The Police Apparatus
of Early Imperial Rome

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Front: Gravestone of a praetorian holding in his right a club (Image taken from M. Speidel, 'The *Fustis* as a Soldier's Weapon', *Antiquités Africaines* 29 (1993) 139 (edited)).

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THE NEWS OF George Floyd's death as the result of undue and excessive police violence was featured in headlines in many newspapers.[1] Floyd's death ignited a wave of global protest and subsequently fuelled a massive movement that advocated for police reform, decrease in police power and above all, racial equality.[2] Through the Black Lives Matter movement, society began to examine police-related issues and set out to analyse the efficiency of police. The polls show that all over the world and especially in the United States public confidence in police has fallen.[3]

'Defund the police' is one of the slogans often applied to the current topic of police reform.[4] Decreasing investments in police departments (and preferably disbanding the units as well) and increasing them in alternative, non-policing forms of public safety, is a just proposal, but not one that keeps a society in check. Take for example the COVID-19 pandemic. Governments in multiple nations have laid down rules with regard to the coronavirus, and it is now up to the police to ensure that locals comply with these lockdown restrictions.[5] In this sense, to specifically halt the spread of the virus, police seem to be an important if not essential form of ensuring public safety. As much as the confidence in police might take a hit here as well the popular idea that a nation can survive without a police service seems quite improbable.

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[1] See, for example, A. Rourke, 'Rage and Anguish: How the US Papers have covered the George Floyd Protests'. *The Guardian,* June 1, 2020. Accessed September 2, 2020. https://www.theguardian.com/us-news/2020/jun/01/rage-and-anguish-how-the-us-papers-have-covered-the-george-floyd-protests.

[2] D. Phoenix and M. Arora, 'Will the Recent Black Lives Matter Protests lead to Police Reform?'. *Political Science Now,* August 12, 2020. Accessed September 2, 2020. https://politicalsciencenow.com/will-the-recent-black-lives-matter-protests-lead-to-police-reform/.

[3] See, for example, A. Ortiz, 'Confidence in Police is at Record Low, Gallup Survey finds'. *The New York Times,* August 12, 2020. Accessed September 2, 2020. https://www.nytimes.com/2020/08/12/us/gallup-poll-police.html; N. Yancey-Bragg, 'Americans' Confidence in Police falls to Historic Low, Gallup Poll shows'. *USA Today,* August 12, 2020. Accessed September 2, 2020. https://eu.usatoday.com/story/news/nation/2020/08/12/americans-confidence-police-falls-new-low-gallup-poll-shows/3352910001/ and G. Eigener, 'Police Brutality: the UK's Best-Kept Secret is finally coming to Light'. *No Majesty,* August 21, 2020. Accessed September 2, 2020. https://nomajesty.com/police-brutality-uk-secret-finally-coming-to-light/.

[4] See, for example, L. Welch, 'What does the 'Defunding the Police' mean?'. *No Majesty,* August 2, 2020. Accessed September 2, 2020. https://nomajesty.com/what-is-defund-the-police-movement/ and S. Levin, 'What does 'Defund the Police' mean?'. *The Guardian,* June 6, 2020. Accessed September 2, 2020. https://www.theguardian.com/us-news/2020/jun/05/defunding-the-police-us-what-does-it-mean.

[5] See, for example, D. Casciani, 'Coronavirus: What Powers do the Police have?'. *BBC News,* March 31, 2020. Accessed April 1, 2020. https://www.bbc.com/news/explainers-52106843 and I. Marcus, 'Corona in Germany: Police end Gatherings, Protests on Sunny Day'. *The Berlin Spectator,* March 29, 2020. Accessed April 1, 2020. https://berlinspectator.com/2020/03/29/corona-in-germany-police-end-gatherings-protests-on-sunny-day/.

Few people have noticed that the defences against crime and public unrest are a rather recent achievement from the perspective of universal history. Only as late as 1829 was policing put in the state's hands and the word 'police' confined to a governmental institution responsible for guarding public order. Before that time, there was no institutional police model; each community of this world 'policed' themselves. This raises some questions: how did pre-industrial societies manage to ensure orderly behaviour, what were their options to police a society, and how does that aid in the current search for alternative forms of policing?

A riot erupted in one of Rome's theatres in AD 14. At the first *Augustala ludi,* the games honouring the recently deceased emperor Augustus, actors were not able to reach common agreement on the pay offered to appear on stage. Thus, the games were marred by a disturbance: the populace rioted as the actors 'did not cease their disturbance, until the tribunes convened the senate that very day and begged it to permit them to spend more than the legal amount'.[6] One can imagine that the audience of thousands did not clap or cheer on that day. Instead, the huge crowd must have roared with disdain and urged the tribunes to increase the performers' pay. The outcome of the impromptu senatorial session that followed is not known, nor is the ending of the games after the tribunes returned, but one thing is clear: this was a tense moment during the Augustal games.[7]

Disorderly situations like the riot of AD 14 tested the Roman state in all kinds of ways, including the manner in which they could keep unruly crowds in order. It is therefore little wonder that modern scholars have been drawn to these events in Rome and analysed public order, police and the supposed interrelations between the two. Two questions have occupied these scholars' minds during the last two centuries: were there police in ancient Rome, and if so, did they perform modern police tasks? There is disagreement among scholars on this issue to such an extent that it currently draws a dichotomy between those who argue that Rome did possess something resembling a modern police service and those who argue that it did not. This study contests both claims, explores the ways in which the Roman state policed its capital and establishes its police apparatus. One objective of this study is to assess the conceptual models of police in order to escape the ongoing debate and understand what 'police' are. Another objective is to apply these models to the Roman world and generate fresh insights into police work at the imperial capital.

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[6] Dio Cassius, *Roman History* 56.47.2 (Eng. trans. Cary and Foster 1924).
[7] Tacitus, *Annals* 1.54.2; Dio Cassius, *Roman History* 56.47.2 and Velleius Paterculus, *Roman History* 2.126.2. See also W.J. Slater, 'Pantomime Riots', *Classical Antiquity* 3 (1994) 123-4.

a. Police and Imperial Rome: A Historiography

To count and analyse the individual military or paramilitary units in Rome has always been a standard line of scholarly inquiry into the matter of public order and police in the Roman capital. These studies retraced the history of the troops stationed in Rome under the Principate, finding a city full of soldiers: a city guard (or watchmen), an urban guard and a praetorian guard.[8] The various troops stationed in Rome added up to a total of 8,000 soldiers under emperor Augustus (27 BC–AD 14), up to 20,000 under emperor Trajan (AD 98–117) and up to 31,500 under emperor Septimius Severus (AD 193–211).[9] Assuming a population of approximately one million, this gives a ratio of one soldier to 125 inhabitants in Rome under Augustus, one to 50 in Trajan's capital and one to 32 in Septimius Severus' *urbe*.[10] Most studies also share the view that Rome's inhabitants easily recognised these soldiers since they regularly wore belts, swords, cloaks or togas and military insignia.[11] Despite the fact that their functions in the city remain largely unclear, the general consensus of this line of investigation is that Rome's military forces 'must have been very "visible" indeed'.[12]

This huge numbers of soldiers has obviously transfixed historians of security-related scholarship and thus opened a season of studies on the issue of public order and the overall design underlying the detachment of soldiers.[13] The military personnel of Rome are hence compared with the modern services that guard the public order, ultimately leading to the debate of whether Rome's military formations operated as police.

The initial line of investigation grounded in the early twentieth century historiography was to look back through time to find the origins of the police in the ancient world. The classical scholar Paul K. Baillie-Reynolds (1928) proposed that

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[8] J. Coulston, "Armed and Belted Men'. The Soldiery in Imperial Rome', in: Coulston and H. Dodge (eds.), *Ancient Rome: The Archaeology of the Eternal City* (Oxford: Alden Press, 2000) 89 and B. Kelly, 'Policing and Security', in: P. Erdkamp (ed.), *The Cambridge Companion to Ancient Rome* (Cambridge: Cambridge University Press, 2013) 423.

[9] A.W. Busch, "*Militia in Urbe*'. The Military Presence in Rome', in: L. De Blois and E.L. Cascio (eds.), *The Impact of the Roman Army (200 B.C. – A.D. 476): Economic, Social, Political, Religious and Cultural Aspects* (Leiden: Brill, 2007) 315; Coulston, 'The Army in Imperial Rome', in: C. Holleran and A. Claridge (eds.), *A Companion to the City of Rome* (Malden: Blackwell, 2018) 184 and ibid., "Armed and Belted Men", 81.

[10] Coulston, "Armed and Belted Men", 81. The numbers are estimates.

[11] M.P. Speidel, *Riding for Caesar: The Roman Emperors' Horse Guards* (Cambridge, MA: Harvard University Press, 1994) 19-20, 132-134; Coulston, 'The Army in Imperial Rome', 181, 185; ibid., "Armed and Belted Men", 75-6, 89-91; B. Rankov and R. Hook, *The Praetorian Guard* (London: Osprey, 1994) 5, 14, 19-24 and W. Nippel, *Public Order in Ancient Rome* (New York: Cambridge University Press, 1995) 97.

[12] Coulston, "Armed and Belted Men", 81.

[13] See, for example, M. Durry, *Les Cohortes Prétoriennes* (Paris: Boccard, 1938); Rankov and Hook, *The Praetorian Guard*; H. Freis, *Die Cohortes Urbanae* (Cologne: Böhlau, 1967); Speidel, *Riding for Caesar* and P.K. Baillie-Reynolds, *The Vigiles of Imperial Rome* (London: Oxford University Press, 1926).

Rome had 'a well-organized and efficient police system', because it had three bodies engaged in the policing of the city (the watchmen, the urban cohorts and the praetorian guard).[14] Edward Echols (1958) jumped to the conclusion that the soldiers from the urban cohorts were like the modern Italian *Carabinieri*, who are supra-police officers who walk the streets armed and in uniform.[15] Echols argues that at least three cohorts from the praetorian guard were assigned as city police alongside as many as seven from the urban cohorts to safeguard the fourteen wards of Rome. Roy W. Davies (1968 and 1977) advances similar arguments: the famous *Pax Romana*, the Roman period of 'peace' in the first two centuries AD, 'was preserved with the help of an efficient police force',[16] and the capital was protected by a force (the urban cohorts) instituted 'specifically to police Rome'.[17] Any attempt to survey the twentieth century study of public order in imperial Rome must conclude that most of these scholars assume that the Roman Empire must have had a specialised police service similar to the modern system.

No one advanced the discussion of policing and control in the Roman world more carefully than Wilfred Nippel (1995). His basic message in *Public Order in Ancient Rome* is that modern police terms are unsuitable and that any analysis of public order must be conducted in 'primitive' terms, paying attention to the ways Romans managed orderly behaviour. Nippel pursued a primitivist approach to the study of antiquity and argued not so much that the ancient world was primitive as that it was definitely not modern. Thus, he claimed that the idea that the state should undertake the task of policing was inherently modern and therefore quite foreign to the Romans. Ergo, police could not be found in imperial Rome. Nippel remained cautious in claiming that the capital's forces became ever more powerful in safeguarding the Empire's capital. That the urban cohorts, for example, had regular police functions is an inference from the responsibilities of the urban prefect, who was expected to respond to criminal actions. The same applies to the city watchmen: they formed a city guard and went on nightly patrols, but the idea that they were responsible for safeguarding the capital as well is solely based on the functions of their prefect, the *praefectus vigilum*. To that extent, Nippel concludes that at least in Rome it must have largely been the individual who took care of him or herself.[18]

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[14] Baillie-Reynolds, 'The Police in Ancient Rome', *The Police Journal: Theory, Practice and Principles* 1 (1928) 420. See also Baillie-Reynolds, *The Vigiles,* 101.

[15] E. Echols, 'The Roman City Police: Origin and Development', *The Classical Journal* 53 (1958) 380-82.

[16] R.W. Davies, 'Police Work in Roman Times', *History Today* 18 (1968) 700.

[17] Ibid., 'Augustus Caesar: A Police System in the Ancient World' in: P.J. Stead (ed.), *Pioneers in Policing* (Montclair: Patterson Smith Publishing Corporation, 1977) 16.

[18] Nippel, *Public Order in Ancient Rome,* 85-97.

Christopher J. Fuhrmann (2012) writes partly in reaction to this claim. He argues that Nippel's fallacy lies in the fact that he *a priori* assumes that police were modern and thus had no place in the imperial capital. Fuhrmann acknowledges the modernity of police and therewith deliberately pursues a modernist approach. He proposes that soldiers under the command of the Roman state performed police duties mainly to protect the ruling class. Fuhrmann underwrites the development of these institutional efforts to improve public order: soldiers were increasingly detached from their legions and assigned to civilians as police in the second and third centuries. As such, the 'self-help model' suggested by the primitivist Nippel does not fit the imperial era. The very existence of military forces in the capital was indicative of soldiers operating as police. Political stability in the capital, for example, was the prime reason for emperors to intervene militarily. It was therefore no coincidence that the rulers of Rome had command over the praetorian guard: they *wanted* soldiers to meddle in the public affairs of Rome since they could ensure the city's (political) security. Fuhrmann therefore emphasises the role of soldiers in the maintenance of Rome's public order and highlights that there were police in the capital, but they were only there to protect the position of the powerful and increase the state's control over its subjects.[19]

It is equally important to consider another line of scholarly inquiry: that which deals with social unrest in a more general sense and more or less passes over the subject of police. The comprehensive accounts of public order have always examined how Rome's military forces operated as police, but what of occasions on which violence suddenly exploded? Scholars have attended to the study of urban unrest and tried to analyse how the Roman state dealt with unruly collective behaviour. Their works show that the prevalence of riots has often been diagnosed as symptomatic of a breakdown in government, such as a failure of the state to provide a sufficient food supply or resentment over a social injustice.[20] A common example is the angry crowd that pelted emperor Claudius with stale crusts of bread in the Roman Forum in AD 51. So limited was the stock of food that mobs stormed the emperor, for only a fifteen-day supply was left after a delay in the arrival of the grain fleet.[21] The purpose of these

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[19] C.J. Fuhrmann, *Policing the Roman Empire. Soldiers, Administration, and Public Order* (Oxford: Oxford University Press, 2012) 5-35.

[20] R. MacMullen, *Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire* (Cambridge, MA: Harvard University Press, 1966) 179-80; Z. Yavetz, Plebs *and* Princeps (Oxford: Clarendon Press, 1969) 18-20; G.S. Aldrete, 'Riots', in: Erdkamp, *The Cambridge Companion to Ancient Rome,* 428-31; Slater, 'Pantomime Riots', 128-9 and T.W. Africa, 'Urban Violence in Imperial Rome', *The Journal of Interdisciplinary History* 2 (1971) 20-1.

[21] Suetonius, *Claudius* 33.

studies of urban unrest was to determine what level of violence was acceptable and what instruments were available to keep the city of Rome under control. Much of the city's security was owed to the urban cohorts and praetorian guards, who were often called in to quell riots.[22] This said, the evidence regarding the military repression of riots remains distorted in at least one way: these scholars imply that military intervention indicates either that the city possessed something resembling a modern police service or that it did not.

Special mention should be made of the scholars in the law and criminal justice departments. Their literature concerning police systems in imperial Rome also provides insightful accounts, albeit developing no new arguments. Their research must be understood against the backdrop of the twentieth century historiography of public order in ancient Rome. W. Clinton Terry and Karelisa V. Hartigan (1982), for example, compare the police system of Rome during the reign of Augustus with the system of nineteenth century England but ground their work on Rome's police system in studies such as those of Baillie-Reynolds, Echols and Davies, and Philip J. Stead with his work on the Roman police (1983) is guilty of the same charge.[23] Their accounts are valuable in their own ways, but that they conclude that the military personnel of the imperial capital were in fact police should come as no surprise, because they have read the scholarly works that argue as much.

Cecilia Ricci's (2018) judgment is the latest contribution to the study of security and public order in ancient Rome. According to Ricci, the emperor 'assumed the role (and essentially implemented the project) of guarantor of peace and safety of persons and of public places'.[24] Thus, to understand the public safety of Rome, she examines the plan Augustus initiated in an attempt to administrate the 'normal' life of the city. She addresses the classical question 'Were there police in the Roman world?' but does not offer a sound alternative approach. Instead, she solely focuses on the concept of security and leaves the concept of police alone. Her overall concept is that some soldiers or veterans 'engaged in operations of maintenance of public order in the cities of Italy, with functions of protection and escort of the *Princeps*'.[25] Her synthesis is a good starting point to understand what measures allowed one million

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[22] MacMullen, *Enemies of the Roman Order,* 163-73; Yavetz, Plebs *and* Princeps, 20; Kelly, 'Riot Control and Imperial Ideology in the Roman Empire', *Phoenix* 61 (2007) 163-65 and Africa, 'Urban Violence in Imperial Rome', 8-10.

[23] W.C. Terry and K.V. Hartigan, 'Police Authority and Reform in Augustan Rome and Nineteenth Century England', *Law and Human Behaviour* 6 (1982) 295-311 and Stead, 'The Roman Police', *Police Studies* 6:4 (1983) 3-7. See also Stead, 'Pioneers in Policing: An Overview', in: ibid. (ed.), *Pioneers in Policing*, 1-3.

[24] C. Ricci, *Security in Roman Times: Rome, Italy, and the Emperors* (New York: Routledge, 2018) viii.

[25] Ibid., xii.

people in imperial Rome to live together but does not present new, detailed information about how policing occurred and developed in the imperial capital.

Despite the contributions that have addressed the issues regarding public order in Rome, to the eyes of the reader a rather confusing scenario unfolds. Anyone interested in the security of the imperial capital reaches a dichotomous conclusion: either there were police in Rome, or there were not. The challenging work of preventing internal disorder in the ancient city involved a variety of forces, but whether these forces were the equivalent of police is a matter of choice. A binary primitivist–modernist framework prevails in the analysis of security in the Roman world, and the debate of public order in Rome has hence reached an impasse.

This dichotomy calls for a different perspective not only to overcome this standstill but also to determine *how* the Rome state policed the city. The latter even deserves further scrutiny, for it has remained unclear in all the line of scholarly inquiries by what means the Romans policed their community. The primitivist and modernist approach has made some very helpful suggestions, but ironically it has never offered a fruitful debate on the use of the concept of police, which has always been one of the theoretical fundaments of the police studies of imperial Rome. It is of course extremely hazardous to assume modern standards of policing in Rome, but that does not imply that one cannot investigate the extent to which modern theories and models about police can be fruitfully applied to the Roman world, in which cities also had to manage public safety. On the contrary, there is enough theoretical material available that makes such an exploration worthwhile.

b. Writing Police History

Presented to the English Parliament in 1829 by Robert Peel, the *Act for Improving the Police in and near the Metropolis* established the concept of a military-based structure of maintaining public order. 'The local Establishments of Nightly Watch and Nightly Police have been found inadequate to the Prevention and Detection of Crime', it wrote, '[and therefore] it is expedient to substitute a new and more efficient System of Police'.[26] The new act established a full-time and centrally organised security force – a force that would become the model for future police departments in almost all Western societies – and 'police' became a common enough term that referred to an institutionalised security service that fought crime and maintained public order.[27]

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[26] *Statutes of the United Kingdom* C.44.10 GEO.IV. See also J. Stinchcombe, 'Beyond Bureaucracy: A Reconsideration of the 'Professional' Police', *Police Studies* 3 (1980) 50.
[27] N. Neocleous, 'Policing and Pin-Making: Adam Smith, Police and Prosperity', *Policing and Society* 8

However, there is a curious neglect of the police in security-related scholarship. Generally, academics of the twentieth century showed little interest in the police scholarship.[28] The problem that confronted those who conducted research on police services was functional: police have rarely been treated as important actors in historical events. Their activities have never been routinely noted, and their presence has always been ubiquitous. This obviously made the historical analyses of police challenging. Documentary materials were never regularly collected or catalogued in libraries, because there had never been a demand for the source material that facilitated the scholarly work.[29] One consequence was that scholars found their interests elsewhere, while the general focus of scholars on police as well as on their origins and functions slowly came to a halt.

The ideological bias of those who analysed the history of police in the twentieth century was noted by various writers in the second half of the same century. Few police critics had a strong tendency to present a global synthesis of police and to describe how the police reform of 1829 came to be.[30] Scholars began to look for the origins of the police while failing to acknowledge that the use of the concept might be anachronistic. The police they knew were impartial and investigative but the result of the English model that clouded their judgment.[31] The earlier models of police (i.e., the models from before 1829) were set up to be unfavourably compared with what came later (i.e., the English model), and the discussion of the existence of police in the period before 1829 has been dominated by this ideological bias ever since.

c. A Fragmented System

Over the course of the development of police scholarship in the past decades, the approach to writing the history of police changed. Scholars have shifted their focus away from the initial story of how the modern police came to be and instead sought to determine how order was maintained before the controversial year of 1829. Some

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(1998) 437; Stead, 'Pioneers in Policing', 1-2 and Terry and Hartigan, 'Police Authority', 308.

[28] D.H. Bayley, *Patterns of Policing: A Comparative International Analysis* (New Brunswick: Rutgers University Press, 1990) 3-7 and C. Denys, 'The Development of Police Forces in Urban Europe in the Eighteenth Century', *Journal of Urban History* 36 (2010) 332.

[29] Bayley, *Patterns of Policing,* 3-7 and Denys, 'The Development of Police Forces in Urban Europe', 332.

[30] P. Rawlings, *Policing: A Short History* (Devon: Willan Publishing, 2000) 1-4; Neocleous, 'Policing and Pin-Making', 437 and Bayley, 'The Police and Political Change in Comparative Perspective', *Law and Society Review* 6 (1971) 96-98.

[31] Rawlings, *Policing: A Short History,* 1-4; Neocleous, 'Policing and Pin-Making', 437 and Bayley, 'The Police and Political Change', 96-98. The studies of Baillie-Reynolds, Echols and Davies are clear examples of this phenomenon as each scholar compare their police with that of Rome (and hence conclude that they were similar).

of these scholars made interesting observations on the existence of police prior to that year, the most iconic example being a report of a Frenchman visiting London in 1720.[32] 'Soon after his arrival in London,' the story goes,

> he had observed a good deal of dirt and disorder in the streets; and asking about the *police*, but finding none that understood the term, he cried out, 'Good Lord! how can one expect order among such people, who have not such a word as *police* in their language?'[33]

It became an arduous task for scholars to define 'police' and to explain the supposed historical absence of such forces. Perhaps most importantly, they found that not having a police force did not imply that a community did not police itself.[34] Apparently, most societies relied on their inherited methods of crime control and adopted police models with modifications required by their different traditions and forms of political organisation.

As such, police critics began to search for these historical models of police. Before long, however, police critics encountered another problem: it was too difficult to make general statements about so fragmented a system. They found that the police system of France emerged between 1660 and 1700 as Louis XIV appointed a *lieutenant général de police* in Paris and put his model forward for all the other major cities in France, that the German-speaking territories established a recognisable police system only as late as the eighteenth century and assigned the *Landrat* and *Steuerrat* as the instruments of central police authority and that police-less Britain counted for centuries on their system of the local parish constable.[35] The new research conducted on the history of police led to a difficult but innovative conclusion: there was no linear historical process leading to a police system, but its development was closely associated with processes of monopolisation of violence, community boundaries and state formation.

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[32] C. Emsley, *Crime, Police and Penal Policy: European Experiences 1750-1940* (Oxford: Oxford University Press, 2007) 63 and L. Radzinowicz, *A History of English Criminal Law and its Administration From 1750, Volume 3: Crosscurrents in the Movement for the Reform of the Police* (London: Stevens and Sons, 1956) 1.
[33] Burt, *Letters* 1.7.
[34] Bayley, 'The Police and Political Development in Europe', in: C. Tilly (ed.), *The Formation of Nation States in Western Europe* (Princeton: Princeton University Press, 1975) 328; R. Axtmann, ''Police' and the Formation of the Modern State: Legal and Ideological Assumptions on State Capacity in the Austrian Lands of the Habsburg Empire, 1500-1800', *German History* 10 (1992) 39-40; Rawlings, *Policing: A Short History,* 44, 51, 65 and Emsley, *Crime, Police and Penal Policy,* 61-63.
[35] Denys, 'The Development of Police Forces in Urban Europe', 335-37; Emsley, *Crime, Police and Penal Policy,* 57-66 and Bayley, 'The Police and Political Development in Europe', 343-47.

d. Police Theories of Max Weber, Charles Tilly and Michel Foucault

All these police studies certainly point to puzzling questions: what is a helpful starting point if one wants to analyse police and order maintenance in pre-industrial societies, and how does one overcome the methodological challenges that currently prevail in this debate? Studies dedicated to the concept of police are unfortunately few and mainly concern the modern nations of Western Europe. The contributions of Max Weber, Charles Tilly and Michel Foucault on the relationship between security and monopolisation of violence, community boundaries and state formation therefore remain, from the police point of view, the greatest theoretical studies that created new, important frameworks of police research. Despite their seemingly unclear character, it will become apparent that their perspectives and definitions of police appear remarkably effective for creating a framework that can analyse pre-industrial police phenomena.

