

SYMBOLS AND SHOWMANSHIP IN ROMAN PUBLIC LIFE: THE FASCES

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STUDIES OF ROMAN POLITICAL HISTORY which employ the approved techniques of prosopography and analysis of *factiones* have furthered our knowledge of the workings of aristocracy but have also tended to rob the colour from our picture of Roman public life. A striking feature of that life which is not illuminated by such techniques is a highly developed sense of pageantry, even showmanship, amply documented and expressed over a wide range of solemn occasions in ceremonial and magisterial regalia. This high sense of the dramatic in public life found expression in rituals and displays of dynamic state-emblems which were demonstrably charged with emotion. Yet most studies have set them in a context of abstract constitutional law. Traditional modes of analysis tend to employ static terms, so that the rituals and symbols of the Roman state are usually interpreted as neutral clues in an investigation of constitutional theory which has as its aim precision of technicalities and recovery of the archaic origins of state-ceremonial rather than its significance in the life of the developed Republic and Principate. It is as if a social scientist were to equate the significance of a national flag in present-day public life simply with the history of the adoption of its design. Our sources await inquiry focused on their significance for the developed society contemporary *with* them.

We may begin by emphasizing that the Romans clearly expected a high level of dignity in the bearing and external decorum of their magistrates. If all magisterial insignia were laid aside in the city for the February Parentalia, their regular assumption was no empty form.¹ Outside the city, magistrates were so jealous of their "images" and so concerned with

This paper was first read as a lecture at the University of Ottawa in November 1982. I am indebted to the anonymous referees of *Phoenix* for helpful suggestions as to further bibliography and textual references. The following will be referred to by author's name: M. Fuhrmann, "Verbera," *RE* Suppl. 9 (1962) 1589-1597; C. Q. Giglioli, *Il fascio littorio* (Rome 1932); B. Gladigow, "Die sakralen Funktionen der Liktoren," *ANRW* 1.2 (1972) 295-314; B. Kübler, "Lictor," *RE* 13.1 (1926) 507-518; J. Marquardt, *Römische Staatsverwaltung*² (Leipzig 1881-1884); J. Marquardt, *Privatleben der Römer*² (Leipzig 1886); M. Reinhold, *History of Purple as a Status Symbol in Antiquity* (Brussels 1970); Samter, "Fasces," *RE* 6 (1909) 2002-2006; H. Sauer, "Paludamentum," *RE* 18.3 (1949); H. H. Scullard *Festivals and Ceremonies of the Roman Republic* (London 1981); A. N. Sherwin-White, "Rome the Aggressor?" *JRS* 70 (1980); H. Siber, *Römisches Verfassungsrecht in geschichtlicher Entwicklung* (Lahr 1952); E. S. Staveley, "The Fasces and Imperium Maius," *Historia* 12 (1963) 458-484; H. S. Versnel, *Triumphus* (Leiden 1970); K. H. Vogel, "Imperium und Fasces," *ZSav.* 67 (1949) 62-111.

¹W. W. Fowler, *The Roman Festivals* (London 1899) 308; Scullard 74.

considerations of "face" that they calculated the impressiveness and level of dignity of alternative means of arrival in, or departure from, their provinces.² Vigilantly jealous of traditional standards for their magistrates' appearance, Romans mercilessly pilloried those who, perhaps from well-intentioned desire to foster approachability or show respect for other cultures, exchanged the revered toga for Greek dress. Woe betide such a non-conformist challenged by the weapon of invective, for disapproval was easily aroused and politically damaging.³

The pattern of Roman public life yields notable illustrations of this firm sense of occasion. Considerable flair for diplomatic ceremonial is demonstrated in receptions for foreign dignitaries calculated to impress with panache and stylishness. This expertise was spectacularly displayed by Nero at the coronation in Rome of the Armenian Tiridates, an event carefully managed to make its mark on orientals accustomed to such ceremonial and so to enhance Roman prestige in the East.⁴ The public funeral of a noble exhibits the same feeling for pageantry, especially in the solemn parade of family history produced by the processional display in the *pompa funebris* of the *imagines* and magisterial regalia (including the *fascēs* with axes) of the deceased and his ancestors.⁵

Another civic ritual with an element of highly visual drama was regularly witnessed at the departure from the city of magistrate or promagistrate to take up provincial duties involving military command. Here tradition dictated taking of auspices, public declaration on the Capitol of vows to be paid on successful return, and a procession escorted by friends and a crowd of well-wishers to the city gate. There, as his lictors

²See Cic. *Fam.* 3.6.1, *Att.* 5.9.1, Tac. *Agr.* 18.6, *Bell. Alex.* 64.2. Cf. S. MacCormack, "Change and Continuity in Late Antiquity: the Ceremony of Adventus," *Historia* 21 (1972) 721-752, for imperial "grand entrances" in art and literature. For strong reaction to affronts to Roman magistrates in the provinces see Cic. *Verr.* 2.1.26.67 f., 29.72 f., 33.85, 2.3.28.68, 2.5.43.112, *Bell. Hisp.* 42.4, Tac. *Ann.* 4.45.

³See Cic. *Verr.* 2.5.13.31, *Pis.* 38.92, *Phil.* 2.30.76, Gell. *NA* 13.22.1, Livy 29.19.11, Suet. *Tib.* 13, App. *BCiv.* 5.76. For possible good intentions, see Cic. *Rab. Post.* 9.26 f., Tac. *Ann.* 2.59, Val. Max. 3.6.1-3. Magistrates might be mocked even for a *praetexta* of unusual length: Cic. *Cluent.* 40.111, Cass. Dio 46.18.2. For strong cultural feelings focused on the toga, see Ovid *Rem. Am.* 152, the forum as *urbanae splendida castra togae*, and Cod. *Theod.* 14.10.2, a ban on trousers within Rome on pain of exile. See further Th. Mommsen, *Staatsr.* 1³ 408 f., 3.220; L. M. Wilson, *The Clothing of the Ancient Romans* (Baltimore 1938) 122 f.; G. W. Bowersock, *Augustus and the Greek World* (Oxford 1965) 73 f.

⁴Suet. *Nero* 13; Cass. Dio 62.4-5. Cf. B. H. Warmington, *Nero: Reality and Legend* (London 1969) 95. See also Tac. *Ann.* 2.56, Germanicus' coronation of Artaxias, and Vell. Pat. 2.101.2, an eye-witness account of Gaius Caesar's meeting with the Parthian emperor on the Euphrates as *spectaculum . . . perquam clarum et memorabile*.

⁵Polyb. 6.53.4 f., with Mommsen, *Staatsr.* 1.445 f.; J. Marquardt, *Privatleben* 240 f.; J. M. C. Toynbee, *Death and Burial in the Roman World* (London 1971) 47 f.

changed into war-cloaks and mounted axes in the *fascēs*, the magistrate solemnly put off the civic toga and assumed the *paludamentum*, the scarlet war-cloak of the general in the field, before setting off to the sound of trumpets. This ritual of *mutatio vestis*, naturally most charged with emotion in time of actual war, is always described as a significant piece of magisterial ceremonial; rather than atrophying into a hasty formality, it retained its attraction as national drama for the Roman crowds.⁶ Neglect or haste over this symbolic transition from civil to military sphere attracted severe censure, although the tradition did evolve.⁷ In Livy's day, magistrates began their formal departure for their provinces from the new temple of Mars Ultor. But he reports with pride that the spectacle still involved great *dignitas* and *maiestas*, and that its impressiveness drew throngs of viewers.⁸ The return within the *pomoerium* and the exchange of war-cloak for toga involved a standard ceremony of equal dignity, if less suspense. Here too hostile rhetoric could capitalize on the level of emotion surrounding either stage of this spectacle. Our most memorable caricature of the departure ceremony is found in Cicero's vignette of that rapacious duo, Piso and Gabinius, setting off amid bad omens and curses like *duo vulturii paludati* (*Sest.* 33.71). Verres could equally be vilified for sneaking back into Rome, after making the solemn exit, *stupri causa* (*Verr.* 2.5.13.34), and the return of Piso is depicted as no less inglorious and surreptitious (*Pis.* 23.55, 25.61). "Good" emperors of the early Principate respected the demarcation between civil and military symbolized by the *mutatio vestis* and put off military dress before entry, so that Vitellius is censured for his ill-advised reversal of tradition in *entering* the city *paludatus* to the sound of trumpets (*Suet. Vit.* 11.1; *Tac. Hist.* 2.89 f. has a more moderate version).⁹

In particular, Latin writers reveal a national pride in the distinctive colour and stateliness of the resplendent *paludamentum*, a pride which is lively and anything but antiquarian. This imposing garment, so closely associated with victory and conquest, is perceived as being immediately

⁶Livy 21.63.9, 27.40.7, 31.14.1, 41.7.13 and 10.5, 42.49.1 f., 44.22.17, 45.39.11, Varro *Ling.* 7.37, Cass. Dio 53.13.4, Ulpian *Dig.* 1.16.1, Cic. *Fam.* 13.6.1 (showing senators among the escort). Cf. Mommsen, *Staatsr.* 1.63 f., 375, 430 f.; Marquardt, *Staatsverwaltung* 1.534; Kübler 508; Sauer 281.

