
Part 3: Actors

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Exile on Main Street: A Few Thoughts on the Curious Case of the Marginal Mime

1 Introduction

Once upon a time a certain Serapion, an Egyptian ascetic, sold himself to a pair of pagan actors as a slave.¹ Moved by his humility, both husband and wife eventually converted, were baptized, and left the stage. Not knowing his true identity, they tried to liberate Serapion, and said: “Come, brother, let us set you free, since you freed us from our shameful slavery.” Serapion then revealed that he was a free man, who had only pretended to be a slave out of compassion for their souls.²

In reading this anecdote from Palladios’ *Lausiac History*, we are expected to treat the mimes’ talk of theatrical slavery as a metaphor. But there were other, legal aspects to the status of mimes that rendered them slaves in all but name throughout Late Antiquity. Palladios’ audience, aware of these legal and social realities, would have understood that Serapion’s ministry was more complex; he did not just convert this pagan couple to Christianity, he also liberated them from a social and legal status that was indeed quite low.

Here is the rub, however: it would appear that, for many years, Roman mimes were so prosperous and (to some degree) respected that they did not seem concerned about their legal status. For all the invective directed against them, it seems they were not terribly worried about their social standing among the elites; after all, regardless of what elites said about them, they still welcomed mimes into their homes and paid for private performances. The relative invisibility of the mimes’ marginal status speaks to a curious phenomenon of dueling narratives: on the one hand, working actors often had enough money to hire slaves, and they enjoyed widespread popular acceptance. On the other hand, for all their fame and fortune, the mimes were always reviled by a certain sector of the Roman public—intellectuals and officials who, given the opportunity, could make their lives utterly miserable.³

¹ I wish to thank Despoina Arianzi and Przemysław Marcińiak for inviting me to contribute to this volume. The title may be familiar to some readers, as it refers to a famous album by the Rolling Stones, a rock-and-roll group whose fame and marginal social status harmonize in interesting ways with that of the Roman artists that are the subject of this essay.

² From *Lausiac History*, 37.2. Translation from Palladios: *The Lausiac History*, trans. Robert T. Meyer (Westminster, MD, 1965), 105–106.

³ As Ruth Webb, “Female entertainers in late antiquity,” in *Greek and Roman Actors: Aspects of an Ancient Profession*, eds. Pat Easterling and Edith Hall (Cambridge, 2002), 293 has pointed out, “Practically, the legal disabilities resulting from *infamia* may not have made a great difference to performers’ lives, even where Roman law was applied. But they reflected the *de facto* social exclusion of a group

Our discussions of mimes and their marginalization are dominated by these latter factions who (by sheer coincidence) have left a generous record of their invective. Anti-theatrical literature, Christian and secular, overwhelms the epigraphic evidence of successful mimes whose careers were celebrated, not pitied. Roman actors often had a social and legal status close to that of hostile barbarians, but mimes were often highly regarded, to the point of pop-idolatry; if this is what it means to live a 'life on the margins,' what's not to like about it?⁴

Marginalization of mimes was, from the perspective of everyday urban life, an intellectual conceit, created by Greco-Roman elites and enhanced (albeit for different reasons) by Christian theologians. But this condemnation of acting hardly mattered, so long as the mimes could enjoy their legal exile status on Rome's Main Street. Employed by the state, they had regular work in the Empire's year-round cycle of theatrical festivals. The attempt to marginalize mimes, in effect, was itself a marginal phenomenon and of little practical consequence in a mime's daily life.

But by the late 4th century, there were signs that the status of stage performers had devolved to something bordering on actual slavery. It would appear that centuries of hardening attitudes, coupled with increasingly harsh legal restrictions, made the actor's profession increasingly untenable. Marginalizing mimes had, by the Early Byzantine period, become a mainstream phenomenon; it is all the more remarkable, then, to have an entire oration devoted to defending their humanity and dignity by a public intellectual of the sixth century—Choricios of Gaza.

Mimes underwent several changes in fortune over the centuries, and we must be wary of the tendency to take one period as representing their entire history; it wasn't all wine and roses, but it wasn't all bile and brutality either. The following essay includes an analysis of legal codes and Church canons while tracing a crucial period in the history of the Roman mime, with an emphasis on the vicissitudes in its status. I will conclude with some observations on Choricios of Gaza's *Apologia Mimorum*, an

whose members were either born into the profession or were slaves, and whose itinerant life-style marked them off from the communities in which they worked.”

