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DISCOURSES OF CRIMINALITY IN EARLY CHRISTIANITY

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One age has pronounced martyrs and worshiped as saints the criminals that another age has put to death.

— Clarence Darrow, *Resist Not Evil*, Chicago, 1902

Contents

Abstract.....	v
Acknowledgments.....	vi
List of Abbreviations	x
Introduction.....	1
1. State of the Field.....	8
2. Summary.....	24
Chapter 1: “He Must Be Punished:” Condemned Criminals in the Roman Empire.....	27
1. The Treatment of Criminals.....	29
2. Discursive Construction of the Condemned Criminal.....	39
3. Construction of the Criminal Christian.....	61
4. Conclusion	70
Chapter 2: “Innocent Blood:” The Christian Special Condemned	72
1. Early Jesus Followers, Criminals, and the non-Criminal Christ.....	73
2. Constructing the non-Criminal Martyr in the Second Century.....	80
3. The Discourse of Criminality after the Second Century.....	104
4. Conclusion	111
Chapter 3: “I Come not as a Criminal:” The Executed and Their Ghosts	113
1. The Restless Dead.....	115
2. Classifying Violent Death.....	117
3. The Ghosts of the Violently Dead	132
4. Conclusion	159
Chapter 4: “Glory Proper to Themselves:” Christians and the Executed Dead.....	163
1. Ghosts and the Violently Dead in Ancient Judaism and Christianity.....	165
2. The Christian Special Executed as <i>Biothanatoi</i>	173
3. Christian Authors and <i>Biothanatoi</i>	188
4. Conclusion	206
Conclusion	209
Bibliography	217

Abstract

My dissertation complicates and opens new avenues of research on early Christian martyrdom by arguing that the concept of the martyr as an innocent figure who *does not* deserve to die is dependent on the neglected figure of the guilty criminal who *does* deserve to die.

The first part examines the importance of aesthetics in Roman discourses of justice and how Christians reproduced this in their martyr texts. Criminals were compared or equated with allegedly sub-human creatures who were publicly punished or exploited for spectacle, including slaves and animals. Criminalized Christians were painted with the same brush, but when Christians wrote narratives about martyrs, such as the *Martyrs of Lyon*, they generally worked to separate martyrs, those who do not deserve to die, from associations with criminals, despite Jesus's and martyrs' designation of criminal by authorities. Against negative portrayals of condemned criminals, martyrs were asserted to be pure, beautiful despite tortures, hyper-rational, and human in a way criminals lacked.

The second part shows that Christians were also invested in distinguishing dead martyrs from the ghosts of criminals. *Biothanatoi*, ghosts of the violently dead, often executed criminals, were a feared type of ghosts whose body parts were used in magic, magic that often understood them as suitable for enslavement and punishment. Executed martyrs were thought to be examples of these ghosts, a subject worthy of reproach for critics of Christianity and a concerning misunderstanding or misrepresentation for many Christians. Those critical of Christianity, such as Eunapius and the emperor Julian, would rhetorically heighten their criminality, whereas Christian apologists and teachers, such as John Chrysostom and Tertullian, would defend martyrs by emphasizing their innocence and exaggerating the guilt of other executed people.

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critical theory, esotericism, Latin, and what a just world could look like. Thank you for helping me keep it together. This is for you.

List of Abbreviations

- CGCG: Emde Boas, Evert van, Albert Rijksbaron, Luuk Huitink, and Mathieu de Bakker. *The Cambridge Grammar of Classical Greek*. Cambridge: Cambridge University Press, 2019.
- DTAud: Audollent, A. *Defixionum Tabellae*. Paris: Alberti Fontemoing, 1904.
- GEMF: Faraone, Christopher A., and Sofia Torallas Tovar, eds. *Greek and Egyptian Magical Formularies: Text and Translation*. California Classical Studies 9. Berkeley: California Classical Studies, 2022.
- GMP: Betz, Hans Dieter, ed. *The Greek Magical Papyri in Translation*. Second edition. Vol. 1. Chicago; London: University of Chicago Press, 1992.
- KYP: Dosoo, Korshi, Edward O.D. Love, and Markéta Preininger, chief eds. Kyprianos Database of Ancient Ritual Texts and Objects. www.coptic-magic.phil.uni-wuerzburg.de.
- L&S: Andrews, E. A., William Freund, Charlton T. Lewis, and Charles Short. *A Latin Dictionary: Founded on Andrews' Edition of Freund's Latin Dictionary*. Revised, Enlarged, and in Great part rewritten. Oxford : New York: Clarendon Press ; Oxford University Press, 1879.
- LSCG: Sokolowski, Franciszek. *Lois sacrées des cités grecques*. École française d'Athènes. Travaux et mémoires des anciens membres étrangers de l'École et de divers savants, fasc. 18. Paris: E. de Boccard, 1969.
- LSJ: Liddell, Henry George, Robert Scott, Henry Stuart Jones, and Roderick McKenzie. *A Greek-English Lexicon*. New edition revised and Augmented throughout. Oxford: At the Clarendon Press, 1940.
- PGM: Preisendanz, Karl, and Albert Henrichs. *Papyri graecae magicae*. 2., verb. Aufl. 2 vols. Sammlung wissenschaftlicher Commentare. Stuttgart: Teubner, 1973.

Introduction

In 1963, a man named Tommy Banghart incarcerated in the Louisiana State Penitentiary—better known by the name “Angola” from the large number of enslaved people from the nation of Angola who used to work its land—wrote an editorial for the prison’s newspaper, *The Angolite*.¹ His topic was the crucifixion of Jesus and the two thieves who died at his side. The story, from the Gospel of Luke, is a familiar one:

One of the criminals who had been hung up ridiculed him [Jesus], saying, “Aren’t you the Christ? Save yourself and us!” In response, the other [criminal] reprimanded him and said, “Don’t you fear God? You’re under the same sentence! Plus, we’re [condemned] justly, since we’re getting what we deserve for what we did. But he didn’t do anything wrong.” He also said, “Jesus, remember me when you come into your kingdom.” And [Jesus] said to him, “Amen, I say to you, today you will be with me in Paradise.” (Luke 23:39-43)²

For Banghart, this was a story of rebellious “Leftists” (represented by Gestas, the traditional name for the ridiculing thief) and conforming “Rightists” (represented by Dismas, the traditional name for the Good Thief). Gestas belatedly “conformed” with the crowd mocking Jesus, but Dismas confronted them, even though he had “lived all his life in the violation of the laws of man.” Banghart, using the language of the carceral system, states Dismas proved himself to be “reformed.” Jesus, on the other hand, is analogized as “Authority,” who is attacked by cries of the leftist mob. He then calls to the incarcerated reader to choose whether to imitate Gestas or Dismas, the Left or the Right. The decision must be made because “we’re nailed to the cross,” he emphasizes.

¹ Banghart, “The Editor Speaks,” *The Angolite*, March 31, 1963. Prison newspapers were sourced through *American Prison Newspapers, 1800s-present: Voices from the Inside*, part of Reveal Digital hosted on JSTOR: <https://www.jstor.org/site/reveal-digital/american-prison-newspapers>.

² Unless otherwise noted, all translations are my own. Editions can be found in the Bibliography.

It is hard to read this editorial without assuming that the leftists he is referring to are his fellow incarcerated people who were rightfully upset at their treatment in the so called “bloodiest prison in America.”³ At the point of his writing, most black inmates at Angola were sequestered in an older part of the prison, called the “Jungle Camps.”⁴ Ten years earlier, 31 prisoners cut their own Achilles tendons in order to protest their treatment during the sugar cane harvest,⁵ and ten years after Banghart’s editorial, three incarcerated black men who organized a work stoppage for the same harvest were falsely accused of murdering a corrections officer and spent the next 40 years in solitary confinement.⁶ With this in view, we can interpret Banghart’s deployment of Dismas as a reinforcement and glorification of the same system in which he suffered, though one in which he, as a white person, was less subject to cruelty. This compliance with and re-deployment of carceral logic is figured by Dismas submitting to the authority of Christ and, ultimately, of the law. It is this same allegedly redemptive submissiveness he encourages in his fellow incarcerated readers, black and white.⁷

Another form of biblical reception can be seen in the writings of Ken Wesley, the incarcerated editor of *The Courier*, the newspaper of record for the Maryland Penitentiary. In 1970, the *Apalachee Diary* republished a short story Wesley had written concerning two prisoners, the “short, fat and unpleasant looking” point-of view character, who is a repeat offender, and a “slender, rather handsome” petty thief who is convinced it is his “lucky day.”⁸ Both are about to be sentenced. At the end of the story, the point of view character is shown to be Barabbas and the “lucky” thief to be Dismas.

³ This title is common in media. For example, see Strohlic, “Locked Up in Louisiana.”

⁴ Childs, *Slaves of the State*, 215.

⁵ Corona, “Angola Three’s Struggle for Freedom,” 90.

⁶ Berger and Losier, *Rethinking the American Prison Movement*, 91.

⁷ Cf. Ellis, *In This Place Called Prison*, 83

⁸ Wesley, “The Luckiest Day of His Life,” *The Apalachee Diary*, April 1, 1970.

When pressed about why he feels good about today, Dismas reflects that “he didn’t have the slightest right to feel the way he did... classified as an incorrigible thief, and going up against a tough judge.” Rather, he had a “weird feeling” and “a premonition of things to come.” When Dismas disappears for his sentencing, he reappears to Barabbas changed: “The prisoner’s face mirrored a look of utter disbelief, and his eyes stared blankly, unseeingly, ahead.” He had gotten the death sentence—“just what he deserved,” according to the guard who informs Barabbas. Meanwhile, another prisoner whose presence across the courtyard had caused a disturbance had also been sentenced to death, despite his rather minor crimes. This prisoner is meant to be understood as Jesus. The guard states that “he had a lot of Church guys going up against him—a regular pressure group. He had to go.” Barabbas states that it was still “tough,” but the guard replies, sneering, “Yeah, my heart bleeds for them. All you slobs should get the same.”

Typical of Wesley’s political interests,⁹ the story is critical of the penal system, with the ancient standing in for the modern. Dismas is “classified” under the social-scientific regime that neglects individual needs. Wesley portrays the callous disregard of prison officials for the personhood of incarcerated people, along with the role that religion can play in wielding the penal system for its own goals, a move that is all the more effective because it can be easily read in either an ancient or contemporary context. Interestingly, the guard reproduces more or less the same ideology as Luke and Banghart: Dismas *deserves* his punishment. Wesley critiques this.

⁹ Wesley was praised in other prison newspapers for his editorial skill, and his articles were widely syndicated throughout the prison newspaper media-sphere. (See, for example, Penal Press, *Castle on the Cumberland*, February 1, 1965: “THE COURIER – Baltimore, Maryland... keep it up Ken.”) He was particularly interested in prisoner advocacy, writing criticisms of the prison system’s failure to make rehabilitation a real option for people who are consistently dehumanized (Wesley, “The Diabolical Detainer,” *Castle on the Cumberland*, June 1, 1964; Wesley, “The Ineffectiveness Of,” *Inside World*, September 1964.). He eventually become an officer of the Prisoner’s Aid Association of Maryland. Shortly after his release, he testified before state legislators in favor of abolishing the death penalty (“Death Penalty Hearing Held,” *The Post*, March 10, 1972).

Dismas is portrayed neither as a person who deserved what he got nor as a rogue with a heart of gold—he is rather a man who reflects on his bad choices and who is scared to die.

For Wesley, the Good Thief *is* guilty. It is this guilt that makes him deserve his punishment in the eyes of both Luke and the cruel guard. However, that does not rob the thief of a desire for life or of a right to it. Wesley's thief is reminiscent of the inmates he describes in an article he wrote in 1964, shortly after his incarceration in Maryland.¹⁰ In this column, he argues that incarcerated persons are too often seen as statistics, as numbers rather than persons with unique needs and backgrounds who need individualized assistance in order to thrive once (or if) released. For him, religious programs are one part of this system that assumes all criminals are the same. Incarcerated persons are expected to become “rehabilitated” while “each and every waking moment of each and every day he is reminded [that he is an inmate].” “The majority of inmates are, like all human beings, frail creatures unable to cope with the divergencies imposed by adverse positions,” he writes.¹¹ Dismas, like every incarcerated person, was an individual with hopes and fears, one who *was* guilty, but one who also did not deserve the cruelest of deaths, even if he did lack faith in Christ.

Ancient criminals very rarely receive the careful consideration that Ken Wesley offers to Barabbas and Dismas. Of course, Jesus died a criminal, as did many of his followers, whom we now call martyrs. But who are Jesus and the martyrs in relation to other criminals? Barabbas, for example, was a famous, rebellious, murderous bandit whom “the crowds” chose over Jesus (Matt

¹⁰ Wesley, “The Ineffectiveness Of,” *Inside World*, September 1964.

¹¹ He adds, “He is told to mature in a prison atmosphere that reeks with immaturity. He is told to enlarge his outlook, broaden his horizon, then gaze at the bleak gray wall. He is instructed in the finer points of habit, behavior and conduct in society, and at the same time is expected to cope with the antiseptic sterility of prison life. He is expected to correctly interpret social concepts while pacing the close confines of a 5 x 9 cell. He is expected to orientate himself to ‘normal’ thinking and behavior when surrounded, engulfed, by the intense abnormal pressures of prison life. He is encouraged to visualize ‘I CAN’ while constantly hampered by ‘YOU MUST.’ This is very difficult!”

27:26; Mark 15:7; John 18:20). Barabbas was the anti-Jesus, the wrong choice, the man who deserved to die in Christ's place. He exists narratively to show that Jesus did not deserve his death on the cross, that he was not like Barabbas. Several centuries later, in the *Passion of Perpetua* the enslaved woman Felicitas hears that her execution alongside Perpetua and other Christians might be delayed; she worries "she might shed her holy and innocent blood later among others, criminals (15.2)."¹² While Felicitas is lucky and dies alongside her friends, her concern should give us pause. Why, if would-be martyrs rejected family, wealth, status, and all worldly goods, was Felicitas presented as fearful of dying alongside criminals? Why, if would-be martyrs were proud of being arrested and killed for the name of Jesus Christ, who was "counted among the lawless" according to Scripture (Luke 22:37),¹³ was being viewed alongside criminals such a concern? Could her "innocent" blood really become dirtied by such an association?

This dissertation interrogates that line anxiously drawn between criminals and martyrs, between the person who deserves to die and the one unjustly killed. While Banghart drew this line to put his fellow prisoners in their place, to make the guilty choose between conforming to authority (i.e., Jesus and the carceral system) or fighting for just treatment, Wesley questions the justice of a line that places Jesus, Barabbas, and Dismas in opposition, when the ideology represented by the cruel guard is what shackles all three of them and proclaims them worthless and inhuman. When ancient Christians were placed a position where they were forced to question the line between those deserving and undeserving of life, unfortunately they mostly chose to anticipate Banghart's strategy of placing Jesus and other condemned Christians apart from the guilty. While Christ's death was an aberration, a singular event so catastrophic that nature shook and the heavenly bodies turned away in shame, Gestas's death was unremarkable.

¹² See Chapter 2, section 3.

¹³ Numerous manuscripts add a similar line at Mark 15:27.

While another martyr's living body refused to burn and glowed golden in his pyre, the blackened skin of the nameless men who died before him rather existed to emphasize the martyr's exceptionalism.¹⁴

Ancient Christians were deeply invested in showing how their people who were condemned and executed—Jesus and martyrs, whom I will refer to collectively as the Special Condemned or Special Executed, adapting Peter Brown's "very special dead"¹⁵—were *not like* the people who generally faced condemnation and execution. When I use the word "criminal," I refer in a very loose sense to those people who are condemned to death whom a given work's audience assumes deserve to die.¹⁶ Heuristically, these figures are not famous, and their innocence and guilt is not contested. These figures also appear in sources as varied as ancient textbooks, martyrdom accounts, and magical texts. Alongside criminals, I pay close attention to ghosts, especially the ghosts of criminals. Whether found in Virgil, late antique philosophy, or magical recipes, such ghosts reveal that even supernatural fears are related to everyday condemned criminals, including for Christians and their executed martyrs. For example, both Christian bishops and practitioners of magic might value a rag soaked in the blood of an executed person, even if for different reasons. While certain rhetorical strategies were successful in differentiating criminals and the Special Condemned, on-the-ground religious practices that evolved into what we now know as the cult of martyrs bore shocking similarities to magical practices that used the materials of those who died violently. The line that Christians drew

¹⁴ The martyr is Polycarp, for whom see Chapter 2, section 3. There is no other criminal explicitly mentioned in *MPoly*; I describe the immolated criminal for rhetorical effect.

¹⁵ Brown, *The Cult of the Saints*, 70-71: "Here, at least, were the graves of the very special dead. They had died in the special way; they lay in the grave in a special way; this fact was shown by the manner in which all that was most delightful and most alive in late-antique life could be thought of as concentrated in their tombs and even (perhaps, as we shall see, particularly) in detached fragments of their dead bodies."

¹⁶ Cf. Hall, *Policing the Crisis*, 128-135.

between the Special Condemned and “justly” killed criminals had to also be drawn between the Special Executed and others who had faced death in the same ways.

This dissertation explores the rhetorical strategies that differentiated the Special Condemned and criminals, both living and dead, and the cultural and historical circumstances that necessitated the interventions, focusing on the second through fourth centuries CE in the Roman Empire, though straying further afield in some instances. In doing this, I explore the discourse of the criminal and criminality. By discourse, I refer to “the historically situated frames of reference that in every historical epoch function to legitimate what counts as... the ‘sayable’ and ‘thinkable.’”¹⁷ The discourse of criminality supplies the images and feelings through which ancient people understand and interpret alleged criminals and their punishments. I also refer to it sometimes as a set of aesthetic assumptions or an ideology. The goal of the terminology is to express a way of talking about and knowing “the criminal” that makes certain beliefs or reactions obvious for people already thinking within the discourse. As Religious Studies is a field that inquires after a topic and has no one method or body of literature, my sources are varied in time, geography, and genre. I look for texts that lead to insights into a common ideology, a set of repeated images and anxieties that indicate a widespread way of thinking and writing about who the criminal deserving of death was and how Christians saw this figure related or unrelated to their Special Condemned. If my discussion of these sources, varied as they are, is a mosaic, this mosaic sits on a large temporal and geographic field, spanning across the Mediterranean and over 600 years of history. Each flake of stone or square of glass placed on this field eventually adds up into a picture that with ever greater clarity shows the significance of the executed for ancient religious life, especially for that of Christians.

¹⁷ Perkins, *Roman Imperial Identities in the Early Christian Era*, 4.

1. State of the Field

I seek to fill a gap in scholarship regarding both criminals and ghosts. When other victims of execution are mentioned in scholarship on early Christianity, they are often other unjustly killed people, such as Socrates and the Maccabees. The focus on those unjustly killed overdetermine the sorts of comparisons one can make when studying martyrs. Limiting comparanda to examples of the unjustly killed implicitly affirms the judgments of ancient Romans, reproduces the same biases against the largely impoverished victims of Roman justice who were “justly” killed, and repeats the interested claims of ancient Christians regarding appropriate comparisons to Jesus and the martyrs. I ask how criminals were conceptualized in antiquity, how Christians reacted to their objects of veneration or worship having been considered criminals and executed, and how Christians reproduced Roman ideologies and discourses when writing about their relationship to criminals. Likewise, the relationship of the ghosts of the executed to early Christians has also been languishing in footnotes and commentaries, rarely brought into conversation with the field of early Christian studies or studies on martyrdom. Rather than being only a theological or interpretive issue, the ghosts of the violently dead were seen by both non-Christians and some Christians to be the same type of being as martyrs, a type of being marked by its relationship to criminality. Differentiating the Special Condemned from criminals affected the construction of the martyr and Jesus in deep ways, unseen to most until now.

My dissertation engages with several fields that ask interrelated questions. In trying to explore how early Christians respond to associations of their Special Executed with criminals both alive and dead, I am in conversation with scholarship on early Christianity, on Roman

imperial administration and judicial punishments, on ancient magic, and scholarship that intersects with these fields.

Much recent scholarship on martyrdom has examined the (non)realities and causes of persecutions, the origin of the concept of martyrdom, the construction of Christian identities through persecution, and the creation of alternatives to traditional Roman ideologies. Discussions of the persecutions have led to a growing acceptance that Christians were not targeted as Christians.¹⁸ Rather, they were occasional, often local prosecution of individuals.¹⁹ Significant scholarly attention has been paid to the literary portrayal of the Special Condemned. For example, L. Stephanie Cobb, building on contributions related to gender and martyrdom, has been interested in how martyrs are shown to be different or exceptional, whether compared to all people or just group outsiders, whether more masculine or less susceptible to pain.²⁰ Such portrayals have also been examined with an eye to the deaths of philosophical figures and cultural heroes, often called the noble death tradition; Socrates and the Maccabean martyrs are common topics.²¹ Stories of the deaths of such figures were “virtual clichés, with which any

¹⁸ According to Heidi Wendt (*At the Temple Gates* [2016]), teachers and other “freelance experts” of esoteric, apparently non-Roman knowledge domains, such as astrology and divination associated with Egypt, Chaldea, Judea, and other regions of the world, were periodically seen as threats to the Roman order or generally suspicious politically and socially. James Corke-Webster states that when Christians were prosecuted by, for example, Pliny, they were turned in by informers (*delatores*), possibly even from within the Christian community, with the informers’ motivations chalked up not to fear of atheism but to various social concerns (“By Whom Were Early Christians Persecuted?” [2023]). Accusations of religious nonconformity could have been intertwined with economic, social, and political motivations to attack one’s neighbors using the justice system (See Bryen, “Judging Empire” (2012), 789-807). The Decian persecution likewise was not an explicit targeting of Christians but was more likely a result of Romans enforcing a decree meant to unify the empire religiously in a manner analogous to the economic and bureaucratic unification that came with taxation, with the empire taking precedence over the city (Rives, “The Decree of Decius and the Religion of Empire” [1999], 135–54).

A bibliographic note: I will be providing dates in references when relevant only for this introductory chapter.

¹⁹ Candida Moss emphasizes the aspect that they were local in *Ancient Christian Martyrdom* (2012). She argues for a public audience that Christians were prosecuted, not persecuted, in *The Myth of Persecution* (2013).

²⁰ Cobb, *Divine Deliverance*. Other contributors include Shaw, “Body/Power/Identity: Passions of the Martyrs” (1996), 269–312 and Burrus, “Torture and Travail” (2008), 56–71, especially 63–67.

²¹ On the noble death tradition, see Droge and Tabor, *A Noble Death* (1992). See also, for example, Perler, “Das vierte Makkabäerbuch” (1949) on the Maccabees and Ignatius of Antioch; Cobb, “Polycarp’s Cup” (2014); van Kooten, “The Last Days of Socrates and Christ” (2017).

schoolboy would have been familiar.”²² Scholars have shown that even gladiators, seen as examples of certain virtues, served as useful points of comparison for martyrs.²³ G.W.

Bowersock’s statement is representative of scholarship on the topic:

If the fame of the martyrs in life was not unlike that of the sophists [and public philosophers], in the manner of their dying their fame was far closer to that of the great athletes and gladiators. It is not only that the dying martyrs are constantly compared in the literature to athletes... More important is the fact that the killing of the martyrs often took the form of spectacle in the city amphitheater.²⁴

Rightly, scholars over the last several decades have identified such figures on whom early Christian writers modeled their portrayal of martyrs. However, such scholarship, even those that look beyond philosophical precedents, tend to focus on the image that is created (a brave philosopher, and enduring gladiator, etc.) and not the image that is rejected (the lowly, sullied criminal who deserves to die). It is notable that in the above example that Bowersock considers gladiators to be the primary object of spectacle in amphitheaters. This elision of the condemned is representative. As for most scholars, “normal” criminals fall into the background and remain unaddressed.

Regarding scholarship on people who were presumed guilty, the last few decades have been a productive time in the field of ancient *Kriminalitätsforschung*. For the most part, scholars have focused on criminal law and punishments, what Romans considered to be crime (including whether “crime” is an appropriate term to use), and the sociology of crime and criminals.²⁵

Influenced by scholarship on the development of eighteenth century criminology, Andrew

²² Sterling, “*Mors philosophi*” (2001), 116.

²³ Barton, “Savage Miracles” (1994), 41–71; Castelli, *Martyrdom and Memory* (2004), 123.

²⁴ Bowersock, *Martyrdom and Rome* (1995), 50.

²⁵ O. F. Robinson (*The Criminal Law of Ancient Rome* [1995]) looks at procedure generally and for several types of crime. Werner Riess (*Apuleius und die Räuber* [2001]) pays special attention to the robbers in Apuleius’s *Metamorphoses*, investigating to what extent their portrayals are realistic, using modern criminological techniques to interpret data from antiquity. Jill Harries (*Law and Crime in the Roman World* [2007]) discusses what crime was in antiquity and how courts adjusted to changing circumstances and opinions.

Riggsby looks at how Cicero speaks about several different criminal cases, paying special attention to how the speeches are evidently embedded in various discourses of the time and pushing scholars to beware the imposition of modern categories, such as “crime” in the American sense, onto the Roman past.²⁶ More recently, questions have been raised regarding the construction of criminals and criminality. In her 2015 PhD dissertation, Diana Moser examines ancient Roman representations of people who committed crimes and the supposed reasons why they did so.²⁷ Moser, like Riggsby, looks beyond statutes and other legal sources and examines rhetorical, physiognomic, astrological, and medical texts to work out varieties of ancient criminological profiles. Likewise, Ari Bryen has recently discussed how legal violence was negotiated and legitimized in the provincial Roman Empire, showing that whether someone deserved to be treated in such a way was an important factor weighed by ancient people.²⁸ While real cases were always more complicated than those preserved in literature, Bryen also shows that ancient petitioners would sometimes resort to stereotypes of those who have wronged them to make them sound more guilty.²⁹

Regarding punishments of criminals, scholars over the last several decades have showed that spectacular punishments revealed much about how audiences were taught to see condemned people. Kathleen Coleman’s now classic 1990 article “Fatal Charades: Roman Executions Staged as Mythological Enactments” is unfortunately often cited only for its namesake performances, though she insightfully discusses the types of punishments, what they were meant to convey, and the practicalities of putting on spectacles. Donald G. Kyle’s 1998 *Spectacles of Death in Ancient*

²⁶ Riggsby, *Crime and Community in Ciceronian Rome* (1999). He engages with Marie-Christine Leps, *Apprehending the Criminal* (1992).

²⁷ Moser, “Violence and Criminality.”

²⁸ Bryen, “Imagining Criminals” (2023).

²⁹ Bryen, *Violence in Roman Egypt* (2013), 89-125.

Rome goes into more details on where the “performers” were drawn from and, crucially for my project, what was done with the bodies of the executed. Since the 1990s, work on pollution and the treatment of corpses in Rome by Valerie Hope and John Lennon also shows how spectacle, punishments, and pollution continued to be concerns in scholarship.³⁰

Some works also examine criminals and Christians together. In 1977 with *Crucifixion in the Ancient World and the Folly of the Message of the Cross*, Martin Hengel demonstrated that Jesus suffered the death of a criminal slave and showed that early Christians struggled to confront his ignominious death. Along the same lines, in 1988 with *Bandits, Prophets, and Messiahs: Popular Movements in the Time of Jesus*, Richard A. Horsley and John S. Hanson showed that Jesus’s designation as a bandit in the New Testament was not unexpected in the contest of ancient Palestine.

More recently, scholars have looked at the political and judicial contexts in which Christians wrote and examine them alongside non-Christian sources, showing continuity in concerns. For instance, Maud Gleason showed that the images of tortured or mutilated bodies in both non-Christian and Christian texts were effective means for displaying truth and political power, which Christians able to use Jesus and martyrs telling a different sort of truth than that of the body of the average victim of torture.³¹ More recently, work by Judith Perkins, Ari Z. Bryen, and Maia Kotrosits all focus on the concerns of Romans, often non-elites or provincials, and ask not about identity categories nor religious violence but about provincial cultural and legal contexts that lead to an interest in depicting confrontations with judges or resolving seemingly irresolvable legal issues. In 2009, Judith Perkins examined how Roman discourse around status

³⁰ Hope, “Contempt and Respect (2000), 104–27; Lennon, “Pollution, Religion, and Society in the Roman World” (2012), 43–58; Lennon, *Pollution and Religion in Ancient Rome* (2014).

³¹ Gleason, “Truth Contests and Talking Corpses” (1999); Gleason, “Mutilated Messengers” (2001).

shaped Christian theology on the subject of eschatological punishment, showing that Christian ideas of equitable justice are determined by the discursive paradigms in which their authors lived and wrote.³² She perceptively notes that while elite bodies are normally excluded from humiliating punishments, Christians such as Tertullian emphasize that all bodies are subject to the same divine judgement. The critiques ancient Christians offered of the justice system intervened in a larger discourse “during a period when many imperial subjects were seeing an erosion of judicial rights.”³³ In 2014, Ari Bryen, influenced by Maud Gleason, showed that martyr texts and other legal narratives were “deeply normative” and “relian[t] on aesthetics,” even when criticizing imperial governance.³⁴ Finally, Maia Kotrosits argues in a 2017 article for a reconsideration of instances of martyrdom “as unexceptional symptoms of and reckonings with biopolitical and necropolitical networks of power” that could and should be questioned in terms of “sovereignty, belonging, diaspora, and social integrity/vulnerability,” not only Christian identity.³⁵ Along similar lines, in 2020, Carly Daniel-Hughes and Maia Kotrosits argued that the very name “Christian,” produced in judicial contexts, emerges out of an association with delinquency (including the idealized subversive and queer); figures like Tertullian, imagining court scenes in which the innocent Christian confronted power, helped to produce the truth of who the Christian was.³⁶

Several scholars of the New Testament and early Christianity have recently offered historical and theological criticism regarding to extent to which Christians reproduced Roman ideologies of violence. Kimberly Stratton in 2009 looked at the ways Jewish and Christian works

³² Perkins, *Roman Imperial Identities in the Early Christian Era* (2008), 96-102.

³³ Perkins, “Early Christian and Judicial Bodies” (2009), 244.

³⁴ The work that was most helpful was Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure” (I quote 245 and 249) and its bibliography. Others that were very fruitful include *Violence in Roman Egypt*, “A Frenzy of Sovereignty,” and “Imagining Criminals in the Roman Provinces.”

³⁵ Kotrosits, “Sovereignty in Ruins,” 94-94.

³⁶ Daniel-Hughes and Kotrosits, “Tertullian of Carthage and the Fantasy Life of Power,” 28-29.

about eschatological judgment reinscribe “the strategies of domination” that Rome used against its subjects, “legitimiz[ing] using violence and public displays of humiliating punishment to enforce a particular ideological commitment and behavior.”³⁷ Ultimately, she states that there is a “danger inherent in reinscribing Roman strategies of domination in sacred literature” and seeks to “[open] the way to new conceptions of God’s justice and sovereignty” by questioning the notions received from such ideological reinscription.³⁸ Karen King, following Stratton, in 2013 and 2020, likewise shows that “Christians are not outside the Roman system opposing it; rather, they are actively appropriating its ‘rules’ and strategies—but for their own ends.”³⁹ In particular, she looks at the legacy of torture and how justifications for it are caught up in theologies of pain and justice. As pain was thought to produce truth in Roman contexts (for example, a slave was tortured to produce a testimony), Christians argued that the pain they experienced rather showed their piety and God’s power. For King, Christians obtaining political power offered the opportunity to reject torture as a tool. The promise did not eventuate, but the centrality of the story of Jesus’s death and execution still suggests “the potential to assert the full humanity of those who are tortured, as well as to form communities of solidarity and resistance.”⁴⁰ Shelly Matthews, in a 2019 festschrift for Judith Perkins, examines the narrative of the Good Thief in the Gospel of Luke and the apocryphal Gospel of Peter. Influenced by Black liberation theologian James Cone’s argument relating lynching and crucifixion, she argues that Biblical scholars tend to “set [Jesus] apart from the thousands of degraded subjects destined for Roman crucifixion and acclaimed for his exceptional death” and generally neglect the potential

³⁷ Stratton, “The Eschatological Arena,” 55, 56.

³⁸ Stratton, “The Eschatological Arena,” 76.

³⁹ King, “What Truth Do Martyrs Tell?” There are no page numbers.

⁴⁰ King, “Christianity and Torture,” 302.

perspectives of “those most vulnerable to the machinery of a repressive state.”⁴¹ She urges a consideration of “countercultural voices,” such as civil rights activist W. E. B. Du Bois, so that “our historical narratives might do better justice to those who suffer most under the reigning ideology.”⁴² Jeremy Williams has in 2024 joined these scholars, taking up questions from Black activists and scholars who “identify with the criminalized” to question how and why figures in the Acts of the Apostles are “criminalized by the text,” ultimately seeing Acts as encouraging “solidarity with the criminalized” but also recognizing points where it fails to live up to its liberatory potential.⁴³

Regarding another thread my dissertation engages with, recent scholarship on Christianity has paid attention to the importance of death.⁴⁴ It is less often that ghosts are considered to be relevant, but this is also a growing area of interest, even wider when one considers the burgeoning interest in magic.⁴⁵ In a recent book, Giovanni Bazzana, despite arguments to the contrary, rightly insists “there never was a cultural gap separating ‘Hellenistic’ beliefs on dangerous returning spirits from ‘biblical’ or ‘Jewish’ demonology.”⁴⁶ Historically, several scholars working closer to the turn of the twentieth century were much more interested in

⁴¹ Matthews, “The Lynching Tree and the Cross,” 164, 166.

⁴² Matthews, “The Lynching Tree and the Cross,” 167.

⁴³ Williams, *Criminalization in Acts of the Apostles*, 5,8

⁴⁴ Mutie, *Death in Second-Century Christian Thought* (2015); Potthoff, *The Afterlife in Early Christian Carthage* (2017); Muehlberger, *Moment of Reckoning* (2019); Smith, *Cult of the Dead* (2022).

⁴⁵ Ghosts and Christianity: Ogden, “Lies Too Good to Lay to Rest” (2019), 65–80; Denson, “Erasing the Ethereal” (2024), 215–36. Magic and Christianity, with mentions of the dead: Frankfurter, *Christianizing Egypt* (2018); Bazzana, *Having the Spirit of Christ* (2020); Sanzo, *Ritual Boundaries* (2024).

On ancient magic in general, see Janowitz, *Magic in the Roman World*; and Edmonds, *Drawing Down the Moon*. In using “magic” and related terms, I make no claims that there is a coherent category for which the label “magic” always can apply, and I acknowledge that various “magical” sources are not in themselves indicative of the same or related practices, nor are the sources even necessarily from the same cultures (Frankfurter, “Ancient Magic in a New Key,” 8-9). Indeed, in religious studies the term “magic” is largely a modern construct based on colonial understandings of non-European religiosity (Edmonds, *Drawing Down the Moon* (7 with n11). “Magic” was also a rhetorical construct in antiquity, as Morton Smith and, more recently, Shaily Patel argue (Smith, *Jesus the Magician*; Patel, “Magic and Morality”). With those caveats in place, the term “magic” remains heuristically and analytically useful as a way to describe for purposes of comparison a set of texts and materials rather than a distinctive practice.

⁴⁶ Bazzana, *Having the Spirit of Christ*, 79.

the relevance of ghosts for early Christianity. Over the course of about a century, scholars working from the basis of an early modern dictionary entry for the word *biothanatos*, a person dead by violence, began connecting the classical and folk belief regarding the untimely dead to newly discovered archaeological, epigraphic, and papyrological sources. They began to understand that this term of reproach for both criminals and Christians was rooted in an ancient ambivalence for executed people. They also began to notice that the *biothanatoi* were useful for understanding how martyrs were conceptualized. While the mentions of *biothanatoi* being associated with executed criminals amount to, at most, a few pages per author, the history of how scholars engaged with this concept is useful for contextualizing my contribution.

One of the most important scholarly observations concerning *biothanatoi* was made in 1678, when Charles du Fresne, sieur du Cange published several entries in his *Glossarium ad scriptores mediae et infimae Latinitatis* on *biothanati*, stating that they are “generally said to be those who bring death on themselves by themselves [i.e. commit suicide] or those who die by a violent death (*violenta morte*).” They were also “those who are newly declared convicted and condemned (*damnatos ac furciferos*), who deserve (*merebantur*) to die a violent death (*violenta morte*).” It was also applied to Christians, “because they spontaneously and of their own accord exposed themselves to death, and they departed from life with a violent death (*violenta morte*) while seeking martyrdom.”⁴⁷ The Greek version of the *Glossarium*, published in 1688, additionally defines βιοθάνατοι as “those condemned (*damnati*) by the sentences of judges who underwent a violent death (*mortem violentem*).”⁴⁸ Du Cange was thereafter cited by many

⁴⁷ Du Cange, *Glossarium ad scriptores mediae et infimae Latinitatis* s.v. “biothanati.” Du Cange’s sources include many texts I discuss in Chapter 3 and 4, including Firmicus Maternus; Tertullian, *De anima*; and Lucian, *Philopseudes*. Most of the other cited sources are from the Middle Ages.

⁴⁸ Du Cange, *Glossarium ad scriptores mediae et infimae Graecitatis* s.v. “βιοθάνατοι.” John Chrysostom’s *Laz.* 2, discussed in Chapter 4, section 3.3, is one of several passages cited.

scholars who added additional context and sources to his statement but rarely discussed criminality and Christianity more specifically.⁴⁹ The first scholar to bring these considerations into the field of magic was Louisa Macdonald, who in 1891 published several curse tablets discovered in the late 1880s in Cyprus in a shaft along with a great number of human bones. Using magical formulae recently edited and translated by Karl Wessely as comparanda, Macdonald noticed the relevance of the dead to understanding the curse tablets. She saw the *biothanatoi* as particularly important, citing du Cange to note that “it is applied in mediaeval writings to such as were deservedly executed” and seeing the same phenomenon in classical and medieval sources regarding magic.⁵⁰ Studies of ghosts and magic made mention of the relevance of executed criminals for several decades. In 1897 in an appendix to his book *Psyche*, Erwin Rohde argued that curse tablets published by Macdonald were likely deposited there because it was a mass grave of executed criminals.⁵¹ Auguste Audollent’s 1904 *Defixionum Tabellae*, in which he published curse tablets from all the Mediterranean, echoed these opinions. In 1921 with the publication of the first volume of *Griechisch-ägyptischer Offenbarungszauber*, Theodore Hopfner brought to light the various demonological and ghostly contexts of Egyptian magic, showing beyond a citation of du Cange that execution played a role in the production of these ghosts.⁵²

⁴⁹ It seems likely that the new edition of the *Glossarium* published in 1883-1887 brought the work and the entry renewed attention.

⁵⁰ Macdonald, “Inscriptions Relating to Sorcery in Cyprus,” 162-71. The edition she uses is Wessely, “Griechische Zauberpapyrus” (1888). Macdonald (1858-1949) is also interesting in her own right. After earning a Master’s degree at University College London in 1886 (her sister Bella became one of its first female doctors), she became a fellow of the same institution in 1888, where she taught and researched until 1891, when she was made the first principle of the Women’s College at the University of Sydney. She contributed to the women’s suffrage movement, continued to contribute to classics, and eventually retired to a restored medieval house in Scotland, where she lived with “her lifelong friend and companion,” Evelyn Dickinson (Alexander, “Macdonald, Louisa”).

⁵¹ Rohde, *Psyche*, 604. This section is from an appendix found in the second German edition, published in 1897. I am citing the page numbers from the 1925 English edition.

⁵² Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 177, 185, 182. The page numbers refer to the 1974 edition.

Following Hopfner, Franz Cumont published a series of works, including one posthumously, on ancient Roman imperial-era conceptions of the afterlife and related topics: *After Life in Roman Paganism* in 1922; *L'Égypte des astrologues* in 1937, *Les mages hellénisés* with Joseph Bidez in 1938, and *Lux Perpetua* in 1949. In these works, he repeats much of what had been said on the subject of *biothanatoi*, incorporating evidence from a number of additional literary and philosophical sources (assisted by Eduard Norden's 1903 commentary on book 6 of the *Aeneid*). He also seems to be the first since du Cange to note that Christians were called *biothanatoi* "either because they adored a crucified Saviour, or in mockery of the martyrs, who believed that through death by execution they earned a glorious immortality."⁵³ With the exception of parts of *After Life*, Cumont's work has been largely neglected in scholarship from English-speaking countries, especially when it comes to ghosts.

Within the first half of the twentieth century, scholars began to notice that the ancient conceptions of ghosts and understandings of how they were believed to emerge could illuminate ancient Christian texts. In 1920, Franz J. Dölger argued that it was reasonable for Christians to be associated with magic and ghosts, as "it was well known that Christians paid homage to a person who had been killed by violence (gewaltsam getöteten Menschen)" and moreover "for Jews and pagans, [died] as an agitator of the people and a state criminal (Staatsverbrecher)." Responding to criticism one should not emphasize too strongly that Christians prayed to a crucified person, he rightly stated that the prohibition (Verbot) by early Christians causes him to insist upon its relevance even more.⁵⁴ Regarding Jesus, Carl H. Kraeling in 1940 argued, informed by Hopfner, that traditions underlying the gospels saw Jesus as a necromancer who

⁵³ Cumont, *After Life*; *Lux Perpetua*: on Rodhe: xi; on astrology: 131-32, 141; on suicide and execution: 26, 143-45; on magic: 135-36; on Christians: 146; on ignorance of *Lux Perpetua* among English readers: cxli.

⁵⁴ Dölger, *Sol salutis*, 113-114.

worked magic through John the Baptist, an executed *biothanatos*.⁵⁵ Jan Hendrik Waszink was the first scholar to spend more than a couple paragraphs on how this topic relates to martyrs. In his commentary on Tertullian's *De anima*, published in 1949, he briefly through insightfully argued that Tertullian's deceptive framing of *biothanatoi* as only wicked, executed people was meant to protect martyrs from being associated with the ghosts. Indeed, he noted that the Tertullian assumed the legitimacy of state violence when used against criminals in executions, an observation that was key to my own work explaining why Christians reacted to the accusation of their special objects of reverence being *biothanatoi* in the ways they did.⁵⁶ Expanding on Waszink's work in 1950, Arthur Darby Nock paid special attention to social evidence derived from magic, showing that *biothanatoi* were associated particular with "a pool of the dispossessed," especially "condemned criminals and gladiators," putting more emphasis on this point than Waszink did.⁵⁷ Waszink's student, Johanna ter Vrugt-Lenz, continued his research on the untimely dead with her 1960 doctoral thesis, *Mors Immatura*, in which she argued that criminals were an important factor in the evolution of Greco-Roman thought about ghosts. Both Waszink's and Cumont's work on *biothanatoi* broke free from Tertullian studies and classics in 1981 with the publication of the expanded, French version of Martin Hengel's *Crucifixion* that included three additional pages on *biothanatoi*, perhaps, I suspect, on the suggestions of French editors familiar with Cumont's work and sources, which are cited. Noting the relevance of

⁵⁵ Kraeling, "Was Jesus Accused of Necromancy?," 155-56.

⁵⁶ In 1947: "Varia critica et exegetica. III" and his edition and commentary on *De anima*; in 1949: "*Mors immatura*;" in 1954: "Biothanati" in vol. 2 of *Reallexikon für Antike und Christentum*.

⁵⁷ Nock, "Tertullian and the *Ahori*," 135-36. However, Nock took the statement made by Tertullian that there was a set number of years a person who suffered and untimely death was to be excluded from the underworld to be a general rule across the ancient world, causing him to discount some evidence that later scholars saw as informative. He also asserted that ancient people thought it was unlikely that they themselves or people close to them could become such ghosts; it was rather a problem for *others*. This may have prevented him from thinking about such figures in relation to people precious to Christians. The source Nock discounts is Propertius 4.7 on Cornelia, which I discuss in Chapter 3, section 4.

executed criminals (sensibly, given his subject matter of Jesus), he engages with Tertullian, among others, and shows, following Cumont, that understanding *biothanatoi* is necessary for contextualizing some anti-Christian polemic.⁵⁸

Hengel's additional pages, like Cumont, was virtually unknown among English-speaking scholarship until Hengel himself pointed it out to Jan den Boeft and Jan Bremmer. These two scholars were writing a note on a perennially interesting passage of the *Martyrdom of Pionius*, which deserves its own discussion. In 1954, Herbert Musurillo made several important choices in his translation of *Martyrdom of Pionius* specifically the section about rumors allegedly spread by "the Jews" regarding Jesus: that he was a *biothanēs* (an alternate form of *biothanatos*) and that he was involved with necromancy.⁵⁹ He translated *biothanēs* as applied to Jesus as "criminal" and incorrectly translated that Jesus was said to have performed necromancy, rather than had necromancy performed on or with him. In 1978, the Rabbinic scholar Stephen Gero corrected the translation of the necromancy passage and argued that the most important part about the passage was that Jesus, as a person who suffered a violent death, was exceptionally susceptible to the power of magical practitioners (a belief the Jews at the time also shared), which makes his status as a *biothanēs* directly relevant to him being the object of the necromancy.⁶⁰ Writing a note on the mention of necromancy in the passage in 1985, den Boeft and Bremmer cite Gero, Waszink, and Hengel to correct the misunderstanding and emphasize the perception of Jesus's status as a lowly, crucified criminal.⁶¹ Despite this correction and Louis Robert's 1994 commentary on the *Martyrdom of Pionius* making a similar point, scholars continue to neglect the reasoning of why Jesus being called a *biothanēs* is so insulting and why it is crucial for understanding the shift to a

⁵⁸ Hengel, *La crucifixion*, 69-71.

⁵⁹ Musurillo, *The Acts of the Christian Martyrs*, 136-67.

⁶⁰ Gero, "Jewish Polemic in the *Martyrium Pionii*."

⁶¹ Den Boeft and Bremmer, "Notiunculæ Martyrologiæ III," 117-18.

discussion of necromancy.⁶² While this point seems to be very granular, the passage is a touchstone in the study of early Christianity, ghosts, and martyrs and only a handful of scholars since the 1980s have appreciated its significance. More recent commentaries are turning to Waszink and the corrections pointed out by den Boeft and Bremmer, but no one has yet provided a longer exegesis and contextualization with other ancient and modern sources on ghosts and criminals.⁶³

Outside of the larger narratives I have been able to reconstruct, several other scholarly contributions are worth noting. Only a year after Hengel's expanded *Crucifixion*, in 1982, Canadian scholar Harold Remus, reading Hopfner but not Cumont, realized like Hengel that the cross could very easily be associated with the materials gathered from the violently dead and used in magic.⁶⁴ Jean-Benoît Clerc argued in 1995 that Christians, as marginal figures who spent time in cemeteries, gathered relics of the dead, and seemingly worshiped a cross, were naturally assumed to be practitioners of magic.⁶⁵ In 1997, Andrzej Wypustek pointed out, with an eye to the work of Dölger and Cumont, that Christians, especially Montanists, would look suspiciously like users of magic because of their reverence toward "suicides and criminals (that is Christian martyrs)" and their collection of relics.⁶⁶ A decade later in 2007, Kimberly Stratton also noted that "the invocation of someone who had died violently... would have resembled magic to most people living in the ancient world."⁶⁷ In 2010, papyrologist Eleni Pachoumi, perhaps inspired by

⁶² G. W. Bowersock, who helped assemble and finish Robert's book, oddly argued that *biothanēs*, as used in *Martyrdom of Pionius* meant only "suicide" (*Martyrdom and Rome*, 72-73).

⁶³ These include Robin Lane Fox (*Pagans and Christians* [1987], 479-483), who rightly contextualizes the statement's attribution to Jews within third century Smyrna and Rebillard (*Greek and Latin Narratives* [2017], 69), who notes the relevance of execution and beliefs about ghosts.

⁶⁴ Remus, "Magic or Miracle?" 139-140.

⁶⁵ Clerc, *Homines Magici*, 201-202.

⁶⁶ Wypustek, "Magic, Montanism, Perpetua, and the Severan Persecution," 283-84.

⁶⁷ Stratton, *Naming the Witch*, 118. Stratton incorrectly states that a violently dead person was called an *aōros*.

Stratton, whom she cites, argued that Jesus was invoked as a *biaos* or *biothanatos* in a magical recipe.⁶⁸ Giovanni Bazzana, writing in 2020, argued that in Mark 5 when Jesus exorcised the demoniac who lived among tombs (whose possessing spirits famously fled into pigs), he was driving out the violently dead ghosts of giants.⁶⁹ Finally, in 2024, as this dissertation was reaching its completion, Joseph Sanzo, using magical sources and the *Martyrdom of Pionius*, noted that Jesus’s violent death would have been relevant not just as a point of criticism by outsiders but indeed a reason for him to be invoked as one of the restless dead.⁷⁰

One area of martyrdom and the dead that I do not engage with for want of time is that of the hero cults. Most scholars since Hippolyte Delehaye in 1933 seem to agree that the cults had little impact on the origins of Christian reverence for the martyrs, though ancient Christians did acknowledge a surface-level similarity and engage in polemic related to the heroes.⁷¹ There are indeed interesting possibilities that heroes and *biothanatoi* might intersect in late antique Christian imagination, but pursuing the question would have made me stray too far from my original task.⁷²

⁶⁸ I ultimately disagree with Pachoumi; see my argument in Chapter 4, section 2.2.

⁶⁹ Bazzana, *Having the Spirit of Christ*, 61-79.

⁷⁰ Sanzo, *Ritual Boundaries*, 104-108. I discuss his evidence, an amulet depicting a crucified Christ, in Chapter 4, section 2.

⁷¹ In general, see MacMullen, *Christianity and Paganism*, 119-20, 224-25 n49. On the hero cult likely not contributing much to the development of the martyr cult, see Delehaye, *Les Origines du Culte des Martyrs*, 404–417; Brown, *The Cult of the Saints*, 5-6. On Christian responses to hero cults, see Jones, *New Heroes in Antiquity*, 84-92; Papadogiannakis, *Christianity and Hellenism*, 71-91.

⁷² For example, Isidore of Pelusia (fifth century) writes the following to a person who seems to be a pagan priest critical of the martyr cult: “If you are scandalized by the dust of the martyrs’ bodies being honored by us because of their love of and constancy for their God, ask the ones healed by them, and learn how many ailments they treat. And not only will you not scoff at what is happening, but you will even completely praise what is accomplished. And if you yourself refuse to touch and are disgusted by the dead bones of, as you have written, ‘wicked people,’ (τῶν πονηρῶν ἀνθρώπων) then be disgusted also at the remains of those who aid in wicked things (κακία), whom Greeks, worshipping shameful things and deifying the graves of wicked humans and pestilent dust, buried in the temple of Ephesian Artemis” (*Ep.* 55 [PG 78.217]). I suspect Isidore is referring to a hero cult, though I am unaware of any that exists in the temple of Ephesian Artemis.

Finally, in recent years, there have also been a number of studies on criminals, martyrs, ghosts, and magic in the Middle Ages and Early Modernity. One major area of interest is the so-called cult of executed criminals or Decollati in Palermo, Sicily, which was first described by Italian folklorist Giuseppe Pitrè and published in his twenty-five-volume *Biblioteca delle tradizioni popolari siciliane* from 1871 through 1913.⁷³ The region was visited and discussed again by E. Sidney Hartland in 1910. More recently, the beliefs as they developed in the sixteenth century were examined by Maria Pia Di Bella (in 1994), while Adriano Prospero (published in Italian in 2013) has done significant work on this cult as well as medieval and early modern religious treatment of the condemned and executed.⁷⁴ In the United Kingdom in the late 2010s, Owen Davies, Elizabeth T. Hurren, and Sarah Tarlow edited a series on the criminal corpse, including its magical and medical uses, from the late seventeenth to the mid-nineteenth centuries, focusing on western Europe and Britain.⁷⁵ Such studies should be considered comparatively with early Christian sources.

There is much space for contribution both in reading Christians in relation to criminality, especially regarding how martyrs and Jesus were written about, and in considering how executed figures important to Christians were thought to be or be similar to ghosts who are exploited in magic. While scholars have gathered bits and pieces of these topics and made suggestions about how they relate to one another, this dissertation makes a novel contribution in showing how the criminal, including the dead criminal, determines conceptions of and responses to the Special Condemned and Executed.

⁷³ According to E. Sidney Hartland (“The Cult of Executed Criminals at Palermo,” 175), he discusses the cult in vol. 17, 4 and following; vol. 1, 77; vol. 2, 38.

⁷⁴ Di Bella, “Pietà e giustizia;” Prospero, *Crime and Forgiveness*, especially 393-404.

⁷⁵ Their most relevant books are Tarlow and Battell Lowman, *Harnessing the Power of the Criminal Corpse* (2018) and Davies and Matteoni, *Executing Magic in the Modern Era* (2017).

2. Summary

With this dissertation, I seek to complicate and open new avenues of research on early Christian martyrdom by arguing that the concept of the martyr as an innocent figure who *does not* deserve to die is historically dependent on the figure of the guilty criminal who *does* deserve to die. Indeed, Christians used this dichotomy to partly construct the category of martyr and to describe Jesus (the Special Condemned). In addition, both dead martyrs and the executed Jesus (the Christian Special Executed) were often assumed by both Christians and non-Christians to be related to or part of a category of violently dead ghosts, the *biothanatoi*, who were themselves often executed people and whose body parts and souls were used in magic. This provides additional context to the rise of the martyr cult.

The first part of my dissertation, made up of Chapters 1 and 2, examines the condemned, both Christians and non-Christians. In chapter 1, I describe the importance of aesthetics in Roman discourses of justice. A person with an ugly, disfigured, or animalized body is thought to carry their guilt visually, and modes of spectacular punishment are meant to make invisible guilt visible and heighten the inhuman aspects of the criminal's body and behavior. This describes the discourse of criminality to which I refer throughout the rest of the dissertation. In chapter 2, I argue that Christians reproduce this ideology in select parts of the New Testament and in martyr texts. Regarding the latter narratives, martyrs, who are innocent, often retain or regain their human forms or even have their beauty enhanced in death. Those who are not martyrs, whether deniers or guilty criminals, are described as or made to be disfigured and/or polluted. This framework becomes more visible throughout the late second to fourth centuries.

The second part of my dissertation, made up of Chapters 3 and 4, argues that the discourse of criminality applies to the realm of the dead as well. Beliefs regarding the ghosts of

the executed provides evidence that they were understood by practitioners of magic and others in relation to their former status as criminals. The Special Executed were also included in such conceptions. In chapter 3, I examine Mediterranean religious beliefs regarding executed criminals as evinced by literary and papyrological sources, mostly on magic and astrology. By the Roman period, those who suffered violent deaths (*biothanatoi*), were largely (though not exclusively) imagined to be the executed or other victims of Roman justice (such as gladiators). Such ghosts were also assumed to be receptive to treatment befitting criminals, such as enslavement and torture. In Chapter 4, I argue that Christian figures such as Jesus and executed martyrs were also understood in relation to the ghosts of the violently dead, a subject worthy of reproach for critics of Christianity and a concerning misunderstanding or misrepresentation for many Christians. Those critical of Christianity would rhetorically heighten the criminality of their Special Executed, whereas Christian apologists, teachers, and historians would defend the Special Executed by emphasizing their innocence and exaggerating the guilt of other executed people.

I began by discussing the perspectives of two incarcerated people who were concerned about the meaning of the guilt or innocence of biblical figures for themselves and their audiences. Did the two thieves who died alongside Jesus deserve what happened to them? I do not want to lose sight of the fact that real people who saw themselves in the crucified criminals' positions wondered this. What being a criminal meant in antiquity is not a question asked abstracted from contemporary life. Human beings suffered centuries ago and are suffering today, both physically and psychologically, because of structures baked into culture that are perpetuated through ideologies of punishment and in part through (sometimes well-meaning) theologies.⁷⁶

⁷⁶ For example, see Ellis, *In This Place Called Prison*, an anthropological study of a women's prison which shows how submission to the authority of prison staff and Christian logics that value the experience of suffering

Martin Hengel stated that “the earliest Christian message of the crucified messiah demonstrated the ‘solidarity’ of the love of God with the unspeakable suffering of those who were tortured and put to death by human cruelty,” but this, unfortunately, does not seem to be true.⁷⁷ When Christians magnified their martyrs by denigrating “real” criminals, they affirmed that their lives were worth more as negative examples than as vulnerable human beings. I can only hope that this dissertation can offer some small contribution to bringing Hengel’s optimism into fruition for the future, if not the ancient past.

reinforce one another. The narrative of the Lukan thieves is also used as a defense of capital punishment (Matthews, *The Lynching Tree and the Cross*, 155). In a book published in 2017, Edward Feser and John Bessette argue as much (*By Man Shall His Blood Be Shed*, PDF pg. 57-58, 91, 196).

⁷⁷ Hengel, *Crucifixion*, 88.

Chapter 1: “He Must Be Punished:” Condemned Criminals in the Roman Empire

The goal of this chapter is to describe how persons condemned to death in the Roman Empire were understood discursively. That is, how were the people whose deaths were met with approval by most Romans described psychologically and physically? How did their deaths and the treatment of their bodies after death reinforce these perceptions? Using literary and papyrological evidence from the 1st through 5th centuries CE written in the Mediterranean from Gaul to Syria on the subject of people who are or will be condemned to death, I describe the discourse about such criminals.

In reconstructing the sort of person a criminal deserving of death was supposed to be in antiquity, I make interpretive choices that both broaden and narrow my scope. For the most part, I look at examples written within the Roman Empire, not because there is something special about the cultures that lie within its borders but because there is an ideological continuity across that region of the Mediterranean that tends to cause its inhabitants to express opinions about criminals in a similar way, and Rome is a practical way to delimit my sources. Likewise, there is continuity across time. The works I cite stretch back in some cases to classical Athens and forward into late antiquity. While the Athenians, for instance, existed in a much different political system, their images of the criminal anticipate, either through reception or cultural continuity, what appears in the Roman period. The empire is also host to much of the earliest literature by and about Christians, a group with a deeply ambivalent relationship to criminality. Finally, Rome wrote about itself and its legal decisions in manifold and revealing ways. Culturally invested in spectacle and a communication of the meaning of their actions, they clearly reproduce ideological assumptions about the people they punish. Ultimately, the wide

range of sources that I engage with speak to a particular set of attitudes and aesthetic preferences and are expressed in both literary and non-literary sources, indicating that criminals deserving of death are animalistic, polluted, and generally approaching non-human.

