


## ARTICLE

# The Spectacle of the *Patibulum*: A Response to Ruben van Wingerden

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## Abstract

Ruben van Wingerden's articles on carrying a *patibulum* and σταυρός are admirably precise. However, his analyses of two texts of Plautus and a fragment of Clodius Licinus are problematic. In contrast to van Wingerden's rather minimalistic conclusions regarding carrying a *patibulum* or σταυρός, it seems likely that carrying a *patibulum* was a general element in Roman practice in accounts in which *patibula* are mentioned in conjunction with crucifixions – even when there is no explicit reference to carrying the *patibulum* through the streets.

**Keywords:** spectacle; *patibulum*; σταυρός; carrying a cross

## 1. Introduction

Ruben van Wingerden's recent articles on carrying a cross are admirable in their precision.<sup>1</sup> Van Wingerden's aim is to determine which ancient texts are the most probable references to carrying a cross. In his two articles he carefully analyses the Latin and Greek evidence respectively. His conclusions are that very few texts actually mention the practice outside of the Gospels. Those texts are: Plautus, *Carb. fr. 2*, 'possibly' *Mil. glor.* 358–60, Clodius Licinus, *Rer. Rom.* 21, *lex Puteolana* 11.8–10, Chariton, *Chaer.* 4.2.7, 4.3.10, Plutarch, *Sera* 554a–b, and Artemidorus, *Onir.* 2.56. As a methodology, this seems too restrictive.<sup>2</sup> He omits some crucial scholarly references and, in my view, makes some errors.<sup>3</sup> In contrast to van Wingerden's rather minimalistic conclusions, it seems probable that carrying a *patibulum* was a general element in Roman practice in accounts in which *patibula* are mentioned in conjunction with crucifixions – even when there is no

<sup>1</sup> R. van Wingerden, 'Carrying a *patibulum*: A Reassessment of Non-Christian Latin Sources', *NTS* 66 (2020) 433–53, idem, 'Carrying a σταυρός: A Re-Assessment of the Non-Christian Greek Sources', *NTS* 67 (2021) 336–55. Cf. idem, 'Crucifixion Practices: How to Attach a *patibulum* to a *stipes*', *NovT* 64 (2022) 269–76 and idem, 'Horizontal or Not? The *Patibulum* in Sallust, Hist. 3 Frg. 9', *Biblica* 99 (2018) 592–9.

<sup>2</sup> For the Latin material, see van Wingerden, '*patibulum*', 452–3, and for the Greek material, see van Wingerden, 'σταυρός', 352.

<sup>3</sup> Omitted key references: C. G. Cobet, '*Annotationes criticae ad Charitonem*', *Mnemosyne* 8 (1859) 229–303; P. Gatti, '*patibulum*', *ThLL* x/1.706.48–708.30; and S. Castagnetti, *Le 'leges libitinariae' flegree. Edizione e commento* (Napoli: Satura, 2012).

explicit reference to carrying the *patibulum* through the streets. Much of the article will be devoted to establishing this thesis, and a set of tables will be included as evidence for the contention. The Roman writers likely assume that their readers are intimately aware of this sort of spectacle – an assumption that linguists call a ‘pragmatic presupposition’ and which Umberto Eco calls a ‘known frame or scenario’.<sup>4</sup> A warrant for the presupposition is the *lex Puteolana*, and an expanded defence of the reading *patibul(atum)* in 11.9 is offered below. Although carrying a *furca* (fork) was not precisely equivalent to carrying a *patibulum* (horizontal bar), both actions were probably frequent spectacles in Roman culture. There is some confirmation of this thesis in the three oldest depictions of crucifixion – which happen to depict Tau-shaped crosses.

## 2. Plautus (Writing ca 205–184 BCE)

Some of van Wingerden’s analyses of texts from Plautus need to be revised in my view. In the *Miles Gloriosus* the slave Sceledrus is standing in a doorway blocking it, presumably with his arms outstretched. Palaestrio, a slave, says to Sceledrus (who had helped his master kidnap Philocomasium, a prostitute whom Palaestrio’s master had fallen in love with):

*Credo ego istoc exemplo tibi esse pereundum*<sup>5</sup> *extra portam, / dispessis manibus, patibulum quom habebis.*<sup>6</sup>

I suppose you’ll soon have to go (‘disappear’) outside of the gate in a posture like that with your hands spread out, when you’ll have a *patibulum*.

The gate is the Esquiline, ‘outside of which the poor were buried and public executions took place’.<sup>7</sup> Mason Hammond, Arthur M. Mack, and Walter Moskalew – reading *pereundum* – comment on line 359: ‘The *patibulum* (in the next line) was a crossbar which the convicted criminal carried on his shoulders, with his arms fastened to it, to the place for execution. Hoisted up on an upright post, the *patibulum* became the crossbar of the cross’.<sup>8</sup> Van Wingerden’s conclusion that ‘Whether Plautus’ *Mil. glor.* 358–60 is to be

<sup>4</sup> Van Wingerden, ‘Carrying a *patibulum*’, 445 refers to Umberto Eco’s concept, ‘encyclopaedic knowledge’, in which ‘interpreters resort to known “frames” (other texts) or “scenarios” and common and specific knowledge from which to make certain assumptions to understand the text. This resorting to other texts and frames (is) what Eco called “inferential walks” – citing (no pagination) U. Eco, *Six Walks in the Fictional Woods* (Cambridge, MA: Harvard University Press, 1994). This phenomenon corresponds to the ‘pragmatic presuppositions’ of linguistics. Cf. R. Stalnaker, ‘Pragmatic presuppositions’, *Semantics and Philosophy* (ed. M. Munitz and P. Unger; New York: New York University Press, 1974) 197–214 and R. D. van Valin, *Exploring the Syntax-Semantics Interface* (Cambridge: Cambridge University Press, 2005) 69 (‘Pragmatic Presupposition: The set of propositions lexicographically evoked in an utterance which the speaker assumes the hearer already knows or believes or is ready to take for granted at the time of speech’; with reference to K. Lambrecht, *Information Structure and Sentence Form: Topic, Focus, and the Mental Representation of Discourse Referents* (Cambridge: Cambridge University Press, 1994) 52).

<sup>5</sup> Plautus, *Mil. glor.* 359 (CUFr IV, 196 Ernout). *esse pereundum* is a correction for *esse perfundum* in MS A (Ambrosianus Palimpsestus (G 82 sup.), saec. iv–v). Other manuscripts’ variations are *esse eundum* and *esset eundem*.

<sup>6</sup> Plautus, *Mil. glor.* 359–360, cp. 352–53. Trans. of K. M. Coleman (private communication; slightly mod.).

<sup>7</sup> T. Macci Plauti *Miles Gloriosus* (ed. with an introduction and notes by M. Hammond, A. M. Mack, and M. Moskalew; Cambridge: Harvard University Press, 1997) 109. For references to the Esquiline as a place of burial for the poor and for victims of execution (which Maecenas later converted into gardens), cf. J. Bodel, ‘Graveyards and Groves: A study of the Lex Lucerina’, *American Journal of Ancient History* 11 (1986 [1994]) 1–133, at 38–9, 107, and J. G. Cook, *Crucifixion in the Mediterranean World* (WUNT 327; Tübingen: Mohr Siebeck, 2019) 21, 53, 385–6, 428.

<sup>8</sup> Hammond et al., *T. Macci Plauti Miles*, 109.

counted as a “traditional” instance of cross-bearing is defined by which reading one adopts’, is probably incorrect due to the reasons given below.<sup>9</sup> *esse pereundum* poses a difficulty for translators. Michael Hillen’s entry in the ThLL is enlightening:

1. **usu strictiore** de eis, qui -eunt ita: (A) ut omnino **esse desinant** ... saepius a notione sub B illustrata separari non potest ... (B) ut **non iam adsint** eo quod auferuntur, amoveantur, (1) potius e loco quodam ...

