

# The Prosecution of M. Plautius Silvanus (pr. 24)

Benjamin W. Hicks

The trial of M. Plautius Silvanus, as recorded by Tacitus at *Ann.* 4.22, has long been a point of confusion within our understanding of Roman legal procedure. The historian records how Silvanus, one of the praetors of AD 24, hurled his wife Apronia headlong and killed her. During the subsequent trial, Silvanus—who appeared mentally deranged when examined by Tiberius—committed suicide at the behest of the imperial household when “jurors had been given” (*datisque iudicibus*).<sup>1</sup> Tacitus’ phrasing is problematic because the idea of jurors being empanelled implies a trial before a *quaestio*, but Tiberius had previously referred the matter to the Senate (*refert ad senatum*).<sup>2</sup> Scholars have generally assumed that this phrasing indicated the creation of a senatorial committee to oversee the case (following the pattern for *repetundae* trials), but as Talbert notes, such a trial by committee for murder would be unique in our knowledge of Roman jurisprudence.<sup>3</sup> One might suspect a trial before the *quaestio de sicariis*, though this would render Tacitus “hopelessly elliptical,” in Weinrib’s words, without positing a good cause for such an omission.<sup>4</sup>

The work of Maggiulli accounts for these difficulties by correctly noting the connection between M. Plautius Silvanus and a passage in Jerome’s Latin expansion of Eusebius’ *Chronicon* that records the trial of a Saevius Plautus on a charge of sexually assaulting his own son. She argues persuasively that the Saevius Plautus cited in this text for the year 24 is actually M. Plautius Silvanus.<sup>5</sup> Since the act of *stuprum* might legitimately fall before the *quaestio de adulteriis*, this insight allows us to posit a venue that was active during the early empire, heard cases of prominent individuals who might otherwise be tried before the Senate, and whose composition agrees with Tacitus’ wording.

The sympathies of Tacitus for the senatorial class could plausibly have influenced him to omit an embarrassing trial on the grounds of incestuous *stuprum*. Further, the close connection of Silvanus and the imperial family gave Tiberius both incentive to intervene initially and to allow a scandalous trial to proceed to the praetorian court rather than the Senate—all while covertly encouraging the suicide of the guilty party. This allows us to situate this prosecution as part of the continued operation of the *quaestio de adulteriis* into the Tiberian period and to explain a textual problem in Tacitus.

*Ann.* 4.22 is quoted below in full:

*Per idem tempus Plautius Silvanus praetor incertis causis Aproniam coniugem in praeceps iecit, tractusque ad Caesarem ab L. Apronio socero turbata mente respondit, tamquam ipse somno gravis atque eo ignarus, et uxor sponte mortem sumpsisset. non cunctanter Tiberius pergit in domum, visit cubiculum, in quo*

---

<sup>1</sup> Tac. *Ann.* 4.22.3.

<sup>2</sup> Ibid. 4.22.2.

<sup>3</sup> R. Talbert, *The Senate of Imperial Rome* (Princeton: Princeton University Press, 1984), 465 n. 56.

<sup>4</sup> J. Weinrib, “The Prosecution of Roman Magistrates,” *Phoenix* 22 (1968): 48 n. 65.

<sup>5</sup> G. Maggilli, “‘Saevius Plautus’ o ‘Plautius Silvanus’?” *GIF* 30 (1978): 73-78.

*reluctantis et impulsae vestigia cernebantur. refert ad senatum, datisque iudicibus Vrgulania Silvani avia pugionem nepoti misit. quod perinde creditum quasi principis monitu ob amicitiam Augustae cum Vrgulania. reus frustra temptato ferro venas praebuit exolvendas. mox Numantina, prior uxor eius, accusata iniecissee carminibus et veneficiis vaecordiam marito, insons iudicatur.*

