

Experiences of Incarceration

Kalief Browder spent three years in pretrial detention at New York City's Rikers Island jail. He spent seven hundred of those days in solitary confinement, at a facility famous enough for its horrors that the Department of Justice took action against what it called a "culture of violence and overuse of punitive segregation" against a population of detainees, 85 percent of whom have received no sentence (Department of Justice 2021). Even as of 2021, 30 percent of those detainees will wait more than a year before receiving a judgment, in conditions designed to isolate men, and to break them. Rikers broke Kalief Browder. He committed suicide on June 6, 2015. He was twenty-two years old, accused of stealing a backpack. His pretrial detention proved, in effect, to be a death sentence.

Was Kalief Browder being "punished"? No, not in a strict legal sense—he was in jail, having only been accused of a crime. But at some point, the question itself becomes meaningless, a distinction without a difference. We hide behind impotent technicalities when we insist that prolonged pretrial incarceration is not a form of punishment, denying the lived experience of prisoners and diverting blame to a "broken system." In broad strokes, this system has been in place for over two thousand years at least. Perhaps a system that has been "broken" since antiquity is, in fact, functioning as designed, even if that design is veiled, misnamed, or unintentional. It is cold comfort to the Browder family to know that Kalief "wasn't technically being punished." If it is not already clear to readers why we choose to weigh lived experience and theoretical ideals separately, perhaps this example clarifies the issue. Whether incarceration is punitive is a matter of whose perspective we choose to privilege, and in the case of this peculiar and abiding institution, intentions and effects have only rarely aligned.

Punitive aspects of incarceration can be viewed from several angles, each with attendant questions and offering different vantage points. The intentions of law-makers, jurists, and judges differ not only from the experiences of prisoners, but also from societal discourses about what incarceration is and how it ought to be used. In chapter 1 we argued that at least in contexts where Roman law dominated, incarceration was regularly intended as a form of punishment by legal experts and political leaders. We now turn directly to an issue that we've tried to hold firmly in mind all along: the cage as viewed by those inside of it. While this chapter could cover almost endless topics, we pick three because they offer sometimes overlooked angles of analysis. In order to understand individual prisoner experiences, we attend to bodily concerns — especially death, hunger, sexual violence, and the cold, damp, and foul environment of ancient prisons. To understand how individual experiences relate to broader societal questions, we consider the role of food, both food insecurity and consumption. But first, we begin with a section that picks up and counterbalances chapter 1: the experience of incarceration as punishment.

EXPERIENCE OF INCARCERATION AS PUNITIVE

Here we argue that prisoners often experienced their incarceration as punishment, and that broader society often understood it as such. Moreover, we detail aspects of time and space that incarcerators in antiquity calibrated to have specific punitive effects. We are not the first to forward such an argument. In her magisterial book, Pilar Pavón Torrejón (2003) argues for the punitive use of incarceration as a normal part of the ancient Mediterranean world, alongside other uses such as repression, prevention, as well as pretrial segregation and custodial functions (186–208). More recently, Alberto De Simoni (2022) has argued that “For prison to be a punishment it needed not to be recognized as such by a statute, rather it needed to be *perceived* as punishment,” offering a broad selection of literary sources in support of the widespread perception of penal incarceration from classical Athenian and imperial Roman contexts (32). Here we introduce a number of documentary sources to the conversation, framed in a new way to show that they point in the same direction as literary materials, suggesting that incarceration was widely understood as punishment by carceral victims and societies alike. Nearly half the documentary evidence directly relating to ancient Mediterranean incarceration are letters from captives themselves, on their behalf, or about them. In most of these cases it is no longer possible to determine the intention of the prisoner's captors; more often, the prisoner's own description of their plight is readily accessible, which we submit is at least as important—and qualitatively more important if the aim is to understand incarceration as experienced by its victims. Across the archive we hear repeatedly hear prisoners describe their captivity as a form of punishment. Consider, for instance, a letter from the Zeno archive in which two prisoners admit they committed a crime and express their understanding of their time in prison as punishment for that crime.

To Zeno, from the swineherds Petenouris, Samoys, greetings. We beg you, have mercy on us—sure, we are being punished for our sins [*hēmartomen tetimōrēmetha*], but no one is sinless—so that the pigs don't die, on which we depend! So you must understand that you are making trial of us. You know that we have been here already for three days. Will you not let us free to work, or to depart for the pigs, so that they won't die with us stuck in prison? For we have nothing that we need, and we will die in this way. So you must consider if it seems to you right to release us. (P. Cair. Zen. 3.59495, D141 [263–229 BCE])

These swineherds wrote to Zeno to request mercy and release from prison, which they referred to explicitly as a punishment for their actions. They admit having committed wrongdoing, but they seek release through a desperate plea—if their punishment is not brought to an end, pigs who they depend on will die needlessly. The nature of these men's transgression is not clear, nor is the capacity in which they were incarcerated. We know only that they thought Zeno had the ability to affect their release.

Another document from the same archive betrays a similar situation: a letter from an Egyptian man who failed to fulfill contractual obligations to finish work on time and was imprisoned as a result. Zeno's agency is somewhat clearer in this instance—it is likely that the other party to the contract was Zeno himself.

I have repeatedly asked you to be released and to be discharged, so that I can be released and that I can see. For it won't be the case that forty days pass without the work being finished. So that you don't distrust, in the presence of people should you prefer, I will write an oath to you in Crocodilopolis or in Memphis to finish the current work and whatever else you should require. For I have been punished enough [*hikanōs gar tetimōrēmai*]. I ask you not to overlook me [*deomai sou mē me periidēs*] . . . (P. Cair. Zen. 4.59639, D213 [263–229 BCE])

This letter brings together a number of themes we see elsewhere: request for release, the intersection of economic debt and incarceration, language of "overlooking," (p. 165–168) and the experience of incarceration as punitive. Regardless of the specific legal rationale, the letter writer considered the prison itself to be punishment for his deviance and wrote "I have been punished enough." There is an entire vernacular theory of justice implied in this astonishing statement, one whose contours we can only begin to glimpse, juxtaposing an admitted guilt with a subjective sense of penal proportionality. These are Ptolemaic documents, but the notion that prisons are fundamentally penal facilities persists in letters from subsequent periods as well. Perhaps a century later, a man with an Aramaic name in the Idumean city of Maresha scratched a letter into a limestone slab. The Greek is poorly rendered and fragmentary, the letter opening mid-sentence with,

... who is also called Zebatus, sent this from The Punishments [*apestalkan ek tōn timō[r]iōn*]. Health and life. I believe to know that I am innocently near death, since it was three years ago that I was arrested, and because Theon came to have my possessions . . . (CIIP 4.3.3689, D170 [second century BCE])

The startling letter continues, and merits further sustained attention elsewhere. For our purposes it is worth noting that, while the addressee of this plea is lost, we know the place from which Zebatus writes and how he characterizes the space: he is in prison, a place he calls “The Punishments,” where he has been held for three years as a result of his failure to pay a fine. Was this man being *punished* for his failure to pay up? While later Roman lawyers (and modern historians) might have disagreed or equivocated, for Zebatus the answer was clear: he viewed his time in prison as punitive, an ideal blended even into the name of the place from which he begged for release.

This idea of prison as a place of punishment, and one named accordingly, appears across the Mediterranean during the period under discussion. As discussed, already in the mid-fourth century BCE, Plato imagined an ideal society with three different types of prison. The first, at the civic center, accords rather well with the prison as it seems to have functioned in classical Athens: serving to hold both people in pretrial detention along with people serving a punishment of incarceration. Plato’s characters envision two other facilities as well, serving further purposes.

For anyone found guilty (of impiety), the court must impose [*timatō to dikastērion*] one penalty [*timēma*] for each act of impiety. Imprisonment is to be imposed in all cases [*desmos men oun huparchetō pasi*]. There should be three prisons [*desmōtērion*] in the state: one that is public, in the area of the agora, for general offenders [*henos men koinou tois pleistois peri agoran*], for the safe custody of a large number of bodies [*somatōn*]; another near the meeting place of the Nocturnal Council, given the name “The Reformatory [*sōfronistērion*]”; and another in the middle of the countryside, in the barest and most desolate place possible, and having as its name some word for punishment [*timōrias echōn epōnumian fēmēn tina*]. (Plato, *Laws* 907e–908a, L18 [360–347 BCE])

Plato imagines “The Reformatory” prison situated in the city, near the seat of government, and his prescription belongs within a broader set of ideals about how to cure, improve, or educate people out of their ignorance through a minimum term of five years of incarceration in that facility (Allen 2000, 71, 247–51, 280; Hillner 2015, 28–38; Abolafia 2021, 68). Importantly, the third proposed prison, which Plato envisions “in the middle of the countryside, in the barest and most desolate place possible” is explicitly connected with punishment and intended to “have as its name some word for punishment [*timōria*].”

Plato’s ideas about punitive and reformatory incarceration predate the period covered by this book, but thinkers exploited his ideas throughout antiquity. In the first century CE, Philo of Alexandria wrote a commentary on the biblical figure of Joseph, paying close attention to the character’s time incarcerated in Egypt and his subsequent career as a prison warden. Philo makes no distinction between Roman and Pharaonic carceral systems, seeing the prison as a transhistorical and transregional phenomenon in most of its particulars, with little change except for

one implemented by the biblical patriarch himself. He writes that when Joseph was placed in charge of the prison, he changed it from a place of punishment to a place of correction—noting specifically that, as a result, the space could no longer be called just a “prison” (*heirktē*) but that it had become instead a “reformatory” (*sōfronistērion*), using precisely Plato’s name for the institution (*On Joseph* 15–16, L12 [mid-first century CE]). Elsewhere, Philo explicitly imagined prisons and millhouses as places of carceral punishment, again understanding practices known from his own Roman provincial context to be universal and transhistorical (*On Dreams* 4, L186 [mid-first century CE]).