In a stricter sense concerning those who *pereunt* in such a way: (A) that they entirely cease to be ... more often cannot be separated from the sense illustrated in B ... (B) that they are no longer present on account of the fact that they are carried away, removed (1) preferably from a certain place ...<sup>10</sup>

Plautus frequently uses the verb in sense 1.B.<sup>11</sup> As an example of the difficulty of distinguishing the two senses, Hillen refers to a text of Ulpian in his work *On the praetor’s edict (Ad edictum (praetoris))*: *Marcellus apud Iulianum notat verbo ‘perisse’ et scissum et fractum contineri et vi raptum* (‘Marcellus as reported by Julian remarks that by the word “destroyed,” cut up, broken, and forcibly abstracted are meant’).<sup>12</sup>

Both senses are likely present in Plautus’s use of *pereo*, and he can use the verb for motion as noted. In Plautus’s other texts (§ 7), the *patibulum* is an object one carries, like the *furca* (§ 6) – a context that supports the inclusion of sense 1.B.<sup>13</sup>

Since there are no other texts, to my knowledge, in which the *patibulum* is used for a non-fatal punishment, it is highly probable that Plautus envisions the slave Sceledrus parading along the via Esquilina with the *patibulum* on his shoulders on the way to his death by crucifixion, due to his usage of *pereo* and *patibulum* in other texts, the identity of the Esquiline as the place of execution, and crucifixion as the *servile supplicium* in ancient Rome.<sup>14</sup> This is simply one of many jests or curses in Plautus exchanged between slaves, or between masters and slaves, such as *I dierecte in maxumam malam crucem* (‘go to an extreme evil cross’).<sup>15</sup>

<sup>9</sup> Van Wingerden, ‘Carrying a *patibulum*’, 441.

<sup>10</sup> M. Hillen, ‘*pereo*’, ThLL x/1.1325,65–1341.75, at 1327.42–4 and 1330.11–2. Trans. (for the most part) Robert A. Kaster (communication of 18 October 2021). Cf. Hillen, *ibid.* 1330.11–27 for examples of sense 1.B.

<sup>11</sup> Similar uses are: Plautus, *Capt.* 537 *peri-<i>sti e patria tua* (‘you disappeared from home’), trans. of Plautus (5 vols.; LCL; ed. and trans. W. de Melo; Cambridge: Harvard University Press, 2011–13) 1.561; *Poen.* 68 *quoniam periisse sibi uidet gnatum unicum* (‘when he sees that his only son was lost’), *ibid.* 86 *cum nutrice una periere a Magaribus* (‘they disappeared from Megara together with their nurse’), *ibid.* 989 *periere pueri liberi Carthagine* (‘freeborn children were stolen from Carthage’), de Melo, Plautus iv.25, 27, 125; *Curc.* 654 *Therapontigonus (miles): sed tu dic mihi, / Ubi is est homo qui te surripuit? / Planesium (virgo): Nescio: / Verum hunc servavi semper me cum una anulum, / Cum hoc olim perii* (‘Therapontigonus the soldier:) But you, tell me, where is the man who snatched you? (Planesium, a virgin:) I don’t know. But I’ve always kept this ring with me. With this ring I got lost back then’), de Melo, Plautus 11.305; *Mil. glor.* 118–9 *capiunt praedones nauem illam ubi uectus fui: prius perii quam ad erum ueni quo ire occeperam* (‘the pirates take that ship I’ve been traveling on; I’ve been snatched away before reaching my master, where I’d begun to go’), trans. mod. of de Melo, Plautus, 111.155; and *Truc.* 52 *perit aurum* (a piece of jewellery got lost), de Melo, Plautus v.273. Consequently, van Wingerden’s worries (‘*patibulum*’ 440) that ‘While with the reading *esse pereundum* it is not clear that Sceledrus would have to carry the *patibulum* through the gate, the variant *eundum* would clearly imply that’ are unnecessary.

<sup>12</sup> Ulpian, *libro quinto ad edictum apud Digesta* 50.16.9; trans. of A. Watson, ed., *The Digest of Justinian* (4 vols., Philadelphia: University of Pennsylvania Press, 1985) iv.448.

<sup>13</sup> Cf. OLD s.v. *extra* § 6c (‘w. vbs. of motion) to the outside of, out of).

<sup>14</sup> Cf. D. W. Chapman and E. J. Schnabel, *The Trial and Crucifixion of Jesus: Texts and Commentary* (WUNT 344; Tübingen 2015), 866 s.v. ‘Slave Revolts and crucifixion’, ‘slaves and crucifixion’ and Cook, *Crucifixion*, 548 s.v. *servile supplicium*. For Macrobius (the one possible exception), see § 6 below.

<sup>15</sup> Plautus, *Poen.* 347. Cf. Chapman and Schnabel, *Crucifixion*, 713–53 on such taunts.

Van Wingerden also is somewhat sceptical about a passage in Plautus's *Mostellaria* in which a slave named Grumio predicts the fate of a crafty, dishonest slave named Tranio:

You executioner's sieve! At any rate that's what I believe you'll be if the old man returns here, so thoroughly will the executioners pierce you with cattle prods while you carry the crossbar through the streets.

*O carnific<i>-um cribrum, quod credo fore: / Ita te forabunt patibulum per uias / Stimulis, <i>carnufices</i> si huc reveniat senex.*<sup>16</sup>

In the judgement of van Wingerden, 'Although this passage lacks the context of *crux*-terminology or references, later on in the play Tranio mentions the *crux* at various times as a threat, but it remains unclear whether we can see this threat as a prelude to crucifixion (i.e. *crux*-terminology)'.<sup>17</sup> Again, here van Wingerden fails to detect the pragmatic presupposition of Plautus, or in his terminology, taken from Eco, known 'frames' and 'scenarios'. Most fundamental is the universal association of *patibulum* with a fatal punishment.<sup>18</sup> There are expressions such as *suffigere patibulo* where individuals are crucified and where *patibulum* comprises a *pars pro toto* (part for the whole) usage – that is, the word *patibulum* in those contexts refers to the horizontal and vertical members of a cross.<sup>19</sup> Second, any Roman reader of Plautus would have been aware of the existence of the *servile supplicium* – death by crucifixion. To express it differently: no 'patibulated' (Plautus's *patibulum*) individual escapes death by crucifixion. Third, Grumio tells Tranio that he will be the *carnific<i>-um cribrum* (the sieve of the executioners), pierced by their cattle prods as he is led through the streets. This usage of *cribrum* according to the OLD is a reference to 'its many perforations'.<sup>20</sup> Being pierced by goads while being driven through the streets is not identical with flagellation, but the parallel is clear (see the *lex* in § 4).<sup>21</sup>

Few Romans would have been ignorant of the flagellations and other tortures that often preceded crucifixions.<sup>22</sup> Fourth, a Roman reader would have been aware of the impending doom signified by the term *carnifex*. Admittedly it can mean 'torturer', but its most general sense was 'executioner'.<sup>23</sup> Richard Meister describes its primary meaning as '1 occisor: a qui supplicium sumit de condemnatis, tortor, (praecipue de servo publico cf. Hitzig, PW III 1599)' (1 killer: a who exacts punishment on the condemned, torturer (especially of a public slave)).<sup>24</sup> Sense two is '2 cruciator, perditor: a de hominibus' (2 torturer, destroyer:

<sup>16</sup> Plautus, *Most.* 55–57, trans. modified of de Melo, Plautus, III.323 (who has 'hangman' for *carnifex*). '*carnufices*' is a reasonable conjecture where there is a lacuna in the MS.

<sup>17</sup> van Wingerden, 'Carrying a *patibulum*', 442. Although he (*ibid.*, 441 n. 47) refers to the OLD, s.v. *patibulatus* for the lemma 'fastened to a yoke or gibbet' and (P. Gatti, '*patibulatus*'), ThLL x/1.706.(40–1) 'i.q. *patibulo affixus*' he fails to translate the expression (fixed to a *patibulum*/horizontal bar) in accordance with Gatti's general approach to the meaning of *patibulum*. He does not engage the arguments for crucifixion of Chapman and Schnabel, *Trial*, 565–6.

<sup>18</sup> Cf. the index in Cook, *Crucifixion*, 547–8 s.v. '*patibulum*', '*patibulatus*'.

<sup>19</sup> Cf. Gatti, '*patibulum*', ThLL x/1.706.70–75 and Cook, *Crucifixion*, 547–8 s.v. '*patibulum: pars pro toto*'.

<sup>20</sup> See OLD s.v. §b.

<sup>21</sup> *forabunt*, 'pierce', refers to the actions of the goads, not nailing. Cp. Lucretius 1019 *adhibet stimulos torretque flagellis* (applies goads and torments with scourges).

<sup>22</sup> On scourging and crucifixion, cf. Chapman and Schnabel, *Trial*, 866 s.v. 'scourging and flogging'; Cook, *Crucifixion*, 547 s.v. 'flogging'.

<sup>23</sup> See R. Meister, '*carnifex*', ThLL III.478.1–479.47.