At the same time, the praetor Plautius Silvanus hurled his wife Apronia headlong for reasons that are unclear, and when he was taken before Caesar by his father-in-law, Lucius Apronius, he responded in a confused frame of mind, as though he had been in a deep sleep and at the time unawares and his wife had taken her own life willingly. Tiberius proceeded to the house without delay and saw the bedroom, in which the traces of her struggle and being pushed forward could be seen. Tiberius referred the matter to the Senate and when jurors had been given, Silvanus' grandmother Urgulania sent a dagger to her grandson, which was believed to be the same as sent by the emperor because of the friendship of Augusta with Urgulania. The accused, having tried the blade to no effect, offered up his veins to be opened. Soon after, Numantia, his former wife, was accused of having attacked his mind with spells and poisons but was found not guilty.<sup>6</sup>

The narrative is quite exceptional, as befits the scandalous nature of the crime. The choice to raise the matter before Tiberius, rather than directly to the Senate, which would have been the appropriate jurisdiction, is perhaps not usual but neither is it irregular.<sup>7</sup> Tiberius' *imperium maius* gave him authority to oversee the matter, but perhaps more to the point, Silvanus was connected to the imperial household through his grandmother Urgulania, the mother of Plautia Urgulanilla (the first wife of Claudius), thus making Tiberius an even more relevant actor and perhaps explaining his immediate and personal involvement.<sup>8</sup>

The following procedural points of the case are less clear. That charges of major consequence against magistrates could be put before either the Senate or a senatorial panel (for which some variation of *iudices dari* was the usual phrasing) is a well established point of Roman jurisprudence under the imperial system.<sup>9</sup> Precisely what charges were liable

---

<sup>6</sup> All translations are my own.

<sup>7</sup> On the general outlines of the senatorial prosecution of magistrates under the Julio-Claudians, see Weinrib, "Prosecution of Roman Magistrates," 48-51. As a rule, the authority of the Senate rested on the *imperium* of the consul with the Senate acting as a *consilium*. Weinrib is generally skeptical of the idea of a trial before a *quaestio* subsequent to a senatorial hearing, but the evidence of Murena's case seems to allow for the possibility.

<sup>8</sup> Tiberius' authority to oversee the matter and to refer it to the Senate would have hinged on the principle of *par maiorve potestas* (cf. Cic. *Leg.* 3.3.6) in light of his *imperium maius*. Urgulania's position is well known (Tac. *Ann.* 2.34; 4.21), though reconstructing the family tree of the *gens Plautia* during this time period is difficult at best. The interpretation of an inscription from Ciciliano in Lazio (AE 1972.162) adds further confusion to the problems behind this. For a description of the state of scholarship and an attempt to revise our understanding of the *gens Plautia*, see U. Vogel-Weidemann, "M. Plautius M.F.M.N., praetor AD 24: a note on inscription AE 1972, 162," *AClass* 19 (1976), 135-38. The classic work on the *Plautii Silvani* is still that of L. Taylor, "Trebula Suffenas and the Plautii Silvani," *MAAR* 24 (1956): 7-30.

<sup>9</sup> On the phrasing, see for example, Plin. *Ep.* 2.11.2; 4.9.16 and Tac. *Ann.* 2.79.2; 3.12.10. See also OLD, s.v. "do" 13a.

before the Senate, how the cases were to be conducted, and the authority of the Senate to depart from fixed law in those cases are nevertheless all points of scholarly contention, at least partially because of a paucity of evidence.<sup>10</sup> In addition to imposing punishment, the Senate could also compel a magistrate to resign his office and face a *quaestio*, as it did in the case of Murena, the consul of 23 BC. He was accused of treason and subsequently put on trial *in absentia* before a *quaestio* in 19 BC, as both Suetonius and Cassius Dio attest explicitly.<sup>11</sup>

