Horace and *Onomasti Komodein*: The Law of Satire

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Introduction

In relating an anecdote about the hypocrisy of a wealthy matron he knew, St. Jerome at one point defensively interjected, "I shall not name names, lest you suppose what I am writing is satire" (*Nomina taceo, ne satyram putes*). Something of a satirist himself, and familiar at first hand with the works of Lucilius, Horace, Persius, and Juvenal, Jerome was quite aware that *nominatim* attack was "an essential characteristic of satire" as it had been developed by the Romans.[1] The

[1] A. H. WESTON, Latin Satirical Writing Subsequent to Juvenal (Lancaster, Pa., 1915), 99, note 56, in his discussion of this passage from Jerome (Epist. 22.32). D. S. WIESEN, St. Jerome as a Satirist, Corn. Studs. Class. Phil., 34 (Ithaca, N.Y., 1964), 248, wrongly challenged WESTON's interpretation of Jerome's meaning as "unacceptable, for it implies that Jerome was unaware that the pagan satirists, including Horace and Juvenal, had never used the actual names of the living persons they attacked." Juvenal rarely abused the living by name, it is true, but he often gave the impression of doing so; and Horace, following in the Lucilian tradition in his earliest satires, did on occasion indulge in *nominatim* attacks on contemporaries, an aspect of his work to be reviewed in the present study. St. Jerome himself continued the tradition of *onomasti komodein*, in one of his letters explicitly identifying himself with the four major Roman verse satirists (Epist. 50.5): *Possum remordere, si velim, possum genuinum laesus infigere* (cf. Pers. 1.115, on Lucilius); *et nos didicimus litterulas: et nos saepe manum ferulae subtraximus* (Juv. 1.15); *de nobis quoque dici potest "Faenum habet in cornu, longe fuge"* (Hor. Serm. 1.4.34, in a passage on the dangers of abusive satire, to be discussed below). For satire and personal invective in Jerome, see WIESEN, vii–viii, 1–19, and passim; WESTON, 82–100; and M. E. PENCE, Satire in St. Jerome, CJ, 36 (1941), 322–336, esp. 328–331: according to PENCE (331), twenty per cent of all the literary quotations in Jerome's 'Epistles' are from the Roman satirists, including Petronius and Martial. The use of names, real, fictitious, and traditional, was of

onomasti komodein of Greek iambic and Old Comedy had exercised a natural influence on Lucilius, who must have had an acquaintance also with native Italian satiric forms. The little we know of such pre- and paraliterary productions as dramatic *satura*, fescennine verse, and the *carmina triumphalia* suggests that lampooning was from the earliest times an aspect of what Horace characterized as "the Italian vinegar wit" (*Italum acetum*). Cicero's description of Rome as *tam maledica civitas* carries an implication similar to Horace's, that personally abusive language was in fact a national attribute.[2]

While it may have been especially pronounced among the Italians, however, the impulse to personal abuse, visible in European literature as early as the Homeric poems, is to be regarded as instinctive, an act of aggression short of physical assault. And naming is a nearly indispensable element of the attack, which in primitive thought is often felt to contain even magical force. "The name is the man," R. C. ELLIOT has written of the incantatory quality of certain manifestations of invective, "and when it is entrapped in the mysterious bonds of magical verse, the man himself is entrapped."[3]

course carried on even after Jerome, in the satirical writings of Claudian and others; in the S. Paulini epigramma (5th cent.) names drawn from Horace, Persius, Juvenal, and other classical sources are employed: see WESTON, 117–118, 121–124, and (on the Juvenalian satirist Lucillus) 135.

In the present study, which involves in large part a reexamination of Horace's three literary satires with particular regard to their place in, and contribution to, the tradition of *onomasti komodein*, it will be apparent that I am considerably indebted to the following works, cited hereafter by author's name only: E. FRAENKEL, Horace (Oxford, 1957), esp. 124–135, 145–153; C. O. BRINK, Horace on Poetry: Prolegomena to the Literary Epistles (Cambridge, 1963), esp. 156–177; N. RUDD, The Satires of Horace (Cambridge, 1966), esp. 86–159; and C.A. VAN ROOY, Studies in Classical Satire and Related Literary Theory (Leiden, 1966). Versions of this paper were read, by invitation, at the Kentucky Foreign Language Conference, April, 1978, and the Locus Classicus, The Ohio State University, March, 1980.

[2] The Horace passage itself (Serm. 1.7.32–35) involves some light-hearted personal abuse and name-play; see G. BERNARDI PERINI, Aceto italico e poesia luciliana: Hor. sat. 1,7, in: Scritti in onore di C. Diano (Bologna, 1975), 1–24. Cicero's remark (Pro Cael. 38) is conflated with Juv. 1.30 in Jerome Epist. 127.3.1 (*difficile est in maledica civitate . . . non aliquam sinistri rumoris fabulam trahere*); cf. J. F. GILLIAM, The Pro Caelio in St. Jerome's Letters, Harv. Theol. Rev., 46 (1953), 103–107, esp. p. 106. For the lampooning of generals during their triumphs, see, e.g., Dion. Hal. 7.72.11 (citing Fabius Pictor), who claims the practice to be native; on personal abuse in the fescennines, see the passages from Hor. Epist. 2.1 and Macrobius discussed below. In two early but important articles B. L. ULLMAN stressed the significance of native Italian influences on the nascent literary genre, in which he noted that "the use of names is a fundamental feature": Horace on the Nature of Satire, TAPhA, 48 (1917), 111–132, esp. p. 131; Dramatic Satura, CPh, 9 (1914), 1–23. On the dramatic *satura*, see note 51 below.

[3] The Power of Satire: Magic, Ritual, Art (Princeton, 1960), 39; ELLIOT (125–128) mentions as evidence of the belief in naming-magic in Horace's day the first century "curse tablets," which rely for their efficacy on the manipulation of the name," and compares Ovid's "literary curse," the 'Ibis', in which the victim remains anonymous but is threatened with the dreadful exposure of his name; see further his discussion (130–135) of the encounter of Odysseus with Thersites, the archetypal railer who ridicules and is ridiculed in Iliad 2.

This innate human propensity for naming invective accounts in large part for the pervasiveness of *onomasti komodein* in Roman satire from Lucilius onward. To be sure, Lucilius' work retained and even elaborated upon the variety of Ennius' four books, was often general and impersonal in its tenor, and autobiographical, literary, and linguistic, as well as social, moral, and philosophical in its topics; the poet's mood was not infrequently light and unemotional, and he often delighted in sheer entertainment, in story-telling and humor sometimes far removed from the coarse or abusive. Nonetheless, living in an age of factionalism, and himself the close affiliate of a powerful establishment family, Lucilius did from time to time criticize individuals by name. That he should have done so is as easily understood as the mere fact that he wrote satirically: the same increasingly desperate conditions of political corruption, socio-economic instability, and party infighting that produced the Gracchi altogether naturally brought forth Lucilian satire, a literary form distinguished, like the times, by inquiry and revelation, criticism and revolt. And, too, *nominatim* attack was just one entirely appropriate aspect of the broadly personal character of Lucilius' poetry: the poet who will reveal himself will likewise reveal others, friend and foe, in the course of his "playful conversations" (*ludus ac sermones*: 1039 W.). Ennius' sometimes confessional, sometimes censorious 'Saturae' had given birth to the genre, but it was his successor's adaptation of *onomasti komodein* to his own highly revelatory 'Miscellanies' that lent the sense of immediacy, relevance, even boldness which later generations would regard as the form's essential ingredient.[4] Literary critics and theoreticians, embracing the doctrine of kinds, came to expect of verse satire a certain conformity to the "law of the genre," which meant for them (as it would for St. Jerome) a generous measure of Lucilian *libertas*.

Increasingly, however, political realities weighed against such expectations. The senate had long since legislated against absolute freedom of speech, so that only a unique set of personal and political circumstances afforded Lucilius the opportunity to indulge as freely as he did in naming attacks on contemporaries. By the tumultuous decade of the 30s, when the youthful Horace was at work on his 'Sermones', an inevitable tension had developed out of the conflicting demands of the law of the genre and the law of the state and its leadership. This tension may be readily perceived in Horace's literary, programmatic satires (1.4, 1.10, 2.1), with their equivocating and shifts of emphasis, in the altered, less polemical quality of his later 'Sermones', and in his ultimate abandonment of the genre not long after Actium. The 'Sermones' are very much a product of the transition to principate, and therein lies their special interest for the present work.

An accomodation at once to the will of the princeps, to the civil law, and to the law of the genre was a principal concern of Horace, Persius, and Juvenal in their program poems precisely because naming attack, with all its dangers, seemed to them the quintessential feature of their Lucilian archetype. Each poet was faced with a like dilemma: to attack with Lucilian ferocity and name names, or, more

[4] Cf. U. Knoche, Roman Satire, 3rd ed., trans. E. S. Ramage (Bloomington, 1975), 32–33, 49–51; and see below, sect. II, p. 1810. Citations of Lucilius follow the numbering of E. H. Warmington, ed., Remains of Old Latin, III: Lucilius (Cambridge, Mass., 1967).

complaisantly, more safely, to "tell the truth with a smile," as Horace himself put it (*ridentem dicere verum*: Sermones 1.1.24), and (with Martial) to "spare the person and condemn only the vice" (*parcere personis, dicere de vitiis*: 10.33.10). The choice would be made no easier by the fact that the times that most demanded a Lucilius would least tolerate one.

Writing during the reign of Nero, Persius so departed from the Lucilian manner in his satires than van Rooy even questions whether they "truly belong to the genre 'satura'."[5] Persius did name names, but less frequently than even Horace in his second book, which served the Neronian as an important model. Persius did defend the tradition of *onomasti komodein* as Horace had done, but he denied the possibility of claiming Lucilian *libertas* as a right, and sharply restricted his own use of *nominatim* attack.

Juvenal's program and practices represent in part a reaction against both Persius and Horace, a "Return to Invective," as Fredericks has termed the Juvenalian stance.[6] Personal names, though generally drawn from the past, occur more frequently in Juvenal than in either of these two most immediate predecessors; the naming references are more often satirical; and the satirical references are more often political. At one point or another Juvenal condemned nearly every emperor from Augustus through Domitian. While he did not criticize by name either Trajan or Hadrian, the two emperors under whom he wrote, neither did he praise them (the pessimism of Satire One does not reflect well upon Trajan, and the hopeful appeal to Hadrian's patronage of the arts in Seven is quite ironic). Unlike Persius, Juvenal is free from the constraints of dogma; nor will he mutter his secrets into a ditch, but declaim them with rhetorical fervor. And Juvenal was free from the constraints that Horace would increasingly feel as client to Maecenas and Augustus: his spasmodic Horatian smiles twitch often into cynical sneers. Juvenal looked beyond Persius and Horace, and yet with them as his interpreters, to Lucilius. He recognized *onomasti komodein* as a signal feature of the genre and revitalized the tradition by employing hundreds of personal names in a way that, if not always immediately relevant to his own age, nevertheless lent a sense of immediacy and relevance. Unlike St. Jerome in his anecdote about the hypocritical matron, Juvenal did name names, so that we would know that what he wrote was satire.

In the whole tradition of classical Latin satire, from the second century B.C. to the second century after Christ, Horace, whose 'Sermones' provide, as it were, a bridge from Republic to Principate, is the central, pivotal figure. He defines, reaffirms, defends the tradition; he encounters resentment, reassesses, redefines; he suggests new directions, takes them. The present study aims merely to

[5] Van Rooy, 73; cf. R. G. M. Nisbet, Persius, in: Satire. Critical Essays on Roman Literature, ed. J. P. Sullivan (London, 1963), 48: "Persius professes to keep up the convention of his genre, but he does not, in fact, attack contemporaries: even the discreet Horace is more topical."

[6] S. C. Fredericks, Juvenal: A Return to Invective, in: Roman Satirists and Their Satire, ed. E. S. Ramage, D. L. Sigsbee, and S. C. Fredericks (Park Ridge, N. J. 1974) (= chap. 7). On some of the names in Juvenal, see G. Highet, Juvenal the Satirist (Oxford, 1954), 289–294; cf. R. Syme, Tacitus (Oxford, 1958), 777–778.

reexamine Horace's assessment (in Sermones 1.4, 1.10, and 2.1) of the role of *onomasti komodein* in Roman satire, focusing attention on the evolution of his attitudes toward, and practices in, naming attack, and considering in particular the legal, political, and social factors that may have motivated this development.

I. Sermones 1.4, Lucilian libertas: *Definition and Defense*

In his three *apologiae* (Sermones 1.4, 1.10, 2.1) Horace works at defining the character of Lucilian satire and its relationship to Greek Old Comedy and to his own work. The three poems have been carefully explored in recent years, by FRAENKEL, BRINK, RUDD, VAN ROOY, and others, so that here we need focus only upon those passages bearing most directly on the matter of *onomasti komodein*.[7] The subject is introduced first at the outset of 1.4, one of Horace's earliest and, in terms of its intermittent naming attacks, most abusive satires, composed when the poet was in his late twenties:

> *Eupolis atque Cratinus Aristophanesque poetae*
> *atque alii, quorum comoedia prisca virorum est,*
> *siquis erat dignus describi, quod malus ac fur,*
> *quod moechus foret aut sicarius aut alioqui*
> 5 *famosus, multa cum libertate notabant.*
> *hinc omnis pendet Lucilius, hosce secutus,*
> *mutatis tantum pedibus numerisque, facetus,*
> *emunctae naris, durus conponere versus.*

Horace will go on to discuss the style appropriate to satire, a topic given considerable attention in this poem and even more in 1.10, as well as the nature of the audience for whom the 'Sermones' are intended.[8] But the satirist's chief concern in 1.4, as suggested in these opening lines, is with method and motivation. It was the habit of the Old Comedy playwrights to assail the guilty – thieves, adulterers, murderers – and to "brand them publicly, with the greatest

[7] The bibliography for these three poems is extensive and will not be reviewed here. The reader should see, in this volume of ANRW, W. KISSEL, Horaz 1936–1975: Eine Gesamtbibliographie, above, pp. 1403–1558, and F. SBORDONE, La poetica oraziana alla luce degli studi più recenti, below, pp. 1866–1920; also the notes and bibliographies in FRAENKEL, RUDD, VAN ROOY, and esp. (for work through 1961) BRINK (273–286); W. S. ANDERSON's surveys, Recent Work in Roman Satire, for 1937–55, CW, 50 (1956), 35–36; for 1955–62, CW, 57 (1964), 296–301; for 1962–68, CW, 63 (1970), 186–190, and a fourth in the series, forthcoming (1981); F. CUPAIUOLO, Gli studi oraziana negli ultimi anni, BStudLat, 2 (1972), 51–79 (for the years 1969–71).
The text of the 'Sermones' employed in this paper is that of F. KLINGNER, ed., Q. Horati Flacci Opera (Leipzig, 1959).