4 For general accounts of the Roman mime's art and social status, see Richard C. Beacham, *The Roman Theatre and its Audience* (London, 1991), 129–140. Sir Arthur Pickard-Cambridge, *Dramatic Festivals of Athens* (Oxford, 1988), 297–305 summarizes the evidence for the *technitae* and their eventual union with the athletic guilds during the 3rd century CE. As self-governing guild members associated with pagan or imperial cults, these actors would have enjoyed such legal protections as immunity from taxation and military service – not unlike *perigrini*. Studies of the legal status of actresses include Judith Evans Grubbs, “Virgins and Widows, Show-Girls and Whores: Late Roman Legislation on Women and Christianity,” in *Law, Society, and Authority in Late Antiquity*, ed. Ralph W. Mathisen (Oxford, 1997), 220–241; Dorothea R. French, “Maintaining Boundaries: The Status of Actresses in Early Christian Society,” *Vigiliae Christianae* 52 (1998): 293–318. For an account of a 3rd-century CE stele (with portrait in relief) dedicated to the actress Bassilla, see Webb, “Female entertainers,” 282–303, but also Lucia Prauscello, “Rehearsing Her Own Death: A Note on Bassilla's Epitaph,” *Zeitschrift für Papyrologie und Epigraphik* 147 (2004): 56–58.

oration that appears to raise the social standing of mimes even among the very elites who reviled them most. Scholars have yet to trace properly the mime's progress from fame, to the margins, and back again; indeed, some might argue that actors to this day remain ideologically marginalized. The enduring question of actors as human beings and professionals worthy of respect, renders Chorikios' defense of mimes especially compelling.

2 The Mime as Legal Object

Mimes rarely formed guilds, almost never competed for prizes, and had nothing in the way of social respectability. Consider that even Emperor Caracalla, who fashioned himself the “second Dionysus” and who built a temple to the god of theatre astride the scenic building in Pergamum (offstage left, to be precise), issued a declaration of universal Roman citizenship but excluded mimes from the privilege.⁵ What legal status did Roman mimes have? Freedmen is too vague a term,⁶ and *infamae* is more an epithet than a term of legal art. *Humilis abiectaeque* only refers to the reasons for their debased status—their lowly birth and allegedly vile way of life.⁷ Caracalla had eliminated even the category of *peregrini*;⁸ so what were these mimes?

In Gaius' commentaries on Roman Law, he discusses the class of *dediticii*, “enemies who have surrendered at discretion,” and mentions several situations—slaves forced to fight as gladiators, for example—in which manumission of domestics would effectively “promote” them to this status.⁹ By design, *dediticii* were free in word only, and as Gaius makes clear, “only the lowest degree of freedom is possessed by those who belong to the class of *dediticii*, nor is *any* way afforded them of obtaining Roman

5 On Caracalla's reforms see A. H. M. Jones, *A History of Rome through the Fifth Century*, 2 vols. (New York, 1970), 2:291–292; see also J. P. V. D. Balsdon, *Romans and Aliens* (London, 1979), 95–96, and Peter Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970), 260–271. Jones and Balsdon both include Cassius Dio's remark that citizenship was made universal primarily for tax purposes, and Balsdon points out that exemptions from civic duties granted to aliens—and the *technitai Dionysou* would have been among them—were rescinded once the grantees became citizens. Garnsey points out there was also an erosion in legal privileges (freedom from torture included) that had been traditionally granted to Roman citizens.

6 Ulpian, for example, distinguishes between three types of freedmen—citizens, Junian Latins, and *dediticii*, about which more presently. See Ulpian, *Rules* 1, lines 5–11, with English in *The Civil Law*, trans. Samuel Parson Scott, 17 vols. (Cincinnati, 1932), 1:223–224.

7 Judith Evans Grubbs, *Law and Family in Late Antiquity* (Oxford, 1995), 292–293.

8 As Grubbs has pointed out, however, Emperor Constantine later threatened local officials with *peregrinus* status if they tried to pass off daughters born by actresses as legitimate (*Law and Family*, 284–285).

9 Gaius, *Commentaries*, 1:13, in *The Civil Law*, trans. Scott, 1:83.

citizenship.”¹⁰ This certainly describes the mime’s situation, and I would argue that in legal terms the mimes of Late Antiquity are best understood as the equivalent of *dediticii*. We know Caracalla specifically excluded *dediticii* from citizenship¹¹ and that, like other “barbarians,” mimes were forced by the authorities to perform onstage.¹²

Although the theatrical profession appeared, from the audience’s perspective, to be one of ease and riches, indications are that by time of the co-emperorship of Valens and Valentinian, a theatrical career was not pursued by choice. The evidence, while not direct, is still quite telling. Consider this edict from the Theodosian Code:

If men and women of the stage, in the final extremity of life . . . should hasten to partake of the sacraments of the Most High God and should perchance survive, they cannot thereafter be recalled, by any summons, to the performance of theatrical spectacles. Before all else, however, with diligent sanction We command the exercise of due circumspection and oversight, so that only those persons who are *actually* in extreme danger shall make the demand for the sacraments for their souls’ salvation, and they shall receive this special favor only if the bishops approve.¹³

Adult baptisms were the rule in Late Antiquity, and conversion for mimes meant they would have to leave the stage—in most cases, the only profession they had ever known. Given the financial risks involved for both themselves and their families, we would expect our stars of the stage to avoid baptism like the plague. But by the 370s CE, actors were so eager to convert that they were faking deadly illnesses to receive the sacraments and quit the stage.