Absent a reason for omitting a subsequent trial before a *quaestio*, Tacitus' wording has inspired several scholars to conclude that a panel may have been created to address the circumstances of the case or even Silvanus' mental state.<sup>12</sup> This assumption is not unreasonable, but it is also without any notable parallels. G. Maggiulli's work provides for a way forward in the case of Plautius Silvanus by associating him with an entry in Jerome's Latin translation and expansion of Eusebius' *Chronicon*.<sup>13</sup> As part of the entry for the year 24 we find a figure named Saeivius Plautus, who was accused of sexually abusing his son and killed himself during the subsequent trial: *Saeivius Plautus corrupti filii reus semet in iudicio interficit*. ("Saeivius Plautus was accused of seducing his own son and killed himself during the trial.")<sup>14</sup> Reifferscheid—who includes this portion of Jerome in the fragments of Suetonius—tries to argue after Mommsen that this note was drawn from the biographer's life of the orator Quintus Haterius, who died in AD 26.<sup>15</sup> It should be noted that the use of *corruptere* here is almost certainly sexual as can be seen from comparable use of the word both in Jerome and Suetonius (the two most likely sources of vocabulary for the phrase).<sup>16</sup> Maggiulli posits two major problems with placing this line in the biography of Haterius, though she does still place it within the fragments of Suetonius. First, no extant ancient source which records Haterius' era notes the incident, and second, the name Saeivius (or Seivius, as in other manuscripts) was not employed by the *gens Sevia*.<sup>17</sup> Nor if we presume it a praenomen such as Sextus or Servius do we find an appropriate figure in the *gens Plautia* to tie the incident to the biography of Haterius.

---

<sup>10</sup> See Talbert, *Senate of Imperial Rome*, 464–65 for discussion of the difficulties in determining the Senate's jurisdiction, particularly with reference to *repetundae* cases.

<sup>11</sup> Suet. *Tib.* 8, also Dio 54.3.6.

<sup>12</sup> Weinrib, "Prosecution of Roman Magistrates," 48 n. 65; Talbert, *Senate of Imperial Rome*, 465 n. 56; O. Robinson, *The Criminal Law of Ancient Rome* (Baltimore: John Hopkins, 1995), 41; H. Furneaux, ed., *P. Cornelii Taciti Annalium ab excessu Divi Augusti libri: the Annals of Tacitus*, vol. 1, 2nd ed., (Oxford 1896), 472 allows for both possibilities.

<sup>13</sup> For texts, see J. Fotheringham, ed., *Eusebii Pamphili Chronici canones* (London: Humphrey Milford, 1923); R. Helm, ed., *Eusebius Werke 7: Die Chronik des Hieronymus*, 3<sup>rd</sup> ed. (Berlin: Akademie-Verlag, 1984), both hereafter referenced simply as "Helm" or "Fotheringham" with page number.

<sup>14</sup> Helm 172 = Fotheringham 249.

<sup>15</sup> A. Reifferscheid, ed., *C. Svetoni Tranquilli praeter Caesarum libros reliquiae*, (Leipzig: Teubner, 1860), 85–86. On the textual tradition of the *Chronicon* and its main component, the *Canones*, which Jerome used as the basis of his Latin expansion, see especially A. Mosshammer, *The Chronicle of Eusebius and Greek Chronographic Tradition* (Lewisburg, PA: Bucknell University Press, 1979), 29–83.

<sup>16</sup> Suet. *Iul.* 50.1; *Oth.* 3; *Dom.* 22. See too Jer. = Hieron. *Epist.* 117.3.

<sup>17</sup> Maggiulli, "Saeivius Plautus," 73.

Maggiulli argues instead that we should see the Plautius Silvanus of *Ann.* 4.22 and this Saeivius Plautus as the same person. The manuscripts of the *Chronicon* do reveal a tendency to make the sort of orthographic mistakes that would produce *Saeivius* from *Silvanus* and cause a consequent change from the nomen *Plautius* to the cognomen *Plautus*.<sup>18</sup> After the easy copyist error of writing *Silvanus Plautius* for *Plautius Silvanus*—a common enough anastrophe when a Roman name was written without a praenomen as Maggiulli notes—an emendator might readily correct the gentilic *Plautius* to the cognomen *Plautus*. The transition of *Silvanus* to *Saeivius* would have required a few more mistakes that are common in the manuscripts of Jerome's translation. The first is a confusion of the letters "i" and "a" as with one instance of *Silvius* and *Salvius*.<sup>19</sup> Another example of this is the confusion of *Liberius/Laberius*. The second can be seen at the same location, where manuscript M also drops the "l" producing *Savius*.<sup>20</sup> The third confusion is that of the "i" and "e" which appears in codices O, A, P, N, L, and M, such as in *Vitriacum/Betriacum*, *Sileciuam/Seleuciam*, or even *Philipos/Faenippo*.<sup>21</sup> The route then would be from *Silv-* with the omission of the "l" and confusion of "i" and "e" into "ae/e" in *Saeivius*.

