INTRODUCTION

Verba volant; scripta manent.

In current popular culture in the United States, an ancient practice has been undergoing a renaissance of sorts. A modicum of attentive observation at the beach, or a quick glance at the pages of Rolling Stone, or a few minutes of watching MTV or almost any professional basketball game will indicate, among other things, that tattoos are more common and visible than ever. Further testimony exists in the form of slick magazines and a steady stream of profusely illustrated books which seek to exalt the practice by designating it "body art" (lumped together with scarification, piercing, branding, and other forms of more or less permanent body alteration). Yet tattoos still retain for most of us a certain poke-in-the-eye quality. The strong, predominantly negative reactions which tattoos often elicit from the untattooed—and which seem based primarily on a lingering, perceived association with degradation, criminality, and deviance—persist, while at the same time tattoos may, for the same people, exert an irresistible fascination and arouse latent voyeuristic tendencies.

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It may be no coincidence that serious scholarship on various aspects of tattooing also proliferates. And in 1991, a new piece of very old evidence surfaced: a remarkably well-preserved body frozen in the Austro-Italian Alps. Some 5300 years ago, in the Late Neolithic period, the “Iceman” (as he is called) was tattooed with stripes, lines, and cross shapes on his back, knees, feet, and hands. While this is now the earliest direct evidence of tattooing, the custom of making permanent marks on the human body with needles and ink is undoubtedly much older still. And it is a universal phenomenon. Tattooing had and has many functions, including: decorative; religious; magical; punitive; and as an indication of identity, status, occupation, or ownership. While it is surely safe to say that the decorative function is by far the most prevalent, all these functional contexts still appear.

This article focuses, for the most part, on one function, that of tattooing used in punitive circumstances, and as it was practiced in the Mediterranean world from the mid-third century C.E. For this period and place, most of the evidence is literary, and most of it concerns Christians. The present examination of this evidence, once placed in its legal setting, leads to consideration of the nature of the punishment and of the tattoo itself, which, in most cases, was applied to the forehead. The methodologies used are eclectic and interdisciplinary. Comparative evidence from other cultures and times is brought forth when helpful. And various interpretations, based on historical, political, literary, anthropological, and psychological treatments of the body (and the skin) are likewise advanced when they shed useful light on the matters at hand. Finally, attention is paid briefly to the ambivalence of the penal tattoo and, from there, to its transformation and its transference to another functional context altogether.

3. Spindler 1994, esp. 167–73. Before this discovery, the earliest such evidence was from the mummy of a priestess of Hathor of the Eleventh Dynasty (ca. 2000 B.C.E.), for which see Bianchi 1988:21–22.
6. See Jones 1987:141 for a list of the various functions of tattooing in the Greco-Roman world. Mylroie 1994 indicates that the Iraqi regime recently “announced that those whose hands are cut off should also have an X tattooed between their eyes, although Islam strictly forbids such mutilation.” The penal tattoo is not a thing of the past. See also infra, ns. 90, 91.
7. See the world map in Hambly 1974:24.
8. Jones 1987, on whom my reliance should be apparent, is the fundamental work. He gathers and synthesizes the evidence, and makes it clear that tattooing was much more prevalent than branding (with a hot iron), and that the former is very often meant where many modern editors, lexicographers, and translators have indicated the latter. “The branding of animals was a universal practice, but that of humans was almost unknown to the Greeks, and even among the Romans was comparatively rare” (141). See 151–54 for discussion of the various types. While Jones thinks the Romans “probably” practiced penal branding, certainty hinges on the Byzantine extracts of Diodorus Siculus (of somewhat dubious value) which, if accepted, indicate also that he was the first to use stigma to mean “brand” (154). For more on branding and other means of labelling criminals, see infra, ns. 86–89.
THE ANCIENT EVIDENCE

Sit denique inscriptum in fronte unius cuiusque quid de re publica sentiat.

Cicero, In Catilinam 1.32

LITERARY ACCOUNTS

It should be acknowledged at the outset that written sources which refer to tattooing in the context of punishment can be very difficult to verify. They tend to be sympathetic to those who have been (or are said to have been) punished, and they may be part of a campaign of vituperation against their antagonist(s). Furthermore, one or two of the literary references discussed below are somewhat ambiguous, leaving at least a shadow of a doubt as to whether they refer to tattooing at all. Yet, at the same time, the evidence certifies that the practice existed and was relatively common.

We begin with testimony from the mid third century, which suggests that persons condemned to metalla (that is, mines or quarries) were tattooed on their foreheads. The historical circumstances happen to be the persecution under the emperor Valerian (257–260). Pontius, the African bishop Cyprian’s deacon and biographer, referring to the letters Cyprian had written to some Christians who had been condemned to the mines in Numidia, asks: Quis denique tot confessores, frontium notatarum secunda inscriptione signatos ... animaret? The “second inscription” seems in this situation to indicate a tattoo, an assertion strengthened by the great frequency with which the words frontium notatarum ... inscriptione signatos (and their relatives) occur in other references to penal tattooing. The implied “first inscription,” therefore, must be the invisible mark conferred by baptism.

One century later, in 360 (and in a significantly different situation), Hilary, the bishop of Poitiers, in angry reaction to the recent Council of Constantinople


11. Pontius Vit. Cypr. 7.1488. (“Who was there, in short, to enliven so many confessors sealed with a second inscription on their distinguished foreheads ...?”)

12. See, for example, Petron. Sat. 103.1–5, 105.11–106.1; Sen. Dial. 5.36; Mart. 8.95.9; Juv. 14.24; Apul. Met. 9.12.4, as well as many of the passages examined in this article. It should be noted that, where Greek distinguishes clearly between forehead (μέτωπον) and face (πρόσωπον), Latin has frons, which is ambiguous. Nevertheless, it is clear that, in this context, the word usually designates the former. See Jones 1987:143 n. 16. Jones’ discussion of terminology for tattooing and branding is very thorough, if not exhaustive.

13. For marks (figurative and otherwise) on the forehead in a biblical context, see Betz 1971:664. See Dölger 1911:70–193 for a sweeping examination of this mark in early Christianity. See also Lampe 1951:1–18, 274–80.
and its creed, wrote a trenchant piece of vituperation against Constantine’s son, the emperor Constantius II. Constantius, in Hilary’s view, was an Arian Christian who had run roughshod over the “orthodox” Nicene Christians who were opposed to his policies concerning ecclesiastical matters. Hilary writes: *sed tamen querella famosa est, iussos a te episcopos non esse, quos condemnare nullus audebat, etiam nunc in ecclesiasticis frontibus scriptos metallicae damnationis titulo recenseri.*

This I translate as follows: “The complaint is well known: on your order, the bishops whom no one dared condemn have been deposed, and now they have been tattooed on their Catholic foreheads and are reappraised with the words ‘condemned to the mines.’”

The most recent editor of this work, Rocher, eschews this interpretation, that is, that some bishops were tattooed. But his argument lacks a sound foundation. First, in response to his major objection, it surely is not difficult by any means to allow the possibility that a local official, or even Constantius himself, may have deviated from a legal precedent set by Constantine. Secondly, Rocher chooses to understand *frons* not as “forehead” or “face,” but as the “front” or the “facade” of a building—in this case a church. This, of course, denies the usual meaning of *frons* in such a context. Thirdly, the word *titulus*, Rocher says, has the sense of an inscription affixed to the front of a church. (He cites Mark 15.26 and John 19.19–20, in which *titulus* is the placard on the cross which identified Christ as “Jesus of Nazareth, King of the Jews.”) *Titulus*, however, is much more likely used here in the same sense as *inscriptio* or ἐπίγραφμα, that is, as the tattooed mark. The word appears in a similar context in the vicious invective of Claudian, *In Eutropium* (written in 399), in which Claudian says that some of the members of Eutropius’ *consilium* are former slaves, as evidenced in part by their tattoos.