To illustrate the absurdity that gave rise to this edict I will pause here, dear reader, to illustrate why the emperors were in a panic: picture a Roman mime, in bed, by all appearances at death’s door. Consider what you would need for an effective performance of being near to death: pale cheeks, tumors, discoloration of the skin, tremors, halting speech, wails of pain—any or all of which could be easily achieved by stagecraft. The mime would likely have colleagues on hand, as well as a spouse and children, by all appearances in deep mourning. A Roman official confronted by such an effectively-staged deathbed scene would naturally call for the bishop to administer the rites of baptism (“I renounce thee, Satan, and thy pomps . . .”). Our Roman official would then leave the pathetic scene, only to discover this same newly-

¹⁰ Gaius, *Commentaries*, 1:26, in *The Civil Law*, trans. Scott, 1:85.

¹¹ An extant legal papyrus indicates that Caracalla specifically excluded *dediticii* from his universal declaration; see Jones, 2:291–292, and William Warwick Buckland, *A Text-Book of Roman Law from Augustus to Justinian*, 2nd ed. (Cambridge, 1966), 96–98. Both categories were anachronisms by Justinian’s time (p. 99), and *Codex Justinianus* 7.5.1, in *The Civil Law*, trans. Scott, 14:122, ca. 530 CE. The author would like to thank Ralph Mathisen for his guidance on this matter.

¹² As Peter Garnsey, *Social Status*, 262, notes: “it was a basic principle of Roman law that aliens, being outside the *ius civile*, were subject to magisterial coercion (*coercitio*).”

¹³ *Codex Theodosianus* 15.7.1, in *The Theodosian Code and Novels and the Sirmondian Constitutions*, trans. Clive Pharr (Princeton, 1952), 433, italics mine, initial capital letters in Pharr’s original.

baptized mime a day or two later, fully recovered (“A miracle! God be praised!”) and tendering their resignation from the stage.¹⁴

As bizarre as this scenario might seem to us, so many performers had received death-bed baptisms, under false pretenses, that Valens and Valentinian had to institute an elaborate procedure designed to guarantee that these mimes were truly on their deathbeds.¹⁵

As for why mimes would go to these lengths to quit the stage, consider an edict from the same year, 371 CE:

If they conduct themselves so as to be seemly, Your Integrity should keep daughters of the stage away from the deceit and pillaging of rowdies [*fraude direptionibusque inquietantium*]. For it is just that only such daughters of men and women of the stage should be recalled to the theater who appear to be living and to have lived a wanton life in their manner of living, and in their morals.¹⁶

The expression “daughters of the stage” can be read as referring to all women of the stage, mothers, wives and daughters. Some especially squeamish scholars have maintained that this edict merely exempts children from stage work.¹⁷ But look at the florid language here and consider: what did actresses and their daughters have that might have inspired the average Roman male to “deceive and pillage” them?

Also worth noting is the way in which the law only *pretends* to ban rape and molestation. The edict states that only immoral and vulgar girls could be forced into these theatrical services, but what this means is that the rape of mimes and their children was legal, if the assailant claimed they had already embraced “the oldest profession.” Remember too that because none of these women enjoyed the protections of citizenship, none of them had any legal standing to press charges; and even if they did, the right of counter-accusation in the *Lex Julia* would have ensured their assignment to the theatre brothels.¹⁸

¹⁴ For an example of baptized mimes quitting the stage at their bishop’s behest, see C. Lepelley, “Trois documents méconnus sur l’histoire sociale et religieuse de l’Afrique romaine tardive parmi les *spuria* de Sulpice Sévère,” *Antiquités Africaines* 25 (1989): 258–261.

¹⁵ *CTh* 15.7.1, trans. Pharr, 433: “. . . such request for sacraments shall be immediately reported to the judges [*judices*], if they are present, or to the curators of the several cities, so that inspectors may be sent and careful inquiry may be made as to whether necessity demands that such extreme help be granted as a favor.” This is not to say that actors were singled out for this kind of bureaucratic run-around: there are upwards of thirty Imperial edicts from the same period designed to keep the *curiales*, who produced the shows, from becoming clergy and hence freed of their own theatrical obligations; see Claudia Rapp, “The Elite Status of Bishops in Late Antiquity in Ecclesiastical, Spiritual, and Social Contexts,” *Arethusa* 33.3 (2000): 379–399, here 390.

¹⁶ *CTh* 15.7.2, trans. Pharr, 433.