These sorts of onomastic mistakes were not unheard of even among the Roman elite, who as Syme noted, did not have constant recourse to modern indices of ancient names and their spellings.<sup>22</sup> Even an author as connected to the Roman elite as Tacitus confused names—for example muddling the Lucanii and the Latinii or employing variant spellings of Trebellenus.<sup>23</sup> Manuscript errors with names are also both notoriously hard to come to grips with—since what looks like an apparent error can indeed be entirely correct. For example, *Bittius Proculus* is almost certainly the appropriate reading at Pliny *Ep.* 2.2.9 rather than *Vettius Proculus*.<sup>24</sup>

Indeed, the striking variation and opportunities for social construction within the supposedly rigid system of *nomina* make manuscript corrections both necessary and difficult.<sup>25</sup> There is also the problem, perhaps best seen in the *Historia Augusta*, of deliberately erroneous names—either from fancy or from ignorance of the correct name—that can be introduced into ancient sources, including plausible sounding names that are corruptions of known gentilics (*Memmia* rather than *Mummia*, for example). In this case, confusions could have been introduced by Jerome, by his sources and their copyists, or by copyists of the *Chronicon*'s manuscripts. The entry recounting the incident with Saeivius Plautus does not appear in the Syriac translation of the *Chronicon* and Helm noted it as a

---

<sup>18</sup> Ibid., 78.

<sup>19</sup> Helm 200.

<sup>20</sup> Helm 157.

<sup>21</sup> Helm 186, 197, 100 respectively. Maggiulli, "Saeivius Plautus," 78 gives further examples.

<sup>22</sup> R. Syme, "Names in *Annals* I-VI," *JRS* 39 (1949): 6.

<sup>23</sup> Ibid., 6-7, 16.

<sup>24</sup> Syme, "People in Pliny," *JRS* 58 (1968): 137.

<sup>25</sup> For a comprehensive study of Roman naming practices see B. Salway, "What's in a Name? A Survey of Roman Onomastic Practice from c. 700 B.C. to A.D. 700," *JRS* 84 (1994): 124-45.

likely addition.<sup>26</sup> All of this makes it quite plausible that such a manuscript error could occur and the possibility that the Saeivius Plautus of Jerome's Latin translation and Plautius Silvanus are one in the same.

Maggiulli reinforces her argument by citing traces of Silvanus' crimes in Suetonius' life of Claudius. Silvanus' sister, Urgulanilla, was married to Claudius at the time, and we find him divorcing her "for the disgrace caused by her lusts and suspicion of murder" (*ob libidinum probra et homicidii suscipionem*).<sup>27</sup> This charge, Maggiulli argues, is a deflection of the crime of the brother onto his sister.<sup>28</sup> Tacitus' vague use of *incertis causis* at 4.22 seems to indicate a similar desire to suppress information "damning" to a fellow senator.<sup>29</sup> Maggiulli goes further to speculate that the discovery of his *stuprum* might well have prompted Silvanus to murder Apronia. That Suetonius might deflect a crime has some plausibility, if not certainty, but the latter assertion is an overreach on Maggiulli's part, since there is nothing to suggest Silvanus was found *in flagrante* with his son nor does the *Chronicon* provide any further details about Saeivius Plautus. Nevertheless, her philological work connecting Saeivius Plautus and Plautius Silvanus is quite compelling. It certainly provides an embarrassing reason for Tacitus' circumspection and helps to explain the actions of the imperial family as distant relatives of Silvanus. The charge now would fall under the category of *stuprum* and therefore be prosecutable before the *quaestio de adulteriis*, an alternative that scholars have not previously explored.<sup>30</sup> If we can reconstruct such a scenario, then it would reinforce Maggiulli's identification of Saeivius Plautus and Plautius Silvanus and explain a confusing scenario in Tacitus.

