



PURPLE WOOL: THE IMPERIAL TEXTURE OF TRIMALCHIO'S DOMESTIC JURISDICTION*

ABSTRACT

This article offers a new interpretation of the theme of servile 'crime and punishment' in the *Cena Trimalchionis*. Focussing on scenes that directly involve the dinner host, it argues that the domestic justice system that they flesh out adds nuance to the satirical bite of the episode. An initial overview of the instances of 'crime and punishment' involving enslaved characters demonstrates how these scenes parade not just Trimalchio's wealth but his masterly power overreaching that of private *domini*. While previous scholarship understood Trimalchio's questionable chastisements as indicative of this *parvenu's* pretensions, this article shows that they cumulatively develop an image of a jumbled execution of justice—brought to life through the presence of state functionaries, judicial infrastructures and penalties normally executed by the state. The climax of this image is hidden in plain sight, in a hitherto underappreciated scene involving purple wool (54.3–5), discussion of which proves in conclusion that the instances of servile 'crime and punishment' craftily build a subplot that plays on the freedman's imperial authority. The imperial matrix already recognized in several dimensions of the *Cena* in earlier scholarship unmistakably characterizes Trimalchio's domestic jurisdiction too; arbitrary and unfair, it offers biting comment on the state of Roman justice during the Principate with the progressive channelling of justice through the sole authority of the emperor. In sum, the servile 'crime and punishment' theme works as a fierce attack on the imperial government, encouraging broader reconsideration of the target of Petronius' satirical pen.

Keywords: slaves; punishment; crime; Trimalchio; justice; emperor

INTRODUCTION

Petronius' fragmentary *Satyricon* is mostly renowned for the longest of its extant episodes, the so-called *Cena Trimalchionis* (26.9–78), which narrates a lavish dinner party hosted by the freedman Trimalchio.¹ The *Cena* takes the reader through an unprecedented show of extravagance that has long attracted scholarly attention.² Modern interest has focussed on a myriad of themes, studied from a host of diverse angles—from the literary investigation of the narrative techniques at work,³ via the historical contextualization of the depicted socio-economic milieu,⁴ to the linguistic

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¹ The text of the *Satyricon* is taken from K. Müller, *Petronii Arbitri Satyricon* (Munich, 1961).

² For the dinner party and its larger-than-life host, see J. Bodet, 'The *Cena Trimalchionis*', in H. Hoffman (ed.), *Latin Fiction: The Latin Novel in Context* (London and New York, 1999), 38–51.

³ See T.K. Hubbard, 'The narrative architecture of Petronius' *Satyricon*', *AC* 55 (1986), 190–212, at 193–203 with his explication of the *Cena* as a *Ringkomposition*.

⁴ J. Andreau, 'Freedmen in the *Satyricon*', in J. Prag and I. Repath (edd.), *Petronius. A Handbook* (Oxford, 2009), 114–24.

analysis of the language of the dinner guests.⁵ The presence of legal dimensions has been appreciated too, although the role of law in the *Cena* has been questioned outright.⁶ The *Cena*'s imperial innuendos have also received due comment. For instance, scholars interpreted the universe of the dinner party as a comic distortion of the imperial court and its culture,⁷ along with spotting imperial habits and foibles in Trimalchio.⁸ It is notable in this context that Trimalchio's feast also contains one of the highest concentrations of enslaved characters being punished in the whole of Roman literature. Although scholars have often understood these punishments in the context of the comedic aspects of the episode,⁹ some have acknowledged the interpretative potential of these vignettes for revealing the harsher realities of Roman society in general and Roman slavery in particular.¹⁰ Overall, however, these scenes are widely regarded as a distinctive element of Petronius' characterization of the *Cena*'s host—Trimalchio—as a boorish ex-slave, as recently outlined by Joshel:¹¹

at the dinner party of the wealthy freedman Trimalchio, the display of masterly violence serves as social criticism of this parvenu ... these scenarios of punishment and reprieve portray the power of a vulgar freedman who has wealth but not class ... his slaves then enable him to exercise a power denied by his social position, and Petronius' depiction of its vulgar display makes the wealthy freedman ridiculous.

Seen this way, the theme of 'crime and punishment' serves to corroborate the *Cena*'s satirical depiction of Roman freedpersons, typically agreed to be the chief purpose of the text.

This article offers a different interpretation of the *Cena*'s satirical bite by taking a fresh look at the occurrence of 'crime and punishment' in scenes that involve enslaved characters. In particular, it provides a comprehensive overview of all the 'crime and punishment' scenes that have to do directly with Trimalchio. I foreground in the first instance the immediate purpose of the relevant sketches in the narrative—namely, to

⁵ F.F. Abbott, 'The use of language as a means of characterization in Petronius', *CPh* 2 (1907), 43–50; B. Boyce, *The Language of the Freedmen in Petronius' Cena Trimalchionis* (Leiden, 1991).

⁶ A recent contribution focussed on legal dimensions is U. Roth, 'Liberating the *Cena*', *CQ* 66 (2016), 614–34; as examples of scholarly contributions which have denied the involvement of law (also in passages where *ius* is explicitly mentioned), see W.T. Avery, '*Cena Trimalchionis* 35.7: *hoc est ius cenae*', *CPh* 55 (1960), 115–18, followed by P.A. Perotti, '*Ius cenae* (Pétrone 35, 7)', *LEC* 65 (1997), 345–9 and G. Mazzoli, '*Ius cenae* (Petron. 35.7)', in L. Castagna and E. Lefèvre (edd.), *Studien zu Petron und seiner Rezeption / Studi su Petronio e sulla sua fortuna* (Berlin and New York, 2007), 51–9.

⁷ S. Bartsch, *Actors in the Audience. Theatricality and Doublespeak from Nero to Hadrian*, (Cambridge, MA, 1994); C. Vout, 'The *Satyrica* and Neronian culture', in J. Prag and I. Repath (edd.), *Petronius. A Handbook* (Oxford, 2009), 101–13. Both advance specifically a Neronian contextualization of the dinner party; for an argument in favour of a later date, see Roth (n. 6), with earlier bibliography. Neither the specific date nor the authorship of the *Satyrica* is significant for the present argument.

⁸ As noted by S. Hales, 'Freedmen's cribs: domestic vulgarity on the bay of Naples', in J. Prag and I. Repath (edd.), *Petronius. A Handbook* (Oxford, 2009), 161–80; P.G. Walsh, *The Roman Novel: The 'Satyrica' of Petronius and the 'Metamorphoses' of Apuleius* (Cambridge, 1970) and many others.

⁹ See K. Preston, 'Some sources of comic effect in Petronius', *CPh* 10 (1915), 260–9, for whom many of the passages that will be analysed only add to the farcical nature of the episode.

¹⁰ As summarized by J. Donahue, 'Party hard: violence on the context of Roman *cenae*', in W. Riess and G.G. Fagan (edd.), *The Topography of Violence in the Graeco-Roman World* (Ann Arbor, 2016), 380–400, who also describes them as proof of the endemic violence of the dining hall.