⁷For the serious consequences of neglect, see Livy 21.63.7 f., 41.10.5 f.

⁸Especially 42.49.2 *Semper quidem ea res cum magna dignitate ac maiestate geritur; praecipue convertit oculos animosque, cum ad magnum nobilemque aut virtute aut fortuna hostem euntem consulem prosequuntur*. For the temple of Mars as starting-point, see *Suet. Aug.* 29.2, Cass. Dio 55.10.2 f.

⁹For allegations that Mark Antony appeared in Rome in military attire, see Cass. Dio 42.27.2, 45.29.2, 46.16.5, App. *BCiv.* 3.7.45. For Augustan custom, see Cass. Dio 53.13.4 and 8.

impressive and peculiarly Roman. It vividly distinguished the commander in the field, and even gods such as Mars or Roma might be sculpted in it.¹⁰ Fallen generals could be honorably cremated in the *paludamentum* (as was Brutus at Antony's command, *quo honorius cremaretur*, according to Val. Max. 5.1.11), and the emperors assumed it as a major part of their ceremonial dress.¹¹ The formal directive to senior magistrates *ut paludati exeant* was dignified by senatorial decrees (suggested by Cic. *Fam.* 8.10.2, addressed to the consuls), and imperial ladies such as Agrippina the Younger could create a sensation by daring to appear in public *paludatae* (see Pliny *HN* 33.19.63 for her cloth-of-gold *paludamentum*; but Tac. *Ann.* 12.56, endorsed by Mommsen, *Staatsr.* 1³.432, allows her only a *chlamys*). Apuleius could justly claim (*Apol.* 22) that in Roman eyes the *paludamentum* goes with a general as a crown does with a king. Surely the modern inquirer cannot adequately evaluate the social significance of this vivid public drama of the *mutatio vestis* if his interest is restricted to its implications for early constitutional history.¹²

It is the triumph, characterized by Nathaniel Hawthorne as "that most gorgeous pageant of earthly pride," which furnishes the most familiar and most lavish exhibition of Roman pageantry in all periods. Whatever its remote sacral origins, it endures in our sources as the focus of a lively national pride. The ceremony finds its most grandiose literary celebration in Virgil's account of Augustus' triple triumph (*Aen.* 8.714 f.), while Livy attributes to a Scipio the proud declaration *neque magnificentius quicquam triumpho apud Romanos . . . esse* (30.15.12).¹³ A comparatively infrequent spectacle, it was enormously relished by the massed spectators who saw in it

¹⁰For gods depicted *paludati* see Sauer 285. For the *paludamentum* featured in dramatic battle-scenes, see Sil. *Pun.* 4.517, 9.419–422, 17.395, Caesar *BGall.* 7.88.1. For the cloak in statuary and coinage, see Wilson (above, n. 3) 101 f.; Sauer 284 f.; Giglioli 137 and Plate 22. Cf. Mommsen, *Staatsr.* 1.431 f. For its colour, see Val. Max. 1.6.11, Pliny *HN* 22.3.3; Wilson 100 f.; E. Wunderlich, *Die Bedeutung der roten Farbe im Kultus der Griechen und Römer* (Giessen 1925) 73 f.; Reinhold 8, 44 f., 59, 70. The etymology from *palam* given by Isid. *Orig.* 19.24.9 and Varro *Ling.* 7.37 is implausible but significant as to the main perceived attribute of the garment.

¹¹Mommsen, *Staatsr.* 1.409, 432; Sauer 282; W. Ensslin, *CAH* 12 (1939) 364–367; A. Alföldi, *Die monarchische Repräsentation im römischen Kaiserreiche* (Darmstadt 1970) 124 f.

¹²For a typically traditional treatment, see Staveley 462 f.

¹³The quotation is from Hawthorne's *The Marble Faun*. Scullard describes the triumph as "one of the most spectacular displays ever staged in the city" (213). Cf. Cic. *Verr.* 2.5.30.77 *pulcherrimum spectaculum*. For description of the ceremony, see Marquardt, *Staatsverwaltung* 2.582 f.; C. Barini, *Triumphalia: Imprese ed onori militari durante l'Impero Romano* (Turin 1952) 11–21; Versnel 95 f.; I. S. Ryberg, "Rites of the State Religion in Roman Art," *MAAR* 22 (1955) 141–162, with Plates 50–57. For possible Hellenistic antecedents see, e.g., Versnel 11 f., 235 f.; F. Bömer, "Pompa," *RE* 21 (1952) 1878–1994.

not merely a gorgeous show but a celebration of national glory—for them, the humiliation of hated kings added spice to the occasion.¹⁴ The *triumphator*, keenly aware of the great kudos to be won from this public display, made his triumph as impressive as possible, and Pompey may even have flaunted a cloak reputed to be Alexander's. Vespasian's claim to find his triumph tedious can hardly have been typical, and most senators were surely avid for the *gloria* which accrued to their family name and which played a central part in the ethos of their class.¹⁵ Too late for the disillusioned Petrarch to lecture Cicero for deserting his philosophical detachment by "panting after triumphs!"¹⁶ The intensity of the ambition to celebrate a triumph and its importance for public careers can be gauged from the lengthy waiting periods which some aspiring *triumphatores* were willing to sit out *extra portam* until the honour was decreed. Poor Cicero himself, hailed *imperator* in Cilicia in 51 B.C., clung with some pathos and much embarrassment to his *fascēs laureati* and his dwindling hopes until 47. Other waiting periods of up to seven years are attested, and it is seen as worthy of remark that Caesar was ready to trade in his hopes of a triumph for his first consulship.¹⁷ The pride with which triumphal insignia are recorded on family tombs is further evidence of the lasting prestige which they conferred.¹⁸ Perhaps the most reliable index of the political capital to be made from triumphs and of the Romans' own acute awareness of this is the monopoly rapidly asserted by the early emperors through their exclusion of senators not related to the imperial house.¹⁹ Certainly, the great reverence of

¹⁴For agreeable humiliation of kings, see Plut. *Aem.* 34.1.2, Cic. *Verr.* 2.5.30.77, Horace *Carm.* 1.37.31. *Res Gestae* 4.3 proudly lists the royalty paraded in Augustus' triumphs. For the public attendance, see W. Ehlers, "Triumphus," *RE* 7.1 (1939) 502. Sherwin-White notes that the *Fasti Triumphales* show an average of less than two triumphs per year (178).

¹⁵For the place of the triumph in the aristocratic ethos, see A. J. Marshall, "Governors on the Move," *Phoenix* 20 (1966) 231–246, at 239 f.; W. V. Harris, *War and Imperialism in Republican Rome* (Oxford 1979) 10–41; J. A. North, "The Development of Roman Imperialism," *JRS* 71 (1981) 1–9, at 6. For spectacular triumphs, see, e.g., Plut. *Aem.* 32 f., App. *Mith.* 17.116 f., where Appian agrees that the claim to Alexander's cloak may strain credibility. Cass. Dio 43.19.2 f. gives a rare report of spectators' displeasure at excessive display (at Caesar's triumph in 46 B.C.). For Vespasian's ennui, see Suet. *Vesp.* 12, *fatigatus tarditate et taedio*.

¹⁶*Fam.* 24.3 (June 1345), *Ah quanto satius fuerat philosopho . . . nullos habuisse fascēs, nullis triumphis inhiasse*.

¹⁷Cic. *Att.* 7.10, 7.12.4, 8.1.3, 8.3.5, 11.7.1, *Fam.* 2.16.2, *Lig.* 3.7, T. R. S. Broughton, *The Magistrates of the Roman Republic* (New York 1951–52) 2.169, 185, 225, 243, 264, 278, 289. Cf. Marquardt, *Staatsverwaltung* 1.534; M. Wistrand, *Cicero Imperator: Studies in Cicero's Correspondence 51–47 B.C.* (Göteborg 1979) 74.

¹⁸See L. Bonfante, "Historical Art: Etruscan and Early Roman," *AJAH* 3 (1978) 136–162, at 149 f.