A Platonist of the following generation, Plutarch, reports that Cicero also raised the idea of penal life sentences of incarceration in late republican Rome, as a response to the Catilinarian conspiracy (*Life of Cicero* 20–21, L85 [early second century CE]). Plutarch picks up on Plato’s distinction, as well, relating the purpose of incarceration to both the nature of the crime and the status of the convict—his Cicero proposes that, for Roman senators, a life sentence in prison was the most “extreme penalty” feasible—likely because people of high social status (*honestiores*) were typically not punished in a way that violated their bodies, rendering terminal incarceration a logical alternative to maiming or executing the elite (Garney 1970, 140–52; Robinson 1995, 39; 2007, 106; Harries 2007, 36). Since the conspirators could not be reformed, Plutarch’s Cicero suggests, life sentences of retribution were among the “best practices” of the late republican period, again following the Platonic trichotomy (Eisenhut 1972, 270–72). This was neither an aberration, an oddity, or a one-off: almost 150 years earlier the playwright Plautus had already invoked the idea of life in prison, and a century and a half hence, the historian Josephus would report that the emperor Vespasian granted mercy to one revolting Judaeian general, who was condemned to lifetime imprisonment (*desmois aiōniois*) instead of execution in an imperial triumph (Plautus, *The Rope* 713–16, L178 [205–184 BCE]; Josephus, *Judaean War* 7.434, L292 [ca. 75 CE]).

While the prison offered a unique mechanism for punishing high-status individuals without violating their bodily integrity, literary sources reiterate what we learn from documents: low-status individuals were also subject to its torments. In his telling of the myth of Pero and Micon, Pliny the Elder goes so far as to stress the low status of the daughter, even though the point of the story, for him, was not to bemoan the use of the prison as class-based punishment but to record an example of filial piety in the extreme. “A plebeian woman of low position and therefore unknown, who had just given birth to a child, had permission to visit her mother who had been shut up in prison as a punishment” (*Natural History* 7.36, L150 [ca. 77 CE]). Read alongside the documentary of evidence analyzed here, literary sources support the idea that Romans envisioned the prison as a flexible institution capable of punishing the bodies of different classes of people in divergent ways. In an idealized penal order, these methods were calibrated not only to the crime but to the identity of the convicted.

A similar idea endured into Late Antiquity. Procopius, a late Roman historian, offers a glimpse into (at least his understanding of) Sasanian carceral practices, which were themselves legible within the Platonic and Roman penal tradition. An account set in 496/98 CE tells of a cross-dressing escape from the “Prison of Oblivion” in Persia, where a king was said to have been incarcerated as a form of punishment. Like the Catilinarian conspirators, the king’s eligibility for a life sentence, rather than for capital punishment, is explicitly predicated on his status—in Procopius’s words, his “kingly blood” (*History of the Wars* 1.5–6, L157 [ca. 565 CE]). These sources give a sense of the available parameters, and the attempt to ensure that retribution was carefully calibrated not only to the crime being punished but to the status of the individual concerned. Interestingly, Plato’s word for a “reformatory” prison (*sōfronistērion*) appears abbreviated in a tax account from the sixth century CE, suggesting the possibility that a prison following the Platonic pattern was actually implemented almost nine centuries after the Athenian philosopher wrote about it, and—according to the standard Foucauldian account—more than a millennium before such reformatory prisons were allegedly “born” (P. Cair. Masp. 1.67057, D182 [551–52 CE]; Hillner 2015, 147).

The Platonic notion of prison as reformatory has an important reception in imperial Roman contexts (Hillner 2015, 45–63). Writing *On Anger*, first-century Stoic philosopher and statesman Seneca the Younger argues that “different considerations should in different cases restrain us.” In certain cases, he argues, “we resort to the sword and to capital punishment,” whereas “an act that deserves the censure of a very light flogging we punish by chains, the prison, and starvation” (3.32.2–3, L93 [ca. 41–50 CE]). In Seneca’s estimation, the three punishments—chains, prison, and starvation—are virtually synonymous, available for implementation, and harsher than a physical beating. In fact, Seneca envisions an entire spectrum of punishment, each of which are reformatory in intention. “I will resort to every form of punishment [*genus poenae*], but only as a remedy.” Occasional but regular errors can be rehabilitated with private rebuke followed by public disgrace. More serious offenses can be reformed through exile, and “if your wickedness has become deep rooted, demanding harsher remedies to meet your case, we shall have to resort to public chains and the prison [*vincula publica et carcer*].” Only in the case of inveterate criminality does Seneca think that reform is not possible, at which point capital punishment is justified as a form of pity over the incurable mind (*On Anger* 3.32, L93 [ca. 41–50 CE]; cf. Hillner 2015, 52–55). A century later, Calpurnius Flaccus suggested prisoners convicted of parricide ought to linger in prison for a precisely calibrated amount of time (one year, in this case), and only thereafter be properly executed (*Declamations* 4, L46 [second century CE]). Here, it seems, both time served and execution were intended as punitive measures. These literary sources offer further context to the prisoner letters discussed above: the notion that the prison could be used to punish crime was widespread, including finely calibrated modalities of describing its punitive aims.

Such close calibration of time, space, and culpability is not solely a literary ideal but even shows up in sources like a dedicatory inscription from northwest Lydia (western Turkey) in the third century CE, given on behalf of a prisoner named Theodorus who had served his time, and thanked the gods for his salvation from prison. It reads: “in the month of Panemos, according to the enlightenment given by the gods by Zeus and Men the Great Artemidoros: ‘I have punished Theodorus in respect to his eyes in consequence of the sins, which he committed.’” Theodorus goes on to explain the nature of his crimes and the sacrifices that he has made to expiate the guilt. The inscription ends with Theodorus claiming, “I have Zeus as my legal advocate.” The god (or more likely, a priest who serves the god) responds:

“Behold, I had blinded him in consequence for his actions, but now he has made good his mistakes by propitiating the gods and by erecting an inscribed stele.”

Asked by the council: “I am merciful because my stele was erected on the day that I appointed. You may open the prison, I release the condemned [*anuxais tēn fulakēn, exafiō ton katadikon*] after one year and ten months have passed.” (SEG 38.1237, D167 [235–36 CE]; trans. Malay 1988, 151–52)

Here, in the middle of the third century CE, we see a rather clear example of incarceration that is understood to be both reformatory and limited-term. While the inscription reflects a bit of ritual performance, it also implies the fixed place of the limited-term carceral sentencing in the social imagination of Roman East, as argued by Angelos Chaniotis (2009). Two facets in particular are worth noting. First, the inscription situates the sentence not in a convict labor camp but rather in a civic prison. Second, the inscription calibrates specifically between the number of crimes (three), the severity of each, and the amount of time in which Theodorus was held in the prison as part of his punishment. A curiously specific sentence is pronounced: twenty-two months. While the inscription describes a scene within a religious literary frame, it clearly reflects some judicial context; it seems unlikely that Theodorus invented from whole cloth the crimes and times detailed in his stele. It is yet another example of time in prison as calibrated according to crimes committed.

Beyond calibrating time, we have evidence for Romans particularly implementing spatial sanctions in order to heighten the punitive aspect of incarceration. For example, two of Tiberius’s biographers record that the emperor used the prison to neutralize enemies and otherwise segregate unwanted members of society for long periods of time—up to seven years, in some instances (Cassius Dio, *Roman History* 59.6.1–3, L126 [ca. 230 CE]). Suetonius adds that the emperor also prescribed spatial sanctions within the prison, such that “some of those in custody in prison were denied not only the comfort of studying, but even the privilege of conversing and talking together” (*Life of Tiberius* 61, L19 [121 CE]). While some carceral facilities have small cells or subdividers that would allow for segregation within the

prison, Suetonius does not tell us enough about how separation was implemented to compare it directly to modern instantiations of the same. Nevertheless, it is difficult to find a modern English phrase to describe these spatial aspects of penal incarceration in the early first century CE beyond what it appears to be: the earliest attestation of punitive solitary confinement.

Sources describe punitive isolation of prisoners from the first century CE through the sixth; we offer just one more example, which draws together punitive time and punitive space. It comes from a context of monastic confinement, where punitive uses of space and spatial segregation were often applied (Hillner 2015, 188–89). In the early fourth century CE, an influential Christian monk named Pachomius established a community north of Thebes, Egypt, and a set of rules for the men focused on holiness, asceticism, and labor, producing goods that could be used by the community, or sold to support it. Biographies of Pachomius quickly spread, relating stories of his sanctity and the rigor that he imposed on monks under his charge. One recounts the story of a monk who, having been charged with weaving one mat per day, instead produced two and displayed them in front of his cell in hopes of attracting the eye, and the praise, of the monastery superior. On seeing the mats, however, and realizing that the monk labored in search of earthly praise rather than “the praise of God,” Pachomius grows angry and prescribes the monk’s punishment: he was to stand behind the other brothers at prayer time and in their midst during mealtime, begging for forgiveness. Thereafter Pachomius “ordered him to be locked up in his cell for five months, make two mats every day, eat only bread with salt, and none of the brothers to visit him” (*Paralipomena* 34, L201 [ca. fourth century CE]; Hillner 2015, 189–91). The brother’s crime related to commodity production and his punishment was calibrated to fit that crime—he was sentenced to a limited-term punitive sentence of five months of solitary confinement, including enhanced labor obligations and punitive food rations. The story weaves together punitive intention and experience, along with punitive uses of space, along with a goal of reforming the offender.

We have argued that treatments of ancient incarceration to date have tended to privilege legal and literary sources, and have been prone to mistaking normative discussions for descriptions of how prisons functioned in reality. Literary materials have a lot to teach us and, as we argued above, in some cases they corroborate other types of evidence, like the punitive variability and ideology of separation embedded in ancient prison architecture, and even the common perception of prisons as punitive facilities. John Bauschatz and Brian Muhs have added significantly to our understanding of carceral practices as seen in documentary sources from the Ptolemaic period, and Sofia Torallas Tovar has analyzed late ancient Egyptian sources in a number of brief, important studies (Bauschatz 2007, 2013; Muhs 2018; Torallas Tovar 1999, 2003, 2006). Documentary sources have rarely been allowed to control the discussion, however, and in the few instances where documents from the Roman imperial era have been explored extensively, Mommsen’s conclusion

that incarceration was a marginal aspect of ancient society has been uncritically appropriated as an interpretive lens and, in the end, a Procrustean bed. Documentary sources do not simply offer different information; they offer a different kind of knowledge about experiences and ideologies of incarceration.

In what follows, we mine the collection of documentary sources related to incarceration in the Mediterranean from 300 BCE to 600 CE, pausing on only the most relevant pieces useful for the task at hand. Having written at some length about types of prisons and the ideology that these spaces encode, we turn in the remaining chapters to the most proximate data available, aiming to elucidate some aspects of the experience of incarceration in the ancient world as seen in prisoner letters and petitions, warrants, bail bonds, orders of appearance and release, and the like. We outline the personal experience of incarceration with respect to bodily concerns and the complex relationship between food and incarceration—material also covered by Jens-Uwe Krause (1996), though from a different angle and with reference predominantly to literary rather than documentary evidence (271–301).