¹¹ S.R. Joshel, 'Slavery and Roman literary culture', in K. Bradley and P. Cartledge (edd.), *The Cambridge World History of Slavery, Vol. 1: The Ancient Mediterranean World* (Cambridge, 2011), 214–40, at 225.

flesh out the imperial theme within the dinner party, with particular regard to the freedman's execution of domestic justice. Arbitrary and unfair, Trimalchio's jurisdiction is then exposed as a fierce satirical critique not so much of the main characters of the *Cena*—that is, the freedman host and his freed guests—as of the imperial government. The article thus argues that the established view of the freedman as the target of Petronius' satirical pen is in need of revision.

I. THE SHAPE OF TRIMALCHIO'S DOMESTIC JURISDICTION

The *Cena* contains, in total, nineteen scenes of servile 'crime and punishment'. Table 1 presents these in schematic fashion, following their order of appearance in the episode. A distinction between servile misdeeds and punishments happening during the dinner party vis-à-vis the reported instances (which become part of the banquet through secondary narration) is made at the outset. The table also foregrounds several other important structural aspects—namely, the type of servile misdeed committed or theorized (for example domestic offence/crime), the kind of punishment exerted or threatened (for example beating); and the power framework behind the punishment, that is, master/household or law/state (without wishing to imply a rigid barrier between these two frameworks). Dealing with punishments specifically, there is a further demarcation between, on the one hand, those ordered by Trimalchio to be meted out by his servile staff and, on the other hand, the chastisements which he is willing to exert himself. The table also distinguishes between accidental and planned scenes (that is, those carefully designed by Trimalchio). Finally, rewards are pointed out too, as they render explicit the non-casual nature of the situations to which they belong.

As noted in the Introduction, this article exclusively delves into the 'crime and punishment' scenes involving both enslaved characters and the host himself, showing how Petronius exploited these to craft, within the plot of the *Cena*, a subtle complementary narrative centred on Trimalchio's quasi-imperial authority. Despite their abundant number and variety, common threads can be found. These will be singled out first, before we confront the larger scheme that lurks behind those vignettes.

II. PLANNED AND UNPLANNED SCENES

The most commonly found element among the nineteen instances is Trimalchio's meticulous planning: nos. 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19. As these scenes demonstrate, the host's dominance over his household is such that he not only punishes his slaves excessively and wilfully (as will be seen) but also creates a stage for making them commit certain misdeeds in front of the guests' eyes. Panayotakis has already argued that some of these orchestrated sketches buttress the theatrical dimension of the *Cena*, since they are deliberately staged by the host.¹² As the theatrical character of the banquet is mainly evident in the flamboyant presentation of the dinner courses, Panayotakis focusses on nos. 2, 6 and 18, where Trimalchio's creativity in parading

¹² C. Panayotakis, *Theatrum Arbitri: Theatrical Elements in the Satyricon of Petronius* (Leiden, 1995) covers the influence of Roman drama on the *Satyricon*.

Table 1. Scenes of servile ‘crime and punishment’ in the *Cena Trimalchionis*

REF.	WHEN	WHO	WHAT	TYPE OF MISDEED	TYPE OF PUNISHMENT	APPLIED	MODE OF ORDER	PLANNED	REWARD	
1	Sat. 28.7	<i>Cena</i>	<i>quisquis seruus</i>	leaving the house without permission	domestic offence	master: beating	NO	written	YES	NO
2	Sat. 30.7	<i>Cena</i>	<i>seruus</i>	neglecting the master’s clothes gifted by a <i>cliens</i>	domestic offence	state: <i>despoliatus</i> / master: beating	NO	N/A	YES	NO
3	Sat. 34.2	<i>Cena</i>	<i>puer</i>	picking up an entrée dish	domestic offence	master: beating	?	verbal	NO	NO
4	Sat. 45.7–8	reported	Glyco’s <i>dispensator</i>	sexual intercourse with the master’s wife	crime: <i>adulterium</i>	state: <i>ad bestias datio</i>	YES	N/A	N/A	NO
5	Sat. 47.12–13	<i>Cena</i>	<i>cocus</i>	not serving the course correctly	domestic offence	master: demotion	NO	verbal	YES	NO
6	Sat. 49.5–6	<i>Cena</i>	<i>cocus</i>	forgetting to gut the pig	domestic offence	state: <i>tortores</i> / master: beating	NO	verbal	YES	YES
7	Sat. 52.4	<i>Cena</i>	<i>puer</i>	being <i>nugax</i>	domestic offence	master: self-inflicted beating	NO	verbal	YES	NO
8	Sat. 53.3	reported	Mithridates	slandering the <i>genius</i> of Gaius	domestic offence	state: crucifixion	YES	?	YES	NO
9	Sat. 53.10	reported	<i>balneator</i>	being caught with a freedwoman	crime: <i>adulterium</i> (?)	?	?	?	YES	NO
10	Sat. 53.10	reported	<i>atriensis</i>	?	?	state: <i>relegatio</i>	YES	?	YES	NO
11	Sat. 53.10	reported	<i>dispensator</i>	? (<i>reus factus</i>)	?	?	?	?	YES	NO
12	Sat. 53.10	reported	<i>cubicularii</i>	?	?	?	?	?	YES	NO
13	Sat. 54.3–5	<i>Cena</i>	<i>puer</i>	falling on T.’s arm	domestic offence	-	N/A	N/A	YES	YES
14	Sat. 54.3–5	<i>Cena</i>	<i>seruus</i>	wrapping T.’s arm in white wool	domestic offence	master: beating	YES	?	YES	NO
15	Sat. 64.9–12	<i>Cena</i>	Croesus	causing a dog fight and the consequences thereof	domestic offence	-	N/A	N/A	NO	NO
16	Sat. 69.2	<i>Cena</i>	Massa	being <i>agaga</i>	domestic offence	master: <i>stigma</i>	NO	N/A	N/A	NO
17	Sat. 69.3	reported	Trimalchio	sexual intercourse with his mistress	crime: <i>adulterium</i>	master: demotion	YES	N/A	N/A	NO
18	Sat. 70.5–7	<i>Cena</i>	<i>duo serui</i>	breaking of amphorae and ignoring T.’s verdict	domestic offence	-	N/A	N/A	YES	NO
19	Sat. 78.2	<i>Cena</i>	Stichus	letting mice and moths spoil T.’s funeral clothes	domestic offence	state: burning alive	NO	-	YES	NO

the fine quality of his wine and dishes leverages on servile delinquency.¹³ No. 6 constitutes, indeed, an excellent example of these scenes' staged nature: Trimalchio orders a cook to be stripped (*despolia!*),¹⁴ since he forgot to gut the pig that was supposed to be served, in itself a minor 'crime'. The commensals intercede for the cook, but soon realize that they have been tricked: as the host asks the *cocus* to carve the pig's belly on the spot, sausages and black puddings are squeezed out of it. The rehearsed character of the scene is also confirmed by the rewarding of the cook's performance with a silver crown and a drink (50.1), in place of punishment.¹⁵

Apart from demonstrating Trimalchio's control, these scenes also advance further characterizations of the dinner host.¹⁶

- i) he brandishes his material possessions, as demonstrated in no. 7—where Trimalchio's reaction to the *puer*'s tossing (*proiecit*) of a wine glass amplifies the boast about his refined collection of vases and cups—but also in nos. 3, 15 and 18;
- ii) his power is undisputed, as illustrated chiefly by nos. 8, 13, 14 and 19;
- iii) he benefits from a highly specialized servile staff, as shown by nos. 5, 6 and 12, which respectively bring into play *uiatores*, *tortores* and *cubicularii*;
- iv) he displays to the guests a merciful attitude towards his servile staff, such as in nos. 3, 5, 6, 7, 13, 15, 18 and 19. As an example of this mercy, we can mention no. 5, where the punishment of demotion to another office is not actually meted out to the cook; it is just a threat to make him serve the course scrupulously.

