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Restless souls, the “living” guards of society? The existence of restless souls and their influence on the Roman societal equilibrium

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Restless souls, the “living” guards of society?

The existence of restless souls and their influence on the Roman societal equilibrium

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Introduction

You still seek, mortals, the uncertain hour of your fate and wonder
by what route death will come.¹

Death is central to life in every society. It does not matter what century we live in or where in the world we come from: death is part of our lives. Where do our loved ones go after death? This question, and others of this sort, weighs heavily upon many - even within our modern Western societies in which death is less present because of low mortality rates and where death is often silenced/treated as a taboo subject. Such questions about death and the possible existence of an afterlife are culturally specific and were, according to scholars such as recently D. Ogden, much more pressing for the peoples of antiquity. For them death was much more omnipresent due to high mortality rates; and – in contrast to our society – death was represented everywhere.² This omnipresence also ensured that it was extremely important to maintain a distinct boundary between the living and the dead; precisely for the fact that death was everywhere, the world of the living and that of the dead should not be mixed. In order to maintain the boundary, many rules and etiquettes were attached to death and dying ensuring habitual behaviour that prevented the living and the dead to cross the boundary.³ Dying a proper death and having funerals following all the rules were, especially, part of an attempt to create conformity in certain routines and rituals and to regulate the contact between the living and the dead.⁴ In order to shed light on the ways in which the boundary was maintained, this thesis will focus on those remarkable occasions where something was amiss and the boundary was crossed, resulting in the existence of perceived restless souls which would need to be pacified in order to restore the separation between the two worlds – and to restore the societal equilibrium.

Debate and main question

V. M. Hope argues that the variety in funerary customs and the perceptions of the soul and the afterlife could tell us a lot about their society.⁵ The living write the wills, build the tombs, organize funerals, remember the dead and tell stories of the dead. Hope's point thereby is that the study of death actually means a study of a society's belief on death, customs and rituals.

¹ Propertius, *Elegiae* 2.27.1-3. Loeb Classical Library. Translation by G. P. Goold (Loeb Classical Library).

² D. Ogden, *Greek and Roman necromancy* (Princeton 2005) 15.

³ J. Davies, *Death, burial and rebirth in the religions of antiquity* (London 1999) 138.

⁴ *Ibidem*.

⁵ V. M. Hope, *Roman death: Dying and the dead in ancient Rome* (London 2009) 12.

We might, therefore, learn more about a society and its ritual norms and values through their dead than through their living.⁶

The ancient Romans believed that a corpse could cause environmental and religious pollution. The disposal of corpses also was a part of certain laws, etiquettes and routines, surrounding death, which created unity in how people treated the dead and performed the funerals. Not only did this prevent chaos due to all different kinds of rituals, but these rituals also created and maintained a boundary between the living and the dead and proper execution of rituals prevented the dead from becoming restless (crossing the boundary).⁷ Religion also played an important part in funerals because the burial of the dead was a sacred rite. If a body was either not buried or not properly buried it would have consequences for the soul of the deceased in the afterlife.⁸ L. Brown also mentions that specific rituals, depending on the economic and social status of the deceased, were part of the Roman funerals. These were considered to give the deceased a safe passage to the afterlife, the soul could rest, and it ensured that they did not return to the land of the living.⁹

The afterlife

When we discuss the soul of the deceased within the afterlife, we must first look at the Roman afterlife itself and the first question that comes to mind is, what is the Roman afterlife? R. I. Denova argues that the Roman afterlife is not just only “Roman”.¹⁰ She states that there is a “fusion of Etruscan, Greek and indigenous concepts of the afterlife in the Roman views of the underworld”.¹¹ For example, the geography of the underworld and the Roman Hades were similar to the Greek version. J. M. C. Toynbee explains that most of the written and archaeological evidence for the Roman afterlife ideas come from the first century BCE onward.¹² He mentions that the evidence points to a deep-seated belief of the survival of the soul after death. Though Hope agrees that there is a vast amount of evidence on the topic of Roman death, she also indicates that we should be careful when analysing and pooling the sources.¹³ Not every belief of the afterlife or every funeral would have been identical, even

⁶ Hope, *Roman death*, 12.

⁷ Davies, *Death, burial and rebirth in the religions of antiquity*, 138.

⁸ Erasmo, *Death*, 5-6.

⁹ L. Brown, *Chiron's obol? An archaeological study of the role of coins in Roman burial ritual (With case studies from Roman Italy, Germany, Britain and unconquered Scandinavia)* (diss. University of Edinburgh 2013) 2-3.

¹⁰ R. I. Denova, *Greek and Roman religions* (Hoboken 2019) 216-218.

¹¹ *Ibidem*.

¹² J. M. C. Toynbee, *Death and burial in the Roman world* (London 1971) 33-35.

¹³ V. M. Hope, *Death in ancient Rome: A source book* (New York; London 2007) 7.

though certain traditions and norms existed. Denova argues that these variations in beliefs are also shown within the ancient texts.¹⁴ She explains that among some of the educated elite the traditional belief in a life after death was frequently viewed with scepticism. However, she also argues that this scepticism did not necessarily lead to abandoning certain rites. No one could be sure about the existence of an afterlife and therefore it was wise to be aware that someone's earthly life may have influence on one's possible afterlife.¹⁵

Social, ritual and juridical order

The "better safe than sorry" idea formed an important element in maintaining the boundaries between the living and the dead. These boundaries can be seen as ways of maintaining the equilibrium of society. This equilibrium encompasses the social norms and values of society. Social, ritual and juridical order are subcategories of norms and values related to the proper execution of religion.¹⁶ To start with the social order to bring this into practice: At all times throughout history, the Roman government lacked an organized police force and especially in Rome they did not allow military forces into the city. It was therefore difficult to enforce public order by checking and punishing ordinary crimes and there was no time nor resources to control behaviour that was less dangerous but that was still unwanted.¹⁷ The people were expected to protect themselves and their own interests. Within the Roman societies there was a use of different means to counter threats and uphold the social order. While they cannot be strictly separated, ritual and juridical order are in this sense at the foundations of social order. The ritual order must be maintained by executing religious actions in the right ways. Some of these means involve the fear of supernatural punishment, including punishments by those who belong to the category of perceived restless souls, and the threat of social disgrace.¹⁸ The juridical order is based on different laws that encourage and prohibit certain behaviours and it is maintained by possible punishments. As will be discussed in this thesis, both social, ritual and juridical order are important in maintaining the boundary between the living and the death in ancient Rome, contributing to maintenance of the societal equilibrium.

¹⁴ Denova, *Greek and Roman religions*, 216-218.

¹⁵ *Ibidem*.

¹⁶ As the length of this thesis does not allow for a more extensive discussion of the concept of social order and related concepts, I provide a reference to: A.J. Bergesen, "The Ritual Order" *Humboldt Journal of Social Relations* 25.1 (1999) 157-197.

¹⁷ A. M. Riggsby, *Roman law and the legal world of the Romans* (Cambridge 2010) 67.

¹⁸ Riggsby, *Roman law and the legal world of the Romans*, 75-76.; C. J. Fuhrmann, "Police functions and the public order", in: P. J. du Plessis, et al (eds.) *The Oxford handbook of Roman law and society* (Oxford 2016) 297.

The restless dead

The restless dead are those crossing the boundary between the living and the death and are as such a problematic instance of where things go wrong where the social order is concerned. They have previously received some attention from scholars. Ogden has written about restless souls, but deals with them (too) quickly as he classifies them as a subcategory within the broader topic of necromancy.¹⁹ D. Felton is the only one who specifically focusses on restless souls and their role within the ghost stories of both Greece and Rome.²⁰ Within her work the names: restless souls, restless dead and ghosts are used interchangeably, and they all refer to the dead who cannot pass into the afterlife and sometimes return to the land of the living. She argues that there are many ghost stories from the classical world that have survived. Nevertheless, only little has been written about these stories and about ghosts as folkloric or literary figures. Felton mentions that there are some problems regarding researching ghosts. Firstly, this topic often overlaps with that of other supernatural figures and secondly the stories that have survived are mostly quite short.²¹ The fact that many stories are short and therefore the specific contexts in which they take place are unknown, could make researching these stories more complicated. However, many of this type of stories have been written and this could indicate that ghosts and restless souls were a popular subject and may have played a major role within the Roman societies.²² Other secondary literature that investigates these ghost stories consist mainly of commentaries on the ancient literature, which will be discussed later in this thesis.²³

Main question

Within this research area I will focus on transgressions of the boundary between the living and the death, caused by restless souls. What caused these transgressions of the social, ritual and juridical order to occur? How did the living deal with these restless souls in order to restore the boundaries? This is important because by studying the kinds of transgressions in

¹⁹ Ogden, *Greek and Roman necromancy*, 219-230.

²⁰ D. Felton, *Haunted Greece and Rome: Ghost stories from classical antiquity* (Austin 1999) 1-3.

²¹ *Ibidem*.

²² *Ibidem*.

²³ M. J. Robinson, *A commentary on Ovid's Fasti, book 2* (Oxford 2011).; G. O. Hutchinson, *Elegies: Book IV* (Cambridge 2006).; D. Ogden, "Eucrates and Demainete: Lucian, Philopseudes 27-8" *Classical Quarterly* 54.2 (2004) 484-493.9; H. Lindsay, *Suetonius: Caligula* (London 1993).; C. E. Schultz, *Commentary on Cicero De Divinatione I* (Ann Arbor 2014).; D. Wardle, *Cicero on divination: De Divinatione book 1* (Oxford 2006).; K. R. Bradley, *Suetonius' life of Nero: An historical commentary* (Brussel 1978).; C. L. Murison, *Suetonius: Galba, Otho, Vitellius* (London 1992) 111; 175.; C. A. Tesoriero, *A commentary on Lucan Bellum Civile 6.333-830* (diss. The University of Sydney 2000).; B. L. Hijmans jr., et al., *Apuleius Madaurensis Metamorphoses: Book IX tekst, introduction and commentary* (Groningen 1995).

interaction between the living and the restless souls we can learn more about the impact that these restless souls had on the preservation of the Roman societal equilibrium. The main question for this research will therefore be: How did transgressions of the social, ritual and juridical order related to restless souls impact the Roman societal equilibrium? This thesis' main goal is to look at kinds of transgressions of the boundary between the living and the dead through the topic of restless souls and to categorize the ideas and sources about death and restless souls within the categories: social, ritual and juridical order/transgression. The idea to look at restless souls as a category and focus on their connection to the social, ritual and juridical transgressions distinguishes this research from others discussed above. Restless souls were, according to the Romans, caused by unfinished lives/early deaths and wrongly executed burials. The fact that I will investigate unfinished lives and wrongly executed burials as one subject – as they both lead to the perceived existence of restless souls – and not separately as is usual, distinguishes this research from others.

Methodology

To delimit this research, it will focus on the Roman cultural area between the second century BCE. and the second century CE. I will not include the third century onward because most of the sources originate from the chosen time period and with the legalization of Christianity other ideas about religion, death and the afterlife became more widespread.²⁴

For this research, both ancient sources and modern literature will be used. The ancient sources consist of ancient texts. When we look at the ancient literary sources, we see that there are several ancient Roman authors who wrote about ghosts and/or necromancy. Among others Cicero (first century BCE.), Suetonius (second century CE.) and Propertius (first century BCE.). All three authors write extensively about the topics of the restless dead and ghosts. Especially Suetonius wrote in his 'biographies' on Nero and Otho quite a lot about the presence of ghosts. One important thing to keep in mind when analysing texts of ancient authors are their backgrounds and the genres in which they wrote. Cicero was a Roman statesman, lawyer, scholar, philosopher and academic Sceptic and his works are mostly philosophical and political. The examples he provides are always embedded in such larger arguments and should be read as such (however, see the paragraph below for the particular use of these stories I aim for). Suetonius was a Roman historian who wrote several 'biographies' on Roman rulers. We must keep in mind that gossip might be involved and that

²⁴ M. F. Patrucco, "Edict of Milan", in: A. Di Berardino (ed.) *Encyclopedia of Ancient Christianity* (Downers Grove 2014) 1:781.

he had very specific aims in showing particular emperors in the way that he does. Ghost stories are powerful narratives to make points about transgressions of emperors. Propertius on the other hand was a poet. Now especially with poets and play writers we must be careful as the reliability of the information may vary. Yet, again, the mention of ghosts in poetry is a powerful tool to bring home certain points about norms and values to the audience. Further specific source criticism of the literary works will be provided during the discussion of the sources within the chapters.

Apart from the different authors and the specific source criticism necessary to interpret their writings, I want to propose to see the ‘ghost stories’ from these sources as a specific genre which should be studied as a group. The context of this genre of stories within the larger works of the authors is of course important but we may also see them as a very specific kind of ‘campfire tales’ which are attractive to incorporate in other texts for their entertainment value. It can be argued that they can relatively easily be taken from the text as ‘mini-stories’ which are not primarily dependent on their context. Felton argues that ghost stories mostly fall within the narrative of legends, which are regarded as true by the narrator and his audience – perhaps by a suspension of disbelief. However, ghosts that appear as characters in drama tend to be created as dramatic devices and are not always based on legend.²⁵ All in all, this makes the stories a very interesting corpus to work with. Discussing them *en serie* as a group, as in chapter 2 and 3 of this thesis, provides a new perspective on social, ritual and juridical order and transgressions.

