

The Freedman's Story: an Accusation of Witchcraft in the Social World of Early Imperial Roman Italy (*CIL* 11.4639 = *ILS* 3001)*

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ABSTRACT

This article proposes a new reading of a late first-century C.E. inscribed dedication from Todi (Umbria) as an accusation of witchcraft, a rhetorical text aimed at propagating a particular story among the local community. Historical and anthropological studies of witchcraft accusations in other societies have emphasised how they can reveal tensions and anxieties that are normally not visible to the observer. By drawing on these studies and close examination of the language and content of the inscription, this article analyses an historical agent's experience of the social structure of early imperial Italy. The accusation is read as a freedman's response to his ambiguous position in a slave society, the ambivalent power of writing in Roman culture and the religious claims of Flavian imperial discourse.

Keywords: Latin epigraphy; witchcraft accusations; slavery; literacy; Roman religion; freedmen; Todi

I

An inscribed dedication to Jupiter Optimus Maximus from Tuder (modern Todi), datable to the late first century C.E., has frequently appeared in modern scholarship as a *testimonium* for Roman magical curses.¹ The inscription, long known to scholars — it was recorded by Cyriac of Ancona in the fifteenth century — is now in the Museo Civico in Todi (inv. 993). Although the text is largely still legible, the post-ancient reuse of the stone in both the wall of the San Fortunato church and a public building hampers our understanding of the format or original context of the stone.² The inscription has been chiselled out of a larger marble monument, very likely a statue base, and only the inscribed face and the

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¹ The text appears frequently in collections of 'sources' for cursing, see Audollent 1904: cxxi; Gager 1992: 245–6 (#135); Beard *et al.* 1998: vol. 2, 268 (#11.5c); Dickie 2001: 8; Ogden 2009: 217 (#180); Luck 2006: 128 (#16); Kropp 2008: 66. The partial consular dating in the final lines (only known from a manuscript epigraphic sylloge in Perugia; see Forni 1984: 126) does not allow a precise dating; the best evidence for dating is the appearance of the institution of the *Flaviales* (line 15), which probably did not outlast the relevant imperial dynasty, and the implication that this was a recent institution, if Cancruius Primigenius was the first to participate in all three of the freedman-centric groups (*primus omnium*). The letter forms and decorative elements are also consistent with this date.

² See Bergamini 1996: 189 on the early modern documentation for the discovery and reuse of the stone.

cornice at top and bottom remain intact.³ With the addition of a partial dating formula, recorded only in a humanist manuscript (*AE* 1985, 364), the text reads:

(*vac.*) Pro · salute (*vac.*)
 coloniae · et · ordinis
 decurionum · et · populi
 4 Tudertis · Iovi · Opt(imo) · Max(imo)
 Custodi · Conservatori
 quod · is · sceleratissimì · servì
 publicì · infando · latrocinio
 8 defixa · monumentis · ordinis
 decurionum · nomina
 numine · suo · eruit · ac · vindi-
 cavit · et · metu · periculorum
 12 coloniam · civesque · liberavit
 L(ucius) · Cancrus · Clementis · lib(ertus)
 (*vac.*) Primigenius (*vac.*)
 sexvir · et · Augustalis · et · Flivialis
 16 primus · omnium · his honoribus
 (*vac.*) ab · ordine donatus (*vac.*)
 (*vac.*) votum · solvit. (*vac.*)

(on the side):
 C(aio) Vibio [...]
 Iulio [...] co(n)s(ulibu)s.

For the safety of the colony and the decurion order and the people of Tuder, Lucius Cancrus Primigenius, freedman of Clemens, a *sexvir* and an *Augustalis* and a *Flivialis* — the first of all to be granted these honours by the order — fulfilled his vow to Jupiter Optimus Maximus Custos Conservator, because, by his divine power, the god unearthed and redeemed the names of the decurion order, which had been cursed by attaching them to tombs⁴ in an act of unspeakable banditry of a most wicked public slave, and freed the colony and its citizens from fear of danger.

Dedicated when Gaius Vibius ... and ... Julius ... were consuls.

The text has invited use as ‘background’ for the material evidence for ancient magic and as evidence in debates over the kind of situation when magical attacks might be deployed in Roman culture, especially by slaves.⁵ For example, in recent discussions, the story behind the Tuder inscription has been adduced as analogous to the situation that produced three

³ I had autopsy on 5 May 2018. The text given in the *CIL* is accurate and the text printed here is identical to the one printed by Bormann there (but following modern conventions for diacritic signs: Cooley 2012: 352–4). The following supplements the description in *CIL*. Both sides of the inscription are broken, but we have the complete line width; the lower section of the face is more worn and several letters on lines 15–16 are close to illegible. There is a dark patina on the inscribed surface. The back of the stone has been neatly chiselled from the original block. Above the inscribed field, on the concave lip that was probably below the pedestal of the statue, there are traces of a carved decoration, now extremely worn; *per litteras*, Professor H. von Hesberg suggests that it was a vegetal scroll-decoration. Stone height (at maximum) 120 cm, width 47 cm, depth 19 cm; inscribed face height 67 cm, width 47 cm; letter height 5 cm (l. 1), 4 cm (l. 2), 3.5 cm (l. 3), 2.5 cm (ll. 4–17), 3 cm (l. 18). The consistent letter forms have serifs; the interpunct in the first line is a ‘comma’ shape. The text is precisely laid out, though the beginnings of each line shift rightward slightly down the text.

⁴ For this translation of *defixa*, see the discussion below, Section II.

⁵ The text has also had a place in collections of evidence for *servi publici*, Halkin 1897: 236 and A. Weiss 2004: 12 and 207–8 (#109), and for slave religiosity and resistance, McKeown 2012: 282–3 and Padilla Peralta 2017: 350 n. 150.

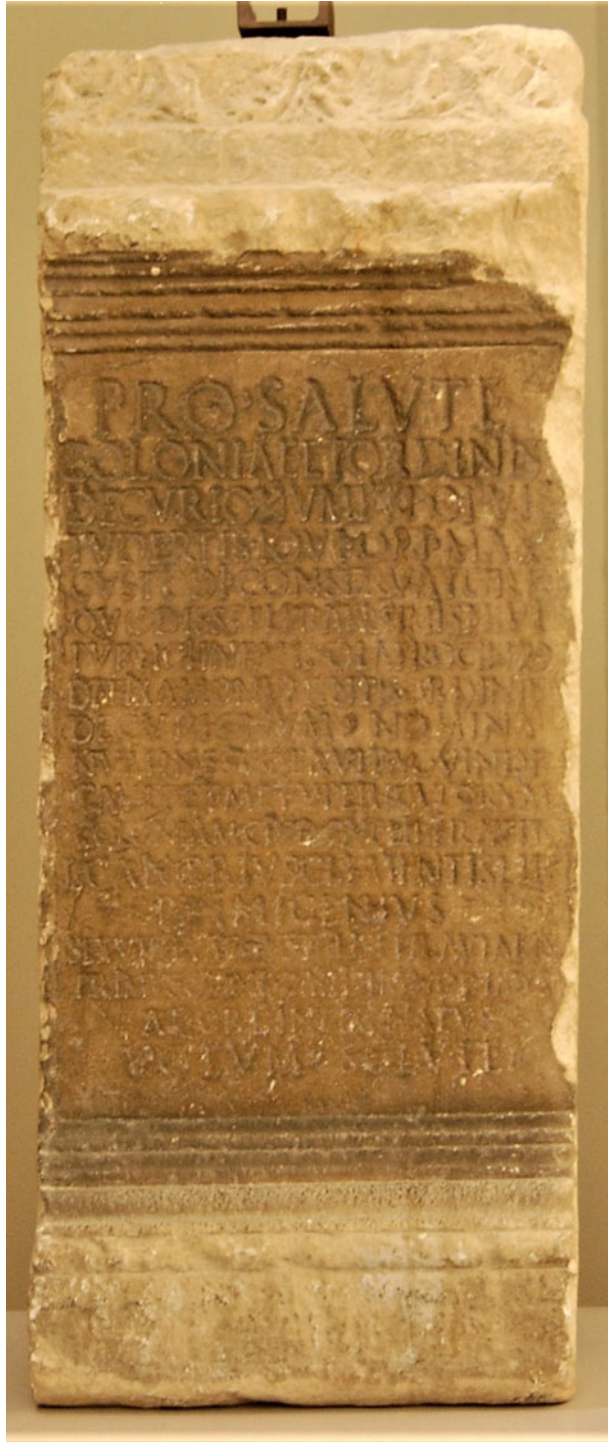


FIG. 1. CIL II.4639, Museo Civico, Todi (PG). (Photo: author with permission of the Comune di Todi)