BODILY CONCERNS

The intention of an incarcerator often has little effect on the experience of the incarcerated. Behind Stephen Duguid's question "Can prisons work?" and Angela Davis's "Are prisons obsolete?" lies a fundamental problem that appears in antiquity as much as modernity: more often than not, even a humanistic plan to rehabilitate someone through incarceration has the effect of restraining them in a facility that they experience as torture (Duguid 2000; Davis 2003). The problem is particularly acute in the ancient Mediterranean, and startlingly well-attested in our sources: carceral facilities exposed prisoners to tortuous environments with immensely heightened risks of hunger, sexual violence, and death.

Death

Prisons were treacherous places to be, no matter whether a person was under carceral control for custodial, coercive, or punitive, or even reformatory reasons. The documentary and literary record is replete with reports of prisoner deaths, and also with documents in which people express fear of prison on the grounds that incarceration itself presented an imminent mortal risk. For instance, P. Oxy. 43.3104 is a large, professionally produced notice of a prisoner's death: a tax farmer named Aurelius Epinicus who was incarcerated in 228 CE (D15). The report introduces the deceased by both his Latin and Egyptian names, and records that he had purchased the right to collect a 2.5 percent tax on woolen objects. Aurelius was incarcerated in late April of 228 CE, likely because he failed to fulfill his tax farming obligation. The report states that he survived only fifty-six days in prison, dying on June 24. His incarceration for a relatively minor financial infraction ultimately proved to be a death sentence. A roughly contemporary source

offers another glimpse at the practice of registering the death of prisoners, this time in the North African city of Carthage whose bishop Cyprian wrote to fellow clergy about incarcerated Christians, clarifying that they should be considered martyrs even if they weren't executed publicly. Cyprian specifies that even those who die in prison are to be honored as martyrs for the faith, and that a record should be kept of the exact dates when their incarceration caused their death (*Letter* 12, L23 [ca. 250 CE]). The practice, begun somewhat earlier by a man named Tertullus, resulted in a new calendrical system for Christians—a system modeled directly on the form of recordkeeping produced upon the death of prisoners like Aurelius Epinicus.

Another document from the mid-third century CE speaks to the danger of a swift death in prison. SB 16.12949 is a fragmentary record of court proceedings before the Roman governor (*prefect*) of Egypt, who adjourned the case before him while relevant documents could be located (D62 [207–68 CE]). The governor ordered that the defendant be incarcerated while the archival search took place, eliciting a request from his lawyer that the defendant be released on bail instead, “so that he may be able to remain alive.” Embedded in each of these sources is the assumption that prisons are potentially lethal places—even a short custodial stay ran the very real risk of death.

Even so, a swift death was not the only possibility; some individuals lingered quite a while before succumbing. In P. Petr. 3.36, a prisoner writes to a Ptolemaic city manager (*epimelētēs*), complaining that he has been left to suffer in prison for ten months already, and is on the verge of death. With a palpable sense of anguish and terror, he begs, “I pray for you not to let me perish of hunger in prison, but write to the governor about these things or send me to him . . . in order that I may be saved” (D3 [218–217 BCE]). Similarly, in 177 BCE, a man incarcerated in “Big Prison” at Oxyrhynchus wrote that he was imprisoned unjustly, having already been acquitted of the accused crime. “I have up to now been confined already for three years,” he writes, “lacking the necessities.” The letter breaks off in the middle of his request, ending with “therefore, so that I may not waste away in [prison], neglected, contrary to all decency, I beg you with every plea to order . . .” (P. Coll. Youtie 1.12, D4). Perhaps six hundred years later, another Egyptian prisoner—this one in Thebes and writing in Coptic—expressed a familiar plea: “I am dying in prison, and I still do not know why” (BKU 1.144, D210 [sixth–seventh centuries CE]; Torallas Tovar 2003, 218–19).

The earliest known papyri attest a concern over death in prison, and the theme is common among late Roman literary sources. Both legislators like Constantine and orators like Libanius, for instance, speak to the reality of innocent people suffering at length and ultimately expiring in their cell without ever having been convicted of a crime (*CI* 9.4.1, L133 [320 CE], Libanius, *Oration* 45, L52 [386 CE]). Ammianus Marcellinus even tells the story of a wealthy woman who preferred to commit suicide rather than encounter the dangers of prison (*History* 28.1.47; Pavón

Torrejón 2004, 119). Late literary attention to the issue should not be confused with its early absence—the papyri show clearly that the issue remained across the time covered by our book, and John Bauschatz (2013) detailed the prevalence of long-term detention without trial or bail under the Ptolemaic regime, writing that “the Ptolemies do not seem to have made allowances for prisoners for whom no bail was posted or for whom no trial arrangements were made. They doubtless realized that such detentions occasionally took place but did little to prevent them” (222). Despite Bauschatz’s assertion to the contrary, the Ptolemies were manifestly not unique in this practice. Rather, among the various regions, cultures, and periods covered by this book, perhaps the most common bodily concern expressed by prisoners and imprisoners alike is the heightened risk of death for people suffering incarceration, and the extraordinary common fact that prisoners died after long periods inside—even those “only” in pretrial detention.

Hunger

Next to worries about death, the most common complaint of prisoners in the papyri is that they were hungry. While food insecurity was doubtless of concern to nearly all prisoners, the issue was rendered more acute for people far from home who lacked a local network of support to bring them supplies. The connection between hunger and incarceration was so clear throughout our time period that Hesychios, a lexicographer in late antique Alexandria, offers “the prison” (*to desmôtêrion*) as a gloss for a word meaning “the place with no food at all” (Hesychios, α 5831 *apasiton* [ca. 400–600 CE]; Curbera 2018, 14–15). At the other end of our timeframe, three men who had been summoned to Philadelphia in the mid-third century BCE wrote to Zeno, an influential retainer for an aristocrat who later became an aristocrat himself, with this very concern. “Rhodon, Menippos, and Pausanias send greetings to Zeno. We beg you to ask Philoskos [chief treasurer/*oikonomos* of Arsinoites] that when we arrive, we might receive judgment from Dionysios concerning the accusations against us, lest we be destroyed by hunger in prison, given that we are foreigners, but rather, having received judgment through your intercession, we might obtain justice” (PSI 4.419, D57 [263–229 BCE]). These men’s worry was clear: they might accede to their summons only to be thrown into a local prison to await trial. Given that they were foreigners with no local network of support, they worried that they would die from lack of supplies while they waited. These men’s plight was hardly unique—in fact, it seems that foreigners were especially vulnerable to the dangers of imprisonment. A woman visiting Oxyrhynchus in the early Ptolemaic period ended up in jail after being attacked by a local; in her complaint to the king, she specifically notes that, in her view, the entire incident was motivated by the fact that she was a stranger in the city (P. Enteux. 83, D71 [221 BCE]). Similarly, a professional grain measurer from outside Alexandria wrote to Zeno with a similar request as the men above, asking that he send “a cloak or some money, as much as you please,” because he “has

no one in this city [whom he knows],” and that it would take time for his family to sail down the Nile to care for him while he was in prison (P. Cair. Zen. 3.59519, D134 [263–229 BCE]). It is worth noting that even the centrality of Mediterranean prisons within cities does not mean that incarceration did not entail geographic displacement; confinement in a city far from home would be no less jarring or arduous for someone familiar with rural farm life than confinement in a contemporary, ruralized prison is for city dwellers. Incarceration means displacement and isolation, in body and from society.

Even prisoners with local networks of support often express an acute concern over hunger. A Byzantine potsherd containing a letter written in Coptic speaks to the bind that two women found themselves in while incarcerated. They write, “we were at pains and wrote to you, and you have forgotten us in the captivity where we are . . . For as the Lord lives, if you don’t reach us today with the money, there will be no life left in us. Send the rations for us to the jailer and give loaves and . . .” (O. Mon. Epiph. 177, D139 [sixth–seventh centuries CE]). It seems the women were left in prison as collateral for the debts of their husbands, who were released to work and pay off what they owed. As part of the deal the men were tasked with sending food to their wives in prison, but they had failed to do so. As such, the women threatened to end their collateral incarceration, sending the guards directly to the husbands, who would presumably be arrested and incarcerated while the women went free. In a similar way, centuries earlier, a woman named Tryphas wrote to her son and daughter, reminding them to feed the slaves (lit., “the bodies”) that she had left in prison as debt collateral. Tryphas was waiting for grain prices to rise so that she could make a bigger profit on her crop before she recovered the people whom she enslaved and then imprisoned on account of her own personal debt. She reminds her children, “I have often written to you to care for the slaves. They will die in the prison” (BGU 16.2618, D146 [7 BCE]).

In the documentary record, across the time period covered by our book, we find that the most dangerous way to be incarcerated was far from family and, even worse, in poverty. “I am in great need,” complained a man named Poseidonios in the late third century BCE, “and I am very poor, and I perceive that I am close to death in the prison because of my lack [of basic necessities]” (P. Petr. 3.36r, D147 [218–217 BCE]). A roughly contemporary document echoes the same themes: P. Petr. 2.19(2) is a fragmentary papyrus containing two petitions from prisoners who complain that they will die if they are not supplied with necessities. One man appears to have been condemned to a work camp (*ergastērion*) and complains that that he won’t last much longer there before he dies—he claims that he “is being destroyed in the prison [*en tēi fulakēi kataftharēnai*]”; apparently the conditions of the work exacerbated his caloric needs, which were not being met (D108 [260–200 BCE]).

Documents also commonly attest cases in which a single incarcerated person plunged an entire family into hunger. P. Cair. Masp. 1.67020 is a sixth-century CE

petition for release of a group of friends held in a public prison. The petitioners offer a number of reasons for the request, including a pathetic plea for the welfare of the prisoners' children. "You must be appealed to through your innate love for God to act on their behalf, and to order their release, first because of the profiting of your soul and then because of the great poverty that they have, and the lack of food for their children" (D112 [566–73 CE]). Besides, the petitioner argues, the "season demands the family members for the cultivation," arguing that prolonged incarceration at public expense was deleterious to the family and community alike; it was time for the harvest and, as a result, their labor would benefit the public. On November 20, 464 CE, a prisoner named Aurelis Macarius petitioned the public defender of his section of the city, claiming to be unjustly incarcerated and promising to pay any properly documented debt (which his accuser had failed to produce). The brother of his (by then deceased) employer charged Macarius with a debt and confiscated eight of his cattle as collateral, placing him in prison for three months, during which time the man was unable to receive a hearing in his case. In the absence of a hearing or judgment, the remainder of Macarius's herd died (P. Oxy. 6.902, D16 [464 CE]). While both these sources come from the later end of our timeframe, complaints about the economic hardship caused by even temporary incarceration span the period from 300 BCE to 600 CE, demonstrating in the starkest of terms that incarceration affected not only the accused and condemned, but also that their loss of economic production caused ripple effects, which endangered the dependents of those in prison. The problem persists even today, where modern studies linking food security and incarceration push us to think about such impacts not only on incarcerated individuals but also their household, especially children (Cox and Wallace 2016). Sources speak regularly of the imprisonment of a male primary wage earner causing a cascade of precarity leading even to family reorientations in which, Libanius reports, "wives, sisters, and daughters who were supported by them before their imprisonment have to become their nourishers now." Prisoners are "doubly afflicted, by the actual imprisonment and by the manner of it," in which rationed food is "much below their needs," and families step in to fill the gap. Libanius reports that "ugly and aged women" are reduced to begging to feed themselves and their incarcerated family members, while physically desirable women sell their bodies to buy sustenance. "For the prisoners this is even more bitter than their imprisonment, for they are bound to ask about the source of the support, and to be told the answer" (*Oration* 45.9, L52 [386 CE]).

