

Carrying a *patibulum*: A Reassessment of Non-Christian Latin Sources

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That Jesus carried the horizontal bar of the cross, also named *patibulum*, is often assumed, and argued by John Granger Cook. Gunnar Samuelsson disagrees, however, and argued that we grope in the dark about the exact nature of the $\sigma\tau\alpha\upsilon\rho\acute{\omicron}\varsigma$ that Jesus carried. Both major crucifixion scholars refer in their argumentation to Latin sources in which a *patibulum* is carried. But these sources have not been thoroughly assessed on their own. In this article the eight Latin sources mentioned in support of the ancient practice are analysed. It is argued that only four of these sources should be counted as referring to ‘traditional’ cross-bearing practices.

Keywords: cross-bearing, *patibulum*, crucifixion, interpretation, punishment

1. Introduction

What Jesus’ call to bear one’s cross means (in ancient times as well as now) is by no means unambiguous. Sverre Bøe gave in his monograph an extensive overview and discussion of the plethora of interpretations, and there is no scholarly consensus on the interpretation of the sayings.¹ Besides Jesus’ call, we have also the reports of cross-bearing in the passion narratives.² The general public thinks that Jesus carried the cross-shaped execution tool († or T), influenced by art-history. Yet, on the question of what cross-bearing actually was, there is no clear picture either, at least according to Gunnar Samuelsson, who made a study of the background and significance of the New Testament terminology of

1 S. Bøe, *Cross-Bearing in Luke* (WUNT 11/278; Tübingen: Mohr Siebeck, 2010) 14–49. The sayings are found in Mark 8.34, Matt 16.24 and Luke 9.23, with its Markan version reading: εἴ τις θέλει ὀπίσω μου ἀκολουθεῖν, ἀπαρνησάσθω ἑαυτὸν καὶ ἀράτω τὸν σταυρὸν αὐτοῦ καὶ ἀκολουθεῖτω μοι. Then there is a common tradition found in Matt 10.38, Luke 14.27 and Gospel of Thomas 55 in which the saying is found in a negatively formulated form (e.g. ‘whoever does not ... is not worthy of me/cannot be my disciple’).

2 Simon picking up the cross (Mark 15.21; Matt 27.31; Luke 23.26) and Jesus carrying his own cross (John 19.17).

crucifixion.³ Samuelsson left us in discomfort: in the end we know very little of crucifixion, and very little of *Jesus'* crucifixion at that. The same goes for ancient cross-bearing:

However, neither this text [Mark 8.34] nor its gospel parallels offer any further information on which punishment they refer to or what the condemned carried. Neither do the five (possibly seven) extra-Biblical texts that might describe a similar custom solve the problem. It could not be decided whether the carrying of the device was a separate punishment (the carried device left aside) or a prelude to the coming suspension (the carried device attached to the suspension tool or being the whole suspension tool).⁴

It is often assumed that we know what it was that Jesus carried, while not discussing the relevant terminology. Carrying a *patibulum* is often equated with carrying a σταυρός, without proper discussion.⁵ Samuelsson, however, has met opposition in John Granger Cook, who has also written a study of crucifixion in the ancient Mediterranean world. The latter critiques the former on a number of issues, and the main point is that it is not altogether unclear what crucifixion was. Cook also discusses what a *patibulum* was, and its relation to carrying a σταυρός.⁶ Most of the preface to his revised edition is dedicated to the critique of Samuelsson.⁷

In this article I will focus on the Latin texts on cross-bearing (or, the carrying of the *patibulum*) that Samuelsson, Cook and others use in the discussions about crucifixion terminology. Supposed Greek texts on cross-bearing will be treated separately in another article (for reasons of space), yet the following applies to the Latin as well as the Greek texts: a systematic and critical analysis of cross-bearing in antiquity is missing in current scholarship, with Samuelsson and Cook – and to a lesser extent Bøe – having discussed most texts somewhat (although not as a main object of study).⁸ The present study is occasionally

3 G. Samuelsson, *Crucifixion in Antiquity: An Inquiry into the Background and Significance of the New Testament Terminology of Crucifixion* (WUNT 11/310; Tübingen: Mohr Siebeck, 2013² [2011]).

4 Samuelsson, *Crucifixion*, 241–2.

5 J. G. Cook has done so: J. G. Cook, *Crucifixion in the Mediterranean World* (WUNT 327; Tübingen: Mohr Siebeck, 2014) 16–32.

6 Cook, *Crucifixion*, 28–32.

7 J. G. Cook, *Crucifixion in the Mediterranean World* (2nd, extended edn; WUNT 327; Tübingen: Mohr Siebeck, 2018) xvii–xxxi.

8 See Cook, *Crucifixion*, who has not a single chapter or paragraph on cross-bearing. The study of cross-bearing texts is understandably integrated in the larger discussion on terminology, although it is a pity that no critical discussion exists of cross-bearing as such. Bøe, *Cross-Bearing*, 63–71 contains a short overview of several texts that are deemed to refer to cross-bearing, but it is very limited. The more recent work by D. W. Chapman and E. J. Schnabel, *The Trial and Crucifixion of Jesus: Texts and Commentary* (WUNT 344; Tübingen: Mohr

aided by resorting to the semantic and interpretational theory of Umberto Eco (1932–2016),⁹ which I will use to show that interpreting involves more than isolating a text. Often Samuelsson's views on the cross-bearing sources contrast with those of Cook, and therefore I mainly interact with these two scholars, but other (recent) works on crucifixion are treated as well.

While this goes too far to go deep into the discussion here, it suffices to say that prior to the Christian usage of both terms¹⁰, a *crux* was never carried, and a *patibulum* could be the object that was carried in an ancient Roman penal context. However, the term *patibulum* was also used sometimes to designate the whole of the execution device. Cook has sufficiently demonstrated that while the *crux* was sometimes the upright post of suspension, the *patibulum* was never only an upright post, but always either a horizontal beam fastened to an upright pole, or a separate horizontal beam (the object to be carried).¹¹ And here our interest lies with those texts that contain the term *patibulum* in combination with verbs of the semantic domain 'carry', 'bear', as the 'traditional' view is that the Latin equivalent for $\sigma\tau\alpha\upsilon\rho\acute{\sigma}$ (in the case of carrying a torture object) is *patibulum*.

The following eight Latin sources will be discussed:

- Plautus, *Bacch.* 361–2; *Carb. fr.* 2; *Mil. glor.* 358–60; *Most.* 55–7
- Clodius Licinus, *Rer. Rom.* 21
- *Lex Puteolana* II.8–10
- Firmicus Maternus, *Math.* 6.31.58
- Macrobius, *Sat.* 1.11.3–5

2. Plautus

The playwright Titus Maccius Plautus (ca. 250–184 BCE) has left us about twenty extant plays. In his plays, (clever) slaves are given prominent roles¹² and

Siebeck, 2015) 282–92 contains a paragraph on cross-bearing texts as well, but the aim there is not to assess the texts critically but to give a translation and commentary. See also P. Cristoforo Iavicoli, *La crocifissione nell'ambiente ebraico* (ed. A. de Simone; Florence: MEF Firenze Atheneum, 2006) 374–6 with a very brief and uncritical survey.

9 Mainly drawn from U. Eco, *Lector in fabula: la cooperazione interpretativa nei testi narrativi* (Milan: Bompiani, 1979), which was partially translated into English: U. Eco, *The Role of the Reader: Explorations in the Semiotics of Texts* (Bloomington, IN: Indiana University Press, 1979).

10 For a short discussion of Christian usage of *patibulum*, see Cook, *Crucifixion*, 26–8.

11 See Cook, *Crucifixion*, 15–44. For an example of the horizontalness of the *patibulum*, see R. van Wingerden, 'Horizontal or Not? The Patibulum in Sallust, Hist. 3 Frg. 9', *Biblica* 99 (2018) 592–9.