lead tablets from Ampurias that curse public officials.⁶ These approaches are dependent on a reading of the text as a transparent document of the event described: a public slave had cursed the decurion order at Tuder; the curse tablets, placed in tombs, had been discovered; and their servile author was unmasked.⁷

In contrast with these readings of the text, this article presents a new interpretation of this inscription from Todi as an *accusation* of witchcraft: a rhetorical text aimed at propagating a particular version of events among the local community.⁸ As such, it is less useful as evidence for the practice of magic, but significantly more valuable as a witness to the broader social history of Roman Italy.⁹ Since the anthropological work of Evans-Pritchard and its application to early modern England by Thomas and Macfarlane, accusations of magical attack from a wide variety of societies have been analysed as valuable indicators of social tensions and anxieties.¹⁰ Recent work has emphasised the contingency of the social forces that produce such accusations: to give just a limited selection of examples, scholars have connected accusations with inter-clan conflict and disparate impacts of post-colonial economies in Africa, the effects of communal fission and frontier conflict in colonial New England, and the consequences of low fertility and cultural change in early modern German lands.¹¹ On the model of these studies of more recent periods, asking why the dedicator was moved to set up this inscription and why he expected his story to make sense to contemporaries can help us better understand the social world of imperial Italy.¹²

Studying the non-metropolitan social history of Italy between the reigns of Augustus and Diocletian is challenging: in contrast to the dynamic change visible for the previous

⁶ Analogy to the Ampurias *defixiones*: Marco Simón 2010: 414–16; Wilburn 2012: 249–51; see also P. Weiss 2016 for comparison with a *defixio* from Ostia; evidence for the difficulties faced by public slaves: Serrano Delgado 1996.

⁷ See Luck 2006: 128, ‘the story is clear’. See also the title in Beard *et al.* 1998: ‘A slave’s revenge on his employers’; Fear 1998: 124: ‘the inscription shows that magical attacks were not confined to the public sphere’. Note, however, the caution of Gager 1992: 245. The only significant objection belongs to D. R. Jordan in correspondence reported by Marco Simón 2010: 416 n. 54. Jordan denies that this inscription records curses at all, but takes ‘*defixa monumentis ... nomina*’ to mean the production of *public* inscribed documents (*monumenta*), perhaps proscriptions. Jupiter intervened (perhaps in rainstorm that washed out the list), the list was retracted and then the public slave responsible was punished and the dedication made to Jupiter. As Marco Simón points out, this is not tenable: the verb *eruo* would be inappropriate for the revelation of a public list of names; short of a truly revolutionary situation, it is difficult to understand how a public slave could have enforced proscriptions.

⁸ ‘Accusation’ in this sense should be distinguished from a legal charge of witchcraft, which would not have been made in stone. For an analogy, see the accusations in Nigerian newspaper columns studied by Bastian 1993. By focusing on the rhetoric of the text and its communicative context, I deliberately leave open the question of how this text relates to the full drama that took place in Tuder: it could either celebrate a successful public charge or constitute an attempt to reopen or revise the locally accepted story. For the history of ancient Todi, particularly in relation to material culture, see Bergamini Simoni 2001.

⁹ Even on the basis of the inscription itself, there are reasons to doubt its objectivity: considering the apparent placement of the curses in tombs (*defixa monumentis ... nomina*) and the notable absence of cursers’ names from extant Latin curse tablets, how did the curses come to light and why was the public slave revealed as the curser? Several scholars have raised the problem of the discovery of the tablets (e.g. Dessau’s suggestion (in *ILS*) that the freedman was the person who exposed the deed; Fear’s 1998 theory that a lightning strike exposed the curses) and of the likely absence of the name (e.g. Versnel 1991: 63; Wilburn 2012: 250–1), but the whole story is fundamentally taken as read in recent work.

¹⁰ Evans-Pritchard 1937, Macfarlane 1970 and Thomas 1971. The overviews of recent literature by Hutton 2004 and Gaskill 2008 and the comparative study by Geschiere 2013 provide entry-points into recent study of witchcraft in history and anthropology.

¹¹ See below at n. 32 for the African examples and n. 51 for work on early modern German accusations. The Salem outbreak of witch accusations and trials has been linked to communal fission in Salem village by Boyer and Nissenbaum 1974 and to frontier conflict by Norton 2002.

¹² I follow the advocacy by Eidinow 2010 and Gordon and Marco Simón 2010: 44–5 for the value of early modern and anthropological examples for understanding ancient evidence related to magic and witchcraft accusations.

centuries, the limitations of the literary evidence (especially for the world beyond the villa) and the apparently static and homogeneous society of the towns and countryside beyond the capital makes it hard to know what questions the historian should ask.¹³ With the obvious exception of the Vesuvian cities, the evidence, largely epigraphic and archaeological, has encouraged historians to study regularities: the forms of imperial governance, especially in relation to local elites, or broad patterns found across Italy, like recent work on settlement and the institutions shared between towns.¹⁴ This unusual inscription from Todi, if read in the way proposed in this article, presents us with a moment of individual agency and the chance to write a local history of mentalities. After a discussion of the features of the text that encourage a reading in terms of an accusation, this article addresses three areas where Primigenius' text can be grounded in the experience of a freedman in late first-century Tuder: the anxieties generated by slavery and manumission, the sense of the power of writing and lived religion in the shadow of Roman imperial ideology.

II

Inscribed Latin dedications to deities mostly simply record the names of the deity and the dedicator and give a short indication of the fact of dedication.¹⁵ On this ground alone, this inscription is rather exceptional, since the unusual circumstances behind the dedication are spelled out: 'by his divine power, the god unearthed and redeemed the names of the decurion order, which had been cursed by attaching them to tombs in an act of unspeakable banditry of a most wicked public slave, and freed the colony and its citizens from fear of danger'. A dedicatory text was not just a record of a gift to the gods; inscribed dedications in Roman sanctuaries could also function as acts of communication aimed at other worshippers.¹⁶ In this context, the departure from the regular formula for dedications encourages a close reading of this text as a communicative act aimed at other inhabitants of Tuder.

Beyond the departure from the generic norms, the language of the text points towards an understanding of this monument as a rhetorical address to the community.¹⁷ Cancrius Primigenius' inscription uses high-register and hyperbolic language to tell the brief story. The relevant Latin terms (*infandus*, *latrocinium* and *sceleratissimus*) are extremely rare in inscribed texts; the term *latrocinium*, as applied to a particular action, is unique to

¹³ See Purcell 2000: 423–32 and Giardina 2000: 471 on the challenge of imperial Italy's stability and homogeneity for the social historian. The dominant debate, provoked especially by Rostovtzeff 1957, has been over whether a 'crisis' is hidden behind the apparent stability of Italy in this period: the scholarly consensus is now sceptical of such claims. See, especially, Dyson 1992 and Patterson 2006.

