

But this was probably not Sophocles' meaning at all. We now understand that "the basic meaning of *χλωρός* is 'liquid, moist'".<sup>14)</sup>

Examples could be multiplied, but the pattern is sufficiently clear, and can afford a valuable key to the correct understanding of other similar passages in Roman literature.

## *Fumum vendere* and *fumo necare*

*To the Memory of Smokey*

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The delightful expression *fumum vendere* has intrigued the philologists since the days of Erasmus, Casaubonus, Gothofredus and Salmasius.<sup>1)</sup> Recently B. Baldwin in his erudite article, "*Fumum vendere* in the *Historia Augusta*", *Glotta* 63 (1985) 107–109, has dispelled most of the remaining smoke. In the *Iudicium Coci et Pistoris* of Vespa (*Anth. Lat.* 199 Riese; 190 Shackleton Bailey) the baker is characterized as a man who "semper multis se dicit vendere fumum" (line 61). Baldwin points out that the baker is a braggart, that "a joke on his peddling influence<sup>2)</sup> admirably suits the context", and that on

<sup>14)</sup> Irwin (above, n. 4) 33, cf. 74–75; also "Epithets for Honey," *Vergilius* 25 (1979) 41–42, by the present author.

<sup>1)</sup> For Erasmus, see Baldwin 107. The comments of Casaubonus and Salmasius are easily available in the edition *Historiae Augustae Scriptores VI cum notis selectis Isaaci Casauboni, Cl. Salmasii et Jani Gruteri accurate Cornelio Schrevelio* (Lugduni Batavorum 1661; the edition *cum notis integris* appeared in 1671); see *Ant. Pius* 11 (Casaubonus), *Avid. Cass.* 4 and *Alex. Sev.* 36 (Salmasius). Iacobus Gothofredus commented on the *fumi venditio* in a note on Libanius, *Or.* 5.3 = 51.7 Foerster; see his *Opera juridica minora*, ed. Ch. H. Trotz (Lugduni Batavorum 1773) 443 n. 6, and below, n. 18. A similar expression is *fabulas vendere* (*Gord.* 24.4) for which I was not able to find any parallels. *Fumum vendere* survives in contemporary Italian as *vender fumo*: "raccontare fandonie, vantarsi di un credito che non si ha" (cf. *Il nuovo dizionario Italiano Garzanti* [Milano 1984] s.v.). Cf. also A. Otto, *Die Sprichwörter der Römer* (Leipzig 1890) 149.

<sup>2)</sup> In fact what the baker is peddling is not his influence but rather his, in the eyes of the cook, nugatory concoctions, made of trifling ingredients, nuts, honey and flour. He boasts much (*iactat*, line 65), but delivers only smoke. Cf. A. J.

this interpretation "the *HA*'s monopoly on *fumum vendere* in the sense of trafficking is broken" (p.108). This sense, he notes, may well be present already in Martial 4.5.7 (*vendere nec vanos circum Palatia fumos*). And there is also no doubt that the Greek proverbial *καπνοὺς καὶ σκιάς* formed the ultimate model for the Latin phrase.

We can be more precise. Arist. *Aves* 822 mentions *τὰ Θεογένους τὰ πολλὰ χρήματα*, and the scholion gives the following explanation: *προεῖρηται ὅτι πένης οὗτος, ἔλεγε δὲ ἑαυτὸν πλούσιον*. The compiler of the scholia also adduces the opinion of another commentator (*ἄλλως*): *λέγεται ὅτι μεγαλέμπορος τις ἐβούλετο εἶναι περαίτης ἀλαζῶν ψευδόπλουτος, ἐκαλεῖτο δὲ 'Καπνός' ὅτι πολλὰ ὑπισχνούμενος οὐδὲν ἐτέλει. Εὐπολις ἐν Δήμοις*.<sup>3</sup>) This Theogenes was one of the "new politicians" in Athens, and a butt for the comedians' ridicule.<sup>4</sup>) At *Aves* 1125–1129 he appears in the company of Proxenides ὁ Κομπασεύς ("the Bragsman", a jocular demotic), and the scholiast (at line 1128) characterizes them as *καπνοὶ . . . καὶ κομπασταί*. This establishes the meaning of *καπνοί* as "braggarts", a sense of *καπνός* missing from *LSJ*, but recorded in J. W. White's edition of the scholia (p.334)<sup>5</sup>). That Theogenes was a braggart, and that as such he was called "Smoke" – "because having promised all the things he performed nothing", is of immediate interest to the students of *fumus*,