<sup>24</sup> Meister, '*carnifex*', 478.9–10. See H. F. Hitzig, '*carnifex*', PW III (1899) 1599–1600. Hitzig notes that originally the *carnifex* was responsible only for the crucifixion of slaves (*Bacch.* 687–8 *cruciatum ... carnificem, Capt.* 1099 *ad carnificem dabo* 'I will give him to the *carnifex*' (the slave Stalagmus to be executed for kidnapping, almost certainly by crucifixion)). *cruciatum* does not necessarily refer to crucifixion, however. Cf. O. Hey, '*cruciatum*'.

a of people).<sup>25</sup> Meister classifies the usages in Plautus under the first sense.<sup>26</sup> The slave Tranio is facing death by crucifixion after being forced to carry the *patibulum* through the streets while being tortured by goads.

### 3. C. Clodius Licinus

Van Wingerden's treatment of C. Clodius Licinus's fragment needs additional discussion, since he does not make a final decision on the text but initially prints what is found in the MSS and then discusses various options: '*Deligat{a} ad patibulos. deligantur et circumferuntur, cruci defiguntur*' ('Fastened to a *patibulum*, They are fastened and led around and then nailed to the cross').<sup>27</sup> Van Wingerden notes that *deligata* is dropped by the edition of T. J. Cornell (general editor) and does not object. However, he does not present the text as edited by Stephen Oakley in Cornell's collection, although he mentions its existence in his notes.<sup>28</sup>

*Patibulum* (transverse/horizontal beam) is neuter in gender. Licinus in book 21 of his *Roman Affairs* uses it in the masculine: *they are bound to patibuli and paraded around, and then fixed to the cross.*

*patibulum genere neutro. Masculino Licinus rerum Romanarum libro xxi: ad patibulos deligantur et circumferuntur, cruci defiguntur.*<sup>29</sup>

Van Wingerden apparently overlooks Oakley's decision not to place a period after *patibulos*.<sup>30</sup> Oakley's reconstructions avoid the awkward repetition of *deligo* in the MSS (*deligata ad patibulos. deligantur ...*). The first fragment of Clodius Licinus in Oakley's edition describes an event in the Second Punic War, when the first historical accounts of Roman crucifixion emerged.<sup>31</sup>

### 4. The *lex Puteolana*

The *lex* supports the general thesis of the article: namely, that carrying a *patibulum* was a common practice in ancient Rome. Van Wingerden is somewhat uncertain about the relevance of the *lex Puteolana*: 'To sum up, if Cook's reading is correct, then this is another instance that speaks of individuals carrying a *patibulum* to the *crux*'.<sup>32</sup> This warrants further

ThLL iv.1218.52–1220.54. See *ibid.*, 1218.63–4 '*cruciatus est quivis dolor asper et vehemens sive corporis sive animi ...*' (*cruciatus* is 'anyone in bitter and vehement pain either of the body or the soul'). On executions before the Esquiline gate, Hitzig mentions Tacitus, *Ann.* 2.32.3, Plautus, *Pseud.* 330–2, and Suetonius, *Claud.* 25.3.

<sup>25</sup> Meister, '*carnifex*', 479.10.

<sup>26</sup> Plautus, *Asin.* 311, 482, 697, 892; *Bacch.* 688, 785, 876; *Poen.* 369, 1302; *Cist.* 384; *Capt.* 597 (*pix atra agitet*); *Rud.* 322, 778, 857; *Amph.* 376, 422, 518, 588; *Merc.* 618; *Most.* 1114; *Persa* 547, 747; *Pseud.* 707, 950.

<sup>27</sup> van Wingerden, 'Carrying a *patibulum*', 443–4.

<sup>28</sup> T. J. Cornell, general ed., *The Fragments of the Roman Historians*. Vol. i. *Introduction*, Vol. ii. *Texts and Translations*, Vol. iii. *Commentary* (Oxford: Oxford University Press, 2013), i.482–3 (introductory comments on Clodius Licinus by S. P. Oakley), ii.924–7 (testimonia and fragments; edited by Oakley), iii.560–3 (commentary and discussion of *deligata ad patibulos deligantur ...* by Oakley). Cf. van Wingerden, 'Carrying a *patibulum*', 444, n. 6.

<sup>29</sup> C. Clodius Licinus frag. 3, text and trans. (slightly revised) from Oakley in Cornell, *Fragments*, ii.926–7 (Oakley uses 'gibbet' for *patibulum*, following the OLD). Cf. Cook, *Crucifixion*, 453–5. For an analysis of *patibulum* as a horizontal beam, cf. Gatti, '*patibulum*', ThLL x/1.706.48–708.30 and Cook, *ibid.*, 16–34.

<sup>30</sup> For the evidence from the MSS and the various conjectures, cf. Oakley, *Fragments*, 2.926.

<sup>31</sup> Clodius Licinus frag. 1 (Oakley, *Fragments*, ii.924) with commentary in *ibid.*, iii.560–1. Cf. Cook, *Crucifixion*, 161–3 for crucifixions during the Second Punic War.

<sup>32</sup> Van Wingerden, 'Carrying a *patibulum*', 448.



**Figure 1.** *Lex Puteolana col. II.1–19*; credit: Professor Giuseppe Camodeca; used by permission

argumentation. The *lex*, which describes a concession for funerals and executions in Puteoli (Figure 1), contains the most detailed description of the technology of crucifixion.<sup>33</sup>

The section for private individuals reads:

II. 8 Whoever will want to exact punishment on a male slave or female slave at private expense, as he (the owner) who wants the (punishment) to be inflicted, he (the contractor) exacts the punishment in this manner: if he wants (him) to lead the patibulated individual to the cross (vertical beam), the contractor will have to provide wooden posts, chains, and cords for the floggers and the floggers themselves. And anyone who will want to exact punishment will have to give four sesterces for each of the workers who bring the *patibulum* and for the floggers and also for the executioner.

Column II. 8 *qui supplic(ium) de ser(vo) servave privatim sumer(e) volet uti is {qui} sumi volet ita supplic(ium) sumet si in cruc(em) / 9 patibul(atum)*<sup>34</sup> *agere volet redempt(or) asser(es) vincul(a) restes verberatorib(us) et verberator(es) praeber(e) d(ebet) et / 10 quisq(uis) supplic(ium) sumet pro oper(is) sing(ulis) quae patibul(um) ferunt verberatorib(us)q(ue) item carnif(ice) HS IIII d(are) d(ebet) /*

Scholars disagree on the restoration of *patibul(...)* in II.9. The photograph of the *lex* does not help. As Giuseppe Camodeca writes, the initial letters of II.9 are damaged and quite small (Figure 1).<sup>35</sup> The survey (§ 7) of uses of *patibulum* justifies John Bodel's solution:

<sup>33</sup> Information on the *lex* may be found in Cook, *Crucifixion*, 370–86 and n. 34. The stone is now displayed in a small and beautifully lit room in the Museo Archeologico dei Campi Flegrei.

<sup>34</sup> F. Hinard and J. C. Dumont, ed., *Libitina: Pompes funèbres et supplices en Campanie à l'époque d'Auguste* (Paris: De Boccard, 2003) 18 app. crit.: *patibul(um)* Bove, Moreau; *patibul(atum)* Bodel, Dumont. They (18) leave *patibul(...)* in their edition. S. Panciera, ed., *Libitina e dintorni ...* (Libitina 3; Rome: Quasar, 2004) 40, 49 (*patibul(um)*), 49 n. 23 '*patibul(atum)* Bodel'. Castagnetti, *Le 'leges libitinariae' flegree*, 13, 26 *patibul(o)*. In his interpretation the slave is taken to the cross with the workers carrying the *patibulum*. He notes (179–80): past participles in the *lex* otherwise only omit the case endings.

<sup>35</sup> Communication of 6 October 2021. See especially Hinard and Dumont, *Libitina*, Plates 4–5 for II.9.

*patibul(atum)* – ‘an individual whose hands are fastened to the *patibulum*/bar’. This image comports well with the general thesis of this article concerning the frequency of the spectacle of the *patibulum*. No other restoration is possible syntactically or semantically, if one follows extant classical usage. *agere in patibulum* is unacceptable from a syntactic and semantic basis, because it contradicts known Latin usage. Sergio Castagnetti’s restoration, *patibulo*, in 11.9 (an ablative bearing the sense ‘with the *patibulum*’) also does not appear anywhere else in Latin literature. He is forced to translate with a paraphrase: ‘se vorrà che venga messo in croce col patibolo’ – not having an object for *agere*, which in all other texts has an object, or a subject when the passive *agi* occurs (§ 5).<sup>36</sup> 11.9 indicates that in 11.10 the workers bring the *patibulum* from the *lucus Libitinae*, or wherever such implements were stored, to the house where the slave to be punished is held. From there the slave him-/herself ‘carries’ (wears) it to the place of execution.<sup>37</sup> The *lex* shows that the scene of a male or female slave carrying the *patibulum* to the *crux* was common in Puteoli.