Throughout the empire, the legal process, from hearings through to sentencing and punishment, would have been publicly visible and instructive to its audience of various values and apparent truths, expressed through the judges' actions and statements.¹ People described as criminals through such public events were generally constructed as different from other people, lacking in features common to civilized, Roman humanity or productive of pollution opposed to civilization. A person with a body disfigured or animalized through punishment was also thought to carry their guilt visually. Further modes of spectacular punishment were meant to make invisible guilt visible and heighten the inhuman aspects of the criminal's body and behavior. Those condemned to death were made out to be always already animals and slaves both cognitively and physically, worthily chained, punished, killed, and disposed of.

Those condemned to death were first and foremost understood aesthetically. Perhaps unsurprisingly, the aesthetics of Roman justice cast those who are better or more elite as more beautiful in both body and mind, justifying why different punishments were meted out to different sorts of people—some were just considered better. Descriptions of such lower status people, including slaves, from whom most condemned people historically derived, generally became mapped onto the condemned, making the condemned automatically match despised aesthetics associated with lower status. Several examples from various sources discussed below (2.4), such as a notebook from an Egyptian bureaucrat and Apuleius's *Metamorphoses*, show

¹ Kelly, *Petitions, Litigation, and Social Control*, 170-72; Bryen, "Martyrdom, Rhetoric, and the Politics of Procedure," 249, further discussed below.

how dehumanizing punishments are justified and interpreted through aesthetics that reinforce assumptions expressed by Roman power.

This chapter also explores some instances of Christians being made subjects of this discourse. It is too large of a topic at this time to ask why Christians were criminalized and killed but it is evident from some anti-Christian literature, including works by Celsus, Porphyry, and Eunapius, that they were described in ways that show that they were brought into the discourse of criminality. In my next chapter, I will discuss how Christians *re-construct* themselves against the discursively constructed criminal established in this chapter.

1. The Treatment of Criminals

The aesthetic qualities attributed to criminals were derived from and were reenforced by mundane processes and assumptions visible in Roman legal proceedings, especially punishments. Though the specifics of Roman law regarding how particular types of people are treated are complex, broadly speaking less-desirable people are punished in ways that make their bodies uglier, whether through beating, whipping, fire, or other methods. These aesthetics were powerful and effective in marking them as worse in some way and indicated that others who were treated similarly, such that they look similar, were also similar types of people. That is to say, if someone was being publicly punished, it implied a host of things about their personhood, backed up by what Roman legal writers recommended and what judges said should happen to criminals. Detailing some of what is involved or what was thought to be involved in a criminal's last days and moments, many of which effected his appearance, will make the more metaphorical and conceptual aspects of the discourse easier to contextualize later in this chapter.

1.1 Differences in Treatments

The treatment accorded to a criminal was, by the time there is evidence during the reign of Hadrian (r. 117-138), determined by the discretion of a judge, who adjusted his response based on the status of the accused and others involved in the case:² those who were of lesser status (*humiliores, miniores*) received harsher and often more visible punishments, while those who had a higher rank or more respect (*honestiores, principes, potentes*) fared better than the those of lesser status.³ Though such statuses were eventually formalized to some degree it is unwise to try to understand practices based on specific delineation of individuals into discrete status categories.⁴ Nonetheless, when not pressed too hard, ancient discussions about status are effective for observing how aesthetics are deployed to indicate the criminality and unworthiness of a human being.

Sources are full of exceptions to how upper status people are supposed to be treated,⁵ but it is certainly the case that elites were subject to different punishments that tended to be less harsh. According to the pseudonymous *Sententiae* of Julius Paulus (ca. 300),⁶ for example,

² Garnsey, *Social Status and Legal Privilege*, 221-76; Taylor, "Social Status," 354-55. On status in spectacles in particular, see MacLean, "People on the Margins of Roman Spectacle," 578-89.

³ *Honestiores* normally included senators, equites, decurions (town councilmen), and their children (Garnsey, *Social Status and Legal Privilege*, 235). Though see Bauman, *Crime and Punishment*, 126-132 for a discussion of inconsistencies and edge cases that show they were not always treated as the more privileged party. For an example of *honestiores* not suffering the same punishments as *humiliores*, see *Dig.* 48.19.9.11 (= Ulpian, *De off. procons.* 10): "But one should know that there are differences in punishments, and not all can be sentenced to the same punishment. Particularly, decurions cannot be condemned to the mines, nor to *opus metalli*, nor to the *furca*, nor to be burned alive" (ed. Mommsen). Status distinctions often varied in different parts of the empire. For example, in Egypt, native Egyptians fared worse than the citizens of major cities or (sometimes) Judeans. See Taubenschlag, *Law of Greco-Roman Egypt*, 595-609 on the privileges afforded to certain people.

⁴ Bryen, *Violence in Roman Egypt*, 115: "[T]o generalize from these facts [from Roman legal writers] a social system that accounts for everyone in society and imagines each of its members as being carefully sifted according to a well-defined social place and enmeshed in clearly delineated bonds of reciprocity is a risky endeavor." Cf. MacMullen, "Judicial Savagery," 206.

⁵ Bauman, *Crime and Punishment*, 180 n8. Caligula, for example, was famous for giving inappropriate punishments to *honestiores* (Suet., *Cal.* 27.3-4). There are also many examples in Arce, "El historiador Ammiano Marcelino," 321-44 and in Bryen, "Martyrdom, Rhetoric, and the Politics of Procedure," 247 n20.

⁶ Bauman, *Crime and Punishment*, 121.

criminals considered worthy of an aggravated death included murderers, arsonists, magicians, seditionists, and thieves, but lesser crimes committed by *humiliores* would be punishable by a harsher form of death than the same crimes committed by *honestiores*.⁷ This is, on the one hand, explainable by the discretion of individual judges who favored higher status persons, but the ability of wealthy people to have access to and afford skilled and well-connected advocates also played a role.⁸ Indeed, according to Richard Bauman, “exemptions from the harsher penalties virtually acted as a certificate of status.”⁹ In other words the manner of punishment revealed the status that one had as much as a person’s status determined the punishments to which they could be subjected.

The death penalty (*supplicium, poena capitis, or capitalis*) and execution (*animadvertē*)¹⁰ was one very visible legal or social arena for which status determined differences in application. When it comes to punishment for capital charges, *honestiores* in the early empire mostly had to fear the death penalty only in cases of parricide (not all homicide) and *maiestas*, or crimes against the state.¹¹ Other capital crimes were, generally speaking, punished with exile or expulsion from office.¹² For elites, the death penalty (*capite puniri*) was also not supposed to be

⁷ Bauman, *Crime and Punishment*, 121. For a collation of these punishments, see Mommsen, *Römisches Strafrecht*, 1045-49.

⁸ See Dolganov, “Law as Competitive Performance,” 86-87 for a discussion of a trial transcript in which an Arsinoite advocate from relatively humble origins, defending a local Egyptian, was outmatched by a better trained advocate with imperial connections. Similarly, in another trial transcript from Egypt, an advocate exaggerates the “discrepancy in status” between the litigants, making the defendant appear “to belong to a vastly inferior social class than his ‘eminent’ adversary” (Dolganov, “Rich vs. Poor in Roman Courts,” 40). Also relevant is that judges were sometimes sardonic or rude to litigants, especially people who were thought of as lesser, such as veterans in the time of Nero (Kelly, *Petitions, Litigation, and Social Control*, 180-82).

⁹ Bauman, *Crime and Punishment*, 129. Likewise, punishments improperly applied to people of higher status could damage their reputation. See below on Suet., *Cal.* 4.27.3 at note 23 and on Philo at note 24.

¹⁰ For these terms, see Mommsen, *Römisches Strafrecht*, 911. For the judicial use of *animadvertē* meaning “execution,” see L&S, s.v. “*animadvertē*,” ILC.

¹¹ Garnsey, *Social Status and Legal Privilege*, 104, 111; Bauman, *Crime and Punishment*, 7, 129; parricide: *Dig.* 48.9.1; *maiestas*: *Dig.* 48.4.3. On *maiestas*, see Mommsen, *Römisches Strafrecht*, 537-46 and Robinson, *The Criminal Law of Ancient Rome*, 74-81. By the late third or early fourth century, the death penalty, rather than exile, was more common for homicide and adultery, even for *honestiores* (Garnsey, *Social Status and Legal Privilege*, 111). The Severian period is generally given as the dividing line. See also Mommsen, *Römisches Strafrecht*, 943.

¹² Garnsey, *Social Status and Legal Privilege*, 111- 122. Cases of arson and *veneficium* (poisoning or

an aggravated death, but a relatively simple death by decapitation by the sword.¹³ Except in cases of *maiestas*, they were also supposed to be exempt from torture.¹⁴ In cases in which execution was warranted, in Rome, for example, elites could be tossed off the Tarpeian Rock or killed outside the city just beyond the Esquiline Gate.¹⁵ Less publicly, they could be starved, strangled, hanged, or garroted in the *Carcer Tullianum*,¹⁶ and in imperial times, elites were also sometimes ordered to commit suicide under armed supervision.¹⁷ This was, however, an exception offered only to elites. For everyone else, death was anything but private.

Humiliores, the relatively humbler litigants, could be sentenced, among other things, to corporal punishment, public works (*opus publicum*), or the mines (*metallum*), which was normally a death sentence in all but name.¹⁸ Though free *humiliores* were sentenced more harshly than *honestiores*, slaves, were least of all people and were legally things (*res*) or items of property, tended to receive even more aggravated sentences.¹⁹ They were also often

magic) might in rare cases lead to the death penalty (109-110).

¹³ Garnsey, *Social Status and Legal Privilege*, 124, 105 with n1. Ulpian specifies that “it must be execution by the sword” (*sed animadverti gladio oportet*) (*Dig.* 48.19.8.1 = *De off. procons.* 9).

¹⁴ Jones, *The Later Roman Empire*, 519. Though, as Arce (“El historiador Ammiano Marcelino,” 324-325) says in response to Jones, “Pero una cosa son las leyes y otra, desgraciadamente, la realidad” (the law is one thing, but unfortunately reality is another).

¹⁵ Bradley, *Crime and Punishment*, 107-110; Kyle, *Spectacles of Death*, 165-66.

¹⁶ The dead from the Carcer were sometimes tossed out onto the Gemonian Steps to be abused or mourned, another form of spectacle (Bradley, *Crime and Punishment*, 112-115; Latte, “Todesstrafe,” 1617). On strangulation in prison, see Latte, “Todesstrafe,” 1617. In personal email correspondence on February 2, 2021, Mark Letteney states that strangulation seemed to be common and was the responsibility of the warden, citing Val. Max. 5.4.7, with a parallel in Pliny, *Nat.* 7.121.

¹⁷ Latte, “Todesstrafe,” 1618. According to Ulpian, a proconsul did not in theory have the right to allow suicide (*liberam mortis facultatem*) instead of execution, but Marcus Aurelius and Lucius Verus, made it permissible (*Dig.* 48.19.8.1 = *De off. procons.* 9).

¹⁸ Garnsey, *Social Status and Legal Privilege*, 104; Bauman, *Crime and Punishment*, 151-152. On condemnation to the mines, see Millar, “Condemnation to Hard Labour” and more recently Groen-Vallinga and Tacoma, “Contextualising Condemnation to Hard Labour” and Larsen, “Carceral Practices,” 552-63. The jurist Callistratus lists the cross and burning alive as *sumum supplicium* (*Dig.* 48.19.28.praef = *De cogn.* 6:). Being thrown to the beasts is also considered an extreme penalty by the jurist Gaius (*Dig.* 48.19.29 = *Ad l. iul. et pap.* 1). The *summa supplicia* may have been formulated to achieve maximum deterrence (Bauman, *Crime and Punishment*, 19). On the condemned used in spectacles and their alleged crimes, see Kyle, *Spectacles of Death*, 91-102.

¹⁹ Aubert, “A Double Standard,” 129-130; Taylor, “Social Status,” 350, 355.

conceptualized as animals not dissimilar to cattle.²⁰ Slaves often received corporal punishment and could pejoratively be called a “whipping post” (μαστιγία; *mastigia* or *verbero*).²¹ Another way in which slaves were punished and marked as such was through scarring, including branding and tattooing.²² Tattoos were often applied to the face of both runaway slaves and people condemned to the mines or death, and instances in which people of more honorable status were disfigured in this way were considered horrifying exceptions.²³ Similarly, the forms of punishment conducted on *humiliores* in the extreme form of the death penalty (*summum supplicium*) were typically derived from what was done to slaves.²⁴ Crucifixion, for example, “represented... a conscious attempt to treat [free criminals] as slaves and implied for the victim and total loss of legal status (*capitis deminutio maxima*) that occurred de facto prior to sentencing.”²⁵ Slavery also became very clearly related to execution conceptually during the reign of Antoninus Pius.²⁶ Individuals who received certain sentences, especially capital ones, but also *ad metalla* and *in opus metalli*, became *servi poenae*, condemned to an irreversible state of servitude, “a death row inmate waiting to die.”²⁷ While the origins of the terminology and

²⁰ For example, the *Lex Aquileia*, in the jurist Gaius’s interpretation (*Dig.* 9.2.2.2.), indicates that they are of equal value to a four-footed animal. For discussion, see Bradley, “Animalizing the Slave,” 111.

²¹ Kamen “A Corpus of Inscriptions,” 96.

²² Jones, “Stigma,” 139–55; Kamen, “A Corpus of Inscriptions,” 95–110.

²³ Jones, “Stigma,” 147–49; Syrkou, *Horrorscope*, 21. In Suetonius’s account of one of the “bad emperors” the improper marking of upper-class people (*honestiores*) with punishments meant for the lower classes (*humiliores*) is supposed to cause horror. Caligula is said to have disfigured *honestiores* with markings (*stigmata*), and then, among other things, “shut them up in cages on all fours, in the manner of beasts” (*bestiarum more quadrupes cavea coeruit*) (Suet., *Cal.* 4.27.3). This example is one in a series that shows Caligula to be a bad, unjust emperor.

²⁴ Garnsey, *Social Status and Legal Privilege*, 122–131. Slave-like punishments could also be applied to particular ethnic groups. Philo, a Jewish inhabitant of Alexandria writing in the first century CE, complained that the Judean *gerousia* were being beaten with the instruments and by the type of person meant for native Egyptians, “as though they were the most lowly (ἀφανεστάτους) of Egyptians and guilty of the greatest crimes (ἀδικήμασιν)” (*Flacc.* 80). On this passage, see Williams, *Criminalization in Acts of the Apostles*, 96–97, 109–16.

²⁵ Aubert, “A Double Standard,” 114. Cf. Hengel, *Crucifixion*, 51–63 and Coleman, “Fatal Charades,” 54: “The usual punishment for insurgent slaves was crucifixion.”

²⁶ McClintock, “*Servi poenae*,” 188. The term dates to at least the reign of Pius but may be older, though it is difficult to tell whether persons condemned to death (rather than to the mines or other public works) would receive the status in earlier decades (Zilletti, “In tema di ‘*servus poenae*,’” 56; Garnsey, *Social Status and Legal Privilege*, 164–165; *Dig.* 49.14.12).

²⁷ McClintock, “*Servi poenae*,” 190. As Bauman (*Crime and Punishment*, 196 n50) notes, *servi poenae* are

what it meant legally are debated,²⁸ it is likely that this sort of slavery extended and reenforced the sense of rightness for the condemned to be punished.

As for the nature of the punishment, in Roman antiquity, executions were typically public and took place in an area that could accommodate an audience. If someone was being publicly punished, an audience would likely assume they were of lower status, whether they really were or not, or that something they did worthily degraded them to a humiliating state. Non-elites in Rome could also be killed in the Coliseum or outside the city in more creative ways, such as by being crucified along the Via Appia.²⁹ By and large, each city of sufficient size and importance in the empire had a place intended for punishment and execution, sometimes more than one, that welcomed an audience. They most often took the form of an out of the way place outside of the city walls or an entertainment complex of some sort, such as an arena, circus, or theater, which were also often outside of the city walls.³⁰ The actual form of death varied, along with the manifold tortures leading up to it—decapitation, crucifixion, impalement, burning, flaying, stoning, mauling by animals, and being dressed as animals or persons from myth and then killed were all sentences.³¹ The deaths, however, were often only part of the punishment.

often linked to a sentence to the mines, but the term is applied more broadly, as is attested by Macer (*Dig.* 48.19.12 = *De off. praesid.* 2).

²⁸ Zelletti (“In tema di ‘*servus poenae*,’” 81) helpfully sums up the functional purpose of the *servi poenae* as “regulating the status of those sentenced to those types of capital punishment which have as their primary effect the deprivation of life or *libertas*.” See Mommsen, *Römisches Strafrecht*, 947-48; Garnsey, *Social Status and Legal Privilege*, 132; Bauman, *Crime and Punishment*, 122-123; Ulpian: *Dig.* 48.19.8.8, 11; Macer: *Dig.* 48.19.12; Gaius: *Dig.* 48.19.29. More recently, McClintock (“*Servi poenae*”) argues that the term derived from the condemned’s consignment to the goddesses Poena or Nemesis (191, 198-99) and could have helped sort out imperial control over condemned slaves (rather than that of their masters) (193-97) and the relative statuses of those involved with work in spectacles (197).

²⁹ After the revolt of Spartacus, for example, 6,000 people were crucified along the Via Appia and left to rot (*App., B. Civ.* 1.120; Hope, “Contempt and Respect,” 112).

³⁰ Bradley, “Crime and Punishment,” 107-110; Kyle, *Spectacles of Death*, 165-66. It is often claimed that executions could not take place within the *pomerium*, but even sources as early as Livy (1.26) indicate that it is at the discretion of the magistrate (Mommsen, *Römisches Strafrecht*, 913). The Campus Martius is another execution cite, but it is probably only used when imitating earlier forms of execution (Mommsen, *Römisches Strafrecht*, 913). The Esquiline was the preferred site in the Principate (Mommsen, *Römisches Strafrecht*, 914).

³¹ Garnsey, *Social Status and Legal Privilege*, 105-11, 122-31; Coleman, “Fatal Charades,” 60-70; Syrkou, *Horrorscope*, 21. See Cantarella, *I supplizi capitali*, 153-289 for interpretations of several types of executions.

1.2 Post-Mortem Treatments

Attempts at humiliation and alienation were continued after the condemned had died through further attacks on or neglect of the body.³² The historical details, more than just the aesthetics expressed through discussion and presentation of punishment, are important for my argument here. What happened to the bodies not only indicates how often a given inhabitant of the empire would have seen victims of execution and therefore how effectively the status of criminals was communicated to him, but it also plays a role in setting up for Chapter 3, demonstrating the accessibility of materials from such bodies for magical practices.

Most people in the Roman Empire, rich and poor, would have wanted a respectful funeral and burial for their loved ones, a process that shows respect for the body but also concern for personal and familial purity and the mitigation of any problems that might be caused by the spirits of the dead.³³ This was often denied for persons who were executed.³⁴ Post-mortem punishment was often combined into both corpse abuse and denial of burial. With the exception of those condemned for *maiestas* or treason, it seems that jurists, such as Ulpian, thought bodies should be readily handed over to those who requested them, especially family members.³⁵ It also

³² Kyle, *Spectacles of Death*, 131-33. On a similar practice in pre-Roman Greece, see Lindenlauf, “Thrown Away Like Rubbish,” 88.

³³ Generally, see Toynbee, *Death and Burial*, 43-61; Hope, “Contempt and Respect,” 105-10; Lindsay, “Death-Pollution,” 152-56, 160-68; Retief and Cilliers, “Burial Customs,” 129-43. On the poor in particular, see Graham, *The Burial of the Urban Poor*, 85-109.

³⁴ For those killed in arenas, their bodies were dragged out by attendees with hook called an *uncus*, while gladiators, some of whom would have been condemned to the *munus* and therefore death, would have been carried out on biers. Bodies were next brought to the *spoliarium*, a sort of dressing room, either under the arena or in another building, where attendants would undress the incoming corpses to reuse their clothes for later events and slit their throats to make sure that they were dead. See Kyle, *Spectacles of Death*, 156-59; Ville, *La gladiature*, 376-377.

³⁵ *Dig.* 48.24.1: “The bodies of those who are condemned to capital punishment are not to be refused to their relatives. And divine Augustus writes in the tenth book of *De vita sua* that he also observed this. However, today, the bodies of those who are punished are buried, just as if (*quam si*) a request was made and permission granted. And sometimes it is not permitted, especially for [the bodies] of those condemned for *maiestas*. It is also possible for the bodies of those who were condemned to be burnt to be requested, evidently so that their bones and ashes can be collected and committed to interment.”

There are similar statements by late 3rd century sources, including Pseudo-Paulus (*Dig.* 48.24.3) and the Emperors Diocletian and Maximian (*Cod. Iust.* 3.44.11), the latter of which states: “We do not oppose handing over

seems to be the case that most bodies were buried (*sepelire*).³⁶ However, that the practice of handing over bodies had to be recommended by jurists indicates that not every Roman official shared their opinion. For example, the bodies of Polycarp and the martyrs of Lyon and Vienne were not given to family or friends after their deaths; both were cremated, with the ashes and bones of the former remaining for collection,³⁷ while the remains of the latter were cast into a river despite protests by surviving friends of the martyrs.³⁸ Outside of Christian texts, it is mostly the bodies of political dissidents that are not permitted to be interred, such as one of Brutus's allies and allies of Sejanus.³⁹ Despite some evidence that the bodies of criminals were recovered, it is likely many were not received by their families or friends, either out of concerns for costs or because they simply did not have anyone to claim them. For many victims of crucifixion, their bodies were no doubt left on crosses until nothing was left, decaying outdoors and eaten by scavengers such as canids and vultures.⁴⁰

to interment those guilty of crimes who have been subjected to deserved punishment." This text was publicly posted on two dates in 290 and was originally part of an answer to a Gaudentius, was probably a petitioner. On posting (*propositio*), see Hauken, *Petition and Response*, 302, 305-15. Both this text and Pseudo-Paulus are briefly discussed in relation to the burial of Jesus in Cook, "Crucifixion and Burial," 196.

³⁶ What burial means, however, is unclear. Smith ("Capital Punishment and Burial in the Roman Empire," 418) suspects that bodies added to a mass grave could have been considered buried if sprinkled with three handfuls of dirt.

³⁷ It should be emphasized that officials did ultimately allow collection. In any case, there is a significant amount of doubt about the dating of the *Martyrdom of Polycarp* as a whole and this section in particular (Rebillard, *The Early Martyr Narratives*, 96). See the sources listed at Rebillard, *The Early Martyr Narratives*, 96 n17 and Moss, "On the Dating of Polycarp."

³⁸ Rebillard, *The Early Martyr Narratives*, 96-97. See Chapter 2 for discussion of this text.

³⁹ Cook, "Crucifixion and Burial," 196. Other examples include a number of people accused of *maiestas* who were publicly exposed on the *Scalae Gemoniae* in Rome, dragged around the city, thrown into the Tiber, or otherwise refused burial and the heads of high-profile executed persons that were displayed and paraded around the city, in a grim parody of funeral *imagines*. See Hope, "Contempt and Respect," 112-14.

⁴⁰ Cook, "Crucifixion and Burial," 206-209. After the revolt of Spartacus, for example, 6,000 people were crucified along the Via Appia and left to rot (App., *B. Civ.* 1.120; Hope, "Contempt and Respect," 112). See also the story of the neglectful guard of a crucified bandit (*latro*) told in Petronius, *Sat.* 110-112. See also Kyle, *Spectacles of Death*, 169. Smith ("Capital Punishment and Burial in the Roman Empire," 411 n40) doubts that soldiers would stand guard over bodies on crosses, citing the lack of evidence from "any historical narrative" and the practical difficulties such a practice would pose if it took place regularly throughout the empire.

As for where the bodies that were not destroyed by the elements ended up, the evidence is similarly complicated. In Republican Rome, executed criminals seem to have been disposed of in pits outside of the Esquiline.⁴¹ According to, a scholion on a passage of Horace, “executioners (*carnifices*) in the *via Esquilina* used to make pits into which they would throw corpses.”⁴² In any case, the area outside the Esquiline Gate had, by Principate, ceased to be an active burial spot, though it did continue to be used for executions.⁴³ An inscription from the Roman colony of Puteoli (ca. early first century BCE – early first century CE) provides further evidence about what was done with criminal bodies.⁴⁴ This text, a description of the terms of a lease (*lex locationis*), details various expectations for the colony’s contracting undertaker (*manceps*).⁴⁵ One stipulation reads: “Likewise, if he is ordered to drag away [the corpse] with a hook, the work-

⁴¹ Scholarship on the burial of the destitute and the executed is complex. For those who were poor, it used to be thought that their bodies were generally abandoned where they fell and then disposed of in mass graves, along with animal carcasses and general refuse. There are numerous examples from literary sources of decomposing bodies on the streets (Hope, “Contempt and Respect,” 110-11). What might be examples of mass graves were discovered in the 1870s by Rodolfo Laciani near the Esquiline Gate. Identified as *puticuli* (little pits) by early readers of Laciani, they were associated with the *puticuli* mentioned by Varro, citing Aelius, in *De lingua latina* 5.25: “the corpses which had been thrown out used to rot (*putescebant*) there, in the public burial-place (*locus publicus*) beyond the Esquiline” (trans. modified from Kent, LCL). These pits were also subsequently identified with both the “potter’s field” described by Horace in his poem (*Sat.* 1.8) about a statue of Priapus, who guards a disused burial ground plague by witches (Toynbee, *Death and Burial in the Roman World*, 49; Graham, *The Burial of the Urban Poor*, 1; see also the citations in Kyle, *Spectacles of Death*, 165-68). More recent scholarship has clarified that the so-called *puticuli* were misidentified as such and seem to have been in use for only a few decades during the republic, perhaps by *aediles* responsible for disposing of refuse, including the occasional body of a destitute person (Graham, *The Burial of the Urban Poor*, 64-81). The land did, however, seem to have been used by the poor for burial, since it was a *locus publicus*, land owned by the *populus Romanus*, and was set aside for that purpose (Bodel, *Graveyards and Groves*, 39). Though the pits Laciani discovered were probably not the same sort of pit Varro knew, they did evidently exist at some point in time. Bodel (“Dealing with the Dead,” 131) points out based on further citations Varro makes that the pits were probably left open to the skies. Other types of pits, at least ones that existed outside of the Esquiline, are also mentioned by Varro in an alternative etymology (*De ling. lat.* 5.25): “Outside the towns there are little pits (*puticuli*) named for pits (*a puteis*), because people used to be buried there in pits” (trans. modified from Kent, LCL).

⁴² Pseudo-Acro, Schol. in Hor., *Sat* I, 8, 1-10: *Soliti enim errant carnifices in Esquilina via puteos facere in quos corpora mittebant*. For a brief discussion, see Pavón, “*Loca noxiorum poenis destinata*,” 153-54.

⁴³ It was redeveloped in the late first century BCE into the *Horti Maecenati* (Graham, *The Burial of the Urban Poor*, 63-64). See also Kyle, *Spectacles of Death*, 165-66; Pavón, “*Loca noxiorum poenis destinata*,” 154-57.

⁴⁴ Bodel, *Graveyards and Groves*, 75-76; Aubert, “Corpse Disposal,” 141.

⁴⁵ Along with specifying the employees he may have, where he and his employees may live, their dress, and other expectations for staying away from the population, the inscription also states that he may be contracted by private individuals (in the case of slaves) or a magistrate (in the case of public slaves and free criminals) to torture, punish, and execute individuals. See Kyle, *Spectacles of Death*, 163; Aubert, “Corpse Disposal,” 143-45. On torture and execution in this text, especially of slaves, see Hinard and Dumont, *Libitina*, 89-95.

gang, dressed in red, must drag away this corpse, while ringing a bell, to the place where many corpses are (*ubi plura cadavera erunt*).⁴⁶ The last phrase is difficult, but it probably refers to a particular location in Puteoli where unwanted bodies were deposited.⁴⁷ Such sites were probably typical throughout the empire.⁴⁸ Indeed, places of execution also seemed to have functioned as places of burial.⁴⁹ Agennius Urbicus, a technical writer from after the first century CE, mentions that outside of Rome there is “a suburban place intended for the burials of the destitute, which place is called *cula* (or *culinas*). It also has a place intended for the punishment of the condemned (*noxii*).⁵⁰ It is notable that the place where the destitute are buried and the place where the condemned are executed are tied together. It seems likely such a place for disposing of the very poor and dispatching of condemned people was a normal feature.⁵¹

The exposure of criminal bodies and the lack of a proper burials were intensifications of the punishments that had killed them, culturally stemming, according to Donald Kyle, “from

⁴⁶ AE 1971: no. 88 II 13-14: *item si u[n]co extrahere iussus erit, oper(is) russet(is) id cadauer ubi plura cadavera erunt cum tintinnabulo extrahere debebit*. Text given by Hinard and Dumont, *Libitina*, 18. Trans. modified from Hinard and Dumont, *Libitina*, 19 and Gardner and Wiedemann, *The Roman Household*, 25.

⁴⁷ Bodel, *Graveyards and Groves*, 16-17, 81; Aubert, “Corpse Disposal,” 145; Kyle, *Spectacles of Death*, 163.

⁴⁸ Bodel, *Graveyards and Groves*, 81-83, Kyle, *Spectacles of Death*, 163. Hinard and Dumont (*Libitina*, 121) note that the conditional nature of the sentence (*si... erit*) indicates that not all disposals after executions were conducted in this way; the bodies could have been recovered by friends or family, or they could have been conducted in the very same spot where the corpses were abandoned, meaning that dragging them elsewhere was not required.

⁴⁹ Hope, “Contempt and Respect,” 112.

⁵⁰ Agennius Urbicus, *De controu. agror.* (Corp. Agr. p. 47 Th.): *habent et res p(ublicae) loca suburbana inopum funeribus destinata, quae loca ꝑ cula culinas ꝑ appellant. habent et loca noxiorum poenis destinate*.

The name and nature of the place is unfortunately corrupt. For a discussion of the readings and what can be drawn from them, see Bodel, *Graveyards and Groves*, 82-83.

⁵¹ Bodel, “Dealing with the Dead,” 150 n11. There seems to have been a similar location near Constantinople. According to the church historian Sozomen, in 342 CE, two men, Martyrius and Marcian, who were partisans in a religious riot, were accused of murder and executed. John Chrysostom, followed by his successor Sisinnius, built a tomb for them outside of the walls of Constantinople because they were judged to have been honored by God. The story goes, that “that very place, where those led to death (τῶν ἐπὶ θανάτῳ ἀγομένων) were decapitated (τὰς κεφαλὰς ἀποτεμνομένων), formerly unapproachable because of ghosts, was cleansed” (Soz., *Eccl. Hist.* 4.3.2). While the supernatural aspects of this episode will be discussed in Chapter 4, it is clear that Martyrius and Marcian were buried in the same place where other condemned people were executed by decapitation. This might be the same location mentioned by Libanius (*Or.* 45.16), where those who died in prison were buried. Thank you to Matthew Larsen for mentioning this Libanius passage to me.

deep-seated emotions of fear, disgust, and hate” toward heinous criminals.⁵² These negative emotions attributed to the people were channeled in executions, especially public ones.

According to Kathleen Coleman, Roman sources associated with the arena “reflect the taste for observing spectacular suffering on the part of persons who were of no account while they were alive and could provide enjoyment by their death (and were, no doubt, felt to deserve it).”⁵³ Their allegedly deserved suffering was interpreted to confirm what audiences already knew, or were told that they knew, about criminals.⁵⁴ This discourse of the criminal that enlivens punishments with meanings is where I will turn to now.

2. Discursive Construction of the Condemned Criminal

By the time of Augustus, foreign and domestic prisoners of war, as well as convicted criminals (*noxii*), gladiators, beast fighters (*venatores*), and those condemned to the beasts (*damnati ad bestias*) were placed in “a category of persons whom society regard[ed] as dispensable” and were considered “a surplus commodity, a leisure resource, a by-product of imperialism” useful for entertainment and education.⁵⁵ *Humiliores*, slaves in particular, became especially visible in this way due to their use in public spectacles.⁵⁶ In addition to acting as deterrence or showing off the might of the empire, public punishments also work to demonstrate the state’s correctness in judgment. This happens through the deployment of certain aesthetic values. Bruce Lincoln has argued, in the context of the ancient Achaemenid empire and the

⁵² Kyle, *Spectacles of Death*, 133.

⁵³ Coleman, “Fatal Charades,” 54. See also MacMullen, “Judicial Savagery,” 206, 358 n13.

⁵⁴ Cf. Gleason, “Truth Contests and Talking Corpses,” 300: “I suspect that, encountered in the flesh, brutality raised to such a pitch [as in spectacles] would make empathy with the victim impossible. In a situation in which imaginative identification with the victim as a fellow human is too painful to contemplate, the viewer of a truth contest must identify with the worldview of the torturers. Thus, public violence on selected bodies becomes an instrument of social coercion. More than a deterrent, it effects a *forcible realignment of subjectivity* to identify with the enforcing power.” (Emphasis hers.)

⁵⁵ Coleman, “Fatal Charades,” 54; Kyle, *Spectacles of Death*, 92.

⁵⁶ Kyle, *Spectacles of Death*, 92. See also MacMullen, “Judicial Savagery,” 206.

United States under George W. Bush, that torture that renders a body revolting “bore graphic witness to the corruption (moral and physical) of his body... [providing] the means to convict him guilty on all charges.”⁵⁷ This also seem to be the case in the Roman empire, at least in some contexts. According to Ari Bryen, the legal process and subsequent punishment presents

the claim that representatives of the imperial state were justified in punishing because they possessed a privileged form of knowledge, namely, the ability to evaluate the goodness and rightness (or the badness and wrongness) of a defendant by means of physical signs. In other words, criminal judgment was bound up with the state’s claim to be able to tell, by looking, who is decent and who is criminal.⁵⁸

In public spectacles, audiences were taught to see as a judge sees, to know that someone was guilty because they were made to look like they were guilty. Aesthetics confirmed the validity of punishments and showed that the people who died were deserving of such deaths. These aesthetics need to be explained, however, since “[s]o long as the Roman state punished those who were by common consensus genuinely vile or criminal, aesthetic readings of criminal character went largely unremarked upon.”⁵⁹

Broadly speaking, Roman punishments worked to dehumanize the condemned. By this, I mean that they were shown to be separate from the community of proper, civilized human beings, in whatever form that took. Though other forms of dehumanization and alienation exist,⁶⁰ three are particularly useful for discussing how the criminal is discursively constructed and how Christians respond to and extend the discourse: pollution, disfiguration, and animality. These are not mutually exclusive, and examples will show that they reenforce one another and the notions

⁵⁷ Lincoln, *Religion, Empire, and Torture*, 93. The primary examples he uses are the “ordeal of the trough” described in Ctesias (preserved in Plutarch, *Artaxerxes* 16.1–4) and the treatment of captives in Abu Ghraib and Guantanamo Bay.

⁵⁸ Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” 249. Cf. MacMullen, “Judicial Savagery,” 210.

⁵⁹ Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” 251.

⁶⁰ Such as through ethnicity, which Williams (*Criminalization in Acts of the Apostles*, 24-34 and *passim*) discusses in relation to the biblical Acts of the Apostles.

of status described above. Reflected in punishments, rituals of humiliation of the kind to which suspected and condemned criminals were subjected in Rome, like public beating, branding, and crucifixion, were intended to alienate the victim “from his entire social context” and fuse these and other aspects of the discourse.⁶¹ Dehumanization and the construction of the criminal were interrelated.⁶²

2.1 Pollution

The bodies of executed criminals, discussed above, were in a very practical way a source of disgust and a vector for illness. This hygienic concern was one of the reasons their disposal was a concern for ancient people.⁶³ However, concern for pollution goes much deeper than an awareness of hygiene or an aversion to foul odors. Pollution could attach itself to persons or communities in a religious sense, and it was thought to foul up society in the manner of a disease.

Pollution in pre-Roman Greece is characterized as “defilement, the impairment of a thing’s form or integrity..., [whose presence makes] the person affected ritually impure;” it is also “contagious... [and] dangerous, and this danger is not of a familiar secular origin.”⁶⁴ Pollution also became attached to criminals: “traitors and law-breakers who used to be disposed of without burial rites, [were, according to Demosthenes,] *μυαροί* (shameless and disgusting creatures) and animals (*θερία; ἄγριοι*).”⁶⁵ Recent scholarship on Roman culture has also demonstrated pollution’s relevance in the Republic and imperial periods, especially relating to

⁶¹ Coleman, “Fatal Charades,” 47. On further ritualization of humiliation, especially in the later empire, see Syrkou, *Horrorscope*, 21-23.

⁶² Williams, *Criminalization in Acts of the Apostles*, 90: “Criminalization involves portraying some humans as less than human in order to allow other humans to treat them as nonhuman.”

⁶³ Lindsay, “Death-Pollution,” 153, 169-70.

⁶⁴ Parker, *Miasma*, 3-4.

⁶⁵ Lindenlauf, “Thrown Away Like Rubbish,” 87. Greek modified from transliteration.

criminals. The sorts of people condemned to death were seen as polluting, and similarly, pollution was particularly associated with the most serious sorts of criminals.⁶⁶ According to Suetonius, a criminal (*sceleratus*) either became polluted through an external source or was “contaminated by their own crime” and subsequently brings misfortunes to others through the pollution they convey.⁶⁷ The word *scelus* may refer to “both the result of pollution and a form of danger attached to a wrong-doer, which might infect those around him or her” as well as offend the gods.⁶⁸ There is also “the related metaphor of disease and infection” (of *contingere*, *contactus/contagio/contagium*), which employs “the symbol of touch and contact: by the ‘*contagio sceleris*’, an event of sacral-magical character, one may infect oneself with the ‘*scelus*’ of another by touching.”⁶⁹ In Roman law, another term, *noxius*, “means not only the charging of a person with a concrete culpable deed, but moreover indicates a depraved being laden with guilt and tending to future guilt.”⁷⁰ This word and a related participle, *nocens*, become “conceived not only as the guilty, but the fundamentally conscious and voluntary evildoer.”⁷¹ This sort of

⁶⁶ Lennon, *Pollution and Religion*, 31, 155-58; Bradley, “Crime and Punishment.” 102.

⁶⁷ Suet., *Prata* 109.163-65: *sceleratus est suo aliquo scelere contaminates*; trans. in Lennon, *Pollution and Religion*, 40. See also, Thome, “Crime and Punishment, Guilt and Expiation,” 77. *Scelus*, related to words meaning “curved,” “crooked,” or “bent,” can be described as a polluting deed but also the pollution that results from the deed, which can in turn affect others (Thome, “Crime and Punishment, Guilt and Expiation,” 77; Lennon, *Pollution and Religion*, 18, 39-41). Such crimes can even offend the gods and require expiation (Lennon, *Pollution and Religion*, 40-41). While less visible than other discourses, the polluting *sceleratus* remained relevant into early Christianity, as is evident in the martyr Felicitas’s fear of her innocent blood becoming polluted by *scelerati* (*PPerp* 15.2: *ne inter alios postea sceleratos sanctum et innocentem sanguinem funderet*), discussed in Chapter 2. Other legal, moral, and religious terms related to criminality are discussed in Thome, “Crime and Punishment, Guilt and Expiation,” 73–98; see also Lennon, *Pollution and Religion*, 30-44 with bibliography.

⁶⁸ Lennon, “Pollution, Religion, and Society,” 44-45. See also, Thome, “Crime and Punishment, Guilt and Expiation,” 77, for whom *scelus* “is used for exceptionally vile crimes such as malicious murder, sacrilege and high treason” and carries “the element of something fatal and pernicious, of being under a curse.” It is more specifically “not always a criminal but also a man accursed and ill-fated, bringing misfortune to others.”

⁶⁹ Thome, “Crime and Punishment, Guilt and Expiation,” 77.

⁷⁰ Thome, “Crime and Punishment, Guilt and Expiation,” 80. In earlier Roman law, *nox* or *noxia* “could mean the damage as well as the causer of the damage,” be it an ox, a son, or a slave (79).

⁷¹ Thome, “Crime and Punishment, Guilt and Expiation,” 80.

vocabulary applied to criminals provides evidence that legal violence was acceptable “so long as it was directed against people who were marked as undesirable or... polluted.”⁷²

Pollution was often conceptualized as needing to be removed from a public area and out to some other contained or far-away region. For example, according to Philostratus, the philosopher Polemo urged that money matters be handled locally but that “adulterers, temple robbers, and murderers (μοιχοῦς καὶ ἱεροσύλους καὶ σφαγέας), which breed pollution (ἀμελουμένων) if they are neglected,” should be sent out of the city.⁷³ Dead bodies were especially likely sources of pollution, the most impure being those of the *noxii*, or executed criminals, who were handled with hooks rather than hands.⁷⁴ Representations of chthonic deities in arenas also helped protect the people of the city from the disquieted souls of the executed men; they were probably thought to remove the dangerous souls and send them to the underworld, or at least away from the city.⁷⁵ One can also see concerns about criminals and pollution played out in the conceptualization of execution using the Tarpeian rock: “the criminals are decisively cast down (*de, kata, ex*) and eliminated. This was legalized, landscaped waste disposal, down and out.”⁷⁶ Dead criminals were also flushed out through the use of the Tiber River in Rome and other rivers across the empire, using essentially the same process and logic as the removal of human waste.⁷⁷ This practice was also meant to move the dangerous spirits of the

⁷² Bryen, “Imagining Criminals,” 65.

⁷³ Phil., *V.S.* 532. Cited and discussed in Bryen, “Imagining Criminals,” 64-65.

⁷⁴ Lennon, “Pollution, Religion, and Society,” 48-49.

⁷⁵ Kyle, *Spectacles of Death in Ancient Rome*, 157-58. According to Tertullian (*Apol.* 15.4; *Ad nat.* 1.10.47), the attendee who confirmed that the arena dead were indeed dead was clothed as Mercury, and the one who led the procession of bodies out of the arena was dressed as Dis Pater (Ville, *La gladiature*, 377, 379; Kyle, *Spectacles of Death in Ancient Rome*, 157). Such figures are only mentioned in Carthaginian and Roman sources, but Ville (*La gladiature*, 379) suspects the practices spread elsewhere as well. It should be noted that Hermes-Mercury did not “finish off” the victims, as used to be commonly stated, but touched them with a cautery. For a discussion of the sources, see Peyras, “Un procès en rehabilitation,” 127-41.

⁷⁶ Bradley, “Crime and Punishment,” 109.

⁷⁷ Kyle, *Spectacles of Death in Ancient Rome*, 214: “[T]he Tiber, which received the effluence of Rome’s famous sewer system, was a customary, convenient, and quite polluted ‘garbage dump’.”

executed beyond the bounds of the *pomerium*.⁷⁸ The river was also used for the disposal of living human beings seen as monstrous, including intersex children, who were classified as prodigies, and parricides, who, as dangerously impure individuals, would be placed in a sack alongside various animals.⁷⁹ There is also evidence of disposal practices in provinces, including Lugdunum (Lyon) and Londinium.⁸⁰

Treating dead criminals like literal waste was, on the one hand an example of humiliation, but also could be read as an example of a revelation of what was always already the case.⁸¹ Criminals who reacted with fear to their punishment or criminals whose torture and death made them ugly or smell foul confirmed to audiences that they deserve to be punished.⁸² This point is similar to what Lincoln argued and what Bryen noted about judges teaching audiences how to distinguish the guilty from the innocent through aesthetics. The disgust and other negative emotional reactions brought about through pollution are also produced in the context of visible marks that externalize the wickedness that, in Lincoln's framework, is said to adhere to a criminal. These marks of disfiguration are to where I will now turn.

2.2 Disfiguration

The modification of a body's appearance through punishment visibly signals not only that the person *has* been punished but also *deserves* it. Not only marks but even the instrument(s) that

⁷⁸ Kyle, *Spectacles of Death in Ancient Rome*, 214.

⁷⁹ Kyle, *Spectacles of Death in Ancient Rome*, 216-17.

⁸⁰ On Lyon, see above and Chapter 2. An excavation in central London near a second century fort's amphitheater found the partial remains of no more than twelve humans scattered around a drainage system that led into the Thames. Though the bones might have belonged to dismembered victims of spectacles, they do not show any evidence of injury from weapons or animals. Still, because whole bodies would not have been able to fit into the sewer system at all, it does not rule out arena disposal. Kyle, *Spectacles of Death in Ancient Rome*, 224. Kyle discusses later examples of disposals of Christians in water at 251-52.

⁸¹ Lincoln, *Religion, Empire, and Torture*, 103.

⁸² This conceptualization was not always active. For example, Cicero (*Tusc.* 2.40-41) states that gladiators who are criminals (*sontes*) are more useful for teaching endurance than trained gladiators because they are more used to danger.

left marks could say much about the recipient's character and social status. In general, the marks of whips were said to leave permanent scars,⁸³ but tattoos and other forms of corporal punishment that left scars also proclaim that the recipient is worthy of dehumanizing punishments.⁸⁴

Marked bodies were also devalued in philosophy. Plato indicates this centuries before the empire, and the images that he uses to describe such devaluation were influential well into the future. Such philosophical writings are important witnesses to how aesthetic assumptions extend into conceptualizations of the soul after death. In the myth at the end of the *Gorgias*, a man who travels to the afterlife recounts seeing souls of different types who retain marks from when they were alive. By analogy, he describes how a dead body would retain marks on it even after death: "Again, if a given person was a 'whipping post' (μαστιγίας) and while alive had traces of blows (πληγῶν), scars (οὐλάς), on his body left by whips or other causes of injury (τραυμάτων), it is possible to see that his dead body also possesses these marks" (524c). In the same way, a soul also retains marks left by falsehoods.⁸⁵ What the semi-divine underworld judge Radamanthus was said to perceive is instructive:

Therefore, when people from Asia arrive at the judgement before Radamanthus, Radamanthus focuses on them and looks closely at each person's soul, not knowing whose it is, but, though often laying hold of a great king or another sort of king or powerful person, he sees that nothing in the soul is healthy, but is rather marked with whippings (διαμεμαστιγωμένην) and full of scars (οὐλῶν) from perjury and crime (ἀδικίας), which each of his deeds scraped into his soul, and [he sees that] everything is crooked (σκολιά) from lies and misrepresentations and that nothing is straight, because it was grown without truth. And he sees that as a result of license, softness, insolence, and lack of self-control the soul is loaded with incongruities and deformities (ἀσυμμετρίας τε καὶ αἰσχροτήτος). Once he

⁸³ Kamen, "A Corpus of Inscriptions," 96-97.

⁸⁴ DuBois (*Torture and Truth*, 71) argues that in antiquity, typified by Aristotle, "the slave body ought to be immediately perceptible as a servile body to the eye, but in fact sometimes it is not. A tattoo on a slave reveals his or her true status."

⁸⁵ Cf. the truth-revealing ordeal mentioned in Lincoln, *Religion, Empire, and Torture*, 86.

sees, he immediately sends the soul away in dishonor to the prison, where, upon arrival, it will suffer fitting punishments. (524d-525a)

Though the soul may belong to a king, a soul who fell short of truth and justice is evident from its scars (οὐλαί) and from other signs, including its crookedness (σκολιά) and other deformities (ἀσυμμετρία τε καὶ αἰσχρότης). An ugly soul was a wicked soul. I will return to this passage and its reception below, but a closer look at injuries on the body and not just the soul is instructive.

Moving several centuries into the future, a fourth century bilingual language textbook from Gaul called the *Colloquium Celtis* gives a useful example of how regard for bodily marks plays out in Roman punishment.⁸⁶ It gives a narrative with two defendants, a guilty person marked as low-status, and an innocent person marked as high-status. Much of the text is taken up with describing the day of an unnamed schoolboy: He wakes up, gets dressed by his slave, washes his face, goes to school, comes home to eat lunch, and so on (*C. Celtis* 3a-69b). Finally, the boy goes to the forum and watches another banal event: two trials presided over by the provincial governor and conducted by a judge.⁸⁷ In the first trial,

the defendant (*reus*, ἔνοχος), a robber, is stood up; he is interrogated according to his deserts. He is tortured, the torturer beats his chest, he is pummeled, he is hung up, he is stretched, he is whipped, he is beaten with cudgels, he goes through the order of the tortures, and still he denies [that he is guilty]. He must be punished. He perishes from the punishment; he is led off to the sword. (74b-75d; trans. Dickey with some modifications)⁸⁸

⁸⁶ The text as we have it now probably has its origins in Gaul, perhaps in the fourth century. The *Colloquium Celtis* itself is a copy made by the Renaissance scholar Conrad Celtes of a lost manuscript from the 9th or 10th century. On these “language textbooks” see Dickey, *Colloquia*, vol. 1, 3-56; for an introduction to the text in question, see Dickey, *Colloquia*, vol. 2, 139-60. On the location and date, see Dickey, *Colloquia*, vol. 2, 159. The forum scene, from which are the two trials I discuss, is unfortunately “highly problematic” and has some “inaccuracies in [its] picture of imperial administration” (Dickey, *Colloquia*, vol. 2, 250), though the problematic portions do not impact my argument.

⁸⁷ On the provincial governor (*praeses*), see Dickey, *Colloquia*, vol. 2, 252. It is notable that the Greek calls the same figure a *consularis* (ὀπατικός), which is a different, higher-ranking governor than a *praeses*. On the judge (*iudex* or κρίτης) and his relationship to the *praeses*, see Dickey, *Colloquia*, vol. 2, 261. On the banality of the trails and torture, see Kelly, *Petitions, Litigation, and Social Control*, 178.

⁸⁸ The translation provided is from the Latin as the Greek is of very poor quality (see Dickey, *Colloquia*, vol. 2, 149-152 and 157-158 for discussions of the language).

On the other hand, in the second trial,

another [accused person] is caused to stand up, an innocent one (*innocens*, ἀναίτοϛ), for whom there is a great pleading, and learned men are supporting him. And indeed this man will have a good outcome: he is acquitted. The witnesses came off well in his case: they were released without injury. This case had a lavish defense, and each and every one in the proceedings put faith in the truth. (76a-77c; trans. Dickey with some modifications)

The first defendant is tortured and his pleas of innocence ignored, while the second has articulate, educated people speaking for him and is not tortured; not even his witnesses were.

That the first defendant is guilty is demonstrated by his body being, in the words of Ari Bryen, “manipulated by state officials into something ugly, wounded, and horrible.”⁸⁹ The audience of these demonstrations of truth was through this visible punishment taught how to read and understand such injuries and their absence.⁹⁰ It was, moreover, taken as natural that state officials had the skill to determine the goodness or badness of someone on sight.⁹¹ The other side of the same coin is that the well-connected man lacked any injuries. The alteration of a condemned person’s body before the public had the effect of revealing what was already supposed to be known: that the perpetrator is guilty and that he is deserving of what is happening to him or that another man is innocent and that he receives the acquittal that is rightfully his.⁹² Indeed, the figures are named as guilty (*reus*, ἔνοχοϛ) and innocent (*innocens*, ἀναίτοϛ) before their trials even begin!⁹³ The interrogation through torture also marks the defendant as low-status

⁸⁹ Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” 249, building on the important analysis of Gleason, “Truth Contests and Talking Corpses,” 297-300.

⁹⁰ In late antiquity “in criminal cases it was normal to torture suspects to extract a confession” even if it would have been unusual in earlier texts (Dickey, *Colloquia*, vol. 2, 263).

⁹¹ Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” 249-52. The state “stag[es the criminal’s] wounded body as a gruesome tableau to which it contrasts its own rightness (as knowing judge), and then uses these images (of rightness or of horror) as a demonstration that the state has come to the correct answer in the first place” (Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” 251).

⁹² Cf. Gleason, “Truth Contests and Talking Corpses,” 298-99. According to Bryen (“Martyrdom, Rhetoric, and the Politics of Procedure,” 249), “it is an easy thing to tell the bandit from the innocent man, not least because the innocent man will be surrounded by friends who are eloquent.”

⁹³ Dickey (*Colloquia*, vol. 2, 263) suggests that one would expect a word for “accused” here but acknowledges that “the way this trial is narrated makes more sense if the narrator starts from the assumption that the

and therefore naturally more available for injury.⁹⁴ The resulting appearance of his body marks him, paradoxically, as available for further injury and punishment.

Another factor that contributed to the guilty man being proclaimed guilty and the innocent man being proclaimed innocent is their access or lack of access to skilled speech. The first defendant repeatedly denies his guilt; this is the only reference to his speech we receive. His words, apparently, are no good, since his beaten body speaks louder than his denial, and his repeated denial led him to more punishment: “the more disruptive someone appears, the more easily and unproblematically they can be subjected to violence.”⁹⁵ The second trial proceeds using only words, arguments formulated by the second defendant’s good connections, whether friends, patrons, clients, or lawyers. The defendant is also not tortured, implying that he is of higher status. The contrast in the various people at the trials helps us notice that the first defendant was alone, without connections, with no one supporting him.⁹⁶ One might compare this situation to the difficulties encountered by real litigants who did not speak the language of the court and required interpreters, who may or may not have been helpful.⁹⁷ In the case of this narrative, human speech is heard in both trials, but in only the second is it articulate and worthy of being considered true.⁹⁸ Such is the privilege of a well-connected, high-status man. The other defendant, as we will see, has more in common with an animal.

defendant is in fact a robber.”

⁹⁴ *Honestiores* and freeborn people in general were not supposed to be tortured (*Dig.* 48.5.28.5; 48.18.2.12; 50.2.14). Dickey (*Colloquia*, vol. 2, 265) notes that the defendant should have had a right to appeal, since he did not confess, and not be led straight to execution, but accounting for appeal would have undercut the assumptions regarding the bandit’s lack of reasoned speech (discussed below); it was not something that would have been expected or welcomed from someone like him.

⁹⁵ Bryen, “Martyrdom, Rhetoric, and the Politics of Procedure,” 252.

⁹⁶ This is similar to a scenario described by the jurist Papinian. A slave who is accused on a capital charge must have someone else pay his bail or he will be forced to plead his case in chains (*Dig.* 48.3.2), a visible sign that neither his master nor anyone else has faith in his innocence. See also the work of Anna Dolganov, discussed above.

⁹⁷ Kelly, *Petitions, Litigation, and Social Control*, 179-80.

⁹⁸ Cf. Gleason, “Truth Contests and Talking Corpses,” 298.

The capability of one's voice to be heard impacting worthiness of injury and punishment can also be seen in Apuleius's *Metamorphoses*, from second century North Africa. In one scene, the protagonist Lucian, newly transformed into a donkey and captured by bandits, attempts to appeal to civil authorities (*ad auxilium civile*) by calling on "the reverend name of the emperor" (*venerabili principis nomine*) when passing through a village:

Among the crowds of Greeks, I tried to invoke in my native language (*genuino sermone*) the august name of Caesar. "O," I cried out quite distinctly and vigorously, but the remaining name of "Caesar" I was not able to pronounce. The bandits regarded my discordant braying (*clamorem absonum*) with contempt and lashed my wretched hide here and there and left it [so torn up that it was] not even useable for making sieves. (3.29)

Lucian's inability to utter with sufficient force and clarity leads to corporal punishment. His voice is even less intelligible than the denying bandit from the language textbook, and his deficient, inhuman speech triggers the party with more coherent speech to injure him. In another episode, Lucian, still a donkey, is wrongfully accused of killing a boy who had been mistreating him. The boy's mother confronts him, accuses him of having a guilty conscience (*noxiam conscientiam*) and states, "For god's sake, you worthless animal (*quadrupes nequissime*), even if you got momentary use of a voice (*vox*), what person—or rather what ignoramus (*ineptissimo*)—could you ever persuade that this atrocity isn't your fault?" (7.27). Though the situation is supposed to be comical (Lucius avoids castration and death at the hands of the mother by spraying her with diarrhea), it also describes the conundrum a suspected criminal (or animalized criminal or criminalized animal) could face. Even with human speech, which Lucian, as a donkey, did not have, when guilt is assumed, an utterance could be read as irrational and worthy of a violent, disfiguring response, the capacity for meaningful speech being connected to an aesthetically acceptable, human body.

The connection between animality and rightful physical punishment is also seen in a text in conversation with the platonic myth with which I began this section. To return briefly to the marked souls of Platonism, Plutarch, a later reader of Plato (late first to early second century CE), creates another afterlife myth at the end of his *On the Delays of Divine Justice* (*De sera numinis vindicta*). The visitor to the afterlife describes the souls he encounters:

Some [souls], like the purest full moon, smoothly gave out one even and continuous color, but others were run through with blemishes (φολίδας) or a few bruises, some others were altogether variegated and strange in appearance, marked (κατεστιγμένους) with black spots (μελάσμασι), like vipers, and others had a few faded scars (ἀμυχάς). (564d)

Unlike in Plato, souls in Plutarch are stained various colors by passions in life. In the afterlife they receive punishments that remove passions while also leaving marks or tattoos and scars (στιγμάτων καὶ οὐλῶν) (256b-d, 566f). Some souls are marked (καταστίζειν) with black spots (μελάσματα), terms that can describe both the skin of someone having been tattooed for a crime and the skin of a snake, as it is here. Likewise, other souls have blemishes or scales (φολίδες), a word describing both a medical skin condition and the skin of a reptile. More extreme punishments reveal the slippage between punishments that scar and punishments that animalize. Some souls, made to writhe unnaturally and turn themselves inside out, are compared to a type of sea-worm (567b).⁹⁹ Others were “entwining themselves together like snakes” (ὥσπερ τὰς ἐχίδνας περιπεπλεγμένας) and devouring one another (567b-c). Nero, also being punished in the afterlife, was going to find himself reborn as a snake species that was forced to eat its way out of its mother but was instead reborn as a frog (567f). Metempsychosis aside, to be made animal-like in appearance was a sign of being rightfully punished in the same way that scars functioned in Plato.

⁹⁹ The animal, θαλάττια σκολόπενδρα, is probably a type of marine annelid worm of the class Polychaeta, of the family Nereididae or Aphroditidae (LSJ, s.v. “σκολόπενδρα”).

Disfigurations of the human form, even as a soul, marked those who were apparent wrongdoers as receivers of punishment who were likely to deserve further punishment in the future. These aesthetics assumptions are also connected to assumptions about speech. People who bear scars are likely to have been injured as a criminal would be, so their speech is not attended to. This lack of empowered speech is, as we will see, also connected to animality. Those who face violent punishment are sometimes compared to animals, both in how they react (as in Plutarch) and, as I discuss below, as they are assumed to be intrinsically. The aesthetics of criminality also encompass the voiceless, scarred body, read as similar to an animal.