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Baumgartner, *Untersuchungen zur Anthologie des Codex Salmasianus* (Diss. Zürich 1961, Baden 1961) 50–51; A. Ronconi, "Nota critica e esegetica a Vespa, vv. 60–65", in his *Da Omero a Dante. Scritti di varia filologia* (Urbino 1981) 212 (originally published in *Scritti in onore di B. Riposati*, Rieti 1979). In line 64 I read *de nuce* (*denuce* Mss.; *de nuce* Baehrens; *denique* Riese, Baumgartner and Shackleton Bailey) following the erudite argument of G. Bernardi Perini, "Il fornaio millantatore (Vespa 60–65)", *Atene e Roma* 28 (1973) 164–171 (at 169). Ronconi and Perini take exception to the arrangement of lines 60–62, and especially to *se* in line 61, but the text they produce is exceedingly tortuous.

<sup>3</sup>) J. F. White, *The Scholia on the Aves of Aristophanes* (Boston and London 1914) 154. Suid. s.v. *Θεογένους* (observe the incorrect form of the name) *χρήματα* (Vol. 2, [Lipsiae 1931], p. 688, ed. Adler) contains the practically identical text: *οὗτος δὲ πένης ὦν μεγαλέμπορος ἐβούλετο εἶναι, ἀλαζῶν, ψευδόπλουτος. ἐκαλεῖτο δὲ Καπνός, ὅτι πολλὰ ὑπισχνούμενος οὐδὲν ἐτέλει*.

<sup>4</sup>) Fiehn, *RE* 5A (1934) s.v. "Theogenes 3"; K. Plepelits, *Die Fragmente der Demen des Eupolis* (Wien 1970) 34–35, 46–49; F. Sartori, *Una pagina di storia Atene in un frammento dei "Demi" Eupolidi* (Roma 1975) 28.

<sup>5</sup>) *LSJ* adduces *Kapnos* as "nickname of a man", but does not explain its precise meaning. W. R. Connor, *The New Politicians of Fifth-Century Athens* (Princeton 1971) 139 n. 3, translates the nickname of Theogenes as "Smoky", but again fails to explain its full significance.

for as a politician he was peddling vain promises just as the *venditores fumi* were later selling imaginary favors.<sup>6)</sup>

The scholiast ascribes this passage to Eupolis, and we should not doubt that Eupolis indeed described Theogenes as "καπνός", but the concluding sentence *ὅτι πολλὰ ὑπισχνούμενος οὐδὲν ἐτέλει* reads like a scholiast's comment<sup>7)</sup> rather than as a verse (however distorted) from the *Demoi*.<sup>8)</sup> If this sentence belongs to a scholiast we have to inquire about his age. The early Byzantine compiler of the scholia on the *Aves* notes in his subscription *παραγέγραπται ἐκ τῶν Συμμάχου καὶ ἄλλων σχολίων*.<sup>9)</sup> There are in the Scholia thirteen references to Eupolis;<sup>10)</sup> now Symmachos used extensively the commentary of Didymos, and Didymos, among his many other works, seems to have also compiled a commentary on Eupolis, and in any case will have used Eupolis extensively in his book on the comic diction.<sup>11)</sup> Thus, *prima facie*, there are compelling reasons for attributing the explication of καπνός to Didymos. In the scholion to line 1294 it is Didymos who mentions Eupolis, whereas to Symmachos are ascribed quotes from Pherekrates and Kratinos. In the scholion

<sup>6)</sup> The first scholar to call attention to the notice in the scholia in connection with the expression *fumum vendere* seems to have been Casaubonus in his note on *Ant. Pius* 11.1 (above, n. 1) and esp. in his *Animadversiones ad Athenaeum* VI 9 = 6.238 c (= Aristophon, Kock 2.277): see *Athenaei Deipnosophistarum libri quindecim*, editio iuxta Isaaci Casauboni recensionem (Lugduni 1657) 421, lines 9ff. I owe this reference to Isaac Telting, *Disputatio de crimine ambitus et de sodaliciis apud Romanos* (Groningae 1854) 281 n. 2, and Telting owed it in turn to L. G. A. Pernice, "De fumi venditoribus observationes" in his *Dissertatio de furum genere* (Göttingen 1821) 48 n. 6 (not available to me). Casaubonus also remarks on *kapnoi* = *dosontes et pollicitatores magni*, an explanation for which he gives credit to Petrus Victorius.