Sexual Violence

We have seen the effects on families of incarceration, which Libanius reported in the fourth century resulted in countless wives and children selling their bodies to provide for those inside. Christian sources from the second and fifth centuries both suggest that women faced an increased threat of rape in prison, and

the *Mishnah*, a second-century collection of rabbinic Jewish materials, indicates that women ought to be normally rescued from prison (*beit hashevi*, “house of confinement”) before a man because she is more vulnerable to sexual violence (cf. *Acts of Paul and Thecla* 27, L277 [second century CE]; Augustine, *City of God* 1.16, L258 [413–26 CE]; *Mishnah Horayot* 3.7 [late second century CE]; cf. Schellenberg 2021, 93n11). Interestingly, the passage in the *Mishnah* specifies that in cases in which both a man and woman are incarcerated and both are vulnerable to sexual violence, the man ought to be released first. In the sixth-century the historian Procopius spoke precisely to the risk of sexual violation at the hands of wardens controlling access to the prison in the Sasanian east (*History of the Wars* 1.5–6, L157). King Kavad I faced a revolt in 496 CE: his opponents “rose against him, removed him from the throne, and kept him in prison in chains,” but they were “unwilling to put to death a man of the royal blood, and decided to confine him in a prison which it is their habit to call the Prison of Oblivion.” The prison guard made advances on the king’s wife, Procopius tells us, and Kavad “told her to give herself over to the man, to treat as he wished. In this way the keeper of the prison slept with the wife, and he conceived for her an extraordinary love, and as a result permitted her to go in to her husband just as she wished and to depart from there again without interference from anyone.” Eventually, Kavad escaped the prison dressed in his wife’s clothes, returning to the throne shortly thereafter. The logic of Procopius’s mythical narrative assumes the normalcy of such sexual bribery to gain entrance and care for incarcerated loved ones, and it betrays a common assumption that women were not safe from sexual exploitation and violation even when delivering food to the prison.

Sexual violence lies quietly in the background of many sources engaged here, but the theme is rarely discussed directly. Although it was undoubtedly the case that the bodies of incarcerated men and women were themselves exploited for sex by guards and other prisoners, the issue appears only rarely in our dataset. Even so, sources occasionally address a heightened concern over sexual violence against incarcerated women directly. A law of the emperor Justinian dated to May 1, 556 CE, prohibits the incarceration of women in a civic prison and instead demands confinement in a monastic setting, especially for charges “of an exceedingly serious nature,” reading as follows: “We do not permit a woman to be placed in prison, or guarded by men on account of a fiscal obligation, in any private proceeding, or for any criminal offense, lest she be violated on such premises” (Nov. Just. 134.9.1, L3 [556 CE]; Hillner 2015, 337). The emperor presents himself in the noble role of a protector of women’s chastity, and in so doing he presents an explicit rationale for prohibiting the incarceration of women: prisoners were at heightened risk of sexual violence. Such violence is explicitly named in a few instances, as in a fourth- or fifth-century petition from a woman named Aurelia Attiaina, who accused her ex-husband Paul of abducting her, locking her up in his house, and raping her until she bore a child. Attiaina requests that the Roman tribune summon Paul to court, extract money owed to her, and finally “that he be punished for the things

he dared to do to me" (P. Oxy. 50.3581, D279 [ca. 4–5 CE]; Bryen 2013, 181–82; Hillner 2015, 162).

Sources from the Roman imperial period discuss convicted women performing forced, penal prostitution. As Hillner (2015) discusses at length, the earliest source for such forced sexual labor appears in Tertullian's *Apology*, written in 197 CE, and the practice continued through the fourth century at least—the fifth-century church historian Socrates records that on a visit to Rome in 391, the emperor Theodosius I abolished the practice (204–7; McGinn 1998, 166). Yet, as Hillner also notes, "None of these institutions [of forced labor], however, were state-run prison camps," and she argues that they are also importantly distinct from civic prisons and the Roman prison system, and the "primary purpose was not to prevent convicts' escape, but to operate a business" (207). Even so, they form one piece of the broader Roman carceral landscape, and in this regard—like other aspects of the carceral system—economics were tightly bound up with practices and places of incarceration. In the case of forced prostitution, the issue of sexual violence is front and center.

More often, however, sexual violence is implied rather than addressed outright, as is the case in a fourth-century CE affidavit from Oxyrhynchus in which a Christian wife accuses her husband of numerous offenses against her and members of her household (P. Oxy. 6.903, D85; Rowlandson 1998, 207–8). "Concerning all the outrages uttered by him against me. He shut up his own slaves and mine with my foster-daughters and his agent and son for seven whole days in his basement, having physically maltreated his slaves and my slave Zoe and killed them with blows, and he applied fire to my foster-daughters, having stripped them quite naked, which is contrary to the laws." Why were the enslaved and now imprisoned women and men stripped naked? What is implied in the word "outraged [*hubrisas*]"—an ambiguous term that can carry a sexual meaning, but need not? The document speaks clearly to the freedom of incarcerators to abuse their victims, here in a private rather than in a public prison, and it indicates that the use of such private prisons was not considered illegal even though some of their specific conditions may be "contrary to the laws" (presumably invoking third century CE legal norms like we find in *D* 48.20.2, L33). Nevertheless, sexual violence often must be looked for in the interstices. In a law from 384 CE, the emperors Gratian, Valentinian II, and Theodosius I prescribe that in celebration of a religious holiday, prisoners who have been accused or convicted of minor crimes should be released—in the source's words, exempt from the "danger of prison"—while those imprisoned for certain serious crimes should remain (*CTh* 9.38.7, L17). The list includes people in prison for homicide, seduction, adultery, sorcery and magic, and for *raptus*. But what does *raptus* mean? Should it be translated as "rape," or rather "kidnapping?" Does the word imply both? Similarly, when Philo of Alexandria noted in the first century CE that guards become more villainous because they absorb evil from prisoners, including evil from the "corrupter" (*fthoreus*), does he indicate someone incarcerated for perpetrating sexual violence? (*On Joseph* 15, L12 [30–50 CE])

Does he imply that prison guards themselves become more prone to perpetrate sexual violence because of their proximity to rapists? It is a possible reading, and perhaps it is the only reasonable reading of the text, but the source is typically and frustratingly vague. Sexual violation is hard to locate in the archive directly, but its stain is latent throughout.

Cold, Dark, Damp, and Foul-Smelling

A few ancient literary sources suggest that prisons were overfilled with bodies, and insufferably hot as a result: Lucian's *Toxaris* and the *Passion of Perpetua* (*Toxaris* 29, L143 [ca. 163 CE]; *Passion of Perpetua* 3, L15 [third–fourth centuries CE]). Both accounts offer insight into popular perceptions of North African prison conditions, while Ammianus Marcellinus speaks of stifling heat in an overcrowded civic prison at Constantinople in the early 370s CE (*History* 29.1.13 [late fourth century CE]). It is curious, then, that firsthand accounts and archaeological evidence more consistently attest to the opposite: prisons were dark, damp, underground spaces that left their inhabitants suffering from cold.

An ostrakon from the monastery of Epiphanius in Thebes contains a prisoner letter that speaks to the tragic sensory realities of incarceration; a man who was apparently imprisoned as collateral for someone else's debt complains that he has "no kinsman . . . neither mother, nor father, nor brother, nor sister" able to care for him while incarcerated, while the conditions of his detention threaten his life. The guards were particularly harsh, first injuring his hands and then abandoning him shackled and left to his own devices. "They even forsook me, and I made water underneath me [i.e., urinated on myself], and I was not able to cover myself, because they had maimed my hands" (O. Mon. Epiph. 176, D195 [sixth to seventh centuries CE]). Further explanation is hardly needed for how such sickening conditions would have left the victim uncomfortable, cold, and unable to cover himself for warmth, beyond the other obvious indignities. An approximately contemporaneous source speaks to similar indignities even in a prison located in a hospital at Constantinople, where John of Ephesus complains of rats and mice, fleas, gnats, and bugs that were attracted by the hospital's fetid smell, only to find their way to attack the prisoners held inside (*Ecclesiastical History* 3.2.5, L92 [ca. 588 CE]).

Literary and archaeological evidence supports the documentary picture of prisons as dark, damp, and cold. Plutarch tells the story of Jugurtha, the Numidian king, who, having been defeated and brought to Rome as a captive in 104 BCE, was thrown down naked in the Tullian Prison: "in utter bewilderment and with a grin on his lips [Jugurtha] said: 'Hercules! How cold this Roman bath is!'" (*Life of Marius* 12.3–4; L228 [100–20 CE]). The punchline in Plutarch's anecdote only lands if the audience understands prisons as cold and wet places. A compilation of sayings from the third and fourth centuries CE records a monk speaking of his life in the Egyptian city of Oxyrhynchus, where he complained that "there are many

rich people who are in prison, with their hands immobilized in shackles, or having their feet so firmly bound to wood that they can't even urinate freely" (*De vitis patrum* 5.46, L6 [early modern collection, saying third–fourth centuries CE]). As subterranean spaces, prisons tended to be damp and humid already; being continually soiled with urine would only exacerbate the experience of feeling chilled. On the other end of our temporal frame, in the third century BCE, Phaneis is the grain measurer's petition to Zeno (discussed above) similarly requests a cloak, perhaps for the same reason: he was cold (P. Cair. Zen. 3.59519, D134 [263–229 BCE]). Likewise, a letter forged in the name of the apostle Paul depicts him imprisoned in Rome, awaiting a potential death sentence and asking his associate Timothy to send a thick outer garment because winter was fast approaching (2 *Timothy* 4:13–21, L21 [early second century CE]). Both the real and imagined prisoner letters point to the same material reality, in which prisoners were often stripped naked, or nearly so, and suffered the chill of the prison as a result, especially during the colder months of the year. As discussed below, visual sources reflect this general picture, as well.

