doctor Ovid: Teaching What to Whom in *Tristia* 2?

by
John Matthews

A thesis submitted in fulfilment of the requirements for the degree of Master of Arts in Classics.

University of Otago, Dunedin, New Zealand.

May, 2020.

Abstract

This study undertakes a close reading of Ovid's poem *Tristia* 2, which was composed in AD 9 when the poet was in exile. I argue that although the poem, explicitly addressed to Augustus, takes the form of an earnest plea for mercy, it incorporates various criticisms of the autocrat, while also presenting a vigorous defence of the *Ars Amatoria*, the poem that contributed significantly to his banishment.

The tension between plea and criticism points to a subversive line of interpretation that has been mooted by several studies, including Ingleheart's recent commentary. It forces readers to take a position on *Tristia* 2's political stance.

By examining Ovid's artistic techniques, I argue that he undercuts his plea by denigrating Augustus and the position he took in the case. Through this and in a pitch for acquittal in the eyes of his literary public, he defends both the *Ars Amatoria* and himself and exposes the injustice of his conviction and punishment.

I contend that while Ovid hoped that this approach might result in an improvement in his circumstances of exile (or end it), his most important goal was to rescue and redeem his reputation so that his name could live on through people reading his works.

Acknowledgements

I owe a debt of gratitude to Professor Jon Hall for his constructive and respectful feedback throughout the writing of this essay. I have learned much from him and my work reflects his astute insights and good-natured counsel.

Thanks are due also to my partner, Dr Neil Rodgers, for his unfailing support, without which this undertaking would have been so much harder.

Preface

(i) In this essay, I refer to the poet, Publius Ouidius Naso (43 BC to AD 17/18), as 'Ovid.' This is the name commonly assigned to him in the anglophone world.

I acknowledge also that Rome's first emperor was born Gaius Octauius ('Octavian' in English) and was known by other names at different times as he devised and implemented the ideological and institutional framework of his imperial system. For reasons of clarity and consistency, however, I refer to him as 'Augustus' unless the specific context dictates otherwise. This reflects his name at the time of Ovid's punishment.

(ii) For the text of *Tristia* 2, I have quoted from Jennifer Ingleheart's version which she prints in her 2010 commentary and which, she states, 'is much indebted to the text and apparatus of the Teubner edition of Hall 1995.' (Ingleheart (2010) 28) For the texts of other poems quoted from the *Tristia* collection as well as from the *Epistulae Ex Ponto*, I have used the Oxford Classical Texts (OCT) edition. (S. G. Owen 1915) For the texts of Cicero's *De Officiis*, and Lucretius' *De Rerum Natura*, I have also used OCT editions. (M. Winterbottom 1994 for Cicero and C. Bailey 1922 for Lucretius) For texts by all other ancient authors, I have used the versions of their works printed in Loeb Classical Library editions.

All ancient works cited are by Ovid unless otherwise stated. Abbreviations used are taken either from the 1982 edition of the Oxford Latin Dictionary (OLD) (pp ix - xx) or from the 2012 edition of the Oxford Classical Dictionary (OCD) (pp xxvii - liii).

All translations of ancient works are, as far as I know, my own. As they are intended only to be aids to understanding the works, they lean deliberately towards the literal.

(iii) In Ovid's time, without copyright laws and other protections, 'publication' of a work did not mean what it does today. Once a book was released by its author, he effectively lost control of it and 'any private individual [could] make or procure for himself a copy of any text to which he had access.' (Kenney (1982) 19) For authorial release of *Tristia* 2 and other poems, I have therefore used the word 'circulation' rather than 'publication.'

Furthermore, in the ancient world, 'books were written to be read aloud' and 'a book of poetry … was … something like a score for public or private performance.' (Kenney (1982) 12) Books were also (and still are) physical objects that could and can be read privately by an individual. I therefore refer to receivers of Ovid's poetry as his 'audience,' his 'readers,' or his 'readership.'

(iv) The illustration on the title page is a reproduction of the first (1859) version of *Ovid among the Scythians* by Eugène Delacroix. Oil on canvas. National Gallery, London.

Table of Contents

Introduction		1
Chapter One	The Poem (‘A Source of Innocent Merriment?’) and the Mistake	16
Chapter Two	*Tristia* 2 as Poetic Oratory: the *Exordium* (Introduction) and the *Propositio* (Premiss)	25
Chapter Three	*Tristia* 2 as Poetic Oratory: the *Probatio* (Legal Proof) - Part One	33
Chapter Four	The *Probatio* - Part Two	40
Chapter Five	*Tristia* 2 as Poetic Oratory: the first *Peroratio* (Summing-Up) - ‘I’ve Got a Little List’	48
Chapter Six	*Tristia* 2 as Poetic Oratory: the *Refutatio* (Rebuttal) - Part One	57
Chapter Seven	The *Refutatio* - Part Two	65
Chapter Eight	The *Refutatio* - Part Three	73
Chapter Nine	*Tristia* 2 as Poetic Oratory: the Second *Peroratio*	84
Conclusion		89
Bibliography		92

INTRODUCTION

A Background circumstances to the composition of *Tristia* 2.

In AD 9, which was the year after the emperor Augustus sent him into exile,[1] Ovid addressed a long verse-letter[2] to him, and circulated it. This poem, *Tristia* 2, fills the entire second book of his five-book collection of exilic verse-letters to various unnamed addressees[3] known as the *Tristia* (with *Carmina* understood, possibly 'Sad', 'Bitter', or 'Unfriendly' Songs).[4] In addition to the *Tristia,* which were written during Ovid's first years in exile,[5] he also wrote a number of other exilic verse-letters to named addressees. They are collected in four books known as the *Epistulae Ex Ponto* (Letters from Pontus).[6] Ovid's other exilic work is the *Ibis* (Ibis).[7] It is 'a bitter piece of invective against an unspecified detractor in Rome.'[8]

---

[1] Technically, Augustus did not use 'exile' in Ovid's case but the less severe form of banishment known as 'relegation,' as Ovid was able to keep his Roman citizenship and property. (*Tr*. 2.129-130; 135-7) Claassen provides a short exposition of the legal differences between the two. (Claassen (1996) 571)

Unless there is a specific need to use the term 'relegation', I use the words 'exile' or 'banishment' as they are the more familiar words and Ovid made it clear that to him the effect was the same. (*Tr*. 2.136-7) In the *Tristia*, Ovid also frequently refers to himself as an *exul* (exile): see e.g. (in Book 1) 1.1.3; (in Book 3) 3.1.1; (in Book 4) 4.1.13; and (in Book 5) 5.9.6.

Furthermore, I will take Ovid's exile to be an historical fact despite the absence of contemporary corroborating evidence and the skepticism on the part of some scholars to which this has given rise. See, for example, Fitton-Brown (1985) 18-22.

[2] The poem comprises 289 elegiac couplets or 578 lines. Between them, the other four books of the *Tristia* contain some 49 verse-letters.

[3] The verse-letters that comprise the *Tristia* collection are not addressed to named persons save *Tristia* 2 (addressed to Augustus) and *Tristia* 3.7 (addressed to a woman named Perilla). Other verse-letters are addressed to Ovid's wife but she is not named.

[4] The adjective *tristis -is -e* of which *tristia* is the neuter plural has more than one meaning, depending on its context. While the name of the collection, *Tristia*, is often translated as 'Sad Songs' or the like, the OLD offers some alternatives that are pertinent to Ovid's circumstances: OLD 2 (of situations, actions, feelings, etc.) characterised by gloom or distress, bitter. 3b (of words, attitudes, etc.) unfriendly, hostile.

[5] Syme suggests that Ovid wrote and circulated Books 1 and 2 of the *Tristia* in AD 9, Book 3 in AD 10, Book 4 in AD 11, and Book 5 in AD 12. (Syme (1978) 37-9)

[6] Syme further suggests that Ovid wrote and circulated Books 1, 2, and 3 of the *Epistulae Ex Ponto* during AD 13, and Book 4 in AD 14. (Syme (1978) 40)

[7] Barsby suggests that the *Ibis* was written and circulated 'soon after [AD] 8' so therefore at a similar time to *Tristia* 2. (Barsby (1978) 5)

In 1881, Robinson Ellis edited and published the *Ibis*, and A. E. Housman wrote a witty response to this, as if written by the Ibis, whoever he was:
at, precor, ultores me mala carmina facta / Ellisio tradant emaculanda dei.
But, I pray, may the avenging gods hand the bad poem written against me over to Ellis for cleansing. (Housman (1997) 289)

[8] McGowan (2009) 4

Ovid devised *Tristia* 2 as an 'elaborate "speech for the defence"'[9] in which, ostensibly contrite, he begs the emperor to put aside his anger and to grant him a milder place of exile:

> *his, precor, exemplis tua nunc, mitissime Caesar,*
> *fiat ab ingenio mollior ira meo.*
> …
> *mitius exilium si das propiusque roganti,*
> *pars erit ex poena magna leuata mea.*
>
> I pray by these examples, most merciful Caesar, that your anger might now become softer through my talent. (*Tr*. 2.27-8) … If you should grant the milder and nearer place of exile that I ask, a great part of my punishment will have been eased. (*Tr*. 2.185-6)

Ovid makes this plea because in AD 8, an angry Augustus had punished him for two offences, even though he maintained that he had broken no law.[10] It seems clear that one of the offences was teaching adultery[11] in his three-book collection of poems known as the *Ars Amatoria* (Erotic Art), published some time earlier.[12] That he devotes most of *Tristia* 2 to its defence, and mentions elsewhere that Augustus ordered copies of it to be removed from the public libraries,[13] also suggests that this is so. Apart from the fact that Ovid refers to the other offence as an *error* (mistake)[14] rather than a crime, little is known about it because he refuses to make any comment on it.[15] Furthermore,

---

[9] Claassen (2008)15

[10] For example *Pont*. 2.9.71: *nec quicquam, quod lege uetor committere, feci*.
I have not done anything that I am forbidden to do by law.

