Shavauna Munster

Riding the Horse: Punishment of Distrust in the Theodosian Code

The torture horse has a long history as an implement of punishment. It is often associated with the Spanish Inquisition and may be more popularly known as the Spanish donkey, or wooden horse. However, this method of punishment was in use centuries prior to the Spanish Inquisition. It is found in the Theodosian Code which documents Roman laws issued by emperors from 313 AD until 438 AD. In this paper I will examine this unusual form of punishment in late Roman society.

The 'torture horse' was also known as e*quuleus*, Latin for 'little horse'. Brian Innes described its use in his book *The History of Torture,* 'it may have been a frame similar to a vaulting-horse, over which the victim was stretched by weights'. The weight of the body alone would cause immense pain after only a few moments, causing genital discomfort and hip displacement which often led to more serious medical issues once weights were added. In only one of the three instances mentioned in the *Theodosian Code* is the brutality used in isolation. The other two occurrences called for additional punishments such as iron claws or further lacerations. While the harshness of the torture horse cannot be overlooked, it is important to discuss forms of punishment in order to better understand late antique and early medieval legislation and symbology.

The choice of implementations of torture for specific crimes was not arbitrary. The three laws in which the punishment appears allude to cases of a breach of trust specifically against the Roman state. Witchcraft violated injunctions against paganism, considered destructive and demonic (TC 9, 16; 6), thievery of step bread dishonored the ration system of the State (TC 14, 17; 6), and fraudulent accounting directly affected the finances of the government (TC 8, 1; 4). Desecration of the State's trust resulted in a punishment which was at once painful and symbolic. Jill Harries, in her book *Law and Empire in Late Antiquity*, argues for the symbolic element of public humiliation in punishment of crimes. It is important to note the correlation between trusted cultures and the Roman people. Peoples who had been at war, and were therefore untrustworthy, against the Roman government often fought on horseback; the Assyrians, Persians, and people of the Steppe being such examples. As such, people who dishonored the State by a breach of trust, were forced to symbolically 'ride a horse', by being subjected to the torture horse. This paper will analyze the history of the horse in Roman culture, laws in which the torture horse appears, and the correlation between punishment and perception of the criminal's status in society. By analyzing the crimes singled out for this specific punishment, I will be able to examine why the 'horse' was viewed as an emblem of torture.