It is generally agreed that Weber's relevance to the study of police often remains vague despite being regularly mentioned in this field of scholarship. Since Weber wrote very little about police, it is often quite unclear how one should follow Weber's lead in police studies.[36] The importance of his theory is therefore not so much the result of his written work but rather the result of the perspective it created. Weber argues that the possession of a monopoly of violence is a fundamental element for a state to exist. A government can only be recognised when it can maintain order and thus is in part recognised by its control over policing.[37] The effort to institutionalise a monopoly of violence is made by the creation of a military police force.[38] These forces have the capacity for maintaining social order regardless of the specific content of the criminal activity that threatens it. Weber's perspective therefore implies that police are quintessential elements of a government, because their role is to distribute the non-negotiable and legitimate coercive force that protects the social

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[36] J. Terpstra, 'Two Theories on the Police – The Relevance of Max Weber and Emile Durkheim to the Study of the Police', *International Journal of Law* 39 (2011) 1-2 and J.P. Brodeur, 'Violence and the Police', in: W. Heitmeyer and J. Hagan (eds.), *International Handbook of Violence Research* (Dordrecht: Kluwer Academic, 2003) 209.

[37] Bayley and C.D. Shearing, *The New Structure of Policing: Description, Conceptualization, and Research Agenda* (Washington: National Institute of Justice, 2001) 5 and Terpstra, 'Two Theories on the Police', 2.

[38] P. Tijmes, 'Hoeksteen van Webers Denken: de Staat', in: P.M. Goddijn (ed.), *Max Weber, zijn Leven, Werk en Betekenis* (Baarn: Ambo, 1980) 163-64; A. Funk, 'The Monopoly of Legitimate Violence and Criminal Policy', in: Heitmeyer and Hagan, *International Handbook of Violence Research,* 1057-58; A. van Braam, 'Max Weber en zijn Critici over Gezag en Bureaucratie', in: Goddijn (ed.), *Max Weber, zijn Leven, Werk en Betekenis,* 201; J. Grutzpalk, 'Blood Feud and Modernity: Max Weber's and Emile Durkheim's Theories', *Journal of Classical Sociology* 2 (2002) 120-22; R.G. Rumbaut and E. Bittner, 'Changing Conceptions of the Police Role: A Sociological Review', *Crime and Justice* 1 (1979) 269 and D. Grimm, 'The State Monopoly of Force', in: Heitmeyer and Hagan, *International Handbook of Violence Research,* 1045-46.

order. Hence, to find and analyse a police apparatus in a certain society and set a framework for such an analysis, one must look for (military) forces that explicitly attempt to 'police' (i.e., protect the public order with force) the community in the interest of its state.

Tilly is more straightforward. He implies that formats of police depend closely on how states react to threats and that police are thus increasingly responsible for these specific hazards. The American sociologist argues,

> The building of an effective military machine imposed a heavy burden on the population involved: taxes, conscription, requisitions, and more. (…) It produced the means of enforcing the government's will over stiff resistance: the army. It tended, indeed, to promote territorial consolidation, centralization, differentiation of the instruments of government and monopolization of the means of coercion, all the fundamental state-making processes.[39]

In other words, building an army entailed extracting resources from the people involved and meant collaboration between the peasantry and those who collected their taxes.[40] The format of the army changed: it created a new subdivision (police) that had to respond to internal security needs (in this case, the need of resources to build an army) and had to take the responsibilities that went with this (by collecting taxes). This further expands the framework of police. To find and analyse a model of police and to understand by what means a state attempted to police its community, one must examine how a state countered threats to maintain order.

Foucault is renowned for his bottom-up approach to police.[41] The philosopher doubts whether one can find a principle in the model of war that can help understand and analyse power relations.[42] Instead, he proposes that to understand power one must look 'at its extremities, at its outer limits at the point where it becomes capillary'.[43] One can only understand power in its local forms and institutions, and only there can one consider how these influence regime change.[44] Capitalism

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[39] Tilly, 'Reflections on the History of European State Making', in: ibid., *The Formation of Nation States in Western Europe*, 42. See also L.B. Kaspersen, J. Strandsbjerg and B. Teschke, 'Introduction: State Formation Theory: Status, Problems, and Prospects', in: Kaspersen and Strandsbjerg (eds.), *Does War Make States? Investigations of Charles Tilly's Historical Sociology* (Cambridge: Cambridge University Press, 2017) 1-15.

[40] Tilly, 'Reflections', 49-50, 58-60 and ibid., 'Armed Force, Regimes, and Contention in Europe since 1650', in: D.E. Davis and A.W. Pereira (eds.), *Irregular Armed Forces and their Role in Politics and State Formation* (Cambridge: Cambridge University Press, 2003) 43-57.

[41] See A. Johnson, 'Foucault: Critical Theory of the Police in a Neoliberal Age', *Theoria: A Journal of Social & Political Theory* 61 (2014) 6-7.

[42] M. Foucault, *'Society Must Be Defended'. Lectures at the Collège de France 1975-1976* (Eng. trans. D. Macey) (New York: Picador, 2003) 23-27.

[43] Ibid., 27.

[44] Johnson, 'Foucault', 6-8.

eventually penetrated deep into our existence, Foucault argues, and therefore required local mechanisms of power to control the people.[45] The police were the state institution used to control these mechanisms, not because of their capability to use force, but because of their powerful 'instrument of permanent, exhaustive, omnipresent surveillance'.[46] By this Foucault means that police kept society under surveillance by being everywhere. 'Thousands of eyes posted everywhere', he wrote,[47] and so police became the most visible face of government power. This also dictates the framework of police. Visibility is another cardinal feature of police, because it acts as a deterrent. Therefore, imposition – that is, imposing order through surveillance – must also be integrated into the framework as a way of establishing non-violent police work.

At the outset, then, the analysis of police in pre-industrial societies should include the findings of Weber, Tilly and Foucault. The nature of their police theories may be summed up in three general statements. First, the actual policing of a society must be in the interest of the state, must be intended to restore or uphold the order and must be achieved through the use of legitimate force (Weber). Second, formats of police are fluid in that each format evolves from the accrual of persistent security needs in a society (Tilly). The question that arises is not if someone reacts to these needs, but rather how. These signifying practices determine forms of police. Third, the deterrent effect of police also plays a central role in controlling a society (Foucault). This means that policing can also be achieved through surveillance.

e. Controversies within Police Studies

However, specification of the nature of police is not as simple as it now seems. Regardless of the contributions of Weber, Tilly and Foucault, the effort to recognise police in pre-industrial societies causes confusion. Some words about these controversies are in order before grappling further with the conceptualisation that can provide information about historical models of police.

First and foremost, the word 'police' is a rather nebulous term.[48] By and large, the word conjures the image of a constituted body of officers in blue uniforms against the

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[45] B. Jessop, 'From Micro-Powers to Governmentality: Foucault's Work on Statehood, State Formation, Statecraft and State Power', *Political Geography* 26 (2007) 34-40 and Johnson, 'Foucault', 6-8.

[46] Foucault, *Discipline and Punish: The Birth of a Prison* (Eng. trans. A. Sheridan) (New York: Vintage Books, 1995) 214. See also Johnson, 'Foucault', 6-8.

[47] Ibid.

[48] Stinchcombe, 'Beyond Bureaucracy', 54 and Neocleous, 'Policing and Pin-Making', 431-7.

background of a street.[49] This is obviously the modern sense of the word and is evidently the result of the 1829 English police model. However, a society can be policed in the older sense of the word by a multitude of domestic agencies which lay down certain standards of behaviour that are meant to safeguard the community.[50] Readers are for this reason often disconcerted, because it is not always clear if the word 'police' should be understood in terms of a given body of officers (i.e., *the police,* the officers in blue) or in terms of a particular function attributed to a particular force (i.e., a service that is devoted to *policing*).[51] The confusion is made difficult by the modern idea that police must be an organised unit of officers under official command.

Next, the legitimacy of police efforts remains a moot point. Measurements of legitimacy are obscure, because they make an appeal to the ever-changing expectations of people for police.[52] The legitimacy of a police activity is partly determined by an *approximation* indicating what people commonly expect from said activity.[53] Put simply, police interventions can be illegitimate if someone believes the degree of punishment is not proportional to the seriousness of the crime. This demonstrates that it is difficult to create an adequate guide of legitimate police intervention. In the end, legitimacy heavily relies on the norms and values of a society at a specific point in time. One must accept this possibility in the effort to analyse police unless the requirement for policing to take place is eliminated.

Another issue is that the use of violence is an element that is far less important in the definition of 'good' police work. Police work does not consist of coping with problems by *using* force; it rather consists of coping with problems in which force *may* have to be used.[54] The use of force is only consequent upon the emergency character of a situation.[55] This means that police rarely apply their capacity to use force and, as far as knowledge goes, are not even expected to.[56] Widespread and regular surveillance on the territory of a community is the key to 'good' police work. This suggests that police are not only licensed to exercise coercion but also to

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[49] See Bayley, *Patterns of Policing,* 7-14 and, to a lesser extent, Stead, 'Pioneers in Policing', 1-2.

[50] See Bayley, *Patterns of Policing,* 7-14 and, to a lesser extent, Stead, 'Pioneers in Policing', 1-2.

[51] Bayley, 'The Police and Political Development', 328. The author notes the similar issue.

[52] Bayley and Shearing, *The New Structure of Policing,* 3 and Bayley, *Patterns of Policing,* 7-14. See also S.D. Parratt, 'Scale to measure Effectiveness of Police Functioning', *Journal of Criminal Law and Criminology* 28 (1983) 739-41 and Rawlings, *Policing: A Short History,* 5.

[53] Bayley, *Patterns of Policing,* 7-14 and Bayley and Shearing, *The New Structure of Policing,* 3.

[54] Terpstra, 'Two Theories on the Police', 3; Brodeur, 'Violence and the Police', 210-211 and Rumbaut and Bittner, 'Changing Conceptions of the Police Role', 244-46.

[55] Brodeur, 'Violence and the Police', 208-211; Rumbaut and Bittner, 'Changing Conceptions of the Police Role', 265, 284 and Bittner, *The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices, and Possible Role Models (Cambridge: Oelgeschlager, 1970)* 2-3.

[56] Brodeur, 'Violence and the Police', 208-12.

exercise imposition.

Finally, at a more methodological level, a major problem of the analysis of police is routine: their daily tasks of peacekeeping and crime control go unnoticed by all but the most observant eye. Thus, the actions of police are only visible to and written down by the general audience when the security forces go to severe extremes to maintain the public order.[57] All other indications of police like routine order maintenance or crime prevention are most likely lost.

There are lessons for all police scholars in these controversies. Despite police work being heterogeneous, its definition must be given prior to any form of research. Otherwise, investigations into police are easily misunderstood, especially in studies that analyse historical models of police (and have to include other forms of police intervention, such as that of the military or the fire brigade). Police legitimacy then remains a debatable point but should be dealt with accordingly in order to understand police. Next, policing not only includes coercion but also imposition. In other words, contrary to Weber, the use of force is not a fundamental feature for a police force to exist. Efforts to provide security through deterrence are equally important. Finally, policing actions are only recorded when security forces are pushed to their extremes. This makes the study of police in pre-industrial societies methodologically challenging. One has to analyse events that are situational and only recorded because of their extreme nature.

f. Police in Pre-Industrial Societies

The framework of this research on police in pre-industrial societies is constructed on the basis of the ideas of Weber (order maintenance and coercion), Tilly (the ways in which police measures are taken) and Foucault (imposition) and the controversies in the study of police and is described as follows: to explore a pre-industrial apparatus of police, one must grasp the ways in which governmental agencies legitimately attempt to maintain public order through imposition or coercion. The framework is intended to analyse the police apparatus of imperial Rome and has four essential concepts: governmental order maintenance, imposition, coercion and legitimacy. The framework is also intended specifically to escape the ongoing debate of police in the imperial capital, and to the best of the author's knowledge, this is one of the more precise models produced so far to analyse the police service of the Roman city.

Throughout this study, terms like 'police', 'policing' and 'police work' are used

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[57] See Bayley, *Patterns of Policing,* 3-7.

interchangeably to mean the set of governmental measures directed at restoring the social order through imposition or coercion. The term 'police apparatus', however, is explicitly used to refer to the whole system of police in early imperial Rome. It is important to clarify that this body need not to be a given body of officers. This is too narrow – policing encompasses *all* legitimate governmental measures aimed at restoring order through imposition or coercion.

To address the issue of police legitimacy, this research makes an appeal to Jan Terpstra's model. Terpstra divides legitimacy into two principal components: social and normative legitimacy. Social legitimacy provides a framework that explains the police to citizens (i.e., what the people expect from police), while normative legitimacy is based on fundamental principles and values of a society (i.e., the actions of police prescribed by the principles and values of society).[58] An activity directed at restoring order can be considered a police measure when it can be demonstrated on the grounds of these components that the community was willing to accept the deterring or coercive measures adopted by the state.

This study is intended to emphasise that this framework focuses on the order maintenance aspect of police. Policing takes place when an authority decides to respond to a threat with a security provider that deliberately attempts to settle the disturbance. That is to say that this study examines activities in which order has to be restored. Law enforcement – that is, the manner in which police agencies actively enforce norms expressed in statutes – is therefore not part of this framework and the scope of this study.

g. Purpose, Method and Relevance

The purpose of this study is to establish the police apparatus of imperial Rome by examining *how* the Roman authorities dealt with specific disturbances. The aim is not to show that the soldiers stationed in the city may or may not have resembled a modern police force; that has proven to be a never-ending effort. This study therefore explores the following research question: by what means did the Roman state manage to police early imperial Rome? An event-based approach is adopted to conduct this exploratory study of police. This method is employed because police measures are only visible to and written down by the audience when the authorities go to severe extremes to restore order. Indications of routine police work have not withstood the ravages of time, as mentioned earlier. Hence, this study is forced to

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[58] See Terpstra, 'Two Theories on the Police', 8.

analyse extreme cases of order maintenance while acknowledging that this influences the description of the police apparatus in that it extrapolates a specific trend from such samples.

There are three telling case studies in which Rome's police apparatus is reflected. These are the expulsion of Jews from Rome in AD 19 (Chapter 1), a race day at the Circus Maximus in AD 40/41 (Chapter 2) and the Great Fire of Rome in AD 64 (Chapter 3). In each of these events, the Roman authorities struggled with different levels of disorder. At a practical level, the state took steps to ensure that a large group of Jews was removed from the city, a massive riot quelled in the Circus and a major fire stopped in the central regions of Rome. From a political perspective, the authorities interfered because they feared the possible political consequences of such disturbances. Jews were considered a threat to the Roman community because they acted strangely, and fires, like riots, were ascribed to the enemies of the Roman order. There are certainly more levels of struggle in these cases, but it is clear that these three events in early imperial Rome were scenes of considerable violence and formidable practical problems that must have prompted various police measures.

Over the course of the Principate, there were numerous occasions of public struggle, which may imply that the choice of these three case studies appears as a somewhat random assemblage of indicative police work. The collection as a whole, however, roughly occurred during the Julio-Claudian period (27 BC–AD 68). This means that this study considers the various levels of policing of early imperial Rome while simultaneously expecting a similar but developed form of police in the subsequent centuries.

To establish the police apparatus of early imperial Rome, each chapter first analyses the responses of the Roman authorities to the matter at hand. It is important here to explicitly specify that these governmental responses are aimed at restoring the order of the community; it is also essential to specifically describe the form of the measures took. After collecting these measures, the chapters attempt to investigate whether these actions can be interpreted as police work. Hence, dependent on the form of the work undertaken, the three chapters thereafter explore the concepts of imposition, coercion and legitimacy. If the measure can be described as either deterrent or coercive and as legitimate, the action is regarded as a police measure. Each chapter more or less addresses the same sub-question: what deterring or coercive measure(s) did the Roman authorities adopt to protect Rome from an internal threat? Ultimately, these police measures describe how the Roman authorities found the means to restore order and specify the police apparatus

planned by the state to control Rome.

It is hoped that this research will contribute to a deeper understanding of Rome's police apparatus under the Principate. While a considerable amount of literature has been published on Rome's police system, and while many of these studies focus excessively on the idea of the imperial capital (not) having a modern police force, the mechanisms by which the Roman authorities policed Rome have not been fully established. The findings should make an important contribution to the modern historiography of public order and police in imperial Rome. This study is also designed to move forward the debate about Rome's police. Police theories have produced effective ways of establishing pre-industrial police efforts, and this work makes an appeal to these findings in order to break the deadlock between the primitivists and modernists. Characterisation of Rome's police apparatus is also important for the increased understanding of police history. What does such a system tell us about the police theories of Weber, Tilly and Foucault, and what does the apparatus say about the controversies of police research? Finally, this project also provides an interesting opportunity to advance the understanding of modern-day police intervention and of the idea that non-police efforts should replace it. What are the alternatives?

h.   The Source Record

This study is heavily dependent on literary sources. Tacitus, Suetonius, Josephus and Cassius Dio contribute the principal fragments, and excerpts from authors such as Pliny the Younger, Philo and Philostratus provide less valuable information. The textual sources are given in translation and were almost always obtained via the Loeb Classical Library. Sources of the epigraphic record supplement the historical knowledge of Rome's police system, because certain aspects of said system can be discerned from a number of inscriptions, epitaphs and funerary reliefs. If available, the images of these sources are added to the chapters and accompanied by a Latin text and a translation of that text. The author completed the translation unless stated otherwise. Translations are given in English. This work also incorporates legal sources (such as the *Digest*) and papyri. These are also provided in translation and were obtained from different libraries. Where necessary, brief introductions to the sources are given prior to their use.

Administrative Police Measures: Expulsion of Jews

In AD 19 during the principate of emperor Tiberius, a decree was issued ordering Jews to leave Rome. The decree did not come out of nowhere: the Jews had endangered the Roman community to such an extent that they faced the penalty of banishment. However, the Jewish removal from Rome in AD 19 is one of many examples in which the Roman authorities acted to curb unruly groups. Early imperial Rome saw several expulsions of outsiders from the city, and it seems that eviction was the community's standard response to behaviour and people it regarded as deviant.

This chapter examines how the state responded to these potentially problematic inhabitants and explores whether these measures can be considered police measures. The chapter begins with an analysis of the Jewish expulsion of AD 19 in order to list the measures against the Jews and highlight the findings of earlier scholars about the subject (Section 1.1). It then explores whether these measures were aimed at restoring public order (Section 1.2) and in what form they were communicated to the community and the outsiders in question (Section 1.3). It is important to emphasise here that the Jewish expulsion should be understood in terms of Rome's broader program of dealing with strangers. Niceties in individual banning orders are important for the specific events but are easily misinterpreted if they are to be taken as one of the state's standard penalties to deal with unruly people. It is the mechanism by which the Roman state removed outsiders that is of importance here. Next, to establish whether these measures can be interpreted as just police work, the chapter considers the concepts of imposition (Section 1.4) and legitimacy (Section 1.5). Expulsions appear to be non-violent actions taken by the state against outsiders, which means that the concept of coercion cannot be applied here. This chapter ends with a conclusion (Section 1.6) in which the police measures are summarised and related to the theories of police and public order. The chapter explicitly follows the police framework as proposed in the introduction and considers the following question: what legitimate deterring measures did the Roman authorities adopt to protect Rome from outsiders such as Jews?

1.1.   The Expulsion of Jews in AD 19

In AD 19, Tiberius ordered the Jewish community to leave Rome and drafted 4,000

of them for military service in Sardinia.[59] Tiberius penalised those who refused to serve there. This version of the expulsion in Josephus' *Jewish Antiquities* (c. AD 94) is not quite in accord with the historian Tacitus' narrative. In contrast, he writes in his *Annals* (AD 110–116) that the expulsion was a decree of the Roman senate (a *senatus consultum*) which directed that 4,000 'descendants of enfranchised slaves, tainted with that [Jewish] superstition and suitable in point of age' were to be transferred to the island for military service, and the rest of them had orders to leave Rome.[60] Suetonius' account in his *Lives of the Caesars* (AD 117–122) is less detailed but mentions the same penalties as Josephus and Tacitus: Tiberius conscripted Jews and deployed them to fight in Sardinia, and others 'of that same race or of similar beliefs he banished from the city, on pain of slavery for life if they did not obey'.[61] There are some other direct references to the event in Philo's *On the Embassy to Gaius* (AD 40s), in Seneca the Younger's *Letters* (c. AD 65)[62] and probably in Cassius Dio's *Roman History* (AD 212–224),[63] but the point is clear: Tiberius expelled and conscripted Jews in AD 19.

However, disagreement characterises the scholarly debate that attempts to make sense of this event. To begin with, the ancient literary accounts are scanty and contradictory: while Josephus intentionally ignores the *senatus consultum* and carefully shifts the blame of banishment to four slippery Jews who scammed a wealthy Roman elite, Tacitus and Suetonius (accurately?) explain that the act was issued to prevent foreign cults, of which the Jews were one, from performing their extraneous activities.[64] To this one might add the complicated references of Philo, Seneca the Younger and Cassius Dio, which are equally contradictory with regard to who was banned and why, and the arguments of modern scholars, which have become too lengthy and technical to reproduce here.[65] The number of 4,000

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[59] Josephus, *Jewish Antiquities* 18.3.4-5.

[60] Tacitus, *Annals* 2.85 (Eng. trans. Moore 1931).

[61] Suetonius, *Tiberius* 36 (Eng. trans. Bradley 1914).

[62] Philo, *On the Embassy to Gaius* 24.159-161 and Seneca the Younger, *Letters* 108.22.

[63] Dio Cassius, *Roman History* 57.18.5.

[64] S. Cappelletti, *The Jewish Community of Rome: From the Second Century B.C. to the Third Century C.E.* (Boston: Brill, 2006) 52-3; M.H. Williams, 'The Disciplining of the Jews of Ancient Rome: Pure Gesture Politics?', in: C. Deroux (ed.), *Studies in Latin Literature and Roman History, Volume XV. Collection Latomus 323* (Brussels: Éditions Latomus, 2010) 98-101; ibid., 'The Expulsion of the Jews from Rome in A.D. 19', *Latomus* 48 (1989) 773 and M. Radin, *The Jews among the Greeks and Romans* (Philadelphia: The Jewish Publication Society of America, 1915) 478-88.

[65] Williams' article 'The Expulsion of Jews' is a good place to start, although necessarily out of date regarding new finds; L. Rutgers' 'Roman Policy towards the Jews: Expulsions from the City of Rome during the First Century C.E.', *Classical Antiquity* 13 (1994) 56-74 also provides a good introduction to the debate. The most recent contribution is that of B. van der Lans, 'The Politics of Exclusion: Expulsion of Jews and Others from Rome', in: O. Lehtipuu and M. Labahn (eds.), *People under Power: Early Jewish and Christian Responses to the Roman Empire* (Amsterdam: Amsterdam Univeristy Press, 2014) 33-78.

convicted Jews, just to give a small indication of the state of tumult in this debate, is heavily disputed: some find the number 'entirely credible'[66] while others find it 'not incredible',[67] 'too high',[68] 'hardly credible'[69] or 'very misleading'.[70]

The penalty itself is interesting. The narrative accounts of the expulsion share at least one common feature: that two methods – expulsion and conscription – were employed to rid Rome of Jews. The close resemblance between the accounts suggests that at least the narratives of Josephus, Tacitus and Suetonius derive from the same source. They probably paraphrase (or, in Josephus' case, evade) a *senatus consultum* or administrative act from the Roman senate.[71] Equally important is the calculated severity of this penalty and particularly the decision to draft Jewish men for military service in Sardinia. It was intended to be a vicious punishment.[72] Jews had been exempt from mandatory military service by convention since the Republican period for religious reasons, which made it impossible for them to meet the senate's demands unless they renounced their faith or left Rome. To force Jews to make a choice, the senate also decided to impose a more serious penalty on those who refused to join the army and fall away from their principles.[73] Conscription was also deeply unpopular, especially since the Varian disaster and because of the likelihood of being sent far away from kith and kin.[74] Service in Sardinia was not so pleasant either: the island was characterised by brigandage and an unhealthy climate.[75] Thus, scholars argue not so much that the expulsion must have taken place under Tiberius' principate as that the well-thought-out punishment definitely reflected the

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[66] E.M. Smallwood, *The Jews under Roman Rule: From Pompey to Diocletian* (Leiden: Brill, 1976) 208.

[67] E.T. Merrill, 'The Expulsion of Jews from Rome under Tiberius', *Classical Philology* 14 (1919) 366.

[68] Cappelletti, *The Jewish Community,* 58.

[69] Van der Lans, 'Politics of Exclusion', 36.

[70] Williams, 'The Expulsion of the Jews', 771. The number is also contested by scholars because it serves as an indication of the size of the Jewish community in Rome.

[71] Cappelletti, *The Jewish Community,* 49-52; Merrill, 'The Expulsion of Jews', 365-6; Van der Lans, 'Politics of Exclusion', 43 and R.S. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Middletown: American Philological Association, 1935) 34-5.

[72] Williams, 'The Expulsion of the Jews', 778 and H.R. Moehring, 'The Persecution of the Jews and the Adherents of the Isis Cult at Rome A.D. 19', *Novum Testamentum* 3 (1959) 302.

[73] Smallwood, *The Jews under Roman Rule,* 207; Cappelletti, *The Jewish Community*, 52; Williams, 'The Expulsion of the Jews', 778; Merrill, 'The Expulsion of Jews', 365 and S. Rocca, 'Josephus, Suetonius, and Tacitus on the Military Service of the Jews of Rome: Discrimination or Norm?', *Italia* 20 (2010) 11.