15. Rocher 1987:237–38. The suggestion that Hilary was talking about tattoos was briefly noted by Coustant, in Migne, *PL* 10.588d: *Porro ex hoc loco intelligitur Constantius restaurasse morem, quem pater ipsius abrogaret lege II de poenis Cod.Th. . . .* The reference is to *Cod. Theod.* 9.40.2 (315/316), on which see the text corresponding to ns. 34–37 infra.
16. While Constantius surely used his father as a model, he was not afraid to strike out on his own. His theological views were decidedly more inclined to “Arian” ideas, and his involvement in ecclesiastical politics was something new, especially at the twin councils of Ariminum and Seleucia in 359, when, as Barnes 1993:169 says, “Constantius took an abnormally prominent role in theological debate, a role which had no precedent.” Surely a minor legal detail was never an impediment to action deemed necessary in a new situation.
17. See e.g. Petron. *Sat.* 103.1–5, 105.11–106.1; Herod. 5.65–67, 77–79; Cic. *Cat.* 1.32. Also see supra, n. 12.
18. S.v. *titulus*: Blaise and Chirat 1967; OLD. In Rocher’s defense one might cite e.g. Suet. *Dom.* 10.1, in which the emperor has an outspoken spectator at the games dragged from his seat and thrown to the dogs in the arena *cum hoc titulo: ‘Impie locutus parmarius.’* This kind of stigmatization also has a long history (see e.g. infra, ns. 88, 89, 110), but it is not what Hilary has in mind.
19. Claud. *In Eutrop.* 2.342–45: *Pars humili de plebe duces; pars compede suras / cruraque signati nigro liventia ferro / iura regunt, facies quamvis inscripta repugnet / seque suo prodat titulo.* (“Some from the lowly commoners are generals; some magistrates—though their calves and ankles
Finally, although Rocher makes no note of the word *ecclesiasticus* (which he translates to mean "of a church building"), it was ordinarily used in this period to mean "Christian" as opposed to "pagan"; or "of the clergy" as opposed to "of the laity"; or, as here, "catholic" as opposed to "heretic." 20

Hilary, it is apparent, was referring to a punitive practice that had a long history and was familiar to his readers, for he does not assume the need to explain further. He characterizes the complaint as *famosa*, as notorious, or much talked-about. This alone is very significant. Whether Hilary's accusation—that Constantius actually did approve the resumption of this punishment—is credible is a more vexed question, which will frustrate any attempt at a definitive answer. Suffice it to say that this was not a borrowing from the voluminous stockpile of formulaic accusations which had supplied so many of the remarks directed against Constantius by his most vociferous detractors, such as Athanasius of Alexandria and, most outspoken of all, Lucifer of Cagliari. 21 And the exceptional nature of this remark may be another indicator of its veracity. Hilary, while in exile in Phrygia, was at liberty to attend the Council of Seleucia in 359. There, talking to other like-minded bishops, he quite easily could have heard the report of just such a particular (and, at the same time, fairly regular) incident. 22

The Arian controversy was still in full swing in 373, when the emperor Valens came down hard on "orthodox" Christians in Alexandria. The ecclesiastical historian Theodoret, writing of this in the 440s, was, like Hilary, decidedly anti-Arian, and Valens, similar to Constantius II, was aligned with an Arian faction. The story is that a deacon of Damasus, bishop of Rome, had been sent to Egypt during this time, had shown support to those hardy souls who persisted in the Nicene faith, and was—outrageously—condemned to hard labor in the copper mines of Phaeno in Palestine. 23 The deacon was put on a ship, Theodoret says, τοῦ θείου σταυροῦ τὸ σημεῖον ἐπὶ μετώπου χαρακτηρίας. 24 A tattoo on the forehead, as we are in the process of demonstrating, accompanied the punishment of *damnatio ad metalla*. But a "sacred cross" would be a most unlikely tattoo for one Christian to impose upon another as punishment, and therefore this description is best understood as metaphorical. That is, the deacon was tattooed with a more
mundane and customary mark, and sent on his bitter way. Theodoret’s vocabulary allows for that tattoo, and his figurative description of it as a “cross” takes us into the already sizable snarl of meanings for that polyvalent symbol.25

In 523, Boethius, having been charged with treason, was in prison, awaiting his own execution and finding consolation where he could. From him we hear of two men who had been arrested for fraud and sentenced to exile by the Ostrogothic king Theoderic. They then sought asylum in a church, after which Theoderic gave them a royal ultimatum: edixit uti ni intra praescriptum diem Ravenna urbe decederent notas insigniti frontibus pellerentur.26 In a notable departure from the first three references, the tattooing here has no explicit connection with religion or religious controversy. It merely, but remarkably (and without a blatant controversial slant), betokens the practice of punitive tattooing on the forehead, in the West, in the early sixth century, and it similarly involves exile (and probably condemnation to the mines).

The two remaining examples are Byzantine. Much later, in 793, the emperor Constantine VI suppressed a revolt by rebels from the Armeniakon theme. So we are told by the contemporary chronicler Theophanes, an iconodule monk writing in opposition to the iconoclast emperors. Constantine killed three of the rebel leaders, punished the living with fines and confiscations, and then, in a further demonstration of imperial fiat, staged a triumph in which one thousand of the defeated insurgents, bound in chains, were paraded before him. Theophanes writes of their additional adornments: ὅν ἐπιγράψας τὰ πρόσωπα μέλαν χειριστῇ, Ἄρμενιακός ἐπίβουλος.27 These thoroughly degraded “Armeniakon traitors” were then exiled to Sicily and other islands (their future occupations left unspecified).

25. Theodoret’s use of the word χαρακτηρίσας might at first seem problematic. Jones 1987:154 (although he does not cite this passage) lists χαρακτήρ as one of the usual words for branding. But it is also, as Lampe 1951:7 shows, one of the words used for σφράγις, that is, the seal, the sign of the cross made on the forehead at baptism, or, more figuratively, any sign perceived to indicate, among other things, God’s protection. On the practice and power of making the sign of the cross, see (among innumerable examples) Tert. De corona 3; Jer. Comm. in Ezech. 9.4 (Migne, PL 25.88b); Ath. Vit. Ant. 13, 35, 53, 78. The modern scholarship on this is massive. See, among others: Dölger 1911:171–79; Lampe 1951:261–83; Daniélou 1961:143–52; Sulzberger 1925:356–83; Rondet 1954:388–94; Dinkler 1957:110–29; Leclercq 1914b:313–44. One interesting twist—the imposition of the σφράγις on classical statuary—is discussed in Hjort 1992:99–112.

However, Procopius of Gaza (Migne, PG 87.2.2401) writes that many Christians tattooed themselves on the hands or the arms with “the sign of the cross,” using precisely the same words as Theodoret. And the evidence of the Theoplyct Simocatta (Hist. 5.10.13–15) refers to some Christians who assumed that the sign of the cross tattooed on some Turks would provide respite from the plague. M. and M. Whitby 1986:145 n. 51 say that “(t)hese Christians were probably Nestorian missionaries. . . .” For more on both Procopius and Theoplyct, see text corresponding to ns. 115, 116 infra.

26. Boethius, Cons. phil. 1.4.18. (“He ordered that, if they did not leave the city of Ravenna by the prescribed date, they would be tattooed on their foreheads and driven out.”)

27. Theophanes, Chronographia a.m. 6285. (“He tattooed on their foreheads ‘Armeniakon traitor.’”) See also McCormick 1986:142. Here, in the words μέλαν κειριστῇ, is the Byzantine paraphrase for στίγμα (which had undergone a shift in meaning), as noted by Jones 1987:154–55 (citing other passages).
Finally, no fewer than six Byzantine sources report that, during the second period of iconoclasm, the emperor Theophilus (829–842) ordered that two monks charged with idolatry, the Graptoi brothers, Theodorus and Theophanes, be beaten and then have twelve lines of iambic verse tattooed on their foreheads.28 Tότε κελεύει ὁ ὑπαρχός τὰς δέσις αὐτῶν γραφῆναι ... προσέλθόντες οἱ δῆμοι καὶ ἐπὶ σκάμνων ταῦτας σένε ἔκαστον τῶν ἁγίων, ἐκδικοῦντο τὰς δέσις αὐτῶν. καὶ ἐπὶ πολλὴν ὅραν κεντοῦντες τὰ πρόσωπα αὐτῶν, ἔγραφον τοὺς ἱάμβους ἐπὶ αὐτοῖς.29 It is a colorful, extravagant story, the verisimilitude of which—especially in the explicit details of the verses—may justifiably be questioned.30 The poem, such as it is, comprises a short and somewhat vague narrative of their crime and its punishment.31 In the aftermath, they were exiled to Apamea in Bithynia.32 Fifty years later, in a scholion on Constantine’s law forbidding this particular practice, a jurist wrote: “Woe to you, tyrant, who has tattooed the faces of the saints Theodorus and Theophanes!”33 (Here is an echo, however unintentional, of Hilary’s indictment of Constantius.)