[8] The stylistic criteria, here and in 1.10, are largely Callimachean: see BRINK, 159–164; RUDD, 290, note 54; J. V. CODY, Horace and Callimachean Aesthetics, Coll. Latomus, 147 (Brussels, 1976), 8–9, 25–27, 93.

frankness" (or "freedom of speech": the Greek equivalent for the sense of *libertas* intended here was παρρησία). On this *libertas*, Horace asserts (in a way that could be construed as slighting Lucilius' originality, as well as the influence of native Italic forms and of Greek forms other than Old Comedy), Lucilius was totally dependent for his success.[9]

Horace links the Greek and Roman genres not only through his comparison of Lucilius with Eupolis, Cratinus, and Aristophanes, but also by his description of the dramatists' practices with technical terms (*famosus, notabant*) designed to recall the censor's *nota* and *infamia*. As FRAENKEL has pointed out, this association of Old Comedy, satire, and the censorship was not original to Horace. Cicero, writing about five years before the composition of Sermones 1.4 and no doubt thinking of contemporary lampooners as much as of the Athenian comic playwrights, attributes to Scipio the opinion that, while the attacks of poets upon revolutionaries might be tolerated, "even though it is preferable for such citizens to be branded by the censor," satire aimed at good men (that is, conservatives) ought to be punished: "we ought to guide our conduct," continues Scipio, "in accordance with the considered judgment of the magistrates and not the fancies of poets."[10] From Cicero's ideal state the poet-satirist must be banished. As though defending himself against this point of view, Horace implies in 1.4.1–6 that he is, as Lucilius' successor, heir to the traditions of Old Comedy, with its privileges as well as its motives and responsibilities. A major aim of the poem, FRAENKEL observes (126), is to offer a "moral justification" for the genre. The deliberate association of satire with the censorship implies, the Ciceronian viewpoint notwithstanding, a kind of legal justification as well.

Having raised the issue of Lucilian *libertas*, Horace sidesteps in verses 8–21 to the issue of Lucilius' style, here as elsewhere, as ANDERSON points out,

[9] While Horace does exaggerate Lucilius' debt to Old Comedy, the overstatement comes in the assertion of verse 7 (that Lucilian satire differed from Attic comedy only in metrical form), and not in 6, where the specific antecedent of *hinc* is the immediately preceding *multa cum libertate notabant.* It was on this one aspect of Old Comedy, Horace suggests, that Lucilius was so dependent: the point is clarified in 1.10. Contrast N. RUDD, Libertas and Facetus, Mnemosyne, 4th ser. 10 (1957), 319–336.

[10] See FRAENKEL, 126, note 2; cf. VAN ROOY, 148, and 174, note 16. Cic. Rep. 4.11–12: *populares homines inprobos, in re publica seditiosos, Cleonem, Cleophontem, Hyperbolum laesit. patiamur, etsi eius modi cives a censore melius est quam a poeta notari; sed Periclen, cum iam suae civitati maxima auctoritate plurimos annos domi et belli praefuisset, violari versibus, et eos agi in scaena non plus decuit, quam si Plautus noster voluisset aut Naevius Publio et Gnaeo Scipioni aut Caecilius Marco Catoni male dicere. . . . nostrae contra duodecim tabulae cum perpaucas res capite sanxissent, in his hanc quoque sanciendam putaverunt, si quis occentavisset sive carmen condidisset, quod infamiam faceret flagitiumve alteri. praeclare; iudiciis enim magistratuum, disceptationibus legitimis propositam vitam, non poetarum ingeniis, habere debemus nec probrum audire nisi ea lege, ut respondere liceat et iudicio defendere. . . . veteribus displicuisse Romanis vel laudari quemquam in scaena vivum hominem vel vituperari.* For the Twelve Tables statute against defamation mentioned here, see sect. III, below, p. 1816–1819. For *notare* cf. Serm. 1.3.24 and 1.4.106 (below, p. 1799–1800); for *famosus*, 2.1.68 (below, p. 1816); on the *nota censoria*, H. F. JOLOWICZ, Historical Introduction to the Study of Roman Law (Cambridge, 1967), 51.

exaggerating his predecessor's deficiencies in order to emphasize the contrasting qualities of his own work.[11] After criticizing Lucilius as "verbose and lazy" (*garrulus atque piger*: 12) and likening him to the contemporary scribbler Crispinus (the first of several instances of *nominatim* satire in the poem), the satirist skips immediately back to the theme of personal abuse, which he reintroduces with a gibe at another petty poet of his day (21–38):[12]

beatus Fannius ultro
delatis capsis et imagine, cum mea nemo
scripta legat, volgo recitare timentis ob hanc rem,
quod sunt quos genus hoc minime iuvat, utpote pluris
25 *culpari dignos. quemvis media elige turba:*
aut ob avaritiam aut misera ambitione laborat.
hic nuptarum insanit amoribus, hic puerorum:
hunc capit argenti splendor; stupet Albius aere;
hic mutat merces surgente a sole ad eum, quo
30 *vespertina tepet regio, quin per mala praeceps*
fertur uti pulvis collectus turbine, nequid
summa deperdat metuens aut ampliet ut rem.
omnes hi metuunt versus, odere poetas.
'faenum habet in cornu, longe fuge; dummodo risum
35 *excutiat sibi, non hic cuiquam parcet amico*
et quodcumque semel chartis inleverit, omnis
gestiet a furno redeuntis scire lacuque
et pueros et anus.'

"Nobody reads my poems! And I'm afraid to recite them in public as lucky Fannius does (even when he's not been asked), since there are so many who find this genre displeasing": the disgruntled, Horace hastens to add, are the guilty, or, more precisely, those guilty of the very kinds of folly or immorality the satirist had chided in Sermones 1.1 and 1.2.[13] With *culpari dignos* the poet at once recalls *dignus describi* in verse 3 (and compare *dignus notari* in 1.3.24), raises again the issue of motivation – it was Horace's responsibility after all, as it had been Aristophanes', to expose the guilty by name – and places all his critics on the defensive. It is the inescapable plight of the satirist, Horace seems to recognize

[11] The two matters are not of course unrelated; the stylistic laxity which Horace attributes to Lucilius and the personal invective are both to be seen as aspects of Lucilian *libertas* in its broadest terms: see esp. the discussion of W. S. Anderson, The Roman Socrates: Horace and his Satires, in: Sullivan, 2–16, where, however, Horace's criticism of *libertas* is overemphasized.

[12] For Crispinus (who also appears at 1.1.120, 1.3.139, 2.7.45) and Fannius, see Rudd, 132, 136, and cf. Id., Horace and Fannius: A Discussion of Two Passages in Horace Serm. 1.4, Hermathena, 87 (1956), 49–60; for the *gens Fannia* in republican politics, see T. R. S. Broughton, The Magistrates of The Roman Republic, 2 (New York, 1952: hereafter cited as MRR 2), 564–565.

[13] With verses 26 and 28–32 cf. 1.1; with 27, cf. 1.2; and see on verses 92–93 below, p. 1799, where specific characters from 1.2 are recalled.

here, that the majority (*quemvis media elige turba*: 25) are so culpable that they fear satire, distrust and even abhor the poet, and accuse him of malicious intent. This recognition, I believe, however comically exaggerated the satirist's anxieties here may be, would influence Horace's ultimate abandonment of the genre. For the moment, however, there is fighting spirit aplenty, so that in the midst of his defense the satirist takes a jab at "money-mad Albius," probably, as Rudd supposes, another real, if unimportant, contemporary.[14]

Horace's response to the charge that he is a malicious poet is the evasive and self-deprecating claim that satire is not poetry (38–62).[15] In passing, the satirist makes an example of a prodigal named Pomponius, whose father, it is noted, is deceased: the detail suggests that Horace once more has a specific contemporary in mind.[16] When at last Horace returns to the topic of naming attack and the question *meritone tibi sit / suspectum genus hoc scribendi* (64–65), it is to repeat two arguments raised earlier, first that only the guilty need fear even the most vicious satirists (65–70) and second that, unlike such *poetae volgi* as Hermogenes Tigellius, he does not himself indulge in public recitations, but presents his material before a very restricted audience of friends (71–78).[17] Although the latter claim may appear somewhat disingenuous, both arguments nonetheless anticipate the sort of defense that would be admissible against charges of libel in a court of law.[18]

[14] The Albius of verse 28 is likely the father (and therefore dead) of the prodigal (*Albi . . . filius*) satirized in 109; see Rudd, 136–137, and 292, note 9; cf. B. L. Ullman, Horace and Tibullus, AJPh, 33 (1912), 160; MRR 2, 529.

[15] Evasive, but not wholly digressive, since the passage speaks deliberately to another feature of the genre connected with *libertas*, viz. its conversational quality, and its consequent affinity to comedy (New Comedy, as well as Old); cf. H. R. Fairclough, Horace's View of the Relations Between Satire and Comedy, AJPh, 34 (1913), 183–193; Anderson, in: Sullivan, 11–12. H. D. Sedgwick, Horace: A Biography (Cambridge, Mass., 1947), 44, takes Horace at his word and, unhappily, describes the 'Sermones' as "literary compositions that hardly deserve to be called poems."

[16] The character, omitted by Rudd in his discussion of the names in the 'Sermones' (132–159), has not been identified; but see MRR 2, 604–605.

[17] Not, perhaps, the same as the Sardinian musician Tigellius, satirized in 1.2.3 and 1.3.4 and otherwise known from Cic. Att. 13.49–51, Fam. 7.24; though recently deceased, the Sardinian's kinsmen and friends would certainly have been annoyed at Horace's gibes. Hermogenes, also likely a real person and a contemporary, appears elsewhere at 1.3.129, 1.9. 25, 1.10. 17–18, 80, 90. The two Tigellii have generally been identified, as by B. L. Ullman, Horace, Catullus, and Tigellius, CPh, 10 (1915), 270-296, but see the arguments of Rudd, 139, and 292–293, note 15. Verses 72–73 are an early instance of Horace's abhorrence of "the mob," and what K. Reckford terms his "clubbishness," Horace (New York, 1969), 28–29.

[18] The very act of publishing Book One (sometime between 35 and 33 B.C.) would place the 'Sermones' before a broader audience than Horace's *nec . . . cuiquam nisi amicis* (73) implies. But did the poet, when he was writing 1.4, intend to publish his work? The matter is debated: see esp. van Rooy, 63, and 86, note 68. Public recitations would have been regarded the more serious offense in any case, and Horace is likely being truthful in asserting that he has limited his recitations to private groups: for the distinction (practical, if not legally recognized) between slander and libel, see R. E. Smith, The Law of Libel in Rome,

That the legal issue was of more than passing concern to Horace can be surmised from its prominence in 2.1, to which we shall turn in the third part of this survey; that he had the issue in mind even here may be assumed from the repetition of these two lines of defense, and perhaps also from the reference to Sulcius and Caprius at 65–70:

65 *Sulcius acer*
ambulat et Caprius, rauci male cum libellis,
magnus uterque timor latronibus; at bene siquis
et vivat puris manibus, contemnat utrumque.
ut sis tu similis Caeli Birrique latronum,
70 *non ego sim Capri neque Sulci: cur metuas me?*

ULLMAN supposed the two otherwise unknown *rauci* to be contemporary satirists or pamphleteers; but the more commonly held view, and one that the context will likewise admit, is that they are petty court officers or informers, and that their *libelli* are not satires but writs or legal dossiers.[19] Certain objections might be adduced against the latter interpretation, including the fact that *libellos,* which occurs in verse 71 in the same metrical position as *libellis* in 66, refers unquestionably to books of satirical poems (Horace's own: *meos . . . libellos*). But it may be that there is intentional ambiguity (especially if Sulcius and Caprius are fictitious): Horace may be toying with the two meanings of *libellus* much as he does with *mala carmina* in 2.1.80–86, where he puns on the literary and legal senses of the expression.[20]

At 78–79 Horace's interlocutor renews his charge that the satirist's motives are purely malicious and that he takes sadistic pleasure in personal attack (*laedere gaudes / . . . et hoc studio pravus facis*). Lucilius, in one of his program poems, had permitted an adversary to level the same accusation against him, in similar

CQ, N.S., 1 (1951), 169–179, esp. 172 and below note 76; cf. M. COFFEY, Roman Satire (London, 1976), 36. For the argument that truthful accusations, against the guilty, are not libellous (and possible exceptions to such a defense), see J. CROOK, Law and Life of Rome (Ithaca, 1967), 253–254. That Serm. 1.4.73–74, as well as 2.1.83–85, was meant to anticipate a legal defense has been seen also by J. G. GRIFFITH, The Ending of Juvenal's First Satire and Lucilius, Book XXX, Hermes, 98 (1970), 62, who interprets the close of Juvenal One similarly (62–64), though acknowledging that each passage, while aiming "to disarm opposition," would not alone have been "sufficient defense in a legal emergency" (64).

[19] ULLMAN, Nature of Satire, 117–119; RUDD accepts ULLMAN's view, 91, and 294, note 31. Following a tradition originating with the scholiast, A. PALMER regards the two as informers, ed., The Satires of Horace (London: 1883), ad loc.; they are taken to be prosecutors by G. L. HENDRICKSON, who sees the passage as a criticism of Lucilius: Horace, Serm. I 4: A Protest and a Programme, AJPh, 21 (1900), 131. KLINGNER reads *Sulgius* and *Sulgi* in 65 and 70; cf. FRAENKEL, 127, note 3. Cf. the use of *raucus* for the screeching poet Cordus in Juv. 1.2; and *acer*, for abusive satire, in Serm. 2.1.1 (below, p. 1813).

[20] Cf. *at bene siquis* (1.4.67) with *sed bona siquis* in 2.1.83; 2.1.80–86 is discussed below, sect. III, p. 1816–1817.

language, so that FRANK was perhaps correct to see an allusion to the republican satirist later in this same passage (86–93):[21]

saepe tribus lectis videas cenare quaternos,
e quibus unus amet quavis aspergere cunctos
praeter eum qui praebet aquam; post hunc quoque potus,
condita cum verax aperit praecordia Liber:
90 *hic tibi comis et urbanus liberque videtur*
infesto nigris: ego si risi, quod ineptus
pastillos Rufillus olet, Gargonius hircum,
lividus et mordax videor tibi?

The appeal to *verax Liber,* the god of free-flowing drink and frank talk, and the use of the adjective *liber* in the following verse together with *comis et urbanus,* epithets provisionally applied to Lucilius at 1.10.64–65, both look back to the poem's opening theme of Lucilian *libertas.* The complaint in 91–93, which Persius would later echo, underscores Horace's identification of this Lucilian trait with *onomasti komodein* in particular: verse 92, a quotation from 1.2.27, refers specifically to the *nominatim* attacks in the earliest, most Lucilian of the 'Sermones'.[22] The sense of the passage appears to be this: "If Lucilius upbraids individuals (as the banqueter does in 86–88), he is nonetheless regarded by his admirers as courteous, urbane, and forthright; when I do the same, which is to say name names as I have done in the past, must I be deemed a snappish misanthrope?" In response to his own question, and with an abrupt reference to the thievery of one Petillius Capitolinus (possibly a slur on the *monetalis* of 37 B.C., the approximate date of this poem), Horace turns the charge of malice against the interlocutor himself and pledges his own objectivity (93–103).[23]

The final division of Horace's *apologia* begins at 103–106:

liberius si
dixero quid, si forte iocosius, hoc mihi iuris
105 *cum venia dabis: insuevit pater optimus hoc me,*
ut fugerem exemplis vitiorum quaeque notando.

From the tense of *dixero* and the several illustrations employed in 107–129, we can see that the satirist determines to continue the practice of *onomasti*

[21] T. FRANK, Horace's Description of a Scene in Lucilius, AJPh, 46 (1925), 72–74; ANDERSON's adaptation and elaboration of this view (in SULLIVAN, 4–6, 20–21) is persuasive; cf. RUDD's objection, 91. For the charge of *gaudes laedere* against Lucilius, see below, sect. II, p. 1812.

[22] Just as verses 26–32 recall the themes of 1.1 and 1.2 (above and note 13). References to the "bite" of satire (93) are commonplace: cf. Ennius Sat. 22W. (assuming a programmatic context); Pers. 1.107; Juv. 2.34–35.