Even in the heat of the summer, underground spaces like the military prison at Lambaesis, the civic prison at Sufetula, and the prison for the condemned at Carales remain noticeably cool (Lambaesis, A7; Sufetula, A34; Carales, A24). In addition to the chill, sources comment regularly on persistent, overwhelming darkness. Calpurnius Flaccus envisioned a civic prison in an idealized set of legal disputes from the second century CE.

I can see the civic prison (*carcerem publicam*), constructed of huge stone blocks, receiving through the narrow chinks just a faint semblance of light. Those thrown into it gaze into the lower prison (*robur tullianum*), and whenever the creaking of the iron-bound door stirs those people, lying ill, they are terrified, and by viewing someone else's punishment, they learn of their own soon to come. Whiplashes crack, food is delivered in the foul hands of the executioner even to those who refuse it. (*Declamations* 4, L46 [second century CE])

Similarly, a mid-fourth century CE funerary epigram for a martyr imagines prison as a dark, dirty, underground space. "A new punishment for every limb is added to the prison's filth: They lay out fragments of pottery to keep sleep at bay; twice six days passed, food is denied; he is thrown into a deep dungeon" (CLE 307, D165 [368–84 CE]; trans. Trout 2015, 18–19). Pliny the Elder reports of prisoners condemned to the mines who had it worse still, working ten-hour days underground, lit only by an oil lamp (*Natural History* 33.3; Huntzinger 2005, 26).

The sparse light that did reach the floor of public prisons came in through purpose-built apertures, as Columella suggested for enslaved workers quarters and as attested at a number of archeological sites, again pointing to the material overlap in structures for binding bodies whose legal status nevertheless differ (*On Agriculture* 1.6.3, L47 [mid-first century CE]). As discussed above, several prisons

have such windows (Cosa, A20; Sufetula, A34; Tiberias, A40), with the Lambaesis prison (A7) and the late antique prison in Corinth (A15) even facing south as Columella recommends, while the Carthage amphitheater prison (A25), and the gladiator prison in the amphitheater at Carales (A33) both have high skylights, inaccessible from the floor of the space, which allow light to pass without compromising security.

Ancient medical texts both corroborate documentary sources and illuminate the experience of darkness in prison. Galen, a prolific doctor of the second century CE, discusses the use of light to torture and blind prisoners who had been kept in the dark for extended periods.

And I dare say have you never heard that Dionysius, tyrant of Sicily, built a chamber above his prison: a chamber that was completely covered with shining chalk and very bright in other respects too; that he brought his prisoners up into this chamber after a protracted stay below; and that they, coming into bright light from deep, long-continued gloom would of course gladly look up to the light and as they did so, would be blinded, unable to endure the sudden, instantaneous onslaught of brilliance. (*On the Usefulness of the Parts* 10.3, L61 [second century CE])

Galen's story not only assumes that prisons were typically dark underground spaces, but that this material reality was common knowledge—common enough to serve as a cornerstone of his theory of sight. The doctor deploys his story to highlight the Sicilian tyrant's cruelty, but one securely identified prison appears to have architectural elements designed precisely to allow prisoner eyes to adjust slowly as they moved from the dark underground of the prison to the light of day. As prisoners walked the one hundred meters from Prison for the Condemned to the amphitheater at Carales, they passed under two skylights which still today allow light to stream in from the surface some ten meters above the rock-cut passageway (A24). These skylights likely remain from the initial phase, originally intended to allow cleaning access to the aqueduct. Nevertheless, they are significantly larger than typical access points; it is certain that this slow reentry into the light allowed prisoner and guard's eyes to adjust, and it is possible that this feature is an intentional design element of the reuse of the space, ensuring that prisoners condemned to die by gladiator or beast were not blinded before the fight even began. The cruelty of prolonged time in darkness even animates the law of Constantine from 320 CE discussed above, who legislated that those under custodial control should be allowed to enjoy at least some light during the day, and brought into the prison's outer room (*vestibulum*) only "when night doubles the necessity for his guard" (*CTh* 9.3.1, L133 [320/21 CE]). In these sources, light deprivation was at once prescribed for its benefits in heightening security and also debated as a form of torture.

The Syriac *Acts of Shmona and Gurya* recounts the incarceration and execution of martyrs in 310 CE and speaks to the torture involved in the conditions

of incarceration, including sustenance being withheld and windows stopped up, preventing both light and fresh air, as additional punishments by the guards (27–36, L1). In a perversely reminiscent manner, the South Carolina Department of Corrections has drawn criticism for using steel coverings of the windows to block sunlight from prison cells, which is part of a larger conversation about weaponizing sunlight deprivation as a form of torture (Kilpatrick et al. 2023; Alexander and Starosielski 2023, 133–36). The *Acts* speak also to the debilitation caused by fetters, in this case dislocating Shmona's knee. The concern was not an idle one: some ten years after the martyrs' deaths, Constantine instituted a law requiring prisoners to be kept in restraints that “do not fit too close to the bone,” lest they be maimed (*CTh* 9.3.1 L133 [320/21 CE]). As discussed previously, evidence of shackling prisoners is prevalent: both the Prison for the Condemned and the Gladiator Prison in the amphitheater of Carales have anchors on the walls worn down from use to hold ropes or chains, and when the Villa of the Mosaic Columns in Pompeii was excavated in the early twentieth century, tibia were found still encased in iron fetters and attached to the wall.

Seen together, the relevant evidence presents a coherent and gruesome picture of the bodily experience of incarceration that holds remarkably stable across the period under discussion. Prisoners were often placed underground with little light and access only to meager food rations, or such food and drink as were delivered to them by friends, family, or patrons, and they were peculiarly vulnerable to death. Death by starvation is most commonly attested in the sources, but one must imagine that disease was a distinct threat in cold, damp, feculent conditions where multiple prisoners were kept in close quarters, especially in late summer and midwinter when pathogens became most lethal (Shaw 1996; Harper 2017, 81–86). Prisons were so well-known as disease vectors that instead of enumerating illnesses, John Chrysostom suggests that an ideal reader can visit a prison, hostel, and poorhouse, to encounter “every category of disease.” “From [the hostel] he enters into the prison [*desmōterion*], inspecting every cell in the facility, there he finds people using shit for clothes and straw for houses, lying naked, constantly besieged by frost and disease and hunger, calling to passersby with only a gaze and trembling body and the noise of chattering teeth; able neither to utter a word nor extend a hand, to such an extent that they now are wasting away in suffering” (*To Stagirus* 3.13, L289 [ca. 380 CE]). Chrysostom's vision of a public prison is fictive, but it also coheres with real facilities and concerns. Some facilities, like the workers' prison at Simitthus, had rudimentary bathrooms for prisoners. Most facilities seem to have had no such luxuries, rendering contact between human waste and prisoners' wounds and food all but inevitable. Such conditions, a veritable petri dish of diseases, made risk of infection virtually unavoidable.

Documentary sources do not speak of prisons as particularly malodorous. Literary sources, however, often dwell on the stench. Writing of the civic prison at Alba Fucens, Diodorus Siculus envisioned “a stench so terrible assail[ing] anyone

who drew near that it could scarcely be endured" (*Library of History* 31.9.2, L57 [61–30 BCE]). The complaint, offered from the perspective of a mere passerby, is not surprising, and must reflect a common material reality in and around places where feces, urine, sweat, and body odor commingled, rising from the prison below and escaping through narrow apertures. Lucian's depiction of a public prison in Egypt dwells on the unbearable smell inside, and a popular martyr account from the late fifth century depicts the Tullian Prison at Rome as interfacing directly with the sewer system: "[There was] a lowly holding cell in the Tullian Prison from which a horrible stench rose up, because excrement produced by the nearby houses collected in the underground passageways of the sewers which flowed together there; and at this collection point, as we said, there was a filthy and low holding cell, so dark that the internal environment gave no indication that it was daytime, nor any trace of light. Into this cell Chrysanthus, bound up in iron, is thrust" (*Passion of Saints Chrysanthus and Daria* 22, L50 [late fifth century CE]; Lucian, *Toxaris* 29 L143 [ca. 163 CE]). Like many other depictions of Rome's most famous prison, the account imagines darkness, moisture, chill, and odor combining to form an insufferable space of sensory torture (Pavón Torrejón 1999, 106–10).

We must assume, too, that in places like the public prisons at Cosa and Cuicul, or the Gladiator Prison at Carales with its open latrines in the center of the room, festering feces turning to ammonia similarly confronted the nostrils. These material aspects of spaces, and their penal effect, even jumped from literal to metaphorical depictions of prisons. In the third-century CE *Acts of Thomas*, the eponymous apostle tours through hell with a murdered woman, where she looks through a small opening to an underground prison. "Leading me away again he showed me a chamber," the woman recounts, "very dark and breathing out a great stench, and many souls looked out from there, wishing to get something of the air, but their guards did not allow them to look out. And he who was with me said: 'This is the prison of those souls which you saw. For when they have fulfilled their punishments for what each one did, others later succeed them'" (57, L149 [third century CE]). The account makes metaphorical what must have been true for the majority of real prisons in the ancient world: the spaces "breathed out" putrid air from the depth of the prison to the public arena just outside.

FOOD INSECURITY AND CONSUMPTION

Above we wrote briefly about prisoners' hunger, as well as their often feeble attempts to mobilize local networks of support for provisions. The relationship between incarceration and alimentation is multifaceted, however, and deserves its own sustained analysis. Here we analyze three aspects of this nexus: (1) how food insecurity helps us understand incarceration as a particular threat to people of low social status, (2) how prisoners acquired food, and (3) the relationship between incarceration and food production. Each complements a larger picture of

the manner in which incarceration was interwoven with social priorities, needs, and inequities.