2.3 Animality

According to a relatively early conception of persons condemned as criminals, exemplified by Cicero, the condemned are “deficient in their humanity.”¹⁰⁰ Diana Moser sums up this position: “the state and its laws proceed directly from human nature, and anyone violating them is inhuman, monstrous, bestial.”¹⁰¹ Other philosophical thinkers, such as the author of one of the Hermetic tractates, also conceived of law as a corrective force for the irrational, those who lack “mind as their helmsman” who “suffer the same thing as the souls of irrational beasts.” For such people, certain forms of punishment served to confirm and naturalize the inhumanity (and sometimes animality) of certain human beings, especially slaves, for whom such punishments were often devised.¹⁰²

¹⁰⁰ Moser, “Violence and Criminality,” 48. Though Cicero lived before the period under discussion here, his writings were tied to descriptions of animal-like humans well into late antiquity. For example, Lactantius, *Div. Inst.* 5.11, discussing judicial violence, quotes Cicero, *De rep.* 4.1: “For if there is no one that would not choose to die rather than be turned into any kind of beast (*bestiae*), though still having a human mind (*hominis mentem*), how much more miserable is it to be in a human shape with a savage (*efferrato*) mind? In fact, it seems to me as much worse as the soul is more excellent than the body.”

¹⁰¹ Moser, “Violence and Criminality,” 113. In discussing *De offic.* 1.105, Moser (“Violence and Criminality,” 117) argues Cicero claims that “individuals whose rational capacity is defective, individuals who either lack reason or fail to apply it, are not quite men: they are men not in reality/actuality/fact but in name alone (*homines non re, sed nomine*).”

¹⁰² Moser (“Violence and Criminality,” 30-31) suggests that “the casting of convicts in non-human roles

The viewing of dismembered animals or humans in beast fights (*venationes*), gladiatorial shows, or public executions could re-inscribe the boundaries between human and animal and criminal and non-criminal. Spectators could imagine themselves as superior not only to the animals but also to the “luckless or inexperienced man” who finds himself mauled by beasts.¹⁰³ Some condemned people were clothed in animal-skins or genital secretions, making criminals into embodied animals, before being thrown into the arena to be mauled or raped by animals.¹⁰⁴ Similarly, Hélène Ménard argues that the condemned were “symbolically deprived of their human status to become food given to wild beasts,” making them meat rather than human beings.¹⁰⁵ Similarly, in Roman North African mosaics, depictions of *damnationes ad bestias* are naked except for animal hides and, in a reversal of what is “normal,” are stalked and fed on by animals.¹⁰⁶ A relief from Thrace shows a criminal being forced by two *venatores*, who normally fight animals, into a feline’s grasp,¹⁰⁷ and another relief from Smyrna had three registers: two with nearly nude condemned people led with ropes around their necks by guards and another

might very well suggest an increasing dehumanization of criminals during this period [the early empire] (as well as an increasing public focus on their dehumanization).” On slaves, Keith Bradley (“Animalizing the Slave,” 123) writes, “to animalize the slave was to project ugliness, always a mark of inferiority, onto a human victim for whom a condition of subservience others had determined; and it was to ostracize the slave from free society by denying the slave any shred of personal identity or human capacity. To assimilate the slave to a lower life form was to assert an incontestable domination of the slave, to adopt a strategy of total commodification physically and of total humiliation psychologically.”

¹⁰³ Most, “*Disiecti membra poetae*,” 404.

¹⁰⁴ Coleman, “Fatal Charades,” 64. Nero allegedly executed Christians by clothing them in animal skins and throwing them to dogs, perhaps in imitation of the myth of Actaeon (Tacitus, *An.* 15.44.4).

¹⁰⁵ Ménard, “Du « prédateur » à la proie,” 503. This quote is taken from her English abstract. Ménard does not dwell on the mutability of the human criminal, focusing on the historicity of human consumption by animals, but she does ask how one should make sense of the fact that humans were delivered to animals as food in the manner of animals (510). Ménard ultimately brings in a solution to this problem formulated by the early Christian author Ignatius of Antioch, who considered himself not human meat, but flour “ground by the teeth of beasts” (*Rom.* 4.1) meant for consumption in the city of God (“Du « prédateur » à la proie,” 513). Regarding the idea of humans becoming meat, one could consider the term for executioner, *carnifex*, or “meat-maker” (Lennon, *Pollution and Religion*, 157).

¹⁰⁶ Moser, “Violence and Criminality,” 31. The mosaics are from the first through third centuries CE and are located in the Jamahiriya Museum in Tripoli, Libya and the Museum of El-Djem, Tunisia. Coleman, “Fatal Charades,” 54 and Dunbabin, *Theater and Spectacle*, 191, 201 also discuss the El-Djem mosaics.

¹⁰⁷ Dunbabin, *Theater and Spectacle*, 181; Robert, *Gladiateurs*, 90-92, pl. XXVI.

with unrestrained animals.¹⁰⁸ In each case, the criminal humans are the intended objects of animal aggression, directed like animals by other humans. For spectators of executions, “these shows provided the repeated sight of the drastic animalization of human beings: ...the sufferers were treated in a way, and endured injuries of a sort, familiar to most people only in the case of animals.”¹⁰⁹ The public nature of many executions led to the audience interpreting and redeploing the images of the dead and dying criminals that they saw, often in terms that cast them as inhuman or animal. However, as we saw above, even before they were sent to death, criminals were often assumed to be already inhuman and already outside of human society. Such animalizing punishments ultimately reinforced what was already believed about such people.

Describing criminals as animals or lower than animals was also recommended as an effective technique in the court of law. Exercises assigned by teachers of rhetoric to provide practice for aspects of writing, called progymnasmata, often included sections on common topics or commonplaces (*koinos topos*, sometimes just *topos*),¹¹⁰ written in the voice of a prosecutor for an imagined law court,¹¹¹ meant to readily reproduce and refresh prejudices in the minds of the audience.¹¹² Indeed, “the vast majority of common topics exercises were devoted to attacking criminals,”¹¹³ including using animalizing imagery. Aelius Theon, a first century CE

¹⁰⁸ Dunbabin, *Theater and Spectacle*, 181-82, fig. 7.7.

¹⁰⁹ Most, “*Disiecti membra poetae*,” 404.

¹¹⁰ Theon, *Progym.* 109: It is “called a *topos* because starting from it as a ‘place’ we can easily find arguments against those not admitting that they are in the wrong.” Trans. Kennedy, *Progymnasmata*, 43.

¹¹¹ According to John of Sardis, Comm. on *Progym.* of Aphthonius, 105,4, “common-place has an exhortation to punishment, as for an acknowledged crime” and “the purpose of common-place is to make the wicked receive punishment.” Trans. Kennedy, *Progymnasmata*, 205.

¹¹² The audience could be imagined to be jurors (if the argument takes place in an imagined past). Nicolaus the Sophist (late fifth century) imagines the audience as judges, who “are being urged to punish the wrongdoer.” (*Progym.* 38) Trans. Kennedy, *Progymnasmata*, 149.

¹¹³ Gibson, *Libanius’s Progymnasmata*, 141. According to [Hermogenes] (*Progym.* 12), commonplaces apply to every person described as committing a particular crime or having a particular vice. Aphthonius the Sophist (*Progym.* 16R-17R), Nicolaus the Sophist (*Progym.* 36-37), and John of Sardis (Comm. on *Progym.* of Aphthonius 90) state similarly. Relevant progymnasmata include “attacks on those who have done evil deeds” (Theon, *Progym.* 109), including a violent attacker (Theon, *Progym.* 109), a tyrant, traitor, murderer, profligate, adulterer, thief, and a temple robber. The primary example of a text attributed to Hermogenes (*Progym.* 6,56) is of a temple robber, whom

Alexandrian orator, gives an example of a “vivid description” in a potential speech against a murderer:

Now, let’s write a description of the sort of person who commits murder—how savagely (ὠμῶς) and unmercifully he becomes a murderer (αὐτόχειρ) of a human (ἄνθρώπου), though he is himself a human (ἄνθρωπος ὢν), and how he draws his sword and deals the blow, and, if maybe the blow is not in the right spot, how he deals another and another, even becoming filthy (μιαινόμενος) with the blood of the murdered man—and what sounds the other man emits: pleading with the murderer, calling out for help, at one point to people, then to the gods, and other things like this. (Theon, *Progym.* 109)

The murderer is characterized as like an animal in that he attacks wildly (ὠμῶς) and, ironically, that he attacks a human while himself being a human. He is depicted as covered in blood (an example of impurity) and deaf to the victim’s cries, responding in a way more like a predatory beast than another person. Considered effective as a prosecutorial technique, comparison to dangerous animals appealed to the fears and beliefs already present in a potential audience.

An even more sustained example of a progymnasma comparing criminals to animals can be found in a work attributed to the Antiochene orator Libanius. Taking place in an imaginary Athenian past, an orator argues that a homicide deserves death using a two-pronged attack.¹¹⁴ The first is that is crime is the most terrible and flagrant violation of the city’s laws (*Progymnasmata in Common Topics* 1.2-3, 5-6, 14-23) and the second is that he has given up his humanity by acting like a beast. When around humans in the city, he hides his true nature, but outside the city, he is an animal: “in our midst gentle (πρᾶος), but in the wilderness cruel (ἀπεινής); in word human-loving (φιλόανθρωπος), but in action most savage (ὠμότατος); in the

he compares to a murderer, tyrant, thief, burglar, and adulterer. He describes the state of the imaginary temple robber in the courtroom as weeping (τὸν νῦν δακρύοντα), though the audience should not have pity on him. Aphthonius’s (*Progym.* 13) primary example is of a tyrant who has taken over an imaginary democracy, whom he compares to a murderer. Nicolaus (*Progym.* 43) suggests that if talking about a grave-robber once should compare him to thieves, temple robbers, and similar criminals. John (Comm. on *Progym.* of Aphthonius 91-92) lists a tyrant, a traitor, a homicide, a profligate and includes the crimes of killing, wanton insult, adultery, and grave robbing.

¹¹⁴ On the flow of argument and rhetorical techniques in this passage, see Schouler, *La tradition hellénique*, 100.

marketplace measured (μέτριος), but outside the walls beastly (θηριώδης)” (1.7). Many of the terms explicitly invoke animality or humanity. He even falls short of the beasts:

Formerly, human nature (ἡ τῶν ἀνθρώπων φύσις), differing in many great ways from that of beasts, differed most in that humans were not permitted to kill one another, but this man confounds and confuses the laws instituted in the very beginning. What do I mean by “confuses” (συνταράττει)? He appears more savage (ἀγριώτερος) than the very beasts. For they say many beasts spare their own kind and defend one another from attackers, but he, though a human (ἄνθρωπος ὢν), attacked (μετακεχείρισται) humans like one of the beasts (ὥσπερ τι τῶν θηρίων). (1.23)

This passage appears to be directly building on that of Theon, or at least a similar model. Both state that the savage (ὠμῶς; ἀγριώτερος) murderer attacks (αὐτόχειρ γενόμενος; μεταχειρίζειν) another person even though he himself is a human (ἄνθρωπος ὢν). Pseudo-Libanius takes it further by making the force of the attack on the murderer’s forsaken humanity into an assertion of his sub-animal nature. The orator in the fictional court is, according to his introduction, setting out to make the charges effective “when aided by the warranted anger of the jury” (προσήκουσαν τὴν ἀγανάκτησιν προσλαβοῦσα τῶν δικαστῶν) (1.1). Comparing the homicide to an animal was clearly thought to be an effective tactic to create that fury, both for Theon and Pseudo-Libanius. Though by the time most progymnasmata were written, the juries of Athens were ancient history, the rhetorical techniques were still imagined to invoke the correct emotions in judges and other officials. Animalization supported this goal.

Ideas about people on trial and people who were condemned, drawn upon by the authors of the progymnasmata as something common, obvious even, were present in many places, even outside of the context of elite education. In Roman antiquity, public punishments by authorities signaled to their audience that the victim was deficient in something that made others human. Through application of disfiguring tortures, animalizing costumes, and association with beasts, people condemned to death were made into the animals, the non-humans, that they already were.

In another sense, the features of their common humanity with the audience of the spectacles were metaphorically or literally eliminated before their eyes.

2.4 Examples

The aesthetics that color the discourse of criminality in antiquity were combined and redeployed in ways that comment on the character of criminals and confirm the worthiness of their condemnation. Two literary sources, one preserved in a fragmentary notebook and the other from an enduringly famous novel, show how criminals could be discussed and colored by authors uncritical (at least in these texts) of Roman justice. Though written in different locations in different centuries, one in Egypt and the other in Latin-speaking North Africa, both express an ideology that is contiguous.

2.4.1 “A Cast of Execrable Miscreants:” Aurelius Philammon’s Trial Narratives

Aurelius Philammon, a fourth century CE councilor of the Egyptian Hermopolite nome and a liturgist responsible for local fiscal administration, left behind a rather curious notebook full of, among other things, receipts, magical formulae, and fictional legal narratives, which Philammon likely composed himself, in which a governor encounters and sentences the worst of the worst criminals.¹¹⁵ In the fictional proceedings, Philammon assembles “a cast of execrable miscreants” who are “are crafted to be maximally repellant to an audience.”¹¹⁶ There are a total of seven cases, but not all of them survive well enough to be able to determine what the crime or sentence is. The ones most relevant for my purposes are case 3 (a graverobber is sentenced to

¹¹⁵ The codex (BGU IV 1024) is dated to the late 350s (Poethke, Prignitz, and Vaelske, *Das Aktenbuch*, 11). Though there are five different hands in the codex, the editors argue that the codex did not change ownership between additions to the notebook (18). On Philammon as the author, see van Minnen’s review (*Review of Das Aktenbuch*, 331), though the narratives could have their origin in a slightly earlier Alexandrian context (Kanavou and Papatomas, “An Alexandrian Murder Case Revisited,” 458.).

¹¹⁶ Bryen, “A Frenzy of Sovereignty,” 96. The narratives are similar to proceedings described in novels (Kanavou and Papatomas, “An Alexandrian Murder Case Revisited,” 461-64).

death) and case 7 (a councilman is sentenced to death by the sword for murdering a prostitute who is supporting her mother). I will argue that the criminals in the proceedings are described with traits that appear very often in ancient conceptions of criminals sentenced to death: namely, pollution, animality, and inhumanity.

In case 7,¹¹⁷ Diodemos, a councilmember of Alexandria, is arrested for murdering a prostitute and is sent to jail by an official named Zephyrios. Other councilors are upset that a high-status man has been detained for killing a *humilior*, and they demand that he be freed and not made to stand trial. Zephyrios reluctantly frees him, but Diodemos ends up on trial by the governor after apparently confessing, thinking he could not be charged, and being confronted by the mother of the victim, Theodora. The governor awards Theodora one-tenth of Diodemos's estate and declares: "But so that you will not in the future commit such a deed against the immanent sanctity (σεμονόν) of the council, I order, as though I am cleansing (καθέρων) the dignity (κόσμησι[ν]) of the city and council, that you be struck down by the sword as a murderer" (BGU IV 1024, 8.5-11). Though the governor does state that the actions of the low-ranking prostitute were shameful (7.20-30), Diodemos still polluted the council and city with his actions, and his execution prevents further pollution. As discussed above, one reason condemned criminals were executed and removed from Rome or other cities was to rid the city of pollution, and the aesthetic reasoning holds true in this text.

Case 3 is "against someone who at night dug up a tomb and a body which had been piously buried" (BGU IV 1024, 4.1-2). It is worth quoting in full:

The governor: You dug up someone whom the city buried with public funds and on whom they showed mercy. You seem to me to have the behavior of a beast (θηρίου), not of a human (οὐκ ἀνθρώπου)—rather, not even a beast. Since beasts do go after humans, but they spare their dead. You, on the other hand, plotted

¹¹⁷ The following interpretation of the case's narrative is based on Bryen's reading ("A Frenzy of Sovereignty," 100-105).

against a body separated from the human race (ὑπὸ τοῦ γένους τῶν ἀνθρώπων). What sort of last hope did the present plaintiff have that you wanted to deprive him of it? For God’s sake! They were the adornments of custom (τὰ κοσμήματα τὰ τῶν νόμων); they were from the city; they were given to the dead; they were pure (κεκ[αθ]αρισμένα). Accordingly, you will receive punishment, as far as capital punishment (ἕως κεφ[αλ]ῆς τ[ι]μωρίαν). (BGU IV 1024, 4.3-17)¹¹⁸

According to the judging governor, the graverobber not only flouts the customs of the city, putting himself in some ways outside of civilization, but also behaves worse than an animal. Animals, according to the judge, hunt humans but not the dead of their own species. The graverobber, on the other hand, commits a crime against a dead member of his own species. According to Bryen “the comparison to animals... marks this particular malefactor as someone who deserves no mercy.”¹¹⁹ Bryen also points out that the governor’s response to the case “reinforces collective morality” and situates state violence as “embodying the generalized will of the community.”¹²⁰ It also situates the *polis*, the entity who buried the body, against the animal-like plunderer. On the whole, the passage is very reminiscent of the progymnasmata by Theon and Pseudo-Libanius I discussed above. In those example speeches and in this narrative, the animalized criminal acts outside of the conventions of the city and civilization and deserves execution.

Aurelius Philammon’s judicial narratives indicate what strategies were at the forefront of the mind of an Egyptian bureaucrat when it came to excoriating imagined criminals. Philammon wrote from the perspective of one in favor of imperial power as an ordering principle; the judge of his court transcripts skillfully delineated right from wrong and in every case chose the appropriate punishment.¹²¹ It is, therefore, a useful baseline for establishing how criminals seen

¹¹⁸ On the grammar of this passage, see the notes in Poethke, Prignitz, and Vaelske, *Das Aktenbuch*, 63 and Papatomas and Kanavou, “*P.Philammon*, ‘Law Cases’ 1-6,” 282-82.

¹¹⁹ Bryen, “A Frenzy of Sovereignty,” 96

¹²⁰ Bryen, “A Frenzy of Sovereignty,” 97

¹²¹ Bryen, “A Frenzy of Sovereignty,” 104-105.

as deserving of punishment were constructed in other texts, and how people allegedly not worthy of death could be reconstructed to counter this image, as I will discuss in my next chapter. Philammon's criminals are polluted and animalistic. They are, in many ways, inhuman. In the following example, I discuss a text that plays with humanity and criminality in even more explicit ways.

2.4.2 Keeping up Appearances: The Bandits of Apuleius's *Metamorphoses*

Also from North Africa, but from the Latin-speaking west, was Apuleius, who in the third century CE wrote the *Metamorphoses*, discussed above in relation to the inhuman speech of the work's protagonist, Lucian. In a scene taking place while he is captured by the same bandits, he overhears a tale told by a group returning from a failed heist. The robbers said they encountered a rich man, Demochares, in Platea who was about to put on a spectacle. He had gathered gladiators, beast fighters (*venatores*), condemned criminals (*noxii*), and beasts, who were to be "honorable tombs for the condemned men" (*generosa... damnatorum capitum funera*), foreshadowing the fate of one of the robbers (4.13). Demochares collected bears in particular, which were one of the more common animals used in provincial games,¹²² but many were not well cared for and died, and their bodies were thrown out into the streets. The bandits decided to use the carcass of one of the bears as a suit; one of them, Thrasyleon, "was to secretly enter [Demochares's home] in the likeness of a bear, covered by its skin (*pelle illa contectus*) (4.14)." The band "put our most courageous companion (*fortissimum socium nostrum*), utterly turned into a beast (*prorsus bestiam factum*), into a cage" and gave him to Demochares (4.15). At night, Thrasyleon snuck out of the cage and successfully admitted his friends into Demochares's property (4.18). While the rest of the robbers were carrying off plunder,

¹²² Jennison, *Animals for Show and Pleasure*, 166.

Thrasyleon decided to run around the yard to scare off members of the household who might have awoken. Unfortunately for the costumed bandit, a slave gathered a group of armed men and dogs, whom “they set on the beast to hinder [his escape]” (*ad comprimendam bestiam cohortantur*) (4.19). While Thrasyleon was being attacked, “he kept up the character which he had willingly assumed” (*scaenam... quam sponte sumpserat... retinens*) by pretending to fight back and retreat until he was able to escape the house, only to be attacked out in the street by additional dogs from nearby allies (4.20). Finally, a series of young men with spears stabbed the bear, and the bandit met his end.

Moreover, Thrasyleon, the excellent ornament of our company, with that immortality-worthy spirit of his having finally having been subdued past his endurance, did not betray the good faith of his oath (*fidem sacramenti*) with a shout or even a yell (*neque clamore ac ne ululatu*), but, now bitten and torn and mangled by iron, with resolute roaring (*obnixo mugitu*) and beastly growling (*ferino fremitu*), enduring his present misfortune with a noble vigor, he preserved glory for himself, though he handed over his life to fate. (4.21)

Through every step of this narrative, Apuleius plays with conventions associated with criminals and animals. The animals are introduced as tombs for the *noxii*, but one in particular will be the funeral shroud of a robber. Thrasyleon, called courageous, honorable, and other complementary adjectives, ironically clothes himself in the filthy, rotting carcass of a vicious animal. The robber also, falsely called noble, shows himself to be no better than the beast he imitates when he murders guards and steals from Demochares’s household. Apuleius plays with irony even more when Thrasyleon begins to get attacked. The bandit dressed in bear skin puts on a show (*scaena*), meant to recall the “fatal charades” of the arena,¹²³ and the narrating bandit even comments on the “pitiable and fatal spectacle” (*miserum funestumque spectamen*) (4.20). The actions of the robber are interpreted by the narrator as him keeping in character, but the robber-turned-bear

¹²³ I have adapted this entirely appropriate phrase from Coleman, “Fatal Charades.”

seems to be really showing his beastly self, behaving erratically as an animal would. This irony is displayed again after the robber is stabbed. The narrator categorizes the robber's screams as animal-like (*obnixus mugitus, ferinus fremitus*), rather than as screams proper to humans (*clamor, ululatus*). The robber-narrator's insistence on his companion's glorious end sets in relief the undignified means of his death, a death identical to that of many dehumanized criminals in the arena. In fact, the robber is described as a gladiator¹²⁴ even as the manner of his death points to him being a costumed *noxius*, or perhaps one of the animals that *venatores* battle, for which purpose the bear, when alive, was intended.¹²⁵ However, he was an animalistic robber, and in the eyes of a typical Roman audience his fate would be both ironic and entertaining.

Across several centuries and over several hundred miles, inhabitants of the Roman Empire tended to assume certain things about people who were presented to them as criminals: they were polluted, giving off some sort of foulness that could infect others and offend the gods; they possessed bodies that either were wrong in some way or deserved to be disfigured; and they were like animals in their behavior, utility, and sometimes appearance. Both bureaucrats and masters of satire could play with these images to express desires about how courts should work or to tell ironic stories about bandits. These aesthetics also played a role in understanding a particular religious group.

3. Construction of the Criminal Christian

Such a discourse about criminals also assisted in constructing a new group of people who, for some reason, saw a criminal, the same sort of person who was rightfully killed and left

¹²⁴ The description of his glory and death is similar to those on the epitaphs of gladiators analyzed by Concannon (““Not for an Olive Wreath,”” 201-04), and his oath, the *sacramentum*, was particular to gladiators, discussed in Barton, “The Scandal of the Arena,” 3, 25-26.

¹²⁵ For an image of a *venator* spearing an animal, perhaps a bear, see Hrychuk Kontokosta, “Gladiatorial Reliefs,” 224.

out on a road for birds to eat, as a god. Worshipping “a human punished *summum supplicium* for his crimes (*pro facinore*) and the ill-omened wood of a cross,” it was not unreasonable for such people to be seen as “criminal (*iniustos*) to the greatest degree.”¹²⁶ The final section of this chapter shows how Christians were also understood through this discourse of criminality, through several examples from the second through fifth centuries.

3.1 Pliny: Stubborn, Superstitious Polluters

The correspondence (*Ep.* 10.96) between Pliny the Younger and Trajan (ca. 112) regarding Christians in Bithynia-Pontus, over which Pliny was governor, has been the subject of much discussion over the last century. While most scholars have read the letters within the context of Christian persecution, seeing the situation as a prelude to larger-scale persecutions in later decades and centuries, James Corke-Webster has convincingly argued that the letters are not “first and foremost ‘about’ Christianity;” rather, Pliny was concerned that his actions as governor could be read as harsh and wanted proof in letter form of the emperor’s approval in order to bolster his authority.¹²⁷ However, the letters do indicate that the label “Christian” was assumed to be associated with suspicious, criminal activities; Pliny’s targeting of Christians was connected to the general imperial caution toward associations, in which people met in private to do allegedly who knows how many subversive activities.¹²⁸

One of these subversive activities was meeting before dawn (*ante lucem*); that is, at night (10.96.7).¹²⁹ In the popular imagination, nighttime meetings were wellsprings of immorality. This is most visible in the Republic-era paranoia over the Bacchantes and their mysterious

¹²⁶ M. Felix, *Oct.* 9.4, 11.5. See also 10.2 and 29.2 for similar statements. These words are put into the mouth of Caecilius, a non-Christian interlocutor, by a Christian apologist, Minucius Felix. They may reflect arguments made by the orator Cornelius Fronto. See Hengel, *Crucifixion*, 3-4.

¹²⁷ Corke-Webster, “Trouble in Pontus,” 373-75. This article also presents a useful history of scholarship.

¹²⁸ Corke-Webster, “Trouble in Pontus,” 381.

¹²⁹ See Cabaniss, “Early Christian Nighttime Worship” and, more recently, Stratton, *Naming the Witch*, 118.

nighttime activities, especially when it came to women, but it should be noted that this concern stretched into the first centuries CE.¹³⁰ Bandits were also thought to meet at night,¹³¹ and this stereotype may be thought of as revealing a fear of societies alternative and opposed to that of the hegemonic one.¹³²

Another worrying activity was the oath Christians took when they gathered, according to alleged former Christians. Pliny questioned these people regarding the oath:

they would bind themselves with an oath (*sacramento*), not for a wicked purpose (*in scelus aliquod*); rather, [they would vow] not to commit theft (*furta*), robbery (*latrocinia*), nor adultery, nor to act deceptively with a matter of confidence, nor to refuse [to return] a deposit when called upon. (*Ep.* 10.96.7)

The paraphrase of the oath seems to reflect the questions Pliny asked former Christians and therefore the suspicions he voiced.¹³³ He may have heard the term oath (*sacramentum*) and been reminded of the purported bandits' oath, seen above in Apuleius and referred to elsewhere, and asked for the content of the oath, whether they vow to commit theft, robbery, adultery, fraud, or withholding deposits. However, the oath was not for criminal purposes (*in scelus aliquod*). Whether the specific content of the paraphrased oath derives from Pliny's questions or another reason particular to these Christians,¹³⁴ Pliny had criminality (*scelus*) on his mind when dealing with the Christian problem.

Indeed, finding nothing terribly interesting in his initial investigations, Pliny tortured two female slaves and "found nothing but an excessive (*immodicam*), deviant (*pravam*) superstition

¹³⁰ Senatus Consultum de Bacchanalibus, 186 BCE, CIL i2 2, 581. See Steinhauer, "Dionysian Associations," 147-151.

¹³¹ Apul., *Met.* 4.11, 14, 21; Habinek, *The Politics of Latin Literature*, 71-72.

¹³² Cf. Habinek, *The Politics of Latin Literature*, 70.

¹³³ Corke-Webster, "Trouble in Pontus," 381: "It is clear, I think, that the activities here rejected reflect suspicious activities Pliny assumed were associated with the label 'Christian' when these individuals were initially arraigned."

¹³⁴ The oath may be related to Psalm 24 (LXX 23): 3-4: "Who shall ascend the mountain of the Lord? And who shall stand in his holy place? The innocent in hand and the pure in heart, who does not take his life in vain and does not swear fraudulently to his neighbor." See Cabaniss, "The Harrowing of Hell," 72-73.

(*superstitionem*)” (10.96.8). This superstition, as he writes later, was also polluting (*contagio*) (10.96.9). The religion with whose followers he was frustrated was deformed (*pravus*) from what would be properly pious and was moreover liable to contaminate with pollution (*contagio*) the practices of others. While not as straightforward in aesthetic discourse as some examples discussed above, Pliny characterized this group with metaphoric disfiguration and with pollution. It could also be argued that he attacked their mental faculties, a tactic aligned with but not identical to animalizing criminals. Pliny accuses Christians of being frantically stupid (*amens*), in addition to having stubbornness (*pertinacia*) and unbending obstinacy (*inflexibilis obstinatio*) (10.96.4). Aberrant behavior on the part of criminals, as we saw above, could and often did lead to them being compared to animals, even if it is not so specific here.

Given what little Pliny and others knew about Christians, it was expected that when they were meeting at night they were doing something criminal, or at least immoral. But people who came after Pliny did more work to construct Christians specifically as something like criminals.

3.2 Celsus: A Bandit’s Animalistic Mystery Cult

The Platonic philosopher Celsus, writing his *True Word* (Λόγος Ἀληθής) in the second century several decades after Pliny (ca. 170), also described Christians with terminology tied to criminals, particularly banditry, likely playing off Jesus’s death and the circumstances surrounding it.¹³⁵ The examples are many. According to Origen, who responded to him in his *Κατὰ Κέλσου* about a century later (ca. 248), Celsus claimed that Jesus and his band were worse than bandits, since even bandits show more loyalty to their chief than Jesus’s disciples showed to him when they betrayed or abandoned him (*C. Cels.* 2.12; 2.44). Indeed, according to Origen, he

¹³⁵ See Chapter 2, section 1.2.

even “compared [Christians] to criminals (κακούργοις) rightfully (εὐλόγως) experiencing what they suffer because of banditry (ληστείαν)” (8.55).

Celsus also compares the concern for purity and pollution among Christians and other mystery cults:

Those who make invitation to other mysteries announce: “Whoever is clean (καθαρός) of hand and intelligent (συνετός) in speech,” and others in turn, “Whoever is pure (ἀγνός) from all pollution (μύσους), whose soul is conscious (σύνοιδε) of no evil (κακόν), and who has lived well and justly (δικαίως).” Indeed, this is what those who promise purification (καθάρσις) from sins announce. Let’s hear whom Christians invite. They say, “Whoever is a sinner, whoever lacks understanding (ἄσυνετος), whoever is puerile (νήπιος), and, in short, whoever is wretched (κακοδαίμων)—the kingdom of God accepts him.” By “sinner” surely you mean villain (ἄδικον), thief, burglar, sorcerer, temple-robber, and grave-robber? What other sorts of people would a bandit (ληστής) publicly invite? (*C. Cels.* 3.59)

Greco-Roman mysteries had expectations for purity.¹³⁶ For example, a second century CE inscription from Lindos gives instruction on “how to enter the temple correctly:” “First and foremost, [one must have] pure hands and mind, be healthy, and be conscious of no terrible deed,” in addition to such things as prohibitions on food and abortion.¹³⁷ Celsus thus uses the generic and religious expectations of mysteries to heighten the perceived criminality of the population Christians welcome. While other mysteries accept people who are pure, just, intelligent, and have done nothing evil, Christians apparently seek out people who are wicked, unintelligent, foolish, and, in general, criminal.

Celsus also animalizes both Christians and Jews. When discussing stories of destruction narrated in the Bible or promised to come, Celsus criticizes both groups for thinking of themselves as much more important than they are. According to Origen, he

laughs at the race of Jews and Christians, comparing all of them to rows of bats, to ants emerging from nests, to frogs holding council around a pond, or to worms

¹³⁶ Dickie, “Exclusions from the Catechumenate,” 433-36.

¹³⁷ *LSCG* 139.2-7. Discussed briefly in Dickie, “Exclusions from the Catechumenate,” 435.

convening an assembly in a muddy nook and arguing with one another about who between the two groups were more sinful. (4.23)

They are criticized on the grounds of myopia but also for their disproportionate desire for violence: “The worms (that is, we [Christians]) continue and say, ‘Now, since some among us are in error (πλημμελοῦσιν), God will come or will send his son to burn up the wrongdoers (ἀδίκους) and the remaining people will have eternal life with him’” (4.23). According to Celsus, the small group of people who see themselves as the center of creation and who hope that those who disagree will be destroyed are as small and as foolish as vermin pretending to be human. While this is not a typical example of criminal animalization, it is telling that Origen understands Celsus’s animals as representations of evil (φᾶλλοι) and bad (μοχθηροί) Christians and Jews, rather than those groups in general (4.25).¹³⁸ Origen claims to extend Celsus’s reasoning and states “any person especially accustomed to accumulated wickedness (κακία) is a bat, worm, frog, or ant compared to the rest of humanity (τοὺς λοιποὺς ἀνθρώπους)” (4.25). Whether reflecting his own tendency to animalize criminals or clarifying a point Celsus made that is now obscure, Origen shows through Celsus that Christians are animalized.

Celsus attacks both the purity and the humanity of invited Christians, calling them polluted, implying that they lack reason and the mental capacity of adults, and suggesting that their self-centered desire for violence makes them like animals, following a couple of the trends I detailed above. In calling Jesus a bandit, Celsus also exemplifies something other critics will also latch onto: the Christian scriptures themselves indicate that sinners, people who would otherwise be shunned as polluting or not fit for general society, were explicitly mentioned as potentially included in the community. This trend will continue.

¹³⁸ It is possible that Celsus indicates this in a passage that Origen does not quote, but it seems to me that he is referring to Christians and Jews as a whole and not just “bad” people within the groups.

3.3 Porphyry: Deluded and Defiled Criminals

About a century after Celsus, the philosopher Porphyry, a Platonist and student of Plotinus, famously polemicized against Christians. While his lost works are difficult if not impossible to reconstruct, there are two passages particularly relevant to my discussion, one from *Philosophy from Oracles* and the other from what may be *Against the Christians*, written during the reigns of Diocletian (r. 284-305) and Maximinus Daia (r. 310-13).¹³⁹ The discourse I describe above is present in both.

One passage of *Philosophy from Oracles* is preserved in Augustine's *City of God*. According to Augustine, Porphyry cites a particular oracle given in response to a man who asked how he could convince his wife to leave Christianity. Apollo answered him saying that his wife, having now been polluted (*pollutae*), was too far-gone:

Let her continue as she wishes, persisting in her empty delusions (*inanibus fallaciis*) and singing to mourn her god, dead from delusions (*fallaciis*). With judges sentencing rightly (*recta*), calamitous Death publicly (*in speciosis*) destroyed him—the loser (*perditum*)—having bound him with iron. (*Civ. Dei* 19.23; fr. 4 [Berchman])

One aspect for which the oracle criticizes the woman is that her god was sentenced to death by judges making a correct (*recta*) decision. Augustine later states that this is one claim of the oracle that Porphyry latches onto: “He says that Christ was killed ‘with judges sentencing rightly,’ as if he was punished deservedly (*merito*) by them judging justly” (19.23). His public death “with iron” moreover reminds the reader that he suffered the punishment of a lower-status person or slave.¹⁴⁰ Moreover, her devotion to Christ caused her to pollute herself, though Apollo

¹³⁹ It is unclear whether *Against the Christians* was a work that actually existed, as it was not named as such until the 11th century. The passage in question is preserved in Macarius's *Apocriticus*. There is controversy over whether Macarius was drawing on Porphyry, an epitome of Porphyry, or another polemicist, perhaps Julian (Berchman, *Porphyry against the Christians*, 5, with note 28, and 192-93 n44; see also Becker, *Porphyrios*, 422-23).

¹⁴⁰ On crucifixion as punishment, see also frs. 30, 55, 60, 62 (Berchman).

does not give details on this subject. The oracle also indicates that both the woman and Jesus are delusional, lacking some measure of a functional human mind, approaching my point about animality. As Augustine himself notes, Porphyry’s conceptualization of Jesus is complex and not always negative (19.23), but it is notable that in this oracular exposition he describes the execution in terms that made Jesus out to be one of the justly killed, one of the criminals about whom this chapter has largely been written.

In another passage, perhaps from *Against the Christians*, Porphyry (or a later author drawing on his arguments) describes not Jesus but his followers, much like Celsus, using subject matter found in Christian scripture. Persevered in Macarius’s *Apocriticus*, he writes:

So, my friend, tell us, who are being taught by you, what the apostle [Paul] means when he says: “But some of you were this,”—it is clear he means something bad—“but you were washed, but you were made holy, but you were justified in the name of the Lord Jesus Christ in the spirit of our God.” In fact, we are surprised and deeply perplexed regarding such things as whether a person, washed one time, would appear to be clean (καθαρός) from so many pollutants and defilements (μολυσμῶν καὶ μiasμῶν); or whether a person, having wiped off the stains (κηλίδας) left by so much laxity in life—sexual impropriety, adultery, drunkenness, thievery, sex with improper masculine behavior, magic, and countless other wicked and polluting deeds—is easily freed by only baptism and invocation of Christ’s name and sheds the entirety of his stain (ἄγος) just like a snake with its old scales. From then on, who wouldn’t have the audacity to commit things that are neither speakable nor bearable, since someone would think that he would be absolved from so many of the most impure (ἐναγαστάτων) actions, by only believing, being baptized, and hoping to obtain pardon after these things from the one who is about to judge the living and the dead? These things urge the audience to sin; these things teach in each case to commit crimes (ἄθέμια); these things have the power to drive out the law’s education and make what is really just (τὸ δίκαιον αὐτό) wholly inadequate against unjust deeds (κατὰ τῶν ἀδίκων); these things introduce a way of living in the world that is lawless (ἄθεσμον) and prohibit wholly avoiding impiety, once a person sets aside a heap of countless crimes (ἀδικημάτων) just by being baptized. Well, this is the statement’s clever fiction. (Macarius, *Apocriticus* 4.19; 205 [Berchman])

This extract is long and very rich. It is also clearly drawing on the criminal traits found in this chapter, particularly pollution. Porphyry also draws on 1 Corinthians 6:9-11, first from Paul’s list of wrongdoers (ἄδικοι) then from his claim that the Corinthian assembly was made up of people

who used to be those things.¹⁴¹ He asks whether pollution accrued from the misdeeds Paul names could be so easily washed away by a single baptism and then argues that such an easy solution would indeed *encourage* crime and lawlessness, since baptism robs law and custom of its power against crimes and misdeeds, if the Christians are correct. While focus in on pollution, he also compares the Christians who receive baptism to an animal, a snake, who can slough off its skin. Taking Paul's statement to its logical conclusion, Porphyry ties Christianity to rampant disregard of the law through language of pollution and animalization.

3.4 Eunapius: Worshippers of Executed Slaves

Eunapius is the latest of the figures I will discuss. Written ca. 400, his *Lives of the Sophists* contains a section on the Egyptian philosopher's Sosipatra's son Antoninus, who foretold that the temples of Egypt would become tombs (6.116). Eunapius states that this indeed happened, as Christians introduced monks, and monks

collect bones and skulls of people who have been condemned (ἐαλωκότων) for many misdeeds (ἀμαρτήμασιν), people whom the public court (τὸ πολιτικὸν δικαστήριον) punished (ἐκόλαζε). They proclaimed them gods, and they would throw themselves down on the bones and suppose that they were better because they pollute themselves at the graves. At any rate then, they are called "martyrs" and some "ministers" (διάκονοί) and "ambassadors" of demands to the gods, though they are slaves (ἀνδράποδα) who have poorly performed the duties of a slave (δεδουλευκότα), since they are consumed by whippings (μάστιξι) and bear the scars of their degeneracy on their ghosts (ειδώλοις). (*V.S.* 6.114-115)

This passage will be discussed more in Chapter 4, section 2.1. For right now, it is important to note that Eunapius describes martyrs in judicial terms: they are literal criminals who were rightly killed because of a decision made by the courts. As criminal corpses, their bodies also pollute the

¹⁴¹ 1 Cor 6:9-11: "Or do you not know that wrongdoers (ἄδικοι) will not inherit the kingdom of God? Do not be deceived! Neither prostitutes nor idolators nor adulterers nor softies (μαλακοί) nor men who share their bed with men (ἄρσενικοῖται) nor thieves nor greedy people nor drunks nor slanderers nor robbers will inherit the kingdom of God. Indeed, some of you were these! But you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus Christ and in the spirit of our God."

monks who spend so much time around them. They are also allegedly slaves; perhaps Eunapius is drawing on words that suggest service, like δίακονοι. However, consistent with Roman ideology, slaves with scars from whippings, as he describes, are not very good slaves, as they needed to be punished. The deaths of these so-called martyrs doubly condemn them: they are both criminals, through their condemnation to death, and bad slaves, through their scars and service. As Plato and Plutarch also argue, their scars remain even after death on their εἶδωλα. Whether on their dead bodies or, as I will argue in Chapter 3, on their souls or ghosts, the scars of their whippings indicate that the so-called martyrs are criminals through and through, deserving of the punishments they received.

These select examples indicate that Christians were often constructed by outsiders with recourse to the same discursive network of ideas that produce criminals deserving of death. According to critics, Christians were polluted and polluting, stubborn, superstitious, acted like animals, were too much like robbers for comfort, and, worst of all, both their founder and many of their most highly regarded members were rightfully condemned to death by the Roman judicial system. In my next chapter, I will discuss how Christians themselves engaged with discourses about criminality to separate themselves and their important condemned figures from such criminals who were, in their eyes, *actually* deserving of death.

4. Conclusion

In this chapter, I laid the groundwork for the rest of my dissertation by describing how people who were sentenced to death, heuristically dubbed criminals, were discursively constructed in the first several centuries of the Roman empire. Criminals were often from the lower classes (*humiliores*) or were constructed as if they were. Aesthetic qualities reinforced and were reinforced by a widespread assumption that some people were better than others and that

they deserved better treatment from the law. These images I describe did not determine the way that Roman law functioned—indeed, Roman officials were expected to make tempered, reasonable rulings based on Rome’s own assurances—but when rulings were made or when punishments were performed, they were often translated into aesthetic terms that were recycled in cultural artefacts as varied as novels and philosophical writings. In such sources, criminals were described as particularly irrational or otherwise lacking in the rational faculty that made people human, particularly in their inability to utter reasoned speech and in their irrational behavior. They were also compared or equated with other sub-human creatures who were publicly punished or exploited for spectacle, including slaves and animals. This formulation amounted to distancing criminals from other humans, and the construction of them as inhuman was further enforced in the manner in which they are tortured and killed, visually associating them with dangerous animals, and using their dead and dying bodies as an instructional tableau for Roman values.

Christians, as victims of execution themselves, were also painted with a similar brush. If they were condemned to death, according to reasoning brought about by the discourse about criminals, they *must* have deserved it. In my next chapter, I will argue that Christians argued they did not deserve such deaths and that they were not in fact like such criminals. What is key, however, is that they constructed foils to themselves with the same discourse with which they themselves were constructed. In short, Christians agreed with and helped perpetuate the idea with other Romans that, for some, *puniendi sunt*.

Chapter 2: “Innocent Blood:” The Christian Special Condemned

In the previous chapter, I argued that “criminals,” those considered to be guilty and sentenced to death, were broadly imagined to be ontologically different than innocent people. Regardless of their behavior before condemnation, they were seen before execution as animalistic, irrational, and deformed—in other words, less human. They showed characteristics of slaves, whether or not they were enslaved. They spoke poorly or not at all, and the violence done to their bodies was often taken as proof of their guilt. Once shown to be a criminal through the transformation of one’s body and situation in the world, one could not find a way back to innocence; foul guilt clung and emitted from itself a polluting stench. Many of these traits were also imputed to Christians from the second through fifth centuries, as is evidenced by sources such as Pliny the Younger, Celsus, Porphyry, and Eunapius. Criminality was not a desirable trait with which to be associated, and early Christians knew that.

By the end of the second century, early Christian writers shared a growing tendency to separate martyrs from “real criminals,” the guilty condemned. By attending to the complexities of criminality in early martyrdom literature, this chapter promises to open new avenues for discussion in the study of early Christian martyrdom texts and question inherited assumptions regarding their liberatory readings. In this chapter, I discuss how Christian writers generally worked to separate the special condemned, those who do not deserve to die, from associations with criminals, despite Jesus’s and so-called martyrs’ designation of criminal by authorities. I am not examining why martyrs died but how they were constructed in retrospect, within the social contexts of the authors of their martyrdom accounts. Christian writers distinguished between martyrs and criminals by comparing or identifying Christians with other types of people who

have died through state executions, such as philosophers. That is, early Christians purposefully chose other types of people with which to compare martyrs in order to justify why they were executed by the Roman state. They also constructed martyrs as anti-criminals, as possessing the opposite qualities of people who are normally condemned, showing how martyrs were significantly different to other condemned. Against those negative portrayals of condemned criminals, martyrs were asserted to be pure, beautiful despite tortures, hyper-rational, and human in a way others lacked. They die, though not deservedly. Their deaths are exemplary, reenactments of Christ's suffering, evidence of the world's injustice, and proof of God's promises for those with the correct mode of reading. To those who did not have eyes to see, martyrs died shameful, public deaths, but to those who had special divine insight, their deaths were divinely ordained and even beautiful and miraculous. They are warriors, willing sacrifices, or philosophers. They are rarely criminals; their deaths are never just, even if they work toward justice in God's economy. While all of these good qualities on their own could be expected when portraying a holy person in antiquity, that the emphasis is often a mirror image of criminal stereotypes needs to be examined further in order to attend to the complex social situations and theological discourses that existed at the time.

1. Early Jesus Followers, Criminals, and the non-Criminal Christ

The earliest texts written by followers of Jesus show that their authors often struggled to convey how Jesus was both the Christ and a victim of one of the harshest forms of execution. In describing Jesus and themselves, they often reproduced the same discourse of criminality that was common to others in the ancient Mediterranean. For example, in the case of Paul, though throughout the letter collection known as the Corinthian correspondence, he writes of Jesus's lowly crucifixion and the abased status of the apostles in order to promote unity; they were not

addressed as a problem on their own.¹ In the gospels and Acts, Jesus is emphatically shown to be innocent of wrongdoing, including by the attestation of a criminal.

1.1 Paul's Exemplary Body

Paul, the earliest writer of the movement, knew that “Christ crucified was a stumbling block to Jews and foolishness to gentiles” (1 Cor 1:23), as he told the Corinthians. Martin Hengel sums up this point well: “[F]or Paul and his contemporaries the cross of Jesus was not a didactic, symbolic or speculative element but a very specific and highly offensive matter which imposed a burden on the earliest Christian missionary preaching.”² That said, for Paul, outside of Christ, the condemned were barely worth noting. Paul states that governing authorities were put in place by God and that they are due honor (Rom 13: 1-7), including in the context of execution. Outside of a quotidian legal context, he states that those who broke God’s laws in, for example, the primordial past were “worthy of death” (ἄξιοι θανάτου) (Rom 1:32). In addition, according to Paul, for followers of Christ, their body that is formerly enslaved to sin is destroyed by participating in Christ’s crucifixion through baptism (Rom 6:6), reproducing, even if unintentionally, the notion that crucifixion is a form of execution suitable to slaves.

Paul himself often presents his own body in the negative manner that we have often seen ascribed to criminals: as sickly or weak (1 Cor 2:3), as a condemned criminal in a spectacle (1 Cor 9:4), and as scum (1 Cor 9:13). On the one hand, these passages should be understood in the context of Paul’s rhetorical goals. Using himself as an example for his Corinthian audience, he implies that if they imitated him in his humility or some other quality, they would not be experiencing the factionalism that was troubling them.³ One could also consider that Paul also

¹ Mitchell, *Paul and the Rhetoric of Reconciliation*, 220 n185.

² Hengel, *Crucifixion*, 18.

³ Mitchell, *Paul and the Rhetoric of Reconciliation*, 53-60.

presented himself as an epiphanic medium for Christ, who suffered and died. Especially in another letter, Galatians, he indicates that it is through his body, which received a revelation of Christ, that others could also see and otherwise experience Christ.⁴

This seemingly negative aesthetic presentation is most visible in 2 Corinthians, in which Paul portrays himself as a prisoner in a triumphal procession (2 Cor 2:14) and a battered wrestler/gladiator (2 Cor 4:8-9), somehow carrying around Christ's dying in his body (2 Cor 4:10-11) while also seemingly being punished (2 Cor 6:10). This self-portrayal emerged from a rhetorical strategy to explain some sort of physical weakness, called a thorn in 2 Cor 2:7, that his Corinthian audience assumed was a punishment from God.⁵ Taking the affliction as a given, Paul encouraged his readers to see it not as punishment but as a cultic image of Christ's own death and suffering, as well as a sign of his own nobility and honor in suffering.⁶ As it was for Greek and Roman philosophers and Jewish wise men, Paul's suffering allegedly proves his righteousness, not his guilt.⁷

However, the suffering Paul experiences holds value as a rhetorical prop for the very fact that he does not deserve it. That the pain comes as a test or as a sign for others and not as a justified punishment from God or righteous human authorities implies that others could and do deserve such suffering. Paul says as much in Romans 1:32. Moreover, Paul, like others in the Roman world, demeaned and vilified slaves, gender non-conforming individuals (such as eunuchs), and certain ethnicities,⁸ all figures with whom criminals were compared and equated.⁹

⁴ Mitchell, "Epiphanic Evolutions," 187-89.

⁵ Duff, "Metaphor, Motif, and Meaning," 81.

⁶ Duff, "Metaphor, Motif, and Meaning," 81; Duff, *Moses in Corinth*, 117-20; Mitchell, "Epiphanic Evolutions," 189-91; Concannon, "'Not for an Olive Wreath,'" 212.

⁷ Fitzgerald, *Cracks in an Earthen Vessel*, 203-07.

⁸ Marchal, *Appalling Bodies*, 127-29, 133, 192.

⁹ On gendered (and disabled) criminals, see Henning, *Hell Hath No Fury*, 81-118; on ethnicities, see note 24 on Philo in Chapter 1.

Paul's status as epiphanic medium is predicated on his adequacy (ἰκανός) (2 Cor 4:16); his suffering is a badge of honor pierced into his chest, not a sign of his genuine degradation. Paul also centers himself in the justification of his perceived weakness (2 Cor 11:16-12:8); he does not condemn the assumption that criminals are revealed through their bodies but only that the assumption might be applied to himself. The retrospective images that he leads his reader to see—a cultic participant in a religious procession (not a prisoner) and an athlete (not a condemned man, as in 1 Cor 9:4)—show an acknowledgement of and discomfort with the criminalizing interpretations of his metaphors. He creates an exception for himself as a representative of Christ, for whom signs of punishment do not index guilt, and ultimately reproduces the discourse of criminality I described in Chapter 1.

1.2 Jesus and the Apostles among the Wicked in the Gospels and Acts

All of the canonical gospels touch on Jesus and criminality in one way or another. For one thing, Jesus commands that his followers should visit imprisoned people (Matt 25:36). More relevantly, Jesus is arrested like a bandit (Matt 26:55//Mark 14:48//Luke 22:52), is executed instead of one (Matt 27:16-26//Mark 15:7-15//Luke 23:18-25//John 18:40), and is crucified with two of them (Matt 27:38//Mark 15:27//Luke 23:32-33//John 19:18). While the historical Jesus and his followers emerged in a place and time in which banditry was widespread and important for social movements,¹⁰ the abovementioned passages are also useful for contextualizing the concerns of the people who wrote the gospels. Indeed, criminals like these bandits are used in the gospels to demonstrate Jesus' innocence.

¹⁰ Horsley and Hanson, *Bandits, Prophets, and Messiahs*. More recently, see Shaw, "Bandits in the Roman Empire" and Williams, *Criminalization in Acts of the Apostles*, 72-74.

That criminals are instrumentalized to demonstrate Jesus's exceptionality can be seen in a comparison between Mark and Luke. Mark, the earliest surviving gospel (ca. 70 CE),¹¹ portrays Jesus arrested like a bandit (14:48) and crucified alongside bandits (15:28), also implicitly comparing him to a "real criminal," Barabbas, who was affiliated with murderous dissidents (15:7). He was also condemned partly through false testimony (14:56) and then crucified through the instigation of bad actors (15:11). While it is implied that Jesus is innocent, the false witnesses do not supply testimony that is used in his initial condemnation; it is rather Jesus's own blasphemy that contributes to the verdict (14:64). Jesus's silence and general lack of self-defense, while laudable to some interpreters,¹² confuses characters within the narrative. Indeed, it could be said that Jesus *was* guilty and *was*, in a sense, a criminal.¹³ Luke, writing several decades later (ca. 90 CE),¹⁴ eliminates any chance of that reading remaining accessible in his gospel and even retrojects Jesus's evident innocence back onto the narrative inherited from Mark, smoothing out Jesus's complicated relationship to criminality and presenting him as a safe figure. In Luke, there is a notable emphasis on Jesus's innocence,¹⁵ with acknowledgements added into the mouths of Pilate (23:4, 14-15, 22), Herod Antipas (23:15), the so-called Good Thief (23:40-41), and the centurion (23:47).¹⁶ Two of these people are judges, for whom innocence and guilt is supposed to be clear according to Roman judicial ideology.¹⁷ Even another condemned criminal, the Good Thief crucified alongside Jesus, is able to recognize that Jesus has

¹¹ Collins, *Gospel of Mark*, 11-14.

¹² Origen, for example (*C. Cels.* 1.1).

¹³ In this line of reasoning, I am indebted to a conversation with Jeremy Williams. See also the essays by Adela Collins and Kelli S. O'Brien in Oyen and Shepherd (eds.), *The Trial and Death of Jesus*.

¹⁴ On the dating, see Mason, *Josephus and the New Testament*, 293. Most, though not all, scholars think Luke used Mark. For a discussion of this and related questions, see Porter and Dyer (eds.), *The Synoptic Problem*.

¹⁵ Gorman, *Interweaving Innocence*, 161-64. For a more ambivalent reading of Jesus's innocence in Luke, see the discussion in Williams, *Criminalization in Acts of the Apostles*, 127-28.

¹⁶ Sterling, "*Mors philosophi*." 398.

¹⁷ See Chapter 1.

done “nothing out of place” (οὐδὲν ἄτοπον), in contrast to himself and the other, mocking bandit, who have been condemned “justly” (δικαίως) (Luke 23:41). As Shelley Matthews argues, the bandit “characterizes his own crucifixion as a matter of deserved justice,”¹⁸ evidence that Luke “assesses the imperial system of crucifixion... favorably.”¹⁹ Luke portrays the judicial system and its penology as flawed (insofar as it condemned and killed Jesus) but not fundamentally incompatible with justice. While Jesus was innocent, other were not, and others deserved death.

Another illuminative comparison between Mark and Luke is the way Jesus’s preparation for death is portrayed. In Luke, Jesus’s death is sanitized though an implicit comparison to Socrates, the Maccabees, and other noble men who died due to injustice. As Greg Sterling argues, “the third evangelist made selective use of Socratic traditions to transform an embarrassment into an *exemplum*.”²⁰ The Lukan Jesus’s relative calmness in the face of death, in contrast to the Markan Jesus, who prayed that God “remove this cup from me” (14:36), was influenced by the Socratic and Stoic tradition of practicing death and quietly accepting it when it comes.²¹ The repeated use of δίκαιος (“just,” “innocent”) and related words also echo the tradition of Socrates’s death; for example, the end of the *Phaedo* (118) lauds Socrates as the most upright (δικαιοτάτος).²² Making Jesus into a type of Socrates makes his execution recall the death of a philosopher famously killed for unjust reasons rather than the death of a common criminal.

¹⁸ Matthews, “The Lynching Tree and the Cross,” 148.

¹⁹ Matthews, “The Lynching Tree and the Cross,” 153.

²⁰ Sterling, “*Mors philosophi*,” 384.

²¹ Sterling, “*Mors philosophi*,” 397.

²² Sterling, “*Mors philosophi*,” 398-99. Sterling also points out that a related remark in Xenophon’s version of Socrates’s death becomes a standard *topos* used in rhetorical exercises to train orators.

In Acts of the Apostles, a work likely written by the same author as the Gospel of Luke,²³ Jesus and his followers are repeatedly criminalized and vindicated, as Jeremy Williams argues.²⁴ Within this narrative pattern, the apostles frequently call Jesus the just one (δικαίος), especially in judicial contexts, “provid[ing] a character witness to Jesus the Just One and condemn[ing] those who reject and criminalize him.”²⁵ Figures like Paul also are criminalized, but only when there is a miscarriage of justice, when people who are supposed to represent the law break it. While Williams suggests that Luke-Acts ultimately makes the criminals into judges in order to correct the flawed system,²⁶ the delineation between criminals (people who deserve punishment) and the innocent (people who do not deserve punishment) under my own framework is still very clear.²⁷ There are innocent people who are unjustly *criminalized* due to bad actors, but Acts stops short of critiquing the penology or the aesthetics that makes that injustice possible. Criminals as a class with which to contrast figures like Peter, Paul, and Jesus are still useful for its author.

New Testament writers were motivated to make the scandalous arrests and deaths of Jesus and other figures sound less like “stumbling blocks” to its readers, and the motivation remained active into to the later centuries of the movement as Christians began to face more penal action.²⁸

²³ For example, both are addressed to a Theophilus (Luke 1:3, Acts 1:1).

²⁴ Williams, *Criminalization in Acts of the Apostles*, 127-35.

²⁵ Williams, *Criminalization in Acts of the Apostles*, 128.

²⁶ Williams, *Criminalization in Acts of the Apostles*, 134-35.

²⁷ For example, Ananias and Sapphira die for withholding money (5:1-11), and God has Herod killed (12:23). Paul also makes clear that the trappings of a criminal, chains in this instance, are inappropriate for someone of high social standing like Agrippa (26:28).

²⁸ This legal attention was mostly localized and sporadic. See Moss, *The Myth of Persecution*.

2. Constructing the non-Criminal Martyr in the Second Century

Outside of the New Testament, early Christians developed additional strategies to respond to accusations and perceptions of criminality, turning their attention more toward defending martyrs, Christians who suffered undeserved deaths. If Jesus was assumed by outsiders to be a criminal rightfully crucified,²⁹ who was subsequently defended and constructed as a philosopher and God, how were martyrs constructed apart from and against their perceived criminality? Authors of martyr texts were building up positive images of the martyrs using, for examples, philosophical and athletic imagery, but at the same time they were also demonstrating who martyrs could not be: criminals.

One of the earliest writers in whom we can see the tensions of criminality and martyrdom is Justin Martyr, a Syrian philosopher and Christian apologist who lived and wrote in Rome in the middle of the second century. In his work, he contrasts innocent Christians, whom he compares to philosophers, with false Christians or heretics, who are allegedly criminals worthy of prosecution. Like Luke but even more explicitly than the evangelist, in his *Apology* he compares Socrates to those who die for the “true λόγος;” that is, Christian martyrs.³⁰ To Justin, Socrates was a person very much like a Christian (indeed, literally a Christian according to Justin³¹) who was executed by the state through the machinations of demons, a noble philosopher, not, to be sure, a criminal. However, elsewhere, Justin acknowledges that “some in

²⁹ See the final section of Chapter 1 for examples.