[23] The name (which RUDD omits from his discussion) is rare, so that the Petillii (an obscure family, to be sure) are all the more likely to have been offended: for the moneyer, see MRR 2, 448 and 600.

komodein.[24] Though he emphatically claims his audience's indulgence as a right, even perhaps with a hint at legal right, Horace does offer one last defense: to brand persons by name as *exempla* of reprehensible behavior was a habit instilled in him by his father.[25] *Notando* at the end of 106 echoes *notabant* at the end of 5, summarily recalling arguments implicit in the poem's prologue: as it was with the Old Comedy poets, with Lucilius, and the best of fathers, so with Horace, the aim of *onomasti komodein*, to furnish vivid examples of behavior both to emulate and to avoid, is moral, constructive, prophylactic. Moreover, Horace perhaps also felt, the satirist's *nota*, like the censor's, has a therapeutic value for the state. Like the Roman censor, like the primitive shaman who inveighs against the scapegoat by name, the satirist purposes, really or ritually, to cleanse society.[26]

The poem, which closes with a call for tolerance recalling the theme of 1.3 and with a facetious threat to the intolerant that they shall suffer the worst of fates and be compelled themselves to join in the *multa poetarum manus* (129–143), has thus raised the issues of the style, audience, and method appropriate to satire. Horace condemns the careless and inconcise diction of Lucilius, and rejects the popularizing of contemporary poetasters. His primary concern, however, is the tradition of *nominatim* satire and his own use of naming attacks in earlier poems. At the outset Horace focused on the role of *onomasti komodein* in Old Comedy, exaggerated its importance in Lucilius' work, and then proceeded to defend his own practices on that precedent, adding his father's methodology as moral guide as further justification. In this early poem the only distinction Horace draws between Lucilius' satire and his own, apart from style, is, as VAN ROOY remarks, "one of degree": if Aristophanes and Lucilius could stigmatize individuals *multa cum libertate*, then surely he could be permitted to write *liberius* and *iocosius.*[27]

Thus Horace defends the tradition of *onomasti komodein*, does not deny that he has embraced it, persists even in this poem in the incidental censure of specific contemporaries by name, and makes no promise to be more restrained in the future.[28] And yet, like RUDD, I have little doubt that the poet had experienced real anxiety over the animus provoked by the personal insults appearing in 1.2 and other early poems, as we must assume from the extent and variety of the arguments he skillfully and with "the well-chosen words of an advocate" adduces in his defense.[29] We might expect society to tolerate satire, with its moral-didactic motive, and even cherish the satirist. And yet, as ELLIOT reminds us (135), speaking of the genre in the broadest terms, "railing and ridicule and invective can be dangerous and he who uses them may have to be punished." The impulse to silence the satirist, the odious memento of reality's evils and imperfections, may be, as ELLIOT implies, as universal as the impulse to satirize. When Horace tells us that he is afraid to recite his satires in public, we need not assume that he actually feared for his life, that he envisioned a bludgeoning in the streets of that most civilized of cities (which had of course witnessed far worse in recent years). But on the other hand we ought not insist, with HENDRICKSON for example, that the concerns expressed in Sermones 1.4 are strictly a pose.[30] For his slurs on the historian Sallust (1.2.48), Tillius (1.6.24–26, 107–110), Fausta (1.2.64), Alfenus (1.3.130: the jurist Alfenus Varus?), the minstrel Tigellius (1.3.1–19), and others, Horace surely had experienced – and no doubt sensed the inevitability of – society's resentment toward her self-appointed censor.[31]

[24] Cf. RUDD, 90–91, and ID., Had Horace Been Criticised? A Study of *Serm.* 1.4, AJPh, 76 (1955), 165–175, esp. 173; VAN ROOY, 62.

[25] Note the emphatic positioning of *iuris* (104). COFFEY (74, and 229, note 49) compares the father in Ter. Ad. 414–419.

[26] On *notare/nota* see above, note 10. For the satirist's victim as scapegoat, see ELLIOT (58–59), who compares the Greek phallic songs, in which "the individuals who were satirized by name in the ceremony somehow represented what was to be driven out."

[27] VAN ROOY, 62, and cf. 148.

[28] Cf. RUDD, 90–91.

[29] VAN ROOY, 62; RUDD, 88 ("In 39 B.C. as a pardoned Republican and a man of no social consequence he could not afford to give indiscriminate offence, and even if he toned down the inventor's polemic there would always be people who disapproved of satire on principle. In spite of this he wrote the diatribe on adultery [1.2] – a work of courage as well as craftsmanship. It was read by people for whom it was not primarily intended and, predictably, complaints were made"), and ID., Had Horace Been Criticised?, a refutation of the view of HENDRICKSON mentioned below.

[30] HENDRICKSON, 121–142; the interpretation was early rejected by C. KNAPP, The Sceptical Assault on the Roman Tradition Concerning the Dramatic Satura, AJPh, 33 (1912), 141, note 3.

[31] On the names in the 'Sermones' see in particular RUDD's chap. 5, 132–159 (revised from 'The Names in Horace's Satires', CQ, N.S., 10 [1960], 161–178), and the bibliography he cites, 291, note 3; see additionally PALMER, xiii–xix; P. LEJAY, ed., Q. Horati Flacci *Satirae* (Paris, 1911), 133, 289–292; ULLMAN, Horace and Tibullus, 160, and ID., Horace, Catullus, and Tigellius, 270; G. C. FISKE, Lucilius and Horace: A Study in the Classical Theory of Imitation, Wisc. Studs. Lang. Lit., 7 (Madison, Wisc., 1920), 416–417, note 8, citing FILBEY; L. ROBINSON, Freedom of Speech in the Roman Republic (Baltimore, 1940), 66–79; VAN ROOY, 63, 70–71; COFFEY, 90–91. Dealing only with satirical references, and omitting several figures "so obscure that nothing useful can be said about them" (133; cf. Pomponius and Petillius, above, notes 16, 23), RUDD groups the remaining names into six, occasionally overlapping categories, 1) the living, 2) the dead, 3) Lucilian characters, 4) significant (i.e., punning) names, 5) other "type characters," and 6) pseudonyms. Speculation, of necessity, abounds. Regarding the second group, in which the popular Sardinian Tigellius, for example, is included (above, note 17), it must be emphasized that criticism of the dead, especially those recently deceased, would surely arouse resentment among relatives and friends (cf. RUDD, 151). In the case of ambiguous references, kinsmen, again, or namesakes might take offense. In the category of those only possibly living when Horace published, RUDD counts fourteen in the first book, and only five in Book Two. While few of these figures seem to have been of any social or political consequence, there are exceptions, in the earlier poems. Fausta (1.2.64), Sulla's daughter, born in 86 and certainly alive in 51 (Cic. Att. 5.8.2), proved a less fortunate mistress to her adulterer Villius (probably Sex. Villius, Cic. Ad fam. 2.6.1) than, as Horace puns, her name might have suggested (RUDD, 136–137: both identifications are accepted by R.SYME, Sallust [Berkeley, 1964], 279): feathers must have been ruffled. If the Alfenus of 1.3.130 was the well-known jurist Alfenus Rufus (RUDD doubts the identification, 137, and 292, note 8; so also FRAENKEL, 89–90; but cf. T. FRANK, Catullus and Horace on Suffenus and Alfenus, CQ, 14 [1920], 160–62), he was alive and well (he served as consul suffectus in 39) and will not have appreciated the joke on his family's obscure origins: the same may be said if, as is perhaps more likely (the name is rare), Horace's character was a relation only. By

(Continuation of the footnote 31)

RUDD's count another fourteen in Book One, and again only five in Book Two, were "certainly or most probably living when the *Satires* were written" (136). Most of these he characterizes as "harmless nonentities" (including Aufidius Luscus, the mayor of Fundi, and the buffoons Sarmentus and Messius Cicirrus in 1.5), but with the important reminder that "nonentities also have feelings" (134). A number of these are rival poets or critics satirized in the literary discussions of 1.4 and 1.10; a single such reference occurs in the second book (Furius in 2.5.40; cf. 1.10.36–37). Of the persons in this category from the second book, the jurist Trebatius Testa (2.1) is the only figure of known prominence; and he is to be counted among Horace's friends rather than his victims (so FRAENKEL, 146–147), though he appears comic at times for the solemnity with which he offers advice that Horace finds in one way or another unhelpful or irrelevant: for Trebatius as *doctor ineptus*, see ANDERSON, in: SULLIVAN, 31–32; Horace is not "finally convinced by Trebatius," despite E. J. KENNEY, The First Satire of Juvenal, PCPhS, N. S., 8 (1962), 37. The Tillius of 1.6 (24–26, and referred to as a praetor in 108) is sometimes taken to be the brother of Caesar's assassin Tillius Cimber, and RUDD himself seems attracted to this view (134–135: FRAENKEL is skeptical, 102 and note 6); but Horace may have in mind Cimber himself, who was probably praetor in 45 (MRR 2, 307, 626). The gibe will have come appropriately from a poet who had himself been allied to the republican cause but who was now striving to improve his relationship with the triumvirs. The only possible objection to this identification is that, while Cimber was dead, Horace employs the present tense in describing him: but by RUDD's own admission (see his discussion of Fufidius [1.2.12], 138) Horace sometimes uses the present tense of the deceased for added vividness (the device is common, of course, not least in satire, where Juvenal frequently handles types drawn from the past in this way). The Tillii, in any case, will not have been pleased. The Sallustius condemned in 1.2.47–63 for his immoderate whoring is almost certainly the historian: so SYME, Sallust, 280–284 (cf. RUDD, 135–136), who points out (282) that the man's grandnephew and adoptive son, sometimes identified with Horace's target, would not have assumed the gentilicial until Sallust's death in 35, later than the accepted date for the composition of 1.2. Though Sallust was perhaps dead when Book One was published, he was certainly alive when the poem was written and first circulated; and his relatives, including the adopted son (who would become a close adviser to Octavian), were doubtless angered by publication of the attack, one of Horace's boldest. However "detached and incidental" such allusions may sometimes appear, and while frequently their "function was to provide his essays with coloured illustrations" (RUDD, 136), the simple fact is that Horace did, in his early poems primarily, satirize contemporaries, whether alive or recently dead, including persons from families lacking neither prominence nor pride. Some at least of the characters from Book One were far more than the "mere ghosts, literary shadows" of RECKFORD's discussion (25: in his earliest satires Horace "wishes he were Aristophanes, or an Aristophanic Lucilius," but in attacking individuals he "is not personal enough"; cf. FRAENKEL, 88); certainly KENNEY (37) goes too far in asserting that "Horace . . . never attacked an eminent contemporary, either by name or by unmistakeable innuendo" (cf. C. LUTZ, Any Resemblance . . . Is Purely Coincidental, CJ, 46 [1950], 117). While there is practically nothing of politics in the first book (even a renunciation of political ambition, in 1.6), there is enough of personality to have caused resentment as well as suspicion (despite RUDD, 150); for Horace's victims law was, theoretically at least, one recourse. From the point of view of his supporters, while worse transgressions would be tolerated in others, a more urbane poetry was to be expected of this rising young poet who was increasingly ambitious of living with the great. In Book Two, while there is only a twenty per cent decrease in the total number of personal names, there is, as RUDD has shown (151 and passim), a sixty per cent decrease in satirical references to persons probably living (RUDD counts only ten, and these include very few if any, other than Trebatius, of a social position comparable to that of Sallust, Villius, Tillius, or others discussed above from Book One).

II. Sermones 1.10, ridiculum acri fortius: *Reaction and Reassessment*

Horace's attraction to Lucilian satire and his interest in satire-theory were by no means unique in his day. Recitations of Lucilius' poetry after his death in 102/1 were common, and during these years of growing political instability satire, lampooning, and pamphleteering became increasingly popular.[32] At Sermones 1.10.46–47 Horace mentions the epic poet and elegist Varro Atacinus (who was perhaps recently deceased) and "certain others" who had experimented in the genre, but with little success.[33] Among Lucilius' editors, Valerius Cato, mentioned in the spurious prologue to Sermones 1.10, went on himself to compose a *libellus*, possibly in verse, titled 'Indignatio'.[34] From the Sullan period we know a *grammaticus* Sevius Nicanor who composed a hexameter *satura* influenced by the confessional aspect of Lucilius' work.[35] Another teacher, Pompeius Lenaeus, Lucilius' executor and freedman of Pompey (who himself encouraged study of the satirist, a kinsman through his mother Lucilia), was reportedly so devoted to his deceased master's memory that when Sallust had insulted him he wrote a vindictive satire, perhaps in hexameters, "tearing him to pieces."[36]

Catullus and his friend Calvus, both of whom doubtless admired Lucilius' spirit if not his style, frequently lambasted contemporaries by name, including of course Caesar, whose much celebrated *clementia* they were fortunate to enjoy.[37]

[32] See Suet. Gramm. 2; cf. RUDD, 87; VAN ROOY, 57–59; KNOCHE, chap. 6; COFFEY, 63–65.

[33] See E. BOLISANI, La Poesia di Varrone Atacino nei testimonia e nei frammenti, Atti ist. Veneto, 123 (1965), 339–351; and on Sulcius and Caprius, above, p. 1798.

[34] Suet. Gramm. 2, 11; see G. L. HENDRICKSON, Horace and Valerius Cato, CPh, 11 (1916), 249–269, and 12 (1917), 77–92, 329–350; R. P. ROBINSON, Valerius Cato, TAPhA, 54 (1923), 98–116; W. S. ANDERSON, Pompey, his Friends, and the Literature of the First Century B.C., UCPCPh, 19 (1963), 63–69.

[35] Suet. Gramm. 5: Suetonius further reports the tradition that Nicanor died on Sardinia, where he had retired from Rome *ob infamiam quandam.*

[36] Suet. Gramm. 15: *acerbissima satura laceraverit, lastaurum et lurconem et nebulonem popinonemque appellans, et vita scriptisque monstrosum, praeterea priscorum Catonisque verborum ineruditissimum furem.* Of these charges SYME comments (Sallust, 280), "Choice terms in the vocabulary of invective, but one would prefer documentation." Elsewhere Suetonius reports that Lenaeus had studied Lucilius with Laelius Archelaus. KNOCHE (71) compares Lenaeus' "satire" with the invectives of Pseudo-Sallust and Pseudo-Cicero. See also VAN ROOY, 59 and note 58; and, on the relationship between Pompey and his great-uncle Lucilius, Porphyr. ad Hor. Serm. 2.1.29, 75, and ANDERSON, Pompey, 1–88, esp. 57–87 (62–63 on Lenaeus); ANDERSON mentions additionally (63) Curtius Nicias' work on Lucilius ("presumably the typical commentary of a grammaticus") and Cicero's "thorough knowledge and high estimate" of the satirist.

[37] Suet. Iul. 73: *Gaio Calvo post famosa epigrammata de reconciliatione per amicos agenti ultro ac prior scripsit. Valerium Catullum, a quo sibi versiculis de Mamurra perpetua stigmata imposita non dissimulaverat* (poems 29, 57, and cf. 54, 95), *satis facientem eadem die adhibuit cenae hospitioque patris eius, sicut consuerat, uti perseveravit.* On the persons named in Catullus, see C. L. NEUDLING, A Prosopography to Catullus, Iowa Studs. Class. Phil.,

Caesar is also said to have tolerated the *carmina maledicentissima* of Pitholaus, though with a warning that the poet should not persist in his libels; and both the dictator and his successor Octavian are praised by Cremutius Cordus, in a speech reported (or fashioned for him) by Tacitus, for having allowed to go unpunished not only the bitter letters and speeches of their political adversaries, but even the contumelious iambics of Valerius Cato's student Furius Bibaculus.[38] The four poets here mentioned, Catullus, Calvus, Pitholaus, and Bibaculus, have in common not only that their works are cited by Tacitus and Suetonius as the foremost examples of *libertas* in verse invective during the late Republic, but also, and not coincidentally as we shall see, that they are all criticized by Horace in the closing poem of his first book.

