

STONING IN THE ROMAN MEDITERRANEAN (103 BCE - 418 CE)

by

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(Under the Direction of Susan Mattern)

ABSTRACT

This thesis explores the practice of stoning in the Roman Mediterranean from 103 BCE to 418 CE, a span of time when Rome exercised widespread control over the ancient Mediterranean. Using a range of sources from histories and religious writings to legal codices, the thesis focuses on stoning among Romans and ethnic Jews and Greeks. Moreover, the work is grounded in modern sociological research on violence. Stoning in the Roman Mediterranean could be a punishment, a violent manifestation of social conflict, or as a dangerous political weapon.

INDEX WORDS: Stoning, Collective Violence, Ancient Violence, Roman Mediterranean, Punishment, Social Conflict, Political Weapon, Taxonomy.

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SECTION 1

INTRODUCTION

Stoning is an early form of capital punishment still in use today in some parts of the world, both as a legal punishment and as illegal popular justice. The continuation of the act even compelled U.S. Congress in 2002 to condemn it as “a gross violation of human rights” in response to recent incidents in Nigeria, Iran, Saudi Arabia, Somalia, Sudan, Yemen, and Afghanistan.¹ The relevance of stoning therefore persists, but this thesis will focus on the nature of stoning in the Roman Mediterranean world.

Stoning is an act of collective violence that occurs against individual victims or a small group. Stonings are committed by groups, occur outdoors, and are often spontaneous acts. However, despite these common traits, stonings in the Roman Mediterranean occurred in many different ways. The intention of this thesis is to categorize the prominent forms of Roman Mediterranean stoning with a taxonomy, one which is grounded in sociological literature on group violence.

Three primary categories of stonings emerge in the sources. These include (1) stoning as punishment, (2) stonings as a manifestation of social conflict, and (3) stoning as a political weapon. The stonings examined in this thesis occurred in the Roman Mediterranean from 103 BCE to 418 CE. The former date represents the first stoning on record in late Republican Rome and the latter the final stoning in the record prior to the fracturing and dissolution of Roman

¹ U.S. Congress, House, *Calling For an End to the Sexual Exploitation of Refugees; and Expressing the Sense of Congress that the United States Should Condemn the Practice of Execution by Stoning as a Gross Violation of Human Rights, and for other Purposes*, HR 351, 107th Cong., 2nd sess., introduced in House March 14, 2002, <https://www.webharvest.gov/congress112th/20121212205212/http://democrats.foreignaffairs.house.gov/archives/107/80965.pdf>

authority over the Mediterranean in the mid-fifth century.² The peoples covered in this study are those that have left documentary evidence of stonings in their cultures. These are the Romans themselves as well as ethnic Greeks and Jews under the umbrella of the Roman empire.³ Here, “Roman” refers to the inhabitants of the city of Rome, Latin-speaking elites, Roman officials, the Roman army and its camps, and colonies founded, settled, and governed by Roman authorities. The Jews appear in the record in Judea and Alexandria, only in the first century BCE and first century CE. The Greek speaking peoples in the sources on stoning are the Alexandrians and Prusans and the fictional Athenians and Thessalonians.

The Vocabulary of Stoning in Greek and Latin

Before describing the categories of ancient stoning, it is useful to have a grasp on the vocabulary used to describe stoning the Greek and Latin sources. Greek uses the verbs καταλείπειν (or just λείπειν) and λιθοβολείν, and both mean ‘to stone to death.’⁴ The latter verb is based on the masculine noun λίθος, λίθου (stone). Similarly, the Latin verb ‘to stone’ is *lapidare*, and it comes from the masculine noun *lapis, lapidis* (stone).⁵ On the same lines, both languages have nouns for the actual event of stoning, which in Latin is *lapidatio, lapidationis* while Greek has λευσμός.⁶ It also appears common in Latin to use a verb of throwing, namely *iacere* (to throw), with direct

² (103 BCE:) [Aur. Vict.] *De vir. ill.*, 3.73.1; (418 CE:) Aug. *De Doct. Christ.* 4.24.53. For the latter, see also Brent Shaw, *Sacred Violence: African Christians and Sectarian Hatred in the Age of Augustine* (Cambridge: Cambridge University Press, 2011), 19-23. I will be using the Oxford Classical Dictionary’s abbreviation system for the titles of classical works.

³ Hellenistic Egypt came under official Roman control after the death of Cleopatra in 31 BCE. Judea came under nominal Roman control by 63 BCE, but did not become an official province until 6 CE.

⁴ For the former verb, see Philo, *Moses*, 2.202; Joseph., *AJ*, 14.22; Philo, *Leg.*, 127. For the latter, see Joseph., *AJ*, 20.200; Dio Chrys., *Or.*, 46.1.

⁵ Cic., *Dom.*, 12.

⁶ Cic., *Sull.*, 15; Philo, *Moses*, 2.202.

objects like *lapides* (stones) or *saxa* (rocks).⁷ Greek also used a verb of throwing, βάλλειν (to throw), but it was slightly less common.⁸ Both languages are vague when it comes to who is doing the stoning, either not expressing the subject at all or providing only a vague ὁ δῆμος or *populus* (the people) or τὸ πλῆθος (the multitude).⁹

⁷ Tac., *Ann.*, 1.27; Apul., *Met.*, 1.10; Cic., *Mil.*, 41.

⁸ App., *B Civ*, 1.4.32; 5.8.67; Joseph., *AJ*, 16.394. The only transitive noun Appian specifies is in the first citation, which is “τὸν κέραμον” (tiles), and Josephus is very vague with “ἅει τοῖς παρατυχοῦσιν” (whatever happened to be present).

⁹ App. *B Civ*, 5.8.67; [Aur. Vict.] *De vir. ill.*, 3.73.1; Joseph., *AJ*, 16.394.

SECTION 2

STONING AS PUNISHMENT

Punishment stonings are the most common form of stoning in the ancient world. Stonings typically occur as a rapid, violent response to a perceived wrong, such as the violation of a cultural norm. Such a violation acts as a provocation; one so strong that it crafts a violent group (i.e. mob) to attack those who committed the violation. Wolfgang Sofsky calls this the shift “beyond the barrier” between violence and non-violence.¹⁰ The provocation is usually perceived as a betrayal. Betrayal here is broadly defined as a breach of trust. If we judge someone untrustworthy who proves trustworthy later, “we feel *bad*.”¹¹ If the reverse occurs we feel betrayed, and the feeling is extreme. The breach of trust that provokes the sense of betrayal can occur on the individual or group-level, and can take the form of a playground feud or a global war.