[11] *Tr*. 2.211-2: … *qua turpi carmine facto / arguor obsceni doctor adulterii*. …
Having written an obscene poem, I am accused of being a teacher of repulsive adultery.

I will discuss more fully below, but in brief, in 18 BC, Augustus had promulgated the *lex Iulia de maritandis ordinibus* (to encourage marriage) and the *lex Iulia de adulteriis coercendis* (to make adultery a criminal offence). While 'teaching adultery' does not seem to have been an offence under the adultery law, encouraging it was, and Ingleheart considers that Ovid might have been indicted for this. (Ingleheart (2010) 3-4)

[12] *Tr*. 2.7-8: *carmina fecerunt ut me moresque notaret* / <u>*iam pridem emissa*</u> *Caesar ab Arte mea*.
Poems brought it about that Caesar marked me and my morals down because of my *Ars*, <u>published some time ago</u>.

Barsby notes the 'enormous difficulties' inherent in dating Ovid's amatory works, but based on *Ars* 1.171ff, finds that the *Ars Amatoria* was 'finally published after 2 BC.' (Barsby (1978) 4) Gibson agrees to the extent that he states that the date of publication of the first two books of the *Ars Amatoria* (addressed to men) 'can … be dated with some certainty to between 2 BC and AD 2.' He places the third book (addressed to women) 'roughly contemporaneous with the *Remedia* [*Amoris*] and is to be assigned to the years before A.D. 2.' He further discusses, although disagrees with, Murgia's 1986 argument in which he dates the publication of the third book of the *Ars Amatoria* after books 1 to 7 of the *Metamorphoses* and therefore in AD 8. (Gibson (2003) 37-43)

[13] *Tr*. 3.1.65-76

[14] *Tr*. 2.207

[15] *Tr*. 2.208-9: *alterius facti culpa silenda mihi: / nam non sunt tanti, renouem ut tua uulnera, Caesar, / quem nimio plus est indoluisse semel*.
The blame of one crime must I pass over in silence: for I am not worth so much that I should renew your wounds, Caesar.

he wishes this 'mistake' to be subsumed beneath the censure pertaining to the *Ars Amatoria*.[16]

Ovid's place of exile was Tomis which at the time was in Moesia, in the Pontus region of northern Asia Minor, near the coast of the Euxine Sea.[17] In much of his exilic verse, Ovid paints an 'unremittingly bleak'[18] picture of Tomis which he consistently describes as cold, remote, and dangerous,[19] and its inhabitants as rough and hostile.[20] Hinds notes that it was 'a superficially Hellenised town with a wretched climate on the extreme edge of the empire.' As such, 'it was a singularly cruel place in which to abandon Rome's most urbane poet.'[21]

B Exceptional form of a verse-letter addressed to Augustus.

Tristia 2 is one of only two extant verse-letters addressed to Augustus during his lifetime. The other is Horace's *Epistulae* 2.1, written some twenty years earlier.

According to Suetonius' *Vita Horati*, Horace addressed *Epistulae* 2.1 to Augustus to respond to his complaint that the poet had failed to make any mention of him in his *Sermones*. It is therefore an invited text that forms part of a dialogue of sorts between Horace and Augustus. In writing and circulating a poem, however, Horace contemplates a public readership and Barchiesi notes that *Epistulae* 2.1 has didactic characteristics.[22] This is because in it, Horace undertakes a survey of Greek and Latin literature (even though Augustus did not ask for one), and considers the place and value of poetry, including his own, in Augustan Rome.

Although the element of an invited 'conversation' between Ovid and Augustus is absent from the circumstances of *Tristia* 2's writing and sets it apart from *Epistulae* 2.1, Barchiesi also considers that like *Epistulae* 2.1, *Tristia* 2 is didactic in that it gives Augustus 'a long lesson'[23] in Greek and

---

[16] *Pont*. 2.9.75-6: *ecquid praeterea peccarim, quaerere noli, / ut lateat sola culpa sub* Arte *mea*.
Do not ask whether I have sinned further, so that my fault may hide under my *Ars* alone.

[17] Today Tomis is known as Constanța. It is in Romania.

[18] Green (2005) xxix

[19] *Tr*. 2.187-200, for example.
Radulescu, however disagrees that Tomis (Constanța) is a cold place and extols its climate when he states, e.g., that it is situated in a 'wonderful natural environment' and that '[t]here are few seashores in the world that fully enjoy the generous sun and abundant sands, fine and clean, like the western shore of the Black Sea.' (Radulescu (2002) 9-10)

[20] The local people seem also to have been more welcoming and friendly than Ovid portrays them. They were offended by his portrayal of them in his verse and Ovid recants some of his comments against them. (*Pont*. 4.14.13-30)

[21] Hinds (2012) 1055

[22] Barchiesi (2001) 79

[23] Barchiesi (2001) 80

Latin literature, in which Ovid 'forces an erotic reading of the classical canon upon [him].'[24] Included also are Ovid's own works, and literature's place in Rome.[25] Furthermore, the fact that *Tristia* 2 was a circulated poem[26] would similarly suggest that Ovid contemplated a readership wider than his named addressee.

While the two poets were writing to Augustus in very different circumstances, Ovid's debt to Horace's earlier didactic verse-letter to the emperor would seem clear.[27]

C Audience and purpose of *Tristia* 2.

(i) Augustus as reader?

Most important for *Tristia* 2 is the identity of the addressee because of all the exilic verse-letters, it alone is a 'direct letter from Ovid to the emperor Augustus [and as such] would seem to offer the perfect laboratory in which to study the much-disputed relations between poet and emperor.'[28]

As noted, Ovid's ostensible purpose in writing to Augustus was to soften his anger so as to improve the circumstances of his exile (or end it). It may have been, however, that Ovid did not seriously believe that Augustus would be willing to engage in any reconsideration of his case, and the abject failure of *Tristia* 2 to achieve its stated goal suggests this. In his Jovian anger, in the personal and extra-judicial manner in which he had acted,[29] in the wording of his edict of relegation, and in the singular cruelty of his choice of exilic location, Augustus seems to have dealt with Ovid's offending finally and exactly as he saw fit.[30] As far as we know, he never changed his mind.

As a circulated verse-letter, *Tristia* 2 is a work of literature. It also has a 'lack of overt epistolary signposts'[31] in that it starts to become apparent only in the twenty-seventh line of the poem that Ovid is actually writing to the emperor.[32] By this point there have already been two references to

---

[24] Nugent (1990) 249

[25] Barchiesi (2001) 79-103

[26] This is very different from, say, a private letter to Augustus in prose. Were such a letter ever written, it has not survived.

[27] Ingleheart provides a comprehensive analysis of *Epistulae* 2.1 as a model for *Tristia* 2. (Ingleheart (2010) 8-10)

[28] Nugent (1990) 243

[29] *Tr*. 2.131-4

[30] *Tr*. 2.131-8

[31] Ingleheart (2010) 7

[32] *Tr*. 2.27: Ovid uses the vocative *mitissime Caesar* (most merciful Caesar).

him in the third person, hinting that the text may be 'about' as well as 'to' Augustus.[33] In addition and as we shall see, *Tristia* 2 also 'contains much that is critical [of Augustus] and even impudent.'[34] All this seems to suggest that as with his 'little book' as addressee in *Tristia* 1,[35] Ovid really had another audience in mind and Augustus was just a 'peg on which to hang the rest of the poem.'[36]

Ovid may also have thought that in any event, Augustus would not read *Tristia* 2. He did not believe that Augustus had read the *Ars Amatoria*, despite the text's central place in Ovid's punishment.[37] It also seems that he thought that Augustus had not read the *Metamorphoses* either.[38]

If, therefore, Augustus was an unlikely if not an unintended reader of *Tristia* 2, the object of the poem may not therefore have been to give him a literature lesson and 'to flatter and cajole'[39] him into softening his anger and Ovid's punishment. The object may have been '[t]o instruct and inform'[40] a different audience. This raises the complex question of intentionality, and suggests a need to look beneath the surface of *Tristia* 2 to 'discern its deeper motives.'[41] Who, if not Augustus, did Ovid hope would read the poem and what are his lessons in it for them and, down the ages, for us?

(ii) Ovid's wider audience and the poem's real purpose?

While, as Davis points out, '[t]here certainly are substantial passages in *Tristia* 2 which (for the most part) look like straightforward praise of the emperor,'[42] Nugent posits that 'the fundamental question confronting the reader [of *Tristia* 2] is, To (sic) what extent or in what sense does Ovid "mean what he says"…? Are we to take him at face value and in good faith? Or are we being asked to read in some way subversively?'[43]

In recognising a dichotomy between Ovid the exile and Ovid the poet, Claassen offers a lens which provides a focus on his 'deeper motives.' This lens assists us as readers in the difficult process

---

[33] In lines 8 and 23.

[34] Barsby (1978) 43

[35] *Tr*. 1.1.1-2: *parue - nec inuideo - sine me, liber, ibis in urbem, / ei mihi, quo domino non licet ire tuo*.
Little book, alas you will go into the city, where your master is not allowed to go, without me, but I am not envious.

[36] Ingleheart (2010) 6

[37] *Tr*. 2.221-4; and 237-40

[38] *Tr*. 2.557-60

[39] Davis (1999) 799

[40] Ibid.