[74] A. Goldsworthy, *In the Name of Rome: The Men who won the Roman Empire* (New Haven: Yale University Press, 2016) 279, 310; S.E. Phang, *Roman Military Service: Ideologies of Discipline in the Late Republic and Early Principate* (Cambridge, NY: Cambridge University Press, 2008) 77; G.R. Watson, 'Conscription and Voluntary Enlistment in the Roman Army', *Proceedings of the African Classical Associations* 16 (1982) 49 and P.A. Brunt 'Conscription and Volunteering in the Roman Imperial Army', *Scripta Classica Israelica* 1 (1974) 97. The Varian disaster refers to the event in which an alliance of Germanic tribes ambushed and destroyed three Roman legions and their auxilia in AD 9.

[75] Williams, 'The Disciplining of the Jews', 80; Smallwood, *The Jews under Roman Rule*, 202; Rocca, 'Military Service of the Jews', 23 and Merrill, 'The Expulsion of Jews', 365. See also Tacitus, *Annals* 2.85.

committed offences of the Jews. In Roman eyes, the Jews had to leave Rome.

Scholars do not know why the Jews had to be removed. There is still disagreement about why Jews were so severely punished. Some say that it was their success in proselytising (i.e., the act of religious conversion),[76] while others aver that the cause was financial fraud,[77] criminality,[78] Roman social resentment[79] or prostitution.[80] However, it is not my intention to discuss the specific choice of Jews here. At least, there is consensus that the acts of the Jews were so severe that they were deemed to pose a serious threat to Roman law and order.[81] It was therefore only reasonable to expel them.

Official expulsion orders imply investigation and enforcement. The crux of the matter, however, is that the practicalities of the AD 19 eviction orders are not specified. This means that there is no evidence of Romans actively removing Jews from the city in AD 19.[82] To make the matters of investigation and enforcement even worse, multiple scholars have shown that the practicalities of expulsions are never recorded, at least not in the accounts of the expulsions of the first century of the Principate.[83] 'Most [ancient authors] are merely recording the expulsion without further comment, often amidst a series of other measures', as Laurens E. Tacoma rightfully emphasises.[84] There is, too, the issue of the nature of the evidence, which by chance only stems from literary (and to a certain extent, legislative) sources.[85] As a result, scholars now widely regard expulsion as a non-violent and passive administrative measure, especially as a manifestation of an imperial decree.[86]

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[76] Cappelletti, *The Jewish Community,* 65-7.

[77] Radin, *The Jews,* 486-8.

[78] Merrill, 'The Expulsion of Jews', 365-72.

[79] R.F. Newbold, 'Social Tensions at Rome in the Early Years of Tiberius' Reign', *Athenaeum* 52 (1974) 130.
[80] W.A. Heidel, 'Why Were the Jews Banished from Italy in 19 A.D.?', *The American Journal of Philology* 41 (1920) 38-47.

[81] Smallwood, *The Jews under Roman Rule,* 209-10; Rutgers, 'Roman Policy', 69-70; Williams, 'The Expulsion of the Jews', 778-9; ibid., 'The Disciplining of the Jews', 102 and L.E. Tacoma, *Moving Romans: Migration to Rome in the Principate* (Oxford: Oxford University Press, 2016) 102.

[82] Van der Lans, 'Politics of Exclusion', 42-5; D. Noy, *Foreigners at Rome: Citizens and Strangers* (London: Duckworth with The Classical Press of Wales, 2000) 46; Tacoma, *Moving Romans,* 98 and Williams, 'The Disciplining of the Jews', 102.

[83] See Noy, *Foreigners at Rome,* 41-7 and Tacoma, *Moving Romans,* 93-8 for an analysis of the expulsions of the first century AD altogether.

[84] Tacoma, *Moving Romans,* 95.

[85] Ibid., 93-5.

[86] Noy, *Foreigners at Rome,* 37-47; E.S. Gruen, *Diaspora: Jews amidst Greeks and Romans* (Cambridge, MA: Harvard University Press, 2002) 15-9, 33-43; Tacoma, *Moving Romans,* 93-8; Van der Lans, 'Politics of Exclusion', 34 and Williams, 'The Disciplining of the Jews', 79-80. There is discussion here too. Gruen, for example, holds that these decrees were mainly symbolical and therefore never effective; Williams argues the opposite (i.e. they were effective, and Jews actually left).

1.2. Ensuring Order Throughout Rome

The first step in establishing police work is to determine if the governmental measure was used for restoring order within the community. The aim of this section is to reinforce an argument already outlined by several other scholars: that eviction orders were fitting ways to maintain or restore the overall stability of society. To understand these scholars' observations, one must place the Jewish eviction alongside all the other ancient accounts of expulsions.

For example, AD 19 was not the only year Jews faced eviction from Rome.[87] There were at least two other times in the first century AD at which the Roman authorities decided to remove Jews from their community.[88] Cassius Dio asserts that by AD 41 Claudius had noticed that the Jews had increased in number so greatly that they would probably endanger the community again.[89] Thus, the emperor withdrew their right to assemble. Jews made disturbances in the late AD 40s again, to which the emperor responded more harshly.[90] This time, he expelled them. The Acts of the New Testament even recounts how the Jews Prisca and Aquila, natives of Pontus (the modern-day Black Sea Region of Turkey), had come from Rome after Claudius removed them.[91]

However, Jews were not the only group of people who suffered such a fate.[92] In AD 16, the senate ordered the expulsion of 'astrologers and magic-mongers from Italy'.[93] Any others who engaged in similar practices were also banished. The same occurred in AD 52, when the expulsion of astrologers from Italy 'was ordered by a drastic and impotent decree of the senate'.[94] Emperor Vitellius removed astrologers from Italy again in AD 69,[95] as did emperor Vespasian in AD 70.[96] Philosophers were forbidden to teach their doctrines in Rome at some point during emperor Nero's principate,[97]

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[87] See H.D. Slingerland, *Claudian Policymaking and the Early Imperial Repression of Judaism at Rome* (Atlanta: Scholars Press, 1997) for an introduction to the repression of Jews in first century AD Rome.

[88] See Williams, 'The Disciplining of the Jews', 94-95 and Noy, *Foreigners at Rome,* 41-43 for an overview of the official actions against Jews. See F.H. Cramer, *Astrology in Roman Law and Politics* (Philadelphia: American Philosophical Society, 1954) 233-249 for a general study of the eviction orders of astrologers, magicians and philosophers.

[89] Dio Cassius, *Roman History* 60.6.6.

[90] Suetonius, *Claudius* 25.4.

[91] New Testament Acts 18.2.

[92] See Tacoma, *Moving Romans,* 93-104 and Noy, *Foreigners at Rome,* 37-47 for a general analysis of these specific expulsions.

[93] Tacitus, *Annals* 2.32 (Eng. trans. Moore 1931). See also Suetonius, *Tiberius* 36; Dio Cassius, *Roman History* 57.15.8-9 and *Collation of the Laws* 15.2.

[94] Tacitus, *Annals* 12.52 (Eng. trans. Jackson 1937).

[95] Suetonius, *Vitellius* 14; Dio Cassius, *Roman History* 64.1.4 and Tacitus, *Histories* 2.62.

[96] Dio Cassius, *Roman History* 65.9.2.

[97] Philostratus, *Apollonius of Tyana* 4.47.

and Vespasian expelled them during his reign.[98] Emperor Domitian also removed the philosophers from Rome.[99] Pliny the Younger even admits in his *Letters* (written between AD 97 and AD 108) that he visited one of the philosophers expelled under Domitian in his house outside Rome, which 'involved some risk for the attention it attracted'.[100] There are also reports of expulsions of actors,[101] gladiators,[102] slaves,[103] practitioners of Egyptian rites[104] and prostitutes.[105] These are all the recorded instances of expulsions in the first century AD, though it is likely that in practice more groups were banished in one sweep since the penalty seems to have been commonplace.

Individuals who one way or another posed a threat to the community could also face exile. The examples are legion. A classic example is Ovid, a Latin poet who was forced to withdraw from Rome in AD 8 by a decree of Augustus.[106] Pylades, an actor who insulted the same emperor by raising his middle finger to a spectator in the theatre, was banished around the same time.[107] Visellius Karus and Sempronius Bassus were members of the elder senator Gnaeus Calpurnius Piso's staff 'and partners and agents in all of his crimes'.[108] Piso committed suicide when he faced his trial, while Karus and Bassus were banished from Rome by the senate on the charge of treason in AD 20. The statesman and philosopher Seneca the Younger wrote two of his consolatory works (*To Helvia* and *To Polybius*) from exile in Corsica, to which he was banished on the charge of adultery in AD 41.[109] The list could go on.[110]

These banishment narratives have patterns. This study is not the first to notice that banishments are associated with foreignness. What stands out from the narratives of the expulsions is that their authors rarely recount the legal niceties of

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[98] Dio Cassius, *Roman History* 65.13.1.

[99] Tacitus, *Agricola* 2; Suetonius, *Domitian* 10.5 and Dio Cassius, *Roman History* 65.13.3.

[100] Pliny the Younger, *Letters* 3.11 (Eng. trans. Radice 1969).

[101] In AD 23 they were removed by Tiberius (Suetonius, *Tiberius* 37.2; Tacitus, *Annals* 4.14 and Dio Cassius, *Roman History* 57.21.3). They were removed again during the Principate of Nero (Suetonius, *Nero* 16 and Tacitus, *Annals* 13.24-25) and again at the end of the first century AD (Pliny the Younger, *Panegyric* 46.2-5).

[102] Dio Cassius, *Roman History* 55.26 and Suetonius, *Augustus* 42.3.4.

[103] Ibid.

[104] Tacitus, *Annals* 2.85 and Suetonius, *Tiberius* 36.

[105] Suetonius, *Caligula* 16.1.

[106] Ovid, *Sorrows* 1.2.62, 1.2.89, 1.2.102, 2.1.135, 2.24 and ibid., *Letters from the Black Sea,* 1.7.47, 2.3.

[107] Suetonius, *Augustus* 45.4.

[108] *Senatorial Decree to the Elder Piso* 121-2 (Eng. trans. Damon 1999).

[109] Seneca the Younger, *Dialogues* 11.15; ibid., *To Polybius* 2.1, 13.2, 18.9; Tacitus, *Annals* 12.8, 13.14, 13.42; Suetonius, *Claudius* 29.1 and Dio Cassius, *Roman History* 59.19, 60.8.

[110] See Appendix Two (Exiled Men (Augustus to Constantine), Three (Exiled Women (Augustus to Constantine) and Five (Probable – But Not Proven – Exiles (Augustus to Constantine) in E.H. Rocovich, *Exile in Roman Life and Thought from Augustus to Constantine* (ProQuest Dissertation, 2004).

the evictions.[111] 'What clearly must have prevailed over their legal status', as one scholar concludes, 'is the fact that they were regarded as outsiders'.[112] Indeed, the narratives reek of Roman resentment against the outsiders of their community. Jews are called 'impious' and 'tainted with (…) superstition',[113] while astrologers, philosophers and magicians are perceived as either 'foreigners',[114] 'inappropriate'[115] or those who 'overthrow the established order of things'.[116] Gladiators and slaves are called 'source[s] of trouble to the Romans',[117] and actors are either 'fomenters of sedition',[118] 'the cause of dissension'[119] or 'mischievous'.[120] All of these groups' actions had somehow made them strange, which made it a matter of considerable concern for the entire Roman community. Banishments were condign punishments for these outsiders; they did not belong to the community anymore and hence were to be removed.

The matter of expulsion from the perspective of a community is duly explained by Birgit van der Lans. The deliberate act of banishment labelled certain activities as un-Roman, meaning something a Roman would not do in his or her community, and so excluded strangers from an imagined Roman moral community.[121] 'Expulsions orders', as Van der Lans writes, 'marked the boundaries of proper Roman behaviour'.[122] Tiberius did not ban the Jews because they were Jews, but because the Roman authorities declared that their activities in the community had become un-Roman. The same applies to all the others who faced eviction: they rested in a grey area where their actions had aroused suspicion of foul, un-Roman play. Banishments were therefore not only appropriate punishments but also established the values of the Roman community. The banished were just examples of people labelled as disturbingly un-Roman, and their treatment by Roman authorities symbolically reasserted these values for those who were part of the community. Thus, the penalty

[111] Tacoma, *Moving Romans,* 101 and P. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford: Clarendon Press, 1970) 115.

[112] Tacoma, *Moving Romans,* 101.

[113] Tacitus, *Annals* 2.85 (Eng. trans. Moore 1931).

[114] Dio Cassius, *Roman History* 57.15.8-9 (Eng. trans. Cary and Foster 1925).

[115] Ibid., 65.13.1 (Eng. trans. Cary and Foster 1925).

[116] Ibid., 65.15.3 (Eng. trans. Cary and Foster 1925).

[117] Ibid., 55.26 (Eng. trans. Cary and Foster 1917).

[118] Tacitus, *Annals* 4.14 (Eng. trans. Jackson 1937).

[119] Suetonius, *Tiberius* 37.2 (Eng. trans. Bradley 1914).

[120] Ibid., *Nero* 16 (Eng. trans. Rolfe 1914).

[121] Van der Lans, 'The Politics of Exclusion', 33-78, especially 71-2; Noy, *Foreigners at Rome,* 37-47 and Tacoma, *Moving Romans,* 93-104. See also O.F. Robinson, *Penal Practice and Penal Policy in Ancient Rome* (London: Routledge, 2007) 101-2 and Rocovich, *Exile,* 95-110.

[122] Van der Lans, 'The Politics of Exclusion', 71. See also P. Ripat, 'Expelling Misconceptions: Astrology at Rome', *Classical Philology* 106 (2011) 118.

of banishment laid down rules of what was Roman and what was not.

To conclude, expulsions were not embedded in a broader program of exclusion of specific groups from Rome and should therefore not be treated as such.[123] Expulsion was driven by an intense desire of the Roman state to rid the capital of un-Roman habits. It was what authorities opted to use to address social disorder and maintain overall stability of their community.[124] The general connection between securing public order and removing Jews, for instance, is sound. To this end, one cannot escape the conclusion that these governmental responses were aimed at protecting the proud Roman order and that these activities therefore begin to resemble police work.

1.3.   Imperial Decrees

The next step in establishing police work is assessing the way in which the Roman authorities passed these measures to remove the threats to public order. After all, as Tilly admonished, police can only be understood in terms of a particular governmental response to a particular problem of public order. References to how the Roman authorities communicated eviction orders are few and are merely incidental, but they are sufficient to help determine how the state communicated banning orders. Vitellius, for example, put up a notice in Rome in which he ordered the astrologers to leave the city before the first day of October in AD 69.[125] However, the astrologers

> answered him by putting up at night another notice, in which they commanded him in turn to depart this life before the end of the very day on which he actually died. So accurate was their foreknowledge of what should come to pass.[126]

It is very unfortunate that the emperor died on the very day the astrologers had urged him to stop living, but that is not the issue here. The formal protest made by the astrologers about their expulsion is also an interesting detail but can only be understood in the sense of banning orders having the power to strike fear into the banished.[127] Apparently, they did not want to leave. Vitellius' edict also shows that those banished were not physically transferred by (for example) soldiers but were

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[123] See Tacoma, *Moving Romans,* 97.

[124] MacMullen, *Enemies of the Roman Order,* 132-3; Tacoma, *Moving Romans,* 97; Newbold, 'Social Tensions', 126-7; Ripat, 'Expelling Misconceptions', 117 and Cramer, *Astrology,* 233.

[125] Tacitus, *Histories* 2.62; Suetonius, *Vitellius* 14 and Dio Cassius, *Roman History* 64.14.

[126] Dio Cassius, *Roman History* 64.14 (Eng. trans. Cary and Foster 1925). According to Suetonius, the placard read: 'By proclamation of the Chaldeans, God bless the State! Before the same day and date let Vitellius Germanicus have ceased to live' (Suetonius, *Vitellius* 14 (Eng. trans. Rolfe 1914)).

[127] This is the only notice of a demonstration against a group eviction. See Van der Lans, 'The Politics of Exclusion', 44.

ordered by the authorities to depart from Rome before a given date. It is quite likely that this was the standard procedure.[128] However, the mode of communication with the city's inhabitants is especially important here. Apparently, the expulsion notice was posted publicly and understood locally.[129]

Another contemporary source that contains an explicit statement relevant to this matter is the AD 20 *senatus consultum* of Piso and his associates, in which is expressed the senate's approval of Karus' and Bassus' banishment. It reads,

> [That] this decree of the senate, inscribed in bronze, be affixed in the most frequented city of every province and in the most frequented place of that city; and likewise [that] this decree of the senate be affixed in the winter quarters of each legion near the standards.[130]

The Roman authorities ordered that the decree was to be posted in public at the frequently visited locations of the major cities of the Roman Empire and affixed in the quarters of the Roman legions as well. The decree was displayed in Rome as the act explicitly states, and it was essential that the punishment was also advertised throughout the Empire to prevent further misconduct of the kind.[131]

Even though these are the only two instances that suggest something about the way Romans could communicate proclamations that served to propagate a message of banishment, one may assume that this was the normal way to post such ban notices.[132] This is largely due to an underlying trend seen in almost all the expulsion narratives, namely that to banish a whole profession in one sweep was a matter of decree.[133] A 'senatorial edict' ordered the Jews to be drafted into the Roman legions and the rest to be removed from Italy,[134] while another 'decree of the senate' ordered the expulsion of astrologers from Italy in AD 52.[135] A '*senatus consultum*' laid down that astrologers and all others who engaged in similar practices were to be removed from Rome in AD 16,[136] and Nero issued a 'general edict' that no one was to teach

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[128] Tacoma, *Moving Romans,* 98 and Cramer, *Astrology,* 233.

[129] M.V. Braginton, 'Exile under the Roman Emperors', *The Classical Journal* 39 (1944) 394; Van der Lans, 'The Politics of Exclusion', 44 and MacMullen, *Enemies of the Roman Order,* 133.

[130] *Senatorial Decree to the Elder Piso* 170 (Eng. trans. Damon 1999).

[131] *Senatorial Decree to the Elder Piso* 1(A). The case of Piso is difficult, as his memory was damned. This may indeed imply that this was an imperial affair, but at the same time it is hardly to be expected that these notices were copied and posted in all the other cities of the Empire. It may have been a local affair. See Garnsey, *Social Status,* 32-3 and J. Bodel, 'Punishing Piso', *The American Journal of Philology* 120 (1999) 43-63 for an analysis of the trial. See also Van der Lans, 'The Politics of Exclusion', 44.

[132] Tacoma, *Moving Romans,* 98; Van der Lans, 'The Politics of Exclusion', 44-5, 71-2 and Braginton, 'Exile', 394.

[133] See Tacoma, *Moving Romans,* 98.

[134] Tacitus, *Annals* 2.85 (Eng. trans. Moore 1931).

[135] Tacitus, *Annals* 12.52 (Eng. trans. Jackson 1937).

[136] *Collation of the Laws* 15.2.

philosophy in his absence.[137]

Yet significantly, it appears that it was common to issue decrees laying down (temporary) legal rules to suppress disorder. Nero, for example, issued an edict to berate crowds that thronged in Rome in protest against a mass execution of slaves,[138] and emperor Galba decreed something similar after an assemblage of unruly people ordered the execution of the praetorian prefect Ofonius Tigellinus.[139] Furthermore, at the first *Augustala ludi,* the Augustal games that were marred by a disturbance, the tribunes called on the senate to fix the matter at hand as well (see page 2).[140] 'The welfare of the city', as Van der Lans concludes, 'would be best served (…) not by punishing the troublemakers but by "bringing them to their senses by means of an edict"'.[141]

In short, although statements about the communication with unruly people only occur in a few narratives, one may assume that the Roman community issued imperial decrees for resolving problems of public order.[142] Administrative intervention from the imperial government was therefore a common and important way to secure public order and reach a specific audience to tell them that they needed to be repressed for the time being. This was all part of a policy that addressed a range of *ad hoc* disturbances and facilitated far-reaching communication with the Roman community about troublemakers.

1.4.   Deterrent Measures

It is highly interesting that the Roman authorities did not physically transfer these outsiders. The imperial decree was passive in that people were ordered to remove themselves from the city. This aspect of expulsion has important implications for several of the points about police this chapter makes below. In the first place, however, an observation like this raises a question: if these banning orders were not followed through by the Roman state, were they at all effective? To put the question more concretely, did Jews leave Rome when their eviction proclamation was posted

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[137] Philostratus, *Apollonius of Tyana* 4.47 (Eng. trans. Jones 2005).

[138] Tacitus, *Annals* 14.45.

[139] Suetonius, *Galba* 15.2. See Van der Lans, 'The Politics of Exclusion', 45. Individuals could also be banished by *senatus consulta,* but only if they were found guilty of a criminal offense in a Roman court. See the *Senatorial Decree to the Elder Piso* but also Garnsey, *Social Status,* 32-3.

[140] Tacitus, *Annals* 1.54.2; Dio Cassius, *Roman History* 56.47.2 and Velleius Paterculus, *Roman History* 2.126.2. See R.J.A. Talbert, *The Senate of Imperial Rome* (Princeton: Princeton University Press, 1984) 383-4, in which all the *senatus consulta* that were passed 'to secure public order' are noted.

[141] Van der Lans, 'The Politics of Exclusion', 46.

[142] Tacoma, *Moving Romans,* 97-8 and Garnsey, *Social Status,* 111-2. See also F. Millar, *The Emperor in the Roman World, 31 BC – AD 337* (Ithaca, NY: Cornell University Press, 1977) 252-5, 341-2.

in public in AD 19, knowing at the back of their minds that nobody would come to get them? They probably did. The explanation might be that banishment was a self-regulating mechanism: the public notice served as a general deterrent, and it was therefore a matter of course that one would leave. This observation is closely related to the police concept of imposition, which is the third point of the framework of police, although one might find it difficult to gauge the deterrent effect due to the lack of specificity in the sources.

Apart from a suggestion of Tacitus, who explains that the decree banishing astrologers in AD 52 was 'drastic and impotent',[143] the sources remain silent about the effectiveness of group eviction orders.[144] This means that scholars cannot know for sure if victims of expulsion actually left Rome. The silence of the sources on the matter may imply that implementation never really mattered, but against this high bar it is only fair to note the systematic application of a well-devised formula to remove outsiders collectively and the faith in the system on the part of the Roman authorities who took the trouble to conduct this procedure of expulsion. There are therefore still good reasons for supposing that banishment occurred in many instances far beyond what can be known directly.

Take, firstly, the emperor's authority to recall. 'Nor can anyone give an exile leave of absence or the parole to return' writes the early third-century AD jurist Marcian in the *Digest*, a compendium of juristic writings on Roman law, 'except the emperor, for special cause'.[145] The emperor could order someone to leave, and he could also allow someone to return. These *en masse* recalls were not rare events. According to Cassius Dio, in AD 37 emperor Caligula recalled the actors Tiberius had banished in AD 23.[146] Based on a passage of Suetonius, many more banished people may have been recalled by Caligula: 'with the same degree of popularity, he recalled those who had been condemned to banishment'.[147] According to Cassius Dio, Claudius 'brought back those whom Gaius [Caligula] had unjustly exiled'.[148] Tacitus writes that banished men of the senatorial class 'were allowed to return' under Vespasian,[149] and under emperor Nerva at the end of the first century AD a similar order of return was given: the

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[143] Tacitus, *Annals* 12.52 (Eng. trans. Jackson 1937).

[144] Van der Lans, 'The Politics of Exclusion', 42-5 and Noy, *Foreigners at Rome,* 46.

[145] *Digest* 48.19.4 (Marcian) (Eng. trans. Watson 2009). For an introduction to the *Digest,* see A. Watson, *The Digest of Justinian, Volume 1* (Philadelphia: University of Pennsylvania Press, 1985) xi-xii.

[146] Dio Cassius, *Roman History* 59.2.5 (Eng. trans. Cary and Foster 1924).

[147] Suetonius, *Caligula* 15.4 (Eng. trans. Bradley 1925). See also Dio Cassius, *Roman History* 59.3.6.

[148] Dio Cassius, *Roman History* 60.4 (Eng. trans. Cary and Foster 1924). If one is to believe Suetonius, Claudius recalled no one from banishment 'except with the approval of the Senate' (Suetonius, *Claudius* 12.1-2 (Eng. trans. Rolfe 1914)). See also Seneca the Younger, *To Polybius* 13.3.

[149] Tacitus, *Histories* 4.44 (Eng. trans. Moore 1931).

emperor 'released all who were on trial for *maiestas* [= treason] and restored the exiles'.[150] After Pliny the Younger in his years as governor discovered in his province of Bithynia and Pontus (the modern-day Black Sea coast of Anatolia (Turkey)) certain exiles whom a previous governor had banished, he asked Trajan's advice on what he was to do 'with people found still to be in the province, although they were sentenced to banishment and never had their sentences reversed'.[151] There were also restorations for individuals: Pylades re-joined Rome after Augustus had restored him;[152] Tigellinus, removed from Rome by Caligula, was restored by Claudius[153] and Seneca the Younger was recalled by Nero.[154]

It is tempting to see in these recalls evidence of people actually leaving Rome, although the question remains whether one can compare individual banishments with collective expulsions. No hard evidence is produced for this claim that people actually left, and one can still argue that eviction orders were without effect. These anecdotes, however, should suffice to stress that the ability to recall implies that there were people to recall. While much remains uncertain (including the communication and form of such recall notices), most of the recalls appear to highlight that the penalty of banishment had an impact on the social status of the individual in the Roman community. If people were to be recalled, they must have been removed. There is therefore no real doubt that well-crafted expulsion notices acquired real strength and that the message to stay out of Rome was genuine.