Thus ends this brief survey of the explicit literary evidence for penal tattooing in late antiquity (and later). The sources are diverse, the information varies in its details, and the degrees of credibility differ. But this examination does make it clear that tattooing persons on the forehead, far from being obsolete (as some have thought), was in fact a practice that persisted throughout this period. The next step is to put this evidence into a legal perspective.

LEGAL EVIDENCE

The Theodosian Code preserves an edict of the emperor Constantine, from 316, as follows: Si quis in ludum fuerit vel in metallum pro criminum deprehensorum qualitate damnatus, minime in eius facie scribatur, cum et in manibus et in suris possit poena damnationis una scriptione comprehendi; quo facies, quae

28. Cunningham 1991:84–97 (sections 19–24). Ibid. 157 n. 145, lists the other five sources. The date of this incident, according to this Life, was 836, but see 15 n. 51, and 160 n. 162.

29. Ibid. 23 (p. 94). (“Then the prefect ordered that their faces be inscribed. ... The executioners came forward and, stretching each of the saints upon a bench, they started inscribing their faces. And pricking their faces for a long time, they wrote the iambic verses on them.”) See supra, n. 27 for similar paraphrases.

30. Perdrizet 1911:80 speaks of one advantage of tattooing over branding: “Le tatouage permettait de marquer un bien plus grand nombre de caractères. Un στίγμης qui savait son métier pouvait aisément inscrire sur l’album de la peau humaine des caractères qui ne fussent pas sensiblement plus grands que les lettres onciales des manuscrits.” Receding hairlines or forcibly shaved heads (see the text corresponding to n. 52 infra) might have aided the lengthy inscriptions.


32. This according to Symeon the Metaphrast’s life of Theodore Grapto (Migne, PG 116.680), which Cunningham 1991:16–18 finds more convincing than the account of Michael’s hagiographer, who implies that they remained in the Praetorium prison.

ad similitudinem pulchritudinis caelestis est figurata, minime maculetur.\textsuperscript{34} While this message applied, in principle, to the vast majority of citizens, it has often been held up as an example of Constantine’s “Christianizing” legislation.\textsuperscript{35} The emperor’s own justification for altering—not abolishing—the practice of tattooing condemned persons may well reflect his own Christian sympathies, but it says nothing about partiality toward Christian criminals. Even if such partiality existed, it would make no sense here. The “edict of toleration” of 311 had intended the release of all Christians in metalia (and in prisons); why should Constantine assume more Christian damnati?\textsuperscript{36} Furthermore, the legal record reveals an emperor who is anything but bashful about introducing new and harsher penalties.\textsuperscript{37}

So the practice of tattooing was assumed: What was its place in Roman law? For the Romans, as for the Greeks, tattooing usually signified degradation (that is, a lowering of status), because it was a treatment customarily reserved for slaves.\textsuperscript{38} Two Roman juridical sources indicate that the Augustan lex Aelia Sentia (4 C.E.), a law regulating manumission and continuing the work of lex Fufia Caninia (2 B.C.E.), turns slaves who have been tattooed and are later manumitted into freedmen with the status of peregrini dediticii (that is, with no political rights). The full explication is as follows: Lege itaque Aelia Sentia cavetur, ut qui servi a dominis poenae nomine vincit sint, quibusve stigmata inscripta sint, deve quibus ob noxiam quaesitio tormentis habita sit et in ea noxa fuisse convicti sint, quive ut ferro aut cum bestiis depugnarent traditi sint, inve ludum custodiavme convicti fuerint, et postea vel ab eodem domino vel ab alio manumissi, eiusdem condicionis liberi fiant. cuius condicionis sunt peregrini dediticii.\textsuperscript{39} Thus these

34. Cod. Theod. 9.40.2 (21 March 316, for which see Seeck 1919:164; Barnes 1982:73) (“If someone has been condemned to a gladiatorial school or to the mines [or quarries] for the crimes he has been caught committing, let him not be marked on his face, since the penalty of his condemnation can be expressed both on his hands and on his calves, and so that his face, which has been fashioned in the likeness of the divine beauty, may not be disgraced.”) = Cod. Inst. 9.47.17. (The latter, however, omits in ludum. So also is our concern here limited to metalia.) On Eumelius, the addressee, see PLRE 1:294.


37. These include one particularly horrendous form of execution: pouring molten lead down the throat (Cod. Theod. 9.24.1.1 [320/326]). See MacMullen 1990:204-17, esp. 211.


39. Gai. Inst. 1.13 (Krueger and Studemund 1912: 5). (“Accordingly, it is stipulated by the lex Aelia Sentia that slaves who have been chained by their masters on the grounds of punishment, or who have been tattooed, or who have been tortured under interrogation on account of wrongdoing and have been found guilty of that wrongdoing, or who have been handed over to fight [in the arena] with a sword or with the beasts, or who have been dispatched to a gladiatorial school or to prison,
slaves could not become citizens, as was customary upon manumission, but rather would have the status of foreigners who had surrendered to the Roman state, the lowest possible category of free non-citizens. The association of tattooing with degradation is thus made plain. In this case, it was the permanent mark, not the crime itself, that was decisive.

The Roman Empire saw the development of a system in which social status, not the crime committed, determined the nature of one’s punishment. As Millar demonstrates, the custodial penalty of hard labor was reserved (in principle) for slaves and lower class persons, who also were liable to beatings and particularly cruel forms of execution. The social dichotomy in question has long been framed in terms of honestiores and humiliores. As for the particular penalty of condemnation to metalla, it may first be reiterated that both slaves and free persons of low status were liable. Persons of the various higher social strata were, strictly speaking, exempt. Those so condemned had their property confiscated, losing all testamentary rights, lost their standing as free citizens (if they were not slaves already), becoming servi poenae, were beaten with fustes, chained, and, the evidence suggests, tattooed. Finally, the metallici were transported over some distance to their new commissions.

It is simply not possible to draw a direct connection between the penalties meted out to Christian confessors and their social classes. Nero, according to Tacitus, burned, crucified, and threw Christians to the dogs, all of which were

40. Watson 1987:118 notes: “To his dying day the slave, if freed, would carry the burden of his punishment, merited or not.” The burden was doubled for those tattooed. For more on this lowest free status, both before and after Caracalla’s granting of citizenship to all free inhabitants of the Roman Empire in 212, see Sherwin-White 1973:283-87, 380-94; Jones 1960:219-40.

41. Millar 1984 traces this carefully. The clear exceptions to this rule were “particularly offensive or dangerous crimes, such as parricide, treason, and later arson” (125).

42. Ibid. 127.

43. Rilinger 1988 points out the problematic nature of this dichotomy, especially as perpetuated in modern scholarship (13-33). The Pauli Sententiae is the source in which it is most explicitly formulated, and thus Rilinger wants to date it to the later third century (65-82). Still, although it was just one distinction of several in use, and although the line that divided the two groups changed with the times, it had and has its usefulness. See also Garsney 1970:221-33 on the applicable terminology.

44. Cod. Inst. 9.47.11.

45. See Millar 1984:138. He puts the dividing line “just below the status of decurion or veteran” (127). Garsney 1970:245-51 more explicitly locates the line somewhere in the status of soldiers who had certain legal privileges but not others.

46. Garsney 1970:132; Millar 1984:138-39. On the new status of “slave of the penalty,” see Brasilello 1937:416-46. This pattern can be fitted neatly with the evidence presented in this article. None of the sources gathered here provide all of these details, nor is that their intention. The combination of this evidence with the explicit mentions of tattooing in Cod. Theod. 9.40.2 (315/316) / Cod. Inst. 9.47.17 and Gai. Inst. 1.13 / Tit. Ulp. 1.11 makes the customary inclusion of tattooing in the process of degradation a virtual certainty.