Within this research I will not focus specifically on inscriptions and curse tablets as sources – I see these as source materials related to the topic, but not of value when answering my main question. There are inscriptions and curse tablets that are addressed to or speak about early deceased, but this information is often limited. In order to clarify why these sources do not apply to this particular study, let us look at a sample text (see note).²⁶ This example shows that ghosts are sometimes mentioned within these curse texts. However, they give us limited information about the ghosts, how they died and if it would have made them restless or not. These texts also seem to be more directed at the gods instead of

²⁵ Felton, *Haunted Greece and Rome*, 2-3. See note 125 for references on the notion of belief in antiquity, which may have played a role here too (but the discussion cannot be done justice here).

²⁶ "I curse Eudemus; kill him by the worst death, lead him to the underworld and bind him with ghosts, you servants of the infernal gods. Just like this lead has weight, may Eudemus feel your [heavy] anger, may he enter among the ghosts of the dead as quickly as possible".; Egger 1962 (DFX 8.3/1, LCT 239, TheDeMa 265); J. Franek and D. Urbanová, "May their limbs melt, just as this lead shall melt...": Sympathetic magic and Similia Similibus Formulae in Greek and Latin Curse Tablets (part 1)" *Philologia Classica* 14 (2019) 27-55., @ 34.

specifically/only the ghosts. Literary texts as introduced above are therefore much more suitable sources.

To substantiate the main question, three sub-questions will be examined. Within the first chapter we will look at what, according to the Romans, was a proper deathbed and burial. To understand unfinished lives and wrongly executed funerals we need to know what a correct death/funeral entail. This chapter will be divided in two parts, one about a “proper” death and the second about what can go wrong. The second chapter will focus on the question: What were perceived consequences when one died after having lived a so-called “unfinished life”, or after a burial had not been performed (or was incorrectly performed)? What was believed to happen to the soul? Here we will discuss beliefs about the souls and the afterlife, and we will look into different stories that concern restless souls. In the final chapter we will look at how and why the Romans dealt with restless souls – in social, religious and juridical ways.

Analytical framework

This thesis aims to categorize information about death and restless souls and to distinguish between the social, ritual and juridical ways to maintain a societal equilibrium (or restore it in times of transgression). To achieve this, we need to establish a basic definition of social, ritual and juridical order/transgressions, enabling a distinction and at the same time showing they are, up to a point, intertwined.

Let us start with the terms social control and social order. Within the “Dictionary of social sciences”, social control is described as: “The mechanisms by which social norms are upheld and enforced”.²⁷ In other words, social control regards all kinds of social non-official rules, measures and traditions that are supposed to maintain social order and prevent “nonconforming behaviour”.²⁸ About the juridical order we can be relatively brief. It relates to different laws that are legally established and mostly refers to “rules established by a political authority to govern human affairs”.²⁹ Now let us turn to the term “Ritual order”. “Rituals are repeatable patterns of behaviour that carry complex meanings especially when shared within a group and related to basic themes of group culture”.³⁰ Here, they will be specifically used to refer to religious rituals. These consist of “rules” and “etiquettes” that encourages conforming

²⁷ C. Calhoun, "Social control", in: C. Calhoun (ed.) *Dictionary of the Social Sciences* (Oxford 2002) 77.

²⁸ *Ibidem*.

²⁹ Calhoun, "Law", in: C. Calhoun (ed.) *Dictionary of the Social Sciences* (Oxford 2002) 47.

³⁰ Calhoun, "Ritual", in: C. Calhoun (ed.) *Dictionary of the Social Sciences* (Oxford 2002) 73.

behaviour which in turn helps maintaining the ritual order. There is one important distinction that needs to be made: juridical transgressions are a 'crime' and social and religious transgressions a 'deviance': "Crime is the violation of laws and those social norms that have become subject to state control and legal sanctions reliant on punishment. Deviance describes any violation of social norms including those that are merely subject to societal or group disapproval".³¹

³¹ Calhoun, "Crime", in: C. Calhoun (ed.) *Dictionary of the Social Sciences* (Oxford 2002) 20.

1. A proper death?

This chapter sets out the written and unwritten social, ritual and juridical rules related to death and funerals.

Why were death and funerals subjects where the social equilibrium must be maintained? A possible answer lies within the work of Seneca the Younger where he narrates that death is followed by doubt.

It is natural to fear the world of shades (...) Death ought to be despised more than it is wont to be despised. For we believe too many of the stories about death. Many thinkers have striven hard to increase its ill repute; they have portrayed the prison in the world below and the land overwhelmed by everlasting night (...) Even if you can win your point and prove that these are mere stories and that nothing is left for the dead to fear, another fear steals upon you. For the fear of going to the underworld is equalled by the fear of going nowhere.³²

Seneca the Younger talks about the natural fear of death. Some believe in an afterlife and others do not, but it is the fear of the unknown that rises no matter what you believe. Some of the élite may patronize the “common” folk for believing in an underworld. However, this belief or “superstition” in an afterlife also gave room to exercise ritual control. Because the prospect of punishment in a possible afterlife would be a way to keep the common people under control.³³

So, what were the etiquettes and traditions surrounding death? What is a proper death and which practices, and traditions are a part of a typical funeral? There is not just one answer to these questions. It is difficult to figure out which practices and traditions were seen as important to people who come from various places and cultures, as well as for people from different social and economic positions.³⁴ In this chapter we will look at what the ancient Romans believed a proper death entailed, what they believed could go wrong while dying and during the funeral and how both the “proper” and the “bad” death relate to the social and ritual order, in places touching upon the juridical order. Like mentioned before, we cannot represent a standard belief on death and funerals simply because not everyone would have

³² Seneca the Younger, *Epistulae* 82.15-17. Loeb Classical Library. Translation by R. M. Gummere (Loeb Classical Library).

³³ Hope, *Roman death*, 113.

³⁴ E. Graham and V. M. Hope, “Funerary practices”, in: A. E. Cooley (ed.) *A companion to Roman Italy* (Chichester 2016) 159-180, @ 160.

believed the same. What we will look at within this chapter are the most commonly described ideas, within both the ancient sources and the secondary literature, about death, funerary practices and traditions.

1.1 How to die properly

Dying at the right time

What would be the right time to die? Within our modern society the ideal way to die is by death of old age. Due to our modern medical knowledge and devices this is in most cases possible. But what did the Romans perceive as a right time to die? Let us start with a very important aspect that may influence the beliefs on dying, life expectancy. Hope explains that the Roman people commonly became between the “25 to 30 years” old. However, it was possible that one could reach the age of “40 or 50” on the condition that they survived through their childhood well.³⁵ There was a high risk of death for babies (childbirth and the difficult first few weeks) and even children. This high mortality rate, according to some, resulted in a less emotional bond between the parent and the child.³⁶

Then let us turn to dying at an old age. Despite our own ideas on dying at an old age, the Romans did not particularly favour an old age. Hope mentions that an old age had negative effects on both the physical and mental health. It brought physical discomfort and it could cause the loss of mental capabilities, physical strength and vitality.²⁹ Hope even mentions that: “The statement that “the good die young” would have been of ancient origin”.³⁰ Hope argues that this idea could consolidate the relatives of the young deceased, but it also points out that an old age was not always seen as something positive.³⁷

The contrast between the young and the elderly gave rise to the question whether it was better to die with one’s physical and mental capabilities intact, or whether it would be more favourable to live long enough to use these capabilities, but with the risk to lose one’s physical and mental strengths. This particular issue has not got a clear answer. What we do know is that especially the male elite had the ambition to die at the height of their glory. A “good death” in this case meant how you died and not what killed you. One way was to die a quick and painless death that happened amidst pleasures of life, such as eating and drinking. Another ideal, mostly among soldiers, was to have a noble and brave death. This could be achieved by sacrificing oneself, or sometimes even committing suicide, for the state or by

³⁵ Hope, *Roman death*, 43.

³⁶ *Ibidem*.

³⁷ Hope, *Death in ancient Rome*, 181.

confronting death with courage.³⁸ Dying at the right time has not much to do with either ritual or juridical rules and even social control does not always apply here. What we see here is an ideal image regarding the time of death. However, for example a child will not be able to control whether they die young or be able to grow up properly. If people cannot have any influence on the situation, it would be impracticable to punish those people for deviating from the ideal image. But social control can come into play when one does have control over the situation. An elderly can take his own life before he becomes too weak, and a soldier can commit suicide if this means a more honourable death. This is desirable behaviour and if people do not adhere to this, they can be looked down on.

Making a will

The last important feature of dying that we will discuss here is the making of a will. A will or *testamentum* was a legal document that held a solemn declaration, by which the testator nominated one or more successors on whom his property rights and liabilities should be transferred to.³⁹ Inevitably making a will mattered more for the “propertied and educated” people of the Roman society. If you are poor, you would not have much or anything to pass down to a successor and therefore a will would almost be useless. Another criterion for making a will is that a person is only able to legally make a will when they are a Roman citizen.⁴⁰ Citizenship, among other things, enabled full interaction with Roman private law and therefore allowed participation in legal processes and transactions which are a part of making a will.⁴¹

Besides the fact that the last will was important for the family and successors, it was also of importance for the deceased themselves. Earlier I briefly mentioned that many individuals left money in their wills to organize the funeral feasts. An interesting feature of the will is that it works both ways. A testator should think of his closest relatives and should provide them with enough financial means for their future life, while the family and successors should care for the memory of the deceased.⁴² The family inherit material goods and money, but they also inherit the family *sacra*. This is an obligation to honour ancestors at

³⁸ Hope, *Death in ancient Rome*, 181.; Hope, *Roman death*, 44.

³⁹ E. Jakab, “Inheritance”, in: P. J. du Plessis, C. Ando and K. Tuori (eds.) *The Oxford Handbook of Roman law and society* (Oxford 2016) 498-510, @ 500.

⁴⁰ T. S. Taylor, “Social status, legal status and legal privilege”, in: P. J. du Plessis, C. Ando and K. Tuori (eds.) *The Oxford Handbook of Roman law and society* (Oxford 2016) 350-361, @ 350.

⁴¹ Jakab, “Inheritance”, 502.

⁴² *Ibidem*, 498.

regular festivals of the dead. It is also legally established that the inheritor must pay for the proper funeral of the deceased.⁴³

Making a will can be related to the juridical order. The will is a legal document, and the named successors are legally obliged to make sure that the deceased receives the proper treatment after death.

A correctly performed funeral

The burial and funeral formed important aspects of death and it was even a person's legal right to receive a proper burial.⁴⁴ The heirs, or others who have been appointed within the last will, are responsible for the burial. The legal texts show that performing the funeral was seen as an urgent and inescapable duty.⁴⁵ If the heirs did not organize a funeral, because they did not receive enough money from the deceased, they could not be punished. However, when they did receive enough money, but still did not plan a funeral, they would be punished by taking away the received money.⁴⁶ Either way, when no one took it upon themselves to organize a funeral, the government took the lead by selling items from the estate.⁴⁷ These laws protect a person's right to be buried, but there are also laws that protect the deceased person after their burial.

If a person received a proper burial, that will say that their body was placed within the ground (and was covered) and they received the proper rituals (we will discuss this more later), their grave got the status "*locus religiosus*".⁴⁸ It is legally established that these "religious places" are protected.⁴⁹ No one is allowed to disturb the grave, you cannot acquire property through prolonged use, and the graves may not be dishonoured by changing the purpose of these locations.⁵⁰ The rules that oblige the burial of a deceased person and protect the graves are part of the juridical order because these rules are set in the law. But like mentioned before, to gain the status of "*Locus religiosus*" one also needs to perform the proper rituals. Now the laws do not mention which rituals are meant specifically, but within the "Twelve Tables" it is written that (within the context of funerals) "All our other rules rest

⁴³ Digesta, 11.7.12.4.; J. E. Spruit, et al., *Corpus juris civilis: tekst en vertaling. III: Digesten 11-24 = Digesta XI-XXIV* (Zutphen 1996) 33.; S. Dixon, "Family", in: P. J. du Plessis, C. Ando and K. Tuori (eds.) *The Oxford Handbook of Roman law and society* (Oxford 2016) 462-472, @ 467.

⁴⁴ Digesta, 11.7.13.3.

⁴⁵ Digesta, 11.7.13.1-6.

⁴⁶ Digesta, 11.7.13.4.

⁴⁷ Digesta, 11.7.13.6.

⁴⁸ V. Hincker "Le tombeau, le mort et son corps. Une coïncidence topologique instituée et protégée en droit dans le monde romain" *Kentron* 36 (2022) 251-278, @ 261; 262.

⁴⁹ Digesta, 11.7.39.; Digesta, 11.8.5.

⁵⁰ Twelve tables, 10.8-11.; Digesta, 11.7.13.1 ; Digesta, 11.7.39.

on custom”.⁵¹ So the rituals that take place within the funerary context form a part of the ritual order.