There are only two scenes that portray what may be called seemingly unexpected accidents: nos. 3 and 15. As with the staged scenes just discussed, these unforeseen mishaps also function to advance several of the *Cena*'s characterizations: impeccable at improvising, the host turns also these instances into occasions to show utter indifference towards his material possessions.¹⁷ First, in no. 3, the accidental (*forte*) dropping of an entrée dish makes Trimalchio rebuke a *puer*, not for the material loss but rather because he picked up the plate, lowering the tone of the household with such an act.¹⁸ Since Petronius does not add details on the fate of the *puer*, but rather concentrates on the swift appearance of another attendant sweeping the refuse away, there are doubts as to whether this punitive order has been applied or not. On the

¹³ As nos. 6 and 18 will be discussed later, something must be added on no. 2, whose rehearsed character was highlighted by both H.D. Rankin, *Petronius the Artist. Essays on the Satyricon and its Author* (The Hague, 1970) and Panayotakis (n. 12). The scene involves a slave of Trimalchio's *dispensator* who, already stripped and without being asked, explains to Encolpius and Giton that he is about to be punished for failing to guard his master's clothes. The *dispensator* too clarifies on his own accord why he is so enraged and then forgives his subordinate with suspicious speed thanks to the intervention of Encolpius and his companions. *Sat.* 31.2 reveals that this is a staged scene: the rescued slave introduces himself as the *ministrator* in charge of pouring Trimalchio's wine. To thank his saviours, he will serve them only the finest bottles—but his generosity is designed to seem a mere reflection of Trimalchio's wealth.

¹⁴ This verb will be discussed in detail below.

¹⁵ A toast is made by the *familia* in honour of Trimalchio, called here Gaius (*Gaio feliciter!*).

¹⁶ This list is based on the systematic overview given in Table 1.

¹⁷ Trimalchio thus has total control of his entertainment system, *pace* N.W. Slater, *Reading Petronius* (Baltimore and London, 1990), 67–83.

¹⁸ This recalls Trimalchio's ball game in *Sat.* 27, where a slave gives the player a bag filled with balls, so that they do not have to pick up those that have fallen. Moreover, there is a eunuch taking note of the number of balls thrown to the floor, rather than of those that are being used for the game, as one would normally expect.

same note, in no. 15, Croesus, Trimalchio's jealous favourite, unexpectedly provokes his puppy to attack the dog Scylax, whom the host has just passionately praised. The canine mayhem results in the shattering of crystal vases and a precious lamp (which sprinkles burning oil on the guests) under the impassive gaze of Trimalchio who is described as unwilling to seem upset at his loss (*ne uideretur iactura motus*).

III. WEALTH AND POWER

So far it seems that the 'crime and punishment' scenes have been set up or exploited by Trimalchio mainly to show off his wealth, confirming the display of the vulgarity of this nouveau riche which pervades the whole banquet. However, most of the planned and unplanned instances also reveal an interest in parading an authority untypical of a private master, even an immensely rich one:

- i) Trimalchio has a habit of ordering chastisements, either in a written form (no. 1), or verbally (nos. 3, 5, 6, 7); in the latter case, he delegates the punitive tasks, reaching an ironic peak of this delegation pattern in no. 7, where he orders a *puer* to punch himself;
- ii) the freedman follows a wilful identification of misdeeds and punishments (nos. 13, 14 and 15), exemplified by a *seruus* receiving a reward instead of a chastisement when he injures Trimalchio's arm in no. 13;
- iii) the arbitrariness that characterizes the scenes (item ii) is accompanied by clear abuses of Trimalchio's masterly powers in nos. 8 and 19, in which the state punishments of crucifixion and burning alive appear;
- iv) the host's authority, however, not only is based on violence but also benefits from allusions to judicial figures (no. 18, the *praetor*) and infrastructures which seem borrowed from the state (nos. 11 and 12).

IV. SAMPLING THE *IVS CENAE*, CONSTRUCTING IMPERIAL AUTHORITY

This overview of servile 'crime and punishment' has underscored the pervasiveness of this theme and the presence of a *sui generis* justice system in Trimalchio's house. The present section will clarify the imperial matrix of this domestic jurisdiction.

Some of the *Cena's* punishment sketches have been connected in the past with the construction of an imperial thread, albeit not systematically. Walsh has already briefly signalled that Trimalchio uses 'the trappings and the justice of the imperial court';¹⁹ a closer, methodical look at the identified planned instances, however, will go further to clarify that the imperial power sees a tangible material representation not only in the *fasces*, *secures* and *tabulae* adorning Trimalchio's house²⁰ but also in the actual execution of justice in his household.

Let us begin with the first instance (no. 1), constituted by the signpost that Encolpius reads as he is about to cross the threshold (28.7):²¹

¹⁹ Walsh (n. 8), 131.

²⁰ This cannot be explained as prerogatives of Trimalchio's sacerdotal order, as pointed out by A. Cucchiarelli, 'Trimalchione e la cena di Marte (partendo da "Satyr." 34.5)', *SCO* 46 (1998), 585–601.

²¹ All translations are mine.

quisquis seruus sine dominico iussu foras exierit accipiet plagas centum.

Any slave going out without the master's order will receive one hundred blows.

This inscription has a mock imperial tone,²² and constitutes a first hint at the kind of authority Trimalchio wishes guests and readers to attribute to himself: his unchallenged control over the household needs to be clarified before entering his 'realm'. In line with this premise, throughout the dinner the freedman host uses only the threat of chastisements to make his domestic staff abide by his absurd rules.

In no. 18, towards the end of the banquet, Trimalchio does not resort to beating when he intervenes in a drunken fight between two of his slaves (70.4–6):

cum ergo Trimalchio **ius** inter litigantes **diceret**, neuter sententiam tulit decernentis, sed alterius amphoram fuste percussit. consternati nos insolentia ebriorum intentauimus oculos in proeliantes notauimusque ostrea pectinesque e gastris labentia, quae collecta puer lance circumtulit.

Trimalchio administered justice to the disputants, but neither of them accepted his verdict, and they smashed each other's waterpots with sticks. Perplexed by their drunken insolence, we stared at them fighting, and noticed that their pots were dropping oysters and scallops, which a boy picked up and served around on a tray.

Predictably, as this is an expedient to serve shellfish in an unconventional way, the actual punitive action is missing. On the other hand, the striking feature of the scene lies in the portrayal of the host as a *praetor*, since the formula *ius dicere* is unequivocally related to this state magistrate. This conveys the impression that some sort of official jurisdiction is being exercised in this private *domus*.