Other evidence for the fashion in Lucilian invective during the last years of the Republic is not lacking; and we can easily imagine the potential dangers to its practitioners. Men of position and influence who found themselves victims of scurrilous pasquinades, whether in prose or verse, in privately circulated *libelli* or in publicly declaimed condemnations, were not always so generous as Caesar, as the proscriptions of 43–42 B.C. grimly attest. An incident from the preceding year is worth relating here because of its comment on both Lucilian satire and the highly charged atmosphere during the years immediately preceding publication of the first book of the 'Sermones'.

En route to his province of Asia in May of 44, Gaius Trebonius, a former supporter of Caesar's but subsequently a participant in the assassination, sent to Cicero a poem in which, according to the accompanying letter, he had written *liberius* against Marc Antony ("a Philippic in verse," COFFEY calls it). Like Horace, and doubtless most first century *satirici*, Trebonius appealed to Lucilius' *libertas* as precedent:[39]

> *In quibus versiculis si tibi quibusdam verbis* εὐθυρρημονέστερος *videbor, turpitudo personae eius, in quam liberius invehimur, nos vindicabit. Ignosces etiam iracundiae nostrae, quae iusta est in eiusmodi et homines et cives.*

12 (Oxford, 1955). For Lucilius and the neoterics, see RUDD, 118–124, esp. 122–123 on the affinity of Catullus and Lucilius, particularly in their use of *onomasti komodein*.

[38] Suet. Iul. 75: *et acerbe loquentibus satis habuit pro contione denuntiare ne perseverarent, Aulique Caecinae criminosissimo libro et Pitholai carminibus maledicentissimis laceratam existimationem suam civili animo tulit.* Tac. Ann. 4.34.8: *carmina Bibaculi et Catulli referta contumeliis Caesarum leguntur: sed ipse divus Iulius, ipse divus Augustus et tulere ista et reliquere, haud facile dixerim, moderatione magis an sapientia.* It was one purpose of Cordus/Tacitus, it should be added, to contrast the 'leniency' of Augustus with the relative intolerance of his successor Tiberius. For the connection between Bibaculus and Valerius Cato, and their likely pro-Pompey politics, see ANDERSON, Pompey, 64–69. Quintilian (10.1.96) associated Bibaculus with Catullus and Horace as iambicists, and Diomedes (H. KEIL, Grammatici Latini, I [Leipzig, 1855; rpt. Hildesheim, 1961], 485) connected the three, as well as Lucilius, with Archilochus and Hipponax.

[39] Cic. Fam. 12.16.3, wrongly dated to 43 by KNOCHE (71) and VAN ROOY (59): for Trebonius' proconsulship in Asia see MRR 2, 330. Cf. COFFEY, 63. Antony himself exchanged verse insults with the young Octavian: Mart. 11.20, Suet. Aug. 69, and cf. K. SCOTT, The Political Propaganda of 44–30 B.C., MAAR, 11 (1933), 7–49, esp. 25.

> *Deinde, qui magis hoc Lucilio licuerit adsumere libertatis, quam nobis? cum, etiamsi odio pari fuerit in eos, quos laesit, tamen certe non magis dignos habuerit, in quos tanta libertate verborum incurreret.*

Thus Trebonius further appealed, again as Horace would do a few years later, to the guilt of his victim as justification for the attack. Though legally sound, there were no guarantees for the efficacy of such a defense: by March of 43 Trebonius was dead, murdered by Antony's henchman Dolabella.[40] COFFEY's remark that "The last republican practitioner of verse in the Lucilian manner came to a bad end" (63) is worth repeating, though it must be remembered that Trebonius' transgressions – like those of his correspondent, whose stilettoed tongue would dramatically symbolize the demise of such *libertas* as Republican Rome had ever enjoyed – were far more than merely literary.

Lucilius had in the first century many other admirers, as Horace's program poems make clear, and many imitators. He had indeed, soon after his death, become a classic, and discussions of satire-theory in the schools centered upon the great man's thirty books as an archetype. Varro, in commenting upon another late republican satirist, a certain Lucius Abuccius, remarks that he was "exceptionally learned" (*apprime doctus*) and describes his work as being of a "Lucilian character" (*cuius Luciliano charactere sunt libelli*: Rust. 3.2.17). Varro himself composed, besides the 150 books of 'Menippeans', a lost 'Trikaranos' (possibly a satirical pamphlet targeted at the first triumvirate) and four books of 'Saturae'.[41] The 'Saturae Menippeae' (which contain datable references between 81 and 67 B.C.) constitute something of a sub-genre, as Quintilian noted, and in them, though current social and political ills are frequently treated in a general way, Varro seems to have avoided *nominatim* satire in keeping with the work's popular-philosophical tone.[42] It may be that the conventionally titled 'Saturae', which likely also antedated Horace, were verse productions more in the *Lucilianus character*: certainly we must regret their loss as an important link between Lucilius and the 'Sermones'.

About the loss of Varro's genre-study, the 'De compositione saturarum', we may be equally unhappy. To what extent Varro's treatise may have influenced Horace's theory of satire cannot be known, though the matter has been considered at length by LEO and BRINK. Very likely the scholar's ideas were known to

[40] The incident motivated Cicero's eleventh Philippic, which is our principal source for Trebonius' activities in these last years.

[41] The only mention of the 'Trikaranos' ('The Three-headed Beast'), is in App. BCiv. 2.9: ANDERSON, Pompey, 45, conjectures that it was supportive of the triumvirate, but against this view are the persuasive arguments of R. ASTBURY, Varro and Pompey, CQ, 17 (1967), 403–407. See ANDERSON's insightful comments on Varro's use of the term *character* (in SULLIVAN, 18).

[42] See Quint. 10.1.95. COFFEY (159) observes that Crassus (as an *exemplum* for a wealthy man) is the only contemporary mentioned by name in the extant fragments. Varro does exhibit an interest in personal names, frequently providing his fictitious characters with names that are etymologically significant. For recent work on the Menippeans see L. ALFONSI, Le 'Menippee' di Varrone, ANRW, I 3 (Berlin-New York, 1973), 26–59; also H. DAHLMANN, Varroniana, ANRW, I 3 (1973), 3–25, esp. 17–18.

Horace, as they doubtless were to Livy (for his account of the dramatic *saturae*), to Quintilian (for his capsule assessment of the genre), and to the fourth century grammarian Diomedes, whose brief definition of *satura* it may be apposite here to recall:[43]

> *Satura dicitur carmen apud Romanos nunc quidem maledicum et ad carpenda hominum vitia archaeae comoediae charactere compositum, quale scripserunt Lucilius et Horatius et Persius.*

The term *maledicus,* which implies personal invective, and the close comparison with Old Comedy recall the opening of Sermones 1.4: if Horace was not in fact directly dependent upon Varro's teaching, he and Varro-Diomedes, as van Rooy observes, at least share a quite similar conception of the essence of Roman satire and the importance of *onomasti komodein* even to the exclusion of other characteristics equally essential.[44]

Lucilius' admirers inevitably protested what seemed to them the exaggerated emphases and narrow viewpoint expressed in Sermones 1.4, and Horace responded to them in 1.10, composed a year or two later as the endpiece to his first volume. The poem opens abruptly, defensively (1–5):

> *Nempe inconposito dixi pede currere versus*
> *Lucili. quis tam Lucili fautor inepte est,*
> *ut non hoc fateatur? at idem, quod sale multo*
> *urbem defricuit, charta laudatur eadem.*
> 5 *nec tamen hoc tribuens dederim quoque cetera.*

While reminding his audience that he had in fact, in the earlier poem, praised Lucilius for his *libertas,* Horace not only stands by his criticism of his predecessor's style but provides an even more detailed account of his deficiencies (6–30 and passim) in what amounts to a manifesto on the diction of satire. Yet the poet does offer a number of concessions. In a direct response to the ungentle implications of 1.4.86–90, Horace acknowledges, though not perhaps so "generously" as Fraenkel suggests (131), the *comitas* and *urbanitas* of Lucilius' verse. In the same passage (64–71) Horace allows that Lucilius was a more refined stylist than his antecedents at least, superior in particular to that *rudis et Graecis intacti carminis auctor* (66), an allusion almost certainly to Ennius.[45] The

[43] Livy 7.2; Quint. 10.1.95; Diomedes (Keil, 485). See in particular F. Leo, Varro und die Satire, Hermes, 24 (1889), 67–84 (= Id., Ausgewählte Kleine Schriften [Rome, 1960], I, 283–300); C. O. Brink, Horace and Varro, in: Varron, Entret. sur l'antiq. class., Fond. Hardt, 9 (Geneva, 1962), 173–200, esp. 193–199; also J. H. Waszink, Varro, Livy and Tertullian on the History of Roman Dramatic Art, VChr, 2 (1948), 224–242; Fraenkel, 126; Rudd, 89; van Rooy, 1–2, 20–21, notes 5–7, 145–148.

[44] Van Rooy, 147; cf. Coffey's discussion, 54–56.

[45] So van Rooy, 32, 53; the view is rejected by Rudd, Horace on the Origins of *Satura,* Phoenix, 14 (1960), 36–44: for the controversy see Rudd's bibliography, van Rooy, 45, note 6, and, more recently, W. Barr, Horace, Serm. 1.10.64–67, RhM, 113 (1970), 204–211, and R. Godel, Rudis et Graecis intacti carminis auctor (Horace, Serm. 1.10.66), MH, 30 (1973), 117–121.

assertion that satire, in its nascent stage, was a genre "untouched by the Greeks" seems to represent a deliberate effort at compensating for the overstatement of 1.4.1–7. Horace's acknowledgment of Lucilius as the genre's *inventor,* its discoverer, is in part similarly motivated (46–49):

> *hoc erat, experto frustra Varrone Atacino*
> *atque quibusdam aliis, melius quod scribere possem,*
> *inventore minor; neque ego illi detrahere ausim*
> *haerentem capiti cum multa laude coronam.*

This declaration, allowing even Horace's own inferiority to the master, restores Lucilius' claim to originality, which had been impugned (whether intentionally or not) in those same opening lines of 1.4.

In more precisely distinguishing between Lucilian satire and Aristophanic comedy, however, Horace proceeds to turn the argument once more against Lucilius. The Greek genre had been characterized, quite properly Horace emphasizes, by a variety of tone in which wit outweighed invective (11–17):

> *et sermone opus est modo tristi, saepe iocoso,*
> *defendente vicem modo rhetoris atque poetae,*
> *interdum urbani, parcentis viribus atque*
> *extenuantis eas consulto. ridiculum acri*
> 15 *fortius et melius magnas plerumque secat res.*
> *illi, scripta quibus comoedia prisca viris est,*
> *hoc stabant, hoc sunt imitandi.*

The passage clarifies 1.4.1–7, for Horace himself as well as for his audience: Lucilius depends, not entirely, but rather excessively on the *onomasti komodein* and the acerbity of Old Comedy. In emulating the model of Eupolis, Cratinus, and Aristophanes, he has altered far more than the genre's form – he has subordinated the element of the *ridiculum* and *iocosum,* which Horace now deems more essential and more worthy of imitation. Other more recent poets have shared in Lucilius' interpretative and stylistic errors, Horace is quick to add (17–23 and passim). It is not surprising to discover among those criticized by name or allusion Calvus, Catullus, Pitholaus, and Bibaculus, whose invectives, as we have seen, would represent for later generations the very sort of *nominatim* abuse that Horace is here in process of rejecting.[46]

[46] For Horace's attitude toward Catullus and Calvus, which hinges on the sense of *cantare* in verse 19, see Rudd, 118, and 289, note 46. On Bentley's identification of Pitholeon (line 22) with the Pitholaus of Suet. Iul. 75 (above, note 38), see Rudd, 120, 147; cf. R. G. Lewis, Pompeius' Freedman Biographer: Suetonius *De Gramm. et Rhet.* 27 (3), CR, 16 (1966), 271–273. The *Alpinus* of verses 36–37 is generally identified with Furius in 2.5.41 and supposed to be Furius Bibaculus (above, note 38): so Palmer, ad loc.; Anderson, Pompey, 65; opposed to the identification are Rudd (289–290, note 52) and J. Perret, Horace, trans. B. Humez (New York, 1969), who suggests (43–44) Horace has in mind Furius Antias. But the context demands a contemporary; and Bibaculus makes an appropriate target, because of his attacks on Horace's patron probably during the 30s (cf. Anderson, Pompey, 67).

Thus, what the poet had before praised in Lucilian satire, by way of justifying his own earlier method, he now condemns as a fault. It is no coincidence that in his own practices in Sermones 1.5–9 Horace has himself become less abusive, more dependent upon humorous anecdote and autobiography than on diatribe and invective. Espousing the principle of *ridiculum acri fortius*, Horace has abandoned the more Lucilian stance of 1.1 and 1.2, and has even retreated from the position of 1.4, where he had insisted on his right to speak *liberius . . . / . . . forte iocosius* (103–104): now instead he shall write in a tone "sometimes severe, but often witty" (*modo tristi, saepe iocoso*: 1.10.11). Lucilius, Horace now charges, was too abusive. A psychologist might call this projection, for in his accusation Horace is actually rejecting the no longer acceptable attributes of his own satiric pose in the early poems (and anticipating the changed manner of his second book). If, paradoxically, Horace does himself continue to indulge in *nominatim* satire in this transitional piece, the criticism, we may note, is chiefly literary, the targets for the most part literary critics and rival poets, a "relatively insignificant" lot VAN ROOY remarks, some of whom are satirized under the disguise of cover-names.[47]

Despite Horace's observation (in 1.4) and then complaint (in 1.10) that Lucilius' satires were too acerbic, and although "most, if not all, the chief politicians were at some stage the objects of his laudatory or more often censorious comments,"[48] Lucilius was by no means unremittingly satirical in tone, and the political element and the practice of condemning prominent contemporaries by name were but two aspects of a multi-faceted approach.[49] These were, however, the features of Lucilian satire that for several reasons most impressed subsequent satirists and theorists.

One factor was that the abuse of public figures by name, especially politicians, seems to have been a significant innovation, at least within the Roman literary tradition. Formal Roman comedy had down to Lucilius' day generally abstained from *onomasti komodein*, chiefly for legal reasons.[50] The paraliterary

[47] VAN ROOY, 63; Pitholaus is satirized under the pseudonym Pitholeon, and Bibaculus in this poem is alluded to only as *Alpinus* (above, note 46). For other possible cover-names, see RUDD, 147–149.

[48] COFFEY, 49.

[49] RUDD (97–98), referring to the fragments that "preserve the victim's name" and to later characterizations of Lucilius by Persius and Juvenal, concludes that Horace's charge that his predecessor was too abusive "is not hard to substantiate." But in their comments Persius and Juvenal were strongly influenced by Horace's judgments and further exaggerated the role of *onomasti komodein* in Lucilius' satires for a variety of reasons: cf. W. S. ANDERSON, Roman Satirists and their Tradition, Satire Newsletter, 1 (1963), 1–5. *Nominatim* attack was an essential ingredient in Lucilian satire, but it was not predominant; nor, despite Horace and other litterateurs of the first century and later, was it always perceived as predominant: for Cicero, Lucilius was perhaps best described as *doctus et perurbanus* (De Or. 2.6.25). For a balanced assessment of the naming attacks in Lucilius, see L. ROBINSON, Personal Abuse in Lucilius' *Satires*, CJ, 49 (1953), 31–35, 47; also COFFEY, 47–52; cf. KNOCHE, 33, 50–51; VAN ROOY, 52–53.