12 On Plautus and slaves, see e.g. K. McCarthy, *Slaves, Masters, and the Art of Authority in Plautine Comedy* (Princeton: Princeton University Press, 2009); R. Steward, *Plautus and*

are often threatened with severe punishments. Moreover, the plays give insight into Roman popular culture. Several passages of Plautus' plays have been connected to the traditional idea of 'cross-bearing': *Bacchides*, *Carbonaria*, *Miles gloriosus*, *Mostellaria*. It is, however, important to note that although 'Plautus is not a reliable source for Roman social history',¹³ the characters certainly show awareness of real-life situations, as a slave owner really could inflict corporeal punishments on slaves, or even execute them.¹⁴

2.1 *Bacch.* 361–2

Plautus's play *Bacchides* is sometimes mentioned as a possible reference to cross-bearing.¹⁵ This play revolves around two sisters called Bacchis and the misunderstandings surrounding their life. The play's setting is Athens and Plautus' frequent ploy of slaves outwitting their masters is present here as well. One of these slaves is called Chrysalus. He is ordered to extort money from his own old master Nicobulus. When he fears his master's return, the slave comments:

... quid mihi fiet postea?
credo hercle adueniens nomen mutabit mihi
facietque extemplo Crucisalum me ex Chrysalo.

(Plautus, *Bacch.* 360–2)

What will happen to me then? By Hercules, I believe he will change my name when he gets back and make me Crossalus from Chrysalus, without delay.¹⁶

Chrysalus, or Plautus, makes a very clever wordplay. Instead of Chrysalus (derived of the Greek χρυσός = gold and hence the name Χρυσόλοος) he will be called Crucisalus (derived from the Latin *crux*). This kind of wordplay occurs often in

Roman Slavery (Chichester: Wiley & Sons Ltd., 2012); for slavery in Greek comedy, e.g. B. Akrigg and R. Tordoff, eds., *Slaves and Slavery in Ancient Greek Comic Drama* (Cambridge: Cambridge University Press, 2013).

13 H. Parker, 'Crucially Funny or Tranio on the Couch: The *servus callidus* and Jokes about Torture', *TAPA* 119 (1989) 233–46, at 234.

14 Cf. E. Segal, *Roman Laughter: The Comedy of Plautus* (Oxford: Oxford University Press, 1987²) 141: 'Few critics have noticed that even the characters within the plays are themselves cognizant of the real-life situation. By harping, as they do repeatedly, on the beatings that they intend to inflict or hope to avoid, they are acknowledging the everyday standards of right and wrong.'

15 M. Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia: Fortress, 1977) 52; Bøe, *Cross-Bearing*, 64–5.

16 Text from Plautus, *Amphitryon. The Comedy of Asses. The Pot of Gold. The Two Bacchises. The Captives* (ed. and trans. W. de Melo; LCL 60; Cambridge, MA: Harvard University Press, 2011) 402–3. Translation mine.

Plautus' plays.¹⁷ Martin Hengel notes on the transformation that 'instead of a "gold-bearer" he will be a "cross-bearer"; that is, he will have to drag his cross to the place of execution'.¹⁸ Bøe agrees and notes that 'we are very close to our topic of cross-bearing'.¹⁹ There is, however, a difficulty with the translation of both as 'cross-bearer'. Most would translate the wordplay *Crucisalum* as a port-manteau,²⁰ the blending of *crux* and the verb *salio*, 'jumping' or 'leaping'. Cook translates *Chrysalus* with 'gold dancer', and remarks upon using this translation that '[p]resumably dancing or struggling on a cross was fatal'.²¹ Eva Cantarella even supposes that the condemned were sometimes forced to climb upon the cross themselves (jumping and writhing), but offers no substantiation for her claim.²² It seems, however, that the name *Chrysalus* can be explained by the Greek Χρυσόαλος, a name-variation on the noun χρυσός ('gold'), Latinised as *Chrysalus*. Even if *Chrysalus* is a Latin form, it could just as easily be explained by the suffix *-lus* (nominative)/-*lo* (ablative), which is used to form a diminutive of the noun χρυσός, and not necessarily as a compound word, and not by the verb *salio*.²³ It seems then, that Barsby is right in translating *Chrysalus* with 'Golden Boy'.²⁴ However, that modern commentators translate *Crucisalus* as dancing or jumping is not strange; for the name could also refer to the *Salii* (from the verb *salio*), the priesthood that held dances (mainly in March, at the

17 E.g. Bacch, 240: *opus est chryso Chrysalo* (= *Chrysalus* needs gold; it is clearly a Greek pun), see E. Fraenkel, *Plautine Elements in Plautus* (Oxford: Oxford University Press, 2007) 17–44; R. T. Gonçalves, *Performative Plautus: Sophistics, Metatheater and Translation* (Newcastle: Cambridge Scholars Publishing, 2015) 40; and see G. E. Duckworth, *Nature of Roman Comedy: A Study in Popular Entertainment* (Princeton: Princeton University Press, 1952) 349. The wordplay in 361–2 comes back in 687–8, where *Chrysalus* pities himself and comments: *istoc dicto <tu> dedisti hodie in cruciatum Chrysalum; nam ubi me aspiciet, ad carnificem rapiet continuo senex* (LCL 60.436).

18 Hengel, *Crucifixion*, 52.

19 Bøe, *Cross-Bearing*, 62.

20 On this feature of Plautus, see M. Fontaine, *Funny Words in Plautine Comedy* (Oxford: Oxford University Press, 2010) 10, 249.

21 Cook, *Crucifixion*, 57. Cook also refers to R. M. Kerr, *Latino-Punic Epigraphy: A Descriptive Study of the Inscriptions* (FAT 2.42; Tübingen: Mohr Siebeck, 2010) 105 n. 265, who translates *Crucisalum* as 'cross-struggler', but they do not elaborate on their choice.

22 E. Cantarella, *I supplizi capitali: Origine e funzioni delle pene di morte in Grecia e a Roma. Nuova edizione rivista* (Milan: Feltrinelli, 2011) 174–5: 'Un gioco di parole difficilmente traducibile, il cui senso è peraltro chiarissimo: *Crucisalo* significa letteralmente "colui che salta sulla croce". Plauto allude evidentemente al fatto che i condannati non sempre venivano issato sulla croce; talvolta erano costretti a salirvi da soli, come *Crisalo* pensava potesse accadergli e come accadeva a innumerevoli schiavi, costretti a salire in croce per infiniti motivi, a quanto pare non di rado così futili da essere assolutamente insensati.'

23 One could also consider the noun *salus*, which would be ironic, thus translating *Chrysalus* as 'Golden welfare' and *Crucisalus* with 'Cross-welfare'.

24 J. A. Barsby, *Plautus: Bacchides* (Warminster: Aris & Phillips Ltd, 1986) 43.

Quinquatrus).²⁵ One could infer that like the dancers in procession make jumps etc., the cross-dancer does so with a *crux* on his back, or, as others already have suggested, writhing and moving *on* the *crux*. But there is no ground for that line of thought. It seems inconsistent with Plautus' other references to carrying a *patibulum*. We therefore see no ground for referring to *Bacch.* 361–2 when it comes to cross-bearing. If it were a reference, it would also be the only text referring to carrying a *crux*, which is nowhere found in non-Christian Latin sources.

2.2 *Carb. fr. 2*

There are three fragments of Plautus' so-called 'Charcoal Play'. The fragment often quoted in support of the ancient practice of cross-bearing is found in *De compendiosa doctrina* of Nonius (4th/5th cent. CE), book 3 under the entry *patibulum*.²⁶ The text from the play reads as follows:

Patibulum ferat per urbem, deinde affigatur²⁷ cruci.

(Plautus, *Carb. fr. 2*)

Let him carry the *patibulum* through the city, let him thereafter be fastened to the cross.²⁸

The text is construed in an *irrealis* mood (subjunctive), in which the wish is expressed that a certain person should carry a *patibulum* through the city, thereupon (*deinde*) to be fixed to the *crux*. Samuelsson notes that

25 See e.g. Livy 1.20. For more on the *Salii*: <https://oxfordre.com/classics/view/10.1093/acrefore/9780199381135.001.0001/acrefore-9780199381135-e-5673>; further e.g. J. Rüpke, 'Flamines, *Salii*, and the Priestesses of Vesta: Individual Decision and Difference of Social Order in Late Republican Priesthoods', *Demeter, Isis, Vesta, and Cybele: Studies in Greek and Roman Religion in Honour of Giulia Sfameni Gasparro* (ed. A. Mastrocinque and C. G. Scibona; Stuttgart: Franz Steiner, 2012) 183–94; S. Estienne, 'Saliens', *Thesaurus cultus et rituum antiquorum* v.85–7; and the older R. Cirilli, *Les prêtres danseurs de Rome. Étude sur la corporation sacerdotale des Saliens* (Paris: Libraire Paul Geuthner, 1913). For *Crucialis* as dancing, see *OLD* and Lewis and Short s.v.