<sup>7)</sup> Cf. Suid. (ed. Adler) 2.213, E 361, where we read of Theogenes: *ὅς Καπνὸς ἐκαλεῖτο*.

<sup>8)</sup> White, (above, n. 3) 154 in app., interprets this line as belonging to Eupolis, but Th. Kock, *Comicorum Atticorum Fragmenta* I (Lipsiae 1880) 290–291, fr. 122, rightly (cf. below, n. 13) leaves it out as a scholion. He prints the nickname *Kapnos* as part of the fragment, but observes that it "etiam ex alia parte fabulae potest excerptum esse". A. Meineke, *Fragmenta Comicoorum Graecorum* II 2 (Berlin 1839) 474–5, fr. 35 and J. M. Edmonds, *The Fragments of Attic Comedy* I (Leiden 1957) 338–339, fr. 94, are non-committal.

<sup>9)</sup> White (above, n. 3) 302; cf. pp. LXIV ff. on the date of the final redactor and his sources, and pp. XXVff. and XLIXff. on Didymos and Symmachos.

<sup>10)</sup> See White, Index, p. 376 (there are two references to Eupolis in commentary to line 1556).

<sup>11)</sup> M. Schmidt, *Didymi Chalcenteri grammatici Alexandrini fragmenta* (Lipsiae 1854) 308–309; L. Cohn, "Didymos 8", *RE* 5 (1905) 455, 458, cf. 461–462.

to line 876 we have first the comment of Symmachos opening with the verb *προείρηκεν* which immediately reminds us of *προείρηται* at the head of the first explication to line 822. Then follows the comment of Didymos who refers to the *Demoi* and the *Kolaks* of Eupolis. But caution is in order: in the scholion to line 1379 the quotation of Eupolis stands unattributed to any scholar; a further explanation is introduced by *ἄλλως* (as at 822), and the compiler presents in turn the opinions of Didymos and Symmachos. Thus we can be reasonably certain that on that occasion neither Didymos nor Symmachos quoted Eupolis, and that the redactor owes his reference to some other authority.<sup>12)</sup> Still Didymos (ca. 80–10 B.C.) remains the most likely source both for the quotation of Eupolis at 822 and the explication of the nickname *Kapnos*.<sup>13)</sup>

The scholiasts describe Theogenes as *ψευδόπλουτος*, and stress his poverty; through his impostures, unlike many Roman "sellers of smoke", he did not gain any wealth. Nevertheless the passage from the Scholia is the closest Greek parallel we have to Latin *fumum vendere*.

We should not wonder at the absence of the "selling of smoke" in Plautus or Cicero; the phrase, and the practice it describes, reflects the imperial dispensation and corruption.<sup>14)</sup> In fact it is not at all unlikely that Martial picked it up from the popular idiom, and did not himself coin it. Here the testimony of Apuleius is especially precious. In the speech he delivered in his defense before a proconsul of Africa<sup>15)</sup> the phrase *fumum vendere* carries a double pun, which sug-

<sup>12)</sup> For the names of scholars to whom notes are ascribed in the scholia to *Aves*, see White LXVIff.

<sup>13)</sup> Schmidt (above, n. 11) does not list this passage among the fragments of Didymos. But that the incriminated passage is prose and not poetry, and that it belongs to a scholion, is made all but certain by Thuk. 2.95: *Περδίκκας αὐτῷ ὑποσχόμενος . . . , ἃ ὑπεδέξατο οὐκ ἐπετέλει*. The similarity of the phrasing will be the more striking if we consider that Didymos was very well acquainted with Thukydidean diction and may well have been influenced by it (although it is unlikely that he composed a biography of Thukydides or a commentary on the *History*, cf. Cohn [above, n. 11] 460–61).