¹⁷ Grubbs, “Late Roman Legislation,” 237 and French, “Maintaining Boundaries,” 304, n. 43 find the law simply protects mimes’ daughters from stage-work.

¹⁸ See for instance *CTh* 9.7.1 (ca. 326 CE; trans. Pharr 231) where Constantine “frees” women of mean status from prosecution for adultery, because “they are not deemed worthy of the consideration of

Left unspoken in this edict is the fact that boys were just as much in demand as girls.¹⁹

In the bleak world of Roman law this misogynistic edict, issued by Christian emperors, speaks to a social and legal tradition that endured for centuries. In his notorious pseudo-biography of Empress Theodora (ca. 497–548), Procopios of Caesarea claims that even as a little girl she was willing to turn tricks like a male prostitute, long before she could accommodate men sexually in the normal way.²⁰ Disgusting? Yes. But as Elizabeth Fisher points out, Procopios assumes his audience's acquaintance with this kind of exploitation, which (as this edict shows) is assumed to be perfectly legal.²¹ Roman Law effectively sought to keep actors in a profession whose job

the laws,” a pronouncement that had a double-edge to it. See also Thomas A. J. McGinn, *The Economy of Prostitution in the Roman World: A Study of Social History and the Brothel* (Ann Arbor, Michigan, 2004), 55–71, on traditional modes and sources for recruitment of prostitutes. Parents of low-born children could sell them into slavery; the edict appears to cover those instances where a potential customer is in too much of a rush to ask permission first.

¹⁹ On the mixture of toleration and hostility towards homosexuality and pederasty in Rome and Early Byzantium, see Ramsey MacMullen, “Roman Attitudes to Greek Love,” in *Homosexuality in the Ancient World*, eds. Wayne R. Dynes and Stephen Donaldson (New York, 1992), 340–358. See also Thomas Wiedemann, *Adults and Children in the Roman Empire* (London, 1989), 30–31. Wiedemann describes the use of Greek names in Latin poetry on homosexual themes, and relationships with boys involving the lower or slave classes—classes to which male prostitutes, male actors, and their sons traditionally belonged. McGinn, *Economy of Prostitution*, 97 mentions an edict of Constantine I (much hyped by St. Jerome) that merely banned male prostitution outside the theatre district. Sexual exploitation of male actors and their male children would have been difficult if not impossible to prosecute; Margaret Malloy, *Libanius and the Dancer* (New York, 1996), 111 points out that even pantomimes who had the good fortune to be citizens, and who could prosecute for sexual assault, would be subject to countercharges in court so that “a public prosecution under the *lex Julia de adulteriis* admitted the possibility of both parties being found guilty.”

²⁰ Procopios, *Historia Arcana*, 9, lines 8–10, translation in Procopios: *The Secret History with Related Texts*, trans. Anthony Kaldellis (Indianapolis, 2010), 41.

²¹ For a contextual analysis of Procopios’ *Secret History*, see Elizabeth A. Fisher, “Theodora and Antonina in the *Historia Arcana*,” *Arethusa* 11 (1978): 253–279. Fisher concludes that “Procopios and his contemporaries wanted to believe that Theodora and Antonina did the sort of things attributed to them in the *Historia Arcana* because such portraits agreed with the then-current stereotype of independent or offensive women” (275). J. B. Bury, *History of the Later Roman Empire*, 2 vols. (New York, 1958), 2:29 likewise says that Procopios’ invective “has more value as a picture of contemporary manners than as an indictment of the morals of Theodora.” Averil Cameron, however (*Procopius and the Sixth Century* [London, 1985], 59–60) stresses Procopios’ classicizing literary style and notes that his attacks on Theodora were actually tame compared to what could be dished out to male adversaries. For a more “normative” interpretation, consider James Allan Evans, For a more “normative” interpretation, consider James Allan Evans: “The mentality of the age assumed that all actresses were trollops, and even if Theodora had not sold her favors, it would have been taken for granted that she did. Yet there is no reason to think her an exception to the rule” (*The Empress Theodora, Partner of Justinian* [Austin, TX, 2002], 15, italics mine).

description either included prostitution or was deliberately confused with it.²² Mimes could be prostituted from childhood²³ onward; this fact alone provides a very practical, compelling reason for them to quit the stage by any means necessary. And if they could use their histrionic skills to aid in their own liberation, so much the better.

In traditional histories of the theatre, the Church is usually cast as the villain; this scenario usually plays out in a context where concepts like “theatre” and “audience” are defined in morally neutral terms. But why should we ally ourselves with the “Theatre” and its “Audience” when the form of this specific theatre scene is so utterly exploitative?²⁴ Throughout Late Antiquity, it was the “enemies” of the theatre who regarded actors as human beings, while the “good guys” who went to the theatre held them in contempt, treated them like barbarians, and—as the *Codex Theodosianus* and Procopios remind us—regarded sexual access to mimes from childhood on as their birthright.

