

## THE DEATH OF PONTIA

In his chapter *de pudicitia*, immediately after recounting the story of Verginia (whose father chose to be *pudicae interemptor* rather than *corruptae pater*), Valerius Maximus also gives this example of the old *robur animi* (6.1.3):

*Nec alio robore animi praeditus fuit Pontius Aufidianus eques Romanus, qui postquam conperit filiae suae uirginitatem a paedagogo proditam Fannio Saturnino, non contentus sceleratum seruuum adfecisse supplicio etiam ipsam puellam necauit. ita ne turpes eius nuptias celebraret, acerbis exequias duxit*<sup>1</sup>).

This passage has been thoroughly misinterpreted by eminent scholars. F. Münzer has this to say: “Fannius Saturninus, ein freigelassener Pädagog, verführte die Tochter eines römischen Ritters Pontius Aufidianus, worauf dieser beide tötete”<sup>2</sup>). And C. Nicolet avers that the daughter of Pontius Aufidianus was seduced “par son *paedagogus*, Fannius Saturninus”, and adds “Noter cependant le nom du précepteur, peut-être un affranchi d’un Fannius”<sup>3</sup>).

1) Valerius Max. rec. C. Kempf, Lipsiae 1888, p. 271. The epitome of Iulius Paris (p. 532 Kempf) gives the following text: *Pontius Aufidianus eques Romanus, postquam conperit filiae suae uirginitatem a paedagogo proditam Fannio Saturnino, punito seruo puellam quoque necauit*.

2) RE 6 (1909) 1994, s. v. Fannius 19 (cf. Pontius 19, RE 22 [1953] 36). So also Kempf (cf. his Index, p. 643), and many other earlier scholars (see the edition of A. Torrenius [Leidae 1726]). The idea that it was the *paedagogus* who seduced Pontia, and that he bore the name of Fannius Saturninus, goes back to the famous commentary by Oliverius Arzignanensis Vicentinus. It was first published in Venice in 1487 together with the *recensio* of Valerius by Marcus Antonius Sabellicus (i. e. Marcantonio Coccio, ca 1436–1506), “arte et impensis Joannis Forliviensis, Gregoriquae fratrum”, and subsequently it was reprinted (and plagiarized) many times (see the list in the *Editio Bipontina* of 1806, reprinted by A. J. Valpy, London 1823, vol. III, pp. 1388–1407, esp. 1392–1393). Oliverius comments (I used the edition Venetiis 1488): “Faunus (sic) Saturninus Pontii pedagogus eius filiam per dolum uiciauerat: Pontius id ubi cognouit et pedagogum et filiam pari poena multauit: nam utrunque necauit maluitque acerbum filiae funus prosequi quam turpes eius nuptias celebrare.” Explaining *sceleratum seruuum* he continues: “Perfidum pedagogum qui filiae uicium intulerat.”

3) L’ordre équestre à l’époque républicaine, vol. 2: Prosopographie des chevaliers Romains (Paris 1974) 992, and 993, n. 2. So also recently P. Voci, *Storia della patria potestas da Augusto a Diocleziano*, Iura 31 (1980 [1983]) 54. I. Kajanto,

As the *paedagogi* were normally slaves, the *paedagogus* Fannius Saturninus stands out as an oddity. Hence Münzer's (and Nicolet's) attempt to see in him a freedman of a Fannius. Thus Pontius Aufidianus would have hired for his daughter a freedmen preceptor, a rather unusual course of action<sup>4</sup>). And as Fannius was a former slave, Valerius Maximus was perhaps justified in calling him (in anger) *sceleratus servus*. But if our *paedagogus* was a freedman, one wonders how he acquired his cognomen Saturninus which does not look at all like his former servile name<sup>5</sup>).

The *paedagogus* Fannius Saturninus is a figment. The *virginitas* of Pontia was not *prodit*a to the *paedagogus* Fannius Saturninus, but rather to a Fannius Saturninus by an (unnamed) *paedagogus* (a *paedagogo*). This restores sense and Latin: *prodere* with a dative regularly means "to betray something to somebody"<sup>6</sup>). That Münzer "quite misread this edifying anecdote" did not escape the sharp eye of D. R. Shackleton Bailey<sup>7</sup>). But much

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The Latin Cognomina (Helsinki 1965) 213, also lists Fannius Saturninus as a freedman (see also below, n. 5).