<sup>14)</sup> For the selling of imperial favors, cf. Tac. *Ann.* 14.50; Cass. Dio (Xiphil.) 69.7.4; W. Eck, "Einfluß korrupter Praktiken auf das senatorisch-ritterliche Beförderungswesen in der Hohen Kaiserzeit", in *Korruption im Altertum*, ed. W. Schuller (München 1982) 135–151. See also below, n. 17.

<sup>15)</sup> Claudius Maximus. His tenure as governor of Africa is dated to 157/158 or 160/161 or (most likely) 158/159; cf. B.E. Thomasson, *Die Statthalter der römischen Provinzen Nordafrikas von Augustus bis Diokletianus* 2 (Lund 1960) 74–75; Idem, *Laterculi praesidium* 1 (Göteborg 1984) 382.

gests that at least by the middle of the second century it attained the status of a colloquial expression (*Apol.* 57–60). Iunius Crassus stated in his deposition that during his absence Apuleius used his house for nocturnal and hence magical sacrifices, and that these offerings produced *fumi tantam uim ... ut parietes atros redderet* (58, p.66. 16–17 Helm). Apuleius perorates that Crassus is a *lurco* and *helluo* who squandered all his patrimony and sold his *testimonium* to Apuleius' accuser, (Sicinius) Aemilianus: "temulentum istud mendacium tribus milibus nummis Aemiliano huic uendidit, idque Oeae nemini ignoratur" (59, p.68. 7–8). Apuleius concludes that he discussed the testimony of Crassus "non quod ... fuliginis maculam te praesertim iudice timerem, sed ut ne impunitum (Crasso) foret, crassum quod Aemiliano, homini rustico, fumum uendidit" (60, p.69.2.5). Thus Apuleius presents Crassus' deposition as worthless smoke sold for good money, and this leads us directly to the selling of non-existent favors in the *Historia Augusta*.

In that work the phrase *fumum* (or *fumos*) *vendere* occurs six times (*Ant. Pius* 11.1; *Elag.* 10.3; 15.1; *Alex. Sev.* 23.8; 36.2; 67.2). It has been suggested that the author of the *HA* "lifted the phrase from Martial and wilfully extended its meaning".<sup>16</sup>) He may indeed have lifted it from Martial or Apuleius, but in view of its usage in Apuleius and Vespa he hardly extended its meaning; in fact nothing precludes the possibility that *fumum vendere* was a living idiom in the fourth century as it was in the second. But there is more to be said. The fraudulent selling of imperial favors seems to have been most prevalent in the fourth century; this would account for the frequent appearance of *fumum vendere* in the *Historia Augusta*. Writing of Elagabalus and Alexander Severus the author was hinting at contemporary practices.<sup>17</sup>)

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<sup>16</sup>) R. Syme, "The Composition of the *Historia Augusta*: Recent Theories", *JRS* 62 (1972) 129 = *Historia Augusta Papers* (Oxford 1983) 22. Syme quotes (not altogether accurately, cf. Baldwin 107) the article by W. Goffart, "Did Julian combat venal *suffragium*? A Note on *CTh* 2.29.1", *CP* 65 (1970) 149–150. Goffart leans toward regarding the expression *fumum vendere* in the *HA* as a piece of antiquarianism (he points out that at *Alex. Sev.* 38.2 we have a direct quotation from Martial), but at the same time admits the possibility that the locution may have been in current use in the fourth century.

<sup>17</sup>) Cf. C. Collot, "La pratique et l'institution du *suffragium* au Bas-Empire", *RHD* 43 (1965) 185–221, esp. 189–190, 205; D. Liebs, "Ämterkauf und Ämterpatronage in der Spätantike", *ZSS* 95 (1978) 158–186; Idem, "Alexander Severus und das Strafrecht", *Bonner Historia-Augusta-Colloquium 1977/1978* (Antiquitas