47. Millar 1984:139 provides the necessary evidence.
drastic penalties reserved in extreme cases for slaves and free humiliores.48 Even in cases involving non-Christians, mistakes were made, or an emperor or a governor simply exercised his personal prerogative.49 This was also due to the “elasticity” of the imperial system of cognitio extra ordinem, which left the judge free—unhindered by the law—to prescribe the penalty as he saw fit.50 The Acta Martyrum reveal the protocol and the various usual consequences of the interrogations of Christians in the second and third centuries.51 Cyprian, bishop of Carthage, who had been relegated in 257, wrote to nine other Numidian bishops who had suffered a worse fate. They had been beaten and sent to the mines with their heads half-shaven, their faces tattooed, and their legs chained.52 Why the difference in treatment? There is no fully satisfactory explanation, nor can there be. Their statuses are the same (not to mention their crimes).53 In the edict of Diocletian and Maximian against the Manichees (302), it is explicitly stated that all those so charged will be sent to metalla, regardless of status.54

As for the bulk of the primary evidence used in this investigation, in which the “persecutors” and the “persecuted” are all Christians (though of different sorts), there is no one legal explanation that fits all. Hilary refers to bishops going to the mines (for their obstinacy and obstruction based on religious disagreement with the imperial administration); the deacon of Damasus in Theodoret’s history is headed that way as well (apparently for intervening in a religious dispute); Boethius’ criminals are destined for exile (having been accused of fraud)—they are threatened with tattooing only if they refuse to leave the church in which they have sought asylum; Theophanes’ account is of a thousand rebels bound for exile, but first they appear in the celebration of a triumph (their crime was rebellion, with religious overtones); and, lastly, the Grapttoi are iconodule monks who refuse to yield to the iconclast emperor, and they too are, apparently, exiled. The crimes differ, surely the statuses differ (though all might be honestiores). But

48. Tac. Ann. 15.44.
49. E.g. Suet. Calig. 27.3, in which, quite willfully, an apparently unhinged Gaius degraded a number of senators. See text corresponding to n. 95 infra.
52. Cypr. Ep. 76. On the half-shaven heads, yet another mark of degradation, see Clarke 1989:283 n. 10. The tattooing we would, by now, assume, though it is not mentioned by Cyprian but by Pontius Vit. Cypr. 7.1488 (a source already discussed in the text corresponding to ns. 11–13 supra), referring most likely to the bishops mentioned here.
53. For their crimes and the persecutions before 250 C.E., see: Sherwin-White 1952:199–213; de Ste. Croix 1963:6–38; Barnes 1968:32–50; 1971:143–63. Ultimately, the Christians’ crime was their failure to adhere to the mos maiorum, with the apparent result that the Pax deorum was disrupted. This unhealthy situation in turn caused communities (large and small) and their leaders to lash out against the Christians on occasion. For the first truly state-sponsored persecutions of Decius and Valerian, see Clarke 1984:21–39 and 1989:8–14. And for the “Great Persecution” of 303–311, see Barnes 1981:148–63.
54. Coll. 15.3.7.
the sentence of exile and, most likely, hard labor in *metalla* is the *sine qua non* of the punitive tattoo.\(^{55}\)

**THE TATTOO AS PUNISHMENT**

"But the body is also directly involved in a political field; power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs."

Michel Foucault, *Discipline and Punish\(^ {56}\)*

Was the tattoo conceived of as punishment in and of itself, both in the pain inflicted by its application and in the various experiences of disgrace, humiliation, and exclusion that were the consequences of having one’s criminal nature indelibly written on one’s face, for all to see? First, it ought to be said, penal tattooing could be very dangerous, even fatal.\(^ {57}\) Those who applied such marks surely cared little about the comfort, health, and safety of the criminals. (The situation was undoubtedly better in other functional contexts.) Getting a tattoo, even under the best of conditions, that is, voluntarily and with modern equipment, remains a painful experience. But it cannot be construed as torture in any useful sense, nor as the means to a slow death—the authorities had more than enough methods of inflicting pain and executing criminals.

As indicated in the evidence collected here, the tattoo was merely one aspect, a kind of attestation, of a more comprehensive punishment.\(^ {58}\) Those in power were well aware that "the body can serve as a permanent noticeboard of guilt."\(^ {59}\) Tattooing is an indelible mark of infamy which adds insult to injury, and makes the punishment permanent should (under unforeseen circumstances) the other

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55. In an interesting parallel, Van Gulik 1982:16 mentions a Chinese man seen on the street in the late nineteenth century, tattooed on his left temple with the name of his crime, wearing a heavy wooden yoke, and in exile (in Mongolia or Tibet). He observes: “one would usually never see persons thus marked, unless one would visit the remote provinces of the empire, to which such criminals were exiled.” In the *metalla* of the late antique Mediterranean, not to mention in some communities to which freed *damnati* returned (see infra, n. 60), a similar sight was surely not uncommon.

56. Foucault 1979:25. This book is historically grounded in the eighteenth and nineteenth centuries, during which, as the author describes, the modern concept of imprisonment developed as a result of new theories of punishment. As Millar 1984:145 points out, there was no change in legal theory accompanying the development of custodial penalties in the early Roman Empire. Nevertheless, Foucault’s analysis of the body as a site for expressions of power has striking and appropriate resonance with my thesis.


58. Van Gulik 1982:7 says that in ancient Japan “the main function of tattooing as punishment appears to be the identification of the individual as criminal, so that he is disgraced forever. . . . As secondary function, penal tattooing was very probably associated with slavery or forced labour.”

59. Harding and Ireland 1989:193. This is not to suggest that tattoo removal was impossible or unknown. See infra, n. 61.
punitive situation prove temporary. Given such an encumbrance, those released from their sentences and allowed to return home could never completely resume normal life.  

60. Unless, of course, they could get rid of those "indelible" marks. The sixth-century doctor Aetius gives directions for the removal of tattoos by means of some highly caustic substances (as do other, earlier medical and technical writers), which more than likely signals a clientele of ex-convicts and others who desired to erase their past degradation from public view.  

We can imagine that this was never an easy, popular option, nor likely a very successful one (that is, it must have left scars which were almost equally incriminating). But clearly there were some exceptions to the rule of "permanence."

To move below the surface, what was the deeper purpose of penal tattooing? Finding an adequate answer will take us into a realm beyond historical analysis and the facts collected above, into consideration of the nature and symbolic associations of such tattoos, and especially into the causal linkage between the tattoo and certain political arrangements, relationships, and gestures. To Lévi-Strauss, the purpose of tattooing among the Maori people (which was a decorative cultural characteristic) was "to stamp onto the mind all the traditions and philosophy of the group."  

This purpose is transferable to tattooing as a punitive measure.

American feminist scholars have been in the forefront of the modern effort to understand the body as a site for cultural and political manipulation and control.  

But it is Foucault (quoted at the top of this section) whose analysis here, where gender is not a central issue, is invaluable. Marking the body with a permanent sign

60. Dig. 48.23 gives evidence for reinstatement after deportation and condemnation to the mines. Also, Dig. 48.19.4 and 8 attest to pardons by the emperor, and 48.19.22 to pardon by the governor (due to advanced age or poor health, after a sentence of at least ten years, and only if one had living relatives; cf. Eus. Mart. Pal. 13.1-4, who also tells of damnati released because of old age or infirmity). Cod. Iust. 9.49.4, 51.2, 4, and Pauli Sent. 4.8.22 (24) show such pardons tied explicitly to individual or general imperial indulgentiae (Millar 1984:138).

A few more specific examples of such pardons include: Tac. Hist. 2.92, 4.6, 44, of the recalls after Nero's death; Dio 68.1–2, Jerome Chron. 275, and Eus. Hist. Eccl. 3.20.8, of those after Domitian's death; H.A. Carac. 3.1 has Caracalla granting amnesty to all those relegated and deported by Septimius Severus; Julian Ep. 46 and Historia acephala 3.3 tell of similar recalls after the death of Constantius II. In 400, a general pardon of all persons who had been relegated, deported, or condemned to the mines was issued in the names of Arcadius, Honorius, and Theodosius (Cod.Theod. 9.38.10).

61. Aet. 8.12. See also Jones 142–43. Ex-slaves and ex-soldiers certainly were interested in this procedure as well. The development of decorative tattooing in Japan may have originated from attempts to camouflage tell-tale penal tattoos (Van Gulik 1982:13). Tattoo removal, now more effective through laser technology, is in high demand these days (Marin et al. 1995).