Toward the beginning of his oration *On Prisons*, Libanius decried contemporary practices of incarceration in fourth-century Antioch, and the yawning chasm separating haughty juristic intentions for incarceration and the material realities of its practice in his city. Incarceration, he proclaimed, “is the normal treatment of the weaker at the hands of the influential, of the penniless at the hands of the wealthy, of the masses at the hands of the elite who expect any charge they make to count for more than proof . . . this is the treatment accorded to the manufacturing class by organizers of loyal addresses to you, and by the lackeys of the governors to those who do not please them in all respects” (*Oration* 45.4, L52 [386 CE]). Libanius’s complaint—that incarceration was primarily a tool of the elites used to control the destitute—is undeniably rhetorical: he was, above all, a rhetorician, and these are the words of an elite scholar writing on behalf of an underclass of which he was never part. Nevertheless, Libanius addresses prisoners and their plight regularly in his letters, and he did have direct, first-person experience as a prisoner, which he narrates in his autobiography, having been accused of magic by a rival sophist (*Autobiography* 44–45 [374 CE]; *Letters* 391, 804, 1025, 1414, 1428, 1526; Matter 2004; Pavón Torrejón 2004, 113–14). His charge is not unwarranted—documentary sources largely corroborate his suggestion that the threat of incarceration to an individual was directly proportional to that person’s social and economic status.

To begin, a number of documents indicate petty food theft as the reason for people’s arrest and imprisonment. On the September 29, 71 CE, for instance, an Egyptian estate owner’s scribe wrote to the local Roman centurion, asking the soldier to arrest two individuals who had stolen olives from the property (P. Oslo 2.21, D89). On the one hand, this papyrus shows the banality of the process of arrest and incarceration, and the ease with which landowners could cause laborers to be arrested over trivial offenses based solely on their personal testimony. On the other hand, the papyrus offers a glimpse at the relationship between status, food scarcity, and incarceration. The simplest explanation for why the two men named in the request stole olives (if, indeed, they did) is because they needed food. P. Mich. 6.421, written perhaps just a few years earlier, tells a similar story, in which two men are accused of stealing two donkeys (D201 [41–68 CE]). The papyrus notes specifically that upon arrest the men were stripped of their possessions, including their bread. Together, these documents show how, for the destitute, food scarcity could be both a cause of incarceration and its effect.

In his survey of Ptolemaic papyri related to imprisonment John Bauschatz showed that debt was the most common reason for incarceration, and the pattern holds in Roman and Byzantine documents (Bauschatz 2007; e.g. P. Fam. Tebt. 19, D232 [118 CE]; P. Oxy. 17.2154, D18 [fourth century CE]; PSI 7.824, D13 [late sixth/early seventh centuries CE]). Bauschatz’s comparative approach to the data allows

us to begin to see how food scarcity, starvation, and poverty were linked to incarceration in documentary sources from the full stretch of time examined in our book, and archaeological evidence may gesture in a similar direction.

Although they were discovered far beyond the Mediterranean basin, the remains of a man who was crucified in Roman Britain between 130 and 360 CE may further underscore the relation between food scarcity and incarceration. Deformations in his skeletal remains suggest that the man was held in chains for a significant period—long enough to leave indentions in his ankle bones (Fenstanton, A38). Why was he held in chains? Of course, he may have been enslaved, but the fact of his crucifixion suggests strongly that this man was perceived as criminally deviant and possessing of low social status, whether or not he was enslaved. Osteological analysis offers a glimpse at a man who was malnourished for his entire life, struggling to acquire or absorb sufficient amounts of iron in his diet from childhood to his age at death, around thirty years old (Ingham and Duhig 2022, 24–29). It is doubtful that this unlucky man was executed simply for stealing food. Nevertheless, his remains suggest a person left shackled for long periods of time, who had lived a difficult life in which it was not always clear how, or when, his next meal might arrive. Placed alongside literary and documentary sources, we can see his case as one more instance of the stark relationship between people who dealt with food scarcity and those who were most likely to experience incarceration—people like Thamus and his sons, who wrote to Zeno in the middle of the third century BCE,

I have done all the things so that you might not accuse us. I have a loan of twelve *artabas* of wheat and sixteen *artabas* of wheat mixed with barley from which I have measured out at the granary fourteen *artabas* of wheat mixed with barley. You would do well to arrange for the release of my sons from prison, and we will fulfill the work which you command. For, since we are in the prison, there will be nothing more for you, should we be destroyed in the prison. Farewell. (PSI 5.532, D59 [263–229 BCE])

Here a father pleads on behalf of his sons, who were incarcerated owing to a (not insignificant) debt of grain. Thamus does not claim to be solvent but rather uses a form of plea that we know from many other Ptolemaic debt prisoners: he requests release so that he and his sons can work off their debt, rather than them languishing, and perhaps dying, in prison.

Viewed together, these sources support the idea that the highest rates of incarceration in the ancient world were likely similar to those in the present day: the prison was disproportionately inflicted on the poor, manual laborers, and socially vulnerable (Wacquant 2009). This is hardly a surprising result of the Roman status system, in which criminal penalties were explicitly keyed to the status of the defendant, but it is nevertheless worth dwelling on for a moment. It was not a crime to be poor, but it was certainly the poor, and people who felt the need to steal food, who most often found themselves sitting in an ancient prison.

While food insecurity funneled some people into ancient prisons, even for those who enjoyed easy access to nutrition on the outside, incarceration presented new social and logistical problems that could leave them at death's door once detained inside a cell. Even if prisoners could get in touch with friends willing to bring them supplies, the road to nourishment was sometimes impeded. For instance, P. Petr. Kleon 54 relates a story of a certain Demetrios bringing food to a mining facility in 255 BCE; he "wanted to distribute five loaves of bread to everyone, since there is no bread in the camp," but upon arrival he was assaulted and hauled off to prison himself (D17). In a follow up letter to his employer, Demetrios pleads for aid, complaining that he is being "utterly afflicted," and that he "is in need of a lot of things in the prison" (P. Petr. Kleon 58, D55 [255 BCE]; p. 163–164).

In the second half of the third century BCE, another man ran into a similar issue. He loaded a donkey with food in Karanis and began the twenty-five kilometers journey to Crocodilopolis to deliver provisions to a prisoner there, only to have the animal confiscated en route by a police officer who subsequently demanded a bribe to return his property. The traveler fled the scene in order to avoid being incarcerated himself: "I made myself scarce for fear of being marched to prison for four *choinixes* [about a gallon] of barley," and even though he dispatched a complaint, he received no reply (SB 16.12468, D1).

Reports of family or friends bringing food to prisoners are relatively rare in the documentary record, and while it is methodologically dubious to read an absence of evidence as evidence of anything, it seems likely that people incarcerated in or near their hometown simply relied on word of mouth to alert local networks that they needed material support, rather than sending a letter of the sort that might survive to this day. Quite often, the evidence that survives comprises requests for food sent directly to local elites—although this fact may well result from overrepresentation of the administrator Zeno's personal archive in the documentary record. It is hard to estimate the extent to which the documentary record is representative of the normal order when it comes to individual prisoners requesting help. Implied in each of their pleas, however, is a broader pattern that holds in the Ptolemaic, Roman, and Byzantine period: prisoners were supplied with meager rations, if they were supplied by the prison warden at all, and they relied on the kindness of individuals outside the prison to provide what they lacked.

We even have evidence that prisoner supplies made it into the line items of some elite domestic budgets. P. Cair. Zen. 4.59707 is an account of wheat apportioned, consumed, and left over in a household in the third century BCE, including provision of supplies for a feast in honor of the Ptolemaic king and a small amount of wheat earmarked "for the body of Demetrios, who lies as a prisoner . . ." (D43 [263–229 BCE]). Demetrios was allotted one *choinix* of wheat per day. The measure is a traditional daily grain ration for slaves roughly equivalent to one US dry quart of wheat, which, if delivered in the form of a small loaf of bread, would supply somewhere around 1,700 calories to its recipient. We are

cautious not to make too much of this single datum, but again the information is intriguing; the ration is sufficient to sustain life, but only barely so for a prisoner battling cold and disease in his place of confinement. It is a ration likely to leave the prisoner expressing one of the documentary archive's most common complaints: hunger.

A few sources attest supplies sent to prison guards in particular. A late ancient papyrus even orders wine to be sent to a prison along with a monastery, though it is interesting that the monks received ten times the volume of wine that the prison guards were allotted (*P. Oxy.* 16.1945, D12 [517 CE]). It is not clear whether the monks are more numerous, better paid, or less consequential when drunk. Other sources attest delivery of wine to prisons as a part of the bureaucracy of prison management, suggesting again that prison management comprised significantly more than sitting at the door to keep guard (to prison guards: PSI 13.1315, D83 [127 BCE]; to prisons: PSI 8.953, D23 [567/68 CE]).

Delivering food to prisoners involved its own risks. Not infrequently, we find reports of the people making a delivery of food for prisoners who were themselves arrested—perhaps a kind of “guilt by association” in the eyes of prison personnel (*P. Petr. Kleon* 54, D17 [255 BCE]; *P. Petr. Kleon* 58, D55 [255 BCE]). There was also the risk of extortion, as we saw in the case of the man bribed by a police officer above, and the occasional necessity of bribing one's way into a prison, or paying a guard in order that imprisoned associates could receive better treatment—an ancient version of practices institutionalized in the medieval Florentine *agevolatura* fee, which had the curious effect of reproducing external economic hierarchies within the prison (cf. *Acts of Paul and Thecla* 18, L28 [second century CE]; *Martyrdom of Perpetua and Felicity* 1, L15 [third–fourth centuries CE]; Geltner 2008, 20). While there is evidence that the position of prison guard was typically state-funded, as we discuss below, some personnel were perhaps at least equally motivated by the extrajudicial benefits of the position. Such practices are well-attested in the medieval period, and we have reason to think that they were common in antiquity, as well (Geltner 2008, 19–20).

The permeability of prison spaces is one of the more surprising aspects of ancient Mediterranean carceral practices, especially given contemporary regimes' attempts to restrict visitation and control the flow of goods in and out of prisons. We have already seen evidence of families and associates bringing food, clothing, and other items to prisoners, and prisoners asking for money with which to purchase food, lamps, or other necessities—implying that captives had some access to the broader system of economic exchange in the cities where they were held, however mediated. Legal sources corroborate this state of affairs: the Roman jurist Ulpian cited a rescript of Hadrian permitting prisoners to maintain a small sum of money with the express purpose of purchasing sustenance (D 48.20.6, L124 [117–38 CE]). In so far as the amount does not exceed five gold coins (*aurei*)—no small sum—prisoners were legally entitled to keep such funds with them while in

prison, though the sheer mass of prisoner complaints against wardens militates against any suggestion that this legal ideal was ever meticulously observed.