In particular the practices castigated by Libanius in his oration *Adversus assidentes magistratibus* (51.7 Foerster)<sup>18)</sup> mirror the method employed by "Verconius Turinus" (*Alex. Sev.* 35–36). This character, true to his name, *fumis venditis ingentia praemia percepisset*: he would promise his *suffragium*, would say nothing to the emperor, and would pocket his reward if *impetratum ... esset quod petebatur*. His corruption uncovered, the emperor condemned him to die, quite appropriately, by inhaling smoke, the herald proclaiming: "fumo punitur, qui vendidit fumum". Turinus is a fiction,<sup>19)</sup> but the mode of his execution the learned and jocular author of the *Historia Augusta* owes to Cicero. Read the description of "Turinus" punishment: "in foro Transitorio ad stipitem ill(um) adligari praecepit (sc. Alexander Severus), et fumo adposito, quem ex stipulis atque umidis lignis fieri iusserat, necavit".<sup>20)</sup> Now compare Cic. *Verr.* 2.1.45, where the orator expatiates on the inhuman *genus animadversionis* employed by Verres: "ignem ex lignis viridibus<sup>21)</sup> atque humidis in

4,14, Bonn 1980) 115–147, esp. 143–145, 147; W. Schuller, "Ämterkauf im römischen Reich", *Der Staat* 19 (1980) 57–71; K. L. Noethlichs, *Beamtentum und Dienstvergehen* (Wiesbaden 1981) passim.

<sup>18)</sup> The text of Libanius reads as follows: λέγουσι μὲν τινες οὐδὲν τοιοῦτον πρὸς τὸν δικαστὴν, φασὶ δὲ εἰρηκέναι (cf. the wording of *HA Alex. Sev.* 36: Turinus ... dixissetque se quaedam imperatori dixisse, cum nihil dixisset), καὶ ὁ μισθὸς ὁμολόγηται. εἴτ' ἔλθὼν φήσας εἰρηκέναι τι παρακάθεται τῷ δικαστῇ τὴν ψήφον ἀναμένων, κατὰ δὲ τὸ δίκαιον ἐκείνης ἐνεχθείσης μισθὸν ἀπαιτεῖ ψήφου δικαίας πεπονηκώς οὐδὲν οὐδέ γε φθεγγόμενος. The speech was delivered shortly after 388, cf. Foerster IV p. 3.

<sup>19)</sup> R. Syme, "Missing Persons", *Historia* 5 (1956) 211 = *Roman Papers* 1 (Oxford 1979) 323.

<sup>20)</sup> On the semantic development of *neco*, see J. N. Adams, "Two Latin Words for 'Kill'", *Glotta* 51 (1973) 280–290. He points out that "*neco* was a generic term for execution, whatever its method of infliction" (p. 284), but that "the word was becoming disproportionally common by the end of the Republic in application to murder without the use of weapon" (p. 284). Adams does not discover in *neco* any particular sense of 'suffocating', 'smothering', as postulated by W. Schulze (*Kleine Schriften* [Göttingen 1933, 1966] 148–160, esp. 154–159 [originally published in *Sb Berlin* 1918, 320–332]) and E. Löfstedt (*Syntactica* II [Lund 1956] 380–381; *Late Latin* [Oslo 1959] 191–194), but still it is interesting that *fumus* seems to have attracted solely *neco* and not *occido* or *interficio*. Perhaps the connection is that of a particularly cruel death; I. Opelt, "Töten' und 'Sterben' in Caesars Sprache", *Glotta* 58 (1980) 111, observes that in Caesar *neco* denotes "die grausame Tötung ohne Gegenwehr", e.g. *igni* or *cruciatu necare*. The locution *fumo necare* was also used for the killing of insects and animals (Adams 285–286), see Plin. *NH* 22.157: "fumus crematorum culices necat"; 24.116: "taxi arboris fumus necat mures".

<sup>21)</sup> Cf. Lukian, *De morte Peregr.* 24 (below in the text).

loco angusto fieri iussit; ibi hominem ingenuum, domi nobilem ... *fumo excruciatum semivivum* reliquit".