This theme is taken further in *Sat.* 53, where a clerk of Trimalchio suddenly invades the dining room, declaiming a report on his Cumaean estate which reminds Encolpius of the *Vrbis acta*.²³ The parallel between this sort of daily gazette (which, during the Imperial era, mostly concerned matters directly related to the imperial house)²⁴ and the Cumaean bulletin constitutes an explicit clue to the imperial nature of the scene. What is more, this report includes the mention of a *dispensator* who has been formally convicted (*reus factus*, no. 11) and some *cubicularii* who have taken each other to court (no. 12). The *fundus* thus figures almost as a province of the *domus*. In both domains, judicial infrastructures similar to those of the state are in place—although they do not seem to be working properly. Being unable to prevent the numerous miscarriages of justice taking place both in the house and in the estate, they represent, as will be seen, more a façade than an actual form of legal assistance.²⁵

The *cubicularii* mentioned above could have been simple servile bedroom servants but also people in charge of admitting access to a *persona publica*, as happened with

²² Panayotakis (n. 12), 61.

²³ This whole section seems to be part of a scene prepared beforehand; thus K.F.C. Rose, 'Trimalchio's accountant', *CPh* 62 (1967), 258–9, who adduces as proofs its gargantuan numbers, the host's questionable reactions, the missing closure and the abrupt change of topic at the end of the bulletin.

²⁴ P. Perrochat, *Pétrone: Le Festin de Trimalcion* (Paris, 1953), 85–6.

²⁵ Focussing on the episode on board Lichas' ship (*Sat.* 107–9) and on the *Risus* festival in Apuleius' *Metamorphoses*, J. Bodel, 'Kangaroo courts: displaced justice in the Roman novel', in F. De Angelis (ed.), *Spaces of Justice in the Roman World* (New York, 2010), 311–29 underlines that in the Roman novel it is impossible for law to provide order when justice is displaced from its proper setting.

officials already in the Early Republic.²⁶ Emperors started considering them as personal servants and confidants.²⁷ They are not the only category of interest among the *serui* who appear in the punishment sketches. With the threat of demoting the cook to the *decuria* of *uiatores* (no. 5),²⁸ Trimalchio alludes to magistrate assistants to whom he was technically not entitled as a *seuir Augustalis*.²⁹ These messengers, who were salaried by the state and had to be free during their appointment, served emperors, praetors, tribunes and consuls, along with some of the *uigintiuiri*.³⁰

A few specifications need to be added regarding the servile staff performing punitive tasks. They appear to be characterized as state functionaries who help Trimalchio in consolidating his domestic justice system. In particular, no. 6 contains the verb *despoliare*, which also has the technical meaning of undressing for punitive purposes.³¹ The verb alludes to the figure of the *lictores*, whom Trimalchio, as a *seuir Augustalis*, was entitled to have.³² However, *lictores* are exclusively portrayed in the act of *despoliare* (along with *spoliare*) when stripping the coerced criminal naked before the actual chastisement.³³ Not all *lictores* performed this punitive action, but only those of magistrates with *imperium* (which gave them also capital *coercitio*, that is, the power of scourging and meting out capital punishment).³⁴ Trimalchio's lictors must therefore be linked to the aforementioned *fusces* and *secures* and not to his role as *seuir*. No. 6 also features *tortores*, who are normally owned by the state.³⁵ Curiously, *tortores* are also an asset of which the tyrant, or the king portrayed with tyrannical features, frequently takes advantage.³⁶

²⁶ Cic. *Verr.* 2.3.8, *Att.* 6.2.5.

²⁷ In *Tib.* 3.21, *Nero* 38.1 and *Dom.* 17.2, Suetonius gives a glimpse of the familiarity between these emperors and their *cubicularii*.

²⁸ Numerous scholars—such as G. Puglisi, 'Il microcosmo di C. Pompeius Trimalchio Maecenatianus. Schiavi e liberti nella casa di un mercante romano (Petr. 27–78)', *Index* 15 (1987), 207–26—argue that Trimalchio's *domus* resembles a miniature imperial court, given the abundance and the organization of the enslaved staff.

²⁹ However, other religious figures, such as augurs, *septemuiri epulonum* and *quindecimuiri sacris faciundis*, were equipped with them.

³⁰ For *uiatores* and *apparitores* more broadly, see N. Purcell, 'The *apparitores*: a study in social mobility', *PBSR* 51 (1983), 125–73. Gell. *NA* 13.12.6 explains that these functionaries are a prerogative of magistrates with the power of arrest (*prensio*), such as the tribunes of the plebs.

³¹ As in the paralegal context of the *controuersiae*. Moreover, when Petronius simply wants to express the undressing of a character, he uses different expressions (such as *exiit se et omnia uestimenta secundum uiam posuit*, 62.5). P. Burmann, *Gaius Titus Petronius Arbitrator Satyricon. Tomus primus. Curante Petro Burmanno* (Amsterdam, 1743) describes *despoliare* as 'praetorian', alluding to the sole passage in which it is paired with the figure of the praetor, namely Sen. *Controu.* 9.2.21.11. This *controuersia* deals with a *maiestas* accusation directed at Flaminius, who, during a dinner party, killed a criminal to please a prostitute eager to witness a man's decapitation. Abuse of power and *maiestas* are central themes in the *Cena*, but the convivial setting of both the *controuersia* and of no. 6, paired with the gutting of the pig vis-à-vis the beheading of the man, create an uncanny coincidence. *despoliare* is used in this sense also in no. 2.

³² Just one, according to J. Prag, 'Cauē nauem', *CQ* 56 (2006), 538–47; two: G. Schmeling, *A Commentary on the Satyricon of Petronius* (Oxford and New York, 2011).

³³ For the pairing of *spoliare* and *lictores*, see Livy 2.55, 8.32. In Plaut. *Cas.* 819 *tua uox superet tuomque imperium: uir te uestiat, tu uirum despolies*, Plautus ironically intends *despoliare* as 'robbing' (which is its most common meaning), while also alluding to the technical nuance of *despoliare* as a prerogative of someone holding *imperium*.

³⁴ The distinction is explained by K. Hölkeskamp, 'The Roman Republic as theatre of power: the consuls as leading actors', in H. Beck, A. Duplá, M. Jehne, F. Pina Polo (edd.), *Consuls and Res Publica: Holding High Office in the Roman Republic* (Cambridge, 2011), 161–81.

³⁵ M.S. Smith, *Petronii Arbitri Cena Trimalchionis* (Oxford, 1975), 133.

³⁶ Livy 40.55.5.3, Curt. 6.11.13.1, Sen. *Controu.* 2.5.5 and 2.5.9, Val. Max. 3.3.ext.5. The distinction between public and private slaves is not clear-cut, as is shown by W. Eder, *Seruitus*

If exerting punishment seems to be a prerogative of the servile staff, an exception to the noted trend to delegate is represented by no. 19. During his mock funeral, Trimalchio advises the enslaved Stichus to meticulously guard his grave clothes, including a *toga praetexta*, with the following brutal threat (78.2):

uide ... ne ista mures tangant aut tineae, alioquin te uiuum comburam.

make sure neither mice nor moths touch them, otherwise I'll burn you alive.