A breach of trust occurs when, in sociological terms, the ‘betrayers’ oversteps a “We-boundary.”¹² The We of the “We-boundary” can vary in form. It can be as simple as a family but “the inhabitants of a We may not necessarily know each other;” they “may be a nation, a religion, a common people, or a class. Furthermore one may be a member of many We’s simultaneously.”¹³ In the Roman Mediterranean the relevant We was a community, especially those bound together by common traits, like a common ethnicity, religion, or heritage. The crossing of a We-boundary in the ancient Mediterranean usually involved a cultural violation, and could provoke

¹⁰ Wolfgang Sofsky, *Violence: Terrorism, Genocide, War*, trans. Anthea Bell (London: Granta, 2004), 27.

¹¹ M. Akerström, *Betrayal and Betrayers: The Sociology of Treachery* (New Brunswick, NJ: Transaction Publishers, 1991), 2.

¹² Akerström, *Betrayal and Betrayers*, 2.

¹³ *Ibid.*, 4.

a stoning.¹⁴ The legality of these punishment stonings is often ambiguous, even in the Jewish examples.¹⁵ The following subsections will focus first on the Greco-Roman examples and then on the Jewish and early Christian source material. I will identify the specific We-boundary crossings (i.e. betrayals) that provoked punishment stonings in the Roman world.

Greco-Roman Punishment Stonings

The Roman state did not, itself, use stoning as a method of execution, despite resorting to an imaginative array of other methods, but stoning still occurred as a form of popular justice.¹⁶ James Hawdon defines popular justice as group violence “in which an informal group punishes an individual for some perceived wrong.”¹⁷ Popular justice stonings among the Romans and the Greeks occurred in response to the cultural violations of treason, parricide, witchcraft, and adultery.

Treason inspired a stoning in the heart of the city of Rome in December 100 BCE. At the time, tribune Lucius Saturninus had forced through several agrarian reform laws, often in support of Gaius Marius, and he had used violence to destroy or suppress political opposition. During the election of the tribunes in December, a friend and colleague of Saturninus named Glaucia was running against Memmius, a man opposed to their legislation and politics. To ensure Glaucia’s election as tribune, Saturninus and Glaucia rallied a gang together and beat Memmius to death in

¹⁴ In Greek mythology violations like patricide, incest, and sacrilege were seen as worthy of stoning: Soph., *OC*, 430-40; Paus., 10.26.3; 10.31.2. The betrayal of allies and the prospect of surrender were worthy of stoning in ancient Greek history: Hrd., 9.5; Demo., *De cor.*, 18.204; Lycurg., *Leoc.*, 1.71; Cic., *Off.*, 3.48.

¹⁵ For example, the Romans did not use stoning as a legal punishment but Nero and Valentinian I both ordered it. Dio Cass. 62.19.4; Amm. Marc. 29.3.5. Among the Jews, where stoning was legal in certain cases, the legality of the stonings of Stephen and James, brother of Jesus, is still a subject of debate.

¹⁶ [Execution by the sword:] *Cod. Theod.* 9.6.3; *Cod. Iust.* 9.1.20; [by burning:] *Cod. Theod.* 9.7.6; *Cod. Iust.* 9.38.1 [by crucifixion:] *Cod. Theod.* 9.5.1; [by beasts:] *Cod. Theod.* 9.18.1; *Cod. Iust.* 9.20.16; [by rods:] *Cod. Iust.* 1.41.12. See also Paulus, *Sent.*, 5.17; *Cod. Iust.* 4.18.2.

¹⁷ James Hawdon, “On the Forms and Nature of Group Violence,” in J. Hawdon, J. Ryan, and M. Lucht, eds., *Causes and Consequences of Group Violence: From Bullies to Terrorists* (Lanham: Lexington Books, 2014), 10.

public.¹⁸ Saturninus and his crew, however, had overplayed their hand. The people of Rome rose against them, intent on finding and killing Saturninus. Here the provocation was the violent murder of a popular candidate for the tribunate, which was also perceived as a betrayal because Saturninus's gang had attacked a soon-to-be representative of the *We* (the people of Rome) and violated the election process. The betrayal was officially recognized as treason when the Senate declared Saturninus and his men enemies of the state, and ordered consul Marius to lead a small armed force against them.

Saturninus, Glaucia, and another colleague of theirs, the quaestor G. Sauefius, gathered together hired hands and dug themselves in on the Capitoline hill. When Marius arrived with the Senate's decree they surrendered because Marius promised them safety and trial. Marius even put them in the Curia Hostilia with armed guards at the entrances to try and avoid a lynching, but his efforts were not enough. The mob "considered [a trial] a pretext, tore off the tiles of the assembly building and stoned them to death, including a quaestor, a tribune, and a praetor" and thus Saturninus, Glaucia, and Sauefius suffered stoning by roof tiles.¹⁹

After Augustus Caesar's death in 14 CE the Pannonian legions mutinied to demand higher pay. They began looting nearby towns, and after Drusus arrived for negotiations they stoned one of their officers, Gnaeus Lentulus, because the soldiers thought Lentulus was working with the imperial family, Drusus, to end their mutiny. He survived the incident, but the rumor that he had crossed the legion's *We*-boundary by giving up on the mutiny was enough to inspire his stoning.²⁰

¹⁸ App., *B Civ.*, 1.4.32

¹⁹ App., *B Civ.*, 1.4.32. "...οἱ δὲ πρόφασιν τοῦτ' εἶναι νομίσαντες τὸν κέραμον ἐξέλυον τοῦ βουλευτηρίου καὶ τοὺς ἀμφὶ τὸν Ἀπουλήιον ἔβαλλον, ἕως ἀπέκτειναν, ταμίαν τε καὶ δήμαρχον καὶ στρατηγόν..."

²⁰ Tac., *Ann.*, 1.27. The mutiny of the Pannonian legions failed to acquire higher pay.