26 The *De compendiosa doctrina* is a kind of compilation of interesting Latin words. Some have said that it was a more 'copy-paste job': see W. M. Lindsay, *Nonius Marcellus' Dictionary of Republican Latin* (Oxford, 1901; repr. Hildesheim: Georg Olms Verlagsbuchhandlung, 1965) 1.

27 LCL is based on the MS L (Leiden, Voss. Lat. F. 73), while Lindsay's edition has *adfigatur*: see W. M. Lindsay, ed., *Noni Marcelli De compendiosa doctrina libros xx editi* W. M. Lindsay (2 vols.; Leipzig: Teubner, 1903) 327; for another edition, see T. Plaute, vol. VII: *Trinummus, Truculentus, Vidularia (Fragmenta)*. *Texte établi et traduit par A. Ernout* (CUFr; Paris: Les Belles Lettres, 1940) 181.

28 Text from Plautus, *Stichus. Trinummus. Truculentus. Tale of a Travelling Bag. Fragments* (ed. and trans. W. de Melo; LCL 328; Cambridge, MA: Harvard University Press, 2013) 438. Translation mine.

Plautus does not say that the *patibulum* was necessarily an intended part of the *crux* – that the *patibulum* was subsequently attached to the *crux*. The carrying of *patibulum* might as well be a separate punishment – an example of a degrading act similar to that of carrying a *furca*. If this is the case, Plautus describes two punishments. First, a walk in disgrace which ended with the removal of the *patibulum* (perhaps then handed over to another victim of the humiliating walk). Second, Plautus relates that ‘thereafter’ (*deinde*) some kind of attaching – of the victim – to a *crux* occurred. The above-mentioned texts which contain *patibulum* do not contradict this reading.²⁹

While this is true in the sense that Plautus does not have the character say ‘and together with the *patibulum* he is affixed to the *crux*’, this is clearly implied.³⁰ As we will see with Clodius Licinus’ fragment below, texts do not give all information, but rely on intertextual frames. There is no reason to indicate that the *patibulum* was removed, at least at no point do we have evidence of that.³¹ It is in my opinion correctly referred to when speaking of cross-bearing in the classical sense.

2.3 *Mil. glor.* 358–60

Plautus’ play *Miles gloriosus* (also called ‘The Braggart Soldier’) is set in Athens and Ephesus and its composition is dated to the last decade of the third century BCE.³² It is believed to be adapted from a Greek original.³³ The play revolves around the two lovers Pleusicles and Philocomasium. Philocomasium is abducted and held captive by Pyrgopolinices and his slave Sceledrus. Pleusicles’ slave Palaestrio devises a plan, and Sceledrus suspects a trick: he stands in the doorway so that he cannot be fooled by Palaestrio (lines 346–52). In that moment there is a short dialogue between the two slaves which is often referred to in relation to cross-bearing:

Pa. quid ais tu, Sceledre? Sc. hanc rem gero. habeo auris, loquere quiduis.
Pa. credo ego istoc exemplo tibi esse pereundum extra portam,
dispessis manibus, patibulum quom habebis.

(Plautus, *Mil. glor.* 358–60)

Pa. What do you say, Sceledrus? Sc. I have this job. I have ears, speak what you will. Pa. You’ll soon have to trudge out beyond the gate with outspread arms in that attitude, I take it, when you will have the *patibulum*.³⁴

29 Samuelsson, *Crucifixion*, 174.

30 This is also argued by Cook, *Crucifixion*, 22–3, who calls it ‘an unnatural reading of the text’ (23 n. 116), where he shows that Samuelsson’s reliance on Zestermann for this idea is unfounded.

31 Cook, *Crucifixion*, 23 n. 116.

32 For literature on the date, see Chapman and Schnabel, *Trial*, 283 n. 465.

33 Cf. Plautus, *The Merchant. The Braggart Soldier. The Ghost. The Persian* (ed. and trans. W. de Melo; LCL 163; Cambridge, MA: Harvard University Press, 2011) 134–7.

34 Text from LCL 163.178–81; W. M. Lindsay, *T. Macci Plauti Comoediae*, vol. II (Oxford: Clarendon Press, 1903) lines 358–60. Translation mine. See Lindsay’s critical apparatus for the variant readings. Also cf. A. Ernout, ed. and trans., *T. Plaute*, vol. IV: *Menaechmi*.

Samuelsson acknowledges that the text ‘refers to a punishment in which the arms were stretched out and that a *patibulum* was carried’.³⁵ He does not agree that the ‘traditional’ view on *patibulum* is correct here,³⁶ for it might be a synonym for *crux* because the slave responds in 372 that he knows that the *crux* will be his tomb.³⁷ Another possibility is that the words are not connected at all and, somewhat cryptically, ‘may refer to two different – and complete – punishment tools’.³⁸ It is clear from the text that the outstretching of the hands is something that caused Palaestrio (or Plautus) to associate it with the *patibulum* (which in its etymology has horizontal connotations).³⁹ It is, however, unlikely that Sceledrus refers to a different form of punishment altogether, if he is framed just before by Palaestrio. It seems right to assume a relation between a *patibulum* and a *crux*, despite Samuelsson’s warning that ‘[w]ith a slight amount of imagination the shape of crucifixion in the traditional sense is easily perceived’.⁴⁰ While with the reading *esse pereundum* it is not clear that Sceledrus would have to carry the *patibulum* through the gate,⁴¹ the variant *eundum* would clearly imply that (i.e. the verb *eo* combined with *extra portam*).⁴² Unfortunately, Hammond, Mack and Moskalew claim that it is improbable that there was one original, as

Mercator. Miles gloriosus (CUFr; Paris: Les Belles Lettres, 1956) 196 (also cf. his critical apparatus). Cook, *Crucifixion*, 21 remarks on the variants: ‘*esse pereundum* is a correction for *esse perfundum* in MS A (Ambrosianus Palimpsestus (G 82 sup.), saec. IV–V). Other manuscripts’ variations are *esse eundum* and *esset eundem*.’ On the different text forms, see M. Hammond, A. M. Mack and W. Moskalew, eds., *T. Macci Plauti Miles gloriosus* (Cambridge, MA: Harvard University Press, 1997⁴) 57–61. For other editions, see Chapman and Schnabel, *Trial*, 283 n. 463; it is interesting that Chapman and Schnabel have a different text printed in their edition which they attribute erroneously to Lindsay. But it is probably false to look for a Plautine ‘original’: cf. Hammond, Mack and Moskalew, *Miles Gloriosus*, 59 (in which they refer to the nineteenth-century attempt for an original by Ritschl and Leo, which is by now abandoned). Samuelsson, *Crucifixion*, 173, for example, has the Latin: *credo istoc extemplo tibi esse eundum actutum extra portam, dispessis minibus, patibulum quom habebis*.

35 Samuelsson, *Crucifixion*, 173.

36 Where he refers to Sallust, *Hist.* 3 fr. 3 (see van Wingerden, ‘Horizontal’): Samuelsson, *Crucifixion*, 173 n. 98 (also referred to are Tacitus, *Hist.* 4.3; *Ann.* 1.61.1–3; 4.72.3; 14.33.2).

37 Plautus, *Mil.* 372: *scio crucem futuram mihi sepulcrum*.

38 Samuelsson, *Crucifixion*, 174.

39 On the horizontal connotation, see Cook, *Crucifixion*, 16–26, esp. 16–19.

40 Samuelsson, *Crucifixion*, 174.

41 See LCL 163.181, where de Melo translates *esse pereundum* with ‘you’ll have to die’. Note that the *porta* is believed to be the Esquiline gate (e.g. LCL 163.181 n. 16; Hammond, Mack and Moskalew, *Miles gloriosus*, 107, also 27–8 on the frequent references to Roman society in a Greek context).