[50] There were exceptions, of course, including those involving Naevius (possibly), Lucilius, and Accius, mentioned below, sect. III, p. 1819–1821.

fescennines certainly, and the dramatic *saturae* (if we accept their existence), had entailed personal invective. But we are unable to discern the precise nature of the relationship between those farces and the first literary satires, though I am inclined to suppose that, besides the miscellaneous character suggested by their shared title, Ennius' four books and the medleys of Livy's account had in common other more properly satiric qualities.[51]

Certainly the three dozen or so surviving fragments of Ennius' 'Saturae' do exhibit a number of the features that would characterize the developed genre, including the colloquial and self-revelatory manner and criticism of such types as the glutton, the parasite, and the busybody. But name-calling is altogether lacking and it is difficult to discover any such "censorious bearing . . . on politics" as WARMINGTON says is present, either in the 'Saturae' or even in the later books of the 'Annales', which dealt with contemporary events.[52] Moreover, ancient testimony clearly dissociates the satire of Ennius (and his nephew and successor Pacuvius), in form and in spirit, from Lucilius' poetry. Persius and Juvenal, though each acknowledges his debt to Lucilius and Horace, never mention Ennius as a satirist; Quintilian quite obscures Ennius in his observation that Lucilius was the first to gain renown in the genre; Diomedes, probably still with Varro as his source, having defined classical satire in terms of its affinity to the *maledicum* of Old Comedy, adds this observation: *sed olim carmen quod ex variis*

[51] For the personal abusiveness of the fescennines and the much debated tradition of their connection with dramatic *saturae* see Hor. Epist. 2.1.139–155 (discussed further below, sect. III, p. 1819) and Livy 7.2, with the studies by ULLMAN cited above, note 2. ULLMAN's acceptance of the existence of a dramatic *satura* is approved by J. H. WASZINK, Tradition and Personal Achievement in Early Latin Literature, Mnemosyne, 4th ser., 13 (1960), 16–33, esp. 32; also J. P. CÈBE, La satura dramatique et le divertissement fescennin, RBP, 39 (1961), 26–34; W. HERING, Satura und Hyporchem (Einige Gedanken zu Livius VII 2), Wiss. Zs. Univ. Rostock, Ges.- u. sprachwiss. R., 15 (1966), 419–430; the connection with literary *satura* is doubted by E. PASOLI, 'Satura' drammatica e 'satura' letteraria, Vichiana, 1 (1964), 1–41, who provides a useful bibliography on the whole controversy, 1–4; for the difficulties of discerning a link between dramatic satire and Ennius, see A. MARASTONI, Studio critico su Ennio minore, Aevum, 35 (1961), 1–27, esp. 20–27. Without asserting a direct evolutionary link between the informal productions described in Livy 7.2 and the formal, literary satire of Ennius and his successors, it seems proper to allow the possibility that Ennius was at least in part influenced by these farces in his choice of a title and in the dramatic qualities of his 'Miscellanies' (not surprising in an author much interested in the stage), perhaps also in his variety of topics and meters (though, Horace's claim in Serm. 1.10.16 notwithstanding, the influence of Greek *Miszellenvers* on the Hellenophile Ennius must have been considerable: see, e.g., M. PUELMA PIWONKA, Lucilius und Kallimachos [Frankfurt am Main, 1949], 198).

[52] E. H. WARMINGTON, ed., Remains of Old Latin, I: Ennius, Caecilius (Cambridge, Mass., 1956), 383; cf. COFFEY, 29 (on fragments 8–9, 22 W.) In the extant fragments not one personal name appears, other than Ennius' own, nor is there any hint that the satirist may have indulged in *onomasti komodein*. While it may be possible to detect in one fragment (10–11 W.) an allusion to "actual people and events" (KNOCHE, 26), the context is apparently sympathetic, not vituperative (see WARMINGTON, ad loc.). In Annales 16 (see WARMINGTON, 149) Ennius even praises M. Aemilius Lepidus, an enemy of his close friend M. Fulvius Nobilior, for effecting a reconciliation with Nobilior when the two men shared in the censorship (179 B.C.).

poematibus constabat satura vocabatur, quale scripserunt Pacuvius et Ennius.[53] As KNOCHE concludes, "In the satire of Ennius there is as yet no trace of the tones of polemic; it was hardly Ennius' purpose to expose any specific person by publicly mentioning his name."[54] Thus, for Horace, Ennius was the *auctor* of the genre, in the sense that he originated *satura* as a literary form, conversational, thematically and metrically various, occasionally satiric in tone; but Lucilius was the genre's *inventor*, not only because he fixed its metrical form, but particularly because he 'discovered' that essential ingredient, universally popular though universally feared, the aggressive spirit of naming invective. Influenced by the *onomasti komodein* of Athenian comedy and other Greek genres and by the Italian farce as well, Lucilius introduced into Latin literature an unprecedented vigor and topicality, in which naming attacks, though only one manifestation of his intensely personal manner, would be seen as the most striking element.[55]

An additional motive for Horace's magnification of the importance of *onomasti komodein* and the influence of Old Comedy in Lucilian satire was, as RUDD points out, the Augustan's wish "to claim that Aristophanes, Lucilius, and

[53] Quint. 10.1.93; Diomedes, KEIL, 485; see VAN ROOY's discussion, 30–42, and cf. H. D. JOCELYN, The Poems of Quintus Ennius, ANRW, I 2 (Berlin-New York, 1972), 1022–1026; also J. H. WASZINK, Problems Concerning the Satura of Ennius, Entret. sur l'antiq. class., Fond. Hardt, 17 (Geneva, 1972), 99–137, esp. 111–113.

[54] KNOCHE, 29. Whether Ennius' audience (familiar with the dramatic *saturae*) would have expected such a polemical tone from a production titled 'Saturae' cannot be known. In one fragment Ennius (or his speaker) does seem to be justifying his non-violence (22 W.: *non est meum ac si me canis memorderit,* and cf. on *mordax*, above, note 22), while another, which WARMINGTON places among the unassigned tragic fragments but which could be from the 'Saturae', vaguely recalls one of Horace's complaints over the reaction to his *libertas* (Trag. inc. 410 W.: *quem metuunt oderunt, quem quisque odit periise expetit;* cf. Serm. 1.4.33: *omnes hi metuunt versus, odere poetas*); two hexameter fragments, probably from the 'Saturae' (Varia 12–13 W.), present Ennius' (or his speaker's) views on the impropriety of bantering abuse (one thinks immediately of the fescennines and the dramatic *saturae*) and abusive publications: *contra carinantes verba aeque obscena profatus* and *neque me decet hanc carinantibus edere chartis.* If the 'Saturae', whether or not influenced by Italian farce, were at once occasionally satirical and yet never, apparently, employed the ever-popular *onomasti komodein*, it was perhaps because their author did consider such abuse 'unfitting.' Naevius' imprisonment and exile for his gibes against the Metelli, recent news when Ennius first arrived in Rome, had indeed provided "the lesson that without the support of powerful families no poet dare be outspoken" (COFFEY, 26, and see below, sect. III, p. 1819, on Naevius): but Ennius did enjoy the patronage of powerful families, including the Fulvii and Scipio Africanus (who had himself, with the Metelli, been wounded by Naevius' lampoons, though not perhaps by name, Gell. NA 7.8.5 and H. B. MATTINGLY, Naevius and the Metelli, Historia, 9 [1960], 414–439, esp. 417). If Ennius ever contemplated writing *nominatim* satire, and abandoned the notion, it was perhaps chiefly a matter of discretion in a man who was by nature unpretentious and unprepossessing, proud, but not arrogant, and not at all vindictive (see, e.g., Gell. NA 12.4.4, Cic. Arch. 9.22). As can be seen from the later 'Annales', Ennius' poetic politics was positive and nationalistic, reflecting at once the state's renewed confidence and enthusiasm over the victory at Zama (which shortly antedated the 'Saturae') and Ennius' own intimacy with the victorious commander.

[55] Cf. VAN ROOY, 53, 146.

himself are all links in the same illustrious tradition."[56] There are other reasons for the disproportionate emphasis given by Horace, as well as Persius and Juvenal, to this characteristic of Lucilian satire. An appeal to the abusive aspect of Lucilius' method could be useful in justifying or acquitting similarly abusive satire, a special concern for the poet of Sermones 1.4. Another, less conscious factor is that Horace and his successors, living in increasingly more restrictive political environments, stood in a distortingly nostalgic awe over the fact that Lucilius could write as he did with impunity. Lucilius and perceptions of the grand old republican *libertas* would become quite synonymous.

Lucilius' earliest books (26–30), where naming attacks on such figures as Metellus Macedonicus and Lentulus Lupus are relatively frequent, were of course written under the sponsorship and protection of Scipio and his coterie.[57] Even so the satirist experienced obvious anxiety over the inevitable reaction to his abusiveness and devoted considerable energy to a vindication of method and motive in programmatic discussions that would serve as archetypes for the *apologiae* of Horace, Persius, and Juvenal.[58] In the program to his earliest volume (Book 26), a dialogue like Sermones 2.1, Lucilius describes the audience for whom his satires are intended; like Horace, Lucilius will not court the mob, but instead writes for a close circle of friends of average intellect.[59] Before such a group the satirist will be at liberty to expose the guilty by name, as the speaker in a fragment from Book 29 asserts his intention to do: *quapropter certum est facere contra ac persequi / et nomen deferre hominis.*[60] But, as with Horace, angry detractors will accuse him of malice:[61]

[56] RUDD, 89; cf. BRINK, 158.

[57] Cf. COFFEY, 40, 47–49; L. ROBINSON, Personal Abuse, 31–35; W. J. RASCHKE, The Chronology of the Early Books of Lucilius, JRS, 69 (1979), 78–89.

[58] The existence of what KENNEY has termed a "pattern of apology" in the program poems of the Roman satirists (36: KENNEY deals solely with Horace, Persius, and Juvenal), beginning with Lucilius, has received considerable attention: see G. C. FISKE, Lucilius, the *Ars Poetica* of Horace, and Persius, HSCPh, 24 (1913), 1–36, and ID., Lucilius and Horace, 369–378; L. R. SHERO, The Satirist's *Apologia*, Wisc. Studs. Lang. Lit., 15 (1922), 148–167; WASZINK, Tradition, 32; J. TER VRUGT-LENTZ, Lucili Ritu, Mnemosyne, 4th ser., 19 (1966), 349–358; VAN ROOY, 54–55, 146–147; GRIFFITH (who like KENNEY, seems unaware of SHERO's work), 56–72, esp. 66–70; KNOCHE, 41–44; COFFEY, 40–42. For recent work on Lucilius see J. CHRISTES, Lucilius: Ein Bericht über die Forschung seit F. Marx (1904/5), ANRW, I 2 (Berlin-New York, 1972), 1182–1239, esp. 1226–1229 for the influence of Lucilius on Horace.

[59] Fragments 623–635 W.; for the possible political implications of Lucilius' preferences, and a review of earlier scholarship on the subject, see A. PENNACINI, *Docti* e *crassi* nella poetica di Lucilio, Atti accad. Torino, 100 (1966), 293–360.

[60] 863–864 W.; cf. 853 W., 865 W.

[61] The following fragments are from a programmatic poem in Book 30 (where Lucilius three times refers to his work as *sermones*: 1085 W. and 1086 W., and cf. 1039 W.). With *laedis* (1075 W.) and *gaudes* (1085 W.), cf. Hor. Serm. 1.4.78 (*laedere gaudes*). Cf. also 1069, 1076, 1083, 1087, 1088–1089, with the interpretations of KNOCHE (43–44), followed here, and GRIFFITH, 66–70.

nunc, Gai, quoniam incilans nos laedis vicissim.	(1075 W.)
idque tuis factis saevis et tristibus dictis.	(1084 W.)
gaudes cum de me ista foris sermonibus differs.	(1085 W.)
et maledicendo in multis sermonibus differs.	(1086 W.)

Again like Horace, Lucilius offers moral justification: his aims are to shatter pretense and expose the truth (1145–1151 W., and compare 1064–1071 W.), to oppose evil men openly and defend the good (1196–1208 W.), and thus to safeguard the Roman people (791–792 W.).

To what extent a genuine fear of retaliation prompted Lucilius' *apologiae* is uncertain. There can be no doubt, however, that the *nominatim* criticism in the 'Satires' angered a number of persons of some influence. Whether Lucilius was concerned over possible legal action or some less formal but equally effective response again cannot be known for certain. But it is clear that in the one satire of Horace which was apparently most influenced by Lucilius' defense (Sermones 2.1), law was a major issue.

III. Sermones 2.1, lex operis: *the Law and the Princeps*

Horace seems to have avoided in both his books any terribly grave assaults upon the *primores populi* of the sort he attributes to Lucilius in Sermones 2.1.68–69 (below, p. 1816); and there is certainly very little in his work that may be considered political. As we have noted, however, he did satirize in Book One a few prominent figures and several contemporaries of lesser rank, as well as some who were recently deceased, and of course, on literary grounds, the very popular Lucilius. For all of this, despite his efforts at justifying both the use of *onomasti komodein* and his strictures on his predecessor's manner and style, despite the significantly modified posture seen in his closing pronouncement of *ridiculum acri fortius* (in 1.10) and the more restrained employ of *nominatim* satire in the volume's later poems, Horace had quite naturally encountered criticism, some of it no doubt animated, and was surely, as RUDD supposes (150), "in certain quarters . . . regarded with suspicion."

Sermones 2.1, the second book's opening selection but last of all the satires in order of composition, constitutes Horace's final defense of the genre and his handling of it. The piece glances back at the earliest, most Lucilian, most personally provocative satires of the preceding book, productions of a poet ten years younger, forward to the collection of inverted monologues and quasi-Socratic dialogues it prefaces, and beyond – as Horace's swan-song, so to speak – to future generations of satirists.[62] The satires of this second book, it is important to recall here, are far removed from what was conceived of in the first century as the *character Lucilianus*, even parodying frequently the diatribal tone

[62] Cf. VAN ROOY (71), who fuses the interpretations of FRAENKEL, 147–148, and RUDD, 124.

Horace had in the past sometimes employed. And, as RUDD has demonstrated in his examination of the personal names in the 'Sermones', Book Two contains far fewer satirical references to living persons.[63] The book itself therefore, even apart from its program poem, would offer an alternative model for the consideration of future writers of satire.

His detractors, Horace observes in the opening verses of 2.1, represent two disparate points of view:

Sunt quibus in satura videar nimis acer et ultra
legem tendere opus; sine nervis altera quidquid
conposui pars esse putat similisque meorum
mille die versus deduci posse. Trebati,
5 *quid faciam? praescribe.*

The *altera pars* are once more the indignant *fautores Lucili,* who, turning against Horace himself his criticism of their master in 1.4.9–10, charge that the 'Sermones' lack energy and substance. The group Horace first mentions, and whose accusation concerns him more, must include particularly (as we can see from verses 21–22 below) those persons he had satirized by name or innuendo in Book One, as well as their relatives and friends. The complaint they raise, that Horace's satires were "too abusive," is the very same that he had levelled against Lucilius in 1.10. Thus, the poet rather neatly announces, this program poem shall serve the second book as 4 and 10 had together served the first, presenting a last, comprehensive response to all his critics.

