear to have contributed to an environment where the celebration of the games was not interpreted in the same way by either Rome and its subject peoples, or even between the divergent social classes within the city itself. While the literary and cultural trope that featured the classic confrontation

between Rome and the 'other' could be represented to the populace most vividly through the grandeur of the arena, spectacle was thought by many elite Romans to have been a manipulation of unsophisticated baser populations, both foreign and domestic. The persistence of this elitist perspective shaped many of the popular attitudes about spectacle, but did not necessarily accurately reflect the potential disconnect in the interpretation of spectacle amongst the various groups. Just because some elements of the aristocracy viewed spectacle as a tool for the manipulation of the masses and the subjugated, does not mean these base groups were unwittingly duped by the grand displays. These groups may have viewed spectacle as a viable environment of opportunity to continue to assert their own sense of self and identity within the face of oppressive Roman dominance. Accordingly, their view of *infamia* from an already existing social position of subjugation and degradation, would not have been as significant as the perception of amongst the aristocracy seemed to reflect. The technicalities and practicalities of civic disability matter much less to those who may already suffer from varying degrees of legal restriction and social stigmatization, such as non-citizens, slaves, or even freedmen, as well as the socio-economic limitations already suffered by the poor masses. Under the exploitative power dynamics of the hierarchical patronage system at Rome, the formal legal rights of the lower echelons of society mattered much less than any relations of protection and dependency they likely enjoyed with their powerful Roman patrons. In fact, the evidence shows that the aristocracy used a variety of methods to disguise their involvement with the disreputable aspects of spectacle. They frequently employed deception or worked through their dependents to insulate themselves from any taint of *infamia*, even though some of its members often trafficked in questionable enterprises associated with the arena, the brothel, or even the stage.

The apparent tensions and inconsistencies that arose over the proper interpretations of social identity associated with the world of spectacle and entertainment may have been associated with the Roman games from their very inception of the city, or at the very least, the traditions reflected in our early sources acknowledge this possibility. Accordingly, it is not surprising that a cynical interpretation of the exploitation of spectacle shows up in the iconic foundational stories conveyed by authors like Livy. In conveying his version of the legend of the abduction of the Sabine women, it should not go unnoticed that Livy's characterization reflects a deceptive and manipulative pretext behind the staging of games the author associates with the Consualia. A deceptive Romulus was portrayed as deliberately concealing his bitterness of spirit (*aegritudinem animi dissimulans*), and the legendary founder called for the event to be advertised far and wide to the surrounding peoples as a grand spectacle (*spectaculum*), a pretext through which the heinous conspiracy of abducting the Sabine women would be carried out.<sup>83</sup> It may just be coincidence that the games for this event were to be held in honor of the equestrian aspect of Neptune, but in many ways, spectacle was portrayed as an insidious form of 'Trojan Horse' in deceiving the other peoples. It should not go unnoticed that Romulus was able to justify the abduction in the name of subjugating the pride of the enemy, even though it was a heinous act where the games were conducted as an elaborate deception "in violation of religion and honor."<sup>84</sup> While the specific wording of this story may reflect little more than Livy's own perspective and cultural context in relaying these myths, it suggests the persistence of a cynical strain of thought

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<sup>83</sup> Liv. 1.9.6-7: *Cui tempus locumque aptum ut daret Romulus, aegritudinem animi dissimulans ludos ex industria parat Neptuno equestri sollemnis; Consualia vocat. Indici deinde finitimis spectaculum iubet, quantoque apparatus tum sciebant aut poterant, concelebrant, ut rem claram exspectatam facerunt.* See Val. Max. 2.4.4 on the traditional association of the tale of the 'Rape of Sabine Women' with a 'spectacle' being put on by a deceptive Romulus 'under the name' of the Consualia: *ad id tempus circensi spectaculo contenta, quod primus Romulus raptis virgibus Sabinis Consualium nomine celebravit.*

<sup>84</sup> Liv. 1.9.13: *cuius ad sollemne ludosque per fas ac fidem decepti venissent.*



as to how the exploitation of spectacle could be viewed within Roman society, and furthermore, how spectacle might be misrepresented to, or misinterpreted by, the peoples outside of Rome.

Even though these legendary foundational tales reflect the historicizing impulse later Roman authors so often used to explain mythological traditions, there appears to be a conspicuous narrative in the sources that not only did the great leaders of Rome's glorious past need to use pretense and dissimulation on neighbors, but that these same techniques should be used on an unsophisticated domestic populace rooted in humble origins. In Livy's account of Romulus' action in the establishment of *asylum* and the creation of the *patres*, the description of the lowly masses as miscellaneous rabble (*humilem multitudinem, turba omnis*, etc...), when referencing the nature of Rome's early population, should not be separated from the strong tradition in Roman thought that religion was a most useful tool in conditioning an unruly populace and constraining poor behavior among the masses.<sup>85</sup> This hints of a level of cynicism and skepticism within some aspects of the Roman intellectual tradition, likely influenced by earlier Greek philosophical trends and previously articulated in Polybius' critique of Roman religion, that reflect some of the divisions in society with respect to understanding the utilitarian role of religion and conceptions of *pietas* and morality at Rome.<sup>86</sup>

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<sup>85</sup> Liv. 1.9: *Deinde, ne vana urbis magnitudo esseat, adiciendae multitudinis causa vetere consilio condentium urbes, qui obscuram atque humilem conciendo ad se multitudinem natam e terra sibi prolem ementiebantur, locum qui nunc saeptus escendentibus inter duos lucos est, asylum aperit. Eo ex finitimis populis turba omnis, sine discrimine liber an servus esset, avida novarum rerum perfugit, idque primum ad coeptam magnitudinem roboris fuit.*

<sup>86</sup> See earlier note 43 (p. 33) on Walbank identifying how Polybius approved the use of religion and superstition for disciplinary purposes, but approached it from the perspective of a Greek rationalist instead of a native Roman. Walbank concludes this tradition of the social utility of divine law and divine sanction may go back to the Pythagoreans and plays a role in the formulation of aspects of the Platonic doctrine. This tradition of skepticism would make gradual advances at Rome down through the first century B.C. with Cicero, and later commentaries by Diodorus, Strabo, and Plutarch. Walbank, F. (1957) vol I. 741-742.

Legendary rulers were frequently portrayed as having used religion to deceive or manipulate an unsophisticated populace. From its earliest traditions, the population could be convinced to confer political authority on individuals based on an active cultivation and very deliberate manipulation of image and moral authority. Accordingly, it is not insignificant that even a legendary figure like Romulus, after having dutifully performed the divine rites, needed to bind a rustic people to the law by adopting the insignia of power and authority to invest himself with a sense of majesty.<sup>87</sup> Although this may once again may reflect more of Livy's historicizing impulse to use myth to explain the origins of the tradition of the twelve lictors than anything else, the repeated convergence of Roman leadership, even its legendary founder, calling together a rustic and unsophisticated people in a public space under the veil of religion, law, and magisterial authority in order to get them to conform to regimented moral behavior is not insignificant. This seems to play out again and again in these early episodes of Roman rule. A figure like Numa Pompilius, a Sabine no less, was made acceptable as Rome's second king because of his reputation for justice and piety, being a "most learned man" (*consultissimus vir*) "in all matters of law, both human and divine."<sup>88</sup> The reputation (*fama*) Numa enjoyed for his superior knowledge of all aspects of divine and human law (*omnis divini atque humani iuris*) was what gave him the moral authority to assume political leadership. Numa was represented as having used this knowledge to preserve discipline by bringing a stern religious respect and fear 'to a still uncivilized populace' (*ad multitudinem...rudem*) through his legendary consultation

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<sup>87</sup> Liv. 1.8.1-2: *Rebus divinis rite perpetrates vocataque ad concilium multitudine, quae coalescere in populi unius corpus nulla re praeterquam legibus poterat, iura dedit; quae ita sancta generi hominum agrestic fore ratus si se ipse venerabilem insignibus imperii fecisset cum cetero habitu se augustoriem, tum maxime lictoribus duodecim sumptis fecit.*

<sup>88</sup> Liv. 1.18.1: *Inclita iustitia religioque ea tempestate Numa Pompili erat. Curibus Sabinis habitabat, consultissimus vir, ut in illa quisquam esse aetate poterat, omnis divini atque humani iuris.*

with the goddess Egeria and the establishment the proper religious rites and priesthoods for Rome, a second foundation of the city upon the bedrock of religion.<sup>89</sup> The roots of the politicization of religion and public representation appear to be visible throughout these mythical traditions as an acceptable way to control a base and unsophisticated populace.

The active cultivation of personal reputation (*fama*) and magisterial authority to secure political outcomes through deceptive public practices, whether it be plotting an abduction of women under the pretense of spectacle, adopting the emblems of authority to augment majesty, or establishing religious authority through clandestine meetings with a goddess. These all contain the common thread of manipulating an unsuspecting and unsophisticated populace to secure a desired political outcome. It should not be surprising that the Romans exhibited this same attitude toward so many of the subjugated peoples it brought under its dominion as it conquered new regions. Spectacle was used to reinforce Roman attitudes about the subjugated, but this was not always interpreted by the conquered peoples in the same way the leading men of Rome might have intended.

### **Anxiety in Early Theater and the ‘Mask of the Old Slave’ on Stage**

The way spectacle and entertainment was characterized in the legends and myths of early Rome, as a politically useful tool of social conditioning veiled in the sanctity of religion, was not inconsistent with the role it appears to have served during the period of vast Roman expansion and conquest that occurred throughout the fourth and third centuries BC. Spectacle and scenic entertainments were used throughout the Middle Republic in ways that were intended to mollify

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<sup>89</sup> Liv. 1.19.4-5: *positis externorum periculorum curis ne luxuriarent otio animi, quos metus hostium disciplinaque militaris continuerat, omnium primum, rem ad multitudinem imperitam et illis saeculis rudem efficacissimam, deorum metum iniciendum ratus est. Qui cum descendere ad animos sine aliquot comment miraculi non posset, simulat sibi cum dea Egeria congressus nocturnos esse; eius se monitu, quae acceptissima diis essent sacra instituere, sacerdotes suos cuique deorum praeficere.*

a variety of internal tensions within Roman society, but these entertainments often introduced popular foreign practices and traditions that were not consistent with the austere conservatism that defined the Roman tradition. This resulted in the emergence of incoherent and often inconsistent rationalizations among the Roman leadership, as they attempted to reconcile developments in their own entertainment tradition with that of their Italic neighbors, the barbarian tribes to the north, the peoples of northern Africa, and even the well-established legacy of honorable performance associated with the Greek world. Although Potter has concluded that “the tension between the Greek and Italic tradition was never fully reconciled” with respect to entertainment and social status, it is not coincidence that “developments in public entertainment were influenced by changes in political structure.”<sup>90</sup> Furthermore, just as the mythological accounts of Rome’s founding portrayed spectacle as a unifying tool used to address internal tensions between Rome’s ruling class and its base populace, it seems spectacle and entertainment may have served similar functions during periods of social unrest and political transformation in the more ‘historical’ period of the Middle Republic. Anxiety over the social status of entertainers can even be seen in the earliest descriptions of Roman games and religious festivals, often intertwining important legal and political developments with the popular entertainments used to commemorate and to celebrate important events under the sanction of the gods.

One of the earlier examples in Roman history where spectacle was used in an attempt to soothe existing internal social tensions can be seen in the descriptions of the sponsorship and annual regulation of the ‘Great Games’ following the passage of the *leges Liciniae Sextiae* in 367 BC, the laws which Roman tradition asserted to have opened up the consulship to the plebs and

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<sup>90</sup> Potter (1999) 258.

provided them an expanded share of power in the supervision of religious ceremonies.<sup>91</sup> Livy's characterization of the expansion and regularization of the festival suggests the expanded games were somewhat compensatory, allowing the younger patricians to use spectacle sponsorship in order to reinforce their superior social status within a tense environment where the ongoing 'Struggle of the Orders' continued to challenge the presumed sanctity of traditional aristocratic privilege at Rome:

Thus, after their long-standing conflict, the orders were finally brought back into concord. The senate determined that this event was to be a proper occasion to honor the immortal god(s), who merited it then, if at any time, by celebrating the Great Games (*ludi maximi*), and they voted that one day should be added to the usual three; this duty (*munus*) the plebeian aediles recused themselves from, whereupon the young among the patricians called out that they would willingly take it on for the sake honoring the immortal god(s). All the people came together in thanks to them, and the senate decreed that the dictator should hold a popular election of two men as aediles to be chosen from the patricians, and that the fathers should ratify all the elections for that year.<sup>92</sup>

(Liv. 6.42.12-14)

It should not go unnoticed that although the patrician resentment seems to have been soothed by the popular election of aediles from their class, they were able to reassert some of their superiority in status by the younger elements of their families taking on the duty (*munus*) of sponsoring the expanded games. While the restrictive provision of the two aediles, later known as *aediles curules*, needing to be from the patrician class seems to have been modified the following year, there remained great advantage for the patrician families in assuming the duty

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<sup>91</sup> Livy reports how in 367 BC the tribunes Licinius and Sextius enacted a law that required half the board of ten who were in charge of the sacred rites should be plebeian; 6.42: *Sextius et Licinius, de decemviris sacrorum ex parte plebe creandis legem pertulere.*

<sup>92</sup> Liv. 6.42.12-14: *Ita ab diutina ira tandem in concordiam redactis ordinibus, cum dignam eam rem senatus censeret esse meritoque id, si quando unquam alias, deum immortalium fore ut ludi maximi fierent et dies unus ad triduum adiceretur, recusantibus id munus aedilibus plebis, conclamatum a patriciis est iuvenibus se id honoris deum immortalium causa libenter facturos. quibus cum ab universis gratiae actae essent, factum senatus consultum ut duumviros aediles ex patribus dictator populum rogaret, patres auctores omnibus eius anni comitiis fierent.*

(*munus*) of the sponsorship under the name of honoring the gods. It provided the premiere families a means to glorify themselves through public spectacle under the guise of religious piety, having taken up a responsibility the plebeian aediles had refused. The social utility of promoting the honor of their families through spectacle, under a nominal veil of religious propriety, should also be viewed within the larger context of the early monopolization of the most prominent priesthoods by the patrician class addressed in the preceding chapter of this work.<sup>93</sup>

Even though the patricians willingly took on the added social, religious, and financial responsibilities of sponsoring the expanded games as a means of reasserting their superiority over the plebs, the pressures of fulfilling this duty (*munus*) through increasingly spectacular entertainment led to the adoption of foreign practices that were not always consistent with the conservative expectations of Roman tradition. In the aftermath of the social turmoil brought about by the *leges Liciniae Sextiae*, it is not surprising that internal social tensions at Rome were aggravated even further by a persistent pestilence, under the consulship of C. Sulpicius Peticus and C. Licinius Stolo in 364 BC, that led to spectacle and scenic entertainments being augmented even further in order to pacify the fears of a superstitious populace through performances designed to placate the anger of the gods. Livy's characterization of the Romans as having instituted the first stage entertainments is noteworthy because it illustrates some of the early tensions and inconsistencies within the Roman mindset involving public performance and the aristocratic association with spectacle:

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<sup>93</sup> The significance of controlling the priesthoods as a means of defining the superiority of the patrician class, as well as preserving its integrity through the reinforcement of their moral and political authority, has been a prominent feature in the scholarship of both Momigliano and Mitchell. Note the analysis in the preceding chapter of this work (pp. 53-57) for the significance in order to understand the full religious force of moral censure associated with *infamia*.

...men gave way to superstitious fears, and, amongst other attempts to placate the anger of the gods, [the Romans] are said to have instituted stage entertainments, a novelty to a warlike populace, whose prior form of spectacle had been that of the circus, and they started small, as almost all things do, and even so these things were imported from abroad. Without any singing, without imitating the action of the singers, players (*ludiones*) who had been imported from Etruria danced to the tunes of the flute and performed not ungraceful movements in the Tuscan style. Then the youth began to imitate them, and simultaneously exchanged jests amongst each other in lewd verses, and brought their motion into a kind of harmony with the utterances. And thus the entertainment was accepted, and it was adopted into common practice through frequent performance. The native professional actors were called *histriones*, from *ister*, the Tuscan word for player (*ludio*).<sup>94</sup>

(Liv. 7.2.3-6)

The emphasis on the unbecoming physical movements and crude humorous exchanges evoked by the graceful movements of the Etrurians exposes an early example of a divergence in cultural misinterpretation with respect to internal and external entertainment practices. While Livy does not engage in histrionics of his own in bemoaning the potentially corrupting influence foreign performance had in inciting lowly behavior amongst the Roman youth, there is an underlying hint of moralizing apprehension in the adoption of these practices, despite their traditional acceptance.

Furthermore, there occurred an immediate transition for Livy within this passage that seemed to reflect a conspicuous need on the part of the author to explain the developments of stage drama within the Roman context, from Livius Andronicus' first translation of a play into Latin in 240 BC, to the adoption of the Atellan farces of the Oscans by the Romans, in a way that sought to delineate and justify the degraded status of professional actors with respect to the Roman citizenry:

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<sup>94</sup> Liv. 7.2.3-6: ... *victis superstitione animis ludi quoque scenici, nova res bellicoso populo, nam circi modo spectaculum fuerat, inter alia caelestis irae placamina instituti dicuntur; ceterum parva quoque, ut ferme principia omnia, et ea ipsa peregrina res fuit. sine carmine ullo, sine imitandorum carminum actu, ludiones ex Etruria acciti ad tibicinis modos saltantes haud indecoros motus more Tusco dabant. imitari deinde eos iuventus, simul inconditis inter se iocularia fundentes versibus, coepere; nec absoni a voce motus erant. accepta itaque res saepiusque usurpando excitata. vernaculis artificibus, quia ister Tusco verbo ludio vocabatur, nomen histrionibus inditum.*

The Atellan farces were a kind of entertainment acquired from the Oscans, and the young men held it for themselves and would not allow it to be polluted by professional actors (*ab histrionibus pollui*); that is why the institution remains that performers of Atellan plays are not disenfranchised from either their tribe, and serve in the army as though they had no association with the profession of the stage.<sup>95</sup>  
(Liv. 7.2.11-12)

The stigma of *infamia* for professional actors was so strong, yet still contained so many apparent inconsistencies in its application and associations, that Livy felt obliged to distinguish and rationalize why stage performance in one context did not carry the same pollution as stage performance in another context. It was a rather convoluted dividing line within the tradition of stage performance, but one where the ‘professional’ aspect serves as primary disreputable element. From very early on, professional actors were typically assigned to the *aerarii* as the lowest rank of Roman citizen, and with the reduced status they were prevented from serving in the army, effectively resulting in disenfranchisement under the Republican socio-political system.

Concerns over rationalizing the peculiar associations and applications of *infamia* are also visible in Valerius Maximus’ characterizations of early stage performances, and while it may reflect the lingering influence of Livy upon the later author, it does not discount the persistence of internal tensions and inconsistencies in Roman attitudes about *infamia* and the place of spectacle within society. There remained a rather apprehensive and moralizing tone in how spectacle was to be viewed by people of quality within Roman society. The spectacular entertainments were politically and socially useful, but potentially corrosive to Rome’s moral system:

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<sup>95</sup> Liv. 7.2.11-12: *Atellanis sunt; quod genus ludorum ab Oscis acceptum tenuit iuventus nec ab histrionibus pollui passa est; eo institutum manet, ut actores Atellanarum nec tribu moueantur et stipendia, tamquam expertes artis ludicrae, faciant.*



[the theatres]...devised for the worship of the gods and the amusement of men, they stained pleasure and religion with civil blood for the sake of the monstrosities of the stage (*scaenicorum portentorum*), and peace blushed...Now let me recall from the beginning the reason why the games were instituted. In the Consulship of C. Sulpicius Peticus and C. Licinius Stolo [364 or 361 BC] a pestilence broke out with intolerable violence, calling our state back from military operations and dashing it with care for an internal strife. And now it seemed that more aid was to be found in a judicious and new religious practice than in any human stratagem. So the people, who before had been contented with the circus spectacle first put on by Romulus under the name of Consualia after the rape of the Sabine virgins, now bent vacant ears to poems composed to placate divine power. But truly, just as it is the way of man to follow up small beginnings with zealous tenacity, the youth added to the worshipping words given to the gods jocular gestures with rude and clumsy movements of the body, and that led to the summoning of a player (*ludium*) from Etruria. His graceful agility, after the ancient style of the Curetes and Lydians from whom the Tuscans drew their origin, delighted the eyes of the Romans with its pleasing novelty; and because a player was called ‘*ister*’, the name of ‘*histriones*’ was given to stage actors. Then, little by little, the theatrical art made its slow way to the *saturae*, from which the poet Livius was the first to draw the minds of spectators to the themes of plays. He was an actor in his own work, and being recalled frequently by the people made his voice hoarse, so he brought a boy and a flute player to make music while he gestured in silence. The Atellan farces were imported from the Oscans. That manner of entertainment was tempered with Italic austerity and so it is free from censure (*vacuum nota est*), the actor being neither removed from his tribe nor restricted from military service.<sup>96</sup>

(Val. Max. 2.4.1; 2.4.4)

With his emotional descriptions of theater, Valerius seems to engage in a form of literary histrionics of his own when decrying how ‘the monstrosities of the stage’ (*scaenicorum portentorum*) had polluted both pleasure and religion with the stain of civil blood, causing ‘peace to blush’ (*pacis rubore*). Much like Livy before him, Valerius reflects a certain tension within the Roman mindset regarding how spectacle was to be viewed. Spectacle was politically useful in appeasing the anxieties of the populace in times of social stress, all under the veil of religious propriety, but it tended to result in an environment of questionable behavior that cut against traditional Roman *mores*. Accordingly, both Livy and Valerius felt it necessary to explain why

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<sup>96</sup> Val. Max. 2.4.1-4: *id est theatra,... excogitataque cultus deorum et hominum delectationis causa non sine aliquo pacis rubore uoluptatem et religionem ciuili sanguine scaenicorum portentorum gratia macularunt.*

some forms of traditional performance resulted in *infamia*, and other forms of performance remained ‘free of the *nota*’ (*vacuum nota est*). This shows just one of the many inconsistencies associated with the conception of, as well as the application of, *infamia* within the Roman mindset.

There seems to have existed internal tensions and contradictions within the psyche of elite Roman authors, perhaps reflective of attitudes held by at least some segments of the larger populace, over the role of spectacle and performance in society. This seems to have resulted not only in gradual changes being made to customary religious performances, but eventually even led to an increased legal regulation for public entertainment. Even though these internal tensions were never fully reconciled within the Roman tradition, Potter has identified a deliberate attempt by the Roman aristocracy to insulate themselves from any potential taint of the *infamia* associated with performance:

...there was a tendency over time to draw a sharp distinction between the leaders of society and those whom they employed. The earliest priests of Rome, for instance, tended to be dancers who were members of noble families. The fact that these priesthoods continued to exist for centuries was a sign of the inherent conservatism of Roman society, but it also indicated conscious decisions over time that new priesthoods should not engage in physical performance. By the third century BC, Roman priests would not even participate in the slaughter of the animals over whose sacrifice they presided. Performing priests were associated now with foreign cults.<sup>97</sup>

(Potter, *The Victor's Crown*, 186)

Even though the respect for the older religious practices and the tradition of the priesthoods was preserved, at the same time, deliberate changes in practice were made in order to preserve the integrity of the reputation and the moral authority attributed to Rome's elite families. Their superior social status was tacitly reinforced by their disassociation from public performance and

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<sup>97</sup> Potter, D. *The Victor's Crown: A History of Ancient Sport from Homer to Byzantium* (Oxford, 2012) 186.

the lowly performers, who in the Roman tradition more so than the Greek, were generally drawn from a lower class status and/or servile background.

The anxiety over the potential for spectacle to have a morally corrosive effect upon the Roman social order and its moral system did not only manifest itself in changes to customary practice, but it began to emerge in the passage of laws that sought to regulate spectacle in the first half of the second century BC in a variety of ways, following the tumultuous events of the preceding century and the conflicts with Carthage. A contemporary of Valerius Maximus, Velleius Paterculus includes a short observation, perhaps derived from Livy, which also appears to reflect some of the internal contradictions and anxieties at work in Rome's early attempts at the regulation of spectacle:

About the same time, although the date is questioned by some, colonists were sent to Puteoli, Salernum, and Buxentum, and to the Auximum in Picenum, one hundred and eighty five years ago, three years before Cassius the censor [154 BC] initiated the construction of a theater starting at the Lupercal and facing the Palatine. But the exceptional austerity of the state and the consul Scipio successfully opposed him in this building project, an event which I will count as one of clearest examples of the attitudes of the people of that age.<sup>98</sup>

(Vell. 1.15.3)

While Velleius' nostalgic and reverent claim about the supposedly austere attitudes of the people of the Republic may contain some truth, similar to the sentiments of Valerius, his historical analysis and style failed to present some significant details that appeared in the fragments left to us by Livy:

When a theater contracted by the censors [154 BC] had been erected, P. Cornelius Nasica proposed that it should be torn down by senatorial decree (*ex senatus*

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<sup>98</sup> Vell. 1.15.3: *Eodem temporum tractu, quamquam apud quosdam ambigitur Puteolos Salernumque et Buxentum missi coloni, Auximum autem in Picenum abhinc annos ferme centum octoginta quinque, ante triennium quam Cassius censor a Lupercali in Palatium versus theatrum facere instituit, cui in eo moliendo eximia civitatis severitas et consul Scipio restitere, quod ego inter clarissima publicae voluntatis argumenta numeraverim.*

*consulto*), on account that it useless and it was harmful to public morals (*nociturum publicis moribus*): the people, therefore, continued to observe the games standing.<sup>99</sup>  
(Liv. Per. 48)

Livy's moralizing framework and vivid tone proves superior to that of Velleius because it highlights the deliberate action taken by the senate in defense of public morality, in addition to using the event as an explanation for why early spectators were made to stand at spectacles. However, another important aspect visible in each of these accounts is the curious position taken by the Roman censor with respect to entertainment, something neither historian chose to question. If Velleius was so confident in the rustic austerity of the Roman people of that age, why were the hallowed censors sponsoring the theater in the first place? Livy's moralizing impulse also failed to comment on why the senate needed to enact a formal decree to defend public morality from something sponsored by censors? One might well expect a Roman censor, whose duties included helping to maintain and define the Roman moral system, to be on the side opposed to monumental theaters dedicated to spectacle and entertainment. The apparent inconsistencies and inherent tensions visible within Roman moral attitudes, especially regarding the proper place of entertainment in society, call into question some of the characterizations of a rigid and well defined moral system visible in the moralizing histories of nostalgic authors like Livy and Velleius who pine away for the austere discipline ascribed to the lost Republic.

The actions of the designated censors, identified in the sources as Cassius, and perhaps Messala, the two who originally contracted for this theater in 154 BC,<sup>100</sup> were given greater definition in the account of Valerius, than that of his imperial contemporary Velleius:

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<sup>99</sup> Liv. Per. 48: *cum locatum a censoribus theatrum exstrueretur, P. Cornelio Nasica auctore tamquam inutile et nociturum publicis moribus ex senatus consulto destructum est, populusque aliquamdiu stans ludos spectavit.*

<sup>100</sup> The legitimacy of the motivations and political posturing of the censors are elaborated on by Gruen, E. (1992) 207: "Such, in brief, are the purposes ascribed by our sources to Nasica and like-minded allies in their campaign to block a permanent theater. Protection of the national character rings true – at least as a posture struck

[the theaters...the monstrosities of the stage (*theatra...scaenicorum portentorum*)]. . . These were begun by the censors Messala and Cassius. But at the direction of P. Scipio Nasica, it was determined to bring all the instruments of their project to public bidding. It was also set down by senatorial decree (*senatus consulto*) that no one in the city, or within a mile of it, should set up benches or make it possible to watch games sitting down, so that, to be sure, relaxation of the spirit should go together with the virility (*virilitas*) of standing as was proper for the Roman people.

For five hundred and fifty-eight years the senate attended the spectacle of the games intermixed with the people. But this custom was brought to the end by the aediles Atilius Serranus and L. Scribonius when they put on games in honor of the Mother of the gods [194 BC]. Following the advice of the younger Africanus, they separated the places of the senate and people, an action which offended the vulgar masses and struck a great blow to the popularity of Scipio.<sup>101</sup>

(Val. Max. 2.4.2-3)

Valerius includes most of the elements from Livy, but seems to reflect an enhanced moralizing zeal similar to that of other early imperial writers, like Velleius, perhaps as part of the tradition of sycophantic historians that the revered Tacitus bemoans in his iconic historical works.<sup>102</sup> In his moralizing zeal, Valerius connects the deliberate use of the senatorial decree proposed by Nasica to the preservation of the very essence of Roman virility itself. Although the historicity of any of the moralizing characterizations of these authors is questionable, and considering how

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by Nasica,” n. 114: Morgan, M. G. “The Perils of Schematism: Polybius, Antiochus Epiphanes and the ‘Day of Eleusis’” in *Historia: Zeitschrift für Alte Geschichte* 39 (1990) 37-76: 72-74; Rawson, *CAH*<sup>2</sup> VIII: 470.

<sup>101</sup> Val. Max. 2.4.2-3: *Quae incohata quidem sunt a Messala et Cassio censoribus. ceterum auctore P. Scipione Nasica omnem apparatus operis eorum subiectum hastae venire placuit, atque etiam senatus consulto cautum est ne quis in urbe propiusve passus mille subsellia posuisse sedensue ludos spectare vellet, ut scilicet remissioni animorum standi virilitas propria Romanae gentis nota esset. Per quingentos autem et quinquaginta et octo annos senatus populo mixtus spectaculo ludorum interfuit. sed hunc morem Atilius Serranus et L. Scribonius aediles ludos Matri deum facientes, posterioris Africani sententiam secuti discretis senatus et populi locis soluerunt, eaque res auertit vulgi animum et fauorem Scipionis magnopere quassavit.* Note that the *hastae* in this passage refers to the practice of the *hasta publica*, originally a spear set up to announce the sale of spoils taken in war, eventually becoming associated with public auctions of all types. Also note that D. R. Shackleton Bailey (*Loeb* [ed. 2000] 152, note 3) identifies apparent confusion in the ancient sources over the nomenclature for Nasica; cf. Münzer *RE* IV. 1499, 35ff. See also note 6 for a misidentification in Valerius of the younger Scipio, instead of the elder Scipio, who was Consul in 194 BC.

<sup>102</sup> See Tacitus (*Ann.* 1.1.4-6) on his insightful characterization of early imperial authors and the likely causes for distortions of the historical record, either ‘falsified on account of fear’ (*ob metum falsae*), growing ‘sycophancy’ (*adulatione*), or ‘composed under a recent hatred’ (*recentibus odiis compositae sunt*). In this passage, Tacitus displays one of his primary strengths as a historian, skepticism, and as Syme concluded, “the prime quality of Cornelius Tacitus is distrust.” Syme, R. *Tacitus* (Oxford, 1958) 398.

some of the details seem confused and tend to grow over time, the internal political and social tensions resulting from inconsistent attitudes about Roman entertainment appear consistently, lending them some credibility. The Roman censors seem to have taken an unexpected moral position in this episode of the early development of the theater. The reaction by the consul and the Senate in defense of Roman morality may have had more to do with the increasing power struggles among competing aristocratic politicians or factions, rather than any real concern for Roman *mores*.

Similarly, in his characterization of the politics of early spectacle, Valerius' report of the move by Scipio to separate the senatorial class from the vulgar masses at the games seems to expose some of the internal divisions within Roman society aggravated by the politics of the games. Not only did these internal Roman tensions over the staging of entertainments exist horizontally between potential aristocratic rivals like the Cassius and Nasica, but the special designation of senatorial space that affected the popularity of Scipio also highlights the social tensions that existed vertically between the social classes. All of the tensions were exacerbated by the growing popularity of Roman spectacle and the political dynamics surrounding its evolution. The early attempts at regulation and codification of spectacle in the second century BC reflect its growing importance, and they seem to result from an apparent growing anxiety among the elite as to how to manage the games to their advantage.

The intricacies of the evolution of *infamia* are best viewed within this complex environment of internal social tension and inconsistent interpretations about the role of spectacle and public performance within Roman society. The internal tensions were further aggravated by external cultural influences that were imported as a result of Rome's rapid expansion and conquest of foreign peoples. These tensions inform the entire moralizing tradition within Roman

history, allowing the abstract conceptions of popular *infamia* to shape attitudes, even though it remained largely undefined and prone to inconsistent interpretation and uneven practical application. It is not surprising that in the preface of his section on moral continence, Valerius employed language reflecting an even greater moralizing tone that references the scourge of *infamia* and violence directly:

For a household or a community or a kingdom will stand its ground for eternity and with ease, where and only where, the lust for carnal pleasure and for money asserts for itself a minimum of force. For where these most sure plagues of humanity have penetrated, injustice dominates, *infamia* is flagrant (*infamia flagrat*), violence dwells, wars are birthed.

(Val. Max. 4.3. *Praef.*)

While this sentiment by Valerius most likely reflects decades, even centuries, of Rome's moralizing and historicizing tradition at work in shaping the characterization of early imperial authors, the observable increase in the regulation of spectacle during the second and first centuries BC reflects real tensions in the Roman social structure. There existed many internal tensions at Rome across both the horizontal social class axis among aristocratic competitors, and the vertical axis that connected the dependent lower classes to their elite patrons. In addition to these internal conflicts, there was an increase in external tensions and cultural miscommunication between Rome and its newly acquired subject peoples. Attitudes about *infamia* and the rising importance of spectacle exposed many of these tensions, and it is not coincidental that Rome's adoption of early gladiatorial combat occurred in this environment of social transformation.

### **Bloody Spectacle, the Rise of the Gladiator, and the 'Mask of *Infamia*'**

Rome's conquest of Italy, and its eventual expansion overseas, brought it into contact with different cultural traditions that began to exacerbate some of the fractures within the Roman social structure, creating both internal and external tensions involving the world of spectacle.

Starting with the first recorded gladiatorial *munus* given at Rome in 264 BC, sponsored by the sons of D. Junius Brutus Pera in honor of their deceased father, the meager, anachronistic, and often contradictory, sources suggest that the early gladiatorial tradition throughout the third and second centuries BC was the product of a complicated process of cultural exchange resulting from Rome's gradual integration of the other Italic peoples and their traditions. The older Italic gladiatorial antecedents seem to reflect a diverse range of motivations and cultural interpretations, in some cases appearing more ritualistic (Etruscan), whereas in other cases, entertainment and celebration was given more of an emphasis (Campanian/Lucanian/Osco-Samnite). However these older antecedents were interpreted by the Romans, the gladiatorial displays that emerged at Rome were rapidly transformed into funerary celebrations that emphasized a sense of duty, from which the very term *munus* derives, associated with maintaining the honor of the family by a very deliberate veneration of the greatness of the deceased. Similar to his descriptions of the developments and contradictions within the early theatrical tradition, it is noteworthy that Valerius takes deliberate care to distinguish the sponsorship of these early funerary gladiatorial displays from the other athletic contests associated with this event in 264 BC:

For the first gladiator show [*munus*] in Rome was given in the Forum Boarium in the consulships of Ap. Claudius and Q. Fulvius [264 BC]. The sponsors were Marcus and Decimus, sons of Brutus Pera, honoring their father's ashes with a funerary memorial. An athletic contest was held by the munificence of M. Scaurus.<sup>103</sup>

(Val. Max. 2.4.7)

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<sup>103</sup> Val. Max. 2.4.7: *Nam gladiatorium munus primum Romae datum est in foro Boario Ap. Claudio Q. Fulvio consulibus. Dederunt M. et D. filii Bruti Perae funebri memoria patris cineres honorando. Athletarum certamen a M. Scauri tractum est munificentia.* See also Liv. *Per.* 16: *Decimus Iunius Brutus munus gladiatorium in honorem defuncti patris primum edidit.* Note the 264 BC date for the consulship of Claudius and Fulvius in Gell. 17.21.40-41: *Anno deinde post Romam conditam quadringentesimo ferme et nonagesimo, consulibus Appio Claudio, cui cognomentum Caudex fuit, Appii illius Caeci frater, et Marco Fulvio Flacco, bellum adversum Poenas primum coeptum est, neque diu post Callimachus, poeta Cyrenensis, Alexandriae apud Ptolemaeum regem celebrates est.*



The separation of gladiatorial contests from other athletic events illustrates a divergence in how Roman blood sport was viewed within the larger world of entertainment and spectacle. Perhaps even the choice of venue in the Forum Boarium, a livestock market and slaughter area reflects how the actual combatants might have been viewed as little more than beasts themselves. This is not entirely inconsistent with the later attitudes Romans seemed to develop toward the infamous fighters and the moral condemnation they would be stigmatized with.

The popularity of gladiatorial sport may not have taken off immediately, as the next recorded gladiatorial contest at Rome does not occur until 215 BC, perhaps reflecting some of the apprehension with respect to how such displays were viewed. This must also be viewed, however, within the context of severe turmoil and social anxieties related to the wars with Carthage and the ongoing threat of Hannibal exemplified by disastrous military setbacks like occurred at Cannae. Livy reports that games were once again held in the Forum at Rome during this troubling year:

In honor of Marcus Aemilius Lepidus who had twice been consul and once augur, his three sons, Lucius, Marcus, and Quintus organized funerary games (*ludos funebres*) which lasted for three days, and twenty two pairs of gladiators were exhibited in the Forum. The *aediles curules*, Gaius Laetorius and Tiberius Sempronius Gracchus the consul elect, who during his time as aedile serves as *magister equitum* held the Roman Games, which were offered over three consecutive days. The Plebeian Games of the aediles Cotta and Marcellus were renewed three times.<sup>104</sup>

(Liv. 23.30.15-17)

The games were likely to have been a welcome distraction at a time of considerable social stress, and the growth of the scope of spectacle with a clearly identifiable increase in the number of

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<sup>104</sup> Liv. 23.30.15-17: *M. Aemilio Lepido, qui bis consul augurque fuerat, filii tres, Lucius, Marcus, Quintus, ludos funebres per triduum et gladiatorum paria duo et uiginti in foro dederunt. Aediles curules C. Laetorius et Ti. Sempronius Gracchus, consul designatus, qui in aedilitate magister equitum fuerat, ludos Romanos fecerunt, qui per triduum instaurati sunt. plebeii ludi aedilium M. Aurelii Cottae et M. Claudii Marcelli ter instaurati.*

pairs of combatants confirm the entertainment aspect of the game was becoming more and more important. Although the *munera* were thought of as quintessentially Roman at this time, and the entertainment aspect was undeniable in its ability to provide distraction and escapism for a strained populace in trying times. It is noteworthy that the games could not simply be presented as entertainment because of Roman discomfort with the earlier gladiatorial traditions of the peoples to the south, and the generally disparaging characterizations directed toward such practices throughout the Campanian regions. The Roman form for these events had to be adorned with a certain sanctity in honoring the deceased members of prominent families, allowing the aristocracy to publicize their own greatness and illustrious lineage under the veil of performing their duty to their ancestors, often in conjunction with an environment of religious festivities that honored the gods. This was a powerful synthesis of entertainment and hallowed funerary practice, all under the guise of the religious, political, and filial duties associated with *pietas* and the observance of *mos maiorum* that was used to define the idealized social structure of the Roman Republic.

Roman propriety tended to prevent elite families from blatantly promoting gladiatorial *munera* merely for the sake of cultivating popular and electoral support. As Dunkle has observed, “conservatism led to the Romans to require a justification for gladiatorial combat beyond mere amusement.”<sup>105</sup> Moreover, the games needed the veil of dutiful piety in order for the appropriate *gloria* and *dignitas* to attach to the sponsor. The need to adorn these combats with the trappings of propriety confirms the social concerns commonly associated with the other aspects of spectacle, but it also may reflect discomfort with the older non-Roman cultural associations from which the *munera* were derived. Although gladiatorial games would become

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<sup>105</sup> Dunkle, 7.

viewed as distinctively Roman, the historical tradition at Rome was neither consistent, nor always particularly comfortable, with the apparent origins and purposes behind the evolution of gladiatorial combat in Italy. Primarily Italic in origin, early gladiatorial practice at Rome appears likely to have been both an amalgamation of, and a Romanized adaptation of, cultural practices assimilated from the older Etruscan, Campanian, Lucanian, and Osco-Samnite traditions. Although the origins of gladiatorial combat remain a contested point of debate among modern scholars, the literary accounts of Nicolaus of Damascus, a dubious fragment attributed to Suetonius, as well as the later descriptions in Tertullian and Isidorus of Seville, were used for many years to support the theory that the development of Roman gladiatorial *munera* could be traced back to Etruscan funerary culture and ritual practice.<sup>106</sup> While some wall-paintings found in the tombs of ancient Tarquinia, dating from as far back as the late sixth century BC, might lend credence to the Etruscan origins cited in such literary accounts, there remains debate as to what these wall-paintings actually represent.<sup>107</sup> Either way, the funerary association that gladiatorial combat at Rome was adorned with, along with any attendant ritualistic and religious undertones that might have existed in the minds of some Romans, would be consistent with the accepted tradition of Etruscan cultural influences within Roman society. Consistent with the introduction of the *histriones* from Etruria, discussed earlier in this chapter, there was a moral

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<sup>106</sup> Nicolaus of Damascus quoted in *Athenaeus* 4.153-154; Suetonius, *C. Suetonii Tranquilli praeter Caesarum libros reliquiae* (Leipzig: Teubner, 1860) 320, Suetonius' quote assertion is rejected by Ville, 8; Suetonius fragment also assessed in Futrell, A. *Blood in the Arena: the Spectacle of Roman Power* (Austin, 1997) 14-19 and n. 24, 233; Tert. *De spect.* 12.1-4; Isidorus, *Etym.* 10.159. Some scholars have even tried to connect the stoning to death of Phocaeen war prisoners by the Etruscan inhabitants of Caere mentioned in Herodotus (1.167) with funerary human sacrifice in Etruria. See Herodotus 1.94 on the historian's proposed Lydian origin for the Etruscans (Tyrrhenians).