¹⁴ For both themes in the history of imperial Italy, see the recent essays by Cooley, Keay and Millett, Patterson and Perry in Cooley 2016. On imperial governance and local elites, see Millar 1986b, Giardina 1997 and the essays in Cébeillac-Gervasoni 2000. For study of settlement patterns and local institutions, see Morley 1996, Mouritsen 2005, Patterson 2006 and Witcher 2006. An exception to these lines of study is work on particular Italian landscapes: see Purcell 1998 and Cooley 2000 on the *ager Laurens* and the work on Campania by D'Arms 1972, 1974 and 2000.

¹⁵ Buonocore 2009 collects 430 dedicatory inscriptions from between the late Republic and the third century C.E. from central-Apennine Italy (an area to the south and east of Todi) and reviews the limited formulaic patterns they use.

¹⁶ Beard 1991; Rüpke 2009. Beard points to a passage of the younger Pliny (*Ep.* 8.8.7) that shows that ancient visitors to sanctuaries would read the inscribed texts (if not always very charitably); Rüpke points to a passage from Aelius Aristides (*Or.* 50.45–7) that shows his concern with the form and location of dedicatory inscriptions.

¹⁷ This rhetoric may be the product of collaboration between Primigenius and a professional scribe, as happened in Egypt (see Kelly 2011: 41–5), but the exceptional nature of this dedication suggests that the commissioner played an active role in shaping his text.

this inscription.¹⁸ This language is analogous to the rhetoric found in two distinct contexts: Roman political invective and petitions addressed to imperial officials that articulate the wrongs which communities or individual citizens suffered. The former is known to us through several speeches by Cicero, which provide examples of accusations of *latrocinium* and abound in superlative adjectives.¹⁹ The orator uses language remarkably similar to the inscription from Todi in the oration *De domo sua*, as part of an attack on the efforts of the tribune Clodius to consecrate a temple on the site of the then exiled Cicero's house: 'Do you think that the immortal gods ... wished to move into a man's home — a house that had been besieged and ruined by the impious banditry of a most wicked man?' ('deos immortalis existimatis ... in eius domum adflictam et eversam per hominis sceleratissimi nefarium latrocinium inmigrare voluisse?').²⁰

Petitions to emperors or officials constitute the other set of material that employs similar rhetoric. One example in Latin — the majority are preserved in Greek — to the emperor Commodus from the peasants of an imperial estate in North Africa (181–182 C.E.) parallels one element of Primigenius' language: the actions of the wrongdoer violate justice (*contra fas*).²¹ In Egypt, where papyri allow a glimpse of petitions made by individuals, the claim that opponents acted 'in the manner of bandits' has been called a 'stock formula'.²² Both oratorical invective and petitions to officials were discursive genres that aimed to convince audiences of the speaker's perspective and to create communal narratives around specific people and events.²³ In this light, the parallels with the language of Primigenius' dedication offer justification for reading this text as a public accusation of witchcraft. Cancrius Primigenius invested significant resources in this inscription — perhaps working with a scribe educated enough to redeploy Ciceronian language — and we can read it as a serious attempt to publicise a particular story to his own community.²⁴

The substance of the charge is carried in a single compressed phrase, 'defixa monumentis ordinis decurionum nomina'. For understanding the story, the two key terms are the participle *defixa*, from the verb *defigere*, and the noun *monumenta*. The latter word often connotes the visible parts of tombs and we can support that meaning here with the material evidence for curses on lead tablets that have frequently been found in gravesites elsewhere in the Roman world.²⁵ *Defigere* had a general literal sense of 'fasten into, fix into', which had acquired a broader sense of 'fix' or 'arrest' in a metaphorical sense — the verb can describe both trees fixed into the ground and the idea of being

¹⁸ The word is also part of the name of a military office — *praefectus latrocinii arcendis* — attested in four inscriptions from the north-western region of the Empire (AE 1982, 716; AE 1978, 567; CIL 13.5010, 6211).

¹⁹ Cicero's accusations of *latrocinium*: Verres (*Verr.* 2.1.129); Catiline (*Cat.* 1.27); Piso (*Pis.* 30); Antony (*Phil.* 4.15).

²⁰ Cic., *Dom.* 107. To extend the connections, the adjective *nefarium* is etymologically and semantically linked with the word *infandus*. At *Dom.* 122, he makes the link again, suggesting that *sceleratissimi consules* supported Clodius' *latrocinium*.

²¹ This is the well-known text from Saltus Burunitanus. For a text and commentary, see Hauken 1998: 2–28. The quotation is from col. II l. 3. Hauken also elucidates the conventions of inscribed petitions to emperors.

²² Kelly 2011: 48. The stock phrase is $\lambda\eta\sigma\tau\rho\iota\kappa\omega\ \tau\rho\acute{o}\pi\omega$; Kelly lists the papyri where it appears. On the *topos* in petitions, see also McGing 1998: 167–9.

²³ See Bryen 2013: 205–6 on Roman legal petitions as 'world-creating acts'.

²⁴ Kelly 2011: 41–5 on the role of scribes in formulating petitions in Egypt and Bazzana 2015: 119–63 for the socio-cultural profile of their equivalents in Galilee, including the potential for them to reuse the language acquired in relatively early literate education.

²⁵ For ancient lexical definitions, see Varro, *Ling.* 6.49 and Festus 123L. See further at TLL s.v. *monumentum* viii o.1463.6–72. There has been some debate about the significance of the plural *monumentis* — did this indicate multiple curse tablets in multiple tombs as at Ampurias? (Marco Simón 2010: 415, Wilburn 2012: 250). Or is it simply a vague reference to the cemetery (a group of *monumenta*)? (Fear 1998).

stunned by a wonder.²⁶ By the first century C.E., it had also come to signify 'curse'; we can find *defigere* in this sense in Seneca and Pliny, without any specific reference to a particular technology of cursing (the word *defixio* for lead curse tablet, widely used in modern literature, is only attested in a late glossary).²⁷ Ovid in *Amores* 3.7 — worried that his failure of sexual performance means he has been bewitched — asks whether a sorceress has cursed (*defixit*) his name written in red wax.²⁸ As Audollent perceived, *defigere* had no parallel in Greek — the cursed person is pierced and fixed, not simply bound (as in the Greek *καταδέω*).²⁹ Indeed, some curse tablets were pierced with nails, an actualisation of the verb.³⁰ As most translators of this inscription have noticed, the use of the verb with the dative plural *monumentis* implies that the discovered curses were attached to the tombs when deposited, perhaps by nails.³¹ We can push this further: in Primigenius' inscription and the Ovidian passage — the earliest datable text to use the word in this sense of cursing — *defigere* might have a further connotation derived from the act of writing the names. The names are fixed into the writing material, lead or wax, both of which required the effort of firmly scratching a stylus into that material, just as the bearer of the names should be transfixed. The accusation of *defixa nomina* in our inscription relies on the idea that the writing of the names, the deposition of the tablets and the cursing of their referents were all analogous in a physical sense: the translation suggested here of the key phrase, 'names of the decurion order, which had been cursed by attaching them to tombs', attempts to render these overlapping connotations in English.

This article takes this interpretation of the document as a starting point: Primigenius' text is a witchcraft accusation, albeit a short one compared to examples from other cultures, and he must have wished that his story would ring true for readers in Roman Tuder. We can never know how widely accepted his tale was or how it may have related to other speech acts (accusations, defences, counter-charges) within the town, but it is the attempt itself that can shine light on the social history of early imperial Italy.