So let us look at these ritual “rules”. A correctly performed funeral consists of many activities that take place during different phases of the death and burial of an individual. The first phase starts when the individual is dying. E. Graham and V. M. Hope mention that “most contemporary descriptions of death explain that the dying person spends his last moment lying ill in his own home”.⁵² Though the previous statement portrays the most ideal situation, it would not have been the case for everyone. Traditionally, the closest member of the family would “catch the last breath before the lifeless body was placed on the floor” so the people involved could confirm that the person was in fact deceased.⁵³ During this last check, the deceased was called loudly by name. Erasmo explains that afterwards: “The women of the family, or sometimes the funerary professionals, were charged with washing, anointing and dressing the deceased before the body was placed in the atrium of the house to lie in state”.⁵⁴ Other preparations were also made within the household. Graham and Hope also explain that: “Cypress was fixed to the door which warned those susceptible to spiritual pollution of the presence of a corpse. Lamps might have been lit and incense burned”.⁵⁵ A final practice was to place a coin “in the mouth of the deceased”.⁵⁶

Graham and Hope mention that, for an elite funeral: “When the period of lying-in-state ended”, the corpse would possibly “be moved through the streets of the town to the extramural cemetery”.⁵⁷ This could involve a procession accompanied by musicians, mourners, torchbearers and crowds of onlookers. There could also be people that wore the masks of illustrious ancestors. Holding a procession is based on rituals and it therefore falls under the ritual order. However, legal rules are also attached to this tradition, since it has been legally established how extensive this procession may be.⁵⁸ These were the activities that the elite would undertake, most people would not be able to pay for such activities. The next steps within the funeral ceremonies were determined by the choice of burial, either cremation or inhumation.⁵⁹

⁵¹ Twelve tables, 10.8-11. Loeb Classical Library. Translation by E. H. Warmington (Loeb Classical Library).

⁵² Graham and Hope, “Funerary practices”, 161.

⁵³ Erasmo, *Death*, 18.

⁵⁴ *Ibidem.*; Hooff van, *Sterven in stijl*, 40-43.

⁵⁵ Graham and Hope, “Funerary practices”, 161.

⁵⁶ *Ibidem.*

⁵⁷ *Ibidem.*

⁵⁸ Twelve tables, 10.8-11.

⁵⁹ Erasmo, *Death*, 30-38; Graham and Hope, “Funerary practices”, 164-167.

When the deceased was to be cremated, the deceased was laid on a funeral-pyre where perfumes and spices were added to (if these could be paid for). Sometimes the mourners would surround the deceased with personal belongings or offerings. The final embers of the pyre could have been extinguished with wine. The remains of the pyre were gathered and placed within the family tomb, or they could be buried. Once the remains of the pyre were buried and a pig was sacrificed, the next part of the funeral could begin.⁶⁰ We will discuss the possible use of grave gifts and sacrifices later. It should, again, be noted that for most people this whole ritual would be far more modest.

Inhumation gained popularity around the first century CE. Even though people started to favour inhumation above cremation, the two remained to exist next to each other.⁶¹ Graham and Hope explain that inhumation and the practices surrounding it were not seen as something strange or unusual. The fact that this different kind of funeral seemed not worth commenting, may suggest that the activities surrounding the funeral may have not differed much from those performed at a cremation. Graham and Hope do mention that the only time inhumation is mentioned in the ancient sources is when they are coupled to something out of the ordinary like a foreign tradition.⁶²

Grave gifts and sacrifices were another part of the funeral. It was tradition to add perfumes, incense and spices to the pyre during cremation. These helped with the burning and disguised odours, but they could also serve as expensive offerings. Cinnamon was particularly associated with the dead and was therefore burned in large quantities at funerals. Other offerings included pots, glassware, jewellery, food and even small animals might be placed with the body. When we turn to inhumation, we see that similar grave goods are used. Though, because these offerings were either burned or buried, they were rarely extensive.⁶³

Animals were associated in various ways with funerary rituals in Rome and its provinces. Their nature and their role differ according to locality or period, but their presence demonstrates the importance of practices linked to the sacrifice. A commonly practiced act was to sacrifice a sow to Ceres which was supposed to purify the family and confine the soul of the deceased to the tomb.⁶⁴

⁶⁰ Erasmo, *Death*, 30-38.; Graham and Hope, "Funerary practices", 161.

⁶¹ *Ibidem*.

⁶² Graham and Hope, "Funerary practices", 162.

⁶³ Hope, *Roman death*, 84-85.

⁶⁴ S. Lepetz, "Animals in funerary practices: Sacrifices, offerings and meals at Rome and in the provinces", in: J. Pearce and J. Weekes (eds.) *Death as a process: The archaeology of the Roman funeral* (Oxford 2017) 226-256, @ 226.

What we see with the “correctly performed funeral” is that it mainly consists of ritual rules/customs, so it mostly belongs to the ritual order. However, we have seen that occasionally these ritual rules are assisted by legal rules. The fact that one should have a funeral belongs to the juridical order, but all the funerary practices belong to the ritual order.

Feasts/commemorations

The last step of the funeral would be the funeral feasts. The ideal feast (*convivium*) was, according to C. Edwards, most likely far removed from any thought of death.⁶⁵ However, there are still some distinctive and significant connections between feasting/dining and death within the Roman society. Dinners were often held to mark the occasion of a funeral, but they also served to commemorate the anniversaries of deaths and for festivals in memory of the dead such as the Parentalia and Feralia. The Parentalia began on the 13th of February and was one of many rituals that concerned the relations between the living and the dead and it played a fundamental role within the Roman society.⁶⁶ The last day of the Parentalia is referred to as the Feralia. On this day, the commemorative rites began with a pilgrimage to the tombs. While at the tombs, sacrifices were performed and commemorative meals were consumed. It was also common that family decorated the tombs to honour the deceased.⁶⁷ In some cases, the tombs would be cleaned and anointed as well.⁶⁸ Dolansky explains that it was clear that the Parentalia concerned a spectrum of kin.⁶⁹ The rites commemorated relatives that had died many years ago like grandparents and great-grandparents, but they also commemorated those who had passed away recently.⁷⁰

Next to the obvious practice of dining, offerings of food were made to the deceased themselves. Edwards argues that these feasts were quite important.⁷¹ She mentions that many individuals left money in their wills which should be used to organize ceremonial meals beside the tomb. Some tomb complexes show the existence of kitchen areas that could be used for the preparation of these meals. Edwards also argues that the funerary dinner parties often contain a reminder of one’s mortality.⁷²

⁶⁵ C. Edwards, *Death in ancient Rome* (London 2007) 164-166.

⁶⁶ F. Dolansky, “Honoring the family dead on the Parentalia: Ceremony, spectacle, and memory.” *Phoenix* 65 (2011) 125–157, @ 128.

⁶⁷ Erasmo, *Death*, 123-124; Dolansky, “Honoring the family dead on the Parentalia”, 137.

⁶⁸ *Ibidem*.

⁶⁹ Dolansky, “Honoring the family dead on the Parentalia”, 130.

⁷⁰ *Ibidem*.

⁷¹ Edwards, *Death in ancient Rome*, 164-166.

⁷² Edwards gives two examples of this phenomenon. The first example is “a mosaic from a Pompeian house that depicts a skeleton holding jugs of wine”. A second example is a silver cup that was found at Boscoreale in Italy

Just like with the correctly performed funeral, we see that the feasts and commemorations are elements where the ritual and juridical order can intertwine. The practices of the feasts and commemorations are ritual customs and belong to the ritual order. But it could also be related to the juridical order because the successors are obliged to commemorate the deceased.

1.2 What can go wrong?

We have looked at what the Romans believed to be a proper death. Let us now turn to what could go wrong. Within this part we will look at the elements of a proper death, that we previously discussed, and we will discuss possible social, ritual and juridical transgressions and what the possible consequences of these transgressions could be.

Dying at the wrong time

Dying at the wrong time mostly meant that the person had an unfinished life which could be caused by multiple factors. “Unfinished lives” is a term that has quite a broad meaning because it involves everyone who died before it was their time. Virgil had written about the different groups of this category within his work the “*Aeneid*”. In this epic poem (29-19 BCE.) the most relevant part is written in Book 6 where Aeneas was asked to visit the Underworld by his father. Virgil’s depiction of the Underworld is as follows and is often cited to convey more generally accepted Roman notions of the horrors of such a place.⁷³

At once are heard voices and wailing sore—the souls of infants weeping, whom, on the very threshold of the sweet life they shared not, torn from the breast, the black day swept off and plunged in bitter death. Near them were those on false charge condemned to die. Yet not without lot, not without a judge, are these places given: (...) The region thereafter is held by those sad souls who in innocence wrought their own death and, loathing the light, flung away their lives. How gladly now, in the air above, would they bear both want and harsh distress! Fate withstands; the unlovely mere with its dreary water enchains them and Styx imprisons with his ninefold circles.⁷⁴

which is decorated with skeletons. The cup contains inscriptions that exhort revellers to seize the moment.; *Ibidem*.

⁷³ N. Horsfall, *Virgil, 'Aeneid' 6: A commentary* (Berlin; Boston 2013) 13-28.

⁷⁴ Virgil, *Aeneid* 6.426-439. Loeb Classical Library. Translation by H. R. Fairclough (Loeb Classical Library).

The first group that Virgil mentions, which is also the most obvious one, include babies or young children. However, even adults could die before it was their time.⁷⁵ Dying before marriage was part of an unfinished life and this was true for both men and women.⁷⁶ A violent death also meant that the deceased died before their time. Violent deaths included those who died in battle, executed criminals, murder victims and those who committed suicide.⁷⁷ Earlier was mentioned that soldiers could die a noble death if they sacrificed themselves for the state. However, the law states that those who attempted to kill themselves for other reasons were seen as dishonourable and were (if they failed in killing themselves) put to death.⁷⁸ The difference between a “good” and “bad” suicide may need some further explaining.

Earlier we briefly discussed suicide and that in some cases it was considered an act of bravery. Hope explains that: “A “good” suicide was one that had valid motives and was bravely met”.⁷⁹ If death was inevitable, the individual could take control of one’s own death, to avoid the loss of reputation, further grieve to his family and the risk that the body could be abused after death. Suicide was therefore considered a thoughtful act and it was not the result of “mental imbalance or illness”.⁸⁰ Hope argues that suicide could be seen as a matter of elite honour and privilege, because it formed “a reasoned and rational choice to destroy the self” which was seen as the ultimate means of self-definition.⁸¹

Now with “good” suicide there is also “bad” suicide. There were conflicting beliefs and opinions, within the ancient world, about a voluntary death (*mors voluntaria*).⁸² The Romans believed that the souls of suicide victims became restless and formed a part of the disgruntled dead. Just like gladiators, criminals and traitors the people who committed “bad” suicide received a punishment during their lives, which meant their death sentence, but their bodies also did not receive the proper funeral after death.⁸³ In this case, we see that a violent death is caused by juridical transgressions. Those people did not act according to the law. Therefore, (and in case of a failed attempt suicide) were put to death. However, their punishment meant that they would not be buried (juridical) and would not receive the proper rites (ritual).

⁷⁵ Hooff van, *Sterven in stijl*, 63-64.

⁷⁶ D. Ogden, *Magic, witchcraft, and ghosts in the Greek and Roman worlds: A sourcebook* (Oxford 2002) 146.

⁷⁷ Virgil, *Aeneid* 6.426-439. Loeb Classical Library. Translation by H. R. Fairclough (Loeb Classical Library).

⁷⁸ Digesta, 48.19.38.12.

⁷⁹ Hope, *Death in ancient Rome*, 34.

⁸⁰ *Ibidem*, 32.

⁸¹ *Ibidem*, 10.; Hope, *Roman death*, 44; Hooff van, *Sterven in stijl*, 97-102; A. J. L. Hoof van, *Zelfdoding in de antieke wereld: Van autothanasia tot suicide* (Nijmegen 1990) 195-202.

⁸² Hope, *Death in ancient Rome*, 10.; Hope, *Roman death*, 44; Hooff van, *Sterven in stijl*, 97-102; A. J. L. Hoof van, *Zelfdoding in de antieke wereld: Van autothanasia tot suicide* (Nijmegen 1990) 195-202.

⁸³ Digesta, 3.2.11.3.; Digesta, 48.19.38.12.; Digesta, 48.24.1.; Digesta, 48.24.2.

Now dying at the wrong time and having an unfinished life had some negative consequences for the souls of the deceased. According to Ogden, the souls of those who died before marriage became restless. Those belonging to women were regarded as particularly bitter.⁸⁴ He argues that marriage and motherhood were considered a women's defining rights in antiquity. The restless souls that became the bitterest ghosts were the ones that died a violent death like murder victims and those who committed suicide. Those who died violent deaths are examples of souls that became restless due to "juridical transgressions". They all include cases where the laws have been broken and those who became restless could either be the victims or the "criminals" who were put to death. We will discuss the restless souls with unfinished lives further within the next chapter.

Dying at the wrong time and more specifically a violent death usually falls under the category of juridical transgression. However, if someone is not buried because of a violent death, we see that this could also cause ritual transgression.

Not making a will

Making a will was important, but it mostly served the successors and family of the deceased. The will ensured that the belongings and property of the deceased were passed down to the right person within the family. In this case the will was therefore more useful/valuable for the next of kin than it was for the deceased. There are no accounts that the souls of those who did not make a will became restless.

Even though a will is a legal document and belongs to the juridical order, it is not mandatory to make a will. This means that it does belong to the category of juridical transgression.