Secondly, exile also meant fear. See, for example, the Jewish expulsion of AD 19: there are clear statements in the contemporary sources that the Jews were left with a choice, namely leave Rome, renounce their faith and stay or not obey and stay on pain of a harsher penalty (conscription).[155] A mixture of fears and complaints was behind Rome's measure against the Jews, and they must have been afraid when the message of removal reached them. That notion of fear should not be underplayed.[156] First, despite the bluntness of the historical sources, the niceties of exile appear clear-cut in the legal literature. Here, one catches a glimpse of what *could* occur: non-

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[150] Dio Cassius, *Roman History* 68.1.2 (Eng. trans. Cary and Foster 1925).

[151] Pliny the Younger, *Letters* 10.56 (Eng. trans. Radice 1969). See also D.A. Washburn, *Banishment in the Later Roman Empire: 284-476 CE* (New York: Routledge, 2013) 99-100 for a short analysis of the letter.

[152] Suetonius, *Augustus* 45.4.

[153] Dio Cassius, *Roman History* 54.17.4-5 and 59.23.9.

[154] Tacitus, *Annals* 12.8 and 14.12.5. For other examples of recalled individuals, see Braginton, 'Exile', 406-7 and Rocovich, *Exile,* 69-71.

[155] Josephus, *Jewish Antiquities* 18.3.4-5; Tacitus, *Annals* 2.85 and Suetonius, *Tiberius* 36. See also Section 1.1.

[156] C. Edwards, *Writing Rome: Textual Approaches to the City* (Cambridge: Cambridge University Press, 1996) 111-2 and Rocovich, *Exile,* 92.

compliance may require the penalty to be made harsher.[157] If one may assume that the expulsion notice came to the attention of a large part of the Roman community, a deliberate decision to stay must have required a tough bearing. It meant being able to constantly cope with the possibility that one was being watched by the host community and that one could face a penalty of a more servile character if one were caught. Vitellius' expulsion of astrologers and the response it prompted may partly be seen as an elaboration of that observation: the astrologers really did not want to leave Rome. Pliny the Younger's visit to the expelled philosopher living just outside Rome might also be understood in light of how the Romans experienced fear: the author met with a known outsider at risk of 'the attention it attracted'.[158]

To this a third observation can be added that many prominent Romans spent periods in exile. The comparison of exile to expulsion should be acknowledged as one not easily made, but it is undeniable that many Roman authors understood the act of leaving Rome for banishment. Seneca the Younger, for instance, admits that exile from Rome 'is attended by disadvantages — by poverty, disgrace, and scorn',[159] and Ovid, writing from exile in Tomis (modern-day Constanţa in Romania), asserts that he fears he will lose his ability to speak Latin as 'Thracian and Scythian tongues chatter on every side'.[160] It is important to emphasise that each person in exile experienced his or her removal differently and that it is therefore difficult to compare disparate images to identify patterns, but it is generally agreed that prominent Romans found life away from Rome unbearable.[161] For some, however, especially philosophers, exile became 'a positive accreditation of philosophical success'.[162] Exile confirmed their philosophical *persona* in the community and hence made them famous, which implies that despite the drawbacks, banishments were taken seriously.[163]

These stories of exile are primarily of interest insofar as they serve as evidence of the physical and social importance of being in Rome. The idea of the city in Roman thought is a topic which numerous scholars have explored, and especially Lidia Mazzolini's study is helpful in understanding this significance. As Mazzolini observes,

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[157] *Digest* 48.19.28 (Callistratus) and 48.22.18 (19) (Callistratus). See also J.P.V.D. Balsdon, *Romans and Aliens* (London: Duckworth, 1979) 109; Braginton, 'Exile', 394 and Tacoma, *Moving Romans,* 99.
[158] See footnote 100.
[159] Seneca the Younger, *To Helvia* 6.2.3 (Eng. trans. Basore 1932).
[160] Ovid, *Sorrows* 3.14.45-52 (Eng. trans. Wheeler 1924).
[161] Braginton, 'Exile', 404; Balsdon, *Romans and Aliens,* 112 and Edwards, *Writing Rome,* 111-2.
[162] T. Whitmarsh, "Greece is the World': Exile and Identity in the Second Sophistic', in: S. Goldhill (ed.), *Being Greek under Rome: Cultural Identity, the Second Sophistic and the Development of Empire* (Cambridge: Cambridge University Press, 2007) 271.
[163] Ibid., 271-2, 303-5.

> The Roman metropolis emerged as the archetype of civilised and orderly society. To belong to the City, to obey its laws, was a cause for pride – not so much an act of submission as a spontaneous decision to join the forces of law and civilisation against the powers of evil.[164]

In other words, there was no place like Rome. It is difficult to tell if all residents of Rome felt such ties to the city, but it is remarkable to see that the penalty of banishment was deliberately used as a means to guard the orderly society of Rome, not only because the penalty laid down that a person must physically stay out of Rome but also because it implicitly stripped an exile of his or her sense of belonging to a proud community.[165] The *modus operandi* of expulsion is strikingly similar: to strip a specific group of their sense of belonging to a cohesive social group bound by Roman habits. The punishment must therefore have hurt groups too, if only so that they could witness that they were no longer part of the Roman community.

This combination of information allows conclusions to be drawn that are sufficiently flexible to address the concept of imposition. First, the evidence appears to suggest that public notices of expulsion acted as deterrents to un-Roman activities. It is highly likely that those condemned knew that they were being watched by the host community and therefore fearfully felt that they had become outsiders (both physically and socially). It is therefore my impression that the banished often left. Fear was everywhere and compliance meant no longer living in that fear and an additional chance of recall. One may even note the Jews Prisca and Aquila, who withdrew from Rome after Claudius had collectively expelled Jews, and Pliny the Younger's friend philosopher who lived outside Rome after a decree had banished him. Additionally, this may also explain why ancient writers do not mention practicalities of eviction orders. Expulsion was a self-regulating mechanism that required no military enforcement: strangers had been socially (and perhaps physically) removed from the Roman community, and that was what counted. In this sense, the measure can be described as a deterrent since the order was restored.

1.5.   Legitimate Police Measures

There remains a stubborn, potentially problematic issue with how scholars should treat the legitimacy of such an expulsion notice. It is useful to briefly recall Rome's high handedness behind the Jewish removal in AD 19, because it is absurd how well

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[164] L. Mazzolani, *The Idea of the City in Roman Thought* (Eng. trans. S. O'Donnell) (Bloomington: Indiana University Press, 1970) 13. See also Balsdon, *Romans and Aliens,* 111-2 and Rocovich, *Exile,* 2-3.
[165] See Section 1.2.

thought out the Jewish banishment was and how the Romans slyly cornered them in the community. Was legitimacy therefore lacking? The answer is difficult to find, although the nature of the imperial decrees may help answer this question.

It is clear that both the emperor and the senate could issue decrees that treated matters of public order. Emphasis, however, should be placed on *senatus consulta*, which are texts that emanated from the advisory assembly in Rome (the senate). These texts imply enquiries and debates that were held about matters at hand.[166] For example, 301 senators attended the debate of Piso's conspiracy, and they all passed the motion to banish his staff.[167] The senate also passed the Jewish expulsion of AD 19 (which also explains how the calculated severity of the punishment came to be),[168] and the assembly also outlawed astrologers in AD 16 and AD 52.[169] In terms of legislative force, these legal measures that took the form of *senatus consulta* did not break with precedent: they gained legislative force by default because they were republican-era antecedents.[170] Doubt has been cast on the legal authority of these senatorial resolutions and especially on their validity in practice, but at least in the early years of the Principate these senatorial acts enjoyed adequate legislative power since they were approved and recognised by the emperor.[171] Therefore, although the decisions to pass decrees were based on the emotions, social attitudes and prejudices of Roman power holders, the edicts were judicial penalties based on precedents of earlier imperial procedures.

This can partly explain the normative aspect of police legitimacy. It appears that these disturbances were so important to the Roman authorities that they felt the need to debate how such problems of disorder should be addressed. However, it seems that they tended to act in accordance with the prescribed principles of their community: a situational exigency, such as the strangeness of a specific activity in Rome, aroused a certain amount of resentment among the Roman authorities and therefore obliged them to look for an apparatus through which they could overpower the threat. The imperial decree became the go-to deterrence mechanism not only because it was self-regulating but also because it was a prescribed form of

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[166] Talbert, *The Senate,* 487; Millar, *The Emperor,* 255 and Levick, 'The Politics of the Early Principate', in: T.P. Wiseman (ed.), *Roman Political Life: 90 B.C. - A.D. 69* (Exeter: University of Exeter Press, 1985) 48.
[167] *Senatorial Decree to the Elder Piso* 171-2 (Eng. trans. Damon 1999).
[168] Tacitus, *Annals* 2.85. See also Cappelletti, *The Jewish Community,* 49-53; Williams, 'The Expulsion of the Jews', 778-9 and Smallwood, 'Some Notes on the Jews under Tiberius', *Latomus* 15 (1956) 316 for the debate that was held about the Jews.
[169] Tacitus, *Annals* 2.32 and 12.52. See also Cramer, *Astrology,* 237-41.
[170] Millar, *The Emperor,* 341-2; Levick, 'The Politics', 48 and Talbert, *The Senate,* 432-3.
[171] Talbert, *The Senate,* 433, 464 and Millar, *The Emperor,* 517-27. See also Rocovich, *Exile,* 66.

intervention. This was a legitimate exercise of the power of the imperial government.

In terms of social legitimacy, it is difficult to gather much from the evidence. As previously mentioned, the penalty of banishment seems to have been commonplace, which implies that the inhabitants of Rome could have expected a banishment if they acted strangely. It is evident in many of the ancient narratives that if somebody was thought to be responsible for disturbances, he or she faced banishment just like everyone else.[172] These points suggest that expulsion was at least in part socially legitimate. In this respect, the Jews seem to have had it coming: their actions were out of line, and thus they were punished. To this extent, there is a high probability that the Roman community thought the governmental measure legitimate. After all, the procedure was called forth by a situational exigency – a type of situation where the state was supposed to intervene to prevent a crisis from reaching an uncontrollable outcome. By and large, however, this was a legitimate mechanism by which the Roman community policed itself.

1.6. Conclusion

The evidence discussed in this chapter warrants the conclusion that administrative intervention manifested in the form of decrees was a legitimate deterring measure that the Roman authorities adopted to protect Rome from outsiders such as Jews and from other disturbances such as unrest. This means that this governmental measure was part of the police apparatus of early imperial Rome. It seems that expulsion also fits perfectly alongside a range of reactive measures planned by the Roman state to deal with unruly people. The Romans acted only if a threat was perceived.

That said, one can also discern clear resonances with the concept of police. First, a police measure such as an imperial decree shows that a focus on police as a body of officers that distribute coercive force is indeed too narrow to encompass the whole of policing. As demonstrated in this chapter, police measures can be administrative in nature and can make an appeal to the sense of the community. Second, in this case, Tilly and Foucault's observations seem particularly compelling. All things considered, they suggested that police apparatuses were best understood as mechanisms of *ad hoc* measures related to public order or as mechanisms of imposition. Additionally, one may identify these measures as 'good' police work. It is an administrative action which did not rely on violence or enforcement but rather solely on the *sense* of the Roman community.

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[172] See Section 1.2.

Military Police Measures: Entertainment at the Circus

The previous chapter has shown that the administrative handling of unrest seems to have been an effective instrument of social control in Rome. This chapter analyses the acute threats that administrative measures cannot solve, at least not immediately. What were the Roman authorities to do with events in which violence suddenly exploded, prompting them to intervene as quickly as possible? Josephus and Tacitus provide us with a unique illustration of what could happen during such an event. In AD 40 or AD 41 during a chariot race in the Circus Maximus, a fierce riot took place among spectators to put pressure on Caligula, who was at the time unwilling to reduce taxes. What deserves special attention here is that soldiers began to take on police duties while the administrative police system was still active.

This chapter explores how the Roman authorities responded to the protest, examines if these activities can be identified as just police measures and investigates how these measures relate to the administrative police system as seen in the first chapter. It begins with an analysis of the race day in AD 40 or AD 41 to list the details of the event and the Roman response to it (Section 2.1). An additional section on the ancient literature follows (Section 2.2), because the ideological biases and preconceptions of the ancient writers about entertainment and Caligula threaten to distort the results of my analysis. Thereafter, the chapter explores whether the measures in the Circus were aimed at ensuring order (Section 2.3) and if so, in what fashion order was restored (Section 2.4). The chapter then attempts to demonstrate the connection between the state's activities and the concepts of imposition and coercion (Section 2.5) and the connection to legitimacy (Section 2.6). The correlation between the measures in the Circus and the administrative police measures as seen in Chapter 1 is mainly addressed in the last three sections. The chapter ends with a conclusion (Section 2.7) in which the police measures are summarised and related to the theories of police and public order. This chapter explicitly uses the framework as proposed in the introduction and considers the following question: what legitimate deterring or coercive measures did the Roman authorities adopt to ensure orderly behaviour at the Circus?

2.1.   A Chariot Race in AD 40 or AD 41

During the last years of his principate, probably between September AD 40 and

January AD 41, Caligula forcefully quashed a revolt at the Circus on a major chariot race day.[173] Josephus indicates that a circus game held sometime before the murder of Caligula in January AD 41 ended badly. The ancient author illustrates how at the most popular spectacle of Rome, chariot racing, a huge throng of spectators urgently requested Caligula 'to cut down imposts and grant some relief from the burden of taxes'.[174] Cassius Dio explains how Caligula enacted 'severe laws in regard to the taxes' and how he denied the throng's request to reduce them at the chariot race.[175] At this juncture, Cassius Dio and Josephus both claim that to crush the upcoming demonstration, Caligula dispatched soldiers in all directions of the Circus to restore order.[176] Those people who shouted were arrested and brought forward to the emperor; there, they were put to death. The number of those executed 'was very large',[177] and Caligula's military intervention worked:

> The people, when they saw what happened, stopped their shouting and controlled themselves, for they could see with their own eyes that the request for fiscal concessions resulted quickly in their own death.[178]

2.2.   Biases and Preconceptions: Entertainment and Caligula

Before proceeding to the military measures, however, it is well to say something of the documentation of the topic at hand. First, it is necessary to address the attitudes of Roman writers towards entertainment. To put it concisely, they claim that entertainment caused deterioration of traditional Roman morality in the form of weakness.[179] The intellectual disdain of sport and spectacle is expressed on the grounds that they were events for ordinary people who did not see that such joy was unsophisticated.[180] However, this is concisely expressed, because the testimonies

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[173] See A. Cameron, *Circus Factions: Blues and Greens at Rome and Byzantium* (Oxford: Clarendon Press, 1976) 162-3; AA. Barrett, *Caligula: The Corruption of Power* (London: Routledge, 2006) 230 and F. Meijer, *Chariot Racing in the Roman Empire: Spectacles in Rome and Constantinople* (Eng. trans. L. Waters) (Baltimore: Johns Hopkins University Press, 2010) 98-9. There is no agreement as to when the race and the subsequent riot took place.

[174] Josephus, *Jewish Antiquities* 19.4.24-7 (Eng. trans. Feldman 1965). See Suetonius, *Caligula* 40, in which the ancient author notes that the emperor announced new tax regulations. See also Barrett, *Caligula*, 224-9 for the reasons of Caligula's tax increase.

[175] Dio Cassius, *Roman History* 59.28.11 (Eng. trans. Cary and Foster 1924).

[176] Josephus, *Jewish Antiquities* 19.4.25 and Dio Cassius, *Roman History* 59.13.4.

[177] Ibid., 19.4.26 (Eng. trans. Feldman 1965).

[178] Ibid., 19.4.27 (Eng. trans. Feldman 1965). See also Dio Cassius, *Roman History* 59.28.11.

[179] M. Wistrand, *Entertainment and Violence in Ancient Rome: The Attitudes of Roman Writers of the First Century A.D.* (Goteborg: Coronet Books Inc., 1992) 13-4; Z.M. Torlone, 'Writing Arenas: Roman Authors and their Games', in: P. Christesen and D.G. Kyle (eds.), *A Companion to Sport and Spectacle in Greek and Roman Antiquity* (Hoboken: John Wiley & Sons, 2014) 419 and K. Mammel, 'Ancient Critics of Roman Spectacle and Sport', in: Christesen and Kyle (eds.), *A Companion to Sport and Spectacle*, 603-4.

[180] Torlone, 'Writing Arenas', 417-9; Wistrand, *Entertainment and Violence*, 41-3, 79; Mammel, 'Ancient

also show that Rome's educated elite attended spectacles and especially horse races as keenly as the plebeians.[181] Their attendance is explained by two basic facts. First, the aristocrats were often the ones organising the games, thereby advertising wealth and power to the masses; second, despite the haughty condescension on the writers' part, there was much to like about spectacles, if only because they stirred up great excitement.[182] 'Many of the literary elite's objections to popular, Roman-style spectacles were motivated in large part by elitism and intellectual snobbery', writes Kathryn Mammel,[183] but it is only reasonable to note the irony in this given that their literary musings on spectacles were in practice much less deeply rooted than they were willing to admit.[184] The outcome of this is that the reports about games are often few in number and almost always simple, mentioned more or less casually or as part of something more important.

Second, it is necessary to consider emperor Caligula, who has an impressive list of infamous stories to his name.[185] Although studies in the past have provided versatile information about the malicious emperor, it is now well established by scholars that a large part of Caligula's behaviour seem to have been highly unconventional in the eyes of the Romans.[186] Caligula was one of the first emperors who explored his omnipotence. By often showing it explicitly to his subjects, the emperor violated the unwritten rules of Roman society. The problem here is that most ancient writers who allude to Caligula also deliberately emphasise his deeply subversive behaviour, but then in their own official imperial discourses.[187] The result is that the Roman writers may have altered some of the emperor's deeds to function as an element within a

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Critics', 605 and Meijer, *Chariot Racing*, 2-3, 106-7. This disdain for the masses is reflected in the way authors describe riots as well. The source-texts commonly describe the behaviour of the common people with 'snobbish' language. See Kelly, 'Riot Control', 154; Yavetz, Plebs *and* Princeps, 141-55 and Africa, 'Urban Violence', 3.

[181] Mammel, 'Ancient Critics', 603; Torlone, 'Writing Arenas', 419 and Meijer, *Chariot Racing*, 2-3, 117.

[182] M. Griffin, '*Urbs Roma, Plebs* and *Princeps*', in: L. Alexander (ed.), *Images of Empire* (Sheffield: JSOT Press, 1991) 38; N. Purcell, "Romans, play on!' Rome, City of Games', in: Erdkamp, *The Cambridge Companion to Ancient Rome*, 450; R. Maclean, 'People on the Margins of the Roman Spectacle', in: Christesen and Kyle (eds.), A *Companion to Sport and Spectacle*, 578-89 and Meijer, *Chariot Racing*, 2-3.

[183] Mammel, 'Ancient Critics', 605.

[184] S. Bell, 'Roman Chariot Racing. Charioteers, Factions, Spectators', in: Christesen and Kyle (eds.), *A Companion to Sport and Spectacle*, 499 and Meijer, *Chariot Racing,* 106-7.

[185] See the monograph on Caligula by John P.V.D. Balsdon for a well-organized full story. Balsdon, *The Emperor Gaius (Caligula)* (Oxford: Clarendon Press, 1964).

[186] Barrett, *Caligula*, 213-41 and Balsdon, *The Emperor Gaius*, 151. That Caligula was mentally ill, has long been the other prevalent scholarly view of the much-maligned emperor. The diagnoses stem from the ancient accounts, such as that of Josephus, Suetonius, Juvenal, Seneca and Philo, who each in turn recount Caligula's egregious acts thought to be at least in part attributable to his 'mania'. See Josephus, *Jewish Antiquities* 19.193; Suetonius, *Caligula* 33; Juvenal, *Satires* 6.614-7; Seneca, *On Mercy* 1.25.1 and Philo, *On the Embassy to Gaius* 349-68. See also B. Sidwell, 'Gaius Caligula's Mental Illness', *Classical World* 103 (2010) 183-206 on Caligula's 'disease' and it's historiography.

[187] Barrett, *Caligula,* 230 and Balsdon, *The Emperor Gaius,* 215-6.

literary strategy, while in reality these acts were less prone to go beyond proper imperial behaviour.

The source texts for the race day in AD 40 or AD 41 duly reflect these observations. The overall impression is that the ancient literature provides much less information about the chariot race than it does about the mob's demonstration and Caligula's brutal punitive measures in the wake of it. Moreover, the anecdotes seem to be long on rhetorical flourishes; the whole race is placed in a context of blackening Caligula's character. Hence, biases and preconceptions defy our understanding of the race day and of Caligula's choice to dispatch troops to put a stop to the outbreak. In consequence, one must work with scanty, questionable and fragmentary accounts that are not always directly relevant to the topics at hand while simultaneously looking for additional sources elsewhere.

2.3. Ensuring Order at Circus Games

Again, the first step in establishing police work is to determine if the state's measure is used for order maintenance within the community. In this case, the principal focus is on the order at the Circus. It is the suggestion of this section that chariot races at the Circus had such destabilising potential that it was often difficult to maintain overall stability and that immediate state intervention could therefore keep things pacified and quiet. To make sense of this, one must consider the Roman games and the spectators' devotion to them.

The lure of public entertainment was difficult to resist.[188] The most popular form of entertainment was probably the chariot race, a game in which two-wheeled vehicles drawn by four horses and driven by one charioteer raced against each other.[189] Fans could support different charioteers and different factions, all of which were referred to by colours: Red, Green, Blue and White.[190] The Circus Maximus was the main centre of chariot racing, and in its heyday the open-air stadium could hold

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[188] For an overview of the historiography of Roman entertainment, see J. Toner, 'Trends in the Study of Roman Spectacle and Sport', in: Christesen and Kyle (eds.), *A Companion to Sport and Spectacle*, 451-62 and R. Dunkle, 'Overview of Roman Spectacle', in: Christesen and Kyle (eds.), *A Companion to Sport and Spectacle*, 381-94.

[189] J.H. Humphrey, *Roman Circuses: Arenas for Chariot Racing* (London: Batsford, 1986) 4-5; Bell, 'Roman Chariot Racing', 499-500; Coleman, 'Entertaining Rome', in: Coulston and Dodge (eds.), *Ancient Rome*, 215; Aldrete, *Daily Life in the Roman City: Rome, Pompeii, and Ostia* (Westport, CT: Greenwood Publishing, 2009) 128; Wistrand, *Entertainment and Violence*, 57-8 and M. Junkelmann, 'On the Starting Line with Ben Hur: Chariot-Racing in the Circus Maximus', in: E. Köhne, C. Ewigleben and R. Jackson (eds.), *Gladiators and Caesars: The Power of Spectacle in Ancient Rome* (Berkeley: University of California Press, 2000) 98-9.

[190] Cameron, *Circus Factions*, 45-73. See also F. Dolansky and S. Raucci, *Rome: A Sourcebook on the Ancient City* (London: Bloomsbury, 2018) 98-100 and A. Futrell, *The Roman Games: Historical Sources in Translation* (Oxford: Blackwell Publishing, 2006) 207.

at least 150,000 people.[191] A game day regularly included as much as 24 chariot races, and it is suggested that each of the 66 or 100 holidays in the Roman calendar year would have included the spectacle.[192] These *ludi circenses* were regularly free of charge; thus, everyone residing in Rome could attend races.[193] Gregory S. Aldrete summarises the lure of spectacle: 'All these factors ensured that chariot racing was the most popular form of entertainment for the average inhabitant of the city as well as the most accessible'.[194]

While it is difficult to recover the direct experience of a Roman spectator of a chariot race in the surviving ancient literature, there is enough evidence that gives a clear indication of the vast popularity of the game.[195] In one of his poems in *The Loves* (48 BC–18 AD), Ovid depicts women gazing on the races with great delight,[196] and Juvenal describes in his *Satires* (early second century AD) that the ordinary Roman people had 'an obsessive desire for two things only – bread and circuses'.[197] Suetonius mentions that a large group of fans desperately tried to secure seats in the Circus prior to a race sometime in the late AD 30s,[198] and Pliny the Younger expresses surprise 'that so many thousands of adult men should have such a childish passion for watching galloping horses and drivers standing in chariots'.[199]

Personal experiences of spectators come from different types of sources but hint at the same popularity. For instance, the gravestone of a certain Crescens, an oil dealer in Rome, proudly proclaims that he supported the Blue faction of chariot

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[191] Some scholars assume it was up to 250,000. All figures have been questioned. Köhne, 'Bread and Circuses: The Politics of Entertainment', in: Köhne, Ewigleben and Jackson (eds.), *Gladiators and Caesars* 8-9; L. Richardson, *A New Topographical Dictionary of Ancient Rome* (Baltimore: Johns Hopkins University Press, 1992) 86-7; Cameron, *Circus Factions*, 162; Meijer, *Chariot Racing*, 65-6 and Africa, 'Urban Violence', 7.

[192] Bell, 'Roman Chariot Racing', 495; Dodge, *Spectacle in the Roman World* (London: Bloomsbury Publishing Plc, 2013) 20-1; Junkelmann, 'On the Starting Line', 98-9 and Aldrete, *Daily Life,* 128.

[193] Köhne, 'Bread and Circuses', 8-9; Aldrete, *Daily Life*, 128 and Dunkle, 'Overview of Roman Spectacle', 382.