By the end of the 4th century, it appears that Roman mimes—confronted by the harsh reality of their legal marginality—were beginning to shuffle off the bonds imposed on them by Roman law and started to move from the margins of society to the mainstream on the power of their conversion to Christianity. Within the confines of their church congregations, they now had respect. Roman society as a whole, however, demanded their return; some 50-odd years after the edicts above, so many actresses had left the stage that Theodosios II issued an edict forcing them to return.²⁵

22 The nature of the commercial relationship between mime troupes and bands of prostitutes (if any) remains unclear, even if Roman law grouped them together as part of the entertainment industry. McGinn, *Economy of Prostitution*, 26 describes pimps and prostitutes traveling to different festivals, much as the mimes themselves did. McGinn makes no direct connection between the two groups, leaving the impression that each traveled in its own entourage. But the traditional prejudice against lower-class women, and the assumption of their sexual availability, meant that as far as the Roman elite was concerned, actresses and prostitutes were identical, even if they belonged to distinct professions. On this deliberate confusion see also Catherine Edwards, “Unspeakable Professions: Public Performance and Prostitution in the Roman Empire,” in *Roman Sexualities*, eds. Judith P. Hallett and Marilyn B. Skinner (Princeton, 1997), 66–95. For Prostitution in Byzantium, see Despoina Arianzzi, “Byzantinische Prostituierte. Zwischen Marginalisierung und Reintegration in die Gesellschaft,” *Byz* 91 (2021): 1–45.

23 For the childhood in Byzantium, see Despoina Arianzzi, *Kindheit in Byzanz. Emotionale, geistige und materielle Entwicklung im familiären Umfeld vom 6. bis zum 11. Jahrhundert*, Millennium Studies 36 (Berlin, 2012).

24 Allardice Nicoll, for one, romanticizes the conflict between the mime and the Church as one between “cultured secularism” and “ascetic repression” (*Masks, Mimes and Miracles: Studies in the Popular Theatre* [New York, 1963], 130). More recently, and in a similar vein, see Marios Ploritis, *To Theatro sto Vyzantio* (Athens, 1999), 35–36, who claims the Church’s anti-theatrical bias was merely part of a grand conspiracy to stifle free speech.

25 *Codex Theodosianus* 15.7.13, eds. Theodoror Mommsen and Paulus M. Meyer, 2 vols., 3rd ed. (Berlin, 1962), 1:824, translation mine: “We decree that mime-actresses freed by various writings are to be recalled to their duties with all urgency, so that the usual decoration is not absent from the people’s spectacles and festival days.”

The gains they had made in social status, after their conversion, were now under threat.

To complicate matters further, other baptized, Christian mimes had returned to the stage of their own volition. This created a cultural anomaly; the walking, talking oxymoron of a Roman, Christian mime who was a fully-vested citizen of the Empire. The Church, which had fought to elevate the mimes' social and legal status, had to face an unpleasant reality: for a variety of reasons, many among their newly-liberated flock went back on the stage. The next section will address the Church's official responses to this problem, as well as the natural obstacles they faced at the parish level.

3 The Mime as Canonical Object

What happens when mimes convert, but then return to the stage? On paper, there does not appear to be any doubt; the Council of Elvira, held in Spain in the years prior to Constantine's reign, listed severe penalties—including excommunication—for those who returned.²⁶ The Church's ban had already extended to former mimes offering acting lessons, as Bishop Cyprian of Carthage made plain as early as the mid-3rd century.²⁷ The *ludi*'s continued associations with pagan gods may have been a determining factor, but as I have discussed elsewhere, acting as a profession remained anathema regardless of the context in which it was practiced.²⁸

After Christianity became legal, and after the *ludi scaenici* were effectively secularized and stripped of their pagan associations,²⁹ canons from the First and Second

26 “If a chariot driver in the circus or an actor of pantomimes in the theatre has faith, it is fitting that he first renounce his craft: then he will be received, provided that he not return to his profession: but if, in spite of the ban, he tries [to perform] again, let him be dismissed from the bosom of the Church.” *Sacrorum Conciliorum Nova et Amplissima Collectio*, ed. Giovanni Domenico Mansi, 54 vols., 2nd ed. (Paris, 1901–1927), 2:16; see also Jules M. Le Compte de Douhet, *Dictionnaire des mystères, moralités, rites figurés et cérémonies singulières*, (Paris, 1854, repr. Turnhout, 1989), 15.

27 *Letters of St. Cyprian*, trans. G. W. Clarke (New York, 1984), 53–54, “Letter 2 to Eucratius”: “No-one should plead in excuse that he personally has given up the stage, whilst nonetheless he continues to teach others. He cannot be considered to have retired if he puts others in his stead and replaces his own single person by a number of substitutes.”