While there is some scholarship to suggest that this *quaestio* might not have been competent under the *lex Iulia de adulteriis coercendis* to adjudicate a charge of *stuprum cum masculo* (or *stuprum* broadly), our sources generally support Robinson's contention that the *quaestio* became a clearing house for sexual offenses.<sup>31</sup> Although the Republican *lex Scantinia* may still have been controlling in cases involving the sexual violation of freeborn males given its use in a prosecution at least as late as Domitian, this would not have prevented a hearing on such a charge before the *quaestio de adulteriis*.<sup>32</sup> Indeed, later jurists

---

<sup>26</sup> On the problems of the *HA* in particular, see R. Syme, *Emperors and Biography: Studies in the Historia Augusta* (Oxford: Clarendon, 1971), 1-16. On the corruption of names and the example of *Memmia* in place of *Mummia*, see p. 8-11. For Jerome's practice, see particularly Mosshammer, *Chronicle of Eusebius*, 67-73.

<sup>27</sup> Suet. *Clau.* 26.2.

<sup>28</sup> Maggiulli, "'Saeivius Plautus,'" 77.

<sup>29</sup> *Ibid.*, 76.

<sup>30</sup> The other likely category of legal offense that we might posit for this crime would be incest (*incestum*). The body of law surrounding *incestum*, however, primarily focused on concerns relating to marriage. An act of rape that was also incest constituted *stuprum* generally (see Robinson, *Criminal Law*, 54-55 on these topics specifically).

<sup>31</sup> Robinson, *Criminal Law*, 58-69.

<sup>32</sup> On the applicability of the *lex Scantinia*, see E. Fantham, "Stuprum: Public Attitudes and Penalties for Sexual Offences in Republican Rome," *Echos du monde classique = Classical Views* n.s. 10 (1991): 285-91. For prosecutions under the *lex* during the reign of Domitian, see Suet. *Dom.* 8.3; Juv. 2.36-48.

generally grant a broad competency to the *quaestio*. Papinian (*Dig.* 48.5.6.1, 48.5.9), Ulpian (*Dig.* 48.5.13), and Paulus (*Dig.* 48.5.9) all note that the *lex Iulia* conflated *stuprum* and *adulterium* freely. These citations support a broad reading of the *quaestio*'s powers, even if we regard, as does Cantarella, the later citation to the *lex Iulia* punishing homosexual *stuprum* at *Institutes* 4.18.4 as a retrojection.<sup>33</sup> This *quaestio* also employed a panel of *iudices*, making Tacitus' choice of phrase (*datisque iudicibus*) quite accurate if it were the venue for Silvanus' trial.<sup>34</sup>

The *quaestio de adulteriis* was also one of the most long lasting and active *quaestiones*—and did hear cases involving individuals of high status under the Julio-Claudian emperors.<sup>35</sup> Given the embarrassment of the charges in this case—murder and forcible incest against his own son—a trial before either a senatorial committee or the Senate as a whole would have been a clear embarrassment to the imperial family. One might expect the use in such a situation of a *cognitio* before the emperor's *consilium* to render some sort of judgment, as Augustus employed with his own household's sexual misdeeds.<sup>36</sup> Tiberius, however, seems to have been fiercely legalistic in his application of the law, even when it interfered with his own best interests. His desire to examine the murder of Agrippa Postumus before the Senate despite the possibility of exposing Livia's or his own intrigues openly was an example of such behavior.<sup>37</sup> Indeed, his supposedly “sinister” comment that the “the laws must be carried out” (*leges exercendas esse*) in relation to *maiestas* trials is a fair assessment of Tiberius' entire reign, which included a cautious consultation of the Senate on most matters and a tendency

---

<sup>33</sup> E. Cantarella, *Secondo natura: la bisessualità nel mondo antico*, 2nd ed., (Rome: 1992), 184-186. Cf. T. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (New York: Oxford, 1998), 140-41; Robinson, *Criminal Law*, 70-71.

<sup>34</sup> On the composition of the *quaestio*, see Schol. ad Hor. *Sat.* 2.7.61; Ulp. *Dig.* 48.5.28.