The poem, whose theme may with intentional ambiguity be termed 'The Law of Satire', begins and ends with a play on the literary and legal senses of two phrases. Those detractors who consider Horace too abusive accuse him of carrying his satire *ultra legem,* words whose positioning stresses their thematic importance. The association of *legem* with *opus,* at the conclusion of the sentence, would suggest to a first century audience the "law of the genre" (*lex operis*) and the implied restrictions of subject, form, and manner imposed upon the poet by the tradition within which he has chosen to work.[64] But the expression *ultra legem,* immediately following the charge *nimis acer,* must first have been interpreted as "beyond legal limits," and the introduction in line 4 of the jurist Trebatius Testa as Horace's advisor would promptly distract the audience's thoughts again from literary law to the civil law.[65]

Quiescas! The jurisconsult's first word of advice to the satirist (5), when the nervous mood of the times is considered, is really quite appropriate, as even Horace allows in his quipping rejoinder (6–7): "I'll be damned if that's not an excellent suggestion! But I can't sleep, and so must write." Trebatius counters

[63] See above, note 31.
[64] For *lex operis* in this sense see, e.g., Hor. Ars P. 135, Juv. 7.102. Cf. FRAENKEL, 148, 174; RUDD, 130; VAN ROOY, 70, and 87, note 96; COFFEY, 4–6.
[65] Even Horace's use of the word *satura* here for the first time may reflect his efforts at achieving a legalistically precise terminology, as suggested by A. L. WHEELER, 'Satura' as a Generic Term, CPh, 7 (1912), 468.

with a comic prescription for the insomnia that combines medical and legal phraseology: *ter uncti / transnanto Tiberim somno quibus est opus alto, / irriguumque mero sub noctem corpus habento* (7–9).[66] Or if the evening swim and nightcap treatment fail to work a cure, the counselor admonishes (in language meant to recall passages from Sermones 1.4 and Lucilius), write something that will bring you profit rather than fear and loathing. "Dare to tell the story of Caesar Invictus" – write an epic, that is, culminating in Octavian's recent victory at Actium (10–11). "Sing of Caesar's goodness and courage, as Lucilius did – quite wisely – for his patron Scipio" (16–17), and abandon the naming attacks on scurrilous individuals that characterized your first book (21–23):

> *quanto rectius hoc quam tristi laedere versu*
> *Pantolabum scurram Nomentanumque nepotem,*
> *cum sibi quisque timet, quamquam est intactus, et odit.*[67]

In the expected *recusatio* we find Horace willing but – like Vergil at about this same time (G. 3.16–39) – not yet fully prepared to compose the sort of grand lyric Trebatius envisions.[68] The Roman Odes would be the product of an even more propitious moment in the poet's career. For the present, the timing is not quite right, the relationship between poet and patron not sufficiently matured (17–20):

> *haud mihi dero,*
> *cum res ipsa feret: nisi dextro tempore Flacci*
> *verba per attentam non ibunt Caesaris aurem*
> 20 *cui male si palpere, recalcitrat undique tutus.*

Behind the Horatian smile, the comedy, the punning of these opening lines, were concerns of serious import to the satirist.

Trebatius' warning against *nominatim* satire and his reference to Lucilius open the way to Horace's final justification of his work and a last estimate of its relationship to the Lucilian tradition. As his own satire had developed and broadened, Horace seems to have progressed toward a deeper and more balanced appreciation of his predecessor's work, particularly in its confessional aspect, which is given special emphasis in this poem (30–34): it is the Lucilian tradition, here more accurately defined, that Horace delights to follow, acknowledging again (as he had in 1.10) Lucilius' superiority (28–29, 34, and compare 75). The passage at once mollifies the *fautores Lucili* and justifies Horace's own near abandonment of personal invective in this book by focusing on his model's more general, self-

[66] See FRAENKEL, 147, note 2; for Trebatius, above, note 31.

[67] Verse 21 recalls 1.4.78, and cf. Lucil. 1075 W. and 1084 W., above; verse 22 echoes 1.8.11; and 23 recalls 1.4.33 (and for *timet . . . et odit*, cf. Juv. 9.96, *ardet et odit*). For an interlocutor's similar advice to Lucilius, see fragments 713, 714 W. and cf. FRAENKEL, 150, note 1.

[68] On the Callimachean model for Horace's *recusatio*, see W. WIMMEL, Kallimachos in Rom: die Nachfolge seines apologetischen Dichtens in der Augusteerzeit, Hermes Einzelschr., 16 (Wiesbaden, 1960), 148–167, esp. 162–167.

revelatory manner, of which *nominatim* abuse, he now recognizes, was but a single aspect.

For those in his audience who regarded him as *nimis acer*, Horace has this concession: he shall still wield his pen, the satirist's sword, but only – he now adds for the first time – in self-defense (39–44). Thus he steps back from his active role as moral inquisitor, though with a warning to his enemies not to provoke him (44–46). Like any animal, man will attack, when angered or threatened, with whatever weapons nature has placed at his disposal (47–56). It is not by accident that of the four illustrations supporting this point, two have a juridical context: Canidia and Scaeva use poison against those they hate, but Cervius threatens his enemies with lawsuits and Turius the judge will inflict *grande malum* on his foes should any appear in his court. Just as Canidia is a Horatian victim familiar from the first book (1.8), as well as from the contemporary epodes (5 and 17), so the others should be regarded as characters, whether fictitious or not, to whom Horace was *inimicus*.[69] It is a natural assumption that, through Cervius and Turius, Horace once more implies that he has felt at least the threat of legal action. Thus he takes up the charge against him announced at the outset of this poem, that in his satire he had exceeded legal limits.

Accordingly Trebatius, after a lengthy silence (24–60) and immediately following Horace's reference to exile as one of his possible fates, interrupts with a sobering admonition which, together with Horace's reply, would be partially adapted by Persius and Juvenal.[70] The lawyer fears that Horace's satire will provoke a "chilling" response from some influential "friend" (60–62):

> 60 *o puer, ut sis*
> *vitalis metuo et maiorum nequis amicus*
> *frigore te feriat.*

That the allusion is to Maecenas and Octavian is clear from Horace's rejoinder, an appeal to the intimate relationship between Lucilius and his patron-friends, Scipio and Laelius, and in particular to their tolerance of his 'defamatory verses' (62–74):

> *quid? cum est Lucilius ausus*
> *primus in hunc operis conponere carmina morem*
> *detrahere et pellem, nitidus qua quisque per ora*

[69] For Canidia, a cover-name for one Gratidia according to the questionable account of Porphyr. ad Hor. Epod. 3.8, see RUDD, 148–149, and cf. FRAENKEL, 62–64, 123, 148. A P. Canidius Crassus was active in Roman politics as a supporter of Antony throughout the period of Horace's work on the 'Epodes' and 'Sermones', commanding Antony's army at the time of Actium (see MRR 2, esp. 421, 542): it is tempting to see a connection. BROUGHTON likewise lists a single Cervius (P. Cervius, a *legatus* under Verres in Sicily, during 73 and perhaps 72 B.C.: MRR 2, 544); one of the two Turii in BROUGHTON may also have been an Antonian (M. Turius: MRR 2, 483, 628), but a more likely identification is L. Turius, possibly praetor and *iudex de repetundis* in 75 (MRR 2, 97). As VOGEL pointed out (cited by RUDD, 293, note 16), Horace puns on the name Scaeva in 53 with *dextera* in 54.

[70] See Pers. 1.107–125 and Juv. 1.150–171, with the discussions by SHERO, KENNEY, and GRIFFITH.

65 *cederet, introrsum turpis: num Laelius aut qui*
duxit ab oppressa meritum Karthagine nomen
ingenio offensi aut laeso doluere Metello
famosisque Lupo cooperto versibus? atqui
primores populi arripuit populumque tributim,
70 *scilicet uni aequus virtuti atque eius amicis.*
quin ubi se a volgo et scaena in secreta remorant
virtus Scipiadae et mitis sapientia Laeli,
nugari cum illo et discincti ludere, donec
decoqueretur holus, soliti.

Should I expect to offend my patrons, Horace asks, when Lucilius, who established this *mos operis* and who went much further than I in satirizing the state's leading citizens by name, lived always on the most congenial terms with Scipio and his coterie? "Though I may be far beneath Lucilius in both genius and rank (another sop to the *fautores*), Envy," Horace adds, "will nonetheless be constrained to admit that I too have enjoyed the company of the great and, while seeking to gnash her teeth into my tender flesh, she will bite into something quite solid – unless you, learned Trebatius, have some dissenting opinion to offer" (74–79).

The argument in this passage contains at once a warning to the poet's critics and a subtle appeal to the *virtus* and *sapientia* of Octavian, who might pleasurably fancy himself the Scipio to Horace's Lucilius.[71] Horace has asserted that he can and will, in self-defense, inveigh against those who would threaten him, and that, like Lucilius, he can expect to do so with impunity, under the protection of his powerful allies. And yet Trebatius' anxious warning in 60–62 and the quality of pleading in Horace's reply seem the product of a lingering insecurity, however slight, over the firmness of Octavian's support. The poet, ever seeking to maintain and improve his position in Rome, appears (as he himself suggests in 17–20) to have understood quite well Octavian's recalcitrant nature and the pitfalls of untimely advances.

Then again, there was the law, which was not yet wholly subject to the interpretation of a *princeps*. Trebatius is the nagging reminder. "Despite your relationship with Octavian, take my advice – beware" (80–83):

80 *ne forte negoti*
incutiat tibi quid sanctarum inscitia legum:
si mala condiderit in quem quis carmina, ius est
iudiciumque.

Horace responds to his lawyer's warning by recapitulating his various appeals to the authority of his patron, the guilt of his victims, and the innocence of his own motives, together with a humorous play (similar to that in the poem's opening lines) on the double entendre in the expression *mala carmina*, by which Trebatius

[71] The relationship between Lucilius and Scipio – congenial, intimate, secure – seems to have held a special attraction for Horace: so PERRET, 56–57.

had meant "libellous verses," but which the satirist takes to mean "bad poetry" (83–85):

esto, siquis mala; sed bona siquis
iudice condiderit laudatus Caesare? siquis
85 *opprobriis dignum latraverit, integer ipse?*

"So be it – 'whoever has composed mean poems shall face judgment.' But what if one has written good verse, an author praised with even Caesar as his 'judge'? What if a man, blameless himself, has bayed only at those deserving of reproach?"

"In that case," the jurisconsult promptly concedes in the poem's closing line, "the law tables themselves will be convulsed with laughter; you'll go scot-free, the case dismissed" (*solventur risu tabulae, tu missus abibis*: 86).[72]

But we ought not, here or ever, be too far misled by the Horatian smile. It should be obvious that Horace has in mind throughout Sermones 2.1 the Roman laws of libel and slander: the poem begins with a deliberately ambiguous reference to the 'law of satire'; there are a number of explicit references to the writing of *versus famosi* and the threat of legal action; the advice of the jurisconsult Trebatius has a legalistic tone throughout, and his last warning paraphrases the old Twelve Tables law itself, the *sanctae leges*, as the fountainhead of the Roman tradition of statutory restrictions against defamation.

The fifth century statute, which is cited by Cicero in that passage from the 'De republica' discussed earlier, seems to have prescribed death by flogging as the punishment for any public defamatory utterance or incantation.[73] In his 'Epistle to

[72] On the meaning of verse 86 see esp. LEJAY, 289–290; RUDD, 128, 130; COFFEY, 82–83; J. ELMORE, Notes on Horace: *Serm.* II.1, 86, *Epp.* II.3, 120–3, CR, 33 (1919), 101–102; and, for a review of the various interpretations of *solventur tabulae*, J. S. C. TEIJEIRO, Apostillas jurídicas a una sátira de Horacio, Arbor, 31 (1955), 65–75. Rather than merely court records (ELMORE), *tabulae* was likely meant to recall the Twelve Tables (cf. Epist. 2.1.23). The *mala carmina* pun is continued in *iudex* (84), which suggests at once the praetor (the *iudex de iniuriis*) and the literary arbiter. For *dignum* (85), see above, sect. I, p. 1796, on 1.4.3.

[73] The history of Rome's defamation laws under the Republic is complicated by meagre and sometimes corrupt evidence. A useful presentation of the surces is to be found in L. ROBINSON, Freedom of Speech in the Roman Republic (Baltimore, 1940), an elaboration of views advanced by her dissertation advisor, T. FRANK, in: Naevius and Free Speech, AJPh, 48 (1927), 105–110; for objections to their interpretations, particularly regarding the Twelve Tables restriction on defamation, and a survey of the major controversies and bibliography through 1941, see the review of ROBINSON by A. MOMIGLIANO, JRS, 32 (1942), 120–124. See also R. J. M. LINDSAY, Defamation and the Law under Sulla, CPh, 44 (1949), 240–243; and esp. the judicious survey by R. E. SMITH, The Law of Libel at Rome, CQ, 45 (1951), 169–179, whose reconstruction is for the most part followed here. – Ancient literary references preserve two fragments from the Twelve Tables dealing with *carmina*. The elder Pliny, in a discussion of evil omens and sorcery, alludes to penalties prescribed by the decemvirs against anyone who uttered evil incantations (*qui fruges excantassit, et alibi, qui malum carmen incantassit*: HN 28.17, WARMINGTON, III, tab. 8, fragment 1 b); the second citation appears (tab. 8, fragment 1 a) in the passage from Cicero discussed in sect. I (De repub. 4.11–12: for the full text, see note 10), in which Scipio is

(Continuation of the footnote 73)

characterized as condemning the *onomasti komodein* of Old Comedy and approving the capital punishment provided by the Twelve Tables for defamation, *si quis occentavisset sive carmen condidisset, quod infamiam faceret flagitiumve alteri.* Taking up the interpretation of Huvelin and Maschke, Frank and Robinson argued that the Cicero passage is in part corrupt, that Cicero himself (who had long studied the Twelve Tables: Leg. 2.59) actually "failed to understand the decemviral law" in its original sense (Robinson, 5), that *occentare* is precisely equivalent to *incantare,* and that accordingly Cicero and Pliny had in mind one and the same law, a measure dealing exclusively with black magic; the Twelve Tables, they conclude, did not legislate against defamation at all (nor in fact was there any effective restriction on free speech before the time of Caesar). Momigliano refuted these arguments, defending Mommsen's evaluation of the evidence: the Twelve Tables, through two distinct laws, prescribed penalties against both incantatory and defamatory *carmina.* The controversy continues. Certainly the argument against the existence of any defamation law in early Rome cannot stand (Cicero and Horace, in Epist. 2.1, are trustworthy witnesses), but it may well be that a single statute ruled against any serious personal abuse by name, whether magical intent was involved or not. In the ancient traditional law, upon which the Twelve Tables were in part based, there may have been little if any distinction between defamation and incantation: it is not unlikely that "the laws of libel and personal insult have their roots in prohibition of harmful magic of words," as G. L. Hendrickson remarked in his valuable treatment of the psychology and 'magical' efficacy of curses in ancient literature: Archilochus and his Victims, AJPh, 46 (1925), 101–127, esp. 117. Horace's phrase *carmina mala condere* appears to conflate the language of Cicero and Pliny. His use of *carmina mala* rather than *carmina famosa,* surely not a "personal blunder" (Momigliano, 121), may support the view that originally there was but a single *occentare/incantare* law, or it could have been a deliberate ambiguity allowing the pun on "good and bad poetry" in verse 83. The same expression (*carmina mala*) is, however, employed in Epist. 2.1.153, again for defamatory verse, though specifically of the fescennines, which according to popular etymology originally had magical force (*fescennini versus . . . dicti, quia fascinum putabantur arcere*: Festus, 76L.). Conceivably Horace is glancing at the magical aspect of satiric verse in both passages: of the conclusion of Serm. 2.1 Reckford remarks, "In asserting . . . that he writes bona carmina, Horace means more than that they are well-written and non-libelous. They are white magic, power exerted for good" (38). For the view which Reckford develops here (37–38), that Horace has in mind ancient laws that in his day "still expressed the popular conviction that the satirist wields a demonic antisocial power," see Elliot, 120–129, esp. 123–125, who notes the Archilochean quality of verses 44–46 (where, it should be added, *cantabitur,* immediately preceding references to the threat of the law, 47, and the witch Canidia, 48, may anticipate the poem's closing allusion to the law/laws of *occentatio/incantare*); cf. Jolowicz (175, note 1: "Magic was no doubt involved in the *carmen famosum* too"); A. Ronconi, 'Malum Carmen' e 'Malus Poeta,' Synteleia Vincenzo Arangio-Ruiz, 2 (Naples, 1964), 958–971, esp. 962–965; Griffith, 61; V. L. Nobrega, Le carmen famosum et l'occentatio, Romanitas, 12–13 (1974), 324–362; G. Comerci, Carmen, occentatio, ed altre voci magico-diffamatorie delle XII tavole a Cicerone, BStudLat, 7 (1977), 287–306. – Given the similar developments among the Greeks (Solon is credited with authoring legislation against slander: Plut. Vit. Sol. 21), the appearance of a law dealing with defamation in Rome's earliest legal code should be no surprise (cf. Momigliano, 121). Balancing the *Italum acetum* was the fact that "Romans were highly sensitive regarding defamation of any kind" (F. Schulz, Classical Roman Law [Oxford, 1951], 595), not least of all the ruling class; the severe penalty (attested by Cicero, above, p. 1795, Hor. Epist. 2.1.154, and cf. Corn. schol. ad Pers. 1.137) suggests strongly that political concerns were involved: insults against the aristocracy could serve no useful purpose, the decemvirs must have agreed, and could lead to rioting (so P. Garnsey, Social Status and Legal Privilege in the Roman Empire [Oxford, 1970], 93, and cf. Warmington,