³⁰ Justin, 1 *Apol.* 5.3: “When Socrates with true *logos* and diligent inquiry tried to bring these things [i.e., knowledge that humans are enslaved to demons] into the light and wrest humans away from the demons, the demons, through humans who delight in wickedness, orchestrated his execution (ἀποκτανῆναι) for allegedly being a godless and impious person, saying that he introduced new demons. Indeed, in the same way, they are orchestrating the very thing for us.” See also 1 *Apol.* 46.2 and 2 *Apol.* 6.3 and 10.8 for other mentions of Socrates.

³¹ Justin, 1 *Apol.* 46.2-3: “We were taught and mentioned above that Jesus is the firstborn of God and is *logos*, in whom every race of humans has a share. And those who live with *logos* are Christians, even if they are considered atheists—for example, among the Greeks are Socrates, Heraclitus, and those like them, and among the barbarians are Abraham, Ananias, Azarias, Misael, Elias, and many others, whose deeds or names we for now refrain from listing, since we know it will take a long time.”

Christians have been fact exposed as criminals,” but these people, he argues, were not real Christians but only heretics claiming the name.³² For Justin, they “are the ones who deserve Roman prosecution.”³³ While the apologist never explicitly says that heretics should be executed, Matthias den Dulk argues that Justin requesting (ἀξιοῦν) that “those who do not live strictly according to his teachings and are only *called* Christians be punished (κολάζεσθαι) by [the emperors] is best understood... as a request for the prosecution or even persecution of ‘so called’ Christians.”³⁴ For Justin, the innocent died because of miscarriages of justice caused by demons, and the guilty died, or should die, for their refusal to follow Christian teaching as Justin understood it. The Roman penal system, which leads to the death of his fellow Christians, is a boon when it is set to the task of destroying those whom Justin deems criminal—it is his determination to make the categories of criminal and Christian clearly delineated that animates much of his *Apology*.

This experimentation and development in the relationship between martyrs and criminals, this struggle to clarify who is deserving of death and who is not, is illustrated well in two other second-century case studies: Ignatius of Antioch’s *Epistle to the Romans* and the epistle known

³² Den Dulk, *Between Jews and Heretics*, 15.

³³ Den Dulk, *Between Jews and Heretics*, 15.

³⁴ Den Dulk, *Between Jews and Heretics*, 16, quoting Justin, 1 *Apol.* 16.14.

The third century anti-Montanist writer Apollonius makes a similar argument in a letter fragment preserved in Euseb., *H.E.* 5.18.6, 9: “Concerning another one of those who are, according to them [Montanists], honored as martyrs, he writes: ‘So that we don’t speak about more of them, let the prophetess tell us the affair of Alexander, who called himself a martyr, with whom she feasts, to whom many pay homage. Of his acts of robbery (ληστείας) and other audacious deeds (τολμήματα) for which he has been punished (κεκόλασται), it is not necessary for us to speak, but the backroom (ὀπισθόδομος) has a record.... So that the affairs of Alexander might be known to those who wish: he was condemned (κέκριται) by Aemelius Pompinus, the proconsul in Ephesus—not on account of the name [of Christ], but on account of robberies (ληστείας) he dared to commit, being an offender (παραβάτης) even then. Then, falsely claiming the Lord’s name, he was released, since he deceived the faithful who were there. Indeed, his own community, where he came from, did not accept him because he was a bandit (ληστήν). And those who want to learn about his affairs can consult the public records of Asia.’”

According to Clifford Ando (“The Certainty of Documents,” 166), this passage provides evidence that Christian authors “ground truth claims about their own representations in the fundamental reliability of Roman institutions, even in the ages of persecution.”

as the *Martyrs of Lyon and Vienne*. In his *Epistle to the Romans*, Ignatius, a church leader arrested in Syria writing while in the process of being transported to Rome, makes the case to his Roman audience that his fellow Christians should not attempt to commute his sentence and that it is better for him to die. He struggles to thread the needle between glory and shame, arguing that he wants to and needs to die but is not willing to fully adopt the trappings of criminality. While a condemned man and lesser than the apostles, he argues, he nonetheless retains more of his potential for humanity than criminals are generally assumed to have. The *Martyrs of Lyon and Vienne* (*MLyon*), a narrative preserved as a letter, tells the story of the condemnation and execution of Gallic Christians in ca. 177 CE. While the text is interested in exonerating the martyrs by showing that the judges were unjust, it also demonstrates the morphological and ontological difference between the resiliently human confessors and the corrupt, deformed deniers, who are equated with criminals. While defending and glorifying the condemned Christians, *MLyon* also reproduces the penal assumptions that deem some people more human than others. Ultimately, it becomes clear that these second century Christian writers swam in the same stream of criminal discourse as non-Christians, a watercourse that, as I will discuss at the end of this chapter, flows into later periods.

2.1 Ignatius of Antioch and Ambiguous Criminality

The *Epistle to the Romans* claims to be written by a Syrian Christian named Ignatius in the first half of the second century, perhaps ca. 109 CE.³⁵ In *Romans*, Ignatius (or the writer

³⁵ While the authenticity of this letter and the entire Ignatian corpus is in question, for my purposes, *Romans*, if not Ignatius himself or his other letters, can be read in the context of the second century. On the question of authenticity and dating, see especially Hübner, “Thesen zur Echtheit,” 44-72 and the response, Edwards, “Ignatius and the Second Century,” 214-226. For more recent examinations of the corpus, with special attention paid to the variations in Ignatian collections, see Given, “Ignatius of Antioch and the Historiography of Early Christianity” and Vinzent, *Writing the History of Early Christianity*, 266-64. The year 109 CE is reliant upon Eusebius’s claim in *H.E.* 3.22 that Ignatius died during the reign of Trajan.

whom I will call Ignatius), requests that his audience not attempt to commute his death sentence.³⁶ His argument amounts to an appeal to advantage: it is to his benefit and that of his audience for him to be thrown to the beasts.³⁷ To make this rhetorically and conceptually difficult argument, Ignatius sometimes claims qualities associated with criminals for himself and sometimes distances himself from them, depending on his purpose at the time or how imbricated his chosen imagery is with criminality.

Ignatius works within the same concepts as seen in the construction of criminals detailed in Chapter 1. He is concerned with his potential animality and damage done to his body, concepts he associates with his condemnation and desired death. Ignatius frames almost all of his criminalized self-descriptions as paradoxically beneficial for him, replacing the criminalizing reading with something glorifying.³⁸ He is careful to show that he still retains and wants to retain the power of reasoned speech that criminals were thought to lack. He considers his body to be rightly destined for mutilation and destruction by animals, as a criminal body is destroyed, though he presents this dissolution as a philosophical desideratum. He also considers himself to be a condemned slave, though one who can be freed with death. Despite indications that condemnation makes Ignatius somehow worse, criminality is not such a cut-and-dry negative.

2.1.1 Ignatius the Almost Human

As I discussed in Chapter 1, criminals were thought to have a deficient humanity, setting them side by side with both animals and slaves, beings that lack rationality natural to humans.

³⁶ It is unclear whether he is afraid they will try to save his life or reduce the severity of his sentence to a less public death; see McConnell, "Ignatius of Antioch: Death Wish or Last Request?" 385–89.

³⁷ On deliberative rhetoric, see Mitchell, *Paul and the Rhetoric of Reconciliation*, 25-32. Major primary sources include Aristotle, *Ars rhetorica* 1358b; Anaximenes 1421b; and *Rhetorica ad Herennium* 3.2.3.

³⁸ Burrus (*Saving Shame*, 17-19) calls this phenomenon in Revelation and Romans "double" or "split" vision. Another well-known Ignatian example is that he recasts chains as ritual trappings and his forced march as a procession (*Eph.* 9.2, 11.2; Schoedel, *Ignatius of Antioch*, 67).

Ignatius likewise takes part in this discourse. For example, he uses an animal metaphor in order to denigrate other people. He tells his audience, “From Syria to Rome I am fighting beasts (θηριομαχῶ), through land and sea, night and day, while bound to ten leopards (λεοπάρδοις) (that is, a company of soldiers), who when shown kindness actually become harsher” (5.1). The soldiers are compared to beasts, more specifically leopards, not only because of their harsh treatment but also because of their unexpected, irrational behavior at Ignatius’s alleged kindness.³⁹ This indicates that Ignatius conceives of animals as irrational and sub-human, much the same as others in his time period. This conception is also reflected in his discussions of his own future state, one in which he possesses reasoned speech humanity, and his current status as a condemned person, ambiguously placed between human and animal.

The first tension between animality and humanity appears early in the epistle. After Ignatius greets his audience, praising their love (ἀγάπη) and other qualities, and states that he hopes to see them in person while he is in chains (δεδεμένος), he makes his first attempt at asking them to “spare” (φείδεσθαι) him (pref.-1.2):

For I don’t want you to be people-pleasers (ἀνθρωπαρεσκῆσαι) but to please God—as you are indeed doing. For I’ll never have an opportunity like this to attain God, and you, if you keep silent (σιωπήσητε), don’t have a better deed credited to you. For if you keep silent concerning me, I am God’s statement (λόγος θεοῦ). But if you love (ἐρασθήτε) my flesh, I will again be a voice (φωνή).

This is a complex passage. For Ignatius, interfering in his execution using diplomatic or legal overtures would require the flattery of human beings (ἀνθρωπαρεσκῆσαι), an improper use of rhetorical skill or λόγος.⁴⁰ This skill in persuasive speech could be better applied to pleasing

³⁹ In addition, leopards were considered to be a hybrid species, the result of an “adulterous” union between a female lion and a male pardus or panther, making the term an insult against the soldiers’ mothers (Callon, “A Re-Examination,” 589-594).

⁴⁰ In other early Christian texts, people-pleasers are those who perform righteous deeds for attention from others, rather than to produce positive attention in non-Christians for Christ (eg., 2 Clem 13.1; Theophilus, *Ad Autolycum* 3.14). They are sophists who make the weaker argument the better (Dio, *Or.* 54.1), a well-known platonic critique of sophistic rhetoric.

God,⁴¹ and Ignatius offers them an opportunity to do so. Ignatius claims that if they keep silent in the context of his condemnation and death, he will be God's statement (λόγος θεοῦ), and they will receive credit for this good outcome. If they use their skill out of a misguided love (ἐρασθῆναι) for his flesh, a transformation of their praised love (ἀγάπη) from the greeting, he will again be merely a voice (φωνή).⁴² Pleasing humans and desiring flesh leads to Ignatius being a φωνή; pleasing God and remaining silent makes him a λόγος θεοῦ.

According to J.B. Lightfoot, Ignatius's reasoning in this passage depends on the philosophical distinction between λόγος and φωνή, "denoting respectively 'an intelligible utterance' and an 'irrational cry.'"⁴³ While λόγος is a rational utterance that only humans are able to produce, φωνή is "the cry of an animate creature, whether articulate or not" that can "express animal emotion."⁴⁴ Aristotle, for example, states:

For, as we claim, nature does nothing in vain. Of the animals, humankind alone has λόγος. So, while φωνή is a sign of pain and pleasure, on which account other animals also possess it (for their nature had come as far as to have perception of pain and pleasure and to indicate these things to one another), λόγος is for declaring what is advantageous and harmful, consequently also what is just and unjust (ἄδικον). (*Pol.* 1253a)

The interpretation of Ignatius that, like Aristotle, sees φωνή as related to animality is also taken up by John the Monk, a fifth century Syriac-speaking interpreter.⁴⁵ He argues that Ignatius is

⁴¹ Hymns were considered to be a speech or song in praise of a deity, and they were often described as a special type of speech of praise meant to persuade the divinity to help the offeror. See Furley, "Praise and Persuasion in Greek Hymns," 32.

⁴² Cf. Grant, *The Apostolic Fathers*, 87: "Their silence will permit Ignatius to be a 'word of God'; their speech (loving his flesh but not his spirit) will make him, again, nothing but a 'voice.'" Grant goes on to connect the passage with the story of Jesus' baptism by John, the voice crying out in the wilderness (which incidentally is a move also made by a ca. sixth century Syrian monk named John; for the translated passage, see Cureton, *Corpus Ignatianum*, 139). For other interpretations of the Ignatian passage, see Schoedel, *Ignatius of Antioch*, 170-71 and Story, "Ignatius to the Romans 2:1c," 226-33, which discuss alternate manuscript readings.

⁴³ Lightfoot, *The Apostolic Fathers*, vol. 2.1, 198. For a discussion of an ancient critique of the typical philosophical understanding of λόγος and φωνή, see Kirk, "Λόγος and Φωνή," 397-415.

⁴⁴ Lightfoot, *The Apostolic Fathers*, vol. 2.1, 198-99.

⁴⁵ For the date and discussion see Lightfoot, *The Apostolic Fathers*, vol. 1.2, 145-46 and more recently Rosales Acosta, "The Historical John of Apamea," 11.

discussing his life as a “compound person,” a mixture between flesh and soul, something more than an animal, which does not have λόγος (ܠܘܓܘܣ; *mlt'*) but does have φωνή (ܦܘܢܗ; *ql'*), but less than a bodiless being, which has λόγος but no flesh and blood to produce φωνή.⁴⁶ From the perspective of both ancient and modern interpreters, Ignatius seems to be working from the premise that λόγος is associated with humanity and φωνή is associated with animality.

The distinction between λόγος-φωνή, or human and animal utterance, is also important in judicial contexts, one that, given Ignatius’s context as a condemned man, should be considered. In such texts, the guilty and the condemned cannot speak with coherence and reason the way the innocent can. In the previous chapter, I discussed the scene in the ancient language textbook known as *Colloquium Celtis*, in which a well-connected man with friends who could speak eloquently on his behalf was declared innocent, while a guilty bandit, who uttered only unheeded denials of his guilt, was executed.⁴⁷ Using the terms found in Ignatius, one could say the well-connected man had access to λόγος, while the bandit had only φωνή.⁴⁸ Such notions can also be found in Latin works both earlier, closer to the time of Ignatius, and later. For example, a line from a mime authored by Publius Siro, who flourished in the first century BCE, and preserved as a maxim reads: “The tongue of the condemned (*damnati*) has sound (*vox*), not force (*vis*)” (*Sent.* 165).⁴⁹ In other words, one who is condemned has a deficient power of utterance in

⁴⁶ John the Monk, Epistle to Eutropius and Eusebius: “[H]e desires to teach that the life here is the business of the flesh in a compound person; for the Word is not of the flesh, but of the spirit; but the Voice is not of the spirit, but of the flesh, because all bodies have the Voice only, but have not the Word, inasmuch as they have not in them the soul in the person. For every beast and bird, together with cattle and creeping thing of the earth, utter the Voice only; but because man has in him a soul, and is not like the rest of the other bodies, he uses the Word and the Voice, that by means of the Word the nature of the soul might be known, and by means of the Voice the body of his person” (trans. Cureton, *Corpus Ignatianum*, 240; for the Syriac, see 207-208).

⁴⁷ See Chapter 1, section 2.2

⁴⁸ On the other hand, one should also note that the judge in both cases had λόγος, as he is the “rational,” deciding party with the authority to enforce his words.

⁴⁹ In earlier scholarship, this line has been interpreted as referring to the lack of power a condemned person has in comparison to the decree of an authority, not in comparison to the voice of an innocent person (Giancotti, *Publio Siro*, 39). The lack of context makes the meaning indeterminate.

comparison to other people, as was the case in literature discussed Chapter 1, such as Apuleius's *Metamorphoses*.

In making himself a λόγος but also potentially a φωνή, Ignatius situates himself unstably between human and animal. In denigrating φωνή and tying it to a lesser life focused on flesh, he is similar to thinkers preserved in much of other ancient literature. To be or have φωνή alone is to lack the rational faculty that makes one human. However, Ignatius differs when it comes to λόγος. As a condemned person, he should not have λόγος. As is the case with other Christians, Ignatius has made himself an exception. Though condemned, he retains reason or partakes in it as God's λόγος, and this λόγος will remain only if he is destined to be executed, only if his loving audience does not attempt to interfere. Though condemned, he is not completely animalized; he is not φωνή anymore. In implicitly contrasting himself to criminals, who do lack reason, he is making his situation sound more palatable to his audience: he is not animalized but remains something like a human.

Ignatius also expresses his ambiguous humanity through birth metaphors. In another example proving that death is useful to him, he rejects any possibility of worldly power and claims that he is in labor (τοκετός) (*Rom.* 6.1). This may be meant to recall Pauline language, in which Paul is in labor so that Christ can be formed his community (*Gal* 4:19), but another Pauline passage might offer additional context. In *1 Cor* 15:8, Paul famously compares himself to a miscarriage or stillbirth (ἔκτρωμα), since Christ appeared to him last (ἔσχατος) of all the apostles.⁵⁰ Adopting this metaphor for himself, Ignatius also states near the end of his letter that he is the least (ἔσχατος) of the church of Syria and an ἔκτρωμα (9.2). Ignatius might indeed be in labor with himself, as a fetus struggling to be born. Death becomes birth: in *Rom.* 6.2, he writes,

⁵⁰ See Hollander and van der Hout, "The Apostle Paul Calling Himself an Abortion," 224–36.

“Permit me to receive the pure light; when I arrive there, I will be human (ἄνθρωπος).” Self-effacement and birth metaphors are appropriate in a letter so drenched with shame and impending pain, but they are also related to the idea of deficient humanity. In antiquity, many births not brought to full term were considered to be more animal than human, especially if the resulting fetus was “monstrous” and did not appear to resemble a human.⁵¹ Ignatius’s not-yet-human, pre-born state thus places him closer to animality, as a pre-formed or malformed human. While not a typical metaphor associated with criminality, Ignatius’s identification with a fetus places him in the company of the disfigured and animalistic.

2.1.2 Ignatius, Disfigured and Destroyed

One of the most famous images from the writings attributed to Ignatius, and indeed from any text associated with martyrdom, is his plea to remain a *damnatus ad bestias*, one condemned to the beasts. Ignatius cleverly adapts the imagery for this punishment into the basis of a philosophical justification for his death.

Allow me to become food (βορᾶν) for beasts (θηρίων), through whom I can reach God. I am God’s wheat, and through the beasts’ teeth I am ground up (ἀλήθομαι), so that I might be found pure bread. Rather, coax the beasts so that they become my tomb and leave no part of my body, so that I won’t be a burden for anyone once I’m asleep. I will truly be a disciple of Jesus Christ at that moment, when the world won’t see (ὄψεται) my body. Pray to the Lord for me, so that through these instruments I might be found God’s sacrifice. (*Rom.* 4.1-2)

That his body disappears, ground up and entirely swallowed by beasts, clearly invokes the punishments suffered by criminals, reducing their bodies to some other form.⁵² As I discussed in Chapter 1, those thrown to the beasts became seen as non-humans through the disfiguring

⁵¹ For an overview of nonconforming, animalized fetuses in the ancient world, focusing especially on Rabbinic sources, see Neis, “The Reproduction of Species,” 293-300.

⁵² See, for example, the description of an execution victim in Martial, *Lib. Spect.* 7: “His mangled limbs still lived, though the parts were dripping with blood, and in his whole body there actually was no body” (trans. Coleman, “Fatal Charades,” 65).

damage inflicted to their bodies, as well as through a transformation into food or meat. Hélène Ménard has noted that Ignatius's bread metaphor seems to pick up on the idea of a *damnatus* as meat, though Ignatius makes himself into wheat and the beasts' teeth into millstones.⁵³ The image is less gory but also more visceral; hard, dry grain invokes bones, asserting even the most durable parts of his body are rendered into dust. In other words, his body parts are rarified into a collection of some of the smallest individual objects encountered in ancient life, grains of flour.⁵⁴ While according to Ignatius the flour will be made into bread, possibly meant for sacrifice,⁵⁵ the image seems to be eschatological. For the moment, he argues, it is good to be made into many, very small things, things that are so small they may not even be visible on their own.⁵⁶ This flour imagery is important to Ignatius's argument about bodily dissolution and can be contextualized by examining his discussion of invisibility.

Shortly before writing about the teeth of beasts, he writes about the examination that will take place in the arena, one that will either reveal him to be a Christian (through death) or expose him as a fraud (if his life is preserved). He begs his audience to give him the opportunity to prove himself:

The only thing you should do for me is pray that I'm able, both inside and outside, not only to speak but also to will, not only to be called a Christian, but also to be found one. For if I am found [to be a Christian], I can be called one, and then I will be faithful, when I am not visible (μη φαίνωμαι) to the world. Nothing visible (φαινόμενον) is good (καλόν). Indeed, our God Jesus Christ, when he is in the Father, is *more* visible. (*Rom.* 3.2-3)

⁵³ Ménard, "Du « prédateur » à la proie," 513.

⁵⁴ Flour is proverbially tiny and dusty; see, e.g., Martial, *Epigr.* 8.16.

⁵⁵ Schoedel (*Ignatius of Antioch*, 175-76) suspects that the "pure bread" referred to is high-quality but not necessarily sacrificial, let alone eucharistic, bread.

⁵⁶ Burrus, *Saving Shame*, 21: "Ignatius enacts the anticipated mutation of his visible body into a purely invisible witness through the digestive metamorphoses—better yet, transubstantiation—effected by the devouring beasts (4.2)."

To become invisible is to become more like Christ, who is paradoxically more visible when he is with the invisible Father. In order for his internal convictions to be externalized, his external body must be destroyed, making him like Christ. This transformation into the invisible realm with the invisible Father and the visible Christ should be understood as analogous to the flour that becomes bread—a transformation into something grand that takes place through destruction. His being is heightened by dissolution.⁵⁷ Through these arguments, Ignatius transforms his death from public act of tortured suffered by a criminal into a means to enter the immaterial world.⁵⁸

2.1.3 Ignatius the Condemned Slave

Though throughout *Romans*, Ignatius self-identifies as a prisoner and as condemned,⁵⁹ one of the most illuminating passages regarding Ignatius’s relationship to criminality comes after his wish to be eaten by animals. As in the beasts, passage Ignatius states that death will lead to a transformation, but this time, he works with a different sort of self-effacement. Clarifying his authority and his status, he indicates that he is not *ordering* his audience to let him die but is simply *requesting* as a humble condemned person and slave, not as an apostle:

I am not giving you orders, like Peter and Paul; I am condemned (κατάκριτος). They were free (ἐλεύθεροι), but I myself, up until now, am a slave (δοῦλος). But if I suffer, I will be Jesus Christ’s freedman (ἀπελεύθερος), and I will rise up free (ἐλεύθερος) in him. Now, as a prisoner (δεδεμένος), I am learning to desire nothing (μηδὲν ἐπιθυμεῖν). (*Rom.* 4.3)

Ignatius plays with two status that should be more closely examined: condemnation and slavery.

⁵⁷ Cf. Burrus, *Saving Shame*, 21: “When Ignatius’s body has disappeared—when his shaming has become perfected—his identity will be rendered transparent.”

⁵⁸ Schoedel (*Ignatius of Antioch*, 173) argues that in the background of this passage is the problem of seeming (τὸ δόκειν), which is important in other letters attributed to Ignatius, in which he asserts that Christ did not just seem (δόκειν) to die but really did, so he too should also really die (*Tral.* 10).

⁵⁹ Ignatius, *Rom.* 1.1: For I hope to greet you in Christ Jesus while bound (δεδεμένος); 4.3: I am condemned (κατάκριτος)... Now, while bound (δεδεμένος) I am learning to desire nothing; 5.1: From Syria to Rome I am fighting beasts... bound (ἐνδεδεμένος) to ten leopards, I mean a company of soldiers.

As an imprisoned, condemned slave, Ignatius states that he is unworthy of comparison to the famed Paul and Peter. They were free apostles. However, they were also condemned—in the second century, Peter and Paul were believed to have been executed in Rome, perhaps under Nero.⁶⁰ Why then does Ignatius imply Peter and Paul were somehow not *κατάκριτοι*? While Ignatius does likely want to demonstrate his humility and not compare himself too explicitly to heroic figures of the past, this argument does not exhaust the artificial contrast between the apostles and Ignatius, the *κατάκριτος*. It is likely that Ignatius does not call them *κατάκριτοι* because he does not want to insult them. Despite Ignatius’s status as *κατάκριτος*, despite Jesus’s, Peter’s, and Paul’s, only Ignatius, who here employs humility for his benefit, possesses this condemned status that seems to taint him. Because those other figures are good, divine even, anything that invokes criminality is incompatible with them. In this, Ignatius reveals that Roman penal ideology is working at full force within his writing: the good are not condemned; the good are not criminal.

Ignatius also humiliates himself by calling himself a slave, a figure who is also animalized and punished. His self-identification as a slave associates him with criminals who were punished as slaves, other condemned people who were fed to animals and suffered bloody, public tortures.⁶¹ However, Ignatius does not fully identify as such a person—unlike a “real” criminal, he has the potential to be freed.⁶² Indeed, Ignatius emphasizes the temporary nature of his enslaved state. Instead of his punishment and death further degrading him, the process will instead be transformative. He will become a “freedman of Jesus Christ and will rise free in him”

⁶⁰ Schoedel, *Ignatius of Antioch*, 176. See also, Shaw, “The Myth of the Neronian Persecution,” 73–100.

⁶¹ Commentators often state that Ignatius called himself a slave due to Pauline influence. See Zahn, *Ignatius von Antiochien*, 410-11 n1; Lightfoot, *The Apostolic Fathers*, vol. 2.1, 210; Schoedel, *Ignatius of Antioch*, 129-30, 176.

⁶² Schoedel (*Ignatius of Antioch*, 176) states that “‘slave’ is simply a variant for the terms ‘condemned’ and ‘bound.’”

if he dies in his chosen manner.⁶³ The state that leads to his death will ultimately give him life; his loss of status is no loss. His more respectable status is suspended, but it is still expected after death.⁶⁴ Then, to prevent his death would be, in Ignatius's logic, to prolong his slavery. Only death could help him escape from that low status of being both condemned and a slave.

Ultimately, Ignatius's relationship with criminality is deeply ambiguous, as he relies on descriptions of himself as condemned that could, in theory, describe many people who were executed by the Romans and other empires. Some of his language makes him sound closer to a polluted criminal rather than an innocent imitator of Christ.⁶⁵ Or rather, his language shows that criminality and Christ-ness, or being a *χριστιανός*, is very close, even equivalent.

Despite his efforts, Ignatius does not manage to free his death from an association with criminality. In the course of his argument, by following up his philosophical justification for death with a description of total consumption and dissolution by animals, he ends up making the body-destroying Roman methods of execution into divinizing machines. Following his logic to its conclusion, it breaks down, or rather, it shows that Ignatius's bodily liberation applies to many more people other than him. If other criminals are also eaten and become invisible, and becoming violently invisible before an audience is how one becomes closer to God, other criminals experience the same drawing closer to God as Ignatius. In other words, dying as a low-class criminal is how one demonstrates and instantiates one's being a *χριστιανός*. This potential reading remains in the epistle despite his attempts to distance the manner of his death from criminality.

⁶³ It should be noted that manumission was a way of keeping control over a person longer; it was not as if the person had never been a slave. See Marchal, *Appalling Bodies*, 121.

⁶⁴ Lightfoot argues, "his judicial condemnation by the Roman power was a type of his unworthiness, his conviction, in the sight of God; his *δικαίωσις* was yet to come" (*The Apostolic Fathers*, vol. 2.1, 209).

⁶⁵ This instability in his presentation of himself may point to a date before martyrdom discourse had become more established with relation to criminality and guilt.

2.2 The Martyrs of Lyon: Reconstituted Martyrs and Disintegrating Criminals

In the *Martyrs of Lyon and Vienne*, a group of Christians from the cities of Lugdunum (Lyon) and Vienne in the Roman province of Gallia Lugdunensis composed an argument engaging with the discourse of criminality.⁶⁶ It took the form of a letter, allegedly written around the summer of 177 and partially preserved in book 5 of Eusebius's *Church History*.⁶⁷ While for Eusebius the excerpts from the *MLyon* set the scene, as a sort of second preface, for the subsequent battles of Christ followers against servants of the devil,⁶⁸ I am interested in reading the text to the extent possible apart from its Eusebian framing to uncover the earlier, second century contexts regarding the discourses of martyrdom and criminality.

As with other early Christian texts, *MLyon* constructs martyrs in contrast to criminals. It shows that Christians are more human and rational than the people who condemned them and watched them suffer. In addition, the martyrs are presented as mirror images of “real” criminals, present in this text as deniers. While deniers, like other criminals, have bodies that are irrevocably destroyed, the bodies of Christians remain beautiful and cause readers to expect a future reconstitution and resurrection. In the end, the text resolves anxieties related to the bodily destruction of condemned Christians by demonstrating that this state was only temporary and, therefore, not genuinely indicative of criminal character.

The opening scenes of the narrative describe how Christians in Lyon and Vienne were excluded from public spaces, harassed and imprisoned, and then finally arraigned before the

⁶⁶ The following is adapted from Holob, “The Erasure of Humanity,” 35-45.

⁶⁷ For an overview of the text, see Rebillard, *Greek and Latin Narratives*, 145-47 and Moss, *Ancient Christian Martyrdom*, 102-116. For a response to issues of authenticity and dating, suggesting a date of about 177, see Moss, *Ancient Christian Martyrdom*, 191-92 n24.

⁶⁸ DeVore, “Genre and Eusebius’ *Ecclesiastical History*,” 36-37.

governor. This first major confrontation with Roman justice is representative of how much of the text defends its Christians and denigrates others. As in *Romans* and many other ancient texts, humanity is tied to reason and, therefore, to reasoned judgement or justice.⁶⁹ The governor examining the Christians displays savagery (ὠμότης) and irrational judgement (ἡ ἀλόγως γινομένη κρίσις). Later, the crowd is described as wild (ἡγριωμένος), maddened (μαινόμενος), behaving like beasts (ἀποθηρωθῆναι), displaying inhumanity (ἀπανθρωπία), and acting like barbarians (ἄγρια καὶ βάρβαρα φῦλα) (5.1.9, 7, 15, 37, 38, 57). According to Candida Moss, “By the end of the account, the crowd has been fully animalized... instead of the martyrs being animalized by the process of execution, their silence and acceptance disorient the crowd. The condemned become civilized while the civilized become barbaric.”⁷⁰ This juxtaposition between the rational Christians and the bestial crowd and judge seems to rearrange the relationship between the irrational criminal and the rational judge. The accused becomes the judge, while the spectators became the maddened non-humans.⁷¹ Likewise, other parts of the narrative show the same penal ideology, with martyrs having the trappings of humanity while others, including former Christians, are shown to be less than human.

2.2.1 Sanctus and the Resilient Human Body

The episode of Sanctus, a deacon from Vienne who endured torture on the order of the governor, illustrates some of the other issues animating *MLyon*. After he is arrested and interrogated, his torturers grow frustrated that he would confess only that he was a Christian and

⁶⁹ See Chapter 1, section 2.2.

⁷⁰ Moss, *Ancient Christian Martyrdom*, 111.

⁷¹ This also happens in other texts. For example, Lactantius (*Div. Inst.* 5.11) states that judges who condemn Christians “look down on the bodies of beasts (*corpora beluarum*), though they themselves are more savage (*saeviores*) than them, and moreover they flatter themselves that they were born human, though there is nothing human belonging to them except facial features (*lineamenta*) and an upright figure (*summam figuram*).” Emperors were compared to savage beasts with particular frequency. For more examples and discussion, see Ménard, “Un exercice déviant de la justice,” 118-20.

provide no other information. When they decided to burn Sanctus with red-hot metal plates on “the most delicate parts of his body,” he stalwartly showed no sign of pain, even though his whole body “was a wound, bruise, was shriveled, and had lost the outer human form” (τὴν ἀνθρώπειον ἔξωθεν μορφήν) (5.1.23). However, while the torturers were expecting his body to give out after repeated efforts, thus accomplishing their goal of frightening the other Christians, “contrary to every human expectation (δόξαν ἀνθρώπων) he lifted up his head, and his body was restored during the subsequent tortures, and it received back both the form it had previously and the use of its members... through the grace of Christ” (5.1.24). The deacon’s body, much like that of the condemned people discussed in Chapter 1, had been damaged and become unrecognizable as human. However, Sanctus miraculously received back his old human form through Christ’s power. The Sanctus episode implies to the reader that, with Christ’s help, Christians are more resolutely human in form than others. As I will argue later, this miraculous healing foreshadows the promised resurrection.

While Christians like Sanctus eventually died while still proclaiming themselves such, some of the Christians were who arrested denied Christ after being subjected to tortures. These former Christians did not have the same sort of body as Sanctus. Before the loyal Christians were finally executed, the narrative pauses to show the differences between the deniers and confessors, a contrast “plainly seen” (ἀνεφαίνετο) (5.1.32).⁷² The Christians who held to their confession were full of joy, hope, and love (5.1.34), and when they publicly emerged from prison, the confessing Christians publicly display elegance and joy, quite the opposite of what one might expect from a group who had been tortured and imprisoned (5.1.35). On the other hand, those who had denied fared differently. The reason for this is framed explicitly in terms of

⁷² Cf. Cobb, *Divine Deliverance*, 99-100, who also discusses the contrast but does not note the connection to criminality, preferring to discuss apostasy.

criminality. They “still remained under arrest as murderers (ἀνδροφόνοι) and polluted people (μιαροί), being punished (κολαζόμενοι) twice as much as the rest” (5.1.33). Their wretched status was reflected in their appearance. Punished by their conscience, “their appearances were easily distinguishable as compared with all the others” (5.1.34). They “were downcast, humiliated, misshapen (δυσειδεῖς), and full of or infected with (ἀνάπλει) ⁷³ utter deformity (πάσης ἀσχημοσύνης), and they were even berated by the pagans for being classless and cowardly, since they bore murder charges but lost the honorable, glorious, and lifegiving appellation” (5.1.35).

Though readers know that their sin was denial, not murder, ⁷⁴ the deniers are described with the same sorts of repulsive terms that one would expect to be ascribed to “real” criminals, like the robber who refused to admit his guilt in the *Colloquium Celtis* discussed in Chapter 1. Their appearance, whether acquired by nature, torture, or divine will, showcases their ugly nature and lack of humanity, much like that of the murderers they are accused of being. Deniers are elsewhere in *MLyon* further dehumanized by being called miscarriages, partially formed humans that sit uncomfortably somewhere between human, animal, and unformed flesh (5.1.11). ⁷⁵ Their fate is very different than that of the confessors like Sanctus.

2.2.2 Blandina: Questionably Human

This neat division between the resiliently human confessors and misshapen deniers is complicated, however, by the narrative’s portrayal of another figure, Blandina. Introduced along with Sanctus as one of the “things among humans that seem worthless (εὐτελῆ), unsightly

⁷³ On the second gloss, see LSJ, s.v. “ἀνάπλειος.”

⁷⁴ Rebecca Grose suggested to me that they could, however, be understood to be murdering themselves.

⁷⁵ Some are re-conceived later in the body of the mother church in 5.1.45. For a discussion of the womb imagery in *MLyon*, see Machabée, “Life and Death, Confession and Denial,” 287–308. This image in *MLyon* is likely connected to Paul’s famous self-description as an ἔκτρομα, a miscarriage, in 1 Cor 15:8, for which see my discussion above.

(ἀειδῆ), and contemptible (εὐκαταφρόνητα),” she is presented as a slave who endures tortures exceptionally well, even though the Christians, including her mistress, assumed that “the weakness of her body” would prevent her from confessing (5.1.17-18). At first glance, her description accords to that of Sanctus. Like Sanctus, whose initial torture is described after hers, her injuries were grave and extensive, to the extent that “her whole body was torn and opened” (5.1.18). Again, like Sanctus, she “was renewed by her confession, and her recovery (ἀνάληψις), repose (ἀνάπαυσις), and resistance to the pain (ἀναλγησία) of the events was her uttering, ‘I am a Christian and among us nothing base happens’” (5.1.19). But, though her body is both injured and renewed, there is no language that expresses a comparable elimination of human form and an explicit restoration of how her body used to be.

Key to understanding her role in this narrative is that being a slave, worthless (εὐτελής) as she was, Blandina did not have a fully human form to begin with. Like condemned people, slaves are consistently dehumanized and animalized throughout antiquity.⁷⁶ As Keith Bradley writes:

To animalize the slave was to project ugliness, always a mark of inferiority, onto a human victim for whom a condition of subservience others had determined; and it was to ostracize the slave from free society by denying the slave any shred of personal identity or human capacity.⁷⁷

Her humanity, to the extent that it existed, was already occluded by her status as a slave. It is telling that she is described as ἀειδής. Glossed by lexica as “unsightly,” it is formed by attaching a privative ἀ to εἶδος, which can describe the beauty of a person as well as the fundamental form or shape of something.⁷⁸ There is, in other words, something fundamentally wrong with Blandina’s physical form. As a slave, she shares much in common with the imprisoned deniers,

⁷⁶ Bradley, “Animalizing the Slave,” 110-125.

⁷⁷ Bradley, “Animalizing the Slave,” 123.

⁷⁸ LSJ, s.v. “ἀειδής” and “εἶδος.”

who are “misshapen (δυσειδεῖς), and contaminated with utter deformity” (πάσης ἀσχημοσύνης ἀνάπλειοι) (5.1.35). The lack of affirmed humanity and the tension between the description of Sanctus’s human form and Blandina’s ugliness is not resolved as the narrative continues.

The second time Blandina is tortured further implies that the text is wrestling with the nature of her status as a slave. She is “hung on a post” and “offered as food (προύκειτο βορὰ) for the beasts who were driven [into the amphitheater]” (5.1.41). Her torturers attempt to reduce her body to meat by feeding her to animals.⁷⁹ However, this transformation is not successful, since “none of the beasts attacked her” (5.1.42). Another transformation, however, does occur. She is “perceived as hanging in the shape of a cross” (σταυροῦ σχήματι), and other Christians saw “through their sister the one who was crucified for them,” which was taken as evidence that “all who suffer on behalf of Christ’s glory always have communion with the living God” (5.1.41). Blandina’s own body and personhood is overlaid with that of Christ, and while the narrative states that all those who suffered for Christ have a connection to God, only the ugly slave woman becomes an icon of the crucified savior. As Ronald Charles argues,

The author seems to indicate that Blandina is not herself; she is no longer the despised slave woman, but is clothed with Christ and, through him, she is the beneficiary of the crown of immortality... The interest is not the corporeality of Blandina. She does not exist; she vanishes. She only finds significance in the theological example that she is made to become; Christ is elevated through the bruised body of the slave woman.⁸⁰

While I agree with Charles that in the case of the crucifixion scene “Blandina’s identity vanishes; Christ supplants it,” Blandina does not subsequently disappear into the background, “utterly alone,” as Charles argues.⁸¹ In her last appearance, she in fact acts as an encouraging sister and

⁷⁹ Ménard, “Du « prédateur » à la proie,” 503. Ménard does not dwell on the mutability of the human criminal, focusing on the historicity of human consumption by animals, but she does ask how one should make sense of the fact that humans were delivered to animals as food in the manner of animals (510).

⁸⁰ Charles, *The Silencing of Slaves*, 180.

⁸¹ Charles, *The Silencing of Slaves*, 182, 184.

mother to Ponticus, a young Christian who may also be a slave; is ensnared in a net and exposed to a bull; and finally dies painlessly and impressively (5.1.53-56).⁸² Trapped like a hunter's prey, Blandina is unjustly animalized, as Candida Moss has argued, but her death is for the honor of God.⁸³ This is, according to the text, the point: God has taken something ugly and crowned her with his glory (5.1.17). However, despite the text's insistence that Blandina is sister to her fellow martyrs (5.1.41, 54) and is "crowned with the incorruptible crown" (5.1.42), as Virginia Burrus convincingly argues, "Blandina is not simply made 'noble': her power resides in her bottomless capacity for shame as both a woman and a slave."⁸⁴ Lacking something that the other martyrs seem to possess, a fully human form, Blandina sits uncomfortably between the status of a victor, which the text insists she has, and that of something poorly formed (ἀειδῆ) that the narrative, grounded in an ancient ideology where slaves are refused personhood, can't help but force upon her. This tension is one that lies in the background of the text's discussion of the resurrection.

2.2.3 Resurrection: A Solution to Reduced Humanity

At the end of the preserved *MLyon*, "the bodies of the martyrs, made examples of in all sorts of ways and left exposed for six days, were thereafter set on fire, burned to ash, and swept by the lawless ones into the river Rhône, which flows nearby, so that their remains might no longer be manifest on the earth" (5.1.62). In addition to emphasizing the extreme dishonor that even their corpses suffered, the practice of throwing ashes of the victims of state violence into a river has a Roman precedent in the throwing of bodies into the Tiber, which reassured the people

⁸² Παιδάριον could be glossed as "young slave" or "boy" (Rebillard, *Greek and Latin Narratives*, 167 n52). On Blandina as a maternal figure, see Cobb, *Dying to Be Men*, 115 and Moss, *Ancient Christian Martyrdom*, 112.

⁸³ Moss, *Ancient Christian Martyrdom*, 110: "The ambitions of torture are supplemented by the rituals of the amphitheater, which are intended further to denigrate and animalize the criminal in a public forum. Just as torture is rendered futile, so too the spectacle of exposure to the beasts is subverted. The martyrs resist the constraints and expectations of the amphitheater ritual and reconfigure the hierarchies of the execution ritual itself."

⁸⁴ Virginia Burrus, *Saving Shame*, 27. Similarly, Cobb, *Dying to Be Men*, 180 n89: "Slavery, like motherhood, seems to be a trope of femininity employed by the authors of the martyrologies and may serve to bolster the surprise and unexpectedness of their enacted masculinity."

watching that the polluting damned were cleansed from the city.⁸⁵ The treatment of their corpses, as well as their living bodies, shows that the people of Lugdunum, according to *MLyon*, understood the Christians as criminals, lesser humans. Their bodies were polluted and not deserving of burial, and what bodies that remained were reduced to ashes and swept into a river like mere debris or waste, utterly degraded.

With the Christians killed and disposed of as condemned criminals, we next get a window into the supposed perspective of the perpetrators:

And they did these things under the impression that they could defeat God and deprive them of their regeneration, ‘So that,’ as they themselves said, ‘they might have no hope of resurrection... Now, let us see whether they will rise again and whether their god will be able to help them and deliver them from our hands.’ (5.1.63)

Such a plot to destroy bodies reflects the anxieties of Christians in the late second and third centuries, who, as Caroline Walker Bynum argues, increasingly saw bodily dissolution after death as a problem that had to be solved.⁸⁶

The idea of a body scattered to the winds was particularly abhorrent, both to early Christians and others in Roman antiquity.⁸⁷ For Athenagoras, who wrote his *De resurrectione* perhaps a decade after the letter was composed,⁸⁸ there is no person when there is no body, so the Christian relies on God to put the pieces of disparate flesh back together again. With this action, humanity is restored; “for unless resurrection occurs, the nature of humans as humans would not

⁸⁵ Kyle, *Spectacles of Death*, 213-14. The river was also used for the disposal of living human beings seen as monstrous, including intersex children, who were classified as prodigies, and parricides, who, as dangerously impure individuals, would be placed in a sack alongside various animals (216-17). There is also evidence of such practices in western provinces, though not Lugdunum specifically (224). Kyle discusses later examples of disposals of Christians in water at 251-52. See Chapter 1, section 1.2.

⁸⁶ Bynum, “Images of the Resurrection Body,” 220; Bynum, *The Resurrection of the Body*, 27-33. See also Moss, *Divine Bodies*, which builds on Bynum’s work using disability theory.

⁸⁷ Bynum, “Images of the Resurrection Body,” 234.

⁸⁸ For discussions of the dating and attribution, see Petrey, *Resurrecting Parts*, 52, 66-67 and Moss, *Divine Bodies*, 165 n31.

continue to exist” (*Res.* 15.7). This applies even to the radical example of bodies that have been completely destroyed. By God’s power in the future resurrection, writes Athenagoras,

[the body] is suitably united, each part to each part, whether burnt by fire, decayed by water, or consumed by beasts or animals that chanced upon it, or whether an amputated part of the complete body decomposed before the other parts. Having been united with one another again, [the body parts] maintain the same position for both the frame and formation of the same body and for the resurrection and life of that which had died or even completely decomposed. (*Res.* 8.4)

If the body was burnt, decayed, eaten by animals, or amputated, the body can again be brought into wholeness by God.

According to Bynum, the punishments enacted by the people of Lugdunum against the bodies of Christians were a real concern for second and third century Christians, but there is no speech by an Athenagoras gracing the pages of *M Lyon*, at least of what survives. Did the longer version text resolve this tension, or did it just assume a readership would expect a resurrection? Whether or not a complete version of *M Lyon* would have directly addressed these concerns, there is nonetheless a literary response to anxieties related to destroyed bodies. As stated above, the body of Sanctus the deacon “had lost the outer human form” (5.1.23). Through the power of Christ, his body was restored and regained its shape and functions. Some other additional Christians

who were so cruelly tortured that it seemed that it was not even possible for them to remain alive, even if they obtained every treatment, kept surviving in prison, and though bereft of human medical care, they were strengthened again by the Lord and endowed with vitality in both body and soul. (5.1.28)

These passages show the body losing its form, being opened, and seeming on the verge of death. However, in each case God sustains or causes recovery in those bodies. Sanctus is especially illustrative of this, because his narrative specifies that he did not even seem human anymore before his restoration. Though another reading of this passage argues that his divine healing

grants him a new identity,⁸⁹ the text states that it is Sanctus's own shape—"[his body's] earlier form" (ἡ ἰδέα ἡ προτέρα)—that is restored to him (5.1.24). This is key, because an additional concern related to the resurrection was whether the body a person would receive back would be one's own body with one's own form. Athenagoras states that detractors must prove, among other things, that it is impossible for God to gather together the parts of a corpse "for the constitution of the same humans," and, as mentioned above, he states that God can in fact put the elements of the human being back in "the same position for both the frame and formation of the same body" (2.3, 8.4). "Resurrection," writes Bynum, "guarantees that it is *these very corpses* that achieve salvation."⁹⁰ The humanity of that very person is restored in resurrection.⁹¹

It is, however, more complicated, especially when Blandina is considered. Like Sanctus's, the body of Blandina "was torn and opened" (5.1.18), and her torturers were expecting her to die at any moment. However, she "was renewed by her confession" (5.1.20). The slave woman also seems to foreshadow the resurrection, but just as her renewal is complicated by her unsightly original state, the nature of her future resurrection is also complicated. When early Christians wrote about the resurrection, they also wrote about what the body is and should be. Sexual parts and desire were one locus through which "the early Christian theorization of the resurrected body systematically redefined the mortal body."⁹² Another was aesthetics. Candida

⁸⁹ Moss argues that when Christ suffers in Sanctus's body, Sanctus acquires an "elevated association with Christ" as an additional identity to the one he lost (*Ancient Christian Martyrdom*, 109). Sanctus's "deidentification allows [him] to receive a new identity—Christ. The physical eradication of Sanctus's shape, his *morphe*, allows Christ to inhabit his body. Paradoxically, the elimination of Sanctus's identity permits him to receive a better one" (Moss, *Ancient Christian Martyrdom*, 110).

⁹⁰ Bynum, "Images of the Resurrection Body," 229. Emphasis in original. The most recent discussion of continuity of identity in resurrection is Moss, *Divine Bodies*, 22-40.

⁹¹ The resilient integrity of the martyrs' humanity in this text was a concern even in the sixth century. Gregory of Tours in *Liber in gloria martyrum* 48 recounts a later tradition in which the martyrs reappear after their deaths "in that place where they had been given over to fire, standing unbroken and unharmed (*integri ac inlaesi*)" and tell the people to collect their relics.

⁹² Petrey, *Resurrecting Parts*, 104.

Moss argues that early Christian discussions and portrays of the resurrection body are determined by contemporary notions of beauty.⁹³ Moreover, that beauty is classed. The wealthy, not slaves, are possessed of beautiful clothes and bodies. In the case of unsightly (ἀειδής) Blandina, notes Moss, “the recasting of ugliness does not utterly sever the connection between beauty and virtue.”⁹⁴ Even though Blandina shows love to God that is “not just boasted about in appearance” (ἐν εἶδει) (5.1.17), that deceptive beauty is denigrated “demonstrates a lingering commitment to the assumption that beauty speaks to substance.”⁹⁵

Therefore, though *MLyon* addresses anxieties concerning the sorts of dissolutions of the body and damages to human form experienced in both torture, cremation, and decomposition, arguing that they are no impediment to the power of God, the potential outcome of Blandina’s resurrection, given that her human body is defective, is left in question. If Christians seem secure from the horrors of torture, even when the destroying punishments are meant to undermine their humanity and render them something less than human, the ontological status of a Christian slave—already lesser, already not quite human—is left unaddressed and unresolved. When the text tries to resolve this tension, it makes Blandina into Christ, not herself. For the slave woman, it gives up on the bodily continuity for which Christians contest in this and other texts. In the end, *MLyon* asserts that for the martyrs, at least the ones who are not ἀειδής, both their bodies and their status as human is secure.

In *MLyon*, the violence the martyrs experienced prepares the canvas of their bodies for the miraculous illustration of the resurrection. The deniers, forced to decompose and die in prison while Christians celebrate their soon-to-be renewed forms, are bound to and understood

⁹³ Moss, *Divine Bodies*, 89-113.

⁹⁴ Moss, *Divine Bodies*, 112.

⁹⁵ Moss, *Divine Bodies*, 112-13.

by the penal discourse described in Chapter 1, in which degraded forms are read and interpreted by judges as guilty and less than human. This division is complicated by Blandina, who cannot possess the ideal qualities of a human because she is a slave, so Blandina becomes associated with Christ when she takes center stage. Christians here perpetuate penal ideology while also revealing the shortcomings of an anthropology that regards slaves as less than fully human. Ignatius likewise reveals a complicated relationship with criminality. He emphasizes his potential and future humanity and freedom while also denigrating his current state using images applied to people who were thought to deserve death. In doing so, he perpetuates the idea that criminals deserve to die while carving out an exception not for his life but for his afterlife, arguing that the death of a criminal will paradoxically free him. These texts show that early Christians constructed executed people who were important to them in a manner that, intentionally or not, used other suffering people as foils and steppingstones to demonstrate the injustice done to them, but only to them.

3. The Discourse of Criminality after the Second Century

The tendency to strongly separate martyrs from “real” criminals, as was seen most clearly in *MLyon*, became crystalized as a commonplace trope in later centuries. In the third and fourth centuries, figures such as Polycarp, Perpetua, Pionius, and lesser-known martyrs were shown to have remarkable bodies or other qualities that distinguish them from common, debased criminals. Likewise, other texts written by apologists, especially Tertullian, state explicitly what the narrative texts imply: that Christians and criminals are fundamentally different.

In *Martyrdom of Polycarp*, traditionally dated to the mid-second century but now the early third,⁹⁶ Polycarp, the bishop of Smyrna, is sought after, arrested, and brought before the governor for trial. Like both Jesus and Socrates, he refuses to fully defend himself and is sentenced to death by fire.⁹⁷ Polycarp takes his place and offers up a prayer:

When he had offered up his last “Amen” and completed his prayer, the people responsible for the fire lit it, and as a great flame blazed up, we to whom it was given to see saw something wonderful (θαῦμα), and we also took care to report to the rest what happened. For the fire, making a vaulted shape like a sailcloth filled full of wind, built up a wall on all sides of the body of the martyr. And it was in the middle, not like flesh burning but like bread baking or like gold and silver being processed with fire in a furnace. In fact, we smelled a very pleasant odor (εὐωδίας), like a waft of frankincense or another precious aromatic plant. Eventually, when the lawless (ἄνομοι) saw that his body could not be consumed by the fire, they ordered an executioner (κομφέκτορα) to go and stab him with a dagger. When he did this, a pigeon and a large amount of blood came out, so much that it put out the fire. As a result, the whole crowd was astounded that there was so great a difference (διαφορά) between one of the faithless (ἄπίστων) and the elect (ἐκλεκτῶν). (*MPoly* 15-16.1)

Polycarp’s suffering paradoxically produces pleasant smells and sights, perhaps recalling Paul’s “sweet smell” from his procession metaphor (2 Cor 2:15).⁹⁸ While the audience expected charred flesh, those with privileged perception saw a purifying transformation of metal or baking bread and smelled incense. Another exceptional quality emerges when he is stabbed: Polycarp’s insides apparently contained a pigeon and enough blood to put out a fire. While the bird may be a textual addition,⁹⁹ the great quantity of fire-quenching blood at least causes a reaction in the crowd. That their reaction comes as a result (ὥστε) of what came out of Polycarp and not his bread-like flesh (which was invisible to the non-privileged audience) is notable. Bruce Lincoln argues that

⁹⁶ Moss, “On the Dating of Polycarp.”

⁹⁷ On deliberate imitations of Socrates and Jesus in this text, see Cobb, “Polycarp’s Cup.”

⁹⁸ See the discussion above.

⁹⁹ Eusebius omits it, but Rebillard (*Greek and Latin Narratives*, 101 n36) states that “there is no reason... to consider it an interpolation.” Wordsworth (*St. Hippolytus and the Church of Rome*, 318) suggests that περιστερὰ καὶ, “a pigeon and,” could be a corruption of περὶ στόρακα, “to the hilt.” Regarding my translation of περιστερὰ as “pigeon,” I honor the graffiti that was written on a mural under the Metra lines at 55th and Lakeshore Drive in Chicago in 2021: “These [pigeons] are the doves of the Bible.”

imperial ideology often portrays the wicked as full of foul-smelling waste and disgusting, rotting creatures, in contrast to the pure representatives of the empire.¹⁰⁰ The difference (διαφορά) the crowd recognizes could be not just his remarkable body in contrast to the faithless (ἀπίστοι) in general but more specifically in contrast to other people who died in the area, for whom charred bodies, a normal amount of blood, and no birds were expected. *MPoly* implies that non-Christian criminals died in a particular way, a way very different than how Polycarp ended his life.

In the *Passion of the Perpetua*, a purported diary and narrative from Carthage dating at earliest to 203 CE, a Roman noblewoman along with several others in Carthage are arrested, tried, imprisoned, and put to death.¹⁰¹ Outside of the “diary entries,” there are only a couple relevant mentions of criminality. The slave woman Felicity, whose execution might be delayed so that she could give birth, fears “that she might shed her holy and innocent blood later among others, dirty criminals (*allii scelerati*)” (15.2). Later, Perpetua identifies her party of would-be martyrs as “the most noble condemned” (*noxii nobilissimi*; 16.3). Other than these, criminality is more or less unaddressed. Perpetua’s athletic and gladiatorial skill is rather what the text focuses on.¹⁰² One of the more interesting parts of the work are a series of visions Perpetua records while waiting to die. In her fourth vision, she becomes a man (*sum masculus*; 10.7), specifically an *auctoratus* or voluntary gladiator.¹⁰³ She defeats an Egyptian man, actually the devil, and exits victorious, knowing now that she will also be victorious on the day of her martyrdom (10.14). That she became an *auctoratus* is significant. While gladiators were recruited from among criminals (*noxii*) sentenced to the games (*in ludum damnati*), slaves, and prisoners of war, after

¹⁰⁰ See Chapter 1, section 2.

¹⁰¹ On the authenticity of this text, see Muehlberger, “Perpetual Adjustment,” 313-42.

¹⁰² Castelli, *Martyrdom and Memory*, 123.

¹⁰³ Cobb, *Dying to Be Men*, 106.

the Republic, they were increasingly paid contractees (*auctorati*).¹⁰⁴ Gladiators and athletes were “some of the most potent cultural symbols of masculinity” and were used by Christians writing about martyrs to show that they “were not passive victims of Roman power but active participants in a fight for honor.”¹⁰⁵ In being depicted as a voluntary gladiator, Perpetua is made a non-criminal participant in the arena. She fights and dies willingly with honor, not shamefully like a criminal merely sentenced to death. By becoming an *auctoratus*, she is shown analogously to be something other than a criminal.

Tertullian, another Carthaginian writing in the early third century, contrasts the appearance and emotions of criminals with those of Christians, much like *MLyon* does. In his *Apology*, he writes:

Nature has dyed every evil thing with either fear or shame. Indeed, when it comes to criminals (*malefici*), they long to escape notice; they avoid being seen; they tremble when arrested; they deny when accused; not even when tortured do they confess easily or on each occasion; certainly, when condemned they are sad. They relate that in themselves there is an impulse for wicked thought; they ascribe their neglect of duty to either fate or the stars. For they are unwilling to be what they recognize as evil. But a Christian—what is he like? In no way is he ashamed [of being a Christian]; in no way does he regret [being a Christian], only that he was not [a Christian] even earlier; if he is made infamous, he exults; if he is accused [of being a Christian], he does not defend [himself]; when interrogated or tortured, he confesses; when condemned he gives thanks. What is this evil thing that does not have natural characteristics of evil: no fear, shame, evasiveness, regret, lament? What is this evil thing in which the guilty one rejoices, for which the accusation is wished, and for which the punishment is a victory? (*Apo.* 1.10-13)

For Tertullian, criminals naturally look and behave a certain way: they are furtive, trembling with fear, stubborn in the face of interrogation and torture, and they refuse to take blame for their actions, even though they are in some degree aware that they are wicked, qualities assumed to be

¹⁰⁴ Kyle, *Spectacles of Death*, 52.

¹⁰⁵ Cobb, *Dying to Be Men*, 33.

shared by criminals as a group.¹⁰⁶ Christians, on the other hand, are free of shame and openly confess to their Christianity, even celebrating when condemned. Tertullian uses the common ground of the purportedly natural behavior of the fearful and shameful criminal to show that Christians do not fit the criminal profile, much like *MLyon* did. Later in the same work, Tertullian again contrasts criminals, said to be from “pagan” extraction, and Christians:

We call on you to produce court records (*actus*), you who preside every day over prisoners’ court cases, who weigh dossiers for the sentences. You review so many guilty people with various dossiers of crimes: what murderer, what pickpocket, what temple-robber, briber, or bath-thief is there who is also designated Christian? Or when Christians are charged with their name, who among them is the same sort of person as all of these? With your kind (*vestris*) the prison always seethes; your kind the mines always exhale; with your kind the beasts are always fattened; with your kind are the herds of criminals (*noxiorum greges*) always stocked for the games. No one there is a Christian, unless it is just as a Christian. Or, if something else is the case, they are not a Christian anymore. (*Apo.* 44.2-3)

Those who fill up prisons, are forced to work in the mines, or are used in spectacles are, according to Tertullian, entirely non-Christians. The only Christians facing such punishment would be *as* Christians or, if they were genuinely guilty of a crime, no longer considered to be Christian. In addition to making the idea of a criminal Christian an oxymoron, Tertullian shows his disdain for such genuine criminals by animalizing them, calling people condemned to the beasts “herds of criminals” (*noxiorum greges*), and identifying them as food. Tertullian makes Christians and only Christians the victims of Roman injustice; any other person held in prison or facing down beasts not only showed the superiority of Christians but also deserved to be there.