<sup>107</sup> For relevant gladiatorial assessments of the so-called 'Tomb of the Augurs', 'Tomb of the Bigae', 'Tomb of the Olympiades' and the 'Tomb of Pulcinella' see Ville, 4-6; See also Moretti, A. *Lo sport nell'Italia antica: immagini nel percorso del museo* (Rome, 2003) 10-11; Pallotino, M. *Etruscologia* (Milan, 1963) 285; Becatti, G. and Magi, F. *Monumenti della pittura antica scoperti in Italia, fasc III.4: Pitture delle tombe degli Auguri e del Pulcinella* (Rome, 1955).

ambivalence among the Romans about the assimilation of foreign practices and Etruscan culture became a prominent symbol of this. Wiedemann articulates this moral ambivalence and the symbolism of Etruscan culture within Roman moral discourse most effectively:

If some Romans thought that certain aspects of their gladiatorial culture originated with the Etruscans, this was a moral statement rather than a historical one, and has to be seen in terms of the symbolic significance of 'Etruria' as amoral category in Roman thought. In archaic Rome, Etruria represented the nearest non-Latin speaking, 'foreign', community, across the Tiber. Etruscan habits hence came to symbolise 'foreignness' in moral terms (exemplified by their lax control of women). Their 'foreignness' was reinforced by their mythical (and not, therefore, historical) Lydian origins. The category 'Etruscan' had an explanatory force with regard to customs and institutions about which the Romans had ambivalent feelings, in particular those associated with state power... There is a strong tendency during periods of rapid social change associated with the formation of state power for political symbols to be borrowed from neighboring cultures: this reinforces the status of the elite, whose contacts with 'foreign' cultures gives them easier access to such symbolic objects (and the knowledge associated with them) with their humbler subjects.

(Wiedemann, *Emperors and Gladiators*, 32-33)

Through the use of 'Etruscan' as a moral category, the Roman elite were able to reap the political and social benefits of gladiatorial combat, while simultaneously buffering themselves against its morally questionable aspects of the games. Effectively, the 'Etruscan' label served as a shield to insulate Rome's elite from the stigma of *infamia* that permeated the entire gladiatorial world. This likely reduced some of the apprehension typically associated with the assimilation of questionable foreign practices. Respect for the Etruscan religious discipline and its hallowed practices may well have enhanced even further the effectiveness of the veil of propriety Roman society used to rationalize and justify gladiatorial displays. In this, there remained a very tangible rationale behind the efforts to attribute gladiatorial *munera* to the Etruscans. Such was not the case with respect to the entertainment tradition in the Campanian regions to the south.

Theories about Campanian antecedents for Roman *munera*, associated with the Oscan, Samnite, and Lucanian cultures of southern Italy, have gained greater prominence in more recent

attempts to explain the cultural influences that likely led to the emergence of Roman gladiatorial blood sports. A persuasive, yet complicated, cultural exchange theory advanced by Ville, suggests that armed contests associated with the peoples of Campanian and Lucania were absorbed and organized by the Etruscans during their expansion into this region, before eventually being passed on and adopted by the Romans as *munera*.<sup>108</sup> While an extensive Etruscan influence throughout Italy is attested in both Polybius and Strabo, there remain some problems with the timeline that call direct Etruscan transmission into question.<sup>109</sup> One advantage in favor of this theory is that it allows for a more complex cultural exchange where Samnite, Oscan, Lucanian, and Etruscan influences may have filtered through to the Romans, rather than a simplified singular cultural transmission. These types of theories have largely supplanted the traditional view of direct Etruscan origin and transmission in recent years. In any case, even though the Campanian archaeological evidence suggest a funerary context not entirely dissimilar to that of the Etruscans, the Campanian tradition was thought by the Romans to have emphasized entertainment combat at feasts, likely making it even more problematic in the moral tradition than anything that could be connected to the Etruscans.

The strong gladiatorial culture that developed throughout the Campanian region has been taken by some to support theories where the local customs of these peoples, with or without Etruscan transmission, likely influenced Roman culture during the chaotic period of the Samnite wars from 343 to 290 BC. Furthermore, the later wars with Carthage and Hannibal sowed even

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<sup>108</sup> Ville, 1-8.

<sup>109</sup> Plb. 2.17.1; Strabo 5.4.3, 8. For Etruscans in Campania see also Cornell, T.J. *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000 – 264 BC)* (London, 1995) 151-156. Futrell remains dubious of Ville's Campanian origin theory, citing dynamics in cultural dominance theory and problems with the Etruscan transmission timeline: *Blood in the Arena: the Spectacle of Roman Power* (Austin, 1997) 11-19; n. 18, 232.

greater dissension between Rome and its allies in this region throughout the third century BC. The extant literary evidence that might support these theories is rather scarce, but it does suggest the existence of tension between Rome and the Campanian peoples as to how the entertainment aspect of gladiatorial games should be viewed. Cultural divisions are evident in the descriptions of early Roman attitudes about the proper role of gladiatorial games, contrasting the funerary and commemorative purpose against the entertainment aspect. Even though it may reflect later Roman attitudes about the Campanian region, Livy juxtaposes the reverent religious impulses demonstrated by the Romans during their triumphal celebrations for their victory over the Samnites against the base motivations displayed by the Capuans in forcing gladiators to perform as savage banquet entertainment:

The dictator, triumphed by decree of the senate, in whose triumph, by far and away, the greatest spectacle show was provided by the captured arms. So magnificent was its visage that the gold inlaid shields were divided up amongst the owners of the banking locations, in order to adorn the Forum. From this is said to have begun the custom of the aediles adorning the Forum, whenever the *tensae* [the wagons used for transporting the covered images of the gods to public spectacles], were driven through it. And so the Romans made use of the splendid arms of their enemies to honor the gods; while the Campanians, on account of their arrogance and out of hatred for the Samnites, they outfitted the gladiators, who provided the spectacles during their feasts, in this fashion, and forced upon them the name of the Samnites.<sup>110</sup>

(Liv. 9.40.15-18)

Consistent with Livy's moralizing and didactic historical style, Roman triumphal spectacle is presented with a righteous religious motivation, where the very images of the gods are respectfully driven through the city to bear witness to the splendid display in their honor, the

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<sup>110</sup> Liv. 9.40.15-18: *dictator ex senatus consulto triumphavit, cuius triumpho longe maximam speciem captiva arma praebuere. tantum magnificentiae visum in iis, ut aurata scuta dominis argentiarum ad forum ornandum dividerentur. inde natum initium dicitur fori ornandi ab aedilibus cum tensae ducerentur. et Romani quidem ad honorem deum insignibus armis hostium usi sunt: Campani ab superbia et odio Samnitium gladiatores, quod spectaculum inter epulas erat, eo ornatu armarunt Samnitiumque nomine compellarunt.*

Forum having been adorned for this purpose. The lowly motivation for the Campanian behavior is rooted in extreme arrogance and hatred, where they ridicule their enemies in the name of base entertainment at feasts. In this passage there exists an implied condemnation of foreign cultural practices, which coincidentally the Romans may well have been influenced by, as well as an inherent rationalization of Roman practices under the powerful veil of *pietas*. Livy conspicuously ignores the reality that Rome adopted the very same practice of outfitting early gladiators along ethnocentric lines, with the *Samnis* (Samnite) type of gladiator prominent for a time, followed by the enduring popularity of the *Thraex* (Thracian), or even the *Gallus* (Gaul) form, representing the subjugation of these conquered people's by the power of Rome. Livy avoids this hypocrisy by employing the religious rationalization, and distancing Rome from any emphasis on gratuitous entertainment, even though the Roman gladiatorial typology seems very similar to that of the Campanians. Livy conspicuously distances Rome from the connection.

Silius Italicus, an imperial era poet, provides an account of early Campanian gladiatorial practice similar to that of Livy, but his passage was even more condemnatory of the gratuitous and savage contests that were offered as entertainment for Capua's banquet practices:

[the people of Capua]...their regal banquets began at the midpoint of the day, and the rising sun discovered them still at their feasts, and no aspect of their life was left without stain (*nulla macula non illita vita*), the senators savaged the people, the masses welcomed the enmity toward the senate, and civil discord caused the dissonant factions to clash together. Meanwhile, the old men, more polluted themselves (*pollutior ipsa*), outpaced even the rash transgressions of the young. And indeed, men disgraced by lowly birth and obscure origin put forth their grievances, and began to expect and to demand for themselves to be the first to hold office and the reins of the fading state. Then too, they sought to enliven their banquets with carnage, as was their ancient custom (*mos olim*), and to mix their feasting with abominable spectacles (*dira spectacula*) of armed combatants; often the fighters fell dead above the very goblets of these feasters, and the tables were stained with no shortage of blood (*non parco sanguine*).<sup>111</sup>

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<sup>111</sup> Sil. 11.41-54: ..... *medioque dierum  
regales epulae atque ortu convivium solis  
depressa et nulla macula non illita vita.*

Silius' condemnation exhibits considerable disdain for the entire culture, and his very negative characterization of the savage entertainments, suggests a completely degenerate and morally corrupt people in Capua, very different from Rome. There is also visible emphasis placed on the corrosive effects of civil discord and people of lowly status upsetting the established social order, leaving the fabric of society 'polluted and stained' by the decadent and hateful political ambitions that were unsuitable for the lower classes. From this perspective, it would be natural that such a morally debased people reveled in viewing savage contests, filling their cups with bloody carnage, merely all for the sake of barbaric entertainment. Even though the Romans enjoyed their own gladiatorial tradition, it is conspicuously separated from the savage entertainment aspect by a veil of funerary and filial duty, as well as religious undertones. It also may explain why so many of the later Roman sources preferred to highlight an association of gladiatorial origins with Etruscan funerary practice, rather than with the entertainment tradition of Campania, even though the Etruscan and Campanian traditions may well have influenced each other before Rome was ever involved in the process of cultural exchange.<sup>112</sup>

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<i>tum populo saevi patres, plebesque senatus invidia laeta, et collidens dissona corda seditio. sed enim interea temeraria pubis delicta augebat pollutior ipsa senectus. nec, quos vile genus despectaque lucis origo foedabat, sperare sibi et deposcere primi deerant imperia ac patriae pereuntis habenas.</i>	45
<i>quin etiam exhilarare viris convivia caede mos olim et miscere epulis spectacula dira certantum ferro, saepe et super ipsa cadentum pocula, respersis non parco sanguine mensis.</i>	50

<sup>112</sup> While authors like Livy and Silius Italicus tended to decry such displays as examples of the degenerate excess of the region, possibly saying more about later Roman attitudes toward Campania in their own times, or the history of disloyalty attributed to Capua in the time of Hannibal, there exists material evidence to support the theory that the ancestral custom (*mos olim*) of early gladiatorial combat in this region influenced the emergence of Roman *munera*. Even more than the older Etruscan imagery, the wall-paintings in Italy that seem the most representative of early gladiatorial combats are from the Andriulo and Laghetto tombs located in the southern Italic region



Whether the ancient cultural influences were Etruscan or Campanian in origin, or some combination of both, there seemed to have existed a significant sense of unease and internal tension within various sectors of Roman society in terms of how to view the gladiatorial world and its effect on society. It is not surprising that the Roman adoption of gladiatorial combat occurred through funerary culture for the aristocrats, similar to that of the Etruscans, providing a justification to glorify prominent families under the obligation of dutiful piety and hallowed custom.<sup>113</sup> This created an artificial distinction for the motive of the games, with a pseudo-religious quality consistent with early rationalizations of the rationale of spectacle, contrasted with the entertainment banquet emphasis of Campanian gladiatorial games, which our Roman sources tend to deride as barbaric. These early characterizations of gladiatorial combat reflect some of the fundamental tensions that occurred within the Roman psyche, not only internally between competing social factions, but externally, with respect interactions with the foreign cultures Rome began to subjugate. *Infamia* served as a tool with which to define and to control the influence of some of these divergent perspectives in ways that reinforced the Roman social system, but there were frequent misinterpretations of this social conditioning process resulting from differences in cultural interpretation and perspective. Early spectacle and entertainment outside of Rome was not always viewed in the same ways as it was intended by the Roman elite, and the attendant attachment of *infamia* upon entertainers did not always come across as clearly as the aristocracy might have desired.

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(Paestum), dating to the early fourth century BC, suggesting a likely influence for the Roman tradition. See also Pontrandolfo, A. and Rouveret, A. *Le tombe dipinte di Paestum* (Modena: 1992) 202, pl. 1; 210, pl. 2.

<sup>113</sup> See earlier note 105 (p. 86) for the characterization by Dunkle: “conservatism led to the Romans to require a justification for gladiatorial combat beyond mere amusement.” 7.

### **Cultural Misinterpretation in the Adoption of the ‘Mask of *Infamia*’**

Divergent views of *infamia* can provide useful information about the complex cultural assimilation of the subjugated peoples acquired during Rome’s ascendancy to power, especially in how some of these subject peoples might have perceived their own degraded status. Performance and entertainment provided one of the few venues where perspectives other than those of the Roman elite might gain some degree of prominence. The integration of entertainment traditions from other cultures exacerbated some of the existing tensions in society that the Roman moral system was used to address, and the ongoing transformation and increasing codification of *infamia* in times of social stress and discord was an important part of this process. Designation of social status within the public sphere remained critical, and as Potter has identified, the “evolution of entertainments in Italy and Greece were very different, a point most clearly reflected in the social status of the entertainers,”<sup>114</sup> and “those in Italy always seem to have been drawn from the lower.”<sup>115</sup> This divergence in the background of performers was at the core of cultural misinterpretation, both inside of Rome between the classes, and outside of Rome with its subject peoples. *Infamia* was at the very center of the attempts made by Rome’s elite to reconcile this inherent social status difference with the fame and popularity of prominent performers. Toner even notes the legal symbolism and sponsorship dynamics used as a means to reconcile these tensions, but admits they often had limited results.<sup>116</sup>

Any threat that popular theatre presented to the elite was constrained by plays having to be staged, licensed and often paid for by a donor. Legal rights were denied to popular performers as a further way to contain, if only symbolically, their social status. It was when the people met off-stage in their own space that the elite became far more jumpy.

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<sup>114</sup> Potter (1999) 258.

<sup>115</sup> Ibid. 260; See also Poliakoff, M. B. *Combat Sports in the Ancient World* (New Haven, 1987) 129-33.

<sup>116</sup> Toner, J. *Popular Culture in Ancient Rome* (Cambridge, 2009).

(Toner, *Popular Culture in Ancient Rome*, 107)

These tensions, however, were never fully resolved, ultimately resulting in a rather malleable application of moral censure that was not always interpreted consistently, especially among the subjugated.

External cultural interpretations of the ‘mask of *infamia*’ by foreign peoples were often very much at odds with aristocratic attitudes back in Rome. One example of this dynamic in action can be seen in Livy’s description of the motivations of the chieftains who offered fighters for the gladiatorial games held by Scipio at New Carthage in 206 BC:

After this, Marcius was sent to bring under the dominion of Rome any barbarian tribes [in Hispania] that had not yet been subjugated. Scipio returned to New Carthage to fulfill his vows and to sponsor the gladiatorial games which he had prepared to honor the deaths of his father and uncle. The gladiators for this spectacle were not selected from the class of men in which it was customary for the *lanistae* to purchase, slaves from the market scaffold and free men who have chosen to sell their blood, but rather, all the fighters gave their services voluntarily and gratuitously. For some had been sent by their chieftains to give a display of the inherent *virtus* of their race, others professed their willingness to fight out of respect to their leader, others again were drawn by a spirit of rivalry to call out one another to single combat...It was not only obscure individuals of low birth who were doing this, but illustrious members of the tribal nobility...They presented a distinguished spectacle (*insigne spectaculum*) to the army...The gladiatorial spectacles were followed by funeral games with all the splendor which the provisions of the province and the camp could provide.<sup>117</sup>

(Liv. 28.21)

This passage reflects many of the competing impulses and attitudes surrounding gladiatorial combat, and although Livy takes care to distinguish the extraordinary nature of these games,

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<sup>117</sup> Liv. 28.21: *Marcius inde in barbaros si qui nondum perdomiti erant sub ius dicionemque redigendos missus. Scipio Carthaginem ad vota soluenda dis munusque gladiatorium, quod mortis causa patris patriuque paraverat, edendum rediit. gladiatorum spectaculum fuit non ex eo genere hominum ex quo lanistis comparare mos est, servorum de catasta ac liberorum qui uenalem sanguinem habent: uoluntaria omnis et gratuita opera pugnantium fuit. nam alii missi ab regulis sunt ad specimem insitae genti virtutis ostendendum, alii ipsi professi se pugnatorios in gratiam ducis, alios aemulatio et certamen ut provocarent prouocatique haud abnuerent traxit; ... neque obscuri generis homines sed clari inlustresque, ...insigne spectaculum exercitui praebuere...huic gladiatorum spectaculo ludi funebres additi pro copia provinciali et castrensi apparatus.*

some of the paradox of *infamia* comes through. Although the subjugated tribes were participating in these combats as peoples who bore the dishonor military defeat, there was a strong and prideful assertion of cultural identity through the opportunity to display the inherent *virtus* of their respective races. This is a sense of cultural pride on display as a gladiator, not any sense of dishonor, further illustrating that the Roman projection of *infamia* and stigmatization was not understood in the same way by foreign cultures, especially in the years of the expansion of the Republic.

Livy makes sure to provide a rational explanation to his readers in this account by distinguishing how these fighters were not typical. The fighters did not accept pay for the service, thus, they were not tainted with the stain of *infamia* typical for the usual gladiatorial background of Livy's own time, comprised mostly of purchased slaves or free men who were willing to debase themselves by selling their own blood (*servorum de catasta ac liberorum qui venalem sanguinem habent*). It is notable, though, that Livy doesn't seem willing to acknowledge how the earlier gladiators of the Republic were indeed drawn into service as prisoners of war and were likely to have been presented along the ethnic lines, with the aforementioned *Samnis*, *Gallus*, and *Thraex* types. The performance for pay aspect was central to Livy's distinction, and represents the force of *infamia* such distinctions had that were attributed to professional performers in the author's time, but it does not necessarily define attitudes about early ethnic gladiators. Even though Roman slave practice often involved natal alienation, and the Romans could fill these ethnic fighter roles with combatants from any background, it does not necessarily preclude the persistence of a sense of cultural pride on display in the arena by the performers themselves, especially if they actually were assigned to fight in the armaments of their native culture.

The Romans may well have interpreted the arena as a place to showcase their own cultural dominance and superiority by publicly displaying the peoples under their power, but that doesn't necessarily mean that these combatants internalized the sense of honor or dishonor in the same ways the Romans did. Furthermore, the event was extraordinary, from Livy's perspective, not only because of the willingness of the fighters, but because even some of the nobility among the tribes participated, although the Augustan author did admit the motivations were due to political rivalry between some of the combatants within their own tribes. In any case, Livy illustrates how important the designation and maintenance of social status was with respect to the role of aristocratic participation in spectacle within Roman society. However, the perspectives of the defeated who fought in the games were not always consistent with the concern for *infamia* shown by the Romans. Despite its association with Roman public behavior and morality, attitudes about the significance of *infamia* were very much a product of individual perspective.

Following the defeat of Hannibal at the end of the third century BC, the scope of spectacle began to grow with successful Roman military expansion to the eastern regions. There were new cultural contacts where interpretations over the role of spectacle were very different between Rome and the peoples it brought under its dominion. These cultural interactions with the wealthy kingdoms of the east prompted Rome's generals to enhance the grandeur of their spectacles in order to project the majesty of Roman power and authority to make a stronger impression on the lavish cultures of the Greek east. Following Aemilius Paulus' victory in Macedonia at the Battle of Pydna in 168 BC, Livy records the lavish spectacle presented by the triumphant Roman general and the peculiar attitude he displayed:

After he attended to the serious matter, he celebrated games, for which the preparations had begun beforehand, with great luxury and grandeur. Announcements had been sent to the cities of Asia and to the kings, and during his touring around in Greece, he [Aemilius Paulus] had informed the leading men about

them. There were performing artists skilled in all of the kinds of productions which were used in the games, and from all over the world were gathered a great multitude of athletes and noble horses, and civic emissaries with their sacrificial victims, and all of the other customary accoutrements for the great games in Greece, which were presented for the honor of the gods and of men. And so, this was done in a manner, that not only was such great magnificence admired by all, but the skill shown in the display of the spectacle as well; although the Romans were not yet accustomed to providing these types of spectacle. Equal care was given to the opulent banquets which were prepared for the embassies. A remark of the consul himself [Aemilius Paulus] was commonly repeated, to the effect that, the man who knew how to conquer in war must also be able to provide entertainment and furnish games for the very same people he conquered.<sup>118</sup>

(Liv. 45.32.8-11)

The wording in this description seems to reflect a deliberate attempt by the Romans to communicate emerging Roman power and greatness to the peoples of the east who were accustomed to the refined culture and artistic grandeur associated with the Hellenistic world. Paulus' remark about the necessity to provide a grand show to the newly subjugated peoples illustrates how the entertainment aspect of spectacle, and its political role, were rising in prominence in ways that shaped the older views of the Roman games that could mask the practical advantage afforded by sponsoring the events behind Rome's mask of austere filial duty and piety. Paulus even admits to a kind of symbiotic relationship between the conqueror and the conquered, with spectacle as a viable means to pacify and project Roman authority to subject peoples. It is also noteworthy that the description of the splendor of this spectacle reflects a continued trend where the entertainment motivation drove a visible increase in the overall scale of spectacle as a newly prominent Rome tried to assert the value of its own cultural traditions

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<sup>118</sup> Liv. 45.32.8-11: *Ab seriis rebus ludicrum, quod ex multo ante praeparato et in Asiae civitates et ad reges missis qui denuntiarent, et, cum circumiret ipse Graeciae civitates, indixerat principibus, magno apparatu Amphipoli fecit. nam et artificum omnis generis, qui ludicram artem faciebant, ex toto orbe terrarum multitudo et athletarum et nobilium equorum convenit et legationes cum victimis et quidquid aliud deorum hominumque causa fieri magnis ludis in Graecia solet, ita factum est, ut non magnificentiam tantum, sed prudentiam in dandis spectaculis, ad quae rudes tum Romani erant, admirarentur. epulae quoque legationibus paratae et opulentia et cura eadem. vulgo dictum ipsius ferebant et convivium instruere et ludos parare eiusdem esse, qui vincere bello sciret.*

upon the international stage for the first time. The entertainment motivation acknowledged by Paulus clearly exposed an expectation of cultural communication through spectacle, and one distinctively Roman way to make these spectacles unique, was to find ways to incorporate gladiatorial *munera* into the entertainment process. This entertainment shift in gladiatorial blood sport would continue gradually over the next century, putting increasing pressure on the traditional veil of dutiful piety associated with funerary culture, but the political advantages afforded by the popularity of these events would prove to be too enticing to avoid. Even so, the popularity of the games abroad was not immediate, and the interpretation of this violent Roman tradition would not be received in the same ways abroad as it was at home. This divergence would affect interpretations about *infamia* for decades and centuries to come.

A notable description in Livy of the massive spectacle in 164 BC put on by Antiochus IV Epiphanes, the king of Syria, illustrates an example of this type of cultural miscommunication and misinterpretation involving Roman spectacle, especially the cross cultural perceptions of how gladiatorial combat might be viewed.

In the magnificence of public spectacles of all kinds he [Antiochus IV] surpassed all previous monarchs; they were with only one exception given in the fashion of the Greeks, that exception being a gladiatorial *munus* displayed in Roman fashion, which filled the spectators with terror, who were unaccustomed to such spectacles, more than it pleased them. But thereafter, by frequently exhibiting these exhibitions, in which the gladiators sometimes only fought as far so as to wound, and at other times fought without the chance of remission, he familiarized the eyes of his people to them and they learnt to enjoy them. In this way he instilled amongst most of the younger men a zeal for arms, and although at first he used to contract gladiators from Rome at a great price, eventually he was able to procure them from his own region.<sup>119</sup>

(Liv. 42.20.10-13)

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<sup>119</sup> Liv. 42.20.10-13: *spectaculorum quoque omnis generis magnificentia superiores reges vicit, reliquorum sui moris et copia Graecorum artificum; gladiatorum munus, Romanae consuetudinis, primo maiore cum terrore hominum, insuetorum ad tale spectaculum, quam voluptate dedit; deinde saepius dando et modo volneribus tenuis, modo sine missione, etiam et familiare oculis gratumque id spectaculum fecit, et armorum studium plerisque iuvenum accendit. itaque qui primo ab Roma magnis pretiis paratos gladiatores accersere solitus erat, iam suo.*

The terror expressed by the spectators at the Roman tradition of gladiatorial combat suggests some of the difficulties and complexities surrounding cultural exchange and communication. The intended message does not always remain consistent with the way the message is received. Antiochus had spent considerable time in Rome as a political hostage and would have understood the peculiar role of gladiatorial combat within the Roman cultural and moral context,<sup>120</sup> where the visage of propriety and filial duty attached to such displays gave them a serious solemnity and reverence that obscured the savage entertainment appeal to some extent. The reaction of the Syrian crowd is not dissimilar from the language used by Livy and Silius Italicus in describing the Campanian gladiator tradition with a horrified tone, even though the Roman tradition of the games is rationalized. It should also be noted that Antiochus experienced Roman culture as a political hostage, and much like the earlier analysis of Polybius' experiences at Rome,<sup>121</sup> the power of Roman social conditioning seems to have had a significant impact, so much so, that Antiochus attempted to replicate its militaristic influence upon his own subjects with some degree of success. Although this account suggests that Antiochus was successful in his social conditioning campaign, reflecting to messaging power and allure of spectacle and the gladiatorial games, the terror expressed by the populace illustrates the importance of cultural background in determining how these messages will be received. Accordingly, attitudes about *infamia* and social dishonor are also likely to have been dependent upon distinct cultural background and expectations that could not always be shaped by Roman attitudes and *mores*. *Infamia* would mean different things to different people, both individually and collectively, at

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<sup>120</sup> Futrell, A. *The Roman Games* (Oxford: 2006) 10.

<sup>121</sup> See earlier analysis in this work (pp. 32-37) on Polybius involving the influence of social conditioning in Roman society.



different times. Moreover, the place of *infames* within society would vary greatly depending on their specific circumstances, no matter what the power structure at Rome intended.

Finally, another important aspect of the lavish spectacles ascribed to Antiochus is that it confirms how political competition among the elite, both in Rome and abroad, were driving the influence of popular entertainments upon the socio-political dynamics of the cities and regions Rome was coming to dominate throughout the Mediterranean. Just as other aspects of spectacle grew exponentially throughout the third and second centuries BC, so did the *munera*. The rudimentary description of the small funerary gladiatorial games sponsored in Rome by the sons of Brutus Pera in 264 BC, grew to twenty-two pairs fighting under the sons of Lepidus in 215 BC, and eventually expanded to, if Polybius, and later Athenaeus, are to be believed, around two hundred and forty pairs in the massive spectacles sponsored by Antiochus IV at Daphne.<sup>122</sup> While the accuracy of ancient numbers should always be considered with due skepticism, the overall descriptions of the lavish displays suggest a considerable increase in the expectations surrounding spectacle from the time of Aemilius Paulus throughout the rest of the second century BC, all the way through the chaotic end of the Republic and the rise of the imperial system. The shift to a greater emphasis in spectacle being placed upon popular entertainment and political advantage would continue to expose, and in some cases to aggravate, emerging tensions within the Roman social and moral system. Accordingly, the rapidly increasing scope of spectacle and the role of popular entertainers resulted in rather conspicuous action being taken by the Roman elite, all in an effort to regulate and manage spectacle in ways that sought to preserve their privileged social status in the face of the considerable chaos of the late Republic. The force of *infamia* was sharpened by the aristocracy through a gradual increase in the

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<sup>122</sup> Plb. 30.25.5: οἷς ἐπηκολούθει μονομάχων ζεύγη διακόσια τετταράκοντα; Ath. 5.22: οἷς ἐπηκολούθει μονομάχων ζεύγη διακόσια τεσσαράκοντα.

codification of this form of moral censure, and Rome's elite began to deploy it as a weapon in a turbulent environment of social and political violence that bore witness to the death of the hallowed Republic and its ideals.

## CHAPTER IV

### THE 'MASK OF *INFAMIA*' IN THE AGE OF POLITICAL VIOLENCE AND REVOLUTION

As the stability of the Republic disintegrated under the weight of the political, military, and social conflicts that defined its final two centuries, aristocratic anxiety over the preservation of the integrity of Rome's rigid social class system would result in an increasing codification of the civic disabilities associated with *infamia*, as well as a greater level of regulation for spectacle within the Roman world. Roman military expansion brought more and more treasure under the control of the prominent families of the growing city-state, and not surprisingly, the scale and role of spectacle and games within Roman society became much greater. Throughout the second century BC, as observed in the descriptions of the lavish games of Aemilius Paulus and Antiochus IV, the Roman style *spectacula* held outside of Italy grew to unprecedented levels in an attempt to compete with the more luxurious cultural traditions of the Hellenized eastern regions. As a consequence, even the traditional funerary function of gladiatorial *munera* gradually continued to give way to the political benefit derived from providing entertainment and the attendant popularity that could come from the sponsorship of increasingly grandiose spectacle. It might be said that Roman spectacle was transformed abroad and then brought back into Italy as a political weapon, one sharpened by Rome's elite families as they contested for power against each other in the arena of competitive politics that dominated the late Republic.

In this era of intense aristocratic competition, the Roman elite maneuvered to stake as much of a claim as their privileged positions would afford upon the massive influx of wealth, land, and slave labor that was coming in from Rome's military success. As the aristocratic clans struggled to outshine one another in order to gain any advantage over their rivals, social schisms

were aggravated by the disproportionate distribution of the spoils of military conquest. The social discord created by this environment eventually became the heart of the later Roman moralizing tradition. As encapsulated by the moral framework of Sallust, the end of the Second Punic war had supposedly brought about an environment of social harmony, but the period of concord was brought to an end by the mid second century BC with the destruction of Carthage.

Discord, avarice, ambition and all the other evil things that follow from good fortune, increased greatly after the destruction of Carthage.<sup>123</sup>  
(Sall. *Hist.* 1.11)

As appealing as Sallust's simplistic moralizing and strict temporal delineation was to some Romans, it masks much of the internal legal and political conflicts among competing aristocrats that went on in the background at Rome throughout the entire first half of the second century.

The period between the second and third Punic wars was not as harmonious as later figures like Cicero idealized it to be. Astutely, Münzer has recognized the true nature of the competition of this period:

If the age of Scipio Aemilianus represented for Cicero the Roman ideal, ...the struggle of the parties at that time, however, in no way abated or assumed its mildest form. One need only think that precisely in these decades M. Cato...exercised his eloquence and intelligence relentlessly on his political enemies. The numerous lawsuits in which he stood before the court as plaintiff or defendant are noted only seldom in the annals, probably here, however, where they are more complete than usual, they more often give us information on the struggles wage at the elections...The party maneuvering at that time reveals that the difference between those eulogized times when the nobility ruled and the much abused period of the disintegrating Republic cannot have been so infinitely great.

The collapse of Scipionic power came about in 185 with the famous and notorious trials in which Cato certainly also had a hand.<sup>124</sup>

(Münzer, F. *Roman Aristocrats Parties and Families* [trans. Ridley] 176-77)

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<sup>123</sup>Sall. *Hist.* 1.11: *At discordia et avaritia atque ambitio et cetera secundis rebus oriri sueta mala post Carthaginis excidium maxime aucta sunt.* Note the similarity to Sallust's well known moralizing characterization in his account with 'The War with Catiline' on the failure of morals after the fall of Carthage. Sall. *Cat.* 10. 1-4: *Carthago aemula imperi Romani ab stirpe interiit...Igitur primo pecuniae, deinde imperi cupido crevit; ea quasi materies omnium malorum fuere. Namque avaritia fidem, probitatem ceterasque artis bonas subvertit; pro his superbiam, crudelitatem, deos neglegere, omnia venalia habere edocuit.*

<sup>124</sup> Münzer, F. *Roman Aristocratic Parties and Families*, ed. 1999, trans. Ridley, (Stuttgart: 1920) 176-77.

Throughout the first half of the second century BC, there was apparently a dangerous nexus within the arena of aristocratic competition that was not only fueled by the influx of external wealth, but also by considerable abuse of the court system to degrade elite rivals within the electoral process through legal maneuvers. The increasing significance of both spectacle and *infamia* should be viewed within this context, and provide a better understanding of some of the lesser known actions and proposed reforms of the Gracchi in later decades. Although the agrarian reform agenda of the Gracchi, initially put forward by Tiberius Gracchus in 133 BC and continued by his brother Gaius upon his older brother's violent death, receives considerable and most deserved attention for its importance, there are other important Gracchan reforms that deserve more attention than they have sometimes been given. The skillful political manipulation of spectacle by Gaius, and the challenge to the integrity of senatorial legal privilege resulting from the reassignment of which classes would be eligible to serve jurors in court cases under the *Lex Acilia repetundarum* of 123/22 BC, exposed many of the social tensions that would eventually lead to the downfall of the Republic.

Anxiety over preserving the integrity of the social classes increased considerably over the final one hundred years of the Republic. Regulations concerning spectacle, public performance, and the social status of performance *infames* would emerge in the subsequent decades. The diverse social class turbulence of the late Republic, characterized by the introduction of political violence into the system with the murders of the Gracchi, the massive influx of slaves, the assimilation of newly subjugated peoples, slave uprisings, and civil wars, created an environment of insecurity the traditional aristocracy was unaccustomed to. The increased regulation of *infamia* was an attempt to reassert the integrity of their social status in the face of chaos.

Charters were enacted that specifically barred certain *infames* from serving on municipal councils. The significance of *infamia* within the politics of morality would eventually be transformed and applied within the imperial context, even in the more centralized power structure or a veiled military monarchy where the role of popular election was greatly diminished.<sup>125</sup> It could be argued, the introduction of overt violence into the Roman political system with the murder of the Gracchi initiated a vicious cycle of social anxiety and civil strife that laid the foundations for the eventual collapse of the Republic. Spectacle and *infamia* figured prominently throughout this process in many unexpected ways.

### **Foreign Expansion, Spectacle, and the Reforms of the Gracchi**

Traditional assessments of the significance of the Gracchi tend to start with the proposed agrarian reforms that were intended to address some problematic issues that Rome's countless military expansion had aggravated, including the conflict over the disposition of public lands, such as the territories in the east bequeathed to Rome by King Attalus III of Pergamum upon his death in 133 BC. In general, the ancient sources describe an environment where, after years and years of Roman military operations both inside and outside of Italy, the smaller agricultural plots in the Italian countryside controlled by the legionary soldiers, average citizens, and the rural poor, seem to have become less productive due to neglect, abandonment, and/or land stress. Simultaneously, the massive influx of wealth, new land, and slaves from foreign conquest enabled an increased consolidation of land by wealthy aristocrats under an emerging *latifundia* system, where under old Roman tradition, the state controlled the disposition of public lands.

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<sup>125</sup> Toner, 155: "The spectacles established a space where the people could be organized into a disciplined ritual, where they publicly affirmed their loyalty and obedience to the ruling regime. Important imperial ideas were anchored in concrete forms that played on the senses to achieve their effect. The games combined a cross-social desire for political stability after the ravages of the late republic, with an image of the emperor that emphasized his power."

These factors exacerbated the internal social tensions between the classes and provided opportunistic politicians an environment where they were able to exploit the fault lines to their own advantage. An era of social struggle emerged, where harmony amongst the various orders, both within and without, proved fleeting. The privileged classes used their legal and political authority to abuse the system in order to augment their own positions and denigrate those of their rivals. The Gracchi seized upon the opportunity this environment created and they attempted to use the authority given to them by the people to circumvent the traditional political dynamics that generally favored the senate within the Roman system.

From the founding of the Republic, Rome's aristocracy had exerted considerable control, usually through various the manifestations of senatorial authority and patrician privilege, over the legal, political, and social mechanisms that governed interactions between the classes. With the rise of the Gracchi, the deliberate cultivation of popular support among the larger Roman populace was used to challenge the traditional forms of social control that preserved aristocratic privilege within the Roman system. Manipulation of the politics of spectacle was significant in this process, and Gaius Gracchus seems to have understood this rather well, even if his actions did not always secure direct electoral success. Plutarch records how Gaius Gracchus cultivated electoral support among the lower classes by calling for the removal of rental seating set up by Rome's leading men for a gladiatorial contest in the Forum, and when this call was denied, removing the sets under the cover of night with public workmen:

Moreover, it so happened that he had offended one of his fellow tribunes, on account of the following reason. The people were scheduled to see a gladiatorial contest in the Forum, and most of the leading men had constructed seats for the event all in a circle, and they were offering them for rent. Gaius commanded them to take down these seats, in order that the laboring poor might be able to enjoy the spectacle from those spaces without needing to pay rent.

But since no one gave heed to his order, he waited until the night before the spectacle, and then, taking all the craftsmen whom he had under his authority in

public works, he took down the seats, and when day came for the event he had the place all cleared out for the people. For this action the populace thought him to be a man, but his colleagues were annoyed and thought him reckless and violent. It was believed also that this action took from him his election to the office of tribune for the third time, since, although he received a majority of the votes, his colleagues were unjust and villainous in the counting of the votes and making their proclamation. This, however, was disputed.<sup>126</sup>

(Plut. CG. 12.3-4)

Even though this action did not result in his re-election, it clearly shows Gaius' recognition of the electoral value of popular support and the strong impulse among the populace to view gladiatorial contests, an impulse some of the wealthy elite intended to exploit for monetary gain through the rented seating. The battle over the control of seating and available space at spectacle even recalls the resiliency of class resentment and the damage done to Scipio's popularity through the initial division of the senators from the populace at the theater in 194 BC.<sup>127</sup> It also illustrates how the Gracchi likely understood how prominent the underlying resentment among the populace was toward the rampant aristocratic privilege that permeated Roman society. The account also suggests a popular expectation of electoral corruption existed, one where it was thought that the elite could exercise their influence in ways to manipulate the outcome of votes. The reforms proposed by the Gracchi in this period seem intended to exploit this underlying class resentment by transforming it into popular support that could carry them to power outside of the conventional political methods at Rome.

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<sup>126</sup> Plut. CG. 12.3-4: *συνέτυχε δὲ αὐτῷ καὶ πρὸς τοὺς συνάρχοντας ἐν ὀργῇ γενέσθαι διὰ τοιαύτην αἰτίαν. ἔμελλεν ὁ δῆμος θεᾶσθαι μονομάχους ἐν ἀγορᾷ, καὶ τῶν ἀρχόντων οἱ πλείστοι θεωρητήρια κύκλω κατασκευάσαντες ἐξεμίθουν. ταῦτα ὁ Γάιος ἐκέλευεν αὐτοὺς καθαιρεῖν, ὅπως οἱ πένητες ἐκ τῶν τόπων ἐκείνων ἀμισθὶ θεάσασθαι δύνωνται. μηδενὸς δὲ προσέχοντος ἀναμείνας τὴν πρὸ τῆς θέας νύκτα, καὶ τῶν τεχνιτῶν ὅσους εἶχεν ἐργολάβους ὑφ' ἑαυτῷ παραλαβόν, τὰ θεωρητήρια καθεῖλε καὶ τῷ δήμῳ σχολάζοντα μεθ' ἡμέραν ἀπέδειξε τὸν τόπον ἐφ' ᾧ τοῖς μὲν πολλοῖς ἀνὴρ ἔδοξεν εἶναι, τοὺς δὲ συνάρχοντας ὡς ἰταμὸς καὶ βίαιος ἐλύπησεν. ἐκ τούτου καὶ τὴν τρίτην ἔδοξε δημαρχίαν ἀφηρησθαι, ψήφων μὲν αὐτῷ πλείστων γενομένων, ἀδίκως δὲ καὶ κακούργως τῶν συναρχόντων ποιησαμένων τὴν ἀναγόρευσιν καὶ ἀνάδειξιν.*

<sup>127</sup> See earlier analysis (pp. 80-82) of Scipio's segregation of the theater in 194 BC in Val. Max. 2.4.3.



The enactment of the *Lex Acilia de repetundarum*, as part of Gracchan reforms instituted under Gaius, proved to be a serious challenge to senatorial privilege as it transferred from the senate to the *equites* control of ‘the extortion court’ (*quaestio perpetua de repetundis*). The pressure to transfer such charges of corruption to the extortion court had apparently built up over some time, and had been contemplated by Gaius [Gracchus] for awhile before the legislation was enacted,<sup>128</sup> but its implementation eventually was thought to have given the *equites* considerable influence over senatorial governors in the provinces.<sup>129</sup> This transition of legal juristic authority challenged the traditional roles of the most privileged class in Roman society, causing a visible rise in anxiety over the maintenance and delineation of the integrity of the social orders throughout the entire social structure. Accordingly, likely in response to *equestrian* concerns about preserving their own class integrity as a premier social order in their own, and a residual concern that no questionable or lowly individuals sit in judgment upon senators, specific restrictions were apparently included in the law that prevented anyone from being selected as a juror “anyone who has fought or shall have fought [as a gladiator] having hired himself out for pay” (*quive mercede conductus depugnavit depugnaverit*).<sup>130</sup> This conspicuous provision was deliberately included within a very long list of details of the Gracchan legislation preserved in

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<sup>128</sup> Badian, E. “Lex Acilia Repetundarum,” *AJP* 75 (1954) 375-378; Gruen, E. *Roman Politics and the Criminal Courts 149-78 B.C.* (Cambridge, MA, 1968) 85.

<sup>129</sup> Note that Cicero (*Verr.* 1.1.51: *fac tibi paternae legis Aciliae veniat in mentem*; *Verr.* 2.1.26: *ego tibi illam Acilianam legem restituo*) acknowledged the *lex Acilia* by name, questionably asserting there were no examples of bribery among the *equites* that controlled this court. Plutarch (*CG.* 5.2) records how this law curtailed the power of the senate, which before this had held the privilege of control over this court, which had made them therefore ‘dreadful’ to the plebs and *equites*: ὁ δὲ δικαστικός, ᾧ τὸ πλεῖστον ἀπέκοψε τῆς τῶν συγκλητικῶν δυνάμεως, μόνοι γὰρ ἔκρινον τὰς δίκας, καὶ διὰ τοῦτο φοβεροὶ τῷ τε δήμῳ καὶ τοῖς ἱππεῦσιν ἦσαν. Appian (*BC.* 1.3.22-26) provides an even more forceful vision of the implications, with phrases reflecting the great shame and dishonor (ἡ βουλή μάλιστα αἰδομένη...ἀτιμίας) for the Senate and a lingering factional strife (ἐπιλιπεῖν καὶ στάσιν ἄλλην).