Another example of a popular justice stoning (a near-miss example) can be found in Apuleius's novel *Metamorphoses*, written in the late-second century. An Athenian son is wrongfully accused by his stepmother of killing his stepbrother and trying to seduce and kill her. The father believes the accusations and rouses councilmen and the people to stone his own son to death. However, Roman magistrates appear on the scene before any such act and call for a proper trial. The father eventually agrees, and in the trial, testimony reveals that the guilty party was in fact the wicked stepmother.²¹ The acts of betrayal that crossed the We-boundary of the family and the Athenians were the severe cultural violations of parricide and incest. The intervention of the magistrates also illustrates that the Romans perceived stoning as a reckless form of lynching.

Apuleius's *Metamorphoses* contains another near-miss stoning, this time for witchcraft. In a small Thessalonian village a witch began to cause trouble with her supernatural powers. She cursed a woman to perpetual pregnancy, used her powers to seduce all manner of lovers, and turned people into beavers, frogs, and rams. Eventually the people decided to stone her as a witch, but she avoided stoning by magically preventing people from leaving their homes.²²

Jewish Punishment Stonings

Contrary to the Romans, the Jews, who joined the Roman world when Pompey seized Jerusalem in 63 BCE, had since Moses used stoning as a legal punishment. They continued to use it after Judea integrated, by stages, into Rome's empire. Rome tolerated the continuation of the practice, but it never embraced it.

²¹ Apul. *Met.* 10.6-12.

²² Apul. *Met.* 1.8-10.

Breaches of Jewish law deemed worthy of stoning are enumerated in the Old Testament. As Josef Blinzler and many others have noted, “In Israel it was the customary method of execution.”²³ The penalty was handed down for idolatry (Lev. 20:2; Deut. 13:10-11; 17:5-7), blasphemy (Lev. 24:14, 16; cf. 1 Kgs 21:10, 13), profanation of the sabbath (Num. 15:32-6), divination (Lev. 20:27), rebellion against parents (Deut. 21:18-21; cf. Ex. 21:15, 18; Lev. 20:9), ‘adultery’ by betrothed women (Deut. 22:21-4) and the appropriation of objects under the ban (Josh. 7:25).²⁴ The Old Testament dictated that the condemned were to be taken outside of the city for the stoning.²⁵ The Torah also calls for the witnesses to cast the first stones and then the community is to join in until the condemned dies (1 Kgs 21:10, 13; cf. Lev. 24:14; Num. 15:36).²⁶

More detailed information on how victims were to be accused, condemned, and executed by stoning comes from rabbinic literature. This literature is made up of the Mishnah, Gemarah, and Talmuds. Rabbi Judah ha-Nasi of the late second and early third centuries is credited for the creation of the first codification of the oral interpretation of the Torah, known as the Mishnah.²⁷ By the fourth century a commentary by rabbis on the Mishnah itself had formed, called the Gemarah, which was compiled together with the Mishnah ca. 400 CE in the Jerusalem Talmud (Talmud

²³ J. Blinzler, “Jewish Punishment of Stoning in the New Testament Period” in *The Trial of Jesus: Cambridge Studies in Honour of C. F. D. Moule*, edited by Ernst Bammel (London: S.C.M. Press, 1970), 147; James Garrison, “Casting Stones: Ballista, Stones as Weapons, and Death by Stoning,” *Brigham Young University Studies* 36, no. 3 (1996), 352-3.

²⁴ Blinzler, “Jewish Punishment of Stoning,” 147; Roland de Vaux, *Ancient Israel: Its Life and Institutions*, trans. John McHugh (London: Darton, Longman & Todd, 1965), 159.

²⁵ This is similar to the Iberians, as seen in Strabo, *Geography*, 3.3.7. See also Plato’s discussion of the legal punishment for murder, see Plato, *Leg.*, 9.873b.

²⁶ For more on why the Jews so accepted stoning and had it as a standard execution, see Blinzler, “Jewish Punishment of Stoning,” 160; Vaux, *Ancient Israel*, 159.

²⁷ Herbert Danby, trans., *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (London: Oxford University Press, 1977), xx-xxi.

Yerushalmi). Around a century later another compilation was created, known as the Babylonian Talmud or Talmud Bavli.²⁸

The rabbinic literature agrees that cases of capital punishment require the victim to be condemned by a sanhedrin, a court, of 23 judges.²⁹ A tribe, false prophet, or high priest put on trial requires the Great Sanhedrin of 71 judges.³⁰ No specific examples of the latter are attested in the surviving sources. The Mishnah and Talmuds dictate that after a guilty verdict, the victim is to be led outside the courthouse and outside the boundary of the city. During this procession individuals can still speak in defense of the victim if they were not present for the trial. Beyond the city gates, at the stoning site, the victim is requested to confess. The male victim is then stripped of all clothing except that which covers genitalia; the female victim remains clothed. The victim is then tossed down on the ground and made to lie belly-up. The first witness casts a stone at the victim, then the second, then the whole community. The requirement of stoning is satisfied when the victim dies. The victim is thereafter hung up by his or her two bound hands and buried shortly afterward.³¹

However, was this process definitive or commonplace in cases of Jewish capital punishment? Certainly in cases of popular justice without trial, the process dictated by the rabbinic literature is not to be expected. Nevertheless, Jewish stonings under the Romans that occurred in response to breaches of Jewish law, namely blasphemy, treason, adultery, and the perceived

²⁸ Ibid., xvii-xxiii, xxxi-xxxii.

²⁹ Mishnah Sanhedrin 1:4. See Danby, trans., *The Mishnah*, 383; Isidore Epstein, trans., *The Babylonian Talmud: Seder Nezikin*, vol. 3, 4 vols. (London: Soncino Press, 1961), 2; Jacob Neusner, trans., *The Talmud of the Land of Israel: Sanhedrin and Makkot*, vol. 31, 34 vols. (Chicago: University of Chicago Press, 1984), 47.

³⁰ Mishnah Sanhedrin 1:5-6. See Danby, trans., *The Mishnah*, 383; Isidore Epstein, trans., *The Babylonian Talmud*, 2-3; Jacob Neusner, trans., *The Talmud of the Land of Israel*, 48-9.

³¹ Mishnah Sanhedrin 6:1-6. See Danby, trans., *The Mishnah* (London: Oxford University Press, 1977), 389-91; Isidore Epstein, trans., *The Babylonian Talmud*, 275-305; Jacob Neusner, trans., *The Talmud of the Land of Israel*, 170-184; and also Blinzler, "Jewish Punishment of Stoning," 150.

betrayal of group interests. These violations acted as We-boundary crossings for the Jews. Also, there is no strong evidence for the existence of the Mishnah's elaborate step-by-step process for stoning in the first century BCE and first century CE Roman world.