42 See n. 34 above on the Latin text. The variant *perfundum* is clearly a scribal error.

Plautus would not have prepared the scripts for publication.⁴³ Whether Plautus' *Mil. glor.* 358–60 is to be counted as a 'traditional' instance of cross-bearing is defined by which reading one adopts.

2.4 *Most.* 55–7

Plautus' *Mostellaria*, or 'The Ghost' (from *mostellum*), probably belongs to the later plays of Plautus.⁴⁴ Like the previously discussed plays it contains a slave as a main character, here called Tranio. Theopropides (Tranio's master) is away on business, and his son Philolaches and his lover Philematium squander Theopropides' money on lavish feasts. Tranio convinces Theopropides that the house is haunted, so that the family had to move out. Meanwhile, the party continues. Tranio gets himself into trouble with his master when he needs an alternative house to make his story convincing. At the start of the play, Tranio finds Grumio, the honest slave who works at the farm, looking for him. Grumio curses Tranio's cunning and crooked nature and there we find a passage that is often quoted to support claims of cross-bearing:

O carnuficium cribrum, quod credo fore,
ita te forabunt patibulatum per uias
stimulis <carnufices>, huc si reueniat senex.

(Plautus, *Most.* 55–7)

Oh, riddle the executioner, I guess it will be thus when the executioners will bore you with goads – patibulated – through the streets, when the old man comes back here.⁴⁵

The word *patibulatus* is very rare and is derived from the noun *patibulum*.⁴⁶ Accordingly, it conveys the meaning of 'fastened to a yoke or gibbet'.⁴⁷ It seems that Grumio wishes the following to Tranio: that he will become 'patibulated', that is, tied to a *patibulum*, and led through the streets while being tortured by *carnufices*. Samuelsson refers to this text as evidence that corpses were tied to

43 Hammond, Mack and Moskalew, *Miles gloriosus*, 59.

44 LCL 163.308.

45 Text from LCL 163.322. Translation mine.

46 It appears here, and in Apuleius, *Metam.* 4.10.13, where Lamachus' hand is nailed (*offigit*) to the door, and the narrator recounts: *et exitiabili nexu patibulatum relinquens, gurgustioli sui tectum ascendit*, although MS 22 F has *patibulum*: see LCL 44.164–7. See Cook, *Crucifixion*, 131, for some who argue for *patibulum* as the original. Perhaps *patibulatus* occurs in the *Lex Puteolana*: *ibid.*, 130–1. Lewis and Short, *Latin Dictionary*, 1314, note that Clodius Licinus' fragment with Nonius has 'patibulatus ferar per urbem, deinde affigar cruci, id. Fragm. ap. *Non.* 221, 13 (al. patibulum)', although, as we will see below there are no such variants: cf. T. J. Cornell, ed., *The Fragments of the Roman Historians* (3 vols.; Oxford: Oxford University Press, 2013) II.926.

47 *OLD* s.v. *patibulātus*; see also *TLL* x.1.706: 'i.q. patibulo affixus'.

patibula, but a critical discussion of *Most.* 55–7 is absent.⁴⁸ While Grumio is not explicit about whether Tranio should be dead already while being poked by his executioners, it is more likely that he is alive, otherwise the ‘boring’ or ‘piercing’ would not hurt, which is clearly the intent of Grumio.⁴⁹ It is simpler to assume that Plautus’ play is referring to a living person attached to a *patibulum*, for it is easier to understand a living person’s body being pierced as way of torture than a corpse being subjected to this as a sort of post-mortem sadism.⁵⁰ Grumio’s wish reminds us strongly of Dionysius of Halicarnassus’ report of a slave who is tortured while carrying a torture device.⁵¹ Although this passage lacks the context of *crux*-terminology or references, later on in the play Tranio mentions the *crux* at various times as a threat,⁵² but it remains unclear whether we can see this threat as a prelude to crucifixion (i.e. *crux*-terminology). We can say that the individual was supposed to be ‘patibulated’, and thus carried a *patibulum*, but one should be cautious of counting *Most.* 55–7 as a reference to the historical practice of cross-bearing as a prelude to crucifixion, for that crucifixion context is absent, although it is probably implied. Whether carrying a *patibulum* was a separate punishment is unknown.⁵³

3. Clodius Licinus, *Rer. Rom.* 21

A fragment of Clodius Licinus’⁵⁴ *Libri rerum Romanarum* is often mentioned as evidence for the ancient practice of cross-bearing.⁵⁵ The opinions of

48 Samuelsson, *Crucifixion*, 286 n. 104; this text is also referred to at 172 in relation to *cruciatu*s, but again discussion is absent. On corpses tied to *patibula*, see the discussion on Clodius Licinus below.

49 Samuelsson holds here a minority standpoint, without defending it obviously. Those who appear to assume that Grumio wishes Tranio to be alive while being led through the streets are numerous, e.g. the most recent: Chapman and Schnabel, *Trial*, 678 n. 829; Cook, *Crucifixion*, 21, 33, 423, and esp. the translation in J. G. Cook, ‘Envisioning Crucifixion: Light from Several Inscriptions and the Palatine Grafitto’, *NovT* 50 (2008) 262–85, at 267; Boe, *Cross-Bearing*, 64; Iavicoli, *Crocifissione*, 375.

50 See Clodius Licinus below on corpses attached to *patibula*.

51 Dionysius of Halicarnassus, *Ant. Rom.* 7.69.

52 Plautus, *Most.* 743, although this is a conjecture (see LCL 163.390); 359 (*crucem*), 849–50 (*malam crucem*) and 1133, where Theopropidus threatens Tranio: *non enim ibis. ego ferare faxo, ut meruisti, in crucem*. It is, however, not clear if the threat, ‘I’ll make sure you’ll be carried to the cross’, implies death or severe torture.

53 Cf. Samuelsson, *Crucifixion*, 174; and earlier e.g. H. F. Hitzig, ‘*crux*’, PW iv.1728–31; T. Mommsen, *Römisches Strafrecht: Systematisches Handbuch der Deutschen Rechtswissenschaft* (4 vols; Leipzig: Duncker & Humboldt, 1899) 920; A. Zestermann, *Die bildliche Darstellung des Kreuzes und der Kreuzigung Jesu Christi historisch Entwickelt*, vol. 1: *Das Kreuz vor Christo* (Leipzig: A. Edelmann, 1867) 19–22.

54 According to Suetonius, *Gramm.* 20, Clodius Licinus was an ex-consul and historian: *Clodio Licino consulari, historico*, who was suffect consul in 4 CE. For more, see H. Peter, ed., *Historicorum Romanorum reliquiae* (2 vols.; Leipzig: Teubner, 1906) cvii–cviii, or more recently, Cornell, *Fragments*, 1.482–3.

55 Samuelsson, *Crucifixion*, 170; Iavicoli, *Crocifissione*, 376; Cook, ‘Envisioning Crucifixion’, 266–7.

Samuelsson and Cook on the usefulness of this fragment for crucifixion terminology are contrasting: Samuelsson on the one hand acknowledges that this text would have been rather important for the relation between *patibulum* and *crux*, had it not been unlikely that a human was the object of the neuter participle *deligata*.⁵⁶ Cook, on the other hand, rejects the reading of the participle and reads a third person singular present active (*deligat*). Cook sees this text as evidence for the *patibulum* as ‘the horizontal part of the cross’.⁵⁷ Both authors adopt different readings, which seem to suit their purposes.

Let us take a closer look at ‘the’ text. The fragment itself is very short and is found in *De compendiosa doctrina* of Nonius (4th/5th cent. CE), book 3 under the entry *patibulum*, where we also located the fragment from Plautus’ *Carbonaria*.⁵⁸ The fragment is introduced by Nonius as being Licinius’ and reads:

Deligat{a} ad patibulos. deligantur et circumferuntur, cruci defiguntur.⁵⁹

Fastened to a *patibulum*. They are fastened and led around and then nailed to the cross.