[194] Aldrete, *Daily Life*, 128.

[195] The literature about the fanaticism of spectators is vast, but Bell, 'Roman Chariot Racing', 492-504 and K. Hopkins, *Death and Renewal: Sociological Studies in Roman History Volume 2* (Cambridge: Cambridge University Press, 1983) 7-9 provide a good overview. Not only literary texts provide us with information about spectators, but also a fair amount of epigraphic evidence informs us of it. The setting is unique in the sense that scholars can give a modest, non-elite portrait of spectator culture. See Aldrete, 'Material Evidence for Roman Spectacle and Sport', in: Christesen and Kyle (eds.), *A Companion to Sport and Spectacle*, 438-50.

[196] Ovid, *The Loves* 3.2.1-24.

[197] Juvenal, *Satires* 10.78-81 (Eng. trans. Braund 2004). 'Bread and circuses' is Juvenal's famous quote; in his opinion, the Roman people were only interested in corn doles and chariot races at the Circus Maximus. See Köhne, 'Bread and Circuses', 8-30 and Griffin, '*Urbs Roma*', 34-39.

[198] Suetonius, *Caligula* 26.

[199] Pliny the Younger, *Letters* 9.6 (Eng. trans. Radice 1969).

drivers,[200] and an unknown Roman inscribed *victoria venetianorum semper constet feliciter* – 'may the victory of the Blues always prosper' – in a stone that was probably part of a stable.[201] Others displayed their devotion to their team by placing *defixiones* or curses on the opposing factions.[202] Thus, one tablet from North Africa reads,

> I charge you demon, whoever you are, and demand of you from this hour, from this day, from this moment that you torture the horses of the Greens and Whites. Kill them! The charioteers Glarus and Felix and Primulus and Romanus, kill them! Crash them! Leave no breath in them! I charge you by him who has released you from (the bonds) of time, the god of the sea and the air, Iao Iasdao! Oorio aeia![203]

The fanaticism of the spectators who cared for nothing but the race and their favourite factions is clear, but the idea that each race in Rome was exceptional must be explained with greater nuance. A papyrus found in Oxyrhynchus in Egypt and dated to late antiquity mentions a day's program of events in the local circus and provides a much more modest view of a typical day at the races.[204] It states,

> First chariot race. Parade. Singing rope dancers. Second chariot race. The singing rope dancers. Third chariot race. Gazelle and hounds. Fourth chariot race. Mime show. Fifth chariot race. Troupe of athletes. Sixth chariot race.[205]

What made the game so attractive? Secondary literature on Roman chariot racing offers a number of reasons, but suffice it to say that chariot racing became so prevalent in Roman life that many of the Roman commoners simply breathed the sport.[206] For many spectators, race days entailed thrilling moments of revelation: 'of winning a prize or a bet, of discovering a lover in the stands, of seeing a curse fulfilled,

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[200] *Corpus of Latin Inscriptions* 6.9719.

[201] *Corpus of Latin Inscriptions* 6.10044. The examples of zealous fans are legion. See Dunkle, 'Overview of Roman Spectacle', 383 and Dolansky and Raucci, *Rome*, 98-9.

[202] Bell, 'Roman Chariot Racing', 500; Futrell, *Roman Games*, 203; Meijer, *Chariot Racing*, 101; Aldrete, 'Material Evidence', 441 and ibid., *Daily Life*, 133.

[203] *Curse Tablets* 286b Hadrumetum (Eng. trans. Sherk 1988). This is side b of the tablet; side a lists the names of horses and/or magic words. See R.K. Sherk, *The Roman Empire Augustus to Hadrian. Translated Documents of Greece and Rome* (New York: Cambridge University Press, 1988) 217. All over the Roman Empire *defixiones* have been found and this tablet, from North-Africa, is one of the many examples that speak for the level of the crowd's dedication to the game.

[204] Aldrete, 'Material Evidence', 441 and E.G. Turner, 'Oxyrhynchus and Rome', *Harvard Studies in Classical Philology* 79 (1975) 2. This reasoning is based on the notion that the extant literary sources, ranging from the Early to the Late Empire, tend to focus on 'exceptional spectacles that were unusual for their scale and expense' (Aldrete, 'Material Evidence', 441).

[205] *Oxyrhynchus Papyri* 34.2707 (Eng. trans. Aldrete 2014).

[206] Humphrey, *Roman Circuses*, 4-5; Wistrand, *Entertainment and Violence*, 46; Meijer, *Chariot Racing*, 101-8; Bell, 'Roman Chariot Racing', 494, 500-2; J. Henderson, 'A Doo-Dah-Doo-Dah-Dey at the Races: Ovid *Amores* 3.2 and the Personal Politics of the Circus Maximus', *Classical Antiquity* 21 (2002) 47-50 and Mammel, 'Ancient Critics', 603. For a complete list of the reasons for the appeal, see Bell, 'Roman Chariot Racing', 494. One may note the appeal of modern football, which is based on roughly the same premises.

of finding salvation in a hero or losing all hope witnessing his death'.[207]

The games, however, did not solely count as leisure. The Circus was also a highly important place to interact with the emperor. It is no coincidence that the people petitioned Caligula in the Circus for tax relief in the early AD 40s,[208] just as it was no accident that they did the same in the late AD 60s when they compelled Galba (and later emperor Otho) in the stadium to order a prefect's death.[209] It was precisely there in the Circus, according to Tacitus, 'where the common people have the greatest license'.[210] Even Josephus remarks that spectators commonly made requests in the stadium and that 'emperors who rule that there can be no question about granting such petitions are by no means unpopular'.[211] The widely accepted idea that in the Circus the urban masses addressed their specific complaints to the emperor is amply borne out by these examples.[212] The Circus was a venue where the people met the emperor and made their opinions publicly known. Indeed, it was a place for politics.

Whether spectators sat in the stadium to see their favourite drivers triumph or to express their dissatisfactions to the emperor, one thing is most evident: crowds posed a danger to the emperor and the order in the Circus.[213] To begin with, the people's license to wilfully voice their grievances entailed risk. The emperor could 'anticipate their concerns', as Kathleen Coleman writes, 'but there was always the possibility that he might be caught on the wrong foot'.[214] This happened in AD 15, when the plebeians objected to an edict of Tiberius to curb actors and ignited a protest,[215] and in AD 40 or AD 41, when the masses rioted because of Caligula's disregard for their opinion.[216] Crowds could object, and that was a genuine danger.

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[207] Bell, 'Roman Chariot Racing', 502.

[208] See Section 2.1.

[209] Plutarch, *Galba* 17.4; Tacitus, *Histories* 1.72 and Plutarch, *Otho* 2.2. See also Tacitus, *Annals* 2.87 and 13.50 for examples of common people protesting (in the Circus). See also Africa, 'Urban Violence', 10-1 and Cameron, *Circus Factions*, 164.

[210] Tacitus, *Histories* 1.72 (Eng. trans. Moore 1925). See also Plutarch, *Galba* 17.4.

[211] Josephus, *Jewish Antiquities* 19.4.24-7 (Eng. trans. Feldman 1965). See also Dio Cassius, *Roman History* 59.13.4 and Section 2.1.

[212] Millar, 'Emperors at Work', *Journal of Roman Studies* 57 (1967) 9; Hopkins, *Death and Renewal,* 15; Griffin, '*Urbs Roma*', 40-1; MacMullen, *Enemies of the Roman Order*, 171-2; Yavetz, *Plebs and Princeps*, 18-21; Wistrand, *Entertainment and Violence*, 64-6; Cameron, *Circus Factions*, 158; Coleman, 'Entertaining Rome', 215-7 and ibid., 'Public Entertainments', 349-50.

[213] Hopkins, *Death and Renewal,* 15-7; Coleman, 'Public Entertainments', in: M. Peachin (ed.), *The Oxford Handbook of Social Relations in the Roman World* (Oxford: Oxford University Press, 2011) 348; S.J. Bingham, 'Security at the Games in the Early Imperial Period', *Echos du Monde Classique* 43 (1999) 369; MacMullen, *Enemies of the Roman Order*, 172 and Meijer, *Chariot Racing*, 112-5.

[214] Coleman, 'Public Entertainments', 350. See also Cameron, *Circus Factions*, 173 and Bingham, 'Security at the Games', 376 and Hopkins, *Death and Renewal,* 15.

[215] See Section 2.1.

[216] Tacitus, *Annals* 1.77. See MacMullen, *Enemies of the Roman Order,* 170-1 and Coleman, 'Public Entertainment', 348 as well.

It is highly likely that hooliganism was also a problem at race days, although no report of such misbehaviour in the Circus survives.[217] Only in Dio Chrysostom's testimony of the second half of the first century AD (*Discourses*) does one get the experience, even if exaggerated, of the violent behaviour of spectators. He describes the intense atmosphere at a race day in the local circus in Alexandria:

> At times they [spectators] bounded high; but in their seats the gaping crowd did neither stand nor sit, pallid with fear and fright, and in their zeal to win they shouted each to each, and, hands upraised, they vowed great offerings to all the gods. Just as the scream of cranes or cry of daws doth rise, when they have drunk of beer and wine. (…) but in the case of people who disregard all that is noble and are passionately enamoured of one thing that is ignoble, who centre their attention upon that alone and spend their time on that, constantly leaping and raving and beating one another and using abominable language and often reviling even the gods themselves and flinging away their own belongings and sometimes departing naked from the show – that is a disgraceful, an ignominious capture for a city.[218]

This is an illustration of the fanatical entourages of Alexandrian spectators who gathered at the racetrack and behaved aggressively. One can assume that this depiction of unruly and unbridled behaviour of spectators is much more accurate than the detached observations of Roman authors and that such misconduct was also to be expected in the Circus of Rome, because the fandom is described by 'writers [who] were less scrupulous and less hesitant about speaking openly of misbehaviour and violence in the circus'.[219]

It is thus safe to assume that race games at the Circus were massive events that had definite potential to stir up crowds. Normal as they may have been, games were always apt to spark hatred, fury and madness in the spectators if things did not go according to plan. Caligula's race day must be read in light of this. The question is, what did the Roman authorities do when violence suddenly exploded?

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[217] Cameron, *Circus Factions*, 458; Yavetz, Plebs *and* Princeps, 33-4 and Toner, 'Trends', 458. Obviously, hooliganism can be expected from spectators who show bizarre forms of fanaticism. Note, again, modern football hooliganism and the violent behaviour perpetrated by spectators.

[218] Dio Chrysostom, *Discourses* 32.81-89 (Eng. trans. Cohoon and Crosby 1940). See also Philostratus, *Apollonius of Tyana* 1.15 and 5.26, in which similar but much more profound snapshots of ruffians in Roman provinces are given.

[219] Meijer, *Chariot Racing*, 119. See also R. Lim, 'In the *Temple of Laughter*: Visual and Literary Representations of Spectators at Roman Games', *Studies in the History of Art* 56 (1999) 356-7; Futrell, *Roman Games*, 212 and E.K. Borthwick, 'Dio Chrysostom on the Mob at Alexandria', *The Classical Review* 22 (1972) 1-3.

2.4.   Imperial Decrees and Soldiers

The manner in which the Roman power holders dealt with disturbances in the Circus – the next step in establishing policing efforts – is complex and has multiple facets, but the underlying trend is associated with the administrative nature of their police apparatus. This section serves as a preliminary to remark only that soldiers *could* intervene when the emperor decided to quell a disturbance and to once again emphasise that the administrative handling of troubles seems to have been favoured.

First, to emphasise the governmental response to the unrest at the Circus in AD 40 or AD 41, it is clear that Caligula dispatched soldiers of the city cohorts to suppress the riot. It is difficult to trace exactly which cohort was sent (either one of the urban cohorts, praetorian cohorts or cohorts of the watchmen), but it was obviously military personnel who handled the situation requiring control.[220] What few other hints there are also suggest that soldiers could intervene at entertainment venues. Tacitus, for instance, writes that Tiberius felt compelled to suppress the AD 15 theatre riot with the help of military forces,[221] and Suetonius mentions that Caligula dispatched soldiers with clubs to remove fans who attempted to secure seats for a race in the Circus.[222] Additionally, epigraphic evidence – chiefly tombstones – seems to suggest that these clubs (*fustes*) were the standard weapons wielded by soldiers, probably to enforce order (see Figure 2.1 and 2.2).[223]

Figure 2.1. Gravestone of a praetorian holding in his right hand a *fustis*. The tombstone is dated to the second century AD. (Image taken from Speidel, 'The *Fustis*', 139.)

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[220] Fuhrmann, *Policing the Roman Empire*, 127; Bingham, 'Security at the Games', 369-79; Kelly, 'Riot Control', 157 and Speidel, 'The *Fustis* as a Soldier's Weapon', *Antiquités Africaines* 29 (1993) 145.
[221] Tacitus, *Annals* 1.77. The whole thing escalated into a violent conflict: 'apart from casualties among the populace, several soldiers and a centurion were killed, and an officer of the praetorian guard wounded' (Tacitus, *Annals* 1.77 (Eng. trans. Moore and Jackson 1931)).
[222] Suetonius, *Caligula* 26.
[223] Speidel, 'The *Fustis*', 137-44. See also Figure 3.1 in Chapter 3 (page 66).
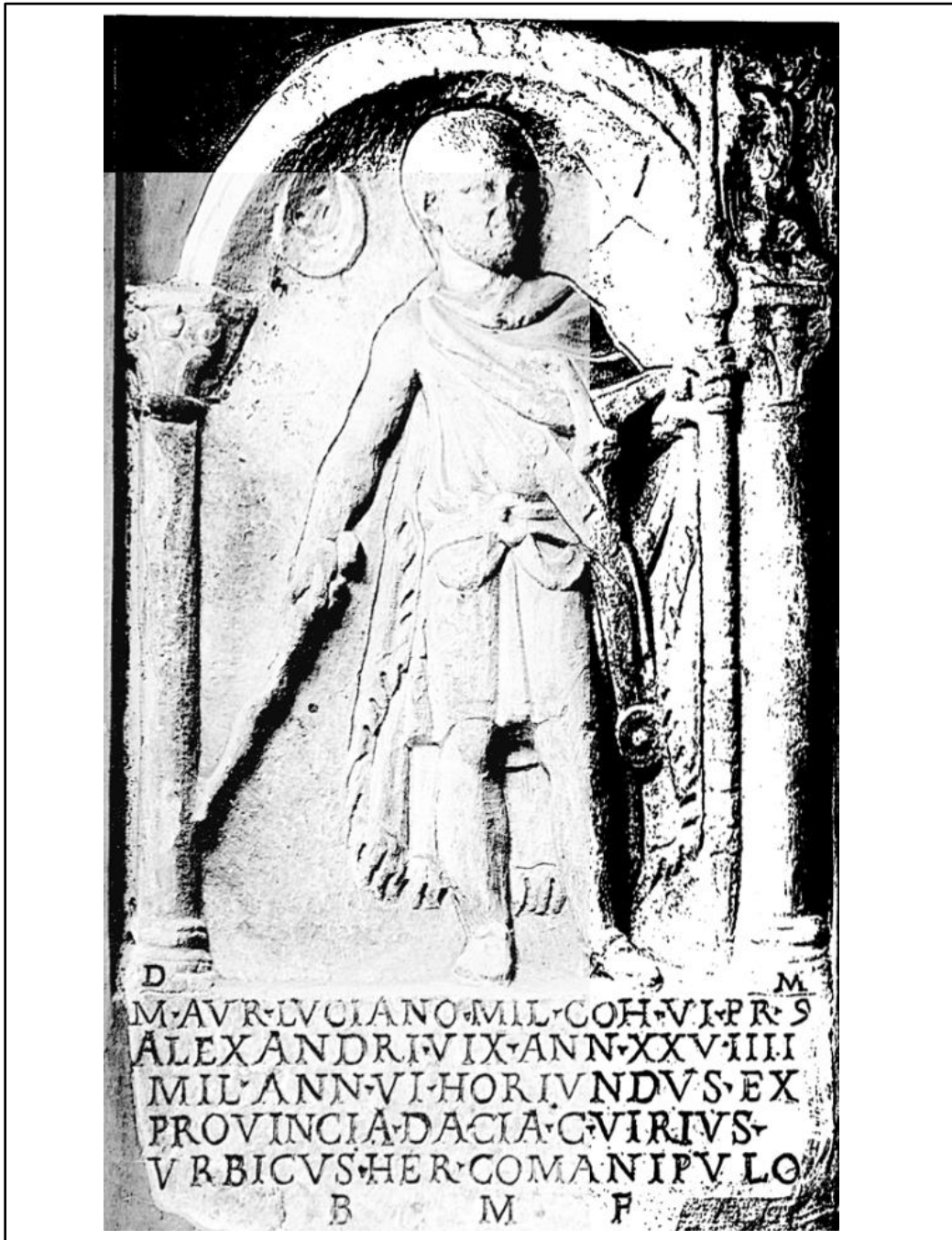
Figure 2.2. Gravestone of Marcus Aurelius Lucianus. He was a praetorian and wields in his hand a *fustis*. The tombstone is dated to the third century AD. (Image taken from Speidel, 'The *Fustis*', 138.)

Inscription (*Corpus of Latin Inscriptions* 6.2606): D(is) M(anibus) / M(arco) Aur(elio) Luciano mil(iti) coh(ortis) VI pr(aetoriae) / (centuria) / Alexandri vix(it) ann(os) XXVIIII / mil(itavit) ann(os) VI (h)oriundus ex / provincia Dacia C(aius) Virius / Urbicus her(es) com(m)anipulo / b(ene) m(erenti) f(ecit).

To the spirits of the dead (is dedicated) Marcus Aurelius Lucianus, soldier of the sixth cohort of the praetorians, in the century of Alexander. He lived for 29 years and served for six. He was born in the province of Dacia. Caius Virius Ubricus, his heir and his brother in arms, erected this to the well-deserving.

Although these reports give the impression that soldiers were go-to people to quell disturbances at public entertainments, it should be stressed that these stories appear to be isolated and selected incidents that were probably only recorded because of their unusual nature.

The unusual nature of these records can at least in part be explained by the administrative intervention of the Roman authorities, because based on what can be discerned about unrest in theatres, the evidence may lead to a different perspective of quelling disturbances. In AD 14, when one of the *Augustala ludi* ended badly, Tiberius responded to the situation with an edict.[224] He wanted to curb the performers.[225] In AD 23, after a quarrel in a theatre ended in bloodshed some time earlier, the same emperor removed 'the leaders of the factions, as well as the actors who were the cause of the dissension'.[226] During Nero's principate, actors were removed again, because the emperor decided that the only cure for unrest in theatres was to expel the performers who caused it.[227]

This is an interesting pattern, not so much because it appears that actors were held responsible for riots (due to their behaviour on stage) but because it looks as if the Roman authorities adopted preventive police measures.[228] The state introduced regulations shortly after an episode of unrest occurred with the intention of preventing such from happening again in the near future. The extent to which the administrative apparatus was applied may even suggest that the authorities were not accustomed to immediate military intervention at all, because they (and the whole Roman community) knew that they could rely on their administrative instrument of social control. Note again the Augustal games of AD 14: although the games were marred by a disturbance, the crowd desperately entreated the senate and the tribunes to convene immediately to solve the issue at hand. Hence, the suggestion that imperial decrees could also prevent riots for a considerable amount of time is probably not far-fetched, because the technique employed removed the persons that caused them.

The most important point for understanding of Caligula's race day is that soldiers

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[224] See page 2 and page 28.

[225] Slater, 'Pantomime Riots', 122-7.

[226] Suetonius, *Tiberius* 37.2 (Eng. trans. Bradley 1914). See also Tacitus, *Annals* 4.14 and Dio Cassius, *Roman History* 57.21.3.

[227] Suetonius, *Nero* 16 and Tacitus, *Annals* 13.24-25.

[228] For actors pushing boundaries to incite riots, see Cameron, *Circus Factions,* 184-5; Kelly, 'Riot Control', 161; Van der Lans, 'Politics of Exclusion', 46-50 and H. Leppin, 'Between Marginality and Celebrity: Entertainers and Entertainments in Roman Society', in: Peachin (ed.), *The Oxford Handbook of Social Relations,* 670.

were dispatched among all spectators with immediate orders to ensure stability at the Circus. Another interesting point is that soldiers were stationed at entertainment venues in the first place. What were they doing there, and why did Caligula specifically use them in the Circus?

2.5. Deterrent and Coercive Measures

This section explores the military presence at the Circus (and at entertainment venues in general) and analyses the punitive measures of the soldiers on Caligula's race day. It considers the phenomena of imposition and coercion as discussed in the introduction and investigates how one can interpret the military presence at the Circus as police work.

In a general sense, the significant visible presence of soldiers at the Circus cannot be doubted. The sources show clearly that military guardsmen were almost always stationed at various entertainment venues in Rome. Tacitus thrice refers to a cohort present on guard at the games,[229] Suetonius states it implicitly[230] and Cassius Dio also notes it once.[231] A passage in the *Digest* refers to the same military presence; Ulpian, an early third-century AD jurist, writes that it was the duty of the urban prefect 'to keep military guardsmen stationed at various places [of public entertainment] to preserve the peace of members of the public'.[232] Even though the source material does not allow for a reliable reconstruction of the type of soldiers stationed at the various places of entertainment, it is still generally agreed that both the praetorian and urban cohorts guarded entertainments.[233] Their presence in the Circus in particular was, as previously argued, in part a safeguard against threats of hooliganism and public pressure (see Section 2.3).

It is also highly likely that soldiers were designated a visible area, or multiple such areas, in the Circus. This is because the audience at spectacles was carefully separated.[234] The debate of the seating arrangements for the theatre, amphitheatre

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[229] Tacitus, *Annals* 1.77, 13.24 and 16.51.
[230] Suetonius, *Augustus* 43-44.
[231] Dio Cassius, *Roman History* 61.8.3.
[232] *Digest* 1.12.1.12 (Ulpian) (Eng. trans. Watson 1985).
[233] But some scholars include the *vigiles,* the city's watchmen, as well. Fuhrmann, *Policing the Roman Empire,* 127; Bingham, 'Security at the Games', 369-79; Kelly, 'Riot Control', 157 and Speidel, 'The *Fustis*', 145.
[234] E. Rawson, '*Discrimina Ordinum*: The *Lex Julia Theatralis*', *Papers of the British School at Rome* 55 (1987) 83-6; Hopkins, *Death and Renewal,* 17-8; Wistrand, *Entertainment and Violence,* 65-6; P. Rose, 'Spectators and Spectator Comfort in Roman Entertainment Buildings: A Study in Functional Design', *Papers of the British School at Rome* 73 (2005) 100-2; C. Schnurr, 'The *Lex Julia Theatralis* of Augustus: Some Remarks on Seating Problems in Theatre, Amphitheatre and Circus', *Liverpool Classical Monthly* 17 (1992) 154-7; J.C. Edmondson, 'Public Spectacles and Roman Social Relations', *Ludi Romani: Espectáculos en Hispania*

and circus evidently began with the *Lex Iulia theatralis*. The ancient Roman law, introduced by Augustus and preserved by Suetonius, describes how the seating at the games was arranged to prevent disorder at the games:

> Augustus put a stop by special regulations to the disorderly and indiscriminate fashion of viewing the games, through exasperation at the insult to a senator, to whom no one offered a seat in a crowded house at some largely attended games in Puteoli. In consequence of this the senate decreed that, whenever any public show was given anywhere, the first row of seats should be reserved for senators; and at Rome he [Augustus] would not allow the envoys of the free and allied nations to sit in the orchestra, since he was informed that even freedmen were sometimes appointed. He separated the soldiery from the people. He assigned special seats to the married men of the commons, to boys under age their own section and the adjoining one to their preceptors (…). He would not allow women to view even the gladiators except from the upper seats, though it had been the custom for men and women to sit together at such shows.[235]

Particularly interesting is Suetonius' note that the soldiery was separated from the people in the entertainment venues. This separation was new but gradually became the standard.[236] That is because the legislation seems to have remained in force in the decennia that followed,[237] and because the references to military guardsmen appear to reinforce the point.[238] Still, scholars suggest that circus factions largely took over the seating organisation of the stadium, with each faction having their own informal seating section.[239] This implies that the system of status distinction was not fully

Romana (2002) 25; Dodge, *Spectacle in the Roman World*, 84-5; Bell, 'Roman Chariot Racing', 494 and Slater, 'Pantomime Riots', 144.

[235] Suetonius, *Augustus* 44 (Eng. trans. Bradley 1914). Augustus also 'built … the state box at the Circus Maximus' (Velleius Paterculus, *Roman History* 19 (Eng. trans. Shipley 1924)). This so-called *pulvinar* was built into the Circus seating and became the place where the emperor occasionally watched the game. See Humphrey, *Roman Circuses*, 78-80 and Dolansky and Raucci, *Rome*, 97-8.

[236] Hopkins, *Death and Renewal,* 17-8; Bingham, 'Security at the Games', 370-1; Kelly, 'Riot Control', 169; Griffin, '*Urbs Roma*', 40; Rawson, '*Discrimina Ordinum*', 99; Humphrey, *Roman Circuses,* 77 and Maclean, 'People on the Margins', 582.