Another martyrdom account, the *Martyrdom of Pionius*, dating between the third and fifth centuries, describes the titular martyr’s appearance in order to show how special and unlike a criminal he is.¹⁰⁷ Early in the narrative, he and his fellows Christians, purposefully dressed in

¹⁰⁶ On how guilt affects behavior, see Klauck, “Accuser, Judge and Paraclete,” 107-18.

¹⁰⁷ For this text, see the extended discussion in Chapter 4, section 3.1.

chains, are taken to court because they refuse to sacrifice. After giving speeches and being interrogated, they are taken away to jail. While they moved through the city, the crowd makes comments about the group. Some say of Pionius: “Though he was always pale (χλωρός), now his face is red (πυρρός)” (10.2). Both paleness and ruddiness could tell onlookers about Pionius’s apparent character. Paleness was thought to be a feminine trait and indicated cowardice,¹⁰⁸ while red skin variously indicated impudence, hot temperament, and a tendency toward violence.¹⁰⁹ As the narrative goes on to show, the crowd misperceived Pionius, who was neither cowardly nor hot-tempered, a small encapsulation of a common phenomenon in martyr literature. Pionius’s eventual death is described in terms that indicate his innocence, especially when compared to similar passages in *MLyon*. As with the earlier Smyrnaean martyr Polycarp, Pionius is set up in a pyre, is set aflame, and prays:

Just when the flames were rising, with a joyful expression (γεγηθότι προσώπῳ) he uttered his last “Amen” and said, “Lord, accept my soul,” as though burping tranquilly and painlessly he exhaled and gave his spirit as a deposit to the Father who promised to guard all blood and every soul that was unjustly condemned (ἀδίκως κατακριθεῖσαν). (*MPion* 21.9)

His crown [of martyrdom] was indicated through his body. For after the fire went out, we who were present saw his body in its prime, like a decorated athlete. Indeed, his ears were not drooping, and his hair rested on his scalp, and his chin was adorned as though with blooming youthful whiskers. Amazing grace shone out again on his face, with the result that Christians were fixed more firmly in the faith and that those without faith came back distraught and with a fearful conscience. (*MPion* 22.2-4)

As though responding to the early remarks about Pionius’s appearance, he dies with a “joyful expression,” showing neither fear nor anger. His body also fared well despite the flames: arrayed like a victorious athlete, with neither hair burned nor ears disfigured through heat. His face even

¹⁰⁸ Moser, “Violence and Criminality,” 237; Ps.-Arist., *Phgn.* 807b6.

¹⁰⁹ Moser, “Violence and Criminality,” 211-12, 216; Ps.-Arist., *Phgn.* 807b32. Rebillard (*Greek and Latin Narratives*, 63 n48) states that “a fiery face... betrays a rogue,” citing Ps.-Arist., *Phgn.* 812a16, but this passage refers to hair color, not skin color.

strengthened the community, including shaming those who had left. Moreover, innocence is also emphasized through the Father's protection of souls who were "unjustly condemned," putting not only Pionius but implicitly other martyrs, such as Polycarp, who also suffered execution while innocent. Recalling the martyrs in *MLyon* who looked beautiful despite their hardships and the deniers whose bodies were decomposing before they died, it is evident that *MPion* used a similar strategy to show Pionius's remarkable innocence and difference from aesthetically vile criminals.

Eusebius in his fourth century *Martyrs of Palestine* likewise contrasts Christians worthy of honor and mercy with real criminals who are not.¹¹⁰ The narrative concerning Agapius from the text's long recension is an exceptionally clear example:

He was led into the middle of the stadium with another person, a criminal (κακούργω); they said he was caught murdering his master. Then, the murderer of his master, sentenced to the beasts, was alone considered worthy of mercy and kindness (φιλανθρωπίας), not unlike Barabbas in the Savior's time. The entire theater was prominent with shouts and praise toward him, as if the bloodstained (μιαφόνου) man, saved out of kindness (φιλανθρώπως) by the emperor, deserved both honor and freedom. However, the athlete of religion was summoned by the tyrant earlier. At that time, having been asked for a denial of his statement for a promise of freedom, he bore witness in a loud voice that he will nobly endure whatever things would be brought upon him readily and with pleasure, not because of a false charge (φάυλης... αϊτίας), but for piety toward the craftsman of all things. (*MPal* LR 6.4-6)

In this passage, a slave credibly accused of murdering his master is released as a free man, while the Christian Agapius is shown no mercy and goes willingly to death. The slave, a wrongdoer or criminal (κακούργος) is polluted by his murder (μιαφόνος), a description often imputed to condemned people. Moreover, Eusebius twice states that the slave's unfairly kind treatment came about from an apparently excessive and undeserved feeling of fellow humanity

¹¹⁰ This text survives in its long recension partially in Greek and in full in Syriac. Its short recension survives in full in Greek. See Corke-Webster, "A Literary Historian," 192 n5.

(φιλανθρωπία, φιλανθρώπως) from the crowd and emperor. Eusebius may have intended to highlight the irony that a murderous slave, less than human twice over, was shown a type of mercy accorded only to humans, while a faithful Christian is executed. The injustice that Eusebius protests is most strongly felt by readers who assume that the slave, not the Christian, is worthy of death.

Finally, the concern for distinguishing between martyrs and criminals was likewise present into the period of the Byzantine Empire. According to Galina Tirnanić, a fresco depicting the martyr Euphemia in Constantinople offers a means for understanding “images of tortured martyrs as opposed to often visually similar punishments of contemporary criminals, particularly those accused of treason and heresy.”¹¹¹ Euphemia was understood to be simultaneously a criminal (from the perspective of the tyrannical proconsul who was shown observing her torture) and a martyr (from the perspective of the viewer in the church).¹¹² Tirnanić argues that the fluidity of executed figures was exploited by art patrons in order to criticize or praise the emperor ultimately responsible for figures analogous to Euphemia, whether a justly killed heretical criminal or unjustly killed martyr.¹¹³

4. Conclusion

When figures important to Christians began suffering punishments meant for people who were declared criminals, they were troubled. While the violence inflicted on them was theologically and rhetorically useful, associations with others who were condemned to death was not acceptable. From the earliest texts emerging from the Jesus movement, writers created

¹¹¹ Tirnanić, “Martyrs and Criminals in Byzantine Visual Culture,” 23.

¹¹² Tirnanić, “Martyrs and Criminals in Byzantine Visual Culture,” 27.

¹¹³ Tirnanić, “Martyrs and Criminals in Byzantine Visual Culture,” 31-33, 39, 41.

exceptions for the Special Condemned, whether by emphasizing the paradoxical message of the gospel, innocence, bodily integrity, future glory, or something else, they consistently reproduced assumptions that criminals were a separate category of non-person who deserved punishment, even as far as death. The second half of this dissertation will show that the distinction between martyr and criminal was significant even when it came to the afterlife.

Chapter 3:

“I Come not as a Criminal:” The Executed and Their Ghosts

If Chapter 1 of this dissertation examined those condemned to death, how they are dehumanized, considered servile, disposable, clear in their guilt, worthy of death and unworthy of a proper burial, this chapter looks at the same group of people after their death—executed rather than merely condemned. Overall, in this second half of my dissertation, I turn to the afterlife of the executed, how those who were killed by state violence continue to exist in relation to that violence. The counterpart to Chapter 2, which examined how Christians related to those condemned to death, especially the Christian Special Condemned, is Chapter 4, which will discuss Christian engagement with the executed, in particular their Special Executed, including both Jesus and any martyr who was killed through a legal process.

In short, in order to understand the full scope of how discourses of criminality impacted the construction of the Christian Special Executed, we must consider not only how condemned criminals were depicted leading up to their execution but also after it. People who would be executed in the future or who were already killed were often said to suffer violent or forceful (βίαιος) death. While violent deaths also encompassed other ways of dying, such as through battle or suicide, it was very strongly associated with criminal execution in the Roman period, despite what some scholars contend. Those who suffer violent death (*biothanatoi*, from βίαιος and θάνατος)¹ were also very commonly thought to become unsettled ghosts, whose souls or

¹ The vast majority of scholars use the spelling βιαιοθάνατος and the transliteration *biaiothanatos*. (Though both Cumont, *L'Égypte des astrologues* and Nock, “Tertullian and the *Ahori*” use *biothanatos*.) When commented on, scholars often claim something along the lines that “*biothanatos* [is] a bizarre oxymoronic shortening of *biaiothanatos*” (van Hooff, *From Autothanasia to Suicide*, 158). This is despite the fact that both astrological and magical texts, in which the word is most often seen, overwhelmingly favors the spelling *biothanatos*. For a philological argument for the priority of the spelling *biothanatos*, see Zucchelli, “Ancora su βιοθάνατος et βιαιοθάνατος.” See also Cumont’s comment in *After Life*, 141 n46.

body parts practitioners of magic used to perform rituals, and that components had to come from executed criminals was occasionally specified in recipes. They were considered useful both because of their unsettled status but also because their places of death were widely known and their body parts widely available.

In this chapter, I will first go through the range of meanings for violent death and those who suffer it found in astrological and philosophical sources, also arguing against the common assertion that it primarily refers to suicide in the Roman period. It refers mostly, though not entirely, to death by execution, spectacle, or suicide. The technical nature of violent death terminology makes it useful for considering how those who will be or have been executed are conceptualized. In the second part, I argue that the association of *biothanatoi* with criminals extends into their status as ghosts and is important for understanding how these ghosts function in literature and magic. That *biothanatoi* are mentioned in various recipes indicates that the executed play a much larger part in magic than is generally assumed. This also shows that the *biothanatoi*, insofar as they are executed criminals, were active parts of the ancient landscape of invisible powers.

What I contend relies on and expands upon what J.H. Waszink stated nearly a century ago, which is worth quoting in full here:

For when *biothanati* were discussed, at first, it was usual to ask only whether someone had died violently or not: no one regarded τὸν βίαιον himself as either good or bad. But little by little, when human feeling began to assign the primary place among the unfortunate to those who suffered capital punishment (*summum supplicium*), not only did the common, uneducated person greatly fear that they all desired revenge, ... the very word βίαιος turned into an insult. This is demonstrated in the martyr acts, in which both martyrs themselves and Christ are commonly called by this title.²

² Waszink, “Varia critica,” 124.

What *biothanatos* means and what violent death more broadly means for those who suffered it is of great importance for understanding not only how punishment was conceived of in antiquity but also how Christians, whose Special Executed were called by these terms, wrestled with the concepts, a topic I will turn to in chapter 4.

1. The Restless Dead

The *biothanatoi*, which I will be discussing throughout this chapter, are one of the restless dead of Mediterranean antiquity. Some introduction is in order. It is generally said that there were three types of unsettled ghosts in Greco-Roman antiquity: *ataphoi*, *aōroi*, and *biothanatoi*.³ The *ataphoi* (from the privative alpha with τάφος) were those who did not receive proper burials or other ritualized disposals of their bodies. These ghosts are well known from Homer,⁴ but they also make appearances well into Roman antiquity and into the early Middle Ages.⁵ The *aōroi* (from the privative alpha with ὄρα) are ghosts related to the typical human lifecycle; that is, they died before their time. Sub-types include the unmarried (ἄγαμοι), the uninitiated or immature (ἀτέλειστοι), and those without children (ἄτεκνοι).⁶ Indeed, *biothanatoi* (from βίαιος with θάνατος), those who died through an act of violence, would rightly be considered a sub-type of *aōroi*, since they die before their fated time.

Scholars have argued that all three types were not permitted to enter Hades until the allotted amount of time had passed, and their restless, wandering nature made them both

³ Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 388-89; Johnston, *Restless Dead*, 127; Alfayé, “*Sit tibi terra gravis*,” 184-87.

⁴ Johnston, *Restless Dead*, 8-10. Patroclus and Elpenor are the primary examples, found in *Il.* 23.65-74 and *Od.* 11.71-78.

⁵ The “haunted house” tradition offers several good examples. See Ogden, “Lies Too Good to Lay to Rest,” 67-72.

⁶ Johnston discusses ἄωροι extensively in *Restless Dead*, 161-199.

frightening and available to exploit for magical practices.⁷ The Carthaginian Christian Tertullian (early third century) is very important for this view; he states that “it was supposed (*creditum est*) that the unburied (*insepultos*) were not admitted into the underworld before they received their due honors... They also affirm (*aiunt*) that souls that are preempted by an untimely death continually wander here and there... In a similar manner, they will also hold (*habebuntur*) as exiled from the underworld those [souls] who are sentenced to die by violence” (*An.* 56.2-8). However, other ancient sources are inconsistent in expressing such beliefs.⁸ Johanna ter Vrugt-Lenz has shown that Tertullian seems to misrepresent how widespread the assumption is that, for example, *aōroi* are not admitted into the underworld without a delay.⁹ Indeed, some ghosts seemed to have remained on earth for “personal reasons,” such as revenge or, in the modern parlance, unfinished business.¹⁰ I suspect, as I argue regarding *biothanatoi* in Chapter 4, section 3.2, that Tertullian may have intentionally exaggerated the “rules” of the afterlife for rhetorical effect. We should thus be cautious when dealing with his systematization, or that of any others, as Sarah Iles Johnston and Debbie Felton also emphasize. These categories were fluid, and their fluidity was often constrained by stricter categories imposed upon texts by scholars ancient and modern—“it is a very artificial consistency.”¹¹ Indeed, J. H. Waszink points out that in the first

⁷ Martinez, *A Greek Love Charm*, 48, which includes a thorough bibliography.

⁸ For example, Homer, who is very important for establishing that the *ataphoi* are not permitted to enter Hades, does not regard those who die in particular ways as excluded (ter Vrugt-Lenz, *Mors Immatura*, 9).

⁹ Ter Vrugt-Lenz, *Mors Immatura*, 12: “[N]owhere in this post-Homeric time is there any trace of the conception that ἄωροι should not be admitted to the nether world... Consequently, it does not seem right to me to combine this old Greek conception of ἄωροι roaming about of their own free will with what Tertullian says in *De Anima*, ch. 56, about (*animas*) *immatura morte praeventas* into one complex idea, as Rohde and many others do.” Ter Vrugt-Lenz states this too strongly, as the infants on the outskirts of Virgil’s Hades (*Aen.* 6.426-29), for example, seem to share in this tradition. She is correct, however, that ghosts such as Gello, the untimely dead ghost of a woman who kills children, (*Mors Immatura*, 11; Johnston, *Restless Dead*, 161-99) do not fit into the conventional picture of *aōroi*.

¹⁰ Ter Vrugt-Lenz, *Mors Immatura*, 11.

¹¹ Johnston (*Restless Dead*, 176), discussing ghosts under the umbrella of demons, writes: “It is not until those who stand outside of a community begin to make lists of its demons (i.e., ‘demonologies’) for their own purposes that any real consistency of traits and imagery is obtained, and it is a very artificial consistency, born from a scholar’s desire to organize or a missionary’s desire to control and eventually overcome.” See also Felton, *Haunted*

few centuries CE “a differentiation [between the *aōroi* and *biothanatoi*] was made by sentiment (which in these matters is more powerful than logic).”¹² Because of this, I will describe *biothanatoi* with little attempt at making sources entirely consistent. I rather provide evidence that, whatever metaphysics or eschatology underlies a given source, they are often associated with the executed. While I reference early writers, such as Plato, my focus is on their reception the first few centuries CE, where we can often see an implied or explicit tie to criminals. Overall, my literary and socio-rhetorical approach to the sources will produce an intentionally limited picture of *biothanatoi*, one that shines a light on their associations with criminality.

2. Classifying Violent Death

A close examination of vocabulary associated with violent death is useful so that when the terminology is seen without context, we can appreciate what sorts of assumptions an ancient reader would bring with him regarding types of deaths and the types of people who suffer such deaths. This is important to consider not only in magic that recommends the use of *biothanatoi* but also in Christian texts that address the category in order to distance the Special Executed from it.

While I will focus most on the executed, it should be noted that violent death encompassed several types of unfortunate ends: namely, murder, arena games, battle, and suicide. Victims of murder, especially children, are a common type of *biothanatoi* in both early and late antique literature, though not in magical recipes. Sarah Iles Johnston’s classical

Greece and Rome, 25: “It is important to realize that ghosts are not one single phenomenon, but rather form a range of phenomena. In antiquity, there were few real attempts at classification of ghosts; as we have seen, the terminology used to refer to types of ghost was vague, and the various words were often used synonymously... The categories are not mutually exclusive: there is nothing to prevent someone from being violently killed and left unburied. Also, these categories by no means cover the whole range of common ghostly phenomena described in antiquity.”

¹² Waszink, *Tertullian. De anima*, 566.

examples include mostly murder victims,¹³ and examples from later Roman sources attest to the continuance of this belief.¹⁴ Children in particular were associated with murdered *biothanatoi* in literature, whether dramatically slaughtered by an evil magician or tragically killed in other circumstances.¹⁵

Several sources also portray combatants in games as suffering a violent death. Though not particularly relevant in classical Greece,¹⁶ the Roman period witnessed extraordinary growth in the popularity and geographic spread of a variety of dangerous games that often resulted in the death of combatants, particularly gladiators, *bestarii*, and *venators*.¹⁷ It should be noted that these figures were often, though certainly not always, condemned to serve in these roles.¹⁸ Their identification with *biothanatoi* is sporadic but not uncommon. The strongest example is from Tertullian who says that demons identified by magicians as *biaeothanatoi* disguise themselves as gladiators or *bestarii* (*An.* 57.5).¹⁹ The Suda also contains refers to *bestarii*, *venators*, or criminals condemned to the games as *biothanatoi*, since “*biothanatoi* used to be thrown into the [place] called the Kyneigion” (Suda κ 2702). Finally, a magical recipe for attracting a lover instructs the practitioner to “go where heroes (i.e., the dead), gladiators, and *biaioi* were killed,”

¹³ Johnston, *Restless Dead*, 28, 128, 130, 144-45, 149-50, 153-55. Named figures include Argus (killed by Hermes), Agamemnon (killed by his wife Clytemnestra), Clytemnestra (killed by Orestes), Theseus (killed by Lycomedes), Phrixus (killed by Aeëtes), and the Spartan Pausanias (killed by Spartans through starvation).

¹⁴ Apul. *Met.*, 9.29, in which a practitioner of magic uses the ghost of a violently killed women (*umbram... violenter peremptae mulieris*) to threaten her husband.

¹⁵ Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 186, 402-03; Bernard, *Sorciers grecs*, 142.

¹⁶ I am not aware of any examples of violently dead ghosts of athletes. The cult to the Olympic victor Theagenes of Thasos comes to mind, though he was thought of as powerful not because of his death but because of his many victories when alive and his threatening deeds after death. On Theagenes, see Johnston, *Restless Dead*, 154.

¹⁷ Most amphitheatres for such games were built in the first and second centuries CE in the western empire. While the eastern empire had fewer purpose-built structures, they put on displays in stadia, theaters, or other buildings. See Dodge, “Amphitheatres in the Roman World,” 554-56 and Dodge, “Venues for Spectacle and Sport,” 568-69, 572-73.

¹⁸ E.g., *Dig.* 48.19.8.11-12 (Ulpian). See my discussion in Chapter 2, section 3.

¹⁹ One should also compare the ghost of the gladiator in Eunap., *V.S.*, 6.117.

probably an arena (GEMF 57.1393-94).²⁰ While this does not necessarily mean they were considered to be the same thing, they were grouped together. Similarly, at least one curse tablet (*DTAud* 251) has been found in a *spoliarion* of an amphitheater in Carthage, where the dead bodies of gladiators were placed after falling in the games, likely an attempt to recruit their souls for magical purposes.²¹

As for those who died in war, earlier sources from Classical Greece generally give no indication that those who die nobly in battle are considered *biothanatoi*.²² In later texts, however, battlefields were the location of dangerous and powerful ghosts.²³ For example, Apollonius of Tyana encounters a child possessed with a ghost who died in battle, but his unrest seems to have been mostly due to his wife immediately marrying another man after his death (Philostr., *VA* 38.2).²⁴ It seems to be the case that war dead are not often restless *biothanatoi*; there needs to be extenuating circumstances that make the dead restless in addition to their having died, whether because they remain unburied, were involved in a civil war, or were otherwise exceptional. At the very least, these examples indicate that when the violently dead are referenced in sources that

²⁰ “Heroes,” here and in most cases in the PGM are just the dead of an unspecified type. See Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 59-60.

²¹ Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 185; Vrugt-Lentz, *Mors immatura*, 48.

²² Johnston, *Restless Dead*, 149.

²³ Pausanias, Philostratus, and Lucan provide good examples. Daniel Ogden (*Greek and Roman Necromancy*, 13-14) describes that according to Pausanias, dangerous ghosts would appear at Marathon due to the inadequately buried Persian dead, and according to Philostratus ghosts on the Trojan plain would prophesy, help a vine-dresser, harm sheep, and drown children. Another man was reanimated to chastise Romans for despoiling the dead, and according to Lucan, Sulla’s and Marius’s ghosts appeared to herald the new civil war, since they were leaders in the previous one (15-16). Other examples of unburied battlefield dead come from Heliodorus’s reanimation of a soldier on the part of his mother and Lucan’s description of Erictho (16). In the narrative of Erictho, who looks forward to harvesting the bodies of Roman combatants in the aftermath of civil war battles (570-587), she summons the ghost of a freshly fallen soldier for divinatory purposes (619-623). However, Erictho makes sure to select from among “the bodies of the slain that were thrown away and denied burial” (*corpora caesorum tumulis proiecta negatis*; 626), making their status as *ataphoi* the driving force for her selection. Virgil, whom I discuss more below, does indicate that the war-dead are grouped with the violently dead. This includes both the *bello clari* (*Aen.* 6.478) and Deiphobus, who was killed in his sleep due to the betrayal of his wife (*Aen.* 6.520-530).

²⁴ For ghosts seeking revenge for wives remarrying too quickly, see the discussion and bibliography in Jobbé-Duval, *Les morts malfaisants*, 7.

do not specify the sort of violently dead, such as curse tablets, it is not exceptionally likely that they are imagined to be soldiers.

Suicides especially are worth speaking about in the context of *biothanatoi*. Those who took their own lives by hanging were particularly feared and hated; numerous examples attest that the bodies of the dead were often excluded from proper burial, that the instruments of death were thought of as powerful, and that the spirits of the dead themselves were dangerous.²⁵

Additional examples from astrological sources mentioned below will supply further evidence that suicides are often considered to be *biothanatoi*. However, the prevalence of understanding *biothanatoi* as suicides should not be overstated. This has caused problems for interpretation, as I will discuss below.

Execution was widely understood to be a major form of violent death. For example, an early example of violent death being associated with execution comes from Philodemus of Gadara's *De morte* (first century BCE). It is an interesting take on the consolatory genre in which circumstances of death generally considered "bad" are shown to be ultimately trivial and not worth worrying about.²⁶ Among other types of bad death, such as dying young, away from one's homeland, or going unburied, he also mentions death caused by a legal condemnation:

Again, it might seem pardonable to grieve when about to die violently (καταστ[ρ]έφειν βιαίως) after being condemned by a judge or authority (ὑπὸ δικαστηρίου κατακεκριμένον ἢ δυνάτου), as Palamedes, Socrates, and Callisthenes [were]. In fact, [this position] forgets that these events are extremely unlikely and exceptionally rare in the cases of wise men. (Phld. 112.37-113.7)

²⁵ Voisin, "Pendus, crucifiés, 'oscilla'," 422–50; Gris , *Le suicide*, 141-149. Fascination with the body parts and accouterments of hanged people continued until well into the nineteenth century. See Davies and Matteoni, "A Virtue beyond All Medicine," 686–705.

²⁶ For an introduction to the text, see Henry, *Philodemus*, xii-xxxiv, esp. xviii-xxii. Book 4 of a work entitled Περὶ θάνατου was preserved on a papyrus roll in Herculaneum due to the eruption of Mount Vesuvius in 79 CE.

He goes on to state that even when such a thing does happen to good men, it is possible to endure it. People who are unjustly condemned can take consolation that neither the lives they led nor the reputations they earned were impacted. On the other hand, the bad death suffered by people who deserve to die does not make their sorry state any more wretched.²⁷ While this example is one of a number of deaths Philodemus discusses, it is notable that execution is the only one described as occurring violently (βιαίως).²⁸

Lucian of Samosata's *Cataplus* (mid to late second century CE), a satirical dialogue taking place in the underworld, also mentions the violently dead (called τραυματίαι here) as a discrete category, which includes the executed. In the dialogue, the dead arrive as a group, whether willingly or reluctantly, and meet the Fate Clotho and the ferryman Charon at the banks of the underworld's river. After some delay, Charon tallies his boat's passengers as they board, all 1004 of them (*Cat.* 4).²⁹ First are babies, including exposed ones. Next are those are sixty years of age or older. Third, there is a group referred to as the wounded (τραυματίαι), who consist of the battle-dead, those who ended their lives because of love, two men who died fighting for kingship, one man murdered by his wife and her lover, "those from the courts" (οἱ ἐκ δικαστηρίων)—whom Clotho clarifies are "those who died by the 'drum' and those who were crucified" (τοὺς ἐκ τυμπάνου καὶ τοὺς ἀνεσκολοπισμένους)—and those killed by bandits. Following them, there are women, a leatherworker who died of an unknown cause, and victims of shipwreck, fever, unusual food, and poison. As is typical with Lucian, the situation is not

²⁷ Phld. 113.15-21: "Indeed, when someone who is guilty (ἔνοχος) of shameful things that are condemned by a multitude or an authority meets with death, he is wretched. However, [he is wretched] is because when alive he chose this way of life, not because after he died he would still endure something evil on account of his bad reputation."

²⁸ Uses of βιαίος or βιαίως occur at 87.8; 113.2; and 115.34. The latter two refer to the type of death under discussion. The use in 87.8 describes a supposition of how the soul separates from the body that Philodemus disagrees with.

²⁹ The tally occurs in 5-7 until the tyrant interrupts in 8. The leatherworker appears in 11, and it was revealed how the tyrant died in 15.

portrayed with much seriousness. For example, one of the dead is a philosopher who died after eating an offering to Hecate, purificatory eggs, and a squid, even after he tried several times to commit suicide (*Cat.* 7.). It gives the impression that the situation, as well as their categorization, is both routine and not to be taken terribly seriously. Nonetheless, the category of the wounded (τραυματίαι) seems to be more or less equivalent to the *biothanatoi*, and it is notable that executed criminals are included as a discrete group within them, indicating that they were commonly imagined as an independent group of dead, at least among groups and people at whom Lucian was poking fun.³⁰

An exploration of *biothanatoi* in other sources will further show that they are very frequently associated with the executed.³¹ Both astrological and astrologically inflected philosophical texts from several centuries state that *biothanatoi* are made though deaths used as execution methods, such as beheading or fire. While by no means are *biothanatoi* exclusively criminals, they are commonly enough associated with them that ancient readers familiar with the term would likely draw the connection.

2.1 Execution and Violent Death in Astrological Sources

The most common body of literature in which *biothanatos* and related vocabulary (βαιοθάνατος and the Latin *biothanatus*) appear is astrology, a tool for divining the fate of individuals, groups, ventures, and so on through the motions of heavenly bodies.³² In fact, the

³⁰ See also my discussion of another of Lucian's works below.

³¹ One early example worth noting is the companion of Odysseus who was executed for the rape of a maiden and subsequently tormented the inhabitants of Temesa in Paus. 6.6.7-11. Richard Gordon identifies this ghost as a *biaiothanatos* ("Imagining Greek and Roman Magic," 176)

³² Edmonds, *Drawing Down the Moon*, 236-268 was consulted throughout this section.

vast majority of their uses are in astrological works by authors such as Vettius Valens (in Greek) and Firmicus Maternus (in Latin).³³ Franz Cumont accurately describes how the term was used:³⁴

The label *biothanati* (βιοθανάτοι) was applied par excellence to the tortured (suppliciés), but, properly speaking, it designated all those who died a violent death, whether they had committed suicide by iron, rope, drowning, a fall into a void, poison, or the sting of an asp (like Cleopatra), whether they had been the victims of murder or swept away by some accident. Astrologers were very occupied by these *biothanati*, and not only because their clients were obsessed with the fear of a tragic end. These sudden deaths interrupted the normal course of human life and seemed to be a divergence from the laws of nature, a disturbance to the order of the physical world.³⁵

In several texts written or translated during the Roman imperial period, the planets Mars and Saturn, “the two astrological executioners,” are responsible for instances of violent death that result from their positions at an individual’s birth.³⁶ Thus, astrological texts are invaluable for seeing constructions of violent death and to what sorts of people violent deaths tends to happen. Indeed, astrological writings influenced later texts that attempt to categorize death,³⁷ including ones I will discuss below.

Ptolemy (ca. 100 - ca. 170), like other astrologers, holds Mars responsible for violent deaths (βιοθανασία) (*Tetr.* 2.9.11). In discussing death, he also states that when the stars are in particular positions, those who die from fevers, childbirth, epilepsy, etc., “die by their own deaths,” meaning, by a natural death that comes from themselves and not from exterior forces (4.9.8).³⁸ When the heavenly bodies are in other positions, they die “in violent (βιάιως) and

³³ This can be confirmed through searching on the *Thesaurus Lingua Graeca* or the Library of Latin Texts.

³⁴ While Cumont thought that his astrological texts were from the Ptolemaic period, more recent scholarship has pushed at least some of his sources to the first few centuries CE; nonetheless, his book remains very useful. See Bull, *The Tradition of Hermes Trismegistus*, 85-86.

³⁵ Cumont, *L'Égypte des astrologues*, 199-200. Unlike Cumont, I do not argue that astrology had a strong influence on the concept of the *biothanatoi* as ghosts (ter Vrugt-Lenz, *Mors Immatura*, 2-3.)

³⁶ Bouché-Leclercq, *L'astrologie grecque*, 423.

³⁷ Ter Vrugt-Lenz, *Mors immatura*, 96.

³⁸ Robbins (*Ptolemy. Tetrabiblos*, xvi, 431) supplies the translation of “natural death” based on an anonymous commentary attributed to Proclus.

conspicuous (ἐπισημοίς) ways” (4.9.9). Such deaths include what we might call accidents, such as drowning, trampling, and shipwreck, but also human-caused deaths such as murder and “in public places or on special days while fighting beasts,” “in prison,” “as murderers of women,” “by decapitation or mutilation,” “by crucifixion,” “by being burned alive,” and, finally, “again, conspicuously by condemnation and the anger of governors or emperors” (4.9.10-14). People with such nativities are also more likely to “be abandoned, bereft of burial and be consumed by beasts or birds” (4.9.15). Thus, Ptolemy by no means categorizes violent deaths as exclusively resulting from condemnation, but it is notable how many examples of execution or otherwise criminalizing deaths there are in his work.

Like Ptolemy, his more theoretically inclined and more famous contemporary, Vettius Valens (ca. 120-ca. 175) provides information on a variety of deaths that could be considered violent. If there is a particular conjunction of Mars and Mercury, they will cause the following for their natives:

They become *biothanatoi* and *ataphoi*. If in four-footed signs [of the zodiac], they will be caught by beasts; if in signs that look like humans, by bandits; if in solid signs, by heights or falls, if in fiery signs, by fire; if in watery signs, by shipwreck; if in tropical signs, as gladiators. (*Anth.* 2.14.59)

Several of these (beasts, fire, and as gladiators) are modes of execution or punishment. A passage from his introduction, in which Valens responds to hypothetical concerns that stars could cause unfavorable destinies even for elites, offers a counterexample. He reassures his readers that “a [star] that is favorably arranged will not make a well-born person who is never mixed up in crime (κακουργία) into a *biothanatos* or convict (κατάδικον)” (2.41.10). Here, a *biothanatos* is not the same thing as a condemned person. Rather, I suspect this sort of violent death would

come at the hands of fellows criminals. All the same, the word carries with it an implication of criminality, even if the implied death is not a result of the penal system.³⁹

Other roughly contemporary sources from less famous astrologers also discuss condemned people. According to an astrological poem attributed to Manetho (ca. prior to third century CE), when the moon, Mars, and Mercury interact in a particular way in the constellation Aries, they create “evil thieves” (κακοὺς ληϊστοραζ ἄνδραζ) (*Apot.* 4.482).⁴⁰

These people, after being detected in others’ homes,
will inhabit prisons, guarded in chains,
and by the most violent death (βαιοτάτῳ θανάτῳ) they will forsake life,
whether cleft by fearful swords or axes,
or by fastening a grievous noose around their necks,
their bitter spirit will quit by the compulsion of bitter Fate. (*Apot.* 4.485-490)

Such people will be arrested and will either be executed or, apparently, take their own lives.

Another anonymous astrological text from the third century (PSI III 158 11-12) also sees Mars or Saturn cause a run-in with the law: “If either of the two [Saturn or Mars] gives out light to the other, it will produce violent death (βι[ο]θανασίας) or an experience of guards; they capture and harm.”⁴¹ Likewise an Egyptian Greek astrological text translated into Latin in the fourth or fifth century CE, refer to those punished by governors (*praesides*) as having become *biothanatoi*.⁴² As with Valens, violent deaths are associated with criminality in these texts.

Writing in the fourth century CE in Rome, Firmicus Maternus also has a wealth of examples—he “sows his *biothanati* almost everywhere,” as Bouché-Leclercq says⁴³—many of

³⁹ Other examples in Valens on the subject of both *biothanatoi* and criminals or execution includes: *Anth.* 1.20.7, 2.9.5-6, 2.12, 2.41.28, 30, 33, 35, 91-92, and 7.1.21-30. Other relevant passages that lack the word *biothanatoi* but are still interesting because they mention execution include 2.14.3-7 and 2.17.27. In an example that is rather humorous (to me) for its context (5.6.21-22), Valens states that he thinks “those who oppose this education” (τοὺς κατὰ τοῦ μαθήματος) (i.e., his astrological work) should “suffer just punishment” (δικαίαν τιμωρίαν ὑπέμειναν) and “meet with a shameful or violent death” (πρὸς αἰσχιστον ἢ βίαιον κατήνησαν τέλος).

⁴⁰ For the date, see Lopilato, “The *Apotelesmatika* of Mantheo,” 11-12.

⁴¹ On police violence, see Torallas Tovar, “Violence in the Process of Arrest,” 101–10.

⁴² *Liber Hermetis* 94.1: *multi a praesidibus puniti biothanati fiunt* (as quoted by Cumont, *L’Égypte*, 52 n1).

⁴³ Bouché-Leclercq, *L’astrologie grecque*, 423 n1.

which are related to execution or criminality. In discussing people who die violent deaths (*biothanatum*), he states,

For in human signs [of the zodiac] death will be caused by the sword, whether by bandits, or in a flight, or by the license of some potentate... In fire signs, he is consigned to burning flames, whether the flames arose by chance or were kindled by the command of some potentate. (*Math.* 7.23.3-4)

A *biothanatos* can also be “struck by a sword due to a judge’s sentence because he was convicted of a diverse variety of crimes” (3.4.23). Likewise, certain astral bodies “might make a *biothanatos*, but [the *biothanatos* is] one who suffers punishment because of a judge’s sentence” (3.7.27). There are many other examples related to criminals being sentenced,⁴⁴ and many make explicit mention of *biothanatoi*.⁴⁵ Though not all *biothanatoi* were thought to be fated for execution,⁴⁶ Firmicus, as with the other astrological texts discussed, provides still more evidence that those who suffered violent deaths are strongly associated with criminals.⁴⁷

Damascius (fifth to sixth centuries CE), known for being one of the last Neoplatonists of the school of Athens, supplies a philosophical example that is heavily influenced by astrology. In one section at the conclusion of his commentary on the *Phaedo*, he elaborates on the theory of natural and violent death that was discussed above in Ptolemy.⁴⁸ According to Damascius, “there are many manners of death.” In order, he gives a natural death (θάνατος ὁ τῆς φύσεως) from old

⁴⁴ Firm. Mat., *Math.* 3.11.12, 3.11.13, 3.12.19, 4.11.4, 4.13.10, 4.14.7-9, 4.14.12, 4.19.23, 4.19.33, 8.27.6.

⁴⁵ Firm. Mat., *Math.* 3.2.3, 3.3.12, 3.3.22, 3.4.18, 3.4.35, 3.4.37, 3.5.36, 3.11.1, etc. Even Kroll does not make a complete list in the index of his critical edition (2:399).

⁴⁶ Sometimes violent death is suffered by a public figure or elite; in which case, they do not die like a common criminal but are assassinated or die in some other way in exile (Firm. Mat., *Math.* 3.4.24, 3.5.4, 3.5.6, 3.5.8, 3.5.10, 8.29.3). On the other side of the class spectrum, *biothanatoi* can also come about through slavery or abject poverty that does not result in execution or legally defined murder but is considered violence all the same (Firm. Mat., *Math.* 4.4.2, 4.10.2, 4.10.4, 8.30.9).

⁴⁷ It is interesting that Firmicus might also have been the Christian apologist (Edmonds, *Drawing Down the Moon*, 242). Unfortunately, time does not afford me the possibility to explore *biothanatoi* in his explicitly Christian work.

⁴⁸ The most direct source of Damascius’s knowledge on this topic likely comes from Porphyry, whom Macrobius states discussed this theory in detail. Macrobius, *Somn. Scip.* 1.13.11-14., as cited and discussed by Westerink, *The Greek Commentaries on Plato’s Phaedo*, vol. 2, 366.

age, another fated (εἰμαρμένος) death according to sickness, a violent death (κατὰ βίαν) by an external force, a “violent death by a human (ὁ κατὰ βίαν τὴν παρὰ ἀνθρώπου), such as in execution or combat (οἶον ἢ δικάζοντος ἢ πολεμοῦντος),” a violent death done by one’s own hand (ὁ κατὰ τὴν ἑαυτοῦ), and a “supernatural” (ὑπερφυσίης) manner of death (2.149). He also rephrases his list at the end of his comment:

One might also understand the deaths according to the following division: whether a death is fated or voluntary and self-chosen. And if fated, whether natural or violent (ἢ ἀτοφυσίης ἢ βίαιος), and if violent, whether by the environment and as a whole by the countless number of elements from which we derive our existence, or by chance, or by a judgment of rational living beings (ὑπὸ κρίσεως ζῳων λογικῶν). If the death is voluntary, whether we do violence against nature or whether we destroy [ourselves] in a more divine manner. (*Comm. in Phaed.* 2.149)

Placed into a schema, we have the following description of deaths according to Damascius:⁴⁹

- I. Fated
 - a. Natural (τῆς φύσεως or ἀτοφυσίης)
 - i. Old age
 - ii. Sickness
 - b. Violent (βίαιος or κατὰ βίαν)
 - i. Environmental or elementary objects
 - ii. Chance
 - iii. Human decision (ὑπὸ κρίσεως)
 - 1. Combat
 - 2. Execution (δικάζοντος)
 - 3. Other (implied through οἶον)
- II. Voluntary and self-chosen (ἐκούσιος or ἀθθαίρετος or κατὰ τὴν ἑαυτοῦ)
 - a. Against nature
 - b. Divine destruction

Some violent deaths are a product of rational human decision-making (ὑπὸ κρίσεως ζῳων λογικῶν), and one of the two examples he gives is that of execution (δικάζοντος). This becomes more relevant when we examine context of this comment on *Phaed.* 115a-118a: Socrates is

⁴⁹ Westerink independently arrived at an almost identical schema (*The Greek Commentaries on Plato's Phaedo*, 367), though he reads death ὑπὸ κρίσεως as related more specifically to execution rather than in a broader sense.

about to drink his hemlock and die. In the leadup to his death in the dialogue, Socrates makes some preparations that break with Athenian death traditions, including bathing before rather than after death. In explaining why, Damascius suggests, “Perhaps they were not in the habit of washing the executed (τοὺς βιοθανάτους)” (2.151). As noted by Nock, “it is extremely significant that he accepted the idea that Socrates as a man executed fell in this class.”⁵⁰ For Damascius, the importance of violent death as a category and its association with execution is quite strong.⁵¹

2.2 Suicide and Violent Death

As stated above, the conflation by modern readers of *biothanatoi* and suicides has made it more difficult to notice their connection to the victims of execution. Much scholarship that does not engage with astrological literature states that the term *biothanatos* most often refers to people who are victims of suicide.⁵² For example, one influential commentator claimed that “in the imperial period [βιοθανής carried] a meaning virtually equivalent to suicide.”⁵³ Javier Velaza also recently argued that the word tends to refer to suicide in late antiquity, though his argument

⁵⁰ Nock, “Tertullian and the *Ahori*,” 136.

⁵¹ Damascius refers to *biothanatoi* at one other point in his commentary, though it is difficult to interpret. He states, “But there are also three ways they do service to the souls of the dead: in one way they serve the souls of the all-holy priests, in another the souls of the *biothanatoi*, and in yet another the souls of the many” (ἀλλὰ καὶ τῶν ἀποχομένων τὰς ψυχὰς τριχῆ θεραπεύουσιν, ἄλλως μὲν τὰς τῶν παναγῶν ἱερέων, ἄλλως δὲ τὰς τῶν βιοθανάτων, καὶ ἔτι ἄλλως τὰς τῶν πολλῶν [*Comm. in Phaed.* 2.108]). Westerink seems to suggest that *biothanatoi* here refers to those dishonorably buried in mass graves, including criminals and suicides, though he is not very clear (Westerink, *The Greek Commentaries on Plato’s Phaedo*, 346), perhaps because the text itself is also not clear. On the priests, see Westerink’s commentary on the same page.

⁵² Regarding astrology, Bouché-Leclercq (*L’astrologie grecque*, 423 n1) states that astrologers “hardly consider” (“n’ envisagent guère”) suicide, but based on my reading of the texts that is overstated. I am more in agreement with Westerink (*The Greek Commentaries on Plato’s Phaedo*, 346 n11), who states that most cases in the astrologers are “indeterminant” between execution and suicide.

One reason why this meaning has been so often assumed may be due to the LSJ’s (s.v. “βιοθανάτος”) and Lampe’s (*The Patristic Greek Lexicon*, s.v. “βιοθανής”) citation of *MPion* 13.7: ἀγνοοῦσι δὲ ὅτι βιοθανής ἐστιν ὁ ἰδίᾳ προαιρέσει ἐξάγων ἑαυτὸν τοῦ βίου (“And they [the Jews] do not know that a *biothanēs* is someone who deliberately leads himself out of life”), though this reading is widely taken out of context, as I will explain in Chapter 4, section 3.1.

⁵³ Bowersock, *Martyrdom and Rome*, 71.

is unconvincing.⁵⁴ *Biothanatoi* are not, even in late antiquity, synonymous with suicides.⁵⁵

However, in antiquity suicide is sometimes indistinguishable from execution. Suicide by hanging, in addition to resulting in a fear of the dead, also seemed to be associated with guilt in the Roman Empire, perhaps by association with the poor and desperate, for whom it was an affordable option.⁵⁶ Indeed, in many cases, even when the violent death is suicide, *biothanatos* often had a valence of criminality to it.

In Roman antiquity, many people who took their own lives were assumed to be guilty of something. For instance, there are many examples of people taking their own lives directly after committing a crime.⁵⁷ There is also a more legal complex phenomenon at play. Though known earlier in the Republican period, in the Empire the practice of allowing certain people convicted of a capital crime, normally elites, to take their lives in private, called *liberum mortis arbitrium*, was virtually institutionalized. According to Yolande Gris ,

This “imposed” suicide was indeed a privilege or, more precisely, a sort of softening of capital punishment: the condemned had the free choice of the method of execution. He thus avoided beheading or public execution; the *damnatio memoriae* was not pronounced; ritual funerals were accorded to his mortal remains; his property escaped the confiscation that any capital sentence entailed.⁵⁸

As Gris  states, there is also indication that suicide could prevent the confiscation of an accused criminal’s property, allowing it to be transmitted to heirs rather than the state. Both Tacitus and

⁵⁴ Velaza, “ Qu  significa *biothanatus*?,” 427–32. He examines *Hist. aug.*, Heliogabalus 33.3, in which Syrian priests predict he will die *biothanatum*. As a result, Heliogabalus prepares many spectacular props for committing suicide, but he ends up being killed by his guards. Velaza reviews the sources cited in the *Patristic Greek Lexicon* and argues that in late antiquity in Latin it meant “suicide,” stating that in the narrative the priests were wrong, in that he did not have the chance to commit suicide. However, Velaza seems to miss the irony in the passage, that Heliogabalus thought he could simply commit suicide in a spectacular fashion but was in fact murdered. Both of these deaths result in *biothanatoi*. The priests were not wrong; Heliogabalus was simply too restrictive in his interpretation. As I will discuss in Chapter 4, *biothanatos* was word that could be usefully deployed ironically.

⁵⁵ For example, Firm. Mat., *Math.* 3.4.35 mentions both as options in the same nativity.

⁵⁶ Gris , *Le suicide*, 145; van Hooff, *From Autothanasia to Suicide*, 69-70.

⁵⁷ Gris , *Le suicide*, 87-88.

⁵⁸ Gris , *Le suicide*, 79. It should also be noted that this was not granted to even all elites (Gris , *Le suicide*, 80-81; see also 257).

Dio Cassius attest that in the reign of Tiberius people killed themselves before condemnation in order to keep their property in the family.⁵⁹ Grisé notes that it was inconsistent in how often property was or was not transferred as a result of suicide, but under the Julio-Claudians at least, it was a clear phenomenon.⁶⁰ Under the Antonines, the state no longer tolerated suicide as a means of preserving the transmission of inheritance and was instead taken as an admission of guilt, though property would, under most circumstances, only be seized if the punishment for the crime would have included the seizure.⁶¹

Such suicide was also a concern in literature. A brief foray into the sixth book of Virgil's *Aeneid* (29 to 19 BCE), the so-called underworld book and one of the most informative texts when it comes to the dead in the early imperial period, will be helpful on this point. In his commentary on the *Aeneid*, Eduard Norden considers the placement and descriptions of the dead Aeneas encounters (6.426-478) to be adaptations of popular ideas about the underworld interjected with Platonism.⁶² Aeneas first finds infants (6.426-29), then "those condemned to death (*damnati mortis*) on false charges (*falso crimine*)" (6.430), next "the melancholy, who, guiltless (*insontes*), brought about their own death with their own hand" (6.434-35), those who died due to love (6.440-44), and finally those who died in battle (6.477-78). According to Norden, the executed, victims of suicide (including victims of love), and the battle-dead all classified as βίαιοθάνατοι.⁶³ Whether Virgil would have agreed with this classification or not, it provides an opportunity to examine violent death, suicide, and criminality.

⁵⁹ Tac., *An.* 6.29; Dio Cass. 58.15-16; Grisé, *Le suicide*, 251.

⁶⁰ Grisé, *Le suicide*, 251-57.

⁶¹ Grisé, *Le suicide*, 263-66. See also, *Dig.* 3.2.11.3, where those who commit suicide out of *mala conscientia* are distinguished from those who do so out of weariness of life. Clifford Ando reminds me that the emperor, as judge, could still seize property if he so pleased.

⁶² Norden, *Aeneis Buch VI*, 10, 14. Later commentators are largely in agreement with his assessment. See Waszink, "Varia critica," 123; Horsfall, *Virgil, "Aeneid" 6*, 318.

⁶³ The commentator Servius (late fourth or early fifth century CE) mentions *biothanati* when contextualizing Dido's speech in 4.386. In addition, the unburied encountered in Cocytus are ἄταφοι, and the infants

Interestingly, the executed and the first class of suicides seem to be determined with reference to the absence of criminality. The executed along the banks of the Acheron were killed based on false charges (*falso crimine*), implying that there are those who died because of genuine crimes. The guiltless (*insontes*) are less intuitively connected with criminality. Norden describes them as “the suicides who, in order to escape poverty and hardship, ended their lives,” those who died διὰ πενίαν.⁶⁴ This makes a good deal of sense, considering that Virgil emphasizes that they would have gladly endured what rather than their current position in the underworld (6.736-37).⁶⁵ However, that does not explain why they are *insontes*. It is likely that the label is intended to distinguish those who commit suicide out of misery or lack of resources from those who commit suicide to avoid punishment for a crime.⁶⁶ Thus, *insontes* could describe not just the innocent but the guiltless, that is, those who had committed no crimes. We see the fates of criminals in Tartarus (6.542-43),⁶⁷ some of whom were explicitly stated to have avoided punishment when alive (6.568-69).⁶⁸ But, in the region on the outskirts of Hades, “the place has no criminals,” as Waszink states.⁶⁹ Indeed, his placements of the dead “cannot be mistaken as anything but an attempt to exclude criminals from his limbo.”⁷⁰ Both the unjustly executed and

are ἄωροι. Such ghosts will be discussed more below (Norden, *Aeneis Buch VI*, 11-16). The *katabasis* tradition in which Book 6 participates, along with Lucian’s *Cataplus*, discussed above, is heavily influenced by *Od.* 11. On this tradition, see Horsfall, *Virgil, “Aeneid” 6*, 320.

⁶⁴ Norden, *Aeneis Buch VI*, 11: “die Selbstmörder, die, um der Armut und Not zu entgehen, ihrem Leben ein Ende machten,” 15. Servius (*In. Aen.* 6.426) likewise states that they took their lives to escape troubles (*aerumnas*).

⁶⁵ Norden, *Aeneis Buch VI*, 15. This is also very similar to Achilles’s opinion in *Od.* 11.487-91.

⁶⁶ Jobbé-Duval (*Les morts malfaisants*, 79) argues a very similar point, that Virgil distinguishes between those who committed suicide to avoid a false condemnation (“il les traitait comme les victimes d’une condamnation injuste”) and those who would have been deservedly condemned (“ceux pour lesquels le suicide constituait un aveu”).

⁶⁷ Servius calls these souls *nocentes* (*In. Aen.* 6.426); Ovid calls the souls in Tartarus “the guilty” (*noxia*) (*Ibis* 174).

⁶⁸ Cf. Nock, “Tertullian and the *Ahori*,” 137 n33: “Since he was going to speak of a place of punishment for grave offenders, the criminals justly executed and those who had preferred suicide to execution would supposedly find their place there.”

⁶⁹ Waszink, “*Varia critica*,” 124.

⁷⁰ Waszink, “*Biothanati*,” col. 392.

the innocent suicides are not guilty of any crime, and both classes of dead are described in the context of the Roman state's death-making apparatuses. Criminality determines the conception of these dead.

Regarding the legal conceptualizations of suicide in the later empire, long after Virgil, it should be noted that even though legislation against "fraudulent" suicide existed, this by no means prevented the suicide of the accused or convicted. The variety of juridical writings on the topic attests as much.⁷¹ Astrological texts from the second century onwards also attest to an association between criminals and suicide; for examples, thieves are predicted to die in prison, either by execution or by "having entangled a strangling noose around their necks."⁷² It is without doubt that people who took their own lives were often regarded with fear or assumed to be guilty of something. These two facts put victims of suicide in the same camp as other *biothanatoi*, especially the executed criminals.

3. The Ghosts of the Violently Dead

The stories of the executed do not end with their deaths and decomposition. Nor, for that matter, do other types of people who died in traumatic ways cease interacting with the world of the living. These are ghosts or the restless dead, *ataphoi* (unburied), *aōroi* (untimely dead), and *biothanatoi* (violently dead). In addition to what I discussed above in section 1, Johnston offers a further helpful observation to what makes someone a *biothanatos* in particular: dishonor. Dying not just a violent death but a shameful one excludes souls from the joining the community of the underworld. This applies to *ataphoi*, *aōroi*, and *biothanatoi*: Patroclus, excluded from the

⁷¹ E.g., the sources cited by Grisé, *Le suicide*, 260-270.

⁷² ps.-Maneth., *Apo.* 314. See also, 4.489; Firm. Mat., *Math.* 1.7.2. Other examples may imply suicide in exile: 3.4.24, 3.5.4, 3.5.6, 3.5.8, 3.5.10, 8.29.3.

underworld because he lacks funerary rites; Agamemnon, murdered by his wife in a bathtub; and a woman who dies without bearing children, lacking the mark of honor most achievable for women, are all analogously shameful.⁷³ In Roman contexts, though the dead were sometimes thought of as helpful or neutral as *di manes* or divinized ancestors,⁷⁴ if the dead somehow became stuck in the mortal world, either through their manner of death or by disrespect by the living, they were called *larvae* or *lemures* and were seen as dangerous.⁷⁵ Those who suffered untimely deaths or *immatura*, the equivalent of *aōroi*, could also be considered alongside this category. By late antiquity, *lemures* and *larvae* were understood to be “wandering shades of humans who died before their time, and for that reason they ought to be feared.”⁷⁶ They were also equated with *biothanatoi*.⁷⁷ Unsettled ghosts in both Greek and Roman contexts were dangerous, fueled by bitterness toward the living and especially those who deprived them of life,⁷⁸ and this power could be drawn upon by practitioners of magic in order to, for example, draw lovers, compel a god to appear, hear an oracle, and curse rivals, as well as serve as a source of fear or anxiety by everyday people.

⁷³ Johnston, *Restless Dead*, 150-152.

⁷⁴ Rüpke, *Pantheon*, 249. It is to these divinized dead that spectacular contests were dedicated (Rüpke, *Pantheon*, 140).

⁷⁵ Alfayé and Sánchez Natalías, “Magic in Roman Funerary Spaces,” 41. This framework is overly simplistic for the sake of brevity.

⁷⁶ Pomponius Porphyrios, *Schol. Hor. epist 2.2.209: Nocturnos[i] lemores. Vmbras uagantes hominum ante diem mortuorum, et ideo metuendas*. See also Alfayé, “*Sit tibi terra gravis*,” 182 n6: “*larvae* could be... those guilty of crimes, unburied corpses, those who had suffered violent or unfortunate deaths who expiate their tins in life through a wandering existence after their death and are offensive to the gods and to men.”

⁷⁷ Pseudo-Acron, *Schol. Hor. epist 2.2.209: <Lemures>]: Vmbras terribiles biothanatorum*.

⁷⁸ Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 177; Bernand, *Sorciers grecs*, 141. Hopfner also details several examples of *biothanatoi* tormenting their killers (*Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 180-82). In classical antiquity, *biothanatoi* seek retribution against those who have harmed them, in cases which apply, because doing so helps them regain their lost honor and promotes respect among the denizens of the underworld (Johnston, *Restless Dead*, 150).

3.1 Biothanatoi in Philosophical Speculation

Popular beliefs regarding the dead were relied upon and expanded upon by philosophers. Texts that emerge out of these conversations are useful background for understanding how *biothanatoi* function in ritual procedures and why they were thought of as useful. One of the most influential of these writers was, unsurprisingly, Plato. For him, ghosts were generally projections of souls that remained too attached to their bodies or other material concerns, often related to criminality, that forced them to remain on earth. His conceptualizations of how the soul is affected by matter provide the basis for later platonic and non-platonic speculations about ghosts, magic, and dangers related to them.

While Plato famously discusses souls and the afterlife elsewhere,⁷⁹ the most important passage for his conceptualization of ghosts is from the *Phaedo*. It concerns souls of the impure; once such a soul departs from the body, it remains attached to it because it mistakes the physical world for the truth (80d-81c).⁸⁰ More specifically, it is

weighed down and dragged again to the visible place, by fear of both the unseen and Hades (τοῦ αἰδοῦς τε καὶ Ἄιδου), as they say, wandering (κυλινδουμένη) around the graves and tombs, around which are also seen certain shadowy apparitions (σκιοειδῆ φαντάσματα) of souls, which such souls produce as images (εἰδῶλα), which do not depart in a clear way but rather partake in what is visible, for which reason they are also seen.... [We must] also [consider] another thing: these are not the souls of the good but of the wicked that are forced to wander around such places, paying the penalty for their former way of living, since it was bad. (81c-e)

⁷⁹ In the myth at the end of the *Gorgias*, discussed in Chapter 1, section 2.2, souls after death are judged apart from their bodies, and the souls also bear scars that reveal crimes that went uncovered or unpunished in life but are starkly visible in the afterlife, for which deeds they are punished (Plato, *Gorg.* 523a–527a). In the myth at the end of the *Republic*, it is said that wrongs are repaid ten times over in the afterlife; criminals, both tyrants and private criminals, are punished in Tartarus until they pay a sufficient penalty—or forever if they are incurable (οἱ ἀνιάτως ἔχοντες) (Plato, *Resp.* 10.615c–616a.).

⁸⁰ The pure and noble soul, on the other hand, removes itself from the body and all worldly things entirely, and it dwells invisibly with the gods.

According to this influential passage, the εἶδωλα are ghosts or images produced by souls wandering, rolling, or wallowing (κυλινδεῖσθαι) among graves, continually re-binding (πάλιν ἐνδεθῆναι) (81e) themselves to the corporeal world through their desire for their body. These souls also tend to be wicked ones, as wicked people are more attached to worldly things that tether them to their bodies. Later in the *Phaedo*, Plato has Socrates discuss the status of souls in the afterlife and the ease or difficulty with which they have finding guides and traveling companions:

The soul that is desirous for the body, as I said earlier, after flitting around it and the visible place for a long time, after much resistance and suffering, is forcefully and painfully led away by the appointed *daimon*. When it arrives where the other souls are, they all run away, decline to help that soul, and do not want to be its traveling companion or guide, because it is impure (ἀκάθαρτον) and has done something like committing unjust slayings (φόνων ἀδίκων) or engaging in other things that are siblings of these deeds and are the works of sibling souls. This soul wanders in complete perplexity until a certain amount of time passes, and once the time comes it is carried by necessity to the district that is appropriate for it. (*Phd.* 108a-c)

Socrates states that souls attached to the body are forcefully removed from it, and even in the underworld, they are shunned and seen as impure, especially if shamefully stained with the impurity of foul deeds.⁸¹ As a whole, Platonic ghosts were imagined to originate from souls obsessed with unreal, worldly things, their attention tragically turned away from the truth that lies only with the invisible god(s) that dwell in the immaterial world of ideas. These ghosts, moreover, visibly indicated their worldliness with scars and bruises that represented actions opposed to the divine. With the exception of a passage from the *Laws*,⁸² Platonic souls did not

⁸¹ Cf. Johnston, *Restless Dead*, 150 n85.

⁸² In this passage, the Athenian interlocuter references “a certain old tale belonging to ancient stories” that “the man killed by violence specifically” (ὁ θανατωθεὶς ἄρα βιαίως) who “lived with a free mind” can grow angry at his killer and “trouble” (ταράττει) him (Plato, *Leg.* 9.865d-e). This description of a murdered man who seeks revenge for his killing is typical of the Greek-speaking Mediterranean at the time (Johnston, *Restless Dead*, 128).

emerge as different sorts of ghosts depending on their deaths. It was rather their attachment to worldly concerns, sometimes represented by criminal actions, that tied them to their body.