### 5. A Roman spectacle: Driving Victims to the Cross (*agere quemdam in crucem*) or Victims Being Driven to the Cross (*quidam ... agi in crucem*)

In the sections that follow, I will attempt to establish the thesis that carrying the *patibulum* was a frequent element in Roman crucifixions in accounts in which *patibula* are mentioned. This is in contrast to van Wingerden’s minimalistic results that emphasise the texts he takes to be certain. The first step is to show that taking the condemned to the cross was a common practice according to the extant evidence. There is a phrase in Latin that hints at a Roman spectacle that must have been repeated with endless frequency, since so many examples have by chance survived into the modern world: driving a victim to the cross. Both the active (*agere in crucem*) and passive (*agi in crucem*) are used in references to the spectacle.

The Latin is equivalent to the NT phrase ἀπάγειν εἰς τὸ σταυρῶσαι (Matt 27.31 par) or the classical ἀπάγειν ἐπὶ τὸν σταυρόν.

**Table 1.** *Agere/Agi in Crucem*

... ante pompae enim inductionem per circum servum a domino in crucem actum ... <sup>38</sup>	... for before the introduction of the procession, a slave was driven through the circus to the cross by his master ...
... liberto, qui ob atrocitatem facinoris exclamaverat, confestim in crucem acto. <sup>39</sup>	... a freedman, who cried out over the enormity of the crime, was immediately driven to the cross.
... qui se civem Romanum esse clamaret, in crucem ageretur. <sup>40</sup>	... who was shouting that he was a Roman citizen, was driven to the cross.
... P. Gavius quem tu in crucem egisti ... <sup>41</sup>	... P. Gavius whom you drove to the cross ...
In crucem tu agere ausus es quemquam qui se civem Romanum esse diceret? <sup>42</sup>	You dared to drive to the cross someone who was saying that he was a Roman citizen?

<sup>36</sup> Castagnetti, *Le ‘leges libitinae’ flegree*, 26: ‘if he wishes that he come to be put on the cross, with a *patibulum*’.

<sup>37</sup> I owe these two formulations to John Bodel (communication of 1 December 2021).

<sup>38</sup> Iulius Paris, *Epit.* 1.7.4 (BiTeu Valerius Maximus 11, 652,14–15 Briscoe).

<sup>39</sup> Suetonius, *Cal.* 12.2.

<sup>40</sup> Cicero, *Ver.* 2.5.165.

<sup>41</sup> Cicero, *Ver.* 2.5.164.

<sup>42</sup> Cicero, *Ver.* 2.5.163.

<i>non tu hoc loco Gavius, non unum hominem nescio quem, sed communem libertatis et civitatis causam in illum cruciatum et crucem egisti.</i> <sup>43</sup>	You, in this place, did not drive Gavius – some one obscure individual – but the communal principle of liberty and citizenship to that bitter pain and cross.
<i>... ne tum quidem miser, cum ab Oroete, praetore Darei, in crucem actus est.</i> <sup>44</sup>	... not even then was he wretched when he was driven to the cross by Oroetes, Darius's magistrate (satrap).
<i>Parum putatis magnum argumentum dementiae quod egit tyrannum in mortem, patres in exilium, servos in crucem?</i> <sup>45</sup>	Do you regard as an insufficient proof of madness something that has brought a tyrant to death, fathers to exile, slaves to the cross?
<i>dolere malum est: in crucem qui agitur, beatus esse non potest.</i> <sup>46</sup>	to be in pain is an evil: (s)he who is driven to the cross cannot be happy.
<i>eodem die: Mithridates servus in crucem actus est, quia Gai nostri genio male dixerat.</i> <sup>47</sup>	On the same day: Mithridates the slave was driven to the cross because he had spoken badly of the genius (guardian spirit) of our Gaius.
<i>agitur paedagogus in crucem.</i> <sup>48</sup>	a <i>paedagogus</i> is driven to the cross.
<i>postea iudicio peregrinus pronuntiatus emptus est ab interfectae patre. ab eodem agitur in crucem.</i> <sup>49</sup>	afterwards, at a trial, having been declared to be a <i>peregrinus</i> (non-citizen), he was purchased by the father of the woman killed (by him). He was driven off to the cross by the same man.
<i>Meretrix servum suum amantem se in crucem agit.</i> <sup>50</sup>	A prostitute drove a slave who had fallen in love with her to the cross.
<i>... et servi quinque et viginti in crucem acti ...</i> <sup>51</sup>	... and 25 slaves were driven to the cross ...
<i>... Minturnis ccccl servi in crucem acti ...</i> <sup>52</sup>	... In Minturnae 450 slaves were driven to the cross ...
<i>nam Stratonem quidem iudices in crucem esse actum exsecta scitote lingua ...</i> <sup>53</sup>	For, know, o jurors, that Strato was in fact driven to the cross after his tongue had been cut off ...
<i>damnatus et a L. Calpurnio triumviro in crucem actus est.</i> <sup>54</sup>	he was condemned by the judges and driven to the cross by the triumvir L. Calpurnius
<i>... sex milia, quorum domini non exstabant, in crucem egit.</i> <sup>55</sup>	he (Octavian) drove 6000, whose masters were not found, to the cross
<i>... calumniatore in crucem acto.</i> <sup>56</sup>	... a false accuser was driven to the cross.

The Latin formulas are so brief that it is fairly obvious that one may assume nearly any Roman reader knew the implications – the spectacle of being driven to execution and the drawn out, miserable death on the cross awaiting the condemned. They do indicate that

<sup>43</sup> Cicero, *Ver.* 2.5.170. 'Some one obscure individual' from R. G. C. Levens, *Cicero: The Fifth Verrine Oratio* (London: Methuen, 1946) 162.

<sup>44</sup> Cicero, *Fin.* 5.92. A description of Polycrates.

<sup>45</sup> Seneca, *Con.* 7.6.6; trans. of Winterbottom, *Seneca the Elder, Declamations*, 2.125.

<sup>46</sup> Cicero, *Fin.* 5.84.

<sup>47</sup> Petronius 53.3.

<sup>48</sup> Calpurnius, *Decl.* 17.

<sup>49</sup> Calpurnius, *Decl.* 23.

<sup>50</sup> Calpurnius, *Decl.* 33.

<sup>51</sup> Livius 22.33.1–2.

<sup>52</sup> Orosius, *Hist.* 5.9.4.

<sup>53</sup> Cicero, *Clu.* 187.

<sup>54</sup> Valerius Maximus 8.4.2.

<sup>55</sup> Orosius, *Hist.* 6.18.33.

<sup>56</sup> SHA Septimius Severus 4.3.



*agere* is the *vox propria* for the journey to the cross. The comparable Greek phrases are likewise short, for the most part.

**Table 2.** ἀπάγειν (etc.) ἐπὶ τὸν σταυρόν

παρεπέμπετο δὲ ὅμως ὑπὸ πολλῶν καὶ ἐνεφορεῖτο τῆς δόξης ἀποβλέπων ἐς τὸ πλῆθος τῶν θαυμαζόντων, οὐκ εἰδὼς ὁ ἄθλιος ὅτι τοῖς ἐπὶ τὸν σταυρὸν ἀπαγομένοις ἢ ὑπὸ τοῦ δημίου ἐχομένοις πολλῶ πλείους ἔπονται. <sup>57</sup>	Nevertheless, he (Peregrinus) was being escorted by crowds and taking his fill of glory was paying attention to the multitude of those who were amazed, unaware, miserable man, that those who are being led away to the cross or who are held by the executioner are followed by many more.
... μαστιγωθέντες ἐπὶ τοὺς σταυροὺς ἀπήχθησαν. <sup>58</sup>	... (leaders of a slave revolt) after being scourged, they were led to their crosses.
... ὁ καὶ ἀπαγομένῳ ἐπὶ τὸν σταυρὸν Σοραίχῳ μηνύει. <sup>59</sup>	... who (Rhodanes) tells Soraichos about it (treasure) as he is being led away to the cross.
Ἵτε δὲ Σόραιχος ἐπὶ τὸν σταυρὸν ἐπέμπετο ... <sup>60</sup>	And when Soraichos was being sent to his cross ...
... τότε καὶ Ῥοδάνης ὑπ' αὐτοῦ Γάρμου ἐστεφανωμένον καὶ χορεύοντος ἐπὶ τὸν πρότερον σταυρὸν πάλιν ἤγετο καὶ ἀνεσταυροῦτο, καὶ Γάρμος μεθύων ἅμα καὶ χορεύων περὶ τὸν σταυρὸν σὺν ταῖς αὐλητρίσιν ἔχαιρέ τε καὶ εὐφραίνεται. <sup>61</sup>	... then also Rhodanes was being led back to and suspended on the first cross by Garmos himself, who was garlanded and dancing, and Garmos was getting drunk while dancing around the cross with his flute women, and he was both rejoicing and celebrating.
Οὕτως εἰπὼν ὁ Ἀλέξανδρος ἐκέλευσεν ἐξαγκωνισθῆναι τοὺς γραμματιφόρους καὶ ἀπαχθέντας σταυρωθῆναι. <sup>62</sup>	Thus spoke Alexander: he commanded that the hands of the letter-carriers be bound behind their backs and that they be led away to be crucified.