III

Witchcraft 'is a function of personal relations', writes Evans-Pritchard.³² The accusation from Tuder can support the observation. As we have seen, the dominant scholarly reading of the inscription has assumed the guilt of the slave; if we turn from reading the

²⁶ See *TLL* v 1.339.32–1.342.64 (Simbeck). For the metaphorical uses, see Verg., *G.* 2.290; *Aen.* 1.495.

²⁷ Sen., *Ben.* 6.35.4: 'Si optares, ut illi de suo solveres, multum abesse videreris a grato; hoc, quod optas, iniquius est: execraris enim illum et caput sanctum **dira precatone defigis**', and Pliny, *HN* 28.4.19: 'defigi quidem diris precatationibus nemo non metuit.'

²⁸ Ov., *Am.* 3.7.27–30: 'Num mea Thessalico languent devota veneno/ corpora? num misero carmen et herba nocent/ **sagave poenicea defixit nomina cera/** et medium tenuis in iecur egit acus?' Ovid's concern about magical bewitchment is an elegiac *topos*: for a reading of the *topos* in the context of Roman religious life, see Rüpke 2016: 64–79.

²⁹ Audollent 1904: lv–lvi.

³⁰ On this phenomenon, see Sherwood Fox 1912; Gager 1992: 18; Ogden 1999: 14.

³¹ Note the still unpublished curse tablet from Carthage, mentioned by Gager 1992: 18–19, where a nail fixed the tablet to the floor of the circus.

³² Evans-Pritchard 1937: 106. Classic ethnographic studies of witchcraft accusation have supported the observation: for example, Marwick 1963 showed how among the Cewa of Malawi, accusations were traded between members of different matrilineal segments at moments of intergenerational transfers of headmanship. The effect tended to be conservative, as elder figures, in particular, neutralised intergenerational challenge through claims of witchcraft. More recent studies of African witchcraft accusations in the light of postcolonial state formation and the advance of global capitalism have demonstrated that broader social change can influence these personal dynamics. See, for instance, Bastian 1993, Geschiere 1997, 2003, 2013, 2016 and J. and J. Comaroff 1999.

text as a fragment of narrative realism, we can look instead to the social forces that produced Primigenius as an agent of accusation and the accused as a plausible malefactor.

Who was Cancrius Primigenius? His self-presentation reveals both his legal status as a freedman, the former slave of a certain L. Cancrius Clemens, and his claims to a prominent place in the local community and a relationship with the decurion order itself.³³ He was barred by law from access to the order; instead, like many other successful freedmen in early imperial Italy, he relies on other titles: *sexvir et Augustalis et Flavialis*.³⁴ Scholarly debate about what lies behind the terms *se(x)vir* and *Augustalis* has come to a consensus that these titles refer to membership in a loyalist civic institution that offered some status and prestige. The more unusual title of *Flavialis*, which is only found in inscriptions from northern Italy and adjacent territories and from the decades at the end of the first century after Vespasian's death in 79 C.E., not only gives us a strong indication of the date of the text but also suggests Primigenius' participation in civic displays of loyalty to the Flavian ruling house.³⁵ Entry into these groups was the prerogative of the decurion order and involved the payment of an entry fee; for participants, who were often freedmen, these groups offered a status within the local hierarchy. In the case of Cancrius Primigenius, he emphasises not only his membership and status as a *sexvir* and *Augustalis* and *Flavialis*, but also grounds that status as an exceptional grant of honours by the decurion order.

Primigenius boasts that he was 'first of all' ('*primus omnium*') to receive these honours from the order.³⁶ The claim to primacy mimics elite Roman discourse — in the Republic, the aristocratic claim to be first in achievement or honours underwrote competitive assertion of personal and familial distinction.³⁷ In the early imperial period, the phrase is found in inscriptions that underline the exceptional status of the imperial family, including in Augustus' *Res Gestae*, where the emperor claims to have been the first to pay for rather than confiscate the land for citizen colonies, and in a pair of inscriptions that attest to the exceptional designation of Gaius Caesar as consul at age nineteen.³⁸ The words also began to appear in inscribed records of acts of local euergetism at the end of the first century, the principal field for the assertion of status among the municipal elite, suggesting that aristocratic and imperial claims to distinction had come to be appropriated by people lower on the social pyramid. Civic patrons boast that they are the first to buy grain for the people or to put on specific forms of spectacle. By using this language of civic primacy, therefore, Cancrius Primigenius claims distinction within the social order at Tuder.

Reading Primigenius' inscription, it is easy to recall Petronius' Trimalchio and his freed friends. Trimalchio himself claims in his proposed epitaph to have been made a *sevir in absentia*; another Petronian freedman boasts that he was made a *sevir* without paying the entrance fee.³⁹ Petronius' novel is not satisfactory evidence of the actual subjectivities of freedmen, but does reflect an elite response to the sort of freed self-advertisement that

³³ A *JRS* reader points out that the use of his patron's *cognomen* in the text allows him clearly to associate himself with the name of his former owner.

³⁴ On the protean institution of the *Augustales* (including *seviri*, *seviri Augustales*), including origins, social profile and activities, see Duthoy 1978; Ostrow 1985; Abramenko 1993; Patterson 2006: 242–52; Vandevoorde 2013; Laird 2015; Van Haepere 2015. All cite much further relevant and older literature.

³⁵ On civic *Flaviales*, see Scott 1936: 81–2.

³⁶ Mrozek 1971 considers the use of *primus omnium* in the Latin epigraphy of Italian towns.

³⁷ Richardson 2014 argues that this aristocratic competition between families to have been first to particular honours is visible in the annalists.

³⁸ RG 16: 'primus et solus omnium' (Augustus); *CIL* 6.40325 and *AE* 1946, 254: 'primus omnium' (Gaius Caesar).

³⁹ Petron., *Sat.* 71.12: 'inscriptio quoque vide diligenter si haec satis idonea tibi videtur: "C. Pompeius Trimalchio Maecenatianus hic requiescit. huic seviratus absenti decretus est"; *Sat.* 57.6: 'sevir gratis factus sum'.

we find in Primigenius' text.⁴⁰ In reality, a freedman like Primigenius was in a constrained position — he could not rely on the traditional means of distinction in the community; instead, as the dedication explicitly attests, he was reliant on the recognition of the decurion order and validated by it.⁴¹ In reciprocity, Primigenius' text publicises both an attack on the order itself and the declaration of gratitude for Jupiter's intervention for their safety.

As for the accused, we are told only that he was a 'most wicked public slave' ('*sceleratissimus servus publicus*'). Our task is not to search for this individual slave, but to understand why such a person would have 'made sense' as a culprit to Primigenius and, perhaps, other members of the community in Tuder. Municipal slavery is well attested in inscriptions from the early imperial Italian cities. In his recent detailed study of this evidence, Alexander Weiss finds that the most common jobs filled by these slaves were as treasurers and archivists, tasks that required numeracy and literacy and placed the slaves at the centre of local civic life.⁴² In these scribal roles, duties like the drafting of the town's album of decurions would have been the domain of literate public slaves, just as literate slaves drafted documents and kept records for private masters. I will return to the possible connection between this role and the specific accusation in the next section.

