

- 3 OPER QUAE AT EAM R PRAEPARAT ER NE INTRA  
TURREM UBI HODIE LUCUS EST LIBIT HABITENT  
LAVENTURVE AB H I
- 4 NOCTIS NEVE VENIANT IN OPPID NISI MORTUI  
TOLLEND CONLOCANDVE AUT SUPPLIC SUMEND C  
DUM ITA
- 5 QUIS EOR VENIAT QUOTIENS OPPID INTRAB IN  
OPPIDVE ERIT UT PILLEUM COLOR IN CAPIT HABEANT ET
- 6 DUM NE QUIS EOR MAIOR ANN L MINORVE ANN XX  
SIT NEVE U<...> NEVE LUSCUS NEVE MANC NEVE  
CLODUS
- 7 NEVE CAE<...> NEVE STIGMAT INSCRIPT SIT ET NE  
PAUCIORES MANCEPS OPER HABEAT QUAM XXXII
- 8 QUI SUPPLIC DE SER SERVAVE PRIVATIM SUMER  
VOLET UTI IS QUI SUMI VOLET ITA SUPPLIC SUMET  
SI IN CRUC
- 9 PATIBUL AGERE VOLET REDEMPT ASSER VINCUL  
RESTES VERBERATORIB ET VERBERATOR PRAEBER  
D ET
- 10 QUISQ SUPPLIC SUMET PRO OPER SING QUAE PATIBUL  
FERUNT VERBERATORIBQ ITEM CARNIF HS IIII D D
- 11 QUOT SUPPLIC MAGISTRAT PUBLIC SUMET ITA IMPERAT  
QUOTIESCUMQ IMPERAT ER PRAESTU ESSE SU
- 12 PLICIUM SUMER CRUCES STATUERE CLAVOS PECEM  
CERAM CANDEL QUAEQ AD EAS RES OPUS ERUNT REO
- 13 GRATIS PRAEST D ITEM SI UNCO EXTRAHERE IUSSUS  
ERIT OPER RUSSAT ID CADAVER UBI PLURA
- 14 CADAVERA ERUNT CUM TINTINNABULO EXTRAHERE  
DEBEBIT

THE PENALTY OF THE CROSS  
ACCORDING TO THE TABULA PUTEOLANA

GINO ZANINOTTO

Although there is an abundance of references to crucifixion as a death penalty, the literary, epigraphic and iconographic testimonies, both Greek and Latin, are rather meagre when it comes to the technical details of this punishment. Every epigraphic or iconographic evidence is valuable in that it can add new details which can clarify or confirm those elements which have come down to us in rather uncertain form. The discovery of the Pozzuoli graffito and the bones of Johanahan ben Hgqwl have provided important and determinative details regarding the use of nails at the feet, of the piercing of the carpus, of the means by which the victim was supported on the cross.

To these discoveries could be added the *Tabula Puteolana*, published in 1966.<sup>1</sup> From this, decisive, probably definitive, factors can be gained concerning certain aspects of execution by the cross. Its value, I could say its exceptionality, lies, however, in the fact that the Tablet contains the regulations dictated by the municipal authorities concerning the correct implementation of punishments in general and of the cross in particular.

Discovered during the last war in excavations at Pozzuoli, the Tablet is now preserved in the National Museum of Naples. It consists of three marble fragments measuring 157cm x 80cm and it bears a Latin inscription in three columns with characters 6.5cm high (See facing page). The text, found at the bottom right-hand part of a longer inscription, contains a *Lex locationis*. Reconstructing the title, we read: [DE MUNERE PUBLI]CO LIBITINA[RIO], which can be translated as Concerning the Public Funeral Service. Even if the law reflects the normative in effect at Pozzuoli, there are no serious reasons to question the existence of similar rules in cities of the Roman colonies or others directly subject to Roman power. In default of precise references (to magistrates or public events) and based solely on the style of the script and the language, the law could be dated between the end of the Republic and the beginning of the Empire (middle of the First Century A.D.), a period relatively close to the crucifixion of Christ.

What interests us in the *Lex* is the second column, fortunately entire, composed of 34 lines; particularly lines 3 to 14, divided into three paragraphs: 3-7, 8-10, 11-14.