Certainly, these phrases resemble those of Mark and Matthew (Mark 15.20 ἐξάγουσιν αὐτὸν ἵνα σταυρώσωσιν αὐτόν par Matt 27.31). It is worth keeping in mind that if one only had Mark 15.20 and Matt 27.31, one would not know that the cross of Jesus had a *patibulum* or that Simon of Cyrene had carried the *patibulum* part of the way to the *crux*. Six texts with *patibulum* (§ 7 below) portray a spectacle in which an individual is led to crucifixion, and many of the texts in this section may similarly include *patibula* – although they are not mentioned explicitly. There are explicit hints in several texts that do describe victims carrying *patibula* that indicate the practice was common, which will be discussed below (§ 7). Carrying a *furca* provides an important analogy for the thesis concerning the frequency of the spectacle of the *patibulum*.

<sup>57</sup> Lucian, *Peregr.* 34. Cp. Luke 23.27: Ἦκολούθει δὲ αὐτῷ πολὺ πλῆθος τοῦ λαοῦ καὶ γυναικῶν.

<sup>58</sup> Dionysius Halicarnassus, *Ant. Rom.* 12.6.6.

<sup>59</sup> Photius, Codex 94 Bekker 78a; text of Photius, *Bibliothèque. Tome II* ('Codices' 84-185) (ed. R. Henry; Collection Byzantine; Paris: Les Belles Lettres, 1960) 47. Trans. mod. of Susan A. Stephens and John J. Winkler, *Ancient Greek Novels: The Fragments. Introduction, Text, Translation, and Commentary* (Princeton: Princeton University Press, 1995) 198.

<sup>60</sup> Photius, Codex 94 Bekker 78a (47 Henry).

<sup>61</sup> Photius, Codex 94 Bekker 78a (47 Henry).

<sup>62</sup> Ps. Callisthenes, *Historia Alexandri Magni* (recensio α) 1.37.4 (W. Kroll, ed., *Historia Alexandri Magni* (Berlin: Weidmann, 1926) 42.23-4).

## 6. An analogy: the spectacle of the *furca*

The point of the argument here is that carrying the *furca* closely resembles carrying the *patibulum*. The *furca*, a punishment for slaves, was apparently frequent in ancient Rome. Combined with the other evidence, the frequency of the spectacle of the *furca* helps warrant the thesis of the article. In general, individuals punished by the *furca* survived the miserable experience.<sup>63</sup> Henceforth others could call them a *furcifer*.<sup>64</sup> A presumably legendary episode describes a slave who was punished by the *furca* before a circus of Romans.<sup>65</sup> In some accounts the slave was executed afterward.<sup>66</sup> The authors who portray the event are aware of its nature as spectacle. Iulius Paris (§ 5), the epitomator of Valerius, summarised the text as a reference to the crucifixion of the slave, but Iulius does not write that the slave carried a *furca* to a *crux*.<sup>67</sup> Macrobius transforms the punishment into the similar but not identical spectacle of the *patibulum*.

(1.11.3.) ... a certain Autronius Maximus beat his slave, tied him to a *patibulum*, then drove him through the Circus before the start of the show ... (5.) ... it is called the *dies instauricius*, not (as some think) from the *patibulum* – that is, *tauros* in Greek – but from the act of making whole again, as Varro holds, noting that *instaurare* means ‘to replace the equivalent amount’ (*instar novare*).

3. ... *Autronius quidam Maximus servum suum verberatum patibuloque constrictum ante spectaculi commissionem per circum egit: ... 5. ... isque instauraticius dictus est non a patibulo, ut quidam putant, Graeco nomine ἰπὸ τοῦ σταυροῦ, sed a redintegratione, ut Varroni placet, qui instaurare ait esse instar novare*<sup>68</sup>

Since other sources from Macrobius’s era (Lactantius, Augustine, Arnobius), particularly Iulius Paris, indicate that the slave was executed, as did Valerius Maximus before them, it seems most probable that Macrobius envisioned the slave’s subsequent execution – especially given his translation of *patibulum* by *σταυρός* – a word associated with crucifixion.<sup>69</sup> *Furca* makes an appearance in classical texts in various constructions:

<sup>63</sup> See H. Rubenbauer ‘*furca*’, ThLL vi/1.1609.59–1610.82 and Cook, *Crucifixion*, 37–44.

<sup>64</sup> See H. Rubenbauer, ‘*furcifer*’, ThLL vi/1.1610.84–1611.36. Cf. the description of the punishment in Donatus, *Ad Terenti Andr.* 618.2 (BiTeu 192 Wessner = BiTeu 199 Cioffi) with a parallel in Isidore, *Orig.* 10.108.

<sup>65</sup> Livy 2.36.1; Cicero, *Div.* 1.55; Valerius Maximus 1.7.4; Dionysius Halicarnassus, *Ant. rom.* 7.69.2.

<sup>66</sup> Cf. Cook, *Crucifixion*, 24–5, 38–9 and van Wingerden, ‘Carrying a *patibulum*’ 450–2. In Valerius Maximus 1.7.4 he is executed.

<sup>67</sup> Cp. Lactantius, *Div.* 2.7.20–1 *verberatum servum sub furca medio circo ad supplicium duxerat* (‘he led a slave being beaten “under the *furca*” through the middle of the circus to execution’), Augustine, *Civ.* 4.26 (BiTeu 1, 178,19–20 Dombart/Kalb) ... *quod primo eorum die in quodam scelerato, qui populo spectante ad supplicium duci iussus est ... imperium* (‘on the first day of the games, in the case of a criminal who had been condemned to death while the crowd watched, a command ...’), and Arnobius 7.39 (no mention of the *furca*): *servum pessime meritum per circi aream mediam transduxisse caesum virgis et ex more multasse post patibuli poena* (‘(he) led a slave who merited the worst through the middle of the circus, beaten with rods, and according to custom punished him with the penalty of the *patibulum*’).

<sup>68</sup> Macrobius, *Saturnalia* 1.11.3 (= ThLL x/1.707.28), 1.11.5 (= ThLL x/1.707.38–39). Trans. of Macrobius, *Saturnalia* (2 vols.; LCL; ed. and trans. R. A. Kaster; Cambridge, 2011) 1.111–3 (he uses ‘gibbet’ for *patibulum*).

<sup>69</sup> Van Wingerden, ‘Carrying a *patibulum*’, 452 argues that a ‘crucifixion context is missing’, but the mention of *σταυρός* does imply crucifixion, and Iulius Paris and Arnobius explicitly mention crucifixion.

**Table 3.** Constructions with *Furca*

... <i>sub furca caesum ... egerat ...</i>	... he drove him beaten under a fork ... <sup>70</sup>
... <i>furcam ferens ductus est.</i>	... he was led bearing a fork. <sup>71</sup>
... <i>Cum furca in urbem tamquam carbonarium.</i>	... to the city under the <i>furca</i> like a charcoal seller. <sup>72</sup>
... <i>dignu's, deciens qui furcam feras.</i>	... you deserve to carry the <i>furca</i> ten times. <sup>73</sup>
<i>Ut quidem tu hodie canem et furcam feras.</i>	... that you bear today a chain and a <i>furca</i> . <sup>74</sup>
<i>Et postquam es emissus caesum virgis sub furca scio ...</i>	and I know that you were beaten with rods under the <i>furca</i> after you were released (from prison) <sup>75</sup>
... <i>ibis sub furcam prudens ...</i>	... you will go under the <i>furca</i> open-eyed ... <sup>76</sup>
<i>Fateor: manus vobis do. / Et post dabis sub furcis.</i>	I admit it, I'm giving you my hands (to be tied). And you'll do so later under the <i>furcae</i> . <sup>77</sup>

From this evidence one can conclude that in general the *furca*, although a humiliating spectacle for the slave, was not usually a fatal punishment. A further warrant for this thesis is the liberal usage of the term '*furcifer*' – used for an individual who had been obliged to carry the *furca* around.<sup>78</sup> The penalty of the *furca* resembles that of the *patibulum*, although the latter was always fatal. Both spectacles were probably frequent in ancient Rome, although the claim concerning the frequency of the spectacle of the *patibulum* needs additional evidence.