[237] Claudius, for example, assigned additional seats to senators (Suetonius, *Claudius* 21.3 and Dio Cassius, *Roman History* 60.7.304) and *equites,* Roman knights, received them as well under Nero (Pliny the Elder, *Natural History* 8.21, Suetonius, *Nero* 11.1 and Tacitus, *Annals* 15.32). Other examples stem from Caligula's reign (Pliny the Elder, *Natural History* 33.32) and Domitian's principate (Suetonius, *Domitian* 8 and Martial, *Epigrams* 5.8). See also Coleman, 'Public Entertainments', 337-9 and Rawson, '*Discrimina Ordinum*', 112-3.

[238] See page 45.

[239] Meijer, *Chariot Racing*, 96-9, 112; Rawson, '*Discrimina Ordinum*', 113 and Aldrete, *Daily Life,* 133. This reasoning is based on the premise that spectators seem to have been lenient with the rules in the Circus. See, for example, Ovid, *The Art of Love,* 1.135-70 and Martial, *Epigrams* 5.8, but also Rose, 'Spectators and Spectator Comfort', 102; Henderson, 'A Doo-Dah-Doo-Dah-Dey', 47-50; Humphrey, *Roman Circuses*, 76; Bell, 'Roman Chariot Racing', 499; Coleman, 'Public Entertainments', 342 and Edmondson, 'Public Spectacles', 25.

visible in the Circus but at least existed to such an extent that segregation there was 'generally but not uniformly by rank'.[240]

However, Caligula's race day escalated into a violent conflict. This means that the soldiers stationed at the Circus were actually used to ensure public order. Only two other stories refer to this active use of soldiers in venues: one passage remarks that soldiers were summoned to supress a theatre riot in AD 15,[241] and another mentions that a large group of fans was driven out of the Circus by soldiers with clubs in the late 30s AD.[242] Nevertheless, these stories are in stark contrast with what numerous other sources seem to imply: that rioting occurred in spite of military presence.[243] No less than three Roman writers suggest that Nero watched numerous theatre riots in spite of the military presence,[244] and Cassius Dio attests that such unrest got even more out of hand when Nero decided to withdraw the soldiers from the entertainment venues altogether.[245] Tacitus writes that indeed graver commotions threatened after Nero removed the soldiers; thus, 'no other cure appeared but to expel the actors from Italy and to have the soldiers again take their place in the theatre'.[246] Therefore, a military presence at an entertainment venue was not considered to have been totally useless, but 'by the same token, the sources assume that a certain amount of rioting occurred in spite of it'.[247]

Thus, almost no public game lacked soldiers in attendance.[248] Their significant presence is the result of the tense atmosphere of the Circus, and Augustus' decision to separate soldiers from spectators. What is interesting is that these soldiers *could* solve disturbances at spectacles. A certain level of brutality is to be expected from men in full military gear, especially when the reports are read that contain the accounts of such military intervention. However, what is far more remarkable is that it appears that they generally did *not* clear up such disturbances. The implicit suggestion is that soldiers took a far more passive and reactive role. It is difficult to tell why, although it is my impression that the reasons are closely linked to the games and the relatively new role of soldiers at the Circus.

Keith Hopkins demonstrates the point of games well. He suggests that spectacles

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[240] Humphrey, *Roman Circuses*, 77.

[241] Tacitus, *Annals* 1.77.

[242] Suetonius, *Caligula* 26.

[243] Kelly, 'Riot Control', 169; ibid., 'Policing and Security', 420; Aldrete, 'Riots', 427; Bingham, 'Security at the Games', 369, 377; Yavetz, Plebs *and* Princeps, 10-9 and Griffin, '*Urbs Roma*', 40-1.

[244] Cassius Dio, *Roman History* 61.8.2-3; Suetonius, *Nero* 26 and Tacitus, *Annals* 13.25.

[245] Ibid., 61.8.3. See also Tacitus, *Annals* 13.25.

[246] Tacitus, *Annals* 13.25 (Eng. trans. Jackson 1937).

[247] Kelly, 'Riot Control', 169.

[248] This also due to the emperors' attendance, of course. See Coulston, "Armed and Belted Men", 76.

provided a sacred stage for confrontation and education.[249] An emperor, on the one hand, stage-managed his own appearance and reception; he organised extravagant games, established prestige through gift giving and displayed his own majesty. Even when the emperor could not attend a race game, which seldom occurred,[250] he was still symbolically present: the *pulvinar,* an evidently handsome box built into the Circus seating specifically for the emperor, reminded the audience of his existence.[251] Spectators, on the other hand, actively participated in the social and political aspects of the game. The personal contact with the emperor was pivotal: spectators cherished the ruler for his attendance but resented him when he chose to refuse to engage with their political demands – they were, after all, within their rights to confront their ruler.[252] At the same time, the game itself had an important educational and symbolic value. It gave spectators the reassurance of the value of courage, 'that they themselves yet again had survived disaster'.[253] The audience attended a game to see, at the heart of the Circus or theatre, what it was to die, lose or be ridiculed. Whatever happened in the venue, 'the spectators were always on the winning side'.[254] They were reminded of the dark side of life but were safe and sound at the end of the day. The educational and political arrangements around spectacles were therefore fundamentally shows in themselves; they were not be meddled with, for the spectacle firmly entrenched Roman mentality (and, as argued in the first chapter, this was what the Romans were particularly proud of: being Roman in a proud Roman community). As such, Hopkins perfectly exemplifies why soldiers took on a reserved role at games: it was pre-eminently not the Roman way to intervene.

The soldiers' passive role may also have been the result of estrangement. It appears that the decision to station and separate soldiers in the Circus was unprecedented. The decree that Augustus and his senate issued at the end of the first century BC laid down rules to ensure orderly behaviour at the games, but these included an (indiscriminate?) note to separate soldiers from civilians. This separation was new and distinctively changed the Circus setting. Soldiers were not only highly visible to the public but were also led into uncharted territory. What were

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[249] Hopkins, *Death and Renewal,* 1-30, especially 29-30. See also Wistrand, *Entertainment and Violence,* 65-6 and Torlone, 'Writing Arenas', 419.

[250] Hopkins, *Death and Renewal,* 19 and Yavetz, Plebs *and* Princeps, 18-21.

[251] Dolansky and Raucci, *Rome,* 97-8; Cameron, *Circus Factions,* 186 and Humphreys, *Roman Circuses,* 78-80. See also footnote 235.

[252] See page 40.

[253] Hopkins, *Death and Renewal,* 29. See also Wistrand, *Entertainment and Violence,* 65-6, Torlone, 'Writing Arenas', 419 and Mammel, 'Ancient Critics', 603-4.

[254] Hopkins, *Death and Renewal,* 29.

they to do there? How were they to encourage order? It was not the Roman way to intervene militarily, and it was far more efficient to restore order administratively afterwards. Granted, by the time Caligula reigned, the military presence had probably developed into a separate form of control, to which the Romans had become more or less accustomed. Still, the sources imply that rioting occurred at least until the reign of Nero in spite of the soldiers' attendance. Thus, it is my opinion that the police apparatus appears to have shifted towards a more violent, military form and that Caligula's soldiers found themselves somewhere in the middle of that process.[255]

It is thus conceivable that soldiers at spectacles in early imperial Rome only took a deterrent role. Spectacles got extremely out of hand when soldiers did not attend them, and they got less out of hand when they did take their place. Part of what soldiers did was be seen, and that alone was enough to encourage a desirable level of stability at the games.[256] The choice to stay put when things slipped out of control was deliberate: unrest was an inherent part of the games, and yet direct military interventions were not prescribed. For this reason, it is not unreasonable to suppose that the soldiers' attendance at entertainment venues served only one obvious purpose: to show a certain level of control.

This has serious repercussions for how this study should interpret the military presence at the Circus as police. The concept of imposition, first, is duly reflected. If indeed legitimate, the soldiers' presence indicates that they were normally used for deterrent police work there.[257] This appears to have been the result of their deployment and separation in the entertainment venues. The concept of coercion, on the other hand, is reflected to a far lesser degree. It is my contention that soldiers generally restrained themselves from violence since they must have been acquainted with the administrative handling of disturbances, not yet known their position and function in entertainment venues or both. The evidence seems to suggest that soldiers took a far more passive and aloof role: it was not yet their job or responsibility to actively quell disturbances. Social control was achieved through administration, and that seems to have worked surprisingly well.

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[255] And indeed, military repression seems to increase in the decennia and centuries that followed. See Kelly, 'Riot Control', 168-70.

[256] Yavetz, Plebs and Princeps, 16; Kelly, 'Riot Control', 167-8 and Griffin, '*Urbs Roma*', 40-1. See Tacitus, *Histories* 4.3 and Josephus, *Jewish Antiquities* 20.111-2 for examples of such military repression.

[257] Zvi Yavetz appears to note the same: 'many people did not dare to cause a disturbance [in the Circus] and preferred to bear the sorrow of their mourning in silence' (Yavetz, Plebs and Princeps, 16).

2.6. Illegitimate Police Measures

Were soldiers licensed to exercise coercion over citizens on Caligula's race day? Probably not. This section explains that Caligula's drastic punitive measures were by definition illegitimate and should not be interpreted as police measures. However, this part also demonstrates that the administrative system was limited and that military presence at the Circus began to offer a fair and just alternative to the standard police measures. These observations reflect to a certain extent the final feature of police work: legitimacy.

As expected, Caligula's response to the masses in the Circus was excessive. To begin with, Caligula ought to have known better. The Circus crowd vociferously voiced objections to his taxation measures and urgently appealed to the emperor to cut them. Caligula refused. This was his first mistake, because he did not pay any respect to the political dimension of the Circus.[258] He should have listened. Next, Caligula's action was not a conventional response. On the contrary, it deeply violated the Roman rules of entertainment. He sent soldiers into the crowd, which was unprecedented and even overstepped the limits of what was allowed during spectacles. The tables had turned: the spectators were now on the losing side of the arena. This was Caligula's second mistake, because he distanced himself from prevailing tradition and made important unwritten rules seemingly non-existent. His behaviour is intricately linked to his desire to explore his omnipotence. The mass executions of which Josephus and Cassius Dio speak are exaggerations,[259] but they do not come out of nowhere. They reflect Caligula's excessive behaviour and their opinion of it. With this point in mind, one conclusion can already be drawn without getting too much into the details of legitimacy: the coercive measures adopted by the Roman soldiers cannot be regarded as police measures. Rome's inhabitants felt deeply ambivalent about emperors and soldiers resorting to violence.[260]

However, it is noteworthy that the sources contain no statements about administrative regulations to specifically and deliberately prevent disturbances in the Circus.[261] For instance, there are no accounts of charioteers being banished. This

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[258] Cameron, *Circus Factions,* 169; R.C. Beacham, *Spectacle Entertainments of Early Imperial Rome* (New Haven: Yale University Press, 1999) 181; Meijer, *Chariot Racing,* 98; Kelly, 'Riot Control', 172, Wistrand, *Entertainment and Violence,* 64-6; Coleman, 'Public Entertainments', 349-51 and Barrett, *Caligula,* 230.
[259] Barrett, *Caligula,* 230 and Balsdon, *The Emperor Gaius,* 215-6.
[260] Kelly, 'Riot Control', 160; Yavetz, Plebs *and* Princeps, 16 and Beacham, *Spectacle Entertainments,* 181. See Section 2.1. This would also explain why the Romans preferred expulsion, because that was a self-regulating mechanism that did not employ violence.
[261] To my knowledge, there are no remarks of Roman writers on chariot races stopped and charioteers banished. Fik Meijer is one of the few scholars to note the same. See Meijer, *Chariot Racing,* 115-7.

lack seems best explained by the assumption that the authorities could not blame charioteers for an outbreak in the Circus. They were, after all, just racing. To banish them was unjust. Additionally, racers were highly famous; if the authorities removed them without good reason, it would only worsen the situation.[262] In this sense, the administrative police apparatus appears to have been restricted to limited groups and issues. It is therefore plausible to suppose that the masses must have gradually come to realise that soldiers actually provided a better remedy for acute threats.[263] Through this shift in policing, emperors may have had increasingly fewer doubts about actively using soldiers against mobs. Most scholars seem to agree on this issue.[264] The point is, military force was used against crowds and may have set a precedent. In the years that followed, Rome may have become increasingly accustomed to military mechanisms being used to resolve problems.

To summarise, military presence at entertainment venues appears to have been a standard by the time Caligula organised his games at the Circus. While coercive military intervention still seems to have been rather odious at the time, deterrent intervention seems to have become increasingly standard. That deterrent mechanism of soldiers can be regarded as legitimate. Spectators could definitely expect soldiers in attendance and must have known of their deterrent effect. This observation reflects the social aspect of legitimacy. It is more difficult to make a case for the normative aspect, however. Military presence was still relatively new, and its form of control seems to have been rudimentary (in Caligula's time, soldiers only seem to have been seen at the games). The sources do appear to suggest that that specific form corresponded with the values of their community. Soldiers did not intervene, and that was the Roman way.

2.7.   Conclusion

It is fair to conclude that military intervention manifested in the form of mere physical presence was a legitimate deterring measure that the Roman authorities adopted to encourage order at the Circus and other entertainment venues. This is fairly evident from the sources that point to the soldiers' attendance at spectacles. This means that this governmental measure was part of the police apparatus of early

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[262] Meijer, *Chariot Racing,* 115-7. For the unusual places of charioteers in Roman society, see Bell, 'Roman Chariot Racing, 495-6; Futrell, *Roman Games,* 199-200; Aldrete, *Daily Life,* 133-4 and Leppin, 'Between Marginality and Celebrity', 674-5.

[263] MacMullen, *Enemies of the Roman Order,* 164; Yavetz, Plebs *and* Princeps, 12 and Kelly, 'Riot Control', 167-8.

[264] Kelly, 'Riot Control', 164 and Griffin, '*Urbs Roma',* 40-1.

imperial Rome. This analysis also leads to the conclusion that a shift occurred in policing. Although the administrative system still seems to have been the most common approach (as reflected in the extent to which said apparatus was applied), the military system began to provide a better solution for events in which violence suddenly exploded. However, this system was still rudimentary: soldiers did not know whether they should intervene at games but at least encouraged a desirable level of stability. That was good enough, because the authorities could always issue a decree afterwards to properly fix disturbances. That soldiers did not actually enforce order is interesting. This might point to the idea that the Roman community was not yet accustomed to soldiers doing such (which is reflected by their use of force during Caligula's race day) or to the idea that the soldiers regarded their duties as much more private (or under the sole authority of the emperor, as Ricci proposes (see page 6)). It was a problem of the community as a whole when a situation at the Circus escalated; therefore, it was everyone's task to solve it.

Having said as much, what are the implications of this chapter for the concept of police? First, this chapter clearly shows that the permanent presence of soldiers can be a powerful instrument of social control. Visibility, as Foucault proposes, is an important aspect for a police apparatus to work. Secondly, contrary to Weber, coercion should not have to be a fundamental aspect of police, or at least not of police systems in pre-industrial societies. Violence as a deliberate police mechanism seems to have been a by-product of rulers illegitimately exploring omnipotence. Tilly's proposal to analyse impromptu police performances is essential. Not only does it reflect the development of a police apparatus but also the mechanisms by which that apparatus policed itself. Finally, 'good' policing can often be seen as the ability to handle trouble without resorting to coercion. It seems likely that soldiers at entertainment venues followed this approach, although it is legitimate to wonder to what extent soldiers actually knew they were performing police duties.

Practical Police Measures: Fire in Rome

The previous chapters have shown that the Roman authorities made a strong appeal to their administrative apparatus to police their community; at the same time, they showed that this appeal, in entertainment venues at least, gradually shifted towards a more military one. At the time of Caligula's principate, the two systems operated together. Troublemakers were removed as a way to prevent disturbances from happening again, and soldiers curbed sudden disturbances. This chapter explores a wholly different issue, namely fire. In AD 64 during the principate of Nero the Great Fire broke out, which created both practical and political problems. Of importance here is that soldiers actively intervened to restore order, which they did not do in the previous events.

This chapter explores how the Roman authorities responded to the fire, analyses if these activities can be identified as legitimate police measures and investigates how these measures relate to the police actions seen in the previous chapters. The chapter follows roughly the same pattern as Chapter 2. Thus, it begins with an analysis of the Great Fire in order to list the measures taken to combat the flames (Section 3.1) and continues with a section on source criticism (Section 3.2), because the biases and preconceptions of the ancient writers again heavily distort the results. Subsequently, a section is devoted to order maintenance (Section 3.3) and to the mechanisms by which order was restored (Section 3.4). Thereafter, the chapter reads Rome's measures against the flames in light of the concepts of imposition and coercion (Section 3.5) and the concept of legitimacy (Section 3.6). Parallels between this chapter and the previous chapters are drawn in the last three sections. This chapter ends with a conclusion (Section 3.7) in which the police measures are summarised and related to the theories of police and public order. This chapter explicitly follows the framework proposed in the introduction and considers the following question: what legitimate deterring or coercive measures did the Roman authorities adopt to protect Rome from intangible threats such as fire?

3.1. The Great Fire of Rome (AD 64)

The Great Fire broke out on 18 July AD 64 during the reign of Nero. It began on the Palatine side of the Circus Maximus, sparking in the dry timbers of shops that

crowded the area.[265] Winds did the rest. The fire swept along the length of the Circus and spread further north toward the Tiber and east over the Caelian Hill. The first part of the fire ended on the sixth day when it was extinguished at the foot of the Esquiline Hill. It broke out again to the north of the Capitoline Hill on the estates of Tigellinus and lasted another three days.[266] When it finally died out, the fire had ravaged the imperial city: three of the fourteen Augustan regions were levelled, and another seven were greatly damaged (see Map 3.1).[267]
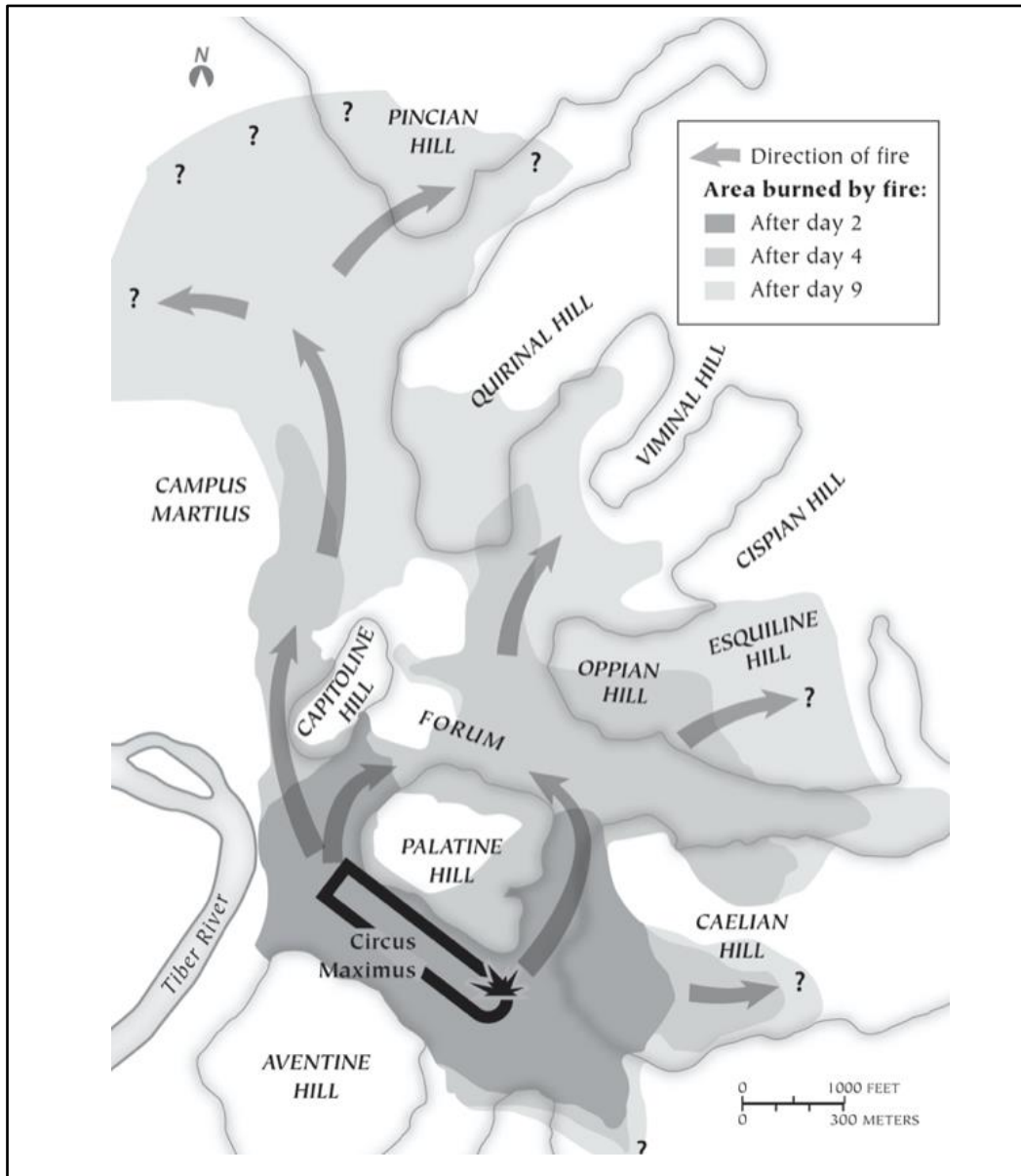
Map 3.1. Map showing the extent of the destruction of the Great Fire at the end of the ninth day. (Image taken from J.J. Walsh, *The Great Fire of Rome: Life and Death in the Ancient City* (Baltimore: Johns Hopkins University Press, 2019) 53.)

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[265] J. Pollini, 'Burning Rome, Burning Christians', in: S. Bartsch, K. Freudenburg and C. Littlewood (eds.), *The Cambridge Companion to the Age of Nero* (Cambridge: Cambridge University Press, 2017) 220 and R. Cavendish, 'The Great Fire of Rome', *History Today* 64:7 (2014) 8.

[266] Tacitus, *Annals* 15.38.2, 15.40.1-2; Suetonius, *Nero* 38.2 and Cassius Dio, *Roman History* 62.17.1-2.

[267] Tacitus, *Annals.* 15.40.1-2, 15.41.1 and Cassius Dio, *Roman History* 62.18.2.

The corrective measures are difficult to assess due to the ancient writers' patchy record of the fire. At first glance, however, one can identify three kinds of responses within the ancient literature, with each one having multiple (contradictory) versions. In the fire's wake, soldiers attempted to extinguish the fire,[268] or actually fuel it.[269] In the midst of the fire, Nero attempted to rebuild Rome for the sake of the community,[270] or to create Neropolis: a re-found Rome named after him.[271] In the aftermath, Nero chose a large group of Christians as the genuine guilty party for the fire and punished them accordingly,[272] or chose the Christians to end a rumour that he had instigated the fire and still punished them accordingly.[273] The literature of the time includes many reconstructions of the fire, and that makes any analysis thereof problematic. Still, the fire prompted various responses, and this indicates that the Roman authorities at least felt compelled to respond to the situation.

3.2. Biases and Preconceptions: Nero and the Great Fire

The source material, however, is of dubious value. Hence, a brief introduction to the fire as it relates to Nero is necessary. History has blamed Nero for the disaster. Suetonius insists that the emperor longed for immortality and wanted to rename his city,[274] and Cassius Dio states in his *Roman History* that it had always been the emperor's desire to consume the city with fire.[275] Tacitus' rendering of the story is neutral: he suggests that it was Nero who started the fire but takes disagreement into account, 'for each version has its sponsors'.[276] There are several other suggestions that Nero was blamed for the burning of Rome: the pseudo-Senecan *Octavia* (AD 69–79), a drama of unknown authorship, states this,[277] as does the *Natural History* (AD 23–79) of Pliny the Elder.[278] The other versions to which Tacitus refers (and which Josephus later writes about in his *Jewish Antiquities*),[279] which were in favour of Nero

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[268] Tacitus, *Annals* 15.38.7 and 15.40.1. Although Tacitus' description of firefighting is rather obscure, it is generally agreed that he implicitly suggests that soldiers were sent to extinguish the fire. See Pollini, 'Burning Rome, Burning Christians', 218-9.

[269] Suetonius, *Nero* 38.1 and Cassius Dio, *Roman History* 62.16.2-17.1.

[270] Tacitus, *Annals* 15.39.1-2.

[271] Suetonius, *Nero,* 38.1 and 55.1.

[272] Tacitus, *Annals* 15.44.4. See also Suetonius, *Nero* 16.1-2.

[273] Ibid. Tacitus' story is sketchy and hints at both Nero's innocence and his desire to find a scapegoat. See also Suetonius, *Nero* 16.1-2.

[274] Suetonius, *Nero* 38.1 and 55.1.

[275] Dio Cassius, *Roman History* 62.16.1.

[276] Tacitus, *Annals* 15.38.1 (Eng. trans. Jackson 1937).

[277] *Octavia* 831-3.

[278] Pliny the Elder, *Natural History* 17.5.

[279] See Josephus, *Jewish Antiquities* 20.154 on the contemporary sources that seem to have been either pro-Neronian or anti-Neronian.

and probably suggested his innocence, are no longer extant.[280] Thus, the Nero whom scholars know – a vicious emperor who started a fire that destroyed the capital – is communicated first and foremost in the writings of those who impudently raved against him.