An incorrectly performed funeral

Lack of Burial

For the family members of the deceased, it was a sacred duty to pay attention to the family tombs and perform funerary rites.⁸⁵ For those who were not buried, and therefore did not receive the proper burial rituals, the result was that the soul could not rest. The cause of death does not matter in this case. The burial itself, the insertion of the corpse into a hole in the ground and the concealment of the body, was a very important feature and was often

⁸⁴ Ogden, *Magic, witchcraft, and ghosts in the Greek and Roman worlds*, 146.

⁸⁵ D. G. Kyle, *Spectacles of death in ancient Rome* (London 2012) 96-99.

presented as the main obstacle to the peace of the soul.⁸⁶ Ogden, on the other hand, argues that being buried and having the right funeral rituals was more of a package deal, where the rites were just as important as the burial itself.⁸⁷ This is also reflected in the idea of "*locus religiosus*" as burial and proper rituals are two criteria to obtain this status.⁸⁸ There could be different reasons as to why someone remained unburied: They could be murdered and disposed of, or sometimes the individual died away from family or they died at sea.⁸⁹

Death away from family or dying on foreign shore was commonly feared. This is also apparent from the fact that this was part of the punishment that outcasts and criminals received. The punishment included "the removal of all the usual norms of death, burial and remembrance".⁹⁰ No loved one could be present "to catch the final breath, to wash the body and to bury it properly".⁹¹ Next to the outcasts and criminals, soldiers also formed a group who were at risk to die away from home. Hope mentions that it was only a minority who confronted such terrible end. If such a "bad" death occurred, it was common that the remains were returned home so it was still possible to properly bury and mourn the dead later on.⁹²

When we consider the fear of not being properly buried, a shipwreck and death at sea could become quite problematic and was thus dreaded. The dead were left unburied and were deprived of the essential niceties that belong to a proper funeral. Hope explains that the beliefs that involved the soul differed quite a bit. Some believed that a body was properly disposed of when it was lost at sea because the bones did not lie above the earth, but others might not have been convinced of this idea and feared that the body would wash ashore.⁹³

So, the lack of a burial belongs to both ritual and juridical transgressions, because if you are not buried (juridical transgression) you could not have received the proper burial rites (ritual transgression).

Lack of grave gifts/funeral rites

Previously I briefly mentioned that a coin was a usual grave gift that was given to the deceased. After dressing the dead, a coin was placed in the mouth of the deceased. This coin was believed to be needed to pay Charon, the ferryman, in order to cross the river Styx or

⁸⁶ Ogden, *Magic, witchcraft, and ghosts in the Greek and Roman worlds*, 146.

⁸⁷ *Ibidem*.

⁸⁸ Hincker "Le tombeau, le mort et son corps", 261; 262.

⁸⁹ Ogden, *Magic, witchcraft, and ghosts in the Greek and Roman worlds*, 146.

⁹⁰ Hope, *Roman death*, 60.

⁹¹ *Ibidem*.

⁹² *Ibidem*.

⁹³ *Ibidem*.

Acheron into the afterlife.⁹⁴ However, we should keep in mind that the coins may have represented different things for different people.⁹⁵ Though it may be unclear whether every coin within the burial context was related to the belief in Charon, the coin is mentioned within ancient literature. Propertius mentions that: “after the ferryman has received his coin, the way stands fast in inexorable adamant”.⁹⁶ From this statement (and we can take this at face value) it becomes clear what happens if you have a coin with you, you pass into the afterlife. Juvenal, on the other hand, gives an example of what happens if the deceased does not carry this coin with him.

Every corpse, crushed indiscriminately, will disappear, exactly like its soul.
Meanwhile the household is oblivious. (...) but their master is already a newcomer sitting on the bank, shuddering at the hideous ferryman. The wretched man has no hopes of a bark across the muddy torrent, because he does not have a coin in his mouth to offer.⁹⁷

The coin means a safe passage and when one does not have a coin to pay the ferryman, they strand on the bank of the river. Here too, this aspect of the passage about the belief that a coin was necessary may be interpreted quite literally. The ancient text does not particularly mention that those who cannot pay the ferryman become restless souls. However, the fact that the dead cannot cross the river does indicate that they dwell on the wrong side of the river and Virgil mentions that those who wander on the wrong side become restless.⁹⁸ The coin, as well as other grave gifts, are part of ritual rules/customs, so in this case the souls become restless due to a “ritual transgression”.

The coins are one kind of grave gift, but as mentioned before there are quite a few things that could be offered during and after the funeral. Now there is not one particular gift or rite, except for the coin, which is specifically mentioned as necessary. But Propertius and Lucian both talk about souls that they depict to become restless because they were unsatisfied

⁹⁴ Toynbee, *Death and burial in the Roman world*, 44; L. Brown, *Charon's Obol? An archaeological study of the role of coins in Roman burial ritual (with case studies from Roman Italy, Germany, Britain and Unconquered Scandinavia)* (diss. The University of Edinburgh 2013) 4.

⁹⁵ C. W. King, *The living and the dead: Ancient Roman conceptions of the afterlife* (Diss. The university of Chicago 1998) 134.

⁹⁶ Propertius, *Elegiae* 4.11.7-8. Loeb Classical Library. Translation by G. P. Goold (Loeb Classical Library).

⁹⁷ Juvenal, *Saturae* 3.264-267. Loeb Classical Library. Translation by S. M. Braund (Loeb Classical Library).

⁹⁸ Virgil, *Aeneid* 6.328-331. Loeb Classical Library. Translation by H. R. Fairclough (Loeb Classical Library).

with the grave gifts or performed rites.⁹⁹ We will discuss this and the other aspects of an incorrect performed funeral further within the next chapter.

The lack of grave gifts and funerary rites belong to the category of ritual transgression. However, as we have discussed earlier, receiving the proper rites was a legal obligation in order to receive the status of “*locus religiosus*”. So, if no rites were performed, we see a combination of both ritual and juridical transgressions.

No feasts/commemoration

The last things we will discuss are the lack of funeral feasts or commemorations for the dead. The feasts and commemorations are an important part of the funeral, which is also shown through their frequent mentioning within the last wills. But what was to happen if one of those or both are not performed properly? Ovid tells us about what – at least in his narration - would happen if the dead were not commemorated according to the “norm”.

They did neglect the All Souls’ Days. The negligence was not unpunished; (...) They say, though I can hardly think it, that the ancestral souls did issue from the tombs and make their moan in the hours of stilly night; and hideous ghosts, a shadowy throng, they say, did howl about the city streets and the wide fields.¹⁰⁰

Ovid narrates here that the souls of those who died did become restless when the living neglected to commemorate them on the day they were supposed to. So, the souls became restless due to a “ritual transgression” as the feasts and commemorations are part of ritual rules. When these rules were neglected a punishment, in the case of the story carried out by the restless dead, followed. Though Ovid talks what happened in detail, he also seems a bit sceptic of the idea that the souls came from their tombs.¹⁰¹

Earlier we have discussed that the feasts and commemorations are elements where the ritual and juridical order can intertwine. So, the lack of those practices belongs to both ritual and juridical transgressions.

⁹⁹ Propertius, *Elegiae* 4.4.7.1-34. Loeb Classical Library. Translation by G. P. Goold (Loeb Classical Library); Lucian, *Philopseudes* 27. Translation by V. M. Hope.

¹⁰⁰ Ovid, *Fasti* 2.545-555. Loeb Classical Library. Translation by J. G. Frazer (Loeb Classical Library).

¹⁰¹ Robinson explains that Ovid did not give any indication as to when this event took place. He argues that, due to the absence of such historical detail, the narrative gets a more “folk-tale” character instead of “antiquarian learning”. The focus lies therefore more on the horror of the story than on the history itself.; Robinson, *A commentary on Ovid’s Fasti, book 2* (Oxford 2011) 345.

1.3 Partial conclusion

Within this chapter we have looked at the elements of both a “good” and a “bad” death. So, what do these elements mean in relation to the social, ritual and juridical order?

Are there hard boundaries between the social, ritual and juridical order or are there elements that can be placed within different categories? When we look at the categories social, ritual and juridical we can see the following. Dying at the right time could sometimes be seen as a part of the social order. This is only the case when people have control over the situation. If you can choose to die a noble death, then it is expected that you take your own life (a “good” suicide). If one decides not to do this, he will not die a noble death and this could be looked down on. When we look at unfinished lives, we have seen that dying prematurely and dying before marriage cannot be placed within one of the categories. It might not be ideal if one dies young, but you do not have control over this situation (for further explanation see note 110).

An unfinished life due to a violent death, however, can be placed within the categories. The people that died a violent death were mostly criminals, traitors and “bad” suicide victims. Those people did not follow the juridical rules and therefore they were either put to death or punished after their death by denying their right to be buried. In the first place, these deaths are examples of juridical transgressions. But on the other hand, their punishment (no burial) has both juridical as ritual roots. It is one’s legal right to be buried and to receive the proper burial, which means that the right rituals must be performed. Only then can a grave gain the protected status of “*locus religiosus*”. So not being buried (juridical) and not receiving the right rituals (ritual) is more of a package deal where B cannot exist without A.

An (in)correctly performed funeral mostly fits within the category of “ritual order/transgression”. The specific rituals that we have discussed are ritual “rules” that maintain the ritual order. However, there are cases where ritual and juridical rules intertwine when the ritual rules are accompanied by legal rules that limit the extent of these rituals.

When we look at someone who died “good” and received a “proper” burial, we see that all kinds of formal and informal rules have been followed. Some people, however, died before their time or did not receive a proper burial. So, their death and the treatment of the body after death did not follow what was considered as “normal”. The souls of those who had an unfinished life or did not receive a burial were believed to become restless. It is interesting to see that when people follow the rules of a “proper” death no problems arose, but when something goes wrong one’s soul becomes restless. A restless soul could, therefore, be seen as a form of punishment because they are created by transgressions. In this case, the fear of not

receiving a “proper” death and possibly becoming restless could have motivated people to stick to the laws, etiquettes and traditions that belong to the norms of the social, ritual and juridical order.

2. The haunting dead

So ghosts do exist: death is not the end of all,
and a pale shade vanquishes and escapes the pyre.¹⁰²

Whether people believed that the soul could continue after death or not and to what extent they commemorated them, the dead were present in many aspects of society. The dead were a part of the past and the past was represented in all kinds of things, like memories, buildings, tombs and rituals. As we have discussed in the previous chapter, there were some traditional and formal rules, etiquettes and rituals that created boundaries that could separate the living and the dead and were supposed to control the amount of contact that the living had with the dead. There was a belief that those who passed away were sometimes able to cross these created boundaries, due to a wrong death or improper burial (in other words due to social, ritual and/or juridical transgressions). This belief formed the basis for some popular stories involving the dead. Stories involving ghosts that surrounded restless souls were often told, though it is not always clear whether people believed in their existence. The stories about the restless souls were a form of entertainment and were often dramatic, yet they also played on superstition, uncertainties and doubts about the fate of the dead.¹⁰³ The ghost stories also form an important genre in relation to the social, ritual and juridical order, because they tell the stories of those who did not behave according to the “norm”.

The afterlife forms an important part in the understanding of restless souls. Restless souls and ghosts can exist if there is something beyond death, just like Propertius mentions above. For those who died a “good” death (who followed all the social, ritual and juridical rules), the afterlife brought peace. Those who died before their time or that did not receive a proper burial (so who committed transgressions) encountered difficulties in their journey to the underworld. Again, a passage from the well-known *Aeneid* by Virgil:

Aeneas cries: “Tell me, maiden, what means the crowding to the river? What seek the spirits? By what rule do these leave the banks, and those sweep the lurid stream with oars?” To him thus briefly spoke the aged priestess: “(...) All this crowd that you see is helpless and graveless; yonder ferryman is Charon; those whom the flood carries are

¹⁰² Propertius, *Elegiae* 4.4.7.1-2. Loeb Classical Library. Translation by G. P. Goold (Loeb Classical Library).

¹⁰³ Hope, *Roman death*, 112-119.

the buried. He may not carry them over the dreadful banks and hoarse-voiced waters until their bones have found a resting place.”¹⁰⁴

Virgil narrates that the souls of those who did not receive a proper burial were not able to cross the river and were confined to the “living-side bank”. When we look at what happened to the souls of the so called “unfinished lives”, we see that they experience a different problem. Virgil mentions that these souls are able to cross the river, but they strand on the “death-side bank”.¹⁰⁵ Though they were able to cross the river, they could not enter the underworld.¹⁰⁶ The souls of both categories become restless and K. Kopchinski explains that the deceased are believed to be in a state of limbo, where they would always be striving to complete the journey to the underworld.¹⁰⁷ This is where the ghost stories come to play. As mentioned in the introduction this thesis argues that it is worthwhile to see them as a genre of ‘campfire stories’ and to discuss them as a series of stories of which the core reflected norms, values and fears – showing what was transgressive behaviour and the consequences of this behaviour.