## Epigraphic Text

*Paragraph 1, Col. II, 3-7: The Assistants of the Contractor for Funerals and Executions*  
*Oper(ae) quae at earn r(em) praeparat(ae) er(unt) ne intra turrem ubi hodie lucus est*  
*Libit(inae) habitent laventurve ab h(ora) I / noctis neve veniant in oppid(um) nisi mortui*  
*tollend(i) conlocand(i)ve aut suppli(ci) sumend(i) c(ausa); dum ita / quis eor(um) veniat*  
*quotiens oppid(um) intrab(it) in oppid(o)ve erit ut pilleum color(atum) in capit(e) habeant*  
*et / dum nequis eor(um) maior ann(or)um L minorve ann(or)um XX sit, neve*  
*u<lcer(osus)> neve luscus neve manc(us) neve clodus / neve cae<cus> neve stigmat(ibus)*  
*incript(us) sit et ne pauciores manceps oper(as) habeat quam XXXII.*

"The laborers assumed for carrying out that task (burying the corpses) must not have their domicile within the tower where the woods of Libitina<sup>2</sup> now are; they must not wash themselves from the first hour/of the night; must not enter into the city unless it is to carry away a dead person or to prepare [the corpse] or to carry out a punishment./ If one of them must come into the city, every time that he comes in or has to remain there, he will wear a colored cap on his head, furthermore/no one of them is to be more than 50 years old nor younger than 20; must not be ulcerous, cross-eyed, maimed, lame,/ blind, branded with marks. The contractor shall not have less than 32 assistants."

From this text we see that the private contractor (*redemptor* or *manceps*) commissioned by the magistrates to carry out executions was the same person who managed the funeral rites. He employed *operae*, a crew of laborers without specific functions, normally public slaves, between 20 and 50 years of age, physically healthy and without infamous marks. Along with the executioners, they lived outside the city in an area of fixed boundaries. They were allowed to enter the city only to conduct their assigned duties, always wearing a colored cap (red?) so that they would be recognized.

In the Roman crucifixions, no mention is made of *operae*. Seneca mentions a *turba carnificum*.<sup>3</sup> Plautus recalls that outside the Esquiline gate (Porta Moecia?),<sup>4</sup> the *campus ad supplicia sepositus* and the *campus pauperum* were white with bones. In these fields were thrown refuse, corpses of slaves, of the poor and the executed;<sup>5</sup> from them came "those of the bells",<sup>6</sup> whose tasks included that of dragging the cadavers of the executed to the common burial pit (line 14). Mingling amongst the executioners, the *operae* made up the personnel of manual workers in crucifixions. It was their task to dig the hole for the cross, to raise the victim, to affix him to the stipes, then, when it was all over, to remove the nails and take the corpse away.

*Paragraph 2, Col. II, 8-10: The Crucifixion of Slaves by Private Owners*  
*Qui supplic(ium) de ser(vo) servave privatim sumer(e) volet uti is qui sumi volet ita*  
*supplic(ium) sumet: si in cruc(em) / patibul(um)*

agere volet, redempt(or) asser(es) vincu(a) restes verberatorib(us) et verberator(es) praeber(e) d(ebet) et / quisq(uis) supplic(ium) sumet pro oper(is) sing(ulis) qux patibul(um) ferunt verberatorib(us) q(ue) item carnif(ici) HS IIII d(are) d(ebet).

"If one wants to privately execute a slave, male or female, or if he wants others to perform the execution [i.e., the contractor], they will execute in that manner [requested]. If [the private person] wants a patibulum put on the cross, the contractor has to furnish the cross-beam, posts, ties, ropes for the floggers as well as the floggers, while he who requests the execution must give to every laborer who carries the patibulum, to the floggers as well as to the executioner, four sesterces each."

It is remarkable how much information this paragraph holds. First of all, anyone can exercise the *ius necis* (the right of death) in the case of his slave, male or female, by whatever punishment he pleases,<sup>7</sup> even hiring the personnel furnished by the contractor along with the apparatus necessary for the operation. Obviously, the law is the expression of an historical period barely skimmed by scruples of the moral or religious-humanitarian order which will appear in the first Christian century.<sup>8</sup>

The meaning of "*uti is qui sumi volet*" is not quite clear. It seems that, consigning the slave to the contractor, the owner dictated the method of capital punishment and the torture which should precede it, acting, in regard to the slaves, with the same authority as the magistrates.