The brackets indicate the problem. The manuscript evidence is in favour of *deligata*,⁶⁰ but almost all critical scholars have made conjectures, because of the awkwardness of the polyptoton.⁶¹ Justus Lipsius has the most economical reading, for he deleted the participle, reading *ad patibulos deligantur et circumferuntur, cruci defiguntur*.⁶² Several others have suggested *deligat* instead of *deligata*.⁶³ In the recent edition of the fragments of the Roman historians by

56 Samuelsson, *Crucifixion*, 170–1, at 170: ‘If it could be proved that the text describes humans attached to a *patibulum*, which was carried around and in the end was attached to a *crux*, the text would have been of great importance.’

57 Cook, *Crucifixion*, 22–3.

58 See above on Plautus, *Carb.* fr. 2

59 Text from Peter, *Historicorum*, II.78; brackets added. Translation mine.

60 The MS evidence of Nonius, *De compendiosa doctrina* exists in three forms: the ‘pure’ text mostly untampered but with many copying errors; the ‘doctored’ or edited text (in some places it is more accurate than the ‘pure’); the ‘extracted’ form – a kind of quotation-free summary. All stem from an archetype: see Lindsay, *Noni Marcelli*, I.xx–xxi. The oldest remaining ‘pure’ manuscript containing our passage, the MS L (Leiden, Voss. Lat. F. 73) from the beginning of the ninth century (with corrections from the doctored and extracted texts), contains *deligata*, as do the other ‘pure’ manuscripts (e.g. MS H British Library, Harley 2719 from the ninth–tenth centuries – based on the Leiden MS).

61 Cf. Cornell, *Fragments*, II.926, III.562 for the conjectures.

62 J. Lipsius. *De cruce libri tres: ad sacram profanámque historiam utiles. Unà cum notis* (Antwerp: Joannem Moretum, 1594) 66: *Ad patibulos (ita mutato genere, pro patibula) deligantur, et circumferuntur, cruci defiguntur.*

63 See Cornell, *Fragments*, II.926.

Tim Cornell, *deligata* is dropped.⁶⁴ Cook follows Lindsay in the conjecture *deligat*, but on what basis is unknown.⁶⁵

Samuelsson displays no knowledge of the critical editions in which the fragments of the Roman historian Clodius Licinus are found. Had he known them, he would have noticed that the participle *deligata* is rejected by most scholars as not original, as mentioned above, and this would have complicated his argument. Moreover, to label the fragment unimportant because the participle renders a human object unlikely is a rather strange idea. For what else than animate objects are crucified or tied to a *crux*? Some animals are reported to have been crucified (dogs: *supplicia canum*,⁶⁶ and in one known instance, lions⁶⁷), but they are not neuter either and the term *patibulum* is not used in these texts. It would have been a rare sight indeed to see a dog or a lion carrying a *patibulum*. Further evidence from the ancient Mediterranean world suggests that there is only one figure which could carry a *patibulum*, or a σταυρός for that matter, namely, a human figure.⁶⁸ The mistake Samuelsson makes, in my opinion, is going over the circumstantial evidence too quickly, and equally

64 Cornell, *Fragments*, II.926, III.562.

65 Lindsay, *Noni Marcelli*, 1.327.

66 *Supplicia canum*: Pliny the Elder, *Nat.* 29.14.57 is the first to report the ‘crucifixion’ (in fact, the noun *furca* is used instead of *crux*: LCL 418.220–1), but it is also mentioned by Plutarch, *Fort. Rom.* 12 (κύων μὲν ἀνεσταυρωμένος, LCL 305.372–3); Aelian, *Nat. an.* 12.33 (penalty of death for the dogs, no crucifixion terminology: LCL 449.54–5); Servius, *Aen.* 8.652 (who speaks of dogs who *cruci suffigebantur*); and Arnobius, *Nat.* 6.20 (no specific crucifixion terminology used, it is only mentioned that the dogs were punished by death).

67 For lions being ‘crucified’ (*cruci fixos*), see Pliny, *Nat.* 8.18.47 (LCL 353.36–7).

68 Mostly these ‘human objects’ were alive, or assumed to be alive, by the texts. There is, however, one instance recorded by Valerius Maximus 9.2.3 where a corpse is bound to a *patibulum* and then carried around (obviously by others): *cuius iussu principum ciuitatis capita hostiarum capitibus permixta sunt Carbonisque Aruinae truncum corpus patibulo adfixum gestatum est* (LCL 493.310–11). Samuelsson, *Crucifixion*, 286 n. 104. Curiously, Samuelsson refers to Plautus, *Most.* 55–7 as describing a corpse being led around on a *patibulum* as well. See above. Tacitus, *Hist.* 4.3.10 reports the same incident recorded by Valerius Maximus but does not mention the state of the slave (i.e., *ante* or *post mortem*): *Tarracinensium diximus, patibulo adfixus in isdem anulis quos acceptos a Vitellio gestabat* (LCL 249.6). Samuelsson also mentions Tacitus, *Ann.* 1.61.4, 4.72.3 and 14.33.2, but in the first two cases it is clear that the persons are alive, and in the third the text is a poetic enumeration of atrocities; *patibula* is not dependent on *caedes* as Samuelsson seems to suggest. So that leaves Samuelsson with one instance recorded in two sources, and perhaps a second in Plautus, *Most.* 55–7. There is also the interesting incident recorded by Suetonius, *Jul.* 74.1, in which Julius Caesar is reported to have the pirates’ throats cut before they were crucified, which presumably left them dead before they were hung: *sed et in ulciscendo natura lenissimus piratas, a quibus captus est, cum in dicionem redeisset, quoniam suffixurum se cruci ante iuraverat, iugulari prius iussit, deinde suffigi* (LCL 31.94). This would portray the divine Caesar in a more ‘humane’ or ‘merciful way’; cf. W. Shi, *Paul’s Message of the Cross as Body Language* (WUNT II/254; Tübingen: Mohr Siebeck, 2008) 27.

unhelpful is his silence on an alternative of what is meant, or what could have been crucified, for that matter (e.g. by resorting to parallels). On the one hand, Samuelsson is right to conclude that ‘the’ text provides little ‘hard philological’ information such as he seeks, but on the other hand, there is much to be gained by a more semantic and intertextual approach. It seems that to me Samuelsson’s approach to this text is too atomistic.

But whatever the form of the verb is, *deligata*, *deligat* or any other, there is another problem in Clodius Licinus’ text provided by Nonius. This is clearly visible in the different translations of both Samuelsson and Cook.

Samuelsson	They are tied and carried around (<i>circumferuntur</i>), fastened to a <i>crux</i> . ⁶⁹
Cook	People are fastened and led around (<i>circumferuntur</i>) and then are nailed to a cross. ⁷⁰

Firstly, one can see the assumption of Cook that the objects of the verb are human beings, and although we find this reasonably plausible, it is rather curious that a complete subject (noun) is inserted in the translation. Secondly, and this is why we are considering both translations, the verb *circumferuntur* causes problems. This is not only so in the translations of Samuelsson and Cook; several others have suggested that it must have been an active voice, and suggested *circumferunt*, instead of the passive *circumferuntur*.⁷¹ This interpretation is probably influenced by other texts, in which the evidence seems to be that not the people were carried, but the *patibula*.⁷² What we see here is thus an inference, based on other textual evidence from Roman antiquity. This is what we would call with Umberto Eco ‘encyclopaedic knowledge’: interpreters resort to known ‘frames’ (other texts) or ‘scenarios’ and common and specific knowledge from which they make certain assumptions to understand the text. This resorting to other texts and frames what Umberto Eco called ‘inferential walks’.⁷³ We figure that, if someone or something does *y* in a certain situation, then we infer that, when a comparable situation occurs, someone or something does *y* again. I would argue that, on the basis of other texts in which the figure carrying the cross is a human being, this will be the case here as well, unless textual operators deny this. One could argue that the participle *deligata* is such an operator, but it can be countered that in no known ‘encyclopaedia’ (no other knowledge, no other textual data) would some creature other than a human have to carry a *patibulum* and be attached to a *crux*. With this strategy,

69 Samuelsson, *Crucifixion*, 170.

70 Cook, *Crucifixion*, 22.

71 Cornell, *Fragments*, II.926.

72 Except for the corpse in the already mentioned Valerius Maximus 9.2.3, see above.

73 E.g. U. Eco, *Six Walks in the Fictional Woods* (Cambridge, MA: Harvard University Press, 1994).

one should interpret Clodius Licinus' fragment as referring very probably to human beings.