¹⁹For the imperial monopoly and substitution of grants of the *ornamenta triumphalia*, see Mommsen, *Staatsr.* 1.135 f., 432; Ehlers (above, n. 14) 499 f.; St. Borzszak,

the senatorial class for the ceremonial dress of the *triumphator* may be seen from their standard selection of this as an official gift to approved client kings.²⁰

Whatever thoughts and emotions crowded the minds of the *triumphator* and his popular audience as the procession swept along with its stirring displays of spoils and placard scenes, it seems improbable that antiquarian speculation as to the remote origins of the institution was predominant. Nor is it likely that they viewed it as an exercise in outmoded formalism. Yet consideration of the personal, social, and political importance of the triumph for the actual participants and spectators is rare in standard discussions of the ceremony.²¹ Indeed, the important aspect of the triumph as a supremely politicized celebration of personal attainment and patriotic pride remains largely unexplored. Leaving aside the dimensions of political showmanship and imperial display, scholarship has concentrated on constitutional technicalities and archaic origins. An exception is Robert Payne's popular work *The Roman Triumph* (London and New York 1962) which, for all its moralizing and fanciful speculation, does attempt an imaginative reconstruction of the impression made on the spectators and does concede that the triumph *qua* spectacle is an object of valid historical inquiry. Various describing it as "the greatest and most desirable spectacle known to the Romans" (13), "dazzling entertainment," "elaborately choreographed" (191–192), and "the most solemn of their mysteries, the one closest to the ethos of the nation" (14), Payne judges that the triumph stirred emotions of awe and excitement and that contemporaries saw in it "the apotheosis of their pride" (14).²² More important, he registers the fair point that the watching Roman so affected might also be ignorant as to what the ceremony was technically supposed to be "about" (15). For it must be conceded that an awareness of the distant origins of the ritual was neither likely to be present

"Ornamenta," *RE* 18.1 (1942) 1121 f.; R. Syme, *History in Ovid* (Oxford 1978) 62, also, "Some Imperial Salutations," *Phoenix* 33 (1979) 308–329. Cf. *Res Gestae* 4.1 and 3. For the emperors' use of triumphal dress as formal court attire, see Cass. Dio 67.4.3; Mommsen 1.416 f.; Ehlers 501. For the later transposition of the triumph into imperial *adventus* see S. G. MacCormack, *Art and Ceremony in Late Antiquity* (Berkeley 1981) 33 f.

²⁰P. C. Sands, *The Client Princes of the Roman Empire* (Cambridge 1908) 75 f., 216; A. A. Boyce, "The Origin of *Ornamenta Triumphalia*," *CP* 37 (1942) 130–141, at 130; L. B. Warren, "Roman Triumphs and Etruscan Kings: The Changing Face of the Triumph," *JRS* 60 (1970) 49–66, at 59; Reinhold 41–42. Cf. Livy 5.41.2 *augustissima vestis*; 30.15.12 *neque magnificentius quicquam triumpho apud Romanos neque triumphantibus amplioem eo ornatum esse . . .*

²¹L. B. Warren, *op. cit.*, notes *en passant* that the developed triumph was an "enormous personal exaltation of the triumphator" (65). G. Rohde, "Ovatio," *RE* 18.2 (1942) 1894 f., offers some comments on the effects of a growing *cupiditas triumphandi* but ventures no explanation of this phenomenon.

²²But see 15 for conjecture as to the release of "vast unconscious forces," and 250 f. for "poison flowing through the streets of Rome."

in the minds of the mass of spectators nor necessary for it to make its impression on them. More recently, H. H. Scullard has similarly pointed out in connection with religious festivals that ancient rituals of forgotten intent could acquire fresh appeal for urbanized Romans as exciting spectacles and public "occasions" (citing the Lupercalia); elaborate and striking religious ceremonies of whose original purpose the attendant crowd was now ignorant did continue.²³

But if the "meaning" of the triumph is allowed to have evolved, the investigator of the social significance of the developed ceremony within its contemporary setting need not assume that an understanding of its archaic origins was requisite in the participants' minds for it to retain significance. Nor need he assume that such an understanding holds the only key with which the modern historian may unlock the constant "meaning" of the triumph. Indeed, if the ceremony evolved into a supreme opportunity for political and national showmanship, it clearly will not suffice to probe back in time to recover the original ritual intent and establish *that* by assumption as the continuing "meaning."²⁴ Paradoxically, this approach tends to suggest that the developed triumph was a fossilized survival whose "real" significance was essentially lost, and so to deflect attention from the reality of the senators' fierce desire for this accolade and from its impact on the citizens at large. If the ceremony did not atrophy into oblivion despite the fading of its original purpose from men's awareness and if it had, by the late Republic, become little more than a superb political pageant with religious overtones, then it had not simply "lost its meaning" but had by evolution exchanged it for an equally important and vital meaning. The significance of any social institution cannot be restricted entirely to its earliest beginnings and must accordingly be traced through time as an evolving function of the historical life of the parent society.²⁵ Therefore, although scholarly investigation into the origins of Roman institutions such as the triumph may yield valid and important conclusions, and so is hardly misdirected, the emphasis on constitutional legalism which was the

²³Scullard 79 and 121; Scullard also aptly cites Cic. *Att.* 13.44.2 on the exhilarating effects of the games to Victoria in 45 B.C. (167). He briefly notes that in the third and second centuries B.C. attention focused more on the person of the triumphator, so that the ceremony became more of a personal glorification (213 f.).

²⁴Mommsen's analysis of the triumph in *Staatsr.* 1.126-136 is concerned with constitutional propriety rather than political value to the nobility or spectator interest for the citizens; Versnel (*passim*) concentrates on the remotest origins and dwells on sacro-magical aspects not likely to have been familiar to average laymen in the developed Republic; most recently M. Lemosse, "Les éléments techniques de l'ancien triomphe romain et le problème de son origine," *ANRW* 1.2 (1972) 442-453, continues this tradition by proposing to recover "la réalité archaïque" (445), apparently on the assumption that the true "meaning" is revealed if we strip off historical accretions.

²⁵See my comments in a review of Versnel in *Phoenix* 25 (1971) 393.

avowed concern of the school of Mommsen creates only the essential historical foundation on which to base further levels of reconstruction.

My last illustration of Roman expertise at public showmanship is deliberately drawn from a very different sphere of public life. Even the supreme criminal punishment of crucifixion provides a significant if sombre manifestation. The horrifying cruelty of this Phoenician importation should not blind us to the fact that the Romans employed it for a calculated deterrent purpose because of its high visibility and publicity. The location on raised ground near roads or trouble-spots and the drawn-out suffering were the features of the punishment ideally suited to impress the typical criminal subject to it—violent and illiterate malcontents of the lowest social orders. While allowing an admixture of retributive justice, the *Digest* makes the deterrent purpose clear.²⁶ This case admittedly does not constitute a “ceremony” as such, but even so it was a standardized, public “production” with an effect based on calculated exhibition. The variant punishments of the *furca* or *patibulum* clearly served the same calculated deterrent purpose.²⁷ Christian abhorrence of this particular penalty has tended to obscure the underlying rationale behind so unattractive an element in Roman administrative thinking and to encourage the moral interpretation which views it merely as evidence of wilful brutality. Furthermore, since crucifixion has usually been studied as a feature of criminal law, it too has attracted legalistic treatments which stress historical origin and procedural detail at the expense of the deterrent, social function of the central publicity.²⁸ But here again we may discern an illustration of Roman awareness and calculated employment of the spectacular in public administration.

If we turn from public ceremony to the related topic of state regalia, we find that here also there predominates a tradition of scholarship dedicated to discovering the earliest strata of constitutional history. This limited inquiry may again tempt the unwary to infer that public institutions were static and that consequently their most archaic function continues for all periods to provide the key to the real, abiding significance of regalia such as the *fascēs*. But it would be implausible to equate the primitive origin with the constant

²⁶*Dig.* 48.19.28.15 *ut et conspectu deterreantur alii ab isdem facinoribus . . .* Deterrence is also stressed in Quint. *Declam.* no. 274 *ad fin.* (Teubner p. 124); Cic. *Verr.* 2.5.6.14. Cf. Tac. *Ann.* 14.44.3. For the victims' social level, see Mommsen, *Strafrecht* 918 f.; Hitzig, “Crux,” *RE* 4 (1901) 1728 f.; U. Brasiello, *La repressione penale in diritto romano* (Naples 1937) 260 f., 458 f.; P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford 1970) 126 f.

²⁷Hitzig, “Furca,” *RE* 7 (1912) 305 f.; C. H. Brecht, “Patibulum,” *RE* 18.4 (1949) 2167 f.

²⁸See, e.g., M. Hengel, *Crucifixion in the Ancient World* (Philadelphia 1977), who stresses pointless cruelty (25), minimizes the degree of calculated deterrence, and relates the height of crosses to “an expression of contempt” (40 f.).