In forms of Platonism active during the empire, what was suggested in Plato was crystalized into a complicated cosmology.⁸³ At the highest point of the hierarchy was the One, the ineffable source of being who emanates the existence in which all things that exist have their existence. At the lowest point was matter, which did not exist on its own but only took shape insofar as it was touched by the radiating being of the One. In most circumstances, concerns related to family, business, or politics, considered material, were thought of as distractions from the fullest possible participation in being and so were discouraged and sometimes considered impure. The rejection of matter extended even to traditional religious practices that employed statues and animal sacrifices, though material components of cult remained a matter of contention.⁸⁴

In Porphyry's treatise *On Abstinence from Eating Animals* (ca. 234 – ca. 305 CE), we can see another example of concerns to do with purity that connect with ghosts. He argues that animal meat causes impurity because of the way “strange and foreign” food affects the body and soul.⁸⁵ Forces harmful to one's psychic purity are also drawn into the person who consumes meat because the evil power and the flesh share material kinship.⁸⁶ It is this reason “theologians rightly engage in abstinence [from animal flesh]” (2.47.1). There is also a further problem that relates to ghosts. Porphyry states:

⁸³ For the information in the following paragraph, see O'Meara, *Platonopolis*, 39-39.

⁸⁴ Bradbury, “Julian's Pagan Revival,” 332-41.

⁸⁵ Porph., *Abst.* 2.45.4: “The inner and outer purity belongs to the divine man, who endeavors to be starved with regard to the soul's passions and starved of meat as well, which moves the passions, ... not weighed down with strange and foreign humors (χυμῶν) and psychic passions.”

⁸⁶ Porph., *Abst.* 2.46.2: “If the danger lay in defiling [the body] alone, perhaps it would be possible to overlook it and be negligent. However, when the whole sensible body bears the *effluvia* of material *daimones*, the power that is fond of and agreeing with [the *effluvia*] is present together with the impurity that is from flesh and blood on account of similarity and kinship.”

A bad and unreasoning soul that leaves the body when robbed of it by violence (βία) remains attached to it—as even the souls of humans killed by violence (τῶν ἀνθρώπων αἱ τῶν βία ἀποθανόντων) are detained beside their bodies, which thing also prevented him from leading himself out through violence [i.e., taking his own life]. The violent killings (αἱ βίαιοι σφαγαί) of animals force the souls to delight in what they leave, and a soul is in no way kept away from being where the kindred thing (τὸ συγγενές) draws it, for which reason many souls are also seen lamenting. The souls of the unburied (αἱ τῶν ἀτάφων) also stay beside their bodies, which souls magicians (οἱ γόητες) make use of for their own service, since they use force (βιαζόμενοι) [against them] by means of the possession of their body or of body parts. Since they [the theologians] were informed about these things—about the nature of a bad soul and about kinship (συγγένειαν) and pleasure, which [the soul] has regarding the bodies from which it was torn—, they reasonably kept themselves from feeding upon flesh, so that they would neither be troubled by strange souls, violent and unclean (βιαίοις καὶ ἀκαθάρτοις), drawn to what is akin to them (τὸ συγγενές), nor hindered from approaching the god on their own, should *daimones* annoy by their presence. (*Abst.* 2.47.1-3)

This important passage condenses Neoplatonic opinions of the restless dead with information regarding contemporary activities of practitioners of magic. Porphyry argues that the souls of slaughtered animal would behave in much the same way as the souls of humans who were killed under similar circumstances. Souls that are bad and unreasoning (φάυλη καὶ ἄλογος) remain near their bodies, as Plato stated centuries earlier, because they have a kinship with their bodies, since it is through bodies that they once felt pleasure and partook in the sensible world. What Porphyry adds to this is that the souls of those killed through violence (αἱ τῶν βία ἀποθανόντων) *also* remain attached to the location of their bodies.⁸⁷ This seems to be because of the abruptness of the death causes them to remain fond of (ἐμφιληδεῖν) the body that they lost. He also adds that magicians can force (βιαζόμενοι) souls, specifically those of the unburied, to serve them because they stay attracted to their body. By his reasoning, “the souls of humans killed by violence” are

⁸⁷ It is notable that Porphyry uses ἀποθανεῖν to describe the dead, the same verb Lucian, discussed below, uses to refer to the executed.

also exploitable, since the abruptness with which they are forced out of their body causes the souls to stay near them.⁸⁸

Unlike Plato, Porphyry considers the violently dead as a category worthy of its own discussion. Plato did not discuss generally types of death in relation to ghosts; nor did he connect the types of death to the purity or impurity of souls. Porphyry, on the other hand, saw violent death as productive of impurity, or at least productive of an unhealthy attachment to the body and matter. Like Plato, he saw impure souls more inclined to stay around their body, but unlike Plato, he described at least two specific causes for ghosts remaining attached to their bodies: violence and lack of burial. He also specified that these ghosts were threatened by magicians, who could use their attachment to matter to control them. In the several centuries between Plato and Porphyry, the manner of death became much more important in the conceptualization of the afterlife. Not only were ghosts more likely to be imagined as arising through violence, but these violently dead ghosts were also more likely to be exploited by others. Other literary sources from the imperial era will also reveal a strong interest in the manners of death that give rise to ghosts.

One source in particular seems to poke fun at the sorts of philosophical speculation on ghosts which later took form in Porphyry. In the satirist Lucian's *Philopseudes* (second century CE), a group of philosophers try to convince a doubter, Tychiades, that ghosts, among other supernatural phenomena, are real. After some back and forth, a respected philosopher, Arignotos, joins the conversation and asks what they are discussing. One of the pro-ghost party, Eukrates, states:

“What else are we doing but convincing this stiff-neck here”—he gestured to me—“to believe that some *daimones* and *phasmata* exist and that souls of the dead go around above ground and appear to whomever they want?” Eukrates said.

⁸⁸ Interestingly, Porphyry uses a word derived from βία to describe both abrupt, violent deaths and the force with which the magician uses against souls. Could he be playing with the term *biothanatos*, tying the manner of death with the force by which they are exploited?

At this, I blushed and lowered my head out of respect for Arignotos. But he said, “Eukrates, see whether Tychiades is claiming that only the souls of those are put to death violently (τῶν βιαίως ἀποθανόντων) creep around—for instance if someone hanged himself (ἀπήγγξατο) or if his head was cut off (ἀπετμήθη τὴν κεφαλὴν) or if he was crucified (ἀνεσκολοπίσθη) or if he departed life in some other manner like this—and that the souls of those who died in accordance with fate (κατὰ μοῖραν) no longer do. For if this is what he means, you can hardly dismiss him.” “God, no,” Deinomachos said, “he thinks that such things don’t exist at all and that they aren’t seen as being substantial.” (*Philops.* 29)

Arignotos, as was the case with Lucian’s astrological contemporaries discussed above, cites a framework of natural or fated (κατὰ μοῖραν) death and unnatural or violent (βιαίως) death. The ghosts (δαίμονες and φάσματα) most likely to exist on earth, according to the philosophers in this discussion, are those who were put to death violently (οἱ βιαίως ἀποθάνοντες).⁸⁹ This meaning is suggested by Arignotos’s examples: “someone who hanged himself (or was hanged), was decapitated, or was crucified.”⁹⁰ Ultimately, the pro-ghost Arignotos recounts his exorcism from a house of an ἄταφος using Egyptian books of magic (30-31), and the conversation eventually ends up frustrating Tychiades so much that he gives up and leaves, fed up with lies and craving truth (39-40). Likely in response to speculations like Porphyry’s, Lucian depicts the philosophical justifications for the emergence of ghosts to be foolish lies. However, to Lucian’s chagrin, such belief in ghosts and in the usefulness of magic for engaging with them was widespread.

3.2 Biothanatoi in Magical Procedures

Popular, philosophical, and literary sources indicate that ghosts and magic went hand in hand. If texts like Porphyry’s gave a theoretical basis for how ghosts could emerge and interact with the world, magic could be said to supply the practical application of such understandings,

⁸⁹ While the verb ἀποθανεῖν can be glossed as simply “die,” it is also used as the passive of ἀποκτείνω, meaning “kill” or more specifically “condemn to death” or “put to death.” See LSJ, s.v. ἀποθνήσκω.

⁹⁰ The first example, ἀπάγγασθαι, could be interpreted as referring to suicide by hanging or hanging as punishment. Considering the context, it could describe the suicide of a criminal.

whether more popular or as sophisticated as what comes from the Neoplatonists. Despite the often shaky moral grounds with which the dead were engaged, ghosts were useful: among other things they could find lost items, tell the future, tongue-tie lawyers, and lure lovers. For people who were desperate or who were inclined toward less savory activities,⁹¹ it made sense to seek out ways to find and control ghosts. Among the most useful and most readily exploitable were *biothanatoi*. These ghosts, perhaps more willing to engage in violent acts than others,⁹² were often controlled by means that tied them to their origins as executed people, whether through location or magical instrumentation.⁹³

Literary examples show that certain ingredients used in magic were frequently derived from the executed. Lucan (ca. 60 CE), for example, portrays the witch Erichtho stealing from, or perhaps more appropriately harvesting, the executed:

She forces apart with her mouth the guilty (*nocentes*) knots of nooses; she tears at the hanging corpses and scratches at the crosses and plucks rain-soaked viscera and marrow boiled by the trespassing (*admisso*) sun. She removes iron that pierces hands, black gore all over limbs dripping with decay, and curdled slime, and she hangs suspended on tendons that have resisted her bites. (*Phar.* 6.543-56)

That these bodies belong to criminals is implied not just because they are hanging on crosses with pierced hands but also by vocabulary. Personified objects, such as nooses and the sun itself,

⁹¹ While magic as a whole was not morally condemned with as much vigor as has sometimes been argued, magic dealing with the dead was even less acceptable (Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 586.)

⁹² This is often assumed by scholars (Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 177; Bernard, *Sorciers grecs*, 141; Graf, *Gottesnähe und Schadenzauber*, 136), but with the exception of some Christian sources (Tatian, *Or. graec.* 17.7-8 and Tertullian, *An.* 57.3), I have not found evidence that they were thought to be full of rage or jealousy of the living or more willing to commit violence than other types of ghosts. They do seem to function similarly to the Erinyes, as spirits of vengeance. A second century CE epitaph (Graf no. 16) from Salamis meant to curse the murderer of the young woman who lay in the grave reads ἐπίπεμψον αὐτῷ, τὰς στεναχὰς τῶν βιοιοθανάτων (“send after him the sighs of the *biothanatoi*”). For a similar interpretation, see Cumont, “Epitaffi,” 73; contra Graf, “Untimely Death,” 141-42. GEMF 8.44-45 also has the practitioner state that he “will not call to the *biaiothanatoi* but will let them be” (οὐ φωνήσω τοὺς [βι]αι[ο]θανάτους ἀλλ’ ἀφήσω) if the addressee does what he wants.

⁹³ Alfayé and Sánchez Natalías, “Magic in Roman Funerary Spaces,” 46-47. It should be noted that not every person or creature described as a *biothanatos* would have been a criminal. For example, in a one dream-sending procedure (GEMF 15.157), a black cat is a *biothanatos*, and in an *agōgē*, a dog is one (GEMF 32.6).

are described in criminalizing terms: the knots of the nooses are guilty, and the sun is a trespasser for seeping into the internal parts of bones that should be hidden away.⁹⁴

Another Latin text that portrays a frightening female practitioner of magic is Apuleius's *Metamorphoses* (mid-second century CE). Before he accidentally transformed himself into a donkey, the protagonist Lucius found himself a guest in the home of Pamphile, a woman whose magical skill Lucius coveted. Her slave (and Lucius's lover), at his insistence, told him about her mistress's private room, in which she practices magic. The material Pamphile has includes:

aromatic herbs of all sorts, thin metal sheets (*laminis*) inscribed with unknowable letters, damaged remains of misfortune-causing birds, very many exposed parts of corpses that had been mourned and even buried; here noses and fingers, there gory nails of the crucified (*pendentium*), in another place preserved blood of the slain (*trucidatorum*) and mangled skulls torn away from beasts' teeth. (*Met.* 3.17)

This list is a useful sampling of materials often used in magical (as well as medical) practices, as is evinced in archeological and papyrological sources. Aside from the plants and animals, the materials are associated with the executed, and certainly with the dead. The body parts and nails speak for themselves—nails from the crucified or suspended, blood from slit throats, and skulls from those thrown to the beasts⁹⁵—, but metal sheets or lamellae were also used in tandem with these materials or in locations associated with the dead, the executed, or execution. As for the other objects, though Apuleius does not regale us with a description of how Pamphile came across these materials, he probably had in mind something like Lucan's description of Erichtho.

⁹⁴ There is a similar passage in Horace (*Sat.* 1.8), in which he describes the witches Candida and Sagana stalking around the Esquiline and summon shades and other frightening creatures, though there is no mention of the bodies of the executed.

⁹⁵ It might be argued that the blood from the slain (*trucidatorum*) could be from murder victims, as is sometimes translated (Hanson gives "the preserved gore of murder victims"). However, as I will discuss shortly, it was not uncommon for the ill or practitioners of magic to collect the blood of victims of execution as they were bleeding out, or at least for it to be claimed that they did so. Indeed, if the blood was from victims of a non-state-sanctioned murder, one imagines that Pamphile must have either killed someone herself, which Apuleius would have likely not shied away from portraying, or she was very lucky in stumbling upon fresh gore to collect. It is most likely that Apuleius implies she collected these specific materials for her magic from the executed.

Clearly, practitioners had to have strong stomachs to collect body parts and other by-products of execution, but they also had to know where to go in order to find such materials. Scholars have occasionally claimed that it is unreasonable to assume that practitioners were able to identify the grave of a *biothanatos* or *aōros* in order to place a tablet, collect body parts, or do something else at the site.⁹⁶ However, practitioners in fact seemed to be rather good at finding appropriate graves.⁹⁷ Not only did epitaphs occasionally mark the state of death of a grave's occupant, but the dead were also identifiable in other ways.⁹⁸ Given widespread execution practices in the Roman period and the tendency to discard the bodies of the executed in the open, it is more likely than not that the executed were a freely available source of magical ingredients throughout the empire. While non-literary practitioners may not have used their teeth to collect tendons, recipes found in collections of magical formulae or handbooks do recommend going to locations associated with death. For example, a love procedure instructs the reader to “go where heroes, gladiators, and *biaioi* were killed” and “pick up some filth” from that place for later use (GEMF 57.1393-94).⁹⁹ In other words, these literary sources provide some categories for discussing how execution and the executed were involved in magic and, by extension, medicine: 1) the location of magical practice and 2) the dead, their body parts, and instruments used in the process of death. Examining the following sources will show that the executed were often involved in magic, and the prevalence of their use implies that scholars should also rethink how

⁹⁶ Graf, *Gottesnähe und Schadenzauber*, 119, 137; Johnston, *Restless Dead*, 78: “Unless one happened to know the circumstances under which an individual had died, and where he or she was buried, one probably had to choose a grave at random and hope for the best.”

⁹⁷ Ogden, “Binding Spells,” 16: “Whenever the age of the occupant of a grave in which a curse tablet is found can be estimated, it proves to be young.” See also Sánchez Natalías, *Sylloge of Defixiones*, vol. 1, 40, with n274. Ogden (20) also suspects that “when individual graves were used (in contrast to the mass graves of the unidentifiable dead), the dead person was often known at least vaguely to the curser, since the curser had to be sure both that the exploited corpse was fairly recently dead and that he had died before his time.”

⁹⁸ Martínez, *A Greek Love Charm*, 41. I expect the number of executed people to have received tombs with epitaphs to be limited. See my discussion of the bodies of the executed in Chapter 1, section 3.2.

⁹⁹ On heroes, see note 20 above.

their criminalized nature determines their use and how it connects to the use of the materials from martyrs, another class of dead who emerge through execution.

3.2.1 Erictho's Domain: Execution Grounds in Magic

One class of magical object whose effectiveness was very dependent on the place of its deposition was the lead curse tablet or binding spell (also called κατάδεσμος or *defixio*).¹⁰⁰ After being written on, such lead tablets were often rolled up and pierced with a nail, then deposited somewhere with a connection to a particular deity or the underworld. Funerary contexts were favored for depositing curse tablets.¹⁰¹ Outside of places where corpses or ashes were interred, bodies of water such as wells or springs were also used, because the water emerged from the ground, i.e., the underworld. By the Roman imperial period, they were placed in arenas, amphitheaters, necropoleis, and other locations associated with the dead. Arenas and amphitheaters in particular were often where executions took place, and practitioners of magic took notice. At least one curse tablet has been found in a *spoliarion* of an amphitheater in Carthage, where the dead bodies of gladiators were placed after falling in the games (DTAud 251).¹⁰²

One of the richest deposits of *defixiones*, and a possible location in which many executed people were disposed, was found in the late 1880s near Agios Tychonas, a town situated near the ruins of Amathous on Cyprus. Cypriots digging for a well found a cache of lead and selenite curse tablets, which have been paleographically dated to ca. the third century CE, among “a great

¹⁰⁰ *Defixio* is from the Latin verb *defigere*, fasten or fix. The word *defixio* is rare in Latin and is more commonly used in scholarly works, though the verb form does appear in spells. The Greek name is from the verb *καταδεῖν*, bind up or tie down. *Κατάδεσμος* likely gets its name from binding by rolling the metal sheet, whereas *defixio* comes from the act of “fixing” by driving a nail through the rolled or unrolled tablet. See Ogden, “Binding Spells,” 5. For the use of lead, see Martinez, *A Greek Love Charm*, 2-6.

¹⁰¹ Alfayé and Sánchez Natalías, “Magic in Roman Funerary Spaces,” 47; Sánchez Natalías, *Sylloge of Defixiones*, vol. 1, 38.

¹⁰² Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 185; Audollent, *Defixionum Tabellae*; 345; ter Vrugt-Lentz, *Mors Immatūra*, 48.

quantity of human bones.”¹⁰³ These *defixiones* were almost certainly deposited in this location because the pit, either a disused well or a grave,¹⁰⁴ had been used to dispose of executed criminals. However, there is some disagreement over this point, which is worth going into in more detail.

The two most recent scholars who have written on this matter are Andrew Wilburn and Riccardo Vecchiato.¹⁰⁵ Wilburn argues that the bodies were added *after* the curse tablets and are not related to the curses, and Vecchiato rightly argues that they were deposited *because* of the presence of the executed bodies.

One point of contention is whether tablets were nailed to the walls of the shaft, which would make it less likely for the bodies to have been deposited first. According to Cecil Harcourt-Smith, “the leaden tablets were mostly folded in three and nailed to the walls,” though he was not a firsthand witness.¹⁰⁶ While one selenite tablet does have holes that may have been used to mount it to the walls, the situation is less clear in the case of the lead tablets.¹⁰⁷ It is moreover unclear where Harcourt-Smith got the idea they had been nailed to the walls. His paraphrase of his correspondence with his source, Handcock, mentions only “pieces of the inscribed talc [selenite], some pieces of which were attached to the side of the well imbedded in gypsum.”¹⁰⁸ There is no mention of nails. Harcourt-Smith is also not clear whether he mentions

¹⁰³ Wilburn, *Materia Magica*, 177-78; Wilburn “Selenite and Lead Curse Tablets,” 45-47. The quote, found on 46, is from a letter by Cecil Smith, who is recounting testimony by Captain Gerald Handcock, who provided some of the tablets to the British Museum in 1890.

¹⁰⁴ Wilburn, *Materia Magica*, 183. It is not unusual for curse tablets to be found in a well because deep, watery environments were associated with the underworld and chthonic gods whom practitioners would try to contact.

¹⁰⁵ Wilburn, *Materia Magica*, 170-73, 177-200; “Selenite and Lead Curse Tablets;” Vecchiato, “Crucified and Beheaded.”

¹⁰⁶ Quoted in Wilburn, “Selenite and Lead Curse Tablets,” 47; Smith, “Recent Greek Archæology and Folk-Lore,” 541 n1. Cecil Harcourt-Smith had been in correspondence with Captain Gerald Handcock, who in turn had a Cypriot correspondent who was in possession of many of the found tablets (Aupert and Jordan, “Tablettes magiques d’Amathonte,” 68).

¹⁰⁷ Wilburn, *Materia Magica*, 182, 185.

¹⁰⁸ Smith, “Recent Greek Archæology and Folk-Lore,” 542.

that the curses were nailed to the wall on the basis of his correspondence with Hancock or through comparison to other sources. For example, in the same footnote in which he mentions the alleged nailing, he cites as evidence an inscription from Erythrae that does not mention curses, but oracles.¹⁰⁹ I suspect that Harcourt-Smith assumed that they must have been nailed to the wall on the basis of this comparison. Regarding the tablet with mounting holes, it is indeed possible that a practitioner could have descended with some difficulty into the shaft even with the bodies present¹¹⁰—recall the image of Erichtho wading through corpses—though perhaps the holes could be explained as evidencing of them being ritually pierced before deposition. Some pieces of the selenite could have then moved into the soft wall of the shaft over centuries due to settling materials. Whether or not some tablets were mounted, there is yet reason to think that bodies were present before they were deposited.

In contrast to Wilburn, Riccardo Vecchiato argues “it seems likely that the relatively heavy lead tablets sank below the bones after the corpses had decomposed,” adding that the changes to the water table could have also caused the lead tablets to sink.¹¹¹ He moreover argues that the curse tablets themselves assume the presence of a mass grave (πολύανδριον) with bodies of people who were violently killed (βιαιοθάνατοι), specifically decapitated and crucified people.¹¹² According to Vecchiato the find site, therefore, was probably a mass grave of executed criminals, into which curse tablets were deposited.¹¹³ Vecchiato’s re-reading of the context also

¹⁰⁹ Smith, “Recent Greek Archæology and Folk-Lore,” 541 n1.

¹¹⁰ For Wilburn, “it does not seem possible that the tablets could have been mounted on the walls once the corpses had been deposited” (“Selenite and Lead Curse Tablets,” 47-48). On possible ways of descending into the shaft, see Wilburn, *Materia Magica*, 183.

¹¹¹ Vecchiato, “Crucified and Beheaded,” 33 n10.

¹¹² Vecchiato, “Crucified and Beheaded,” 33-38.

¹¹³ Interestingly, Vecchiato’s argument was preceded by over 100 years by Rohde in his book *Psyche*, who, speaking about a group of recently published “Cypriote *defixiones*” notes that they are frequently addressed “to the souls of the unquiet dead” (604). Like his predecessor, Rhode states, “The δαίμονες πολυάνδριοι were probably the souls of executed criminals whose bodies were thrown out into the common burial grounds” (604). Ogden (“Binding Spells,” 17) also makes the point that the shaft was probably “the home of the prematurely dead.”

provides an opportunity for him to re-edit part of one of the tablets, DTAud 27. The practitioner addresses, “demons of the mass grave (πολύανδριοι), beheaded (πεπελεκισμένοι) and crucified (ἐσταυρωμένοι), untimely dead (ἄωροι) and deprived of holy sepulture.”¹¹⁴ The terms describing the dead, argues Vecchiato, are very clearly related to execution.¹¹⁵ Likewise, the fact that they were unburied also points to them being executed criminals.¹¹⁶ Other tablets from the same site refer to “those in the mass grave: *biothanatoi*, *aōroi*, and those without the means for a grave”¹¹⁷ and “*biothanatoi*, whether strangers or locals, [whether *aōroi* or those without the means for a grave]” (DTAud 25.4-6).

A site similar to the Amathous find, though one that is unfortunately not able to be talked about at length, has been found on Rhodes. In 2018 at the Paris Center of the University of Chicago archaeologist Maria Michalaki-Kollia described a tomb in the Necropolis of Rhodes dated to ca. 100-50 BCE upon which were thrown the bodies of crucified and impaled persons, “undoubtedly criminals.” Among the bones were a number of lead curse tablets.¹¹⁸ Her description indicates that the hypothesized use of the Amathous site seemed to have not been unprecedented.

Another document that relatively clearly indicates the involvement of a site used for execution or disposal of the executed is a medieval Hebrew formulary with some roots that go back to late antiquity, known as the *Sefer ha-Razim*.¹¹⁹ The procedure in question is intended to call upon a spirit (*rūah*; רוּחַ) and put it into service, likely as a spiritual assistant or *paredros*. The

¹¹⁴ Vecchiato, “Crucified and Beheaded,” 35-36. The translation is also Vecchiato’s.

¹¹⁵ Vecchiato, “Crucified and Beheaded,” 37-38.

¹¹⁶ Vecchiato, “Crucified and Beheaded,” 38.

¹¹⁷ The following tablets are addressed to πολύανδριοι καὶ βιοθάνατοι καὶ ἄωροι καὶ ἄποροι ταφῆς: DTAud 22.31; 24.17; 26.20-21; 28.21-22; 29.19-20; 30.23-24; 31.19; 32.19; 35.18-19

¹¹⁸ Vecchiato, “Crucified and Beheaded,” 40. The talk remains unpublished.

¹¹⁹ On the dating and provenance, see Rebiger and Schäfer, *Sefer ha-Razim I und II*, vol. 2, 3-9.

beginning of the recipe reads: “If you wish to speak with the spirits (*hārūḥôt*; הַרְרוּחֹת), go out to the place of the killed (*lammāqôm hahārūgîm*; לְמִקוֹם הַהַרְרוּגִים)” and recite a particular formula.¹²⁰ The “spirits” are most likely spirits of the dead.¹²¹ According to Michael Morgan, “the place of the killed” is “possibly the place of public executions or the place where executed criminals were buried, or a place where multiple murders had been committed.”¹²² Bill Rebigier and Peter Schäfer agree with his interpretation.¹²³ It is likely that the recipe intends for its practitioner to go to grounds that are used in both executions and burials, though a battleground or amphitheater that hosted executions and spectacles is also a possibility.

Other less cut-and-dry examples also exist. A lidded clay jar from Egypt filled with two embracing wax figures and a leaf of papyrus is of unknown provenance, but its invocation of “*daimones* who lie here and who haunt here and who died here violently” implies that it was placed in an arena or a place of execution.¹²⁴ Two parallel examples—an urn containing a dead bird and *defixio* buried near a tomb and a cinerary urn containing coal, a nail, and a *defixio* buried upside-down at the edge of a necropolis—likewise allowing the setting of an execution grounds.¹²⁵

¹²⁰ *Sepher ha-Razim* 1.187-192 (= §102; trans. Morgan).

¹²¹ Rebigier and Schäfer, *Sefer ha-Razim I und II*, vol. 2, 226.

¹²² Morgan, *Sepher Ha-Razim*, 39 n65. In the medieval Latin translation, the phrase is similarly ambiguous: “*locum, ubi interficiuntur homines*” (Rebigier and Schäfer, *Sefer ha-Razim I und II*, vol. 1, 38).

¹²³ Rebigier and Schäfer, *Sefer ha-Razim I und II*, vol. 2, 226.

¹²⁴ Brashear, “Ein neues Zauberensemble,” 81; 85-86, ll. 2-4. Brashear notes that SM I no. 45 is a parallel text, though it does not mention *biothanatoi*. The find is also comparable to two examples discussed by Alfayé and Sánchez Natalías (“Magic in Roman Funerary Spaces,” 45): an urn containing a dead bird and *defixio* buried near a tomb and a cinerary urn containing coal, a nail, and a *defixio* buried upside-down “at the edge of the necropolis, a liminal area used at times to bury outcasts, those who, in their lifetime, had also been social pariahs, such as gladiators, prostitutes, etc. and therefore particularly suitable for magical practices.”

¹²⁵ Alfayé and Sánchez Natalías, “Magic in Roman Funerary Spaces,” 45. They rightly state that the edge of the necropolis is “a liminal area used at times to bury outcasts, those who, in their lifetime, had also been social pariahs, such as gladiators, prostitutes, etc. and therefore particularly suitable for magical practices.” As I discuss in Chapter 1, sections 1.1 and 1.2, the margins of necropoleis were also used to execute criminals.

Places in which people were executed or where those people lay acted as good locations to contact or otherwise exploit the presence of the dead. This was the case in Cyprus, Rhodes, Egypt, and even in Jewish communities. Such sites were also the source of physical remains, as the next section will show.

3.2.2 Pamphile's Collection: The Dead and Their Objects in Magic

Another literary example from Lucian will serve as an introduction to objects related to or taken from the executed. In his *Philopseudes*, discussed above, Eucrates, one of the believing interlocutors, states that he has seen *daimones* countless times (μυριάκις). “I used to be troubled by them at first,” he states,

but now, out of habituation, I'm of the opinion that I don't see anything out of the ordinary, especially since the Arab gave me a ring of iron made from crosses (ἐκ τῶν σταυρῶν) and taught me the incantation that has a lot of names. (*Philops.* 17)

The reader is probably meant to understand that the ring is made from crucifixion nails, which were also used in medical applications, as will be described below. Eucrates mentions the ring again later, this time called a seal (σφραγίς), in a story about a terrifying vision of Hecate. When he saw her—taller than an elephant, hairy, and having snakes for legs—he turned his ring around so that the bezel was on the inside of his finger (*Philops.* 24), and Hecate subsequently departed to the underworld through a great chasm. While this story is clearly exaggerated for comedic effect, Lucian was making fun of an actual category of magical object. The Arab, a stereotyped foreign practitioner of magic,¹²⁶ was the source of this ring; he also taught him to recite an “incantation that has a lot of names” that anyone who has read the Greek Magical Papyri would agree accurately describes many formulae. Rings, including ones for averting evils, are likewise

¹²⁶ On ethnic encoding of religious and other experts, see Wendt, “From the Herodians to Hadrian,” 148.

used in magical recipes.¹²⁷ It is evident that rings made from the remains of crosses or their nails, instruments of torture and execution, were likewise used in magic.¹²⁸

Material from crucifixions were used not only in magic that warded off dangerous spirits with a flair for drama, such as Hecate, but also for treating more common ills. Such paraphernalia, specifically what holds the person being executed to the instrument of his death, are used to bind and weaken long-lasting fever.¹²⁹ According to Pliny the Elder (23-79 CE),

They also, in the case of fevers lasting four days, bind around the neck a piece of a nail from a cross (*clavi a cruce*) or a rope from a cross (*spartum e cruce*) that has been rolled up in wool, and once [the patient] is delivered [from the illness], they bury [it] in a cave that the sun does not touch. (*Nat.* 28.46)

A nail, a rope, or, in another place (*HN* 28.41), hair that had been in contact with a crucified person was effective for medical treatment. It is also notable that in this example the nail or rope should be buried or hidden away underground afterwards, suggesting that they may still hold some danger related to the criminal with whom they had been in contact. A passage from the Mishnah (ca. 200 CE) also makes mention of crucifixion paraphernalia used for healing purposes. In a discussion of what, if any, amulets are appropriate to have on one's person on the Sabbath, it is said that "One may go out with a locust's egg or a fox's tooth or a nail from one who was crucified (מסמר מן הצלוב), for the sake of healing" (*M. Shab.* 6.10).¹³⁰ While the passage goes on to say that it is not acceptable for everyone to carry such amulets, it seems to have been a common enough topic of conversation. In a later example that refers to a source possibly contemporary with the Mishna, Alexander of Tralles (sixth century CE), cites Syrian physician

¹²⁷ Faraone, *Transformation of Greek Amulets*, 88. An example of a protective ring is PGM 61.1-38.

¹²⁸ Christopher Faraone (*Transformation of Greek Amulets*, 88, 334 n94) argues that a reference to crucifixion nails in Pliny, *Nat.* 28.46, which I will discuss later, confirms this idea.

¹²⁹ On amulets that "bind down" diseases, see Faraone, *Transformation of Greek Amulets*, 88-89. Nails were also used to prevent the restless dead from rising (Alfayé, "Sit tibi terra gravis," 207-08).

¹³⁰ Trans. Cohen in *The Oxford Annotated Mishnah*. Both this text and Pliny, *Nat.* 28.46 are briefly discussed in Davidowicz and Lange, "A Jewish Magic Device in Pannonia Superior?," 236-37.

Archigenes (first and second centuries CE) on an epilepsy treatment that also uses such material, referring to another physician Asclepiades of Prusa (late first to early second century CE):

One should use these amulets (περίαιπτα) for the affliction, as Asclepiades the druggist (φαρμακευτής) [did]. Tie a nail that was used in a crucifixion (ἤλον ἐσταυρωμένον) to the arm of the patient, and you will get rid of it. (*Biblia iatrika* 1.15.567)

As in the fever examples, it is possible that the nail was meant to “bind down” or prevent the seizing of the epileptic. In any case, these examples show that the use of paraphernalia from crucifixions was widespread in the western and eastern Mediterranean.

Epilepsy was also addressed using other materials derived from executed people. While this phenomenon is best known from Pliny the Elder’s discussion of the consumption of gladiator blood,¹³¹ the blood of those condemned to death was also used.¹³² Aretaeus of Cappadocia (second century CE) is the earliest medical source for this phenomenon. In discussing procedures Aretaeus doubts would cure epilepsy but may be worth trying, he describes how he had heard about eating the brains of vultures and the raw hearts of certain other birds. “As for myself, I have not tried these remedies,” he says, “but I watched some people place a saucer under a recently executed person’s (ἄνθρωπος νεοσφαγής) wound and, having drained it, drink the blood” (7.4.7).¹³³ Tertullian (early third century CE), writing polemically about spectacles, testifies to the same practice: “Likewise, what about those people who, at a spectacle in an arena, acquire the fresh blood of slain guilty people (*noxii*), caught with voracious thirst as it flows from their throats, to treat their epilepsy?” (*Apo.* 9.10).¹³⁴ Several centuries later

¹³¹ Pliny, *Nat.*, 28.4. See also the later epitome *Medicina Plinii* 3.21 and Aulus Cornelius Celsus, *De medicina* 3.23.7.

¹³² Blood carries the vital force of a person, and the drinking of blood was seen as drawing on another’s vitality (Machold, “Scribonius Largus und die antike Iatromagie,” 71).

¹³³ Aretaeus adds in 7.4.8 that he has also heard of people consuming liver, but it is unclear whether it is the liver of an executed person.

¹³⁴ Minucius Felix in *Oct.* 30.5 likewise states that epilepsy is treated with blood; in context, he may refer to the blood of criminals.

Alexander of Tralles, mentioned above, cites an epilepsy treatment from the otherwise unknown Marsinos of Thrace:

Take a bloody rag of a slain gladiator (μονομάχου σφαγέντος) or of a different condemned person (καταδίκου), burn it, and mix wine with the rag's ashes, and in seven doses you will get rid of it. It has often been successful. (*Biblia iatrika* 1.15.565)

Medical professionals used bodily fluids not just from the executed but also women, boys, and others who were very likely slaves,¹³⁵ making slaves and criminals closely related in medical contexts, as they were in the context of spectacular punishments. Despite the squeamishness shown by some ancient physicians, the blood of the executed was assumed to treat epilepsy for a very long time, as late as the early twentieth century.¹³⁶ The apotropaic and medicinal use of such dead people was perhaps more visible in the historical record, but magical formulae also show other uses for the body parts and materials of executed people.

One non-medical use for executed people was for love, specifically in procedures meant to invoke passionate longing in a target, often through suggested physical and psychological violence.¹³⁷ It is only in later examples that the executed are undoubtedly used for such procedures,¹³⁸ but there are indications that it was probably not uncommon in earlier sources. For example, one fourth century procedure meant to draw a woman out of her house and to a man is called “*Agōgē* procedure using heroes or gladiators or *biaioi*” (GEMF 57.1389-90).¹³⁹ The practitioner is instructed to tear apart some bread, “go where heroes, gladiators, and *biaioi* were

¹³⁵ Thank you to Candida Moss, who discussed this with me on April 30, 2024.

¹³⁶ Moog and Karenburg, “Between Horror and Hope,” 142.

¹³⁷ On love magic of this sort, see Faraone, *Ancient Greek Love Magic*, 41-95.

¹³⁸ For example, a Greek woman in late sixteenth century Venice instructed another woman to pray for an executed person in order to enlist the help of his ghost in an erotic curse (Zellmann-Rohrer, “The Tradition of Greek and Latin Incantations,” 95). See also Prosperi, *Crime and Forgiveness*, 396-401 for similar “prayers” to the executed from the sixteenth and seventeenth century from what is now Italy.

¹³⁹ On *agōgē* of a potential lover, see Faraone, *Ancient Greek Love Magic*, 55-69; for that of ghosts, see Faraone, “Necromancy Goes Underground,” 258.

killed, and say the formula to the chunks [of bread] and toss them” (57.1393-95). Then, he should take some dirt or filth (κόπρια), perhaps leftover gore,¹⁴⁰ and throw it into the house of the desired woman. The formula addresses many figures, including “slain *aōroi* [and] *biomoroi*” and requests “that you might make fruitful him who is being tormented (βασάνοις ἐχόμενον)” by “bring[ing] her, tormented (βασανιζομένην), quickly” (57.1400-01; 57.1406-07; 57.1412-13). If the procedure does not work, the practitioner should try again with a slightly different procedure and different formula addressed to higher deities, asking them to “send up to me ghosts (εἴδωλα) of these dead for service (ὕπηρεσίαν) in this very hour immediately” (57.1467-70). The ghosts in this procedure are, as the title indicates, gladiators, heroes, and *biaioi* or *biomoroi*. While gladiators are familiar, it should be noted that the term hero is very likely a general term for the dead in this period, and *biaioi* or *biomoroi* are almost certainly *biothanatoi*.¹⁴¹ The setting appears to be an arena, given the presence of the gladiators, which makes it very possible that the *biothanatoi* are the executed. One interesting aspect of this recipe is the emphasis on torture and service. According to Christopher Faraone, in this procedure alone, out of about 80 surviving erotic spells, does the “lovesick person [seek] redress” for his suffering cause by the woman’s “injustice.”¹⁴² She is to be tortured by the ghosts because of his being tortured by her. The ghosts moreover take on the role of slaves, or at least of servants. If the ghosts refuse to listen in the first version of the formula, they are compelled by deities to perform their service (ὕπηρεσία) by torturing the woman who tortured the man. Perhaps these ghosts in particular were expected to have sympathy for a tortured figure, having themselves suffered in the arena as slave-like figures.

¹⁴⁰ Suggested by the commentary on this line in GEMF, vol. 2, forthcoming.

¹⁴¹ Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 58-60

¹⁴² Faraone, *Ancient Greek Love Magic*, 84.

An earlier recipe that is more tenuously related to the executed comes from a late second century Demotic formulary.¹⁴³ A formula for a love potion states: “You should bring a small shaving(?) of the head of a man who was murdered (*w' rmt iw ʒf mwṯ n htb.t*) together with 7 grains of barley buried in a grave of a dead man” (GEMF 16.428-29).¹⁴⁴ These ingredients are mixed with several others—including blood from a dog’s tick, human blood, and human semen or urine—and given to targeted woman to drink in order to make her feel the love Isis had for certain male gods. Ghosts are not very present in this recipe, but there may nonetheless be a *biothanatos* involved. The word *htb.t* and its Coptic equivalent ⲨⲠⲧⲃ can also refer to more generic killing, not just murder, suggesting that this figure may be an executed person; indeed, in the Coptic translation of Daniel 2:24 ⲨⲠⲧⲃ refers to killing called for by the state.¹⁴⁵ A similar recipe for an *agōgē* from the fourth century also uses a bone from the skull of a *biothanatos* (ἀπὸ ἀνθρώπου κεφαλῆς βιαίου ὀστέον) that is placed into the mouth of a wax dog (GEMF 57.1885-86). It is addressed as Kerberos, the canine guard of the underworld, and is adjured “by those who have hanged themselves (or been hanged) (ἀπαξαμένων), ghosts (or bodies) (νεκρῶν), and those who have died violently (βιαίως τεθνηκότων)” to bring the targeted woman to the practitioner (57.1912-14). The violence suggested in various procedures meant to invoke love seemed to lend itself to drawing assistance from *biothanatoi* and potentially the executed.

Another use for the executed was as a means to gain knowledge. A fourth century collection of recipes entitled “A Homeric Three-Verse Assistant” gives several uses for a series of verses from the *Iliad* (10.564, 521, and 572) that are to be written on an iron lamella, which is in turn then immersed (βάψαι) and consecrated. The uses include helping a runaway slave stay

¹⁴³ On the dating of the manuscript, see GEMF vol. 1, 138.

¹⁴⁴ Trans. GEMF. Korshi Dosoo suggested to me over email (August 2, 2021) that “*w' rmt iw ʒf mwṯ n htb.t* (=ⲠⲮⲠⲓⲙⲉ ⲉⲓⲙⲟⲟⲩ ⲛⲨⲠⲧⲃ)... is probably an attempt to translate the idea of the *biothanatos* into Egyptian.”

¹⁴⁵ Crum, *A Coptic Dictionary*, s.v. “ⲨⲠⲧⲃ,” II.

hidden, receiving answers to questions from a person at death's door, securing victory in agonistic contexts, and protecting from wild animals and harmful magic. An executed person is used in the following example: "If you attach [the lamella] to a slain condemned person (κατάδικος σφαγείς), speak the verses into his ear, and whatever you want, he will tell you everything" (GEMF 57.2164-66).¹⁴⁶ This practice seems to be a type of necromancy in the technical sense of the word, using the dead for divination, as they had access to privileged knowledge.¹⁴⁷ Another procedure using the verses produces an oracle when one writes on a leaf "with the blood of a person who has died violently" (μετὰ αἵματος βιαίου) and places it under the lamella with the lines of Homer (57.2206-08). Though this blood is not explicitly derived from an executed person, Faraone suggests that the expectation is probably to place it with the same executed man.¹⁴⁸ Confusingly, the lamella may itself be connected to a ghost, as it is addressed in its consecration in a manner typical to a ghost (57.2180-81).¹⁴⁹

Sometimes, ghosts are not very cooperative when practitioners try to extract knowledge using them. One set of three necromantic recipes (57.1928-2164) from the fourth century ends with instructions on how to correct an unsuitable skull.¹⁵⁰ The skull or another bone from a *biothanatos* was used in the recipes (57.1949-51; 2038-40) to provoke the ghost, with divine

¹⁴⁶ Hubert Martin, Jr. (*GMP*, 76-78) takes the next listed application to also involve the executed person. He translates σὺ δὲ βαστάξας τὴν λάμναν εἰς τὴν πληγὴν as "insert the lamella into his wound." He follows both Hopfner (vol. 2, 612) and Preisendanz (vol. 1, 139) in doing this. However, this interpretation is flawed. For one thing, there are marks in the manuscript separating the application to the executed person and the application to the πληγή; a space of about two characters and a colon are placed after ἐρεῖ, and a *paragraphos* divides the bulk of the second application from the first. It is more likely that the line should be translated "put the lamella onto a bruise (or place where one has been struck)." In addition, βαστάζω, to my knowledge, is not used to refer to insertion. The application of this procedure is to cultivate honor and trust with people in authority or masters (ὑπερέχοντες ἢ δεσπότες), among others. Because the lamella is earlier in l. 2152 stated to be useful for a runaway slave (τις ἀποδράσας), the lamella is probably meant in this case to be placed onto the evidence of a beating, not into the open wound of a dead person.

¹⁴⁷ Ogden, *Greek and Roman Necromancy*, 237-43.

¹⁴⁸ Faraone, "Necromancy Goes Underground," 271.

¹⁴⁹ GEMF, vol. 2, forthcoming.

¹⁵⁰ The recipes actually refer to "cups," but Faraone ("Necromancy Goes Underground," 258-71) has shown that they are undoubtedly skulls whose terminology has been disguised.

help, to declare some sought-after truth to the practitioner (57.1971-72) or to provide another service (57.2054).¹⁵¹ The ghost is incentivized to complete whatever task it was commanded to do by threat of “chastisements” (κολάσεις) (57.2066), and if it is not quick enough they practitioner will inflict chastisements that it is not able to endure (57.2096-97). Skulls that are “incoherent” (ἀκαταλλήλους) are bound (κάτοχος) so that they “do not speak or hardly do anything of this sort” (τὸ μὴ λέγειν μηδὲ ἐν πάνυ ποιεῖν τούτῳ [l. τούτῳ]) by having their mouths filled with dirt from the temple of Osiris and from graves (57.2126-30). The practitioner is also instructed to make and presumably wear a ring made of iron taken from leg fetters (ἀναγκοπέδης) on which is depicted a headless lion trampling a skeleton, along with other images and magical words (57.2130-39). The dirt and the trampling may amount to a reburial of the skull, potentially making the ghost less restless by interring it.¹⁵² The ring made from fetters also functions to restrain the ghost or skull in the same way that fetters would restrain a slave or criminal. However, coupled with the threats of chastisement or punishment from the earlier recipes, the dirt and the ring also take on a valence of disrespect and criminalization, shoving filthy dirt into the mouth of a person who died a violent death and frightening his ghost with the memory and imagery of forced constraint, perhaps in prison, and mauling by an animal.

Another recipe meant to force a ghost to produce knowledge are included in a late second to early third century formulary.¹⁵³ Part of a request to Apollo to appear or send dreams, *daimones*, possibly ghosts, are invoked to speak with the god (GEMF 30.56-57).¹⁵⁴ If the

¹⁵¹ The second recipe, 2006-2144, does not mention *biothanatoi* or, strictly speaking, bones. It instead refers to a *nekydaimon* who is summoned using “something” (τι) that might have been thrown away (ἀπορέριπται) (57.2039). Faraone rightly identifies this “something” as a body part or discarded corpse (“Necromancy Goes Underground,” 265-66). That the corpse was discarded suggests to me that this ghost could be a victim of execution, given the fact, discussed in Chapter 1, that they were often disposed of in open pits.

¹⁵² Faraone, “Necromancy Goes Underground,” 269.

¹⁵³ For the date, see GEMF vol. 1, 362.

¹⁵⁴ On requests involving both sun deities and ghosts, see Faraone, “Collapse,” particularly 220-24.

procedure fails and the beings must be compelled, there are other rituals can be performed. One option involves drawing an image onto papyrus and then wrapping it in a rag taken from a *biothanatos* (ράκει ἀπὸ βιοθανάτου) and throwing it into the hypocaust of a bathhouse, suspending it underneath a flame, or placing it under a lamp (95-100).¹⁵⁵ The latter two options are apparently listed because the hypocaust might prove to be too violent or excessive (σφοδρόν) to adequately compel the ghost (96). Additionally, next to the image, a humanoid, headless figure covered with magical words and vowels, some writing states that the rag might also be thrown into a pure lamp (216-17). The practitioner may also ask that a cooperative *daimōn* or ghost be come to him “lest [he] come to [the point of administering] harsher tortures” (τίνα μὴ εἰς χεῖροναι βακάνουσι ἔλθω) that are depicted on the strip of papyrus or amount to how the papyrus is treated (101).¹⁵⁶ One more additional tactic involves making “a rag from a *biothanatos*” (ράκος ἀπὸ βιαίου) into a lamp wick while supplicating Apollo (193). Whether the target of a given ritual is Apollo or a *daimōn*, the ingredient taken from a *biothanatos* is instrumentalized for torture, thrown into a great fire, suspended above flames, or threatened with such. Something about the origin of the rag lends it to compulsion and torment, subject matters that resonate with the possibly criminal source of the object.

One last category of recipe that I will discuss is for use in trickery, whether presenting false information or hiding oneself. In a recipe from another Demotic formulary (second to third century),¹⁵⁷ the dead are used to impart dreams that appear to be oracles from deities but are actually from ghosts in disguise. Addressed to a “noble, divine spirit” of a human (GEMF 17.61), the ghost is supposed to visit the dreams of the target as the target’s favorite deity and

¹⁵⁵ On the use of rags in magic, see Daniel, “Two Love-Charms,” 256-57.

¹⁵⁶ GEMF vol. 1, 373 n66.

¹⁵⁷ For the date, see GEMF vol. 1, 282.

recommend some course of action that is favorable to the practitioner.¹⁵⁸ This allied ghost is attracted in this case using a skull of a dead person: “[You should fetch] the head(?) of a man who was killed (*rm̄ htbꜥw-f*)” (GEMF 17.79).¹⁵⁹ As the other Demotic example from above, this skull is probably from the equivalent of a *biothanatos*, since this recipe also uses the word *htb.t* to describe the person whence the skull came. This instrument from a murdered or executed person is useful for deception, “smuggl[ing] in messages to [the practitioner’s] own profit.”¹⁶⁰

Another formulary (second half of the third century) contains a different type of recipe, a procedure meant to render the practitioner invisible or making others blind (*ἀμαύρωσις*) to him (GEMF 31.247).¹⁶¹ The ingredients include “the eye of an ape or of a dead *biothanatos*” (*πιθήκου ὀφθαλμὸν ἢ νέκυος βιοθανάτου*) (31.248). While grinding these and other ingredients up, the practitioner should address a chthonic *daimōn* and command it to be obedient to him (31.253-55). While I have been unable to determine why an ape is mentioned,¹⁶² another spell for invisibility calls for the use of fat or an eye from an owl (31.223), a nocturnal animal.¹⁶³ Perhaps the *biothanatos* was likewise assumed to be nocturnal, either as a ghost or as a criminal. Night is often mentioned in surviving petitions from Egypt as the time in which crimes took place,¹⁶⁴ and committing a crime at night may have even counted as an aggravating factor.¹⁶⁵ Invisibility was also very frequently associated with criminal actions. For example, in one of Plato’s dialogues,

¹⁵⁸ Quack, “Remarks,” 135.

¹⁵⁹ Trans. GEMF. Cf. Quack, “Remarks,” 135.

¹⁶⁰ Quack, “Remarks,” 135.

¹⁶¹ For the date, see GEMF vol. 1, 382. On invisibility, see GEMF vol. 1, 401 n106.

¹⁶² I suspect it might be because apes are associated with the sun (Philips, *In Pursuit of Invisibility*, 101). The sun or Helios is responsible for making the practitioner unobserved in the spell using the owl (225-230), and moving opposed to the movement of the sun (from west to east) undoes spell using the ape or *biothanatos* (258). The sun also was thought to bring both day and night (Philips, *In Pursuit of Invisibility*, 80).

¹⁶³ Philips, *In Pursuit of Invisibility*, 90. Philips also points out that the destruction of the eyes, analogous to blinding, is also relevant, though that fat can be used instead of an eye complicates this reading.

¹⁶⁴ Bryen (*Violence in Roman Egypt*, 214-279) has collected and translated a large number of petitions, many of which mention the night, including: SB 1 5235, SB 1 5238, SB X 10239, P. Mich. VI 421, SB XX 15077, etc.

¹⁶⁵ Bryen, *Violence in Roman Egypt*, 154.

Glaucon discusses the ring of Gyges, which renders its wearer invisible.¹⁶⁶ One of the first things Gyges does with the ring is seduce a king's wife and commit regicide (*Resp.* 360a-b). Glaucon suspects that anybody, just or unjust, with the power of invisibility would behave similarly, seducing, stealing, and killing with impunity (*Resp.* 360b-c).¹⁶⁷ Other recipes and discussions of invisibility also emphasize the criminal undertones.¹⁶⁸ In addition to criminal actions that might be performed by an invisible person, in the context of the recipe it is also worth noting that, like the individuals sent to death in arenas, the *biothanatos* seems to be animalized, his body parts used interchangeably with those of animals. That a body part from a *biothanatos*, a potential executed criminal, was used in a procedure that was historically very strongly associated with criminal behavior should not be taken as a coincidence. Part of the power of the procedure came from the appropriateness of the ingredient.

In this discussion of magical artefacts and formulae, I have shown that considering the potentially criminal contexts of sites and objects tends to illuminate the subject under discussion more often than not. That is, it *makes sense* to consider whether a site holding the remains of executed people was thought to be a particularly effective place to leave curse tablets or to wonder if a rag taken from a person who might have been executed would be more effective in torturing a ghost or god. It is also worth considering whether the ghost of an executed person, beaten like a slave, imprisoned, and forced to perform for a crowd until death, would be an effective and obedient servant, fearing a reprise of the treatment that led to his death. The

¹⁶⁶ The ring, incidentally, was recovered (stolen?) from a corpse inside of a bronze horse at the bottom of a chasm (Plato, *Resp.* 359d).

¹⁶⁷ Philips (*In Pursuit of Invisibility*, 32) also quotes and discusses this passage, though he is less convinced that criminality is consistently relevant.

¹⁶⁸ Philips, *In Pursuit of Invisibility*, 33-37.

criminal *biothanatos* played an important role in ancient magic, perhaps because of his criminality.

4. Conclusion

The places and objects involved in magical procedures were selected in the context of political systems that produced many corpses, whether driven to suicide by dire circumstances or the threat of financial harm to one's family or executed by a machine that sought to punish and deter threats to social life. These ghosts and their body parts were widespread over Mediterranean geography and in the minds of the region's inhabitants, provoking fear and offering power or protection to those who could stomach it. Seen as fated by the stars to a violent death, as wicked and materialistic, as unfortunate and foolish, *biothanatoi* were feared both as sources of magical threats but also as a reminder of what anyone who fell on the wrong side of the law could become.¹⁶⁹ By way of conclusion, I turn to two works written in the voice of the dead that show how the violently dead being criminals was not merely profane color for magical practitioners to embellish their recipes nor an abstract curiosity for philosophers to debate about nor a genre of fate for astrologers to classify but a real and terrifying possibility, especially for the less privileged members of society.

Being a criminal or *biothanatos* was so shameful and so frightening that even after death people of the Mediterranean took care to clarify that those who died suddenly were not executed. An elegy of Propertius (first century BCE) imagined to be written on the grave of Cornelia,

¹⁶⁹ Cf. Shaw, "Judicial Nightmares," 538: "[W]e can deduce without much fear of contradiction that the possibility of being involved in a public spectacle, either a trial or a public display of physical torture and punishment, was one of the imminent hazards of life that was deeply embedded in the conscience of the ordinary people of the time." See also MacMullen, "Judicial Savagery," 207.

Augustus's stepdaughter and the wife of a senator, after she died young shows the urgency with which an ambiguous death was clarified:¹⁷⁰

I am condemned (*damnatae*) to darkness; you too, waters, stagnant shallows, and whatever sedge enwraps my feet.
Although I come here untimely (*immatura*), nevertheless I come not as a criminal (*noxia*),
and I do not ask for a gentle judgement (*iura*) of this, my shade.
(Prop. 4.11.14-18)

Recounting her honorable life to her husband, she indicates that she is confident speaking *pro se* before the judges and other famous inhabitants of the underworld (4.11.27), because she does not need to ask for leniency in judging her ghost. Because of this context, the judicial language in this passage is important. Cornelia is condemned (*damnata*); she is willing for her shade or ghost to undergo judgement (*iura*); and, most interestingly of all, she insists that she is not a *noxia*, a condemned criminal. However, she does need to explain her early arrival as one untimely dead (an *immatura*), a circumstance apparently assumed to indicate guilt and imply a death by execution. Cornelia clarifies that her death does not indicate criminality, despite its suddenness, and she is able to point to her noble life in order to resolve the ambiguous nature of her death.

An epitaph for a young slave in Capri from the first or second century CE likewise portrays the plea of a person who died suddenly:

You who dwell under the Stygian land, good *daimones*,
Accept into Hades me too, the most pitiable,
Snatched away not by a decision (κρίσει) of the Fates, but with a violent (βιαίω),
Sudden death by unjust wrath (μήνιος ἐξ ἀδίκου).
(In Capreis insula. C. I. 5872)

The young man appeals to the good *daimones* for admission into the afterlife, perhaps also to transmit his pleas to higher divinities.¹⁷¹ His pleas to be admitted are backed up through a

¹⁷⁰ Ter Vrugt-Lentz, *Mors Immatura*, 72-73.

¹⁷¹ Ter Vrugt-Lentz, *Mors Immatura*, 73; Bernand, *Sorciers grecs*, 147.

clarification that, though he died through violence, he was not a criminal.¹⁷² Like Cornelia (through Propertius), he also uses judicial language: there was no judgement (κρίσις) by the Fates nor, implicitly, by any mortal judge. Though it is unclear how exactly this person died, it is possible his master killed him out of anger (μῆνις) by unjustly (ἐξ ἀδίκου) beating him to death.¹⁷³ This context, along with Cornelia's, shows what being a *biothanatos* means most directly.

To suffer a violent death meant, absent more context, that the dead person deserved to die. A woman condemned to death would not be in a position to tell the gods of the underworld that she seeks an unbiased judgement; a criminal once punished will likely deserve more scars. Likewise, a slave killed by his master for disobedience or another allegedly justified reason would not be able to point to his lack of guilt in order to seek admission to the world of the dead. A *biothanatos* is, as the condemned criminal was when alive, alienated “from his entire social context,”¹⁷⁴ often unburied, left for animals to consume, exiled from his own body and the underworld. He is enslaved, exploited for knowledge and other talents, available for the medical and magical use of others at risk of further punishment. For someone like Cornelia, being allotted such a fate would indicate a profound breakage from how society was supposed to function; for the nameless Caprese slave, it would be a terrifying continuation of his living world.

If *biothanatoi* were often assumed to have been criminals, that put Christians in a difficult position. Their Special Executed (Jesus and the martyrs), whom they worshipped and revered after their deaths and whose bones and blood they lovingly collected, died in the same

¹⁷² Cf. ter Vrugt-Lentz, *Mors Immatura*, 73.

¹⁷³ Bernard (*Sorciers grecs*, 147) suspects this based on lines I have not translated.

¹⁷⁴ Coleman, “Fatal Charades,” 47.

manner as the ghosts exploited by demon-worshipping magicians and feared by the ignorant who did not know the truth of Christ's victory. Like the authors of Cornelia's and the slave's epitaphs, they addressed the frustrating similarities by targeting criminality.

Chapter 4: “Glory Proper to Themselves:” Christians and the Executed Dead

The ghosts and body parts of executed criminals held a power that was both useful and widely apparent for those seeking supernatural assistance. Practitioners that used such ingredients were also seen as both fearful and disgusting. In the same centuries that produced many formulae for luring sexual partners with ghosts and many descriptions of murderous magicians arose Christians, who worshipped an executed criminal, called him God, and even honored other executed people, whom they called martyrs. It is not surprising, therefore, that Christians and practitioners of this sort were seen as very similar, if not one and the same.¹ Looking at evidence from polemical sources, magic, and Christian apologies and histories, we can see that Christians were often thought to worship *biothanatoi*,² whether Jesus or martyrs, which I will call the Special Executed. There is also evidence that the Special Executed were seen as powerful or magically efficacious because of the violent nature of their deaths. It is also important that their deaths were not just violent but deaths proper to criminals. On a rhetorical level, those critical of Christianity heightened the criminality of their Special Executed, whereas Christian apologists defended the Special Executed by emphasizing their innocence and exaggerating the guilt of other executed people. That the Christian Special Executed were thought of as criminal *biothanatoi* drove both ritual practice and Christian Christology and martyrology.