Augustus' (Epist. 2.1), composed about fifteen years after the publication of Sermones 2.1, Horace observes approvingly that the law was employed in early Rome to curb the excesses of fescennine verse, an increasingly popular, and increasingly abusive, festival entertainment.[74] During the Conflict of the Orders, Momigliano has remarked (122), this restriction on free speech must have "served the interests of the patricians particularly well." If not at first, then at least as literacy became more widespread, the law subsumed libel as well as slander: under its provisions, but with the penalty mitigated, the poet Naevius, whose name would become a byword for the dangers of defaming persons of influence, was imprisoned and exiled.[75]

III, 474–475 and note b). That Cicero approved such a measure is quite in keeping with his conservatism and no doubt reflects his recognition that the senatorial class had suffered with the increasing popularity of Lucilian invective and pamphleteering in the first century.

[74] The passage (145–155) occurs in Horace's discussion of the merits and especially the defects of early Latin verse as contrasted with Augustan poetry:

145 *Fescennina per hunc inventa licentia morem*
versibus alternis opprobria rustica fudit,
libertasque recurrentis accepta per annos
lusit amabiliter, donec iam saevos apertam
in rabiem coepit verti iocus et per honestas
150 *ire domos inpune minax. doluere cruento*
dente lacessiti; fuit intactis quoque cura
condicione super communi; quin etiam lex
poenaque lata, malo quae nollet carmine quemquam
describi: vertere modum, formidine fustis
155 *ad bene dicendum delectandumque redacti.*

Horace's attitude toward *libertas* here (like the literary criticism in the preceding lines) represents a logical development from the evolving views of Serm. 1.4, 1.10, and 2.1. Indeed the passage "recalls, and is probably meant to recall" in particular the conclusion of 2.1, even echoing the *mala/bona* wordplay of 82–83 in the *malo/bene* of verses 153 and 155: so Brink, Horace and Varro, 184–195, who discusses the passage's possible Varronian source and compares the similar strictures against the *libertas* of Old Comedy in Ars P. 281–284 (*successit vetus his comoedia, non sine multa / laude; sed in vitium libertas excidit et vim / dignam lege regi: lex est accepta chorusque / turpiter obticuit sublato iure nocendi*). The very ancient law mentioned here and the *sanctae leges* of Serm. 2.1.80–86 are certainly to be identified with the Twelve Tables (mentioned earlier in Epist. 2.1, at verses 23–27), despite Smith (177, note 6); though unquestionably familiar with modern revisions, Horace makes Trebatius attempt to appeal more persuasively to the long tradition of laws against *mala carmina,* the Twelve Tables (which would have been well-known to Horace, as they were to Cicero) possessing a venerable authority rather like the U.S. Constitution.

[75] The story of Naevius' crime and punishment is well known, if not fully understood in all its details. See esp. Smith, 170–171, Mattingly, and their bibliographies. Naevius was imprisoned, Gellius reports (NA 3.3.15), *ob assiduam maledicentiam et probra in principes civitatis de Graecorum more dicta.* After an apology of some sort, his release was obtained by action of the tribunes; but soon he was apparently forced into exile at Utica, where he died about 201 (Hieron. ab Abr. 1816). Though the imprisonment and exile are not connected by our sources, "nothing will contradict the natural supposititon that Naevius was incriminated under the law of the XII Tables" (Momigliano, 122; so also Smith, 170, and cf. Frank, Naevius). If the tradition appears to conflict with Scipio's remarks in Cic.

At some time during the second century, after Naevius' exile and before Lucilius' own suit against a man who had "attacked him by name on the stage," the law was altered by praetorian edict.[76] Defamation was no longer treated

Rep. 4.11 (above, note 10), where Naevius and Plautus are paired as Roman playwrights who refrained from the *onomasti komodein* of Old Comedy, the solution may be that Naevius did not actually name names *in scaena*, but, like Plautus, employed only oblique references (by this view the well-known gibe *fato Metelli Romae fiunt consules* would be from some work other than a play: see E. V. Marmorale, Naevius Poeta [Catania, 1950], 39–143, esp. 63–66; Smith, 170; but cf. Mattingly). If we see the exile as a court-imposed sentence, it would appear that defamation was still regarded as a capital offense (exile would be the standard alternative to the death penalty in the later handling of treasonous defamation: see below, p. 1822); and, following Marmorale's view, innuendo would seem as grave an offense as *nominatim* attack, at least where the targets were members of the ruling class. Perhaps warned by Naevius' example, Plautus, whose only satirical references to contemporary political events were quite cryptic (cf. Robinson, Freedom of Speech, 8–11), was apparently more discreet; it is not perhaps without significance that of the very few peraonal allusions in Plautus, one seems to be an oblique reference to the confinement of Naevius (Mil. 211–212: Robinson, 8; but cf. Mattingly, 422–424). Waszink, Tradition, 32, overemphasizes Naevius' influence on Lucilius.

[76] So Momigliano, 122; Smith, 171–172. The *actio iniuriarum aestimatoria*, which had at first pertained only to bodily injury, by the second century included injury deriving from insult (*convicium*, previously subsumed under the *occentare* law: "*occentassit*" *antiqui dicebant quod nunc convicium fecerit*, Festus 196.12 L.) or any act bringing disgrace unjustly upon an individual. Auct. ad Her. 4.35 provides a definition of *iniuria* that probably derives from the second century, *iniuriae sunt quae aut pulsatione corpus [aut] convicio auris aut aliqua turpitudine vitam cuiuspiam violant* (and cf. 2.41); the text of the edict appears in Dig. 47.10.15.25, *ne quid infamandi causa fiat, si quis adversus ea fecerit, prout quaeque res erit, animadvertam* (*animadversio* was the praetor's prelminary inquiry); Ulpian is cited in explanation of *infamandi*, Dig. 47.10.15.27, *proinde quodcumque quis fecerit vel dixerit, ut alium infamet, erit actio iniuriarum. Haec autem fere sunt, quae ad infamiam alicuius fiunt: . . . aut si carmen conscribat vel proponat vel cantet aliquod, quod pudorem alicuius laedat* (see above sect. II, p. 1811, on charges of *laedere* against Lucilius and Horace). For the broad scope of *iniuria* see B. Nicholas, An Introduction to Roman Law (Oxford, 1969), 215–217; cf. Jolowicz, 286–288; Schulz, 593–599; Crook, 250–255; M. Marrone, Considerazioni in tema di 'iniuria', Synteleia Vincenzo Arangio-Ruiz, 1 (Naples, 1964), 475–485; also D. Daube, 'Ne quid infamandi causa fiat', The Roman Law of Defamation, Atti del congr. intern. di dirit. rom. e di stor. del dirit., 1948, 3 (1951), 413–450, who argues that while *convicium*, including the recitation of *mala carmina*, was actionable as *iniuria* from ca. 200 B.C. (415), the *ne quid infamandi* law, also dating from the second century, applied at first only to those forms of defamation calculated to bring *infamia* "in the technical sense" on the victim, and that only later, toward the end of the first century, was the measure subsumed under the general *iniuriarum* decree. Two cases of injurious *convicium* dating to the late second century, one involving the satirist Lucilius as complainant, are cited briefly in Auct. ad Her. 2.19: *C. Caelius iudex absolvit iniuriarum eum qui Lucilium poetam in scaena nominatim laeserat, P. Mucius eum qui L. Accium poetam nominaverat condemnavit.* Though we lack the identity of either defendent, we know that the man condemned for lampooning Accius was a *mimus* (and thus of low station) and that he had argued, unsuccessfully, that naming attacks against playwrights were not illegal (Auct. ad Her. 1.24: *licere nominari eum cuius nomine scripta dentur agenda*); the argument recalls the prologues to Terence's plays, written a generation earlier, in which the dramatist, even in defending himself against the charges of Luscius Lanuvinus, was careful to

exclusively as capital, an offense against the state, but became actionable, at the praetor's discretion, as a personal offense or delict under the auspices of the *quaestio de iniuriis*. In the case of a conviction, a fine was imposed and damages awarded to the injured party. Smith (172) regards this revision of the law as a natural consequence of "the growing popularity of the mime and the Atellane farce with their freer traditions and the general development of society." It might be added that such a reduction in the prescribed penalty may actually have been intended to encourage prosecutions (though the requirement of a preliminary hearing [*animadversio*] would reduce the bringing of frivolous or unfounded charges). The measure should be seen in the context of the increasing domestic unrest and political activism that characterized the second half of the century. It is not unlikely that the threat of the law, thus revised and revived, had a direct

avoid naming names. In the cases involving Lucilius and Accius, it is important to notice, the attacks were *nominatim* (rather than oblique) and public (*in scaena*): cf. Smith, 171, and 172, note 1; Daube, 435. For the possible politics involved in Caelius' acquittal of the man accused by Lucilius, and Mucius' (probably P. Mucius Scaevola, praetor in 136: MRR 1, 488) condemnation of the defendant in Accius' suit, see Robinson, Freedom of Speech, 6–8; cf. W. Barr, Lucilius and Accius, RhM, 108 (1965), 101–103. Several explanations have been offered for the seemingly curious fact that Lucilius brought suit against someone for public insult, while at the same time satirizing contemporaries by name with apparent impunity: first, some of Lucilius' victims were "Romans of no social consequence or . . . complete outsiders" who would have little clout in a court of law (Coffey, 51); though we lack a precise chronology of the poems, it is evident that some of Lucilius' more notable targets were recently deceased when he circulated his satires, or in exile, or recently disgraced by court action, scandal, or political failure, and hence "vulnerable," as Robinson remarks (Freedom of Speech, 27–28, and cf. Ead., Personal Abuse, passim: relatives and friends would have been offended, of course, and might have recourse to extralegal coercion); Lucilius (like Horace) could appeal to the truth of his charges and the guilt of his victims as a possible legal defense (see above, note 18); a number of his victims were Aemilianus' political enemies, attacked under the protection (and even inspiration) of his powerful faction; more generally, as a wealthy man who moved in aristocratic circles, Lucilius may have enjoyed to some degree the sort of immunity from prosecution for slander that obtained for noblemen in the courts and assemblies (for this "distinction of class," see Crook, 253: by contrast, Horace, *infra Lucili censum* [Serm. 2.1.75], "lacks that aristocratic certainty," Reckford, 37); following in the long tradition of Old Comedy, iambic, Cynic diatribe, and Italian farce, Lucilius and his successors could expect to be granted a sort of literary license (as G. Williams implies, Libel and Slander, in: The Oxford Classical Dictionary [1970], 606), which even Cicero grudgingly permits in the 'De re-publica', so long as the state's "best men" are left unscathed. A last, but important consideration, suggested by Smith (172), lies in the "distinction between the written and the spoken word." The attack upon Lucilius (by an individual of lower class) was public, *in scaena*, and was thus actionable, whereas Lucilius' own invectives were intended, as he himself insists, for a more restricted audience (above, note 59, and cf. on Horace, note 18). While Lucilius no doubt recited his poems from time to time, and though much of his work had potentially broad appeal, the audience for his published volumes was ultimately narrower and more sophisticated than that of a *mimus*. Thus it is not so much that libel, as distinct from slander, was excluded from the law (which had included both, in theory, from the Twelve Tables onward), but that in practice libel was still in the second century considered a less serious, because less public, offense (cf. Robinson, Freedom of Speech, 28; Coffey, 36).

influence on Lucilius' attempts, in the programmatic remarks briefly discussed above in section II, p. 1811–1812, to justify the personal abuse in his satires.

Within a generation of Lucilius' death, Sulla authored a bill, the *lex Cornelia de iniuriis*, which, along with other provisions, appears to have clarified and underscored the defamation law's application to authors of written works who "composed, collected, edited, or collaborated in any book with libellous intent, including books published anonymously or under a pseudonym."[77] In a second measure Sulla seems also to have brought libel and slander into the definition of what constituted *maiestas*, the penalty for which was death or banishment.[78]

[77] The law, a response to the increase in pamphleteering and politically motivated satire during this period, is cited by Ulpian, Dig. 47.10.5.8–9: *Lex Cornelia [de iniuriis] competit ei, qui iniuriarum agere volet ob eam rem quod se pulsatum verberatumve domumve suam vi introitam esse dicat. . . . sed Sabinus in adsessorio etiam praetores exemplum legis secuturos ait: et ita res se habet, si quis librum ad infamiam alicuius pertinentem scripserit, composuerit, ediderit dolove malo fecerit, quo quid eorum fieret, etiamsi alterius nomine ediderit vel sine nomine, uti de ea re agere liceret et, si condemnatus sit qui id fecit, intestabilis ex lege esse iubetur.* There are difficulties with the text, and some would attribute the provision regarding *infamia* to a later, probably Augustan, *senatus consultum*. For the interpretation adopted here, see the cogent and persuasive arguments presented by SMITH, 173–176 (contrast MOMIGLIANO, 122; DAUBE, 415; JOLOWICZ, 288). The provision that a convicted libeller be prohibited from appearing as a witness in court (*intestabilitas*) seems to be entirely new.