<sup>35</sup> For individuals of senatorial rank tried by the *quaestio*, see for example, Tac. *Ann.* 2.50, 3.38. Dio 54.30.4. The number of trials before the Senate recorded in our sources is considerably greater: Suet. *Aug.* 5. Tac. *Ann.* 2.85; 3.22-3; 4.42; 6.48. As Talbert (*Senate of Imperial Rome*, 466-67) notes, we cannot argue from silence that the *quaestio* did not hear cases of senatorial and upper-class defendants, though the Senate does seem the more common venue (cf. Robinson, *Criminal Law*, 58-59). The *quaestio* may have existed up through the Severan period. Dio (76.16.4) notes several trials before the *quaestio* in his own consularship (AD 229), though P. Garnsey, “Adultery Trials and the Survival of the Quaestiones in the Severan Age,” *JRS* 57 (1967): 55-60 is generally skeptical of Dio's claims and argues against a particularly late date for the continued use of the *quaestio*. See too R. Bauman, “Some Remarks on the Structure and Survival of the *Quaestio de Adulteriis*,” *Antichthon* 2 (1968), 68-93.

<sup>36</sup> On the transition of criminal procedure from the courts to the *cognitio* / senatorial jurisdiction under the empire, see Robinson, *Criminal Law*, 6-14 and also R. Bauman, *Crime and Punishment in Ancient Rome* (New York: Routledge, 1996), 50-64. For Augustus' treatment of sexual offenses in the imperial family, see Vel. 2.100.3-5; Seneca, *De Clem.* 1.10.3; Tac. *Ann.* 3.24; Suet. *Aug.* 65; Dio 55.10.12-16. Ovid's punishment also seems not to have been premised on a trial before the Senate or a *quaestio* (*Tristia* 2.131-2).

<sup>37</sup> Tac. *Ann.* 1.6. Although one can readily grant that the conversation here between Sallustius Crispus and Livia is fictive, it certainly highlights an understanding of the secretive nature of the imperial household that rang true to Tacitus, who as a successful member of the senatorial order had some sense of the realities of imperial governance.



to give the appearance of legal propriety, even when this might have been poor statesmanship.<sup>38</sup>

Tiberius had employed a senatorial trial in the case of Germanicus' death, but given a perhaps understandable desire not to expose Silvanus' particularly embarrassing case to the prominent scrutiny of the Senate, remanding it to a *quaestio* after an initial senatorial review for the sake of propriety seems not unreasonable or contrary to any constitutional principle.<sup>39</sup> If a case could move from a *quaestio* to the Senate as did a *falsum* case in AD 61, the reverse ought also to be true, particularly in light of the senate's function as a law-making body and the evidence that Murena's trial followed just such a procedure.<sup>40</sup> As noted before, the *quaestio de adulteriis* also saw the prosecution of several prominent individuals under Tiberius, so the tendency—if it existed at all—for the upper class to face senatorial rather than strictly judicial scrutiny did not bar Silvanus' prosecution before the jury courts.<sup>41</sup>

There is also at least one instance of a member of the Senate being tried before the jury courts on a charge of adultery, that of Antistius Vetus. Garnsey and Rogers both cite it explicitly as an example confirming the existence and activity of the *quaestio de adulteriis* under Tiberius.<sup>42</sup> The example is especially compelling in our case, since the charge of adultery paralleled a second *maiestas* charge that was heard before the Senate. As Tacitus relates:

*Caesar Antistium Veterem e primoribus Macedoniae, absolutum adulterii, increpitis iudicibus ad dicendam maiestatis causam retraxit, ut turbidum et Rhescuporidis consiliis permixtum, qua tempestate Cotye [fratre] interfecto bellum adversus nos volverat. igitur aqua et igni interdictum reo, adpositumque ut teneretur insula neque Macedoniae neque Thraeciae opportuna.*

Caesar recalled Antistius Vetus, who was among the foremost men of Macedonia, to answer on a charge of treason after he had been found innocent of adultery and also rebuked the judges. Vetus was charged with sedition and involvement with the plans of Rhescuporis, who at that time had begun a war against us after his brother Cotys had been killed. Therefore the accused was barred from fire

---

<sup>38</sup> See Tac. *Ann.* 1.72 in regards to the execution of the laws. As for cases where Tiberius consulted the Senate in a manner that was politically inexpedient or where he felt compelled to ignore its judgments, cf. his accession (Dio 57.2.4-7; Suet. *Tib.* 24; Tac. *Ann.* 1.12-13), the question of the title of *pater patriae* and an oath of obedience to his *acta* (Tac. *Ann.* 1.72), and his handling of a proposal to hold elections five years prior to magistrates taking office (Tac. *Ann.* 2.36).