63. Bordo 1993, esp. 16–18. See also Douglas [1970] 1980:195, who says that body-symbols represent "condensed statements about the relation of society to the individual." The body, in her view, is a social product, always with symbolic application, and an image of society. Interestingly, she considers the Arian controversy of the fourth century (the setting of the references of Hilary and Theodoret discussed above) in these terms (196–97).
and in a compulsory situation is a clear means of exercising what he calls a "micro-physics of power" over that individual.\textsuperscript{64} That person is thus clearly subjected to the authority that imposed the mark, and the domination and institutional framework and hierarchy relations are clearly expressed in it.\textsuperscript{65}

Together with this advertisement of constraint and affirmation of control, there is the effort to alter an individual’s mind-set, one’s notion of selfhood and of personal empowerment.\textsuperscript{66} The forcible imposition of the external mark, this disfigurement, serves also to make a lasting impression internally, which is difficult (though not impossible, as we shall see) to escape. While externally the tattooed person is stigmatized, subjectified, marginalized, degraded, labeled and stripped of self-esteem, reputation, and standing in the community, there is yet even more to the mark.\textsuperscript{67}

Foucault also sees in the subjection and discipline of the body a concomitant subjectification of the soul.\textsuperscript{68} And from a psychological perspective which views the skin as, in part, representative of the social person, there is more to be learned. One of the functions of the "skin ego," according to Anzieu, is to register external reality. He says: "The Skin Ego is the original parchment which preserves, like a palimpsest, the erased, scratched-out, written-over first outlines of an 'original' pre-verbal writing made up of traces upon the skin."\textsuperscript{69} The skin has both external and internal qualities, as Gell explains: "The inside-facing and outside-facing skins are ... one indivisible structure, and hence the skin continually communicates the external world to the internal one, and the internal world to the external one. This traffic, mediated by the skin, is the formative principle of the ego's basic sense of selfhood in the world."\textsuperscript{70} Thus something tattooed on the skin is much more than skin deep.\textsuperscript{71}

\textsuperscript{64} Foucault 1979:26.
\textsuperscript{65} duBois 1991:73 cites a tale in the second mime of Herodas in which a slave is tattooed on the forehead with the words (from the Delphic inscription and cited by Plato): γνωθί σεαυτόν ("know yourself"), that is, know your place, your status. In duBois’ discussion, tattooing serves as a label: “It is as if writing on the . . . body indicated the contents of that body” (71). So also the tattooed one becomes a “mere vehicle” for the master’s word (74). Cf. idem 1988:130–66 on the metaphor of a woman’s body as a tablet, a writing surface.
\textsuperscript{66} Gell 1993:8.
\textsuperscript{67} See Harding and Ireland 1989:104, 198–200 for a brief discussion of stigma as a component of the penal process.
\textsuperscript{68} Foucault 1979:29–30. “The soul is the effect and instrument of a political anatomy; the soul is the prison of the body” (30).
\textsuperscript{69} Anzieu 1989:105.
\textsuperscript{70} Gell 1993:30. See also Favazza 1996:148–49.
\textsuperscript{71} An interesting parallel is presented by Ross 1995:325–55. She shows how Prudentius uses the metaphor of the martyr’s body as written text. “Prudentius revels in the corporeality of writing and redeems it by literally transforming it into an agent of bodily punishment and death capable of conferring salvation upon those who receive its marks” (328–29). The relevance of this suggestion of transformation should become clearer below. I intend to develop more fully in another article my ideas on the expressive dimension and the social meaning of the bodies of early Christians who were forcibly tattooed.
Furthermore, the placement of the mark is very significant. Constantine's edict mentions tattooing on the hands or legs as an alternative to emblazonment on the face.\textsuperscript{72} It is uncertain whether this indicates that the face of a \textit{damnatus} had been the exclusive site for a tattoo before this, but, in light of the evidence, it seems quite probable.\textsuperscript{73} The face is, without a doubt, the worst place to receive a tattoo against one's wishes. Not only does it defy most attempts at concealment,\textsuperscript{74} but the face is also commonly viewed as the reflection of one's person, of the self, of the soul. One's own face is so deeply internalized and yet, at the same time, also dependent on mediation, either through a mirror or through the eyes of others. The gaze of the onlooker is virtually inescapable; there is little defense against it.\textsuperscript{75} This idea is so fundamental to being human that it seems to render unnecessary any other explanations particular to place, time, circumstances, or cultural patterns: if it was forcibly applied to the face, the effect must be similar, deeply felt, and long-lasting.\textsuperscript{76}

\textsuperscript{72} Cod. Theo'd. 9.40.2 (315/316), discussed in the text corresponding to ns. 34–37 supra.

\textsuperscript{73} Gal. \textit{De placitis Hippocratis et Platonis} 6.8.82 says with regard to the punishing of slaves in his own day: "they burn and scarify and beat the legs of those who run away, the hands of those who steal, the belly of gluttons, the tongues of babblers. That is, they punish the member with which the offense is committed." While this is not specifically about tattooing, it is pertinent. See also Van Gulik 1982:6–16 and pl. 2 for Japanese penal tattooing on both the face and the arms.

\textsuperscript{74} Jones 1987:144 cites two ancient references to covering a forehead tattoo with hair. And see Earle [1896] 1968:148–49, who, after a discussion of branding and maiming in seventeenth- and eighteenth-century America, says: "Truly long hair and wigs had their ulterior uses in colonial days. . . . Life was dull and cramped in those days, but there were diversions; when the breeze might lift the locks from your friend's or your lover's cheek and give a glimpse of a ghastly hole instead of an ear, or display a burning letter on the forehead; when his shoulder under his lace collar might be branded with a rogue's mark, or be banded beneath his velvet doublet with the scars and welts of fierce lashes of the cat-o'-nine-tails." Parry 1933:129 offers this interesting example. At Ellis Island in 1895, immigration officials noticed a young man who "wore his hair low down over his forehead. Asked for the reason, he raised the hair. Across his forehead was the tattooed motto: 'Dieu est mon Berger, je n'aurais besoin de rien'! . . . The young man said that a religious aunt of his had caused the verse to be tattooed on his forehead when he was a boy of twelve."

\textsuperscript{75} On the association of the head (and the face) with aesthetics and control, see Favazza 1996:85. In a remarkable and heartbreaking memoir, Greatly 1994, who was stricken in the jaw with a rare form of cancer at age nine, and had more than 30 operations in 18 years, describes the horrified reactions of others to her disfigured face. See \textit{infra}, n. 126.

\textsuperscript{76} To call such explanations "unnecessary" in this context is not to deny the value of such historical and cultural understandings. For example, Gleason 1995:55 says about the "face-to-face society" of the ancient Mediterranean city: "This was a world in which the scrutiny of faces was not an idle pastime but an essential survival skill." So also Barton 1994:95 examines the "deep cultural roots" of physiognomics in the Greco-Roman world—that is, "the discipline that seeks to detect from individuals' exterior features their character, disposition, or destiny." More specifically, McCormick 1986:142 comments as follows on Theophanes' mention of those marked with "Armeniakon traitor" tattoos: "Disfigurement was a profoundly resonant theme in the period and forms the negative counterpart to the early Byzantine fascination with the human face, a fascination which was embodied in the cult of icons and official portraits of all kinds and which continually crops up in ritual humiliation." So also Van Gulik 1982:12–13 speaks of "an association with public opinion," and that "[i]t is understandable that this was the main impact of the punishment when one
THE FORM AND DESIGN OF THE PENAL TATTOO

"Whatever commandment the prisoner has disobeyed is written upon his body...."

Franz Kafka, "In the Penal Colony"77

"My father had... an ink block and pens, and knives of various sizes.... 'We are going to carve revenge on your back,' my father said. 'We'll write out oaths and names.' 'Wherever you go, whatever happens to you, people will know our sacrifice,' my mother said. 'And you'll never forget either.'... My father first brushed the words in ink.... Then he began cutting.... It hurt terribly.... The list of grievances went on and on."

Maxine Hong Kingston, The Woman Warrior78

What was the design of these tattoos, or what did they represent or say? What message was conveyed by the medium of ink and skin? And is a consistent pattern detectable? To answer these questions and thus approach an understanding, we may consider other evidence for punitive and other kinds of tattoos, both in antiquity and in more recent times.