[41] Nugent (1990) 240

[42] Davis (1999) 799

[43] Nugent (1990) 242

of perceiving Ovid's subtle and often ambiguous tone and so coming to some understanding of what he is saying to us and why. In this regard, Claassen asks a key question: '[*a*]*re what the exile appears to be saying, and what the poet intends to say, identical?*'[44] (her italics). Drawing on Millar,[45] Ingleheart seems to agree that in *Tristia* 2, Ovid has two voices when she writes that the 'text can be read as the product of an "outraged loyalist" who is well informed about the evolving ideology of the Augustan regime, has supported it in the past, and is still capable of doing much for it in the future.'[46] In Ingleheart's (Millar's) 'outraged,' therefore, we can find Claassen's 'poet' and in Ingleheart's (Millar's) 'loyalist,' we can find Claassen's 'exile.'

I therefore argue that in *Tristia* 2, Ovid overtly adopted the pose of a loyal citizen in exile who contritely addresses the emperor in a bid for mercy and seeks to teach him how his *Ars Amatoria* should be read. At the same time, he poetically used a more subtle, covert voice to address a wider audience comprising (at the time) 'the relatively small elite [in Rome] in which high culture flourished.'[47] This poetic voice taught those literary readers that Augustus was a cruel, unjust, and immoral hypocrite when he convicted and punished Ovid. Furthermore, Ovid taught them that Augustus failed to understand the *Ars Amatoria* or its place in the classical canon and so misjudged it. Through this, Ovid wanted to instruct his literary readers that he had been condemned as a public criminal by a man who, while no doubt skilled in the treacherous art of seizing and holding onto political power, was, unlike them (and us), incompetent in the art of reading poetry. In rendering unto Caesar, as it were, the things that are Caesar's, and unto Ovid the things that are Ovid's,[48] his intention was to put himself above reproach in the eyes of informed readers and so secure an acquittal on all charges. In short, in arguing that he was not a teacher of adultery, Ovid proclaimed 'his own innocence'.[49]

I will propose that Ovid's practical hope in this was that an exoneration by influential supporters might translate into favourable interventions with Augustus or his advisers to bring about an improvement in the circumstances of his exile or even end it.[50] I will also contend that even more

---

[44] Claassen (1988) 161

[45] Millar (1993) 1

[46] Ingleheart (2010) 26 quoting Millar (1993)

[47] Kenney (1982) 10

[48] Nugent suggests this paraphrase of the gospel according to Saint Matthew (22:21). (Nugent (1990) 249)

[49] Davis (1999) 802

[50] Wiedemann examines the political context of *Tristia* 2's composition and considers that Ovid was 'reminding those of his admirers who were in a position to put some pressure on Augustus just how weak the emperor's political position had become.' (Wiedemann (1975) 268)

importantly than that, he hoped that a literary acquittal might redeem and restore the integrity of his personal and poetic reputation, sullied as it was by Augustus' marking him down as immoral and unfit to be in public libraries, so that his works would continue to be read, and his name live on.

(iii) Ovid's literary elite: a *turba doctorum* (people with 'poetic good taste').

To be able to understand the terms of Ovid's poetic appeal to them, a literary audience needed (and needs) to note and follow the instructions he gave when he sent the first book of the *Tristia* collection to Rome. He writes that people who want to know more should read - and be careful - and he further identifies such readers as a *turba doctorum,* a multitude of people with, as Casali translates, 'poetic good taste:'[51]

> *atque ita tu tacitus (quaerenti plura legendum)*
> *ne, quae non opus est, forte loquare, caue.*
>
> Except for that be silent (anyone who wants to know more must read), and take care not to say by accident what you should not. (*Tr*. 1.1.21-2)
>
> …..
> *turbaque doctorum Nasonem nouit et audet*
> *non fastiditis adnumerare uiris.*
>
> And the crowd of people with poetic good taste knows Naso and dares to count him among those that are not despised. (*Tr*. 2.119-20)

These are the readers with the literary skills (that Augustus lacked) who have the cultivated sensitivity to perceive Ovid's tone and therefore read the text subversively.[52] In doing this, they will learn that Augustus unjustly and cruelly punished Ovid for a light-hearted poem that he had neither read nor understood,[53] and for a mistake that did not break the law.

(iv) Intervention by the influential.

Like Wiedemann,[54] Fantham considers it probable that Ovid hoped that some of the more influential among the *turba doctorum* might intercede with Augustus (or his advisers) on his behalf.[55] This should not be surprising as in all his exilic verse-letters, Ovid exploits 'all his very considerable

---

[51] Casali (1997) 81

[52] Casali sets apart the people with 'poetic good taste' as readers 'who want to know more … to read what [they] will not find written' or 'to read more than what is written.' (Casali (1997) 81)

[53] The poem had no didactic intent.

[54] Wiedemann (1975) 268

[55] Fantham (2009) 41

poetic skills of rhetoric and persuasion to mount a propaganda campaign for his recall or at least for a transfer away from Tomis.'[56] In AD 9, the timing for any active intercession with Augustus was propitious.[57] At that time, Augustus could have been persuaded '[to] see his self-interest in winning popularity by offering clemency to such a popular figure.'[58]

To support the idea that Ovid wanted practical help, in the opening poem of the *Tristia* collection, he imagines a person interceding with Augustus by orally introducing the book to the emperor:

> *siquis erit, qui te dubitantem et adire timentem*
> *tradat, et ante tamen pauca loquatur, adi.*
>
> If there should be someone who may hand you over to him while you are hesitating and fearful to approach, and who may say a few words beforehand, then approach [Augustus]. (*Tr*. 1.1.95-6)

With its named addressees, the *Epistulae ex Ponto* perhaps point to the people Ovid hoped might mediate on his behalf. For example, Ovid circulated poems addressed to Messalinus[59] and Cotta Maximus,[60] sons of his patron Messala who, before his death, had been highly distinguished. Ovid also circulated poems addressed to the 'influential noble,'[61] Paullus Fabius Maximus,[62] and directly asked him to intercede with Augustus on his behalf.

> *uox, precor, Augustas pro me tua molliat aures, / …*
>
> May your voice, I pray, soften Augustan ears on my behalf. (*Pont*. 1.2.116)

Ovid's wife, 'a woman of some consequence,'[63] had also been a member of Fabius'

---

[56] Green (2005) xxiii

[57] In AD 9, Augustus was in a politically vulnerable position. There were the adverse omens of earthquake, flood and fire in AD 5-6 and the resulting famine and disease that prevailed for the four years that followed. There was dissatisfaction in the army, and a shortage of men and funds. These made it necessary for Augustus to resort to the imposition of 'novel taxation'. There were uprisings in a number of provinces with serious military defeats in Illyricum in AD 6 and in Germany in AD 9. There was also 'strain and discord' in the dynasty with Augustus' adopted son, Agrippa Postumus, banished in AD 7, and even more catastrophically in AD 8, Augustus' granddaughter, Julia, banished to an island for adultery. (Syme (1978) 205-6)

[58] Fantham (2009) 41

[59] *Pont*. 1.7; and 2.2; and possibly *Tr*. 4.4

[60] *Pont*. 1.5; 1.9; 2.3; 2.8; 3.2; and 3.5; and possibly *Tr*. 4.5 and 5.9

[61] Wilkinson (1955) 290

[62] *Pont*. 1.2; and 3.3
Ovid is at times explicit in his wish that the influential Maximus should intercede with Augustus.

[63] Wilkinson (1955) 289

household and to her, Ovid addressed nine letters.[64] She was well-connected in that she was respected by Marcia, Fabius' wife, and was a friend of Augustus' aunt Atia.[65] Furthermore, she seems to have paid court to Augustus' wife, Livia.[66] In short, she had apparently remained in Rome 'to petition for [Ovid's] recall and look after his affairs.'[67]

(v) Ovid's 'immortality.'

The 'idea of survival through one's works was, in a pagan culture, extremely strong.'[68] Ovid's anxiety in this regard seems clear from his instructions to the first book of the *Tristia,* when he warns it on entering Rome that he was still being prosecuted to the point of condemnation by the people who thought of him as a public criminal.[69] He also knew that as a result of his conviction and punishment by Augustus, and his consequent status as a criminal, his works were not as popular as they once were.[70] He seemed, therefore, to be aware of the importance of being acquitted in the court of public opinion. Without that acquittal, he could not be confident that his works would continue to be read. If they were not, his very survival was at stake. He therefore wanted *Tristia* 2 to ensure that he was exonerated from any culpability in the eyes of the public so that his works could safely be read. Through his works he could live on, just like Horace.[71]

The epilogue to the *Metamorphoses* also makes this clear. Having just given an account of the apotheosis of Julius Caesar, and prayed for a future deification of Augustus (even though he thought these were unbelievable transformations),[72] Ovid predicts that his name will be famous and immortal. He also places his star beyond those of the two Caesars:

---

[64] *Tr*. 1.6; 3.3; 4.3; 5.2; 5.5; 5.11; and 5.14. *Pont*. 1.4; and 3.1

[65] *Pont*. 1.2.139-40

[66] *Tr*. 1.6.25-8

[67] Green (2005) xxiii

[68] Kenney (1982) 10

[69] *Tr*. 1.1.23-4: *protinus admonitus repetet mea crimina lector, / et peragar populi publicus ore reus*.
Straightaway, reminded, a reader will recall my offences, and I will be prosecuted to the point of conviction as a public criminal on the lips of the people.

[70] *Tr*. 1.1.64: *non sunt ut quondam plena fauoris erant*.
[My poems] are not so full of approval as they once were.

[71] Hor. *Carm*. 3.30: *exegi monumentum aere perennius … non omnis moriar multaque pars mei / uitabit Libitinam:*
I have completed a monument more lasting than bronze … I shall not wholly die but a great part of me will survive Libitina.

Libitina was the goddess who presided over funerals.

[72] *Tr*. 2.64: *in non credendos corpora uersa modos*:
Bodies changed in unbelievable ways.

parte tamen meliore mei super alta perennis
astra ferar, nomenque erit indelebile nostrum,
quaque patet domitis Romana potentia terris,
ore legar populi, perque omnia saecula fama,
siquid habent ueri uatum praesagia, uiuam.