[78] *Maiestas* is defined for us as early as Cicero's 'De inventione' (2.53): *maiestatem minuere est de dignitate aut amplitudine aut potestate populi aut eorum quibus populus potestatem dedit aliquid derogare.* Although the law was employed at first chiefly against magistrates mismanaging affairs in their provinces, there ultimately came to be an increasing emphasis on the second notion in Cicero's definition. The *lex Cornelia de maiestate* (81 B.C.) certainly established a standing *quaestio de maiestate*, which must have encouraged prosecutions, but other details of the law are obscure. The one text providing any information on Sulla's attitudes toward *maiestas* and free speech is corrupt, but it suggests that, in Cicero's opinion (Fam. 3.11.2 – written in 50 B.C., about ten years before Horace started work on the 'Sermones'), the scope of *maiestas* was imprecisely defined and thus dangerously broad: *"De ambitu vero quid interest," inquis, "an de maiestate?" Ad rem nihil; alterum enim non attigisti, alterum auxisti. †Verum [Varia?* so A. H. MCDONALD, in: SMITH, 176, note 3] *tamen est maiestas, etsi Sulla voluit ne in quemvis impune declamari liceret; ambitus vero ita apertam vim habet ut aut accusetur improbe aut defendatur.* SMITH (176–177) suggests that Sulla's law had aimed at protecting magistrates (that is to say, his newly constituted government) from popularist charges of *maiestas* by further defining what constituted treason; one who made an unfounded public accusation of treason (that is, on charges not contained within the now more specifically defined concept) against another might himself be indicted for *maiestas* or malicious accusation under the *lex Remmia de calumnia* (see Cic. Rosc. Am. 19.55). Further, assuming Quintilian's definition had currency under the Republic (*iniuriam fecisti; sed quia magistratui maiestatis actio est*: 5.10.39), and allowing that the *lex Cornelia de iniuriis* covered libel, SMITH points to the possibility (177) that "libels directed against a magistrate could lead to prosecutions for maiestas": *convicium*, it should be remembered, had been treated as *iniuria* since the second century, so that public insult (under Quintilian's definition) would almost certainly have been regarded as treasonable. The penalty for *maiestas* recommended by Caesar was banishment (*interdictio aquae et ignis*: Cic. Phil. 1.23). See further MOMIGLIANO (123); C. W. CHILTON, The Roman Law of Treason under the Early Principate, JRS, 45 (1955), 73–81, esp. 73–74.

Although we have no direct evidence of any court actions against libel, either as *iniuria* or *maiestas*, during the closing years of the Republic, and while the law was no doubt frequently (and for a variety of reasons) ignored, the threat of prosecution surely remained, especially during the uncertain tenure of the second triumvirate when Horace was at work on his satires.[79] RUDD's opinion (which is shared most recently by COFFEY) that Sermones 2.1 probably reflects no "real anxiety" over possible legal repercussions seems to me an overstatement.[80] The very fact that Horace had the second volume's "other seven poems before him and . . . knew quite well that they contained little in the way of defamatory material"[81] is itself the best evidence for the anxiety he at least had felt over the past few years while at work on those deliberately less provocative satires. The poet's motive in 2.1, so much of which is given over to the legal question, is more than "wit" alone:[82] Horace characteristically blends humor with matters of serious concern, and so he does in this poem, which must serve as a defense of the crucial amendment he has made in Book Two to the law of the genre. Horace knew the law of defamation, had the good sense to interpret it in the context of the most current political situation, and, as SMITH supposes (178), "uncertain of the attitude of some men to criticism in the new times, and probably warned to be careful, was not ready to risk the possible consequences."

In Book One Horace had come at least perilously close to breaking the *iniuria* law, if not the law of *maiestas*. As VAN ROOY suggests (71), "threats of legal action upon publication of the previous volume may have been one factor, amongst others, which caused Horace to reduce personal attacks on contemporaries to a minimum" in his second book. When in 2.1 he insists that he makes only truthful accusations against the guilty, and then only in self-defense, he must have suspected that even this argument could not guarantee immunity had he persisted in the sort of abuse that characterized his earliest satires. If prosecutions for libel had been infrequent in Catullus' day, for example, there was no assurance that stricter enforcement might not be expected in the stabilizing period after Actium. Indeed there were doubtless ample indications even earlier that Octavian would stand forth as a proponent of law and order, as advocate of the *mos maiorum* and of traditional views of civilized behavior. VAN ROOY is quite correct in regarding "the prominence of the legal issue" as part of the "prospective" outlook of 2.1, with its implication that "even under Octavian's

[79] The last cases we know, before A.D. 12, are those of Accius and Lucilius; poets like Calvus and Catullus wrote with apparent impunity, at least as regards legal action. SMITH (177) suggests that the law, like so many others in this period, may have been largely disregarded; but, as MOMIGLIANO remarks, given the developments under Caesar and Octavian, the "influence of the new juridical development [i.e., the encompassing of defamation under the charge of *maiestas*] upon free speech must have been felt before" the first application of the law known to us (in A.D. 12: see below). See esp. ROBINSON, Freedom of Speech, chap. 3.

[80] RUDD, 128, and his Horace, *Sermones* II 1: a Poem of Transition, Hermathena, 90 (1957), 47–53; COFFEY, 82, 91; cf. KNOCHE, 86.

[81] RUDD, 128.

[82] RUDD, 128.

patronage, the 'lex saturae' would no longer admit of the true Lucilian 'libertas'."[83]

Inextricably entwined in this legal issue, of course, is a consideration almost equally emphasized in 2.1 and ultimately more crucial than the law itself, and that is the delicacy of Horace's relationship with Octavian, a bond initiated shortly after 1.4 was composed and one that the poet was most anxious to maintain and foster. If Horace, a former republican who shared in the defeat at Philippi, had no immediate fear of reprisal when he wrote 2.1, it was largely because of his demonstrated determination over the past few years to accommodate the manner of his second book to the tastes and dictates of the new order and his new patron. "Don't create a stir," Maecenas might have casually suggested one afternoon to the young, ambitious, attentive poet, who felt so strongly the need to dissociate himself from the mob and live on equal terms with the great.[84]

Octavian's attitudes toward personal satire must to those who knew him have been entirely clear by 30 B.C., the year 2.1 was most likely composed, a dozen or so years after the proscriptions which would earn for the future emperor the Juvenalian tag *Sullae discipulus* (Juv. 2.28). Macrobius reports a revealing comment made even before Actium by another litterateur who understood the young commander's thinking: *Pollio, cum fescenninos in eum Augustus scripsisset, ait: at ego taceo. Non est enim facile in eum scribere qui potest proscribere.*[85] It would become the policy of Augustus that abusive literature was detrimental not merely to individuals but to the very dignity of the state, a position that recalls Cicero's views on the ideal republic (and the posture taken by most authoritarians). Building upon republican precedents, Augustus ultimately revived the laws of libel and libellous treason, encouraging their enforcement by the senate: a decree of A.D. 12 provided for the public burning of offensive books in addition to the banishment of their authors.[86] Even as Octavian's position was becoming more

[83] Van Rooy, 71; cf. Fraenkel, 147–148; Fiske, 370.

[84] Cf. Knoche, 82; Reckford, 28–29, and Id., Horace and Maecenas, TAPhA, 90 (1959), 195–208; Rudd, 195–196: "it may well be that in the end Horace's career as a satirist was destroyed by social success."

[85] Macrob. Sat. 2.4.21; cf. Mart. 11.20.

[86] Not only did Augustus uphold the old *lex Cornelia de iniuriis*, but at some time early in his reign (Smith, 179, note 7) he appears to have extended (or made more explicit) its application to the authors of anonymous verse lampoons, and any who might buy or sell such productions (Dig. 47.10.5.10, a continuation of Ulpian's discussion of the *lex de iniuriis* cited above, note 77: *eadem poena* [i.e. *intestabilitas*] *ex senatus consulto tenetur etiam is, qui* ἐπιγράμματα *aliudve quid sine scriptura in notam aliquorum produxerit: item qui emendum vendendumve curaverit*); subsequently he authorized the senate to make official inquiries into the authorship of defamatory *libelli* and *carmina* published under pseudonyms or anonymously (Suet. Aug. 55: *censuit cognoscendum posthac de eis qui libellos aut carmina ad infamiam cuiuspiam aut alieno nomine edant*; Smith, 179, note 6, refers Paulus' explication in Dig. 47.10.6 to these actions: *quod senatus consultum necessarium est, cum nomen adiectum non est eius in quem factum est; tunc ei, quia difficilis probatio est, voluit senatus publica quaestione rem vindicari. Ceterum si nomen adiectum sit, et iure communi iniuriarum agi poterit*). Further, the implication that probably obtained from the time of the *lex Cornelia de maiestate*, that injurious defamation committed against a high magistrate might be actionable as treason, seems to have been made explicit by Augustus in a decree of A.D. 12 reviving the Sullan legislation and providing for public burning of libellous documents as well as the banishment of their authors (see Tac. Ann. 1.72.4, Dio 56.27.1, Suet. Cal. 16.1, and Smith's discussion, 178–179; also Sen. Controv. 10 Praef. 5, Tac. Ann. 4.21, 4.35.5, and Syme, Tacitus, 90, 486–487; A. H. M. Jones, The Criminal Courts of the Roman Republic and Principate, [Totowa, N.J., 1972], 107). Since Augustus held perpetually both the *imperium proconsulare* and the *tribunicia potestas*, insults against his person at any time might be treated as *maiestas*. The immediate aim of the legislation was action against Titus Labienus and the pamphleteer Cassius Severus. The men's works were burned; Severus was condemned to *relegatio*, a lesser form of exile than that permitted by law. Under Augustus' successors, of course, executions and enforced suicides would replace banishment as the usual punishment for libel and slander (even by innuendo) against the emperor or members of his family.

secure during the 30s, and Horace's relationship with him increasingly more intimate, we do not see the satirist employing his satires as a vehicle for attacks on Antony and his circle. Horace had come to understand Octavian, and to respect him. This is not to say that, as a result of this new *amicitia*, Horace expected the privilege of indulging in *nominatim* satire with impunity, but precisely the opposite. There simply was no place in the Augustan regime for negative, censorious, or abusive poetry, and so the author of the Roman Odes and the Song of the New Generation must have further pleased his emperor when two years after the *ludi saeculares*, in Epistulae 2.1, he embraced this philosophy explicitly, gave approval as we have seen to Rome's libel laws, acknowledged that there were indeed appropriate and urbane limits on *libertas*, and went on to define the poet's role as *asperitatis et invidiae corrector et irae* (verse 129).

In the evolution of his satire from the more Lucilian manner of the earliest poems to the less personal, self-parodying tours de force of the second book, Horace's maturing personality was no doubt a factor. We have mentioned his seeming need to associate himself with the elite of Roman society, and one might speculate (though less profitably) on other personal traits. There is, to be sure, some truth in Rudd's opinion (151) that "as the gliding years carried him into his middle thirties," Horace came "to take a more detached view of his material" and to treat the world's evils in more general, "less personal terms." Others have suggested that the aggressiveness Horace projects in his earliest satires was quite alien to his personality and that the poet's 'true' character emerged only later; a comment of Hendrickson's typifies this view: "after a few tentative efforts in a more or less distinctly Lucilian manner, as it would seem, Horace early came into his own humane and kindly point of view."[87]

While Hendrickson's supposition is correct to a point – certainly the more vehement passages in the early poems represent a deliberately Lucilian pose – he goes too far in asserting that, even had there existed in his day a greater freedom of speech, Horace would not have written much differently, influenced as he was by theories of gentlemanly humor espoused by Aristotle and more recently Cicero.[88] Such theories certainly figured in the development of Horace's satire, but they

[87] Hendrickson, Serm. I 4, 137.

[88] Hendrickson, Serm. I 4, 124; cf. Fraenkel, 129; Rudd, 96–97; Reckford, 25.

were not, I should think, the predominant consideration. Sermones 1.4, 1.10, and 2.1 represent far more than the purely disingenuous posturing scholars have too often insisted on seeing in one or the other or all of them. The three poems constitute a complex and evolving response to very real criticism and to pressures of a social, political, and legal, as well as a personal and artistic nature, the ultimate product of which was that literary type we call today Horatian satire.

In reconciling the less abusive, less Lucilian qualities of his second book to the law of the genre, which had seemed to demand *nominatim* attack, Horace attempted to broaden his own earlier definition of satire, underscoring the elements of self-revelation and wit. Though he insisted to the end on his right to indulge in *onomasti komodein*, he accommodated his work to the law of libel and to the will of the princeps by markedly reducing the frequency of personal attack in his later satires and, with 2.1, by abandoning the genre altogether for the more congenial, constructive, even nationalistic 'Odes', and the less personal, more earnest and philosophical 'Epistles'.

But it should be recalled that (as RUDD has shown), while fewer than a third as many living persons are satirized in Book Two as in Book One, the total number of personal names is only about twenty per cent smaller: that is to say, Horace employs a significantly larger proportion of type names, names of dead persons, and totally fictitious characters in these later poems, figures like Damasippus and Davus, the Epicurean gourmand "Mr. Shrewd" (Catius), or the rustic philosopher "Mr. Tidbit" (Ofellus), who too zealously preaches us a sermon on the virtues of simple living. The effect is that, superficially at least, *onomasti komodein* continues to be a feature of Horatian satire, and personal names remain an important textural element. Implicit in this fact is Horace's recognition that names, whether they denoted persons real or fictitious, dead or alive, were absolutely essential to the vividness of the genre (and why not fictitious names: *nomine mutato, fabula de te narratur!*). This recognition and its implementation in Sermones Book Two point the way to Persius, Martial, and Juvenal, who will make extensive use of names, each in his own way, but rarely abuse the living.

Horaz' 'Sermones': Satire auf der Grenze zweier Welten*

von J. TER VRUGT-LENTZ, Geldrop, Niederlande

Anlaß zur folgenden Betrachtung war die Frage nach der gesellschaftskritischen Funktion der lucilischen Satire, welche dieser oft mit großem Zutrauen zugeschrieben wird. Das kann sehr wohl mit Recht geschehen. In einem früheren Aufsatz[1] sagte ich über das Problem der sozialen Kritik in den Satiren des Horaz und des Persius, daß m. E. unser Urteil davon abhängt, was wir unter gesellschaftlichem Engagement verstehen. „Versteht man darunter das Interesse für die Verhältnisse in der Gesellschaft, so sind weder Horaz noch Persius gesellschaftlich interessiert . . . Versteht man darunter ein offenes und kritisches Auge für das Benehmen des individuellen Menschen an und für sich und als Mitglied der Gesellschaft, dann sind sie beide gesellschaftlich engagiert."[2]

Wer also Gesellschaftskritik in dem letztgenannten Sinne auffaßt, hat Recht, wenn er sie bei Lucilius, Horaz und Persius zu finden behauptet. Im ersteren Sinn aber sucht man sie, wie ich glaube, vergebens, nicht nur bei Lucilius, dem seine soziale und politische Stellung wenig Anlaß dazu gegeben haben mag, und bei Persius, der möglicherweise zu sehr von seiner Botschaft beherrscht wurde, sondern auch bei Horaz, dessen Position im ganzen genommen soviel neutraler zu sein scheint als die seines Vorgängers und die seines Nachfolgers. Er lebte ja in vielerlei Hinsicht auf einer Grenze, weder hier noch dort gebunden, weder zu dem einen noch zu dem andern gehörend: auf der Grenze zwischen den niedrigen und höheren Ständen, auf der Grenze zwischen Republik und Monarchie, auf der Grenze zwischen der offiziellen Religion und der Philosophie und innerhalb der Philosophie auf der Grenze zwischen Epikureismus und Stoizismus.[2a] Aber auch er hat sich auf 'Verhaltenskritik' beschränkt,

* Der vorliegende Aufsatz ist im Jahre 1971 verfaßt worden. Durch Veränderung der Umstände war es der Verfasserin nicht möglich, selbst Hinweise auf neuere Literatur einzuarbeiten. Verfasserin und Herausgeber danken KAJETAN GANTAR (Ljubljana) dafür, daß er diese Aufgabe übernommen hat. Die Ergänzungen von K. GANTAR sind durch eckige Klammern gekennzeichnet. – W. H.

1 Satire und Gesellschaft bei Horaz und Persius, Gymn. 77, 1970, S. 480ff.

2 op. cit. S. 480/81.

2a [Allerdings verlief die philosophische Grenze bei Horaz nicht nur zwischen diesen zwei Systemen, die hier wohl nur beispielsweise als zwei führende philosophische Richtungen unter den römischen Gebildeten des augusteischen Zeitalters angeführt werden. Der Aus-