In line 9, two well-known terms appear together: cross and patibulum; but in a construction absolutely new. In fact, in literary texts one comes across either the passive form, "*in crucem acti*" (put on the cross) or the active voice where the subject or the complementary object is made up of a personal proper noun or common noun. In our case, we find instead an object, the patibulum, the piece that is an essential part of a Roman cross. If "*patibul*" is read as a masculine singular accusative of *patibulus* (as several codices report in a passage in Apuleius), we would have a literary preciousness which is very far from being employed in a legal text. If, instead, we read *patibulatum* (the person tied to the *patibulum*), as in Plautus,<sup>9</sup> then how are we to interpret the term in the next line? In line 10 it is observed that the *operae* "ferunt patibulum, (the workers carry the patibulum), when one would expect to have "*rapere, trahere patibulatum in crucem*", that is, that the workers would affix the condemned to the patibulum, using cords, and pull or push him to the cross.

The *Tabula* could substantiate the hypothesis that "*crux*" and "*patibulum*" designate two different instruments of capital punishment. One was the "*crux*",\* that is, a single post or stake (Gr.

---

\* O'Rahilly, in *The Crucified*, p. 183, explains: "The literal meaning of the Greek *stauros* (and the Latin *crux*) was a stake." Ed.

*stauros*), to which Seneca seems to allude with the words *stipitibus singulis pendent*.<sup>10</sup> On the "cruz", the victim was probably burned, the fire being fed by the pitch covering the body and by flaming torches (*candelae*?).

The other execution was performed by means of the "*patibulum*", a cross-beam which was placed upon the post already set up in the ground and which usually was specially constructed and adapted to the condemned. On such a construction the victim's life could be protracted for several days, ebbing away drop by drop in a terrible agony.<sup>11</sup>

When the *patibulum* was to be used for an execution, the contractor, as the *Tabula* stipulates, had to furnish the *asserres*, i.e., the stakes and beams with which to make the patibulated cross (Gr. *pàssaloi*, stake, pole).<sup>12</sup> Also used in the construction were the *sedile* or *cornu*, the *predella* or *suppedaneum*, the *titulus*, the *cunei* or wedges to fix the stake firmly in the ground, and the top-pieces such as the "*cornua crucis*". He had to furnish the "*vincula*", materials for tying, of which Plautus presents a generous list:\* *compedes*, *nervi*, *catellus*, *catenae*, *numellae*, *pedicae*, *boiae*, *lamminae*,<sup>13</sup> to which must be added the nails (Gr. *desmoi*).<sup>14</sup> Lastly, the contractor had to furnish the *restes* (ropes made of esparto) with which the *verberatores* (technical term to designate the floggers) would bind the victim during the flogging, drag him to his punishment, and after attaching him to the *patibulum*, raise him up and fix the *patibulum* to the upright stake.

In literary texts, the floggers (*verberatores*) were represented as sinister personages. Lugubrious, extremely expert in the art of flogging, they provided their work against payment.<sup>15</sup> Armed with the *verbera*, *flagra*, *fustes*, they tortured citizens, slaves or freemen, at the invitation of private persons or the magistrates.

Something new and important leaps to the eye at line 10: it was the *operae* who carried the *patibulum*. From the *Tabula* it seems, in fact, that the transporting of the equipment, whether the cross or the *patibulum*, was not the task of the victim. In those cases where it did occur, it should probably be considered an extra aggravation of the sentence for particular crimes, such as brigandage, according to the few literary testimonies that remain.<sup>16</sup>

It is only from this Tablet that we know that the owner paid the same compensation of four sesterces to the *verberatores* as well as to the *carnifex*; and even though the *operae* were in a lower category, they received an identical payment. For this reason they were called "*mercennarii*", mercenaries.

Paragraph 3, Col. II, 11-14. Public Punishment

*Quot supplic(ia) magistrat(us) public(e) sumet ita imperat quotiesqumq(ue) imperat(um) er(it) prxstu esse su / plicium sumer(e)*

---

\* *compedes*, fetters; *nervi*, catgut; *catellus*, collar; *catenae*, chains; *numellae* (?); *pedicae*, latches; *boiae*, iron collar chained to a wall; *lamminae*, laminas. Ed.