"meaning" if the Romans' own perception of their emblems of office remained lively and evolved in response to changing social and political conditions. Nor would it be reasonable to assume that Romans of the later Republic remained generally aware of the earliest, sacral origins of their magisterial regalia. The question is not simply an abstract challenge to methodology. For if Romans did in fact continue to view these insignia as meaningful, impressive, even formidable, and not as undeveloped archaic tokens, then their response surely played an important part in the actual workings of the *imperium* within the constitution. The public apprehension of the magistrate's formal prestige must have conditioned the effectiveness of his office. But analysis of constitutional forms and magisterial powers which restricts itself to legalistic and static assumptions necessarily omits this further dimension which is essential for exploration of the reality of power and office in action as dynamic forces. To understand how magisterial authority functions, we must resist the temptation to confuse the movement of political history with the still tableau of constitutional law and we must animate the outer forms with the human element of *attitudes to* emotionally charged regalia. But here also the pattern of scholarship has been set in the tradition of the archetypal Mommsen, whose still basic treatments present a dry exegesis of constitutional formalities which largely treats the lictors and *fascēs* as numerical clues for a reconstruction of public law from the earliest period.²⁹ This approach, explicitly limited to the recovery of "der Rechtsgrund" of insignia, could not be expected to take full account of the important fact that Roman attitudes to the *fascēs* were no less a constituent part of their effectiveness in action than abstract legal theory, which was in itself unlikely to have been constantly before the Romans' own minds.

Admittedly, Livy himself may be claimed as the originator of the "numerical" school of inquiry into the *fascēs* by his speculations (1.8.3) about the relation between the twelve consular *fascēs* and the twelve birds of the omen vouchsafed to Romulus (the variant theory of a connection with the twelve Etruscan communities electing the kings wins his approval). Later studies, with few exceptions, were to follow his lead with enthusiasm.³⁰ This static, occasionally antiquarian, approach continues to

²⁹His overall approach may be judged from his declaration in *Staatsr.* 1.372, "Der Rechtsgrund zur Führung wie der Apparition, so auch der Insignien ist durchaus in den allgemeinen oder besonderen Gesetzen zu suchen, durch welche die einzelnen Magistraturen eingesetzt worden sind."

³⁰Kübler 508 alludes *en passant* to the symbolic aspect of the *fascēs* but does not elaborate. Reinhold, esp. 5 f., 38, 72, and "On Status Symbols in the Ancient World," *CJ* 64 (1969) 300-304, offers a refreshing challenge to the "antiquarian" viewpoint of standard reference works. In response, his reviewer H. W. Stubbs censures him in *JRS* 63 (1973) 267 for using "the jargon of modern sociologese"! For discussions of the *fascēs* which treat them as numerical clues to abstract constitutional law or as an index of the relative strengths of

yield results, but in probing back to construct necessarily tenuous hypotheses about the origins of institutions it cannot also elucidate the significance of the sources for the attitudes and responses of the actual period of their composition. Scholars working in this tradition must pass over a salient feature of our sources, namely that reference to magisterial regalia is often made in an emotional or emotive, rather than an objective or purely descriptive, manner. As constant concomitants of high office both in and outside Rome, the *fascēs* in particular were the most striking visual feature of magisterial authority "on parade," and it is hardly surprising that our sources do not treat them as modern writers would treat a mere ceremonial mace of office.³¹ But this vital element cannot be the concern of studies which approach the evidence with the set purpose of extrapolating abstract constitutional norms.³² Unless we can establish that a significant number of Romans knew the historic reason for ceremonies such as the removal of axes from *fascēs* at the *pomoerium* and clearly understood whether the primary significance of the *securis* was punitive, military, or religious, the traditional discussion of these topics in terms of constitutional technicalities cannot by itself elucidate the complete function of such insignia in post-regal periods.³³ A fresh approach is needed which will supplement traditional historical studies and allow for the fact that emblems such as the

magistrates' *imperia* see, e.g., Giglioli 7 f., 48 f.; Vogel; Siber 197 f.; Staveley, also his "The Constitution of the Roman Republic 1940-1954," *Historia* 5 (1956) 74-122; G. De Sanctis, "I fasci littori e gli ordinamenti romani antichissimi," *Riv. Fil.* n.s. 7 (1929) 1-9, who argues for a link between numbers of *fascēs* and the number of legions commanded; R. Drews, "Light from Anatolia on the Roman Fasces," *AJP* 93 (1972) 40-51, who argues for twelve as a sacred number.

³¹For reference to the *fascēs* as awesome symbols of high office see, e.g., Cic. *Rep.* 2.31.55, *Rab. Post.* 7.16, *Cluent.* 56.154, Livy 2.7.7, 3.36.3, Sil. *Pun.* 10.563, Mart. 8.66.4, Horace *Carm.* 3.2.19, *Epist.* 1.6.53, 16.34, *Sat.* 1.6.97. *Digest* 3.1.1.5 forbids the blind to act for others in court, *videlicet quod insignia magistratus videre et revereri non possit*. For punctilious observance of magisterial *dignitas* in the lictors' ceremonial duties see Val. Max. 2.2.4. The emotive appeal of the *fascēs* finds its most intense poetic expression in Lucr. 5.1234 *pulchros fascis saevasque securis* (cf. 3.996), echoed in Verg. *Aen.* 6.819 and 824 (cf. *Georg.* 2.495): here the rods are seen as glorious but also death-dealing.

³²Cf. Gladigow, who contends that the axe had a sacrificial significance (307) and that birch and elm were used for the *virgae* for religious reasons, as they gave a cathartic, sacral meaning to floggings (311 f.). It hardly seems likely that any such "significance" was directly present to the mind of lictor or victim, or that the latter saw himself as participating in a venerable religious rite. F. J. M. de Waele, "Stab," *RE* 3A.2 (1929) 1901, also *The Magic Staff or Rod in Graeco-Italian Antiquity* (Gent 1927) 127 f., denies any *vis magica* to the *fascēs* but accepts it as possible for the red thongs which bound them.

³³The supposed connection between removal of the axes and *provocatio* is doubted by Vogel 76 f.; Drews (above, n. 30) 44 f.; Staveley 462 f.; Versnel 354 f. Drews, Giglioli, and Gladigow support the "sacral" theory of the axe; Vogel and Versnel support the "military" view. None of these studies sets itself to establish how long such "meanings" were present to Roman minds.

fascēs both were an object of keen ambition, as coveted prizes of magisterial rank, and played a dynamic role in the activity of public office. The possibilities of such an approach are suggested by the work of social scientists on the symbolism of flags in modern societies.³⁴ Although such an inquiry may seem unorthodox, it will not prove fanciful if it serves to expand our knowledge of the Roman perception of effective magisterial authority and thereby contributes to our understanding of the workings of the developed constitution.

We may take our start from the basic fact that the *fascēs* were not merely decorative or symbolic devices carried before magistrates in a parade of idle formalism. Rather, they constituted a portable kit for flogging and decapitation. Since they were so brutally functional, they not only served as ceremonial symbols of office but also carried the potential of violent repression and execution.³⁵ If these emblems of office paraded before Roman eyes retained their practical function in the infliction of severe corporal punishment, then despite the advent of *provocatio* their punitive associations never became as historically "distanced" for the average citizen as have those of ceremonial maces and swords in modern societies. Even after *provocatio* had been won to shield citizens from their summary use, mass executions of deserters or prisoners of war involving *virgae* and *secures* could still be viewed on occasion in the forum.³⁶ Roman society was therefore unusual in that its central magisterial regalia remained directly functional; the *fascēs* continued as both symbol and instrument of executive power. Thus powerful emotions of pride and fear could focus on them, and their symbolic political significance was accordingly intensified by their aura of latent violence.

In this context, it is significant that grants of the *ius provocationis* were so highly prized that for some recipients they were an acceptable alternative to full citizenship.³⁷ Slaves or free men unprotected by citizenship or special privilege were subject without appeal to the full powers of the *imperium* administered *via* the lictor's strong right arm. This might run to a few blows to control crowds or enforce respect for the magistrate at an assize-hearing, or it might extend to flogging with or without decapitation to follow. Although the *virgae* themselves were not intended for capital punishment, the *fascēs* are sometimes termed "bloody" in our sources because

³⁴See, e.g., R. Firth, *Symbols Public and Private* (London 1973) 328 f.

³⁵For description of the *fascēs* see Giglioli 59 f., 73 f.; Ch. Lécivain, *Dar.-Sag.* 3.2.1239–1242. Cf. Wagler, "Birke," *RE* 3 (1899) 491; M. Schuster, "Ulme," *RE* 9 A.1 (1961) 544 f. For the correspondence of the number of lictors with the magistrate's rank, see Ruggiero, *Diz. Epigr.* 3.1 (1922) 39; Vogel 90 f.

³⁶Polyb. 1.7.12, Livy 9.24.15, 24.20.6.