<sup>130</sup> *CIL* 1.583 (= *ROL* [Loeb] 4.59: *Lex Acilia de repetundis*, pp. 316-370), *ROL* 4.59.13: *quive mercede conductus depugnavit depugnaverit*.

fragments on the bronze tablets (the so-called *Tabula Bembina*). It should be noted, however, that “in the inscription unfortunately the passage that should give the positive qualifications of the jurors is missing,” and “it probably fixed the equestrian census (i.e. the minimum qualifications for enrollment in the *Ordo*) at 400,000 sesterces.”<sup>131</sup> The technical provisions of the law seem to place a strong emphasis on defining who should be eligible to be jurors, and who should not be eligible, by clearly delineating civic status based on wealth, occupation, behavior, and overall social standing. Even though the Gracchan reforms represented a significant challenge to the privilege and authority of the senatorial class, the wording of the legislation reflected great care in how it reinforced and delineated class distinctions.

It is noteworthy that the line regarding the prohibition of gladiators from the juror rolls has a degree of close visual proximity within the same section, appearing immediately after the exclusion of anyone “who is or shall have been in the senate” (*queive in senatu siet fueri[tve]*), even though the list of provisions was extensive.<sup>132</sup> Of course, the entire purpose of the law was to exclude the senate and transfer juristic authority to the *equites*, but the selected order of these restrictions was very conspicuous. The placement of gladiators immediately after the senatorial class was likely a deliberate attempt to address concerns over any potential taint of *infamia* in a chaotic era where class distinction and privilege seemed under threat. The visual association of the public inscription commemorates that no juror should ever be drawn from arena performers, and by its relative position, that no equestrian who has, or had ever, hired out as a gladiator would sit in judgment upon any member of the senatorial class. Not only was the integrity of the

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<sup>131</sup> Scullard (1959) 386, n. 24.

<sup>132</sup> *CIL* 1.583 (= *ROL* [Loeb] 4.59: *Lex Acilia de repetundis*, pp. 316-370: 324-7); *ROL* 4.59.13: *queive in senatu siet fueri[tve]*, *queive mercede conductus depugnavit depugnaverit*.

senatorial class being preserved, there was great care taken to preserve the integrity of the equestrian class as well. There is a certain paradox in the inclusion and public display of these provisions though. Namely, the taint of *infamia* was such a concern for class integrity it needed to be addressed directly in the law, but the very need for its inclusion suggests that there existed some potential for elements of Rome's upper classes, at least among the *equites*, to engage in gladiatorial contests in some dishonorable manner. The rising popularity of spectacle and the allure of the arena may have had practical benefits for some individuals, so much so that the ambiguous nature and loose attribution of popular *infamia* proved insufficient to combat the appeal. In response, greater legal codification and more prominent publication of the derogation of status associated with *infamia* was deemed necessary. The *Lex Acilia* may have been the first formal manifestation of this concern over defining performing *infames* and the anxieties associated with it. It might have been the first formal legal manifestation of this, but it would not be the last, as greater codification and regulation would occur over the next one hundred and fifty years. Such regulations tended to be driven by heightened anxieties during periods of social turmoil and transformation. The introduction of political violence into the Roman system with the rise and fall of the Gracchi marks the beginning of a dangerous nexus where aristocratic competition, popular electoral politics, spectacle, social class struggle, and civil violence all became intertwined in a myriad of ways that aggravated the inherent fractures within the Republican system.

In the aftermath of the deaths of the Gracchi, the gradual increase in the regulation of spectacular entertainments was not only restricted to gladiatorial combat, but would soon manifest itself upon the dramatic stage as well. In 115 BC, not only did the censors, L. Caecilius

Metellus and Cn. Domitius Ahenobarbus, strike thirty-two members from the senatorial rolls<sup>133</sup>, but in that same year, they apparently may have removed all stage performances from the city, except for the Latin flute player that accompanies a singer and the Atellan plays.<sup>134</sup> The concern for class integrity in reducing the rolls of the senate and limiting the influence of freedmen reflects the growing concern for maintaining the integrity of the orders, but hand in hand with this, this concern for regulating, perhaps even suspending, most stage performances at Rome reflects the serious nature of the social anxiety in the aftermath of the Gracchi. Despite these attempts to address aristocratic discomfort with this entire situation, the increasing popularity of entertainment and spectacle, as well as the perceived disruption and reliance on the growing influence of the lower orders in electoral politics, these realities would not abate. This increased concern for the integrity of the entire electoral process emerged in the aftermath of the Gracchi, and as Gruen has observed, “measures dealing with *ambitus* (electoral corruption) are attested from the days of the early Republic,” but “at some time, ca. 120 [BC] the *quaestio de ambitu* had considerable business in subsequent years” because “vigorous campaigning could easily slide into shady practices.”<sup>135</sup> The evolution of the social role of both spectacle and *infamia* must be viewed within this environment of concern of questionable campaigning and corrupt electoral practices.

Concerns over the popularity of spectacle and questionable electoral practices cast a shadow over the end of the second century BC. Accordingly, it comes as no surprise that in 101

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<sup>133</sup> Liv. Per. 62. : *L. Caecilius Metellus Cn. Domitius Ahenobarbus censores duos et triginta senatu moverunt.*

<sup>134</sup> Cassiod. Chrys. 639: *M. Metellus et M. Scaurus. His consulibus L. Metellus et Cn. Domitius censores artem ludicram ex urbe removerunt praeter Latinum tibicinem cum cantore et ludum Atellanum.* Cassiodorus may have derived this from a more extensive surviving fragment of Livy (Per. 62) extant in his time.

<sup>135</sup> Gruen, E. *The Last Generation of the Roman Republic* ed. 1995 (Berkeley, 1974) 212.

BC, social discord and immorality were associated with popular entertainments, prompting the consul Scipio Nasica to demolish a nearly finished theater that had been started by his political rival Lucius Cassius in the name of preserving Roman morality from foreign pleasures:

Around this time, the consul Scipio [Nasica] demolished the theater (*καθεῖλε τὸ θέατρον*) initiated by Lucius Cassius and now near completion, on account he also considered this the source of new seditions on the one side, or because he thought it not entirely desirable that the Romans should become accustomed to Grecian luxuries (*Ἑλληνικαῖς ἡδυπαθείαις*) on the other. The censor (*τιμητῆς*), Quintus Caecilius Metellus, attempted to dissolve the social standing of Glaucia, a senator, and Apuleius Saturninus, who had already been a tribune, on account of their disgraceful modes of living (*αἰσχρῶς βιοῦντας*).<sup>136</sup>

(App. BC. 1.4.28)

Even though these events were veiled in the name of moral guardianship in protecting Roman austerity from ‘Grecian luxuries’ (*Ἑλληνικαῖς ἡδυπαθείαις*), concerns over the role of spectacle in electoral politics and the seditious discord caused by aristocratic competition were more likely to have been the impetus for Scipio’s decision to destroy the theater project. It is also noteworthy that censorial derogation of political figures, like Glaucia and Saturninus, were justified on moral grounds for their disgraceful manners of living (*αἰσχρῶς βιοῦντας*). The attempts at derogation ultimately failed, and eventually, resulted in incidents of politically motivated murder in the streets that secured the election of Saturninus as tribune, despite the heinous nature of his actions. While censorial authority and the threat of the *nota* was portrayed in a morally idealistic way, the practical implementation of any of the derogation procedures tended to be constrained by the political realities of the day. The same could be said about the implications of *infamia*; while it was portrayed in an idealized form, the practical realities of how

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<sup>136</sup> App. BC. 1.4.28: τῷ δ’ αὐτῷ χρόνῳ Σκιπίων ὑπατος καθεῖλε τὸ θέατρον, οὗ Λεύκιος Κάσσιος ἤρκετο ‘καὶ ἤδη που τέλος ἐλάμβανεν’, ὡς καὶ τότε στάσεων ἄρξον ἐτέρων ἢ οὐ χρησίμων ὅλων Ἑλληνικαῖς ἡδυπαθείαις Ῥωμαίους ἐθίζεσθαι. τιμητῆς δὲ Κόιντος Καϊκίλιος Μέτελλος Γλαυκίαν τε βουλευόντα καὶ Ἀπουλήμιον Σατορνῖνον δεδημαρχηκότα ἤδη τῆς ἀξιώσεως παρέλυνεν, αἰσχρῶς βιοῦντας.

it actually worked, and what it actually meant, were likely to have been extremely situational and rather messy. In any case, the events of 101 BC once again reflect this dangerous nexus of anxiety over spectacle, political factionalism, electoral manipulation and corruption, as well as continued political violence in the aftermath of the deaths of the Gracchi.

The increasing regulation and legal concern for performance and the social status of performers a product of a deliberate attempt to delineate the integrity and moral authority of the Roman class system. This apparent need to clarify the social status of performers comes through in the sources, with a very good example found in the conspicuous and deliberate wording in the preface of Cornelius Nepos. The author seem compelled to address the issue as he explains, justifies, and rationalizes the difference in attitudes about stage performance within the Greek and Roman traditions:

[discussing a woman going to a dinner party as a hired entertainer]...Almost everywhere in Greece it was regarded as a great honor to be proclaimed a victor at Olympia; indeed, to appear on a stage and display oneself in spectacle to the people was never regarded as shameful by those people. Among us, however, all those acts are held as either shameful (*infamia*), or as low (*humilia*) and far removed from (*ab honestate remota*) respectable behavior.<sup>137</sup>

(Nep. *Praef.* 5)

The almost incessant need, or perhaps even obligation, exhibited by so many Roman authors to clearly delineate the Roman cultural interpretation of shame, as embodied in use of the term *infamia*, seems to confirm how important it was within the moral system. Even though it served as an effective tool to distinguish Roman culture from the cultural traditions of the foreigners, and by extension Roman moral superiority, there was an inherent admission of cultural misinterpretation and inconsistencies in how *infamia* and public spectacle was to be viewed. As

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<sup>137</sup> Nep. *Praef.* 5: *Magnis in laudibus tota fere fuit Graecia victorem Olympiae citari; in scaenam vero prodire ac populo esse spectaculo nemini in eisdem gentibus fuit turpitudini. Quae omnia apud nos partim infamia, partim humilia atque ab honestate remota ponuntur.*

the chaos grew throughout the last century of the Republic, these inconsistencies and cultural differences would manifest in unexpected ways. Although the Roman power structure tried to regulate how *infamia* was to be perceived, its reception very much depended on an individual's particular cultural and social perspective. *Infamia* and spectacle meant different things to different people, and they tended to resist the attempts at codification and regulation that sought to define them for the populace in a coherent way. These inconsistencies and cultural tensions start to emerge in the period of military transformation that came about at the end of the 2<sup>nd</sup> century BC in the aftermath of the proposed Gracchan reforms and the persistence of the land issues that affected military enrollment.

### **Military Transformation and the Influence of the Gladiator**

In the final decade of the second century BC, the Roman military machine was faced with ongoing challenges on multiple fronts, both in the North African campaigns in the war against Jugurtha, as well as increasing incursions by the Cimbri and Teutones, two of the Germanic tribes to the north. Success in this difficult military environment enabled the rise of Marius, and it eventually led to his reformation of the Roman legionary system toward a more professional army. This transformation may well have been motivated by a manpower shortage, or perhaps, due to more base political or personal motivations. Whatever the case, starting in 107 BC, when Marius had attained the consulship, the powerful commander began the process of divorcing the Roman army from the traditional land and wealth requirements for military service. Shortly thereafter, the social class and demographic background of the citizen soldiery would be forever changed, and attitudes about military service, social class, and the implications about the dishonor of *infamia* would have to be reconciled in new ways.

Valerius Maximus reports the sequence of events surrounding the enrollment of the lowest classes in the military by Marius, the consul's disdain for military customs that limited his effectiveness, and the eventual decision to even allow the legions to be trained in hand-to-hand combat skills by debased gladiators:

Laudable also is the modesty of the people, who by quickly giving themselves over to the labors and dangers of military service ensured that the commanders did not need to ask the *capite censi* [the lowest class of citizen who had little or no property] to take the military oath, those whose extreme poverty made them suspect, and for that reason, they were not deemed trustworthy to be vested with public arms. But this custom, fortified as it was by long standing observance, was broken by C. Marius when he enlisted *capite censi* into the army...

Practice in the handling of arms was passed on to the soldiers by the consul P. Rutilius, and his colleague Cn. Mallius. [105 BC] he, in fact, followed the example of no prior *imperator*, called in gladiatorial instructors from the *ludus* of C. Aurelius Scaurus (*ex ludo C. Aurelius Scaurus doctoribus gladiatorum*) to engender in the legions a more sophisticated style of delivering and avoiding a strike. He mixed virtue with art and in return art with virtue, to make the former stronger by the impetus of the latter, and the latter more cautious by the science of the former.<sup>138</sup>

(Val. Max. 2.3.1-2)

Apparently for the first time, gladiatorial trainers were allowed to train the legions in the arts of warfare, and the skill and technical discipline of the gladiatorial world is described in a didactic way. Respect for the role and function of the legion in Roman society supersedes any sense of dishonor associated with interacting with *infames*. It is noticeable however, that Valerius characterizes the *capite censi* as not being worthy of any form of public trust due to their extreme poverty. This is important because it gets at the essence of the practical force behind *infamia*, namely, that unsuitable people are not considered worthy to be vested with any type of public

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<sup>138</sup> Val. Max. 2.3.1-2: *etiam populi uerecundia est, qui impigre se laboribus et periculis militiae offerendo dabat operam ne imperatoribus capite censos sacramento rogare esset necesse, quorum nimia inopia suspecta erat, ideoque his publica arma non committebant. sed hanc diutina usurpatione formatam consuetudinem C. Marius capite censum legendo militem abruptit, ...Armorum tractandorum meditatio a P. Rutilio consule Cn. Malli collega militibus est tradita: is enim nullius ante se imperatoris exemplum secutus ex ludo C. Aureli Scauri doctoribus gladiatorum arcessitis uitandi atque inferendi ictus subtiliorem rationem legionibus ingenerauit uirtutemque arti et rursus artem uirtuti miscuit, ut illa impetu huius fortior, haec illius scientia cautior fieret.*



authority, whether as a witness in the *intestabilis improbusque* language of the XII Tables, a juror as in the *Lex Acilia*, or the later codifications against *infames* that eventually were passed down into the *Digest*. Even in the face of this sense of moral censure, popular disapprobation, public distrust, and sometimes formal civic disability, this passage reflects that there remained inherent value in the gladiatorial arts that was considered virtuous in its own way, especially when such virtue was in service to the welfare of the Roman state. This dichotomy motivated the aristocratic power structure to promote contradictory rationalizations that sought to reconcile these competing attitudes by divorcing the individual performer from the virtue of their craft.

The increasing codification of *infamia* was part of a subtle campaign by Rome's political elite to dehumanize the performer and dishonor their occupation, all while exploiting the popular support of spectacular performance and the display of virtue itself. The disreputable performers were characterized as morally corrupt individuals making a living off of their body, flesh-peddling merchants of low social status and untrustworthy character. Spectacle stage performance represented a very public submission and utilization of one's body for the amusement of others, and was not dissimilar to the way a gladiator's body was offered up in the arena for the gratification of the crowd. Roman society respected power above almost all else, and consistent with Rome's military ethos, to exercise power and authority in leading the weak and overcoming the strong was a confirmation of greatness. Conversely, because the performance occupations associated with spectacle were often rooted in physical acts of debasement in order to sate the desires of the crowd, the conservative elements of Roman society could portray this dependency as inherent weakness and a sign of moral repugnancy. This attitude is consistent with the views expressed in the previous description of professional

performers by Cornelius Nepos<sup>139</sup>, and notably, is also consistent with Valerius Maximus explanation as to why the *capite censi* were not trusted with public arms until the military reforms of Marius. Professional performers and the worthless poor seemed to share in this public contempt, and much like pimps, prostitutes, and criminals, they were not viewed as a respectable citizens. Such stigmatized groups were mostly limited in their ability to rise through the ranks of the Roman social system because they were not considered trustworthy enough to be vested with any public authority of consequence. This is how the Roman moral system tried to cleave the infamous individual performers apart from the public appreciation of the skills and virtues their performances were meant to celebrate.

The stain of *infamia* was conveniently avoided through the use of similar rationales, and that is what allowed the gladiatorial training of the legions of Rutilius in 105 BC to not be tainted by any sense of dishonor. The practical value of the martial virtues of gladiators and their craft was both confirmed and justified by the fact that it was the army of Rutilius that was the one called upon by Marius to oppose the Cimbri in 104 BC. According to Frontinus, Marius selected “the army of Rutilius, even though it was smaller, since he observed that it was conditioned to better discipline,”<sup>140</sup> ostensibly because it was the army provided gladiatorial training under the *doctores* of Scaurus. Welch even goes so far as to suggest that since “Sulla had served under Marius as legate during the German war, it is arguable that Sulla’s soldiers, like those of Marius, were also trained by means of gladiatorial methods.”<sup>141</sup> The ability of the gladiatorial trainers to instill the necessary discipline within the Roman legions illustrates that such individuals could

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<sup>139</sup> Nep. *Praef.* 5. See note 137 and earlier analysis on page 114.

<sup>140</sup> Front. *Str.* 4.2.2: *Rutilianum quamquam minorem, quia certioris disciplinae arbitrabatur praeoptavit.*

<sup>141</sup> Welch, K. *The Roman Amphitheatre: From Its Origins to the Colosseum*, ed. 2009 (Cambridge, 2007) 80.

have practical value and an influence within the state, even if they suffered under a degraded social status as *infames*. While these successes show the potential value and virtue of the gladiator within Roman society, the ongoing conflicts, both military and social, the legacy of Rome's struggles with the slave rebellions throughout this era would only serve to increase the anxiety and apprehension associated with the pacification of the lower orders and slaves, as well as the potential danger of gladiatorial *infames*. The series of 'Servile Wars' and the rise of Spartacus would cast a long shadow over how gladiators were to be viewed in an age of increasing social and political violence.

### **The Shadow of Slave Rebellion on *Infames* and the Legacy of Spartacus**

Throughout the first part of the second century BC, Rome had dealt with a series of relatively incidental and periodic slave uprisings, from the rebellions at Setia and Praeneste (198 BC),<sup>142</sup> Etruria (194 BC),<sup>143</sup> Bruttium and Apulia (c. 190 BC),<sup>144</sup> as well as the so-called Bacchanal uprisings of the mid-180's BC.<sup>145</sup> It was the series of "Servile Wars" in Sicily in the second half of the second century, however, that would further aggravate the social tensions in Italy from the time of the Gracchi forward that would ultimately set the stage for the massive uprising in Spartacus in the late 70's BC. The accounts of the early slave uprisings in Sicily from Diodorus Siculus suggest that the massive influx of slaves led to a situation where the land owners neglected their duty to manage their holdings, and forcing the slaves to provide for themselves, resulting in rampant abuse and lawlessness. Diodorus rationalizes the situation by

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<sup>142</sup> Liv. 32.26.4-18.

<sup>143</sup> Liv. 33.36.1-3.

<sup>144</sup> Liv. 37-38.

<sup>145</sup> Liv. 39-40.

placing blame, likely anachronistically, upon the Roman governors' failure to act out of fear of the *equites* juristic authority:

For the fact is that most of the landowners were Roman *equites*. Since these same men sat as judges upon the legal cases brought against the governors for their misconduct in the provinces, they instilled fear into the very governors themselves.<sup>146</sup>

(Diod. 34.2.3, adapted from trans. by Shaw.<sup>147</sup>)

The resulting years of uprising from 135-132 BC, led by the slave Eunus, was rationalized by Diodorus as the product of neglect and abuse, implying that the proper control and management of the slaves would have likely prevented the situation. In any case, the slaves were successful in resisting numerous Roman attempts to put the situation down.

Despite the problems with the details of this account, it is noteworthy that Diodorus describes the behavior of the slaves in very divergent ways, completely savage and cruel in some instances, but more restrained in others:

...then breaking into the houses, they made such a great slaughter, that they did not even spare the suckling children among the inhabitants, but snatched them violently from their mother's breasts and dashed them against the ground. Words cannot express what they did to the women themselves, they abused men's wives in the very sight of their husbands, how vilely and how disgustingly they satisfied their lusts... In the mean time Eunus heard that Damophilus and his wife... brought them back with their hands tied behind their backs, taunting them as they passed along with much abuse; but they declared that they would be kind in every respect to their daughter, because of her pity and compassion towards the slaves, and her willingness to always be helpful to them. This showed that the savage behavior of the slaves towards others arose, not from their own innately cruel nature, but from a desire to avenge the injustices that had previously been inflicted upon them.

(Diod. 34.2.11-13 [= Photios 284-86] adapted from trans. by Shaw.<sup>148</sup>)

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<sup>146</sup> Diod. 34.2.3: *οἱ πλεῖστοι γὰρ τῶν κτητόρων ἰππεῖς ὄντες τῶν Ῥωμαίων, καὶ κριταὶ τοῖς ἀπὸ τῶν ἐπαρχιῶν κατηγορουμένοις στρατηγοῖς γινόμενοι, φοβεροὶ τοῖς ἄρχουσιν ὑπῆρχον.* Note the time period difference that does not match up with the likely transfer date of juristic control to the *equites* well after 135-32 BC.

<sup>147</sup> Shaw, B. *Spartacus and the Slave Wars: A Brief History with Documents* (Boston: 2001) 89.

<sup>148</sup> *Ibid.* 82-83.

The descriptions of the nature of the actions of the slaves, and their apparent motivations, oscillate from completely uncontrolled barbaric and savage rage with the slaughter of the babies and the cruel rape of the women in front of their husbands, to righteous indignation and control in protecting of the daughter. There is a type of juxtaposition in the characterization of the slaves that will be similar to the later descriptions of the war with Spartacus. On the one hand, the slaves are described as animalistic and savage, on the other, some of their humanity is acknowledged by the acknowledgment that such savagery and cruelty was not inherent to their nature. Even with that acknowledgement, the overall tone of Diodorus' account suggests an emphasis on the importance of proper slave management, like a child or domesticated animal, a slave was something to be trained, controlled, and taken care of as a dependent to ensure it didn't rise up against you. If there is a failure in this management, savage and deadly repercussions could occur. With the influx of slaves under the success of the Republic, this was a tangible anxiety in the minds of the Romans, and it is not surprising that in subsequent decades it informs descriptions of Spartacus and the regulatory reactions emerged in the aftermath of his rebellion.

The specter of the slave rebellions in Sicily would continue, and during the time of turmoil Rome faced in the last two decades of the Republic, concern over the challenges to Roman power became quite palpable. Badian concluded that the period between the Gracchi and the turn of the century was a period where class transformation put increased, but still limited, pressure upon the Roman social system. While the prerogatives of the senatorial class still held with great force, especially in foreign affairs, there was a dynamic where new pressures were emerging, mainly from the emerging faction coalescing around Marius.

The pressure on the Senate from the new classes can be discerned, and, not unexpectedly, it is Marius and his circle we find transmitting it. But, just as in the Jugurthine War, it is a limited pressure – a pressure for the protection of the existing

interests...at this very time, the Germans were undefeated, the slave war in Sicily was going very badly, and there was fighting in Spain and perhaps Thrace.

(Badian, E. *Roman Imperialism in the Late Republic*, 53)

The pressures of this era were aggravated by the Second Servile War in Sicily, and this conflict created a circumstance where the need to publicly punish rebellion would have an impact on how *infamia* was projected upon the newly subjugated peoples in response to the threat of servile insurrection.

The Second Servile War was brought to an end by the peculiar actions of the Roman commander Aquillius, actions that inform on various aspects of the gladiatorial combat traditions and the divergent perspectives in how they were interpreted between cultures. Once again the account provided by Diodorus, if it is to be trusted, illustrates interesting paradoxical themes with respect to foreign perceptions of *infamia* that the Roman power structure did not necessarily anticipate. The survivors of the slave army in the Second Servile War who were captured as prisoners of war, were forced to fight in the arena by Aquillius in 100 BC.

In the following year, Gaius Marius was elected as consul at Rome for the fifth time, and with him Gaius Aquillius. Aquillius was sent as general against the rebels; and through his personal valor he defeated them in a massive battle; like a hero (*ἡρωικὸν*), he fought in hand to hand combat with Athenion the king of the rebels, and killed him, but suffered a wound himself upon the head, from which he recovered...at first Aquillius intended to subdue them through force; but later they sent envoys and made their surrender. For a time, he delayed their punishment; but when they were brought as prisoners to Rome, he condemned them to fight in a *venatio* against beasts, where it is reported they met their deaths with great courage and nobleness of spirit; for they scorned to fight with beasts, but instead killed each other at the public altars; and after all the others were dead, Satyrus being the final one, heroically (*ἡρωικῶς*), he killed himself. This was the tragic end of the slave war in Sicily, after it had continued for the period of nearly four years.<sup>149</sup>

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<sup>149</sup> Diod. 36.10: Τοῦ δ' ἐνιαυσίου χρόνου διελθόντος ὕπατος ἐν Ῥώμῃ Γάιος Μάριος ἠρέθη τὸ πέμπτον καὶ Γάιος Ἀκύλλιος· ὃν ὁ Ἀκύλλιος στρατηγὸς κατὰ τῶν ἀποστατῶν σταλεῖς διὰ τῆς ἰδίας ἀνδρείας ἐπιφανεῖ μάχῃ τοὺς ἀποστάτας ἐνίκησε. καὶ πρὸς αὐτὸν δὲ τὸν βασιλεῖα τῶν ἀποστατῶν Ἀθηνίωνα συμβαλὼν ἡρωικὸν ἀγῶνα συνεστήσατο, ... τὸ μὲν πρῶτον ἐπεβάλετο διὰ τῶν ὄπλων αὐτοὺς χειρῶσασθαι, μετὰ δὲ ταῦτα διαπρεσβευόντων καὶ παραδόντων ἑαυτοὺς τῆς μὲν παραντίκα τιμωρίας ἀπέλυσεν, ἀπαγαγὼν δὲ εἰς τὴν Ῥώμην θηριομάχας αὐτοὺς ἐποίησε. τοὺς δὲ φασὶ τινες ἐπιφανεστάτην ποιήσασθαι τοῦ βίου καταστροφὴν· τῆς μὲν γὰρ πρὸς τὰ θηρία μάχης ἀποστήναι, ἀλλήλους δὲ ἐπὶ τῶν δημοσίων βωμῶν κατασφάζει, καὶ τὸν τελευταῖον αὐτὸν τὸν Σάτυρον ἀνελόντα· τοῦτον δὲ ἐπὶ

(Diod. 36.10)

This description illustrates the Roman intention to dishonor the prisoners by forcing them to fight the wild beasts, but by their refusal to die in the manner they were condemned, they reasserted their power over their own condition by killing each other in a more honorable way. Their willingness to die rather than to submit to the punishment imposed by the Romans allowed even these people of servile origin to assert a heroic nature within the public context of a spectacle. For those of slave origin who had never had any honor in the Roman social system, the venue of spectacular entertainment afforded them an opportunity to meet death in a more honorable way. Their perspective may have differed greatly from that of the Romans, however, the Roman action was intended to dishonor the captives through the use of spectacle, but this was not the way it was interpreted by the prisoners, as they used spectacle to reassert their control over the aspects of their lives they could, namely, their own deaths. They overcame the shame of defeat and the limitations of their class.

The Third Servile War with Spartacus from 73-71 BC in Italy would also expose numerous contradictions in Roman attitudes toward gladiators and the role of *infamia* in society. Much like the accounts of the earlier slave wars in Sicily, the breakout of Spartacus in 73 BC from the *ludus* of Lentulus Batiatus was characterized in the sources as having been the result of cruel behavior by the master in the school.

The insurrection of the gladiators (*τῶν μονομάχων*) and their devastation of Italy, which is generally called the war of Spartacus, had its origin on account of this reason. A certain Lentulus Batiatus had a *ludus* of gladiators at Capua, most of whom were Gauls and Thracians. Through no culpability of their own, but due to

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πᾶσιν αὐτοχειρίᾳ ἥρωικῶς καταστρέψαι. ὁ μὲν οὖν κατὰ Σικελίαν τῶν οἰκετῶν πόλεμος, διαμείνας ἔτη σχεδόν πρὸς τέτταρα, τραγικὴν ἔσχε τὴν καταστροφὴν.

the injustice (*ἀδικία*) of their owner, they were shut up in close confinement and reserved for gladiatorial combats.<sup>150</sup>

(Plut. *Crass.* 8.1)

Like the description of Eunus in Sicily, there remains a popular Roman rationalization represented in Plutarch that slaves were dependents who needed to be properly regulated and cared for, but remained generally contented unless they are neglected or treated with excessive cruelty, whereupon they might engage in murderous insurrection. This attitude was actually consistent with an overall assessment of these lowly and servile individuals as relatively crude animals whose only real concerns were for the necessities of a base existence, and if attended to, they would have had no real ambition to escape or change their circumstances. It was in the slave nature to be content with their lowly status if their mistreatment did not rise to extremes, but ambition and personal agency was for men, not slaves. This reflects a paternalistic attitude toward slaves as being not very much more than dependent creatures with some intelligence, but no real sense of individual purpose or ambition beyond service and existence. The fact of they were motivated to escape meant that something must have gone wrong with their treatment, not that they should strive for something different.

The characterization of the behavior of the mass of slaves associated with the breakout strips most of them, except for Spartacus, of any real identity, and the narrative tends to portray their actions as savage, barbaric, and even animalistic. Within Plutarch's narrative, however, there is a concern attributed to the slaves for distancing themselves from *infamia* when they are said to have defeated the first Romans soldiers sent against them at Capua, and exchanged their

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<sup>150</sup> Plut. *Crass.* 8.1: ἡ δὲ τῶν μονομάχων ἐπανάστασις καὶ λεηλασία τῆς Ἰταλίας, ἣν οἱ πολλοὶ Σπαρτάκειον πόλεμον ὀνομάζουσιν, ἀρχὴν ἔλαβεν ἐκ τοιαύτης αἰτίας. Λέντλου τινὸς Βατιάτου μονομάχου ἐν Καπύῃ τρέφοντος, ὃν οἱ πολλοὶ Γαλάται καὶ Θρᾷκες ἦσαν, ἐξ αἰτιῶν οὐ πονηρῶν, ἀλλ' ἀδικία τοῦ πριαμένου συνειργθέντες ὑπ' ἀνάγκης ἐπὶ τῷ μονομαχεῖν.



“dishonorable and barbarous gladiatorial weapons” (*ἄτιμα καὶ βάρβαρα τὰ τῶν μονομάχων*),<sup>151</sup> for the real weapons of war taken from the vanquished local soldiers. Plutarch seems to feel obligated to include this peculiar detail and emphasize that the gladiators’ actions and decisions were actually driven by the force of *infamia* they were said to have perceived and felt in a personal way. This characterization seems rather ridiculous and it seems to be Plutarch projecting the traditional aristocratic moral concerns upon gladiators in the midst of a rebellious breakout. It might suit Roman aristocratic concerns, but it is very questionable to conclude the gladiators themselves would have perceived this coming from a recent Gallic or Thracian cultural context.

The concerns about honor elsewhere in Plutarch’s account are more plausible in terms of the aristocratic context, however, and they may explain some the hesitancy on the part of Rome’s elite to engage fully in confronting this rebellion. Concerns over dignity and honor may have affected Rome’s ineffectual response in the early phases of the war against Spartacus, as well as its numerous ongoing foreign expeditions, allowing the rebel leader to build upon his successes until he was a more significant threat.

It was now no longer the disgrace and dishonor of the rebellion that vexed the senate, but they were constrained by their fear and the danger to send both consuls into the field, as they would for a war of the highest difficulty and magnitude... [Cassius was defeated]... Upon learning of this, the Senate angrily ordered the consuls to keep to the utmost secrecy...<sup>152</sup>

(Plut. *Crass.* 10-11)

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<sup>151</sup> Plut. *Cras.* 9.1.

<sup>152</sup> Plut. *Crass.* 10-11: *οὐκέτ’ οὖν τὸ παρ’ ἀζίαν καὶ τὸ αἰσχρὸν ἠνώχλει τῆς ἀποστάσεως τὴν σύγκλητον, ἀλλὰ δὴ διὰ φόβον τε καὶ κίνδυνον ὡς πρὸς ἓνα τῶν δυσκολωτάτων πολέμων καὶ μεγίστων ἀμφοτέρους ἐξέπεμπον τοὺς ὑπάτους, ... ταῦθ’ ἢ βουλὴ πυθομένη τοὺς μὲν ὑπάτους πρὸς ὀργὴν ἐκέλευσεν ἡσυχίαν ἄγειν.* See also Appian’s account where this war was described as so formidable to the Romans, but in the beginning was deemed ridiculous and contemptible because of its gladiatorial origins: App. *BC.* 1.14.118: *Τριέτης τε ἦν ἤδη καὶ φοβερὸς αὐτοῖς ὁ πόλεμος, γελῶμενος ἐν ἀρχῇ καὶ καταφρονούμενος ὡς μονομάχων.*

The concern taken by the Senate to shield themselves from the disgrace and dishonor of potentially being defeated in the field by a group of *infames* caused them to keep the defeat silent and face difficulties in finding people willing to wage the war. If a commander was victorious, they would merely have defeated a bunch of dishonorable rabble, but if they actually lost an engagement, the dishonor would be extremely damaging. Appian alludes to this additional sense of dishonor by stating how in the capture of the horse of the Roman commander by Spartacus, it was by such a small margin that the praetor avoided “the danger of being captured by a gladiator.”<sup>153</sup> There was little upside of victory, and it would have been seriously outweighed the downside of defeat. Aristocratic concerns over honor and dishonor in engaging with lowly *infames* on the battlefield may well explain a portion of the ineffectual response to the threat by the Senate. The implications of *infamia* were much more tangible to the aristocracy than to those actually stained with the stigma as *infames*, exposing one of the paradoxes of moral censure. *Infamia* may have meant much more to those projecting it, than to those it was projected upon.

The concern for honor and dishonor in evaluating the implications of the war with Spartacus also likely explains why the characterizations of the rebel leader were built up in ways that elevated him above his degraded status as an *infamis*. Plutarch even took great care in differentiating Spartacus’ character from that of the rabble that comprised his army.

The first among these was Spartacus, a man of Thracian and nomadic background, and not only imbued with great spirit and strength, but also in intelligence and culture, better than his allotted fate, and more Hellenic than of his own race.<sup>154</sup>  
(Plut. *Crass.* 8.2)

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<sup>153</sup> App. *BC.* 1.14.116: *παρὰ τοσοῦτον ἦλθε κινδύνου Ρωμαίων ὁ στρατηγὸς αὐτὸς αἰχμάλωτος ὑπὸ μονομάχου γενέσθαι.*

<sup>154</sup> Plut. *Crass.* 8.2: *ὢν πρῶτος ἦν Σπάρτακος, ἀνὴρ Θραξ τοῦ Νομαδικοῦ γένους, οὐ μόνον φρόνημα μέγα καὶ ῥώμην ἔχων, ἀλλὰ καὶ συνέσει καὶ πραότητι τῆς τύχης ἀμείνων καὶ τοῦ γένους Ἑλληνικότερος.*

Spartacus is artificially detached from his *infamia* and lowly status by an association with his displayed morality and the perceived superiority of Greek culture, even though this may have been more of a priority for a Greek like Plutarch, than reflective of any actual Roman attitude. Effectively, his Thracian and servile gladiatorial background are denied to make the losses suffered by Rome, and his eventual defeat by Crassus, more honorable within the Roman historical tradition as he was reconstructed as a formidable enemy, one more myth than reality. His character is what was used to distinguish his greatness, and his actions in life were allowed to nullify his degraded status as an *infamis*. Yet, the actions of the Romans throughout the rebellion of Spartacus seem to have been affected by real perceptions of *infamia* and its significance in this was palpable. The legacy of the events of Spartacus would result in an increasing concern for regulating gladiatorial *infames* much more carefully throughout the last decades of the Republic.

## CHAPTER V

### FEAR OF *INFAMES* AND THE INCREASING CODIFICATION OF THE 'MASK OF *INFAMIA*' AT THE END OF THE REPUBLIC

In the aftermath of Spartacus, it is not surprising to see a greater care taken at Rome over the regulation of many aspects of spectacle, and especially, a more direct managerial concern over the control of gladiators given the rapid growth of Spartacus' servile army. Even as Spartacus ravaged Italy and integrated so many of the slaves he freed into his rapidly swelling force, the leadership roles of his rebel army would have remained with the martially proficient gladiators, and not surprisingly, the characterization of his forces highlighted these gladiatorial fighters, despite the fact most of the later followers he attracted would have other types of slaves with little, if any, martial training. The Senate's failure to respond effectively, partially due to its refusal to dignify the severity of the servile and lowly threat with a serious response, magnified concerns among the Roman populace about gladiators in general, even after Spartacus was eventually put down. Long before Spartacus, the increasing scale of spectacle had started to expose legitimate concerns among Rome's ruling class over the rapid expansion of the scale of the games. However, the social and political benefits of spectacle for Rome's leading men and families often outweighed the internal tensions and anxieties public entertainment aggravated within the Roman system. Some regulatory policies for spectacle and *infames* were attempted throughout the Late Republic, but the results of these were not always properly anticipated. The popular appeal and socio-political utility of spectacle always seemed to outweigh the concerns associated with it. This resulted in an environment of cultural and social class discontinuity between how the message of spectacle was intended versus how it was so often received.

### Laws to Limit the Gaze of the ‘Mask of *Infamia*’

Early attempts at some form of rudimentary administrative control for regulating the size of spectacle within the Roman system existed as far back as the 190’s BC, with the taxes of M. Fulvius Nobilior after the Aetolian War in Greece having been specifically designated for the presentation of games. The Senate permitted this tax package, provided Fulvius made sure that “the total cost of the games did not exceed 80,000 sesterces.”<sup>155</sup> The limit of 80,000 sesterces for Fulvius’ games was also applied to the later celebrations sponsored by the consul Q. Fulvius Flaccus in the aftermath of his triumphant campaigns in Spain in 179 BC.<sup>156</sup> It is important to note that while the *ludi* were “regularly financed by grants from the *Aerarium*, the state treasury of the Roman people, ... individual magistrates would top up these grants from the treasury in accordance with their means.”<sup>157</sup> The regulation of state treasury contributions would not always prove effective in combatting the increasing scale of the games in an environment of rising aristocratic competition throughout the last century of the Republic. It should be noted that not all aristocratic competition was political in nature, there was a strong social competition component at work as well, but the electoral benefits for political candidates should not be underestimated, due to the “manner in which elections to the two highest magistracies [consulship and praetorship] were conducted.”<sup>158</sup> Whether the motivating force behind the competition that drove spectacle to new heights was social or political in nature, the increased

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<sup>155</sup> Liv. 39.5.10: *senatus Fulvio quantum impenderet permisit, dum ne summam octoginta milium excederet.*

<sup>156</sup> Liv. 40. 44.

<sup>157</sup> Wiedemann, 8.

<sup>158</sup> Dunkle, 161-62.

popularity and prominence afforded by the sponsorship of games, was often able to be converted into tangible electoral support. This situation prompted new attempts at regulatory legislation.

By the time of Cicero's rise to prominence, not long after the defeat of Spartacus, a *Lex Calpurnia* from 67 BC seems to have been instituted in an attempt to address the increasing popularity and potential electoral influence associated with sponsoring gladiatorial spectacle.

You have stated that a decree of the senate was passed, on my sponsorship, that "if any men who had been bribed had gone to meet the candidates, if they were hired to follow them, if any seating was given to the masses to see the gladiatorial shows according to their tribes, and also, if meals were similarly given to the vulgar masses, that seems it should be a violation of the Calpurnian law (*legem Calpurniam*)."<sup>159</sup>

(Cic. *Mur.* 67)

Not much else seems to be known about the specifics of this *Lex Calpurnia*, to be differentiated from the *Lex Calpurnia de repetundis* in 149 BC that established the first *quaestio perpetua*,<sup>160</sup> but Cicero's description of the situation seems to confirm a growing concern in the Senate. The law seems to address the potential for electoral bribery, the hiring of followers as escorts, as well as the growing popularity of gladiatorial contests and gifts of food to exploit popularity for electoral purposes.

Also in 67 BC, there was another piece of legislation that attempted to manage the delicate balance between the rising popularity and political value of spectacular entertainments, and the challenges that posed for the integrity and privileges of the traditional social classes. The *Lex Roscia* of 67 BC, proposed by the plebeian tribune Roscius Otho, confirmed the right of the

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<sup>159</sup> Cic. *Mur.* 67: *dixisti senatus consultum me referente esse factum, si mercede obviam candidatis issent, si conducti sectarentur, si gladiatoribus volgo locus tributim et item prandia si volgo essent data, contra legem Calpurniam factum videri.*

<sup>160</sup> Lintott (1999) 158.

*equites* to sit in the first fourteen rows.<sup>161</sup> While the tradition of priority seating for senators dated back to 194 BC, when in an unpopular move, Scipio pushed through the policy for theatrical seating,<sup>162</sup> it seems at some point it had become customary for the equestrian order to enjoy privileged seating as well. Equestrian priority seating appears to have been restricted under the dominion of Sulla as he sought to restore traditional class distinction through strict public segregation of the senatorial order within the theater, likely an attempt by the dictator to degrade and challenge the rising influence enjoyed by the *equites* of this period.<sup>163</sup> Sulla's policies are best viewed as a reaction to the many challenges to the integrity of the traditional social orders that had plagued Roman society since at least the time of the Gracchi. The passage of the *Lex Roscia* represented a moderated position that confirmed the reality of Rome's other emerging elite class, the *equites*, while still attempting to preserve the integrity of the social orders through the definition of their privileges in public. Sulla's apparent restriction, as well as the reaction to it by the *Lex Roscia*, illustrate attempts by the power structure to manage the conflicting social pressures that converged on the public stage, to be put on conspicuous display through spectacle.

The growing concern over these recurring issues of this period can also be seen in the Senate's reaction to the elaborate plans for a *munus* proposed by Julius Caesar in 65 BC.