Perhaps closer to practices on the ground, we have a sermon from the bishop of Constantinople in the late fourth century, speaking on Jesus's words of commendation for those who care for prisoners, as told in the *Gospel according to Matthew* (25:35–36, L213 [late first century CE]). Commenting on the passage, the bishop asks, “Tell me—what is easier than to walk and enter into the prison?” His argument relies on the notion that his late antique audience had the ability to visit a prison if they wished, yet few actually did so. Rather, prisoners beg pitifully and fruitlessly in the market of Constantinople, capital of the empire, at the end of the day “returning from the *agora* still in chains, and although begging all day, still not collecting even the barest of nourishment” (John Chrysostom, *Homilies on John* 60.4, L158 [ca. 390 CE]). It is interesting to note that these sources reinforce an ancient penal ideology that distinguishes between the necessity of keeping inmates from escaping prison, and the permissibility of members of the public to enter. Careful control of prisoners' movement is integral to the idea of a prison; segregating them from the public, however, is not.

Permeability extended to both people and objects. In letters between the bishop of Carthage and prisoners condemned to North African mines, we find reports of deliveries of both food and coin to the imprisoned (Cyprian, *Letters* 76–79, L141 [ca. September 257–September 258 CE]; Larsen 2019). From this instance, we can see that prisoners condemned to convict labor within mining camps had use for money and access to some kind of market in which to spend it. These letters continue, in the mid-third century CE, a trend of provisioning imprisoned miners visible already in the earliest Ptolemaic papyri, where food deliveries to mines aimed both at the comfort of prisoners there and provisioning them so that they could continue their extractive labor (PSI 4.423, D58 [263–229 BCE]). Mining complexes were not isolated prison labor warehouses, in other words. Rather, they were connected to a broader society and often embedded in small cities like Simitthus or regions like Phaino, whose economy revolved around extractive processes powered by enslaved and incarcerated labor. Other imperially controlled mining towns of Mons Claudianus and Mons Porphyrites in the eastern Egyptian desert are well understood through troves of documentary sources excavated among their ruins, and they offer a portrait of a bustling town complete with all the amenities (and vices) available in any city of an even moderate size (van der Veen 1998). Similarly, tablets from the mines at Vipasca (Aljustrel, Portugal) show the presence of shoemakers, fullers, schoolteachers, and barbers in and around the workers quarters whose business depended on the presence of miners, and we learn about baths with assigned hours for men, women, children, and slaves (Friedman 2009; Cummings et al. 1956). Incarcerated miners in late 257 or early 258 CE asked the bishop of Carthage to send money from his estate in Curubis, and they thanked him for doing so (Cyprian, *Letters* 77, L141). We should expect that their treatment was

like those in civic prisons, in which a meager dole was supplemented by food and other items purchased on the open market, either through apertures in their living quarters or while released under guard.

Even so, while prisoners depended greatly on their social networks, they did not rely solely on friends, family, and associations to provide for their needs, as is often asserted (Krause 1996, 279–83). Like other orthodoxies engaged in this book, this flawed notion is based on unstated assumptions about the nature of legal sources. Specifically, a law from the early fifth century mandating that prison wardens supply prisoners with food has been read as an innovation in the ancient carceral system, indicating that prior to the reign of Honorius and Theodosius II, no such requirement or practice existed (*CTh* 9.3.7, L44 [409 CE]). It is possible that in the Ptolemaic period prisoners were exclusively reliant on support outside the prison, though, as we saw, those incarcerated as forced laborers in the mines had bread provided to sustain their bodies for labor. Yet, from the late classical Greek period and in both republican and imperial Rome, sources indicate overwhelmingly that the state delivered food rations to prisoners on a daily basis, however meager. For instance, in a play called *Men of Tarentum* (unfortunately extant only in fragments), the late classical Greek poet Alexis evoked the idea of a typical prison ration. About philosophers cast into prison he wrote: “Pythagorisms, subtle discourses, and finely chiseled meditations are what nourish those men, but their daily diet is this: one plain loaf of bread for each one and a cup of water—and that is all.” To this another character responds: “That’s prison fare [*desmōtēriou diaitan*] you’re talking about!” (222 (219K), L183 [ca. 275 BCE]). The notion of a prison diet was common enough in the third century BCE that the poet Alexis deployed it without comment in his play, and when Athanaeus repeated the line at the end of the second century CE in his compendium of quotations from Greek literature, he similarly saw no reason to gloss the notion (*The Learned Banqueters* 4.161, L196). Simply put, these sources suggest a shared cultural assumption in which that prisoners were assumed to be given regular rations of food, and that those rations were meager and undesirable.

In the middle of the first century BCE, Diodorus Siculus wrote of the prison at Alba Fucens, in the Apennine Mountains one hundred kilometers east of Rome. Alba Fucens was a city where men of all ranks were imprisoned, but notably for our author, it was a place for incarceration of high-ranking men awaiting trial on capital and political charges. Diodorus writes of one such man, King Philip of Macedon, held in the civic prison (*carcer*) of Alba Fucens, “a deep underground dungeon, no larger than a nine-couch room, dark, and noisy because of the large numbers committed to the place.” The crowded conditions caused prisoners’ food to mix with the feces prevalent in the small, cramped space. Worst of all, Diodorus reports, during his seven days in the prison the king was “in such a sorry plight that he begged for aid even from men of the lowest status, whose food was the prison ration” (*Library of History* 31.9.2–3, L57 [first century BCE]). The assumption of

the text is that loathsome food was supplied to all, but that high-status prisoners relied on superior food delivered from companions outside who could travel to a (relatively) remote city with aid. Several centuries later, Libanius complained that prisoners were supplied with only a small amount of alimentation but this time of a different character than we heard about above: soup and a few greens, and in an amount that was hardly enough to sustain life, which forced them to rely on the generosity of individuals simply to remain alive (*Oration* 45.9, L52 [386 CE]). Libanius considered this situation, in which prisoners were reliant on outside help, a corruption of the regular and acceptable order, and one of the many failures of the prison system in Antioch. At first glance the speech reflects the need for an outsider to provide food to prisoners to survive; yet it also attests this necessity as an aberration from the ideal.

State supply of prison rations suffuses Latin sources, as well. Around the same time that Diodorus Siculus wrote, the author Sallust composed a speech in the voice of the Roman tribune of the plebs about a recently passed law allowing certain citizens to purchase five pecks of grain per month at a subsidized rate. The amount was a pittance, “which cannot really be much greater than the rations in a prison,” sustaining life by the barest of margins (*Histories* 3, fr. 15.19, L192 [first century BCE]). A third-century CE Syrian source, the *Didascalia Apostolorum*, records the story of the biblical king Manasseh taken away to Babylon, where his captors “shut him up in prison all bound and fettered with iron. And there was given him bran-bread by weight, and water mingled with gall in small measure, that he might be alive and be sore, afflicted and vexed” (7, L16). When prison rations appear in sources, they are most often depicted as a meticulously calibrated cruelty: enough food to keep someone alive while subduing their body and spirit.

Prison rations are a staple of the rhetorical tradition too. In his fifth Verrine *Oration*, Cicero tells a story about Apollonius of Palermo, who spent eighteen months sentenced to prison without the ability to receive visitors—a detail that Pavón Torrejón rightly understands as proof that he was provided with some sort of daily food rations from his incarcerators (*Against Verres* 5.21–24, L227 [70 BCE], Pavón Torrejón 2003b, 223). Likewise, in one of his rhetorical exercises, Seneca the Elder mentions a high-status prisoner on trial in the Roman senate who asked during his trial to be provided with something he expected but had not received: a *diarium*—daily ration (*Controversiae* 9.4.20, L198 [early first century CE]). Seneca’s son wrote in his *Letters* of the philosopher Epicurus’s intermittent fasting, noting that “even prison food is more generous [*liberaliora alimenta sunt carceris*]” than what the philosopher would eat, noting further that even those unlucky few who are in prison awaiting capital punishment did not receive such meager rations from the man who was soon to be their executioner (Seneca the Younger, *Letters* 18.10–11, L184 [mid-first century CE]). Likewise, in the second century CE, Calpurnius Flaccus’s *Declamations* simply assumed that prison guards supplied food to inmates as a matter of course (4, L46 [second century CE]). Rations are

not solely a literary or rhetorical affectation, however: a fragmentary inscription from the civic *curia* at Thamugadi (Timgad, Algeria) indicates that the citizenry of the town was responsible for feeding prisoners and guards alike (CIL 8.17897, D171 [361 or 363 CE]).

While the notion of a state-funded prison ration is hardly novel to the fifth century CE, as is often asserted, the practice received a new justification in 409 CE, when Emperors Honorius and Theodosius II decreed that judges were to inspect prisons on Sunday, that they were to ensure that guards were not blocking delivery of supplies to prisoners, and that those without food should be allotted whatever ration the prison registrar (*commentariensis*) estimated was necessary (CTh 9.3.7, L44). This law is interesting, insofar as it makes explicit something that remains implicit in the documentary and other literary materials discussed above. Namely, the emperors justify apportioning food to prisoners on the theory that prisoners will go hungry otherwise, and they further claim that it is a Christian's duty to care for the poor. The law also explicates another practice: a state-appointed agent entering the prison on a regular basis to gauge amounts of food necessary to keep prisoners alive—a bureaucratic act that is equal parts caring and sinister. Just under a century later, the Breviary of Alaric added a gloss to this law specifying that prisoner rations should be provided *a christianis*—"by Christians" (9.3.7 [506 CE]). The imperial justification for feeding prisoners—care for the poor—is surely inflected by their Christian profession, and by the long tradition of Christian care for those in prison that the satirist Lucian mocked two centuries before (McGowan 2003; Nicklas 2016). But the law also assumes that people in prison are the type of people who do not have access to food—they are poor, far from home, or otherwise without means to activate a social network to care for them during their incarceration. The destitute are more likely to be incarcerated in the first place, and in more danger as a result than those of means. The law, it seems, took all of it into account.