But Alexander Severus was not the first to employ this method of execution. This honor goes in the *HA* to Avidius Cassius, who "primus id supplicii genus invenit, ut stipitem grandem poneret pedum octoginta et centum et a summo usque ad imum damnatos ligaret et ab imo focum adponeret incensisque aliis alios *fumo*, cruciatu, timore etiam *necaret*" (*Avid. Cass.* 4.3). Here the author of the *HA* is at the best of his worst, but his juxtaposition of burning the condemned alive and smoking them to death reminds one of the cruel practices of the Thracians<sup>22</sup>) and, above all, the peevish words of Quintus Cicero which so angered Marcus: "illum (sc. Catienum) crucem sibi ipsum constituere, ex qua tu eum detraxisses; te curaturum *fumo ut combureretur* plaudente tota provincia".<sup>23</sup>)

The author of the *HA* knew his Cicero;<sup>24</sup>) still in Cicero the victim of Verres was left *semivivus*, whereas "Turinus" was *necatus*, as

<sup>22</sup>) Flor. 3.4.2 (= 1.39.2): "cuiusque modi ludibriis foedare mortem tam igni quam *fumo*". Cf. *Vulg. Ind.* 9.49: "atque ita factum est ut *fumo* et igne mille homines *necarentur*", and see below, n. 27.

<sup>23</sup>) Cic. *Q. fr.* 1.2.6, but cf. Plaut. *Circ.* 54: "fumo comburi nil potest, flamma potest". In view of the Plautine dictum various emendations have been proposed to replace *fumo* in the text of Cicero, most notably *furno* or *in furno*; this has a nice touch of Phalaris, but does not make sense in the context, for Catienus could not at the same time be bound to the cross and burned in the oven. D. R. Shackleton Bailey, *Cicero. Epistulae ad Quintum Fratrem et ad Brutum* (Cambridge 1980) ad loc., p. 161, rightly defends *fumo* pointing to the passages from the Verrines and the life of Alexander Severus; the passage from the life of Avidius Cassius offers additional support. In a recent note in *AJP* 106 (1985) 114 Shackleton Bailey produced another arresting illustration, a passage from Lukian's *Vera historia* 2.31, where Kynyras is depicted as καπνῷ ὑποτυφόμενον ἐκ τῶν αἰδοίων ἀπρητημένον; καπνῷ ὑποτυφόμενον, "burnt with a smouldering fire", corresponds very well indeed to *fumo ut combureretur*.

<sup>24</sup>) Cf. E. Klebs, *RhM* 47 (1892) 34 ff.; R. Syme, *Emperors and Biography* (Oxford 1971) esp. 256–257, 274. For the passages in the *Vita Avidii* and the *Vita Alexandri Severi*, see above all A. Chastagnol, "Le supplice inventé par Avidius Cassius: remarques sur l'Histoire Auguste et la lettre 1 de Saint Jérôme", *Bonner Historia-Augusta-Colloquium* 1970 (*Antiquitas* 4, 10, Bonn 1972) 95–107, who collected a great number of further parallels from the Verrines and especially from Jerome, *Ep.* 1, but did not discuss in detail the expression *fumo necare*. For the mode of execution an especially good parallel is Euseb. *Hist. eccl.* 8.12.1: καὶ ποτὲ μὲν κατὰ κεφαλῆς ἐκ τοῖν ποδοῖν εἰς ὕψος ἀναρτωμένων καὶ μαλθακοῦ πυρός (on this expression, see F. J. Dölger, *Antike und Christentum* 1 [1929] 244) ὑποκαιομένου τῷ παραπεμπομένῳ καπνῷ τῆς φλεγόμενης ὕλης ἀποπνιγομένων (cf. Lukian, *De morte Peregr.* 24, below in the text).