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<sup>161</sup> Cic. *Mur.* 40: *L. Otho, vir fortis, meus necessarius, equestri ordini restituit non solum dignitatem sed etiam voluptatem. itaque lex haec quae ad ludos pertinet est omnium gratissima, quod honestissimo ordini cum splendore fructus quoque iucunditatis est restitutus. qua re delectant homines, mihi crede, ludi, etiam illos qui dissimulant, non solum eos qui fatentur; quod ego in mea petitione sensi; Vell. 2.32.3: Otho Roscius lege sua equitibus in teatro loca restituit. Note (a) (Loeb): "Otho Roscius, tribune in 67 BC. The law set apart the first fourteen rows, next to the Senators, who sat in the orchestra, for those of equestrian rating. Cicero also speaks of it as a restoration, but we have no information as to when the distinction was first made." 118.*

<sup>162</sup> See earlier analysis (pp. 80-82) of Scipio's controversial decision in segregating the seating in 194 BC: Val. Max. 2.4.3.

<sup>163</sup> Rawson, E. "Discrimina Ordinum: The *Lex Julia theatralis*", *PBSR* 55 (1987) 102, n. 110.

[as aedile in 65 BC]... Caesar put on a gladiatorial *munus* besides, but with somewhat fewer pairs than he had intended, for with the enormous troupe that he had gathered from everywhere, he so terrified his opponents, a decree was passed concerning the number of gladiators, which anyone was permitted to keep within the confines of the city.<sup>164</sup>

(Suet. *Iul.* 10.2)

Plutarch records the eventual number displayed as three hundred and twenty pairs (*ζεύγη μονομάχων τριακόσια καὶ εἴκοσι*)<sup>165</sup>, and Pliny the Elder elaborates on the description by including details on how all the equipment was made of silver, as well as this being the first time convicted men (*noxii*) were sent in to fight wild beasts with weapons of only silver, a practice which eventually was imitated in the municipal towns.<sup>166</sup> The combination of the scale of the games, the luxurious splendor, the political advantage it might afford Caesar, and the potential for violence associated with the gladiators was a dangerous mixture the Senate felt obligated to regulate.

The potential value of gladiators in garnering popular support, as well as a practical political weapon on the street level, comes across as truly palpable in the Senate's response.

Gelzer conspicuously notes the potential for violence, political and otherwise:

[Caesar]...put Bibulus still further in the shade by using his year in office, despite his debts, to honour the memory of his father, who had died twenty years earlier, with gladiatorial games of unparalleled splendour. The custom of honouring the dead in this the way originated with the Etruscans. The gladiators were trained in barracks of their own, and it was not so long ago that Spartacus had escaped from

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<sup>164</sup> Suet. *Iul.* 10.2: *adiicit insuper Caesar etiam gladiatorium munus, sed aliquanto paucioribus quam destinaverat paribus; nam cum multiplici undique familia comparata inimicos exterruisset, cautum est de numero gladiatorum, quo ne maiorem cuiquam habere Romae liceret.*

<sup>165</sup> Plut. *Caes.* 5.5: *ζεύγη μονομάχων τριακόσια καὶ εἴκοσι.*

<sup>166</sup> Plin. *N.H.* 33.53: *Caesar, qui postea dictator fuit, primus in aedilitate munere patris funebri omni apparatu harenae argenteo usus est, ferasque etiam argenteis vasis incessivere tum primum noxii, quod iam etiam in municipiis aemulantur.* Auguet (p. 26) asserts that this innovation of silvered armor and arms was “immediately taken up by L. Murena and C. Antonius soon went out of fashion because of its very success. It soon created no sensation except in the provinces, where a century later Pliny says that it had reached even the most distant *municipium*.” Note that although Fagan (2011) acknowledges some value for Auguet, he bemoans the complete lack of references in this work, see note 19: “The usefulness of this book is vitiated by the absence of references, even to ancient works quoted at length in the text.” 17.



such an institution. So it is not surprising that the Senate heard with alarm of Caesar's preparations. Although a limit was fixed, 320 pairs appeared, their armour and weapons glittering with silver...The common people were delighted, but the guardians of the optimate tradition felt that this demagogic behavior was becoming dangerous, and their leader, Lutatius Catulus, said to the Senate: 'Caesar is no longer trying to undermine the Republic: he is using battering-rams now.'<sup>167</sup> But the accused's reply was clever enough to lay the storm.<sup>168</sup>

(Gelzer, *Caesar: Politician and Statesman*, 37-38)

Spartacus had shown what well-trained gladiators could do, whether a danger in their own right, or especially if led by a politically ambitious Roman that had gathered the support of the masses. The concern for hired escorts, or personal bodyguards, visible in the *Lex Calpurnia* of 67 BC, seems to have been a deliberate attempt to address this lingering and growing concern. Meijer even characterizes the Senate's regulatory decision to restrict the number of gladiators Caesar could bring with him to Rome as "mainly prompted by the fear that too many armed and well-trained fighters would arrive in the city with no official security force (a form of police force was introduced only under Augustus) and that, should a crisis develop, they might simply fall in behind their leader."<sup>169</sup> The political turmoil surrounding the rise of Catiline in this period would magnify these fears and make them seem to be a reality, prompting additional regulation of spectacle and *infames* throughout the rest of the 60's under the rising star of Cicero.

### **Rise of Cicero: *Infamia* and the 'Conspiracy of Catiline'**

The anxieties reflected in the *Lex Calpurnia* were further aggravated by the political corruption and turmoil of 66 BC with the arraignment of Publius Autronius and Publius Sulla, the consuls elect for 65 BC for bribery, for which they "paid the penalties,"<sup>170</sup> and the later

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<sup>167</sup> Suet. *Iul.* 11; Plut. *Caes.* 6; Vell. 2.43.3.

<sup>168</sup> Gelzer, M. *Caesar: Politician and Statesman*, trans. Needham (Cambridge, MA, ed. 1968) 37-38.

<sup>169</sup> Meijer, F. *The Gladiators: History's Most Deadly Sport*, trans. Waters (New York: ed. 2005) 28.

<sup>170</sup> Sall. *Cat.* 18.2: *designate consules legibus ambitus interrogati poenas dederant*. See (Loeb) n. 3 that the penalties included a fine, the loss of their office, and expulsion from the senate: 30.

extortion charges leveled against Catiline that prevented him from standing for consul.<sup>171</sup> This turmoil would expose how fractured the political system was becoming when Catiline, supposedly, conspired to murder the consuls and seize power of the Roman state. The characterization of these events, and the responses mounted by Cicero, both political and legal, confirm the continued concern over spectacle and gladiatorial *infames* that were growing in Roman society.

Sallust's account of the events reflects a considerable emphasis, and concern, having been placed on the role that bands of armed men played throughout the so-called 'Second Catilinarian Conspiracy' to seize power in 64 and 63 BC. Interestingly enough, Sallust's descriptions of the conspirator likely represent an attempt by the moralizing historian to characterize Catiline as a kind of gladiator trainer, or even gladiator, in his own right. In one description, he is portrayed as almost training his troops in lowly arena fashion: "indeed, he preferred to be unnecessarily vicious and cruel rather than to allow their hand or their spirit grow soft through leisure (*per otium*)."<sup>172</sup> Catiline is portrayed as drilling his followers to actively practice viciousness and cruelty, lest they go soft, not unlike a rigorous training for the arena under the whip hand of a *doctor* in a *ludus*. Furthermore, in a speech meant to represent his recruitment of supporters, Sallust's choice of words for Catiline is conspicuous when he is said to have urged his potential followers to "use me either as your *imperator* or as a fellow soldier, neither my spirit, nor my body, will be found lacking by you."<sup>173</sup> Just as a public performer

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<sup>171</sup> Sall. *Cat.* 18.3-8.

<sup>172</sup> Sall. *Cat.* 16.3: *scilicet, ne per otium torpescerent manus aut animus, gratuito potius malus atque crudelis erat.*

<sup>173</sup> Sall. *Cat.* 20. 16: *vel imperatore vel milite me utimini, neque animus neque corpus a vobis aberit.*

stained with *infamia* might have, Catiline offers both his body and soul up for the service and gratification of others, if they will only serve his ambition. He is essentially selling himself to his supporters to win a victor's crown in the political arena.

In other sections, Sallust confirms the Roman anxiety about the potential use of violence and armed men in the conspiracy as a dangerous political weapon. There are references to the Roman knight Gaius Cornelius, and the senator Lucius Vargunteius, using 'armed men' (*armatis hominibus*)<sup>174</sup> at night to get to Cicero, the new consul for 63 BC, in order to commit murder for the purpose of advancing political ends. Furthermore, the Senate decreed that:

...the troops of gladiators (*gladiatoriae familiae*) should be distributed at Capua in the other free towns according to the provisions of each place, and that at Rome a watch should be kept throughout all of the night and in all parts of the city under the direction of the lesser magistrates.<sup>175</sup>

(Sall. *Cat.* 30.7)

The concern over gladiators being used in the conspiracy against the Roman state was tangible in the collective mind of the Senate, prompting the body to take specific regulatory action to limit the danger of the situation. Moreover, Cicero even "sent an army to Capua under the command of a quaestor, his friend Sestius, who drove out of the city a certain C. Metellus for having paid frequent visits to a very large troupe of gladiators, probably those belonging to Caesar."<sup>176</sup> Stockton connects the characterizations of both Cicero and Sallust when he explores the

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<sup>174</sup> Sall. *Cat.* 28.1.

<sup>175</sup> Sall. *Cat.* 30.7: [*itemque decrevere uti*]...*gladiatoriae familiae Capuam et in cetera municipia distribuerentur pro cuiusque opibus, Romae per totam urbem vigiliae haberentur, eisque minors magistratus praeesent.* See also Ramsey, J. T. *Sallust's Bellum Catilinae* (Oxford, 2007): "The removal of these professional fighters from the city was especially desirable in view of their potential recruitment by the conspirators." 144.

<sup>176</sup> Dunkle, 164; Cic. *Sest.* 9: "He also took care to expel Gaius Marcellus out of that city, after he had not only come to Capua, but, as if out of a zealotness for martial arms, had frequently visited a great troupe of gladiators." *idemque C. Marcellum, cum is non Capuam solum venisset, verum etiam se quasi armorum studio in maximam familiam coniecisset, exterminandum ex illa urbe curavit.*

significance of the tangible fear these actions caused for a frightened Roman populace (*timor populi*), where “Rome fell victim to panic.”<sup>177</sup> Sallust even states that in a letter, Catiline advised some of his followers to recruit help anywhere they could find it; “seek help from all, even from the lowest (*ab infimis*).”<sup>178</sup> The significance of *infames* is prominent throughout Sallust’s account, and whether it reflected Catiline’s actions or not, it does strongly suggest the mindset and anxiety characterizing *infames* in a time of increasing social turmoil at Rome. In many ways, this anxiety is logical in the aftermath of Spartacus and the increasingly grandiose spectacles like Caesar’s in 65 BC. Following the conspiracy, it is no surprise that additional regulation of spectacle would emerge.

In 63 BC, Cicero proposed the *Lex Tullia* that attempted a more comprehensive regulatory approach than earlier laws like the *Lex Cornelia*. Dunkle has concluded that “the *Lex Calpurnia* recognized the profound influence that the gladiator shows had on the elections of the most powerful magistrates, but banning the distribution of seats was only a superficial cure for the problem.”<sup>179</sup> The *Lex Tullia* seems to have taken the additional step of requiring a waiting two year period between the sponsorship of a gladiatorial show and a candidate’s run for office:

When he has disdain for that law which expressly forbids any man to exhibit gladiatorial displays within two years of his having run, or being about to run, for any office.<sup>180</sup>

(Cic. *Sest.* 133)

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<sup>177</sup> Stockton, D. *Cicero: A Political Biography* (Oxford, 1971) 116: “According to Sallust Rome fell victim to panic. Cicero himself in the famous opening sentences of the *First Catilinarian* speaks of the *timor populi*”; See Sall. *Cat.* 31: *Quibus rebus permota civitas*; Cic. *Catil.* 1.1: *timor populi*.

<sup>178</sup> Sall. *Cat.* 44.6: *Auxilium petas ab omnibus, etiam ab infimis*.

<sup>179</sup> Dunkle, 168.

<sup>180</sup> Cic. *Sest.* 133: *qui legem meam contemnat, quae dilucide vetat gladiatores biennio quo quis petierit aut petiturus sit dare*.

This intent of this law seems to depend on allowing the passage of time to diminish the potential popularity and political benefit conveyed on a candidate for office by the sponsorship of a *munus*. Cicero apparently did include an exception to the law that allowed for legitimate displays of filial duty in the observance of the provisions of wills:

...while my law expressly forbids any one to sponsor gladiator displays within two years of his running, or being about to run for an office, unless he does so in accordance with the provisions given in a will on the appointed day. How can you actually be so insane as to dare to exhibit gladiatorial displays at the very time when you are petitioning for office? Do you think that any tribune of the plebs can be found like that most resolved gladiator of yours, who will intervene to save you from being prosecuted according to the provisions of my law?<sup>181</sup>

(Cic. *Vat.* 37)

Once again, aspects of the culture that had developed around spectacle came into conflict with traditional Roman virtues. In this specific instance, Cicero makes the case against P. Vatinius that he had sponsored a gladiatorial show at the same time he was running for office.

Apparently, Vatinius actually attempted to circumvent the charge on a technicality when he claimed in his defense “that he had presented not gladiators, but *bestiarii* in a *venatio* taking advantage of the fact that both *bestiarii* and gladiators used swords and wore similar armor.”<sup>182</sup>

For one reason or another, Vatinius did actually avoid conviction and became a praetor, further illustrating the electoral value of sponsoring such games, and the political significance of spectacle remained undeniable, no matter the legal attempts to curtail it. Aside from the obvious political concern, the continued anxiety surrounding the potential use of gladiators as street fighters in an environment of increasing political violence would prove to have some basis in

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<sup>181</sup> Cic. *Vat.* 37: *cum mea lex dilucide vetet ‘biennio quo quis petat petiturusve sit gladiatores dare nisi ex testamento praestituta die’, quae tanta in te sit amentia ut in ipsa petitione gladiatores audeas dare? num quem putes illius tui certissimi gladiatoris similem tribunum plebis posse reperiri qui se interponat quo minus reus mea lege fias?*

<sup>182</sup> Dunkle, 169.

reality. In the aftermath of regulating the location and number of gladiators during both Julius Caesar's *munus* in 65 BC, and the putting down of the 'Catilinarian Conspiracy' in the subsequent two years, political violence associated with gladiators, whether real or imagined, would begin to show up in the sources of this tumultuous period. In this environment, the sense of *infamia* that a gladiator represented in Roman society would become even more important in the turbulent politics at the end of the Republic.

### **Political Violence and the Invective of the *Infamis* Gladiator**

The degree to which professional gladiators and gladiatorial troupes were used to conduct political violence on behalf of Rome's powerful families during the first half of the 1<sup>st</sup> century BC remains uncertain. The potential value of gladiators as fighters, enforcers, and/or bodyguards, however, would have been virtually undeniable in the aftermath of the Spartacus war. The care shown by the Senate in regulating Julius Caesar's gladiators, as well as removing the gladiators from Rome so that Catiline could not exploit them, confirms the reality behind the perceived threat. Moreover, even Cicero admitted to having his own gang of armed thugs from Reate during the time of Catiline, even if the thugs may not have actually been professional gladiators in the proper sense: "I had sent many young men I had selected from the prefecture of Reate, whose assistance I consistently employ in the protection of the republic, dispatched with swords."<sup>183</sup> The potential for political violence and the use of armed fighters remained palpable throughout this period, and eventually, such violence involving gladiators apparently did come about.

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<sup>183</sup> Cic. *Catil.* 3.5: *et ego ex praefectura Reatina compluris delectos adolescentis quorum opera utor adsidue in rei publicae praesidio cum gladiis miseram.*

In 62 BC, Q. Caecilius Metellus Nepos entered the Forum with a group of ‘armed mercenaries and gladiators and servants’ (ὄπλα καὶ ξένοι καὶ μονομάχοι καὶ θεράποντες) to oppose Cato the Younger in an attempt to extort the passage of a law that would have given more power to the faction of Pompey in the aftermath of Catiline.<sup>184</sup> Metellus strategically positioned the armed fighters around him, and specifically set the forces so that the steps leading up to the Temple of Castor and Pollux were guarded ‘by the gladiators’ (ὕπὸ μονομάχων) in an attempt to intimidate the opposition falling in behind Cato.<sup>185</sup> Eventually, some incident involving the clearing out of the crowd and pelting with sticks and stones does occur, resulting in Cato’s initial failure, but once Metellus dismisses his armed force, thinking he had won, the opposition rallied around Cato and rebuked Metellus, forcing him to withdraw.<sup>186</sup> Whereas Cicero’s force from Reate had been described generally as young men armed with swords, it is noteworthy that Plutarch does distinguish the gladiators (μονομάχοι) from the other armed men and servants very specifically, suggesting that the term most likely meant actual ‘gladiators’ and not just armed thugs. Dunkle, likely influenced by Lintott, astutely notes how “Faustus Sulla had an armed bodyguard consisting of three hundred gladiators (*faustiani*), which he was ready to use if necessary, and Asconius notes that Q. Metellus Scipio surrounded himself with ‘armed men’, most likely the *scipionarii*.”<sup>187</sup> The obscurity of these characterizations seem less definitive in

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<sup>184</sup> Plut. *Cat. Min.* 27.1: ἐπεὶ δὲ τὴν ψῆφον ὑπὲρ τοῦ νόμου φέρειν ὁ δῆμος ἔμελλε, Μετέλλω μὲν ὄπλα καὶ ξένοι καὶ μονομάχοι καὶ θεράποντες ἐπὶ τὴν ἀγορὰν τεταγμένοι παρήσαν.

<sup>185</sup> Plut. *Cat. Min.* 27.4: ὡς οὖν ἐπιστὰς ὁ Κάτων κατεῖδε τὸν νεὸν τῶν Διοσκοῦρων ὄπλοις περιεχόμενον καὶ τὰς ἀναβάσεις φρουρουμένας ὑπὸ μονομάχων.

<sup>186</sup> Plut. *Cat. Min.* 27-28.

<sup>187</sup> Dunkle, 165. See also Lintott, A. *Violence in Republican Rome* (Oxford, 1968) 83-85; Asc. *ad. loc. Scaur.* 18-20: *Hanc quoque... eius vulneratis prosiluit ex lectica et questus est prope interemptum esse se a competitoribus Scauri et ambulare cum CCC armatis seque, si necesse esset, vim vi repulsurum.* Also note a *munus* given by Faustus in 60 BC noted for its splendor: Cass. Dio. 37.51.4: *κάν τῷ αὐτῷ τούτῳ χρόνῳ Φαῦστος ὁ τοῦ Σύλλου παῖς ἀγωνά τε μονομαχίας ἐπὶ τῷ πατρὶ ἐποίησε, καὶ τὸν δῆμον λαμπρῶς εἰστίασε, τὰ τε λουτρά καὶ τὸ ἔλαιον προῖκα αὐτοῖς παρέσχεν.* Even though the *munus* of Faustus met the exception in the will and testament provisions

their gladiatorial associations than Plutarch's description of the gladiators of Metellus, but the role of gladiators in this political environment of increasing violence undoubtedly aggravated the long-standing cultural anxiety and tensions surrounding *infames* in general.

The situation was further intensified when associations with such incidents of gladiatorial political violence could be exploited as invective in political discourse. Cicero proved to be a master at this type of exploitation, shaping attitudes about gladiators for decades and centuries to come. When Cicero's enemy Clodius used gladiators in 57 BC in an attempt to disrupt an assembly that was going to vote on the orator's recall from exile, the result was death and destruction:

...Many disorderly proceedings were the result, chief of which was that during the very taking of the vote on the measure Clodius, knowing that the multitude would be on Cicero's side, took the gladiators (*μονομάχους*) that his brother held in readiness for the funeral games in honor of Marcus, his relative, and rushing into the assemblage, wounded many and killed many others (*πολλοὺς μὲν ἔτρωσε πολλοὺς δὲ καὶ ἔκτεινεν*). Consequently the measure was not passed, and Clodius, both as the companion of those armed champions and otherwise, was dreaded by all. He then stood for the aedileship, thinking he would escape the penalty of his violence if he were elected. Milo did, indeed, indict him, but did not succeed in bringing him to trial, since the quaestors, by whom the allotment of jurors had to be made, had not been elected, and Nepos forbade the praetor to allow any trial before their allotment. Now it was necessary for the aediles to be chosen before the quaestors, and this proved to be the principal cause of delay. While contesting this very point Milo caused much disturbance, and at last himself collected some gladiators (*μονομάχους*) and others like-minded with himself and kept continually coming to blows with Clodius, so that bloodshed occurred throughout practically the whole city (*σφαγαὶ κατὰ πᾶσαν ὡς εἰπεῖν τὴν πόλιν*).<sup>188</sup>

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for a *munus* in the *Lex Tullia*, Cicero calls the motives behind this *munus* into question because he asserted the gladiators were purchased in ways that suggested an intention of violence and political agitation: Cic. *Sull.* 84: *gladiatores emptos esse Fausti simulatione ad caedem ac tumultum? 'ita prorsus; interpositi sunt gladiatores.'* *quos testamento patris deberi videmus. 'adrupta est familia.' quae si esset praetermissa, posset alia familia Fausti munus praebere.*

<sup>188</sup> Cass. Dio. 39.7.1-8.1: ἔχθρας τὸν Κικέρωνα μισῶν. οὗτοί τε οὖν ἐπὶ πλέον ἢ πρὶν, ἅτε καὶ ἡγεμόνας τοὺς ὑπάτους ἔχοντες, καὶ οἱ ἄλλοι οἱ ἐν τῇ πόλει διαστάντες πρὸς ἑκατέρους ἐθορύβουν. καὶ ἄλλα τε ἐκ τούτου οὐκ ἐν κόσμῳ πολλὰ ἐγίνετο, καὶ ἐν αὐτῇ τῇ διασηφίσει ὁ Κλώδιος γνοὺς τὸ πλῆθος πρὸς τοῦ Κικέρωνος ἐσόμενον, τοὺς μονομάχους οὓς ὁ ἀδελφὸς αὐτοῦ πρὸς ἀγῶνας ἐπιταφίους ἐπὶ τῷ Μάρκῳ τῷ συγγενεῖ προπαρεσκευάσαστο λαβὼν ἐσεπήδησεν ἐς τὸν σύλλογον καὶ πολλοὺς μὲν ἔτρωσε πολλοὺς δὲ καὶ ἔκτεινεν. οὗτ' οὖν ἡ γνώμη ἐκκρώθη, καὶ ἐκείνοις ὡς δορυφόροις συνῶν φοβερὸς καὶ ἐς ἄλλα πᾶσιν ἦν, ἀγορανομίαν τε ἦται ὡς καὶ τὴν δίκην τῆς βίας, ἂν ἀποδειχθῇ, διαφευζόμενος. ἐγράψατο γὰρ αὐτὸν ὁ Μίλων καὶ οὐκ ἐσήγαγε μὲν 'οὔτε γὰρ οἱ ταμίαι, δι' ὧν τὴν ἀποκλήρωσιν τῶν



(Cass. Dio 39. 7.1-8.1 [trans. Cary, Loeb ed. 1914])

In this description, as with Plutarch's account of Metellus in 62 BC, it seems clear that the armed men were indeed gladiators (*μονομάχους*) specifically attached to an intended *munus* in honor of Clodius' relative, and that they actually did wound and kill (*πολλοὺς μὲν ἔτρωσε πολλοὺς δὲ καὶ ἔκτεινεν*) during the political riot in an attempt to affect a specific legal outcome. Moreover, the description by Dio seems deliberate in setting up the account as a form of gladiatorial contest between Milo and Clodius, with their proxy gladiators delivering blows to each other and bringing bloody slaughter (*σφαγαί*) to the entire city, where the city served as a form of arena itself.<sup>189</sup>

The power of these types of incidents of political violence reinforced attitudes about the dangers of gladiators and public spectacle that had been growing for many decades, and the shadow of Spartacus and the vivid memories of his disruptions throughout Italy were not yet all that far removed. Cicero, in his usual bombastic style, played upon the anxieties of the nobles and Roman populace alike by exploiting the fear and *infamia* associated with the gladiator in ways that would shape popular attitudes about the arena performers for years to come. In his defense of Sestius, he describes the gladiator incidents surrounding Clodius in visceral terms:

You recall then, judges, how the Tiber overflowed that day with the bodies of citizens, how the sewers were clogged, how blood was mopped up from the Forum with sponges, enough to make everyone think that so great an assortment and so magnificent a display of gladiators was not provided by any private person, nor by any plebeian, but by a patrician and a praetor. Is it likely that a Roman citizen or

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*δικαστῶν γενέσθαι ἐχρῆν, ἥρηντο, καὶ ὁ Νέπωσ ἀπέιπε τῷ στρατηγῷ μηδεμίαν πρὸ τῆς κληρώσεως αὐτῶν δίκην προσέσθαι: ἔδει δὲ ἄρα τοὺς ἀγορανόμους πρὸ τῶν ταμιῶν καταστήναι, καὶ διὰ τοῦτο ὅτι μάλιστα. ἢ διατριβὴ ἐγένετό, μαχόμενος δὲ καὶ περὶ αὐτοῦ τούτου πολλὰ ἐτάραττε, καὶ τέλος μονομάχους τινὰς καὶ αὐτὸς καὶ ἄλλους τῶν τὰ αὐτὰ οἱ βουλομένων ἀθροίσας ἐς χεῖρας τῷ Κλωδίῳ συνεχῶς ἤει, καὶ σφαγαὶ κατὰ πᾶσαν ὡς εἰπεῖν τὴν πόλιν ἐγίγνοντο.*

<sup>189</sup> Note Futrell (2006) concludes something somewhat similar, but with a bit of a different emphasis on the public instead of on the antagonists: “the public was victimized by the gladiators, as if the people of Rome were the unfortunate losers in vast *munera*.” 22.

any free man, should have descended in the Forum with a sword before light, lest any law with respect to me should be carried, unless he were one of those destructive and dangerous citizens who for a long time had fattened themselves on the blood of the republic?

Are you to send forth raw gladiators, gathered together in expectation of you becoming *aedile*, with a pack of assassins freed out of the prison, into the forum before dawn? Are you to drive the magistrates down from the temple? Are you going to make a great massacre? Are you going to purge the Forum?<sup>190</sup>

(Cic. *Sest.* 77-78)

The imagery Cicero evokes of the carnage and blood being sponged up in the Forum, as well as the bodies clogging up the Tiber, is meant to suggest the rise of the games and the environment of political violence has made Rome itself into one big arena. Dunkle concludes that “Cicero casts this event in the image of a *munus* with Ap. Claudius as the *editor*.”<sup>191</sup> Cicero used the comparisons to the arena and gladiators as an effective form of political invective, which would become a common trope in Roman literature to degrade a noble by comparison to an *infamis* gladiator. Thus, Cicero sharpened the edge of *infamia* into a more effective political weapon through this type of attack.

Despite Cicero’s disparaging associations, even his own political allies seemed to appreciate the value of gladiators. Milo was not above a very close association with the gladiatorial world, and two of the most famous gladiators of the day, Eudamus and Birria, were said to be traveling as part of his bodyguard, ultimately being identified as the one’s responsible for starting a conflict on a road that lead to the death of Clodius in 52 BC.

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<sup>190</sup> Cic. *Sest.* 77-78: *meministis tum, iudices, corporibus civium Tiberim compleri, cloacas refarciri, e foro spongiis effingi sanguinem, ut omnes tantam illam copiam et tam magnificum apparatus non privatum aut plebeium, sed patricium et praetorium esse arbitrentur. an veri simile est ut civis Romanus aut homo liber quisquam cum gladio in forum descenderit ante lucem, ne de me ferri pateretur, praeter eos qui ab illo pestifero ac perdito civi iam pridem rei publicae sanguine saginantur?...gladiatores tu novicios, pro exspectata aedilitate suppositos, cum sicariis e carcere emissis ante lucem inmittas? magistratus templo deicias, caedem maximam facias, forum purges.*

<sup>191</sup> Dunkle, 166.

A great throng of slaves accompanied them, and among them were gladiators; two of which were the famous (*noti*) Eudamus and Birria. These were riding at the end of the column and made a rush at the slaves of P. Clodius. When Clodius looked back at this tumult with a threatening visage, Birria wounded his shoulder with a thrust. Thereupon, when the battle had commenced, several of Milo's men rushed up. The wounded Clodius was carried to a nearby inn, in Bovillae. When Milo learned that Clodius had been wounded, although he realized that things would be even more dangerous for him if Clodius were to survive, but, with him dead, he would have great comfort, even if he had to be subjected to some form of punishment, he ordered him to be forced out of the inn. Marcus Saufeius identified him [Clodius] in advance to the slaves of Milo. And so Clodius, though in hiding, was extracted and killed, with many wounds. His dead body was left on the side of the road, since Clodius' slaves either had already been killed or were themselves in hiding with grave wounds [of their own].<sup>192</sup>

(Asc. *ad. loc. Mil.* 27)

This account shows many aspects of *infamia* on full display. Eudamus and Birria were not portrayed as just nameless gladiators, as with so many of the other gladiators in the sources, but rather they are famous (*noti*), reflecting both the positive and negative aspects of fame and notoriety simultaneously. They are portrayed as having individual agency, rather than just acting on the will of their master, which conveniently allows them to be blamed, rather than their master Milo. In this way, they are shielding Milo from the infamy of the deed itself, not unlike the role a *lanista* serves as an intermediary to insulate the Roman elite from any potential taint of *infamia* regarding their associations with the various *ludi* and *gladiatoriae familiae*.

Interestingly, as a relevant aside, this type of insulation dynamic can even be observed in the fact that Cicero's friend Atticus, who himself was proud to invest in and own a gladiatorial school, seems to suffer no taint of *infamia* whatsoever, despite the association. The managers

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<sup>192</sup> Asc. *ad. loc. Mil.* 27: *Sequebatur eos magnum servorum agmen inter quos gladiatores quoque erant, ex quibus duo noti Eudamus et Birria. Ii in ultimo agmine tardius euntes cum servis P. Clodi rixam commiserunt. Ad quem tumultum cum respexisset Clodius minitabundus, umerum eius Birria rumpia traiecit. Inde cum orta esset pugna, plures Miloniani accurrerunt. Clodius vulneratus in tabernam proximam in Bovillano delatus est. Milo ut cognovit vulneratum Clodium, cum sibi periculosius illud etiam vivo eo futurum intellegeret, occiso autem magnum solacium esset habiturus, etiam si subeunda esset poena, exturbari taberna iussit. Fuit antesignanus servorum eius M. Saufeius. Atque ita Clodius latens extractus est multisque vulneribus confectus. Cadaver eius in via relictum, quia servi Clodi aut occisi erant aut graviter saucii latebant.*

(*lanistae*) and trainers (*doctores*) in his employ to run the school, absorb the stain of *infamia* for him, effectively insulating Atticus from the taint of *infamia*, even though he is trafficking and profiting, even from a greater distance, in lowly flesh.<sup>193</sup> This illustrates some of the complexity and malleability associated with the stain of *infamia* itself, its attachment and meaning depended on a convergence of specific circumstances.

The intricacies and significance of *infamia* often look very different depending the perspectives of how it is viewed by the actors involved. Other aspects of the gladiatorial involvement in the death of Clodius are somewhat unexpected with respect to common characterizations and attitudes surrounding lowly gladiators. Aside from the personal agency shown by the fighters in the incident, Birria is represented as a prideful individual unwilling to countenance the visage of power and disdain Clodius directed his way due to his degraded status. Birria stared into the face of Roman power and decided to stab back at it in resistance, rather than cower away. Even though Eudamus and Birria served as qualified scapegoats to blame the incident on, consistent with the dangerous and lowly gladiator, and even if Milo may have actually ordered or condoned the assault, Birria's act does represent some of the dangers associated with gladiators, especially famous ones. Noteworthy gladiators may have reasserted a sense of self-worth and esteem due to their success and popularity, thus creating an elevated status, at least in their mind and perhaps in the minds of others as well, that was actually working

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<sup>193</sup> Cic. Att. 4.8.2: *postea vero, quam Tyrannio mihi libros disposuit, mens addita videtur meis aedibus. qua quidem in re mirifica opera Dionysi et Menophili tui fuit. nihil venustius quam illa tua pegmata, postquam mi sillybis libros inlustrarunt. vale. et scribas ad me velim de gladiatoribus, sed ita bene si rem gerunt; non quaero, male si se gesserunt.* Note that Dunkle elaborates on the specific of this insulation dynamic: "Cicero is quite enthusiastic about the purchase because of the report he has heard about the excellence of Atticus' gladiators...One might just wonder how the equestrian Atticus performed what is essentially the function of the disgraced *lanista* without incurring *infamia*. Cicero expresses no disapproval at all of Atticus' investment. Perhaps Atticus, like the members of the senatorial class mentioned above, was able to distance himself from this disreputable business by not being involved in the day-to-day affairs of the school and using representatives to run the school for him. Another consideration is that Atticus, already a wealthy man, did not make his living from the investment; his gladiatorial venture may have been, in effect, a hobby." 39.

against the traditional stigma of *infamia* in practical terms. The role of gladiatorial violence in the last years of the Republic would continue under the rise of Julius Caesar, and the inherent contradictions in Roman attitudes that continued to manifest themselves would prompt additional attempts at increased regulation and legal codification of the proper place of *infames* within Roman society.

### ***Infamia* Inscribed in Bronze in the Age of the Early Caesars**

The competition for supremacy at Rome raged throughout the 50's BC, with the established dominance of Pompey contending with the new challenge posed by an ascendant Julius Caesar. However, Caesar seems to have had a much better understanding than Pompey of how to most effectively exploit popular spectacle and the world of the gladiator for political advantage. Even with its restrictions, the memory of Julius Caesar's extravagant *munus* in 65 BC remained noteworthy, and Caesar had also astutely chosen to invest in gladiatorial *ludi* for profit, both political and financial.<sup>194</sup> For whatever reason, Pompey did not seem to have the same acumen in exploiting the advantages of public spectacle, and try as he might, even with all his wealth, his attempts at public display and spectacle had a history of not always having the desired effect. Even though Pompey could boast the grand scope of his series of three triumphs (the so-called 'Triple Triumph') for the conquest of three continents, North Africa (81 or 80 BC), Europe/Spain (71 BC), and Asia (61 BC), which "marked out the planet as his, and as Rome's, domain," Beard has astutely observed, "glory, however, courts controversy; the proudest and richest of ceremonies are also the most liable to backfire."<sup>195</sup> Pompey's public displays, whether

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<sup>194</sup> Futrell (2006) 23: "Some Roman aristocrats, Julius Caesar and Cicero's good friend Pomponius Atticus included, invested in gladiatorial *ludi* or training schools as a profitable enterprise; political Romans also could see the advantage in having spectacle resources at hand." Through the use of administrative intermediaries, these powerful individuals insulated themselves from the taint of *infamia*, even though they were in fact peddling in flesh.

<sup>195</sup> Beard, M. *The Roman Triumph* (Cambridge, MA, 2007) 14-15.

they be his misfortunes in presenting African elephants in triumph, where the harnessed elephants were too wide to go through the gate (c. 80 BC),<sup>196</sup> or in the arena, where the hunted beasts became out of control, posing a danger to the spectators, and possibly, inspiring some degree of mournful empathy amongst the crowd in reaction to the pitiful cries of the dying behemoths.<sup>197</sup> The latter incident was in conjunction with Pompey's dedication of his ostentatious building of the first monumental stone theater (Theater of Pompey) within the city of Rome in 55 BC, many aspects of which proved to be the source of lingering controversy and resentment among certain sectors of the populace, both high and low.

In contrast to Pompey's debacles, even when Julius Caesar was faced with opposition in his public displays, as in 65 BC, Caesar seemed to have been able to produce exhibitions without making the mistakes of his old ally and new competitor. In ways that seem contradictory to his arrogant and grandiose nature in others aspects of his life, with respect to the world of spectacle and public entertainment, Caesar seemed to understand how to strike a delicate balance between grandiose displays of power and luxury, and the moderate regulation of certain aspects of spectacle that proved problematic within the larger context of Roman culture. Caesar had this

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<sup>196</sup> Plut. *Pomp.* 14.44: πολλῶν δὲ δυσχεραίνοντων καὶ ἀγανακτούντων, ἔτι μᾶλλον αὐτοῦς, ὡς φασί, βουλόμενος ἀνιᾶν ὁ Πομπηῖος, ἐπεχείρησεν ἑλεφάντων ἄρματι τεττάρων ἐπιβάς εἰσελαύνειν ἤγαγε γὰρ ἐκ Λιβύης τῶν βασιλικῶν συχνοῦς αἰχμαλώτους· ἀλλὰ τῆς πύλης στενωτέρας οὔσης ἀπέστη καὶ μετῆλθεν ἐπὶ τοῦς ἵππους. See also Beard (2007) 17.

<sup>197</sup> Plin. *N.H.* 8.7: *pompei quoque altero consulatu, dedicatione templi veneris victricis, viginti pugnare in circo aut, ut quidam tradunt, xviii, gaetulis ex adverso iaculantibus, mirabili unius dimicatione, qui pedibus confossis repsit genibus in catervas, abrepta scuta iaciens in sublime, quae decidentia voluptati spectantibus erant in orbem circumacta, velut arte, non furore beluae, iacerentur. magnum et in altero miraculum fuit uno ictu occiso; pilum autem sub oculo adactum in vitalia capitis venerat. universi eruptionem temptavere, non sine vexatione populi, circumdatis claustris ferreis. qua de causa caesar dictator postea simile spectaculum editurus euripis harenam circumdedit, quos nero princeps sustulit equiti loca addens. sed pompeiani amissa fugae spe misericordiam vulgi inenarrabili habitu quaerentes supplicavere quadam sese lamentatione conplorantes, tanto populi dolore, ut oblitus imperatoris ac munificentiae honori suo exquisitae flens universus consurgeret dirasque pompeio, quas ille mox luit, inprecaretur. pugnare et caesari dictatori tertio consulatu eius viginti contra pedites d iterumque totidem turruti cum sexagenis propugnatoribus, eodem quo priore numero peditum et pari equitum ex adverso dimicante, postea singuli principibus claudio et neroni in consummatione gladiatorum.*

touch, Pompey did not. Not surprisingly, by the time of Caesar's assassination in 44 BC, municipal regulations had begun to emerge that specifically banned gladiators (*gladiatores*), gladiator trainers (*doctores*), gladiator managers (*lanistae*), actors (*actores*), or any individual who had ever been one, from election to local councils or higher political offices.<sup>198</sup>

Caesar's attention to public spectacle and his care to acquire gladiatorial assets and training facilities would not fail to continue to catch the attention of both the populace and his political adversaries. In 49 BC, actions were taken by Lentulus, on the orders of Pompey, to redistribute Caesar's gladiators into the households of the Campanian elite so that a watch could be kept over the dangerous fighters in an attempt to prevent their use tools of violence during the civil war:

The gladiators whom Caesar had stationed in the ludus there [Capua], were brought into the Forum by Lentulus, who enticed them the hope of their liberty, provided them with horses, and commanded them to follow him. And after being warned by his friends that this action was condemned by all, he distributed them all around among the families of the Campanian assembly, in order that they could be kept in custody.<sup>199</sup>

(Caes. *B.C.* 1.14.4)

The legacy of the fear of the use of gladiators in acts of political violence had carried over from the preceding decades, and the overt incidents of violence in the struggles of the 50's had crystallized it in the mind of Rome's elite as a tangible threat.

In a *Letter to Atticus* (Jan. 25, 49 BC), Cicero even provides more details as to the specifics of the regulation of these gladiators in the Campanian region, and the wide and rather cautious distribution of two gladiators per household instituted by Pompey:

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<sup>198</sup> The increasing legal restrictions placed upon performing *infames* will be addressed in the following sections of this chapter.

<sup>199</sup> Caes. *B.C.* 1.14.4: *gladiatoresque quos ibi Caesar in ludo habebat, ad forum productos Lentulus libertatis spe confirmat atque iis equos attribuit et se sequi iussit; quos postea monitus ab suis, quod ea res omnium iudicio reprehendebatur, circum familias conventus Campaniae custodiae causa distribuit.*

Pompey has directed me to come to Capua and assist the levy, in which the Campanian colonists' reaction reflects little favor. Caesar's gladiators which are at Capua, about whom I gave you some false information before on the authority of a letter from A. Torquatus, Pompey has very shrewdly distributed among the heads of families, two to each household. There were 1,000 shields in the *ludus* and they were said to be conspiring to break out. Pompey's provision was a very sane precaution for the security of the state.<sup>200</sup>

(Cic. Att. 7.14.2)

The perceived need to regulate and control gladiators is reflecting more and more detail as time goes by, but the accumulation and display of gladiators by Rome's elite families would continue.

During Caesar's consolidation of power in the aftermath of his victory over the faction of Pompey, he continued to use games to his advantage, even engaging in questionable policies that began to blur the lines around *infamia* and gladiatorial interactions within the Roman elite. In 46 BC, he made an unprecedented move in providing a *munus* and feast for the people in memory of his deceased daughter Julia.