This is the only case in which Trimalchio implies through a threat that he is ready to impart such a cruel (and at first sight unjustified) punishment himself. The host's disproportionate reaction not only arises from a factually incomprehensible reason but also overreaches the options for punitive action afforded to a private individual in his capacity as *dominus*. Indeed, burning alive is a form of state punishment, as it can be inferred by the exclusively public offences that incur such treatment in the relevant juridical discussion assembled in the *Digesta*.³⁷ The *Pauli Sententiae* also records this as the penalty prescribed for people of low rank (*humiliores*) who committed *crimen maiestatis*, further enhancing this point;³⁸ yet *uiuicomburium* is (potentially) used here by a private *dominus*, and for a trivial damage.

A similar application of a state punishment in the private domain features in no. 8, which again belongs to the *Vrbis acta* section. Among the memorable events recalled at the beginning of this oral gazette, a crucified *seruus*, who slandered the *genius* of his master,³⁹ stands out (53.3):

Mithridates seruus in crucem actus est, quia Gai nostri genio male dixerat.

The slave Mithridates was crucified, since he had cursed the *genius* of our Gaius.

Crucifixion, if applied formally, is another punishment overseen and executed by the state.⁴⁰ This is confirmed not only by Petronius' patent association between the cross and state magistrates (*si magistratus hoc scierint, ibis in crucem*, 'if the magistrates find out, you will go to the cross', 137.3) but also by the type of offences punished as such in the legal sources, all of which have impacts beyond the small world of the

publica. Untersuchungen zur Entstehung, Entwicklung und Funktion der öffentlichen Sklaverei in Rom (Wiesbaden, 1980). But even if the *tortores* in question are Trimalchio's own slaves, the satirical sting would remain effective. In fact, Suet. *Iul.* 76, while listing Caesar's abuses of power, mentions the appointment of some of his own private slaves to civic duties in the administration of both mints and public taxes.

³⁷ The *Digesta* prescribe *uiuicomburium* for people committing *sacrilegium* (48.13.7.pr.), enemies of the states or deserters to the enemy (48.19.8.2, 48.19.38.1), slaves conspiring against the well-being of masters (48.19.28.11), and arsonists (48.19.28.12).

³⁸ See Paulus, *Sent.* 5.29.1. The *crimen maiestatis* will be dealt with shortly, during the discussion of no. 8.

³⁹ Many commentators interpret it as an inversion of the allegedly common practice, among enslaved people, of swearing an oath on their master's *genius* as some kind of deity. F. Bömer, 'Der Eid beim Genius des Kaisers', *Athenaeum* 44 (1966), 77–133, however, proved that this type of servile oath simply follows the mechanism recorded by some Hellenistic inscriptions, in which the weaker dedicator swears by the *τύχη* of the stronger dedicatee; thus the idea that the swearing of an oath on the *genius* of the master was a canonical form of oath for enslaved people in the Republican era emerges as a modern misconception based on the exaggerated interpretation of some comedic passages.

⁴⁰ However, the *lex Puteolana* (II.8) seems to suggest that slaves also suffered the *crux* when their masters decided so: J.G. Cook, *Crucifixion in the Mediterranean World* (Tübingen, 2014), 370–86.

household.⁴¹ None the less, once again Trimalchio is presented using a state punitive tool against one of his *serui*, this time not in his *domus* but on his *fundus*.

Focussing on the clerk's words, moreover, one realizes that, in referring to his *genius*, Petronius prefers the genitive of Gaius (that is, *Gai*) to that of Trimalchio's *cognomen*.⁴² The stress on Trimalchio's *praenomen* is not simply aimed at showing that the dinner host boasts the *tria nomina*,⁴³ rather, it also constitutes a conspicuous play on the *crimen maiestatis* (normally translated as 'treason')⁴⁴ and on certain emperors (normally addressed as *Gaii*) who were fond of this accusation.⁴⁵ Treason is understood by Ulpian as a crime committed against the Roman people or against their safety (*Dig.* 48.4.1).⁴⁶ Its definition, however, is complex. Bauman astutely identified a dichotomy between the 'Republican categories' of this crime, namely those regarding the security of the state,⁴⁷ and the injuries (whether verbal or real) pertaining to the emperor and his deified predecessors.⁴⁸ With the emperor impersonating the whole body of citizens and its *maiestas* (being endowed with the *imperium* and tribunician sacrosanctity, as well as appearing as the head of the state's religious order), the boundaries between the two categories became blurred and the accusation for this crime was open to abuse. Suetonius, for instance, testifies that during Tiberius' reign it was considered to be an offence to the imperial *maiestas* also to beat a slave or to change one's clothes near a statue of Augustus, as well as to carry a ring or a

⁴¹ The *Digesta* contain no references to crucifixion, which Roman law replaced with *furca* after Constantine for religious reasons: M. Hengel, *Crucifixion in the Ancient World and the Folly of the Message of the Cross* (Philadelphia, 1977). *furca* is the prescribed punishment for *sacrilegium* (48.13.7), *latrocinium* (48.19.28.15), desertion and betrayal of Roman counsels (48.19.38.1), desertion to the enemy (49.16.3.10). The *crux* does appear in the *Pauli Sententiae*, where, apart from instances overlapping with those of the *Digesta* (Paulus, *Sent.* 5.21.a2), it concerns seditions and incitation of people to revolt (5.22.1), murder through weapons and poisoning or perjury (5.23.1), participation in 'impious nocturnal rites' (5.23.15), counterfeiting of documents (5.25.1), and kidnapping (5.30.b1). Another instance, at first glance anomalous, namely consultation of seers by slaves on their masters' life expectancy (5.21.4), is punished with the cross owing to the wider detrimental impact of such practices on the fabric of society (as explained in 5.21.1).

⁴² Cf. 50.1 *Gaio feliciter!* (see n. 15 above); moreover, while entering and exiting the dining room, two groups of slaves call the host Gaius again (*uale Gai ... aue Gai*, 74.7). Habinnas uses his *cognomen* too (67.1), as does Scintilla (75.2).

⁴³ The *fascēs* in Trimalchio's living room (30.1) have an inscription bearing his full name, that is, his *tria nomina*: Gaius Pompeius Trimalchio. Towards the end of the *Cena* (71.12), the host's funerary inscription contains also a second *cognomen*, Maecenatianus.

⁴⁴ Both Schmeling (n. 32) and W.B. Sedgwick, *The Cena Trimalchionis of Petronius, together with Seneca's Apocolocyntosis* (Oxford, 1925) refer to *maiestas*, without however discussing the link between the crime and the passage.

⁴⁵ See Tac. *Ann.* 2.50, 3.37–8, 3.44, 3.49, 4.19, 4.21, 6.9, 6.18–19 for Tiberius, 14.48 for Nero. At Suet. *Tib.* 61.3, it is explained that even the utterance of simple words was considered a capital crime. See also Suet. *Dom.* 11, 12. The historians give the impression that the accusation of diminishing *maiestas* flourished as part of a strategy employed by emperors to cut down their opposition.

⁴⁶ This offence, as testified by *Dig.* 48.4.1–4, ranged from killing of hostages to taking up arms, via occupation of places against the interest of the state, sedition, killing magistrates, providing help to enemies of the Roman people, any kind of desertion, defection to the enemy, false declarations in public records (*quiue sciens falsum conscripsit uel recitauerit in tabulis publicis*) and so on.