THE NAME OF THE CRIME

The available explicit evidence indicates that the tattoos applied to criminals usually consisted of the name of their crime. Plato says that a temple robber, if a slave or an alien, should have his offense tattooed on his hands and forehead.79 Plautus makes reference to a "literate" thief whose forehead is lettered (it seems) with FVR, clearly indicating his offense.80 Cicero indicates that the letter K was the mark put on the head (caput) of those convicted of calumnia (that is, making a false accusation).81 And Petronius mentions foreheads inscribed with large letters, and whole faces with the inscription of runaway slaves.82 While this inscription seems to have been well known to Petronius and his fellows, it is, unfortunately, not so to us. Conjectures begin with F or FVG for fugitivus. A scholion on Aeschines suggests: χάτεχε με, φευγω.83 Another idea is that the tattoo was

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77. Kafka 1948:197.
80. Plaut. Aul. 325–26. Jones 1987:153 says this is "at least as likely" to be a tattoo as a brand.
81. Cic. Rosc. Am. 57. This also, as Jones 1987:153 observes, may be either a tattoo or a brand.
Mommssen 1899:495 takes Cicero at his word, but Strachan-Davidson 1912:140–41 cannot fathom the possibility. Levy 1963:381 says: "Die Strafe der Brandmarkung ist eine Fabel."
82. Petron. Sat. 103.2, 105.11.
83. Jones 1987:148 ("Stop me, I'm a runaway").
similar to the words often found on the iron collars placed on runaway slaves: *tene me quia fugi, et revoca me domino meo.*\(^9\) Here is the name of the offense, and a little something extra: instructions for appropriate action to take. It should be noted that, among the references considered above, “Armeniakon traitor” is the only tattoo with explicit reference to the crime.\(^85\)

There are also many examples from recent centuries, in France,\(^86\) in England,\(^87\) and in the United States,\(^88\) among other places, of the name of the offense being expressed in a punitive tattoo or other mark. In the twentieth century, the example of Nazi Germany is the most notorious, where the label signified one’s crime, which was tied to one’s religion, nationality, or sexual orientation.\(^89\) This method is still employed in some parts of the world. Recently, a news service circulated a photograph of four Sikh women, their foreheads tattooed with the Punjabi word for “pickpocket,” who protested that they were innocent and had been maliciously stigmatized.\(^90\) And the AIDS epidemic has given rise, from certain quarters, to suggestions of tattooing.\(^91\)

84. Perdrizet 1911:81 (“Stop me, because I’m a runaway, and return me to my master”).
85. The fact that *Cod. Theod. 9.40.2* (315/316) has the phrase *pro criminum deprehensorum qualitate damnatus* might be taken to bestow greater attention on the crime (rather than the *qualitas personae*, or status) and thus to suggest, indirectly, the nature of the tattoo.
86. Perdrizet 1911:80 n. 4 (though the right shoulder is specified as the place for the mark). See also Barnes 1972:61 who mentions that French brands developed into the initial letter of the particular crime committed.
87. Andrews 1899:138–42 discusses branding (with a hot iron) in England (which, in enlightened fashion, was abolished in 1829). \(V\) = vagabond (runaway slave); \(S\) = slave; \(F\) = fraymaker (church brawler); \(M\) = malefactor. See also Scutt and Gotch 1974:162. Forehead, cheeks, chests, and hands were so marked. Jones 1987:153 says that “the English ‘brand’ is sometimes used of tattoos: in the British Army of the nineteenth century ‘branding’ was the customary term for a process that was certainly tattooing.”
88. Earle 1896:138–49 has many examples of brands in the American colonies. \(H\) = heresy or (in Virgina and Maryland) hog-stealing; \(B\) = blasphemy or burglary; \(R\) = returning after banishment; \(SL\) = seditious libel; \(M\) = manslaughter; \(F\) = forgery; \(I\) = selling arms, powder, and shot to Indians. Again, different parts of the body were branded, with the forehead reserved for the most serious infractions. Interesting to note (in a religious context), some criminals pleaded “benefit of clergy” on the grounds that they themselves were clerics (a plea allowed in England until 1827), and, instead of being hanged, they were branded on the hand with a “\(\text{t}\) (145–46). Powers 1966:198–201 mentions letters marked on the offender’s clothing (\(D\) = drunkard, \(T\) = thief, \(B\) = bawd, \(AD\) = adultery, etc.), and other charges written out in full. There is also, of course, Nathaniel Hawthorne’s *The Scarlet Letter*, on which see infra, n. 112.
89. Kogon [1950] 1979:44–45, and ills. on 297, gives a concise summary of such Nazi practices. For example, a red triangle signified a political prisoner, a pink triangle labelled a homosexual, a brown triangle was for a Gypsy, a yellow triangle superimposed over another (to form a Star of David) marked Jews, and a red and white target marked those suspected of planning to escape. The triangles also had single letters on them indicating nationality or other categories. These marks were sewn on clothing, but a similar “stigmatizing” function is operative. The key difference is the impermanence of such a mark in contrast to a tattoo or brand. The actual tattooing of serial numbers on the left forearm, while significant, is less germane to the immediate discussion.
91. Two recent and related examples: in 1986, W. F. Buckley, Jr. opined that gay men with AIDS should be tattooed as such on their buttocks. (Cited by Sanders 1989:183 n. 10.) And more recently
THE NAME OF THE EMPEROR

Herodotus informs us that the Persians tattooed slaves and prisoners of war. He states that they marked some Thebans "with the royal tattoos," that is, with the name or sign of Xerxes. Other sources indicate that it was customary for prisoners of war to be marked with the sign of their captors; for example, Athenians would mark their prisoners with an owl. Suetonus (in what may be a typical bit of sensationalism) says that the emperor Gaius had upper class citizens tattooed on the forehead and sent to the mines or the arena or to do road construction and repair. One can only imagine the tattoo (making due allowance for some megalomaniacal creativity)—if not the name of some trumped-up charge or other, could it have expressed the name of the punisher, Gaius himself?

Moving to the late antique period, Ambrose, bishop of Milan in the later fourth century, says: *charactere domini inscribuntur et servuli et nomine imperatoris signantur milites*. Such became the standard practice, apparently, in the later empire (as did the tattooing of *fabricenses*). Is it possible that condemned Christians and others were marked with the name of the emperor, instead of with the name of their offense? *Metalla* were, typically, imperial possessions, and thus those *damnati* subjected to the unceasing toil of a life sentence conceivably may have borne the mark of their ultimate taskmaster and owner, that is, the emperor.

the Benetton clothing company launched an advertising campaign comprised of three photographs, each of a different part of the male anatomy tattooed with the words "HIV Positive." ("United Colors of Benetton Autumn 1993 Advertising Campaign: Issues and Answers," and "International Autumn-Winter Campaign Launched with AIDS as the Central Theme" [promotional/informational material provided on request].) The message of the latter seems intentionally ambiguous, and public reaction was varied. It is clear that the suggestion and the images of punitive stigmatization still can be powerful and provocative.

In a related development, Kahan 1996 (esp. 630–53) argues the case for alternative punishments to imprisonment, punishments that express moral condemnation, degradation, and shame. He cites numerous examples of the increasing use in the United States of such sanctions as "stigmatizing publicity" (using newspapers, billboards, or television to announce the names of drug offenders, drunk drivers, men caught soliciting prostitutes, and those who are delinquent in child support) and "literal stigmatization" (using t-shirts, brightly colored bracelets, signs attached to clothing or posted on the front lawn, license plates, and bumper stickers to announce one's offense).

92. Hdt. 7.233.2.

93. Jones 1987:146–47. Barnes 1972:62 says: "In late medieval France the criminal was branded with the royal emblem, the fleur-de-lis on the shoulder."


95. Suet. *Calig.* 27.3. Here again the connection between the tattoo and hard labor is manifest.

96. Ambr. *De obitu Val.* 58.5–7 ("Young slaves are inscribed with their master's mark, and soldiers are marked with the emperor's name").

97. Perdrizet 1911:124–45. See *Cod. Theod.* 10.22.4 (398) (= *Cod. Iust.* 11.10.3) on the application of the official state tattoo to the arms of *fabricenses* (armorers). Veg. 1.8, 2.5, on the other hand, says that the marks indicated the soldier's unit (Jones 1987:149). Again, variation is the rule.