[Caesar] had a *munus* and a feast for the people in honor of his daughter, a thing which has not been done before. For which, to raise the expectation to the highest level, he had the materials for the feast prepared in part by his own household, although he had contracted to the markets a well. He also mandated that, famous gladiators (*gladiatores notos*), anytime they fought and were condemned by the spectators, they should be rescued by force and reserved for him. He had the *tirones* trained, not in the *ludus*, but in the homes of the Roman knights and even by senators who were skilled in the use of arms, earnestly beseeching them, which his own letters display, so these same novices would receive individual training personally directed exercises.<sup>201</sup>

(Suet. Iul. 26.2-3)

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<sup>200</sup> Cic. Att. 7.14.2: *me Pompeius Capuam venire voluit et adiuvare dilectum; in quo parum prolixè respectent Campani coloni. gladiatores Caesaris qui Capuae sunt, de quibus ante ad te falsum ex A. Torquati litteris scripseram, sane commode Pompeius distribuit binos singulis patribus familiarum. scutorum in ludo IJJ fuerunt. eruptionem facturi fuisse dicebantur. sane multum in eo rei publicae provisum est.*

<sup>201</sup> Suet. Iul. 26.2-3: *munus populo epulumque pronuntiavit in filiae memoriam, quod ante eum nemo. quorum ut quam maxima expectatio esset, ea quae ad epulum pertinerent, quamvis macellaris ablocata, etiam domesticatim apparabat. gladiatores notos, sicubi infestis spectatoribus dimicarent, vi rapiendos reseruandosque mandabat. tirones neque in ludo neque per lanistas, sed in domibus per equites Romanos atque etiam per senatores armorum peritos erudiebat, precibus enitens, quod epistulis eius ostenditur, ut disciplinam singulorum suscipere ipsique dictata exercentibus darent.*



It is interesting that, not unlike the noted (*noti*) gladiators Eudamus and Birria in the account of Clodius and Milo, there was a special designation of worth with respect to famous gladiators (*gladiatores notos*) of Caesar's policy. While gladiators were 'noted' for their *infamia* in the negative context, they were also 'noted' as famous individuals in a positive sense that took them out of the nameless masses on account of their proven skill and exhibition of martial *virtus* upon the sands. The idealized vision of the stigma of *infamia* was intended to separate any individual value and identity of these performers from the honor of their actual performance, essentially rendering them a disembodied, anonymous, and rather abstract display of virtue with no sense of individual identity. This intention appears to have never fully achieved its actual aims, as individual identity could not be fully expunged, especially for the performers with the skill to accrue popularity and notoriety in the eyes of the public. Caesar's willingness to mix even untrained fighters with members of the Roman elite for individual interaction and training in the household further confirms a complicated cultural dividing line with respect to *infamia*. This foreshadows the growing paradox of the gladiator within Roman society. The gladiator was a figure that was to be revered and despised at the same time, representing both the best of Roman *virtus* and the worst of people.

Caesar apparently struggled with the complexities surrounding the potential taint of *infamia* upon Romans upper orders, and he felt obligated to preserve the integrity of the senatorial order in this respect, even though he seemed to take an ambivalent position with the equestrian order. In Caesar's massive games to commemorate his final victories that put an end to the civil wars, some Romans of equestrian status were allowed to perform as part of the entertainments in ways that exposed them to the taint of *infamia*:

[Caesar] gave spectacles of various kinds: a *munus* of gladiators and also dramatic stage productions in every section of the city, and performed by *histriones* of all

languages, as well as races in the circus, athletic contests, and a mock sea battle (*naumachiam*). In the gladiatorial *munera* in the Forum, Furius Leptinus, a man of praetorian background, and Quintus Calpenus, a former senator and judicial advocate, fought to a conclusion. A Pyrrhic dance was performed by the sons of the princes of Asia and Bithynia. During the plays, Decimus Laberius, a Roman equestrian, acted out a farce of his own, and having been awarded five hundred thousand sesterces and a gold ring, passed from the stage (*e scaena*) through the orchestra and took his place in the fourteen rows. For the races the Circus was extended at both ends and a broad canal was dug all around it; then young men of the most noble families drove four-horse and two-horse chariots and rode pairs of horses, jumping from one to the other.<sup>202</sup>

(Suet. *Iul.* 39.1-3)

This passage contains circumstances that hint at the potential stain of *infamia*, but each example exposes some of the complexities and inconsistencies involved in its application across the different classes of Roman society. First, Furius Leptinus, an equestrian, was allowed to fight as a gladiator against Quintus Calpenus, who had been a senator, displaying an important distinction between the significance of *infamia* for the senatorial and equestrian orders in this time period. Caesar allows Furius to fight, even though it was unique enough to be noteworthy, but the only reason Calpenus could fight is that he had already suffered derogation from the senate for some censorial reason, meaning he was in a social state where *infamia* had already attached. Calpenus' desire to fight, however, suggests that there was some tangible value to fighting in the arena for the individual, even as an *infamis*. Next, the sense of *infamia* is further muddled around the performance of the play by the equestrian Laberius, where he is symbolically paid for his performance with money and a symbol of social status, the ring of his order, blurring the distinction of the *infamia* attached to stage performance by immediately

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<sup>202</sup> Suet. *Iul.* 39.1-3: *Edidit spectacula varii generis: munus gladiatorium, ludos etiam regionatim urbe tota et quidem per omnium linguarum histriones, item circenses athletas naumachiam. munere in foro depugnavit Furius Leptinus stirpe praetoria et Q. Calpenus senator quondam actorque causarum. pyrricham saltaverunt Asiae Bithyniaeque principum liberi. ludis Decimus Laberius eques Romanus mimum suum egit donatusque quingentis sestertiis et anulo aureo sessum in quattuordecim e scaena per orchestram transiit. circensibus spatium ab utraque parte productum et in gyrum euripo addito quadrigas bigasque et equos desultores agitaverunt nobilissimi iuvenes.*

moving from the stage (*e scaena*) to his seat of elevated status within the equestrian section. Finally, it is noteworthy that youth from the most noble families participate in the horse races and performances without incurring *infamia*.

Caesar's acceptance of such performances illustrates the application of *infamia* was not entirely consistent amongst even the upper orders, let alone, the lower. Care was taken to protect the integrity of the senatorial order, but the honor of the equestrian order was more malleable at this time, and Caesar allowed them to fight without worrying about any sense of taint. Note however, the inconsistent interpretation of *infamia* did not necessarily quell the allure of the arena, even for the senatorial order, requiring stronger regulatory action. In 38 BC, Dio records how the ambiguity over the issue of *infamia* led to a decree to restrict senatorial stock from performing as gladiators in the arena:

...and another, who had been enrolled in the senate, desired to fight as a gladiator. Not only was he prevented, however, to do this, but a decree was also passed prohibiting any senator from fighting as a gladiator.<sup>203</sup>

(Cass. Dio. 48.43.2-3)

For whatever reason, a little less than a decade later, noble youth from both of Rome's upper classes participated in horsemanship displays and the 'Game of Troy' as they had in Caesar's games before, and Octavian actually granted an exemption to the senatorial ban (38 BC) when he allowed the senator Q. Vitellius to fight in the arena.<sup>204</sup> Despite the specter of *infamia*, the allure of the games continued to prove strong enough to attract aristocratic performers, and the political value of the games for Octavian could not be denied.

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<sup>203</sup> Cass. Dio. 48.43.2-3: *καὶ ἕτερος ἐς τὸ βουλευτικὸν ἐσγραφεῖς μονομαχεῖν ἠθέλησε: καὶ ἐκεῖνός τε ἐκωλύθη τοῦτο ποιῆσαι, καὶ προσαπηγορεύθη μήτε βουλευτὴν μονομαχεῖν μήτε δοῦλον ῥαβδουχεῖν.*

<sup>204</sup> Cass. Dio. 51.22.4: *ἐν δ' οὖν τῇ τοῦ ἡρώου ὁσίωσει ἀγῶνές τε παντοδαποὶ ἐγένοντο, καὶ τὴν Τροίαν εὐπατρίδαι παῖδες ἵππευσαν, ἄνδρες τε ἐκ τῶν ὁμίων σφίσιν ἐπὶ τε κελήτων καὶ ἐπὶ συνορίδων ἐπὶ τε τεθρίππων ἀντηγωνίσαντο, Κύντος τε τῆς Οὐτιέλλιος βουλευτῆς ἐμονομάχησε.*

Dio eventually relays how in 22 BC, in response to some of these contradictions and social pressures surrounding the perceived taint of *infamia*, Augustus eventually extended Caesar's ban to include equestrians and descendants of senators.

And since equestrians and women of high rank had given performances in the orchestra still [despite the ban], he forbade not only the sons of senators, who even prior to this had been prevented, but also their grandsons, so far as these were part of the equestrian order at least, to do anything such as this again.<sup>205</sup>

(Cass. Dio. 54.2.5)

The enactment of this policy seems to reflect a deliberate and very serious concern over the potential for *infamia* to taint the traditional social esteem that had been associated with Rome's ruling classes. While Caesar had not seemed as concerned with preserving the honor of the emerging equestrian order, Augustus was left to reconcile the depletion of the oldest elements of the aristocratic nobility, which had been decimated by decades of civil war and low birth rates, with the increase of a newer aristocratic nobility that had swollen the ranks of the Senate. It is noteworthy that Augustus himself took great care in managing this reconstruction of the Senate, admitting in his *Res Gestae* that "I increased the number of patricians by command of the people and the senate when consul for the fifth time [29 BC]. I revised the membership of the Senate three times."<sup>206</sup> Augustus needed to revise the composition of the Senate to reduce it to a more manageable size he could exert influence over, however, the traditional 'veil of moral authority'

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<sup>205</sup> Cass. Dio. 54.2.5: *ἐπειδὴ τε καὶ ἰππῆς καὶ γυναῖκες ἐπιφανεῖς ἐν τῇ ὀρχήστρᾳ καὶ τότε γε ἐπεδείξαντο, ἀπηγόρευσεν οὐχ ὅτι τοῖς παισὶ τῶν βουλευτῶν, ὅπερ πού καὶ πρὶν ἐκεκώλυτο, ἀλλὰ καὶ τοῖς ἐγγόνοις, τοῖς γε ἐν τῇ ἰππάδι δῆλον ὅτι ἐξεταζομένοις, μηδὲν ἔτι τοιοῦτο δρᾶν.*

<sup>206</sup> Aug. *RG.* 8. 1-2: *patriciorum numerum auxi consul quintum iussu populi et senatus. Senatium ter legi.* = *Τῶν [πατ]ρικίων τὸν ἀριθμὸν εὗξισα πέμπτον ὑπατ[ο]ς ἐπιτ[α]γήῃ τοῦ τε δήμου καὶ τῆς συνκλή του. [Τ]ῆ[ν] σύ[ν]κλητον τρὶς ἐπέλεξα.* Note the fact in both languages that it was Augustus who selected the senate. Cooley, A. *Res Gestae Divi Augusti: Text, Translation, and Commentary* (Cambridge, 2009) 66-67; see also Brunt and Moore, *Res Gestae Divi Augusti: The Achievements of the Divine Augustus* (Oxford, 1967) 50-51, n. 8.2-4: "In the late Republic the senate was normally about 600 strong; by 29 it had swollen to 1,000. In 29 Augustus revised the list; he persuaded fifty senators whom he thought unworthy to retire, and excluded 140 more. ... All these *lectiones* were extraordinary; normally men entered the senate automatically after holding the quaestorship."

had to be preserved wherever possible in the case of the senators, and conferred upon the new elite whenever it was practical to do so. Accordingly, it is no surprise that Augustus assumed the role of moral arbiter as sole “guardian of laws and morals with supreme power,” even though he kept the veil of working through traditional offices.<sup>207</sup> Undoubtedly, attempting to better define the application of *infamia* would have been part of this overall moral regimen.

Under Augustus’ moral program, *infamia* was something this new aristocracy could define themselves against in order to augment the necessary honor and perceived authority. It says quite a bit about the allure of spectacle, however, that “this ban on equestrians fighting in the arena was useless since it could not prevent them from engaging in this activity.”<sup>208</sup> As Dio relays:

A thing which might be astonishing is that [the *equites*] were allowed to fight as gladiators (*μονομαχεῖν*). The reason for this was that they were taking lightly the penalty and the disenfranchisement (*τὴν ἀτιμίαν*) imposed for this act. For so far as there proved to be no use in forbidding it, ... they were given permission to take part in such contests. In this way they incurred death in favor of the disfranchisement (*τῆς ἀτιμίας*); for they fought as gladiators just as much as before, especially since their contests were eagerly witnessed, so that even Augustus used to watch them with the praetors who sponsored the exhibitions.<sup>209</sup>

(Cass. Dio. 56.25.8)

The concern over the dishonor and disenfranchisement (*ἀτιμία*) of *infamia* was apparently a very significant concern for the imperial power structure, but the *equites* themselves did not necessarily see it in the same way. The codification of *infamia* proved to be a long process of

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<sup>207</sup> Aug. *RG.* 6.1: *ut cu[r]ator legum et morum summa potestate solus crearer, nullum magistratum contra morem maiorum delatum recepi....*] = ἵνα ἐπιμελητῆς τῶν τε νόμων καὶ τῶν τρόπων ἐπὶ μ[ε]γίστη ἐξ[ι]ουσία μόνος χειροτονηθῶ[ι], ἀρχὴν οὐδεμ[ία]ν πα[ρὰ τὰ πά]τρ[ια] ἔ[θ]η διδομένην ἀνεδεξάμην.

<sup>208</sup> Dunkle, 172.

<sup>209</sup> Cass. Dio. 56.25.8: ...ὁ καὶ θαυμάσειεν ἂν τις, μονομαχεῖν ἐπετρέπη. αἴτιον δὲ ὅτι ἐν ὀλιγορία τινὲς τὴν ἀτιμίαν τὴν ἐπ’ αὐτῷ ἐπικειμένην ἐποιοῦντο. ἐπεὶ γὰρ μήτ’ ὄφελός τι τῆς ἀπορρήσεως ἐγίγνετο...συνεχωρήθη σφίσι τοῦτο ποιεῖν. καὶ οὕτως ἀντὶ τῆς ἀτιμίας θάνατον ὠφλίσκανον: οὐδὲν γὰρ ἦττον ἐμονομάχουν, καὶ μάλισθ’ ὅτι δεινῶς οἱ ἀγῶνες αὐτῶν ἐσπουδάζοντο, ὥστε καὶ τὸν Αὐγουστον τοῖς στρατηγοῖς τοῖς ἀγωνοθετοῦσι σφας συνθεᾶσθαι.

increasingly detailed regulations that were gradually woven into the cultural fabric of Roman society and its moral system, and eventually would help to define the aristocracy more clearly.

Given the resilience of the resistance and the inherent contradictions to this cultural conditioning, it is not surprising that the numerous regulations that emerged between Julius Caesar and Tiberius sought to more clearly define certain social status distinctions after decades of turmoil and social transformation. While those in power in Rome might have understood some of the nuances surrounding *infamia* well enough to reconcile both the intended and practical application of this social convention, those outside of Rome would not have had as clear of an understanding of what *infamia* actually meant at Rome. Accordingly, it is not surprising that once power was largely consolidated under Julius Caesar, municipal regulatory laws (the *Lex Julia municipalis* supposedly initiated under his rule) are commonly thought to have codified certain restrictions on *infames* in the distant localities. One extant example of this seems to come from a surviving inscription from the colony of Heraclea (*Tabula Heracleensis*) that specifically excludes from elections to local councils and office “anyone who is or has made a profit with their body, anyone who trains or has trained gladiators, or anyone who performs on the stage, or anyone who acts as a pimp.”<sup>210</sup> Much like prostitutes, a gladiator made their living by offering their body for the gratification of the crowd, and gladiator trainers and managers were thought to be very much like pimps through their peddling in debased flesh. In the wake of the changes wrought by Caesar, this codification emphasis on *infames* seems to have been an attempt to project, and to reassert, a stronger sense of social class integrity and continuity outside of Rome in a time of extreme turmoil.

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<sup>210</sup> CIL 1.593 = ILS 6085: *queive corpore quaestum / fecit fecerit queive lanistaturam artemve ludic(r)am fecit fecerit queive lenocinium faciet.*

Another example of this trend of the regulation of spectacle around the Mediterranean under Julius Caesar comes from bronze table associated with Urso in Baetica (*Lex Ursonensis*), a Caesarian colony (c. 44 BC) in Hispania. The laws prescribes how “each of the two chief magistrates (*duumviri*) are to be granted 2,000 HS to cover the four-day games to Juppiter, Juno, and Minerva; they were obliged to match this sum with at least as much from their own purses.”<sup>211</sup> Wiedemann asserts that by requiring this matching fund system, “Julius Caesar was in effect institutionalizing what was now common practice at Rome.”<sup>212</sup> Welch even concludes this “is the earliest surviving evidence of governmental organization of *munera*.”<sup>213</sup> It should be noted that in a subsequent next section of the *Lex Ursonensis*, the local *aediles* are directed in similar, but reduced, fashion directing a *munus* or *ludi scaenici* for Jupiter, Juno, and Minerva for three days, not less than 2,000 sesterces from his own money, and 1,000 from public funds, and Futrell contends these “funding limits were meant to keep municipal budgets in line” with the priorities in Rome.<sup>214</sup> It was apparent that, no matter when this process started, the regulation of gladiatorial *munera* and spectacle was becoming much more detailed in order to combat the ambiguity that had surrounding the sponsorship of games in the preceding decades and centuries. It is likely that the increased regulation, and clearly designated public codification, was meant to provide clarity in the definition of social class responsibilities, further enhancing the integrity of

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<sup>211</sup> Wiedemann, 9: *CIL* 2.5439.70 = *ILS* 6087.70. See also Dunkle, 174: “The Charter of Urso...specifies that the *duoviri* were required to give a *munus* or theatrical entertainments for a four-day period during their magistracy. They had to pay a minimum of 2,000 sesterces out [of] their own pocket and receive no more than the same amount from the public treasury.” *ILS* 6087.70.

<sup>212</sup> Wiedemann, 9.

<sup>213</sup> Welch, K. “The Roman arena in late republican Italy: A new interpretation,” *JRA* 7 (1994) 59-80: 61-2. See also Donald Kyle’s inclusion of Welch’s assertion in note 116 in *Spectacles of Death in Ancient Rome* (London, 1998), and Dunkle, 174, n. 115.

<sup>214</sup> Futrell (2006) 43; *CIL* 2.5439.71 = *ILS* 6087.71.

social class identity in the aftermath of an extended period of turmoil. The increasing codification and regulation of *infamia* must be understood within the larger context of this tumultuous environment.

It is not surprising that the increasing codification and regulation of *infames* would carry down into the imperial period. With the emergence of the Principate, not even Augustus could ignore the challenges that public spectacle posed for the integrity of the social orders. In the late 20's BC, Augustus enacted the *Lex Julia theatralis* to define the seating arrangements at public entertainments more clearly, reasserting the importance of class privilege and distinction within a very public context for all to see.

He put a stop with special regulation to the confused and indiscriminate manner of viewing the spectacles, through consternation at the insult to a senator, to whom nobody offered a seat in a crowded celebration of games at Puteoli. In response to this the Senate decreed that, whenever a public spectacle was given anywhere, the first row of seats should be reserved for senators, and at Rome he forbade the embassies of the free and allied nations to sit in the orchestra, since he was informed that even freedmen were sometimes a part of these. He separated the soldiers from the people. He assigned special seats to the married men from the plebeian order...Nor would he allow women to view even the gladiators, except from the uppermost seats, though it had been customary for men and women to sit together at such displays. Only the Vestal Virgins were assigned a separate space in the theater, across from the tribunal of the praetor.<sup>215</sup>

(Suet. *Aug.* 44.1-3)

Not only was this increased codification a direct and detailed response by Rome's new *princeps* to the traditional challenges to class integrity that had manifested throughout the collapse of the Republic, but they also confirmed the continued political importance of Roman spectacle. Even though extreme aristocratic competition had contributed to the downfall of the Republic, the

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<sup>215</sup> Suet. *Aug.* 44.1-3: *Spectandi confusissimum ac solutissimum morem correxit ordinavitque motus iniuria senatoris, quem Puteolis per celeberrimos ludos consessu frequenti nemo receperat. facto igitur decreto patrum ut, quotiens quid spectaculi usquam publice ederetur, primus subselliorum ordo uacaret senatoribus, Romae legatos liberarum sociarumque gentium uetuit in orchestra sedere, cum quosdam etiam libertini generis mitti deprendisset. militem secrevit a populo. maritis e plebe proprios ordines assignavit, ...feminis ne gladiatores quidem, quos promiscue spectari sollemne olim erat, nisi ex superiore loco spectare concessit. solis uirginibus Vestalibus locum in theatro separatim et contra praetoris tribunal dedit.*



scale of spectacle kept rising as the empire emerged, at least for the imperial family. It is noteworthy, however, that “as early as the 20’s BC, Augustus restricted the praetors to two gladiatorial shows during their year in office, with a maximum of 120 participants.”<sup>216</sup> The shows of Augustus and his family were allowed to be massive, but any potential competition from outside entities was to be restricted. In this way, the grandest manifestations of spectacle at Rome were largely consolidated under the imperial auspices.

The massive increase in the scale of the games put on during the reign of Augustus, combined with the restrictions above, shows how the shrewd *princeps* essentially monopolized and consolidated all of the political benefit and popularity of the sponsorship of spectacle unto himself and the imperial family.

Three times I gave a *munus* of gladiators in my own name and five times in the name of my sons and grandsons; about 10,000 men fought in the arena for these *munera*... I gave to the people *venationes* of African wild beasts in my own name or in the name of my sons and grandsons in the Circus or Forum or amphitheater twenty-six times; in these around 3,500 beasts were killed.<sup>217</sup>

(Aug. *RG.* 22)

The monopolization of imperial spectacle at Rome was an important aspect of Augustan policies intended to eliminate the extreme aristocratic competition that had plagued the end of the Republic. Effectively, the scale of the games were so grand that any other games compared to them would pale in comparison, resulting in an environment where no other aristocrat at Rome could compete with Augustus and the imperial family. While games could still be presented on

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<sup>216</sup> Wiedemann, 8.

<sup>217</sup> Aug. *RG.* 22: *Ter munus gladiatorium dedi meo nomine et quinquens filiorum meorum aut n[e]potum nomine; quibus muneribus depugnaverunt hominum circiter decem millia. Bis athletarum undique accitorum spectaculum populo praebui meo nomine et tertium nepo[tis] mei nomine. Ludos feci meo nomine quater, aliorum autem magistratum vicem ter et viciens...[ven]ation[es] best[ia]rum Africanarum meo nomine aut filio[rum] meorum et nepotum in ci[r]co aut in foro aut in amphitheatris popul[o] dedi sexiens et viciens, quibus confecta sunt bestiarum circiter tria m[ill]ia et quingentae.* Cooley (2009) 84.

smaller scales in the various localities, they could not in any way infringe upon the honor, prestige, and political benefits of grand spectacle for the imperial family. Over time, the local elites outside of Rome could copy the games on a smaller scale to assert their own place within Roman society through the emulation of spectacle without presenting any threat to the center of power. But at the highest levels, Roman spectacle had been appropriated by the imperial system and its political advantage was transformed toward furthering the new power structure of the ascendant, yet still veiled, military monarchy.

Augustus was an astute politician in managing the reconstitution of Rome's upper social orders, and dealing with the massive influx of citizens into the lower orders as the Empire continued to integrate and organize the administration of its vast provinces and subject peoples. Upon Augustus' death, however, it is not surprising to see additional regulation of *infames* eventually emerge relatively early in Tiberius' reign as he tried to manage a massive Roman Empire in the aftermath of such a long and stable reign as that of Augustus. Tiberius did not seem to hold the same moral respect of the people, or practical *auctoritas* of Augustus in addressing the anxieties and concerns related to the ongoing transformation of the Roman social order. The increased regulation of *infames* associated with the *Tabula Larinas* for the year AD 19, found at Larinum in central Italy, confirms the resilience of the concern for maintaining class integrity in a period of ongoing social change, much the same as the earlier legal actions involving *infamia* had done.

Analysis of the provisions of the *Tabula Larinas* shows a more detailed set of restrictions for *lanistae*, gladiators, actors, and pimps, further codifying the derogation of social status that informed the later prohibitions on 'stage performance' which would eventually make their way into the *Digest* in later centuries:

- (1) S[enatus] C[onsultum]...
- (5) ... or to those who contrary to the dignity of the order (*contra dignitatem ordinis*) to which they belonged, were appearing on the stage or at games or were pledging themselves to fight as gladiators
- (6) as forbidden by the SC that had been passed on that subject in previous years, employing fraudulent evasion to the detriment of the majesty of the senate: with regard to what it might please the senate to be done with regard to that matter, the senate's recommendation on that matter was as follows:
- (7) that it pleased them that no one should bring on to the stage a senator's son, daughter, grandson, granddaughter, great-grandson, great-granddaughter, or any male whose father or grandfather,
- (8) whether paternal or maternal, or brother, or any female whose husband or father or grandfather, whether paternal or maternal, or brother
- (9) had ever possessed the right of sitting in the seats reserved for the knights, or induce them by means of a fee to fight to the death in the arena
- (10) or to snatch the plumes of gladiators (*pinnas gladiatorum raperet*) or take the foil off anyone or to take part in any way in any similar subordinate capacity; nor, if anyone
- (11) offered himself, should he hire him; nor should any of those persons hire himself out; and that particular precautions were for that reason to be taken against that contingency ? because persons
- (12) having the right to sit in the seats reserved for knights had, for the sake of bringing the authority of that order to naught, seen to it that they either
- (13) suffered public disgrace or were condemned in a case involving them in infamy (*ut famoso iudicio condemnarentur*) and, after they had withdrawn of their own free will from
- (14) the equestrian seats, had pledged themselves as gladiators or had appeared on the stage (*auctoraverant se aut in scaenam prodierant*); nor should any of those persons who have been mentioned above, ? if they were taking that action in contravention of the dignity of their [si id contra dignitatem ordi-]
- (15) [nis] order, have due burial, unless they had already appeared on the stage or hired out their services for the arena or
- (16) were the offspring male or female of an actor, gladiator, manager of a gladiatorial school, or procurer (*[ve na]tus natave esset ex histrione aut gladiatore aut lanista aut lenone*).
- (17) ? And with regard to what was written ? and provided for under the SC which was passed on the motion of the consuls Manius Lepidus and Titus Statilius Taurus, ? namely that it should be permissible for no female of free birth
- (18) of less than twenty years of age and for no male of free birth of less than twenty-five years of age to pledge himself as a gladiator or hire out his services for the arena or stage.<sup>218</sup>

(trans. and reconstruction from Levick [1983] 98-99)

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<sup>218</sup> Levick, B. "The Senatusconsultum from Larinum", *JRS* 73 (1983) 97-115: 98-99, reconstructed sections by Levick underlined; see also McGinn, 66; Wiedemann, 25.

Preservation of class integrity and familial lines over time, both currently and generationally, is visible in the extensive emphasis on sons, grandsons, daughters, paternal, and maternal language of the decree (lines 7-8, 16). There appears a strong emphasis on restricting any actions, behaviors, or occupational associations that might work ‘against the dignity of the order’ (*contra dignitatem ordinis* lines 5, 14-15) which represents a commitment to preserve the integrity of both the senatorial (line 6) and equestrian orders (line 9-15). There is a direct reference to manifestations of general *infamia* in referencing public ignominy (*p[ublicam ignominiam]*, line 12), equating it to the dishonorable notoriety and acts that result in legal condemnation (*ut famoso iudicio condemnarentur*, line 13). This condemnation includes the specifically outlined disreputable occupations, with a conspicuous extension to their offspring, of an actor, gladiator, trainer/manager, or pimp (*ex histrione aut gladiatore aut lanista aut lenone*, line 16), as well as gendered age restrictions (20 female/25 male, line 18) for a free person to hire themselves out as a gladiator or stage performer. These detailed regulations were the product of decades of gradually increasing codification and regulation that the tumultuous end of the Republic had wrought upon the Roman social class system.

Even with the stabilization of the Roman system and the greater codification of these types of regulations under Tiberius, the concern over *infames* did not reduce, but actually seemed to reflect a growing resentment among the new imperial nobility toward the intensely popular, but morally debased, spectacle performers. Public acclamation and recognition of honored status would remain at the center of the Roman power structure, whether it was renewed under the auspices of the imperial family, or the newer elites that had emerged in the aftermath of decades of civil war. The significance of *infamia* and the politics of morality, however, would continue for decades and centuries under the new imperial system, even in an environment where the role

of popular election was greatly diminished. The exploitation of Roman spectacle by the imperial system affected attitudes towards *infames* and how Roman identity would be defined, for both the new aristocracy that had emerged, as well as a Roman populace whose demography continued to change with the growth of the Empire.

## CHAPTER VI

### THE FACE BEHIND THE 'MASK OF THE ROMAN GLADIATOR'

A comprehensive analysis of the available evidence associated with gladiators suggests a hierarchy of status within this marginalized population of Roman society. On the surface, the nature of the literary and archaeological evidence on gladiators often appears to be rather contradictory. The material and epigraphic evidence on gladiators tends to reflect a more integrated position in society for these *infames* than many of the literary accounts of the Roman elite would suggest. A closer examination of the literary record, however, reveals a rather long-standing struggle in the minds of some Roman authors, dating all the way back to the Republic, to reconcile the paradoxical attitudes of reverence and disgust that many Romans seemed to display toward the gladiator and the blood sports in which they participated. These seemingly contradictory attitudes have contributed to the vigorous scholarly debates that have had a strong influence on modern views of the gladiatorial games and their proper place in Roman society. These debates include, but are not limited to, differing views on the 'origins' and 'functions' of gladiatorial combat, assessments of the mortality rates and life expectancy in the arena, regional differences between the eastern and western portions of the Mediterranean in terms of how 'gladiatorial contests' (*munera*) and individual 'gladiators' (*gladiatores*) were actually viewed by the local populations, as well as what the *munera* meant to Roman society. Incorporating the archaeological evidence on gladiators further complicates many of these issues. It exposes the intricacies of the way *infamia* was perceived at different times, and in different places, throughout the Roman world, providing new avenues to explore the paradox of the gladiator in the Roman consciousness.

Arena *infames* were often commemorated in ways that emphasized their collective identity as gladiators and their accomplishments as individuals in the arena. While the collective identity associated with an anonymous exhibition of *virtus* by a masked gladiator is not necessarily inconsistent with the ‘social death’ model, surviving examples of individual commemorations in some literary accounts, the archaeological findings displaying gladiatorial decoration, fight records, funerary exhibits, and ornamental victory prizes suggest some tendency toward the social acknowledgment of the individual. The opportunity for individual advancement based on martial skill and popularity created a social hierarchy within the gladiatorial community, where prominent gladiators were commemorated as individuals, either amongst themselves, or even by elements of the larger society. There appears to have been considerable interaction between gladiators and Roman society dependent upon the status of the individual gladiator. Due to the apparent diversity of status within this gladiatorial community, both literary and material records show how the unique position of gladiators within Roman society was likely even more complex than it has already been acknowledged to be. This reality exposes some of the limitations of the ‘social death’ model in understanding the practical realities associated with *infamia* in the Roman world.

### **Revealing the Paradox of *Infamia* in Roman Spectacle**

Much of the recent scholarship on gladiators has tended to focus on the public function of the games in reinforcing the social order of Roman society, particularly the imperial hierarchy. These ritualistic frameworks, most recently associated with scholars such as Hopkins, Wiedemann, and Futrell, among others, have tended to emphasize the role and function of gladiators as a collective group in the ritualized aspects of Roman spectacle, and how gladiatorial performances promoted the majesty and power of the imperial state for the Roman masses.

These scholars place a strong emphasis on collective identity that remains consistent with the popular perception of the largely anonymous gladiator, often a socially marginalized slave or freedman, who served as an instrument for socially acceptable displays of *virtus* that were not threatening to imperial power. In fact, the public nature of these spectacles reinforced many aspects of the imperial ideology associated with *virtus* and Roman military power that were meant to fortify the populace, as most notably characterized by Pliny the Younger in describing the games sponsored upon Trajan's accession as emperor:

Thereupon, a public spectacle was seen, nothing weak nor lax, nothing which would mollify and destroy the spirits of men, but something which would inflame men to face admirable wounds and show a contempt for death, where the love of glory and the desire for victory could be discerned even in the bodies of slaves and criminals.<sup>219</sup>

(Plin. *Pan.* 33.1-2)

Pliny's description of the potential power of Roman spectacle to strengthen the 'spirits of men' (*animos virorum*) illustrates a rather didactic vision of the purpose of the games. By bearing witness to the way those relegated to the sands of the arena faced death, as well as the martial skill and fortitude gladiators displayed through inflicting and suffering 'admirable/honorable/beautiful wounds,' what Pliny characterized as the *pulchra vulnera*, the strong traditions associated with Rome's imperialist legacy and military ethos might be reinforced in the minds of the populace.

For those Romans that held this didactic vision of the games, it appears there was some acknowledgement of worth in what the gladiators could represent for Roman society as abstract embodiments of *virtus*, but not necessarily any acknowledgement of the quality of the individual

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<sup>219</sup> Plin. *Pan.* 33.1-2: *Visum est spectaculum inde non enerve nec fluxum, nec quod animos virorum molliret et frangeret, sed quod as pulchra vulnera contemptumque mortis accenderet, cum in servorum etiam noxiorumque corporibus amor laudis et cupido victoriae cerneretur.* For more on the evolution of popular attitudes expressed toward spectacle in imperial literature see Wistrand, M. *Entertainment and violence in Ancient Rome: The Attitudes of Roman Writers of the First Century A.D.* (Gothenburg, 1992).



participants. The gladiators themselves are devalued by the dismissive and aristocratic tone used by Pliny in describing how the virtue associated with such displays could be discerned ‘even in the bodies of slaves and criminals’ (*servorum etiam noxiorumque corporibus*). In identifying the potential value of gladiatorial displays, however, Pliny exposed some of the paradoxical attitudes Rome had toward the world of the gladiator, attitudes that the Roman elite had tried to reconcile since the days of the Republic. Gladiators were to be revered for the virtuous traits they could represent, yet they at the same time, they were to be despised for the debased and tainted individuals that they were as *infames*.

The imperial era attitudes expressed by Pliny appear to be consistent with many of the earlier sentiments from the time of the Republic, such as those in Cicero, and even Lucilius and Terence before that. Although the strong legacy of Cicero may well have influenced Pliny, there appears to have been a long-standing dichotomy with respect to the way the gladiator was viewed by Roman society in many eras. While a gladiator remained a contemptible and ruined individual for Cicero, through proper training, the gladiator could be conditioned to exhibit quality through the discipline of their craft in bravely facing death, something the Roman populace could respect and learn from:

But how do you view those for whom a victory in the Olympic Games and the ancient consulship of Rome seem of the same quality? Gladiators, men who are either ruined or barbarians, what blows they suffer! See, how those who have been well-trained prefer to accept a blow rather than disgracefully avoid it! How frequently it becomes apparent that they prefer nothing more than to give satisfaction to their master or the people! Even when they are consumed by wounds they send to their masters and seek out their wishes: content to fall, if they have provided satisfaction. What common gladiator has ever groaned or changed the expression of his face? Not only in the way he stands, but even in the way he falls, what gladiator has shamed himself? Who once fallen has drawn back his neck when commanded to receive the blade? So powerful is the force of training, practice, and habit. Therefore, shall:  
“a *Samnis*, a lowly, vile man, worthy of his lot in life”

prove capable of this, and shall a true Roman man, born for glory, have any part of his spirit so soft that it cannot be strengthened by practice and reason? To look upon gladiatorial spectacle is seen by some as cruel and inhuman, and I know not whether, as it currently exists, it might not be so. But when the guilty fought it out by the sword, if there might have been for the ears, for there was not for the eyes, any better training to fortify us against pain and death.<sup>220</sup>

(Cic. *Tusc.* 2.41)

Few ancient accounts encapsulate the complicated, and often contradictory, attitudes toward arena sports and gladiators as this passage. Although Cicero was careful to articulate the morally corrupt and base nature of the gladiator, at the same time he acknowledged their discipline, fortitude, strength of will, and even fidelity to their masters, all traits that were highly valued in Roman culture. Toward the end, Cicero admits he doesn't truly know what to think of it himself, or how to reconcile it in his mind. Was looking upon such spectacle to be viewed as 'cruel and inhuman' (*crudele...inhumanum*), or was it to be seen as a glorious sight which could 'fortify the Roman people against pain and death' (*fortior contra dolorem et mortem*)? Cicero's admission he did not really know how to view the games seems to confirm the dichotomy that apparently existed in the prevailing attitudes of the time, for society to honor and revere the virtuous exempla put forth by those who must be despised.

Despite his admission of uncertainty, Cicero relies on his eloquence and knowledge of Roman literary tradition to represent both perspectives well. He acknowledges the lowly status of the gladiators as either 'ruined men or barbarians' (*perditi homines aut barbari*), as well as

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<sup>220</sup> Cic. *Tusc.* 2.41: *Sed quid hos quibus Olympiorum victoria consulatus ille antiquus videtur? Gladiatores, aut perditi homines aut barbari, quas plagas perferunt! Quo modo illi, qui bene institute sunt, accipere plagam malunt quam turpiter vitare! Quam saepe apparet nihil eos malle quam vel domino satis facere vel populo! Mittunt etiam vulneribus confecti ad dominos qui quaerant quid velint: si satis iis factum sit se velle decumbere. Quis mediocris gladiator ingemuit, quis vultum mutavit umquam? Quis non modo stetit, verum etiam decubuit turpiter? Quis cum decubisset, ferrum recipere iussus collum contraxit? Tantum exercitatione, meditatione, consuetudine valet. Ergo hoc poterit: "Samnis, spurcus homo, vita illa dignus locoque" vir natus ad gloriam ullam partem animi tam mollem habebit quam non meditatione et ratione corroboret? Crudele gladiatorum spectaculum et inhumanum non nullis videri solet, et haud scio an ita sit, ut nunc fit. Cum vero sontes ferro depugnabant, auribus fortasse multae, oculis quidem nulla poterat esse fortior contra dolorem et mortem disciplina.*

strengthening the disparaging characterization by deliberately incorporating a conspicuous line from the second century BC satirist Lucilius to describe Aeserninus ‘the *Samnis*’ as a lowly, vile man, worthy of his lot in life (“*Samnis, spurcus homo, vita illa dignus locoque*”).<sup>221</sup> This line is significant for a variety of reasons. For one, the line recalls long-standing negative characterizations of moral corruption and pollution associated with the ethnic other, the Samnite, as well as one of the earliest gladiatorial types based upon that ethnic identity, the *Samnis* type of gladiator. Whether the Aeserninus in Lucilius was actually meant to be a Samnite, in terms of ethnic identity, or simply a gladiator fighting with the weapons of the *Samnis* type gladiator, modeled upon the Samnite people, is largely irrelevant. What is important is the moral disparagement and lowly status associated with both meanings of the term *Samnis*. There appears to have been a strong negative connotation associated with both the ethnic identity and the gladiatorial type in the collective Roman psyche, and it seems likely that this was deliberate in Lucilius’ construction of the line, as well as very deliberate in Cicero’s quoting of the line in his own passage.

It is also noteworthy, however, that in the full context of Lucilius’ passage, at the same time Aeserninus the *Samnis* is being disparaged, the gladiator he is matched against, Pacideianus, is exalted by the author as ‘far and away the greatest gladiator to have existed since the birth of man’ (*optimus multo post homines natos gladiator qui fuit unus*).<sup>222</sup> Even though Lucilius is

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<sup>221</sup> Cic. *Tusc.* 2.41.

<sup>222</sup> Lucil. *Sat.* 2.172-75 (= *ROL III* [Loeb] 4.172-75): *Aeserninus fuit Flaccorum munere quidam Samnis, spurcus homo, vita illa dignus locoque. cum Pacideiano componitur, optimus multo post homines natos gladiator qui fuit unus.*

“In the show given by the Flacci was Aeserninus, a *Samnis*, a lowly, vile man, worthy of his lot in life. He was matched against Pacideianus, who was far and away the greatest of all the gladiators since the birth of man.”

working through satire, there remains a sharp contrast in the attitudes expressed towards each respective gladiator, consistent with the nature of the paradox of the gladiator Cicero appears to have grappled with in his own passage. Although each author reinforces the underlying concept of *infamia* that ‘a lowly, vile man’ (*spurcus homo*) is only worthy of his debased place in life, there is an acknowledgment and appreciation for the skills displayed by individual gladiators. The gladiators were not simply anonymous entities of violence and death. They had names, reputations to go with those names, and an apparent differentiated value, socially as well as economically, dependent upon what they could display with their skill and the acknowledgment of their individual reputations by the Roman crowd. These accounts suggest there was a common intellectual thread in different eras of Roman literature, one that asserted such confrontations with mortality, as well as the disciplined acceptance of the inevitability of death, were to be viewed as instructive and fortifying for the populace because they represented the martial virtues that were central to the traditional values of ancient Rome.

Accordingly, over the last thirty years, the social and political utility of the gladiatorial games in strengthening the Roman state and fortifying the populace through public displays of violent spectacle has drawn considerable attention from a variety of scholars. Such a list includes Millar, Cameron, Hopkins, Wiedemann, Futrell, Potter, and Fagan, to name just a few. This strain of scholarship has tended to focus on the extensive investment of resources by the Roman aristocracy, from emperors to provincial elites, in sponsoring gladiatorial contests in order to win favor with the people, while simultaneously reinforcing the existing social hierarchy of the empire. The amphitheater provided a unique venue where different segments of the population would interact with each other publicly in ways that made gladiatorial contests a critical component of the Roman social fabric.

Hopkins' characterization that the games provided the populace with a public stage to reinforce social order through a form of 'political theater' remains one of the most important frameworks through which to explore the enduring legacy of Roman spectacle.<sup>223</sup> Hopkins concluded that the games were promoted to serve a variety of social and political functions that confirmed the power and stability of the Roman state in the mind of the populace by allowing the crowd to reconnect with Rome's strong military ethos and long tradition of imperialistic domination over other lands and peoples.

Rome was a cruel society. Brutality was built into its culture, in private life as well as in public shows. The tone was set by military discipline and by slavery, to say nothing of wide-ranging paternal powers...The popularity of gladiatorial shows was a by-product of war, discipline and death. Rome was a militaristic society...They won their huge empire by discipline and control. Public punishment ritually re-established the moral and political order. The power of the state was dramatically reconfirmed.

(Hopkins, *Death and Renewal*, 26-27)

This scholarly emphasis on the important socio-political role of the games in reinforcing critical aspects of the Roman hierarchy proves consistent with the 'social death' model of the debased and subjugated gladiator, a contemptible individual outside all social consideration. While this approach remains mostly valid, an unbalanced application of this model tends to strip gladiators of all individuality by reducing them to inhuman instruments and collective entities, a characterization primarily in accord with the narrow perspective of the Roman power structure. Further examination of relevant accounts in the literary record, those that contain some level of acknowledgement for displays of virtue and social value for gladiators, much like those hinted at in Pliny and Cicero, exposes many of the complexities associated with the social marginalization

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<sup>223</sup> Hopkins, 16-17: "The amphitheatre was their parliament. Gladiatorial shows were political theatre. The dramatic performances took place not only in the arena, but also between different sections of the audience. Their interaction was part of Roman politics, and should be included in any thorough account of the Roman constitution."

attributed to *infames* under the ‘social death’ model. The influence of popular attitudes about gladiators had upon Roman society, even among the elite, confirms the powerful legacy of the ‘paradox of the gladiator.’