The legitimacy of Nero's responsibility for the fire is a debate of its own and is irrelevant to this study, but the story itself is an excellent example of Tacitus, Suetonius and Cassius Dio playing with imperial representation. The three texts employ several rhetorical devices to reshape Nero's imperial image to a negative effect: Tacitus reconstructs the corruption of the republican tradition under the Principate and deems Nero the ultimate example of that corruption; Suetonius' anecdotes all show that the author was sensitive to the rise and fall in social dignity and was out to prove the catastrophe of Nero's reign, the fire being one of a series of his misdeeds, and Cassius Dio's technique is to create typologies of bad emperors that lead from the imperial period to his own times; thus, he presents the fire as the final act in a series of events that led to Nero's desire to destroy Rome.[281] Although one must be satisfied with the reconstructions of the fire Tacitus, Suetonius and Cassius Dio provide, it is essential that their opinions, biases and flourishes that give more emphasis to their claims are taken into account.[282] Whatever Nero may have done to combat the fire, or whatever any other person may have done to deal with the fire and its aftermath, there is a real chance that the authors used these 'facts' as functional elements among their literary strategies, particularising behaviour for the sake of discrediting the emperor.

Like Caligula, Nero has an impressive list of infamous stories to his name.[283] Upon

[280] Barrett, E. Fantham and J.C. Yardley, *The Emperor Nero: A Guide to the Ancient Sources* (Princeton: Princeton University Press, 2016) xviii-xix; D.W. Hurley, 'Biographies of Nero', in: E. Buckley and M. Dinter (eds.), *A Companion to the Neronian Age* (Hoboken: John Wiley & Sons, 2013) 30; Griffin, *Nero: The End of a Dynasty* (London: Routledge, 1984) 132 and S. Dando-Collins, *The Great Fire of Rome: The Fall of the Emperor Nero and his City* (Cambridge: Da Capo Press, 2010) 5.

[281] V. Schulz**,** *Deconstructing Imperial Representation: Tacitus, Cassius Dio, and Suetonius on Nero and Domitian* (Brill: Leiden, 2019) 1-6, 223, 361-64; Walsh, *The Great Fire,* 129-33; J.P. Rubiés, 'Nero in Tacitus and Nero in Tacitism: The Historian's Craft', in: J. Elsner and J. Masters (eds.), *Reflections of Nero: Culture, History and Representation* (Chapel Hill: University of North Carolina Press, 1994) 35-6; A. Wallace-Hadrill, *Suetonius* (London: Bristol Classical Press, 1995) 104-6; Hurley, 'Biographies of Nero', 29-42 and Barrett, Fantham and Yardley, *The Emperor Nero,* xix-xxiii. For an analysis of the literary use of the Great Fire, see Walsh, *The Great Fire of Rome,* 129-33. The scholarly literature on the source question is immense. Of particular interest, aside from the ones cites here, are: K.R. Bradley, *Suetonius'* Life of Nero*: An Historical Commentary* (Bruxelles: Latomus, 1978); R. Syme, *Tacitus* (Oxford: Clarendon Press, 1958) and Millar, *A Study of Cassius Dio* (Oxford: Clarendon Press, 1964).

[282] Rubiés, 'Nero in Tacitus', 35-6 and Schulz, *Deconstructing Imperial Representation,* 364.

[283] For a general explanation of Nero's literary image, see Hurley, 'Biographies of Nero', 29-44. Nero and his age have proved irresistible to scholars and therefore many authors have commented on his life and reign. For accessible introductions to the emperor, see Buckley and Dinter (eds.), *A Companion to the Nero Age* and Bartsch, Freudenburg and Littlewood (eds.), *The Cambridge Companion to the Age of Nero.*

closer examination, however, it is apparent that it was a literary goal to condemn Nero as the representative of a corrupt Roman morality and skew the versions of the fire.[284] Scholars must thus be careful when studying the narratives of the burning of Rome and search for additional help in making sense of the conflagration.

3.3. Ensuring Order in Times of Disaster

This section explores whether the corrective measures in the wake (soldiers), the midst (Nero) and the aftermath of the fire (Christians) can be interpreted as efforts to improve public order. This is the first task to understand police work. However, to understand the responses of the Roman authorities to the flames of AD 64, attention has to be directed towards Rome's perception of fire. The authorities' corrective measures were aimed at making Rome safe and secure, but that involved significantly more than just extinguishing the fire.

Fire, such as that of AD 64, was a major hazard for Rome. The Romans left no complete record of fires in their city, but modern scholars have made numerous attempts to establish an idea of the problem. The current fire count is approximately 50 major fires in the first four centuries AD, but that number seriously underestimates the hazard.[285] The documentation provides only information about fires that consumed highly significant public buildings and does not include fires at private residences, which probably burned more often.[286] To minimise the high risk of fires, the capital established a substantial firefighting force: the *vigiles*, or the city's watchmen.[287] Their duty was to render assistance after a fire, although the term "watchmen" suggests a broader range of duties.

Although the reports of fire are few in number, they still highlight one major trend: fires were repeatedly ascribed to political motives, while political disputes in turn often provoked accusations of arson.[288] The ruling class of Rome believed that there was a complementary and inseparable connection between the state and how the city expressed itself architecturally.[289] Though the act of arson typically involved setting

[284] Walsh, *The Great Fire of Rome,* 129-33; Rubiés, 'Nero in Tacitus', 35-40 and Schulz, *Deconstructing Imperial Representation*, 1-6, 361-4. See also Barrett, Fantham and Yardley, *The Emperor Nero*, xvii-xix.

[285] S. Johnstone, 'On the Uses of Arson in Classical Rome', in: C. Deroux (ed.), *Studies in Latin Literature and Roman History Volume VI: Collection Latomus 217* (Bruxelles: Latomus, 1992) 53; H.V. Canter, 'Conflagrations in Ancient Rome', *The Classical Journal* 27 (1932) 270-1 and G.N. Daugherty, 'The *Cohortes Vigilum* and the Great Fire of AD 64', *Classical Journal* 87 (1992) 231.

[286] Griffin, *Nero,* 128-9; Canter, 'Conflagrations', 278 and Johnstone, 'On the Uses of Arson', 52.

[287] Daugherty, 'The *Cohortes Vigilum*', 229 and Pollini, 'Burning Rome, Burning Christians', 218-9.

[288] V. Closs, *While Rome Burned: Fire, Leadership, and Urban Disaster in the Roman Cultural Imagination* (Ann Arbor: University of Michigan Press, 2020) 16 and Johnstone, 'On the Uses of Arson', 42.

[289] Closs, *While Rome Burned,* 16 and Johnstone, 'On the Uses of Arson', 42.

fire to public property, from a Roman point of view the term was also connected to the idea of an enemy attacking the city politically. After all, to destroy public places was to 'desolate the very customs and habits they supported'.[290] A fire could therefore attack Rome both as a physical city and as something less tangible. Someone had aimed to destroy the city.

The fire of AD 64 was no exception, creating as much a political as a practical disturbance. The flames first took out much of the city, consuming at least three of the fourteen city blocks. This must have prompted various practical responses: not only to attempt to extinguish the fire and save Rome from further destruction, but also to rebuild the proud city afterwards. Although this is not wholly made clear in the ancient literature, one may suspect that at least the *vigiles* had sprung into action to extinguish the fire and that Nero or the senate presumably initiated a relief program later.[291] Second, since the fire destroyed vast segments of Rome, the Romans also suspected malevolent intentionality, which they located in the political sphere.[292] This corresponds with what the first chapter argued. There were outsiders in the community, and they were to be removed (see Section 1.2). Ultimately, the Romans chose the Christians as the guilty party.

3.4.   Soldiers and Imperial Decrees

The Romans undoubtedly realised that although the administrative intervention was a central instrument of social control, it was not always a good way to deal with catastrophic matters. Military intervention was sometimes unavoidable, because that was the only thing that could actually solve the problem completely. This section therefore shows clearly how soldiers became an essential form of control. However, the inevitable starting point to reconstruct the ways in which the Roman authorities managed to restore order during and after the fire (and to demonstrate my point) is the complicated source material of Tacitus, Suetonius and Cassius Dio. The task is therefore complex and lengthy, but it helps establish the second aspect of police work: the manner in which order is secured.

First it is necessary to consider Rome's watchmen, the *vigiles*. It is difficult to assess their response to the fire. Of the three accounts of the fire, the most detailed is that of Tacitus. He introduces an interesting detail into his narrative: that many

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[290] Johnstone, 'On the Uses of Arson', 46.
[291] Daugherty, 'The *Cohortes Vigilum*', 229; Pollini, 'Burning Rome, Burning Christians', 218-21; J. Malitz, *Nero* (Malden: Blackwell Publishing, 2005) 68; Griffin, *Nero,* 109 and Cavendish, 'The Great Fire of Rome', 8.
[292] Johnstone, 'On the Uses of Arson', 42.

individuals forbade the extinction of fire. Thus, Tacitus says that no one dared to fight the flames:

> There were reiterated threats from a large number of persons who forbade extinction, and others were openly throwing firebrands and shouting that 'they had their authority' – possibly in order to have a freer hand in looting, possibly from orders received.[293]

Suetonius, whose account is roughly ten years older than that of Tacitus, puts the behaviour of these unnamed individuals in a different context:

> [Nero] set fire to the city so openly that several ex-consuls did not venture to lay hands on his chamberlains although they caught them on their estates with tow and firebrands, while some granaries near the Golden House, whose room he particularly desired, were demolished by engines of war and then set on fire, because their walls were of stone.[294]

It is difficult to make sense of what actually happened here. Both authors seem to suggest that firefighting efforts were hindered by gangs of men. Even worse, some of the individuals attempted to encourage the flames by throwing firebrands, while others, acting under orders, looted freely and demolished estates using engines of war. An interesting detail, however, is added in Cassius Dio's version:

> [Nero] secretly sent out men who pretended to be drunk or engaged in other kinds of mischief, and caused them at first to set fire to one or two or even several buildings in different parts of the city, so that the people were at their wits' end. (...) Many houses were destroyed for want of anyone to help save them, and many others were set on fire by the very men who came to lend assistance; for the soldiers, including the night watch [= the *vigiles*], having an eye to plunder, instead of putting out fires, kindled new ones.[295]

Cassius Dio reinforces the message that Tacitus and Suetonius already sent: the fire, (perhaps) intentionally set, was raging out of control, mainly because unnamed individuals – probably soldiers acting under orders – had deliberately allowed the flames to spread. Cassius Dio's hint about the watchmen is remarkable. Of all the accounts of the fire in Rome, it is the only direct reference to the *vigiles.*[296] The

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[293] Tacitus, *Annals* 15.38.7 (Eng. trans. Jackson1937). Although the historian presents the lack of firefighting as a fact, he knew perfectly well why such fires would have been set, for later on, in another context, he writes that the first outbreak of the fire was 'brought to an end (...) by demolishing the buildings over a vast area and opposing to the unabated fury of the flames a clear tract of ground' (Tacitus, *Annals* 15.40.1 (Eng. trans. Jackson 1937)).

[294] Suetonius, *Nero* 38.1 (Eng. trans. Rolfe 1914).

[295] Dio Cassius, *Roman History* 62.16.2-17.1 (Eng. trans. Cary and Foster 1925).

[296] Daugherty, 'The *Cohortes Vigilum*', 229 and Pollini, 'Burning Rome, Burning Christians', 218-9.

question therefore arises as to whether these *vigiles* reacted to the fire and the extent to which these actions are reflected in the literary sources.

It should come as no surprise that the ravages of time have left us a bare minimum of what was written about the watchmen of imperial Rome. From the pages of Suetonius' *Lives of the Caesars* and Cassius Dio's *Roman History* one learns of the *vigiles* only how they were organised, why and by whom. Seven cohorts for the fourteen regions of Rome, including one watch-house per region, under the command of a prefect were established by Augustus to minimise the high risk of fires in the city.[297] (Although, as mentioned above, the name "watchmen" suggests a broader range of duties.[298]) Their deployment, just like the separation of soldiers in entertainment venues, was new. There is little literary evidence of the specific features of the watchmen of the city; topics like their leaders, work, equipment and methods are pushed aside by the majority of the ancient authors.[299] For example, that it is known that a certain Annaeus Serenus held the office of the prefect of the *vigiles* during the reign of Nero is only thanks to Pliny the Elder's interest in mushrooms: the prefect ate a deadly fungus, and the author illustrated its poisonous properties.[300] This is practically all the literary evidence of the *vigiles* that is left.[301]

Additional help in making sense of the *vigiles* comes from the scattered archaeological, iconographical and epigraphical records. Archaeological excavations confirm the existence of fire stations and watch-houses in imperial Rome,[302] while other source materials provide valuable details about organisation,[303] size,[304]

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[297] Suetonius, *Augustus* 30.1 and Dio Cassius, *Roman History* 55.26.4. See also J.S. Rainbird, 'The Fire Stations of Imperial Rome', *Papers of the British School at Rome* 54 (1986) 147-8; Daugherty, 'The *Cohortes Vigilum*', 229-30; Robinson, 'Fire Prevention at Rome', *Revue Internationale des Droits de l'Antique* 24 (1977) 379; Walsh, *The Great Fire of Rome,* 30-3; Canter, 'Conflagrations', 287-8 and Pollini, 'Burning Rome, Burning Christians', 218-9. Strabo, a Greek geographer and historian, is the only one who provides a piece of contemporary evidence of the fact of their establishment under Augustus (Strabo, *Geography* 5.3.7). The number of cohorts (seven) is also confirmed in the epigraphic record: *Corpus of Latin Inscriptions* 14.4398.

[298] For further discussion of the *vigiles* and their goals, see Rainbird, 'The Fire Stations of Imperial Rome', 147-69; Coulston, 'The Army in Imperial Rome', 181; ibid., "Armed and Belted Men", 89 and Kelly, 'Policing and Security', 437.

[299] Baillie-Reynolds, *The Vigiles*, 26-8; Daugherty, 'The *Cohortes Vigilum*', 229 and Rainbird, 'The Fire Stations of Imperial Rome', 147.

[300] Pliny the Elder, *Natural History* 22.96. See also Baillie-Reynolds, *The Vigiles*, 32-3. Although combined with the epigraphic record, there is sufficient amount of evidence to sketch, albeit very baldly, the names of the holders of *praefectus vigilum* and their dates of tenure. See, for example, *Corpus of Latin Inscriptions* 6.31857 and 14.3947, which are the earliest inscriptions (first century AD) in connection with the office of the prefect.

[301] Although the *Register of Dignitaries* 4 mentions them as well. See also Rainbird, 'The Fire Stations of Imperial Rome', 147.

[302] Baillie-Reynolds, *The Vigiles*, 43 and Rainbird, 'The Fire Stations of Imperial Rome', 148-50.

[303] Suetonius, *Augustus* 30.1 and Dio Cassius, *Roman History* 55.26.4.

[304] See, for example, *Corpus of Latin Inscriptions* 6.1057 and 6.1058. Literary reports also tell us of the

equipment[305] and deployment.[306] What emerges most strikingly from such source materials is that the wards of Rome were very well protected against issues such as fire by substantial forces.[307] Scholars often combine these details with the complex hints at the fire brigade in the ancient literature and repeatedly draw the same conclusion: the *vigiles* were more than capable of reacting to the fire of 64 AD.[308]

It is possible that the *vigiles'* responses are to some extent reflected in the complex narratives of Tacitus, Suetonius and Cassius Dio. The large numbers of persons who 'had their authority', the chamberlains that carried tow and firebrands and the soldiers that had an eye to plunder are all opaque terms that refer to *vigiles* (and perhaps regular soldiers) who desperately tried to prevent fires from spreading rapidly.[309] Firefighting technology actually reinforces this argument: while the ancient writers describe how soldiers demolished buildings with engines of war and kindled new fires to further spread the fire, it is now assumed that the *vigiles* fulfilled their duties as firefighters by destroying plots of land to bar the fire's progress by either destroying buildings with their engines of war or by setting fire to them.[310] The reason for this misinterpretation is probably because the ancient residents of Rome did not understand firefighting technology, and the ancient writers used that ignorance to turn the fire to rhetorical effect against Nero.[311]

Second, it is necessary to consider Nero's measures against the fire. Not all of them are of interest – his decision to open multiple public spaces to accommodate helpless multitudes, for example, was more a deed of charity,[312] and his vast rebuilding program was only effective in the long run.[313] Still, the measures do speak in Nero's

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vigiles' size: Dio Cassius, *Roman History* 53.24.4 and 54.2.4. See Coulston, "Armed and Belted Men", 78 and Busch, "*Militia in Urbe*", 320, 338-9.

[305] *Digest* 1.15.1-3 (Paul). See also Daugherty, 'The *Cohortes Vigilum'*, 231.

[306] *Corpus of Latin Inscriptions* 14.4368, 14.4376 and 14.4380 for instance mention the barracks of the vexillation at Ostia.

[307] Rainbird, 'The Fire Stations of Imperial Rome', 147 and Coulston, 'The Army in Imperial Rome', 181.

[308] See, for example, Daugherty,' The *Cohortes Vigilum*', 231.

[309] Pollini, 'Burning Rome, Burning Christians', 218-9; Daugherty, 'The *Cohortes Vigilum*', 233 and Walsh, *The Great Fire of Rome,* 40-1.

[310] Ibid.

[311] Walsh, *The Great Fire of Rome,* 40-1 and Daugherty, 'The *Cohortes Vigilum*', 233. This would also explain the panic that is described in the literary sources: residents were at their 'wits' end' because they misunderstood Rome's fire arrangements. See Tacitus, *Annals* 15.38.2-6 and Dio Cassius, *Roman History* 62.16.2-7.

[312] Tacitus, *Annals* 15.39.1-2 and Suetonius, *Nero* 38.2-3. For Nero's relief program, see Pollini, 'Burning Rome, Burning Christians', 220-1; Malitz, *Nero,* 68; Griffin, *Nero,* 109 and Cavendish, 'The Great Fire of Rome', 8.

[313] No complete list of Nero's building activities has survived but see *Corpus Latin Inscriptions* 6.828 for a remark on Nero's plan to initiate altars in response to the fire. For Nero as a builder, see H.J. Beste and H. von Hesberg, 'Buildings of an Emperor – How Nero transformed Rome', in: Buckley and Dinter (eds.), *A Companion to the Nero Age*, 314 and J. Elsner, 'Constructing Decadence: The Representation of Nero as

favour: he was not *so* vicious as especially Suetonius and Cassius Dio would have their readers believe.[314] In this police case, however, Nero's building regulations seem particularly compelling. Tacitus offers a list of examples of the emperor's fire reforms, which included, among other things, a new street design with broader thoroughfares,[315] a different building structure with restricted height and of solid concrete material[316] and a water supply that was available in greater quantities and in more places.[317] (Tacitus did not like some of these regulations, because houses were thus more easily penetrated by the rays of the sun, which made Rome too hot.[318]) This rather detailed account is highly interesting, but it is noteworthy that most of these rules were already laid down in Augustus' *Lex Iulia de modo aedificiorum*.[319] Indeed, Augustus not only deployed watchmen in the city to meet the high risk of practical threats but also made construction in Rome subject to rules by an extensive set of regulations to prevent such threats from happening in the first place. Nero seems to have revived these building ordinances after the fire and must have followed the administrative procedure in order to do so.[320] However, it is interesting to see that these regulations do not seem to have worked. Decrees could not extinguish nor always prevent fires, while people (and specifically trained soldiers) could.

Finally, it is necessary to consider the Christians of Rome, who were burnt to death as scapegoats. The chief and only evidence of the burning of the Christians is the narrative of Tacitus, and the attempts to make sense of his passages have yielded much debate.[321] All scholars, however, agree that the Christians were punished after

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Imperial Builder', in: Elsner and Masters (eds.), *Reflections of Nero*, 114. For the altars, see Closs, '*Neronianis Temporibus*: The So-Called *Area Incendii Neroniani* and the Fire of A.D. 64 in Rome's Monumental Landscape', *Journal of Roman Studies* 106 (2016) 102-10.

[314] Barrett, Fantham and Yardley, *The Emperor Nero*, 149; Malitz, *Nero,* 72; Pollini, 'Burning Rome, Burning Christians', 220-1; Newbold, 'Some Social and Economic Consequences of the AD 64 Fire at Rome', *Latomus* 33 (1974) 859; Canter, 'Conflagrations', 286-7 and Closs, *While Rome Burned,* 113-4.

[315] Tacitus, *Annals* 15.43.1-2. See also Suetonius, *Nero* 16.1.

[316] Ibid.

[317] Ibid.

[318] 'The narrow streets and high-built houses were not so easily penetrated by the rays of the sun; while now the broad expanses, with no protecting shadows, glowed under a more oppressive heat' (Tacitus, *Annals* 43.3 (Eng. trans. Jackson 1937)).

[319] D.E. Strong, 'The Administration of Public Building in Rome during the Late Republic and Early Empire', *Bulletin of the Institute of Classical Studies* 15 (1968) 103; Griffin, Nero, 130; Beste and Hesberg, 'Buildings of an Emperor', 315 and R. Klitzke, 'Roman Building Ordinances to Fire Protection', *The American Journal of Legal History* 3 (1999) 175.

[320] Griffin, *Nero*, 130 and Klitzke, 'Roman Building Ordinances', 175. See also Strabo, *Geography* 5.3.7.

[321] The literature is abundant, but a good place to start is the conversation between Brent D. Shaw (2015) and Christopher P. Jones (2017). If interested in the burning itself, see Pollini, 'Burning Rome, Burning Christians', 222-36. For an introduction to the Christian communities of the first century, see J.A. Harrill, 'Saint Paul and the Christian Communities of Nero's Rome', in: Bartsch, Freudenburg and Littlewood (eds.), *The Cambridge Companion to the Age of Nero*, 276-289.

being charged with arson.[322] In other words, they were not convicted because they were Christians but because they were the people found guilty of incendiarism.

From this study's point of view, only one passage from Tacitus is of particular interest. 'First, then', he writes,

> the confessed members of the sect were arrested; next, on their disclosures, vast numbers were convicted, not so much on the count of arson as for hatred of the human race. And derision accompanied their end: they were covered with wild beasts' skins and torn to death by dogs; or they were fastened on crosses, and, when daylight failed were burned to serve as lamps by night.[323]

This is a description of the investigation and punishment of the Christians: the Christians, after Nero accused them, were investigated, then they confessed and from that point on they were found guilty and thus crucified, slaughtered by wild animals and eventually burnt alive. This appears to have happened in a circus.[324] These penalties were not invented by Nero specifically for Christians but were standard methods of execution under the Empire and corresponded with the rules of the penal law.[325] Vivicombustion, for example, was the penalty for committing arson,[326] and that was because being burned alive reflected the nature of the crime.[327] It is interesting to see that the Roman state implemented the high-handed, quasi-legal procedure for dealing with unrest, as is demonstrated in the first chapter (Sections 1.3 and 1.5). They did the same when Jews, actors, astrologers and so forth acted strange. The punishment was different for the Christians but was inevitably the outcome of their supposed guilt in the fire.[328] Banishment was not a condign

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[322] R.J. Getty, 'Nero's Indictment of the Christians in A.D. 64: Tacitus, *Annals* 15.44.2-4', in: L. Wallach (ed.), *The Classical Tradition: Literary and Historical Essays in Honour of Harry Caplan* (New York: Cornell University Press, 1966) 292; Malitz, *Nero,* 71; Pollini, 'Burning Rome, Burning Christians', 231; E. Laupot, 'Rome's Invention of Pauline Christianity and its Responsibility for the Great Fire of Rome in 64 C.E., as Part of its Backlash against the Jewish Guerrilla Movement of Jesus and the Nazoreans', *Revue des Études Juives* 164 (2005) 417-9; T.D. Barnes, 'Legislation against the Christians', *Journal of Roman Studies* 58 (1968) 34 and G.W. Clarke, 'The Origins and Spread of Christianity', in: A. Bowman, E. Chaplin and A. Lintott (eds.), *The Cambridge Ancient History Volume X: The Augustan Empire, 43 B.C. – A.D. 69* (Cambridge: Cambridge University Press, 1996) 870.

[323] Tacitus, *Annals* 15.44.4 (Eng. trans. Jackson 1937).

[324] 'Nero had offered his Gardens for the spectacle and gave an exhibition in his Circus' (Tacitus, *Annals* 15.44.5 (Eng. trans. Jackson 1937).

[325] R.A. Bauman, *Crime and Punishment in Ancient Rome* (London: Routledge, 2004) 51, 67; Robinson, *Penal Practice.* 105-6; Kyle, *Spectacles of Death in Ancient Rome* (London: Routledge, 1998) 244-5; Pollini, 'Burning Rome, Burning Christians', 233 and F.W. Clayton, 'Tacitus and Nero's Persecution of the Christians', *The Classical Quarterly* 41 (1947) 83-4.

[326] Robinson, *Penal Practice,* 33-4, 184 and Bauman, *Crime and Punishment,* 51, 67.

[327] Pollini, 'Burning Rome, Burning Christians', 233. See also *Dig.* 48.19.28.12 (Callistratus).

[328] The explanation of the drastic penalty can also be sought in Nero's desire to make his innocence of incendiarism more convincing. See Barrett, Fantham and Yardley, *The Emperor Nero,* 164-5; Malitz, *Nero,* 70; Pollini, 'Burning Rome, Burning Christians', 233-4 and Kyle, *Spectacles of Death,* 244.

punishment anymore. Christians were not outsiders but rather enemies of the Roman order; hence, they were not to be removed but rather to be permanently disposed of.