*cruces statuere clavos pecem ceram candelas) quxq(ue) ad eas res opus erunt reo / gratis prxst(are) d(ebeto); item si unco extrahere iussus erit oper(a) russat(a) id cadaver ubi plura / cadavera erunt cum tintinnabulo extrahere debebit.*

"All those punishments that the magistrate will have publicly inflicted, so [shall they be performed]. Every time that he is enjoined to render assistance in inflicting a punishment,/for raising the cross he must furnish gratis the nails, the pitch, the wax, the torches and everything necessary for he condemned. / Furthermore if he is ordered to drag the cross away with the hook, a worker dressed in red must take away that cadaver and drag it / wherever there are found several cadavers, at the sound of the bell."

Line 12 offers an important confirmation that it was in the power of the local magistrates (the *duumviri*) to emit capital sentences in the case of slaves as well as travelers and even citizens.

Line 12 shows the connection with "*statuere cruces*" used only by Suetonius, Galba 2. It is demonstrated, therefore, that the crosses were raised at the moment of crucifixion and removed from the ground at the conclusion of the punishment. The existence of a forest of crosses permanently planted in the *campus sceleratus*, ready to accommodate the victims, does not seem consistent with the historical data. Instead, it is probable that the cross, together with the corpse, was dragged to the pyre or to the pit "*ubi plura cadavera erunt*" by means of a hook, the corpse itself never being touched.

The free services that the contractor had to supply could at times entice him to reduce to a minimum the number of mercenaries, allowing him to gain a better advantage in the sharing of the victim's "*pannicularia*". It is probable that, in case of a lack of *operae* for a public execution, the victims themselves were obliged to carry the equipment (*ferre patibulum*) for the crucifixion.

It is surprising that pitch, wax and candles are listed along with the cross and nails. This probably refers to *vivicombustione* (burning alive) on the stake.<sup>17</sup> Ropes are not named; useless in this type of torture.

It is not unlikely, as the articles of the law examined so far would seem to suggest, that in the period in which the legal dispositions were in force, crucifixion by means of the patibulum—slow and agonizing—was reserved for slaves while other social categories suffered on the stake, whereon death came by fire or smoke inhalation. We know that relatives of the victims sometimes offered money to the executioners to abbreviate the torture.<sup>18</sup>

Line 14 shows evidence that the corpses of the executed could be consigned to the relatives, and this seems to be the usual practice, given that the magistrate had the power to assign them to the ignominy of the common pit. In this text, there is no mention of leaving the cadavers on the cross until complete decay of the flesh, as was the custom in oriental regions. The tenor of the law is diametrically opposite; the corpse must be cremated<sup>19</sup> or buried<sup>20</sup> as soon as possible.

Even in the case of a man hanged, in whose regard the laws were generally so severe as to deny burial, this disposition orders immediate interment, and in the case of slaves who die in the city, transportation of the corpse must be effected within the current day (*Tabula II*, 11:22-23).

Removal from the cross or the patibulum or whatever instrument of death, was carried out in a brutal manner. A worker assigned to this mournful operation, wearing red clothes<sup>21</sup> and accompanied by the sound of a bell, dragged the corpse to the common pit by means of a hook thrust into the throat.<sup>22</sup> Undoubtedly, when the body was consigned to the family or friends, it was they who assumed this grievous errand. They would also be careful to avoid the intervention of witches looking for ingredients to concoct magic potions.<sup>23</sup>

### **The Cuma Inscription**

Fragments of another marble tablet came to light at Cuma in 1965 (also preserved in the National Museum of Naples). The texts are akin to our Law. This tablet, which can be dated to the First Century A.D. is incised on both sides: the anterior face (A), the older of the two, and the posterior face (B), which is probably a revision and modification of the norms transcribed in A. The texts are too fragmented to permit us to fully understand the contents; nevertheless some of the terms can be found in the *Tabula Puteolana*. What interests us is face B, composed of two columns. There where it speaks of executions and of jailers, we read: PRO MACHINA CON[DUCTOR..P]RAESTANDU[M] CLAVO RESTE CALAMO: "for the machine, the contractor...must provide the nail, rope, cane." The term MAC[HINA] is also found in the second column.