To focus, for now, on the social relations implied in the text, Primigenius' accusation is grounded in the Roman imagination of the clever, resistant slave.⁴³ The cunning slave as a potential opponent of the moral order is visible in several 'public scripts' of Roman culture, including most famously, the complex representations of cunning slaves in Plautine comedy.⁴⁴ The conception of the tricky and sometimes dangerous slave was not contained within the Roman theatre. A Latin proverb declared 'there are as many enemies as there are slaves'.⁴⁵ Legal texts in the *Digest* imagine the cunning (*calliditas*) of a slave as a legal problem. For example, in discussion of the action for corruption of a slave, Ulpian lists the qualities of a corrupted slave that can justify such a suit, including seditiousness and a dedication to evil arts (*malis artibus*).⁴⁶ Several scholars have raised the possibility that Ulpian is talking about the use of witchcraft here.⁴⁷ Even taking into account the chronological and generic diversity of this evidence and their questionable value as witnesses for the actions of real slaves, these texts attest to a widespread opinion held by free Romans on the treacherous potential of the enslaved.

We should, therefore, understand the identities of accuser and accused in terms of the ideologies and statuses produced by the institution of slavery. On the one hand, by inscribing the accusation, Cancrius Primigenius, asserted his social position in the face of potential prejudice and demonstrated his loyalty to the decurions; on the other, the

⁴⁰ Petersen 2006 criticises what she calls 'the Trimalchio Vision' that reads Petronius to recover the thought-worlds of freedmen; but see Beard 1998: 95–8, Nelis-Clément and Nelis 2005 and Ramsby 2012 for readings of the text in terms of elite response to freed culture.

⁴¹ See Vandevoorde 2013: 140–3 for the importance of the decurions in affirming the respectability of *Augustales*.

⁴² A. Weiss 2004; cf. Bruun 2008: 552–3 on the comparatively lower social rank of the *familia publica* in Ostia.

⁴³ Hopkins 1993: 25 writes of the 'endemic hostility to the clever slave in Roman society'. See Bradley 1987: 26–31 and Joshel 2011: 220–2 on Roman discourses around the criminal slave.

⁴⁴ McCarthy 2000 and Stewart 2012. Cf. Richlin 2014, who grounds the Plautine slave in the experience of slave actors and audiences.

⁴⁵ Sen., *Ep.* 47.5: 'Deinde eiusdem adrogantiae proverbium iactatur, totidem hostes esse quot servos.' Cf. Festus 314L. The notorious SC *Silanianum* which required the capital punishment of all the slaves 'under the same roof' in a case of the violent murder of a master is a significant operationalisation of this fear. The literature on the SC *Silanianum* is imposing; of recent work, Watson 1987: 134–8 clarifies the legal logic; Gamauf 2007 and Harries 2013 contextualise it within Roman fear of slaves and give ample earlier bibliography.

⁴⁶ *Dig.* 11.3.1.5 (Ulpian): 'Is quoque deteriorem facit, qui servo persuadet, ut iniuriam faceret vel furtum vel fugerit vel alienum servum ut sollicitaret vel ut peculium intricaret, aut amator existeret vel erro vel malis artibus esset deditus vel in spectaculis nimius vel seditiosus.'

⁴⁷ Bradley 1990: 145; McKeown 2012: 283; Padilla Peralta 2017: 350. Cf. Gamauf 2007: 156.

accused public slave played the role of a cunning and servile wrongdoer. In support of this interpretation of the accuser and accused, the inscribed text deploys the Latin lexicon of freedom and liberation to describe the actions of Jupiter, who ‘by his divine power, unearthed and redeemed the names of the decurion order ... and freed the colony and its citizens from fear of danger’ (*decurionum nomina numine suo eruit ac vindicavit et metu periculorum coloniam civesque liberavit*). The verb *vindicare*, translated here as ‘redeem’, refers here to the release of the curse but carries with it a common meaning of asserting the freedom of an individual. As Primigenius may have known at first hand, the Roman ceremony of manumission *vindicta* involved a fictive declaration that the slave was in fact a free man.⁴⁸ The public slave, by implication, had not just cursed the decurions, but enslaved them. The verbal resonance is continued in the word *liberare*, ‘free’, used for the god’s delivery of the colony and its citizens from fear. In combination with *liberare* here, the word ‘citizens’, *cives*, is marked: the men of Tuder were free, not just freed from fear. Metaphorical use of manumission language had long been used in Roman political discourse — including by the emperors — but the social identity of the inscriber makes the deployment of this language particularly marked: one of the citizens of Tuder, Lucius Cancrius Primigenius, had now been freed, at least metaphorically, for a second time.⁴⁹

IV

The agents involved are not the only elements of the accusation that shine light on social tensions in Tuder: the substance of Primigenius’ story suggests anxieties around the power of literacy in early imperial culture. We do not know what the evidence (if any) for the supposed ritual attack looked like. What we do have, however, is the form in which this attack was presented to a contemporary audience: Cancrius Primigenius focuses on the written names of the victims as the focus of the curse and as the object of Jupiter’s redemption.⁵⁰ Examples of accusations from other societies demonstrate that the specific alleged wrong-doing of the witch reveals socially-contingent fears.⁵¹ In the case of Tuder, I suggest that Primigenius’ emphasis can tell us something about how the dependence of the social order in an early imperial town on literacy could also be a source of fear. The Roman imperial attitude to literacy has often been seen as positive, especially as a mark of acculturation: this section aims to explore the inscription as a case where a different attitude is apparent.⁵²

Primigenius’ highlighting of written names can be paralleled as a particular feature of other accusations of ritual attack from the period. In his account of the affair of Scribonius Libo, accused of conspiracy against Tiberius, Tacitus writes that the most damning charge was that Libo had written sinister marks against the names of the

⁴⁸ The evidence for the specific form of manumission *vindicta* is difficult and contradictory. On the possibilities, see the discussions by Lévy-Bruhl 1936; Aru 1941; Wolf 1991 (with differences on details).

⁴⁹ See Walser 1955 for emperors as *vindices libertatis*; the most prominent such claim is found in RG 1: ‘rem publicam dominatione factionis oppressam libertatem vindicavi.’

⁵⁰ I take the genitive *ordinis decurionum* with *nomina* (rather than *monumentis*) both in terms of likely sense (an unqualified ‘names’ would leave the text extremely elliptical) and, more pragmatically, because the tombs of the decurion order were less prominent in collective suburban space by the end of the first century, as the local aristocracies ceded space to the freedman class: see Mouritsen 2005.

⁵¹ For instance, Roper 2004 suggests that witchcraft accusations in southern Germany between 1550 and 1650 repeatedly evoked threats to fertility, in the context of the ‘little Ice Age’ and high rates of mortality in war. Rowlands 2016 suggests that accusations that focused on witch families were embedded in new Protestant concerns about parenting and education in Rothenburg in Franconia.

⁵² Horsfall 1991: 71 tantalisingly raises the possibility of ‘fear engendered by writing’ in Roman culture. For writing as a symbol of acculturation, see Horsfall 1989 and Purcell 1995.

Caesars and several senators in a notebook.⁵³ In his story of the death of Germanicus during the same reign, he stresses that the evidence for ritual attacks found in the walls of the deceased's Syrian residence included 'spells, curses and the name of Germanicus engraved in lead tablets'.⁵⁴ We have already seen how Ovid in *Amores* 3.7 fears that his name has been cursed by a *saga*. This was not just an outsider perspective: names are a central syntactic feature of almost all the curse tablets found in the ancient Mediterranean — sometimes these tablets are just lists of names.⁵⁵ Beyond this general tendency, however, early and high imperial curse tablets in Latin explicitly make the names themselves the object of cursing, by binding the names (*nomina*) or by making clear the synecdoche between written name and the object of the curse.⁵⁶

This awareness of the power of written names to do harm is the dark side of the significance of materialised names in early imperial culture.⁵⁷ It is a banality to point out that so much of Roman literacy was concerned with writing names, particularly in public contexts. Even accounting for the more complex texts written on perishable materials — legal documents, personal letters, literary texts — which may have only been handled by the very small group of literate people, their pervasive presence on stone, on walls and on objects made names a central object of the relatively-new Roman 'literate habit'.⁵⁸ In functional contexts, like manufacturing of ceramics, metals, building materials and even loaves of bread, written names asserted ownership or claims to payment or, with a pair of names as consular dating formula, the date of manufacture.⁵⁹

⁵³ Tac., *Ann.* 2.30: 'inerant et alia huiusce modi stolidia vana, si mollius acciperes, miseranda. uni tamen libello manu Libonis **nominibus Caesarum aut senatorum** additas atrocis vel occultas notas accusator arguebat.' For the importance of the list of names to the fate of Scribonius Libo, see Pettinger 2012: 23–4.