98. Jones [1964] 1986:837–39 indicates that the imperial government did not have a complete and formal monopoly on mines and quarries. But Fant 1988:152 says, with regard to quarries, "all
The apocalyptic vision of the "mark of the beast" (Rev. 13.11–18) would thus have been represented by an unforeseen reality.

Foucault (speaking of the eighteenth century, but with broader application) says: "It was the task of the guilty man to bear openly his condemnation and the truth of the crime that he had committed. . . . in him, on him, the sentence had to be legible for all. . . . It made the guilty man the herald of his own condemnation. He was given the task, in a sense, of proclaiming it and thus attesting to the truth of what he had been charged with. . . ."99 The name of the crime was thus "inscribed in himself and on himself," as is clearly the predominant practice with penal tattoos.100 But the name of the emperor is another common variant, which is also logical given the understanding that, as Foucault says, "the crime attacks the sovereign: it attacks him personally, since the law represents the will of the sovereign; it attacks him physically, since the force of the law is the force of the prince."101 Therefore, "by breaking the law, the offender has touched the very person of the prince; and it is the prince—or at least those to whom he has delegated his force—who seizes upon the body of the condemned man and displays it marked, beaten, broken." In this way, to mark the body of the criminal makes everyone aware "of the unrestrained presence of the sovereign."102 And so penal tattoos vary in content according to what message they are meant to convey.

**THE NAME OF THE PUNISHMENT**

Moreover, the body so marked also "provides the synthesis . . . of the crime and the punishment."103 This is exhibited in the fantastic tattoos inscribed on the Graptoi brothers, in which both crime and punishment (as far as its tattooing aspect) are spelled out. And this leads us to consider another possibility for the mark, which will bring us back to Hilary. In the eighteenth and nineteenth centuries, in France, some criminals were marked with the abbreviated name of their punishment: GAL for those condemned "aux galères"; TP for those condemned "aux travaux forcés à perpétuité"; TF for the lesser punishment of "travaux forcés."104 During the same time period, Russians sentenced to katorga or hard labor in Siberia were tattooed on their cheeks and forehead with the letters KAT.105 In the nineteenth century, some prisoners in Massachusetts were tattooed with the name of their punishment, "Mass. S.P." (for Massachusetts State

99. Foucault 1979:43. This is in regard to torture in general, but is applicable to tattooing for obvious reasons.
100. Ibid. 47.
101. Ibid.
102. Ibid. 49.
103. Ibid. 47.
104. See Perdrizet 1911:80 n. 4 for the first two examples; see Joest 1887:106 for the third.
Prison), and the date of their release.\textsuperscript{106} Hilary’s passage discussed above may indicate a somewhat similar practice in antiquity. He refers to the punishment of \textit{damnatio ad metallum} in a slightly compressed and less common form, as \textit{metallica damnatio}. This, says Hilary, is the inscription tattooed on the foreheads of those bishops whom he accuses Constantius of condemning. Thus it may be that the tattoo consisted simply of those very words, or of \textit{metallica} or \textit{metallum} alone, or, more simply yet, of an abbreviation (\textit{MET}, or \textit{MD}, or something to that effect): that is, the name of the punishment. Possible confirmation of this suggestion is found in a legal source which says that those who are condemned to \textit{metalla} are considered \textit{metallici} even before reaching their destination.\textsuperscript{107} The use of a uniform, ready-made design (pattern or letters), rather than a free-hand drawing, seem likely in cases where several or more were to be tattooed and sent to \textit{metalla}.\textsuperscript{108} It may very well be that Hilary has led us to the discovery of an empire-wide standard for the form of the penal tattoo.

Evidence provided by Prudentius of Troyes also points in this direction. He attacks the ninth-century work on predestination by John Scotus Eriugena, and marks each excerpt targeted for refutation with the letter \(\Theta\) (the abbreviation for \(\Theta\kappa\alpha\nu\alpha\tau\omicron\zeta\), \textit{quam sententis capitalibus damnandorum aliqui praescribere solet}.\textsuperscript{109} This Byzantine usage, as one scholar has suggested, harks back to a similar practice in the western Mediterranean of late antiquity. Boethius, imprisoned and awaiting execution, may have been wearing \(\Theta\) on his clothing.\textsuperscript{110} While there is no mention of tattoos here, the use of one letter to indicate the punishment is a similar practice to those we have considered above.\textsuperscript{111} And this is evidence roughly contemporary with that under present consideration.

Thus there are at least three distinct variations in the mark applied to criminals in the Greco-Roman world: the most well-attested drew attention to the crime that had been committed; a second represented the ruler, the one in power, who was offended by the crime; and a third named the punishment in store for or, in retrospect, the punishment suffered and survived by the tattooed one. In light of the developments we have observed in the nature of punishment in the Roman Empire, it now seems most likely that those (mostly Christians, in the available evidence) who were condemned to \textit{metalla} in late antiquity were marked with some abbreviation of that punishment.

\textsuperscript{106} Sanders 1989:183 n. 10.
\textsuperscript{107} \textit{Dig.} 48.19.10.1. (I am not quite prepared to concede this realization to the heavy-metal rock band “Metallica,” at least some of whose members, I expect, are tattooed.)
\textsuperscript{108} Jones 1987:141, 149. Such, of greater necessity, is the case with brands.
\textsuperscript{109} Migne, \textit{PL} 115.1012 (“... which some were accustomed to mark on those condemned to death.”).
\textsuperscript{110} Chadwick 1980:175–79. For more on the origin and use of \(\Theta\) (in Roman military bookkeeping), see Watson 1952:56–62; and for \(\Theta\) used to designate dead gladiators in mosaics, see Brown 1992:180–211, esp. 204–205 and fig. 9.10.
\textsuperscript{111} See supra, ns. 86–89 and infra, n. 112.
THE FINAL TRANSFORMATION: A HYPOTHESIS

“But, in the lapse of the toilsome, thoughtful, and self-devoted years that made up Hester’s life, the scarlet letter ceased to be a stigma which attracted the world’s scorn and bitterness, and became a type of something to be sorrowed over, and looked upon with awe, yet with reverence too.”

Nathaniel Hawthorne, The Scarlet Letter

There is a fair amount of evidence for voluntary tattooing among the early Christians, overlapping with the evidence for penal tattooing discussed above and continuing right up to today. In the book of Revelation, John, writing near the end of the first century, describes a vision of a martial Christ as “the Word of God,” leading the armies of heaven: καὶ ἔξει ἐπὶ τὸ ίματιον καὶ ἐπὶ τὸν μηρόν αὐτοῦ ὄνομα γεγραμμένον· Βασιλεὺς βασιλέων καὶ κυρίως κυρίον. Although this is clearly not a mark inscribed by human hands, it may help to explain a couple of later references.

For example, Victor of Vita, writing a history of the Vandal persecution in the 480s, describes the hunting out of Manichaeans in North Africa. One of these, a monk named Clementianus, was found scriptum habens in fomore MANICHAEUS DISCIPULUS CHRISTI IESU. It is a striking echo. Procopius of Gaza, writing at the end of the fifth century, says that many Christians chose to be marked on their

112. Hawthorne [1850] 1990:230. There are other indications of such transformation in the novel. The scarlet letter A, of course, signifies adultery. But the sexton says to Arthur Dimmesdale: “But did your reverence hear of the portent that was seen last night? A great red letter in the sky,—the letter A,—which we interpret to stand for Angel” (140). Furthermore, public opinion of Hester had softened over the years: “She was self-ordained a Sister of Mercy; or, we may rather say, the world’s heavy hand had so ordained her, when neither the world nor she looked forward to this result. The letter was the symbol of her calling. Such helpfulness was found in her,—so much power to do, and power to sympathize,—that many people refused to interpret the scarlet A by its original signification. They said that it meant Able; so strong was Hester Prynne, with a woman’s strength” (143).

For comparison’s sake, we may consider Defoe [1722] 1903:113–15, in which Moll Flanders’ mother explains to her that many persons, such as herself, were “transported after having been found guilty of crimes punishable with death” (114) from England to Virginia, and were “branded in the inside of the hand” (presumably with a T for “transportation”) (115). She continues: “You need not think such a thing strange, daughter, for some of the best men in the country are burnt in the hand, and they are not ashamed to own it. There’s Major ———, ’ says she, ’he was an eminent pickpocket; there’s Justice Ba———r, was a shoplifter, and both of them were burnt in the hand; and I could name you several such as they are” (115). Here the transformation is a bit more prosaic, but no less dramatic.