### **‘To Die like a Gladiator’: Rome’s Elite and the Culture of Virtuous Death**

Edwards, in her recent scholarship on Roman conceptions of death, has identified and explored a wide variety of virtuous death models that seem to have developed in the collective psyche of the Roman elite, including such motifs as ‘dying for the glory of Rome,’ ‘death as spectacle,’ ‘the honorable suicide,’ ‘death as an act of political defiance,’ and ‘laughing in the face of death,’ among other related tropes.<sup>224</sup> While each of these popular motifs needs to be judged in a variety of manifestations that reflect differences in chronological and cultural context from the both the Republic and the Empire, the popularity of the gladiatorial games in Roman society made the arena a prominent place where displays of a brave death were most visible for the vast majority of the population, even the elite. The allure of the motif of staring into the face of death and being willing “to die like a gladiator” seemed to circulate in some of the circles of Roman society, especially amongst the upper orders.

Once again, Cicero’s hand can be seen in some of the earlier characterizations of the noble death of a gladiator, although he followed some of the older gladiatorial metaphors that appear in Terence and Lucilius.<sup>225</sup> Cicero used the metaphor of the gladiator in a variety of ways that were rather unexpected given the debased status of such *infames*:

You know the insolence of Antonius; you know his friends, you know his entire household. To be slaves to libidinous, petulant, debased, shameless, gambling,

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<sup>224</sup> Edwards (2007); also see (p. 17, n. 22) earlier reference to her work on these popular motifs associated with Roman death.

<sup>225</sup> See Ter. *Phorm.* 5.7: *gladiatorio animo*, ‘with the spirit of a gladiator’; see also previous pages 165-67 (notes 220-22) on Cicero and Lucilius.

drunkards, is the highest misery married to the greatest shame. And if now, ‘but may the gods avert the omen!,’ that worst of fates shall come to the Republic, then, just as noble gladiators make sure to die with honor, then let us too, who are the foremost men of all countries and nations, make sure to fall with dignity rather than to live as slaves with ignominy.<sup>226</sup>

(Cic. *Phil.* 3.35)

It seems rather peculiar that Cicero would choose to use the metaphor of the noble death of the gladiator to serve as an example for the foremost men of the Republic, let alone, to serve as a metaphor for freedom within the state, especially given the subjugated, and frequently enslaved, status of the gladiators themselves. As Edwards has noted, however, the use of the “adjective *nobilis* is paradoxical,” and, “in terms of status who could be further from *nobilitas* than the gladiator? Yet when it comes to braving all, to meeting death with glory, the gladiator has a special distinction.”<sup>227</sup> Cicero’s embracement of the ‘to die like a gladiator’ metaphor seems to acknowledge this special distinction for the place of the gladiator in the Roman consciousness. In this case, it served to illustrate that it was better to die for the sake of freedom, even the freedom afforded by death, than it was to live in a subjugated state of servitude (*quam... serviamus*).

The power of this appeal should not be underestimated, as evidenced by the popularized accounts of Cicero’s own death, where the great orator was described to have stretched out and offered his ‘unwavering neck’ (*inmotam cervicem*) to receive the death blow as his head was severed.<sup>228</sup> Whether Seneca the Elder’s representation of Livy’s supposed account conveying

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<sup>226</sup> Cic. *Phil.* 3.35: *Nostis insolentiam Antoni, nostis amicos, nostis totam domum. Libidinosi, petulantibus, impuris, impudicis, aleatoribus, ebriis servire, ea summa miseria est summo dedecore coniuncta. Quodsi iam, quod di omen avertant! fatum extremum rei publicae venit, quod gladiatores nobiles faciunt, ut honeste decumbant, faciamus nos principes orbis terrarum gentiumque omnium, ut cum dignitate potius cadamus quam cum ignominia serviamus.*

<sup>227</sup> Edwards (2007) 70.

<sup>228</sup> Sen. *Sua.* 6.17 quoted from the lost works of Livy dealing with the death of Cicero.

the noble and unflinching death of Cicero was actually the way it happened or not is questionable, the influence of the ‘to die like a gladiator’ metaphor appears to have been very tangible, even to the point where it could shape Roman culture. In her assessment of this, Edwards points out that this afforded Cicero an even greater award than he would have received had he died in the arena because there was “a more lasting honor accorded by generations of readers of Livy.”<sup>229</sup> The importance of the public’s recognition and acknowledgement of an honorable death in bearing witness to it, whether in the arena or in the literary record, was definitely consistent with the didactic value of spectacle, as well as the virtues the gladiator could embody, so visible in the writings of Cicero and Pliny.

Furthermore, the direct contrast of *gladiatores nobilis* (discussed earlier in *Phil.* 3.35) with the shameful nature of Mark Antony should also be viewed as peculiar juxtaposition as well. In rhetorical attacks elsewhere in the *Philippics*, Cicero complains of having to engage in struggle with ‘a most worthless gladiator’ (*uno gladiatore nequissimo*) in referring to Mark Antony.<sup>230</sup> Whereas the preceding passage employed the *nobilis* language to describe the gladiator and contrast it directly with the disgraceful nature of Antony and his followers, elsewhere, the term of gladiator was used as invective. Even in this invective form, however, the qualifying adjective *nequissimo* (‘most worthless’) was employed by Cicero to define the quality of gladiator more specifically. Just as Lucilius had acknowledged the potential for a difference in social worth between Aeserninus and Pacideianus, Cicero’s use of *nequissimo* suggests that there was a distinct difference between a ‘gladiator’ and ‘a most worthless gladiator.’ Viewed from this perspective, there was a potential value, both socially and economically, for a gladiator

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<sup>229</sup> Edwards (2007) 71-72.

<sup>230</sup> Cic. *Phil.* 2.3.



of quality. Accordingly, recognition of individual quality mattered in Roman society, perhaps even for the lowly gladiator.

Facing death bravely in the arena and not shirking away, afforded the gladiator an opportunity to attain a limited sense of personal recognition and value, thus, compelling Roman society to take notice of their individual worth, even though they were considered worthless as a group. In this, the gladiatorial *infames* could assert some sense of self, and validate their identity for all to see. Even debased and designated as social outcasts for their lowly nature, these gladiatorial *infames* were not nothing, and through the public display of their discipline and skill, they forced Roman society to acknowledge their existence, in life, as well as in death. It is important to note, however, that Cicero and Pliny projected an idealized vision of unwavering fortitude in the face of death, a vision that was not always a reality, even with intense training.

### **Placing a Helmet upon the Monster**

One of the strong legacies of the “to die like a gladiator” phenomenon was a rather unrealistic expectation on the part of Roman society for the gladiator to exhibit an almost inhuman level of discipline and fortitude in the face of death. For Cicero, as we have seen, this discipline could be achieved through ‘the considerable force of training, practice, and habit.’ (*tantum exercitatio, meditatio, consuetude valet*)<sup>231</sup> Supposedly, such was the force of training, that “What common gladiator has ever groaned or changed the expression of his face?” (*Quis mediocris gladiator ingemuit, quis vultum mutavit umquam?*)<sup>232</sup> The sensory experience for the Roman crowd was a critical aspect of spectacle, and in many ways it was choreographed to

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<sup>231</sup> Cic. *Tusc.* 2.41.6.

<sup>232</sup> Cic. *Tusc.* 2.41.6.

project and reinforce the virtues the Romans held dear, rather than to portray mortal combat in any realistic way.

The importance of the Roman populace bearing witness to the agonistic struggle of the gladiator comes through very clearly in the literary record, and the Romans were very interested in magnifying the visual aspects of bloody spectacle as much as possible. This is evidenced by the fact most gladiatorial types were deliberately made to fight bare-chested, so that what some Roman authors, such as Pliny, described as the *pulchra vulnera* could be even more visible to the crowd. By exposing the flesh for the crowd, the Romans made the bloody and ‘glorious wounds’ visually pronounced, while simultaneously requiring most gladiatorial types to wear helmets that masked the faces of individual gladiators. This combination of body exposure and facial coverage allowed the *vulnera* to be more clearly seen, while hiding any realistic expressions of anxiety, fear, or pain felt by the gladiator behind the coverage of the masked helmet.

Accordingly, gladiators could both deliver and receive serious blows while projecting an artificially heightened sense of emotional control where they could be seen to stare into the face of death bravely, the image consistent with the martial virtues of ancient Roman society. The helmet and mask could also serve to provide a degree of emotional detachment between the crowd and the gladiator, in some cases reducing any potential empathy or sympathy among those in the crowd for individual combatants who may soon meet their end.

Not all Roman spectators, however, preferred that sense of emotional detachment from real violence. An example of this can be seen in the popularity of the *retiarius* gladiatorial type throughout the imperial period, a type of specialized fighter that employed the net and trident without the protection afforded by a helmet. There still exist numerous wall decorations, frescoes, and prominent mosaics featuring various combats and death scenes associated with the

*retiarius* gladiator type.<sup>233</sup> The facial expressions of the *retiarius* could often be observed by those seated close enough, and it is recorded that some Romans preferred this type of fighter for that very reason. The Roman biographer Suetonius relays how the Emperor Claudius enjoyed witnessing the deaths of *retiarum*, reveling in the expressions on their face in the agony of death:

During any exhibition of gladiators, sponsored either by himself or another, if any of the gladiators chanced to fall down, he ordered them to have their throats slit, most especially the *retiarum*, so that he might gaze upon their faces as they expired.<sup>234</sup>

(Suet. *Clad.* 34.1)

Whether Suetonius' characterization of Claudius' cruelty and thirst for witnessing agony on the faces of the *retiarum* was an accurate representation of the Emperor or not, there appears to have been some ambivalence in Roman society about the propriety of being able to see the expressions of the dying combatants. Despite the popularity of the *retiarius* type, the nature of the helmets on the other type of gladiators provided a degree of emotional distance between the Roman spectators and a wounded or dying gladiator.

No matter what the dynamics of blood lust, or lack thereof, actually were, the highest point of emotion and drama was the carefully staged final confrontation with death where a defeated gladiator submitted to judgment. It was crafted and drawn out in a very theatrical way to create a heightened sense of drama before the climax was reached. For the Romans, the manner in which a gladiator confronted death and faced his own mortality was in many ways much more emotionally significant than any gratification likely to be derived from witnessing

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<sup>233</sup> For a useful catalog of mosaic images, see Augenti, D. *Spettacoli del Colosseo: Nelle Chronache degli Antiche* (Rome, 2001). See also Brown, S. "Death as Decoration: Scenes from the Arena on Roman Domestic Mosaics" in Richlin ed. *Pornography and Representation in Greece and Rome* (Oxford, 1992) 180-211.

<sup>234</sup> Suet. *Clad.* 34.1: *quocumque gladiatorio munere, uel suo uel alieno, etiam forte prolapsos iugulari iubebat, maxime retiarum, ut expirantium facies uideret.*

spectacular death scenes and the letting of blood. Despite this distinction, the potential for death needed to be real to provide the most intense emotional environment for the crowd to feed upon. However, gladiatorial combats need not end in death – and the evidence suggests that most contests did not.

Any attempts to actually calculate gladiatorial mortality rates remain fundamentally flawed by the skewed nature of the very limited evidence that is available. Surviving funerary epitaphs and graffiti associated with gladiators contain fight records that reflect not only wins, but often include multiple losses where the combatants were granted *missus* on numerous occasions. Successful gladiators were a product of considerable investment and training; much like prized race-horses, they were not to be discarded lightly. There was little practical advantage in excessive death rates among highly skilled gladiators; there was plenty of death to be spread around between the beast-hunts and executions of the condemned. Ville engaged in some of the first serious attempts to quantify a gladiator's chances in the arena loosely suggested a survival rate of 9:1 for all known gladiators (4:1 survival for defeated gladiators) during the first century AD, with the survival odds decreasing by over half over the second and third centuries AD.<sup>235</sup> Other studies, namely those by Beard and Hopkins, have arrived at similar conclusions reflective of an 8:1 chance for survival each time a gladiator took to the sands.<sup>236</sup> More recent studies based on other archaeological evidence have suggested that about one gladiator out of every six would meet his death during each show. None of these assessments can be accepted with any degree of scientific precision because the sample sizes are not comprehensive enough to reflect all facets of the gladiatorial community. Other scholars,

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<sup>235</sup> Ville, 318; see also Dunkle, 140-43.

<sup>236</sup> Hopkins, K. and Beard, M. *The Colosseum* (Cambridge, MA, 2005) 89.

primarily Potter, have used some of the linguistic elements associated with the concept of *sine missione* ('without chance of dismissal'), found in Livy, and acknowledged in some of the epigraphic analysis in Robert and Ville, to argue that the chance of survival for gladiators during the time of the Republic was actually rather high, with few contests resulting in a decision that actually called for death.<sup>237</sup> These remain debatable points, but what can be said is that many combats, probably most, did not result in death. As one might expect, even in Rome's cruel and militaristic society, the totality of the evidence suggests that not all Romans responded to bloodshed and death in the same way, some were attracted to it and reveled in it, others appear to have been repulsed by suffering, cruelty, and raw displays of carnage, even if they were drawn to attend the games. Death was not essential, but the potential for death was an important component in creating a highly charged dramatic scene where a gladiator could skillfully exhibit martial prowess with the hope of bravely confronting his own mortality through the process of coming face to face with death. It was how one faced death that mattered, not necessarily the act of death itself. The conflicting attraction and revulsion of the gladiatorial games helps explain why the bodies were exposed to augment the visibility of the *pulchra vulnera*, while at the same time the faces of the gladiators were usually hidden behind masked helmets so as to weaken any emotional connection a spectator might feel toward the suffering of the gladiator. The power of the mask enhanced a gladiator's ability to project the proper sense of elevated fortitude they were meant to, while also serving to inoculate the crowd against feelings of sympathy or weakness by dehumanizing the combatant in the eyes of spectator.

The dehumanizing affect of the masked helmet seems to be confirmed by many aspects of the archaeological record, and serves to undermine some of the limited acknowledgment of

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<sup>237</sup> Potter (1999) 307; Robert, 258-6, Ville, 403-05.

the individuality explored in the literary accounts earlier in this chapter. Some scholars have correctly characterized gladiatorial depictions on tombstones, mosaics, and wall decorations as having portrayed the figures represented on them with little, if any, individuality.<sup>238</sup> Valerie

Hope astutely characterizes the situation in this way:

Such scenes of gladiatorial contests invest the gladiator with little individuality. ...animals depicted in mosaics of the arena often have facial features which suggest suffering, fear, or ferocity, whereas human faces are usually serene. In combat, most gladiators would have had their heads and faces covered. Their distinctive helmets made them visible to the spectators, but also concealed their facial expressions. The helmet de-personalized the gladiator by obscuring both his pain and his shameful face. One criticism against the *retiarius* was that he had no helmet to hide his disgrace and suffering.

(Hope, "Fighting for Identity" 106)

These numerous representations emphasized the collective identity of the combatants in ways that allowed the aristocracy to exploit the gladiatorial contests for their own purposes, while reinforcing the derogation of status and social standing for these morally contemptible *infames*. For many Romans, especially the elite, the lowly and vile existence of a gladiator was a product of their base nature, and they deserved their fate as the monstrous entities they were so frequently portrayed to in the literature.

Potter has appropriately concluded that while the gladiator may have been the "quintessential representative of the virtues of Roman aristocratic society," that same aristocratic society exhibited considerable animosity and contempt toward the gladiator.<sup>239</sup> Barton's detailed analysis of the writings of Lucilius, Cicero, Seneca, Juvenal, and Martial led her to characterize the aristocratic attitude toward the gladiator in ways that does in fact remain consistent with the

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<sup>238</sup> Hope, V. 'Fighting for Identity: The Funerary Commemoration of Italian Gladiators' in A. Cooley (ed.), *The Epigraphic Landscape of Roman Italy*. BICS Supplement 73 (2000): 93-113.

<sup>239</sup> Potter (1999) 323.

concept of a state of ‘social death’ for these contemptible outcasts.<sup>240</sup> The Latin terminology Barton highlights in the ancient sources clearly exhibits the revulsion side of the paradoxical views surrounding the gladiator:

The gladiator: crude, loathesome, doomed, lost (*importunus, obscaenus, damnatus, perditus*) was, throughout the Roman tradition, a man utterly debased by fortune, a slave, a man altogether without worth and dignity (*dignitas*), almost without humanity.

(Barton, *The Sorrows of the Ancient Romans*, 12)

Barton’s emphasis on the ‘scandalous’ nature of the gladiator is well founded in many respects, even in the way she takes up Ville’s characterization of the ‘monstrous’ nature of the gladiator in the eyes of the Roman society in much of her work.<sup>241</sup> While this type of characterization does indeed have validity, an overzealous application of this type of dehumanizing framework can tend to obscure aspects of the evidentiary record that suggest a limited acknowledgment for the individuality and worth for these *infames*. Barton’s work does eventually allow for some of the nuances of the gladiatorial paradox in the later sections, but it tends to be overshadowed by the earlier ‘monster’ characterization. Much like the previously discussed work of Edwards, as well as that of Fagan, Wiedemann, and Potter, Barton’s exploration of the role of gladiatorial *infames* and spectacle is primarily from the Roman viewpoint, whether it be from the perspective of the crowd, or that of the elite. Although each of these recent approaches are extremely valuable in understanding certain popular attitudes regarding *infamia*, especially in the imperial world, and differ in terms of the emphasis of their perspectives, they both remain rooted in the long tradition of viewing imperial spectacle through Roman eyes, as opposed to exploring how *infames* themselves might have viewed this world. As we have seen, even the Roman perspectives were

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<sup>240</sup> Barton (1993).

<sup>241</sup> Ville, 471: “La scandale qu’est la gladiature ... une impensable monstruosité.”; Barton (1993) 11.

a peculiar mixture of revulsion and attraction, often very perplexing for those who have tried to assess the actual value of the ‘worthless blood’ so ceremoniously spilt upon the sands of the arena floor.

**‘Reveling Excessively in Worthless Blood’ (*vili sanguine nimis gaudens*)**

The paradox of the Roman attitudes toward gladiators is evident in many of the ancient accounts. Even Tacitus, considered by many to be the greatest of the Roman historians, provides a characterization of gladiatorial displays that highlights a sense of revulsion and dread among the populace at the carnage of Roman blood sports, while at the same time acknowledging their popularity and political importance:

Drusus presided over a contest of gladiators which he sponsored in his own name as well as that of his brother Germanicus, reveling excessively in worthless blood, something which was dreadful for the populace, and which his father was said to have admonished him for also. Why Tiberius abstained from the spectacle was explained in various ways. It is said by some it was on account of his aversion to public gatherings, some others on account of his dourness and fear of being compared to Augustus, who had attended such functions so amiably. I am unable to believe that he deliberately provided his son the opportunity of displaying his savagery and giving offense to the populace, even though this was said by some.<sup>242</sup>

(Tac. *Ann.* 1. 76)

The disdain Tacitus seemed to hold for the ‘worthless blood’ shed in this gladiatorial spectacle, as the supposed sense of disgust directed at Drusus by the Roman people suggests, reflects the strength and legacy of the revulsion side of the paradoxical views Rome had toward the arena and its debased performers. Even in this, however, the political importance and utility of communicating with the populace through spectacle remains evident in Tacitus’ discourse on the perceptions about the motives and behavior of Tiberius and the comparison with how Augustus

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<sup>242</sup> Tac. *Ann.* 1.76: *edendis gladiatoribus, quos Germanici fratris ac suo nomine obtulerat, Drusus praesedit, quamquam vili sanguine nimis gaudens; quod in vulgus formidolosum et pater arguisse dicebatur. cur abstinerit spectaculo ipse, varie trahebant; alii taedio coetus, quidam tristitia ingenii et metu conparationis, quia Augustus comiter interfuisset. non crediderim ad ostentandam saevitiam movendasque populi offensiones concessam filio materiem, quamquam id quoque dictum est.*



acquitted himself at the games. No matter how worthless the blood might have been, its importance as a means of political communication between the imperial court and the Roman people was undeniable, even if Tacitus himself disapproved.

The characterization exposes the ‘paradox of the gladiator’ in its own peculiar way, and in some ways begs the question, was gladiator blood truly worthless, or do these types of negative characterizations obscure that significance of the power of the blood itself in the collective consciousness of Roman society. There is sufficient evidence to suggest the blood of the gladiator was not worthless, and its true value can be observed in many unexpected aspects of Roman culture. In recent scholarship, Knapp has explored evidence that suggests that many Romans believed the blood of the gladiator held supernatural powers, in rituals, as well as in medicinal treatments, or even magical philters.<sup>243</sup> Knapp notably identifies that Pliny the Elder, Celsus, and Tertullian each convey a belief by some Romans that gladiator blood could serve as a medical treatment for epilepsy.<sup>244</sup> Pliny the Elder overtly recommended the blood of a gladiator as a viable cure for those afflicted with epilepsy:

Epileptics drink the blood of gladiators as though it were a cup of life...They believe it is by far the most effective to gulp down the blood hot from the very man still gasping out his last breath, putting their lips to the wound, drawing out the essence of life itself.

(Plin. *N.H.* 28.4-5, trans. Knapp)

This rather shocking scene is conveyed in Tertullian as well:

Likewise what of those who, after a fight in the arena, carry off in their avid thirst the blood of the guilty slain – blood just then caught gushing from the neck. And this they use as a cure for epilepsy.

(Tert. *Apol.* 9.10, trans. Knapp)

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<sup>243</sup> Knapp, R. *Invisible Romans* (Cambridge, MA, 2011) 287-88.

<sup>244</sup> *Ibid.*, 288.

Knapp is careful to question the veracity of Tertullian's characterization due to his Christian animus towards the brutality of the games as a Christian, however, he notes that years earlier, "the medical writer Celsus also wrote 'Some have freed themselves from epilepsy by deep drafts of the warm blood spilled from a gladiator's throat' (*On Medicine* 3.23.7)."<sup>245</sup> The documentation of such seemingly grotesque displays suggests there was a strong association in the minds of some Romans between power of the blood and a sense of potency, virility, and the essence of life itself. The blood was not worthless, and for some, had an immense ritualistic, medicinal, or even supernatural power.

This sense of power in the blood of the gladiator, especially a fallen one, can also be observed in some of the oldest rituals in Roman society, even those involving marriage, fertility, and sexuality. As Hopkins had done before him, Knapp also assesses a notable account of a marriage ritual described by the Roman antiquarian Festus where he "states 'the bride's hair used to be parted with the 'celibate' spear which had been fixed in a gladiator's body that had been killed and thrown aside.'"<sup>246</sup> Hopkins has noted that Festus himself suggested various interpretations of the ritualistic custom of parting the bride's hair with a spear dipped in the blood of a killed gladiator, including the idea that just as the spear was joined to the body of a dead gladiator, so should the bride be with her husband, or that it might be a sign that the bride would give birth to brave men.<sup>247</sup> Although Hopkins admits he could draw no conclusions as to what the ritual might have actually meant to the Romans themselves, there is little doubt such rituals and customs associated with the blood of the gladiator suggest some understanding of its

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<sup>245</sup> Ibid.

<sup>246</sup> Ibid, 287-288; Fest. 55.3 L.

<sup>247</sup> Hopkins, 22, n. 31.

power and potency.<sup>248</sup> No matter how the Romans viewed the ritual, it seems ‘worthless blood’ in this context would not be a fully accurate characterization.

The power of the blood of the gladiator is also suggested by the apparent associations with the power, virility, fertility, and the intensely masculine sexuality that was associated with the concept of *virtus* itself. In the ritual of parting the new bride’s hair with a spear dipped in gladiator’s blood, the sexual connotations are rather obvious, and Knapp asserts the gladiator blood upon the spear was thought to be a fertility potion.<sup>249</sup> While it seems Hopkins might question the validity of Knapp’s assertion in terms of assigning particular meanings to the spear ritual, he does note that the image of the victorious gladiator was considered very sexually attractive, where even the word *gladius* from which the term *gladiator* is derived, was often “vulgarly used to mean penis” and that “even the defeated and dead gladiator had something sexually portentous about him.”<sup>250</sup> The lingering legacy of this gladiatorial sexual association can be seen even in modern linguistic and anatomical terminologies employing the older Latin term *vagina* that originally meant ‘sheath, or scabbard for a sword’ in the old Roman context. A belief in the sexual powers of gladiatorial blood might also be inferred from Knapp’s characterization of the apparent use of gladiator’s blood as one of the ingredients in what appears to have been a love spell:

Love spell of attraction performed with the help of heroes or gladiators or those who have died a violent death. Leave a little of the bread which you eat, break it up and form it into seven bite-sized pieces. And go to where the heroes and gladiators and those who have died a violent death were slain. Say the spell to the pieces of bread and throw them. And pick up some polluted dirt from the place

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<sup>248</sup> Ibid.

<sup>249</sup> Knapp (2011) 288

<sup>250</sup> Hopkins, 22.

where you perform the ritual and throw it inside the house of the woman whom you desire, go on home and go to sleep.

(*PGM* 4.1390-98/Betz in Knapp, 289)

As the embodiment of unbridled *virtus* through the exhibition of martial valor and manly excellence upon the sands of the arena, the perceived effect such displays might have on Roman females captured the attention of many Romans. Even though the gladiator was to be despised as a vile and lowly *infamis*, the allure of the mixture of sex and violence represented in the arena became almost irresistible for much of the Roman populace, from the baseborn commoner, to the true seats of power.

The salacious allure and the intoxicating appeal of the blood of the gladiator held such a grip on Roman society that St. Augustine even felt its effects were something that must be accounted for. In describing the morally corrupting influence of Roman spectacle and the how it had led to the undoing of the Alypius, Augustine emphasizes the effects of the blood as almost intoxicating, using the metaphor of drinking in the blood and carnage visually:

For as soon as he saw that blood, he drank in the cruelty at once and did not avert his gaze, but he kept his eyes fixed and, unknowingly, absorbed the frenzied passions, and he took delight in the profane contest and was made drunk by the bloody pleasure.<sup>251</sup>

(*Aug. Conf.* 6.8)

The allure of the display of blood described by Augustine was so visceral that he asserted it could almost be consumed as if it was an intoxicating drink. Such was the corrupting power of the blood that Alypius became almost inebriated on the carnage in a way that is consistent with the grotesque visions put forth in Pliny the Elder, Celsus, and Tertullian in describing what they observed in those who drank the blood from dead gladiators as they fell. The strong attraction to such a repulsive figure as the gladiator, as well as the power of his blood, led to a rather

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<sup>251</sup> *Aug. Conf.* 6.8: *Ut enim vidit illum sanguinem, inmanitatem simul ebibit et non se avertit, sed fixit aspectum, et hauriebat furias et nesciebat, et delectabatur scelere certaminis et cruenta voluptate inebriabatur.*

significant culture of objectification, where the gladiator became a prominent symbol of the mixture of sex and violence, from the dirty streets, to the pristine households of Rome's elite.

### **Objectification of the Gladiator: Sex and Violence in the Arena of Lust**

The emphasis on the sexual allure of the gladiator in Roman society that is found in so many of the literary accounts reflects a considerable anxiety among some elites about the potential effect of the gladiatorial games on women. Roman elite men had a strong belief that female sexuality needed to be controlled because women were generally considered incapable of regulating most aspects of their lives, especially when it came to regulating their own passions. This patriarchal desire to regulate female sexuality was rather common in the ancient world, and it survives in some cultures to this very day. That aside, the Roman tradition of women needing to be kept 'in hand' (*in manu*) under the legal guardianship of an appropriate male, a father, husband, uncle, or other designated guardian, was very much engrained in the Roman familial and social structure. The attention paid in Roman society to the sexual allure of the gladiator suggests there was a very strong anxiety over the ability of women to control their passions in the presence of such virile displays of *virtus*. It seems that in the minds of many Roman men, and the emphasis here is in the minds of men, such displays of manly excellence and the passions of the arena had the potential to be so intoxicating for women that an appropriate vigilance needed to be maintained. Whether this concern was warranted or not, and I truly doubt it was, the insecurity visible in the sexual characterizations of gladiators seems real enough.

In his famously scathing satire of lust and immorality of imperial culture, Juvenal renders the paradox of attraction and revulsion associated with the sexual allure of the gladiator with as much contempt as he could muster.

What was the beauty that set Eppia [the senator's wife] so on fire? What youth captured her? What did she see in him that made her suffer being called a *ludia*

[gladiator's woman]? For her man, her Sergius, had already begun to shave his throat [he was older] and to hope for an early retirement due to an injured arm, for there were many deformities upon his face, such as a great wart on his nose, which was scarred by the helmet, and a foul discharge was always dripping from one of his eyes. But he was a gladiator, and that fact alone makes the whole breed seem just as Hyacinthus [the beautiful Spartan youth beloved of Apollo] and she preferred this to her children and her country, to her sister, and to her Roman husband. The sword is what that they love.<sup>252</sup>

(Juv. *Sat.* 6.102-112)

The love of the sword (*ferrum est quod amant*) was so powerful in the Roman consciousness, it could prompt an elite woman, a Senator's wife, to turn away from everything to be valued in Roman society in pursuit of a gladiator, even one as grotesque and monstrous as Sergius with pus dripping from his eye. Although this is only satire and Juvenal had many other objectives in this characterization that had little to do with gladiators themselves, and more to do with the perceived immorality of Rome's imperial women, the anxiety he was tapping into resonated in the consciousness of elite Roman males. As Hopkins has concluded, it was "satire certainly, and exaggerated, but pointless unless it was also based to some extent on reality."<sup>253</sup> For Wiedemann, the reality of the Roman anxiety over the sexuality of gladiators is given further legitimacy by the fact they were classified as *infames* along with prostitutes and trainers "in Roman legislation, and that grammatical texts associate the Latin word for the gladiator's trainer

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<sup>252</sup> Juv. *Sat.* 6.102-112: *qua tamen exarsit forma, qua capta iuuenta  
Eppia? quid uidit propter quod ludia dici  
sustinuit? nam Sergiolus iam radere guttur* 105  
*coeperat et secto requiem sperare lacerto;  
praeterea multa in facie deformia, sicut  
attritus galea mediisque in naribus ingens  
gibbus et acre malum semper stillantis ocelli.  
sed gladiator erat. facit hoc illos Hyacinthos;* 110  
*hoc pueris patriaeque, hoc praetulit illa sorori  
atque uiro. ferrum est quod amant.*

<sup>253</sup> Hopkins, 23.

(*lanista*) with that for pimp (*leno*). Like pimps and prostitutes, public performers such as actors and gladiators sold their bodies for the delectation of others, if only visually.”<sup>254</sup>

While the likelihood of frequent sexual interludes between elite women and gladiators was almost certainly baseless, the anxiety surrounding this issue seems to have been real for some Roman men. The loss of opportunities to display *virtus* for the neutered imperial aristocracy and the relative feelings of impotence that may have resulted from that, may well have been exacerbated by the prominence of gladiators in the grand political theater of Roman spectacle. Furthermore, the use of accusations of immorality connected to any perceived association with gladiatorial *infames* would be very damaging in imperial politics. While associations with gladiators could be used as invective under the Republic, imperial elites seemed even more sensitive and vulnerable to such accusations of immorality, especially concerning anything that might undermine their perceived control over the women in their households. The Augustan attempt at the restoration of Roman social order led to an attempt to restrict the seating of women at gladiatorial shows, and Suetonius confirms that as part of the *Lex Julia theatralis* “Augustus confined women to the back rows even at gladiatorial shows: the only ones being exempt from this rule being the Vestal Virgins, for whom separate accommodations were provided.”<sup>255</sup> While the full context of these regulations was likely more about the restoration and maintenance of the Roman social order through stratification of the seating, and over time much of it proved to be rather ineffectual, attempting to move the women farther away from the intense displays of masculine virility in the arena was consistent with the anxiety posed by the sexual allure of the gladiator.

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<sup>254</sup> Wiedemann, 26.

<sup>255</sup> Suet. *Aug.* 44.

In a violent military state built on the perceived validity of exerting one's will over another as an expression of power, as Kyle has noted, "the eroticism of the spectacles, related to the inherent psychosexual allure of violence, should not be overlooked."<sup>256</sup> The allure of this mixture of sex and violence comes in the characterization of the inflamed Vestal in the account of Prudentius:

To the crowd in the stands is given that nourishing modesty. And piety free from blood, to see gory clashes and the deaths of men. To view with sacred eyes wounds sold for sustenance. She sits there so prominent in the venerable trappings of her veils, and enjoys those of the *lanista*. Oh delicate and mild spirit! She surges up as the blows fall and whenever the victor thrusts his sword into the neck, she calls him her beloved and, modest virgin that she is, she orders with turned thumb for the chest of the fallen man to be ripped open, lest there be any life left in the deepest entrails, while the *secutor* quivers as the sword is pressed ever deeper. Is this their value, that they are said to keep continuous watch. For the majesty of Latium's Palatine? That they secure the life of its people and the health of its nobles. Since they spread their hair over their necks so beautifully. Banding their brows with little ribbons they add threads to their hair, and since they cut the throats of lustral cattle at a fire under the earth. And with shades as their witnesses, mutter and murmur prayers? Or is it since, sitting in the better section of the podium, they watch how often the spearshaft beats against the bronzed face when the trident has struck, and how the wounded fighter, from his gashes, sprays his part of the arena. When he flees and with how much blood he leaves his tracks.<sup>257</sup>

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<sup>256</sup> Kyle, D. *Spectacles of Death in Ancient Rome* (New York, 2001) 85.

<sup>257</sup> Prud. *Symm.* 2. 1096-1101: *Inde ad concessum caveae pudor almus expers*  
*Sanguinis it pietas hominum visura cruentos*  
*Congressus mortisque et vulnera vendita pastu*  
*Spectatura sacris oculis. Sedet illa verendis* 1095  
*Vittarum insignis phaleris fruiturque lanistis.*  
*O tenerum mitemque animum. Consurgit ad ictus*  
*Et quotiens victor ferrum iugulo inserit, illa*  
*Delicias ait esse suas, pectusque iacentis*  
*Virgo modesta iubet converse pollice rumpi*  
*Ne lateat pars ulla animae vitalibus imis,* 1100  
*Altius inpresso dum palpitante ense secutor*  
*Hoc illud meritum est, quod continuare feruntur*  
*Excubias Latii pro maiestate Palati*  
*Quod redimunt vitam populi procerumque salutem*  
*Perfundunt quia colla comis bene vel bene cingunt* 1105  
*Tempora taeniolis et licia crinibus addunt*  
*Et quia subter humum lustrales testibus umbris*  
*In flammam iugulant pecudes et murmura miscent?*  
*An quoniam podii meliore in parte sedentes*  
*Spectant aeratam faciem quam crebra tridenti* 1110



(Prud. *Symm.* 2.1096-1113)

As a Christian critic, Prudentius had religious motivations in disparaging the behavior of the Roman priestess, but the violent action of the arena was still very consistent with the sexually symbolic power of the thrusting sword. Edwards has noted an interesting paradox in the idea presented by Prudentius “that the Vestal Virgins, though never deflowered, should come to watch gladiators killing and being killed,” almost relieving their sexual frustration through the violent frenzy of the arena.<sup>258</sup> Prudentius’ highly eroticized language suggests that this was likely his assessment of the Vestals as well. The power of such representations of the Vestals has a rather long legacy in serving as a form of indictment of Roman society and religion; and as Potter has noted, the famous *pollice verso* painting by Jean-Léon Gérôme, first exhibited in 1872, visually projects a sense of passionate bloodlust for the Vestals as they turn their thumbs (*pollice verso*) in denial of the appeal for dismissal by the defeated *retiarius*.<sup>259</sup> Much like the aforementioned characterization of cruelty ascribed to Claudius in his desire to see the expressions of anguish on the faces of defeated *retiarii*, the *pollice verso* representations of the Vestals reflect elements visible in the ancient sources that emphasize the allure of bloodlust and the way the arena could inspire savage passions. For Futrell, the sexual allure of the gladiator was likely to have been further “intensified by his degraded status” and “rumors abounded about high-born ladies and the low-born objects of their desires, rendered even more desirable because of the thrill of violating status expectations by associating with one so vile.”<sup>260</sup> Viewed from the

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*Impacto quatiant hastilia, saucius et quam  
Vulneribus patulis partem perfundant harenae  
Cum fugit, et quanto vestigial sanguine signet?*

<sup>258</sup> Edwards (2007) 64

<sup>259</sup> Potter (1999) 24 (fig. 27).

<sup>260</sup> Futrell (2006) 146-47.

psychosexual point of view of the forbidden, the stigma of *infamia* only added to the sexual attraction of the gladiator, akin to the classic syndrome of women being attracted to the ‘bad boy’ image. This only contributes to the ‘paradox of the gladiator’ in the collective Roman consciousness.

While the literary accounts reflect the Roman anxiety related to the psychosexual attraction of the gladiator, there exists some archaeological and material evidence to validate how these sexualized arena heroes may have viewed themselves. Graffiti that seem to convey shameless pride in sexual prowess were apparently left by Celadus the *Thraex* and Crescens the *retiarius*, or perhaps by some of their adoring fans. Celadus is described as *suspirium puellarum* (‘the one whom the girls sigh for’)<sup>261</sup> as well as *puellarum decus* (‘the one whom girls honor’).<sup>262</sup> Similarly, Crescens is designated as:

Crescens, the netter, doctor of girls by night, of girls by morning, and of all of the others.<sup>263</sup>

(CIL 4.4353)

Whether such shameless commemorations are intent on anything beyond bathroom stall dialogue is debatable. What is notable, however, is the sense of individuality that is being projected, as well as the pride in gladiatorial type. The gladiatorial type is also significant in terms of sexual appeal as well. Dunkle has noted that as a *retiarius*, who did not use a shield, Crescens’ body would have been:

...more exposed to the spectators than any other gladiator, making this type of gladiator a sexually charged figure. Although some took the *retiarius*’s near-nakedness as a sign of effeminacy, the *retiarius* also could embody heterosexual attraction. This seems to be the case in Artemidorus’ interpretation of a dream in

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<sup>261</sup> CIL 4.4342, 4345: see Dunkle, 49, see also Jacobelli, L. *Gladiators at Pompeii* (Los Angeles, 2003) 49.

<sup>262</sup> Ibid.

<sup>263</sup> CIL 4.4353, 4356. See Dunkle, 49; note that Jacobelli (p. 49) has the name as Cresces, and Futrell (2006) has it as Crescens.

which the dreamer fights a *retiarius*: the dreamer will marry a sexually promiscuous woman.<sup>264</sup>

(Dunkle, *Gladiators*, 49)

In a mixture of sex and violence, the same exposure that made the *retiarius* popular and desirable in terms of being able to visualize their wounds and suffering, as characterized in Suetonius, also made them more sexually enticing. The dehumanizing effect of the masked helmet is mitigated in this gladiator type and seems to invest the *retiarius* with a greater acknowledgment of humanity and individualism in the Roman consciousness, individual differentiation mattered. Similarly, Wiedemann has concluded that the available archaeological evidence also supports a similar dynamic at work with the popularity of the *Thraex* type gladiator, where “Thracians were a favorite symbol of manliness because much of their body was left visible to the audience.”<sup>265</sup> The significance of sexual attraction can also be seen in the dramatic stage names adopted for gladiators, names that were meant to “emphasize beauty and sexual attractiveness and no doubt were a further stimulus to women who were vulnerable to the sexual appeal of gladiators.”<sup>266</sup> The importance of naming conventions and the sexual allure of the gladiator was also apparent in the poetry of Martial when he describes a gladiator named Hermes as “*Hermes cura laborque ludiarum*” (‘Hermes, the care and distress of the women of the *ludus*’).<sup>267</sup> One of the benefits of victory for the gladiator was the potential acknowledgment by the public of the masculine

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<sup>264</sup> Artem. 2.32; see also Futrell (2006) 147.

<sup>265</sup> Wiedemann, 26.

<sup>266</sup> Dunkle, 125: “Hippolytus (a handsome youth who rejected all women and died for this offense against Aphrodite), Hyacinthus (a beautiful young man loved by Apollo) and Eros/Cupid, the god of love himself. Sometimes adjectives were used as names with the same intent: Kallimorphos (‘of beautiful form’), Euprepes (‘good looking’), Euchrous (‘having a good complexion’), and Decoratus (‘handsome’).” Note the name Hyacinthus was a name used by Juvenal to describe Sergius in his account of Eppia (Juv. *Sat.* 6.110).

<sup>267</sup> Mart. 5.24.10, 5.24.1-15; see also Dunkle, 126-27: “Hermes, the care and despair of gladiator groupies”, “Hermes also possessed the *sine qua non* of a great gladiator: women found him sexually attractive.”

potency and inherent virility of a successful gladiator. Victory meant a degree of acknowledgment of worth tied to the individual, mitigating in some small way the dominance of the specter of ‘social death’ that was thought to have hung over *infames* and clouded their lives in shadow. Earning a reputation for displays of greatness in the arena allowed slivers of light to penetrate that darkness and the value of the gladiator could be recognized in some small way, even if it was minimal. The legacy of sexual objectification of the gladiator and the anxiety of surrounding it has tended to taint some of the interpretations of the archaeological evidence in modern times. When gladiatorial materials were uncovered, the findings were often influenced by the sexual characterizations of the gladiatorial world that were so prominent in the literary record. The difficulty in properly assessing material evidence related to sexualized ornamentation with gladiatorial imagery on it can be seen in analysis of the bronze *tintinnabulum* (‘little bell’) preserved in the Museo Archeologico Nazionale in Naples showing the aggressive act of a gladiator fighting with, or attempting to castrate his monstrous penis that possesses a dog’s head with sharp teeth.<sup>268</sup> Hopkins asserts that these types of material goods were indeed indicative of the close connection between the link of gladiatorial combat and sexuality:

Other evidence corroborates this association: for example. A terracotta gladiatorial helmet shaped suggestively like a penis, and a small figurine [*tintinnabulum*], from Pompeii, of a cruel-looking gladiator, fighting with his sword a dog-like wild-beast which grows out of his erect and elongated penis; five bells hang down from various parts of his body and a hook is attached to the gladiator’s head, so that the whole ensemble could hang as a bell and perhaps as a talisman in a door-way or from a ceiling. Once again, interpretation is speculative. It seems as though gladiatorial bravery for some Roman men represented an attractive yet dangerous, almost threatening, macho masculinity.