⁴⁷ For an overview of the original meaning of *maiestas* and its evolution in the Republican period, see H.G. Gundel, 'Der Begriff *maiestas* im politischen Denken der römischen Republik', *Historia* 12 (1963), 283–320.

⁴⁸ R. Bauman, *Impietas in principem: A Study of Treason against the Roman Emperor with Special Reference to the First Century A.D.* (Munich, 1974). The definition of *crimen maiestatis* takes an unexpected twist with *Dig.* 48.4.4.1 and 48.4.5, which specify that certain interactions with the statues of the emperor do not incur a charge of treason, contrary to others described in *Dig.* 48.4.6.

coin with the image of the emperor to a privy or to a brothel and to criticize any act or word of his predecessor (*Tib.* 58). Moreover, this crime ‘is not committed only through acts, but it is very much exacerbated by impious words and curses’.⁴⁹

In light of this, the hypothesis of Mithridates’ cursing as an act endangering the imperial *maiestas* is plausible. Whether the offended *maiestas* is that of the emperor or Trimalchio’s, who would thus receive an implicit imperial characterization, is intentionally left ambiguous. In any case the punishment must have been exemplary. Literary sources display considerable flexibility concerning *maiestas* not only in terms of admitting charges but also regarding the imposition of penalties. Those prescribed by the law (interdiction from water and fire, originally) were rapidly exceeded by the court of the *princeps* and the consular court, under whose jurisdiction the crime against *maiestas* came. The Senate started intensifying punishments in cases involving the *princeps* himself, in an attempt to please him. Both courts eventually caused the disappearance of *interdictio*, with banishment and harsher forms of execution, especially for people of lower social standing, being commonly imposed.⁵⁰ Hence, given that Mithridates is labelled a *seruus*, it makes sense to find him crucified, having committed an act equated to a breach of *maiestas*. That said, Trimalchio seems here to overreach his masterly capacities, much like emperors tended to go beyond the law in judging cases of *lèse-majesté* directly pertaining to them.

Evidently we are witnessing a world out of balance, in which the larger-than-life dinner host displays his wilfulness and power towards his *serui*. But Trimalchio’s jurisdiction is also oddly similar to the imperial one. On a deeper scrutiny, it appears to carry and even inflate all the flaws of the latter, as exemplified by the absurd *crimen maiestatis* case just discussed. Moreover, the pattern of threatening but not enacting chastisements constitutes an indisputable play on the imperial virtue of *clementia*, the tendency to cultivate mercy and reject cruelty that someone who is in a position of power must show.⁵¹

The ‘crime and punishment’ scenes therefore cohere to create Trimalchio’s justice system, one characterized by absolute control from above. The appearance of a state magistrate such as the praetor and that of state functionaries in the *domus*, along with the presence of a proper court in the *fundus*, frames the sketches in a pseudo-public setting. These features work together with the more subtle legal resonances that were traced with due reference to the legal sources to make the imperial connotations of Trimalchio’s abuses of power abundantly clear.

V. PURPLE WOOL: A REVEALING INSTANCE

As seen in the preceding section, the ‘crime and punishment’ scenes that involve Trimalchio deepen the broader imperial theme that scholars have long recognized in the *Cena*. However, only when we focus our attention on a scene that seemingly follows

⁴⁹ Paulus, *Sent.* 5.29.1 *non solum facto, sed et uerbis impiis ac maledictis maxime exacerbator.*

⁵⁰ C. W. Chilton, ‘The Roman law of treason under the Early Principate’, *JRS* 45 (1955), 73–81.

⁵¹ D. Konstan, ‘Clemency as a virtue’, *CPh* 100 (2005), 337–46. As E. Cowan, ‘Contesting *clementia*: the rhetoric of *seueritas* in Tiberian Rome before and after the trial of Clutorius Priscus’, *JRS* 106 (2016), 77–101 maintains, the growing centrality of *clementia* in the Early Imperial period responds to the need to create a rhetoric and a philosophy that could combine the strict application of the law with the sporadic acts of clemency on the part of the emperor.

a different design does the meaning of ‘crime and punishment’ in the manner of Trimalchio become fully apparent. Trimalchio fails to follow his *modus operandi* of vividly envisaging punishments for *serui* who are then forgiven in just one case during the dinner party, namely the scene containing nos. 13 and 14; but this rarity serves to throw into relief the importance of these actions.

Thus in the midst of an acrobat show a *puer* slips, falling (we assume)⁵² on Trimalchio’s arm (54.1). The host moans loudly, alerting a squad of first-aiders, Fortunata and part of the servile staff in the vicinity. This is a scene designed by Trimalchio, despite the chaotic atmosphere that has convinced many commentators to the contrary; a key argument used to explain this as an accident happening outwith Trimalchio’s control is the impossibility of planning a ‘safe’ fall of the *puer* without entailing a serious injury for the host.⁵³ None the less, the culinary prodigy of the pig that was not gutted (no. 6) would also have been arduous to accomplish, yet nothing is impossible in Trimalchio’s *domus*. Moreover, Encolpius, offering us a clue as to how the narrator expects us to interpret the scene (that is, as a planned occasion) plainly juxtaposes the present instance with the trick of the pig (54.3–5):

nam puer quidem, qui ceciderat, circumibat iam dudum pedes nostros et missionem rogabat. pessime mihi erat, ne his precibus per ridiculum aliquod catastropha quaeretur. nec enim adhuc exciderat cocus ille, qui oblitus fuerat porcum exinterare. itaque totum circumspicere triclinium coepi, ne per parietem automatatum aliquod exiret, utique postquam seruus uerberari coepit, qui brachium domini contusum alba potius quam conchyliata inuoluerat lana. nec longe aberrauit suspicio mea; in uicem enim poenae uenit decretum Trimalchionis, quo puerum iussit liberum esse, ne quis posset dicere tantum uirum esse a seruo uulneratum.

The fallen *puer* was crawling around our feet, begging for mercy. I had the weird feeling that among his whining some funny *coup de théâtre* was planned. That cook who forgot to gut the pig had not slipped my mind. So I started looking around the dining room, in case some contraption should emerge from the wall, especially after the slave who wrapped the injured arm of the master in white wool, instead of purple wool, started being beaten. My suspicion did not wonder far: indeed, instead of a punishment a decree of Trimalchio came, in which he ordered to free the *puer*, so that no one could say that such a great man was hurt by a slave.

Encolpius’ association between this scene and no. 6 is underscored by how these passages contain the sole instances of enslaved characters being rewarded. Just as the cook’s acting deserves a drink and a silver crown (50.1), the acrobat *puer* is manumitted (no. 13). Obviously, the task of falling on Trimalchio’s arm without hurting him was a more demanding one, carrying a higher risk for the acrobat himself too. This manumission is, at any rate, a bewildering provision.⁵⁴

At the same time, oddly, the slave providing medical assistance *is* punished (no. 14). It is not the first time that Trimalchio shows a bewildering attitude in meting out punishments. Let us compare the present instance with no. 15 that has already been mentioned (64.11–12):

Trimalchio ne uideretur iactura motus, basiauit puerum ac iussit super dorsum ascendere suum. non moratus ille usus est equo manueque plena scapulas eius subinde uerberauit, interque risum proclamauit: ‘bucca, bucca, quot sunt hic?’