In 67 BCE, a Jew named Onias betrayed the interests of the followers of Jewish kings Hyrcanus II. This happened amidst a civil war in Judea between the forces of king Hyrcanus II and those of Aristobulus, and the Roman army of Pompey was near at hand. Early in the conflict Aristobulus seized Jerusalem, but Hyrcanus II immediately besieged him. As Passover arrived, the siege continued, and followers of Hyrcanus heard tell of a man named Onias who had previously, and successfully, called upon God to end a drought. The mob seized Onias and ordered him to place a curse on Aristobulus and his men, but he refused and instead prayed that God not listen. Hyrcanus's followers became enraged and stoned him to death.³²

Around a century after Onias an accusation of adultery nearly brought about a stoning according to an account in the gospel of John. Firmly under Roman control in the early first century, the Pharisees brought an apparent adulteress to Jesus, declaring without witnesses that she had committed adultery and demanding that Jesus stone her by the Law of Moses (Deut. 22:22-24). Jesus ignores the request of the Pharisees, and this may be evidence of the early existence of the dictates of the later rabbinic literature that require a judgement by 23 judges to condemn someone of a capital crime like adultery (John 8:1-11). John says the Pharisees brought the apparent adulteress as a way of "testing [Jesus]", implying that stoning her in this situation

³² Joseph., *AJ*, 14.22-4. This stoning was popular justice without trial, see *Ibid.*, 14.24: "God straightway punished them for their savagery..."; "Ὁ δὲ θεὸς ταύτης αὐτοὺς παραχρῆμα ἐτιμωρήσατο τῆς ὀμότητος..." The perceived wrong of Onias's stoning that merited his punishment was his betrayal of Hyrcanus.

would be wrong.³³ Perhaps because she was not properly accused or condemned, as the later Mishnah Sanhedrin 1:4 requires. Indeed, when left alone with the woman, Jesus asks her, “‘Woman, where are your accusers? Has no one condemned you?’ And she says, ‘No one, Lord.’ And Jesus said, ‘Nor do I condemn you, go on your way...’”³⁴ The famous encounter with the adulteress therefore seems to indicate Jesus’s knowledge of Jewish law regarding accusation, conviction, and thereafter execution.

Late in Herod the Great’s reign as king of the Jews, 8 BCE, he executed a group of people for the crime of treason. It began with suspicions of sedition activities by his own sons, Alexander and Aristobulus. Two guards of Herod, named Jucundus and Tyrannus, “confessed that Alexander would have persuaded them to murder Herod when he was hunting wild beasts.”³⁵ King Herod condemned them before the people at Jericho and the crowd stoned Jucundus and Tyrannus to death. Herod held his sons in prison to await punishment because they had not yet confessed. Augustus Caesar then ordered Herod to try his sons in the Roman city of Berytus, where Alexander and Aristobulus were condemned to death. Shortly after, 300 officers were condemned in a larger conspiracy, and Herod had these officers stoned to death by the Jewish people. Alexander and Aristobulus, on the other hand, were brought to Sebaste and strangled to death, which is mentioned as an approved method of capital punishment in the later Mishnah, and their bodies buried among their ancestors.³⁶

³³ John 8:6. “...πειράζοντες αὐτόν...”

³⁴ John 8:10-11. “Γύναϊ, ποῦ εἰσίν; οὐδεὶς σε κατέκρινεν; ἡ δὲ εἶπεν Οὐδεὶς, κύριε. εἶπεν δὲ ὁ Ἰησοῦς Οὐδὲ ἐγὼ σε κατακρίνω: πορεύου...”

³⁵ Joseph., *AJ*, 16.315-6. “...ὑστερον ἔλεγον, ὅτι πείθοι φονεῦειν αὐτοὺς Ἡρώδην Ἀλέξανδρος, ἐπεὶ περὶ κυνηγέσιον θηρίων διώκων προλάβοι...”

³⁶ *Ibid.*, 16.392. Mishnah Sanhedrin 6:5. See “Mishnah Sanhedrin,” Sefaria, accessed March 13, 2019, https://www.sefaria.org/Mishnah_Sanhedrin.6.5?lang=bi&with=all&lang2=en

The stonings ordered by Herod the Great followed some sort of legal process, but it is not quite clear what the process entailed. Perhaps the process flowed from the authority of Herod as king, but it is not clear that the any group of Jewish judges was involved. All those stoned were also condemned traitors, thus fitting the sociological explanation of betrayal.

Jewish stonings persisted deep into the first century with the stonings of Stephen and James, the brother of Jesus. To the Jews who stoned them to death, they were both blasphemers, betrayers of God and the Covenant - one of the most serious We-boundary crossing violations. And unlike the previous examples, these both occurred in the era (post-6 CE) when Roman approval was required for capital punishment.³⁷ Stephen died sometime in the late 30s CE after the death of Jesus.³⁸ According to the Acts of the Apostles, Stephen was preaching the word of Christ and doing great works in his name in and around Jerusalem (Acts 6:8). His trajectory towards martyrdom followed Jesus's; he was challenged by scribes and elders and defeated them with his biblical wisdom (Acts 6:9-10). Stephen too was accused of blasphemy and brought before the Jewish council of judges where he delivered a defense. The Jews then cast him outside the city, and Saul made sure the stoning ended in Stephen's death (Acts 7:58-60).

Acts (i.e. Luke) presents Stephen's stoning as a miscarriage of justice, which is why Stephen became a Christian martyr. However, Luke describes an accusation, the bearing of witness, a trial, a defense speech, and then the punishment. These steps follow the dictates of later rabbinic literature, and many scholars argue that the stoning took place during the interim period

³⁷ Lester Grabbe, *Judaism from Cyrus to Hadrian, Volume Two: The Roman Period*, (Minneapolis: Augsburg Fortress, 1992), 392-3. It is a contested point, but it seems that Rome allowed Jewish local customs and functions to persist, but they guarded the final say over capital punishment - a decision left to the emperor or his imperial representatives (i.e. governors).

³⁸ S. Dockx, "Date de la mort d'Étienne le Protomartyr," *Biblica* 55, no. 1 (1974): 65-7.

after Pontius Pilate left his post as governor of Judea and before Marcellus arrived to assume the post.³⁹ This would have given the Pharisees an opportunity to quickly push through a capital punishment without Roman approval, thus making Stephen's death legal, and in agreement with later rabbinic literature, but unapproved by the Romans.