2.1 Ghost stories

The ghost of Cynthia

I dreamt that Cynthia, who had lately been buried to the drone of the funeral trumpet, was leaning over my bed (...) ‘Treacherous one, from whom no girl can expect better, can sleep so soon have power over you? (...) But no one cried aloud upon my eyes at my passing: (...) No watchman rattled his cleft reed for my sake, and a jagged tile gashed my unprotected head. Besides, who saw you bowed with grief at my funeral or your suit of mourning warmed with tears? If it irked you to accompany the cortege beyond the gates, still you might have bade my bier move more slowly to that point. Why, ungrateful man, did you not call the winds to fan my pyre? Why was my funeral fire not perfumed with spice? Was it then too much to cast hyacinths upon me, no costly gift, and to hallow my grave with wine from a shattered jar?’¹⁰⁸

¹⁰⁴ Virgil, *Aeneid* 6.295-330. Loeb Classical Library. Translation by H. R. Fairclough (Loeb Classical Library).

¹⁰⁵ Virgil, *Aeneid* 6.425-440. Loeb Classical Library. Translation by H. R. Fairclough (Loeb Classical Library).

¹⁰⁶ Ogden, *Greek and Roman necromancy*, 226.

¹⁰⁷ K. Kopchinski, *Boundaries and religion in Propertius book 4* (diss. University of Kansas 2018) 28-35.

¹⁰⁸ Propertius, *Elegiae* 4.7.1-34. Loeb Classical Library. Translation by G. P. Goold (Loeb Classical Library).

Propertius tells the story of his passed lover Cynthia and how she appeared to him as a ghost after her burial. When analysing this story, we should keep in mind not only the difficulties when interpreting Propertius but also elements of a good and bad death that we discussed in chapter one. Within the story it is mentioned that Cynthia was buried so a lack of burial does not apply here. The ghost of Cynthia however complains about the lack of funeral rites and meagre grave goods. Propertius did not cry out Cynthia's name when she passed and even worse, he did not attend the funeral procession and therefore did not show his grieve. In the last part that is cited above, Cynthia complains about the lack of gifts like spices, hyacinths and wine.¹⁰⁹ So going back to the categories discussed within chapter one, Cynthia became restless because she was unsatisfied with her funeral. Within chapter one we have looked at the etiquettes and "rules" surrounding death and funerals and one of those rules was that the family of the deceased is responsible for performing the proper burial rites. Propertius made sure that Cynthia was buried and he perform certain rites and did give grave gifts, so he did follow the juridical rules. However, Cynthia complains that Propertius did not mourn enough and did not give enough grave gifts. According to the ritual rules, he may have needed to perform more rites and give more grave gifts. Without simplifying the background to this specific passage, the image created by Propertius here in as far as relevant to this research is: Propertius did not follow the practices that belong to the ritual "norm" and this caused Cynthia's soul to become restless and seek some form of justice by haunting Propertius.¹¹⁰ In short, this story focuses on ritual transgressive behaviour.

¹⁰⁹ Hutchinson argues that Cynthia's complaints are fired by jealousy and that this elegy presents an "unromanticised portrait" of Cynthia. The poem belongs to the theme "love poetry" which Propertius often wrote about, especially within his previous books. Hutchinson also argues that the elegies in book IV "consist mostly of narrative or of speeches put into the mouth of some character other than the poet. One influence on these character speeches has been that of the *prosopopoea*, an exercise in characterization that was practiced in the schools of rhetoric."; G. O. Hutchinson, *Elegies: Book IV* (Cambridge 2006) 2; 115.

¹¹⁰ There is a possibility that Cynthia became restless due to an unfinished life. However, this is not clear because the text does not specifically mention whether she was married or not. If a woman died before marriage, her soul could become restless. Dying before marriage may be unwanted, but there are no ritual or juridical rules that prohibit people from dying before they are married, most likely because one cannot always control whether they die young or not. The theme of a restless soul caused by death before marriage as well as the restless souls of babies and children are themes that, as far as we know, do not appear in the ghost stories. This is probably because the ghost stories are based on transgressions and dying young and dying before marriage cannot be specifically linked to either social, ritual or juridical transgressions.; J. Wallis, "Marriage and the elegiac woman in Propertius 3.12." *Ramus* 40 (2011) 106-129.

The ghost of Demainete

A ghost story that has the same premise as Propertius's comes from Lucian's "*Philopseudes*".¹¹¹ The precise date in which this story was written is unknown, but it would possibly have been between 160-180 CE. We must keep in mind that Lucian is a satirical writer and therefore his writing often include a form of criticism.¹¹² However, this passage can for our purposes be interpreted as will follow below.

I showed my devotion in everything I did for her, not only while she was alive, but even when she died, burning all her jewellery together with the clothes she had liked when she was alive. On the seventh day after she died, I was lying here on this couch, just as I am now (...) While I was thus engaged, Demainete herself came in and sat down nearby, (...) I embraced her, and weeping, wailed aloud. But she did not allow me to cry, and instead rebuked me because, although I had freely given everything else to her, I had neglected to burn one of her gilt sandals with the other. It had fallen under the wooden chest, and because of this we did not find it, and had burned only the one. We were still talking when that damned little dog, the Maltese one, barked from under the couch, and she vanished at his bark. But I did indeed find the sandal under the chest, and burned it later".¹¹³

This story explains that Eucrates' wife, Demainete, appeared to him after her burial.¹¹⁴ Now this story explicitly mentions that Demainete was his wife and the mother of his children so she could not have become restless due to an unfinished life that was caused by death before marriage. When she appeared Eucrates wanted to greet her, but she started scolding him because he forgot to burn one of her gilt sandals. Eucrates explains that he had given her everything that she could have wanted and burned her jewellery and clothes that she liked

¹¹¹ Lucian is a Greek writer who originates from Samosata (Located within modern Turkey). However, we will use his work within this research because Samosata became part of the Roman Empire around 72 CE.; Britannica, T. Editors of Encyclopaedia. "Samsat." *Encyclopedia Britannica*, August 9, 2013. <https://www.britannica.com/place/Samsat>.

¹¹² D. Ogden, *In search of the sorcerer's apprentice: The traditional tales of Lucian's "Lover of Lies"* (Wales 2007) 1-5.

¹¹³ Lucian, *Philopseudes* 27. Translation by V. M. Hope.

¹¹⁴ Ogden argues that there are two ways in which we could interpret this story. The first interpretation is that the actual ghost of Demainete visits Eucrates and that she flees after she hears the dog barking, possibly because she associated the dog with Cerberus. Ogden argues that the second interpretation is more cynical. Eucrates lies on the couch while reading. He may have fallen asleep and the ghost of Demainete manifests itself in the form of a dream vision. The moment that the dog starts barking, Eucrates wakes up and the vision of Demainete is lost.; Ogden, "Eucrates and Demainete: Lucian, *Philopseudes* 27-8" *Classical Quarterly* 54.2 (2004) 484-493, @489-490.

when she was still alive, but he could not find the second sandal, so he only burned one. That Demainete appeared to him angry about the fact that he did not burn the other sandal shows us that she became restless because she was unsatisfied with her grave gifts and therefore not all the ritual “rules” were followed. This story closely resembles the one above. Even though the two authors have different purposes, and the readings of their works should be undertaken in different ways, what is important here are the similarities in the ways the ghosts are narrated as they may give an indication of wider ranging ideas in Roman times.

Just like the story of Propertius, this one focusses on ritual transgressive behaviour.

Haunted by the emperor?

Suetonius tells the story of the emperor Gaius Caligula who was murdered (juridical transgression). His corpse was brought to “the gardens of the Lamian family where it was thrown onto a pyre and eventually was buried beneath a light covering of turf”.¹¹⁵ Now here it is already clear that, even though the deceased was buried, it did not receive the right burial rites or grave gifts. This also means that the grave did not receive the status of “*locus religiosus*” because one criterion (giving the proper ritual rites) was not fulfilled so this also belongs to both a ritual and juridical transgression. Suetonius continues the story and explains that the gardens’ caretakers were disturbed by ghosts. It was also known that every night a terrifying apparition appeared within the house where he was killed until the house was destroyed by a fire.¹¹⁶ Suetonius’ work is extremely normative about what ‘good’ and ‘bad’ behaviour of an emperor is. Within this story we see that unwanted behaviour (in this case both ritual and juridical transgressions) can lead to a form of punishment.

The haunted house

The Roman author Plautus also tells a story about a house that is haunted by a restless soul. His work “*Mostellaria*” is a comic play written between 254-184 BCE. and takes place in Athens. However, we will still use Plautus’ work within this research because Plautus is a Roman playwright.¹¹⁷ B. S. Duke describes and analyses the “*Mostellaria*”, within his thesis,

¹¹⁵ Suetonius, *De vita Caesarum* 4.59.; The place of the burial is not exactly random. Lindsay explains that these gardens were became “part of the early development of an imperial domain and Caligula is said to have enjoyed spending time in them”. Lindsay, *Suetonius: Caligula* (London 1993) 170.

¹¹⁶ *Ibidem.*; Lindsay argues that we have to keep in mind that “Suetonius seldom cites historical authorities in the *De Vita Caesarum*, and it is usually difficult to identify his sources”.

¹¹⁷ G. F. Franko, *Plautus: Mostellaria* (London; New York; Dublin 2022) 1-6.

in comparison to other ancient texts on ghosts.¹¹⁸ He firstly explains that Plautus had incorporated some Roman elements (like the Latin language) within this play in order to “make it more relatable to Plautus’ predominantly Roman audiences”.¹¹⁹

Let us now briefly look at the background of the story. It contains four important characters that are relevant to us: Theopropides, Tranio, Philolaches and Diapontius. Theopropides is a wealthy merchant who had been away for three years. Tranio is his servant and Philolaches is Theopropides’ son. Tranio must serve the son in his master’s absence, but during this time he has led the son astray in terms of morality and good judgement. The play begins with the event where Philolaches, encouraged by Tranio, spent all his father’s money, leaving him in dept. Theopropides returns unexpectedly and Tranio, in order to hide the ongoing party that is hosted by the son, tells him that he cannot enter his house because it is haunted by a ghost.

“I am a visiting traveller from across the sea, Diapontius by name. Here I dwell; this place had been given to me as a home. For Orcus refused to accept me into the Land of the Dead, because I lost my life prematurely. I was too trusting: my host killed me here, and buried me secretly, without the proper rites, here on these premises, a criminal act, for the sake of gold. Now leave this place! This building is cursed, this dwelling is polluted by crime.”¹²⁰

Tranio explains that the ghost appeared to Philolaches in a dream and told him about his death. Duke, as well as Felton, argue that Plautus used the format of the haunted house because this is familiar to the Roman audience. Felton argues that the comedic effect of this story depends on the audience’s familiarity with these ghost stories. Tranio confuses two types of ghosts and, due to the audience’s knowledge of this theme, this creates a source of humour.¹²¹

Just like the story of Suetonius, this one explains that the ghost haunts the house because he was murdered. Plautus explains that Diapontius died prematurely, was killed by

¹¹⁸ B. S. Duke, “*Giving up the ghost in ancient Roman literature*”: *A comparative discussion of the ghosts in selected texts from Plautus, Virgil, Ovid, and Pliny the Younger* (MA thesis Stellenbosch University 2019) 34.

¹¹⁹ *Ibidem*.

¹²⁰ Plautus, *Mostellaria* 496-505. Translation by V. M. Hope.

¹²¹ The two types are that of the “dream-ghosts” and the “waking ghosts”. The dream ghosts come in ones sleep and the waking ghosts come when one is awake. The “waking ghost” was mostly associated with haunted houses, and they could only be seen by the living in the presence of a lit lamp.; Duke, “*Giving up the ghost in ancient Roman literature*”, 27; 35; 54.; Felton, *Haunted Greece and Rome*, 57; 58.

his host (juridical transgression) and was buried without the proper rites (ritual transgression). If we look at the factors that could cause a soul to become restless, we find that this story contains a violent death, a death before their time and a lack of proper burial rites. So, within this story we see examples of both juridical and ritual transgressions. When we go back to the story itself, it is interesting to see that Tranio makes up a ghost story, including almost everything that can go wrong during/after dying.

Cicero's dream

Both the stories of Suetonius and Plautus tell a story of a restless soul that haunts the house in which it was killed. The next 'campfire story', which is here interpreted as such, is taken out of context of the extremely complex *De Divinatione*. Cicero wrote of a dream about two friends from Arcadia (Probably written around 44 BCE.). This dream, like the stories of Suetonius and Plautus, mentions a restless soul caused by both an unfinished life and a lack of burial.¹²²

The second traveller, in the dead of the night, dreamed that his companion was imploring him to come to his aid, as the innkeeper was planning to kill him. Greatly frightened at first by the dream he arose, and later, regaining his composure, decided that there was nothing to worry about and went back to bed. When he had gone to sleep the same person appeared to him and said: 'Since you would not help me when I was alive, I beg that you will not allow my dead body to remain unburied. I have been killed by the innkeeper, who has thrown my body into a cart and covered it with dung. I pray you to be at the city gate in the morning before the cart leaves the town.' Thoroughly convinced by the second dream he met the cart-driver at the gate in the morning, and, when he asked what he had in the cart, the driver fled in terror. The Arcadian then removed his friend's dead body from the cart, made complaint of the crime to the authorities, and the innkeeper was punished.¹²³

Now this story starts with the explanation that the companion was killed (a violent death and a juridical transgression) and that his body was left unburied (both juridical and ritual

¹²² Schultz argues that it is not clear which sources Cicero used and within the story we do not find any link with known individuals or to a specific time. However, she argues that the "vividness and clarity compensates for its other shortcomings". Schultz, *Commentary on Cicero De Divinatione I* (Ann Arbor 2014) 131.