⁵² A lacuna renders the interpretation of the passage problematic, but this issue is not central for the present argument.

⁵³ See A. Setaioli, ‘I due “epigrammi” di Trimalchione (Petr. *Sat.* 34.10, 55.3)’, *Prometheus* 30 (2004), 43–66, at 63, which echoes D. Gagliardi, ‘Il tema della morte nella “Cena” petroniana’, *Orpheus* 10 (1989), 13–25, at 19 n. 31.

⁵⁴ On the informal nature of the manumission, and earlier discussion, see Roth (n. 6).

Trimalchio, unwilling to seem upset at this loss [*sc.* the precious vases shattered by the dogs while fighting], kissed the boy and made him climb on his back. Croesus instantly mounted his horse and hit Trimalchio's shoulders with his open hand, yelling amid laughter: 'Mouth, mouth, how many are there?'⁵⁵

Not only does Croesus get off scot-free, but, pretending to play, he is also allowed to teach Trimalchio a lesson: he imparts his master the beating which he himself should have suffered. If one could have made sense of Trimalchio's peculiar attitude here through the fact that Croesus is his *deliciae*,⁵⁶ and therefore benefits from unusual treatment, nos. 13 and 14, involving a 'simple' *puer* and a *seruus* respectively, rather confirm this idea of a wilful system, where the identification of servile misdeeds is really unpredictable.

The *seruus* in no. 14 is also the only slave to be undoubtedly punished during the banquet. In contrast to the *puer* picking up an entrée dish (no. 3), whose punishment was not recorded by Petronius, here the *seruus* is already suffering the beating when Encolpius directs his gaze towards him. Choosing white instead of purple for Trimalchio's bandage, a seemingly quite negligible 'domestic' offence, results in a show of violence in plain sight: this is a manifest exception to Trimalchio's habit of threatening and shunning punishments during the dinner party. As Trimalchio designed this scene, discussed above, we should take a closer look at the meaning of the purple cloth he requested to understand the freedman's reaction—since he himself stated earlier *nihil sine ratione facio* ('I do nothing without a reason', 39.14). Doing so will demonstrate that no. 14 contains a much sharper play on the justice system within the imperial theme than hitherto realized, especially if seen against the backdrop of the other 'crime and punishment' scenes.

Traditionally, Trimalchio's reaction to his arm being wrapped in white wool is explained with reference to his superstition, confirming an attitude amply shown by the host throughout the *Cena*.⁵⁷ Indeed, Romans believed that purple-red had healing properties; amulets wrapped up in purple materials were employed against fever and headache, as explained by Casartelli.⁵⁸ In linking these amulets to no. 14, however, she also mentions *Sat.* 131, which takes place outside of the episode of the *Cena*. There, following an old woman's advice, Encolpius tosses enchanted pebbles, which had been enveloped in purple-red fabric, in his underwear to treat his impotence. In *Sat.* 131 this is actually the case: the healing power relies on the colour of the cloth. However, the correlation between the use of these remedies with Trimalchio's *conchylata lana* in no. 14 does not appear as strong. On one level, Casartelli's interpretation certainly works, as Trimalchio is both injured and superstitious; yet there is a possible further meaning pertaining to the desired colour.

⁵⁵ My choice of a literal translation of Croesus' line depends on the obscure character of the game he is playing. See P.G. Brewster, 'A Roman game and its survival on four continents', *CPh* 38 (1943), 134–7 and J. Colin, 'All'uscita dal banchetto di Trimalchione: Petronio 79', *RFIC* 30 (1952), 97–110, at 106–7 n. 4.

⁵⁶ *deliciae*, 'favourite' or 'pet-boy', regularly designated a young slave generally kept in rich households for the sake of providing amusement and company, and also likely to attract the sexual attention of their masters: N.W. Slater, 'Pueri, turba minuta', *BICS* 21 (1974), 133–40.

⁵⁷ On Trimalchio, religion and superstition in the broader context of the *Cena*, see M. Grondona, *La religione e la superstizione nella Cena Trimalchionis* (Brussels, 1980).

⁵⁸ Plin. *HN* 21.166, 24.170, 30.98, 30.99; A. Casartelli, 'La funzione distintiva del colore nell'abbigliamento romano della prima età imperiale', *Aevum* 72 (1998), 109–25.

In a hierarchical society such as the Roman one, clothing colours served to establish an immediate link with the social rank of the people wearing them.⁵⁹ Specifically, *conchyliatus* is related to purple-red, a luxurious and prestigious colour which comes in different shades. Pliny notes (*HN* 22.3):

iam uero infici uestes scimus admirabili fuco, atque, ut sileamus Galatiae, Africae, Lusitaniae e graniis coccum imperatoris dicatum paludamentis, transalpina Gallia herbis Tyria atque conchyliis tinguit et omnes alios colores.

we know that garments are dyed with an extraordinary vegetal dye, and, to say nothing of the fact that, among the berries of Galatia, Africa and Lusitania, *coccum* is reserved for the military cloaks of generals,⁶⁰ and that Transalpine Gaul produces with herbal dyes Tyrian purple,⁶¹ oyster purple (*conchyliata*)⁶² and all the other colours.

These three gradations of purple-red all appear in the *Cena* and exclusively in relation to Trimalchio. At the beginning of the narrative, the protagonists spot him casually playing with green balls with some of his enslaved household members. Being depicted as probably unaware of being watched, his outfit simply consists of a *tunica russea* and his slippers (27.1). By contrast, after his thermal bath, he is swathed in a *coccina gausapa* (28.4), getting ready for his dazzling entrance in a dining room full of guests. On this occasion, he also wears a *pallium coccineum* and a *laticlauiua mappa*, a napkin with the senatorial stripe (32.2). At 38.5, the list of Trimalchio's possessions, comprising agricultural products and livestock, is weirdly capped off with the mention of the numerous pillows in the dining room that are all purple-red (*conchyliatum aut coccineum*). Finally, in no. 2, Trimalchio's *dispensator* brags about his stolen clothes being made with Tyrian dye, although their cheap value of ten sesterces leads the reader to think that this was a simple pretentious claim.⁶³

If green and red are the dominant colours of Trimalchio's household,⁶⁴ the more coveted shades of red remain Trimalchio's personal prerogative:⁶⁵ he wears them when certain to be under his guests' gaze; moreover, he uses them to embellish his 'ceremonial hall' (that is, the dining room). Similarly, the *lana conchyliata* of no. 14

⁵⁹ See M. Bradley, *Colour and Meaning in Ancient Rome* (Cambridge, 2009) and M. Harlow (ed.), *A Cultural History of Dress and Fashion in Antiquity* (London, 2017).

⁶⁰ Erroneously considered a berry, *coccum* is described in Plin. *HN* 37.202 as the most expensive product of earth.

⁶¹ Tyrian die, consisting of a double dyeing process, was used for lavish garments (*HN* 9.139).

⁶² The main ingredient in *conchyliatus* is *coccum*, whose shade is made lighter by the use of urine and water. The resulting paleness is much admired and (according to Plin. *HN* 9.138) not a fault.