In my better part, however, I shall be carried, immortal, beyond the high stars, and my name will be undying. And wherever Roman power extends over conquered lands, I will be on people's lips and, if the prophecies of bards have any truth, through all the ages, in fame, I will live! (*Met*. 15.875-9)

By casting Augustus as an unfit and incompetent judge, Ovid sought to exculpate the *Ars Amatoria* and through this, to rehabilitate his poetry and personal reputation so as to ensure that his works remained 'on people's lips.' This was to safeguard his immortality.

D Ovid as a victim of injustice.

Central to Ovid's plea for literary and personal acquittal is his argument that the action taken against him was unjust. In the words of retired Chief Justice of New Zealand, Dame Sian Elias, '[i]t is impossible to explain why justice matters. It is a concept essential to the human spirit. But it is fragile. If the law is seen as discriminatory and unequal, … we risk losing law.'[73]

Ovid considered that the law had been 'lost' in his case, both in the sense that he had been punished for things he did not do or that did not amount to a breach of the law, and in the sense that there were no constitutional restraints on Augustus' autocratic application of it. The emperor had also dealt with Ovid in an anger-driven process and denied him an opportunity to present his case. The lesson here is that Augustus had failed in his duty as Rome's leading man to deal with Ovid compassionately and in accordance with the rule of law. Virgil gave Augustus guidance on the scope of that duty in the emperor's' own[74] *Aeneid* when the poet has Anchises advise Aeneas that the duty of a Roman leader is to impose the rule of law and to show compassionate restraint.[75]

A judge who is angry with an accused is also necessarily prejudiced because he or she cannot approach the case with impartiality. For this reason and writing some fifty years before Ovid's exile,

---

[73] From an address to the court on 8 March 2019, on the occasion of her retirement.

[74] *Tr*. 2.533: *et tamen ille tuae felix Aeneidos auctor* / …
And yet that fortunate author of your Aeneid …

[75] Virg. *A*. 6.852-3: '…*pacisque imponere morem* / *parcere subiectis et debellare superbos*.'
'To put in place the practice of peace, to spare the humbled and to war down the proud.'

Cicero had cautioned that anger should play no part in setting a punishment.[76]

An anger-driven and excessive punishment following a 'legal' process that ignored the rules would accordingly have resonated strongly as an injustice and so elicited sympathy for Ovid among his contemporary literary audience, some of whom may have felt a compunction to come to his aid. It also resonates similarly among readers more generally, including ourselves, and serves to continue to cast the dishonour that Augustus brought upon Ovid in an unfavourable light. This has helped to ensure Ovid's 'acquittal' at least in the long term, and secured to this day his status as a 'living' poet.

E The subversion of Ovid's plea to Augustus.

Particularly in the light of Ovid's protestations that circumstances in exile had deprived him of his creative genius,[77] questions arise as to why he seems to have taken a very risky double-edged approach in *Tristia* 2, and how he plays the skilful literary game required to achieve this. In later chapters and in the course of a close reading of the text, I will attempt to answer the question 'how' he does this with some examples of the literary and rhetorical devices[78] that he uses to ironically undercut his deferential plea to the emperor. An answer to the question 'why' he chose to take this risky approach calls for some consideration at the outset.

Disgraced as he was by Augustus' 'reading' of the *Ars Amatoria* in which he found Ovid had taught adultery, the poet could not directly assert that the emperor had misread it. That would be

---

[76] Cic. *Off.* 1.88-9: *… adhibeabatur reipublicae causa seueritas, sine qua administrari ciuitas non potest. omnis autem et animaduersio et castigatio contumelia uacare debet, neque ad eius qui punitur aliquem aut uerbis castigat sed ad reipublicae utilitatem referri. cauendum est etiam, ne maior poena quam culpa sit, et ne isdem de causis alii plectantur, alii ne appellentur quidem. prohibenda autem maxime est ira in puniendo; … illa uero omnibus in rebus repudienda est, optandumque ut ii qui praesunt rei publicae legum similes sint, quae ad puniendum non iracundia sed aequitate ducuntur.*
Strictness may be employed for the good of the state, as without that, the body politic cannot be administered. Every punishment and correction ought, however, to be devoid of insult, and pertain not to some characteristic of the person who is punished or who chides with words but to the welfare of the state. For we should make sure that the punishment is not greater than the offence, and that some should not be punished for the same reasons for which others are not even charged. It is also of the greatest importance that anger should be kept from the administration of punishment; … anger should indeed be rejected in all circumstances and it is desirable that those who administer the government should be like the laws, which are led to punish not by rage but by justice.

[77] *Tr.* 5.1.69-70: *'at mala sunt.' fateor. quis te mala sumere cogit? / aut quis deceptum ponere sumpta uetat'?*
[You say] 'But [your poems] are very poor.' I admit it. Who forces you to pick up such bad writing? Who forbids you, when you find yourself deceived, to put it aside?
Pont. 4.2.15-16: *nec tamen ingenium nobis respondet, ut ante, / sed siccum sterili uomere litus aro.*
Yet my talent does not respond to me as before but I am ploughing a barren shore with a blunt plough.
Ingleheart follows among others Luck (Luck (1961) 261), Claassen (Claassen (2008) ix), and Hinds (Hinds (2012) 1056) in appreciating the quality of Ovid's exilic verse and considering that it should come as no surprise that Ovid takes a dissembling approach in *Tristia* 2. (Ingleheart (2010)27)

[78] These include, among others, mythological parallels, ambiguous and absurd lines of reasoning, paradoxes, dilemmas unwinnable by Augustus, and flippant details.

tantamount to saying that he had been condemned by '… a prince who [was] incapable of reading with understanding.'[79] As Barchiesi puts it, '[Ovid] ha[d] no right to talk *about* Augustus to the Romans: it [was] only by writing a letter *to* him that the poet [could] entice the prince to cross the boundaries of the text and to enter the territory of Ovidian discourse, thus turning him into a character in the *Tristia* and holding him up to the curiosity of the general, anonymous public.'[80] As Nugent puts it, 'Ovid carefully manoeuvres Augustus onto his own field of expertise - the judgement of poetry - and directly confronts him there.'[81] Fantham adds that Ovid had no option but to frame his appeal as a call on Augustus for clemency.[82]

Having created Augustus as a character in *Tristia* 2 and placed him on territory of poetics over which the poet could reign supreme, Ovid was able to show his literary readers that the emperor was an uneducated, propaganda driven, and ruthless hypocrite who took a preposterously ill-informed position on the *Ars Amatoria*. In this way, he manages to assert not only the nonsensicality of his punishment, but also to declare, rhetorically, the rectitude of his own position.

Ovid's literary readers could then acquit him because they would recognise 'the absurdity of Augustus' grounds for exiling him.'[83] Furthermore, they would 'do their best to see that he was recalled.'[84] Perhaps most importantly of all, with the judgement against his personal and literary reputation overturned, his works could be safely read and his name live on.

F Political risks.

Poetic undercutting of Augustus as a device to persuade readers that Ovid deserved deliverance from Tomis and everlasting disgrace and oblivion introduced a significant risk. Did he not consider that having addressed the text to him, Augustus - or his advisers - might engage with it in the same way that he hoped a sophisticated literary public might and so appreciate the subversive criticism of the emperor and his regime that can be read into it?

Perhaps, as noted above, Ovid thought that because Augustus had never read the *Ars*

---

[79] Davis (1999) 809

[80] Barchiesi (1997) 30. The italics in the quote are mine.

[81] Nugent (1990) 249

[82] Fantham (2009) 41

This is because, as she notes, Quintilian advises that if one is appealing to an emperor, one is petitioning a judge not arguing against an opponent, and the best approach is therefore to persuade the emperor to put his reputation for compassion ahead of any pleasure he may derive from exacting revenge.

[83] Wiedemann (1975) 271

[84] Ibid.

Amatoria and the *Metamorphoses*, he (and his advisers) would not read the *Tristia* either. If Ovid did think this, it would have to be despite his knowing that he had enemies in Rome,[85] including one who had apparently read selected passages of his erotic verse to Augustus with the intention of getting him into trouble.[86] Could not the same thing happen with *Tristia* 2?

Perhaps Ovid thought that his pose as a suppliant would be enough, or that there was no one at court who was sufficiently familiar with his capacity for ironic undercutting to be able to read between the lines of *Tristia* 2 and grasp his censure of the emperor. If this is so, he was relying on the fact that, as Hinds puts it, '[e]very passage ever written by Ovid about Augustus admits of a non-subversive reading… .'[87] Hinds goes on to describe a 'straight' reader of *Tristia* 2 who does not see the disruption in it, as Ovid's 'hermeneutic alibi' who makes 'the joke all the better for those who have opted for the subversive reading.'[88] This would strengthen his pitch to a literary readership.

Perhaps in the end, however, and conceding, as Williams has noted, that 'Ovid's artistic motivation is now irrecoverable, …'[89] he thought Augustus was politically vulnerable and could be persuaded to relent. Perhaps most crucially, Ovid considered that his 'immortality' was in jeopardy because after Augustus had made him a public criminal,[90] it would be unsafe for people to read his works and so he would not be 'on people's lips'[91] for long. Desperate (and risky) measures were therefore needed.

Even in the face of the emperor's overwhelming power, therefore, Ovid sought '[to] respond to injustice, right a wrong, and offset the burden of political oppression both immediately and in the future.' [92] Despite the political risk, *Tristia* 2 challenges the authority Augustus exerted over Ovid, and seeks to redeem its poet by teaching readers that of the two of them, it was the emperor, not the poet, who was immoral and behaved shamefully. Ovid may even have wished to leave a *perpetua stigma* (everlasting stain) on Augustus' name as Catullus did on Julius Caesar's.[93]

---

[85] The *Ibis* is directed at an enemy, and three of the *Tristia* verse-letters are addressed to enemies: Tr. 1.8; 4.9; and 5.8

[86] *Tr*. 2.77-80: *a! ferus et nobis crudelior omnibus hostis, / delicias legit qui tibi cumque meas, / carmina ne nostris quae te uenerantia libris / iudicio possent candidiore legi!*
Ah! Unenlightened, and a crueller enemy to me than the others, was he who read my erotic poems to you such that the poems that revere you in my books could not be read with clearer judgement.