4) On the *paedagogi*, see E. Schuppe, *Paidagogos*, RE 18 (1942) 2380–2385; S. F. Bonner, *Education in Ancient Rome* (Berkeley 1977) 40–46, and, in greater detail, R. Boulogne, *De Plaats van de Paedagogus in de Romeinse Cultuur* (Diss. Groningen 1951). A good collection of evidence (also inscriptional evidence on the *paedagogi* of the *puellae*) in TLL s.v. For a *paedagogus* of a *sponsa*, see CIL 10.6561 = ILS 199.

5) The data in Kajanto (above, n. 3) 213 show clearly that the cognomen Saturninus was used predominantly by the *ingenui*. H. Solin, *Beiträge zur Namengebung der Senatoren, Epigrafia e Ordine Senatorio* 1 = *Tituli* 4 (Roma 1982) 422–423, points out that although the cognomen Saturninus was especially popular in the nomenclature of the *ordo senatorius*, it was also "in allen Volksschichten schon früh eingedrungen". This is correct, but the example Solin chose to adduce is unfortunate: "Val. Max. VI. 1, 3 erwähnt einen Freigelassenen Fannius Saturninus, der irgendwann gegen Ende der republikanischen Zeit lebte". It is important to point out emphatically that Valerius Maximus does not describe the *paedagogus* as a *libertus*: he calls him *servus*.

6) For examples, see OLD s.v., and for the usage in Valerius Maximus, see esp. 6.5.7: *L. Sulla ... cum (Sulpicium Rufum) proscriptum et in uilla latentem a seruo proditum conperisset, manu missum parricidam, ut fides edicti sui constaret, praecipitari protinus saxo Tarpeio cum illo scelere parto pilleo iussit*. Cf. also below, n. 14.

7) Two Studies in Roman Nomenclature (*American Classical Studies* 3 [1976]) 14–15, 125. So also, correctly (and in passing), Bonner (above, n. 4) 41, and W. V. Harris, *The Roman Father's Power of Life and Death*, Studies in Roman Law in Memory of A. Arthur Schiller (Leiden 1986) 87. But, as so often, light had been seen a long time ago: in the German translation of Valerius Maximus by Friedrich Hoffmann (Stuttgart 1829) we read (p. 366): "(Pontius Aufidianus) erfuhr, daß der Erzieher seiner Tochter ihre Unschuld an Fannius Saturninus verkauft hatte". Also this interpretation goes back to the early days of classical scho-

more can be said; Valerius Maximus' story opens up intriguing legal and prosopographical avenues.

It might appear that we here have an old tale, the lovers' union facilitated by a slave, a tale worthy of Plautus' pen, with a Caecilian *durus pater*. But this is not so: in comedy crafty slaves abet and facilitate love affairs of their young and foolish masters with *meretrices* or putative *meretrices*; they do not conspire *ad virginitatem prodendam*. Virginity was a serious matter, a matter of passion, law and religion, and this spells tragedy and unreason. The epithet *sceleratus servus* well conveys this murky atmosphere. Lapsed Vestals were buried alive in *campus sceleratus*; though often employed as a general term of abuse, *sceleratus* retained its primary association with the violation of religious norms, with taboo and pollution<sup>8</sup>).

The injured father had the *sceleratus servus* executed. This is not surprising: the *paedagogi* were the *custodes* of their young