¹²³ Cicero, *De Divinatione* 1.27.57. Loeb Classical Library. Translation by W. A. Falconer (Loeb Classical Library).

transgressions). The interesting thing about this story, in comparison to the others, is that the restless soul of the companion asks his friend for help. This is in line with the idea that the restless dead are constantly trying to complete the journey to the afterlife. By begging his friend not to leave his body unburied he indicates that he most likely wants his soul to be laid to rest. We will discuss the possibility of laying restless souls to rest within the next chapter in more detail. When we look at this story from the perspective of social order, we can see an interesting phenomenon. The friend was murdered and his restless soul comes back to tell the Arcadian who had killed him. By doing this the Arcadian was able to report the innkeeper's crime, in this case murder, to the authorities. In a way, this story could indicate that one should not perform unwanted behaviour, like murder, because there is always the possibility that a restless soul could come back to expose your crime.¹²⁴

To conclude, this story includes both ritual and juridical transgressions and the consequences of this unwanted behaviour.

2.2 The reputation of the restless souls

Belief is a complicated phenomenon.¹²⁵ It builds upon personal preferences that are often influenced by one's family, their age, gender, social status and even where they live. Not everyone will have believed the same things, neither nowadays nor during the Roman times.¹²⁶ When we look at the ghost stories, we see the same thing. Some people would have believed in the existence of restless souls. Like we have seen above, the ancient authors often mention the presence of restless souls within their works. Nevertheless, there are also people who are sceptical about these ghost stories.

So I should very much like to know whether you think that ghosts exist, and have a form of their own and some sort of supernatural power, or whether they lack substance and reality and take shape only from our fears.¹²⁷

¹²⁴ C. J. Fuhrmann, *Policing the Roman Empire: Soldiers, administration, and public order* (Oxford 2011) 46-49.

¹²⁵ Ideas relating to belief in antiquity cannot be done justice here, but see for two important contributions: P. Veyne, *Did the Greeks believe in their myths?: an essay on the constitutive imagination* (Chicago 1988); H.S. Versnel, *Coping with the Gods: Wayward Readings in Greek Theology* (Leiden 2011) Appendix 4.

¹²⁶ Hope, *Death in ancient Rome*, 211-212; Hope, *Roman death*, 112-115; King, *The living and the dead*, 19-20.

¹²⁷ Pliny the Younger, *Epistulae* 7.27.1-2. Loeb Classical Library. Translation by B. Radice (Loeb Classical Library).

In this letter, Pliny wrote to his friend Lucius Licinius Sura and asked him whether he believed in the existence of ghosts and what their nature might be. Pliny mentions that he does believe in their existence, but he also mentions the possibility that they are shapes that arise from our own fears. This last part is a topic that has been explored by some modern scholars.¹²⁸

2.3 Partial conclusion

When we look back at the stories that we have discussed above, we can see that the topics of murder and the lack of a proper burial are often mentioned. This is explainable because both have their roots in unwanted behaviour (ritual and juridical transgressions). Wanted and unwanted behaviour have everything to do with prevailing norms and values within a society, which are important for maintaining a societal equilibrium. That murder is a juridical transgression (and therefore unwanted behaviour) is quite straightforward, but to deny burial was in conflict with all the standard juridical and ritual norms. The lack of a proper burial caused that both the deceased and their family were debarred from what was expected in terms of affection, duty and human decadence.¹²⁹ This denial of a proper burial, as was mentioned within chapter one, was also a part of a process of punishment and retribution. The dead who did not receive a proper burial, or who had unfinished lives, became restless.

Let us briefly turn to the different categories discussed. If we look at specifically ritual transgression, we see that the ghosts argue that they did not receive enough grave goods or commemorations. But what we also see, in the majority of the stories discussed, is that multiple transgressions are mentioned instead of just one. This is usually a combination of both ritual and juridical transgressions. In the case of the stories discussed, this is a logical connection. If someone has been murdered (juridical transgression) then this person has also not received a proper burial (ritual transgression) or sometimes they were not buried at all (ritual and juridical transgressions).

The dead were powerless because they did not have control over what happened to their body after they died. However, the connection between restless souls and punishments made that the dead could become powerful symbols in the hands of the living.¹³⁰ The use of

¹²⁸ King, *The living and the dead*, 184; A. M. Bagley, *Roman children in the early Empire: A distinct epidemiological and therapeutic category?* (diss. University of Birmingham 2016) 126; C. Laes, *Children in the Roman Empire: Outsiders within* (Cambridge 2011) 68.

¹²⁹ V. M. Hope, "Contempt and respect: the treatment of the corpse in ancient Rome", in: V. M. Hope and E. Marshall (eds.) *Death and disease in the ancient city* (London 2000) 104-127, @ 119.

¹³⁰ *Ibidem*.

ghost stories was supposed to encourage obedience and prevent disobedience. One should behave properly by providing a proper burial, etc. Otherwise, you will be punished by a ghost.¹³¹ This fear that people could harbour for restless souls made them also quite useful as a policing measure. Measures to fight crime and disorder are good, but it would be even better when such problems could be prevented in the first place.¹³² Fear for ghosts – as reflected in ghost stories - also formed a major role in keeping the social, ritual and juridical order. Someone who, for example, contemplated a murder would wonder whether the victim’s soul would come to plague them later.¹³³

¹³¹ Hope, “Contempt and respect”, 119.

¹³² Fuhrmann, *Policing the Roman Empire*, 46-49.

¹³³ *Ibidem*.

3. Dealing with the dead

They began to dig up the earth with their fingernails and tear apart a dark lamb with their teeth. The blood was poured into a pit, so that they could call forth from it ghosts from the underworld to give them answers.¹³⁴

The belief that the restless souls of the dead could come back to wander around the world of the living or haunt those who did them wrong formed a topic that was regularly told. But what could the people do with, or about, these restless souls? Restless souls were dealt with in different ways within the Roman society. Interaction between restless souls and the living people lead to rectification of procedures that had gone wrong, warning people of doom, but restless souls were also proactively sought out. The fact that people were willing to actively search out restless souls could have had impact on the social, ritual and juridical order.

3.1 Helping the dead

Laying to rest and seeking justice

In Chapter 2, we looked at several ghost stories and some of those stories have touched upon the topics "laying to rest" and "seeking justice". Chapter 2, however, focused more on how these restless souls came to be and how this is reflected in the stories and not on the specific topics of laying to rest and seeking justice. In this chapter we focus on the question of what one could do with/about these restless souls and therefore we will briefly discuss these topics here.

Within the previous chapters we have seen that restless souls are caused by specific factors: Unfinished lives, the lack of burial and/or an incorrect performed funeral. If something went wrong during death or with the burial/funeral after death, was there a possibility to right these wrongs? Pliny the Younger, like others, recounts such an 'event' – which, again, should be seen as a 'campfire story' – within his letters.¹³⁵

In Athens there was a large and spacious mansion with the bad reputation of being dangerous to its occupants. At dead of night (...) the rattle of chains could be heard (...) Then there appeared the spectre of an old man, emaciated and filthy, with a long

¹³⁴ Horace, *Satirae* 1.8. Translation by D. Ogden.

¹³⁵ Pliny the Younger, *Epistulae* 7.27.5-11.; Suetonius, *De vita Caesarum* 4.59.; Cicero, *De Divinatione* 1.27.57.

flowing beard and hair on end, wearing fetters on his legs and shaking the chains on his wrists. The wretched occupants would spend fearful nights awake in terror.¹³⁶

Pliny starts the story by giving a bit of background information about the haunted house. He explains that at night a terrifying apparition appeared that scared the occupants of the house. Later on, Athenodorus was introduced into the story. He decided to rent the house because he was curious about the low price. When it became dark, he started writing because this would keep his mind occupied and therefore, he would “not conjure up the phantom he had heard about nor other imaginary fears”.¹³⁷ At some point during the night, the sound of “clanking of iron and the dragging of chains was heard”.¹³⁸

He looked round, saw and recognized the ghost described to him. It stood and beckoned, as if summoning him. Athenodorus in his turn signed to it to wait a little, and again bent over his notes and pen, while it stood rattling its chains over his head as he wrote. He looked round again and saw it beckoning as before, so without further delay he picked up his lamp and followed. (...) when it turned off into the courtyard of the house it suddenly vanished, leaving him alone. He then picked some plants and leaves and marked the spot. The following day he approached the magistrates, and advised them to give orders for the place to be dug up. There they found bones, twisted round with chains, which were left bare and corroded by the fetters when time and the action of the soil had rotted away the body. The bones were collected and given a public burial, and after the shades had been duly laid to rest the house saw them no more.¹³⁹

Within this story, the restless soul guided Athenodorus to the place where his body was buried. Athenodorus does not lay the soul to rest himself, but he gives notice to the magistrates who later dig up the bones and give them a proper burial.¹⁴⁰ After these rites were performed, the soul was laid to rest and the house was no longer haunted.

¹³⁶ Pliny the Younger, *Epistulae* 7.27.5-11. Loeb Classical Library. Translation by B. Radice (Loeb Classical Library).

¹³⁷ *Ibidem*.

¹³⁸ *Ibidem*.

¹³⁹ *Ibidem*.

¹⁴⁰ A. N. Sherwin-White emphasises that Pliny gets this point, about the burial, right. He further explains that an unknown person could only be buried by the representative of the community.; A. N. Sherwin-White, *The letters of Pliny: A historical and social commentary* (Oxford 1966) 437.

Restless souls are caused by someone dying at the wrong time or by not following the etiquettes/rules that belong to the social, ritual and juridical order. Laying these souls to rest can be seen as a way to correct the mistakes that were made. Restless souls exist due to social, ritual and juridical transgressions and are therefore evidence of social, ritual and juridical disorder. It is for that reason quite logical that the society wanted to ensure that these souls were laid to rest. Perhaps these stories can be seen as a means of motivating people to fix the mistakes that were made regarding death and funerals.

Now we have looked at the topic “laying to rest”, but what about “seeking justice”. When a soul became restless due to an improper burial or because one was unsatisfied with the grave gifts, their haunting could be seen as a form of seeking justice. However, seeking justice can in case of a violent death be seen as a subcategory of “laying to rest”. Within Cicero’s story about the two friends from Arcadia (discussed in the previous chapter), the Arcadian finds his friend’s dead body on the cart, removes it and reports the crime to the authorities. By doing this the innkeeper, who killed his friend, was punished. Avenging the former grievances of the dead was believed to be a service that the living could perform to honour the dead.¹⁴¹ Just like with laying the souls to rest, seeking justice might have been a way to right the wrongs and seek juridical justice. This is most prominently when someone was murdered. Like mentioned in the previous chapter, the idea that a ghost could reveal who had murdered him could deter one from committing any crime in the first place.

3.2 An omen of danger and death

When the restless souls make an appearance, they often bring a message for the living. Most of the time this message contains information about their death and/or the lack of burial or funeral rites. In these cases, the restless souls seem to seek the help from the living in order to complete their journey to the afterlife. There are, however, also cases known where the dead are said to warn the living about an upcoming event.

“And who, pray, can make light of the two following dreams which are so often recounted by Stoic writers? The first one is about Simonides, who once saw the dead body of some unknown man lying exposed and buried it. Later, when he had it in mind to go on board a ship he was warned in a vision by the person to whom he had given

¹⁴¹ C. W. King, *The ancient Roman afterlife: Di Manes, belief, and the cult of the dead* (Austin 2020) 177.

burial not to do so and that if he did he would perish in a shipwreck. Therefore he turned back and all the others who sailed were lost.¹⁴²

Cicero narrates, again as a specific story in a larger context, that within the dream Simonides buried a man who had died.¹⁴³ Later he received a vision of the dead men who warned him about an upcoming shipwreck. Though the text does not explicitly mention a restless soul, it is most likely that the soul of the dead man was restless because he did not receive a burial (because the body was not buried this entails both a juridical and ritual transgressions). By burying the man, Simonides laid his soul to rest. When we look at this story from the perspective of the social, ritual and juridical order, it might have motivated one to lay a soul to rest. In this case Simonides finds a body and buries it, which is accordingly to the ritual and juridical “rules”, and in return the soul of the man warns him of an upcoming shipwreck. This warning might serve as a reward for desired behaviour.

A second story is told by Suetonius. In comparison to Cicero’s story, Suetonius keeps the information a bit vaguer. The story is about Otho who, with the help of conspiracies, managed to kill Galba – something which very much adds to him being a bad emperor, and framed as such by Suetonius. After this event Otho dreams about the ghost of Galba:

It is said that he had a fearful dream that night, uttered loud groans, and was found by those who ran to his aid lying on the ground beside his couch; that he tried by every kind of expiatory rite to propitiate the shade of Galba, by whom he dreamt that he was ousted and thrown out; and that next day, as he was taking the auspices, a great storm arose and he had a bad fall, whereat he muttered from time to time: “With long flutes what concern have I?”¹⁴⁴

Suetonius explains here that Otho was haunted by the shade (ghost) of Galba within his dreams. M. W. Ferguson explains that this story foreshadows the fall of Otho himself. Otho’s reaction to Galba’s apparition is one of fear and possibly remorse for committing both treason

¹⁴² Cicero, *De Divinatione* 1.27.56. Loeb Classical Library. Translation by W. A. Falconer (Loeb Classical Library).