As our survey of the evidence demonstrates, the law of Honorius and Theodosius II mandating prison rations simply appended a new justification to an age-old practice of feeding prisoners some token amount of food, chiefly with the aim of keeping them alive. We should not confuse this modest aim with good-natured charity, however, and Christians were not of one mind about feeding prisoners. An early fourth-century account of the incarceration, torture, trial, and execution of the holy men Shmona and Gurya in Edessa depicts prison guards preventing delivery of food from fellow Christians precisely as a means of coercion and heightened punishment (*Acts of Shmona and Gurya* 31, L1 [ca. 310 CE]). Later in the fourth century, another martyr's funerary inscription lists denial of food as one of many tortures inflicted by wardens (CLE 307, D165 [368–84 CE]). Other Christian sources likewise complain that food had been denied to prisoners, though at times sources lay blame at the feet of coreligionists: for instance the *Acts of the Abitinian Martyrs*, discussed above, records an incident earlier in the fourth

century of a soon-to-be bishop of Carthage accused of standing in front of the civic prison, armed and attacking people attempting to deliver provisions for prisoners inside. Furthermore, “the cups for the thirsty inside in chains were broken. At the entrance to the prison, food was scattered only to be torn apart by the dogs” (20, L32 [304–12 CE]). This source is antagonistic toward the bishop and worthy of the historian’s skepticism, but the overwhelming violence perpetrated by both sides in the so-called “Donatist controversy” suggests that such prohibitions are well within the realm of possibility; moreover, this story needed to be believable to be effective, at least in the heat of sectarian violence at the dawn of the fifth century (Shaw 2011, 18–38). It is apparently the case that food could be provided or denied prisoners throughout antiquity, and at scale.

Close attention to the long history of feeding prisoners, and the common thread of keeping prisoners alive but weak, shows that rations formed part of the punishment of incarceration rather than a salve for it. Contemporary carceral practices are perhaps instructive here. Prison administrators in the United States sometimes provide bland, repulsive, but technically nutritious food to prisoners (under the names “Nutraloaf” and “Special Management Meal”), not in order to recognize their fundamental dignity and need for nutrition but as an exhibition of the incarcerator’s “discretionary power” and as a means of heightened punishment (Locchi 2021). Today, some prisoners are punished through food aimed solely at keeping them alive. The complaints and descriptions above suggest that such practices are in fact quite ancient. Being kept alive was part of the punishment, and bland, unpalatable food was part of that process.

As discussed above, wine deliveries to prison guards are commonly attested, and in his oration *On Prisons* Libanius claims that at least some prisoners received wine, too. He commends the example of a “well-known Phoenician” who was in charge of prison policy in Palestine. Rather than incarcerating large numbers of people, Libanius reports, this administrator was accustomed to releasing some prisoners and treating the rest with wine and song while incarcerated (*Oration* 45.30, L52 [386 CE]). Libanius envisions the prison transformed into a tavern, and claims that drunken crooning was so effective a reformatory activity that the administrator “found such a speedy ending to every problem that beset him that he had no more need of prisons.” It is worth pausing to note that in this instance we have a late antique writer attempting to imagine something difficult and utopian: a world without prisons, one of the very few instances even approaching abolitionism in our sources. It is unlikely that this sort of late ancient art therapy was common, but it is nevertheless notable that Libanius cited a festive sing-along as a positive example of prison management in an oration delivered to the emperor directly. The story also reminds us that carceral policies varied across the Mediterranean—sometimes dramatically—and were often directed and implemented by local officials and wardens themselves rather than resulting from top-down legal prescriptions.

The physical space of ancient prisons presented particular challenges at mealtime. Sources do not mention when rations were delivered, or by what means; the best we can say is that it is likely that visitors were limited to delivering food during daylight hours, and that meals were probably delivered in some sort of organic or ceramic packaging. In the few archaeologically attested prisons that have been excavated in the modern period (that is, when courseware pottery was collected and studied rather than discarded) significant numbers of simple tablewares, lamps, and jugs appear in the deposits. (For instance, in the prison for the condemned at Cagliari and the Gladiator Prison in the same facility [A24, A33], or lamps and jugs found in the eastern aisle of the cryptoporticus underneath the Julian Basilica in Corinth [A14; Scotton 2020, 218].) The presence of such coarsewares may in fact prove to be another kind of diagnostic feature in disambiguating underground strongrooms as carceral spaces rather than treasuries, though less so than other features like stocks, anchors, or shackles; more research is needed here.

While scholars debate whether it represents a real or a fictionalized account, in Late Antiquity the *Passion of Perpetua and Felicity* was widely believed to be a true prison diary or at least a “beneficial representation” of an imprisoned martyr in third-century Carthage (Muehlberger 2022, 334; Rebillard 2020, 15–20). The account reflects the (imagined) experience of elite Roman prisoners receiving intermittently “good” treatment from guards who have accepted bribes from the prisoners’ companions (*Passion of Perpetua and Felicity* 3, L15 [third–fourth century CE]). Perpetua and her companions receive visitors regularly in the account, and we hear of two meals explicitly. Perpetua recounts that, when she was rushed off to a judicial hearing, “we were lunching [*pranderemus*]”—eating a light meal in the earlier part of the day, with another more substantial meal implied (6.1). Later we hear of another practice that sounds strikingly modern: a final meal before execution, calling it a “free supper [*cena libera*],” perhaps implying that the prisoners were allowed to eat in the open and without chains, a practice attested also in Petronius’s *Satyricon* (17.1; *Satyricon* 26, L229 [mid-first century CE]; Kyle 1998, 108n38). It is important to remember that prisoner meals were only rarely final: we should expect that most were taken in cramped quarters with minimal light and poor hygiene.

As briefly mentioned above, in the early second century CE, a Roman provincial governor wrote to the emperor with a question about how to handle the feeding of people sentenced to labor for the state. Pliny the Younger writes,

In most cities—and notably at Nicomedia and Nicaea—certain men who had been condemned to forced labor or to the arena, and to punishments similar to these, are performing the duties and functions of public slaves—even to the point of drawing the yearly salary of the public slave! On hearing of this I thought long and hard about what I should do; I thought it extremely harsh after such a long interval to return them to their punishment, when several of them were now old, and by all accounts were living frugal and moderate lives. Yet I thought it insufficiently fitting to keep

condemned men engaged on public projects. On the other hand, I considered it unprofitable to feed them at public expense for doing nothing, while not to feed them was also dangerous. (*Letters* 10.31–2, L40 [109–10 CE])

Here we see a Roman official of the highest station struggling with a problem of food supply, cost, labor, and expedience, and seeking a solution that balances all factors for the benefit of the empire. His letter attests a state-funded system for feeding prisoners, writing that it would be “unprofitable to feed them at public expense for doing nothing” and concluding that they should be put to work on some public project or another. Nevertheless, the men were condemned to some more strict form of punishment than the lighter duties to which they had been assigned—duties typical of a publicly owned slave and not a prisoner condemned to work—and if the governor failed to feed them, or pay them such that they could buy food, they might die. Two important facets of state rations appear in this anecdote: first, quantity and cost were carefully calculated by administrators who were at least supposed to be concerned about the state’s bottom line. Second, prisoners were fed so that they had the energy to work; the cost of their food ought to be significantly less than the benefit that their labor produced.

Writing in the mid first century BCE, Cicero noted that a runaway slave had been arrested and imprisoned, though he wasn’t sure if he was sent to the public prison (*publicus*) or, alternatively, to a mill (*pistrina*) to perform forced labor. The equivalence is telling—both were available, legitimate punishments, and apparently interchangeable (*Letters to Quintus* 2.14, L210 [late 59 BCE]). Explicit laws condemning people convicted of “nonserious crimes” to work in the state-owned bakeries in the city of Rome appear in the early fourth century CE, when Constantine ordered that even people convicted of crimes on the island of Sardinia be shipped to the mainland for the purpose (*CTh* 9.40.3, L199 [319 CE]). These laws are the continuation of an earlier practice visible in sources from the first through third centuries CE, when people were sentenced to work in municipal bakeries, though in this earlier period it is not clear whether the punishment was reserved for enslaved people who were convicted of a crime. In the fifth century, the church historian Socrates described the emperor Theodosius I’s visit to the city of Rome in 391 CE, noting that at that time the old municipal bakeries of Rome were still in use but short on labor. The bakers in charge, Socrates complains, built brothels nearby and abducted men (mostly travelers, he clarifies), who visited the prostitutes, forcing them to work in the bakeries until they were old and their friends assumed they had died (*Ecclesiastical History* 5.18). As Hillner (2015) points out, it is not clear whether Socrates “described an incident that actually occurred in late-fourth-century Rome, or was inspired by circumstances in mid-fifth-century Constantinople . . .” In any event, the story “suggests that *pistores* [bakers] at times had difficulties enlisting their workforce and may have welcomed a supply of convicts” (206).

A recent discovery at Pompeii perhaps brings archaeological texture to one such space: a series of cramped rooms in a private home, constructed in the middle of

the first century CE, with a single point of entry and exit, iron grates on windows that only opened to the inside of the house, and a single barred skylight that allowed in the little light aside from that thrown off by the oven. The facility was in a state of transition: smaller atrium homes were in the process of agglomeration, being consumed and redeveloped into a mega-villa apparently owned by a local politician named Aulus Rustius Verus, whose initials appear on grinding stones inside the locked facility. As the archaeologists note, it was “a facility in which we must imagine the presence of people of servile status, whose freedom of movement the owner felt a need to restrict. It is the most shocking aspect of ancient slavery, which is devoid of relationships of trust and assurances of manumission, where we are reduced to brute violence: quarries, mines, prisons, and bake houses” (Iovino et al. 2023, 10). It is not clear whether the laborers in this locked bakery were enslaved or incarcerated—as Jared Benton (2024) has observed, the distinction appears to be, at most, one of scale, with larger bakeries more likely representing incarcerated labor and smaller bakeries mostly relying on enslaved labor. He remarks, “bakeries did serve as prisons occasionally in large cities where provisioning a populace with bread was a major concern. In these cases, it seems the state sometimes participated in a convict lease system as a way to meet labor needs in lieu of chattel slavery, primarily in cities where large populations and thick markets set the economic conditions for such deliberate exploitation” (20). The Pompeian evidence is not sufficient to determine the status of the people working in this facility, but perhaps the very fact of the ambiguity is as enlightening as a clear distinction; either way, we find here a haunting thematic return to where we began in this discussion on food. Laws like Constantine’s committing low-level offenders to baking facilities, along with this newly unearthed facility at Pompeii invite us to imagine the plight of the destitute in the ancient world, struggling with food scarcity and always on the precipice of disaster. They are the kind of people who might have committed an offense like food theft to quiet their hunger, only to be sentenced to convict labor and find themselves caught up as fuel for the machine of state food production.

As we have noted many times already, carceral intentions rarely align with prisoner experiences. We have argued that even custodial incarceration likely amounted to a death sentence for a startling proportion of ancient prisoners, and the common intention to build a secure facility often resulted in the construction of a gleaming new torture chamber. Yet another group of actors triangulated amid lawmakers’ intentions and prisoners’ experiences: the broader society from which these prisoners were drawn, and into which these prisons were integrated. A key aim of our book is to demonstrate the centrality of prison facilities and carceral systems more broadly in several ancient Mediterranean societies. We turn now to these social aspects of incarceration.