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larship. In 1513 there appeared in Paris the famous edition of Valerius Maximus "cum duplici commentario: historico videlicet ac literato Oliverii Arzignanensis et familiari admodum ac succincto Iodoci Badii Ascensii. Venumdatur ab Ascensio et Ioanne Paruo." The commentary of Ascensius (i. e. Iodocus Badius, 1462–1535) reads as follows (p. 196): "(Pontius Aufidianus) postquam comperit virginitatem filiae suae proditam i. e. prostitutam, et iniquo pretio venditam Faunio Saturnio (sic) a paedagogo, i. e. eius ductore in ludum literarum (Oliverius intelligit Faunium Saturnium esse paedagogum, ut dicat proditam i. e. vulgatam. ego quia separat interponendo proditam credam Saturnium esse divitis et civis Romani qui eius pudicitiam a paedagogo emerat nomen) non contentus affecisse supplicio servum sceleratum, s(cilicet) paedagogum illum: necavit etiam ipsam puellam: et ita duxit acerbas exequias, ne celebraret turpes nuptias eius, s(cilicet) cum corruptore: quia potuisset Saturnium cogere, quam vitiatum ducere." The interpretation of Ascensius was almost totally forgotten. It is in 1823 that we hear the last of it, and we get a glimpse peculiar and distorted. In A. J. Valpy's London edition (1823) of Valerius Maximus (i. e. the edition of J. Kapp with the notae in usum Delphini and notae variorum) we have (vol. II, p. 1212) a note attributed to Badius (i. e. Ascensius): "Oliverius intelligit Fannium Saturninum fuisse paedagogum". This note was lifted from some earlier commented edition; it recurs verbatim in Valerius Maximus cum selectis Variorum observationibus et nova recensione A. Thysii (Lugduni Batavorum. Ex Officina Hackiana anno 1670), p. 513. The opinion of Oliverius is thus quoted through the intermediary of Ascensius; there is no word of Ascensius' own (and correct) explanation. In another seventeenth century commentary of Valerius, "in usum studiosae iuventutis," by Johannes Minellius [Jan Minell, 1625–1683] (Roterodami 1662), the comments are indiscriminately and confusingly lifted from Oliverius and Badius without either of them ever being mentioned (Minell, pp. 314–315, did not even realize that the interpretations of Oliverius and Badius are mutually exclusive).

8) Cf. A. Ernout and A. Meillet, Dictionnaire Étymologique de la Langue Latine<sup>3</sup> (Paris 1951) s. v. *scelus*. This also clearly follows from the examples cited by OLD and Forcellini.

charges, and probity was required of them<sup>9</sup>). Horace (Sat. 1.6.81–84) describes his father as *incorruptissimus custos*: fearing that a *paedagogus* might easily be bribed, he personally conducted his son to and from school, and so *pudicum, qui primus virtutis honos, servavit ab omni non solum facto, verum opprobrio quoque turpi*.

Executions of slaves were an affair common enough, for one could hire for that purpose (at least in Puteoli, but presumably also in other Italian towns) the services of a private entrepreneur<sup>10</sup>). The expression *adfecisse supplicio* shows indeed that Pontius did not kill the *paedagogus* in a fit of rage, but rather handed him over for execution to his own servants or to a professional *manceps*, as he is called in the *lex Libitinaria* from Puteoli. For the phrasing, Cic. Verr. II.3.119 provides a good parallel, for it also refers to a slave: *cum audierit* (sc. *dominus*) *eas res, quibus fundi fructus et cultura continetur, amotas et venditas, summo supplicio vilicum adficiat*, but most telling is a further example from Valerius Maximus, 8.4.1: an innocent slave admitted under torture to having killed a slave belonging to another owner; delivered (*deditus*) to the latter *supplicio adfectus est*<sup>11</sup>).

On the other hand Pontius *puellam necavit*. The embodiment of the *prisca severitas*, the father's *ius vitae necisque* figured prominently in Roman national mythology. That the father had the right to put to death his son or daughter no Roman ever doubted; what has been disputed, then and today, is how serious the offence had to be to justify the execution, and whether the father could act entirely on his own or only after consulting his *propinqui* and *amici*. It would appear that the *pater familias* or the husband could without any formal proceedings kill a son, a daughter or a wife solely if they were apprehended committing a grave crime, including adultery or *stuprum*. But if the transgression was not manifest the father had to institute an inquiry and render a formal verdict (and he was directed by custom though not by law to act with the cooperation of a *consilium* or *iudicium domesticum*)<sup>12</sup>). One thing,

9) Suetonius (Aug. 67.2) reports that Augustus executed by drowning in a river the *paedagogus* and the *ministri* of Gaius Caesar who profiting from Gaius' illness and death committed acts of arrogance and greed in his province.

10) Cf. the *lex Libitinaria*, A.E. 1971, 88, col. II, lines 8–10.

11) For further examples from Valerius Maximus, see E. Otón Sobrino, *Léxico de Valerio Máximo 1* (Madrid 1977) 60–61, s.v. *adfectio*.