It is quite possible that the term *machina* indicates an instrument used in crucifying. Some writers call the cross *machina*,<sup>24</sup> probably because it was constructed with various elements, distinguishing this construction from the simple stake or *stauros*. Since in our case, along with the "machine" we find listed also the nails, the rope and the cane (on the end of which could be fixed sponges soaked in vinegar or some refreshing beverage to moisten the mouth of the victim in order to prolong his life a bit), we can suppose that this word indicates a cross with patibulum.

In the space of one century, which is probably the time-span between the *Tabula Puteolana* and Tablet B of Cuma, the manner of crucifying could have undergone some alterations. It does not seem to me far-fetched to think that the technicalities of the punishment as applied only to slaves could have been extended to criminals of other social categories until the difference between the words "cross" and "patibulum" was no longer heeded.

Even in the cold language of juridical regulations, the two tablets do not fail to arouse a sense of dismay: the facile way that a person

was permitted to kill his servants, the commissioning of a funeral undertaker with the wretched office of executioner. From the Pozzuoli tablet, it appears that in the first century before Christ, the most common form of crucifixion, with variants, seems to have been established: the cross or stake, which perhaps ended with burning the victim alive; and the patibulum, which could prolong the agony by means of certain expedients, such as the *sedile*, seat; or *pedana*, platform for the feet, etc. It is possible that, because of the horror they aroused, crucifixions only were entrusted to a contractor, while the authorities managed other forms of execution, such as drowning (*culleus*), decapitation and strangulation.

These two new documents, the *Tabula Puteolana* and the *Tabula Cumana*, provide further evidence of just how degrading crucifixion appeared to the peoples of those times. Not only because of the extreme suffering it caused, in comparison with decapitation or burning at the stake,<sup>25</sup> but also because the instrument itself, evolving from the simple post to the more elaborate form with post and cross-beam, reserved for slaves, became the ultimate dishonor for a condemned freeman since it placed him in the most contemptible human category. Death by the cross meant, very simply, "*supplicium servile*".

#### NOTES

1. L. Bove "Due nuove iscrizioni di Pozzuoli e Cuma" (Two new inscriptions of Pozzuoli and Cuma), in *Rend.Acc.Neap.* (1966), pp. 207-239.

2. Libitina (Venus Libitina) was the goddess of the departed and of funerals. The death registers were kept in her temple: and there one hired what was needed for funerals and paid the personnel. These latter were persons of humble condition. Nevertheless Valerius Maximus praised some of them for having offered their services gratis for the funeral of Hirtius and Pansa. As we see, the corpse could remain in the city for a period necessary for the viewing. In the case of slaves the corpses had to be transported immediately outside the city.

3. Seneca, Ep. 24,14. The profession of executioner was practiced by those who had attempted suicide (Festus, *Epitome* 64). They had a very bad reputation (Columella, 1 praef. 3: "pessimo cuique servorum, velut carnifici").

4. Authors who mention these camps situated outside the city walls: Tacitus, *Annales* 15,60,1; Suetonius, *Claudius*, 25; Plutarch, *Galba*, 28. An Egyptian papyrus of the II<sup>nd</sup> century A.D. gives a horrifying description (Cf. Grenfell-Hunt, *Fayoum Towns and their papyri*, p. 85, col. 3,20-28). These places could



easily be transformed into gardens by private persons; Maecenas did so at the Esquiline (Cf. Horace, *Satire* 1,8,8-16). Agennus Urbicus (III<sup>rd</sup> c. A.D.) in *De controversiis agrorum*: "Habent et res p. loca suburbana inopum funeribus destinata, quae loca culinas appellant. Habent et loca noxiorum poenis destinata. Ex his locis cum sint suburbana, sine ulla religionis reverentia solent privati aliquid et hordis suis adplicare." (C. *Agrimensorum romanorum*, C. Thulin, Lipsiae Tuebner (1913), p. 47,11,1-8).