³⁷Val. Max. 9.5.1, Plut. *C. Gracch.* 9.3. Cf. D. Stockton, *The Gracchi* (Oxford 1979) 186 f.

of the terrible beating which the heavy rods inflicted; they could, and sometimes did, prove lethal.³⁸ Of birch or elmwood and some one-and-a-half meters in length, they were considerably weightier than the centurion's *vitis* or "swagger-stick," (which it *was* permissible to apply to citizens' backs). The *virgae* could of course be used on non-Roman military personnel.³⁹ The single-headed *securis*, regularly carried in the *fascēs extra urbem* and seen as a component of the regalia of office, was employed for executions under the Republic, later replaced in the Principate by the sword. Condemned prisoners were not kept waiting after sentencing, and execution was carried out in full public view. When the magistrate bade the *praeco* pronounce the dread words *age lege*, the lictors would unstrap the red thongs of the *fascēs* on the spot (*virgas expedere*).⁴⁰

In addition to this directly utilitarian function, the *fascēs* gained wider significance from their central place in a range of public ceremonies which were still vital in historical times and meaningful to the contemporary Roman. The custom of having the consuls preceded by the twelve *fascēs* by turn in alternate months, with the one higher in the polls (*consul maior*) taking them in January and his colleague using a recognizably "dummy" set of symbolic rods, was still interpreted in the late Republic as a visible sign that the scale of insignia of power under the Republic was not to exceed those displayed under the monarchy. But this was not just historic pageantry since the monthly holding of the *fascēs* demonstrated consular priority in the tenure of real executive power such as the presidency of the *comitia centuriata*.⁴¹ The continuing vitality of this ceremonial adds interest to the report of Caesar's reform of 59 B.C. (Suet.

³⁸For magisterial powers over *peregrini* see Cic. *Leg.* 3.3.6, Pliny *Ep.* 10.96.3, Val. Max. 9.14.3 (a Sicilian is *virgis et securibus subiectus*). Non-Roman magistrates and even kings were not immune: Gell. *NA* 1.13.11 f., Plut. *Ant.* 36.2, Cass. Dio 49.22.6 and 32.5, 50.13.7; cf. Mommsen, *Strafrecht* 144 f., 235 f.; K. Latte, "Todesstrafe," *RE* Suppl. 7 (1940) 1613 f.; A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford 1963) 1 f. For "bloody" *fascēs* see Cic. *Pis.* 30.74, Modestinus, *Dig.* 48.9.9, Juv. *Sat.* 8.136 f. For lethal beatings see Cic. *Verr.* 2.3.29.70, Caesar *BGall.* 8.38.5, Livy 22.57.3, Suet. *Dom.* 8.4. For the *virgae* as a punishment preliminary to execution see Ulpian, *Dig.* 48.19.8.3.

³⁹For the *vitis* see Pliny *HN* 14.3.19, Plut. *C. Gracch.* 9.3, Tac. *Ann.* 1.23 (the celebrated *cedo alteram*). Cf. Fuhrmann 1590.

⁴⁰For the order to unstrap *virgae* and *securis* see Livy 9.16.18, Gell. *NA* 10.3.9. For the dispatch of a typical execution see Cic. *Verr.* 2.1.30.75 f., Pliny *Ep.* 10.96.3, Livy 2.5.8 *nudatos virgis caedunt securisque feriunt*, 28.29.11 *deligati ad palum virgisque caesi et securi percussi*. For the publicity of execution see Livy 8.33.21, Cic. *Verr.* 2.5.59.155. For the change to the sword see Ulpian, *Dig.* 48.19.8.1. See further Mommsen, *Strafrecht* 916 f.; Brasiello (above, n. 26) 257 f.

⁴¹Cic. *Rep.* 2.31.55, Livy 2.1.8, Dion. Hal. *Ant. Rom.* 5.2.1, Festus *Gloss. Lat.* ch. 157 (p. 154 Lindsay), who designates the *consul maior* as the one *penes quem fascēs sint*. See further Mommsen, *Staatsr.* 1.39 f.; B. Kübler, "Consul," *RE* 4 (1901) 1118; Siber 198 f.; Vogel 91 f.; Staveley 466 f.; Broughton, *MRR* (above, n. 17) 1.1.

Iul. 20.1) in rearranging the order of the lictors' procession to make it conform to an earlier pattern during the months when his fellow-consul was entitled to the rods.⁴² Since Caesar was estranged from Bibulus and left practically as sole consul for part of the year while the latter kept his house, this reform may have been designed to make his retinue more impressive and to minimize discontinuity in his prestige during his "off-months." The fact that Bibulus' *fascēs* had actually been smashed to nullify his authority just before he retreated to his house may have been a factor in Caesar's decision.⁴³ More clearly significant was Augustus' public indication of the return of his *imperium* to more constitutional limits by his restoration in 28 B.C. of the monthly rotation of the *fascēs* with his consular colleague Agrippa. Since he had previously held the twelve *fascēs* continuously, his return to the familiar Republican formality signalled the end of the exploitation of the emergency power of the *imperium* that was a main feature of the Triumvirate.⁴⁴ Here we find good evidence that in 28 the *fascēs* still served as the medium for lively political symbolism; if the custom of monthly exchange could thus signify return to constitutional government, it cannot have degenerated into empty formalism in public opinion. Despite the abolition of the dictatorship with its twenty-four lictors, the *fascēs* still served as a symbol of constitutionality or emergency rule according to their distribution between the higher magistrates.

In another piece of respected and public ceremonial, the *fascēs* were dipped, or made to bow, by the lictors to show respect for individuals such as Vestals and higher magistrates, or deference to the source of magisterial authority, the *populus* in assembly.⁴⁵ This ancient custom formed part of the strongly cherished tradition associated with the winning of republican liberty, and it was so punctiliously maintained that under the Christian emperors the *submitio* could be extended to venerate Christian symbols or martyrs' relics.⁴⁶ Equally significant is the association of the *fascēs* on ceremonial occasions with the laurel, whose religious overtones were

⁴²See L. R. Taylor and T. R. S. Broughton, "The Order of the Two Consuls' Names in the Yearly Lists," *MAAR* 19 (1949) 1–14, who refute the theory of Mommsen, *Staatsr.* 1.39 f., that Caesar restored the entire custom of alternation.

⁴³See sources listed in *MRR* (above, n. 17) 2.187; see also below, n. 77.

⁴⁴*Res Gestae* 34.3, Cass. Dio 53.1.1, cf. 54.10.5. The older view that Augustus held all twenty-four *fascēs* before 28 (for which see Mommsen, *Staatsr.* 1.387 f., Samter 2004) is refuted by G. E. F. Chilver, "Augustus and the Roman Constitution 1939–1950," *Historia* 1 (1950) 408–435, at 417 f.; Syme, (above, n. 19) 169.

⁴⁵*Cic. Rep.* 1.40.62, 2.31.53, *Plut. Public.* 10.5, *Quint. Inst.* 3.7.18, Cass. Dio 3.13.2, *Livy* 2.7.7 *Gratum id multitudini spectaculum fuit*. For discussion see Mommsen, *Staatsr.* 1.377 f.; Samter 2005, Kübler 513; Ruggiero, *Diz. Epigr.* 3.1.38; Gladigow 299, 306 f.

⁴⁶*Prudent. C. Symm.* 1.556 f., 564 f.

familiar at all periods, especially the custom of dedicating to Capitoline Jupiter the laurels from a triumphator's *fascēs*.⁴⁷ Republican customs carefully continued by the emperors, as this one was, must have retained their vitality and not become outworn forms.⁴⁸ With or without laurel, the *fascēs* figure prominently, as the emblem of high office, in representations of parades or processions marking solemn state occasions. The most striking illustration is provided by the tableaux of the Ara Pacis, a monument well described by John Buchan as "the pictorial counterpart of the *Res Gestae*." Here the lictors with rods are to be seen on the friezes attending the Princeps, senators, magistrates, priests, and Vestals in memorial of the grand occasion of the consecration of the Altar.⁴⁹ In literature, the *fascēs* also draw remark as a prominent feature of that most solemn day in the civic calendar, the consuls' formal entry into office on January first. Ovid's treatment of this inaugural ceremony (*Fast.* 1.79 f.) indicates that it was an occasion for intense national pride.⁵⁰ Even for those who looked back on less regular careers, such as Augustus, the day of one's first assumption of the *fascēs* could be kept as a proud anniversary.⁵¹ But even when the rods were carried *cum securibus* in that most splendid and popular of processions, the triumph, they would not be free of grim associations of practical intent since it was not forgotten that in earlier days they were used to scourge and behead the captive leaders exhibited in the parade.⁵²

Conversely, the ending of a magistrate's term of office by abdication could be asserted by formal declaration that he was laying down his *fascēs*, the symbol of his office, as did Sulla, also Domitius at Corfinium.⁵³ In the final public spectacle of a noble's career, the solemn *pompa funebris*, the

⁴⁷Pliny *HN* 15.40.133 f. See further Marquardt, *Staatsverwaltung* 2.582, 589; M. B. Ogle, "Laurel in Ancient Religion and Folklore," *AJP* 31 (1910) 287-311; Steier, "Lorbeer," *RE* 13.2 (1927) 1440 f.

⁴⁸Suet. *Nero* 13, Cass. Dio 54.25.4, 55.5.1, *Res Gestae* 4.1. Cf. Samter 2005 f.; A. Alföldi, *Die Zwei Lorbeerbäume des Augustus* (Bonn 1973) 6 f., 36 f.