While Samuelsson stays close to the stem of the verb (*fer-* = carrying), Cook uses a somewhat less familiar translation of *circumferuntur*, 'to lead around'.⁷⁴ Thus, the ambiguity is solved: the people who are fastened to a *patibulum* are led around, apparently still attached to the *patibulum*; they are carrying it, and it is not the people who are carried around. In Samuelsson's translation it is unclear what it is that is carried around (it could be the *patibula*, or the 'they' could equally refer to otherwise unknown objects).⁷⁵

Samuelsson is reluctant to connect the second clause to the first, so that the object (whether human or not) is not necessarily attached to the *crux* while attached to a *patibulum*, implying that carrying the *patibulum* was not necessarily a part of crucifixion.⁷⁶ Cook seems to react to this in his work by stating:

At no point in either text [i.e. Plautus, *Carb.* fr. 2 and Clodius Licinus, *Rer. Rom.* fr. 3] does the author say that the victim was released from the *patibulum* and then attached to the cross (*crux*, probably 'beam' in this context) without the *patibulum*. Of course, it is possible that in some cases the condemned were temporarily released from the *patibula* which were subsequently lashed to the vertical posts.⁷⁷

Texts are, by definition, lazy operators: they do not give all their information, but leave most of the work to the reader who has to 'activate' relevant information regarding the lexicographic and contextual input (s)he gets, while 'narcotising' the less important information.⁷⁸ In this case, that a clause is not to be connected to another seems unrealistic if they follow up upon each other; it is implied. Furthermore, Nonius seems to imply that the clauses belong together. It is natural to see the second clause follow up the first one, as Cook and Cornell show in their translations by adding the temporal *then* to explicate the relation between the two clauses.⁷⁹ We therefore should regard this source as a 'classical' example of cross-bearing.

74 For common translations, see *OLD* s.v. *circumfero*. To my knowledge, nowhere is the passive *circumferuntur* translated as 'to lead around' in the sense of persons. See the passages in which *circumferuntur* appears: Pliny the Elder, *Nat.* 37.49.6 (LCL 419.200-1); Pliny the Younger, *Ep.* 2.5.12.1 (LCL 55.94-5); and Quintillian, *Inst.* 2.13.15.3 (LCL 124.346-7).

75 An unlikely suggestion would be that animals or inanimate objects would have been attached to the *patibula* and then carried around. As the evidence suggests, to my knowledge the term *patibulum* is not used in reference to punishment of animals.

76 This is also stated more clearly elsewhere in his book. At some places, Samuelsson notes that carrying the *patibulum* might have been a separate punishment, see Samuelsson, *Crucifixion*, 174, 202 on the Latin, while he holds the same for carrying a $\sigma\tau\alpha\upsilon\rho\acute{o}\varsigma$: *ibid.*, 242, 245, 278.

77 Cook, *Crucifixion*, 22.

78 Eco, *Role*, 23-4.

79 Cook, *Crucifixion*, 22 and Cornell, *Fragments*, II.927.

4. *Lex Puteolana* II.8–10

The inscription from the Augustan period known as the *Lex Puteolana*, from the ancient city of Puteoli, was offered as evidence for carrying a *patibulum* by John Granger Cook in a 2008 article.⁸⁰ The text was reconstructed and commented upon in 2003 by François Hinard and Jean Christian Dumont.⁸¹ The orthography leaves room for various interpretations. Column II contains the lines which would support the practice of carrying a *patibulum*; it is reconstructed as follows:

8 Qui supplic(ium) de ser(uo) seruaue priuatim sumer(e) uolet uti is {qui} sumi uolet, ita supplic(ium) sumet; si in cruc(em) | 9 patibul(...) agere uolet redempt(or) asser(es) uincul(a) restes uerberatorib(us) et uerberator(es) praeber(e) d(ebeto), et | 10 quisq(uis) supplic(ium) sumet pro oper(is) sing(ulis) quae patibul(um) ferunt uerberatorib(us)q(ue) item carnif(ice) HS IIII d(are) d(ebeto) | ^{uacat}

Whoever will want to exact punishment on a male slave or female slave at private expense, as he [the owner] who wants the [punishment] to be inflicted, he [the contractor] exacts the punishment in this manner: if he wants [him] to lead the *patibul...* to the cross (vertical beam), the contractor will have to provide wooden posts, chains, and cords for the floggers and the floggers themselves. And anyone who will want to exact punishment will have to give four sesterces for each of the workers who bring the *patibulum* and for the floggers and also for the executioner.⁸²

In 2003 Hinard and Dumont argued that *patibul... agere* should be reconstructed as *patibulum agere* and not *patibulatum agere*.⁸³ They show that other words with *-atus* have been abbreviated, but that one cannot but read *patibulum* at II.10.⁸⁴ So, did the engraver use different forms of abbreviation at different times? Hinard deems this implausible, and supposes that through synecdoche (the use of *patibulum* instead of *crux* when *crux* is meant)⁸⁵ confusion arose and suggests that there was an omission ‘d’un mot <cum> *patibul(o)*, *patibul(o)* ou *patibul(um)*,

80 Cook, ‘Envisioning Crucifixion’, 265–7.

81 F. Hinard and J. C. Dumont, *Libitina. Pompes funèbres et supplices en Campanie à l’époque d’Auguste. Édition, traduction et commentaire de la Lex Libitinae Puteolana* (Paris: De Boccard, 2003). For more literature on the inscription, see Cook, ‘Envisioning Crucifixion’, 263 n. 2, 264 n. 8.

82 Text from Hinard and Dumont, *Libitina*, 18. Translation from Cook, ‘Envisioning Crucifixion’, 265–6, reprinted in Cook, *Crucifixion*, 370; brackets original, slightly adapted; Cook has ‘patibulated individual’ at the *patibul...* in line 9.

83 Hinard and Dumont, *Libitina*, 117–18. *Patibulatum* is found in Plautus, *Most.* 56 and Apuleius, *Metam.* 4.10.

84 Hinard and Dumont, *Libitina*, 118. Cf. Cook, *Crucifixion*, 374 n. 69.

85 Attested by sources that are all later than the *Lex*: Tacitus, *Hist.* 4.3; *Ann.* 4.72; Valerius Maximus 9.2.3; Apuleius, *Metam.* 6.31, 10.12.

patibul(um) <ferentem>' because 'l'inscription comporte des fautes plus graves'.⁸⁶ Cook, however, argues that a conjecture is unnecessary, because '[t]here is no inherent probability of a morphological change between the two lines [i.e. lines 9 and 10]'⁸⁷ and implies the use of different abbreviation styles: "*Patibul(um) agere*" is ambiguous. It may refer to the victim carrying the horizontal piece of the cross, or it may refer to the workers as the expression (*quae patibul[um] ferunt*) in II.10 clearly does. What may be happening is this: the slave carries the *patibulum* while the workers drive him/her on.⁸⁸ Cook's interpretation is informed by the other 'cross-bearing' texts that Samuelsson disregards.⁸⁹ Samuelsson dismisses this source as attesting to cross-bearing by appealing to three aspects: the uncertain case ending of *patibulum* makes it difficult to decide who is carrying the *patibulum*; the acquiring of pitch, wax and candles further on (*Lex Puteolana* II.12–14) does not conform to a classical view of crucifixion; and the other cross-bearing texts are ambiguous. As a result, the overall 'picture becomes blurred'.⁹⁰ Samuelsson seems, however, unaware that John Bodet had already shown that lines 8–10 were written for citizens (*priuatim*, line 8) and 11–14 for magistrates (*magistrat(us) public(e)*, line 11) who executed punishment in general.⁹¹ Furthermore, Cook rightly argues that one does not lead a *patibulum* to a *crux*, but that the condemned is led to a *crux*: the occurrence of *agere in cruce* is common, while *ago* never has *patibulum* as its object.⁹² Cook argues thus for *patibulatum* in line 9 and *patibulum* in line 10: it is the 'patibulated' individual who is led to the cross; the magistrate must make sure that he provides the material himself, and he must pay the workers who are part of the kind of undertaking 'guild'⁹³ and who bring the *patibulum* to the magistrate.⁹⁴ '*Ferre* implies that the workers carried the *patibulum*, presumably to the slave who was then attached to it and led to the beam/cross while being flogged.'⁹⁵ To sum up, if Cook's reading is correct, then this is another instance that speaks of individuals carrying a *patibulum* to the *crux*.