[87] Hinds (1987) 25

[88] Hinds (1987) 26

[89] Williams (1994) 161

[90] *Tr*. 1.1.24

[91] *Met*. 15.878

[92] McGowan (2009) 2

[93] Suet. *Jul*. 73 and Catul. 29, 54, 57 and especially 93

G Scholarship on subversive criticism in *Tristia* 2 and analytical approach.

In the Introduction to her 1980 monograph on Ovid's exilic poetry, Nagle wrote that '[l]iterary criticism of the *Tristia* and the *Epistulae ex Ponto* … still remains one of the last frontiers of classical scholarship, for there remains a whole general area open for fresh consideration.'[94] Ten years later, Nugent wrote that '[t]he difficulty of deciding how we are to constitute ourselves as readers of Ovid has been for about a quarter of a century … the most significant problem in Ovidian scholarship.'[95] In the years since then, much has been written on Ovid's exilic verse as scholars have rejected their predecessors' (and Ovid's own) lowly assessment of it because of its 'monotonously plaintive tone, seemingly tedious repetition of standard devices … [and] … constant appeals for help in verse which claimed no artistic merit or ambition.'[96] These more recent scholars have in various ways 'seen behind the mask and rightly countered traditional scholarly antipathy towards the exile poetry.'[97] They have, in effect, 'begun to read the exile poetry as poetry'[98] with scholars focussing on issues such as Ovidian irony and the subversive literary designs concealed beneath it (e.g. Nugent, Williams and Ingleheart), the conflict between poetry and imperial power and Ovid's relationship with Augustanism (e.g. Barchiesi and Davis), Ovid's poetic *persona* and the solace of poetry (e.g. Claassen), and the redemptive power of poetry (e.g. McGowan).

For *Tristia* 2 specifically, Ingleheart brings much of this scholarship together in her 2010 commentary. Central to Ingleheart's approach to *Tristia* 2 is the 'politically charged'[99] nature of the poem, the extent to which it can 'be read as a "pro-" or "anti-" Augustan text.'[100] Not only, she argues, does this give readers little choice but to take a political stance, it is desirable that they do so.[101] She goes on to say that 'readings of *Tristia* 2 which are receptive to the potential for subversion have proved the most rewarding in contemporary scholarship, and since our poem has not to date received consistently sufficiently detailed examination in this respect, such an interpretation should therefore allow discussions of *Tristia* 2 to play a larger part in studies of Ovid and the interface

---

[94] Nagle (1980) 5

[95] Nugent (1990) 242

[96] Williams (1994) 1

[97] Ibid.

[98] Evans (1983) 1

[99] Ingleheart (2010) 1

[100] Ingleheart (2010) 25

[101] Ingleheart (2010) 26

between Augustan ideology and poetry.'[102] Recalling that Ovid addressed *Tristia* 2 to Augustus yet circulated it, Barchiesi also observes that 'the more [the] audience is distanced from the addressee, the more the road opens up for a subversive reading.'[103] The distance between Augustus and any other reader of *Tristia* 2 was (and is) so vast that we should therefore be alert to subversion.

Taking a 'political stance' with respect to *Tristia* 2 is not a straightforward undertaking. I hope nonetheless that this essay's focus on the subversive nature of this poem in which Ovid undermines Augustus in his attempt to assert his case and secure at least a public acquittal, will make a contribution to addressing the lack of detailed study that Ingleheart identifies. To this end, I take the approach of a close reading of the text whose oratorical structure[104] reflects not only the forensic nature of the poem, but also that Ovid was trained in rhetoric,[105] was a good advocate,[106] and as a pleader in the law courts, knew the power of rhetoric to persuade an audience.

The rhetorical style, nature, and structure of *Tristia* 2 therefore assists us as readers to understand how Ovid (posing as a loyal exile) pleads for mercy and seeks to teach Augustus how to read the *Ars Amatoria* and so to put aside his anger and how Ovid (as an outraged poet) asserts the merits of his case by simultaneously providing a lesson for a wider audience that reads as 'a subtle indictment of Augustus' bigotry, hypocrisy, and apparent willingness to punish, unexamined, the author of a work that he himself had not read.'[107]

I will contend that while this necessarily involved taking an anti-Augustan stance, Ovid's intention was more personal. He wanted to exonerate himself in the eyes of contemporary supporters so that the influential among them might come to his aid. He also wanted all other readers to see his public disgrace in its 'true' light so that, untroubled by Augustan reproof, they could (and we can) continue to read his works. He knew that only through his works being read would his name live on.

---

[102] Ibid.

[103] Barchiesi (2001) 86

[104] The poem includes an *exordium* (introduction), *propositio* (premiss), *probatio* (legal proof), *refutatio* (rebuttal), and *peroratio* (prayer for relief). Owen provides a lengthy analysis of the rhetorical nature of *Tristia* 2 (Owen (1924) 48-54) and Ingleheart offers a gloss on it (Ingleheart (2010) 15-21).

[105] *Tr*. 4.10.15-16: *protinus excolimur teneri curaque parentis / imus ad insignes Urbis ab arte uiros*.
Immediately, at a tender age and under the care of our father, we start our education and we go to men of the city distinguished in the liberal arts.

[106] Sen. *Contr*. 2.2.9: *tunc autem cum studeret habebatur bonus declamator*.
At that time, however, when he was studying, he was considered to be a good declaimer.

[107] Fantham (2009) 177 drawing on Williams (1994) 154-209

CHAPTER ONE

THE POEM ('A SOURCE OF INNOCENT MERRIMENT?')[1] AND THE MISTAKE

Perdiderint cum me duo crimina, carmen et error, ...

Although two charges have destroyed me, a poem and a mistake. (*Tr*. 2.207)

I noted at the outset that at the heart of Ovid's punishment lay a poem and a mistake. Before examining the text of *Tristia* 2 in detail, it would be useful to consider how Ovid characterises these crucial precursors to his exile and the politico-legal circumstances that lay behind them. How, for instance, does Ovid play down his crimes in the eyes of his audience? Accepting that teaching adultery in the *Ars Amatoria* was the one of them, what was illegal in doing that? How much can we tell about the illegality of Ovid's mistake without knowing what it was?

A Playing down the offences.

From the start, Ovid uses a sound forensic strategy to reduce the crimes to something inconsequential. They are merely 'a poem and a mistake'. To any reader these offences would seem far too trivial to warrant banishment to the outer reaches of the empire. Ovid's added resort to hyperbole – a mere poem and mistake destroyed (*perdiderint*) him - could serve both to beguile his supporters and arouse them to a heightened sense of indignation at the severity of the sentence that Augustus brought down for such petty offences.

This is also a smart advocate's tactic. Although at first instance rather than on appeal, a similar manoeuvre worked well for Cicero. Alexander describes in some detail the very serious charges involving political violence that Marcus Caelius Rufus faced in 56 BC,[2] which Cicero trivialised to the innocuous sounding indictment of 'gold and poison.'[3] In 45 BC, Cicero also spoke in defence of Quintus Ligarius who was tried as an enemy of Julius Caesar. Cicero reduced his charges to the inconsequentially ridiculous 'offence' of merely 'having been in Africa.'[4]

---

[1] From the libretto of *The Mikado* by W.S. Gilbert.

[2] Alexander (2002) 218-43

[3] Cic. *Cael*. 30.13: *sunt autem duo crimina, auri et ueneni; …*
There are, however, two charges [against Caelius], one of gold and one of poison.

[4] Cic. *Lig*. 1.1: *novum crimen, C. Caesar, et ante hunc diem non auditum propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africa fuisse, …*
It is a new crime, and one never heard of before this day, Caius Caesar, which my relation Quintus Tubero has brought before you, when he accuses Quintus Ligarius with having been in Africa.

B The 'crime' of teaching adultery in the *Ars Amatoria*.

Ovid makes it clear that it was the didactic nature of the *Ars Amatoria* that constituted this offence.

> *… turpi carmine facto, / arguor obsceni doctor adulterii. …*
>
> Having written a shameful poem, I am incriminated as a teacher of foul adultery. (*Tr*. 2.211-12)

The *Ars Amatoria* is a three-book mock-didactic poem on 'the arts of courtship and erotic intrigue.'[5] In order to appreciate how there could have been any criminality in writing a light-hearted poem advising men and women on the arts of seducing each other, we need to turn briefly to Augustus' moral reform agenda and his associated laws of 18 BC on adultery and marriage. Even though, as Syme notes, the *Ars Amatoria* was 'a kind of parody' and 'was not meant to be taken seriously,' Augustus did not see the joke and 'did not think that moral laxity was a topic of innocent amusement.'[6]

In 28 BC, Octavian received the title '*Augustus'* (venerable) by decree of the senate.[7] This was the same year that he began work on creating a moral image for himself befitting the virtuous and incorruptible implications of his new name. He introduced legislation to encourage middle and upper-class marriage by penalising bachelors and 'forbidding alliances between men of good birth and freedwomen.'[8] There was, however, opposition to the legislation and Augustus withdrew the bill.[9] He nonetheless persisted in this 'unpopular enterprise'[10] and in 18 BC, enacted two 'logically linked'[11] new laws that brought about significant changes to Roman marriage and sexual relations between citizen men and women.[12] He said of the laws himself that by their enactment he had

---

[5] Hinds (2012) 1055. The first two books purport to instruct men on how to seduce women and the third, perhaps added later at the request of Ovid's women readers, similarly instructs women on how to do the same to men. Virgil's *Georgics* are perhaps the high Latin point of the didactic genre and give instruction, of sorts and in hexameters, on subjects far more prosaic than sexual seduction, such as horticulture and bee-keeping.