⁴⁹J. Buchan, *Augustus* (London 1937) 187; E. Strong, *CAH* 10 (1934) 546 f., with *Volume of Plates* 4 (1934) 112 f.; I. S. Ryberg, "The Procession of the Ara Pacis," *MAAR* 19 (1949) 79-101, also, above, n. 13, 38-48; J. M. C. Toynbee, "The Ara Pacis Reconsidered and Historical Art in Roman Italy," *ProcBritAc* 39 (1953) 67-95; E. Simon, *Ara Pacis Augustae* (Tübingen 1967); Giglioli 145 f.

⁵⁰Cf. Mommsen, *Staatsr.* 1.414 f., 615 f.; I. Hilberg, "Die *fascēs laureati* der antretenden Konsuln," *WS* 25 (1903) 329-330; Scullard 52 f.; Versnel 302 f., who notes that under the Principate the *fascēs* were paraded with the axes on this day.

⁵¹See, e.g., *CIL* 10.8375 line 9 *primum fascēs sumpsit*.

⁵²Livy 26.13.15, with Marquardt, *Staatsverwaltung* 2.585; Mommsen, *Staatsr.* 1.132; Versnel 169, 192; Barini (above, n. 13) 16; Ryberg (above, n. 13) 146 f., 157 f. See Cass. Dio 43.14.3 for Caesar's unprecedented display of *fascēs* in his triumph of 46 B.C., which displeased the crowd as excessive.

⁵³App. *BCiv.* 1.65.5-66.1, 1.104.1; Caesar *BCiv.* 2.32.9. Cf. Val. Max. 2.7.7.

fascēs and axes of the deceased, together with those of his ancestors, were proudly carried as a record of his attainment and a graphic parade of family history.⁵⁴ In token of mourning, the dead man's *fascēs* might be carried behind the bier *versi*, or reversed, a practice akin to the modern convention of reversed rifles for an honour-guard at a lying-in-state.⁵⁵ Only the luxurious Sulla is known to have secured a symbolic lictor to escort him even in death, in the shape of an expensive image of frankincense and cinnamon carried in his funeral procession (Plut. *Sull.* 38.2). It is natural that we find *fascēs* and axes pictorially displayed on tombs or listed with pride in funerary inscriptions as a record of achievement.⁵⁶ Similarly, the *fascēs* were important enough to be placed on coins in advertisement of family history, frequently figuring on the reverse of consular issues.⁵⁷

A comparison of the role of the *fascēs* with that of the *hasta*, or wooden lance, may be instructive. This archaic symbol of state authority, although still on display for certain legal occasions such as centumviral court sessions, cannot be shown to have attained an equal significance to the *fascēs* since it acquired no comparable range of social, political, or national associations. The *fascēs*, both more elaborate in appearance and more ubiquitous in public display, receive far more frequent and emotionally charged notices in our sources from their constant association with magisterial power and national military history. The *hasta*, which did not function as a national symbol across as broad a spectrum, became by comparison a legalistic relic more akin in our categories of thought to a mace than a flag.⁵⁸ For the same reason it was the *fascēs*, now always laurelled, which naturally developed into a standard component of the regalia and ceremonial retinue of the emperors.⁵⁹ By long association they

⁵⁴Polyb. 6.53.8. Cf. Mommsen, *Staatsr.* 1.447; Versnel 99 f., 126 f.

⁵⁵Tac. *Ann.* 3.2.2, Verg. *Aen.* 11.93; cf. (?)Ovid *Consol. ad Liviam* 177. See further Samter 2005; Kübler 508; Gladigow 306 f.

⁵⁶See, e.g., *CIL* 3.1083, 6072, 6083, 6.1546 line 5, 8.7044 line 5, 10.1042, 12.2453, *OGIS* 543 line 18. Trimalchio's use of the insignia for house decor is naturally a comic invention (Petron. *Sat.* 30). Cf. Samter 2004 f.; Ruggiero, *Diz. Epigr.* 3.1.39; Giglioli 59 f., 73 f., 131 f.; P. Ducati, *Origine e attributi del fascio littorio* (Bologna 1930) 32 f.

⁵⁷Giglioli 67 f., 183 f.; L. Laffranchi, "Il fascio littorio sulle monete antiche," *RivItNum*² 6 (1923) 5–20; M. H. Crawford, *Roman Republican Coinage* (Cambridge 1974) 1.328, 372, 386, 389, 413, 440, 489, 506.

⁵⁸See H. F. Jolowicz and B. Nicholas, *Historical Introduction to the Study of Roman Law*³ (Cambridge 1972) 198; J. M. Kelly, *Studies in the Civil Judicature of the Roman Republic* (Oxford 1976) 7. A. Alföldi, "Hasta—Summa Imperii. The Spear as Embodiment of Sovereignty in Rome," *AJA* 63 (1959) 1–27, advances the claims of the *hasta* to be considered a national emblem but has to concede that it grew more juridical in function in the later Republic and was used *intra pomerium* only for specialized legal functions; while tracing its role back to Homeric times he does not adequately relate it to contemporary Roman experience.

⁵⁹Mommsen, *Staatsr.* 1.387 f.; Ensslin (above, n. 11) 364 f.; Alföldi (above, n. 11) 100 f., 137.

had sustained their vitality as symbols of office and state authority. However, this symbolism had to be handled with care because, although Republican writers had recalled their use by the kings, disaffected conservatives under the Principate might use them to stir nostalgia for lost republican authority.⁶⁰

Our literary sources from every period enable us to trace the symbolic meaning with which the *fascēs* remain imbued, because of their emotionally charged, rather than neutral, phrasing. It is clear that Romans always respected their regalia and often gloried in their dramatic format. In the complex of associations which cluster about the rods we can identify also the proud conviction that they personified imperial splendour. This is clearly evinced in the special sense of shame and national humiliation attaching to their desecration by capture in battle.⁶¹ In this context they are seen as the embodiment of national honour, so that enemy mockery of the captured regalia, in itself a significant tribute to their potency as symbols, is reported as a further degree of desecration.⁶² Another telling indication of the powerful feelings which the *fascēs* could arouse is the significance attached to omens or dreams which feature them.⁶³

Physical dread of the *fascēs* had abated for the Romans themselves after the cherished right of *provocatio* was won. While it remained effective, this right was prized with an ardour intensified by keen awareness of the menacing, practical side of the rods and axe as it continued a reality for the less privileged.⁶⁴ Citizens themselves could still be beaten with the *virgae* if

⁶⁰For the *fascēs* as symbols of legitimate authority, see, e.g., Cic. *Sest.* 7.17 *fascibus ceterisque insignibus summi honoris atque imperii*; Verr. 2.5.15.39 *fascis ac securis et tantam imperi vim tantamque ornamentorum omnium dignitatem*; Livy 28.24.14 *insignia etiam summi imperi, fascēs securisque*; Val. Max. 2.7.7 *imperiōsissimi XII fascēs, penes quos senatus et equestris ordinis et universae plebis summum decus est*. Appian *Syr.* 3.15 and Plut. *Aem.* 4.1 relate the *fascēs* to ἀξίωμα and ἀξιώματα. For *vacui fascēs* as a symbol of consular impotence under tyranny see Calp. *Buc.* 1.69–71. Cf. Amm. Marc. 21.10.8, Constantine reproached for promoting barbarians *ad usque fascēs*.

⁶¹Cic. *Leg. Man.* 12.32, Plut. *Pomp.* 24.6, App. *BCiv.* 12.14.93, Livy 25.16.24, *Bell. Hisp.* 31.11; Frontinus *Str.* 2.5.34, Sil. *Pun.* 8.671 f., 10.391 f., 563 f.

⁶²See Plut. *Crassus* 32 for the mock triumph held by Surenas after Carrhae, featuring lictors on camels, purses hung from captured *fascēs*, and Roman heads impaled on the axes.

⁶³See, e.g., Tac. *Ann.* 15.7, the sinister omen of the horse that bolted while carrying the *fascēs* on the march; Suet. *Galba* 8.2, twelve axes found in a Spanish lake are *haud ambiguum summi imperii signum* for Galba; Plut. *Luc.* 36.2 f., the good omen of the offer by Lucullus' lictors to replace Pompey's withered laurels with fresh leaves; Cic. *Div.* 1.28.59, a significant dream featuring Marius with *fascēs laureati*.