The first part of this chapter discusses several examples in which the spirits of the dead, including the violently dead, feature in biblical and early Christian texts, showing that ghosts are

¹ This has already been observed briefly by the following: Dölger, *Sol salutis*, 114; Clerc, *Homines Magici*, 201-202; Wypustek, “Magic, Montanism, Perpetua, and the Severan Persecution,” 283-84; Stratton, *Naming the Witch*, 118.

² On *biothanatoi* (the violently dead) and related ghosts, see Chapter 3.

part and parcel of Christian religious worlds.³ Given that many ancient apologists for Christianity often state that the dead are sleeping or sequestered in the underworld until the judgement, it is useful to show that this was not an opinion held by every Christian.⁴ More general writings on Christianity often marginalize these beliefs as well, even if more in depth works do discuss the possibility of spirits of the dead playing a role in the first few centuries of the common era.⁵

The second part explores evidence for the Christian Special Executed being considered *biothanatoi* of the sort used in magic. Eunapius, as well as alleged slander and apparent misunderstandings reported by Christians, indicate that martyrs and Jesus were understood by some onlookers and some Christians themselves to be ghosts of the violently dead whose souls and/or body parts were used in magic. In polemical contexts especially, the thrust of the attack targets their connection to executed criminals, showing that the untoward qualities of both magic and criminality were at issue. In non-polemical contexts, the usefulness of martyrs and Jesus in magic still seems to derive from their status as executed people.

The third part argues from evidence found in sources directed to fellow Christians that authors were concerned with distinguishing the Special Executed from run of the mill executed criminals. The issue was not just that some people were being mistaken for martyrs but that *criminals* were being mistaken for martyrs. Likewise, *biothanatoi*, as ghosts or as demons disguised as ghosts, were carefully described so as to not be understood as similar to the Special Executed; in some case they were portrayed as completely opposed to one another. Thus, in antiquity Christians reacted to a phenomenon that too closely, in their opinion, associated the

³ I largely bracket later Jewish sources, though it should be noted that many of the sources I discuss would have also existed in a Jewish context, including, of course, the Hebrew Bible, New Testament, and some later texts.

⁴ I discuss some, such as Tertullian, below.

⁵ For example, Daley, “Eschatology in the Early Church Fathers” does not discuss that some early Christians considered souls of the dead to exist on earth. See also the brief discussion on the relevance of ghosts in Bazzana, *Having the Spirit of Christ*, 79.

Special Executed, who were unjustly killed, with “real criminals” who apparently deserved to die violently.

1. Ghosts and the Violently Dead in Ancient Judaism and Christianity

Ghosts were part of the biblical and Christian imaginary. Biblical texts from a Judean and Israelite milieu, such as Ezekiel, critically acknowledge the wider Mediterranean tradition of heroes as dead cultural leaders who had fallen in battle and still interact with the mortal world. These figures, called *gibborim* (mighty ones), are identified with giants and demons in later Greek-speaking contexts, who in turn fulfill the same role as and are sometimes called *biothanatoi*. While the giants fueled much speculation and fear in antiquity, the ghosts of humans also played a role in early Jewish and Christian imagination, including in such illustrious sources as the apologetic works of Justin Martyr and Origen. Christians, like their neighbors, also practiced magic by invoking ghosts, as is evinced through scant references in ancient literature and more strongly in medieval and early moderns sources that may have preserved earlier traditions.

1.1 Biblical Precedents: The Ghosts of Heroes, Giants, and Demons

The Christians who share and transform traditions of the *biothanatoi* or analogous spirits of the dead were not aberrant in their belief in ghosts. Israelite, Judean, and Jewish writings predating and contemporary to the Christian ones discussed below also participate in a wider discourse of ghosts, including violently dead ghosts.

Biblical traditions of the violently dead are generally connected with their traditions of the giants (גבורים; *gibborim*). The most important biblical passage for these figures is Genesis 6:4, describing the antediluvian world:

The Nephilim (הנפלים) (LXX: giants) were on the earth in those days—and also afterward—at which time the sons of God went to the daughters of man, and they bore children for them. These were the *gibborim* (הגברים) (LXX: giants), who were renowned men from ancient times.⁶

The following verses additionally state that humankind’s wickedness (רע) (LXX: αἰ κακία) was thick upon the earth, and so God decided to destroy most living things out of regret (6:5-7). The ambiguity of who the Nephilim are and whether and how they are connected to humanity’s violence and the punishing flood gives much for pre-modern interpreters and biblical scholars alike to struggle with.⁷

In the Hebrew Bible, *gibborim* were variously presented as the lawless other that had to be destroyed in order for law and order to thrive, as well as dangerous, non-human animals or plants.⁸ They were also sometimes seen as shades of the dead active in the world of the living.⁹ Indeed, Brian Doak argues that they should be understood as analogous to heroes found in Greek and other Mediterranean cults: they are both “military figures who are very clearly presented as actively inhabiting or straddling the dichotomy between the worlds of the living and the dead.”¹⁰ Greek heroes “[perform] great deeds in battle, then [proceed] to play a role *after death*, in cult, for blessing and benefit,” and other semitic texts such as the Ugaritic *rp`um* texts seem to share the same ideology.¹¹ Doak also suggests that the Nephilim derive their name from the verb נפל (fall), which has the connotation “of falling in heroic battle.”¹² As an entire class, biblical authors saw the *gibborim* “as a special target of totalizing, cataclysmic violence of flood and extreme

⁶ Gen 6:4 (LXX): And the giants (γίγαντες) were upon the earth in those times and after that time, since the sons of God would approach the daughters of humans and bore [children] for them; these were the giants, who were the famous people from ancient times.

⁷ Stuckenbruck, “The ‘Angels’ and ‘Giants’ of Genesis 6:1-4,” 356.

⁸ Doak, “The Giant in a Thousand Years,” 21-27.

⁹ Doak, “The Giant in a Thousand Years,” 19-21; Doak, “Ezekiel’s Topography.”

¹⁰ Doak, “Ezekiel’s Topography,” 613.

¹¹ Doak, “Ezekiel’s Topography,” 613. Emphasis his. See also, Doak, *The Last of the Rephaim*, 164-71.

¹² Doak, “The Giant in a Thousand Years,” 21. See also, Doak, *The Last of the Rephaim*, 187-89 with bibliography.

warfare.”¹³ He sees their deaths especially evinced in Ezekiel 32:17-32, a lament for Egypt, which will fall (נפל) and go down into the underworld and remain stuck there among the rulers of the *gibborim* (אלי גבורים; 32:21).¹⁴ Doak suggests,

The author of Ezek 32:17-32 seems clearly to be exploiting an established correlation between Nephilim, the verb נפל and ancient Gibborim... as the author seems intentionally to be moving beyond simply using a common word, נפל, to describe the dead in battle, but rather is alluding either to a broader tradition of “fallen” Gibborim in a manner reminiscent of the fragmentary reference in Gen 6:1-4 or to the very text of Gen 6:1-4 itself.¹⁵

Thus, according to Doak, even in the sixth century BCE, the *gibborim*, heroic warriors of the past, and the shades of the afterlife were interconnected. He also notes that, similar to Virgil,¹⁶ Ezekiel seems to group all of those who were “slain by the sword” (הללי הרב) or fell (נפל) in battle into the same region of the underworld.¹⁷ These hero-like figures of the ancient past who have been slain, are, according to Ezekiel, no longer able to spread supernatural terror (*hittit*; 32:25) among the living because they are stuck in the underworld.¹⁸ The Hebrew *gibborim* transform in later centuries into something tied less to the heroic and military dead.

By the first century BCE, the *gibborim*, as the hybrid children of fallen angels, become more explicitly associated with demonic beings.¹⁹ Among Greek readers, as evinced in Philo, the *gibborim* transform around the first century CE, by way of the Septuagint, into the giants (γίγαντες), associated with the figures of Greek mythology as well as, more allegorically, people

¹³ Doak, *The Last of the Rephaim*, 150.

¹⁴ Doak, “Ezekiel’s Topography,” 619: “The notion that those killed in heroic battle have a special place in the afterlife is a shared feature of Ezekiel 32 and Greek heroic literature, even as Ezekiel 32 may be the only text in the Hebrew Bible to give such a detailed description of this geography.”

¹⁵ Doak, “Ezekiel’s Topography,” 622.

¹⁶ See Chapter 3.

¹⁷ Doak, “Ezekiel’s Topography,” 621-22.

¹⁸ Doak, “Ezekiel’s Topography,” 616: “I would like to suggest the possibility that the use of תיתה in Ezekiel 32 reflects something of this sense of supernatural, ghost-induced panic [of the Akkadian word *ha’attu*], in that our author is specifically *denying* the fallen dead any power of תיתה over those who are now living (in the contemporary world of the author).” Emphasis his.

¹⁹ Stuckenbruck, *The Myth of Rebellious Angels*, 78-102.

tied to earth and material things (γηγενής).²⁰ The Gospel of Mark, produced in a first century Jewish context, records an episode, which the other synoptics repeat, of Jesus encountering a man who lives among tombs “with an unclean spirit” (ἐν πνεύματι ἀκαθάρτῳ; Mark 5:1-13). Giovanni Bazzana argues that this spirit and others in Mark should be understood within the context of Second Temple Jewish traditions of the giants, that they are the ghosts of angel-human hybrids killed by the flood.²¹ Indeed, he emphasizes that the giants were killed *by violence*.²²

The Testament of Solomon, circulating in Late Antiquity,²³ is a narrative about the ancient magician-king combined with a demonological manual. This text attests to the continued associations of violent deaths with threatening ghosts of giants. Narratively, Solomon encounters demon after demon, each of whom, after being described, tells him their domains of power and how to conquer them. One demon, specifically a *nekydaimon*,²⁴ is a “spirit (πνεῦμα) of a human with a dark (σκοτεινήν) shape and shining eyes” who states, “I am a salacious spirit of a human, a giant having died by slaying (ἐν σφαγῇ) in the time of the giants.” He goes on to detail that he lurks in tombs, changing into the forms of the dead and killing people or making them into demoniacs, though he is rendered impotent with the sign of the cross.²⁵ Here, we likely see

²⁰ Philo, *Gig.* 13. On the earthborn (γηγενής), see Winston, *Two Treatises of Philo of Alexandria*, 269. For Philo on the giant tradition, see Stuckenbruck, *The Myth of Rebellious Angels*, 131-141. Giants were also interpreted as demonic in Greco-Egyptian traditions. See Plut., *Is. Os.* 25; Busch, *Das Testament Salomos*, 217.

²¹ Bazzana, *Having the Spirit of Christ*, 67-79. This tradition is also known by the second century Christian apologist Athenagoras (*Leg.* 25); Bazzana, *Having the Spirit of Christ*, 71-72.

²² Bazzana, *Having the Spirit of Christ*, 76.

²³ Busch, *Das Testament Salomos*, 19-30. A conservative *terminus ad quem* is the fifth or sixth century, but Busch argues for a fourth century date based on comparisons to sources that discuss fourth century Jerusalem.

²⁴ Busch, *Das Testament Salomos*, 219.

²⁵ T. Sol. 17: “And I commanded that another spirit be brought to me. And came a spirit (πνεῦμα) of a human with a dark shape (σκοτεινήν) and shining eyes. And I questioned him saying, ‘Who are you?’ He said, ‘I am a salacious (?) (ὄχεικόν) spirit of a human, a giant having died by slaying (ἐν σφαγῇ) in the time of the giants.’ And I said to him, ‘Tell me what you accomplish upon the earth and where you have your abode.’ He said to me, ‘My dwelling place is in untrodden (ἄβάτοις) places. My activity is this: I sit beside dead humans in tombs and at the dead of night I change shape into the dead, and if I take hold of someone, I immediately kill him with a sword. If I am not able to kill him, I make him a demoniac and I make him eat up his flesh and I make him spill out his spit from his jaws.’ I said to him, ‘Fear the God of heaven and earth and tell me by what angel are you rendered impotent.’ He said to me, ‘The one about to be called “savior” among humans renders me impotent. If someone writes his mark on his forehead, he will render me impotent, and having been rebuked I will go away from him

another vestige of the tradition Bazzana discusses in relation to the demoniac in Mark. The spirit is a giant or a human²⁶ who was killed. Though the details of the killing (execution, murder, a result of banditry or battle, etc.) are not revealed, it is implied to be violent.²⁷ The spirit's activities are also comparable to Neoplatonic and Christian descriptions of ghosts, in that it changes its shape into something or someone else, probably the dead by whom it sits.²⁸

1.2 Ghosts in Early Christianity and Judaism

There are also strong traditions of ghosts among Christian and early Jewish writers that are not connected to the myth of the giants. Sometimes, souls of the dead are used in a literary mode. Josephus, writing in the first century, transmits stories about the palace of Herod and a Roman official being haunted by the ghosts (δαίμονες, εἰδωλα) of their victims, likely intentionally dramatized expressions of their guilt more than “real” ghosts.²⁹ However, also attested in Josephus is a genuine belief in the activities of the spirits of the dead. In a discussion of how to collect a dangerous material used for exorcism, he states, “For those called demons are the spirits of wicked (πονηρῶν) humans who enter into the living and kill those who do not happen to get help” (*B.J.* 7.185).³⁰ It is also possible that very early opinions of Jesus imagined him to be a necromancer who used John the Baptist, a *biothanatos*, as a ghostly assistant.³¹

In texts from the first few centuries CE, Christians are generally concerned with showing that the dead are in the underworld, not gallivanting around the earth with mortals. For example,

immediately. This is the sign of the cross.’ After hearing these things I, Solomon, confined the demon as [I did with] the other demons” (Ed. McCown, with some modifications following Busch).

²⁶ One manuscript (P) has the spirit state he is “πνεῦμα ἀνθρώπου γίγαντος.”

²⁷ Regarding recension B, Busch (*Das Testament Salomos*, 219) writes, “The fact that the demon fell as a giant in battle makes it a ‘classic case’ for a premature (vorzeitig) death.”

²⁸ E.g., Tert., *An.* 57.4; Eunap., *V.S.* 6.116-117.

²⁹ Jos., *B.J.* 1.599; 8.452. Philo (*Legat.* 65) also describes the threat of the “*daimones* of [Gaius’s] dead wife” (τοῖς δαίμοσι τῆς ἀποθανούσης γυναϊκός) in a manner reminiscent of Furies or Erinyes. These are probably not the ghosts of humans, however, but *daimones* of another sort. See Johnston, *Restless Dead*, 273-79.

³⁰ Cf. Bazzana, *Having the Spirit of Christ*, 78-79.

³¹ Kraeling, “Was Jesus Accused of Necromancy?,” 147–57.

on the subject of ghosts and magicians who claim to be able to summon them, Tertullian states, “So, what shall we say about magic? What almost everyone says: it’s bunk (*fallaciam*)” (*An.* 57.2). The alleged ghosts who do appear on earth are almost invariably revealed to be demons, not the souls of dead humans.³² Later narrative texts are more likely to include the souls of humans, either adapting earlier Greco-Roman ghost stories or portraying them as trapped in a sort of purgatory.³³

Ghosts are occasionally used in apologetic arguments. For example, Justin Martyr argues that his addressees should be fearful of eternal punishment, and to those who do not believe in the immortality of the soul, he evinces that “souls remain sensible after death” by listing magical practices, figures, ailments and other things that, according to Justin, involve or attest to the continued existence of the souls of the dead.³⁴ Similarly, Origen provides evidence for the immortality of the soul by stating that ghosts exist, citing Plato for support.³⁵

The trio of ghost categories discussed in Chapter 3, the *aōroi*, *biothanatoi*, and *ataphoi*, are also acknowledged by some early Christian writers. Augustine, writing in the Latin-speaking west after the sack of Rome, indicates that the potentially restless state of the souls of the unburied was a live concern for his Christian audience, even if he insists that they should not be worried.³⁶ Regarding *biothanatoi*, the *Sefer ha-Razim*, a Jewish magical handbook with late antique origins, includes several spells involving the spirits of the dead, including those who

³² Tertullian and John Chrysostom are my primary examples. They will be discussed in detail below. Both of them evince that the interpretive tradition of the medium of Endor is very important as a touchstone in discussing the (non-) existence of ghosts. On this tradition, see Greer and Mitchell, *The “Belly-Myther” of Endor*.

³³ Several examples are discussed in Ogden, “Lies Too Good to Lay to Rest” and Densen, “Erasing the Ethereal.” For more, see the collection beginning with Gregory the Great, Joynes, *Medieval Ghost Stories*.

³⁴ He lists “acts of divination with the dead” (νεκρομαντεῖαι), “dream-senders” (ὄνειροπομοί), “attendants” (πάρεδροι), “people seized and tossed around by the souls of the dead” (οἱ ψυχῶν ἀποθανόντων λαμβανόμενοι καὶ ῥιπτούμενοι ἄνθρωποι), “oracles” (μαντεῖα), and the writings of philosophers (Just. Mart., 1 *Apol.* 18.3-5). On this passage, see the notes at Minns and Parvis, *Justin*, 123-125.

³⁵ Orig., *Cels.* 2.60.

³⁶ Aug., *Cur.* 3. See also, Aug., *Civ.* 1.12. Rose, *Commentary*, 115.

were likely executed.³⁷ The concept of using *biothanatoi* for magic was made fun of by Tatian,³⁸ Sozomen acknowledges that some people were afraid of the recently executed, probably because of their ghosts,³⁹ and the Clementine tradition mentions both children and victims of suicide being used in magic.⁴⁰

There is also good evidence that Christians, like their pagan forerunners and contemporaries, also *used* ghosts, sometimes even *biothanatoi*, in magical procedures. While some of the evidence for this is likely polemical, such as the rumors that Athanasius used the severed arm of his rival Arsenius in magical rituals,⁴¹ some shows genuine engagement, or at least interest. In Egypt, for example, Shenoute attests to incubation in martyr shrines, in which the dead were expected to visit people in their dreams for visions.⁴²

Some magical formularies written in a later Christian milieu in Egypt also survive. These texts, likely composed in a monastic context,⁴³ show that Christians engaged in rituals using the dead. In these examples, ghosts were used to cause menstrual bleeding or miscarriages (KYP T26) and separate lovers (KYP T150). Other examples use components from dead people, such as procedures that make a magistrate poor (using a bone) (KYP T1468), perform an unclear curse (using a rag from the corpse of a pagan) (KYP T1678), and devastate a house (using corpse water and gum from a grave) (KYP T1681). Several other Coptic curses from the ninth or tenth

³⁷ See Chapter 3.

³⁸ Tat., *Or. Graec.* 17.7-8: “Even if I were the most unscrupulous (μοχθηρὸς) person when alive, how, when I am dead and cannot act in any way, do my remains, which cannot move or sense anything at all, do anything that is sense perceptible? How will the one who died by a most miserable (οικτίστῳ) death be able to assist anyone in revenge (τιμωρίαν)? For if this really were the case, how much more would he take revenge (ἀμυνεῖται) against his own enemy? In fact, though he is able to help others, by much more would he become his own avenger (ἐκδικός).”

³⁹ Cumont, *Lux Perpetua*, 339, citing Soz., *H.E.* 2.1, a narrative involving the True Cross.

⁴⁰ *Rec.* 2.13; *Hom.* 2.30. Cf. Sanzo, *Ritual Boundaries*, 105 and 109.

⁴¹ Rufinus, *H.E.* 10.16; Socrates, *H.E.* 1.27.18; Soz., *H.E.* 2.23.1, 2.25.7. See, Marasco, “Pagani e christiani de fronte alle arte magiche,” 114-121.

⁴² Shenoute, Discourses VIII 30 (“Those Who Work Evil”). On incubation, see Frankfurter, *Christianizing Egypt*, 132-136.

⁴³ On the monastic context of magical handbook production, see Frankfurter, *Religion in Roman Egypt*, 258-64.

century CE preserve what is likely an engagement with the *biothanatos* tradition. The curses, written on the rib bones of a bovid, camelid, or equine adjure the “Powers of Death” (ΕΝΤΗΝΑΜΙΣ ΕΜΠΜΟΥ) and a dead person (ΠΕΦΜΟΥΤ) under whom the bones were placed to take the soul of the curse’s intended victim and cause it to suffer. Importantly, the dead person is stated to have been punished himself, be a witness to other punishments, and be a witness to the river of fire. In other words, it is clear he is in hell. This presents a problem similar to that of the *biothanatoi* used for curses:⁴⁴ how does one tell whether the dead person suffered a violent death, or how does one know that he is now suffering in hell?⁴⁵ Just as *biothanatoi* could be found by seeking out the executed and fallen gladiators, so too can those in hell be found by seeking out the bodies of non-Christians, argues Korshi Dosoo.⁴⁶ This sort of engagement with the pre-Christian past seems to be a transformation of the use of *biothanatoi*, in that both are abject figures whose deaths or states in death empower curses.⁴⁷ Outside of Egypt and later, into the medieval and early modern periods, there are more examples of magical and medical practitioners using the corpses of executed people, but that goes beyond the scope of this chapter.⁴⁸

In this section, I showed that the idea of ghosts would not be foreign to early Christians. They are baked into Scripture and were discussed as though self-evidently real by both very

⁴⁴ See Chapter 3, section 2.2.

⁴⁵ Dosoo, “Powers of Death,” 183: “the ritual relies on the empowered object being placed with the body of an individual known to be in hell, and yet the fate of souls is not generally thought to be knowable to normal people.”

⁴⁶ Dosoo, “Powers of Death,” 184: “These individuals, who had lived before the Christianisation of Egypt, were understood as ‘pagans’ (*hellēnes*, literally ‘Greeks’), who had worshipped false gods and were therefore doomed to suffer in hell. The remains of Pharaonic civilisation could thus serve as a resource for those wishing to carry out curse rituals.”

⁴⁷ Email communication with Korshi Dosoo, August 2, 2021.

⁴⁸ For some examples from late antiquity, see Grypeou, “Talking Heads.” For the medieval and early modern periods, see Prospero, *Crime and Forgiveness* and Tarlow and Battell Lowman, *Harnessing the Power of the Criminal Corpse*.

educated men like Justin Martyr and more marginal communities like late antique Egyptian Christians. This examination sets the stage for the idea that people important to Christians, the Christian Special Executed, were also seen as and interacted with as ghosts.

2. The Christian Special Executed as *Biothanatoi*

As Christianity began to grow in cultural hegemony, non-Christian elites began to notice and comment on what Peter Brown called “the full charnel horror of the rise of Christianity.”⁴⁹ Not only did they worship a dead crucified man, but they even honored, perhaps worshipped, other people who were also executed. For example, the *Martyrdom of Polycarp*, written around the beginning of the third century, even states that the people responsible for Polycarp’s death asked the magistrate not to hand over his body “lest they abandoned the crucified man and start worshipping him” (*MPoly* 17.1). Christians had a special relationship with the executed, one that disturbed intellectuals and caused Christian apologists to define the terms of their reverence very strictly, both for outsiders and for fellow Christians who apparently misunderstood the status of their Special Executed.

Most of the evidence for the Christian Special Executed as *biothanatoi* is polemical, on the part of non-Christians, or apologetic and corrective, directed toward a mostly insider audience. There are strong indications from John Chrysostom and to a lesser extent Tertullian and Sulpicius Severus, all of which I will discuss later in this chapter, that some Christians considered martyrs to be *biothanatoi*. Non-Christians, particularly Eunapius and the formerly Christian Emperor Julian, described martyrs in ways that strongly associate them with the *biothanatoi* of magic, emphasizing their criminal origins, the violent forms of their death, and

⁴⁹ Brown, *The Cult of the Saints*, 7.

their use in curses. This polemic comes not just out of discomfort with the impurity of dead bodies or the impropriety of worshipping a victim of crucifixion but also from disgust at what was seen as magic. There are indeed a handful of sources that evince the invocation of martyrs in magic as *biothanatoi* or in a manner that is very reminiscent of magic that involves them. All this evidence points to the necessity of understanding the Special Executed in terms of magic, violent death, and alleged criminality all together.

2.1 In Anti-Christian Polemic

The Emperor Julian and Eunapius of Sardis were both intellectuals deeply familiar with and opinionated about religious propriety and the alleged failures of Christians to hold to expected propriety. They also both highlight this failure in terms related to *biothanatoi*.

Julian's attacks on Christianity are most well-known for its break with concerns regarding death impurity and the general absurdity of worshipping a dead man from Galilee,⁵⁰ but he also makes interesting mention of the manner of martyrs' deaths. In a fragmentary letter, Julian describes "a tribe of wicked (πονηρῶν) *daimones* appointed [by the gods]" who punish the impious, namely, Christians: "Many of the atheists, provoked by them, are convinced to die, assuming that they will fly up to heaven when they violently (βιαιῶς) sever their soul" (*Ep.* 89a-b). He of course refers to martyrs. Rather than dying as a testimony to God and Christ, he states that they are in fact fooled by *daimones* into seeking out a violent death. This punishing death occurs through the framework and aesthetics of Roman justice. For instance, he points out that monks who are driven into the desert by these same *daimones* "have now sought out both chains and collars (καὶ δεσμὰ καὶ κλοιούς)," essentially depicting them as self-exiled prisoners (*Ep.*

⁵⁰ For example, Julian argues that catching site of daytime funerals held by Christians could pollute non-Christians on their way to worship in temples (*Ep.* 136b, 199.18–200.1). See the works cited above for further discussion on Julian and pollution. Like Julian, Iamblichus, according to Eunapius, thought seeing or crossing paths with a funeral was polluting (*V.S.* 5.13).

89b). While Julian does not refer to the violently dead martyrs as ghosts, he does use the specific language of violence (βιαιώς) that seems to recall the wretched fate of the violently dead.⁵¹ Eunapius likewise emphasizes their impiety and apparently deserved punishment, though he explicitly brings in aspects of ghosts and magic.

A portion of Eunapius's *Vitae sophistarum* (ca. 412) on Antoninus (6.112-118) is very revealing of certain assumptions or polemics about Christian martyrs.⁵² The story takes place in Egypt. Antoninus, the son of the female philosopher Sosipatra, gathered with students at a temple near Canopus (probably that of Isis Medica in Menouthis) and made a dire prediction related to the fall of traditional worship of the gods.⁵³ This prediction came true after his death, as, according to Eunapius, policies by Christian rulers forced the cessation of worship and eventually caused the destruction of the Serapeum and temples. Next came the Christian monks—“human in form, but their way of life is that of swine”⁵⁴—, who were brought into Antoninus's former city and who introduced objects of worship despised by Eunapius.⁵⁵

They placed these monks in Canopus as well, since they had bound (καταδήσαντες) humanity to the service (θεραπείαι) of—instead of noetic gods—slaves (and not even “good” [χρηστοί] slaves). After all (γάρ), they collect bones

⁵¹ Cumont, *Lux perpetua*, 303.

⁵² Editions and commentaries include those by Hadrianus Junius Hornanus (1568), Boissonade and Wyttenbach (1822), Giangrande (1956), Civiletti (2007), Becker (2013), and Goulet (2014). Unless otherwise noted, I use the text of Goulet. An eleventh century manuscript, Plut. 86.7, from the Biblioteca Medicea Laurenziana (*Laurentianus*) is the basis for editions since Giangrande. It is digitized and available to view online at <http://mss.bmlonline.it/Catalogo.aspx?Shelfmark=Plut.86.7>. For the date, see Vedeshkin, “The Date of Eunapius' *Vitae Sophistarum*.”

⁵³ Eunap., *V.S.* 6.96: “He predicted that after his time the temple would cease to be, and even the great and holy temples of Serapis would give way and be changed into something dark in form (σκοτοειδές) and misshapen (ἄμορφον), and mythical and unsightly (ἄειδές) darkness will tyrannize what is most beautiful upon the earth.” On the location, see Vedeshkin, “The Date of Eunapius' *Vitae Sophistarum*,” 228-29.

⁵⁴ Eunap., *V.S.* 6.112-113: Eunapius describes them in the following way:” Next, they introduced into the holy places so-called monks, human in form, but their way of life is that of swine, and openly they both underwent and did countless wicked and unspeakable (κακά και ἄφραστα) things. But for all that, they thought it was a pious thing to despise the divine. For at that time every man wearing black clothes and willing to publicly disgrace himself had the authority of a tyrant.” Interestingly, a scholion in *Laurentianus* above σωδής reads ἀγγελικός κατάρατε (“angel, curse [Eunapius?!]”) along with some other responses to Eunapius's characterization of the monks (Goulet, *Eunape de Sardes*, 128).

⁵⁵ Eunapius probably has in mind the monastery of Metanoia, for which see Vedeshkin, “The Date of Eunapius' *Vitae Sophistarum*,” 228 with citations.

and skulls of people who have been condemned (ἐαλωκότες) for many misdeeds (ἁμαρτήματα), people whom the public court (τὸ πολιτικὸν δικαστήριον) punished. They proclaimed them gods, and they would throw themselves down on the bones and suppose that they were better because they pollute themselves at the graves. At any rate then, they are called “martyrs” (μάρτυρες) and some “ministers” (διάκονοι) and “ambassadors” (πρέσβεις) of demands to⁵⁶ the gods (παρὰ τῶν θεῶν),⁵⁷ though they are slaves who have poorly performed the duties of a slave, since they are consumed by whippings and bear the scars of their degeneracy (μοχθηρίας) on their ghosts (εἶδωλα). Nevertheless, the earth produces these gods. (*V.S.* 6.114-116)

This passage is dense, but it reveals much about how Eunapius wishes to present the Christian martyr cult. According to him martyrs⁵⁸ are 1) publicly tried and executed criminals, 2) whose ghosts bear signs of their servility and criminality and 3) whose bones are implied to be used in curses.

The body parts the monks collect belong to executed criminals, people who have been condemned (ἐαλωκότες) and executed by the public court (τὸ πολιτικὸν δικαστήριον).⁵⁹ Unlike Christians and other non-Christians who may assume bad laws or poor judgment are at play, Eunapius makes no such concession. These criminals apparently committed misdeeds (ἁμαρτήματα) and were justly punished through an official process.

In addition, as the criminals discussed in earlier chapters, these figures are slaves or slave-like. They are “not even good” (οὐδὲ χρηστοί) slaves. Eunapius is likely punning on χριστιανός using wordplay that Christians themselves used as early as the second century.⁶⁰

⁵⁶ Though one would expect παρὰ τῶν θεῶν to mean “from the gods,” see Civiletti, *Eunapio*, 434. Eunapius tends to use παρὰ in places in which one would expect other prepositions (Goulet, *Eunape de Sardes*, vol. 1, 432)

⁵⁷ Regarding this translation, compare the role of martyrs to the discussion of δαίμονες in Plato, *Symp.* 202e and Plutarch, *Is. Os.* 361c, who have intermediary messenger (διακονικόν, according to Plutarch) roles between humans and gods (Wytttenbach, *Eunapius Sardianus*, vol. 2, 159-60).

⁵⁸ Though Eunapius also mentions deacons (διάκονοι) and priests (πρέσβεις), the force of his argument seems to be against the group scholars refer to as martyrs.

⁵⁹ Contra Goulet, who suggests that Eunapius “semble assimiler le cas de Jésus et celui des martyrs” (*Eunape de Sardes*, 203). Martyrs would have been as visibly criminal as Jesus. A scholion in *Laurentianus* suggests that the public criminal trials of the martyrs are at issue, particularly for the apologetically traditional reason of their Christianity; next to ἁμαρτήμασιν ἐαλωκώτων is written οὐδεν ἁμάρτημα, εἰ μὴ τὸ χριστιανοῦς εἶναι λέγεις (“no misdeed, unless you mean being Christian”) (Goulet, *Eunape de Sardes*, 128).

⁶⁰ Bartelink also suggests the passage is a play on words (“un jeu de mots”) (“Eunape et le vocabulaire

While Christians would point out the irony that the “good” (χρηστοί) were called bad on the basis of their disparaged name (χριστιανοί), Eunapius rejects the pun. They were, in fact, bad slaves: they “serve poorly as slaves” (ἀνδράποδα δεδουλευκότα κακῶς), which is evinced by them having been “consumed by whips” (μάστιξι καταδεδαπανημένα) and now “bear[ing] the scars [or wounds] of their degeneracy (αἱ τῆς μοχθηρίας ὠτειλαί) on their forms.” In other words, it is clear they are bad because they bear the marks of being punished. As I discussed in Chapter 1, scars indicate previous punishments and thus previous acts of disobedience. Eunapius implies that the manner of their deaths demonstrates the badness of the martyrs. One needs to only consider the scars on their forms (εἶδωλα).

Eunapius’s choice of εἶδωλα is significant. It can refer variously to an image in a broad sense, to a physical form, or, most interestingly, to the afterimage of a dead person, whether conceived of as a soul in the afterlife or a ghost in the mortal realm. All three meanings have been read in this passage by various interpreters.⁶¹ However, the most compelling reading, I argue, is considering εἶδωλα to refer to the forms of the dead.⁶² This accords with Eunapius’s Platonism⁶³ and fits with ancient Christian and non-Christian understandings of the dead.

Reading εἶδωλα as the souls of the dead invokes the Platonic myth of judgement at the end of the *Gorgias*, discussed above.⁶⁴ As in the *Gorgias*, the martyrs bear scars after death that show their

chrétien,” 296). On the pun in Justin Martyr and other early apologetic texts, see Minns and Parvis, *Justin*, 87 n1.

⁶¹ Opelt (“Eunapios,” col. 934, cited in Becker, *Eunapios aus Sardes*, 350) suggested that Eunapius was referring to icons that showed the martyrs’ bloody deaths. The early modern interpreter Petrus Faber also argues this (*Agonisticon*, 328-29). Interpreting εἶδωλα as referring to the martyrs’ physical bodies, perhaps with injuries visible on their bones or evident in narratives about them, is another option, argued by Junius (*Eunapius Sardinianus*, 85), Boissonade (*Eunapius Sardinianus*, vol. 1, 284), Tommaseo, and De Rouville (both cited in Civiletti, *Eunapi*, 343).

⁶² In this I follow Becker (*Eunapios aus Sardes*, 350) and Wyttenbach (*Eunapius Sardinianus*, vol. 2, 160), who cite both the *Gorgias* and Plutarch’s *De sera* 566e–568a, discussed in chapter 1. Wyttenbach rightly notes that “saepe est mentio apud Platonicos” of ghosts retaining scars and injuries from past sins. See also Goulet, *Eunape de Sardes*, vol. 2, 203 and Civiletti, *Eunapio*, 434-35.

⁶³ Eunapius considered himself to be the intellectual descendent of Plotinus and Iamblichus. See Goulet, *Eunape de Sardes*, vol. 1, 139.

⁶⁴ See Chapter 1, section 2.2.

bad behavior (μοχθηρία).⁶⁵ The Platonic and popular aversion to death impurity is also at work in his disgust at monks “throw[ing] themselves down on the bones” (προσκαλινδεῖσθαι τοῖς ὀστοῖς).⁶⁶ The word προσκαλινδεῖσθαι was also almost certainly chosen to be an allusion to Plato.⁶⁷ In a passage from the *Phaedo* discussed above, souls weighed down by material concerns wander (κυλινδουμένη) around graves and produce shadowy apparitions or εἶδωλα.⁶⁸ The Egyptian monks, throwing themselves down on the bones or wallowing among shards of skulls, perform the same actions as the impure souls of the *Phaedo*.⁶⁹ It is likely, therefore, that Eunapius intended the reader to recognize the allusion to the *Phaedo* and read the εἶδωλα as what we might call ghosts.

One other Platonic allusion also doubles in Eunapius as a reference to an aggressive form of magic. The *Phaedo* also states that the wandering souls continually re-bind (πάλιν ἐνδεθῆναι) themselves to the corporeal world through their desire for their body.⁷⁰ Likewise, the monks “bound (καταδήσαντες) humanity to the service” of servile gods, the language of binding emphasizing imprisonment of and to slaves. However, Eunapius is not just doing more clever Platonic wordplay. καταδεῖν is a technical term in magic, referring specifically to binding curses (κατάδεσμοι or *defixiones*).⁷¹ More specifically, Eunapius implies through an explanatory γάρ

⁶⁵ Platonism is also in view in Eunapius’s contrast of the martyr-slaves with noetic gods, who emerge from and are constituted by the Neoplatonic *nous*, the metaphysical divine mind that thinks itself into being. Thus, martyrs are associated with the shameful material bones of slaves, whereas the immaterial noetic gods are unrightfully ignored.

⁶⁶ Touching the dead and bringing them into sacred or public spaces was a source of friction among Christians and non-Christians in this period. See Torres, “Emperor Julian” and Mayer, “Purity and the Rewriting of Memory.” Cf. Brown, *Cult of the Saints*, 4-5.

⁶⁷ Julian uses the same word in *Gal. frg.* 82.335c, 339e; see also *Misop.* 344a, where he uses καλινδεῖσθαι.

⁶⁸ Plato, *Phaed.* 81d. See Chapter 1.

⁶⁹ Eunapius, unlike Plato, takes agency away from the dead and places it onto the wicked monks: they are the ones who make themselves impure while claiming to be better (κρείττων). Before Giangrande’s edition using *Laurentianus* supplied the ὀστοῖς that was missing in the phrase προσκαλινδοῦντο τοῖς ὀστοῖς, Wyttenbach, following Junius, suggested that the phrase should be τοῖς μνήμασιν αὐτῶν, making the ones wallowing the martyrs (*Eunapius Sardianus*, vol. 2, 158).

⁷⁰ Plato, *Phaed.* 81E.

⁷¹ Wyttenbach and Becker both note the potential magical meaning and that Eunapius used the sense in a

that monks curse people with the bones of executed martyrs that they collect.⁷² As discussed in chapter 3, *defixiones* were frequently deposited in graves or other locations associated with the dead, such as arenas and wells. Curses and other magical procedures also often used material (οὐσία) from a dead person, such as bones, blood, or scraps of cloth. Thus, Eunapius uses the technical term for binding procedures that use the dead in order to color the reception of the skeletal vocabulary in the following sentence. In other words, he suggests that the binding curse placed on humanity involves the bones the monks collect.⁷³

It is also important to mention that the bones Eunapius decries are the bones of the executed, the bones of the violently dead or *biothanatoi*.⁷⁴ Interestingly, considering that he had the ghosts of the violently dead in mind smooths out some difficulties in the text. First, there is the final line of the section I quoted: “Nevertheless, the earth produces these gods” (ἀλλ’ ὅμως ἡ γῆ φέρει τούτους τοὺς θεούς). Commentators and translators have been undecided on how to take this phrase. One interpretation is that the earth “endures” (φέρειν) the martyrs, suffering while monks ravish Egypt and the temples of the traditional gods. Another is that the earth “produces” martyrs in a way analogous to earthborn giants, enemies of the gods, with whom Christians were compared earlier (6.108), again connecting Christians to the corporeal world. I want to suggest a modification of the second option, that the earth “gives rise” to ghosts as part

metaphor elsewhere in the text (Wytttenbach, *Eunapius Sardianus*, vol. 2, 157; Becker, *Eunapios aus Sardes*, 346). Becker translates the participial phrase as “band dadurch das Menschengeschlecht mit hexerischer Effizienz” (*Eunapios aus Sardes*, 103). It is unlikely Eunapius uses καταδεῖν coincidentally, as the lemma is not generally used to describe binding to a task or state, such as servitude (θεραπεία). Searching for the lemmata καταδέω or καταδεσμεύω and εἰς within 5 words in texts from the 1st – 10th centuries CE on the TLG returned very few comparable examples.

⁷² At first glance, Eunapius’s statement that monks collect bones does not clearly connect to the previous sentence that monks bind humanity to the service of slaves. I suggest that he uses an explanatory γάρ clause to describe why characterizing monks *binding* humanity to slaves is an appropriate turn of phrase. On this use of γάρ, see CGCG § 59.14).

⁷³ I am not suggesting that Eunapius literally thinks this is the case but that he is invoking the idea to color his argument.

⁷⁴ Rizos (“Eunapius of Sardis”) briefly argues that “pagans like Eunapius” regarded martyrs as “ominous ghosts,” specifically “*biaiothanatoi*.”

of a natural or inevitable process. Such ghosts are not to be worshiped as gods, as the monks allegedly do, but recognized as the illusions that they are. This is evinced by what comes next.

Directly following the sentence about the production of “gods,” i.e., ghosts, Eunapius affirms the accuracy of Antoninus’s prediction of the dire future mentioned above and then includes an anecdote about the Neoplatonic philosopher Iamblichus:

A certain Egyptian man summoned Apollo, and he came. Though those present were astounded at the sight, Iamblichus said, “Cease your amazement, companions. For it is a ghost (εἶδωλον) of a man who fought as a gladiator (μονομαχίσας ἀνὴρ).” In this way, there is a difference in beholding with the mind and [seeing] with the deceptive eyes of the body. Well, while Iamblichus <saw> present terrors (or marvels; δεινά),⁷⁵ Antoninus foresaw future ones. (*V.S.* 6.116-117)

Eunapius draws a connection between Antoninus’s prediction related to tombs (and to the Christians’ skeletal gods) and Iamblichus’s powers of discernment related to the dead. An Egyptian, a member of an ethnic group stereotypically associated with magical and theological knowledge, calls upon Apollo.⁷⁶ In procedures that produce images of gods or divine revelations that survive in the magical papyri, the ingredients often include the materials (οὐσία) of the dead, including those who have died violently.⁷⁷ It is thus not surprising when Iamblichus identifies “Apollo” as nothing but the image (εἶδωλον) or ghost of a gladiator (certainly a good candidate for a *biothanatos*), suggesting that perhaps the procedure called up the violently dead ghost whose magical material (οὐσία) was used.⁷⁸ Iamblichus can see with his mind that the εἶδωλον is

⁷⁵ It is unclear what δεινά refers to, whether “terrible things” in general or, as Origen uses δέματα (*Cels.* 4.10), to refer to entities comparable to ghosts.

⁷⁶ On Egyptians and magic, see Wendt, *At the Temple Gates*, 83-86.

⁷⁷ Egyptian dream sending procedures that use human body parts include GEMF 15.156-170, GEMF 17.40-60, and GEMF 17.61-100. See Quack, “Remarks” for more details.

⁷⁸ The 19th century commentator Wytttenbach (*Eunapius Sardinus*, vol. 2, 161) suggested that the “gladiator” was a Christian martyr: “It may be that [the word μονομαχίσαντος] retains the sense of a Christian martyr condemned to the arena, that is, to fight in a gladiatorial or beast spectacle, whose ghost still bears the marks and scars of his crimes for which he was condemned and his wounds with which he was pierced.” To my knowledge, μονομαχίσαντος and related words are not used in this sense, though his interpretation is worth noting in the context of my own argument.

not a god, just as Antoninus could tell that the εἰδῶλα the Christians will worship in Egypt's future are not gods but merely the images of those who died by violence.⁷⁹

This brings me back to the gods produced by the earth. The dead are considered to be chthonic, dwelling under the earth. Especially in Neoplatonism, people and powers associated with the material world were thought of as not only worldly but also chthonic,⁸⁰ creating an easy association between the dead and the preoccupation with matter that non-philosophers and, allegedly, Christians had. Neoplatonists such as Iamblichus and Synesius (who was also a Christian) also imagined chthonic beings, sometimes conceptualized as unhappy spirits of the dead, to impede anagogic progress.⁸¹ To be called chthonic or earthy was to be denigrated both morally and ontologically. To come from the earth was to be considered dead and lacking in a connection to the true knowledge that was immaterial. For Eunapius, Christians were completely intertwined with matter, having worldly, material concerns so great that they not only worshipped bones but even the bones of people who were rightly executed.

This passage of Eunapius constructs Christians as worshipping the ghosts of criminals. While his portrayal was motivated by reasons of philosophical and theological disagreement and societal frustration and sadness over departing forms of worship, elements of his picture were drawn from a two-pronged widespread belief: that the remains and souls of executed criminals (called *biothanatoi*) were powerful and that the Christian Special Executed were *biothanatoi*.

⁷⁹ Becker, *Eunapios aus Sardes*, 352: “While ‘true’ gods are accessible only to the spirit, the cult of martyrs and relics consists in focusing on material and mortal objects, which are viewed with ‘deceptive eyes’” (trügerischen Augen).

⁸⁰ Zintzen, “Geister (Dämonen),” 650.

⁸¹ Johnston, *Restless Dead*, 134-137, who cites *Iam. Myst.* 3.31, 178.8-16. C.f., Synesius, Hymn 2.241-263: “Drive away disease. Drive away soul-devouring anxieties. Drive away the ruthless chthonic dog (κύνα τὸν χθόνιον), the *daimon* of earth (δαίμονα γαίας), from my soul, from my prayer, from my life, from my deeds. Let the *daimon* remain outside my body, outside my spirit, outside everything ours. Let it leave, let it flee—the *daimon* of matter (δαίμων ὕλης), the spark of passions, which obstructs the anagogic path (ἀναγωγὸν ὁδόν) and hinders the god-seeking impulses” (ed. Strohm and Gruber).

2.2 In Magic

Whether alleged in colorful reporting or implied by material finds, there is additional evidence that point to the same conclusion: that Christian Special Executed were treated as *biothanatoi*.

Joseph Sanzo has recently argued that an amulet depicting a crucified Jesus engages with Christ not as a triumphant savior but as a *biothanatos*.⁸² This jasper gem, dating to the late second to early third century, portrays Jesus nude, with arms outstretched and with limp, weak hands.⁸³ “Supported by the gem’s visual emphases on Jesus’s nakedness and his brutal crucifixion” and “the ubiquity of the restless-dead motif during this period,” Sanzo, following Philippe Derchain, the object’s original editor, argues that “many... people operating within a ritual context would have probably understood such an image as depicting a soul particularly susceptible to manipulation.”⁸⁴ Sanzo’s argument supports my contentions that the Special Executed were sometimes considered to be *biothanatoi*, people whose deaths were not victories but signs of torturous subjugation, and that their identification as *biothanatoi* explains or justifies their power.

There are other early examples that share similarity with magical practices to do with the violently dead. One is from the *Passion of Perpetua* and concerns the martyr Saturus and a guard sympathetic to the beleaguered Christians, Pudens. While Saturus lies dying from a leopard bite, he gives Pudens some words of encouragement “and at the same time he [Saturus] asked for a ring from his [Pudens’s] finger, and gave it back, drenched in his wound, to him as inheritance, leaving to him a bloody memorial as a pledge” (*PPerp* 21.5). Franz Dölger rightly compares this

⁸² Sanzo, *Ritual Boundaries*, 99-108.

⁸³ Sanzo, *Ritual Boundaries*, 100-101. The gem is held in the British Museum (BM 1986,0501.1) and measures approximately 3.0 × 2.5 × 0.6 centimeters.

⁸⁴ Sanzo, *Ritual Boundaries*, 107-108; Derchain, “Die älteste Darstellung,” 112.

passage to a host of Christian and non-Christian sources⁸⁵ in which the blood of a freshly killed person is thought of as particularly worth saving (in the context of Christian martyrs) or potent, especially for treating illnesses such as epilepsy.⁸⁶ Louis Robert, working off of the same passage about Satorus and relying on Dölger, connects it more specifically to “le sang des βιαιοθάνατοι, des exécutés, des gens morts de mort violente.”⁸⁷

The earliest surviving literary example in which *biothanatoi* (or the equivalent) are explicitly mentioned in connection to the Special Executed is from the *Martyrdom of Pionius* (late third to mid-fourth century), in which Pionius reports that Jews call Jesus a *biothanēs* and have long been claiming to have called Jesus up through necromancy. That Christ was a *biothanatos*, or *biothanēs*, as this text has it, seemed to have been a stock argument attributed to Jews. It also appears in the roughly contemporary *Martyrdom of Conon*, in which a Roman prefect attributes his knowledge of Jesus and Christian worship of him to the Jews: “that a human was a god—and this one a *biothanēs*” (4.6).⁸⁸ While clearly stated in an anti-Jewish context in *Pionius*, Talmud scholar Stephen Gero argues that other texts, both Christian and Jewish, point to a pre-existing Jewish tradition that necromancers could call up Jesus’s soul due to his violent death as a criminal.⁸⁹

Several decades later (388 or 389) in Antioch, John Chrysostom stated that some Christians “think that the souls of those who die a violent death (τῶν βιαίῳ θανάτῳ

⁸⁵ Some of these sources are discussed in Chapter 3.

⁸⁶ Dölger, “Gladiatorenblut und Märtyrerblut,” 196–214. See also McCulloh, “The Cult of Relics,” 145–84 for similar examples from Christian texts.

⁸⁷ Robert, “Une vision de Perpétue martyre,” 243, 245.

⁸⁸ There is also a Medieval Byzantine contra-Judaeos dialoged attributed to Gregentios (*Dialexis* B, 110), and a medieval recension of a *laudatio* to the apostle Barnabas, in which a pre-Damascus experience Paul calls Jesus “a son of a carpenter, ignoramus, bumpkin, and *biothanatos*” (van Deun, *Hagiographica cypria*, 130).

⁸⁹ Gero, “Jewish Polemic.” The key passage is from the Talmud, b. Git. 56b-57a, in which a necromancer calls up three of the archenemies of the Jews, the emperor Titus, Balaam, and Jesus. On the Jewish presence in Smyrna, where *MPion* takes place and was likely written, see Lane Fox, *Pagans and Christians*, 481-82.

τελευτώντων) become demons (δαίμονας).”⁹⁰ As I will discuss in more detail below, Chrysostom refers to martyrs and *biothanatoi*. He also mentions the use of *biothanatoi* in magic, though he limits them to the souls of sacrificed children.⁹¹ While he does not state that martyrs are ever understood as useful in magic, it is not hard to guess why he would be reticent to mention that.

There is other local evidence that martyrs *were* used in magic. In nearby Apamea during the reign of Valentinian (364-375), *defixiones* meant to affect the result of circus competitions, a typical application for *biothanatoi*, were possibly deposited in a building abutting a martyrion dedicated to the Holy Cross, perhaps in order to take advantage of the violent death associated with the relic.⁹² A letter attributed to a friend of John Chrysostom, Nilus of Ancyra, also offers evidence the use of martyrs in magic. Dating from the early 5th century if authentic and as late as the end of the 6th if not,⁹³ the letter describes a ritual in which magicians make images, perhaps three-dimensional clay or wax figurines, of certain saints and use them in order to murder people and injure racehorses.⁹⁴ Given the agonistic context, the saints were probably martyrs.⁹⁵

⁹⁰ John Chrys., *Laz.* 2.1 (PG 48.983.7-8).

⁹¹ John Chrys., *Laz.* 2.2 (PG 48.983.31-36). Cf. *Matt.* 28.2 (PG 57.353.16-22).

⁹² Heintz, “Agonistic Magic,” 215-16. The tablets were found in a building known as “the *triclinos*,” which is otherwise known for its magnificent mosaic floor. As Heintz argues, it is difficult to know if they were placed in this space on purpose or if they were brought there by a nearby drain, which were also commonly employed as deposition sites for *defixiones*. The findspot, which includes coins dating to the reign of Valentinian, is very briefly described in van Rengen, “Deux *défixiones*,” 213.

⁹³ Heintz, “Agonistic Magic,” 120-29.

⁹⁴ [?Ps-]Nil., *Ep.* 2.205 (=PG 79.308-309): “For magicians (γόητες), making images (εικόνας) of certain saints (άγιών), bind tablets (λαμίας; l. λάμνα) with certain spells (περιεργίας) and bury [the tablets] in the back (όπισθίω) of the image. Whenever they wish—either to make a woman commit adultery, or to kill a man, or to break a horse—they fast a cursing (κατηραμένην) and loathsome (βδελυράν) fast and keep vigil over that image. After lighting candles and lamps, they stay awake summoning *daimones*, until they happen upon manifestations (έμφανείας) of them and maybe compel (έξάγουσιν) something into action (έργον), but they fail most of the time.”

Εικόνας γάρ τινων δήθεν άγιών ποιούντες οι γόητες, λαμίας τε συνδεσμοῦντες περιεργίας τισί, τῷ όπισθίω τῆς εικόνας έγκατορύττουσι, και όταν βούλονται, ἢ γυναίκα ποιῆσαι μοιχευθῆναι, ἢ άνδρα θανατῶσαι, ἢ ἕπους κλάσαι, νηστεῦσαι κατηραμένην, και βδελυράν νηστείαν, και άγρυπνοῦσι πρὸς τῇ εικόνι εκείνη, και κηροῦς, και λύχνους έξάψαντες γρηγοροῦσιν έπικαλούμενοι δαίμονας, μέχρις άν τύχῃσι τῆς τούτων έμφανείας, και τινα μὲν εις έργον έξάγουσιν, εν δέ τοις πλείστοις άποτυγχάνουσιν.

⁹⁵ Heintz, “Agonistic Magic,” 127. It should also be noted that Hilarion of Gaza was also strongly associated with charioteers, though no dead are involved in the stories about him (Jer., *Vit. Hil.*, 16, 20). Likewise, Ibas, the bishop of Edessa, was accused of both working magic and being a charioteer (Dickie, *Magic and Magicians*, 266). For charioteers and magic in late antiquity, see Dickie, *Magic and Magicians*, 282-87.

Finally, there is one last late antique source that has been offered up as evidence for the invocation of Christ as *biaios* in magic. It is from PGM XIII (fourth century),⁹⁶ which contains several recensions of the *Eighth Book of Moses*, a formulary attributed to the biblical Moses, including a brief formula “for releasing bonds” (δεσμόλυτον) to one called *chrēstos* (χρηστός) (288-96), in between a formula for crossing the Nile on a crocodile and another for quenching fire. The first lines (288-91) in Karl Preisendanz’s edition and in Morton’s Smith translation read:

Δεσμόλυτον. λέγε·
 ‘κλῦθί μοι, ὁ **Χριστός**, ἐν βασάνοις, βοήθησον ἐν ἀνάγκαις,
 ἐλ[ε]ήμων ἐν ὥραις **βιαίσις**, πολὺ δυνάμενος ἐν κόσμῳ, ὁ κτίσας τὴν Ἀνάγκη<v>
 καὶ Τιμωρίαν καὶ τὴν Βάσανον.’

For release from bonds:

Say, “Hear me, O **Christ**, in torments; help, in necessities, merciful in **violent** hours, able to do much in the world, who created compulsion and punishment and torture.”

Compare this to the more recent edition by Daniel:

δυσμολυτον λεγε
 κλυτι μοι ο **χρηστος** εν βασανοις βοηθησον εν αναγκαις
 ελεημων εν ωραις **βιαιος** πολυι δυναμενος εν κοσμω
 ο κτισας την αναγκη κ τιμωριαν και την βασανον>>

A formula for getting out of bonds. Say:
 Hear me, **kind one**, in tortures. Help me in compulsions,
 one merciful in **forceful** times, one very powerful in the world,
 the one who created compulsions and punishment and torture.

The formula has drawn individual attention mostly for the apparent mention of Christ.

Indeed, the fact that the manuscript reads *χρηστός* and not *χριστός* is not evident in Smith’s translation or mentioned in a note, likely due to a decision of its first major editor, Preisendanz,

⁹⁶ On the codex (J 395), see Daniel, *Two Greek Magical Papyri*, x-xi. It is held in the National Museum of Antiquities in Leiden.

to put the papyrus's reading of *χρηστός* in the apparatus.⁹⁷ Scholars both before and after Preisendanz questioned this reading, often by assuming that a monolithic Christianity or Judaism would not permit "Christ" to be used in such a context.⁹⁸

This formula's relevance depends on whether two words should be corrected or left as is: the aforementioned *χρηστός* or *χριστός* and a word two lines later, *βιάιους* or *βίαιος*. While the relevance for the first decision is obvious, the second would turn the phrase "merciful in violent hours" into "merciful in times, violently dead one," a potential example of Christ being invoked as a *biothanatos*, as Eleni Pachoumi argues.⁹⁹ She contends on the basis of comparison with similar texts that *χρηστός* should be retained, with the caveat that it *does* refer to Jesus, not exactly the Jesus of the New Testament. The formula is rather "an example of a complete appropriation and integration of its interreligious context into the logic of the magical spell," with images from Judaism and Christianity being freely combined with notions also found in the Hermetica, Dionysiac traditions, and other sources. She also, significantly, notes that the papyrus reads *βίαιος* in the nominative, not *βιάιους* in the dative plural, making it a modifier of *χρηστός*, not *ἔρασι*. Noting that *βίαιος* is often a shortened form of *biothanatos*, she argues that Jesus, too, can be seen as a *biothanatos*, given his violent death. He is also eminently useful for a bond-breaking spell, considering he too was bound and released.¹⁰⁰ If Pachoumi is correct, this formula provides excellent evidence that reading Jesus or Christ as a *biothanatos* would have

⁹⁷ Preisendanz, *Papyri graecae magicae*, vol. 2, 102.

⁹⁸ For bibliography, see Pachoumi, "An Invocation of Chrestos in Magic," 30-32. Outside of arguments based on narrow understandings of Judaism and Christianity, there is much in favor of the *χρηστός* reading. Taken as "the kind one," we see several parallels in which God is addressed with this term. For example, in 2 Macc 1:24, a prayer begins: "Lord Lord God, the creator of all, who is fearful and strong and just and merciful (*ἐλεήμων*), who alone is king and kind (*χρηστός*)." Two of the same words appear in both in this prayer and the formula: *ἐλεήμων* and *χρηστός*, and other passages from the LXX are similar (Ps LXX 144:8-9; Sol 5:2; Sol 10:7.). *Χρηστός* would be entirely in keeping with a Jewish prayer, magical or otherwise, from this period.

⁹⁹ Pachoumi, "An Invocation of Chrestos in Magic."

¹⁰⁰ Pachoumi, "An Invocation of Chrestos in Magic." Jesus: 34-43; interreligious context: 47; *βίαιος*: 43-45; bond breaking: 45-46.

been a rational conclusion to anyone vaguely familiar with the story of his death and the subsequent miracles attributed to him and his followers, a point I make throughout this dissertation.