86 Hinard and Dumont, *Libitina*, 118.

87 Cook, *Crucifixion*, 374.

88 Cook, 'Envisioning Crucifixion', 266.

89 Cook, 'Envisioning Crucifixion', 266–7.

90 Samuelsson, *Crucifixion*, 200.

91 J. Bodet, 'The Organization of the Funerary Trade at Puteoli and Cumae', *Libitina e Dintorni: Atti dell'XI Rencontre franco-italienne sur l'épigraphie* (ed. S. Panciera; *Libitina* 3; Rome: Edizioni Quasar, 2004) 147–72, at 151.

92 Cook, *Crucifixion*, 374–5. This point is also noted by Hinard and Dumont, *Libitina*, 117–18, but they disagree on multiple abbreviation styles: see above.

93 Cook, 'Envisioning Crucifixion', 264–5.

94 Bøe, *Cross-Bearing*, 69.

95 Cook, *Crucifixion*, 374.

5. Firmicus Maternus, *Math.* 6.31.58

The Latin writer Firmicus Maternus was born in Syracuse around 300–310 CE.⁹⁶ He wrote his *Mathesis* around 337, before *De errore profanarum religionum*, an apology for the Christian faith, probably under the influence of the anti-pagan legislation of Constantine in 341. The *Mathesis* is an astrological work, an aide-memoire and mostly an instruction to beginning practitioners.⁹⁷ The remaining manuscripts, not earlier than the eleventh century CE, are based on an archetype; the critical text is in turn based on these manuscripts.⁹⁸ One passage from Firmicus Maternus' *Mathesis* is discussed with regard to cross-bearing:⁹⁹

si uero cum his Saturnus fuerit inuentus, ipse nobis exitium mortis ostendit. nam in istis facinoribus deprehensus seuera animaduertentis sententia patibulo subfixus in crucem tollitur.

But if Saturn is found in conjunction with these, it shows us a deadly fate. For he who is detected in such crimes is punished with a severe sentence; fastened to the *patibulum*, he is raised on a cross.¹⁰⁰

There are some text-critical issues in this passage. Three of the four most important manuscripts omit *in* after *nam*¹⁰¹ and *colligitur* is found instead of *tollitur*.¹⁰² In other places, however, Firmicus uses *tollitur* with *crux* and in our passage it is the most likely form.¹⁰³ Cook states that the text is evidence of an individual 'bringing a *patibulum* to a *crux*'.¹⁰⁴ Now this could certainly be the case, although the text only states that the person is fastened (*subfixus*) to a *patibulum* and lifted/raised on a *crux*, and not that the person carried a *patibulum*. A person could as well be affixed to a *patibulum* at the execution site and there elevated onto the vertical post. Moreover, this is not a report of an actual crucifixion but of astrological practices, and it is uncertain that it reflected Roman practices of crucifixion

96 Introductory material based on Firmicus Maternus, *Mathesis*, vol. I: *Livres I–II* (ed. and trans. P. Monat; Paris: Les Belles Lettres, 1992) 7–38.

97 For the structure and summary of the book, see Monat in Firmicus Maternus, *Mathesis*, vol. I, 11–15.

98 On the manuscripts, see Monat in Firmicus Maternus, *Mathesis*, vol. I, 26–30.

99 Iavicoli, *Crocifissione*, 376; Cook, *Crucifixion*, 23, 40, 147–8.

100 Text from Firmicus Maternus, *Mathesis*, vol. III: *Livres VI–VIII* (ed. and trans. P. Monat; Paris: Les Belles Lettres, 1997) 100–1. Translation from Cook, *Crucifixion*, 23, which is a modification of the translation of Hengel, *Crucifixion*, 78.

101 G has *in*, A, DN do not, see Monat, *Mathesis*, III.100.

102 MSS DN have *colligitur* instead of A's *tollitur*, see Monat in Firmicus Maternus, *Mathesis*, vol. III, 101.

103 E.g. Firmicus Maternus, *Math.* 6.31.59; 6.31.73; 8.6.11 (conjecture: see K. Ziegler, *Fasciculus II Libros IV posteriores cum praefatione et indicibus continens* (Berlin, Boston: Teubner, 2011) 298; Monat in Firmicus Maternus, *Mathesis*, vol. III, 251 crit. app.); 8.17.2; 8.22.3.

104 Cook, *Crucifixion*, 40.

(which might have been abolished by the time Firmicus wrote¹⁰⁵). It is impossible to retrace Firmicus' thoughts on whether the *patibulum* was carried before the crucifixion. This text does give evidence that *patibulum* and *crux* are two separate objects that are fixed together and, logically, it seems that to affix someone to a beam to be raised on another beam/stake means that a T-form, or a †-form, is constructed.

6. Macrobius, *Sat.* 1.11.3–5

Recent scholarship has reason to believe that Macrobius (4th–5th cent. CE) was praetorian prefect of Italy in 430 CE and a Christian, one who was learned in classical literature.¹⁰⁶ He wrote the *Saturnalia*, an encyclopaedic text which discusses a wide range of topics in the form of a dialogue set in ca. 383 CE.¹⁰⁷ Cook discusses a passage of the *Saturnalia* relating to cross-bearing in his work, and he is to my knowledge the only one who connects this text to *carrying a patibulum*.¹⁰⁸ The passage is part of a discussion on whether the gods care about slaves or not. Praetextatus shows his conversation partner Evangelus that slaves are important in the eyes of the gods by the following example, drawn from the events and misfortunes of the Romans in about 491 BCE:

3. anno enim post Romam conditam quadringentesimo septuagesimo quarto Autronius quidam Maximus servum suum verberatum patibuloque constrictum ante spectaculi commissionem per circum egit: ob quam causam indignatus Iuppiter Annio cuidam per quietem imperavit ut senatui nuntiaret non sibi placuisse plenum crudelitatis admissum. 4. quo dissimulante filium ipsius mors repentina consumpsit, ac post secundam denuntiationem ob eandem negligentiam ipse quoque in subitam corporis debilitatem solutus est. sic demum ex consilio amicorum lectica delatus senatui rettulit et vix consummato sermone, sine mora recuperata bona valitudine, curia pedibus egressus est. 5. ex senatus itaque consulto et Maenia lege ad propitiandum Iovem additus est illis Circensibus dies, isque instauraticius dictus est non a patibulo, ut quidam putant, Graeco nomine ὀπὸ τοῦ σταυροῦ, sed a redintegratione, ut Varroni placet, qui instaurare ait esse instar novare.

3. In the four hundred seventy-fourth year after Rome's founding a certain Autronius Maximus beat his slave, tied him to a gibbet, then drove him

105 See Cook, *Crucifixion*, 398–416, esp. 406–8.

106 Two incompatible stories about the person of Macrobius are told. For an overview and arguments for the date of the *Saturnalia*, see Macrobius, *Saturnalia*, vol. 1: *Books 1–2* (ed. and trans. R. A. Kaster; LCL 510; Cambridge, MA: Harvard University Press, 2011) xii–xxiv. Cook, *Crucifixion*, 24 seems to have misunderstood Kaster in supporting 395 CE as the date of composition for the *Saturnalia*, for the latter opts for a later date around 430 CE. For further information on the transmission of the manuscripts, see R. A. Kaster, *Studies on the Text of Macrobius' Saturnalia* (Oxford: Oxford University Press, 2010); LCL 510.liv–lxii.