12) Two classical and contradictory studies of the problem are E. Volterra, *Il pretese tribunale domestico in diritto romano*, RISG 2 (1948) 103–153 (the father was not legally obliged to convene a domestic court), and W. Kunkel, *Das Kon*

however, is certain: if the father had killed his son surreptitiously, he could be prosecuted for murder<sup>13</sup>).

The verb *comperit* indicates that Pontius learnt of the affair in an indirect way<sup>14</sup>), and hence we have to postulate an investigation, a verdict and a formal execution, of the slave *paedagogus* by crucifixion<sup>15</sup>), and of Pontia by strangulation<sup>16</sup>).

However it might have happened, and whatever the legal ground, the unfortunate Pontia was dead. And thus, Valerius Maximus concludes, Pontius Aufidianus *ne turpes eius nuptias celebraret, acerbas exequias duxit*. The mention of *nuptiae* evokes surprise; any future wedding of Pontia would indeed be a shameful affair, but the case gains poignancy and the crushing weight of an *exemplum* if Fannius Saturninus was Pontia's fiancé. If this was so, the father's *robur animi* glows with even more commendable severity, and the symbolic association of *nuptiae* and *funera* becomes stark reality. For technically Pontia had committed a *stuprum*: that her lover was also her *sponsus* was not an attenuating circumstance<sup>17</sup>).

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silium im Hausgericht, ZSS 83 (1966) 219–251 = Kleine Schriften (Weimar 1974) 117–149 (the father could put a son or a daughter to death only *ex consilii sententia*). The view of Kunkel is too rigid: see now the judicious study by Harris (above, n. 7) 81–95.

13) See Oros. 5.16.8 (cf. Val. Max. 6.1.5; Ps.-Quint. Decl. Mai. 3.17, and see Harris [above, n. 7] 84–85); Dig. 48.9.5.

14) In Valerius Maximus *comperio* very often denotes a result of an inquiry or investigation (he uses only the forms *comperit* and *comperisset*, cf. Sobrino, Léxico [(above, n. 11] s.v.). This sense is common (cf. OLD s.v.); Cic. Mil. 73 offers a good parallel: *eum (sc. Clodium), quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se quaestionibus habitis dixit comperisse*. *Deprehendo* appears in the *Digest* (48.5 passim, esp. 24) as a technical term if the lovers were caught in the act. This usage goes back to Cato the Elder (frg. 221 Malcovati, ORF<sup>2</sup>), and it was also the usage of Valerius (Sobrino, Léxico 1.522); see esp. 6.1.13 (adduced below, n. 18); 8.1.12.

15) A normal form of execution for slaves, see T. Mommsen, *Römisches Strafrecht* (Leipzig 1899) 919–920; and see now also the *lex Libitinarina* from Puteoli, loc. cit. (above, n. 10).

16) *Neco* was a general term for execution, but it was particularly often employed for the killing without the shedding of blood, cf. J. N. Adams, *Two Latin Words for 'Kill'*, *Glotta* 51 (1973) 280–290. The usage of Valerius Maximus conforms to this rule (cf. Sobrino, Léxico [above, n. 11] 3 [1984] 1335). For *necare* in the sense of *strangulare* see especially 5.4.7; 6.3.8 (with Liv. Per. 48). This was the normal mode of execution of women.

17) See Mommsen, *Strafrecht* (above, n. 15) 695: “Die Geschlechtsgemeinschaft zwischen Brautleuten scheint stets als Stuprum behandelt worden zu sein”. The case of Pontia is a welcome and unpleasant illustration of this principle (Mommsen himself adduces no examples).

But who was her lover, and what has become of him? If Fannius Saturninus and Pontia had been surprised together by the vigilant father, Saturninus would have hardly escaped unscathed – and Valerius Maximus would have hardly omitted to describe his punishment<sup>18</sup>).

The identity of Fannius Saturninus eludes us. No other Fannius with the surname Saturninus is on record, but we know from Cicero (Att. 5.1.2, May 50) an Annii Saturninus. Whether we have to identify the two Saturnini, and if so, whether we have to correct the text of Valerius Maximus or that of Cicero, must remain *sub iudice*. However, as Shackleton Bailey notes, *Fannio* in Valerius Maximus has the support of the epitome of Iulius Paris<sup>19</sup>).