28 See Andrew Walker White, *Performing Orthodox Ritual in Byzantium* (Cambridge, 2015), 47–50 for my discussion of theological objections to acting in the Jewish and Christian traditions.

29 As Timothy David Barnes, “Christians and the Theater,” in *Roman Theater and Society: E. Togo Salmon Papers I*, ed. William J. Slater (Ann Arbor, 1996), 173–174, has pointed out, “. . . the obvious idolatry of the theater could be removed just as easily as the pagan veneer in the imperial cult . . . it required merely a change in the surrounding ceremony, not an alteration in the nature of the performance.” See also Dorothea R. French, *Christian Emperors and Pagan Spectacles: The Secularization of the Ludi A.D. 382–525*, unpublished Ph.D. Thesis, University of California (Berkeley, 1985).

Councils of Arles (ca. 314 and 451 CE) have been cited as evidence that the Church was willing to cede its members to the stage, albeit temporarily.³⁰ This optimistic interpretation, however, hinges on a misunderstanding of the word *quamdiū*, which in ancient times may have had the connotation of “while (they perform)”³¹ but which in Late Antiquity usage had a more concrete meaning of “since” or “because (they perform).”³² In this interpretation, a return to the theatre, for whatever reason, meant excommunication.

Officially, the Church never wavered on the issue of actor-converts; but the question is: did the Church ever follow through on its many threats? Apparently not: even in John Chrysostom’s day, the pulpit was powerless to restrain the average Christian’s love of entertainment. If the threat of excommunication had actually been carried out, Hagia Sophia would have stood empty. This explains why, during Justinian’s reign, we find Bishop Jacob of Serugh, at his wit’s end because some of his flock continued to perform onstage, while the rest went to the theatre to watch them.³³ The once-oxymoronic concept of Christian mimes performing for Christian audiences was, whether the Church liked it or not, a new reality. Mimes, now citizens by virtue of their baptism into the Church, enjoyed the fellowship of their fans—a relationship not based so much on adulation or sexual exploitation as on equality. And with the rise of Justinian, and the crowning of a former mime as empress, these positive changes were further reinforced.

4 The Era of Justinian

From a theatrical perspective Justinian’s reign is mixed; although he is traditionally blamed for closure of the Empire’s network of theatres,³⁴ in his early career he was one of the theatrical *ludi*’s biggest fans. Justinian’s consular games, as Richard Lim

³⁰ Barnes, “Christians and the Theater,” 177 interprets the canons of Arles as excommunicating actors and charioteers “so long as they continued to perform or to race,” i.e., until their retirement.

³¹ See *Oxford Latin Dictionary*, ed. P. G. W. Glare (Oxford, 1968) s.v. “*quamdiū*,” esp. B.3, 4. In support of this interpretation see for instance *A Latin Grammar*, ed. George M. Lane, rev. ed. (New York, 1903), 347–349.

³² See *A Latin Dictionary*, eds. Charlton T. Lewis and Charles Short (Oxford, 1962), s.v. “*quamdiū*,” II. d. Lewis and Short cite the Vulgate translation of Matt. 25:40 (from the parable of the separation of sheep from goats): “. . . in so far [*quamdiū*] as you did it for one of the most insignificant of these, who are my brothers, you did it to me.” The Vulgate, however, also uses the word in the older, relative sense; see for example Matt 9:15, “Can the wedding guests mourn *as long as* [*quamdiū*] the bridegroom is with them?” It would appear both meanings were common in Late Antiquity.

³³ See Jacob, Bishop of Serugh, “Jacob of Serugh’s Homilies on the Spectacles and the Thaeter,” trans. C. Moss, *Le Muséon* 48 (1935): 76–113.

³⁴ Procopios, *Anecdota*, 26.8. See Kaldellis, *Prokopios: The Secret History*, 114 but also n. 96. Theatres were often closed for political reasons, and both Novel 105 (issued in 537 CE) and Novel 149 (issued in 569 CE) of the Justinian Code include guidelines for theatrical games as a still-active political obligation

notes, were among the most spectacular ever seen in Constantinople.³⁵ And his love for Theodora led to the first great reform of his era—the right of actresses to marry men of quality, as decreed by his good uncle, Emperor Justin. The *Corpus Iuris Civilis* deleted all the Theodosian Code's restrictions on actor-conversions, as well as the threats against women who returned to their old profession. The only edicts Justinian preserved placed limits on where mimes could advertise their shows, and forbade actresses to masquerade as nuns.³⁶

Finally, and most importantly, Justinian turned to the issue of producers who still tried to force actresses back on-stage with binding contracts. Not only does he rescind Theodosios II's edict of recall discussed above, Justinian places severe penalties on officials who attempted to keep women in the theatres, defining any performance contract imposed by force null and void.³⁷

In part as a result of Justinian's reforms, the mid-sixth century may have been the first time since the Hellenistic age when actors could perform or not, as they chose. It was also the first time since the dawn of Christianity that the state viewed a mime's personal faith with indifference. Just as a mime could easily become Christian, a Christian could remain—or even become—a mime. This newfound freedom, in turn, sets the stage for one of the most thorough defenses of the acting profession ever written.