⁶³ The braggart attitude, the authority over his slave, and the imperial pretensions articulated through the boasting about the Tyrian die make this steward almost a double of Trimalchio. The main issue of the *dispensator*, moreover, is not the material loss of the clothes but what these represented, being a birthday present from a dependant (called *cliens*, with the *dispensator* assuming in a sense the role of a *patronus* at 30.10–11). Such presents suggested the recognition of a superior stance in the domestic hierarchy, mimicking the offerings to the *genius* of the masters on their *dies natalis* which were mandatory for a slave, as shown by R. MacLean, *Freed Slaves and Roman Imperial Culture: Social Integration and the Transformation of Values* (Cambridge, 2018), 154.

⁶⁴ Commentators wrongly explain the combination of the colours as a symptom of Trimalchio's bad taste. Green is normally linked to the *factio prasina* of chariot races: Alan Cameron, *Circus Factious: Blues and Greens at Rome and Byzantium* (Oxford, 1976).

⁶⁵ At 67.4, Fortunata wears a cherry-coloured tunic (*cerasina tunica*). According to L. Gloyn, 'She's just a bird in a gilded cage. Freedwomen at Trimalchio's dinner party', *CQ* 62 (2012), 260–80 this lexical choice functions to lower the status of Fortunata in comparison with her husband: this shade of red is linked with wealth, but not with social importance. A *cerasinum cingulum* is also worn by the *ostiarius* (28.8).

is part of a show carefully rehearsed by the freedman. Purple is not only an extreme luxury but also an appanage of senators and magistrates; and the efforts made by Caligula, Nero and Domitian to limit its use to imperial symbols and official purposes stress that this colour was deeply connected to the supreme power of the emperor.⁶⁶ The colour by itself thus underscores Trimalchio's imperial set-up. More critically, seen against this backdrop, the scene reveals an important nuance; when Trimalchio is denied the *lana conchyliata*, a prerogative of his claim to absolute authority (that is, to imperial status) is, by extension, not recognized by the slave. It is for this reason that the *seruus* deserves punishment: through the use of purple wool, Trimalchio demands open and unmistakable recognition of his superior imperial authority.

As discussed above, this scene is orchestrated by Trimalchio. The forcing in no. 13 of the guests to watch the beating recalls the role of public punishment in ancient Rome. Let us consider Cicero's claims about punishment in his *De officiis* and *De legibus*: fear of punishment (*poenae metus*) has the greatest efficacy in preventing crimes, while the purpose of punishment is to promote the benefit of the community. The Ciceronian notion of *utilitas publica* will remain a linchpin of the theory of punishment, as confirmed three centuries later by Callistratus, according to whom the execution of brigands on the gallows had to be public for two reasons: the sight would have deterred the community from committing similarly deplorable acts and would have given the offended part some consolation.⁶⁷ Considered with this in mind, the open nature of the punishment in no. 13 underscores further the public nature of Trimalchio's justice system: the beating of the *seruus* is promptly meted out in front of the guests' eyes to work as a warning for them. In sum, the fact that the scene is the only one in which a punishment is actually applied is indicative of the importance of the underlying claim: Trimalchio's authority, being of an imperial nature, must not be overlooked, offended or challenged, not even by analogous (and seemingly innocent) behaviours.

Trimalchio's imperial characterization, foregrounded at the outset of the *Cena* with the inscription in no. 1, is strengthened by the wool-wrapping incident (no. 14) in the middle of the episode and reaches its peak at its end, with no. 19. The reading of no. 14 offered here also sheds new light on no. 19. The *uiuicrematio* promised to Stichus, in case he does not guard Trimalchio's grave gear, can be seen as another case of *lèse-majesté*: the potential spoiling of the *toga praetexta*, which has a purple border,⁶⁸ emerges again as a direct insult to the imperial *persona* of Trimalchio. The link with *maiestas* is corroborated by the fact that burning alive was also one of the punishments prescribed for this crime, when committed by *humiliores*, as discussed earlier.⁶⁹ Hence the damage of such a symbolic garment puts the potential offence on the same level as *maiestatis deminutio* cases, in which, as already seen, emperors were allowed to disregard the law, just like Trimalchio does here, overcoming, in his case, the possibilities afforded to a private master.

But Trimalchio's reactions in nos. 14 and 19 also strengthen the link between his punitive behaviour and his fake *clementia*. According to Seneca, nothing is more

⁶⁶ M. Reinhold, *History of Purple as a Status Symbol in Antiquity* (Brussels, 1970), 48–61; also Plin. *HN* 9.136 for purple used by mythical Roman kings.

⁶⁷ *Dig.* 48.19.28.15.

⁶⁸ Schmeling (n. 32), 326 points out the lack of external evidence for the possibility of a *seuir* wearing the *praetexta*.

⁶⁹ Paulus, *Sent.* 5.29.1.

glorious (*gloriosius*) than an emperor who, when wronged, decides to remain unavenged (*Clem.* 1.20.3). Trimalchio's *serui* are forgiven for the trivial offences of which they are accused, including when they are a nuisance to the guests (nos. 15 and 18); however, punishment is inescapable when they directly insult the host through the cursing of his *genius* (no. 8), the denial of the imperial purple (no. 14), and the potential spoiling of his purple funeral attire (no. 19). All told, neither *clementia* nor justice is in place: Trimalchio's justice system figures as unpredictable, unfair and tailored entirely to Trimalchio's need for status recognition. The Ciceronian stress on the benefit of the community has vanished too.

CONCLUSION

The many scenes pertaining to servile 'crime and punishment' in the *Cena* have long been recognized as increasing the reader's amusement; it is undisputed that they create immediately humorous detours. Yet, far from considering Trimalchio's *serui* as background figures fit only to be lampooned, Petronius conceptualized them as pivotal elements of the spectacle that he staged during his banquet. The sketches of 'crime and punishment' cohere to create an image of a justice system that adds a vital dimension to the wider imperial theme noted in other aspects of the *Cena*.

While previous commentators tried to uncover specific emperors behind Trimalchio's fixations,⁷⁰ the 'crime and punishment' theme goes beyond the ridicule and critique of a single reign, constituting instead a powerful satirical take on Roman imperial justice. Trimalchio's dining room-turned-court closely resembles the public one, especially in its shortcomings: what constitutes a misdeed is at Trimalchio's discretion, much as determining punishments is exclusively his prerogative and there is no appeal against his decisions. Trimalchio has also assimilated and substituted the traditional figures of justice, as he presents himself as a *praetor* and disposes of legal infrastructures on his *fundus*. The freedman's household is a satirical microcosm of the state at large, providing a parody of the enormously powerful and central role of the emperor in relation to the law. Through the prism of satire Petronius manifests the prelude of a dangerous tendency that will culminate in the third century with the consecration of the emperor as the supreme source of justice: it is not merely the lack of justice that concerns the author but also its channelling through a sole authority. To return to where we began, although the *Cena* works at a superficial level as an attack on the supposed pretentiousness and lack of taste of *liberti*, a sustained analysis of slave 'crime and punishment' episodes shows, by contrast, that it is the emperor, not the freedman, who is the ultimate object of derision—thus questioning the generally agreed direction of Petronius' satirical pen.

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⁷⁰ Walsh (n. 8), 137–9.