107 See e.g. Macrobius, *Sat. Praef.* 4. For the date of composition, LCL 510.xxiv–xxxvi.

108 Cook, *Crucifixion*, 24–5. Zestermann, *Darstellung*, 20 mentions this text while discussing the *patibulum*, but he does not make an explicit connection between the text and cross-bearing.

through the Circus before the start of the show. Outraged at this, Jupiter ordered a certain Annius, in a dream, to tell the senate that he was displeased by such a cruel offense. 4. When Annius kept the vision to himself, his own son suddenly died, and after disregarding a second message, he himself suddenly became enfeebled. At long last, heeding the advice of friends, he had himself carried in a litter to the senate, where he told the whole story: he had scarcely finished when his health was immediately restored and he was able to leave the curia on his own two feet. 5. So by decree of the senate and the law of Maenius a day was added to the Circus Games, to propitiate Jupiter: it is called the *dies instauricius*, not (as some think) from the gibbet – that is, *stauros* in Greek – but from the act of making whole again, as Varro holds (fr. 430 GRF 1:362), noting that *instaurare* means ‘to replace the equivalent amount’ [*instar novare*].¹⁰⁹

Cook himself seems not to be interested in what the carried object was, but mentions that it is possible that Macrobius thought that ‘the slave was forced to carry a horizontal bar’.¹¹⁰ He is right in asserting that for Macrobius, the Greek *σταυρός* is the equivalent of *patibulum*, and even gives evidence that glossaries saw these terms as equivalent.¹¹¹ Cook acknowledges that ‘[m]ost other authors who tell the story call the object carried by the slave a *furca*’¹¹² as well as that the subsequent execution of the slave is unmentioned (yet other classical authors do mention it). Indeed, this event in Roman history has often been described, and Macrobius’ version with a *patibulum* is in the minority: Arnobius is the only other source to mention a *patibulum* in this context.¹¹³ Yet, the form of execution

109 Text and translation from LCL 510.110–13.

110 Cook, *Crucifixion*, 25.

111 Cook, *Crucifixion*, 25n127.

112 Cook, *Crucifixion*, 25.

113 From a chronological perspective, the *patibulum* enters the story at a relative late date: Livy 2.36.1 (*sub furca caesum medio egerat circo*, LCL 114.336–7); Cicero, *Div.* 1.55 (*per circum cum virgis caederetur, furcam ferens ductus est*, LCL 154.284–5), whose source is Fl. Coelius Antipater F48 (see Cornell, *Fragments*, 1.263–4, II.412); Dionysius of Halicarnassus, *Ant. Rom.* 7.69 (οἱ δ’ ἄγοντες τὸν θεράποντα ἐπὶ τὴν τιμωρίαν τὰς χεῖρας ἀποτείναντες ἀμφοτέρας καὶ ξύλῳ προσδήσαντες παρὰ τὰ στέρνα τε καὶ τοὺς ὄμους καὶ μέχρι τῶν καρπῶν διήκοντι παρηκολούθουν ξαίνοντες μάστιγι γυμνὸν ὄντα, LCL 364.354); Valerius Maximus 1.7.4 (*servum suum verberibus mulcatum sub furca ad supplicium egisset*, LCL 492.84–5); Plutarch, *Cor.* 24 (ἐκαλεῖτο δὲ φούρκιφερ· ὃ γὰρ οἱ Ἕλληνες ὑποστᾶτην καὶ στήριγμα, τοῦτο Ῥωμαῖοι φούρκαν ὀνομάζουσιν, LCL 80.178); Lactantius, *Inst.* 2.7.20–1 (*uerberatum seruum sub furca medio circo ad supplicium duxerat*, L. Caелиus Firmanus Lactantius, *Divinarum institutionum libri septem*, Fasc. 1: *Libri 1 et II* (ed. E. Heck and A. Wlosok; Leipzig: Saur, 2005) 146); Arnobius 7.39.2 (*servum pessime meritum per circi aream mediam transduxisse caesum virgis et ex more mulctasse post patibuli poena*, Arnobius, *Contre le Gentils*, vol. VI: *Livres VI–VII. Texte établi, traduit et commenté par B. Fragu* (Paris: Les Belles Lettres, 2010) 61). There are other instances of this incident, although these other sources do not mention the slave carrying: Augustine, *Civ.* 4.26 and Iulius Paris, *Epit.* 1.7.4, who interprets Valerius.

of the slave is unknown. It could easily be inferred that it was crucifixion, as Roman slaves were often paraded around and crucified. But why would Macrobius use *patibulum* if the majority of the versions relate that the slave carried a *furca*? There can be several reasons. First, Macrobius could have borrowed the term from Arnobius, but that would simply pass the question on to Arnobius, and one would have to find evidence that Macrobius knew Arnobius' work. Moreover, Macrobius' version has more similarities with Dionysius of Halicarnassus, *Ant. Rom.* 7.69, or Valerius Maximus 1.7.4. Another reason could be that *furca* and *patibulum* were already relatively technical and rare terms, and sometimes confused, but that does not answer the question why Macrobius would use *patibulum* instead of *furca*. A third reason might be found in resolving the assumed misconception around the *dies instauraticius* and its supposed relationship with $\sigma\tau\alpha\upsilon\rho\acute{o}\varsigma$. This small comment seems misplaced in the dialogue (as it has nothing to do with divine concern for slaves), but can easily be counted among those facts Macrobius wants his readers to know (cf. *Praef.* 4). Perhaps Macrobius thus used the apparent equivalent of $\sigma\tau\alpha\upsilon\rho\acute{o}\varsigma$ that was sometimes carried (*patibulum*).¹¹⁴ With this he could easily explain the apparent misconception. Moreover, it shows his eruditeness, as he explicitly refers to Varro (although the intended passage of Varro is lost¹¹⁵). Although we concede that Macrobius conceived of a person carrying a *patibulum*, we conclude that this is not necessarily a reference to cross-bearing, because the evidence in describing the event points to the use of a *furca* instead of a *patibulum*.¹¹⁶ Moreover, a crucifixion context is missing as well.

7. Cross-Bearing Sources Reassessed

The interpretation of (ancient) texts is an arduous task. Often different options are available, especially if large parts of context are missing such as in ancient fragments or descriptions from a time not close to our own and from a culture with customs and ritual strange to us. The two great crucifixion scholars John Granger Cook and Gunnar Samuelsson disagree on many issues surrounding crucifixion, as well on ancient sources that supposedly speak of cross-bearing. I have shown that sometimes the Latin evidence for a 'classical' view on cross-bearing is exaggerated, and sometimes it is undervalued. In some cases there was no definitive answer as to whether a source referred to cross-bearing or not. In this I hope to have presented a balanced view. To sum up, of the eight Latin sources put forward as evidence, I would argue that cross-bearing in the 'classical' sense of carrying a *patibulum* is found in Plautus, *Carb.* fr. 2, possibly

¹¹⁴ See Cook, *Crucifixion*, 25 n. 160.

¹¹⁵ See G. Funaioli, ed., *Grammaticae Romanae fragmenta*, vol. 1 (Leipzig: Teubner, 1907) 362.

¹¹⁶ For the *furca*, see Cook, *Crucifixion*, 37–44.

Mil. glor. 358–60, Clodius Licinus, *Rer. Rom.* 21,¹¹⁷ as well as the *Lex Puteolana* 11.8–10. These four sources stretch from the third century BCE to the start of the first century CE, and the authors and inscription are situated/found in/around Rome. We must be hesitant to draw a general picture of crucifixion from these sources, but at least some of them testify to individuals carrying the *patibulum* towards the place of crucifixion. We may carefully assume a common knowledge in/around Rome, but how cross-bearing was rooted in practice in other parts of the Republic and early Empire is less certain. We still know very little about the *patibulum*, the range of its dimensions, or how it was fastened to either the condemned or the upright post. This shows how limited textual study is: people might have known exactly what crucifixion involved; how it was done might have ‘been in the air’ so to speak, but we are left with fragments and incomplete knowledge. It is vital to look further, not only to the non-Christian Greek sources which speak of carrying a *σταυρός* – which I intend to do elsewhere – but also to the reception of cross-bearing terminology of the Gospels in Early Christianity, which too may shed light on the cross-bearing sayings.

117 Interestingly, these are precisely the same Latin texts mentioned by U. Holzmeister S.J., *Crux Domini atque crucifixio quomodo ex archaeologia Romana illustrentur* (Romae: Pontificium Institutum Biblicum, 1934) 16–19.