⁵⁴ Tac., *Ann.* 2.69: 'et reperiebantur solo ac parietibus erutae humanorum corporum reliquiae, carmina et devotiones et **nomen Germanici plumbeis tabulis insculptum**, semusti cineres ac tabo oblitri aliaque malefica quis creditor animas numinibus infernis sacrari.' As Damon 1999: 155–8 points out, this allegation is not found in the *SC de Gnaeo Pisone Patre* or in Tacitus' account of the trial of Piso, so perhaps it belongs to the sensationalistic (and fearful) world of gossip.

⁵⁵ Audollent 1904 gave a list of tablets known then in Greek and Latin that only include names. From Kropp's corpus of published Latin *defixiones* (Kropp 2008), the following additional texts consist solely of names (I exclude texts where status or occupation, 'clauses of inclusion' or magic letters are also given): *AE* 1934, 24; 1955, 67; 1982, 659; 1982, 662; 1983, 634; 1983, 637; 1984, 621; 1985, 638; *CIL* 1².2765; 11.616; 11.6722; 13.11340, xi; *ILLRP* 1150; Wilson and Wright 1969: #31; Scarfi 1972; Tomlin 1988: #78; Woodward and Leach 1993: #20; Schmidt *et al.* 1996: 241–4; Blänsdorf 2005: #1. See also P. Weiss 2016 for an example published after Kropp's corpus.

⁵⁶ The examples from the imperial cemetery at Kreuznach exemplify the former phenomenon. *CIL* 13.7553 = Audollent, *DT* 96 ('inimicorum nomina ad inferos'); *CIL* 13.7555, iii = Audollent, *DT* 97 ('data nomina ad inferos ... neca illa nom[ina]'); 13.7550 = Audollent, *DT* 100 ('nomina data [dica?]ta le[gata?]'). The *nomina data* phrases are what Kropp 2010: 362 calls 'committal formula', which give the target over to a deity or powers. Early and high imperial Latin curse tablets from Mautern (*AE* 1950, 112; see also the discussion by Faraone and Kropp 2010: 386–9), Mainz (Blänsdorf 2010: Text 18; see Faraone and Kropp 2010: 386) and Carthage (Audollent, *DT* 222, Side A 1.9 ('quomodi haec nomina a[d inferos dedi]')) support the idea that the writing of the name itself, by sympathetic logic, could do harm to the targets of the curse.

⁵⁷ cf. the title of Geschiere 2003: 'witchcraft as the dark side of kinship'.

⁵⁸ By 'literate habit', I intend the expansion of the so-called epigraphic habit that Fulford 1994 and Woolf 2009 have advocated: it was not just writing on stone that became much more prevalent in the centuries following the reign of Augustus. See also Kruschwitz 2016 on the Roman 'lettered world'. On the epigraphic habit, see MacMullen 1982; Meyer 1990; Woolf 1996.

⁵⁹ For names of manufacturers on stamped *terra sigillata italica*, the dominant tableware of first-century Italy, see Oxé *et al.* 2000 and Fülle 1997 for the economic significance. For names as market brands on more luxurious metal goods, see Petrovsky 1993 and Wallace-Hadrill 2008: 404–6. The stamps on roof tiles and bricks sometimes added consular dating, which involved writing two names: see the examples from Todi alone, *CIL* 11.6689, 20 (tile from 93 C.E.); 15.691 and 692, 4 and 5 (bricks from 123 C.E.). See also tiles and bricks bearing the names of manufacturers found at Todi: *CIL* 11.6689, 265 and 15.737 (for the finds see Becatti 1938: 29–30). For a name stamped on a loaf of bread preserved at Pompeii: see *CIL* 10.8058, 18, and discussion by Manacorda 1993: 45–6 and Kruschwitz 2016.

In other contexts, the writing of names was an integral part of claiming distinction and preserving memory. Only a few of the 120 Latin inscriptions known from Todi are not chiefly presentations of names — in some cases because they are fragmentary or damaged.⁶⁰ Even at a distance, Primigenius' own *cognomen* (also his slave name) is the most legible word in his inscription after the first three lines, because of the choice by the mason to allot it a separate line with spacing on either side. In other texts from the city, names feature prominently on the stone dedications to the gods, on honorary inscriptions for prominent citizens and municipal patrons and, above all, on epitaphs. In these cases, the names are semantically and conceptually the key component of the texts — the element that was to be remembered. In the *Satyrical*, for instance, Petronius' Trimalchio plans a sundial for his funerary monument, so that 'whoever checks the time, whether he wishes to or not, will read my name'.⁶¹ This attitude was not confined to a fictional character or prose: in a rich study, Sanders has pointed out what he calls 'the cult of the name' in Latin verse epitaphs.⁶² The exceptional preservation of the names of endorsers and candidates in painted electoral notices on the streetscapes of Pompeii can indicate the importance of names for self-promotion even in local politics.⁶³ We lack Pompeian conditions in Umbria, but an inscription from near Tuder asks would-be *scriptores* to pass on: 'May your candidate become what he seeks to be, and may you be long-lived, writer! Pass by this monument!'.⁶⁴ Names used to claim social distinction competed with names as markers of memory.

In the municipal context, Primigenius' accusation probably evoked one particular list of written names on display in the town: the album of decurions.⁶⁵ The jurist Ulpian tells us that the rights of town councillors were dependent on the appearance of their name in an album:

The [names of] decurions should be written on an album, as the municipal law instructs; if the law is lacking, then their offices should be observed and they should be written in an order according to the highest office that each of them have held in the town ... In the giving of opinions during meetings, that order which we set out for the writing of the album should be observed.⁶⁶

We lack any preserved examples of curial alba from the first century, presumably because the whitened boards were made from organic material, but examples from later periods and from other social organisations match this formula. The title of a third-century example on bronze from Canusium in Apulia reads: 'When Marius Maximus for the second time and Roscius Aelianus were consuls [i.e. 223 C.E.], M. Antonius Priscus and L. Annius Secundus, the *duumviri quinquennales*, attended to the inscription of the

⁶⁰ The stone inscriptions of Todi are *CIL* 11.4632–4741, 7858–7865, *AE* 2006, 419 and *AE* 2007, 490. In a few cases, the inscriptions must never have been focused on the presentation of names, 4632 is a fragment of a law, 4738, 4739 and 4740 are stone markers of space; in the other cases where names cannot be read or are conjectured in the epigraphic editions, it is likely that names were prominent when the inscriptions were complete.

⁶¹ Petron., *Sat.* 71.11: 'quisquis horas inspiciet, velit nolit, nomen meum legat.'

⁶² Sanders 1989. See also the inscribed Latin verse on one of the pyramids at Giza, *CIL* 3.21, which turns the pyramid into a monument of the *nomen Decimi Gentiani*.

⁶³ See Franklin 1991: 84–6 for the large size and importance of the name on Pompeian *dipinti*; he relates this to the importance of the name on funerary inscriptions.