were also the unfortunates who fell into the hands of Avidius Cassius. The passage of Cicero made an impression on two other late literati: a scholiast profusely commented on it as an example of *τὸ αὐξητικὸν* (*Schol. Gron. A*, 344 Stangl), and Macrobius (*Sat.* 4.4.17) adduced it to show that "et materia apud rhetoras pathos movet, ut dum quaeritur Cicero flammam ex lignis viridibus factam atque ibi inclusum *fumo necatum*". The expression *fumo necatum* (quite incorrect as a summary of Cicero) parallels *fumo necavit* of the *HA*; this may perhaps point to a connection between the two writers.<sup>25</sup>) But the author of the *HA* was also a connoisseur of Apuleius,<sup>26</sup>) and indeed the locution *fumo necare* recurs in Apul. *Met.* 9.27 (a *pistor* addressing the lover of his wife): "non sum barbarus ... nec ad exemplum naccinae truculentiae (i.e. *ad exemplum fullonis*) sulphuris te letali *fumo necabo*".<sup>27</sup>) In fact the lover of *fullo's* wife was not really *necatus*: like the victim of Verres he escaped *semivivus* (*Met.* 9.25). A contemporary parallel is at hand, although the context is different. Ammianus Marcellinus, "a source and inspiration of the *HA*",<sup>28</sup>) so describes the dislodging of a Persian force from the caves in the town of Maiozamalcha (24.4.30): the Roman soldiers assembled straw and faggots at the entrance to the caves (*stipulam et sarmenta specuum faucibus aggregerunt*) and ignited them, and then "*fumus angustius penetrans ... quosdam vitalibus obstructis necavit, alios ignium adflatu semustos*"<sup>29</sup>) prodire in perniciem cogit abruptam".<sup>30</sup>)

<sup>25</sup>) The most probable date for the *HA* is the last quinquennium of the fourth century (R. Syme, *Ammianus and the Historia Augusta* [Oxford 1968] 72 ff., esp. 75) although, as Syme cautiously notes, "nobody can disprove a later date". E. Birley, "Fresh Thoughts on the Dating of the Historia Augusta", *Bonner Historia-Augusta-Colloquium 1975/1976* (Antiquitas 4,13, Bonn 1978) 99–105, favors a date in the first half of the fifth century. The last decennium of the fourth century was traditionally accepted as the date of the *Saturnalia*, but Alan Cameron, "The Date and Identity of Macrobius", *JRS* 56 (1966) 25–38, would place, on good grounds, the composition of Macrobius' work in the 430's; Syme, op. cit. 146, opts for a time "about 404".

<sup>26</sup>) Cf. R. Syme, *Ammianus* 199–200.

<sup>27</sup>) For the phrase, cf. *Vulg. Apoc.* 9.18: "occisa est tertia pars hominum de igne et de fumo et sulphure"; Cf. also Val. Max. 9.6. ext. 2: "Hannibal ... Nucerinus ... fumo et vapore balnearum strangulando"; Tac. *Ann.* 14.64.2: "(Octavia) praefervidi balnei vapore enecatur".

<sup>28</sup>) Syme, *Ammianus* 72. But T. Barnes, *The Sources of the Historia Augusta* (Collection Latomus 155, Bruxelles 1968) 108, 125, would severely restrict the influence of Ammianus Marcellinus on the *HA*.

<sup>29</sup>) A very appealing conjecture by Günther (cf. the editions of Rolfe, Seyfarth or Fontaine in app.) recalling *semivivus* of Cicero and Apuleius. Cf. also Chastagnol (above, n. 24) 106 n. 20.



Yet the most vivid illustration to "fumo punitur, qui vendidit fumum" we find in Lukian, *De morte Peregrini*, duly observed by Salmasius in his commentary to *Historia Augusta* (*Avid. Cass.* 4.3), and duly forgotten.

The cynic philosopher Peregrinus resolved to burn himself alive in front of the crowd gathered for the Olympic games. But this will show no real fortitude, says Lukian, for it is a quick death. To pay a fitting penalty for his misdeeds Peregrinus ought to have been thrown long ago into the bull of Phalaris "instead of opening his mouth to the flames only once and expiring in an instant" (*ἀλλὰ μὴ ἄπαξ χανόντα πρὸς τὴν φλόγα ἐν ἀκαρεῖ τεθνάναι*). Lukian explains: "many people tell me that no other form of death is swifter than that by fire; you have only to open your mouth, and die at once" (*οἱ πολλοί μοι λέγουσιν, ὥς οὐδεὶς ὀξύτερος ἄλλος θανάτου τρόπος τοῦ διὰ πυρός· ἀνοιῖσαι γὰρ δεῖν μόνον τὸ στόμα καὶ αὐτίκα τεθνάναι* [*De morte Peregr.* 21]). Lukian continues ironically (*ibid.* 24): "One should strive after the ultimate consummation and culmination and build a pyre of logs, as green as possible, of fig-wood, and be suffocated by the smoke" (*τὸ τέλος δὲ καὶ τὸ κεφάλαιον χρὴ ζηλοῦν καὶ πυρὰν συνθέντα κορμῶν συκίνων ὥς ἐνὶ μάλιστα χλωρῶν*<sup>31</sup>) *ἐναποπιγῆναι*<sup>32</sup>) *τῷ καπνῷ*). This would produce slow fire and slow death, and would allow one to demonstrate his courage.<sup>33</sup>) Furthermore "fire itself belongs not only to Herakles and Asklepios [whom Peregrinus strove to imitate in the mode of his death] but also to perpetrators of sacrilege and to murderers, who can be seen suffering it by judicial verdict".<sup>34</sup>)