<sup>39</sup> Tac. *Ann.* 3.12.

<sup>40</sup> Ibid. 14.40-41.

<sup>41</sup> See Talbert, *Senate of Imperial Rome*, 466-70 and also Robinson, *Criminal Law*, 6-9. Talbert takes a broader view of whose cases the Senate typically heard, noting that lower and higher status offenders both appeared before the Senate. Robinson reiterates the more traditional assumption that the Senate primarily dealt with its own membership.

<sup>42</sup> Garnsey, "Adultery Trials," 59; R. Rogers, *Criminal Trials and Criminal Legislation under Tiberius* (Middletown, CT: American Philological Association, 1935), 61-62.

and war, and it was further sentenced that he be held on an island that was convenient neither to Macedonia nor to Thrace.

This scenario, as Tacitus relates it, has strong parallels to the case of Silvanus. The Senate could have heard Vetus' case immediately on either charge presuming the most likely case that he was indeed a Roman from among the Antistii Veteres, who had been admitted among the consular class as early as Julius Caesar.<sup>43</sup> Nevertheless, the charge of *adulterium* fell first to a *quaestio*, and then moved to the Senate only after an acquittal on the initial charge. Seager has taken this behavior as an attempt on Tiberius' part to avoid bringing a much more damaging charge forward to a senatorial hearing.<sup>44</sup> Although the posited situation with Silvanus was more confused, with the matter potentially going first to the Senate and then being referred to a *quaestio* that might have heard one of the charges, it nevertheless is an intriguing parallel use of a charge before a *quaestio* to quash a more embarrassing senatorial hearing.

The actions of the princeps in the case of Silvanus make sense in terms of attempting to downplay a situation that had potential to be embarrassing. They also reflect the legalism that Tiberius had displayed in other delicate matters. In this case, much as with the murder of Agrippa Postumus, the primary actors in resolving an inconvenient situation were women connected with the imperial household, namely Urgulania and Livia. The former sent a dagger, which Plautius Silvanus took as a sign from the emperor to commit suicide. Therefore, the entire conduct of the case employed all the appropriate steps publicly, but the imperial household avoided the embarrassment of a trial that would be scandalous even if relegated to the praetorian courts for the sake of form. Indeed, we can also see a distancing from the scandal in Claudius' divorce of Urgulanilla and the beginning of Urgulania's fall within the imperial court after the events of AD 24.<sup>45</sup>

While there can be no absolute certainty in a case where there are so few relevant ancient sources extant, the hypothesis that M. Plautius Silvanus committed a double crime of both murder and incest makes for a compelling explanation of Tacitus' account. It conforms to what we know of senatorial procedure and criminal jurisprudence under Tiberius, as well as the functioning of the *quaestiones* during the early Principate, including the not infrequent use of the *quaestio de adulteriis* during Tiberius' reign. Likewise, Tacitus—perhaps out of sympathy for a fellow member of the senatorial class—attempted to brush over the event in his account of the year 24. Although this argument can be made too strongly—certainly Tacitus was willing to acknowledge every charge against the senator Piso except the death of Germanicus, such a tendency might nevertheless have been at work in the case of Plautius

---

<sup>43</sup> There is considerable difficulty in placing this Antistius Vetus among the other better attested Antistii Veteres, since he could neither be the suffect consul of 30 (*RE* 47) nor any of his descendants whose careers flourished under Augustus (*RE* 48) and Tiberius (*RE* 49, 52).

<sup>44</sup> R. Seager, *Tiberius* (Berkeley: University of California Press, 1972), 158.

<sup>45</sup> Urgulania is never mentioned again in the *Annales*; see Suet. *Clau.* 26-27 regarding Urgulanilla's connections to the imperial household. Her marriage to Claudius was presumably a political liability after the events of 24.