⁶⁴ *CIL* 11.4126 (from road between Carsulae and Narnia): 'Ita candidatus quod petit fiat tuus / et ita perennes scriptor! opus hoc praeteri!' I owe the reference to Kruschwitz 2010.

⁶⁵ See Salway 2000 on the album from Canusium, with further bibliography on curial alba.

⁶⁶ *Dig.* 50.3.1: 'Ulpianus libro tertio de officio proconsulis: Decuriones in albo ita scriptos esse oportet, ut lege municipali praecipitur: sed si lex cessat, tunc dignitates erunt spectandae, ut scribantur eo ordine, quo quisque eorum maximo honore in municipio functus est ... In sententiis quoque dicendis idem ordo spectandus est, quem in albo scribendo diximus.' For the close relationship between this text and actual political practice, see Millar 1986a: 279–80 on this text and a reference to it in an inscription from Ephesus (*IK* 12 (Ephesos) 217) and Salway 2000: 124.

names of the decurions (*nomina decurionum*) in bronze.⁶⁷ Both functional and symbolic, the album enabled members of the council to assert their high status and guaranteed their legal rights. The importance of the album can also be understood from a response in the *Digest* by another jurist, Modestinus. He says that having the name on the album is not enough, in order to be a decurion, one must also be legally entitled to membership of the order; the fact that this was subject to a juristic response implies that in a legal dispute someone had argued that a name on an album alone could guarantee a place in a city council.⁶⁸

The written names of the decurions on the album constituted a public definition of the order and may even have been the principal representation of the council within the town. As mentioned above (Section III), the evidence for public slaves suggests that literate record-keeping for the community — such as writing up the album — was routinely their responsibility. In this light, the phrase ‘names of the decurion *order*’ in Primigenius’ text rather than simply ‘names of the decurions’ may have reinforced the threatening possibility that a slave, who could never have joined that order, had perverted the authorised written list of decurions, the album. The similarity between legal *tabulae* and magical *tabulae* that Elizabeth Meyer has observed became uncanny: the technology that supported the social order could be used to subvert it.⁶⁹

v

Fighting witchcraft often requires divine help. In an inscription from Ephesus, for instance, an oracle of Apollo addresses the people of a city in Asia Minor.⁷⁰ The city, perhaps to be identified with Sardis, has been suffering a plague brought on by witchcraft, in the form of wax models. Apollo instructs the city to set up a statue of Artemis Soteira carrying torches that will burn up the wax.⁷¹ We find a nexus between divine revelation of the witchcraft, by Apollo, and defence, by Artemis. From further east, the protocol of a first-millennium B.C.E. Mesopotamian anti-witchcraft ritual called *Maqlu* (‘Burning’) shows a similar reliance on a phalanx of deities to thwart a magical attack.⁷² These examples from elsewhere in the ancient Mediterranean and Near East can draw our attention to the religious logic represented by Cancruius Primigenius’ dedication: if the content of the accusation and the identity of the accused reveal social anxieties at Tuder, the addressee of the dedication reveals both assumptions about the forces of order, especially divine power, and, as we shall see, the local reception of imperial theological discourse.

Primigenius gives credit for both the revelation and redemption of the cursed names to Jupiter Optimus Maximus Custos Conservator (‘Jupiter the Best and Greatest, Guard and Saviour’). As in the oracle text from Ephesus, this saved the whole town: the dedication marks the acquittal of a vow for the safety of the colony, decurion order and people of Tuder, which Jupiter is said to have fulfilled by saving the whole colony from fear of harm. The rhetoric of the inscription, which aligns Primigenius with the god as the

⁶⁷ *CIL* 9.338: ‘L(ucio) Mario Maximo II, L(ucio) Roscio Aeliano co(n)s(ulibus) M(arcus) Antonius Priscus, L(ucius) Annius Secundus, Ilvir(i) quinquenn(ales) nomina decurionum in aere incidenda curaverunt.’

⁶⁸ *Dig.* 50.2.10: ‘Herennius Modestinus respondit sola albi proscriptioe minime decurionem factum, qui secundum legem decurio creatus non sit.’

⁶⁹ Meyer 2004.

⁷⁰ *SEG* 41.981. See Graf 1992 for a translation and convincing interpretation of this inscription.

⁷¹ It is unclear whether this burning is literal or supernatural: see Gordon *et al.* 1993: 150 for the suggestion that the wax models had been discovered; Graf 1992 supposes that the burning is supernatural.

⁷² See Abusch 2015 for a translation of the *Maqlu* text. Abusch 2002: 219–46 discusses the invocations of the gods of night and the underworld in the early part of the ritual. Thomsen 2001 and Schwemer 2015 place this ritual in the wider picture of ancient Mesopotamian magic and witchcraft culture. Both emphasise the polytheistic logic at work.

parallel grammatical subjects of the short text, suggests that the freedman intended to claim some reflected glory, but the deity is credited as the actor who actually resisted the ritual attack by disinterring the curse tablets. We have evidence from elsewhere in antiquity for a belief that revelation and perhaps destruction of the tablets or voodoo dolls could cancel a curse.⁷³ In the case of Tuder, we do not know how the curse tablets actually came to light — Dessau's idea that the freedman was responsible rationalises away the story and Fear's suggestion of a fortuitous lightning strike is *prima facie* improbable⁷⁴ — but it is worth asking why Primigenius assigned the role of protector to this particular god. In particular, this means understanding the epithets by which Primigenius specifies the deity.⁷⁵ This dedication is the only one from the Empire that addresses Jupiter with this combination of names, so we can understand the articulation as a meaningful act of bricolage — not just replication of tradition — by the freedman.⁷⁶

Jupiter Optimus Maximus, worshipped at the huge temple on the Capitoline Hill, was the preeminent deity in Roman public cult. The first public act of every year was a sacrifice by the consuls on the Capitoline; the consuls also made vows on behalf of the Roman people, which were promises of further sacrifice in exchange for the security of the state.⁷⁷ In the imperial period, these vows were also made for the safety of the emperor.⁷⁸ As such, he guaranteed the political order of the Empire. This connection was reinforced during the rule of the Flavian dynasty (69–96 C.E.): members of the dynasty twice rebuilt Jupiter's temple after fire and used these construction projects as part of their political legitimation.⁷⁹ Domitian deepened this connection by inaugurating a new athletic festival for Jupiter at Rome, on the model of the Greek Olympics.⁸⁰ There may also have been a local dimension to Primigenius' dedication to the god in the guise of Optimus Maximus: the god, popular throughout the Empire, seems to have been a regular part of religious life in colonies.⁸¹ A passage by the Christian polemicist Tertullian implies that, on the model of Rome, annual vows to Jupiter for safety also took place in colonial temples.⁸² In light of this kind of colonial worship, the people of the colony at Tuder, including the freedman dedicator, could count on Jupiter Optimus Maximus as protector of empire and of colony.

Primigenius, however, did not choose to make his dedication to the god in his Capitoline aspect alone; the additional epithets of Custos and Conservator ('Guard and Saviour') help explain why he understood Jupiter as the divine agent to protect Tuder. Implicit conceptions of divine functions in Roman polytheism were often founded on linguistic

⁷³ See Graf 1997: 161–9, especially at 168 and Ogden 1999: 52 for the moving and destruction of the curse tablets or voodoo dolls as a mechanism for deactivation of the magic.

⁷⁴ Dessau *ad ILS* 3001 and Fear 1998.

⁷⁵ Scheid 1999 and Bendlin 2006 are both excellent essays on how Roman polytheism conceptualised divine intervention and function through specification of deity. Scheid demonstrates the mentality behind the selection; Bendlin finds a place for the individual making the choice. For the specific tendency for Jupiter to accumulate several epithets, normally in addition to Optimus Maximus, in dedications, see Fears 1981: 104.