[6] Syme (1939) 467

[7] Aug. *Anc*. 34.1-2: *in consulatu sexto et septimo … senatus consulto Augustus appellatus sum …*
In my sixth and seventh consulships, … I was named Augustus by decree of the senate.

[8] Owen (1924) 7

[9] Prop. 2.7-9: *gauisa est certe sublatam Cynthia legem, / qua quondam edicta flemus uterque diu, / ni nos diuideret*. Cynthia certainly rejoiced when the law was put aside; when it was made, we both wept for a long time in case it should separate us.

[10] Owen (1924) 7

[11] Ingleheart (2010) 3, quoting Treggiari (1991) 277

[12] These laws were the *lex Iulia de maritandis ordinibus* and the *lex Iulia de adulteriis*.

brought back into use many exemplary ancestral practices that were disappearing. He also said that he transmitted commendable practices to posterity to be imitated.[13] Ovid ironically alludes to this in the *Metamorphoses*[14] and, as we shall see, shines further ironic light in *Tristia* 2 on the hypocrisy inherent in this claim.

The marriage law (*lex Iulia de maritandis ordinibus*) prescribed the ages between which men and women were required to marry or remarry. There were also property and financial incentives to produce offspring and penalties for non-compliance.[15] Marriage therefore became obligatory and the production of offspring strongly encouraged. More importantly for *Tristia* 2, for the first time in Roman history, the *lex Iulia de adulteriis coercendis* made adultery a criminal offence with a broad range of women across the social classes excluding only, according to McGinn's overview, prostitutes (*meretrices*) or procuresses (*lenae*).[16] A charge of adultery could be laid by anyone and was triable in a standing criminal court, the *quaestio perpetua de adulteriis*.[17] While previously adultery had been a private (civil) matter, the new law brought in public trials and fixed and harsh penalties.[18] The law was not concerned with the marital status of the man but it did 'drastically curtail … the range of possible sexual partners for Roman males outside marriage.'[19] The law was therefore aimed at ensuring the fidelity of Roman women, who were the main targets of it. For this reason, it is possible that female readers of *Tristia* 2 may have been particularly sympathetic to and receptive of Ovid's appeal if they perceived him to be fellow quarry of Augustus' adultery law.

Ovid was not, however, punished for committing adultery, only for being a teacher (*doctor*) of it. How was this an offence when there appears to have been no mention of 'teaching adultery' in the relevant law? Ingleheart argues that in the absence of such an offence, Augustus may have considered that Ovid's writing of the *Ars Amatoria* was equivalent to 'pandering' (*lenocinium*).[20] Under the adultery law, a cuckold had to divorce his adulterous wife and prosecute her, otherwise he

---

[13] Aug. *Anc*. 8.5: *legibus nouis me auctore latis multa exempla maiorum exolescentia iam ex nostro saeculo reduxi et ipse multarum rerum exempla imitanda posteris tradidi*.

[14] *Met*. 15.833-4: … *legesque feret iustissimus auctor / exemploque suo mores reget* …
As a most principled jurist, he will bring down laws and by his own example, direct human behaviour.

[15] Cantarella (2016) 426-7

[16] McGinn (1998) 141-56

[17] McGinn (1998) 141

[18] Paul. *Sent*. 2.26.14
An adulteress, convicted in a public trial, could forfeit half her dowry, and a third of her property, and be relegated *ad insulam* (to an island). A convicted man could lose half his property and be relegated to a different island.

[19] McGinn (1998) 144

[20] Ingleheart (2010) 4

was guilty of pandering and could be punished as if he were an adulterer.[21] In support of this argument is the fact that Ovid's punishment was at least similar to that of *lenocinium* which was *relegatio ad insulam* (relegation to an island).

It is also likely that Ovid committed no actual crime. Using anaphora, he is emphatic in his assertion, noted above, that Augustus dealt with him personally. There were no open legal proceedings under which Augustus' charges were tested against the evidence and the law.

> *nec mea decreto damnasti facta senatus,*
> *nec mea selecto iudice iussa fuga est.*
>
> My deeds you did not condemn by a determination of the senate, my flight was not ordered by a designated judge. (*Tr*. 2.131-2)

It seems probable, therefore, that as teaching adultery was not a criminal offence under the adultery law, and as there was no trial of any sort, there was, just as Ovid argues, no criminality in the *Ars Amatoria*. As Syme points out, '… [t]he *auctoritas* (authority) of Augustus was enough.'[22] Ovid was, as he contends at length and with increasing force in *Tristia* 2, an innocent man, at least as far as the law and teaching adultery were concerned. This is not to say that Ovid may well have lacked judgement in writing the *Ars Amatoria:* although '[c]itizen women continued to figure in love poetry, … more discretion was needed after Augustus prohibited extra-marital sex for all but prostitutes and slaves.'[23]

Nonetheless, the punishing of him for a non-crime was therefore *ultra uires*. As such, it was an abuse of power and judicial process by a tyrant on whom no judicial checks or balances could be brought to bear. Perhaps Ovid was a victim of imperial anger and distress that followed the adulterous behaviour, and punishment, of Augustus' granddaughter in AD 8. Perhaps the emperor thought that it was Ovid who had taught her how to behave so immorally.

C The illegality of the mistake and how Ovid defends it without mentioning it.

(i) Passing over the mistake.

The second offence (the *error*) 'has defied precise identification'[24] because Ovid insists that

---

[21] Ingleheart (2010) 3-4; Ulp. *Dig*. 48.5.13: The law pertained to adulterers and those who encouraged lewdness or adultery (*qui suasit … stuprum uel adulterium*).

[22] Syme (1939) 468

[23] Treggiari (2005) 145

[24] Ingleheart (2010) 2

he must remain silent about it for fear of causing further offence to Augustus.[25] There is irony in this silence because, as we shall see, Ovid suggests that it was an earlier decision to remain silent on something of which he became aware that got him into trouble in the first place.[26] Be this as it may, as there is currently no evidence on the mistake from other sources, we have a substantive and a procedural *lacuna*: we do not know what the *error* was nor whether it actually formed part of the formal indictment (if any) against Ovid.[27]

The approach of passing over the mistake so as not to create a painful reminder also seems deferential on the level of the text operating as an appeal to Augustus. By stating that he is not going to mention the mistake, however, Ovid of course mentions it and so ironically draws attention to it and raises interest in it. Once the door to irony is opened in this way, the reader is forced to question Ovid's deference.[28] On possible contemporary responses to this passing over of the mistake, Claassen notes that those not in the know were made curious, those in the know were amused, and Augustus was vexed because he could not dispute Ovid's version as none was given.[29]

It is also interesting to note that this Ovidian idea of not mentioning an offence for fear of reoffending may have inspired Shakespeare when he wrote *Measure for Measure*:

> LUCIO ... - What's thy offence, Claudio?
> CLAUDIO What but to speak of would offend again. (Act 1 Scene ii)

(ii) Parallels with the Actaeon myth.

Ovid compares his unnamed mistake to Actaeon's blunder.[30] He tells the story in the *Metamorphoses*: while out hunting, Actaeon unwittingly chanced upon the goddess Diana, and observed her naked in a grotto, preparing to bathe. She was so angry at this insult of being seen unclothed by a young man that she turned him into a stag whereupon he was torn to pieces by his

---

[25] *Tr*. 2.208-10: *… / alterius facti culpa silenda mihi; / nam non sunt tanti, renouem ut tua uulnera, Caesar, / quem nimio plus est indoluisse semel*.
The blame of the other [crime] must be passed over in silence by me; for I am not worth so much that I should renew your wounds, Caesar. It is far beyond measure that you felt pain on one occasion.

[26] *Tr*. 2.104

[27] *Pont*. 2.9.756
As noted above, Ovid wished his mistake to lie hidden under the charge of teaching adultery in the *Ars Amatoria*.

[28] *Tr*. 2.208-10

[29] Claassen (1999) 129

[30] *Tr*. 2.105-6

own hunting dogs.[31] Ingleheart notes that the passage on this in *Tristia* 2 contains 'the most that Ovid reveals on the subject'[32] which had more to do with something Ovid became aware of ('saw') than something he actually did. Ovid argues that his fault, therefore, lay only in the knowledge of a crime committed by another person or persons. By emphasising in this way his lack of culpability, Ovid makes his case for acquittal because he effectively lacked a guilty mind (*mens rea*) – the mental element of a crime - without which any guilty act (*actus reus*), on its own, cannot secure a competent conviction. There is also support for this argument elsewhere in Ovid's exilic verse.[33]

It would seem, however, that Ovid undermines his argument that he was an innocent and unwitting bystander when he asks, rhetorically, why he inadvertently became aware of a crime.

> *cur imprudenti cognita culpa mihi?*
>
> Why was a crime recognised by me, all unawares? (*Tr*. 2.104)

He recognised that something was criminal (*cognita culpa*) even though he came across it unawares (*imprudenti*). While he was not necessarily a participant in whatever it was, the moment he recognised its criminal nature, he assisted the perpetrator(s) by not, for example, reporting the crime. This would appear to be on all fours with the crime of pandering (*lenocinium*) where husbands who failed to take action against their adulterous wives were punished as if they had committed adultery (*pro adulterio*).[34] Green further notes that recognising the criminality of something and not reporting it may be drawing a line between the role of a principal perpetrator of a crime and that of an accessory except that criminality attaches to accessories, too.[35] Furthermore, the criminality of the unwitting (*inscius*) Actaeon lay not in the activity he saw (it was not against the law for Diana to undress to bathe) but (most unfairly) in the unintentional and unfortunate act of seeing something that gave offence. This would appear to be different from Ovid's case: his crime seems to lie, like a panderer, in remaining silent after witnessing some actual offence rather than in the unwitting act of observing something innocent.