5. In the last century, excavations on the Esquiline brought to light two cippi on which one reads: "Nive stercus terrave intra ea loca fecisse cadaver velit caniecissequo velit" and "Nive stercus cadaver inicisse velit" (*Bull. Comm. Arch. Comunale* 2 (1874), Jan.-Feb. #1, p.46 ss.). See also Degrassi, *ILLRP* 2, #504, p.3: "In hoc loucarid stircus/ne(qu)is fundatid neve cadaver/ proiecitad neve parentatid." This presents an identical locality where one must bury, or *throw* the corpse.

6. Plautus, *Pseud.*331-32: "...I will cause to come from there (from outside the gates) two assistants" (with their bells); *Truc.*781-82: "Unless you would prefer to be conducted outside the city by those of the bells." Commenting on this passage, Ernout (note 1 p.38) affirms that the "bells" are either the chains with which the executioners fettered the criminals or the bells which warned the populace of their presence; for since they were considered impure, the people were careful to avoid contact with them. This must be the correct meaning of line 14 of the text.

7. This confirms that women also, in this case slaves, could be crucified by the Romans (Cf. Josephus, *Jewish Antiquities*, 18,3,4).

8. At the beginning of the First Century, a *lex Petronia* prohibited the slave owner to condemn a slave to the beasts without the authority of a judge. Nero charged the Municipal Prefect to handle the cases that slaves presented against their owners. In the Second Century, Hadrian decreed that sentences pronounced by owners against their slaves were liable to the consent of the Prefect. Reactions in Cicero, *Pro Cluentius* 66,187; Cat. 4,6,12; Horace, *Sat.* 1,3,80-83; Juvenal, *Sat.* 6, 219.

9. The masculine term *patibulus* is found again in Nonius 220 and it indicates an instrument of torture, while in some codices of Apuleius *Metam.* 4,10, it refers to the patibulum. *Patibulatus* is found again in Plautus, *Mostellaria* 56: "ita te forabunt patibulatum per vias stimulus."

10. Seneca, *De Clementia* 1,23,1.

11. Seneca, *Ep.* 101,14: "...perire membratim...et per stillicidia emittere animam: morire a membro a membro e perdere la vita a goccia a goccia in un lento stillicidio."

12. In Tacitus, *Annales* 1,61,4, there seems to be a difference of instruments between the cross and the patibulum: "Caedes patibula cruces"; 14,33,2: "Caedes patibula, ignes cruces." Probably the two terms are divided and contain an endiade; slaughter with *patibula*, fire with *cruces*. In regard to passaloi, (stakes) in Artemidorus 2,58, one finds this phrase: "The cross is made of nails and wood" and in Lactantius, *Inst.* 4,13: "...with cords, nails and poles (*skolòpessi*) he confronted a bitter death." The *tripassalon* is mentioned in the Acts of Andrew.

13. Probus, in *Vergilii bucolica et georgica commentarius* 6,42, writes: "In monte Caucaso eum (Prometheus) laminis adfixit."

14. The instruments of attachment are also called *legature* or *desmoi*, which does not mean cords only. Nonius, *Paraphr.* 19,74 (PG 43,900) carries *tetrazygi desmoi*: fourfold tie, and calls the nail *sidereios desmos*: i.e. iron tie. Artemidorus, 2,58 explains: "the ties of a crucified symbolize, for a bachelor, marriage bonds": *dià tèn désin*. Hesiodus, *Teogonia* 521 narrates that Prometheus is crucified by means of *desmòis argaléioisi*.

15. From Martial we know the existence of a school of floggers or a shop where whips were sold, at the entrance to the Suburra (2,17,1). The floggers were called to execute torture in the patrician houses and even in the imperial palaces (Juvenal, *Sat.* 6,480; Suetonius, *Claudius* 3,4). In the comedies of Plautus there are eight floggers, the same number as of lictors. (*Amph.* 156-59; *Asinaria* 564-65, 574). They were also called *lorarii*, those who wielded the thong (Gellius 10,3) or *verberatores*, as in our text (Prudentius, *Peri Stephanòn* 9,38). Two floggers were sufficient for slaves (Petronius, *Sat.* 49; Apuleius, *Metam.* 9,28). Cicero mentions as many as six employed against citizens (Verres 5, 142).

16. Plutarch, *De sera Num. Vind.* 9: "Every malefactor carries the cross with his own body". Artemidorus 2,61; Caritonus, 4,2,7: "Thus were the fugitive slaves, murderers of the guards, got ready." Luke 23:32 and Mark 15:27 mention the *lestai*.