⁷⁶ On the terms advocated by Rüpke 2016, Primigenius' dedication was an act of religious appropriation or individuality and deserves analysis as lived religion, rather than as just 'cult'.

⁷⁷ Pina Polo 2011: 21–2.

⁷⁸ Fears 1981: 98–9.

⁷⁹ See Gallia 2012: 47–85 on Vespasian's use of the rebuilding of the Capitolium in his project of self-legitimation. Sil., *Pun.* 3.622–4, part of a panegyric to Domitian, highlights the second rebuilding and Suet., *Dom.* 5 suggests that Domitian emphasised his own role.

⁸⁰ Suet., *Dom.* 4.

⁸¹ Expected part of colonial life: *Lex Coloniae Genetivae* 70, 71 (ed. Crawford). Crawley Quinn and Wilson (2013) have dismantled the assumption that a Capitolium was a necessary feature in cities of colonial status, but worship of Jupiter Optimus Maximus or Zeus Kapitoliος was a common feature of life in such cities.

⁸² Tert., *De corona* 12.3: 'Ecce annua votorum nuncupatio, quid videtur? prima in principiis, secunda in Capitoliis. Accipe, post loca, et verba: "Tunc tibi, Iuppiter, bovem cornibus auro decoratis vovemus esse futurum".' Tertullian is presumably referring to a ceremony at Carthage, a colony.

grounds and the epithets here indicate how Primigenius understood Jupiter's intervention as guardian when he protected Tuder from harm. A Severan-period dedication by the decurion order at Sicca Veneria in North Africa to Jupiter Optimus Maximus Conservator makes clear the possible connection between that epithet and divine intervention: 'because the safety of the imperial family was conserved (*ob conservatam ... salutem*), when the plots of public enemies had been discovered.'⁸³ Such direct links are not always clear. In the second and third centuries, the cult of Jupiter Conservator was particularly promoted on imperial coinages, though without any particular narrative attached.⁸⁴ One repeated coin type shows Jupiter Conservator holding his thunderbolt out over the emperor, suggesting the god's personal protection for the monarch.⁸⁵

Primigenius' choice to combine Jupiter Conservator and Custos also stems from a more proximate influence: the religious politics of the Flavian emperors.⁸⁶ In December 69 C.E., the future emperor Domitian had been trapped in a small house on the Capitol during a phase of urban combat in the civil war of that year.⁸⁷ He was smuggled out to safety wearing the dress of a priest and appears to have given credit to Jupiter for this escape. Afterwards, he built a shrine to Jupiter Conservator with an altar that depicted his deliverance. When he finally came to power in his own right, he constructed a larger temple to Jupiter Custos, in which the statue of the god held an image of the emperor in his lap. Inhabitants of the Empire did not have to go to Rome to witness the link between god and ruler: images of both Jupiter Conservator and Jupiter Custos circulated on coinage issued in his name.⁸⁸

In joining Custos and Conservator with the other persona of the god that was particularly promoted by Domitian, Optimus Maximus, Primigenius placed Tuder under the protection of the god who had delivered Domitian from the opponents of the Flavian house. In this light, the freedman's self-presentation as a *Flavialis*, perhaps even the first one in his community, supports the idea that he was concerned to align himself with the ruling regime. Archaeological evidence suggests that *Augustales*, a closely related institution, were highly involved in cult for emperors: for instance, three statues of Domitian adorned the meeting-house of the *Augustales* at Misenum.⁸⁹ This institutional affiliation does not mean that we should view the identity of Primigenius' addressee as simply a rote replication of political ideology; rather, the inscribed text asserts the reality of Jupiter's intervention to save the city 'by his divine power' (*numine suo*) and the purposeful appropriation of the Domitianic stories of Jupiter's favour and aid.⁹⁰

⁸³ *CIL* 8.1628 (208 C.E.): 'Iovi Opt(imo) Max(imo) Conservatori ... ob conservatam eorum salutem detectis insidiis hostium publicorum.'

⁸⁴ Manders 2012: 107.

⁸⁵ Hill 1960: 125, type 1f.

⁸⁶ See Fears 1981: 76–80 on Jupiter in Flavian, particularly Domitianic, politics. As Fears makes clear, the numismatic and literary evidence suggests that Domitian both wished to claim Jupiter's particular protection and assimilated himself to the god.

⁸⁷ Tac., *Hist.* 3.74.1: 'Domitianus prima inruptione apud aedituum occultatus, sollertia liberti lineo amictu turbac sacricularum immixtus ignoratusque, apud Cornelium Primum paternum clientem iuxta Velabrum delituit. ac potiente rerum patre, disiecto aeditui contubernio, modicum sacellum Iovi Conservatori aramque posuit casus suos in marmore expressam; mox imperium adeptus Iovi Custodi templum ingens seque in sinu dei sacravit.'

⁸⁸ *RIC* II.1² Domitian: 143, 144, 218, 219, 220, 381, 382, 416, 489, 490, 491 (Conservator), 466, 635 (Custos). Noreña 2011 traces the tangible outcomes of coin types on society in the Roman imperial West, including, at 305–6, on votive practice.

⁸⁹ Laird 2015: 147–65 on the Flavian iconographic programme from the Augustales' complex at Misenum, though she plays down the religious aspect.

⁹⁰ Toutain 1907: 209 influentially interpreted provincial dedications to Jupiter Optimus Maximus as simply expressions of loyalty, rather than as truly 'religious'; Fears 1981: 102–4 points to evidence for sincere engagement with the divinity.

If this was the case, Primigenius placed his faith in the Jupiter that had been legitimised by the imperial centre and so offers an excellent example of receptivity on a local level of imperial 'ideology'. Such provincial replications of monarchic discourse have often been seen as reciprocal acts of loyalty directed towards the centre; more recently, Carlos Noreña has argued that we should also understand them as acts of legitimation of the local social order. One of the key modes for this latter function, he argues, was 'the regular blurring of the lines between divine, imperial, and local authority' by placing local elites alongside gods and members of the imperial family.⁹¹ In the case of the inscription from Tuder, Domitian's Jupiter, as Optimus Maximus, Custos and Conservator, was now co-opted by Primigenius as the saviour deity of the colony and the freedman advertised himself alongside the god, just as the emperor himself had on the Capitoline Hill.

VI

By setting aside the established reading of this inscription as a piece of evidence for the practice of cursing, this extended study of Primigenius' text has treated it as rhetorical and, for that reason, expressive of both his individual perspective and the social context in which he aimed to convince others. Removal of the text from the dossier of material that illuminates the social context of curse tablets does come at a cost: we have lost a valuable example of a resistant subaltern. Instead, on the analogy with public witchcraft accusations in non-Roman societies, we are compensated with a view of how one man responded to the pressures, anxieties and sources of hope in a town in early imperial Italy. The short inscription is, without doubt, an exceptional text and the reading advanced here suggests that it also represents a different phenomenon to the claims, found on both epitaphs and in literary texts, that cursing was the cause of some specific misfortune.⁹² This exceptionality, when combined with a disciplined comparative method, is what gives it such value to the social historian: it allows us to shift our attention from structure to agent. Primigenius inscribed his monument with the traces of life in a society founded on the hierarchy between free and slave, dependent on writing to mark status, and ruled by a monarchy that made significant claims to divine support.

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⁹¹ Noreña 2011: 271–6, quotation at 273. Cf. Ando 2000 for a stronger emphasis on loyalty and reciprocity.

⁹² For this kind of witchcraft accusation in the face of misfortune, see Brown 1970, with a late antique and literary focus, and Graf 2007, on epigraphy.

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