113. Rev. 19.11–16; quote from 19.16 (Nestle-Aland, 27th ed.) (“And he has on his cloak and on his thigh the name inscribed: ‘King of kings and Lord of lords’). This apocalypse is replete with mentions of “marks” and “seals” on persons that have either positive or negative connotations.

114. Victor Vit. 2.2 (Migne, PL 58.201) (“having [the words] written on his thigh: ‘Mani, the disciple of Jesus Christ’”). That a Manichaeans should be tattooed, apparently voluntarily, is all the more interesting given the complex of views of the body in Manichaeism (for which, see Brown 1988:197–200).
wrists or arms with the sign of the cross or the name of Christ. Theophylact
Simocatta, writing in the early seventh century about the reign of the emperor
Maurice (582–602), provides a curious anecdote. Apparently, some Christians
had once advised the eastern Scythians who were victimized by the plague to
tattoo their children on the forehead with the sign of the cross, and the mothers
had complied. And the twenty-seventh canon of Basil (from the mid fourth
century) forbids tattooing as the pagans do and declares it a contemptible practice
of Satan’s adherents. This too suggests fairly open practice.

Despite this and other prohibitions, tattooing continued, with various stops
and starts, and scattered among certain segments of the population. Common
Christian tattoos include (and have included) the sign of the cross, the chi-
rho, IXΘΥΣ (an acronym for “Jesus Christ, Son of God, Savior), INRI (the
abbreviation of “Jesus of Nazareth, King of the Jews”), A and Ω (alpha and
omega), emblems of the fish, the lamb, the anchor, and full-blown portraits of
Jesus, Mary, the “rock of ages,” and others. And it is apparent that religious
tattoos—as decoration, as identification, as an indication of baptism or pilgrimage
to Jerusalem, as an apotropaic device, as a mark of membership—were in use
at the same time as institutions of political authority were using tattoos in a
punitive sense.

And yet, simultaneously, a radical transformation was occurring; a transform-
ation which, one might argue, was in line with the subversive nature of early
Christianity vis-à-vis earthly, secular political power. In the discussion of the

115. Procop. Gaza Comm. in Isaiam 44.5 (Migne, PG 87.2.2401–2402).
116. Th. Sim. Hist. 5.10.13–15. The Persian general Narses had captured these Turks, and king
Chosroes gave them to the emperor, who inquired after the meaning of the mark.
117. Cited in Reidel 1900:245.
118. So also at the Council of Celchyt (Chelsea) in 787, tattooing was condemned as a ritus
paganorum that defiled humans made in God’s image (for the text of which, see Hadden and Stubbs
1871:458). In Judaism, the explicit prohibition of tattooing is found in Lev. 19.28. But the anonymous
Mishnah in Makkot 3.6 allows some leeway. For further interpretations, see Encyclopaedia Judaica,
s.v. “tattoo.” In Islam, as well, there are similar prohibitions. The Koran (55.5.118) is quite vague on
the subject, but Hadith 7.827–32 (translated text in Khan 1976:538–39) is explicit. Islamic Bedouins,
Berbers, and Nubians, however, practice tattooing. See Maertens 1978:73–74.
120. Mellinkoff 1981 treats the many different interpretations of Cain’s mark in Jewish and
Christian exegesis. This viewpoint is summarized as follows: “It functioned simultaneously as
condemnation-curse and taboo-protection” (101). This twofold application provides an interesting
parallel to our discussion of transformation.
121. The hypothesis of transformation is illuminated by the recent work of Perkins 1995. Her
time frame is, roughly, the second century, so she looks ahead to the “triumph” of Christianity.
Perkins contends that the “triumph” was “at least in part, a triumph of representation” (3). Christian
discourse represented the self as sufferer, and this new knowledge, this self-definition, led to power
and the growth of Christianity as an institution. Christian discourse also reordered belief about pain
and death. Pain and suffering was power; death was victory. Looking at various Acta, Perkins says:
“Enduring and dying in every case is interpreted as domination. . . . Traditionally, injuring other
tattooing of the Graptoi found in the Life of Michael the Synkellos is an interesting example of a deliberate undercutting and reversal of the punisher’s intent, and of the ambivalent nature of a tattoo: “In commanding that their faces be inscribed . . . you involuntarily and unwillingly revealed them to be martyrs of Christ. . . . The cherubim and flaming sword, beholding the countenance of these holy martyrs thus inscribed, will be overawed, will retreat and yield to them entrance to paradise.”  

The faces of these monks (who venerated images), defaced by an iconoclast emperor (who detested such veneration), had themselves, in defiance of earthly power, become “living icons.”

But such a transformation is also in line with what we might call human nature. In the history of Japanese society is observed a “transformation from the penal, non-representational (marks) tattooing to the non-penal, representational (figures) tattooing,” due, in part, to the effort to mask criminal stigmata with attractive designs. Some prisoners in the Soviet Gulag are reported to have tattooed their own foreheads with letters signifying “prisoner of Brezhnev.”  

This is a clear example of defiance, of appropriating a customary tool used by those in power, and thereby turning the tables and using that same tool for one’s own empowerment.

Those Christians who died under sentence of the Roman government, some of whom had surely been tattooed on their foreheads, were witnesses to the power of their own faith and edifying examples for those left behind. And those who had been so marked and then were able to return to their own communities were often treated as heroes, courageous models in the flesh. (The wish to emulate them may have led to some voluntary tattooing.) And so, what had been a mark of crime and punishment, of ignominy and disgrace, of degradation and subjection to earthly people, killing them, provided a method of establishing dominance, of establishing in explicit terms a winner and a loser. Bruises, wounds, broken bodies, provided unassailable, palpable evidence of realized power. But Christian discourse reverses this equation and thus redefines some of the most basic signifiers in any culture—the body, pain, and death” (115). It brought about an entirely new paradigm. Cf. Ross 1995:325–55 who also points to some of this reordering of established beliefs, but in a slightly different and significantly later context.

123. Ibid. 24.247 (97).
126. Here the words of Grealy 1994 are apposite, as we attempt to imagine some of the multifarious feelings of those who had been disfigured by penal tattooos, when they found themselves back in society: “The singularity of meaning—I was my face, I was ugliness—though sometimes unbearable, also offered a possible point of escape. . . . The pain these children brought with their staves engulfed every other pain in my life. Yet occasionally, just as that vast ocean threatened to swallow me whole, some greater force would lift me out and enable me to walk among them easily and carelessly. . . . (7) I . . . knew that I possessed a certain power. After all, people noticed me. Wherever I went . . . I was never overlooked. . . . Being different was my cross to bear, but being aware of it was my compensation” (101).
power, was intentionally (or sometimes not so intentionally) transformed into a sign of glory and honor, of integrity, of holiness, of the victory of divine power, and of brazen testimony to what may, in some cases, still have been a hazardous choice. It was a reminder of vows taken and blessings received, and, among those who shared it, a lasting mark of solidarity and of protection under God and Jesus Christ.\textsuperscript{127}

CONCLUSION

\textit{Quamdiu vixerit, habebit stigmam.}

Petronius, \textit{Satyricon} 45.9

It is precisely the ambivalent nature of tattoos—first applied as punishment and intended to signify criminality and degradation, but then seen by those so marked and their comrades as positive group symbols—that brings us back to the present day where this discussion began. For, in our society, the association of tattoos with defamation—the perpetual stigma—persists, in the eyes and minds of many if not most of those on the outside. For the insiders, the tattooed and their sympathizers (who have yet to submit to the needle), it is a mark worn with pride, a sign of belonging, the positive connotations of which are strengthened by the negative opinions of the majority. Whether the agents of and participants in the so-called “tattoo renaissance” can alter this situation and break down these deep-seated cultural attitudes remains to be seen.\textsuperscript{128}

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\textsuperscript{127} This simply reflects the ambiguous nature of the symbol of the cross. See supra, n. 25. For more on the later depictions and uses of the cross and the crucifix, see Leclercq 1914a:3045–3139.

\textsuperscript{128} This assumes that the practice of penal tattooing will not soon resume in the West, despite the inclinations of some who desire just that (supra, n. 91).


———. 1914b. "Croix (signe de la)." DACL 3:3139–44.
GUSTAFSON: Inscripta in fronte