The stoning of James, brother of Jesus, is very similar, but Josephus provides a little more detail than the biblical accounts.⁴⁰ In 62 CE the governor of Judea, Porcius Festus, died and before his replacement (Albinus) could arrive, Jewish priests in Jerusalem moved against James. High priest Ananus took advantage of the interim period by accusing James and others of having transgressed a law, likely the law of blasphemy, for following the teachings of Jesus. Some translators of Josephus say that Ananus "convened the judges of the Sanhedrin" for the trial, but as James McLaren has suggested, the Greek "συνέδριον κριτῶν" does not specify the Sanhedrin, only a "synedrion of judges."⁴¹ Nevertheless, the specific mention of judges called upon to deliver a verdict does agree with the later writings of rabbinic literature. However, high priest Ananus overstepped himself by acting without Roman approval. Other Jewish leaders informed Albinus when he was enroute and he ordered Ananus to stand down (too late, however), and king Herod Agrippa II stripped Ananus of the high priesthood for his actions. Josephus states that he was wrong "in his first step," and it seems Ananus's misstep was carrying out capital punishment

³⁹ Ibid., 67. If this occurred, then Stephen's stoning is an interesting case of frontier vigilantism developing, or slipping through, in response to the perceived weakness of the Roman state's authority during the interim.

⁴⁰ For an explanation for why Josephus is the only legitimate primary source, see James McLaren, "Ananus, James, and Earliest Christianity. Josephus' Account of the Death of James," *The Journal of Theological Studies* 52, no. 1 (2001), 6.

⁴¹ Joseph., *AJ*, 20.197: "...καθίζει συνέδριον κριτῶν." McLaren, "Ananus, James, and Earliest Christianity," 6. Examples of translators include Joshua Efron, *Studies on the Hasmonean Period* (New York: Brill, 1987), 334; Blinzler, "Jewish Punishment of Stoning," 157; Emmanuelle Main, "Les Sadducéens vus par Flavius Joséphe." *Revue Biblique* 97, no. 2 (1990), 203.

without the approval of Rome's imperial representative.⁴² After the stoning of James, brother of Jesus, Jewish stonings fade from the record of the Roman Mediterranean world.⁴³

⁴² Joseph., *AJ*, 20.201: "...μηδὲ γὰρ τὸ πρῶτον ὀρθῶς αὐτὸν πεποιηκέναι." This also reveals that "the power of capital punishment was jealously reserved in the hands of the Roman governor," for which see Grabbe, *Judaism from Cyrus to Hadrian*, 392.

⁴³ Blinzler, "Jewish Punishment of Stoning," 151-2. The Mishnah and Talmuds do not mention any specific examples, outside of those in the Tanakh.

SECTION 3

SOCIAL CONFLICT STONINGS

The second category in this investigation of Roman Mediterranean stonings is social conflict stonings. These stonings manifest from a buildup of social tension. They are spontaneous in nature and come from the lower rungs of society, attacking upwards.⁴⁴ Social conflict or tension makes violence more likely, especially when there is significant distance between groups. The two primary causes of social conflict leading to stonings in the Roman Mediterranean were ethnic tensions and food insecurity. And although spontaneous, these stonings were not random acts of mob violence; they took specific forms and targeted specific individuals.⁴⁵ Michel Gras has argued that in ancient Greece stoning played “a regulatory role in hierarchical relations and social conflicts.”⁴⁶ In the Roman world, stonings as expressions of social conflict were not regulatory, but they were a way to force conversation between disparate social classes—a bloody conversation.

Food Insecurity as a Cause of Stoning

Such violently expressive dialogues can emerge due to food shortages. The problem continues today; for example, hunger riots broke out across Venezuela in January 2018, and one of

⁴⁴ Michel Gras, “Cité grecque et lapidation,” in *Du châtime dans la cité. Supplices corporels et peine de mort dans le monde antique. Table ronde de Rome* (Rome: École Française de Rome, 1984), 86.

⁴⁵ Sara Forsdyke, “Street Theatre and Popular Justice in Ancient Greece: Shaming, Stoning and Starving Offenders inside and outside the Courts,” *Past & Present*, no. 201 (2008), 26.

⁴⁶ Gras, “Cité grecque et lapidation,” 84: “L’acte de lapider joue donc un rôle de régulation dans les rapports hiérarchiques et les conflits sociaux.”

the looters, Maryoli Corniele, stated the obvious, “We either loot or we die of hunger.”⁴⁷ In these Venezuelan riots a cow was even stoned to death.

The literature on food shortages, or more specifically food insecurity (the lack of a secure supply or source of food), confirms that food insecurity “is a threat and impact multiplier for violent conflict.”⁴⁸ Sociologists Brinkman and Hendrix have recently shown that food insecurity, “especially when caused by higher food prices, heightens the risk of democratic breakdown, civil conflict, protest, rioting, and communal conflict.”⁴⁹ Scholars have long argued that the poor French harvests of the late 1780s and the subsequent ‘bread riots’ helped bring about the French Revolution, and the Roman poet Juvenal famously pointed out the importance of “bread and circuses” (panem et circenses) for the appeasement of the populace.⁵⁰

In 39 BCE during the Second Triumvirate, in which Octavian Caesar and Marc Antony were already the principal leaders, food insecurity became a problem. Octavian was desperately leading a civil war in the western Mediterranean against Sextus Pompeius, and Pompeius’s navy cut off the grain supply to Rome with piratical raids that suppressed Mediterranean trade. Costs rose and the people of Rome demanded peace with Pompeius. Octavian refused, but he sought a quick end to the war to relieve the food insecurity problem. Quickening the end of the war required

⁴⁷ John Otis, “‘We Loot or We Die of Hunger’: Food Shortages Fuel Unrest in Venezuela,” *The Guardian*, January 21, 2018, accessed December 14, 2018, <https://www.theguardian.com/world/2018/jan/21/venezuela-looting-violence-food-shortages>.

⁴⁸ Henk-Jan Brinkman and Cullen S. Hendrix, Occasional Paper no. 24: *Food Insecurity and Violent Conflict: Causes, Consequences, and Addressing the Challenges* (Rome: World Food Programme, 2011), 2 <https://ucan.edu/blogs/food2025/blogfiles/14415.pdf>

⁴⁹ *Ibid.*, 4.