<sup>30</sup>) There is in Ammianus an echo of Livy, cf. Liv. 10.1.6: "altero specus eius ore ... invento utraeque fauces congestis lignis accensae. Ita intus fumo ac vapore ad duo milia armatorum, ruentia novissime in ipsas flammas, dum evadere tendunt, absumpta".

<sup>31</sup>) Cf. Cic. *Verr.* 2.1.45: *ignis ex lignis viridibus* (above in the text).

<sup>32</sup>) Cf. Euseb. *Hist. eccl.* 8.12.1 (above, n.24).

<sup>33</sup>) Cf. *De morte Peregr.* 25 where Lukian expatiates on the fortitude of the Brahmins who endure the slow death by burning without even the slightest motion.

<sup>34</sup>) For the execution by burning, see T. Mommsen, *Römisches Strafrecht* (Leipzig 1899) 923, but above all one has to consult that mine of abstruse information, F.J. Dölger's *Antike und Christentum* (1 [1929] 243–253) where he collected a great number of examples for "Die Verkürzung der Qualen durch Einatmung des Rauches". In fact the sources he quotes do not speak of inhaling smoke, but rather of inhaling flames; see esp. Euseb. *De mart. Palaest.* 11.19: *κάκειθεν ἀφαρπάζοντα τῷ στόματι τὴν φλόγα*; Seneca in Lact. *Div. inst.* 6.17.28: "flamma ore

"Therefore more appropriate is the consummation by the smoke, which would be peculiar and belong only to you [i. e. the Cynics]" (*ὥστε ἄμεινον τὸ διὰ τοῦ καπνοῦ ἴδιον*<sup>35</sup>) *γὰρ καὶ ὑμῶν ἂν μόνων γένοιτο*). Or as Salmasius put it elegantly: "ut fumo scilicet perirent, qui fumum per totam vitam venditarent".

Cicero with a touch of Macrobius, Ammianus Marcellinus and Apuleius, of Lukian and the *acta martyrum*, this is the literary ambience of *fumo necare* in the *Historia Augusta*.

## The Language of the Latin Inscriptions of Pompeii and the Question of an Oscan Substratum

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Certain features of the language of the Latin inscriptions of Pompeii which have often been attributed to an Oscan substratum are examined. Similar features in other non-Roman Latinian inscriptions and roughly contemporaneous texts from distant parts of the empire suggest, instead, that the Pompeiian features were inherent in the Latin language.

### *Introduction*

The Latin inscriptions of Pompeii<sup>1</sup>) are an important monument for the study of Vulgar Latin philology in that, unlike most extant texts, they can be dated with some degree of accuracy, viz., before the eruption of Mt. Vesuvius in August of A. D. 79, when the city ceased

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rapienda"; Prudent. *Peristephanon* 1.50: "ore flammam sorbuit"; 3.159-160: "virgo citum cupiens obitum / adpetit et bibit ore rogum". Here also belongs the text of Lukian; Dölger quotes (incompletely) the passage from *De morte Peregr.* 21, but he has missed the crucial argument at 24. We have to distinguish between the slow and excruciating death by asphyxiation, and the painful but quick death by voluntarily inhaling fire.

<sup>35</sup>) For the Cynics this would be *ἴδιος θάνατος* (for the locution, see LSJ s.v., p. 818, 6b; Schulze, *Kleine Schriften* [above, n. 20] 159-160), their own kind of natural death.

<sup>1</sup>) Collected in CIL, vol. 4 and supplements. For a selective collection see Diehl 1930.