The would-be tie between the Pontii and Fannii (provided that this was the nomen gentile of Saturninus) was thus severed, but there may have existed some distant affinity between the two families, with the Titinii serving as the connecting link.

Q. Titinius was a juror in the trial of Verres (Cic. Verr. II.1.128); his son appears in a letter of Cicero (Att. 9.19.2) as Pontius Titinianus – he was thus adopted by a Pontius<sup>20</sup>). Now in the *Verrines* (II.1.128,130) Cicero introduces also a *frater germanus* of Q. Titinius, an *eques* Cn. Fannius (but see on his name below). This brings to mind the notorious marriage of Fannia and C. Titinius of Minturnae (Val. Max. 8.2.3, cf. 1.5.5; Plut. Mar. 38.3–9). Münzer<sup>21</sup>) in fact thought that Cn. Fannius may have been an illegitimate son of Fannia, but Cicero (as Shackleton

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18) Cf. the delightful list at 6.1.13: *Sempronius Musca C. Gellium deprehensum in adulterio flagellis cecidit, C. Memmius L. Octavius similiter deprehensum pernis contudit, Carbo Attienus a Vibieno, item Pontius a P. Cerennio deprehensi castrati sunt. Cn. etiam Furium Brochum qui deprehenderat familiae stuprandum obiecit.*

19) Textual Notes on Lesser Roman Historians, HSCP 85 (1981) 164; cf. Nomenclature (above, n. 7) 14. In his Cicero's Letters to Atticus 3 (Cambridge 1968) 189, Shackleton Bailey opines that Annii Saturninus may have been a connection or client of Annii Milo (the letter concerns the sale of Milo's property). On the other hand Cicero wrote this letter in Minturnae, the home of the Fannii. Hence perhaps the remark in Textual Notes 164: "But more likely *Fannio* in Cic. Att. 5.1.2" [i. e. more likely than *Annio* in Val. Max.].

20) Cf. F. Münzer, RE 6A (1937) 1549 s. v. Titinius 17; 22 (1953) 38 s. v. Pontius 22; T. P. Wiseman, New Men in the Roman Senate 139 B.C.–14 A.D. (Oxford 1971) 266; Shackleton Bailey, Nomenclature (above, n. 7) 125.

21) RE 6 (1909) s. v. Fannius 11; 6A (1937) 1549 s. v. Titinius 17. F. Càssola in his excellent study *I Fanni in età repubblicana*, Vichiana N.S. 13 (1983 [= Miscellanea di studi in memoria di Francesco Arnaldo]) refers to this Fannius only in passing (p. 99) and has no mention of Fannius Saturninus.



Bailey reminds us)<sup>22</sup>), would hardly have referred to sons of different fathers as *fratres germani*. C. Nicolet proposed an elegant solution: Cn. Fannius (originally Cn. Titinius) was adopted by a member of his mother's family<sup>23</sup>). Another scenario is possible: perhaps it was Q. Titinius who bore the adoptive name. This would produce an even closer connection between the Pontii and Fannii: a Fannius adopted by a Titinius gave his own son for adoption to a Pontius. All these considerations may be written on prosopographical quicksand: Shackleton Bailey points out that in the *Verrines* the manuscript authority supports the reading *Faenius* and not *Fannius*<sup>24</sup>). The attested connection between the Fannii and Titinii<sup>25</sup>) makes the reading Fannius prosopographically attractive, but is it attractive enough to outweigh paleography?

We are not yet at the end of our file. In the *consilium* of Pompeius Strabo (CIL 6.37045, line 10 = ILLRP 515) there appears *L. Ponti(us) T.f. Qui(rina)*, judging by his position on the list, an *eques*. His tribe, the Quirina, was also the tribe of Amiternum in the land of the Sabines<sup>26</sup>). And from Amiternum we know a P. Aufidius Pontianus (a nice counterpart to our Pontius Aufidianus), an entrepreneur who organized the transport of herds of sheep from the "furthest Umbria" to "the pastures of Metapontum and to market at Heraclea"<sup>27</sup>).

It is in one of the small towns of the Sabines, of Samnium or

22) Nomenclature (above, n. 7) 38. Cf. also R. Syme, *Senators, Tribes, and Towns*, *Historia* 13 (1964) 116 = *Roman Papers* 2 (Oxford 1979) 594.