5 Chorikios and the Actor as Human Being

By the sixth century mimes had been converting to Christianity for centuries, with a number of them returning to the stage. This meant that every day on the street, and on Sundays in church, one would routinely greet, as equals, mimes and former mimes who knew the profession well. This new but increasingly routine social interaction would have helped to humanize actors in the eyes of the general public. Perhaps the

for the masses. See also *The Novels of Justinian: A Complete Annotated English Translation*, trans. David J. Miller and Peter Sarris (Cambridge, 2018), 690 and 963.

³⁵ See Richard Lim, "Consensus and Dissensus on Public Spectacles in Early Byzantium," in *Conformity and Non-Conformity in Byzantium: Papers Given at the Eighth Conference of the Australian Association for Byzantine Studies, University of New England, Australia, July 1993*, ed. Lynda Garland (Amsterdam, 1997), 164–166 at 173–174.

³⁶ For the relevant edicts on spectacles preserved by Justinian (*CJ XI:41*, 1 at 4), see *CJC* 2:437–438. The edict on nun-masquerades, *CTh* 15.7.12 (Pharr 435) is preserved as *CJ* 1.4.4. The other edicts retained from the Theodosian Code concerned themselves with chariot races (*CTh XI:41.2*, 3, at 5) and with procurers' attempts to prostitute their own wives and children (*CTh XI:41.6*).

³⁷ Just. Nov. 51; see Miller and Sarris, *Novels*, 421–423.

strongest evidence for the normalization of actors is in Chorikios of Gaza's Oration in defense of the mimes.³⁸

Chorikios took it upon himself to argue that mimes were practitioners of a respectable craft, and – even more radically – that they should be treated as normal citizens. He begins his defense cautiously, devoting his *theoria* to establishing his own personal integrity, and distancing himself from the more unsavory among his “clientele.” Chorikios also takes the bold step of equating his own craft, rhetoric, with that of stage-acting.³⁹ Taking his argument one step further, he begins from the beginning (as it were) by tackling Plato's old stereotype of actors as witless ciphers, positioning their art as part of a broader, nobler field of mimetic crafts.⁴⁰

You realize of course how many arts have mimesis in their scope: rhetoric, poetry that can transform copper, skillfully turning it from a liquid into something that looks alive; also the arts of dancing, sculpting and painting. So what better praise for the mimes could one offer? They have a name that everyone strives for.⁴¹

One of the unique features of Chorikios' argument that merits special attention is this: because he is a rhetor whose profession includes the delivery of set speeches (like this very oration), he can base his defense of mimes on a practical knowledge of the mind-set and technical skills required for public performance.

Emphasizing the multiple roles mimes had to play, Chorikios goes inside the head of the average performer, thinking their way through a performance, with all the lines of their repertoire locked in their memory. Rattling off a long list of practical performance skills, he then dismisses the accusation that mimes are all drunkards, a standard piece of elitist, anti-theatrical invective.⁴² Chorikios knows better than to

³⁸ Literally, the title reads “On Behalf of Those who Represent Life in Dionysus’ [Theatre]”; this (minus the brackets) is T. D. Barnes' translation (see “Christians and the Theater,” 178). Ioannis E. Stefanis, in his Modern Greek translation, renders the title as “A Speech Defending Those Who Represent Life in the Theatre,” Χορικίου Σοφιστού Γάζης Συνηγορία Μίμων, Κλασικά Γράμματα 3 (Thessaloniki, 1986), 55.

³⁹ Chorikios of Gaza, *Apologia Mimorum*, 1, eds. Richard Foerster and Ebenhard Richtsteig (Stuttgart, 1972), p. 345, lines 5–8: “Nobody here would think ill of me if I continued with this preamble since, rhetoric being the practice of imitating everything, crafting set-speeches on worthy subjects, I have come here in support of *mimesis*.”

⁴⁰ J. J. Tierney, “Ancient Dramatic Theory and its Survival in the ‘Apologia Mimorum’ of Choricius of Gaza,” in 9th International Congress of Byzantine Studies (Athens, 1958), 3:270–271 believes this passage is derived from a now-lost Aristotelian treatise *On Poets*; he argues that at first Aristotle considered rhetoric to be mimetic, but may have changed his mind in later years, which might account for rhetoric's absence from his list of mimetic crafts in the *Poetics*.

⁴¹ Chorikios of Gaza, *Apologia Mimorum*, 13, lines 14–19, eds. Foerster and Richtsteig, p. 347.