(Hopkins, *Death and Renewal*, 22)

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<sup>268</sup> Meijer, 71.

While Hopkins was always known for his willingness to engage in speculation, and his conjectures often appear to have a great deal of validity, the difficulty with this type of material evidence is that it is all too difficult to let the material culture speak without being influenced by the strong legacy of the literary tradition that suggests a high level of sexual objectification of the gladiator. Whether the *tintinnabulum* found at Pompeii actually carried the same sexual meaning we might ascribe to it, or not, remains virtually impossible to say with any certainty, but we do have to go with the best estimations based on the totality of the evidence, literary and archaeological.

The difficulties of arriving at an appropriate balance in evaluation of this type of evidence can be observed in the relatively famous discovery of the skeleton of a heavily adorned female, wearing gold jewelry and an emerald necklace, in the gladiatorial barracks excavated at Pompeii in the late 1800's.<sup>269</sup> For decades, this discovery fueled speculation about the degree of accessibility to gladiators that female Roman elites may have had. This speculation tends to be rooted in modern religious and moral traditions that characterize pagan Rome as beset with depravity and sexual immorality often associated with the perceived barbarity of the gladiatorial games themselves. This is in no small part due to the prominence of the aforementioned Christian accounts like St. Augustine, Tertullian, and Prudentius that tended to be derogatory toward Roman culture and the world of the gladiator. The salacious speculation over the adorned female skeleton was also driven by the documented anxiety among the Roman elite regarding sexual impropriety, as well as the lustful appeal of gladiators as popular figures, that was so prominent throughout the imperial literary sources. Due to these factors, there was considerable speculation that the heavily adorned skeleton was evidence of the sexual

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<sup>269</sup> Mau, A. *Pompeii, its Life and Art* (London, 1899) 157-58.

debauchery of imperial era elite women and the allure of the gladiator. In reality, there is no way to know why the woman was there, or who she was; and the volcanic disaster that buried Pompeii would not be a likely time for an illicit and scandalous rendezvous in the gladiator barracks. Rather, it is more likely, the barracks seemed like a more viable structure to take some cover in, as evidenced by the other seventeen skeletons found over two rooms in the barracks.<sup>270</sup>

Beard encapsulates the issues around this myth rather well:

It is also commonly said that they had enormous sex appeal for the women of Pompeii and elsewhere in the Roman world. The satirist Juvenal writes of some imaginary upper-class lady who runs off with the brutish figure of a gladiator, obviously attracted by the ancient equivalent of ‘rough trade’, and by the glamour that his dangerous life brought. The Roman imagination certainly saw gladiators in these terms. But we find a cautionary tale when we try to follow this fantasy through the real life of Pompeii. We have already seen that the myth of the upmarket Pompeian lady being caught red-handed in the gladiatorial barracks, with her gladiator lover, is just that: a myth. But some of the other evidence for the sex appeal of the gladiators requires a second look too.

(Beard, *Fires of Vesuvius*, 275)

Further analysis of the material remains available at Pompeii suggests that, much like the paradox visible in the sexual objectification of the gladiator, other aspects of life for arena *infames* were not necessarily as restrictive as the ‘social death’ model of *infamia* might portray.

### **The Legacy of the Gladiators at Pompeii**

While there is some variety with respect to the places around Italy and Rome that reflect gladiators in the archaeological record, Pompeii provides a particularly interesting case study for evaluating the place of gladiators within Roman society due to the level of preservation afforded by the eruption of Vesuvius in AD 79. Although the true nature of this female skeleton addressed in the preceding section remains largely inaccessible, the additional discovery of a

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<sup>270</sup> Beard, M. *Fires of Vesuvius: Pompeii Lost and Found* (Cambridge, MA, 2008) 5 and 275, see also Hopkins, 23.

newborn skeleton in this same area has led Jacobelli to characterize life within the gladiatorial school as less restrictive than one might expect for social outcasts:

The presence of weaponry in the *ludus* suggests that there was no fear of a Spartacus-like insurrection. Furthermore, the gladiators were free to come and go from the barracks and to receive guests there, as demonstrated by the discovery of a bejeweled female skeleton in one of the cells. The discovery of a newborn's skeleton suggests that some gladiators lived in the *ludus* together with their families.

(Jacobelli, *Gladiators at Pompeii*, 67)

While these assertions by Jacobelli remain largely speculative, and subject to the same scrutiny as the allegations of sexual debauchery, the totality of the evidence collected at Pompeii confirms the complexity of the gladiatorial living environment and the range of opportunities for interaction with the larger society available to individual gladiators. While some gladiators appear to have lived very restrictive lives, other may have had less rigidly constrained social conditions dependent on their status as individuals within the gladiatorial community.

The archaeological record at Pompeii seems to support Hopkins' assertion of the socio-political significance of gladiatorial contests having served as an occasion for interaction among disparate segments of Roman society. Although the attribution of social-class to the occupancy of any particular residence or neighborhood in Pompeii remains dubious at best, the numerous representations and gladiatorial images found in a multitude of sections throughout Pompeii suggest "the taste for such images seems to have cut across all social classes in Pompeii."<sup>271</sup> The disparity in quality, along with the wide dispersion throughout the various sections of the city, suggest the level to which gladiatorial displays permeated the consciousness of Roman society from top to bottom, at least within Pompeii itself.

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<sup>271</sup> Ibid, 98.

Despite the limitations and difficulties in validating these commemorations of specific gladiators, the prominence of the various representations of individual gladiators has led Hopkins to acknowledge the collective significance of gladiatorial fame within Roman society:

The transience of the fame of each does not diminish their collective importance. So too with Roman gladiators. Their portraits were often painted; and occasionally even walls in public porticoes were covered with 'life-like portraits of all the gladiators' in a particular show (Pliny, *Natural History* 35.52). Names of individual gladiators survive in dozens, scratched or painted on the plastered walls of Pompeii.<sup>272</sup>

(Hopkins, *Death and Renewal*, 21)

The individual commemorations range in tone and intent from simple commemoration, to shameless self-promotion, or even to the vindictive disparagement of the fighting ability of a specific gladiator. The gladiator barracks (Region V, 5.3) include simple commemorations of the *murmillones* Herachinthus and Asicius and the *essedarii* Auriolus, Philippus, and Amarantus.<sup>273</sup> The acknowledgment of the individual gladiator by name, and the pride associated with their records, is one of the viable ways the gladiators could carve out a sense of individuality and identity in an oppressive environment where they were socially debased as *infames*.

One particular representation found in Pompeii is very suggestive with respect to establishing the importance of gladiatorial displays and motifs in terms of their overall influence on events in Roman society. A fresco found in the House of Anicetus (Region I, 2.23) in Pompeii depicts the riot between the Pompeians and Nuceriens in AD 59 described decades later by Tacitus.<sup>274</sup> The detailed fresco represents the struggle of the riot as spreading throughout

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<sup>272</sup> Hopkins, 21.

<sup>273</sup> Jacobelli, 48.

<sup>274</sup> Tac. Ann. 14.17: *Sub idem tempus levi initio atrox caedes orta inter colonos Nuceriens Pompeianosque gladiatorio spectaculo quod Livineius Regulus, quem motum senatu rettuli, edebat. quippe oppidana lascivia in vicem incessentes probra, dein saxa, postremo ferrum sumpsere, validiore Pompeianorum plebe, apud quos*



sections of Pompeii, but the entire action and theme of the fresco is built around the amphitheater as the focal point of the incident. The fresco is flanked by two smaller paintings of gladiatorial pairs and covered an older gladiatorial painting found underneath it.<sup>275</sup> A straightforward reading of Tacitus' account of this riot could simply suggest an incident of frightful slaughter at a gladiatorial spectacle sparked from a trivial dispute:

About the same time a trivial dispute brought about frightful slaughter between the inhabitants of Nuceria and Pompeii, at a gladiatorial show sponsored by Livineius Regulus, whose expulsion from the Senate (*motum senatu*) I have recorded. With the unruly spirit of townsfolk, they began abusing each other with words; then they took up stones, and at last swords, the more effective being the populace of Pompeii, where the spectacle was being exhibited. And a result, many of the people of Nuceria were brought to Rome, with their bodies ravaged by wounds, and many lamented the deaths of children or of parents. Judgment in the case was moved from the *princeps* to the Senate, and from the Senate to the consuls, and then again the case was relegated back to the fathers [the Senate], the inhabitants of Pompeii were prohibited to have any such public event for ten years, and all associations they had formed in defiance of the laws were dissolved. Livineius and the others who had incited the riot were punished with exile.

(Tac. *Ann.* 14.17)

On the surface, Tacitus' account seems to dismiss the ancestral animosity between the factions as a trivial rivalry among zealous fans from Nuceria and Pompeii, essentially an ancient incident akin to episodes of 'hooliganism' among modern European soccer fans. However, Moeller's interpretation of this incident, and his detailed analysis of Tacitus' entire description of it, reveals a plausible reconstruction of the possible political dynamics that surrounded this incident.<sup>276</sup> More significantly in terms of the study of *infamia*, it is noteworthy that Tacitus specifically

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*spectaculum edebatur. ergo deportati sunt in urbem multi e Nucerinis trunco per vulnera corpore, ac plerique liberorum aut parentum mortis deflebant. cuius rei iudicium princeps senatui, senatus consulibus permisit. et rursus re ad patres relata, prohibiti publice in decem annos eius modi coetu Pompeiani collegiaeque quae contra leges instituerant dissoluta; Livineius et qui alii seditionem conciverant exilio multati sunt.*

<sup>275</sup> Jacobelli, 70.

<sup>276</sup> Moeller, W.O. "The Riot of A.D. 59 at Pompeii" in *Historia* 19 (1970): 85-95.

comments on how Livineius Regulus had been expelled from the senate, effectively derogated to a state of *infamia* himself. As Beard notes, however, unfortunately “the portion of the narrative where Tacitus discusses this ‘above’ [incident] no longer survives,” but “it is hard not to wonder whether there was some connection between the shady, and perhaps controversial, sponsor of the show and the violence it sparked.”<sup>277</sup> The connection between the *infamia*, untrustworthy character, and the potential for violence was very tangible in Roman assessments of public spectacle and the world of the gladiator.

Moeller suggests that the response of the imperial administration in prohibiting these types of gladiatorial shows in Pompeii for ten years, as well as the exile of the Livineius and others from Pompeii as instigators, illustrates the prominence of gladiatorial exhibitions in the political structure of Roman society. Apparently, the prohibition was applied specifically to the spectacles associated with the *collegia iuvenum* and not to all the spectacles associated with the amphitheater.<sup>278</sup> The link between the fan clubs and the local politicians as sponsors of the games, confirmed in numerous graffiti, *collegia* records, wax tablets associated with banking transactions, and various other forms of evidence recovered at Pompeii, was very politically significant:

The presence on the house of the Nigidius family of the *Campani* graffito suggests a close relationship between the Nigidii and the fan club. Such connections between men of position and theatrical clagues were sometimes politically profitable, since the spectacles often served as sounding boards for public opinion...The punishing of specific individuals carries the strong implication that the riot was not of spontaneous origin but was, instead, planned, and the language structure of Tacitus’ account lend support to this idea.

(Moeller, “The Riot of A.D. 59 at Pompeii”, 94)

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<sup>277</sup> Beard (2008) 48.

<sup>278</sup> Ibid, 94.

Moeller's characterization of gladiatorial exhibitions as a prominent element within the socio-political fabric of Pompeian society is further supported by the magnitude of the riot itself, as well as the direct response and involvement of the imperial administration as recorded by Tacitus. The political dynamics associated with the games and the riot at Pompeii remain consistent with the aforementioned assessment from Pliny that the games were promoted to serve a moral purpose by strengthening Roman fortitude and the very fabric of imperial social order. When the games failed to serve their intended purpose by having contributed to the incitement of the riot, the highest elements of Roman society responded to address the situation with severe penalties directed at both the culpable individuals and the political groups that helped to inflame the riot. As evidenced by the situation at Pompeii, the variety of ways in which gladiatorial spectacles are woven into the fabric of Roman political life and social life was very complex.

It is also interesting, however, that the prominent public commemorations of the actor Caius Norbanus Sorex, in a portrait set up in the Temple of Isis, and in a commemorative statue is an interesting study in the limits of *infamia*. As Beard notes, "the fact that, as an actor, he was legally *infamis* ('disgraceful') did not seem to get in the way of public commemoration, 'on land given by decision of the town council', in the centre of Pompeii."<sup>279</sup> This suggests the limits of *infamia* as a practical matter, and is consistent with the extensive gladiatorial decorative imagery throughout Pompeii, both in public spaces and the decorations within so many of the houses. Also, the prominence of the actor Norbanus Sorex in the public sphere, despite being an *infamis*, might suggest the influence of a 'disgraced former senator' like Livineius was extensive even in

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<sup>279</sup> Beard (2008) 256-7. See Cooley, A. and Cooley, M. *Pompeii: A Sourcebook* (2004) 71: "[Portrait] of Gaius Norbanus Sorex, and actor of second parts; the presidents of the Fortunate Augustan Suburban Country District [set this up]. Space given by decree of the town councillors." D 70 *CIL* 10.814 = *ILS* 5198; see also D 63-69 (p. 70-71) in Cooley (ed.) for the inscriptions related to acknowledging the actors Actius Anicetus (*CIL* 4.3891, 4.4965, 4.5399) and Paris (*CIL* 4.3867, 4.3877, 4. 7919 and *AE* [1985] 288).

the face of *infamia*, as his sponsorship suggests. *Infamia* in daily life, despite the civic disabilities and moral censure associated with it, defied many of the expectations of the ‘social death’ model. Furthermore, *infamia* as a practical matter, may have looked different in different localities, and different for different groups of people. The particular cultural circumstances of *infamia* were what gave it definition, and may not always match up with the Roman ideal.

Analysis of other materials from Pompeii that publicly display gladiatorial connections suggests some degree of acknowledged individuality among the gladiators of this town and the prominence of the games in the daily lives of its citizens. Tumolesi’s analysis of the advertising function associated with numerous gladiatorial announcements, confirms the wide-ranging appeal to various segments of the population.<sup>280</sup> These *edicta* are found throughout the town, and they seem to reflect a network or circuit of gladiatorial activity in Pompeii, as well as in the surrounding towns and “important centers of Campania.”<sup>281</sup> Jacobelli asserts these *edicta* “were as important as electoral posters, and they were painted by professional scribes.”<sup>282</sup> While these *edicta* do not usually identify specific individual gladiators, they do often emphasize the sponsor of the events in ways that suggest the importance of the gladiatorial shows in conferring honor upon local elites. Often the gladiatorial schools are identified, and sometimes even lists of individual gladiators are used to promote specific events.

Another edict from Pompeii that commemorated the games given on May 2<sup>nd</sup> by the aedile M. Casellius Marcellus includes names of pairs of gladiators, their categories, and the outcomes of the contests.<sup>283</sup> While this announcement reflects some individual names of

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<sup>280</sup> Tumolesi, P. *Gladiatorum Paria: annunci di spettacolo gladiatorii a Pompei* (Rome, 1980).

<sup>281</sup> Jacobelli, 40.

<sup>282</sup> *Ibid*, 39.

<sup>283</sup> *CIL* 4.2508; see also Jacobelli, 45 (fig.38).

gladiators, its primary purpose was undoubtedly for the promotion of the sponsor. Despite this tendency toward promotion of the manager, there were other *edicta* that did rely heavily references to individual gladiators to attract an audience. The notice of a spectacle sponsored by the *quinquennalis* Alleius Nigiduius Maius, one of the aforementioned Nigidii referenced by Moeller, announced thirty pairs of gladiators collectively followed by an individual reference to a specific gladiator named “Ellios” or “Ellius”.<sup>284</sup> Jacobelli asserts that apparently “Ellios was so famous that his participation would guarantee a very high turnout and add to the prestige of this particular show.”<sup>285</sup> Another edict referenced the gladiator ‘Sabinianus’ in an attempt to bolster the attraction of a specific spectacle event.<sup>286</sup>

While most *edicta* did not generally include references to individual gladiators, numerous graffiti found in the locations of Pompeii that served as living quarters for the gladiators do reflect an attempt to assert some degree of individuality. It appears, sometime prior to the earthquake of AD 62, gladiators were likely housed in a building in the northern portion of the town (Region V, 5.3). This building contained numerous small cells that seem consistent with gladiatorial quarters. However, it is important to remain very cautious when drawing conclusions based primarily on the architectural record. In this particular building however, numerous inscriptions were found consistent with the assessment this building likely served as a gladiatorial barracks. One graffito, somewhat discernible, seems to identify ‘Samus’ as a *murmillo* gladiatorial type, and it might suggest gladiatorial occupancy for this location.<sup>287</sup>

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<sup>284</sup> *CIL* 4.1179.

<sup>285</sup> Jacobelli, 47.

<sup>286</sup> *CIL* 4.9975.

<sup>287</sup> *CIL* 4.4420: SAMVS...M[urmillo] IDEM EQ[ues] HIC HAB[itat].

There have been approximately one hundred graffiti attributed to individual gladiators found on the columns of the peristyle within this building. Due to the fact many of these graffiti are merely names, as well as being largely rudimentary in nature, caution should be exercised in attributing too much of a public reputation or personal attestations to any specific individual gladiator or gladiatorial type. Most of the available evidence remains relatively unclear, lacking much context. The actual source, social context, intent, or validity associated with any particular graffito is virtually unattainable for the modern scholar. However, the graffiti often do include the category of the gladiator, the weapons used, their fight records, and individual characteristics.

There is a reference to Celadus, however, that does actually record a specific fight record suggesting Celadus was victorious three times and crowned three times.<sup>288</sup> Similarly, the gladiator Florus commemorated victories in Nuceria, and again in Herculaneum with specific dates.<sup>289</sup> Aside from allusions to specific types of gladiators, names, equipment, and fight records, the validity of some of the graffiti in Pompeii as being representative of actual individual gladiators is also suggested by the inclusion of “SC” for *scaeva* in many of the inscriptions to denote the popularity or infamy of the left-handedness of an individual gladiator.<sup>290</sup> Accordingly, graffiti of this nature likely represent specific gladiators, and they publicly acknowledge the individual quality and renown of the specific gladiator.

These types of individual commemorations are not restricted simply to attempts at the immortalization of names or fight records. Curtis’ analysis of the graffito that associates Lucius Asicius with *muria* and *muriola* appears to have been defamatory in nature by comparing a

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<sup>288</sup> *CIL*. 4.4342: CELADUS OCT III c III.

<sup>289</sup> *CIL* 4.4299: V K AVG NUCERIAE FLORUS VIC; XIIX K SEPT HERCLANIO VICIT.

<sup>290</sup> *CIL* 4.8056: SEVERU[s] L XIII ALBANVS SC L XIX V.

gladiator with a “cheap fish sauce and by accusing him of being an unmanly, weak, perhaps even cowardly, fighter.”<sup>291</sup> The use of a graffito in this defamatory manner illustrates the wide-range of motivations which can be plausibly attributed to the various graffiti found throughout Pompeii. However, the Asicius slur also illustrates that no matter what the motive might be for the graffito, real or contrived, there is often an inherent recognition of the gladiator as an individual and not simply as an anonymous fighter. Individual characteristics matter, whether they were represented in the records of individual fighters like Florus and Albanus, the likely imagined sexual prowess of Celadus and Crescens, or the apparent inadequacies of a Lucius Asicius.

The issue of the individuality and public recognition of the gladiator is further complicated by some of the archaeological findings associated with the gladiatorial *ludus* or “Quadriporticus of the Theater” (Region VIII, 7.16) that served as a larger gladiatorial barracks in Pompeii after the earthquake of AD 62. Excavations of this area uncovered fifteen helmets and greaves, ornate metal belts, three caps for net-fighters, one shield, some daggers, a lance and two wooden chests containing gold-embroidered costumes accessible to many of the gladiators living within.<sup>292</sup> In another room in this barracks, there are representations of trophies with gladiatorial arms prominently displayed.<sup>293</sup> Potter asserts individual gladiators would have likely have initiated many of these displays of their success in the arena because “it appears that even slave gladiators kept all or portions of their monetary prizes that they won in the arena.”<sup>294</sup> The

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<sup>291</sup> Curtis, R. ‘A Slur on Lucius Asicius, the Pompeiian Gladiator’ in *TAPA*, vol. 110 (1980)51-61: 61.

<sup>292</sup> La Regina, A. *Sangue e Arena* (Rome, 2001) 175-197; see also Jacobelli, 66.

<sup>293</sup> Jacobelli, 66-7 (fig. 55).

<sup>294</sup> Potter (1999) 312.

apparent accessibility, along with the prominent displays of arms and wealth within the barracks, suggest a reduced anxiety about the maintenance of direct control over gladiators as well as some acknowledgement of the successes of individual gladiators.

However, in this same region iron stocks were found that Hopkins asserts were likely for the “confinement and punishment of gladiators.”<sup>295</sup> Despite the presence of these shackles, the lack of confinement of the skeletons in this area and the unrestricted access to weaponry suggests a hierarchy within the gladiatorial community where many elements could move and interact without restriction, while others were more confined. Even the location of the amphitheater on the edge of Pompeii, at a considerable distance from the gladiatorial barracks, suggests limited concern for moving well-trained men with access to weapons on the days of the spectacles.<sup>296</sup> The apparent lack of anxiety over the transportation of the gladiators would likely be aided by at least some level of internal hierarchy within the gladiatorial community that imposed a degree of collective self-discipline and order. This hierarchy was most likely dependent on the background, experience, loyalty, and fight record of the individual gladiator.

The possibility of social interaction with the larger society could have taken place in a variety of ways. Potter’s description of the *cena libera* in which all the human combatants were paraded before the public and fed at a symbolic banquet, illustrates how certain events facilitated some degree of public interaction with gladiators “so that the people would be able to recognize them.”<sup>297</sup> A less formal setting that is also a possible sphere of interaction would have been the taverns around Pompeii. The tavern in Pompeii (Region IX, 9.8) near the gladiatorial barracks

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<sup>295</sup> Hopkins, 24.

<sup>296</sup> De Vos, A. and M. *Guide archeologiche Laterza: Pompei, Ercolano, Stabia* (Rome, 1982).

<sup>297</sup> Potter (1999) 313: note that this is in opposition to the anonymous aspect of the masked helmets within the arena.



(Region V, 5.3) was decorated with a variety of gladiatorial representations and peculiar graffiti consistent with a gladiatorial clientele. The location of the *thermopolium* was located almost directly in front of these barracks and has led scholars like Jacobelli to assert:

Its proximity to the *ludus* suggests that this was a meeting place of the gladiators quartered there. It may be that, when the gladiators were transferred to the quadriporticus of the theaters after the earthquake of A.D. 62, the place was redecorated to better suit the new clientele.

(Jacobelli, *Gladiators at Pompeii*, 83)

Whether this was actually a gladiatorial tavern remains highly speculative, but the spectrum of freedom and accessibility already exhibited among certain elements of the gladiatorial community suggests some plausibility for Jacobelli's assertion. The possibility of this type of accessibility and public presence suggests the restrictions imposed on gladiators by the stigma of *infamia* had limits in the conduct of daily life.

### **Exposing the Limits of 'Social Death'**

The archaeological record reflects a greater emphasis on the public acknowledgement of the gladiator as an individual than one might expect from the attitudes expressed in the literary sources. Characterizations that imply the gladiator served simply as a political instrument for the public dissemination of state power and the legitimization of the social order of Roman society fail to take these factors into account. Wiedemann correctly alludes to the ambiguous realities and limitations of the general characterization of the gladiator as predominantly a social outcast, and he concludes that the gladiator was more than this in the larger context of Roman society:

The figure of the gladiator would not have been surrounded with such ambiguity if he had simply been a social outcast. What made him peculiar was that the particular *virtus* he exercised gave him a claim to be Roman. Inscriptions and graffiti show the popular respect awarded to individual gladiators who were known to the general public by name. The fighting skills of particular gladiators were discussed in polite conversation.

(Wiedemann, *Emperors and Gladiators*, 38)

By virtue of Roman respect for martial skill and strength in the face of death, the gladiator retained aspects of individuality that co-existed with their role as anonymous social instrument.

The ambiguous position of the gladiator provided some opportunity for the expression of individuality in the face of an oppressive system of exploitation built upon the dehumanization of its participants. While in many ways gladiators did live in a perpetual state of social death, Wiedemann appropriately recognizes they retained some degree of agency in striving to reconnect with Roman society and the larger community by being recognized as individuals who possessed exceptional fighting skill:

The audience saw beasts and criminals passing from life to death; gladiators also passed from life to death, though in their case there was the possibility that their display of fighting skill might allow them to pass from the social death of *infamia* back to life as part of the Roman community again.

(Wiedemann, *Emperors and Gladiators*, 46-47)

The archaeological record confirms this struggle for individuality within the gladiatorial community was a reality and the ‘social death’ model was much more complex than portrayed by the derogation of formal status imposed on gladiatorial *infames* by the Roman elite. In no way should this acknowledgement of the struggle for limited individuality on the part of gladiators be viewed as an overt form of resistance by a marginalized element of Roman society, nor should the view of gladiators as social outcasts be abandoned. However, the ambiguous complexities surrounding how gladiators were defined by an oppressive Roman society, as well as how they attempted to define themselves within that society, suggests that the ‘social death’ model often attributed to the slave society of Rome should not be viewed as simply ‘those within society and those outside of society.’

As the gladiatorial evidence has shown, social interaction at the margins of Roman society was the reality despite the fact it ran contrary to the projected attitudes commonly found

among the Roman aristocracy. While gladiators held a unique position within Roman slave society, their apparent struggle to reconcile their individuality within an oppressive environment of social marginalization provides valuable insight into the dynamics of Roman society and the nature of the way it imposed its hierarchy upon the subjugated. The following two chapters will employ comprehensive epigraphic analysis to explore the various ways *infames* could construct a sense of identity and negotiate a livable space on the margins of Rome's oppressive society.

## CHAPTER VII

### BREAKING THE CHAINS OF *INFAMIA* AND THE BROTHERHOOD OF THE MASK

Epigraphic analysis of the extant funerary monuments around the ancient Mediterranean exposes some of the inherent tensions between the moral censure, civic disability, and popular disapprobation of *infamia* and the social identity, both collective and individual, of professional public performers associated with spectacle. The funerary monuments commemorating gladiators, what few remain, seem to reflect a strong sense of pride (occupational, ethnic, fraternal, dutiful, and personal) that was the product of their unique place within Roman society, despite the civic degradation of their *infamia*. As this work has shown, *infamia*, even with its accompanying civic restrictions, was much more of a concern for the upper classes of Rome than it ever was for the lower orders in terms of the practical aspects of daily life.<sup>298</sup> The public display of performing *infames* and condemned *noxii* was something for the Roman elite to define their supposed cultural and moral superiority against, essentially directing Rome's moralizing gaze against the inferior 'other' through the prism of *infamia*.

While it was most significant to the upper classes, *infamia* did serve as a cultural tool of social identification and behavioral regulation for all classes, as Langlands eloquently describes:

The concepts of *fama* and *infamia* were also important cultural tools for the regulation of good behaviour. *Infamia* was the formal loss of good reputation (*fama*)...Public behaviour was expected to be monitored by the moralizing gaze of the community, and each individual to act in such a way that their *fama* was not tarnished...Fear of disgrace or diminution in the eyes of the community was clearly an important force for the regulation of behaviour in ancient Rome.

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<sup>298</sup> Garnsey (1970) 189-90: The force of *infamia* was much more considerable for the upper classes, "again, the penalty of *infamia* was not to be despised, except perhaps by those who had little or nothing to lose." See D. 47. 10. 35 (Ulpian) and the earlier analysis (p. 13) in this work on D. 50. 17. 208 (Paulus) n. 20.

(Langlands, *Sexual Morality in Ancient Rome*, 18-19)

Moreover, Kaster has asserted a strong case for the sense of shame as a regulating force that encouraged the maintenance of a delicate balance of *pudor*, *dignitas*, and *existimatio* in all social transactions, where identity, both social and individual, is inexorably tied up in social status.<sup>299</sup> Accordingly, each social interaction required an individual Roman to know their relative position within Rome's hierarchy and act accordingly, even amongst lower classes. Virtually every social interaction reflected these power dynamics and required the active cultivation of a significant cultural literacy with respect to the social hierarchy.

The question might be asked, however, did the lower orders perceive the 'eyes of the community' and interpret the enforcement of this moral regulation system differently than the upper orders? How did the lower orders view *infamia* and *infames*, with some of the prominent performers that were supposed to be beneath them, having acquired the fame and wealth to be well above the masses? Furthermore, how did *infames*, as individuals that were without formal social class or status, operate in this environment where self-identity was thought to be the very product of social interactions and transactions that were defined by status? The epigraphic remains and funerary epitaphs associated with the world of spectacle suggest that spectacle *infames* refused to live in a state of 'social death' by creating their own social structure and hierarchy, conducting social interactions internally within their own sphere, as well as externally with the society at large. Even in the face of *infamia*, these professional entertainers conducting their daily lives in ways that defied the arena of 'social death'.

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<sup>299</sup> Kaster, R. A. *Emotion, Restraint, and Community in Ancient Rome* (Oxford, 2005) 23. See also Langlands (2006) 19.

The reassertion of both individual and collective identity in the face of civic degradation can be observed in the ways these arena performers sought to commemorate themselves, as well as the visible social bonds (ethnic, familial, occupational, religious, collegial, and even hierarchical) they seem to have cultivated throughout their tenuous lives. These social bonds were a very complex web of symbiotic relations that extended horizontally amongst their fellow fighters and comrades in arms on one side, and their fans, admirers (*amatores*), and spectators on the other side. This complex social network also stretched vertically, in both directions up and down the social pyramid, up through their interactions with trainers (*doctores / magistri*), managers (*lanistae*), and even the occasional sponsor (*editor / munerarius*), as well as down the pyramid to their own wives, children, and attendants within the world of spectacle. This was a reassertion of community for a socially debased group that still occupied a significant place within the larger Roman community, even in the face of their degraded status from the stain of *infamia*.

### **Fighting Natal Alienation: Asserting Ethnic Pride in the Face of ‘Social Death’**

Roman slave culture had a very long history of systematic natal alienation with respect to those subjugated under its system. This was a system where conquered, captured, or purchased peoples were commonly taken from their native lands, separated from their families, and stripped of most of their cultural ties, traditions, languages, and even their birth names to be placed into whatever servile occupation their Roman owners deemed fit. The vast majority of these slaves would be assigned into laborious positions of drudgery where they would live out their existence in relative obscurity and anonymity, often viewed as little more than useful tools with voices by their masters and the larger populace. The world of spectacle was one occupational arena where

a subjugated individual might be able to escape obscurity and reassert some sense of pride and perhaps even ethnic identity, depending upon the circumstances.

In general, Rome's earlier gladiatorial practices and conventional typologies seem to reflect some deliberate attempt to exhibit power and mastery over subjugated enemies by displaying them in funerary *munera* outfitted in a manner reflective of ethnic stereotypes. The early *Samnis*, *Gallus*, and *Thraex* gladiatorial typologies appear likely to have emerged from this practice. It is very plausible that these types would have been drawn, at least early on, from prisoners of war associated with these cultural backgrounds, especially because such individuals would have been the most familiar with the arms and fighting styles of their respective peoples. This would allow for a higher display of skill and provide for a better show, but there appears to have been alterations made by the Romans themselves in reshaping the stereotypical armaments for their own purposes in the arena. This served to strip them of some of the traditional ethnic imagery and qualities, and repackage them in some Roman fashion as a manipulated representation of these conquered peoples to display in the gladiatorial arena.

The ethnic associations for these types appear to varying degrees in the available literary and material records. Livy, perhaps dubiously, describes the supposed traditional Samnite armor as a straight and broad shield (with the combatants grouped with decorations of gold and silver, respectively) which covers the chest, and then becomes narrower, more wedge-shaped (*cuneatior*), toward the bottom for greater mobility, with porous chest armor (*spongia pectori tegumentum*, perhaps some rudimentary form of chain mail), a greave (*ocrea*) for the left leg, and plumed helmets (*galeae cristatae*) to make the bodies of the fighters a greater presence.<sup>300</sup> While

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<sup>300</sup> Liv. 9.40.2-3: *duo exercitus erant; scuta alterius auro, alterius argento caelauerunt; forma erat scuti: summum latius, qua pectus atque umeri teguntur, fastigio aequali; ad imum cuneatior mobilitatis causa. spongia pectori tegumentum et sinistrum crus ocrea tectum. galeae cristatae, quae speciem magnitudini corporum adderent.*

the detail of this account seems to lend it some credibility, the available material evidence, though limited, might suggest a somewhat different vision of Samnite warriors, allowing for an oval or rectangular shield, possibly with the upper edge cut off, as well as the distinctive three-disc armor often, but not always, associated with Samnite warriors.<sup>301</sup>



(Fig. 2, Three disc armor - Paestum)



(Fig. 3, Three disc armor - Campli)

As questionable as the *Samnis* description is, even less, almost nothing, is known about the armaments that distinguished the *Gallus* type gladiator, although Coarelli asserts a connection to an engraving on a tombstone (perhaps from the mid first century BC) of gladiators with large shields, javelins, chest armor, a left greave, with no helmets.<sup>302</sup> Whatever the case, the

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<sup>301</sup> Nossov, K. *Gladiator: Rome's Bloody Spectacle* (Osprey, Oxford and New York, 2009) 75. See Junkelmann, M. *Das Spiel mit dem Tod* (Meinz am Rhein, 2000: p. 105) for another potential Samnite association with large shields and no helmet. See also Junkelmann M. "Familia Gladiatoria: The Heroes of the Amphitheatre" in Köhne and Ewigleben (ed.) *The Power of Spectacle in Ancient Rome: Gladiators and Caesars* (Berkeley, 2000) 31-74. Note also that Connolly, P. *Greece and Rome at War* (Moscow, 2000: p. 109) asserts Livy's description may have been specific to *Samnis* type gladiators, and not meant to describe traditional Samnite warriors, but all of this is speculative at best due to the limitations of the material evidence. See also Mattesini, S. *Gladiatori* (Rome, 2009: 78-79) for a reconstruction based on Livy's description of the shield, as well as commentary on a hypothesis about the potential evolutionary development of the Samnite shield from fourth century BC depiction of a supposed Samnite warrior on an amphora (Museo Archeologico Nazionale di Napoli) that reflects a large round shield (*hoplon*) with an Attic style helmet.

<sup>302</sup> Coarelli, F. 'L'armamento e le classi dei gladiatori' in La Regina (ed.), *Sangue e Arena* (Rome, 2001) 153-173: 161. Note Junkelmann, *Das Spiel* (2000: p. 105) identifies these gladiators with the *Samnis* type, not the *Gallus* type.



*Samnis* type disappeared by the end of the Republic, and the *Gallus* type seems to have evolved, and probably been subsumed into the enduring *murmillo* type gladiator. However, the popular *Thraex* ethnic typology, which probably first appeared in the early first century BC in conjunction with Rome's victories in the Mithridatic Wars<sup>303</sup>, endured down through the imperial period. The ethnic armaments associated with the *Thraex*, according to Nossov, were a small rectangular shield (an almost square *parmula*), which was accompanied by the short curved *sica* dagger, and the *Thraex* was frequently associated with a griffin plumed helmet.<sup>304</sup> However, possibly like the *Samnis* equipment discrepancy, the *Thraex* equipment seemed to have rather little in common with the arms of a typical Thracian soldier. These distinctions and the Roman refashioning of ethnic armature is relevant to this study because it suggests some of the dynamics of natal alienation and cultural representation that may have been visible in the world of the spectacular entertainments.

While early manifestations of gladiatorial groupings may have been related to prisoners of war from conquered tribes and ethnic groups, the Romans did not necessarily need to assign these captives to their own ethnically based gladiatorial type. Keeping large groups of slaves and captives together with their fellow countrymen would not necessarily have been a priority for the

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<sup>303</sup> Note Dunkle (p. 101) accepts the Mithridatic era introduction because Cicero was the first to mention the name *Thraex*, but he acknowledges the possibility of the development of the *Thraex* type deriving from the captured Thracian mercenaries brought back during the war against Perseus (171-67 BC) almost a century earlier.

<sup>304</sup> Nossov (p. 68) and Mattesini (pp. 100-1, 170) emphasize the small rectangular, almost square nature of the Thracian shield, whereas Dunkle (p. 101) describes the shield of the *Thraex* as slightly larger, and almost rectangular in shape, especially compared to the small circular shield of the *hoplomachus*. Dunkle (p. 102) then follows this up with, "The armament of the *thraex* was similar to that of the other gladiators such as the *hoplomachus* and the *murmillo*, but there were significant differences. The *thraex* carried a fairly small, oblong shield (*parma* or its diminutive *parmula*) that was slightly lighter than that of the *murmillo*." While the shield of the *thraex* is consistently described as smaller than those of most of the other gladiatorial types, it didn't seem to have totally consistent description in terms of its most common shape, perhaps reflecting some level of diversity. Carter, M. *The Presentation of Gladiatorial Spectacles in the Greek East: Roman Culture and Greek Identity* (Ottawa, 1999: p. 86) discusses how the *Thraex* shield was either round or rectangular.

Romans, and potentially would have even been counter-productive within the slave system. There was a practical psychological benefit to breaking down any pre-existing identity in a slave, whether that identity was individual or cultural, because it could make a slave more malleable and accepting of the harsh realities of their new environment by removing them from all ties to their old lives. The renaming of slaves was even a part of this process, and for the Romans, it didn't really matter on a personal level who the slave was, or what their name or cultural background or language may have been, except in those specific cases where specifically valued skills, training, or traits could prove useful to the new Roman masters. The newly given Roman name and slave identity was what was meant to matter in this system, not the old birth name, origin, language, or cultural background. Additionally, keeping large groups of slaves from similar backgrounds from staying together could deter the development of coalitions of resistance among the slaves, especially dangerous in a gladiatorial context. Accordingly, mixing ethnic backgrounds would be advantageous to limit the effectiveness of communication and cooperation amongst the subjugated, reducing the potential for coordinated flight, or even armed insurrection, as in the case of Spartacus.<sup>305</sup> This was some of what the force of natal alienation could do to augment the effectiveness of the slave system.

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<sup>305</sup> Note that this may have been one of the problems in the Spartacus rebellion as the evidence suggests that there did seem to be internal factions amongst the gladiators between the various ethnic contingents, the Thracians, perhaps led by Spartacus himself if his ascribed background is accepted, and the Celts, Gauls, Germans, and other barbarian factions led by figures like Crixus, Oenomaus, Cannicus, and Castus. See Shaw (2001) and Strauss, B. *The Spartacus War* (New York, 2009) for recent scholarly accounts that compile the various ancient accounts that identify these ethnic factions within the army of Spartacus. I would also suggest that any, or perhaps even all of the leader names, even that of Spartacus, were possibly, perhaps even most likely, to have been given to them by the Romans themselves. It should be noted however, that the persistence of the breakout and identifiable factions, suggests the possibility that these factions may have existed within the *ludus* of Lentulus Batiatus, and his failure to prevent these factions from forming may reflect on his poor management more than the description by Plutarch (*Crass.* 8) of the cruelty “and the injustice of their owner, confining them closely in the *ludus* and compelling them to engage in gladiatorial combats.” ἄλλ’ ἀδικία τοῦ πριαμένου συνειρχθέντες ὑπ’ ἀνάγκης ἐπὶ τῷ μονομαχεῖν. It is possible that Batiatus did not understand the dangers of close confinement and cultural connection, wide cultural dispersal and some degree of physical separation would have been preferable, especially with respect to those being trained as gladiatorial fighters.

It should be noted, however, that much like the Spartacus situation, actually stamping out all various vestiges of an identity, either individual or collective, remained impossible, but the relative anonymity most of the slave populations existed in, made it a household or occupational concern. The world of Roman spectacle and the arena, however, put such performers, the majority of which were of servile status, on prominent display for all society to see. Despite the degradation of *infamia*, public spectacles afforded professional performers a powerful venue to engage in a unique form of social interaction with the rest of Roman society through the crowd. This was not entirely inconsistent with Kaster's framework of Roman social identity formation and cultural behavior as a process of repeated social transactions that were always shaped by the relative status of the figures involved.<sup>306</sup> Not only were the relative social class distinctions on display in the theaters and amphitheaters, but the very structure of the gladiatorial arenas that divided the sands from the seats created a complicated and multifaceted social barrier distinction which separated the spectators from the performers. The barrier wall of the podium not only distinguished the spectators from the performers, effectively dividing the community of those with civic status from the *infames* that had no civic status.

Some scholars, namely Plass, but hinted at earlier by Wiedemann, have even argued that this division imposed by the podium wall served a "liminoid ritual" function to differentiate culture and civilization from the destructive and chaotic forces of nature, essentially distinguishing the world of man from that of the beasts.<sup>307</sup> It is interesting with respect to

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<sup>306</sup> See earlier analysis (p. 209, n. 299) of Kaster's view on shame and the relationship between identity, behavior, and social status.

<sup>307</sup> For 'Liminoid Ritual' see Plass, 25-28: Plass asserts a cathartic effect associated with witnessing violence through "a three stage process of separation, transition (ordeal), and reintegration, through which individuals or society at large recognize, deal with, and dispose of threats." Fagan, 25: acknowledges the legitimacy of some of Plass' anthropological explanation for the function of the games, but he disagrees with the assertion that this type of 'liminoid ritual' sought "to limit and rein in the dangers of general violence" through a cathartic effect on Roman society. Wiedemann, 46: "The arena was visibly the place where civilization and barbarism met, and

*infamia*, however, that the gladiator upon the sands effectively falls into the beastly category, even though the *venatores* hunted and showed their own mastery over the beasts.<sup>308</sup>

Nevertheless, the arena did afford the gladiator an opportunity to have an interaction with the crowd in ways that could help them define their own identity, and the evidence suggests that the reconstruction of a positive sense of self-identity was aided, not hindered, by their performance in the arena, in life, and in death. The arena allowed these performers a venue to realize their own sense of worth, even in face of social stigmatization.