⁶⁴Note the emotional tone of Cic. *Rab. Perd.* 4.11 f., *virgas ab omnium civium Romanorum corpore amovit . . . libertatem civium lictori eripuit* (of the lex Porcia). For *provocatio*, see Fuhrmann 1593 f.; Brasiello (above, n. 26) 38 f., 389 f.; Sherwin-White 71 f.; A. H. M. Jones, *The Criminal Courts of the Roman Republic and Principate* (Oxford 1972) 20 f. For Italian resentment of the *virgae* prior to 90 B.C., see Gell. *NA* 10.3.2 f.; H. Malcovati, *ORF*³ 1.191 f.

they did not register an appeal, and suspect elements of society such as rowdy actors could still suffer flogging before Roman eyes in the capital.⁶⁵ Citizens began once more to dread summary punishment as their right of immunity wore thin from the second century A.D. onward, but in the heyday of their privilege any discovery that citizens' rights had been flouted by the lictors drew sharp reaction. Cicero's *Verrines* amply demonstrate how easily horrified emotion could be roused by tales of high-handedness.⁶⁶ It is reasonable to assume that references to this grimmer side of the *fascēs* and axes are the more emotionally charged because freedom from their application formed such a cherished and central component of civic rights; the more so since they did not fade into obsolescence as instruments of punishment, as have the block, the stocks, and finally the gallows for us. Liability to the *fascēs*, in the chillingly physical image of axe poised over neck, rods over back, could therefore be used as a vivid, even relishable, symbol of subjection to Rome.⁶⁷ It is interesting to note that usurpation of Roman citizenship might itself be punished by the axe (Suet. *Claud.* 25.3).

We therefore find among the range of associated emotions which provides our index of their significance in Roman thought a pride in the *fascēs* as tokens of absolute, imperial power over the *socii*. This pride, it must be said, sometimes has a gloating overtone.⁶⁸ The *fascēs* are both directly used as symbols or, perhaps more revealingly, treated as such in hostile speeches attributed to non-Roman enemies or rebels. Here the strongest detestation is voiced! While these speeches may be discounted as direct evidence of non-Roman attitudes on the ground that they are rhetorical fabrications, they retain significance as expressions of the feelings which the writers expect from the disaffected. Here we may discern something of the "self-image" of the Romans and their estimate of the effects of their regalia as projected onto others.⁶⁹ However, the provincial peoples'

⁶⁵ Suet. *Aug.* 45.3-4, Tac. *Ann.* 1.77.1-2, 2.32.5, with Suet. *Nero* 49.2. Cf. Fuhrmann 1594; and above, n. 36.

⁶⁶ Cic. *Verr.* 2.5.29.73 f., 54.140, 62.161 f. See also *Phil.* 11.2.6, *Rab. Perd.* 4.16, Quint. *Inst.* 4.2.113, *CIL* 8.10570 col. 2 line 15. For punishment of foreign states which dared to chastise Romans, see Cass. Dio 54.7.6, 57.24.6, 60.17.3 and 24.4, Suet. *Tib.* 37.3, Tac. *Ann.* 4.36.2. For later erosion of civic rights see J. A. Crook, *Law and Life of Rome* (London 1967) 272 f.; P. Garnsey, "The Criminal Jurisdiction of Governors," *JRS* 58 (1968) 51-59.

⁶⁷ Plut. *Mor.* 813f, Ovid *Tr.* 4.2.45, Livy 31.29.9 (cited below, n. 69).

⁶⁸ See, e.g., Cic. *Flacc.* 8.19, Asian Greeks as *homines eos quibus odio sunt nostrae securēs*; Sen. *Apocol.* 12, Claudius praised in the mock dirge because he bade Oceanus fear *novae Romanae iura securis*. See also below, n. 74.

⁶⁹ Tac. *Ann.* 1.59.6 (Arminius); 12.34 (Caratacus); Livy 31.29.6 f. (a Macedonian speaking to Aetolians about Sicily's subjection: at the Roman governor's assize *virgae tergo, securēs cervicibus imminēt*); 35.16 (an envoy of Antiochus Megas treats Sicily's subjection in a speech to Romans); Diod. Sic. 37.12.3 (speech by a Latin); Caesar *B Gall.* 7.77.16 (Critognatus); Josephus *BJ* 2.365-366 (Herod Agrippa on the servitude of Greeks and Macedonians to Rome).

perception of the *fascēs* can be gauged from firmer evidence than speeches. Reports of their vigorous response to the introduction of the rods into "free" or allied states allow a more direct glimpse into non-Roman attitudes by making it evident that the prouder residents of great Hellenic cities strongly resented these symbols. Tactful Roman officials would respect such feelings.⁷⁰ But it was no mere nicety of protocol that was at issue, since the *fascēs* were regularly paraded with axes mounted in *civitates stipendiariae* as part of the governor's constant retinue and were directly used for criminal punishments in assize-centres. Hence their unpopularity and their potency as symbols of subjection. The Roman regalia, with their Etruscan origins, were alien to the Hellenistic world, a factor which may well have intensified this symbolism.⁷¹ Worse still, decapitation was seen as brutal and barbaric by the Greeks.⁷²

The Latin poets, dutifully hyperbolic, go further in their symbolic use of the *fascēs* for extravagant predictions of conquest, although prose authors also feel the attraction of this symbol. Here the *fascēs* draw the emotions nowadays associated with the flag of an international power, with the added tension of repressive violence.⁷³ Equally significant is the Romans' own calculation of the effect of their regalia on their subjects as expressed in the pleasurable awareness that they intimidated. This is seen from the appreciable number of texts which associate the *fascēs* with fear or sheer terror as the anticipated response.⁷⁴ Words such as *timeo*, *terror*, *terribilis*, *terreo*, *metus*, and *vereor* are employed in this context, and here

⁷⁰Tac. *Ann.* 2.53.3, Suet. *Calig.* 3.2, App. *BCiv.* 5.11; especially Caesar *BCiv.* 3.106.4, the demonstration staged by the Alexandrian mob when Caesar entered Egypt with the *fascēs* in 48 B.C. and thereby seemed to them to disparage their king's *maiestas*. Cf. Sands (above, n. 20) 116; S. Accame, *Il dominio romano in Grecia* (Rome 1946) 77.

⁷¹For the development of Greek terms to denote Roman regalia see Cass. Dio 53.13.8, App. *Syr.* 3.15, Diod. Sic. 31.42, Polyb. 2.24.6, 3.40.9 and 11, 3.106.6. See Polyb. 3.87.7 for an explanation of lictors' varying numbers for his Greek readers, and 5.26.10 for a possible Greek parallel in ceremonial wand-bearers or ushers. Lictors with rods would be seen in Roman colonies in the East. See further Sherwin-White 74; H. J. Mason, *Greek Terms for Roman Institutions* (Toronto 1974) 43, 82–83. Note the story (Suet. *Tib.* 11) of the shocking effect on Greek observers of Tiberius' sudden change from Greek into Roman dress with attendant lictors during his Rhodian "exile;" cf. App. *BCiv.* 5.76, the dramatic transformation of Antony's demeanour, striking awe and terror into the Athenians, when he changed back into Roman official dress and used lictors.

⁷²E. R. Dodds, *Euripides, Bacchae*² (Oxford 1960) 100.

⁷³The *fascēs* figure as symbols of impending conquest of Parthia, Germany, even Bactria and India, in, e.g., Prop. 3.4.4 f., Ovid *Tr.* 4.2.45, Horace *Carm. Saec.* 53 f., Lucan 7.427 f., Claudian *Cons. Hon.* 8.640, 655 f., 15.20 (the most extravagant passage).

⁷⁴Pliny *HN* 16.30.75 (*terribilis*), Horace *Carm. Saec.* 54 (*timet*), Livy 2.1.8 (*terror*), 2.18.8 (*metus*), 3.36.3 and 5 (*terror*), 9.16.18 (*metus*), 28.24.14 (*metus*), 45.29.2 (*terribilis*, *terrere*), Cic. *Leg. Agr.* 1.3.9 (*formidolosus*), 2.17.45 (*metus*), Verr. 2.3.29.70 (*metus*), 2.4.7.14 (*metus*), 2.5.9.22 (*metus*), 45.118 (*terror*), 50.113 (*metus*), Sil. *Pun.* 8.485, 10.563 (*terror*), Dion. Hal. *Ant. Rom.* 2.29.1, 5.75.2 (φόβος, καταπλήσσω), Sen. *Controv.* 9, p. 434b f. (Teubner) (*terror*), Ovid *Tr.* 5.6.31 (*verendus*).

again this association of vocabulary may indirectly reveal the users' own primary response. The pragmatic Romans were surely aware of the potential of their regalia to cow and impress, and it seems likely that they traded on the fearful glamour of their magisterial emblems to enforce obedience. If so, Roman provincial administration involved more than edicts and routine efficiency, and the panache of their formidable regalia will have provided a large element in the Roman "presence" and an intangible control-technique. However, the inference of actual sadism as a flaw in "the Roman personality" does not seem warranted.⁷⁵

In Rome itself the strong feelings which the lower social orders focused upon the *fascēs* may be traced in their group activity, our most reliable guide to the attitudes of the voiceless man in the street who falls below the social range reflected in literature. The smashing of a magistrate's *fascēs* by a hostile mob determined to nullify his authority graphically demonstrates that ordinary Romans saw them as basic symbols of the authority set over them. The violence of such destruction may also indicate continuing resentment at these former instruments of patrician repression with their lingering potential for the act of execution. The fact that the rods were actually smashed in political riots rather than just stolen or defaced suggests also a popular feeling that it was only the spoiling of their practical effectiveness which would end the political power associated with them.⁷⁶ If so, their potential for use on backs and necks remained a major component of their significance. This suggestion finds support in the deliberate acts of the breaking of the rods of an antagonistic or deposed consul, carried out by *populares* under the Republic and later by emperors, in order to symbolize the public stripping of his powers.⁷⁷ That the *fascēs* were not viewed by ordinary Romans as archaic relics but as embodying effective power is confirmed by the popular manoeuvre of seizing them in city or camp so as to transfer power with them to the people's choice.⁷⁸ Similarly, senators or military rebels might themselves seize the *fascēs* as a public advertisement of their arrogation of power. Such transfers and seizures were hardly

⁷⁵Pace O. Kiefer, *Sexual Life in Ancient Rome* (London 1934) 68, 79 f., who infers from the role of the *fascēs* as authority symbols that Romans were inherently cruel and relates this to sadism and perverted sexuality.