It is by no means clear from the context who was responsible for the Christians' riddance, but it is my impression that soldiers (and specifically watchmen) must have enforced the orders. A part of the explanation must be sought in the extreme nature of the Christians' purported deeds. The Romans could not leave this issue to the self-regulating mechanism of expulsion; the Christians could not be stopped by an expulsion and their riddance therefore required harsher measures. An interesting piece of information in the *Digest* even reinforces this point. Paul, another third-century AD jurist, explains that

> the prefect of the city guard [= of the *vigiles*] tries cases of arsonists, burglars, thieves, robbers, and resetters except if it happens that the offender is so vicious and notorious that his case is remitted to the prefect of the city.[329]

Although the legislative text is dated to the third century, modern scholars share the idea that prefects were vested with these criminal jurisdictions from the early years of the Principate.[330] Hard evidence is lacking, but it is not unreasonable to suppose that the investigation and punishment of the Christians were the responsibility of soldiers of the watch and perhaps the urban guard.[331] This assessment can even be supported by idea that the watchmen fought *fire*, which could have implied two things: extinguishing it and exposing those who ignited it. The name "watchmen" could also explain why they intervened: they were watchers and hence fought more than just fire. In any case, what stands out here is peculiar: to restore Roman order, high-handed, administrative police procedure was conducted, but this time soldiers actually enforced it.

The present findings are significant in at least three major aspects. To begin with, it is clear that the men of the watch did a task for which they had been trained, namely firefighting. It is curious that Rome's inhabitants did not understand the *vigiles*' technology or their appearance in the first place, but this is addressed in the upcoming sections. Next, the burning of the Christians should be read alongside

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[329] *Digest* 1.15.3 (Paul) (Eng. trans. Watson 1985).
[330] Bauman, *Crime and Punishment,* 79, 86-7; Kelly, 'Policing and Security', 412; Robinson, *Ancient Rome: City Planning and Organization* (London: Routledge, 1992) 93-4, 164-5 and Ricci, *Security in Roman Times,* 112.
[331] Some scholars include soldiers of the urban cohorts as well, because the jurisdiction of the prefect of the watchmen remitted to the urban prefect when the gravity of the offence was high. See Robinson, 'Fire Prevention', 379; Bauman, *Crime and Punishment,* 79, 86-7 and Ricci, *Security in Roman Times,* 112.

Rome's administrative form of control. Debates were held about matters with a political overtone, and a punishment that fitted the crime was administered. In this case, Christians were stamped as enemies to Rome and thus faced the condign punishments. Enforcement was essential: the Christians had to be killed, and that required soldiers. Finally, these observations also provide a broader picture of the military police climate. Military intervention was what the Roman officials opted to use, though probably only rarely, to address a range of *ad hoc* challenges that could not be fixed by the administrative system. Whether corrective (fire) or punitive (Christians) measures were taken and how harsh they were depended on the authority's perception of the disturbance and on their faith in the administrative system.

3.5.   Coercive and Deterrent Measures?

The administrative police system was restricted to limited groups and issues. Military intervention via the Roman authorities preventively or intentionally deploying soldiers was the alternative if the administrative handling was thought to be inefficient. This may have been rare in the early years of the Principate but might have gradually replaced the administrative system in the decennia that followed. In the historical record of the AD 64 fire there are numerous traces of active military intervention, whereas there are few in the records of expulsion and circus games. What is one to make of such military measures in the Roman community, especially in light of the policing concepts of imposition and coercion? Unfortunately, the sources offer few clues. The available evidence is enough only to indicate that watchmen (just like regular soldiers) were a significant presence in Rome and that they probably dealt with issues of public order in a reactive way.

In general terms, the *vigiles* probably looked like regular Roman soldiers. A first century AD tombstone, for example, has an effigy of a certain Quintus Iulius Galatus, who was a standard bearer of the sixth cohort of the *vigiles* (see Figure 3.1).[332] The watcher wears a military tunic, a short sword and a club, which corresponds with the equipment worn by regular Roman soldiers. This implies that *vigiles* too had the right to bear soldierly equipment in public, which was a key military privilege in the Roman state.[333]

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[332] *Corpus of Latin Inscriptions* 6.2987. For the gravestone, see Coulston, 'The Army in Imperial Rome', 181; Baillie-Reynolds, *The Vigiles*, 98; Busch, "*Militia in Urbe*", 335 and Ricci, *Security in Roman Times,* 156.
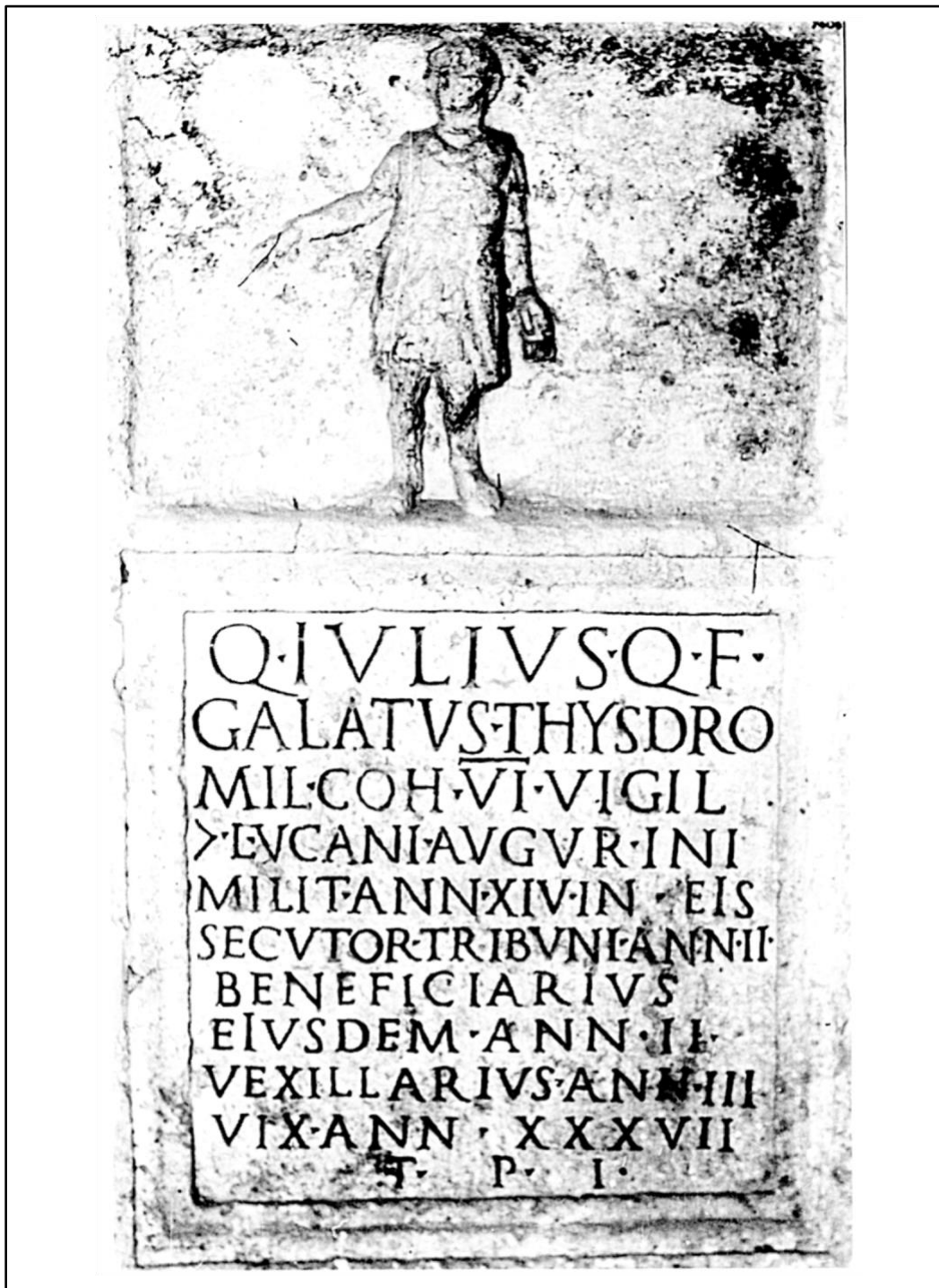[333] Coulston, "Armed and Belted Men", 91.

Figure 3.1. Gravestone of Quintus Iulius Galatus, standard-bearer of the sixth cohort of the watchmen; taken to be wearing a military tunic and a short sword. He wields in his right hand a *fustis*. (Image from Speidel, 'The *Fustis*', 145.)

Inscription (*Corpus of Latin Inscriptions* 6.2987): Q(uintus) Iulius Q(uinti) f(ilius) / Galatus Thysdro / mil(es) coh(ortis) VI vigil(um) / (centuria) Luciani Augurini / milit(avit) ann(os) XIV in eis(dem) / secutor tribuni ann(os) II / beneficiarius / eiusdem ann(os) II / vexillarius ann(os) III / vix(it) ann(os) XXXVII / t(estamento) p(oni) i(ussit).

Quintus Iulius Galatus Thysdro, son of Quintus, soldier of the sixth cohort of the *vigiles*, in the century of Lucianus Augurinus, served for fourteen years; he was *secutor tribuni* in that same cohort for two years, *beneficiarius* of the same cohort for two years, and *vexillarius* for three years. He lived for 37 years. He ordered in his will to build this.

At the same time, the *vigiles* shared the same basic structure of the Roman army and were often promoted to more honourable military posts.[334] Tigellinus, for instance, held the office of prefect of the watchmen before he was elevated to the praetorian prefecture in AD 62,[335] and Gaius Silvanus was tribune of the second cohort of the *vigiles* in the first century AD before he rose to the command of an urban cohort.[336] Other examples exist,[337] but these observations should suffice to stress that the watchmen constituted a truly military force that was directly involved in the military scene of the imperial capital.

However, what were the *vigiles* doing in Rome? Most likely their job. It is probably best to proceed on the assumption that the watchmen, among their other duties, had the task of fighting fire and dealing with arsonists, thieves, robbers and resetters. It is readily believed that the *vigiles* also patrolled the regions of Rome at night to keep small fires in check.[338] In modern literature there are hints everywhere that the watchers actively performed the duties of modern policemen as well but these remain rather imprecise since it is unclear what scholars actually mean by that.[339] Baillie-Reynolds, for example, holds that the *vigiles* did 'police work at the same time' but does not explain what that precisely entailed.[340] As such, the *vigiles'* full range of duties remains rather obscure.

One of the more logical reasons for this vagueness is that the *vigiles* essentially operated in a reactive mode. For example, some scholars attest that Nero directed the demolitions and counter-fires of the *vigiles*, which may imply that they were acting under orders and not necessarily independently.[341] This could explain Tacitus' note in which he refers to individuals having 'their authority'.[342] It is also quite likely that the authorities assigned the watchmen the task of burning Christians and that they only intervened for this reason. Only the emperor's decision gave them the lead to investigate and burn Christians. It therefore seems reasonable to assume that watchmen generally did not carry out police work unless it was necessary (during fire) or required of them (after a decree or order from above; for example, the

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[334] For their military structure, see Busch, "*Militia in Urbe*", 320 and Baillie-Reynolds, *The Vigiles*, 24-8.

[335] Tacitus, *Annals* 14.51 and ibid., *Histories* 1.72. For Tigellinus, see Daugherty, 'The *Cohortes Vigilum*', 230; Baillie-Reynolds, *The Vigiles*, 32-3 and Griffin, *Nero,* 103-4.

[336] *Corpus of Latin Inscriptions* 5.7003. See Baillie-Reynolds, *The Vigiles*, 69-70.

[337] See, for example, *Corpus of Latin Inscriptions* 6.798.

[338] Daugherty, 'The *Cohortes Vigilum*', 231; Rainbird, 'The Fire Stations of Imperial Rome', 148-9; Baillie-Reynolds, *The Vigiles*, 100-1 and Walsh, *The Great Fire of Rome,* 30-1.

[339] See Section a.

[340] Baillie-Reynolds, *The Vigiles,* 100-1.

[341] Pollini, 'Burning Rome, Burning Christians', 220 and Dando-Collins, *The Great Fire of Rome*, 4.

[342] See footnote 293.

burning of the Christians). Taking this line of reasoning a step further, it can be argued that *vigiles*, just like soldiers in entertainment venues, normally took a far more passive role in the Roman community and seldom employed proactive measures and that hence the administrative handling was still a much more preferable measure for quelling disturbances.

However, one should not press too hard the case for the watchmen and their police role. It is tempting to see their presence in the capital as a deliberate police strategy and that they, just like the soldiers in the Circus, encouraged order solely by their deployment. However, this borders on speculation, because apart from the sources already discussed, evidence is lacking. *Vigiles* do appear to have taken part in the burning of the Christians and used force to deal with the enemy group, and this seems logical given that this method was apparently the condign way to treat enemies of the community.

3.6.   Police Measures?

This chapter stands out from the previous ones in terms of the way in which soldiers (and specifically *vigiles*) intervened. During the fire of AD 64, soldiers, including watchmen, set about two tasks: firefighting and restoring order afterwards. The question is, of course, how does this relate to the idea of legitimacy, and to what extent can these measures be understood as just police work? The evidence provides a very limited glimpse into the policing concept of legitimacy, but there is some scope for detecting the *vigiles*' place and their legitimacy in the community.

Emphasis must first be placed on the fact that it appears that the citizens of Rome did not understand firefighting technology or the watchmen's presence in the first place. Scholars assume that the reason for this is that the Romans had never seen *vigiles* keep a major fire in check.[343] However, perhaps a part of the explanation of the Romans' ignorance can be sought in the reactive mode in which the men of the watch also operated. There were low expectations of the Roman community as to how often and to whom or what watchmen should respond, because the *ad hoc* nature of their role never set hard precedents. Moreover, the soldiers' role in the entertainment venues had always been passive, so why would the military respond now? The fire was everyone's problem; therefore, it was everyone's task to solve it.

It also seems quite likely that the community regarded the soldiers in the city as the emperor's property. Precedents of imperial military intervention may have been

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[343] Walsh, *The Great Fire of Rome,* 40-1 and Daugherty, 'The *Cohortes Vigilum*', 233.

set forth in the Roman community, but they only prescribed that soldiers were more intended to work for the emperor than for the community itself.[344] Of course scholars link the fire arrangements to Nero's disaster management! After all, soldiers were acting under his authority. However, the fact that the watchmen intervened during the fire may still have been more or less new, because the community was not yet accustomed to soldiers doing such an innovative thing. Either way, both explanations suggest the same thing: military intervention happened, but this was not yet fully entrenched in the Roman mentality.

Second, the penalty of the Christians is interesting. The calculated severity is reminiscent of the Jewish expulsion of AD 19 and of how erratic imperial will can be. Nevertheless, as gruesome as the torments were, the punishment matched the seriousness of the crime and did not go beyond the rules of Roman penal law.[345] It was therefore not unusual that such a violent penalty was administered, although it was typical in the sense that such occasion did not happen that often. The choice to mete out the punishment in a circus was obvious: that was the place for spectacles of death and the place to inculcate Roman valour.[346] The Romans were rigorous in the punishment of Christians, but this was necessary. The Christians were serious enemies of the Roman order and hence had to face the condign punishment. This also implies that the choice to use violence was well thought out and deliberate and that the Romans normally felt reluctant to resort to such extreme measures.

Only one question remains: were the corrective measures of the watchmen legitimate, and if so, should they be interpreted as actual police work? The immediate response to the fire more or less reflects both the normative and social aspects of legitimacy. The watchmen had long been established by the time of the 64 AD fire, and they existed (primarily) to keep fires in Rome in check (although not usually on such a large scale). These police measures therefore seem more practical in nature. Rome's drastic action against the Christians probably did not overstep the moral boundaries of the community, although one might question how often soldiers (and specifically watchmen) were asked to mete out such sentences. Still, public killings were a Roman rite, and this was legitimated both socially and normatively by the idea that shows had an educational value. Against this high bar, however, it is only

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[344] See Ricci, *Security in Roman Times,* viii. For Roman expectations of imperial intervention, see J. Malitz, *Nero,* 67-8; Toner, *Roman Disasters* (Cambridge: Polity Press, 2013) 52 and J.F. Drinkwater, *Nero: Emperor and Court* (Cambridge: Cambridge University Press, 2019) 241.

[345] Bauman, *Crime and Punishment,* 51, 67; Robinson, *Penal Practice,* 105-6 and Kyle, *Spectacles of Death,* 244-5.

[346] See pages 47-8 and Hopkins, *Death and Renewal,* 2-3.

legitimate to argue that watchmen *normally* did not perform these police duties. Their responses to the fire seem to fit perfectly well with a range of reactive measures planned by the authorities, but they do not seem to have been part of a standard mechanism to quell disturbances. Only when it was required or demanded did watchmen intervene.

3.7.   Conclusion

The key conclusion of this chapter is that military intervention, manifested in the form of active repression, was a legitimate coercive measure that the Roman authorities only adopted to remove cataclysmic threats to public order. In all other cases (such as disturbances in the circus or potentially problematic behaviour of outsiders), Roman authorities made an appeal to either their active administrative apparatus or their passive military one. The authorities hoped to be able to curb the activities of obnoxious groups with imperial decrees until it became clear that such a system would not work. In that case they sent soldiers, either with the idea that they could *encourage* control (imposition) or with the idea that they could *force* control (coercion). This also means that soldiers only performed legitimate deterrent or coercive police work if it was explicitly required of them. Normally, they took a far more passive role and probably served to protect the emperor. The AD 64 fire is a perfect example of this police system, because it shows that military intervention occurred but operated as the alternative to the self-regulating administrative handling.

This being said, there are several consequences for the concept of police. First, coercion is not a fundamental element of policing. Weber may have suggested that violence is a core element for a police force to exist, but even Rome's police apparatus shows that the limitation of violence is a worthwhile pursuit. Weber's view thus neglects important, non-coercive elements. However, it would be a mistake to assume that 'good' policing always entails settling a dispute without violence. Ultimately, it depends very much on the situation: in an extreme one, such as the AD 64 fire of Rome, 'good' police work is precisely the use of violence. Second, Foucault's proposition that surveillance is a key instrument of social control is less valuable if the police measures are not understood. Policing hardly occurs if people cannot understand the intervention in the first place, because they do not know that they are kept under surveillance for control. Finally, Tilly's observation is, as expected, especially helpful: to understand police, one must analyse the mechanism by which the community restores order.

The Police Apparatus of Early Imperial Rome

By drawing on theories of policing and public order, this work has cleared ground for a more cautious and unique analysis of Rome's police apparatus. This study therefore treated the range of measures Roman authorities had at their disposal to police Rome in the early years of the Principate, especially in situations in which Rome's elite regarded certain disturbances with great distrust. The research question is worth addressing explicitly: by what means did the Roman state manage to police early imperial Rome?

By and large, the Roman authorities conducted important policing tasks through administrative means (Chapter 1). The Romans perceived potential disturbances, often either political or social in overtone, and they removed those who were supposedly the cause of the dissension by decree. This was a self-regulating mechanism: a public notice sent out a message that a certain group of outsiders was to withdraw from Rome, and the deterrent effect of that notice, together with the citizens' sense of community, did the rest. (Although the Roman sense of community would be a fruitful area for further work, for it seems to have been an efficient element of the police apparatus.) The aspects of these measures are in full accordance with the police characteristics outlined in the introduction. In other words, these administrative means were legitimate efforts to police the imperial capital. The administrative system was the basis of Rome's police apparatus: even after riots (Chapter 2) or after practical problems such as fire (Chapter 3), the Romans hoped to re-establish a desirable level of stability through decrees.

At the same time, the Roman state also began to perform important policing tasks through military means (Chapters 2 and 3). More practical and acute threats to public order had to be overcome by means of military intervention. The reason for this kind of policing is that the administrative system was restricted to limited groups and issues and that certain disturbances required the support of soldiers. The manner in which the soldiers handled their police duties is twofold: either they encouraged order through imposition (at entertainment venues) or enforced order through coercion (during catastrophic events). However, an important aspect to bear in mind in this observation is that the soldiers' legitimacy seems to have been problematic. This study clearly shows that there was seldom an expectation among the inhabitants of Rome that soldiers should respond to disturbances. Ready explanations for such

low expectations seem to be that the soldiers' presence in the city was still relatively new and that their duties there were mainly to serve and protect the emperor. The soldiers' police roles steadily increased under the later emperors of the Principate when the authorities gradually chose to expand policing to soldiers, but in the first century AD soldiers were not actively used for police work unless absolutely necessary. Thus, the duties of soldiers were only in full accordance with the police characteristics as dictated in the introduction when they were explicitly tasked with ensuring public order; in all the other cases, they took a far more passive role.

Rome's police apparatus, then, is a combination of administrative and military measures directed at restoring the public order. Police intervention only occurred when that order was seriously disturbed; the authorities remained essentially passive. The gravity of the situation determined the police measures. The greater the problem in the community, the greater the chance of police intervention, preferably in the standard form of a decree but otherwise in the form of soldiers. It is conceivable that the reactive nature of this police system increasingly suggested military police intervention (because it was more efficient) and that it therefore became increasingly common, but in the first century AD at least, the Roman authorities primarily made an appeal to the passive administrative procedure to police their community.

These findings have multiple implications for the field of police and public order studies in ancient Rome. Overall, this study strengthens the idea that it is short-sighted to assume that Rome's police system was only made up of soldiers. My findings clearly show that early imperial Rome did not yet possess an executive body capable of carrying out police duties for the community, or at least that Rome was not yet accustomed to possessing such a body. The authorities almost always appealed to a system they already knew: the administrative apparatus. This also means that scholars should consider the military presence in Rome from a different perspective. Even though soldiers occasionally provided just police remedies, it is clear that it was not yet their place to regularly perform police work for the community. What, then, were soldiers doing there?

Another implication of this study is that the administrative system seems to have worked surprisingly well and that scholars should not underestimate the (symbolic) strength of that system. One of the obvious explanations for this is that the system made good use of the Romans' sense of community. The authorities always sought to locate malevolent intentionality after the order was seriously disturbed; thus, they always blamed *someone* for the unrest. In doing so, the Roman authorities reminded their citizens that there was an important Roman value system and that there was a

good side (being Roman) and a bad side (being un-Roman). By addressing these issues publicly, the community essentially controlled itself. Those condemned felt that they were not part of the proud Roman community anymore, while the rest of the community increasingly acknowledged interdependence with each other and a willingness to control this interdependence.

Although this study focuses on Rome's full police apparatus, the findings may well have a fine bearing on the primitivist–modernist or police–no police debate. The argument that soldiers occasionally performed police work is not particularly spectacular. In this respect, Fuhrmann's description of soldiers being the equivalent of modern police certainly strikes a familiar chord. Still, his argument is not particularly compelling, either. Soldiers never actively monitored the situation in Rome; rather, they were people who were given a job, whether that was fighting fire, burning Christians or being seen in the Circus. Soldiers were an executive body, not necessarily a controlling body. Whether soldiers resemble modern police forces or not hardly matters, because soldiers never had active policing roles in the first place.

What does this study mean for the contemporary study of the concept of police? First and foremost, the contributions of Weber, Tilly and Foucault are valuable. They each represent a core part of policing and provide methods to analyse (pre-) industrial apparatuses. However, the meanings of their contributions must be understood in light of how police scholars think of police. First, Weber proposes that coercion is a fundamental element of police, whereas police scholars imply that violence is a far less important element in the definition of 'good' police work. However, the use of violence is largely determined by the nature of the threat, as this study has shown. The norms and values of a community rather than police scholars determine what 'good' police work actually is.

Tilly, then, provides the best mechanism to understand police: to analyse the police apparatus of a community, it is necessary to explore the mechanisms by which said community maintains order. This can easily be characterised as an efficient method because it serves as the best way to understand the different police forms. The downside of Tilly's approach, however, is that the conclusions are always obvious: authorities respond to peacekeeping problems and necessitate new policing methods as they go. Of course 'police' is a nebulous term! There is hardly a common element in police work, because authorities have to deal with a kaleidoscope of significantly different problems. However, scholars should and must consider the concept, if only to remind themselves that police are not just officers in blue.

Finally, Foucault argues that visibility and surveillance are efficient instruments

of social control, and rightly so: even in ancient Rome one can see that soldiers could have an important deterring effect. The concept of legitimacy, however, is closely related to the element of visibility. If people are not acquainted with having a body of soldiers keeping their community under surveillance, nothing actually happens. Inhabitants do not know that they are policed and therefore do not feel limited in their movements. Thus, surveillance is only an efficient police instrument when communities know that they are being watched.

The principal theoretical implication of this study is that police must not be understood in terms of a given body of officers. The very fact that even Weber, Tilly and Foucault imply that a specific group of *people* should enforce or encourage order is an indication that ideological bias about police is still implicitly present. Scholars do not look back through time to find the origins of their police but rather look back to find how specific groups of people, just like modern police officers, attempt to ensure orderly behaviour. The evidence from this study suggests that it was not common at all for a specific body of officers to enforce order in Rome. In contrast, the evidence suggests that the Roman community lacked such a body and that they attempted to police their community in a way that did not require actual enforcement.

Rome's police apparatus, finally, is apt to provide a useful example illustrating a non-enforcement approach to policing. The system is essentially based on a community that passed administrative measures to control itself. To this extent, it may support the idea that governments should redirect funding away from the police departments and into community programs that provide other crime deterrents. It is, however, legitimate to wonder to what extent this example helps. Today, officers in blue are essential to establish a well-ordered civic community and can therefore not be omitted without reason. However, Rome's police system worked, and that is enough to indicate that it is possible to reform police services and forge better community bonds, which may increase confidence in police overall.

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