⁴² Chorikios of Gaza, *Apologia Mimorum*, 124, lines 18–26, p. 372: “How could they possibly maintain self-control and sing correctly? For he must have a gladdening voice and a flowing tongue at the ready . . . Furthermore, he has to know how to dance and not just speak cleverly, but also to enchant

claim all mimes are sober, so he makes the practical point that a weakness for the grape, in this or any other profession, can make it impossible to perform effectively.

By delineating the basic skills of the actor, Chorikios can even defend the work of the female impersonator as a distinct art form.⁴³ Chorikios makes the practical point that a role's exterior qualities are distinct from the inner character of the performer, and he illustrates this with two amusing cases of cross-dressing from antiquity—Aristophanes' *Frogs* and a famous pantomime from the tales of the Trojan War. He is even willing to admit his own lack of machismo to clinch the argument:

Tell me this; so you suppose [female impersonation] feminizes the spectator or the actor? Of course, you will say both, but I will say neither. Because the soul does not change with the costume, even when someone suits his voice to his outward appearance. A lion skin didn't make Aristophanes' Xanthias brave, any more than a womanly robe made Peleus' son [Achilles] a coward. Even if I take off my civilian garb and put on a soldier's armor, that does not make me warlike.⁴⁴

As for adultery plays—whose enduring popularity contributed so much to the marginalization of mimes—Chorikios summarizes the typical plot, and points out that cheating men and women are usually taken to court, where the Roman adultery laws could end in death if convicted.

More importantly, though, Chorikios points out that the mimes themselves wouldn't hesitate to take an adulterer to court—after all they, too, were married and had families. To bring his point home, he takes a moment to enact a hypothetical court case (very mime-like, that), impersonating both the adulterer and a typical married mime:

He [the accused] won't say before of the judges, "Gentlemen of the court, this man taught me how to do it; he taught his own wife to think adultery was a piece of cake!" . . . He will hear his accuser say, "Sir, I don't even let the man who committed adultery *onstage* go unpunished; but I am outraged, and I say 'Tell the servant boy to come; bring me my dagger!' so the servant comes, holding what I told him to bring; then, after thinking it over awhile I decide it would be terrible to take revenge with my own hands, so I lead them both to court."⁴⁵

It is here that Chorikios cites a relatively new development in Roman Law: committing adultery with a mime, once perfectly legal, was now a crime. Because both the

with a look and – if he must – to appear to be deceived, 'Seeing but not seeing,' so to speak, 'hearing but not hearing,' so that he doesn't miss a single graceful turn . . ."

⁴³ *Letters of St. Cyprian*, 53: Bishop Cyprian's chief complaint, in the letter cited above, is that the mime in his case had set up a school for female impersonators: ". . . he is teaching and instructing men, contrary to the ordinance of God, how to be debased into women and how, through art, to change their sex and thus by sinful actions of their perverted and degenerate bodies to give gratification to the devil who despoils the handiwork of God."

⁴⁴ Chorikios of Gaza, *Apologia Mimorum*, 76–77, lines 11–18, eds. Foerster and Richtsteig.

⁴⁵ Chorikios of Gaza, *Apologia Mimorum*, 54–55, eds. Foerster and Richtsteig, p. 356, line 19 and p. 357, line 5.

actress and her husband were citizens, they have the right to take the case to court; their marriage, once completely disregarded, now had legal standing.

6 Conclusion

This snippet of theatrical history covers changes in the Roman mimes' fortunes, ending—for now—on a happier note. By the mid-6th century, thanks in part to the interventions of the Church and Emperor Justinian, mimes had been transformed into citizens, Christians, even Empresses. They could now, for the first time in centuries, choose acting as a profession or move on to other lines of work. The elites could still turn up their noses at them (when not hiring them for command performances), but Roman law now protected mimes from the brutal exploitation that had been the norm for so long.

It could even be argued that the eventual end of state funding for Rome's theatres, and the end of civic theatre contracts, was a blessing in disguise; mimes could now be masters of their own fate. They had a greater sense of dignity, and brighter hopes for their children than would have been possible in the past. Dramaturgically speaking, this is a less-than-spectacular finish; but for those in the profession it would have been a significant improvement, hard-won and far too long in coming.

Whatever his motivations for doing so, Chorikios of Gaza provided his contemporaries a much-needed corrective to traditional elitist disdain and scandal-mongering. His defense of the acting profession opens the way to a more nuanced analysis of the theatres of Late Antiquity and their audiences. For him actors are not decadent sex-pots; they were craftsmen and human beings, a picture that comes far closer to the reality of the profession.⁴⁶

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⁴⁶ As Hermann Reich, *Der Mimus: Ein literar-entwickelungsgeschichtlichen Versuch*, 2 vols. (Berlin, 1903), 1:222 noted: “our Sophist has already given the kernel of every argument” offered both before and since in defense of the acting profession.

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