## 7. The *Patibulum* in Roman texts and the Spectacle of Carrying It

The classical evidence for the use of *patibulum* follows below. Many of the texts below are *pars pro toto* usages. The first five examples indicate a spectacle in which the condemned individual carries the *patibulum* through the streets (some have been mentioned above). In the sixth example, the headless torso of Carbo Arvina is carried about fixed to a *patibulum* in a clear imitation of the spectacle illustrated by the first five texts. The seventh example is also a spectacle, although the image of the dead pretender Celsus, whose corpse had been consumed by dogs, is attached to a *patibulum* in a *pars pro toto* usage.

<sup>70</sup> Livy 2.36.1. Cp. Valerius Maximus 1.7.4.

<sup>71</sup> Cicero, *Div.* 1.55.

<sup>72</sup> Plautus, *Cas.* 438, trans. of de Melo, Plautus, II.59 (who has 'fork', here and in the examples below).

<sup>73</sup> Plautus *Cist.* 248, trans. of de Melo, Plautus, II.159.

<sup>74</sup> Plautus, *Cas.* 389.

<sup>75</sup> Plautus, *Men.* 943, trans. of de Melo, Plautus, II.523.

<sup>76</sup> Horace, *Serm.* 2.7.66.

<sup>77</sup> Plautus, *Pers.* 855–855a, trans. of de Melo, Plautus, III.557.

<sup>78</sup> Rubenbauer, '*furcifer*', has many examples.

**Table 4.** Constructions with *Patibulum*

<i>Credo ... tibi esse pereundum ... / ... patibulum quom habebis.</i>	I suppose you'll soon have to disappear ... when you'll have a <i>patibulum</i> . <sup>79</sup>
<i>ad patibulos deligantur et circumferuntur, cruci defiguntur.</i>	they are bound to <i>patibuli</i> and paraded around, and then fixed to the cross. <sup>80</sup>
<i>Ita te forabunt patibulatum per vias / stimulis ...</i>	so they will pierce you – patibulated – with goads through the streets ... <sup>81</sup>
<i>patibulum ferat per urbem, deinde adfigatur cruci.</i>	Let him bear his <i>patibulum</i> through the city; then let him be fastened to a cross. <sup>82</sup>
<i>... servum suum verberatum patibuloque constrictum ... per circum egit ...</i>	... he led his beaten slave, tied to a <i>patibulum</i> , through the circus ... <sup>83</sup>
<i>... Carbonisque Arvinae truncum corpus patibulo adfixum gestatum est.</i>	... the headless trunk of Carbo Arvina was fastened to a <i>patibulum</i> and carried about. <sup>84</sup>
<i>... et novo iniuriae genere imago in crucem sublata persultante vulgo, quasi patibulo ipse Celsus videretur adfixus.</i>	... and then with a new kind of insult his image was set up on a <i>crux</i> , while the mob pranced about, as though they were looking at Celsus himself fastened to a <i>patibulum</i> . <sup>85</sup>
<i>... extendendae per patibulum manus ...</i>	hands are to be stretched out on a <i>patibulum</i> <sup>86</sup>
<i>... alii brachia patibulo explicuerunt ...</i>	others spread out their arms on the <i>patibulum</i> <sup>87</sup>
<i>... ex patibulo suo spectatores conspuerent.</i>	... from their own <i>patibulum</i> they spit on spectators. <sup>88</sup>
<i>... grandique clavo manum ducis nostri repenti nisu fortissimo ad ostii tabulam offigit et exitiabili nexu patibulum relinquens ...</i>	... and then suddenly and violently impaled our leader's hand on the door panel by means of a huge nail and leaving him fatally riveted as a living bar ( <i>patibulum</i> ) to the door ... <sup>89</sup>
<i>... servus vero patibulo suffigitur ...</i>	... the slave is fastened to a true <i>patibulum</i> ... <sup>90</sup>
<i>... servus ... patibulo adfixus ...</i>	... a slave nailed to a <i>patibulum</i> ... <sup>91</sup>
<i>... notissimus ... in prori patibulo eminens adfigebatur.</i>	... the best known ... was nailed high up on a <i>patibulum</i> in the prov. <sup>92</sup>

<sup>79</sup> Plautus, *Mil. glor.* 359–60.<sup>80</sup> C. Clodius Licinus frag. 3.<sup>81</sup> Plautus, *Most.* 55–57.<sup>82</sup> Plautus, *Carbonaria* frag. 2.<sup>83</sup> Macrobius, *Saturnalia* 1.11.3.<sup>84</sup> Valerius Maximus 9.2.3.<sup>85</sup> SHA Tyranni Triginta 29.3–4 (Trebellius Pollio), trans. of *Historia Augusta* (3 vols.; LCL; ed. and trans. D. Magie, Cambridge; Harvard University Press 1921–32) III.133.<sup>86</sup> Seneca, frag. 124 (BiTeu 42, Haase).<sup>87</sup> Seneca, *Dial.* 6.20.3.<sup>88</sup> Seneca, *Dial.* 7.19.3.<sup>89</sup> Apuleius, *Met.* 4.10.3–4 (F (Laurentianus 68.2 saec. xi) *patibulum*; *patibulatum* cj. Scaliger: cf. SCBO, 77 Zimmerman); trans. Apuleius, *Metamorphoses. Book IV, 1–2* (trans., intro., and comm. B. L. Hijmans; Groningen: Bouma, 1977) 83 (*patibulum* as a play on beam for a cross and bar for doors).<sup>90</sup> Apuleius, *Met.* 10.12.4.<sup>91</sup> Tacitus, *Hist.* 4.3.2.<sup>92</sup> Sallustius, *Hist.* 3 = Nonius Marcellus, *De comp. doct.* IV (BiTeu 2, 582 Lindsay), frag. 9 (the MSS have *improbi*).

... <i>patibulo subfixus in crucem tollitur.</i>	... fastened to the <i>patibulum</i> , (s)he is raised on a cross. <sup>93</sup>
... <i>referebant ... quot patibula captivis ...</i>	... they were reporting ... how many <i>patibula</i> for captives ... <sup>94</sup>
<i>rapti ... milites et patibulo adfixi ...</i>	... the soldiers were taken and nailed to the <i>patibulum</i> ... <sup>95</sup>
... <i>caedes patibula ignes cruces ...</i>	... slaughters, <i>patibula</i> , fires, crosses ... <sup>96</sup>
... <i>tertius patibulo suffigi iuberet ...</i>	... the third was decreeing that she be nailed to the <i>patibulum</i> ... <sup>97</sup>
<i>tibi Marcelli statua pro patibulo in clientis Marcellorum fuit?</i>	Did the statue of Marcellus serve as a <i>patibulum</i> for his clients? <sup>98</sup>
... <i>patibulo pendere districtum ...</i>	... hang stretched out on a <i>patibulum</i> ... <sup>99</sup>
... <i>illa ... patibuli cruciatum cum canes et vultures intima protrahent viscera.</i>	... she will endure the torment of the <i>patibulum</i> when the dogs and vultures drag out her innermost organs. <sup>100</sup>
... <i>patibulo adfigatur.</i>	... let him/her be affixed to a <i>patibulum</i> <sup>101</sup>
... <i>quos autem capere potuit, patibulo suffixit.</i>	... those then whom he could capture, he affixed to the <i>patibulum</i> . <sup>102</sup>
... <i>vetus teterrimumque supplicium patibulorum et cruribus suffringendis ...</i>	... the old and utterly horrific punishment of the <i>patibula</i> and leg-breakings ... <sup>103</sup>
προήχθησαν οὐδὲν πόδας τε καὶ τραχήλους συνδεδεμένοι, καὶ ἕκαστος αὐτῶν τὸν σταυρὸν ἔφερε· τῇ γὰρ ἀναγκαίᾳ τιμωρίᾳ καὶ τὴν ἔξωθεν φαντασίαν σκυθραπῆν προσέθεσαν οἱ κολάζοντες εἰς φόβου παράδειγμα τοῖς ὁμοίοις ... Πολύχαρμος δὲ τὸν σταυρὸν βαστάσας ...	Then they (slaves who attempted escape) were led forward with both feet and necks bound, and each of them carried his own <i>stauros</i> . Because those carrying out the execution added this gloomy public spectacle to the necessary punishment as an example of fear for other like-minded individuals ... Polycharmos carrying his own <i>stauros</i> ... <sup>104</sup>
... σταυρὸν ἐβάστασα καὶ δημίῳ χερσὶ παρεδόθη ...	... I have carried my <i>stauros</i> and been handed over to the hands of the executioner ... <sup>105</sup>

<sup>93</sup> Firmicus Maternus, *Mathesis* 6.31.58. Van Wingerden, 'Carrying a *patibulum*', 449–50 incorrectly argues, 'it is uncertain that it reflects the Roman practice of crucifixion (which might have been abolished by the time Firmicus wrote)'. The *Mathesis* can be securely dated between 334–337 CE, and a Roman senator like Firmicus would have been familiar with a Roman practice that had only recently been abolished. Cultural memory does not disappear overnight (cf. the evidence in Cook, *Crucifixion*, 398–416; e.g., Aurelius Victor (ca 360 CE)). On the date, cf. S. Gersh, '12 Firmicus Maternus (Iulius) RE 11', *Dictionnaire des philosophes antiques* (ed. R. Goulet, Paris: Centre National de la Recherche Scientifique, 2000) III.423–5.