⁵⁰ *Ibid.*, 7; Juv., X. The stonings organized by Clodius Pulcher shortly after the grain shortage of 60 BCE are discussed in section four because while they were related to the food insecurity, they were not caused by it.

money, so he issued a tax on slaveowners per slave. The people “tore down the edict with fury” and banded together, enraged by the edict but primarily the food shortage.⁵¹

The source for this event is Appian, who describes specific activities of the rising mob, but his details are speculative because he lived nearly two centuries after the fact and his sources are unknown to us. Nevertheless, he describes the formation and growth of a violent mob in Rome. Immediately after its formation, the stonings began. First the crowd “stoned those who did not join them, and threatened to plunder and burn their houses...”⁵² The violence forced people to join or suffer the consequences. This tactic that Appian details seems to have worked because “the whole populace was aroused” in violent protest to the state’s inaction towards the food shortage. When Octavian Caesar and his attendants came to the Roman Forum the crowd “stoned him mercilessly, and they were not ashamed...”⁵³ Antony then came forth with soldiers to help Octavian. When the mob saw him approaching they did not stone him, since Antony favored peace with Pompeius, but they demanded that he go away. But after Antony refused to leave the mob stoned him too, and Antony called in reinforcements to force his way into the Forum. Those who refused to disperse fell to the sword, and Antony snatched Octavian from the scene. “The insurrection was suppressed, but...the famine worsened. The people groaned, but did not stir.”⁵⁴ However, the actions and stonings of the Roman populace did compel Octavian to temporarily agree to peace with Pompeius.

⁵¹ App., *B Civ.*, 5.8.67: “τοῦτο τὸ γράμμα σὺν ὀρμῇ μανιώδει καθεῖλεν ὁ δῆμος ἀγανακτῶν.”

⁵² Ibid. “...τοὺς οὐ συνισταμένους ἔβαλλον καὶ ἠπέιλον διαρπάσειν αὐτῶν τὰς οἰκίας καὶ καταπρήσειν, ἕως τὸ μὲν πλῆθος ἅπαν ἠρέθιστο.”

⁵³ App., *B Civ.*, 5.8.68: “...ἔβαλλόν τε ἀφειδῶς πάνυ καὶ οὐδ’...ἠδοῦντο.”

⁵⁴ Ibid. “ἀλλὰ ταῦτα μὲν ἐπαύετο...ὁ δὲ λιμὸς ἤκμαζε, καὶ ὁ δῆμος ἔστενε καὶ ἠσύχαζεν.”

Another near-miss stoning caused by food insecurity is even more revealing because it comes from an eyewitness. Dio Chrysostom was a prominent Roman citizen and orator from the city of Prusa in the Roman province of Bithynia (modern day Bursa, Turkey). He would eventually be banished by emperor Domitian in 82 CE, but shortly prior to this, an outbreak of mob violence nearly cost him his life. A mob rallied in Prusa to attack him and other landowners, but dispersed before taking action. The next day Dio addressed the town in an assembly, condemning the mob's behavior.

Dio never describes the make-up or nature of the mob, but he does give clues. He addresses the assembly as if everyone there was part of the near-stoning mob. He consistently uses the second person plural with regard to the actions of the mob during the previous night.⁵⁵ Dio even seems to anger the crowd midway through his speech; for after noting that although grain prices in Prusa were higher than usual, the prices were not unusually in comparison to other nearby towns, he says, "There you go! Making a tumult once more..."⁵⁶ So it seems that the members of the stoning crowd were fellow citizens of Prusa, and not necessarily non-citizens, slaves, or lower class members of the community.⁵⁷

The issue that caused the near-stoning was a food shortage. Dio admits that the shortage was real and people were suffering, but he uses this point to censure the people for nearly stoning him because he was not even a leading grain producer.⁵⁸ The rest of the speech is a defense of his status as a good citizen and an argument against mob violence. He states that if someone did

⁵⁵ Ibid., 46.1, 10, 12-13.

⁵⁶ Ibid., 46.10: "πάλιν αὖ θορυβεῖτε..."

⁵⁷ Dio also addresses them as "ὧ ἄνδρες" (=gentlemen) and refers to himself as "τινα τῶν ὑμετέρων πολιτῶν" (=one of your own citizens) implying that the members of the mob were Prusan citizens. See Ibid., 46.1.

⁵⁸ Ibid., 46.8: "...οὐδεὶς μᾶλλον ἐμοῦ ἀναίτιος."

manipulate or squander the food supply, then the law would issue “a punishment greater than that which you seek. For it is in every way worse to be convicted a knave than to be stoned to death or condemned by fire.”⁵⁹ Dio also addresses a possible class conflict motivation when he implies that the mob wanted to target affluent landowners. However, the mob may have targeted such landowners because they were seen as the primary producers of food for Prusa.⁶⁰ Underlying class issues remain speculative, but this near-miss stoning in Prusa does illustrate the relationship between food insecurity and stoning.

Ethnic Tension as a Cause of Stoning

The other cause of social conflict stonings was ethnic conflict, but the evidence rests on Philo’s account of a series of stonings in first century Alexandria. The people of ancient Alexandria had a variety of ethnic backgrounds, but the ones relevant to our investigation are the Jews and the Alexandrian Greeks. The Jews were a minority in Alexandria, and in 38 CE they suffered persecution at the hands of the Greeks, who initiated a short-lived pogrom.

Sociologists argue that increased contact and proximity between ethnic groups leads to a decrease in group violence, not an increase. Intergroup contact theory agrees, positing that contact can reduce prejudice between groups. However, the contact between groups must meet certain conditions for this to happen. The ideal conditions include “1) equal status of the groups, 2) common goals, 3) intergroup cooperation, and 4) the support of authorities, law or nation.”⁶¹

⁵⁹ Dio Chrys., *Or.*, 46.1: “...τιμωρίαν ἢ αὐτοὶ ζητεῖτε. τὸ γὰρ ἐξελεγχθῆναι πονηρὸν ὄντα τῷ παντὶ δεινότερον τοῦ λευσοθῆναι ἢ καταφλεγῆναι.”

⁶⁰ *Ibid.*, 46.5-8.

⁶¹ Wenona Rymond-Richmond, “Intergroup Contact and Genocide,” 77.