⁷⁶Asc. *Corn.* p. 58, ch. 51; Livy 2.55.9, 3.49.4; Cass. Dio 38.6.3. Cf. Mommsen, *Staatsr.* 1.377; Samter 2005; Kübler 511.

⁷⁷Cass. Dio 36.39.3 (Calpurnius Piso, consul 67 B.C.); Cic. *Pis.* 12.28; *Red. Sen.* 3.7; Cass. Dio 38.30.2 (Clodius and Gabinus, consul 58 B.C.); Cass. Dio 38.6.3 (Bibulus, consul 59 B.C.); 59.20.3 (Caligula and the consuls of A.D. 39). Cf. J. P. V. D. Balsdon, *The Emperor Gaius* (Oxford 1934) 72. The *fascēs* of the consul L. Minucius are metaphorically described as *contusi atque fracti* by Val. Max. 2.7.7 after his deposition by the dictator Cincinnatus.

⁷⁸Seizure in mutinies: Polyb. 11.29.6, Livy 28.24.14; cf. App. *BCiv.* 3.7.48. Seizure in Rome: Asc. *Mil.* ch. 29. p. 33; Cass. Dio 54.1.3.

constitutional, but they could prove effective means of transferring actual power.⁷⁹

The vitality of the symbolism of the *fascēs* may also be seen from its ramification within the early Christian Church. The vigour of the Christian reaction to them shows that to the new religion they represented at first both the instruments and the detested emblems of pagan persecution, the very weapons of worldly power in its war with the kingdom of God. Viewed with revulsion, especially at times of friction with the state, as symbols of Caesarism, the Roman concept of worldly authority, they also retained, as part of the lictors' punitive tools, the dualism of the symbolic and the menacingly practical. St. Paul's experience under the rods of colonial magistrates inaugurates this era (2 Corinthians 11.25), and brave contempt for the *fascēs* becomes a feature of martyrologies.⁸⁰ Lurid scenarios retailing magistrates' ferocity become part of the treasury of Christian tradition, and resistance in face of such persecution is glorified at an early date in the vision of the Revelation of John (20.4) of the souls of martyrs beheaded by the axe.⁸¹ As Christianity triumphs, dramatic reversals are to be witnessed in which these same *fascēs*, too strongly entrenched as national regalia to be discarded, are now used to salute Christian symbols and martyrs' relics. They also reappear in the welcome amnesties for the condemned granted on church festivals.⁸²

The *Nachleben* of the *fascēs* in post-Classical history cannot be fully documented here but deserves mention as a tribute to their continuing vitality as symbols despite their antiquity. Their association with political strength was to be spectacularly exploited by the French revolutionaries, who interpreted them as a symbol of strength in unity, and, more dubiously, by the Italian *Fascisti* after 1926.⁸³ It may, however, be conceded that scholarly interest in the history of Roman regalia was indirectly stimulated by their exploitation under Fascism.⁸⁴ In North America, while the *fascēs*

⁷⁹Cic. *Cat.* 2.6.13, *Sull.* 5.17, *Plut. Cic.* 16.4, *Sall. Cat.* 36.1, *Tac. Hist.* 4.59, *App. Mith.* 8.52, *Cic. Lig.* 1.3, 7.22–23. For the storing of the *fascēs* in the temple of Libitina at times of *interregnum* when *imperium* and *auspicia* reverted to the Senate, see Siber 91; Gladigow 306.

⁸⁰See Sherwin-White, *Roman Society* (above, n. 38) 74.

⁸¹See, e.g., Lactant. *Div. Inst.* 5.6.5, Origen, *c. Cels.* 3.6, Prudent. *Perist.* 3.96–100, 10.1108–1109; Notker Balbulus, *Martyrologium*, In *Natale Sancti Laurentii Martyris* (Migne, *PL* 131, p. 1015) lines 13–14. Cf. Reinhold 21, 56 f., for early Christian detestation of purple as “the devil's pomp.”

⁸²Prudent. *c. Symm.* 1.556 f., 564 f., Cassiod. *Var.* 11.40.3. Cf. Kübler 513.

⁸³See A. P. Dayot, *La Révolution française* (Paris 1896) 48, 85, 179, 232, 455, 472; E. F. Henderson, *Symbol and Satire in the French Revolution* (New York and London 1912) 364, 372; J. A. Leith, *Media and Revolution* (Toronto 1968) 68; I. Kirkpatrick, *Mussolini, Study of a Demagogue* (London 1964) 75, 167; C. Leeds, *Italy under Mussolini* (London 1972) 20 f.; M. Lurker, ed., *Wörterbuch der Symbolik* (Stuttgart 1979) 152.

⁸⁴Notably Giglioli, a useful collection of primary evidence and clear photographic illustrations despite much Fascist rhetoric and eulogy of “il Duce;” also Ducati, (above, n.56).

were as yet untainted as a symbol of constitutional authority, they appeared with effect on American currency and were given dignified prominence in the adornments of the Lincoln Memorial. In Canada they received the accolade of representation (with the axe) on Queen Victoria's statue on Parliament Hill and (minus the axe) outside the Supreme Court of Canada building in Ottawa. It is not surprising that these dramatic tokens of Roman power have also attracted attention in a range of creative writing, proving especial favourites for novelists of the nineteenth century such as Lytton, Pater, and Newman whose themes invited imaginative reconstruction of the impact of the Roman insignia.⁸⁵

In conclusion, the *fascēs* can be seen to carry a complex but potent symbolism. They could be viewed positively as symbols of proud empire or represented as grim reminders of direct Roman power over subject peoples who fear and resent them. Because of their constantly apparent functional aspect, they are also reminders of the potential powers of the *imperium* over citizens and are emotionally associated with the *provocatio* that must be jealously guarded as a cornerstone of republican liberty. They are constant adjuncts of office and ceremonial, yet always ultimately punitive, and their glamour as symbols is thus always tinged with dread at their practical efficacy. However, the aura of style and drama surrounding them is no incidental detail but an effective part of the dynamics of the Roman constitution in operation. In a society governed with a minimum of bureaucracy, the citizens' perception of authority was as important as the abstract principles of constitutional law so painstakingly extrapolated by modern scholars. Traditional discussions of the Roman constitution do not extend to this human element and offer no analysis of the strong sense of drama in Roman public life or the Romans' susceptibility to the impressiveness of their own regalia. But if such symbols and their accompanying rituals were more real and emotive for contemporary Romans in their civic life than any awareness of their remote antecedents, then a more empirical investigation into the impact of symbols and showmanship as an element in public life should be undertaken. I do not contend that the earlier studies cited above are to be discounted as invalid or misdirected; indeed, they provide the indispensable groundwork for any such further investigation.⁸⁶ But they remain partial and incomplete until complemented by an analysis of the developed function of public institutions in historical times as reflected in

⁸⁵B. Lytton, *Last Days of Pompeii* 41, 375; Walter Pater, *Marius the Epicurean* 143; Wiseman, *Fabola, or the Church of the Catacombs* 286 f., 481, 483; especially Newman, *Callista, a Sketch of the Third Century* 235 f. (the terror induced by magisterial regalia in the Decian persecution); Thomas de Quincey, *Confessions of an English Opium-Eater* 303 (a bizarre drug-induced vision of *consules paludati* drawn from Livy).

⁸⁶Stefan Weinstock deserves a special tribute for his consummate control of symbolism in art and coinage. See his *Divus Julius* (Oxford 1971), especially 46 f., 64 f., 106 f.

concepts and attitudes contemporary with the sources. The evidence awaits a fresh approach, along the lines attempted above for the *fascēs*, to other central Roman institutions such as citizenship, criminality, magistracy, or statehood itself. My challenge is that we evaluate them as motive and dynamic elements of Roman public life rather than as static and incidental. I hope that I have made its acceptance an enticing prospect.

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