Following Drucker,[36] Ingleheart notes that the Actaeon myth serves two purposes for Ovid.[37]

---

[31] *Met* 3.138-252

[32] *Tr*. 2.103-10 and Ingleheart (2010) 121

[33] *Tr*. 3.5.49-50 *inscia quod crimen uiderunt lumina, plector, / peccatumque oculos est habuisse meum*.
Because my unwitting eyes observed a crime, I am punished, and my sin is that I possessed eyes.

[34] Paul. *Sent*. 2.26.8 and Treggiari (1991) 288-90 cited by Ingleheart (2010) 4.

[35] Green (2005) 223

[36] Drucker (1977) 149

[37] Ingleheart (2010) 125

The first places his circumstances in a grand and tragic setting and helps to reinforce his self-positioning as an unlucky victim of misfortune. Ovid underlines this point in the *Metamorphoses*:

> *at bene si quaeras, Fortunae crimen in illo,*
> *non scelus inuenies; quod enim scelus error habebat?*
>
> But if you investigate carefully, you will not find criminality in [Actaeon] but fortune's fault; for what crime is there in a mishap? (*Met*. 3.141-2)

The second purpose of the Actaeon myth, however, is to introduce a note of implied imperial criticism which operates as an appeal to readers for exoneration. In the *Metamorphoses*, Ovid depicts Diana's reaction to Actaeon's chance sighting of her bathing as petulant and her response as an intentional act of spiteful revenge, out of proportion to the offence. What she did to Actaeon was designed to assuage her offended ego.[38] By implication, Augustus has also behaved vengefully and excessively towards Ovid.

In the Actaeon analogy, Ovid uses the word *scilicet* ('naturally' or 'of course') to strengthen his point that among the gods, reparation must be made even for a mishap.[39] This word indicates irony[40] because while it can strengthen the evident truth of a proposition (of course it is so), it can equally be taken to point out the evident absurdity in it (it cannot be so!). The suggestion here that it is absurd for a god to punish mere bad luck undermines Augustus' actions, assuming that Ovid is comparing him to Diana.

Implicit in Ovid's account of Diana's immediate response to Actaeon's mistake is further censure of Augustus. His impulse, like hers, was not to seek any explanation, to provide an opportunity to present a defence or to make an appeal, but to proceed straight to punishment. Because she was undressed and disarmed, however, Diana could not fire her more customary arrow at Actaeon,[41] so instead she flung water in his face and transformed him into a stag which, monstrously, his own hunting dogs tore to pieces.[42] Only Actaeon's death softened her anger.[43]

---

[38] *Met*. 3.186-97

[39] *Tr*. 2.107: *scilicet in superis etiam fortuna luenda est, …*
Naturally, among the gods, even misfortune must be atoned for.

[40] Hinds (1988) 24-5

[41] *Met*. 3.188
Diana is associated with the important Olympian deity, Artemis, who was both a virgin and a huntress. (OCD 182) Hence her first impulse was to fire an arrow at Actaeon.

[42] *Met*.3.194-252

[43] *Met*. 3.251-2: *nec nisi finita per plurima ulnera uita / ira pharetratae fertur satiata Dianae*.
It is said that it was not until his life was ended by many wounds that the anger of the quiver-bearing Diana was appeased.

To the extent that Diana's petulance and her irrational, selfish and vindictively disproportionate response to Actaeon's unwitting mistake carries over to Augustus, Ovid is appealing to his readers' sense of justice and provoking their outrage at the injustice that was perpetrated on him. But while harsh, was Augustus' punishment of Ovid fair? Did it meet the high standard that Ovid claimed for himself when describing his conduct as a minor judicial official?[44]

In the *Metamorphoses*, public opinion on whether Diana's punishment fitted Actaeon's crime was divided:

> *rumor in ambiguo est; aliis uiolentior aequo*
> *uisa dea est, alii laudant dignamque seuera*
> *uirginitate uocant : pars inuenit utraque causas.*

> Common talk wavers; to some, the goddess seemed crueller than was fair; others praise her and call her act worthy of her austere virginity: both sides find their reasons. (*Met*. 3.253-5)

Williams argues that this passage is evidence for the proposition that 'the reader who explores the full implications of the (Actaeon/Ovid - Diana/Augustus) cross reference is left to draw his own conclusion about the fairness of Augustus' treatment of Ovid.'[45] Ingleheart takes a different view, pointing out that Ovid uses a method familiar to readers of Tacitus, by which he makes an insinuation through the medium of reported public opinion: 'Ovid makes the negative view predominate by giving it pride of place, and by stressing that opinion was divided when concluding the passage.'[46]

In this context, we could draw on the example of the assembled gods' divided opinion on Jupiter's course of action when, in a fit of pique, he decided to destroy the whole human race. Ovid makes it clear that 'public opinion' went Jupiter's way at least in part because that was what it had to do.[47] This would tend to support Ingleheart's view that Ovid was giving predominance to the 'negative' view and so implying criticism of Augustus, and that his contemporary audience would have understood this.

(iii) Further doubt about the mistake.

As we have seen, Ovid refuses to name the *error* in *Tristia* 2 and does not attempt to defend

---

[44] *Tr*. 2. 93-6

Ovid claims that it was not a mistake to entrust the fates of defendants to him, nor suits examined by the *decemuiri*, and that he settled private cases wihout complaint and even the losing sides acknowledged his good faith.

[45] Williams (1994) 176

[46] Ingleheart (2010) 125-6

[47] *Met*. 1.244-5: *dicta Iouis pars uoce probant stimulosque frementi / adiciunt, alii partes adsensibus inplent*.
Some approved the words of Jove with their voice and added fuel to his wrath while others fulfilled their roles with agreement.

it, apart from diminishing the seriousness of his involvement in it and refusing to concede that what he did amounted to an actual crime.

nec quicquam, quod lege uetor committere, feci.

I have done nothing that I am forbidden by the law to do. (*Pont*. 29.71-2)

No analysis of the Actaeon analogy can, however, shed light on what Ovid's mistake actually was and Barsby notes that 'despite continuing discussion of the *error*, it seems increasingly unlikely that we shall ever be able to uncover what it was.'[48] Owen canvasses (and rejects) many of the theories on the *error* propounded up to the time he was writing.[49] Also, as noted above, whatever the nature and legal status of the mistake, Ovid wished that his *Ars Amatoria* alone be publicly known as his censure (*crimen*).[50] Perhaps persuaded by Ovid's own arguments, Syme is of the view that 'the mysterious mistake … was probably trivial enough.'[51] Ingleheart, on the other hand, considers that it is inappropriate to distinguish too closely between the *carmen* and the *error*, given the close links between them in Ovid's exilic poetry.[52]

Citing Camps, Ingleheart also points out that it is possible that in the *Tristia*, Ovid was not writing about his own mistake, but rather the one made by Augustus when he found Ovid guilty and issued the relegation edict.[53] Ovid's argument that Augustus misread or misjudged the *Ars Amatoria*[54] also supports the view that the mistake was on Augustus' part. That Ovid also seeks to portray Augustus rather than himself as immoral, particularly in the second half of *Tristia* 2, would also support a reading that if either of them had made a mistake, it was Augustus, not Ovid. There may also be an implication here that Augustus made a mistake in criminalising adultery in the first place.

---

[48] Barsby (1978) 41

[49] 1924; Owen (1924) 12-26

[50] *Pont*. 2.9.75-6: *ecquid praeterea peccarim, quaerere noli, / ut lateat sola culpa sub Arte mea*.
Do not ask whether I have committed any further sin, so that my fault may lie hidden beneath my *Ars*.

[51] Syme (1939) 468

[52] Ingleheart (2010) 5 and Camps (1987) 520-1
Camps' speculation is that as the pronoun and the possessive are commonly juxtaposed in Ovid's elegiacs, a corruption of the text may have arisen in *Tr*. 1.2.99 such that *si me* <u>*merus*</u> *abstulit error* (if a genuine mistake has carried me off) has been transcribed as *si me* <u>*meus*</u> *abstulit error* (if my mistake has carried me off).

[53] Ingleheart (2010) 131 and Camps (1987) 519-20

[54] *Tr*. 2.277-8: *'at uitia irritat.' quicumque hinc concipit, errat, / et nimium scriptis arrogat ille meis*.
'But it provokes vices.' Whoever conceives this, makes a mistake, and attributes too much to my writings.

CHAPTER TWO

TRISTIA 2 AS POETIC ORATORY: ITS *EXORDIUM* (INTRODUCTION) AND ITS *PROPOSITIO* (PREMISS)

A A brief introduction to *Tristia* 2 as a prose oration in verse.

If Claassen calls *Tristia* 2 'an elaborate speech for the defence',[1] Nugent notes that if its goal was a commutation of sentence, it is 'not only unconvincing but self-defeating' and ultimately, 'remarkably unsuccessful.'[2] Nonetheless, Owen writes that had Ovid composed it in prose, it '… might have been delivered by an advocate without discredit in a law court. … His verse in this essay is a prose oration delivered in poetic form.'[3]

Quintilian provides an example of the structure of argumentation in a prose oration in the ancient world.[4] He states that such a speech has two goals, to defend and attack, and has five parts: an introduction, a statement of facts, the argument, the rebuttal and the closing remarks.[5] Owen takes this oratorical map and lays it on *Tristia* 2 to reveal its structure and the development of the argument in it.[6] Following Owen's map, the opening of *Tristia* 2 amounts to an *exordium,* which is an introduction intended to conciliate the judge or audience.[7] As Ovid's case had already been dealt with, its facts were known by Augustus and known or ascertainable by his contemporary audience.

---

[1] Claassen (2008) 15 and *Tr*. 4.10.15-16 where Ovid states that he was trained in the art of rhetoric - see Chapter One.