However, these conditions are rare and in their absence, contact may increase prejudice.⁶² Optimal conditions did not exist in Alexandria, and ethnic violence broke out there in the summer of 38 CE, shortly after Caligula became emperor.

Our information on the pogrom comes from Philo, a prominent Jewish leader who was part of the embassy to emperor Caligula that sought help for the suffering Jews. Philo says it began when Caligula stirred anti-Semitic rhetoric by nearly forcing a statue of himself in the Second Temple, which Philo argues inspired the Alexandrian Greeks to attack Jewish synagogues and forcibly place images of emperor Caligula in the temples of the Jews.⁶³ The imperial official in charge of all Egypt, prefect Flaccus, then denounced the Jews as foreigners and relegated them to one district of the city. The persecution continued for weeks and the stoning of Jews became a frequent occurrence. Jews seen in the streets or trying to escape the city were “stoned or wounded by tiles or branches of oak...”⁶⁴ Philo blames the escalation from ethnic tensions to ethnic violence on the negligence of the Roman state. He states that Flaccus “pretended not to see what he saw and hear what he heard,” and he censures emperor Caligula for indirectly encouraging the Alexandrian Greeks to attack the Jews.⁶⁵ The former claim at least seems to have support because Jewish leaders successfully tried Flaccus for negligence of duty. Flaccus was exiled and then executed for his part in the ethnic violence.⁶⁶ But regardless of the exact triggers of the ethnic violence, strong unresolved ethnic tensions led to the Alexandrian stonings.

⁶² Ibid. Also, see M. Hewstone, “Intergroup Contact: Panacea for Prejudice?” *Psychologist* 16: 352-55.

⁶³ Philo, *Leg.*, 132-6.

⁶⁴ Ibid., 127: “...ἢ καταλευόμενοι ἢ κεράμῳ τιτρωσκόμενοι ἢ πρίνου κλάδοις...”

⁶⁵ Ibid., 132: “...προσποιουμένου ἅ τε ἐώρα μὴ ὀρᾶν καὶ ὧν ἤκουε μὴ ἐπακούειν...”

⁶⁶ Ibid., 146-51.

SECTION 4

STONING AS A POLITICAL WEAPON

The final category of stoning in our investigation is stoning used as a political weapon. These stonings were organized acts committed by gangs for political gain. They occurred in two distinct eras and locations: the late Roman Republic in the city of Rome and in North Africa during the Donatist-Catholic conflict of the fourth and early fifth centuries.

There is no agreed upon definition of a gang in modern sociological literature. However, sociologists do agree on what types of group violence gangs commit.⁶⁷ Violence by groups is categorized as either expressive or instrumental. The former are violent acts that vent rage, anger, or frustration; the latter are premeditated acts used to improve the financial, social, or political status of the group (or the architect of the violence). Instrumental violence requires organization and leadership, and we see such leadership in the gangs operated by Roman politicians (Lucius Saturninus, P. Autronius Paetus, P. Clodius Pulcher, Titus Milo, and Publius Sestius) in the late Republic and Donatist clergy (Silvanus and Primian of Carthage) in fourth century North Africa.⁶⁸

Late Roman Republic Political Stonings

The stonings of the late Roman Republic were political motivated acts of instrumental violence that were ordered and organized. Select Roman politicians organized and led these gangs, and the members of their gangs were colleagues and hired hands —gladiators and slaves mostly.

⁶⁷ David Kennedy, “Violence and Street Groups: Gangs, Groups, and Violence” in J. Hawdon, J. Ryan, and M. Lucht, eds., *Causes and Consequences of Group Violence: From Bullies to Terrorists*, 49.

⁶⁸ *Ibid.*, 59.

The primary objective of these violent politically motivated gangs was to silence opposition and influence voting, elections, and legislation in their favor. The stonings they used were often non-lethal, the goal was to silence or suppress their opposition, not necessarily to kill people.

An exception to the rule that political stonings were non-lethal is the earliest stoning in our investigation. Lucius Saturninus, victim of the 100 BCE stoning described in section two, was at the center of another stoning, of which he was the organizer. During his first tribunate (103 BCE) he proposed an agrarian law that would give land to veterans. Agrarian laws were always controversial in Rome, and suspecting a connection between Saturninus and Marius, another tribune named Baebius vetoed the law. Using the veto as an opportunity to eliminate a political enemy, Saturninus ordered Baebius stoned to death.⁶⁹

Another stoning occurred in 65 BCE, when one of Catiline's fellow conspirators, P. Autronius Paetus tried to break up the court trying the bribery case levied against him. He first instigated a small revolt of slaves and gladiators, then used the same group to stone officials trying to convene the courts.⁷⁰ Autronius was exiled for his actions, but primarily because of his association with Catiline and the attempted coup d'état, not for his violent political behavior.

Just a few years later, Publius Clodius Pulcher took political stonings to new heights. Clodius primarily used stoning as instrumental violence for his own political aspirations. Cicero is the source of information on all of Clodius Pulcher's stonings, and Cicero was certainly contemporaneous to the events. However, he does not describe the events in great detail; rather, he references them as events already understood by his audience. Indeed, all of Cicero's references to

⁶⁹ [Aur. Vict.] *De vir. ill.*, 3.73.1.

⁷⁰ Cic., *Sull.*, 15.

stonings come from his speeches in court, and all are given in direct opposition to Clodius on behalf of either himself (*De domo*) or his friends (*Pro Sulla, Pro Sestio, Pro Milano*). Cicero describes those who commit Clodius's stonings as "a multitude of collected slaves, of hirelings, and of criminals and beggars."⁷¹ This matches the description of Autronius Paetus's gang, but that description also comes from Cicero. It is therefore still difficult to identify who the actual stoners were. A group of hired hands is perhaps the most neutral term.

The stonings instigated by Clodius began in 60 CE when grain supply problems were threatening the city of Rome. But Clodius's stonings had far more to do with his political goals than food insecurity, as exemplified by the fact that he continued using stonings years after the grain crisis in 60 CE. Cicero proposed a bill to give Pompey authority over the grain supply and its distribution. Clodius did not want this to happen so he organized a series of stonings to oppose Cicero's proposal for famine relief. Even one of the consuls, Quintus Metellus, was stoned (and stabbed). It is not clear how many stonings Clodius organized, but Cicero called on the Senate to forcibly prevent their continued occurrence.⁷² Metellus also named Lucius Sergius and Marcus Lollius as the on-hand organizers of the stoning that attacked him, and Cicero identified them as Clodius's henchmen.⁷³ Here Cicero reveals evidence of a leadership hierarchy in Clodius's gangs, and also shows that the violence was instrumental, with the desired purpose to prevent the passage of Cicero's bill.