23) L'ordre équestre 2 (above, n. 3) 872-874, 1039-1040; Les noms des chevaliers victimes de Catilina dans le *Commentariolum Petitionis*, *Mélanges d'histoire ancienne offerts à William Seston* (Paris 1974) 390-392.

24) Nomenclature (above, n. 7) 38. C. Nicolet, L'ordre équestre 2.874 n. 10), was aware of this *lectio*, but ultimately retained the traditional reading.

25) But we should not forget that the descent of Q. Titinius and Cn. (Fannius) from C. Titinius and Fannia is only conjecture and not fact.

26) Cf. Nicolet, L'ordre équestre 2 (above, n. 3) 993-994. He writes that this Pontius "peut très bien avoir eu des liens avec les Titinii: la tribu Quirina est celle d'Antium, assez proche de Minturnes". But it is not certain at all that the Quirina was the tribe of Antium in the republican times: see L. R. Taylor, *The Voting Districts of the Roman Republic* (Rome 1960) 274, 319-321. On L. Pontius, see also N. Criniti, *L'epigrafe di Asculum di Gn. Pompeo Strabone* (Milano 1970) 155-158.

27) Varro, *de re rust.* 2.9.6. Cf. Ö. Wikander, *Senators and Equites I. The Case of the Aufidii*, *Opuscula Romana* 15 (1985) 158, 159 n. 41; Nicolet, L'ordre équestre 2 (above, n. 3) 796. According to Münzer (RE 22 [1953] 36 s.v. Pontius 19) he was "gewiß ein Verwandter" of our Pontius Aufidianus. He may be identical with the Pontianus mentioned by Cicero, *Att.* 12.44.2.

of Campania that we have to seek the domicile of Pontius Aufidianus and Fannius Saturninus. Of this Italy of local notables, of family alliances and family feuds, of business and passion, two evocations exist: Cicero's *Pro Cluentio* and Varro's *De re rustica*. For Valerius Maximus it was the Italy of *exempla*.

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## PER LA CRONOLOGIA DI LACIDE

La controversa cronologia di Lacide, scolarca dell'Academia dopo Arcesilao, si fonda su un luogo di Diogene Laerzio<sup>1)</sup> e su alcuni versi di Apollodoro d'Atene<sup>2)</sup>.

Diogene riferisce che Lacide ἐτελεύτησε δὲ σχολαρχεῖν ἀρξάμενος τῷ τετάρτῳ ἔτει τῆς τετάρτης καὶ τριακοστῆς καὶ ἑκατοστῆς Ὀλυμπιάδος, τῆς σχολῆς ἀφηγησάμενος ἕξ πρὸς τοῖς εἴκοσιν ἔτη: «Μορὶ, dopo aver iniziato il suo scolarcato nel quarto anno della CXXXIV Olimpiade e dopo aver diretto la scuola per ventisei anni»<sup>3)</sup>.

In Apollodoro leggiamo<sup>4)</sup>:

[ τὴν σχολὴν  
 συσχὼν ἔτη παρέδω ] || κεν ὀκτὼ καὶ δέκα,  
 τοσαῦτα | δ' ἕτερα προσλαβὼν τὴν τοῦ | βίου  
 μεταλλαγὴν ἐποιήσα | τ' ἐπὶ Καλλιστράτου·  
 ἐπὶ Πα(ν) | τιάδου δ' ἕτεροι λέγουσιν, | ὥς δέκα  
 ἔτη διαλιπεῖν | τὰπὶ πᾶσι διὰ νόσον.

1) D.L. IV 61 (= Lacyd. T 1a 20–25 Mette).

2) FGHist 244 F 47 (= Lacyd. T 2a 1–6 Mette) in Phld. Acad., PHerc. 1021, XXVII 1–7.

3) La traduzione è di M. Gigante, Diogene Laerzio. Vite dei filosofi (Roma-Bari 1987<sup>4</sup>).

4) Riproduco il testo da me stabilito in La «Cronologia» di Apollodoro nel PHerc. 1021 (Napoli 1982), accettando parzialmente l'integrazione iniziale del Crönert, Kolotes und Menedemos (Leipzig 1906, Amsterdam 1965), p. 77.