Unfortunately, it is unlikely that the formula is an instance of Christ or Chrēstos being called a *biaios*.¹⁰¹ While it is laudable that Pachoumi returns to the papyri and avoids correcting the text, a method recent publications of the magical papyri embrace,¹⁰² she neglects to mention that the orthography in PGM XIII is highly irregular, and her argument relies on the spelling being trustworthy. An interchange of *οι* and *ο*, as in *βιαιοιc* and *βιαιοc* is not unheard of in papyri, though it is normally before vowels or in words that have consistent alternate forms.¹⁰³ Indeed, the word directly following *βιαιοc*, *πολοι*, is orthographically irregular, with *υ* having been interchanged for *οι*. In addition, the literary qualities of the passage would be disrupted by making *βιαίοιc* agree with *χρηστόc*. The pattern of the formula in the second and third lines is to name the quality or action of the god, whether an adjective or imperative, and the situation or object that the quality or action relates to. Every other nominative, other than Pachoumi's *βιαιοc*, has an object of some sort immediately following it. This on its own is not disqualifying, but it does suggest that maybe the word is not intended to be in the nominative. Considering the irregular orthography and the pattern present in the other clauses of the formula, it is most likely that Daniel's reading, in which the words refer to "the good one" and "violent hours" is correct.

From this section, it is evident that the Christian Special Executed are sometimes treated as *biothanatoi*, in that they are seen as executed criminals who are useful for magical procedures. This is evinced in polemical sources but also reported in Christian sources and suggested by

¹⁰¹ Contrary to Sanzo, *Ritual Boundaries*, 107, who accepts her argument.

¹⁰² Faraone and Torallas Tovar, *Greek and Egyptian Magical Formularies*, xxii.

¹⁰³ Gignac, *A Grammar of the Greek Papyri*, 199-201.

material evidence. The criminal nature of this designation, as much or more than the magical one, becomes an issue for Christians writing to internal audiences.

3. Christian Authors and *Biothanatoi*

In response to the Christian Special Executed being perceived as the ghosts of executed criminals, some Christian writers address the problem by arguing against not just the existence of ghosts but also against the appropriateness of associating the Special Executed with criminals. In the following examples, criminality and not just the metaphysical problems that ghosts present are at issue: the author of the *Martyrdom of Pionius* avoids discussing criminality by bringing up suicide, Tertullian states that the justly executed cannot be violently killed by definition, John Chrysostom addresses the wickedness of potential *biothanatoi* apart from his defense of martyrs, Sulpicius Severus shows that authorities can distinguish genuine martyrs from criminals, and Sozomen reveals that martyrs defeat and drive away the ghosts of criminals. As I argued in chapter 2, martyrs are constructed with reference to criminality, whether alive or dead.

3.1 Changing the Subject: *The Martyrdom of Pionius* 13

I have already briefly mentioned the *Martyrdom of Pionius* in the context of magic, but there the text is also very informative as to the rhetorical presentation of Jesus as a *biothanatos*, or *biothanēs* in this case, and how and why Christians construct it as unthinkable. The text dates from as early as around 300, when Eusebius read it or a very similar text, to as late as the mid-fifth century CE, when it was translated into Armenian and Latin.¹⁰⁴ It purports to be written by the early third century Smyrnaean martyr Pionius before he was executed (1.2). The scene that is interesting for my argument takes place in a prison, after he and several of his friends were

¹⁰⁴ Rebillard, *Greek and Latin Narratives*, 47-49.

willingly arrested (11-14).¹⁰⁵ Pionius chastises his visitors who sacrificed during the persecution and mentions that, among other disappointing acts, some were tempted to take up Jews' invitation to visit synagogues (13.1). The following part of his speech is intended to prevent fraternizing with Jews, partly by responding to alleged arguments by Jews against Christian beliefs, mostly regarding Jesus.¹⁰⁶ The bulk of the discourse is taken up by a discussion of necromancy (that is, divination using the dead) and its possible relation to Jesus. Indeed, whether Jesus was a *biothanatos* (or *biothanēs*, as this text has it) is crucial for his argument. He states,

Remember what you have heard.¹⁰⁷ For you have heard this too, what the Jews say: 'Christ was a human and he died as a *biothanēs*.' So, let them tell us: What sort of *biothanēs* filled the whole world with disciples? What sort of human *biothanēs* had disciples and so many others after them die for the name of their teacher? By the name of what sort of human *biothanēs* have demons for so many years been cast out, are being cast out, and will be cast out? And [by the name of what sort of human *biothanēs* have] so many other mighty works happened in the universal church? And they do not know (ἀγνοοῦσι) that a *biothanēs* is someone who deliberately leads himself out of life (ὁ ἰδίᾳ προαιρέσει ἐξάγων ἑαυτὸν τοῦ βίου)! And they also say they performed necromancy (νεκρομαντείαν) and raised up (ἀνηγειοχέναι) Christ with his cross (μετὰ τοῦ σταυροῦ). But what writing of people with them or with us says these things about Christ? What just person ever said [this]? Aren't the people who say this lawless (ἄνομοί)? How would anyone trust the lawless and not rather the just (δικαίους)? Well, I myself have heard Jews telling this lie, which they are telling as though it had happened recently, since I was a little boy. (*MPion* 13.3-14.1)

What *biothanēs* means for Pionius (at least the presentation of him) is very important, and it is a point that scholars often neglect.

The meaning turns on the phrase "they do not know that a *biothanēs* is someone who deliberately leads himself out of life (ὁ ἰδίᾳ προαιρέσει ἐξάγων ἑαυτὸν τοῦ βίου)" (13.7), in which Pionius asserts that *biothanēs* means suicide. This has been taken in two major ways: 1)

¹⁰⁵ This section seems to be mentioned in Eus., *H.E.* 4.15.47: "The text concerns... the acts of reception and words of comfort directed toward those who fell under temptation in the persecution, which he offered in prison to the brothers who visited him." See Rebillard, *Greek and Latin Narratives*, 49 with n21.

¹⁰⁶ Ameling, "The Christian *Lapsi* in Smyrna," 151.

¹⁰⁷ There are some textual variations in this sentence, but they are not relevant for my argument. See Rebillard, *Greek and Latin Narratives*, 69 n76.

that this particular *biothanēs*, Jesus, died willingly or 2) that the term *biothanēs* means suicide and that the Jews were therefore wrong to ascribe the term to Jesus.¹⁰⁸ Musurillo and Rebillard are two scholars who follow the first option; Musurillo adds a demonstrative adjective (“*this* criminal departed from life at his own choice”) and Rebillard a definite article (“*the* man who died by violence withdrew from life by his own free will”) when *biothanēs* is indefinite in the Greek. While one could make arguments for and against their interpretation on historical grounds, grammatically, it is more likely that this sentence is defining the key term, *biothanēs*, as Louis Robert notes.¹⁰⁹ The second interpretation, that the sentence is defining the term, can again be divided into those who argue 1) that Pionius is deliberately foreclosing the possibility of the word meaning something other than suicide (that is, he is being pedantic for rhetorical purposes) or 2) that Pionius is pointing out what the term must mean in his context. G. W. Bowersock argues for second interpretation by stating that while the “etymological meaning” of *biothanēs* refers to dying by violence, “Pionios invokes the current [meaning],” one which “in the imperial period” was “virtually equivalent to suicide.”¹¹⁰ Rowan A. Greer and Margaret M. Mitchell also take the term as a plain definition, even retrojecting the newly defined meaning into earlier uses of *biothanēs*, because 13.7 “seems clearly to indicate that suicide is intended throughout this argument.”¹¹¹ As I argued in my last chapter, Bowersock is incorrect that *biothanēs* (and *biothanatos*) tend to mean only suicide in the Roman Period.¹¹² The fact that Pionius defines the

¹⁰⁸ Scholars who prefer the first sense include Musurillo, *The Acts of the Christian Martyrs*, 153 and Rebillard, *Greek and Latin Narratives*, 69. Those who prefer the second include Waszink, *Tertullian. De anima*, 567; Lane Fox, *Pagans and Christians*, 480; Robert, *Le martyre de Pionios*, 85; Bowersock, *Martyrdom and Rome*, 71-72; and Greer and Mitchell, *The “Belly-Myther” of Endor*, 29.

¹⁰⁹ Robert, *Le martyre de Pionios*, 85.

¹¹⁰ Bowersock, *Martyrdom and Rome*, 71-72.

¹¹¹ Greer and Mitchell, *The “Belly-Myther” of Endor*, 29 and n1.

¹¹² Robert (*Le martyre de Pionios*, 85) also correctly observes, “En effet, la definition du mot biothanatoi était loin d’être fixe” with citations to Tertullian (discussed below) and Damascius (discussed in Chapter 3, section 1.1).

term at all shows that its meaning was contested—why define what is already understood? Greer and Mitchell also miss that the shift in meaning, or perhaps over-clarification, of *biothanēs* serves rhetorical purposes: it not only makes the Jews spreading the rumor look foolish because they apparently misuse words but also intentionally excludes other meanings associated with a lowly status, ones which were still open at the term’s introduction,¹¹³ specifically criminality. As Waszink notes with regard to Tertullian on *biaiothanatoi*, the definition is overly restrictive in order to foreclose the possibility of it being accurately applied to the Christian Special Executed, Jesus in this case.¹¹⁴

It was so important for Pionius to exclude Jesus from the category of *biothanēs* because, as he goes on to state, Jews were allegedly claiming that Jesus had been “led up” (ἀνηγειοχέναι) with necromancy (13.8).¹¹⁵ As described in chapter 3, the violently dead were thought to be particularly vulnerable to magic, whether divinatory like necromancy or more aggressive like *katadesmoi*.¹¹⁶ If Jesus was not part of this category, then he could not have been summoned through necromancy, so goes the logic. Pionius next attacks the sources of such stories and tries to dismantle the biblical evidence for necromancy, the story of the ghost of Samuel being called up by a woman from Endor, arguing that the ghost was in fact only a deceptive demon (14).¹¹⁷ The meaning of *biothanēs* is thus wrapped up with the use of the violently dead in magic;

¹¹³ Hengel, *La crucifixion*, 70; den Boeft and Bremmer, “Notiunculæ Martyrologiæ III,” 118. Note also Musurillo’s choice of the translation “criminal.”

¹¹⁴ Waszink, *Tertullian. De anima*, 566-567. Waszink also states that Pionius defines the term in this way to defend martyrs, but Jesus should be included as he is the one being explicitly discussed.

¹¹⁵ The passage is sometimes taken to mean that Jesus was himself a necromancer and used the cross as a magical instrument (Musurillo, *The Acts of the Christian Martyrs*, 153-55; Greer and Mitchell, *The “Belly-Myther” of Endor*, 29), but see Robert, *Le martyre de Pionios*, 85 and Den Boeft and Bremmer, “Notiunculæ Martyrologiæ III,” 117-118. The claim that Jesus was “led up” (ἀνηγειοχέναι) is an image, if not the exact lemma, that appears throughout magical texts that exploit *biothanatoi*, among other ghosts (Faraone, “Necromancy Goes Underground,” 258).

¹¹⁶ Den Boeft and Bremmer note this in relation to this passage (“Notiunculæ Martyrologiæ III,” 118).

¹¹⁷ The biblical story is found in 1 Sam 28. See Greer and Mitchell, *The “Belly-Myther” of Endor* for the history of interpretation of this passage.

Pionius's concerns extend much broader than Jesus having potentially committing suicide—it is his status of being “a human” who “died as a *biothanēs*,” as the Jews allegedly claim, that Pionius sets out to complicate. He was not just a mortal human, as is evinced by his following and the miracles that are attributed to him and his disciples. He is also not just one who holds power because of his violent death, since he is not a *biothanēs*, and ghosts do not actually exist in the way that necromancy purports.

As Joseph Sanzo states, “this text makes it abundantly clear that at least some early Christians recognized that Jesus's particularly brutal form of punishment could relegate him to the realm of the restless dead within then-contemporary social imagination.”¹¹⁸ Sanzo is correct to emphasize that Jesus's punishment is at issue. More specifically, it is also the distasteful association with criminals that that punishment implies that is so horrifying for the author, as well as other early Christians.

3.2 Centering the Guilty: Tertullian of Carthage, *De Anima* 56-57

Tertullian of Carthage composed his *De anima* between 207 and 213 CE, partly as a refutation of other writers and partly to instruct readers about false opinions regarding the soul they might unintentionally hold.¹¹⁹ In the last few chapters of his treatise (53-58), Tertullian discusses what happens to the soul at death and argues against other ideas of the afterlife.¹²⁰ For Tertullian, martyrs alone have the privilege of entering Paradise directly at death, while every other soul needs to wait in the underworld (*infern*) until the resurrection: “In sum, the key to Paradise is your blood” (55.5).¹²¹ However, there are traditions from the wider Mediterranean of

¹¹⁸ Sanzo, *Ritual Boundaries*, 107.

¹¹⁹ Leal, *Tertullian. De L'âme*, 12-17.

¹²⁰ I am using the schema given in Leal, *Tertullian. De L'âme*, 24-26.

¹²¹ Leal, *Tertullian. De L'âme*, 62. Tertullian seems to think Paradise is a region of heaven (Waszink, *Tertullian. De anima*, 554, 561).

souls remaining outside of the underworld for a time, and Tertullian attacks these, both to combat what he sees as deceptive influence from paganism and to more surreptitiously protect martyrs from being identified with these restless, often criminal, dead.

Tertullian begins his section on the restless dead by stating:

A discussion presents itself, whether [the sequestering of souls in the underworld] happens immediately at death, whether a rule detains some souls here for a while, and whether, even after [souls] have been received in the underworld, it is thereafter permitted for them to interfere (*interuenire*) out of [their] free will (*ex arbitrio*) or by a command (*ex imperio*) [from someone else]. (*An.* 56.1-2)

He focuses on what has become in modern scholarship a canonical trio of types of ghosts: the unburied (ἄταφοι, *insepulti*) (56.1-2), the untimely dead (ἄωροι, *mors immatura*, *ahoroi*) (56.3-7), and the violently dead (βιοθάνατοι or βιαιοθάνατοι, *biaeothanati*). Tertullian presents cultural knowledge of wandering ghosts with the intent of discrediting this knowledge and rendering it absurd, arguing that their souls do not wander about on earth after they die because they are indeed admitted into the underworld.¹²² He critiques belief regarding the *insepulti* and the *ahoroi* and finally the *biaeothanati*.

The violently dead are characterized in the following way:

In a similar manner, also supposedly exiled from the underworld will be those [souls] who are sentenced to die by violence (*quas ui ereptas arbitrantur*), especially by the most brutal acts of punishment (*praecipue per atrocitates suppliciorum*)—I mean of the cross, axe, sword, and beast. Further, these are not violent deaths (*exitus uiolenti*), since Justice (*iustitia*), the punisher (*uindex*) of violence, decrees them. (*An.* 56.8)

In this fascinating passage, Tertullian claims that it is *exclusively* the executed who die by violence, even though no other ancient description of *biaeothanati* is this restrictive.¹²³ However,

¹²² Waszink, *Tertullian. De anima*, 565-66.

¹²³ However, note Waszink, *Tertullian. De anima*, 573: “It is hardly probable that Tert. dared to pretend that only those who had been executed were regarded as βιαιοθάνατοι; on the contrary, it is easy to understand that he represented the only subsection he wanted to discuss as the most important one.”

he suddenly complicates this description by defining violence in such a way that excludes *iustitia*, the violence of the state. The deaths suffered by criminals are not *violent* but *just*, making the term *biaeothanatus* a misnomer. J. H. Waszink is moreover correct in arguing that “he wants to make out that all ἄωροι are innocent souls and all βαιοθάνατοι criminals, to prevent that these groups are regarded as being of the same kind.”¹²⁴ Holding in tension that purportedly good souls (like infant and virgin *ahoroi*) are excluded from the underworld along with the purportedly wicked *biaeothanati*, Tertullian states,

And for this reason, you will say, “All the criminal souls (*scelestae*) are exiled from the underworld!” Then I urge you, decide one or the other: either the underworld is good, or it is bad. If you think bad, the worst souls (*animae pessimae*) ought to be thrown there right now. (*An.* 56.9)

As Waszink states, “The meaning of this sentence is: ‘it is not so that criminals are excluded from hell, because they are βαιοθάνατοι, but βαιοάνατοι are excluded, because they are criminals.’”¹²⁵ Though tradition states that it is the manner of their death that causes their exile, Tertullian rhetorically insists that one should think of the exile as a criminalizing expulsion from a place meant for the good.

Tertullian continues his argument along the same lines as he moves to the next absurdity that he wants to tackle, concerning magicians’ use of the restless dead:

Being detained in this place [the underworld] either belongs to the very good, in the case of an *ahoros*, or it belongs to the very bad (*pessimum*), in the case of a *biaeothanatos*—to use now the very words that the author of such beliefs, Magic, utters. . . . In the same way they are indeed invoked as *ahori* and *biaeothanati*, under the belief’s argument that it seems credible for these souls in particular to contribute to violence (*uim*) and injury (*iniuriam*), since a cruel (*saeuus*) and untimely (*immaturus*) death wrenched out [their souls] by violence and injury, as if a reciprocation (*uicem*) for the wrong (*offensae*). (*An.* 57.1, 3)

¹²⁴ Waszink, *Tertullian. De anima*, 566.

¹²⁵ Waszink, *Tertullian. De anima*, 573. He continues, “(this identification has been made possible by the words *praecipue per atrocitates suppliciorum*), in other words: ‘if it is said that executed criminals were not killed by force and so are not to be regarded as βαιοθάνατοι, I reply that they are evil souls and for this reason must stay outside hell.’”

Tertullian reasons that the violent deaths of the *biaeothanati* make them particularly willing and able to do violence themselves as ghosts. Magicians call upon these dead in particular, according to Tertullian. His argument here makes less sense as applied to the *ahoroi*, and they indeed seem to drop out of the discussion. His emphasis on the violence done to and by the violently dead indicate he also emphasizes their status as the guilty criminal dead. This is also indicated by where Tertullian goes next.

Tertullian argues that the ghosts with whom magicians commune are no ghosts at all but demons, often demons “who were in them when they were alive, whoever drove those people to a death of this sort,” whether immature or violent death, implying that some people were executed because of what they did under demonic possession.¹²⁶ According to Tertullian, in exorcisms, when not pretending to be a god, a demon often claims to be a dead person, whether a deceased relative of the possessed person or a gladiator or beast fighter (*bestiarius*) (57.5). These latter figures are not only very likely to suffer a violent death but are also frequently condemned criminals.¹²⁷ Throughout this section of *De anima*, Tertullian consistently characterizes *biaeothanati*, whether conceptualized as ghosts or demons, as criminals, or at least very similar to them.

Why is Tertullian invested in muddling the category of the violently dead so that their status as executed criminals becomes the primary meaning? As J.H. Waszink argues, Tertullian’s presentation of the categories of ghosts is self-interested and should not be understood apart from his investment in Christian theologies and anthropologies, particularly concerning martyrdom.¹²⁸

¹²⁶ Tert., *An.* 57.4: “But demons are the ones at work in their apparitions, and especially those who were in them when they were alive, whoever drove those people to a death of this sort. For we have also suggested that almost no human is without a demon, and it is known by many that through the acts of demons both immature (*immaturas*) and violent (*atroces*) deaths are brought about, which are considered to be attacks (*incursibus*).”

¹²⁷ On gladiators and criminals, see Kyle, *Spectacles of Death*, 79; Cobb, *Dying to Be Men*, 52.

¹²⁸ Waszink, “Varia critica et exegetica. III,” 123-24; Waszink, *Tertullian. De anima*, 566.

Before the discussion of ghosts began, Tertullian briefly mentioned the privileged place of the martyrs, the only ones allowed in Paradise before the general resurrection. They are subsequently noticeably absent in the discussion of violent death. Waszink correctly states that Tertullian “purposely suppresses the fact that the martyrs, too, belonged to this group, and indeed were often regarded as belonging to it.”¹²⁹ Martyrs would not fit into the category he described: they did no violence worth avenging, and they were killed *unjustly*, not by Justice herself. Criminals, however, were justly killed. His overly circumscribed depiction of *biaeothanati* leaves no room for assuming that martyrs should be or could be perceived as part of this category that is closely tied to criminals. But they were.

3.3 Dead Sinners and Besmirched Martyrs: John Chrysostom, *De Lazaro*

John Chrysostom’s second homily on the parable of Lazarus and the rich man, given in Antioch, in January of 388 or 389 and shortly before the feasts of Babylus and the twin martyrs,¹³⁰ gives witness to the problem implied by Tertullian’s reluctance to speak of *biaeothanati* and martyrs together.¹³¹ Over the course of the homily, entitled “The second homily on Lazarus, both that the souls of the *biothanatoi* (βιοθανάτων) are not demons (δαίμονες) and concerning punishment (κρίσεως) and mercy” (PG 48.981.22t), Chrysostom responds to the alleged existence of ghostly *biothanatoi* by 1) rhetorically limiting potential *biothanatoi* to sinners and moralizing their seemingly demonic natures, and 2) attributing the origin of the

¹²⁹ Waszink, *Tertullian. De anima*, 566. See also 573, regarding the executions suffered by *biaeothanati*: “Here no word is said about persecutions, lest one should remark that the martyrs, too, are βιοθανάτοι.” Martin Hengel (*La crucifixion*, 69) also observes something similar: “Comme cela pouvait s’appliquer aussi aux martyrs chrétiens, il apporte une restriction en ajoutant «toutes les âmes criminelles sont bannies des enfers» (*scelestae quaeque animae inferis exsulant*).” While Hengel’s *Crucifixion* was published in English, only the French version has several pages dedicated to a discussion of *biothanatoi*.

¹³⁰ Roth, *On Wealth and Poverty*, 10-11; Mayer, “John Chrysostom’s Use of Luke 16,” 48-50; Soler, *Le sacré et le salut*, 209.

¹³¹ Cumont (*Lux perpetua*, 303) also noticed the relevance of this passage to the topic of the violently dead. His treatment is a summary of Chrysostom’s argument.

belief to the devil, who is motivated to attack the reputation of the martyrs. In the process, Chrysostom reveals his knowledge of the relationship between *biothanatoi* and criminals and of *biothanatoi* and magic.

The homily begins by describing the happy state in death of Lazarus, the protagonist of the parable given in Luke 16:19-31. Since Lazarus was poor in life but rich in death, unlike the rich man, death reveals where real value lies. John then turns to the moment of Lazarus's death:

It says, *And it happened that Lazarus died, and he was carried away by the angels.* At this point, I wish to remove a wicked disease from your souls. In fact, many of the rather naïve people (ἀφελεστέρων) think that the souls of those who die by a violent death (βιαίω θανάτῳ) become demons (δαίμονας). This is not the case! Not at all! (*Laz.* 2.1 [PG 48.983.2-7])

John provides evidence that the belief that people who die violent deaths emerge after death as something powerful was not uncommon in fourth century Antioch, at least among people whom John considered to be rather simple or naïve (ἀφελήστεροι). It is those people who believed in the very widespread notion of ghosts or *nekydaimones* (νεκυδαίμονες), sometimes called simply *daimones*, whom Chrysostom attacks. For Chrysostom, *daimones* or demons are wicked spirits opposed to God, so the negative aspect of the word permits him to associate demons with human sinners, which he does in the next part of his homily.

The preacher states,

For it is not that the souls of *biothanatoi* (βιοθανατούντων) become demons, but the souls of those who live in sins—though, while their essence (οὐσίας) does not change, nevertheless, their conduct imitates the wickedness (κακίαν) of demons. (*Laz.* 2.1 [PG 48.983.7-11])

Wicked actions, not pedigree or essential qualities, make people similar to demons.¹³² Sins do not literally turn someone into a demon, but scriptural evidence provides John enough evidence

¹³² Origen makes a similar argument about kinship in one of his homilies on the Psalms (PS73H2.1).

to state that the alleged sinners, Jews in this case, and demons are kin.¹³³ Another example of a sinner from later in the homily is a rich man from a different parable. When arguing that angels carry away not just Lazarus’s soul but every person’s, good and bad, he cites the rich man from Luke 12:20, who stored up treasures but whom God told “they will demand your soul” (*Laz.* 2.2 [PG 48.984.37-38], quoting Luke 12:20). The third person plural here is, for Chrysostom, angels, who lead the rich man away “as a prisoner (δεσμώτην)” (*Laz.* 2.2 [PG 48.984.40]). It is for this reason, he states, that some are fearful at death, because they know that they are about to be led away to court, just like prisoners who sit in fear before the doors of the judge (*Laz.* 2.2 [PG 48.985.1-11]). Indeed, according to Chrysostom, the rich man in the Lazarus parable had already shackled his flesh with material indulgence, as if with chains (*Laz.* 2.3 [PG 48.985.47-49]).

John’s portrayal of sinners includes showing them to be prisoners who are soon to be condemned. Given the wealth of association between *biothanatoi* and executed criminals, we should pay attention to this fact. Combined with Chrysostom’s characterization of demon-like sinners as criminals, it is likely that he also associated *biothanatoi* with criminality.¹³⁴ In other words, in Antioch, the people most likely to be imagined to become *biothanatoi* are criminals.

That this is indeed relevant to martyrdom becomes clear in John’s next statement:

But why did the devil introduce this evil belief (πονηρὸν δόγμα)? He tried to undermine the martyrs’ reputation (δόξαν). After all, since it is with a violent death (βιαιῶ θανάτῳ) that they die, [the devil], meaning to spread an evil prejudice (ὑπόληψιν) against them, made this up. However, this was not

¹³³ John Chrysostom continues, using Jews as an example (*Laz.* 2.1 [PG 48.983.11-25]): “Well, Christ, also making this clear to the Jews, said, *You are the sons of the devil*. He said that they are *the sons of the devil*, not because they underwent change into his essence (οὐσίαν), but because they were doing his deeds. For this reason, he added, *For you want to do the desires of your father*. And again John says, *Offspring (γεννήματα) of vipers! Who showed you how to flee from the coming wrath? Therefore, bear fruit befitting repentance, and do not consider saying, We have Abraham as our father*. For Scripture knew that laws of kinship (συγγενεία) call on not those who are kin by nature but those who are kin by virtue and wickedness (κακίας). And Scripture says that a person is both the son and brother of whomever he becomes similar to in habit (ὁμότροπος).”

¹³⁴ Soler (*Le sacré et le salut*, 209) suggests that comparison of *biothanatoi* with *larvae*, characterized as “âmes des criminels ou de leurs victims,” is appropriate in this context.

sufficient. For they stand fast with glory (λαμπρότητα) proper to themselves (οικείαν). (*Laz.* 2.2 [PG 48.983.26-31])

According to Chrysostom, the devil intended to mar the martyrs' reputations by creating the idea that violent deaths, like the ones they suffered, would cause the souls of such victims to turn into demons or *biothanatoi*. If a martyr is a *biothanatos*, and a criminal is also a *biothanatos*, martyrs would, by John's reasoning, be wrongly associated with executed criminals, who died in the same manner as martyrs. Chrysostom wants to unsettle the association and potential equivalence of martyrs and criminals, an easy target for polemicists, as we saw, as well as a source of confusion for his audience.

Another reason to argue against the existence of *biothanatoi* relates to their use in magic. According to Chrysostom, the devil's invention of *biothanatoi*, though it did not harm the reputation of martyrs, *did* convince magicians to create *biothanatoi* by killing children in order to use their souls as servants.¹³⁵ This is a very common accusation, one present in non-Christian writers as well as attributed to Simon Magus in the *Clementine Recognitions*.¹³⁶ However, surviving magical recipes and activated (or used) spells never call for the murder of children—instead, they use the souls and body parts of the already dead. Though Chrysostom characterizes the magically exploited *biothanatoi* as children, the shocking subject matter seems to intentionally draw the audience's attention away from martyrs being read as *biothanatoi*, martyrs whose souls and body parts were likewise called upon in ritual.

¹³⁵ John Chrys., *Laz.* 2.2 (PG 48.983.31-36): "But he did achieve something else much more terrible by having persuaded magicians, who serve him because of these beliefs, to slay the bodies of many pure (ἀπλῶν) children, in the hope that they would be demons and that they would in turn serve them. But this is not the case, no it isn't!"

¹³⁶ Ps.-Clem., *Rec.*, 2.13. Hopfner, *Griechisch-ägyptischer Offenbarungszauber*, vol. 1, 186, 402-03; Bernard, *Sorciers grecs*, 142. Chrysostom also claims this again in another homily, *Matt.* 28.2 (PG 57.353.16-22): "Why in the world do they prefer to dwell in tombs? They wish to put a ruinous belief (ολέθριον δόγμα) among the many that souls of the dead become demons. Don't let this notion take hold in your minds! Then, some say, what would you say when many magicians take children and slay them, so that after this the soul assists them? Where did this come from?"

It is difficult not to think of the nascent cult of martyrs when presented with the fact that a category of non-martyrs with whom they were identified also had their body parts, clothing, and departed souls used in supernatural requests.¹³⁷ The power of this subset of people who died by violence, in Chrysostom's logic, is properly accessed through authorized cults, such as the one dedicated to Babylus and the twin martyrs whose feast day would be celebrated soon after his homily. Non-martyrs who died by violence, implicitly compared to criminals, in no way shared the honor accorded to martyrs; according to Chrysostom, "they stand fast with glory (λαμπρότητα) proper to themselves (οικείαν)." Unfortunately for Chrysostom, tensions resulting from the reverence of martyrs as people who were executed existed elsewhere in the empire as well.

3.4 A Bandit, Not a Martyr: Sulpicius Severus, *De vita Martini* 11

An episode from the *vita* of Martin of Tours written by Sulpicius Severus (397-403 or 404) in Gaul, about a decade after Chrysostom's homily,¹³⁸ provides more evidence that there was a live concern for church authorities that executed criminals and martyrs could be seen as one and the same in some circumstances.

Taking place early in Martin's episcopacy, Sulpicius describes a site nearby his monastery, likely located along the road from Tours to Angers, held sacred by the local common people because they thought martyrs were interred there (11.1).¹³⁹ A former bishop apparently even erected an altar. However, Martin was skeptical of the site's legitimacy, so he "urgently requested older presbyters or clerics to tell him the martyr's name and the time of his passion;" unfortunately, "the elders' memory had transmitted nothing sure or self-consistent" (11.2). In

¹³⁷ Note that Eunapius also makes this comparison in *V.S.* 6.112-118.

¹³⁸ Burton, *Sulpicius Severus' Vita Martini*, 4-5.

¹³⁹ On the location, see Fontaine, *Vie*, vol. 2, 693.

order to either confirm his suspicions or be corrected, Martin took some monks with him to the site (11.3).

At this point, standing on top of that very tomb, he prayed to the Lord that it be revealed who the buried person was and to what he was entitled (*meriti*). Then, turning around to the left, he saw standing nearby a filthy, ferocious shade (*umbram sordidam, trucem*). He commanded that he speak his name and what he deserves (*meritum*). He gave his name and confessed his crime: he had been a bandit (*latronem*), executed for his crimes (*scelera*), celebrated by the people in error. He said he had nothing in common with martyrs, since glory (*gloria*) causes them to be remembered, [but] punishment (*poena*) causes him to be remembered (*retineret*). (*Vit. Mart.* 11.4)

With the brothers confirming that they heard the voice but did not see the ghost, “Martin related what he has seen” and decreed that the altar be removed; “and in this way the people were set free from the error of that superstition” (11.5).

While there have been several attempts to connect the bandit to a rural, anti-Roman movement active in the third centuries and later, which could have made this bandit into something of a culture hero, the identity of the bandit, and indeed the historical reality of any of Sulpicius’s story, is beside the point.¹⁴⁰ What is interesting for my purposes is that the discourses of martyrdom and criminality I have described elsewhere are at full force in this episode.

Martin’s encounter with the shade is full of ambiguities that reveal the thin line between an executed criminal and a martyr. The terminology of merit (*meriti, meritum*), on the one hand, has a technical use that describes the virtues present in and the gifts accessible from a martyr, in the sense of what miracles he or she can perform.¹⁴¹ On the other hand, the uses in this case also have an evaluative sense,¹⁴² Martin’s questions can be re-read with hindsight, when they ask not

¹⁴⁰ Fontaine (*Vie*, vol. 2, 705-706) and Giardina (“Banditi e santi”) connects the bandit to the *bagaudae*, rural insurgents who were active in Gaul at this time, an argument later taken up by Sánchez León in *Los Bagaudas*, for which see Drinkwater, *review of Los Bagaudas*, 287-88.

¹⁴¹ Fontaine, *Vie*, vol. 2, 700-701.

¹⁴² L&S, s.v. “mereo,” II.D.

what benefit (*meritum*) the martyr can offer but whether the shade is deserving (*meritum*) of punishment or glory. That the shade does indeed deserve punishment is hinted even before he confesses his crimes, when his appearance is described. The shade is “filthy and ferocious” (*sordidam, trucem*). Like the living criminalized deniers of the *Martyrs of Lyon and Vienne* and the criminal ghosts worshipped as gods described by Eunapius, the shade’s wicked nature emerges visually in his ugliness, more specifically as a polluted (*sordidus*), vicious (*trux*) being.¹⁴³ The importance of the appearance of the shade is emphasized by the fact that the brothers who came with Martin needed to be told what he saw, even though they heard the shade admit he had been a bandit. As Martin’s description is immediately followed by the removal of the altar, the cult’s illegitimacy is made all the more evident by the shade’s filthy and frightening appearance. As both living and dead martyrs are described in much more generous terms than this dead bandit,¹⁴⁴ there is an implicit comparison between the shade’s appearance and that of a legitimate martyr, one that proves he is unworthy of respect.

The discussion between the shade and Martin also echoes legal vocabulary, bringing to mind the shade’s status as a condemned criminal. Juan Carlos Sánchez León mentions *edicere*, “which refers to an official declaration before the law,” “the locution *crimine confiteri*, common in Cicero’s judicial discourses,” and “the technicality of the word *percussum*,” which designates “execution of the prisoner in any form.”¹⁴⁵ He also notes that Martin’s interrogation of the shade

¹⁴³ Fontaine’s (*Vie*, vol. 2, 703) colorful exegesis is insightful: “The literary harmonies these two words evoke give them a particular nuance. *Sordidus* is the natural epithet of the Roman accused, dressed to appear before a tribunal whose pity must be aroused by conventional means: the dirt and rags of the man who has long languished in despondency or rotted in a prison. On the other hand, *trux* evokes the fierce visage of the man-at-arms, and the menacing air of the criminal ready to commit his crime.” See also Sánchez León, “San Martín de Tours, necromante,” 177-78.

¹⁴⁴ E.g., Stephen in Acts 6:15, *MLyon* (discussed in chapter 2), Pionius (*MPion* 22), Fructuosus (7), and later *MLyon* tradition found in Gregory of Tours, *Glor. mart.* 48.

¹⁴⁵ Sánchez León, “San Martín de Tours, necromante,” 178. See also Fontaine, *Vie*, vol. 2, 707 with n1.

parallels the bandit's experience before a judge when he was alive.¹⁴⁶ The conversation between the bishop and the ghost re-criminalizes the bandit, causing him to speak the language of the system that led to his death and reenact the encounter that led to his punishment and death. Interestingly, this conversation also implicitly compares criminals to martyrs, perhaps unintentionally. Both are subject to interrogation and ultimately punishment by a judge, but, as it will become clear, this comparison is not intended to promote sympathy with criminals.

There is a very explicit contrast between martyrs and executed criminals in the shade's statement that "he had nothing in common with martyrs, since glory (*gloria*) remembers (*retineret* implied) them, and punishment (*poena*) remembers (*retineret*) him." This formulation strongly resembles Chrysostom's claim that the devil "tried to undermine the martyrs' δόξα," a word virtually synonymous with *gloria*, by inventing the idea of the *biothanatoi*. Indeed, Philip Burton even identifies the shade as a *biothanatos* because his execution was a violent death.¹⁴⁷ This is thus another example of a martyr and a *biothanatos* being blurred due to the manner of their deaths. Sulpicius attempts to clarify the difference through the shade's statement about glory and punishment. As Fontain states, "'Glory' and 'punishment' retain here a double value, legal and eschatological," a use he points out was also present as early as Cyprian, who opposes temporary punishment with eternal glory.¹⁴⁸ Here, both punishment and glory appear to be eternal, as both *retineret*, which can be glossed "remember," "preserve" or "maintain" as well as "detain" or "bind,"¹⁴⁹ holding the subject in a state of either good reputation or painful public humiliation. The shade's afterlife is maintained in the humiliating moment of his execution, just

¹⁴⁶ Sánchez León, "San Martín de Tours, necromante," 178.

¹⁴⁷ Burton, *Sulpicius Severus' Vita Martini*, 209

¹⁴⁸ Fontaine, *Vie*, vol. 2, 707: "Here, 'glory' and 'punishment' have a dual value, both legal (juridique) and eschatological." See also n2 for Cyprian.

¹⁴⁹ L&S, s.v. "retineo."

as martyrs are eternally glorified by their public witness. The two figures die in essentially the same way, but their status as martyr or criminal is determined through aesthetics and the manner of their soul's maintenance, determined, of course, by an authority.¹⁵⁰

3.5 Martyrs, not Criminals: Sozomen, *Historia ecclesiastica* 4.3

Another example of martyrs being distinguished from executed criminals occurs in Sozomen's *Historia ecclesiastica*, composed around 440 CE. The episode in question takes place in 342 CE in Constantinople, after the deposition of one bishop, Paul, and the appointment of another, Macedonius.¹⁵¹ A riot broke out involving clergy who remained faithful to Paul, and two of them, Martyrius and Marcian, were put to death for the instigation of revolt and the murder of the *magister equitum* Hermogenes.¹⁵² After their death, their burial place became a center of activity for both the living and the dead:

Their tomb (τάφος) is prominent before the walls of Constantinople, lying around an oratory (εὐκτήριον) just like the tombs (μνημα) of martyrs. John [Chrysostom] began to build it, but Sisinnius completed it (they presided over the church of Constantinople after these events). For they thought it was unfitting (οὐ ἄξιον) that they had no share in the honors of martyrdom (ὑπὸ μαρτυρίας γερωῶν), though they were honored (τιμωμένους) by God, inasmuch as that very place, where those led to death (τῶν ἐπὶ θανάτῳ ἀγομένων) were decapitated, formerly unapproachable (ἄβατος) because of ghosts (ὑπὸ φασμάτων), was cleansed. And people with demons were cleansed from their illness, and many other wonderful things happened at their tomb. Let this be said by us concerning Martyrius and Marcian. If it does not seem plausible, no labor is more worthwhile than learning from those who have seen. For perhaps they will relate things even more wonderful than these. (*H.E.*, 4.3)

¹⁵⁰ Other bishops are also authorizers of particular cults of the dead, and de-authorizers of others, especially in Egypt. On Athanasius and Shenoute, see Lafont, "La chasse aux reliques" and Brakke, "Athanasius of Alexandria and the Cult of the Holy Dead." I plan to do more work on Shenoute in the future.

¹⁵¹ The political situation is complex. See Soz., *H.E.*, 3.7 with the notes in Sabbah, *Sozomen. Histoire ecclésiastique*, vol. 2, 182-87 for another account.

¹⁵² Soz., *H.E.*, 4.3.1: "For wickedness (κακόν) advanced even as far as murder (φόνων). In fact, certain other men were killed, including Martyrius and Marcian. The story goes that, because they were part of Paul's household, they were put to death (ἀποθανεῖν) in a manly way (ἀνδρείως), after being handed over by Macedonius to the *hyparchos*, on the pretext that they were guilty (αἰτίους) of the wicked murder (ἀναιρέσεως) of Hermogenes and the revolt against him. Martyrius was a sub-deacon, while Marcian was a psalter and reader of the holy scriptures." See also the notes in Sabbah, *Sozomen. Histoire ecclésiastique*, vol. 2, 196-97.

Sozomen first describes Martyrius's and Marcian's tomb, similar to that of martyrs, but next clarifies that this honor was provided to them because they demonstrated that they were honored by God. In addition to miracles typical of martyria such as exorcisms,¹⁵³ Sozomen states that people were only able to approach the site of their death due to another wonder worked by them. The place of the execution had been unapproachable (ἄβατος), a word describes not only inaccessibility but also sacrality,¹⁵⁴ because it had been the site of decapitations and had been plagued by ghosts (φάσματα). After their deaths, Martyrius and Marcian cleansed the execution grounds. It is this miracle that allegedly confirmed for John Chrysostom that they should be treated as martyrs; they were clearly not criminals, because they were able to clear out the ghosts that other executed people left behind. This narrative indicates that both the executed criminals and the martyrs (newly declared so) acted in the place of decapitation, but the martyrs overcame and banished the pollution. In the process, they proved that they were different from typical executed people, who cause fear and other problems rather than driving them away.

Martyrius and Marcian were executed as criminals, as murderers even. However, despite their court-ordered deaths, they were seen by some as not producing the wicked unapproachability that the ghosts of executed criminals did. They were apparently different because, as the bishops noticed, they were actually martyrs, who were producing miracles as martyrs did and driving out the impassable wickedness that had polluted the grounds that became their martyrion. Their ghosts, if one could call dead martyrs such a thing, were not behaving as *biothanatoi* but as martyrs, showing an ontological difference between the two.

Unlike some of the other texts I have discussed, this passage did not argue against the existence of ghosts or against the confusion of martyrs with *biothanatoi*. Indeed, ghosts did not

¹⁵³ On exorcisms at martyr shrines, see Frankfurter, *Christianizing Egypt*, 138-44.

¹⁵⁴ LSJ, s.v. "ἄβατος."

seem to present a problem to Sozomen at all, which is partly a quality of him as an author,¹⁵⁵ but also revealing that martyrs were apparently, in this text, self-evidently different from executed criminals. Rather than being concerned that they could be confused, Sozomen showed the merits of Martyrius and Marcian by placing them alongside ghosts and demonstrating how much more powerful they were than mere *biothanatoi*. This confidence in their ontological difference is a development.

4. Conclusion

Ghosts lurk in the margins of early Christian conceptions of the world, and the ghosts of the violently dead even haunt more directly. Before Christians came to be called such, those who died in battle were described as impotent in the face of Yahweh, despite the fear they appeared to have spread throughout ancient Judea. Giants, identified as the deceased ancient enemies of mankind who likewise died by violence, continued to pose a threat well into late antiquity. The ghosts of humans were likewise feared but also assumed in philosophical examples (even if they sometimes were said to stay in the underworld), described as a matter of fact, or even used in rituals.

Given the acknowledgement of ghosts, if not always their acceptance, in both Christian and non-Christian contexts, the dead important to Christians, specifically the Special Executed, were bound to be understood through conceptions of the dead that were widespread in antiquity. Julian and Eunapius described Christian martyrs as dying through violent, shameful means. Eunapius took it a step further and implied that monks were using criminal dead with punishment-scarred ghosts to curse the public. Others, whether Christian or non-Christian, also

¹⁵⁵ Quiroga Puertas, "Ghosts Stories."

apparently believed that the Special Executed were available for use in divination, curses, and other dead-exploiting magical practices.

Prominently placed Christians interested in drawing boundaries between acceptable and unacceptable practice and belief observed such phenomena and strived to clarify or obscure the relationship between the Special Executed and run-of-the-mill violently dead people, *biothanatoi*. The author of the *Martyrdom of Pionius* made the definition of *biothanatos* (*biothanēs*) so specific that Jesus could not fit it, despite the fact that he was called such, in order to discredit other claims related to his potentially ghostly status. By emphasizing the potential meaning of “suicide” in the word *biothanatos*, Jesus’s status as an executed criminal, an alternate meaning for *biothanatos*, was made irrelevant for his discussion. Tertullian, again, overly specified the description of *biothanatoi* (*biaeothanati*), though this time focusing on their status as executed wrongdoers who were justly killed. Through this, he avoided calling martyrs to mind, another group of people who died violently through execution. He also blamed demons for the alleged existence of ghosts, since they simply imitated the dead *biothanatoi*. Though, he again imbricated criminals by saying that possession by such demons could have led the executed to crime. John Chrysostom also limited the applicability of the term *biothanatos* to sinners and claimed that the devil came up with the concept in order to besmirch martyrs who died in the same manner as criminals, also mentioning magic as a motivating factor in the use and creation (through murder) of *biothanatoi*. Sulpicius Severus centered Martin as an authorizing figure, able to distinguish between a real martyr and a mere criminal who died in a similar manner. The ghost of a bandit that he encountered, certainly not a martyr, was recriminalized in the dehumanizing description of him, in Martin’s interrogation, and in the bandit’s own insistence that he deserved his death and ongoing punishment, unlike a real martyr.

Finally, Sozomen described how two Christians who were executed for murder were determined though the miraculous cleansing of their execution grounds to really be martyrs. Their powers set them at odds with and showed them to be more powerful than the polluting ghosts of executed criminals with whom they died and were buried. At every turn, these select treatises and narratives that touched on the Christian dead found it necessary to bring criminals into or conspicuously out of the discussion.

In late antiquity, the Christian Special Executed were seen as close, too close for some, to the *biothanatoi*, executed criminals who held potential magic power. Because the negative aspects of this designation came as much from criminality as from magic, enemies of Christianity would point out the identification of the Special Executed with *biothanatoi* as often as Christians would vociferously deny it. In the centuries that follow, criminals condemned to death were eventually conceived of as potential martyrs, who could imitate the Christian executed from long ago.¹⁵⁶ It was ultimately difficult, if not impossible, to separate martyrdom from criminality. Contrary to Tertullian's assertion, history does not bear out that deaths that Justice decrees are not violent—both Christian Special Executed and mere criminals are *biothanatoi*.

¹⁵⁶ Park, "The Criminal and the Saintly Body," 23. This and related phenomena are examined in much greater detail in Prosperi, *Crime and Forgiveness*.

Conclusion

That Christians worshipped and revered condemned criminals—the Special Condemned—is a fact that should not be taken lightly. This dissertation narrows in on this point, identifies to what sorts of figures the Special Condemned were compared, and explores how Christians responded to this comparison. Focusing on the second through early fifth centuries, I have shown that in their defense of the Special Condemned, Christians deployed the discourse of criminality found throughout the Mediterranean, in the process perpetuating a punishing and dehumanizing ideology.

Criticisms of Christians for their reverence of the condemned as well as Christian responses to those criticisms were formulated within the context of a discourse of criminality that stated that those deserving of death in a judicial setting were less rational, less human, more animal, and more polluted than other people. Certain classes of people were generally treated worse than others, sometimes at the discretion of judges and sometimes through codified law. As the lower ranking people would receive more bodily punishments, similar to those done to slaves, scars from such punishments or the spectacular nature of the punishments reinforced or made real that lesser, shameful status. Disfigurements from these punishments seemed to confirm the inhumanity of such people—they lacked idealized human form and seemed to bear the scars associated with disobedient slaves. As persons who seemed to have behaved irrationally, they were also compared to animals, a comparison reinforced through the manner of their deaths alongside them or wearing their skins. They were also polluted, and they spread this offense wherever they were permitted to go unless flushed away through some authorities action. This imagery was common, present in the rhetorical textbooks of antiquity, with which budding lawyers would use to learn how to sway judges and crowds. Aurelius Philammon, a bureaucrat

living in Egypt, was so taken by this imagery that he wrote several judicial narratives of criminals behaving like such textbook figures. Christians became caught up in this discourse as well—they were seen as polluting and animalistic, even welcoming of the most vile of criminals, who merely took baths to absolve themselves.

In response to being lumped in with criminals, Christians such as Justin Martyr, the author(s) of the *Martyrs of Lyon and Vienne*, Tertullian, and Eusebius echoed aesthetic assumptions associated with criminality. Unlike criminals, writes Justin, Christians are more similar to Socrates, who was unjustly killed for interfering with the plans of demons. Any Christian who has really committed a crime, he adds, is no Christian at all but a heretic. The martyrs of the communities of Lyon and Vienne are also not criminal according to the account of their martyrdom. Rather, the judge was unjust and unreasoning, and the crowds calling for the deaths of Christians were no better. It is clear, shows the text, that Christians are not real criminals because their bodies are healed in response to tortures. Even Christian slaves shed their state of slavery by becoming images of Christ. Those who denied Christ, on the other hand, indicate their criminality by their decaying, misshapen bodies. For Tertullian, Christians do not fit the aesthetic profile of criminals. While real criminals are visibly frightened and downcast, Christians rejoice at their arrest and condemnation. Like Justin, he also states that any Christian who is arrested for reasons unrelated to Christianity is no Christian at all. Eusebius's contrast of a martyr and a slave who murdered his master is especially illustrative: Eusebius is disgusted that a slave received mercy and is freed while the martyr Agapius is condemned to death. The contrast is one that Eusebius chooses to make because, like the authors of the rhetorical textbooks, he expects it to enrage his audience. These Christian authors assume that such

criminals were useful to illustrate the injustice of the judges and the innocence of martyrs, but they were not seen as worthy of attention outside of those purposes.

Christian rhetoric was not always so cut-and-dry. Ignatius of Antioch, in a similar position to later martyrs, struggled to articulate his position as a condemned person, in between human and animal, whole and disintegrated, and slave and freedman. His impending death, in which he expects to be torn apart and eaten by animals, paradoxically helps him imitate his invisible Christ, making the death of a criminal something like a vehicle for purification and divinization. In his current state as a condemned man, however, he is reluctant to fully compare himself to Jesus or to other Special Condemned, such as Paul, since they were apparently free, while he is only allegedly a slave. This hesitation shows Ignatius's tentative acceptance of the ideology that criminals are lesser even while trying to argue that he wants to die as a criminal and thereby free himself. Even earlier, the Jesus of Mark was presented as ambiguously innocent, executed alongside criminals because he refused to articulate a defense that shows the injustice of his arrest and condemnation. This ambivalence toward criminality vanishes in Luke, when Jesus is declared innocent by several figures, including another condemned man.

Even after his death, Christians contended with Jesus's disconcerting relationship to criminality. The *Martyrdom of Pionius* implies that he was called a *biothanēs* or *biothanatos*, words that can mean criminal, violently dead one, and the ghost of person dead by violence all at once. Allegedly, the Jews said that Jesus was the ghost of an executed criminal, not a god, and they knew this because he had been summoned up from the underworld through necromancy. The martyrs, Eunapius implies, were also *biothanatoi*—dead criminals whose bones were used for deceptive magical curses that drew people away from the true gods. He adds that this is evident through the servile scars visible on their ghostly bodies, showing that they were not just

slaves but disobedient ones. Outside of contexts involving Christians, *biothanatoi* were similarly conceived of as useful in the same way slaves and criminals were—they could be threatened with punishment, controlled with tools derived from chains and other carceral accessories, and exploited for their skills. Many of the materials used in magical practices were probably gathered from the bodies or possessions of the executed—bones, rags, blood and other paraphernalia that could be found in open graves or arenas.

On the surface, it is no wonder figures like Eunapius thought (or claimed to think) monks collecting the bones of martyrs and magicians collecting the bones of the executed were related practices. Some Christians also seemed to think this way—an amulet of the crucified Jesus, a monk's attestation of a magical practice using images of saints, and John Chrysostom's clarification on the difference between *biothanatoi* and martyrs all indicate that some Christians (or others who saw the Special Condemned as potentially useful) saw the violent death of the Special Condemned as relevant for understanding their effectiveness. But others saw this as a problem. The author of the *Martyrdom of Pionius* pedantically narrowed the definition of *biothanēs* to refer exclusively to suicide (nothing criminal) and used an explication of a biblical passage to disrupt the metaphysical assumptions underlying necromancy. John Chrysostom, wary of the belief that those who die violently became demons, said the entire idea was made up by the devil to tarnish the reputations of martyrs. Moreover, he added, the only people who became demon-like were those who behaved like them—criminals and sinners of all stripes. Historical narratives describing the activities of saints dead and alive also clarify that martyrs and criminals, while dying the same deaths, were utterly different—one group deserved their deaths and the other did not. The taint of criminality, the risk of being seen as too similar to an

“incorrigible thief,” to use the words incarcerated Ken Wesley used to describe Dismas, was too much of a risk.¹

The earliest martyrs, it seems, were invariably executed criminals who were condemned through legal processes. The earliest accounts are of Peter and Paul (in Ignatius and Clement of Rome), Ignatius (in Ignatius himself and perhaps Polycarp), James (in Josephus, and so perhaps an outlier), Stephen (in Acts), and the mass of accounts of and opinions about martyrdom that were written in the late second and early third century, including Polycarp, Pionius, the *Martyrs of Lyon and Vienne*, Cyprian, Perpetua, Clement of Alexandria, and Tertullian.² Likewise, Cyprian’s living martyrs were still condemned, just to the mines rather than to death.³ Even the *circumcellions*, who were active late in the time period covered here, were criticized for seeking martyrdom through suicide rather than condemnation.⁴

It is very tempting to suggest that a useful definition for a martyr is a person who was unjustly killed by the state, any state. This definition encompasses Socrates and other philosophers killed by tyrants, the seven brothers in the books of the Maccabees, Jesus, and the host of Christians whom I mentioned above. We do not start seeing cults for people who died extrajudicially or naturally (of old age, sickness, etc.) until after the rise of asceticism in the third and fourth centuries. Monasticism also led to the proclamation (through figures such as John Chrysostom) of illness and other quotidian forms of suffering as a type of martyrdom.⁵

¹ Wesley, “The Luckiest Day of His Life,” *The Apalachee Diary*, April 1, 1970.

² Ignatius, *Eph.* 12.2, *Rom.* 4.3; 1 Clem 5:4-5; Polycarp, *Phil.* 13.1-2; Jos., *A.J.* 20.9.1; Acts 6:8-7:60; Clement, *Strom.* 4. Other sources are their respective martyrdom accounts or discussed above.

³ Cyprian, *Ep.* 76-79.

⁴ Filastrius Brixianensis, *Diversarum hereseon liber* 85.57, quoted in Shaw, *Fictive Violence*, 181. The *circumcellions*, wandering monks who were called *biothanati* and sought violent deaths, are a subject I was not able to include in this dissertation. I suspect, following Shaw (196), that the polemic against them should not be taken as fact but as a heresiological *topos*; their labeling as *biothanati* (in a manner very similar to Julian’s description of martyrs in *Ep.* 89a-b [see Chapter 4, section 2.1]) disparages them as both irrational and as criminals afraid to face justice (as the suicides discussed in Chapter 3, section 2.2).

⁵ E.g., Nutzman, *Contested Cures*, 202-04.

In effect, the intentional clouding of this picture by contemporaries downplayed the association with criminals of the Special Condemned, and the explosion of holy men muddled the picture in the first few centuries of cults dedicated to the executed. Asceticism largely took over the trappings of the condemned: monks would go around in chains, sit in cells, and suffer intentional deprivation of food and water. Some monks even had their origins as criminals, such as Moses the Black, and joined monasteries to atone, and eventually monasteries became prisons of a sort for elites.⁶ Discussion of monasticism brings me far afield, but it indicates that even when the reverence for certain condemned criminals as condemned criminals becomes less visible, Christian practices are still being constituted by their relationship to criminality.

Despite the best efforts of figures like Chrysostom and Tertullian, something in the criminal remained attractive to those in Christendom. After late antiquity and the amulet depicting Jesus-*biothanatos*, documents from sixteenth and seventeenth century Italy attest to a magical practice in which female magicians “go disheveled at all hours of the night, and beseech the clouds with diabolic incantations for five hanged men, for five quartered men, for five damned men, for five who died in irons, for the five greatest demons in hell, who must rise up and go and torment the heart of the one she wanted.” John the Baptist, as a beheaded saint (san Giovanni decollatu), was also added to some of these magical requests, along with other “saintly souls” (armuzzi santi decullati; animi santi).⁷ In England, in the same time period, the severed hand of Edmund Arrowsmith, a Jesuit executed for this Catholicism, was thought to cure those stroked by it, in the same manner that the body parts of common criminals cured ailments such

⁶ Moses: Sozomen, *Eccl. Hist.* 6.29.15-19; Palladius, *Laus.* 19. Monasteries as prisons: Hillner, *Prison, Punishment and Penance*, 281-341.

⁷ Prosperi, *Crime and Forgiveness*, 398-400.

as epilepsy.⁸ The manners of their deaths continued to draw the criminal and the saintly together for people who sought supernatural help.

It is easy to dismiss such accounts as folk behaviors that say little about religion. Jesus did not murder anyone; a petty thief is a problem, not a saint; martyrs did not deserve to die. This division into deserved and undeserved death is reminiscent of Tertullian's statement that executions "are not violent deaths, since Justice, the punisher of violence, decrees them (*An.* 56.8)." However, to quote Chicago defense attorney Clarence Darrow, "Even could violence ever prevent crime, the brutality, suffering, blood and crime of the rulers has towered mountain high above that of the weak and obscure victims whose wrongs they have pretended to avenge. And this cruelty does not abate."⁹ Through approving of judicial violence and through repeating animalized descriptions of criminals, Christians, even unintentionally, caused further violence against the condemned and those who looked like them. The dehumanization of the condemned by early Christians was not an inevitability but emerged from choices to distance themselves from the very sorts of people alongside whom Christ died. On this subject, the theologian Rowan Williams writes in 2002:

[O]ur justice is so organized as to make victims, to exclude and to diminish, and... we are concerned to see that this diminution and exclusion is of at least equal force with the violence a criminal has inflicted. How difficult is it for us to see the face of God as victim in a criminal in prison? At least it is easier to see it in that other class of persons chronically subject to social violence, the mentally ill, whom we continue to treat as enemies of society, as people guilty of threatening and upsetting our order. Christ as criminal, Christ as madman, Christ as alcoholic vagrant: all this and more is implied in the unconditional identification of God with the victim... [T]he hopelessness and self-loathing, even the impotent anger of the jailed murderer, all that constitutes him or her a trapped and helpless victim, must speak to us, in however distorted an accent, of the Lamb of God. Our necessary justice does not repair the breach in the world created by a terrorist's massacre, it creates a fresh breach, which we are all too willing to see as unbridgeable, as final. But if God is the enemy of all human diminution, he is

⁸ Davies and Matteoni, *Executing Magic in the Modern Era*, 38, 82.

⁹ Darrow, *Resist Not Evil*, in *Crime & Criminals*, 40.

there too: he is there as the ‘unfinishedness’ of our relation to the criminal, as the muted question, the half-heard cry for some unimaginable qualitative leap into reconciliation. He is there guaranteeing that we shall not forget even the most loathed and despised of victims. He judges our justice: not condemning it or inverting it, but transcending.¹⁰

To consider the criminal’s relation to Christ without regard to judicial innocence or guilt, to see a full human person in the face of a condemned prisoner, is something Tertullian and many others were not able to do.

Ultimately, I want the work of this dissertation to provide resources for theological and critical projects that seek to increase justice in the world. Complicating perceptions of early Christians by recourse to ancient literature and magic on the topic of criminals, I hope to have laid the groundwork for further constructive and historical work.

¹⁰ Williams, *Resurrection*, 12-13. Thank you to Michael Cover for alerting me to this passage.

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