The stonings continued. Clodius acquired a tribunate for 58 BCE, intentionally stripping himself of patrician rank to do it, and got Cicero exiled in the spring of that year with the help of

⁷¹ Cic., *Dom.*, 33: "...multitudinem hominum ex servis, ex conductis, ex facinerosis, ex egentibus congregatam!"

⁷² *Ibid.*, 12: "consulis auxilium implorasse et senatus fidem."

⁷³ *Ibid.*, 13.

stonings to pass his laws.⁷⁴ When Cicero's friends tried to pass resolutions in favor of his restoration, Clodius had them stoned until they fled.⁷⁵ Clodius and his allies obstructed bills for Cicero's recall over and over. With violent stonings they prevented recall votes in May and June of 58 BCE. On 23 January 57 BCE Clodius ordered hired slaves and gladiators with stones to break up the Senate meeting, and in the afternoon stoned P. Sestius, Cicero's friend and colleague, inside the Temple of Castor.⁷⁶ Eventually, Cicero's friends Milo and Sestius embraced gang violence themselves in the spring of 57 BCE and used stonings of their own to stop Clodius's disruptions. Finally, in late July of 57 BCE the Senate successfully passed a proposal for Cicero's recall by a vote of 416 to 1.⁷⁷

Clodius had organized dozens of stonings to prevent assemblies, stop votes, harass his political opponents, and harm the political career of Cicero. He died in an accidental gang confrontation with Milo in 52 BCE on the Via Appia.⁷⁸

Donatist-Catholic Sectarian Violence

Such stonings faded from the politics of Rome, or at least the record, with Clodius's death. However, stonings used as political weapons by short-lived gangs re-emerged in the fourth century amidst the great factional dispute between the Donatists and Catholics. These stonings happened exclusively within the Donatist sect, and the bishops that ordered these stonings used them to defend their status as clergy.

⁷⁴ Cic., *Sest.*, 53.

⁷⁵ Cic., *Dom.*, 54: "...eorumque advocacionem manibus, ferro, lapidibus discussisti..."

⁷⁶ For a full sequence of events, see Cicero, *Pro Sestio and In Vatinius*, ed. and trans. R. Gardner, Loeb Classical Library 309 (Cambridge, MA: Harvard University Press, 1966), xii-xx.

⁷⁷ Cic., *Sest.*, 78-84, 87-91; Cic., *Mil.*, 41; Cic. *Att.* 4.1

⁷⁸ Cic., *Mil.*, 2-5.

The first such example was in 320 CE. The governor of Numidia, Zenophilus, heard a case between two Donatists, bishop Silvanus and deacon Nundinarius, both of Cirta. An unknown quarrel between the two caused Nundinarius to campaign against his own bishop. He visited with nearby bishops and clergy expressing his discontent with Silvanus, but when nothing changed, he threatened to go public and accuse Silvanus and his clergy of having repudiated the faith seventeen years prior during the Great Persecution. This was a serious accusation; Donatists rested their entire reputation on the fact that they had not repudiated Christianity during the Great Persecution. Nundinarius's accusation was also true, and bishop Silvanus evidently feared the accusation so much that he ordered Nundinarius stoned. But Nundinarius survived and sued Silvanus for assault, on 13 December 320 CE.⁷⁹ The hearing revealed that many of the Donatists had indeed repudiated Christianity during the Great Persecution. They denied the accusation, but the evidence provided in court showed that it was true.

The instrumental purpose of the stoning Silvanus ordered on Nundinarius was to silence him before he could reveal the skeletons in the closet of Cirta's clergy. In the hearing, Nundinarius presented a statement from bishop Purpurius that called out Silvanus as a traitor and identified his order of stoning as a further betrayal of his flock.⁸⁰ Details of the stoning are lost, but Silvanus was willing to order group violence to cover up his church's history and protect his standing within the elaborate political network of Christian priests and bishops in North Africa.

Later, in 392 CE, a stoning occurred in Carthage amidst more Donatist infighting. The infighting was between Maximian and Primian, both prominent Donatists and rivals. After Primian

⁷⁹ *Gesta apud Zenophilum*, 7. Bishop Purpurius wrote, "Manu sua enim tradidit lebellum rei gestae, pro qua causa tuo praecepto fuerit lapidatus."

⁸⁰ *Ibid.*

won the episcopate of Carthage, Maximian sent followers to disrupt assemblies in the basilicas and churches of Carthage. Bishop Primian then armed his clergy with stones and ordered them to refuse entry to Maximian's followers, and if they insisted on entering, then stone them until they dispersed. When this happened, Maximian then called the Council of Cebarussi (393 CE), which excommunicated Primian for his use of violence.⁸¹

But the dispute was not over. Primian took his case to the civil courts. There, he managed to prove that his actions were legal defenses of his property. Indeed, he had filed petitions asserting his property rights as bishop over the churches and basilicas of Carthage, and had state officials alongside him during the violence. Primian therefore won the case and was re-appointed as bishop of Carthage.⁸²

Primian's attacks were not random, expressive attacks against Maximian's followers inspired by raw emotion, they had purpose and foresight behind them. Primian used stoning as a political weapon in order to legally defend his authority as bishop of Carthage and halt the inroads of his rival.

⁸¹ The proceedings of the Council of Cebarussi detail the accusations; they are quoted in Aug., *En. in Ps.*, 36.2.20.

⁸² Brent Shaw, *Sacred Violence*, 119-22.

SECTION 5

CONCLUSION

I have described three categories of stoning in the Roman Mediterranean: (1) stoning as punishment, (2) stoning as an expression of social conflict, and (3) stoning as a political weapon. Using sociological research, I have also outlined the possible sociological causes of these various types of stonings. Both the Greek and Latin authors and the Jewish and early Christian sources show that betrayal is deeply connected to punishment stonings. The most prominent underlying causes of social conflict stonings were ethnic tensions and food insecurity. For the third category, Roman politicians in the late Republic and Donatist clergy in the fifth century organized stonings as a method of instrumental group violence which they used for political gain.

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