¹⁴³ Schultz and Wardle both argue that this story might have been created to explain some epigrams that are attributed to Simonides. However, Schultz explains that it is unsure whether the story or the epigrams were created first. It is suggested that the story was made first and that the epigrams were written during Hellenistic period “to flesh out the growing biographical tradition”.; Schultz, *Commentary on Cicero De Divinatione I*, 130-131.; Wardle, *Cicero on divination*, 249-250.

¹⁴⁴ Suetonius, *De vita Caesarum* 7.2. Loeb Classical Library. Translation by J. C. Rolfe (Loeb Classical Library).

and murder (juridical transgressions).¹⁴⁵ The fact that he dreams of being overthrown by Galba in the same way he had betrayed him most likely foreshadows his own downfall by another usurper. The last sentence of this story may seem a bit vague but C. L. Murison explains that the meaning of this expression is explained by Cassius Dio within his work “*Historia Romana*”: “This is a colloquial and proverbial expression applying to those who do something for which they are not fitted”.¹⁴⁶ By using this expression, Suetonius emphasizes the over-ambitious nature of Otho’s attempt of overthrowing Galba and it also shows his regret because it later results in his voluntary suicide.¹⁴⁷

This story focusses on juridical transgression by murder and as a punishment Otho is being haunted. Just like other stories, being haunted by a ghost could be seen as a punishment and the possibility of being haunted should prevent people from committing transgressions (in this case murder).

3.3 Using the dead

A source of wisdom

Previously we discussed the possibility that the restless souls could appear to give a warning. In this case the restless diseased decides to appear to the living person. However, there are also cases where the living call upon the dead to gain information. Those who practiced necromancy were able to communicate with the dead. The Romans attributed magic and presumably necromancy to the Persians.¹⁴⁸ The fact that the believed origin lied within Persia might be a reason as to why it gained a “bad” reputation. The Roman state had been anxious about foreign cults, which were associated with divination and other activities where mages were involved.¹⁴⁹ These cults were seen as the hotbeds of revolutionary activities and therefore could form a threat to the equilibrium of society (we will discuss this later within this chapter).¹⁵⁰

When we look at the actual practice of necromancy it becomes clear that the dead, that were exploited, typically belonged to one of the categories of restless souls. Now this does not mean that the dead who died a “proper” death could not be used, but it was just more common

¹⁴⁵ M. W. Ferguson, *Thematic rings and structure in Suetonius’ De vita Caesarum* (MA thesis The University of Arizona 2012) 55-58.

¹⁴⁶ Cassius Dio, *Historia Romana* 63.7.1. Loeb Classical Library. Translation by E. Cary and H. B. Foster (Loeb Classical Library.; C. L. Murison, *Suetonius: Galba, Otho, Vitellius* (London 1992) 111.

¹⁴⁷ Ferguson, *Thematic rings and structure in Suetonius’ De vita Caesarum*, 55-58.; Murison, *Suetonius*, 175.

¹⁴⁸ Pliny the Elder, *Naturalis historia* 30.2. Translation by W. H. S. Jones

¹⁴⁹ Ogden, *Greek and Roman necromancy*, 155-156; 192-193.

¹⁵⁰ *Ibidem*.

to use restless souls.¹⁵¹ In some cases, a boy was sacrificed (this is a juridical transgression) to create a ghost that could be used for necromantic practices. Sacrificing a boy would inevitably produce a restless soul because he died before his time and most likely died a violent death. It did not seem to matter if the deceased, which was called upon, was a familiar or not. What seemed to be more important was that one should select a dead individual that was relevant to the matter at hand.¹⁵² Necromancy was a way of communicating with the dead and therefore it was possible for the living to figure out a way to help a restless soul find peace and laying them to rest. However, we do see that quite a few people exploit the restless dead for their own gain.

The next story, by Suetonius, shows that the main character – the ‘bad emperor’ Nero - calls upon the dead of a familiar with the help of a mage.

Yet he could not either then or ever afterwards endure the stings of conscience, though soldiers, senate and people tried to hearten him with their congratulations; for he often owned that he was hounded by his mother’s ghost and by the whips and blazing torches of the Furies. He even had rites performed by the Magi, in the effort to summon her shade and entreat it for forgiveness.¹⁵³

Nero had his mother killed (juridical transgression) and after this event took place, he believed he was haunted by his mother’s ghost. Nero turned to Persian mages to call upon his mother’s ghost so he could beg for its forgiveness.¹⁵⁴ This story could be used as a form of criticism. Raising the dead was unnatural and against the “norm” and it is even more outrageous if an emperor engages in this kind of practice.¹⁵⁵

In short, this story includes both a social and juridical transgression. Murder is a juridical transgression and the social transgression manifests itself in the practice of necromancy (which will later be further explained).

¹⁵¹ Ogden, *Greek and Roman necromancy*, 226-227.

¹⁵² *Ibidem*.

¹⁵³ Suetonius, *De vita Caesarum* 6.34.4. Loeb Classical Library. Translation by J. C. Rolfe (Loeb Classical Library).

¹⁵⁴ K. R. Bradley argues that we have to keep in mind that a biography is not the same as history. Therefore, we need to understand that there could be bias involved. We need to look at each item individually to figure out if it is reliable or not. Bradley does mention that there might be some truth in this passage because it had been described more often that Nero engaged in magical practices.; K. R. Bradley, *Suetonius’ life of Nero: An historical commentary* (Brussel 1978) 14; 206.

¹⁵⁵ Hope, *Roman Death*, 112-119.

The last story that we will discuss here is the most extensive and it tells the event where Erichtho reanimates a dead soldier for Sextus Pompey. This poem was composed around 65 CE.; however, it explains the events of the civil war between the Roman emperor Julius Caesar and Pompey (49-45 BCE). Erichtho was introduced to the story during the evening before the Battle of Pharsalus. On this eve the son of Pompey, Sextus, wanted to know who the winner of the battle would be and therefore he seeks out Erichtho. Erichtho is known as a famous Thessalian sage (witch) and Sextus asks her to find answers about the upcoming battle.¹⁵⁶ Sextus mentions that it does not matter where she gets the answers, either from the powers above or from the ghosts. Due to a recent battle, there were many dead and unburied soldiers (juridical and ritual transgressions) laying around which were the perfect candidates for the rite.¹⁵⁷

I do not ask for a soul lying hidden in the cave of Tartarus and long accustomed to the dark, but one that is only just now abandoning the light and coming down. He still hesitates at the edge of the abyss of colourless Orcus, and, even if he does give heed to these spells [or: drink down these herbal potions], he will still only join the other ghosts once. Let this Pompeian ghost, until recently our soldier, prophesy everything to Pompey's son, if you are properly honoured by civil war." (...) She saw the shade of the cast-out body standing beside her, in dread of the lifeless limbs and the hated bonds of its former prison. It was terrified to enter the opened breast and the guts and the organs smashed by the fatal wound. Ah pitiful man, from whom death's final gift of immortality was unfairly snatched away.¹⁵⁸

The restless soul of a recently deceased soldier was called upon to answer Sextus' questions. An interesting thing to notice is that the shade/soul of this man was hesitant and even terrified to return to his former body. Erichtho notices the soul's hesitance and starts to convince him by saying she will reward him if he does what she commands. The reward that she mentions is both interesting and understandable. She mentions that she will make him immune to the Thessalian crafts. She will build a pyre on which she will burn him and accompanied by a

¹⁵⁶ C. A. Tesoriero argues that Sextus' speech (which is not quoted above) aims to portray him as an "anti-Stoic" and therefore a wicked figure. He also mentions that Sextus' choice to seek the help of Erichtho add to his evil character, because Erichtho's plan to resurrect a corpse is seen as an evil act.; C. A. Tesoriero, *A commentary on Lucan Bellum Civile 6.333-830* (diss. The University of Sydney 2000) 151.; C. J. Tully, "Erichtho: Wicked witch of the West" *The Equinox: British Journal of Thelema* VII 9 (2009) 451-458.

¹⁵⁷ Lucan, *De Bello Civili* 6.588-830. Translation by D. Ogden.

¹⁵⁸ *Ibidem*.

Stygian spell his shadow will hear nothing of the mages who are singing their incantations. “Neither words nor herbs will dare to break your sleep of protracted Lethe, Oblivion, when I have given you death.”¹⁵⁹ With the promise of death, and being laid to rest, the soul of the man takes back his body and prophecies Pompey’s death.

Have this for consolation, young man, the knowledge that the ghosts are preparing to welcome your father and his house to a place of peace and seclusion, and are reserving a spot in the bright part of the realm for the Pompeians. Do not fret about the glory of Caesar’s short additional life. The hour to level all leaders will come.¹⁶⁰

Lucan explains that after the soldier had given his prophesy, he stood in silence with a gloomy expression in hope that death would be returned to him. Erichtho, as promised, build a pyre and the dead soldier strode into the flames.¹⁶¹

When we also look at the reputation of Erichtho another interesting topic arises. C. J. Tully explains that the practices performed by the Thessalian witches, who are already outlandishly foreign by Roman standards, were not extreme enough for Erichtho.¹⁶² She on the other hand applies herself to “unknown rites” which demonstrates that she is even further outside of what is already considered severely alien. She dwells in a cemetery and lives in a tomb instead of living in a “normal” way. By doing this, Lucan illustrates her as someone who stands outside the Roman society (by committing social transgressions). It is also known that Erichtho is not really opposed to killing (juridical transgression). On the contrary, if she needs blood from a living being she will perform a human sacrifice instead of the “normal” animal sacrifice. Again, her careless attitude towards killing places her beyond human sensibilities. So, Erichtho is constantly portrayed as someone who does not act in a “normal” or “proper” Roman way.¹⁶³ She kills people, but she also brings the dead back to life like she did with the soldier. This shows that she crosses the boundary between life and death without divine punishment and that she has no respect for the dead.

¹⁵⁹ Lucan, *De Bello Civili* 6.588–830. Translation by D. Ogden.

¹⁶⁰ *Ibidem*.

¹⁶¹ *Ibidem*.

¹⁶² Tully, “Erichtho”, 451–458.

¹⁶³ Erichtho damages the corpses which is contrary to “proper” behaviour. Tesoriero argues that this story aims to shock the readers/audience because Erichtho’s actions goes against every “norm” and all expectations. He also reasons that Lucan especially prompts his audience to have a fearful response towards the witch and the act of necromancy. This is interesting because within the story Erichtho herself tells Sextus not to be afraid (Lucan, *De Bello Civili* 6.657–666). That Lucan specifically mentions this, illustrates that horror would be the “natural response” to this scene and it is most likely the response that Lucan was aiming for. Tesoriero, *A commentary on Lucan Bellum Civile* 6.333–830, 169; 186.

So, this story includes social, ritual and juridical transgressions. The soldier is not buried and thus has not received the proper burial rites (juridical and ritual transgressions) and Erichtho uses necromancy to get answers which could be categorized as a social transgression (further explanation below).

In relation to the categories of social, ritual and juridical order/transgression, the use of necromancy is somewhat more complicated. Necromancy is a sub-category of magic. It is stated in the law that the practice of “charming away crops” and “chanting evil spells” are prohibited and that those who make/own poison for the purpose of killing are punished.¹⁶⁴ Those are the rules on magic that are stated in the laws. When we turn to necromancy, we do not see any laws that specifically focus on the communication with the dead. Pliny the Elder, however, does mention that, around 97 BCE., the practice of human sacrifices was forbidden (and this practice was sometimes used within necromantic rites).¹⁶⁵ Another law that can be related to the practice of necromancy is that it is prohibited to disturb the rest of a buried corpse.¹⁶⁶ Necromancy could therefore be related to juridical transgressions. I would argue that necromancy is not as much related to ritual transgressions except for when it concerns a human sacrifice. To obtain a restless soul, a human sacrifice could be made (violent death). Even though it is not specifically described within the texts, I would argue that it could be logical that the deceased person did not receive a proper burial to make sure that it remained restless. Necromancy can be related to social transgressions due to its reputation. Though there were conflicting attitudes towards necromancy, within most descriptions this practice was referred to in a negative way. It had a foreign origin and was therefore part of the “unknown rites” and it did not belong to the “normal” Roman practices. Those who practiced these rites were therefore described as being “strange” and “desperate” and they did not belong to the “normal” Roman society. So apart from the legal rules that could be related to these rites, we see that the “Roman society” punishes those who practice these rites by placing them outside of the “normal society” and labelling them as acting strange and not according to the “norm” (social control).

¹⁶⁴ Twelve tables, 8.1b; 8.8a-b.; Digesta, 48.8.3

¹⁶⁵ Pliny the elder, *Naturalis historia* 30.3.12.

¹⁶⁶ Digesta, 11.7.39.

A pawn to the living

Necromancy was thought of as a way to communicate with the dead. Most of the time the living turned to the dead to get answers and prophecies regarding the future. Still, some people turned to the dead in need of more practical assistance. C. W. King explains that the souls of the dead, whether those were restless or not, were able to both lengthen and shorten one's life.¹⁶⁷ If the dead were able to control the context of death, then it was thought to be possible for the living to invoke their aid to kill their enemies. Ghosts were not particularly feared to seek vengeance and kill the living on their own accord. Still, an angry ghost was a matter of concern. The Romans believed that the souls of the dead, depending on the context, could perform acts of vengeance. Not to avenge their own grievances but to serve as an instrument of someone else's hostility.¹⁶⁸ Now, there are not many stories that talk about such events. The one that tells of the use of a restless soul for their own cause is written by Apuleius.