Silvanus.<sup>46</sup> A downplaying of the situation would therefore have produced the confusion over process at *Ann.* 4.22. It also provides some backing for Maggiulli's philological work on the identification of the Saeivius Plautus mentioned in the *Chronicon*. This explanation requires us to posit no novel use of senatorial commissions under Tiberius and provides a coherent narrative for the trial of M. Plautius Silvanus that fits the best available evidence.\*

BENJAMIN W. HICKS  
UNIVERSITY OF ALABAMA

---

<sup>46</sup> On Piso's guilt, see Tac. *Ann.* 3.14. The historian singles out only the charge of poisoning Germanicus as being unsustainable and says that the defense "was unable to deny" (*neque . . . infitiri poterat*) anything else.

\* The author would like to thank the anonymous reader whose criticisms helped shape the final form of this article, as well as the scholars who have given comment on various iterations of this work since its inception as a presentation to the *American Philological Association* Annual Meeting in 2010, especially Profs. Serena Connolly, T. Corey Brennan, and Gary Farney.

## Bibliography

- Bauman, R. *Crime and Punishment in Ancient Rome*. New York: Routledge, 1996.
- . “Some Remarks on the Structure and Survival of the *Quaestio de Adulteriis*.” *Antichthon* 2 (1968): 68-93.
- Cantarella, E. *Secondo natura: la bisessualità nel mondo antico*. 2nd ed. Rome: Editori Riuniti, 1992.
- Fantham, E. “*Stuprum*: Public Attitudes and Penalties for Sexual Offences in Republican Rome.” *Echos du monde classique/Classical Views*, n.s. 10 (1991): 267-91.
- Fotheringham, J., ed. *Eusebii Pamphili Chronici canones*. London: Humphrey Milford, 1923.
- Furneaux, H., ed. *P. Cornelii Taciti Annalium ab excessu Divi Augusti libri: the Annals of Tacitus*. Vol. 1. 2nd ed. Oxford: 1896.
- Garnsey, P. “Adultery Trials and the Survival of the Quaestiones in the Severan Age.” *JRS* 57 (1967): 55-60.
- Helm, R., ed. *Eusebius Werke 7: Die Chronik des Hieronymus*. 3rd ed. Vol. 47, Die griechischen christlichen Schriftsteller der ersten Jahrhunderte. Berlin: Akademie-Verlag, 1984.
- Maggiulli, G. “‘Saevius Plautus’ o ‘Plautius Silvanus’?” *Giornale italiano di filologia* 30 (1978): 73-78.
- McGinn, T. *Prostitution, Sexuality, and the Law in Ancient Rome*. New York: Oxford University Press, 1998.
- Mosshammer, A. *The Chronicle of Eusebius and Greek Chronographic Tradition*. Lewisburg, PA: Bucknell University Press, 1979.
- Reifferscheid, A., ed. *C. Svetoni Tranquilli praeter Caesarum libros reliquiae*. Leipzig: B.G. Teubner, 1860.
- Robinson, O. *The Criminal Law of Ancient Rome*. Baltimore: John Hopkins, 1995.
- Rogers, R.S. *Criminal Trials and Criminal Legislation under Tiberius*. Middletown, CT: American Philological Association, 1935.
- Salway, B. “What’s in a Name? A Survey of Roman Onomastic Practice from c. 700 B.C. to A.D. 700.” *JRS* 84 (1994): 124-45.
- Seager, R. *Tiberius*. Berkeley: University of California Press, 1972.
- Syme, R. *Emperors and Biography: Studies in the Historia Augusta*. Oxford: Clarendon, 1971.
- . “Names in *Annals* I-VI.” *JRS* 39 (1949): 6-18.
- . “People in Pliny.” *JRS* 58 (1968): 135-51.
- Talbert, R.J.A. *The Senate of Imperial Rome*. Princeton: Princeton University Press, 1984.
- Taylor, L. “Trebula Suffenas and the Plautii Silvanii.” *MAAR* 24 (1956): 7-30.
- Vogel-Weidemann, U. “M. Plautius M.F.M.N., praetor AD 24: a note on inscription AE 1972, 162.” *AClass* 19 (1976): 135-38.
- Weinrib, E. “The Prosecution of Roman Magistrates.” *Phoenix* 22 (1968): 32-56.