<sup>94</sup> Tacitus, *Ann.* 1.61.4.

<sup>95</sup> Tacitus, *Ann.* 4.72.3.

<sup>96</sup> Tacitus, *Ann.* 14.33.2.

<sup>97</sup> Apuleius, *Met.* 6.31.1.

<sup>98</sup> Cicero, *Ver.* 2.4.90.

<sup>99</sup> Seneca, *Ep.* 101.12.

<sup>100</sup> Apuleius, *Met.* 6.32.31 (she is to be sewn inside a dead ass).

<sup>101</sup> Codex Theodosianus 9.5.1 = CIL III, 12043 = InscCret I (Lytto), 188 and CIL V, 2781. Cf. Cook, *Crucifixion*, 395.

<sup>102</sup> Orosius 5.9.6.

<sup>103</sup> Aurelius Victor, *Hist. abbrev.* 41.4.

<sup>104</sup> Chariton, *Chaer.* 4.2.7.

<sup>105</sup> Chariton, *Chaer.* 4.3.10.

... καὶ τῷ μὲν σώματι τῶν κολαζομένων ἕκαστος  
κακούργων ἐκφέρει τὸν αὐτοῦ σταυρὸν ...

... every criminal condemned to death bears their  
*stauros* on their back ...<sup>106</sup>

ἔοικε γὰρ καὶ ὁ σταυρὸς θανάτῳ, καὶ ὁ μέλλων  
αὐτῷ προσηλωσθαι πρότερον αὐτὸν βαστάζει·

For the *stauros* resembles death, and one who is  
about to be nailed to it first carries it.<sup>107</sup>



**Figure 2.** *lagynos depicting damnatio ad bestias*; Inventory: O.39628. © Römisch – Germanisches Zentralmuseum; credit: R. Müller

It is worthwhile remembering that Lucian identifies the *stauros* with the Tau shape – although in the Greek texts above there is a usage of synecdoche (σταυρὸς for *patibulum*).<sup>108</sup> These texts illustrate the syntactical and semantic usage of *patibulum*. One is immediately aware that there are no examples of *cum patibulo* or *sub patibulo*, nor are there any examples where *patibulo* appears as an ablative bearing the meaning ‘with the *patibulum*’.<sup>109</sup> The word also appears universally in fatal spectacles – either of a condemned individual carrying the *patibulum* through the streets or crucified with his or her arms stretched out on the horizontal bar, suspended in the air. The one possible exception is the text from Macrobius, but his translation of *patibulum* by σταυρὸς probably indicates that the slave was executed (see § 6). Like the *furca*, bearing the *patibulum* through the streets before crucifixion was a spectacle.

Gunnar Samuelsson justifiably argues that the Gospels are sparing in their narratives of the crucifixion.<sup>110</sup> Nevertheless, the most vivid portrayal of crucifixion which survives the literature of Greco-Roman antiquity is that of the Gospels, including the detail in which

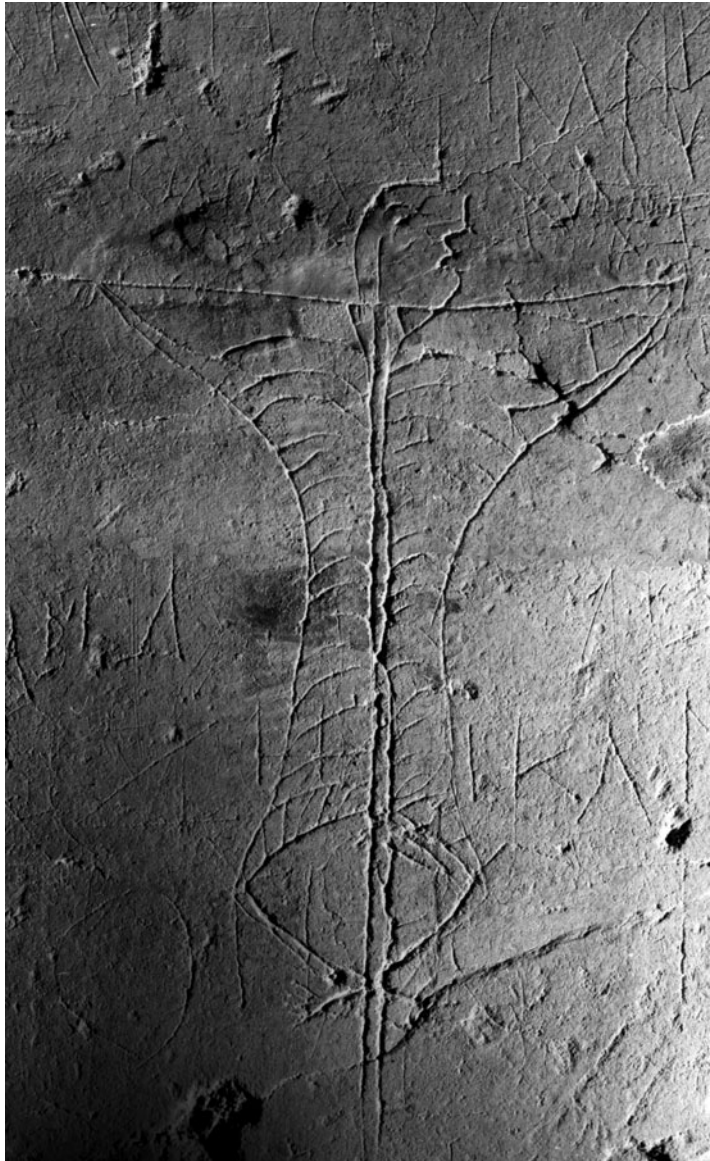
<sup>106</sup> Plutarch, *Sera* 554a.

<sup>107</sup> Artemidorus, *Onir.* 2.56.

<sup>108</sup> Lucian, *Jud. voc.* 12. Chapman and Schnabel, *Trial*, 310–12 unjustifiably doubt the Lucianic authorship. Cf. S. Swain, *Hellenism and Empire: Language, Classicism, and Power in the Greek World, AD 50–250* (Oxford: Clarendon, 1996) 48. On the synecdoche, cf. Cook, *Crucifixion*, 28–32.

<sup>109</sup> These facts are important for the reconstruction of *patibul(...)* in the *lex Puteolana* in § 4.

<sup>110</sup> G. Samuelsson, *Crucifixion in Antiquity: An Inquiry into the Background of the New Testament Terminology of Crucifixion* (WUNT 2/310; Tübingen: Mohr Siebeck, 2013) 237–60.