Apuleius explains the event where a husband caught his wife in an act of adultery and therefore, he divorced her. The wife took her revenge by asking a witch to either force him to love her again or, when this did not work out, to summon a ghost to kill her husband (juridical transgression). The witch turned to the ghost of a murdered (juridical transgression) woman and demanded it to kill the husband. So, in the case of this story it concerns the use of a restless soul because the ghost that was called upon died a violent death. The use of a restless soul for these acts were quite logical as it was believed that those who died of violence, before their time or those who did not receive a proper burial (so those who became restless due to ritual and/or juridical transgressions) were the best to use for curses and other harmful acts. It was not that these restless souls were weaker and less able to withstand manipulation, but it was more likely that these souls would lash out because they had grievances of their own. It made sense that when one person wanted to harm another, he would choose a soul that was already angry.¹⁶⁹ Apuleius continues his story as follows:

About midday a woman suddenly appeared inside the mill-house, dressed like someone accused of a crime and ravaged by some terrible grief. She was only half clothed in tearful rags, her feet were bare and unprotected, and she was disfigured by emaciation and the pallor of boxwood. Her greying hair was dishevelled and soiled

¹⁶⁷ King, *The ancient Roman afterlife*, 90-94.

¹⁶⁸ *Ibidem*.

¹⁶⁹ *Ibidem*, 108.

with a sprinkling of ashes, and it hung down over her forehead, hiding most of her face. This strange woman gently laid a hand on the baker's arm as if she had something to tell him privately, took him away to his own room, and remained there with the door shut for a very long time. (...) the slaves stood outside the door and called to their master to request a new supply to work on. (...) they dislodged or broke the hinges with a powerful heave and finally forced their way in. The woman was nowhere to be seen, but they found their master hanging from a rafter and already dead. They freed him from the noose round his neck and pulled him down, mourned him with intense wailing and vehement beating of breasts, and gave his body its last washing. After they had finished the laying-out ceremonies they carried him off for burial, accompanied by a large procession.¹⁷⁰

So, in Apuleius' story the ghost of the murdered woman is sent to kill the husband.¹⁷¹ Though Apuleius recounts the event quite extensively, he keeps some information about how the ghost killed the husband hidden. He explains this in a later part where he narrates that the man's daughter had arrived after hearing the news of her father.

Next day his daughter arrived in haste from the next town, (...) She was mourning and shaking her loose hanging locks and frequently beat her breasts with her fists. Although no one had told her of the family's misfortune, she knew it all. Her father's tearful image had appeared to her in her sleep, his neck still tied with a noose, and had revealed everything to her: her stepmother's crime of adultery and of sorcery, and how he had been possessed by the ghost and had travelled down to the Underworld.¹⁷²

Apuleius narrates that no one had told the daughter of her father's fate, but she had found out when her father appeared in her sleep. The father tells his daughter how a ghost possessed him and most likely made him hang himself. He also explains that his wife, her stepmother, was the one responsible for the crime.

¹⁷⁰ Apuleius, *Metamorphoses* 9.29-31. Translation by D. Ogden.

¹⁷¹ B. L. Hijmans jr. explains that Apuleius often incorporates concepts in his "demonology" that belong to "popular religion". Hijmans jr. argues that the fear of ghosts and the need to appease these ghosts are common themes. An interesting point for the interpretation of the discussed passage is that the ghosts seem to cause insanity.; B. L. Hijmans jr., et al., *Apuleius Madaurensis Metamorphoses: Book IX tekst, introduction and commentary* (Groningen 1995) 253.

¹⁷² Apuleius, *Metamorphoses* 9.29-31. Translation by D. Ogden.

This story includes at least social and juridical transgressions, due of the use of necromancy and because the restless soul was that of a murdered woman and she killed the man. This story does not clearly state whether the man was later buried or not, so we cannot say whether there was a ritual transgression or not.

The source material that discusses the use of restless souls in avenging one's grievances is scarce. King argues that an explanation for this lack of sources may be that the Romans may have found the thought of a vengeful soul that is supernatural powered too disturbing to see it as a normal aspect of the dead's behaviour.¹⁷³ The idea that the dead could shorten one's life due to an old argument may have been so disturbing that the Romans preferred to believe that the dead would leave all but the extreme grievances from their past lives behind. There were, however, no fixed rules about how much of their personas the dead retained. This induced a certain amount of doubt about the dead's capacity to avenge its grievances. This, as a result, added a certain incentive to those who were preparing an offering for the dead under the perception of "better safe than sorry".¹⁷⁴ The idea that the dead can shorten one's life gave rise to the most common attitude towards necromancy which is that people believed that a "person had to be somewhat bold, desperate or strange to turn to it".¹⁷⁵ However, we must note that death, ghost and magic in general were subjects that hold many conflicting attitudes and that there is not specifically one Roman attitude towards necromancy and the use of ghosts. This contradiction can even be seen when we look at the attitudes of the dead themselves towards necromancy. Necromancy caused a disturbance of the dead's rest, but it also gave the restless an opportunity to achieve the rest they were looking for.¹⁷⁶

3.4 Partial conclusion

We have seen that there are different ways in which people dealt with restless souls. The different interactions between the living and the dead, seen from the Roman laws, common rituals and social norms, would have had different impact on the social, ritual and juridical order. Putting souls to rest and seeking justice may have been a way to right the wrongs (transgressions) that were made. However, the stories that include ghosts that seek justice by exposing someone's crime may also serve as warnings. The possibility that you could get

¹⁷³ King, *The ancient Roman afterlife*, 106.

¹⁷⁴ *Ibidem*.

¹⁷⁵ Ogden, *Greek and Roman necromancy*, 263-268.

¹⁷⁶ *Ibidem*.

exposed by a restless soul may prevent one from showing unwanted/transgressive behaviour in the first place. When we look at the category of restless souls that serve as an omen of death and danger, we see two interesting things. The first has to do with the act of laying souls to rest. If you show “good” behaviour by righting the wrongs, which is burying a dead man in the case of the discussed story, you could receive a reward. The thought that one could be rewarded, may have motivated people to show desired behaviour.

The restless souls, as an omen of death and danger, could also form a warning. In some cases, the restless souls predict the main character’s death. These stories could serve as warnings that when you show unwanted/transgressive behaviour you could get haunted. The doubt about whether the restless souls could avenge their own or others’ grievances motivated people to prepare offerings for the dead with the idea “better safe than sorry”.

When we turn to the topic of using the restless souls, we can note something interesting. Necromancy has a bad reputation because it is associated with something foreign. Therefore, it does not fit within the “normal” Roman practices. Those who practice necromancy are portrayed as people who are outside of society. They do not act according to the “proper” Roman way and they can often be associated with social, ritual and juridical transgressions.

Conclusion

The question in the title of this thesis is: Restless souls: the “living” guards of the equilibrium of society? How did transgressions of the social, ritual and juridical order related to restless souls impact the Roman societal equilibrium?

Normally there is a boundary between the living and the dead created by etiquettes, customs, rituals and rules. If one follows these legal and non-legal rules, the social, ritual and juridical order can be preserved. But what if this boundary between the living and the dead is crossed by social, ritual and/or juridical transgressions? This impacts the societal equilibrium.

Restless souls come into being because something went wrong during and/or after a person’s death: There was a transgression. So, the perceived existence of restless souls is evidence that people did not act according to the “normal” etiquettes, practices and rules. To maintain the social, ritual and juridical order, you want people to show the right behaviour by following the social, ritual and juridical rules. This was not always so. In case of juridical transgressions, prosecution was carried out by the state in order to maintain the juridical order. In case of ritual transgressions, the persecution was based on fear of ghosts or fear of being haunted by a ghost and was carried out on the basis of self-regulation or social control of the population among themselves. With a combination of social, ritual and/or juridical transgressions, persecution or punishment could have a social, ritual and juridical basis, for example being punished by the state, being haunted by a ghost, and social disapproval/exclusion from society.

The existence of restless souls could also be beneficial for the social, ritual and juridical order. As discussed not everyone would have believed the same thing. There was doubt about the existence of an afterlife and therefore some people would have been sceptical about the existence of restless souls. However, no one could be sure about what would happen after death. So, the possibility that one could become restless if the right practices and rules were not followed and that these restless souls could come back to haunt those responsible, could have motivated people to show desired behaviour on the motivation “better safe than sorry”. In this case the possible existence of restless souls could have helped keeping people from committing social, ritual and/or juridical transgressions and therefore would have been beneficial for the maintenance of the social, ritual and juridical order.

When we turn to the ghost stories, we can see that they are focused on the consequences of ritual and juridical transgressions. Some show that the soul had become restless due to lacking grave gifts and commemorations and others explain that the person had

been murdered and/or has not been buried. These are all elements that go against “normal” behaviour and it seems like these stories try to emphasize that wrong behaviour (transgressions) can lead to restless souls that could come back to haunt you.

Restless souls are caused by social, ritual and/or juridical transgressions, but there are possibilities to lay them to rest and right the wrongs. If someone is left unburied, you should give them a proper burial. If a restless soul comes to complain about the lack of grave gifts, you should give them more and commemorate them more. If a person is murdered, you should make sure that the body receives the proper burial rites and that the committer of the crime is reported. So, it seems that, even though the normal etiquettes and rules were not followed in the beginning, one could still make up for the mistakes that were made. Some stories may have even helped motivating people to show desired behaviour and to right the wrongs. When a man buried someone who’s body was left unburied, the soul came back to warn the man of an upcoming shipwreck. So, by showing “good” behaviour, the man was rewarded.

When we look at the stories where the soul of a murdered person comes back to speak to the living, we can see an interesting thing. The restless souls reveal who had committed the crime and therefore the living are able to report the murderer. In a way this could be a warning that any crime you commit may come to light. This idea that a restless soul could come back to expose your crimes, may have prevented people from committing juridical transgressions in the first place. Another possible factor that could keep people from acting “badly” was the possibility of being haunted. Some restless souls start to haunt a place or sometimes certain people. These souls are sometimes even recounted as being able to predict someone’s death. The uncertainty about the ability of restless souls to avenge their own or other’s grievances might also have motivated people to follow the “normal” behaviour and prepare offerings for the dead.

Necromancy is another point that problematizes the social, ritual and juridical order. It has a bad reputation because it is seen as a foreign practice. The fact that it regards foreign rites makes that it does not fit within the “normal” Roman ritual practices. That people use restless souls for their own advantages is outrageous. Those who practice necromancy are therefore often portrayed as being outside of society, as they do not act according to the “normal” Roman etiquettes, traditions and rules and can be associated with social, ritual as well as juridical transgressions.

Restless souls are the evidence of social, ritual and juridical chaos and disorder as they are associated with social, ritual and juridical transgressions. We have looked at the different

aspects of death and restless souls and how we can categorize them within the categories of social, ritual and juridical order/transgression. What we see is that the ritual order was very important in relation to the restless souls. Compared to the social and juridical order, there are more ritual rules, related to death, which maintain the ritual order and thus there are also more aspects in which transgressions can take place. We also see that the ritual order is in many cases linked to the juridical order. If someone has been murdered, and is therefore not buried (juridical), the funeral rites cannot be performed (ritual). This is also the case the other way around. If someone is buried, but without the proper rituals (ritual), the grave does not acquire the protected status (juridical). The social order is maintained through the ritual and juridical order. However, there are moments where social transgressions take place that are not specifically ritually or juridically based. We see this in behaviour that is undesirable but that cannot be related to specific ritual or juridical rules, for example when dying too old or when practicing necromancy. The social transgressions are then punished by society itself through social disapproval/exclusion from society. However, in the case of necromancy, these social transgressions may be accompanied by ritual and juridical transgressions and, in addition to this social disapproval, juridical penalties can be imposed or one may be punished by the ghosts themselves.

So, when we look at the discussed sources ritual transgressions are mentioned most. These transgressions are, however, often accompanied by juridical and sometimes social transgressions. The ritual and juridical order help to maintain the social order, but the combination of the social, ritual and juridical order ensures the maintenance of the Roman societal equilibrium.

Even though the restless souls are evidence of disorder, they also seem to be used as powerful symbols in order to maintain the societal equilibrium. The restless souls could be used to frighten people and this fear, either of the restless souls or of the unknown, could prevent people from committing transgressions. Because you better behave according to the “norm” than be sorry because you neglected it and receive the possible consequences of being haunted or becoming restless yourself.

This research has been completed in relation to this thesis. Nevertheless, there are still many ways in which this subject can be explored. One way to investigate this subject further is through a comparative study. This could include a comparison within the Roman cultural area by looking at different time periods, for example comparing republican and imperial Rome. Within my research I have used both republican and imperial sources, however I have not specifically focused on any possible developments through time, resulting in possible

differences or similarities involving restless souls and the social, ritual and juridical order. It is of course also possible to do a comparative study between the Roman social/ritual/judicial order and that of other cultures. Adding the Greek culture to this research, for instance, may be interesting as the Roman ideas on death and the afterlife are partly based on that of the Greek.

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