The epigraphic record associated with these figures, as limited as it may be, contains consistent examples of cultural, individual, and occupational identity being reasserted and reaffirmed in a public context, even in the face of Roman power and civic degradation. There is an interesting paradox in terms of natal alienation with respect to the funerary epitaphs of gladiators and other arena performers. The paradox in this respect is that even though they may have been stripped of their birth names and homelands, the popularity and honor they internalized and acquired through their successes in the arena gave them great pride in their assumed names, so much so that they usually commemorated themselves with these names. This was likely done in order to project their own sense of identity to posterity through their noteworthy occupational persona. By contrast, however, although they seemed more than willing to forget their birth names in favor of their occupational name, they sometimes tended to

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civilization for the Romans meant the city,” see also (pp. 62-66) where Wiedemann asserts the importance of public displays to remind urbanized people of the power of nature and to assure the populace of the Roman state’s mastery and dominion over nature. On the symbolic force of natal alienation, see Dupont, F., trans. Woodall, *Daily Life in Ancient Rome* (ed. Oxford, 1992) 88: “Gladiators were always barbarians, though not always by birth, birth being of no consequence to Romans. It was in their souls that gladiators were barbarous, and in the manner of their combat. Whether captured barbarians or Romans who had become degenerate, gladiators would be decked out with exotic and systematically strange weapons of varying degrees of authenticity.”

commemorate their birthplace or homelands, never fully submitting to the natal alienation attached to their new identities.<sup>309</sup>

Recently, scholars such as Keegan and George have emphasized the importance and power of naming dynamics within the Roman slave system, concluding that:

The onomastic diversity of male slave names drawn from the catalogue under Roman authority inscribes the divide between conqueror and conquered, master and slave, reproducing in substantive form the appropriative, subordinating impulses underpinning Rome's geo-political expansion.<sup>310</sup>

(Keegan, "*Pueri Delicati*, Slave Education, and Graffiti" 79)

The power of naming conventions should not be underestimated in reinforcing Roman power and natal alienation, but the pride taken in commemorating the gladiatorial name suggests that their sense of honor and identity was very closely tied to their occupational persona, which also included their gladiatorial typology, rank within the *ludus*, as well as their overall record in the arena, where victories, super victories (crowns and palms), and even draws are all viewed with varying degrees of honor. The fighters self worth and identity seems to be closely tied to this occupational identity, not unlike many other Roman occupations.<sup>311</sup> The very public role of spectacle, however, made the gladiatorial honor, as well as the distinctive dishonor of *infamia* that resulted from the notoriety of the trade, exceedingly distinctive and paradoxical in its conflicting aspects.

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<sup>309</sup> Carter, M. *The Presentation of Gladiatorial Spectacles in the Greek East: Roman Culture and Greek Identity* (Ottawa, 1999) 120: "Significantly, it was primarily by these chosen names that gladiators wished to be remembered: wives and friends say farewell to the departed gladiators, typically addressing him by his chosen gladiatorial name rather than his birth name." Carter does go on (p. 121) to note exceptions to this where a few epitaphs reflect both the gladiator name and the 'private/civilian' (*paganus*) name, with examples like Mestrianus (no. 99), Apollonius (no. 163), Mariskos (no. 71), and Antaios (no. 326).

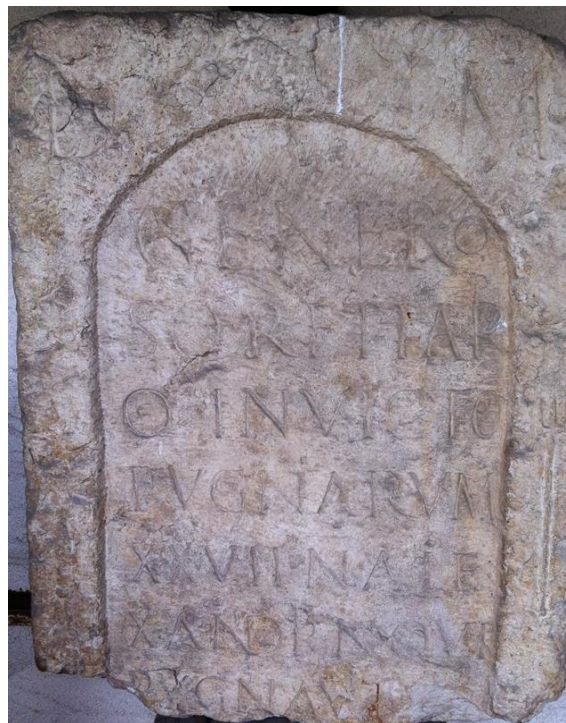
<sup>310</sup> Keegan, P. "*Pueri Delicati*, Slave Education, and Graffiti" in *Roman Slavery and Material Culture*, ed. George (Toronto, 2013) 69-98: 79.

<sup>311</sup> Joshel, S. *Work, Identity, and Legal Status at Rome: A Study of the Occupational Inscriptions* (Norman, 1992) for relatively recent scholarship on the importance of occupational identity. Also see her similar work more recently on *Slavery in the Roman World* (Cambridge, 2010).

Carter acknowledges, that while much of the primary motivations for gladiators would be monetary in nature, if one was to only look at epigraphy and their names, “gladiators fought purely for their personal honor and glory and perhaps for their homeland.”<sup>312</sup> There are numerous examples of this dynamic, but a typical one can be found in the epitaph of the *retiarus* Generosus, an Alexandrian, who had a distinguished career upon the sands of the amphitheater in Verona:

To the spirits of the departed  
for Generosus  
the *retiarus*  
undefeated in 27 fights  
by birth Alexandrian  
[??] ...who fought...<sup>313</sup>

(CIL 5.3465 = ILS 5117)



(Fig. 3: Verona)

<sup>312</sup> Carter, 132-33: “Rarely, but not exceptionally, do gladiators mention their home city. The *retiarus*, Euphrates, buried in Thessaloniki, claims that his six victories glorified his fatherland...Perhaps the homeland of a gladiator was announced when he entered the arena, as is suggested by a relief from Smyrna depicting four gladiators each carrying a placard in their right hand (no. 236 = fig. 1). A *myrmillo*, whose name is now lost, may have claimed to be “the glory of Smyrna”, although this reading has been reconstructed.” Also see Carter note 250: “No. 88: ‘I Euphrates, came as a child, still having my long (youthful) hair. I was victorious six times and I glorified my homeland’ [πατριδ’ ἐπη(υ)κλείσα].”

<sup>313</sup> CIL 5.3465 = ILS 5117: D M  
GENERO  
SO RETIAR  
O INVICTO  
(pugio) PUGNARVM (tridens)  
XXVII N ALE  
XANDRN QVI...

Typical of many gladiators, especially those in the western portions of the empire, Generosus made sure he was commemorated with his personal gladiator name (*GENEROSO*), gladiator type (*RETIARO*), undefeated record in twenty-seven fights (*INVICTO PVGNARVM XXVII*), and birthplace (*N ALEXANDRN*) all specifically highlighted. While Carter does not necessarily think the gladiators in the east recorded their birthplace or homeland all that frequently,<sup>314</sup> it does not appear to be all that uncommon in the gladiatorial epitaphs in the west, and the native homeland theme will appear in many most of the epitaphs used throughout the remainder of this study.

Resistance to natal alienation in this form is visible, but it is also noteworthy to remember the earlier analysis of the account in Livy of the games put on by Scipio in Spain in 206 BC where the local chieftains sent their fighters into the combats to display “the inherent virtue” (*insitae genti virtutis*) of their tribes, even among people of high birth.<sup>315</sup> There could be a sense of ethnic honor found in these types of one-on-one combats that cut across cultures, and this tendency worked against Rome’s traditional sense of moral censure associated with *infamia*, especially for those toward the bottom of the social pyramid because they had no *dignitas* to lose.<sup>316</sup> Rather, the arena afforded an opportunity and public venue to reassert their own peculiar form of *dignitas*, and it should be noted that not only did the arena provide an opportunity for a glorious death, it also provided an opportunity to enhance a performer’s daily life and sense of personal worth, and perhaps even that of their family. Many of the epitaphs show the importance

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<sup>314</sup> Carter, 132-33.

<sup>315</sup> Liv. 28.21; see earlier analysis (p. 95) n. 117.

<sup>316</sup> Garnsey (1970) 185: “*Infamia* has been referred to as a ‘derogation of *dignitas*’. The higher orders had good reason to fear *infamia*, having *dignitas* to lose;... [n. 1] *Infamia* is a useful but not a technical term.”

of the family in the world of the arena, both in terms of the loving bonds with a spouse and child, as well as the occupational family and fraternal bonds of brotherhood in the *familia* of the *ludus*.

### **Adopting the Familial ‘Mask of *Infamia*’: Wives and Children of the Arena**

Even though they potentially faced death each time they took to the sands of the arena, it was not uncommon for gladiators, at least the more successful ones, to take wives and build personal familial bonds in ways that created their own life affirming bonds in the face of ‘social death’. Much like the rest of Roman society, many of the funerary epitaphs were left by, or dedicated to, depending on who died first, the wives and children of arena performers. These personal familial epitaphs reflect vertical social bonds of affection and dependency that were projected down through the hierarchy of the household family with the gladiator as the head of the smaller unit.<sup>317</sup> This personal familial unit would often conduct its daily existence within the larger social context of the occupational *familia* of the *ludus*, but even its relative position within the *ludus* may depend on the rank and skill of the individual gladiator. Just like the rest of Roman society, there was a strong sense of social hierarchy within the *ludus* itself, and one’s status within that hierarchy would be a function of the quality of performance in the arena itself. Accordingly, the relative status of wives and children would rise and fall with the results in the arena as well.

The funerary epitaphs related to wives and children seem to represent a genuine affection, as much as the limited communication form of such epitaphs allows us to accept, but they also seem to convey a great sense of pride in the gladiatorial accomplishments as well. Not

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<sup>317</sup> For the remaining funerary epitaphs in this chapter, the vertical axis social bonds will be characterized by the connections that appear in the social hierarchy, both upwards within the *familia gladiatoria* of the *ludus* (*editor/munerarius*, *lanista*, *doctor/doctores*, *veteran* (of varying ranks), *gladiator*, attendants), and downward into the personal household dependents (wives, children, and slaves). The horizontal axis social bonds will refer to the connections with comrades in arms, *collegia*, or perhaps in certain circumstances, religious practice associations, or external affiliations with fans or admirers (*amatores*).



surprisingly, there was never a sense of disreputable shame, as *infamia* was the largely the domain of Rome's elite, other than in those specific legal situations that might prove to be problematic. For the most part, the popularity of spectacle and the benefits of the arena, both material and psychological, may well have provided opportunities in life for those of the lower orders than the vast majority of other occupations, or slave positions, did not provide. The benefits of the arena were even strong enough to attract free citizens into the arena as *auctorati*, despite the more impactful derogation of civic status such individuals suffered compared to their gladiatorial brothers drawn from servile backgrounds without civic status. In any case, for both *servi* and *auctorati*, the benefits and the allure of the arena, for both themselves and their families, was strong enough to overcome any associated civic disability or ill repute.

The vertical social bonds of affection and dependency appear to reflect some sense of a fully formed familial life, even within the constraints of the *ludus* and with the specter of 'thanatos' (*θάνατος*: the Greek word for death and deified personification of 'Death', which is frequently represented on gladiatorial motifs and imagery as a stylized 'θ') looming in the background of arena life. When *θάνατος* finally arrived, the grief and prideful commemoration of the family is evident upon a significant portion of the surviving funerary monuments, as limited as they are.<sup>318</sup> One representative example comes from an epitaph in honor of the *Thraex* Danaos from Cyzicus that was left by his family:

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<sup>318</sup> It is appropriate to acknowledge that there are relatively few surviving funerary epitaphs for gladiators, especially in Italy and the west (see Hope 'Fighting for Identity' [2000] for quantitative analysis; she records 56 extant epitaphs throughout Italy) compared to large collections from the east (see Robert, Ville, and Carter). Moreover, the epitaphs that did survive likely reflect a disproportionate representation of the more successful gladiators compared to the largely anonymous population of less prominent fighters, but the emotions reflected on what does survive seems to say something legitimate about the prominent gladiators we actually know of. The significance of *infamia* for the anonymous would not be likely to matter much anyway, for at its core, *infamia* was the negative manifestation of being famous (*famosa*) or noteworthy (*noti*) for actions or performance in a public context. Individual gladiators who died in obscurity, even though they were the majority, would not have evoked much thought or concern either way, beyond what they represented for Roman society in a very general sense. The gladiators who attained notoriety would be the ones the Roman elite would be most concerned with in terms of

(vertical and horizontal axis bonds)<sup>319</sup>

His wife Eorta, and his son  
Asklepiades, erected this in memory of Danaos  
*secundus palus* of the *Thraeces*  
after nine combats he departed to Hades.<sup>320</sup>  
(Robert, no. 293)

DANAOS (*secundus palus*)  
||| == (THRAECES)  
|||  
EORTA (*wife*) = ASKLEPIADES (*son*)

The basic form of commemoration for Danaos by his personal family, both wife and son, is combined with the pride shown in his rank as a ‘*secundus palus* of the *Thraeces*’ (δευτέρω πάλω Θρακῶν). This familial bond extends vertically down below the axis of *infamia* that would define a personal household of an *infamis*. *Infamia* itself, for many years, was traditionally not thought to attach to anyone other than the designated individual, especially for the lower orders that had no sense of *dignitas*. It is important to note, however, at least for the upper orders and perhaps more generally, the *Tabula Larinas* (line 16), referencing the elite orders, specifically the *equites*, does place ‘due burial’ restrictions on the offspring of any *infamis* who was, or had been, an actor, gladiator, manager, or pimp (*natave esset ex histrione aut gladiatore aut lanista aut lenone*).<sup>321</sup> At least in some sense, this suggests that *infamia* in certain circumstances was projected vertically downward through the offspring within a personal family connected to

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exceeding their lowly station. The sanction of *infamia* was meant to keep them in a degraded public space as something Rome’s elite could define their superiority against, even if the popularity of individual fighters proved problematic within the idealized vision of Rome’s moral and legal system.

<sup>319</sup> See previous note 317 on the definition of vertical and horizontal social bonds in this chapter.

<sup>320</sup> Robert, no. 293: Ἐορτῆ ἢ γυνὴ αὐτοῦ καὶ Ἀσκλη-  
πιάδες ὁ υἱὸς αὐτοῦ Δανάω δευ-  
τέρω πάλω Θρακῶν μνείας  
χάριν  
[Ἐ]ννεάκις πυκτεύσας ὄχετο εἰς  
Ἄιδην

<sup>321</sup> *Tabula Larinas* (16) in Levick (1983) 98-99; see earlier analysis (pp. 158-60) of this work.

occupational disgrace, even though the primary function was to preserve the integrity and *dignitas* of the upper orders.

Regardless of the specific social order dynamics of this provision, the funerary epitaphs avoid any sense of disgrace and choose to highlight pride in the honor of the occupation and what it could provide for the family, both in terms of identity and material benefit. The funerary epitaph of Probus the *murmillio* at Cordoba, reflects the social bonds of family that extend vertically down the hierarchy system into the familial unit, not only for slaves, but for freedmen as well.

<p>The <i>murmillio</i> / <i>contra-retiarius</i>,          Probus, freedman of Publius          Aurelius Vitalis, 49 times a winner,          German by birth,          lies here. May the earth lie lightly upon you.          Volumnia Spera[ta],          in honor of her dutiful husband,          who was well deserving, and          Publius Volumnius Vitalis, for his dutiful father,          erected this monument.          May the earth lie lightly upon you.<sup>322</sup>          (CIL 2<sup>2</sup>7.363)</p>	<p><u>(vertical and horizontal axis bonds)</u></p> <p>VITALIS (<i>old master</i>)                       PROBUS (<i>murmillio</i>)                       VOLUMNIA (<i>wife</i>) = VITALIS (son)</p>
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Once again, although the gladiator name is once again highlighted, the potential for pride in honoring the homeland is evident with his inclusion of German origin. This rudimentary sense of national pride is included with the important social status marker of being a freedman, as well

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<sup>322</sup> CIL 2<sup>2</sup>7.363: MVR > R  
 PROBVS  
 PAVIL IXXXXIX  
 NATIONE GERMA  
 HSE STTL  
 VOLVMNIA SPERA  
 CONIVCI PIO  
 MERENTI  
 P VOLVMNIVS  
 VITALIS PATRI PIO  
 STTL

as the occupational status marker associated with the honor of being a highly decorated *murmillo*. Identity markers such as these push back against the force of both natal alienation and *infamia* in ways that reassert a sense of personal worth and community. The social bonds that extend down into this freedman's family also help to reconstruct a sense of familial identity to project out into the larger Roman society, validating their existence in ways consistent with the values of traditional Roman society, despite the stigmatization of *infamia* for the head of the family.

Similarly, the vertical familial bonds are also put on prominent display in many of the extant funerary epitaphs associated with the arena, such as that of Marcus Ulpius Felix at Rome:

To the spirits of the departed for Marcus Ulpius Felix, <i>murmillo</i> veteran, who lived 45 years born of the Tunger tribe Ulpia Syntyche, a freedwoman, erected this for her most sweet and well-deserving husband, along with his son Iustus. <sup>323</sup>	<p>(vertical axis bonds)</p> <p>ULPIUS (<i>veteran</i>)</p> <p>   </p> <p>ULPIA (<i>wife</i>) = IUSTUS (<i>son</i>)</p>
(CIL 6.10177)	

Once again, both the native pride of homeland and the loving bonds of family are emphasized along with the occupational pride as a gladiator. It is also important to note the rank distinction in this epitaph, he was not just a gladiator, but had greater pride specifically tied to being a *murmillo* of veteran status. The hierarchy of the *ludus*, as well as the familial bond and ethnic background were central in terms of identity formation and its projection back into the larger Roman society.

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<sup>323</sup> CIL 6.10177:      DIIS MANIBVS  
M VLPI FELICIS MIRMILLONIS  
VETRANI VIXIT ANN XXXXV  
                    NATIONE TVNGER  
VLPIA SYNTYCHE LIBERTA CONIVGI  
SVO DVLCISSIMO BENEMERENTI  
ET IVSTVS FILIVS FECERUNT

These epitaphs were not only dedicated to the gladiators whom ‘Thanatos’ had carried off, but also dedicated by the gladiators to their wives and/or children, if death visited the rest of the family first.

To the spirits of the departed for Publicia ..., his most beloved wife, Albanus, veteran <i>equus</i> [gladiator] of the <i>Ludus Magnus</i> erected this, who lived 22 years, 5 months, and 8 days across the front, the tomb is allotted 3 feet, in the rear 8 feet. <sup>324</sup>	(vertical axis bonds)  ALBANUS ( <i>veteran</i> )     PUBLICIA ( <i>wife</i> )
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(CIL 6.10165)

The vertical bonds of familial affection flow both directions, with the personal traits of the wife listed alongside an emphasis that is still placed upon the occupational honor of this veteran *equus* gladiator from the *Ludus Magnus* at Rome.

Naturally, such familial social bonds also connected vertically to dead children, and the level of devotion of the parents comes through, as in the case of the *murmillo* Gaesus and his wife Julia Procula in the death of their young son Alcibiades, as well as the epitaph on the reverse side of the same monument commemorating Julia’s eventual passing:

(face)	(reverse)
To the spirits of the departed for a most beloved son Alcibiades. who lived 2 years, 11 months, 17 days, and 11 hours his most devoted parents erected this.	To the spirits of the departed for Julia Procula Gaesus <i>murmillo</i> veteran for his well-deserving wife erected this. <sup>325</sup>

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<sup>324</sup> CIL 6.10165: D M  
PVBLICIAE .....  
...  
CONIVGI KARISSIME  
FEC ALBANVS EQ VET  
LVD MAG VIX ANN  
XXII MENS V D VIII  
IN F P III IN AG P VIII

<sup>325</sup> CIL 6.10176: (face) (reverse)

D M	D M
ALCIBIADE FILIO KA	JULIAE PROCVLAE
RISSIMO QVI VIXIT	GAESUS MVRMILLO
ANN II MENSES XI	VETERANVS CONIVGI

The devotion and grief of the parents is manifest in the epitaph, and despite the limited communication afforded by epitaphs that were so often formulaic, there is little reason to doubt the legitimacy of this sentiment, especially in such tragic circumstances as the loss of a child, followed by the loss of a wife. Even though gladiators conducted much of their lives in an arena of death, which may have required the adoption of rather stoic, or even nihilistic, attitude about death to endure in such an environment, they still exhibited an apparent capacity for emotionally fulfilling social and familial bonding. They were not the anonymous, fatalistic, and monstrously inhuman killing machines the popular literature and cultural attitudes of certain sectors of imperial high society might have projected them to be as *infames*.

The complexities surrounding these social bonds could be projected vertically down through the family all the way to the slave dependents at the bottom of the familial hierarchy. The famous epitaph of the *secutor* Urbicus in northern Italy (modern Milan) even notes the slave of his 5 month old daughter, reflecting the vertical complexity of these social and familial bonds.

To the spirits of the departed.  
for Urbicus the *secutor*,  
*primus palus*, by birth Florentine,  
who fought 13 times.  
he lived 22 years. Olympias,  
his daughter, whom he left at 5 months old,  
and Fortunensis, his daughter's slave,<sup>326</sup>  
and Lauricia his wife, erected this tomb  
for a well-deserving husband,  
with whom she lived for 7 years.  
I warn you that you ought to kill the opponent

(vertical and horizontal axis bonds)  
URBICUS (*primus palus*)  
|||        === AMATORES  
LAURICIA (*wife*)                (*fans*)  
|||  
OLYMPIAS (*daughter*)  
|||  
FORTUNENSIS (*slave*)

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DIEBUS XVII HORIS  
XI  
PARENTES PISSIMI  
FECERUNT

B M F

<sup>326</sup> Fagan interprets Fortunensis as the slave of Olympias (p. 323), as well as Carter, M. and Edmondson, J. *The Oxford Handbook of Roman Epigraphy* ed. Bruun and Edmondson (Oxford, 2014) 540. Note Dunkle interprets Fortunensis as the five year old daughter, omitting Olympias (p. 44).

whom you defeat, whoever he may be.  
his fans (*amatores*) will care for his departed shade.<sup>327</sup>  
(*CIL* 5.5993 = *ILS* 5115 = *EAOR* 2.50; Fig. 25.1)

While this epitaph is noted for its warning theme and Urbicus was apparently killed by a gladiator he had once defeated, once again, pride in birthplace is shown, along with the honor of the gladiatorial rank and the fact this fighter was of the first rank (*primus palus*). More noteworthy in terms of this study, however, is the inclusion of the name of the slave of his daughter as it shows the complexity of the vertical social bonds and the familial structure, even for someone who is an *infamis*. Not only did these social bonds extend vertically down through the family, but they stretched horizontally to include the active cultivation of a sense of brotherhood with their comrades in arms, further defying any sense of ‘social death’.

### **Occupational Brotherhood of the Arena and the Fraternity of *Infamia***

The bonds of affection between fallen gladiators and their comrades in arms appear in some of the funerary epitaphs, representing a form of collective identity construction through the dynamics of occupation and brotherhood. Simple commemorations set up by the *familia* reflect some of the basic social bonds, as in the epitaph from Smyrna that reads “the *familia* erected this

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<sup>327</sup> *CIL* 5.5933: D M  
VRBICO SECVTORI  
PRIMO PALO NATION FLO  
RENTIN QVI PVGNAVIT XIII  
VIXSIT ANN XXII OLYMPIAS  
FILIA QUEM RELIQVIT ME SI V  
ET FORTVNE SIS FILIAE  
ET LAURICIA VXOR  
MARITO BENE MERENTI  
CVM QVO VIXSIT ANN VII  
ET MONEO VT QVIS QVEM VIC  
RIT OCCIDAT  
COLENT MANES AMATORES IPSI  
VS

for Saturninus, in memoriam.”<sup>328</sup> Just because the bonding that occurred within the *familia* of the *ludus* was occupational in nature, it does not mean that it was without the same intensity of emotion that existed in the bonds of the personal family. Not unlike the intense emotional bonding that tend to occur in military training and warfare, the shared experiences of the *ludus* and the arena, with the ever present potential for death, seems to have intensified the bonds of brotherhood with their fellow fighters. In some ways, as social animals, marginalization and isolation can serve as the most insidious of prisons, and the emptiness of social isolation can prove to be debilitating. The brotherhood of shared experience can be transformed into a community of its own, and it is often strengthened even more by traumatic shared experience, where such bonding can help an individual navigate the void of despair through empathy with others who have endured the same. This is especially relevant within a gladiatorial *ludus* where an individual fighter would often train, eat, sleep, and live with his fellow comrades in arms day after day to improve each others skill, and then be asked to go into the arena and potentially fight to the death with one of your brothers.<sup>329</sup> The psychological dynamics of that reality should not be underestimated, and it is not unexpected a peculiar and intense bond might form within the gladiator ranks for each other, as anyone outside of that reality of trauma and such an environment of death could not really have understood the potential intensity for the bonds of shared brotherhood that developed between the fighters.

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<sup>328</sup> Robert no. 241: *Φαμίλια*  
*Σατορνί-*  
*λω*  
*μνήας*  
*χάριν*

(vertical axis bonds)

FAMILIA (*ludus*)  
 |||  
 SATURNINUS

<sup>329</sup> Carter (1999) 129: “Many gladiators could have sympathy with their fellow gladiators, and,...they may have fought in order to kill an opponent with whom they lived and trained in the *familia*...”



The gladiatorial epitaphs reflect this fraternal social bonding across a horizontal axis between comrades in arms of comparable status, as well as vertical fraternal bonding between fighters of different rank within the hierarchy of the *ludus*. The epitaph of the *secutor* Flamma from Syria seems to contain some wording that hints at this fraternal loyalty.

Flamma, the <i>secutor</i> , he lived 30 years, he fought 34 times, victorious 21, released while standing 9 times, and released not standing 4 times, Syrian by birth. Delicatus erected this tomb for a deserving comrade in arms. <sup>330</sup> (CIL 10.7297 = ILS 5113 = EAOR 3.70)	<p>(<u>horizontal axis bonds</u>)</p> <p>FLAMMA = <i>coarmio</i> = DELICATVS (<i>secutor</i>) (gladiator)</p>
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The specific wording of *coarmio* suggests the significance of the bonds of occupational fraternity along the horizontal axis of fighters of similar background. Also note that this particular epitaph shows a technical distinction between different types of *missus*, where even the types of draws or losses that were not victories have a hierarchical ranking, not unlike the distinction between a crowned victory, a kind of super victory, versus a normal victory. Flamma the Syrian apparently had been exposed to potential death through a series of decisions by the *editor* and/or crowd for each of his non-victories, whether they were draws or losses, even though he seems to have fought well enough to have deserved a favorable decision on these occasions. Reading this epitaph, one should consider how many times a brother gladiator might have stood over Flamma awaiting the decision as to whether to execute a kill or not, psychologically taxing from the perspective of both fighters, no matter how hardened they might have been through training. One way to mitigate this, however, would have been to intensely embrace the occupation of the

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<sup>330</sup> CIL 10.7297: FLAMMA S C VIX AN XXX  
PUGN T XXXIII VICIT XXI  
STANS VIII MIS III NAT SYRUS  
HUI DELICATUS COARMIO MERENTI FECIT

arena and its peculiar sense of honor. If all of these climactic confrontations with death were done under the veil of gladiatorial honor and the honorable death, it is likely the difficult realities of the situation could have been reconciled a bit more effectively in terms of managing conflicting and intense emotions.

Another example of this occupational bonding and fraternally along both the horizontal and vertical hierarchy axis can be seen in the epitaph to the *Thraex* Macedo in Rome:

To the spirits of the departed for Macedo, <i>Thraex</i> <i>tiro</i> (novice), Alexandrian well-deserving, all the <i>Thraeces</i> brothers in arms together erected this, he lived 20 years 8 months and 12 days. <sup>331</sup> (CIL 6.10197 = ILS 5089)	<p>(horizontal and vertical axis bonds)</p> <p>THRAECES = THRAECES (comrades)     (comrades)     MACEDO (<i>tiro</i>)</p>
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This epitaph reflects the fraternal brotherhood along the horizontal line of the *Thraeces* brothers in arms, as well as the bonds along the vertical axis of gladiatorial rank where the familial bond moves down to the novice rank of *tiro*.

Social bonds that climbed up the vertical axis within the gladiatorial world can also be seen in funerary epitaphs where the gladiator trainer (*doctor*) Lucius Sestius Latinus set up an epitaph for a *Thraex* who had likely been under his charge.

For the <i>Thraex</i> Quintus Vettius Gracilis who won 3 crowns and lived 25 years born in Hispania Lucius Sestius Latinus, <i>doctor</i> dedicated this. <sup>332</sup>	<p>(vertical axis bond)</p> <p>L. SESTIUS LATINUS (<i>doctor</i>)     Q. VETTIUS GRACILIS (<i>gladiator</i>)</p>
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<sup>331</sup> CIL 6.10197: D M  
MACEDONI THR  
TIRO ALEXANDRIN  
BEN MER FEC  
ARMATVRA THRAECVM  
VNIVERSA VIX ANN XX  
MEN VIII DIEB XII

<sup>332</sup> CIL 12.3332: T R  
Q VETTIO GRACI

(CIL 12.3332 = ILS 5087)

A more complicated vision of this can be seen in the epitaph from Tergeste for two gladiators who actually were commemorated by their *munerarius*, an even higher level up the vertical axis of social bond, even if the bond was defined by dependency:

Constantius the *munerarius*, who sponsored the *munus*, (vertical and horizontal axis) erected this tomb for his own gladiators because the *munus* was received with favor. For Decoratus the *retiarius*, who killed Caeruleus and died himself, as both died by the same sword, so the same funeral pyre covers both...<sup>333</sup>

CONSTANTIUS (*editor*)  
|||  
DECORATUS = CAERULUS  
(*retiarius*)                      (*gladiator*)

(CIL 5.563 = ILS 5123)

The commemoration of the two gladiators may well have been part of a process where Constantius' motivation as *munerarius* was to glorify himself, rather than any concern over the gladiators. Nevertheless, it illustrates that sometimes, even amongst the elite elements of Roman society, gladiators were not always merely socially anonymous figures. Their displays of skill and exploits in the arena could give them some legitimacy where the value of their existence could be acknowledged in honorable ways by the Roman power structure. Wiedemann's assertion of the ability of *infames* to redeem their social status in the arena and emerge from

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LI COR TRIVM  
ANNORVM XXV  
NATIONE HISPAN  
DONAVIT L SESTIVS  
LATINVS  
D

<sup>333</sup> CIL 5.563: CONSTANTIVS MVNERARIVS GLADIA  
TORIBVS SVIS PROPTER FAVOREM MV  
NERIS MVNVS SEPVLCRVM DEDIT  
DECORATO RETIARIO QVI PEREMIT  
CAERVLEVMS ET PEREMPTVS DECI  
DIT AMBOS EXTINXIT RVDIS VTRO  
SQVE PROTEGIT ROGVS .....

social death remains excessive.<sup>334</sup> However, although escaping the legal formalities of civic disability would not be likely, the scope of *infamia* and ‘social death’ had limitations.

Accordingly, there were other ways social bonds could be formed within the world of the arena, but largely on the fringes of the larger Roman society. As Roman spectacle had always had close ties to religion, religious observance seems like it may have been an area where a degree of social redemption and reconciliation for *infames* might be found by engaging with the traditions of the civic community through ritual practice and interactions with the divine.

### ***Infamia* and the Bonds of Religion: Cultic Practice in the World of the Arena**

The ambiguous position of the gladiator provided some opportunity for the expression of individuality in the face of an oppressive slave system built upon the dehumanization of its participants. The archaeological record confirms this struggle for individuality within the gladiatorial community was a reality and the social death model is much more complex than was simply portrayed by the Roman elite. Another area of potential social interaction between the gladiatorial community and Roman society can be seen in the religious sphere. Specifically, as Futrell suggests: “the cult of Nemesis played a role in the reconciliation of the faceless individual to the Roman world.”<sup>335</sup> Nemesis has long been viewed as an obscure, and often misunderstood, goddess within the Roman pantheon frequently, but inaccurately, regarded “as a cult of the poor, limited largely to slaves and freedmen whose livelihood depended on the arena.”<sup>336</sup> Hornum has shown how this commonly held assumption that the worshipers of Nemesis likely would have

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<sup>334</sup> Wiedemann, 46-47: “The audience saw beasts and criminals passing from life to death; gladiators also passed from life to death, though in their case there was the possibility that their display of fighting skill might allow them to pass from the social death of *infamia* back to life as part of the Roman community again.” See pp. 204-5 earlier in this work.

<sup>335</sup> Futrell (1997) 117.

<sup>336</sup> *Ibid*, 114.

been affiliated with lower elements of society is largely unfounded and is only represented by ten percent of the total dedications to Nemesis.<sup>337</sup> Many of the followers of Nemesis can be shown to have been local magistrates, imperial administrators, and military officials affiliated with the Roman state. Gladiators were also a part of this cult because of the deity's peculiar ability to reconcile the paradoxical nature of the gladiator as both an anonymous instrument of the state, and as an individual.

One prominent example of a funerary commemoration that illustrates the synthesis of the all the various aforementioned elements of a gladiator's life is the tombstone for the gladiator Glaucus:

To the spirits of the departed.	( <u>vertical and horizontal axis bonds</u> )
For Glaucus, native of Mutina,	NEMESIS ( <i>perceived deity</i> )
fought 7 times, died in the eighth,	
he lived 23 years, 5 days. Aurelia,	[possible social nexus] = COMMUNITY
for her well-deserving husband,	
along with his admirers made this.	GLAUCUS === AMATORES ( <i>fans</i> )
I warn you to attend to your own star.	
Hold no faith in Nemesis.	AURELIA
In this way I was deceived.	
Hail, farewell! <sup>338</sup>	

(CIL 5.3466)

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<sup>337</sup> Hornum, M. *Nemesis, the Roman State, and the Games* (New York, 1993) 70.

<sup>338</sup> CIL 5.3466: D \_ M  
 GLAVCO N MVTI  
 NENSIS PVGNAR  
 VII Ø VIII VIXIT  
 ANN XXIII D V  
 AVRELIA MARITO  
 B M ET AMATORES  
 HVIVS PLANETAM  
 SVVM  
 PROCVRARE  
 VOS MONEO IN  
 NEMESIS NE FIDEM  
 HABEATIS  
 SIC SUM DECEPTUS  
 AVE VALE

At one point on the funerary monument, there were inscribed images of a sword or dagger, a trident, and a third rudimentary depiction that is unclear. Once again, nationality is commemorated, along with fight record and age at death in a way that asserts some sense of personal identity and individuality. The expressed affection and grief exhibited toward him by Aurelia is obvious, as well as the warning against placing too much faith in Nemesis. The majority of the funerary epitaphs represent this synthesis of collective identity and distinct, yet limited, expressions of individuality. While Hope correctly concludes that the identity of the gladiator is largely “subsumed to that of the amphitheatre,” she does admit to the “ambiguous position in which the gladiator was placed: on the one hand he was shameful, on the other hand he was a hero.”<sup>339</sup> The Cult of Nemesis seems to have provided the gladiator with a viable means by which to connect with various segments of society affiliated with the Roman state through the collective worship of Nemesis.

Futrell asserts this collective worship helped provide an identity and a degree of reconciliation for the powerless individual dominated by the oppression of the Roman state:

The *spectacula* offered a release for the frustration engendered by this impotence. Nemesis represents the unexplainable effects of mysterious, uncontrollable forces. By acknowledging and even embracing one’s relative powerlessness, and by channeling Nemesis’ power by means of ritual, the individual can accept with greater equanimity one’s isolation in the pervasive prevalence of the Roman state. Nemesis offered a powerful connection; she could intercede for the individual with the workings of destiny...Within amphitheaters devotees met, sat together, and shared the communal experience of the cult event...The goddess Nemesis, like her cohort Fortuna, provided a means of understanding the radical changes wrought by the onslaught of Rome. She did not judge but offered a strength that the individual called on in his search for order in the chaos of human existence.

(Futrell, *Blood in the Arena*, 118)

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<sup>339</sup> Hope (2000) 112.

In this way, the cult of Nemesis was a suitable religion for the gladiators of ancient Rome because it addressed the very struggle within the gladiator's psyche. The cult provided for the struggle associated with the collective identity of the combatant as an anonymous social tool, and reconciled it with the desire for some acknowledgement for the individual behind the mask.

The epigraphic record reflects a rather complex network of vertical and horizontal social bonds that suggests the *infames* of the arena constructed their own community comprised of families, occupational brothers, religious affiliations, and dependents. This arena community was not as detached from the rest of Roman society as the idea of 'social death' would suggest, and they used this community to reassert their own sense of identity in the face of social degradation. The importance of how identity is constructed should not be underestimated, and the use of 'labels' to position individuals and social groups within almost any socio-political landscape attests to this reality, even to this day. Despite the dishonor *infames* accrued in ancient Rome, those who practiced notorious occupations for the entertainment of the public found that some degree of honor could be claimed from within the confines of their own brotherhood, through the respect afforded to each other through the mutual appreciation of their craft, and from without, through taking pride in fidelity to their sponsor, as well as the fame and recognition afforded by the public acclamation of their skill. Many of the *infames* who found themselves in the public eye, whether it be in the arena or upon the stage, did not allow themselves to be completely diminished despite the weight of infamy associated with the stage or even the potential brevity of life in the arena. While they existed on the fringes of Roman society, often visible for only a short time, the notoriety certain *infames* enjoyed through their role in spectacle has contributed to some preservation of certain aspects of lower class life, an area in the traditional historical record that has frequently been found wanting.

## **CONCLUSION:**

### **DAILY LIFE IN AN ARENA OF SOCIAL DEATH**

For many centuries at Rome, the moral censure associated with *infamia* was a useful, but extremely malleable and amorphous, sociological tool for the Roman aristocracy to define themselves against. Initially, *infamia* manifested itself in various forms of collective popular disapprobation that afforded Rome's senatorial nobility a valuable means to justify their privileged positions in society by projecting a popular sense of moral superiority through a deliberate juxtaposition with those who were marked as morally inferior. Under the Republic, this moral censure took on many forms and civic honor was largely known through direct comparison to negative manifestations and conceptions of dishonor. Within this system, the integrity of the senatorial order was preserved by the exclusion, and/or, expulsion of any members who were marked by the stain of popular moral censure. Although the derogation of status could be codified under censorial condemnation and certain legal restrictions, the force of this early moral censure was imbued with a sense of religious authority, and it is not coincidental that the patrician order attempted to monopolize the religious offices and privileges for as many centuries as they could. Through the retention of religious authority and an active cultivation of censorial control in the implementation an austere and disciplined moral system, Rome's elite families were able to make the larger population complicit in its acceptance of the social and political privileges afforded to the traditional Roman nobility through the perpetuation of a veil of moral superiority.

The lie of popular electoral rule is that the lower classes are often complicit in their own enslavement, the façade of their vote often validating the very tools of their own subjugation by



absolving the ruling class of any responsibility. The rise of Roman spectacle in electoral politics and the ways in which *infamia* and performing *infames* were used in this process reflect an extension of the aristocracy's exploitation of the politics of immorality. Sponsorship of spectacle and the increasing popularity of the games provided a useful venue for the Roman elite to garner electoral support and contrast themselves against the subjugated performers they brought forth to display upon the stage and the bloody sands of the arena floor. Initially, the notoriety of the performers was clearly attached to the shame of a state of subjugation and the perceived debasement of making a living, or being compelled to perform, through the use of one's own body for the pleasure and edification of others. This was a shameful state of debasement that was represented as morally repugnant within Roman society, providing a visible public symbol of the power and moral superiority of Rome's elite who presided over these events and their lowly participants. Over time, however, the increasing visibility, notoriety, and even popularity of some of these performers exposed inconsistencies, anxieties, and tensions within Rome's rigid moral system with respect to *infamia*. Moreover, these tensions were exacerbated by the turmoil and social transformations of the Late Republic that challenged the integrity and purity of the upper orders of Roman society.

The chaos and social turmoil that defined the last century of the Roman Republic resulted in an increasing codification and regulation of *infames* designed to preserve the integrity of Rome's elite social orders. These regulatory changes would continue into the imperial period and seem to reflect an increasing anxiety within Rome's imperial aristocracy over the role of spectacle and *infames* within Roman society. The moral stigmatization and marginalization of actors and gladiators would intensify in the popular literature and elite attitudes of the early Empire, and the corresponding legal restrictions and civic derogation of status for such *infames*

found in the municipal and colonial codes attest to the reality of these morally disparaging sentiments and the force behind them. Even in the face of this moral condemnation and stigmatization, however, the evidence suggests that the force of, and practical concern over, *infamia*, was much more significant for elite than it ever was for the stigmatized person themselves. In order for a derogation of status to have impact, one must have status to lose in the first place, and therefore, any performers of servile or low background would not have been as impacted by their designation as *infames*. Moreover, the popularity and notoriety of the arena or stage likely afforded greater opportunities, both economically and socially, than even an average Roman citizen might have had. Public performance may have actually allowed many of the participants to actually improve their lot in life, even if it was only a short life, compared to the relative anonymity and obscurity suffered by most of the ancient populations. In some cases, even free Romans were attracted by the benefits of the stage or the arena, despite the stain of *infamia* and the civic disability that was often ascribed as a form of social death.

The epigraphic and material evidence suggests that, although the Roman elite may have cultivated sentiments against public performers for their own reasons, the popularity and notoriety afforded by the world of entertainment and spectacle upon the stage or in the arena allowed many *infames* to develop various forms of social bonds with family, friends, trainers, and perhaps even some patrons. These strong and diverse social networks illustrate how *infames* conduct their daily lives even in an arena of social death. These subjugated performers asserted pride in their identity and used the popular acknowledgement of their very existence to stare back into the face of oppressive Roman power and defiantly proclaim the worth of their own humanity.

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