**Figure 3.** Puteoli: graffito of Alkimila's crucifixion: credit: Professor Giuseppe Camodeca; used by permission

either Jesus (John 19.17) or Simon of Cyrene (Matt 27.32 par Mark 15.21 par Luke 23.27) carries the *patibulum* through the streets of Jerusalem. In the Gospels (Matt 27.26 par Mark 15.15, John 19.1), with the exception of Luke where no such torture is mentioned, Pilate had already scourged Jesus, and no scourging is mentioned while carrying the *patibulum* itself. Only Luke (23.27–31) describes a crowd of onlookers following Jesus and Simon, including the mourning women of Jerusalem. It is all part of a Roman spectacle as in some of the texts above. Since in Luke's spectacle Simon carries the *patibulum*, the two criminals most likely carried theirs (27.32): Ἦγοντο ... ἕτεροι κακοῦργοι δύο σὺν αὐτῷ ἀναρεθῆναι. To van Wingerden's examples of Greek texts in which one carries the *patibulum*, one should probably add that of Peter in the Gospel of John, although there is



**Figure 4.** *Alkimila*; credit: Professor Giuseppe Camodeca; used by permission

disagreement. The risen Jesus (John 21.18) prophesies that he, too, will bear the bar (to the *crux*). The extension of Peter's hands is likely a reference to the *patibulum*.<sup>111</sup>

The texts of the *lex Puteolana*, Chariton, Plutarch, and Artemidorus imply a broader cultural practice (rather than reporting on singular events).<sup>112</sup> They indicate that carrying the *patibulum* before crucifixion was a common practice in the Roman world – even if Plutarch ('every criminal') and Artemidorus exaggerate somewhat. Six other Latin texts (§ 7) also assume Roman familiarity with practice, and it was a regular element of Plautus's humour who assumes the audience is well aware of the spectacle. The frequency of the spectacle contrasts with van Wingerden's minimalistic results. Since the Romans had the technology to suspend an individual on a simple vertical beam (see Figure 2 in § 8), and since many texts portray the leading of an individual to a cross, I would suggest as a reasonable hypothesis that whenever *patibula* are mentioned in Roman texts, one can probably assume that the individual had earlier carried it through the streets. This assumption would constitute a 'pragmatic presupposition' of Mediterranean literature that readers would take for granted. Mention of the *patibulum* itself brought to the Mediterranean mind a spectacle (as it did in the case of Jesus, Simon of Cyrene, and the examples canvassed above) – one in which an individual was forced to carry it to a

<sup>111</sup> Cf. Plautus's *dispessis manibus* in § 2, Seneca's *extendendae per patibulum manus* and *brachia patibulo explicuerunt* in § 7, and Artemidorus, *Onir.* 1.76 τὴν τῶν χειρῶν ἔκτασιν ('the stretching out of the hands'). For a defense of that interpretation (and ref. to some who disagree), which is also supported by the parallelism between 21.19 and 12.33, 18.32, see W. Bauer, *Das Johannesevangelium* (HNT 6; Tübingen: Mohr Siebeck, <sup>3</sup>1933) 238–9, H.-W. Kuhn, 'Die Kreuzesstrafe während der frühen Kaiserzeit. Ihre Wirklichkeit und Wertung in der Umwelt des Urchristentums', ANRW II/25.1 (1982) 648–793, at 699, J.-M. Prieur, *Das Kreuz in der christlichen Literatur der Antike* (Bern et al.: Peter Lang, 2006) 210, M. M. Thompson, *John: A Commentary* (NTL; Louisville: John Knox, 2015) 443, and J. G. Cook, 'The Tradition of Peter's Crucifixion', in: *Talking God in Society: Multidisciplinary (Re)constructions of Ancient (Con)texts. Festschrift Peter Lampe* (vol. 1; ed. U. E. Eisen and H. E. Mader; Göttingen: Vandenhoeck & Ruprecht, 2021) 733–51.

<sup>112</sup> I take this formulation from a reviewer who also notes that the Chariton novel relies on the reader recognizing the *patibulum*-carrying as a readily accepted literary device.





**Figure 5.** *Palatine graffito*; by permission of the Ministero della Cultura – parco Archeologico del Colosseo

place of execution. The classical texts listed above and the Gospel texts about ‘taking up one’s *σταυρός*’ warrant the thesis that the *patibulum* spectacle was frequent in Roman society.<sup>113</sup>

<sup>113</sup> Matt 10.38, 16.24, Mark 8.34, Luke 9.23, 14.27 (crucifixions of Christians seem to have been infrequent after the Neronian executions until the Great Persecution). For the crucifixions during Nero’s imperium, cf. J. G. Cook ‘*Christiani, Christiani, Χριστιανοί: A Second Century Anachronism?*’ *VC* 74 (2020) 237–264. K. M. Coleman, ‘‘Informers’’ on Parade’, *The Art of Ancient Spectacle* (ed. B. Bergmann and C. Kondoleon; Washington, D.C.: National Gallery of Art, 1999) 231–45, at 232–4 investigates several examples of processions (e.g., Suetonius, *Tit.* 8.5, Martial, *Sp.* 4, Pliny, *Pan.* 34.1) of *delatores* (informers) that are comparable to the spectacle I am portraying.



**Figure 6.** *Magical gem, intaglio, jasper.* British Museum 1986,0501.1, 30 x 25 x 5.8 mm, late II CE – early III CE. Photograph © Trustees of the British Museum. All rights reserved

## 8. The T-shaped Images and the Spectacle of Carrying the *Patibulum*

The Romans had the technology to suspend – easily, one presumes – an individual on a vertical beam without a *patibulum*. The scene (Figure 2) of *damnatio ad bestias* vividly illustrates that possibility, and Martial combines the penalties of crucifixion and *damnatio ad bestias* in one of his spectacles in which he mentions the actual crucifixion of the star of a well-known mime.

... so Laureolus, hanging on no false cross, gave up his defenceless entrails to a Scottish bear. His mangled limbs were still alive, though the parts were dripping with blood, and in his whole body there actually was no body.

*nuda Caledonio sic viscera praebuit urso  
non falsa pendens in cruce Laureolus.  
vivebant laceri membris stillantibus artus  
inque omni nusquam corpore corpus erat.*<sup>114</sup>

The hypothesis lies near at hand – in contrast to van Wingerden’s minimalism – that when the *patibulum* is mentioned, it indicates the spectacle of the condemned individual’s carrying it through the streets. It is certainly intriguing that all of the most ancient images of Roman crucifixion depict individuals on Tau-shaped crosses in which the horizontal beam

<sup>114</sup> Martial, *Sp.* 9(7).3–6. Trans. of *M. Valerii Martialis Liber Spectaculorum* (edited with introduction, translation, and commentary by K. M. Coleman; Oxford: Oxford University Press, 2006) 82–96, at 82.

comprises the *patibulum*: the crucified Alkimila (Figures 3 and 4) in the Puteolan *taberna* from the Trajanic-Hadrianic era; the graffito (Figure 5) of the crucified donkey-man (III CE); and the Pereire gem (Figure 6) of the nude crucified Christ.

Although the images do not themselves give visual evidence that the *patibula* were carried, as Felicity Harley-McGowan justifiably insists, ‘they might imply it to a viewer who understands the practice (presuming that the practice was known at the time and place the images were created)’.<sup>115</sup> The literary sources encourage the reader to assume that where a *patibulum* is mentioned, the spectacle of the journey through the streets to the *crux* is not far behind.

## 9. Conclusion

In addition to the texts that van Wingerden affirms in support of the carrying of the *patibulum* to the *crux*, there is further material to take into account. The readings above of Plautus and Clodius Licinus are warranted. The suggested reconstruction of *lex Puteolana* II.9 (*patibul(atum)*) makes best sense in my view and conforms closest to extant Latin usage, and the *lex* warrants the frequency of the Roman practice in Puteoli one might name the ‘spectacle of the *patibulum*’.

One can restrict the image of carrying a *patibulum* to texts that are deemed certain as van Wingerden does. Admittedly, one cannot demonstrate that the *patibula* were carried by the condemned from solely the semantics of the texts in which the following phrases and words appear: *agere/agi in cruce*; ἀπάγειν εἰς τὸ σταυρῶσαι (etc.); and *patibulum*. The following pragmatic presupposition does, however, have reasonable grounds: when one encounters the above phrases and words in the description of a Roman spectacle, it is likely that ancient readers (often) – at least those inhabitants of the empire who lived in or near towns – envisioned the condemned individual carrying the *patibulum* to the *crux*.<sup>116</sup> Doubtless this was not true in all such cases. However, the Roman love of spectacle (consider the *furca*) probably implies that there is plenty of justification for believing that the supposition is reliable. The prevalence of this spectacle in Roman society, if the hypothesis is correct, indicates that the Gospels’ depiction of the *patibulum*-bearing of Jesus, Simon of Cyrene, (probably) Peter, and individuals who wish to follow Jesus was easily recognisable for Mediterranean readers, who would have witnessed the unavoidable scene in their own streets.

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<sup>115</sup> Communication of 4 Oct. 2021. On these images, cf. F. Harley-McGowan, ‘The Alexamenos Graffito’, *The Reception of Jesus in the First Three Centuries* (vol. 3; ed. C. Keith, H. Bond, and J. Schröter; London/New York: T&T Clark, 2019) 105–40 and Cook, *Crucifixion*, 540 index.

<sup>116</sup> I take the formulation about the town dwellers from John Bodel (communication of 1 December 2021).

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