17. Lucretius, 3,1017: "Verbera, carnifices, robur, pix, lamina, taeda." Tacitus, *Annales* 15,44,4: Et pereuntibus addita ludibria, ut ferarum tergis contacti laniatucanum interirent aut crucibus adfixi (cross or patibulum?) aut flammandi atque, ubi defecisset dies, in usu(m) nocturni luminis urerentur." Sulpicius Severus, 2,29: "Multi crucibus adfixi aut flamma usti." Juvenal 1,155: "Taeda lucebis in illa, qua stantes ardent, qui fixo pectore fumant." Plautus, *Captivi* 596: "Pix atra agitet (te) apud carnificem tuoque capiti inluceat." Ovid, *Metam.* 14, 532-33. We know of the torture called "tunica molesta" (Seneca, *Ep.* 2,14,5; Martial 4,85,8; 10,25,5; Juvenal 8,253). A study of the Neronian persecutions and of the martyrdoms suffered by the Christians was published by Capocci, "Christiana I. per il testo di Tacito, *Ann.* 15,44,4" in *Studia et documenta Hist. et Iuris* 28 (1962) 65-99.

18. Cicero, *De suppliciis* 45,117-119.

19. In the *Acts of the Martyrs* are frequent mentions that cremation of the corpse was carried out in the same place as the martyrdom, even in the circus. The pagans or some adherents of the Christian religion (Jews) seem to appeal to some specific law so as to prevent the removal of the body for burial (*Martyrium Polycarpi* 18,1). Cf. the narrative of the Martyrs of Lyon in Eusebius, *Eccles. Hist.* 5,2,ss.

20. Quintillianus, *Decla. maiores* 6,9: "Cruces succiduntur, percussos sepeliri carnifex non vetat." Josephus, *Bellum. Jud.* 4,5,2, para.317. It seems instead that the Romans ordered that only thieves crucified on the hilltops should be left until total decomposition (Galienus, *De Anatom. ad.*, edited by C. G. Kuhn, vol. 2 p. 385). Burial was prevented only as an act of cruelty or to set an example. (Suetonius, *Tiberius* 54,4; Livy 28,8; Polibius 1,7; Plutarch, *Galba* 28; Valerius Maximus 2,7,15; Philo, *In Flaccum* 2,83,84).

21. It is presumed that the worker "in red" designates the man who wears the *pilleum coloratum* mentioned in line 5. The pilleum (or pileus) was a round or conical cap of felt which lay close to the temples. It was not a very common

item of clothing among the Romans, but was usually worn for religious celebrations, public performances or during the Saturnalia; travelers and the military wore it. Freedmen wore the pilleum as a sign of their newly acquired social status.

22. The "*uncus*" was a hook driven into the neck of the executed criminal so as to drag the body to the place of burial, as in our case, or to throw it in the Tiber, passing by the Gemonie stairs (Suetonius, *Vitellius* 17; *Tiberius* 61,4; Seneca: "*unco rapti*"). This instrument served to remove the bodies of killed gladiators from the arena and to deposit them in the spoliarium [The room not only for dressing and undressing gladiators, but also where the seriously wounded ones were killed. Ed.]. (Lampridius, *Commodus*).

23. Lucanus, *Bellum civile* 6,547; Apuleius, *Metam.* 3,17,5. Pliny *Nat. Hist.* 28,46, records the therapeutic properties of the hair of the crucified as well as the ropes and the nails.

24. St. Ignatius, *Ad Ephes.* 9,1; "You are the stones of the temple...raised with the *machina* of Jesus Christ, that is, the cross, using the Holy Spirit for ropes." Tertullian, *Ad. Nat.* 1,18,10: "Crucem configendi corporis machinam."

25. Paulus, *Sent.* 5,17,2; 5,21,4: "Summa supplicia sunt crux, crematio, decollatio"; Callistratus, *Dig.* 48,19,28; "Capitalium poenarum fere isti gradus sunt: *summum supplicium esse videtur ad furcam damnatio* (the cross), *item vivicrematio*." In this last reference, is there an echo of the patibulum and of the cross?