[2] Nugent (1990) 243

[3] Owen (1924) 48-9

[4] Ancient writers do not seem to agree on the distinctions between the main divisions in the structural parts of a speech. Cicero states that there are four: *exordium*; *narratio*; *argumentatio*; and *peroratio*. (Cic. *Inv*. 1.14) Aristotle also states that there are four: προόιμιον; πρόθεσις; πίστις; and ἐπίλογος. (Arist. *Rh*. 3.13) Quintilian notes, however, that the *argumentatio* is often divided into *probatio* and *refutatio*. (Quint. *Inst*. 3.9.1-5)

[5] Quint. *Inst*. 3.9:*Nunc de iudiciali genere, quod est praecipue multiplex, sed officiis constat duobus intentionis ac depulsionis. cuius partes, ut plurimis auctoribus placuit, quinque sunt: prooemium, narratio, probatio, refutatio, peroratio.*
Now concerning the character of the rhetorical speech, which is especially convoluted, but whose purposes it is agreed are two, attack and defence. There are five parts to it, as most authorities agree, the introduction, the part that sets out the facts, the part where the orator enumerates his arguments, the rebuttal, and the closing remarks.

[6] Owen (1924) 48-9
Ingleheart offers a critique of Owen's approach. In brief, she finds Owen's flaws can better be explained through an appreciation of Ovid's 'play with rhetorical teachings and practice' and an awareness that Tristia 2's 'strongest generic affiliations are with the epistolary genre.' She also notes that the rules and definitions of rhetorical handbooks are often contradictory and inconsistent. (Ingleheart (2010) 15-21)

[7] *Rhet. Her.* 1.6: *principium est, cum statim auditoris animum nobis idoneum reddimus ad audiendum, id ita sumetur, ut attentos, ut dociles, ut beneuolos auditores habere possimus.*
It is in the introduction that we immediately instil a suitable state of mind in the hearer so that it is received in such a way that we can have attentive, receptive and friendly listeners.

There was therefore no need for a *narratio* (statement of facts). Instead, Ovid proceeds directly to a *propositio*, that sets out what it was that he wished to achieve.[8] Owen states that the rest of the poem is the 'argumentative development of the case'[9] which has 'two divisions, each concluding with a … peroration to the same effect.'[10] The first division is the *probatio* (legal proof)[11] and the second is the *refutatio* (rebuttal).[12] The following table makes this clear.

Section	Lines	Goal
Exordium	1 - 26	To win sympathy.
Propositio	27 - 28	To state the goal: to appease Augustus' anger so as to bring about a commutation of sentence.
Probatio	29 - 154	To produce the evidence that mercy is deserved.
Peroratio	155 - 206	To sum up.
Refutatio	207 - 572	To rebut the case that the *Ars Amatoria* was immoral because it taught adultery.
Peroratio	573 - 578	To sum up.

Of course an orator needs to convince an audience by speaking persuasively in a way appropriate to the case.[13] The need to win sympathy may not be strong in some cases, but where the nature of the case is contrary to opinion, it is so.[14] That Augustus had already convicted Ovid (who had in fact commenced his punishment) and that he knew he was considered a public criminal at Rome,[15] meant that his case was firmly contrary to the emperor's opinion and therefore public

---

[8] *Rhet. Her.* 2.28: *propositio est, per quem ostendimus summatim, quid sit, quod probare uolumus.*
The premiss is the part through which we briefly reveal what it is we wish to achieve.

[9] Owen (1924) 49

[10] Ibid.

[11] The proof by evidence that Ovid deserves mercy.

[12] Ovid rebuts the charge that the *Ars Amatoria* is immoral because it teaches adultery.

[13] Cic. *de Orat.* 1.138: *ad persuadendum accommodate dicere.*

[14] Quint. Inst. 4.1.41: *nam honestum quidem ad conciliationem satis per se ualet, admirabili et turpi remediis opus est.*

[15] *Tr.* 1.1.24: *et peragar populi publicus reus.*
And I am prosecuted to the point of condemnation in the mouths of the people as a public criminal.

opinion also.[16]

Ancient sources acknowledge that there are cases, like Ovid's, that are problematic. Cicero, for example, writes that there are five types of cases[17] and as Ingleheart points out,[18] Ovid's case meets one of Cicero's definitions:

> *…admirabile, a quo est alienatus animus eorum qui audituri sunt; …*
>
> The difficult[19] case, from which the sympathy of those about to hear it is set against. (Cic. *Inv*. 1.20)

Rhetorically, Ovid was in a difficult position and had to tread warily if he were to have any hope of attaining what I argue were his objectives of securing an acquittal in the minds of his readers so that some might come to his aid and the rest would continue to read his works so that his name lived on.

B The *exordium*.

In the *exordium*, Ovid follows the well-established rule to conciliate 'the court.' As a loyal exile ostensibly addressing Augustus, he wants the emperor to be friendly (*benevolum*), attentive (*attentus*) and receptive (*docilem*). He also follows Cicero's recommendation when making an appeal to an angy and hostile judge in that he resorts to *insinuatio*.[20] This is '[a] method of beginning a speech in which the favour of the judges is obtained by indirect means.' (OLD) This approach includes *dissimulatio* which is '[t]he concealment of one's real purpose, feelings, etc.' (OLD) It also includes *circumitio* which is 'an indirect method of reasoning or communicating.'(OLD) Ingleheart notes that evidence of *insinuatio* can be found in Ovid's opening lines in his focus on his *libelli* (little books) as the causes of his guilt with no mention of his *error* (mistake) for more than 200 lines, particularly since the latter was personally offensive to Augustus, and his shifting of the blame for the creation of the *libelli* from himself to the Muses.[21] Ingleheart also points out that as part of his conciliatory approach, Ovid employs the tactic of eliciting goodwill by a strong implication that

---

[16] *Tr*. 2.87-8: *ergo hominum quaesitum odium mihi carmine quosque / debuit, est ultus turba secuta tuos*.
Therefore the hatred of people has been acquired by me through a poem, and the crowd followed your expression, as it ought.

[17] Cic. *Inv*. 1.20-1

[18] Ingleheart (2010) 16

[19] Really 'marvellous' in the sense that a judge or juror would consider it unbelievable that an advocate would take the case on. Cf. in Greek, παράδοξος (paradox).

[20] Cic. *Inv*. 1.21

[21] Ingleheart (2010) 16; *Tr*. 2.1-8

Augustus enjoys the same status as a god. He does this by his use of the word *magnus* (great) which he reinforces by enjambment, and by his identification of Augustus with Jupiter.[22]

Tristia 2's opening is similar to that of the first poem in *Tristia* 1. Ovid directly addresses his books. In the first four lines, he asks three impatient questions in an informal tone:

> q*uid mihi uobiscum est, infelix cura, libelli*
> *ingenio perii qui miser ipse meo?*
> *cur modo damnatas repeto, mea crimina, Musas?*
> *an semel est poenam commeruisse parum?*
>
> What am I to do with you, little books, unlucky objects of my attention, when I myself, suffering as I am, have been ruined by my own talent? Why do I resort again to the Muses, sources of my indictments, and only recently denounced? Or is it not enough that I thoroughly deserved punishment only once? (*Tr*. 2.1-4)

These three rhetorical questions seem to reveal the poet, despondent at the punishment his already extant books have caused, questioning his potentially reckless decision to write another one with potentially similar consequences. Together with their informality, they further support the contention that in *Tristia* 2 Ovid was not just writing to Augustus. The implicit answer to the rhetorical question whether Ovid should once again risk resorting to the Muses (yes!), suggests that Ovid was addressing at least those who had responded well to his poetry in the past. He immediately makes this clear:

> *carmina fecerunt ut me cognoscere uellet*
> *omine non fausto femina uirque mihi:*
>
> Poems brought it about, with an unfortunate foreboding, that men and women wanted to know me. (*Tr*. 2.5-6)

The last of the three opening rhetorical questions, whether deserving punishment once was enough, also works as a hook to engage the sympathy of his audience. Once again the answer must be, 'yes!' Once was indeed enough!

In the opening lines, when it is still unclear to whom Ovid is addressing the poem, he also importantly writes *about* Augustus. He immediately places the emperor in a position diametrically opposed to other readers:

> *carmina fecerunt ut me moresque notaret*
> *iam pridem emissa Caesar ab Arte mea.*
>
> Poems brought it about that Caesar marked me and my morals down on account of my 'Art' long since published. (*Tr*. 2.7-8)

---

[22] Ibid.

Poetry is the pivot here and it places Romans and their ruler at opposite ends of the scale of literary appreciation. Romans wanted to know (*cognoscere uellet*) Ovid, but Augustus marked him down (*notaret*). Ovid makes clear that Augustus was also the man whose opinion mattered and who gave orders: he censured Ovid,[23] he ordered mothers and daughters to recite poems,[24] and he had ordered poems to be recited to Phoebus.[25]

It is not until lines 27 and 28, the two lines that Owen identifies as the poem's *propositio*[26] that Ovid directly addresses Augustus, using the vocative *mitissime Caesar* (most merciful Caesar). Even in this first approach to Augustus, an ironic reading suggests outrage: Augustus is far from merciful. We know this not only because Ovid has already identified him as the agent of his punishment, but also because he would be the source of further punishment should Ovid publish more poetry that displeased him. Furthermore, Ovid emphatically uses hyperbaton to place *mitissime Caesar* between *tua* (your) and *ira* (anger). Wrapping 'your anger' around 'most merciful' gives the impression that Ovid does not believe in Caesar's mercy at all.

The opening lines of *Tristia* 2 therefore place Ovid's poetry not only in the middle of opposing responses to it, but also in the centre of his whole appeal in *Tristia* 2, overtly addressed to Augustus as it is, but covertly addressed to a wider audience. In addition, Ovid's poetry is central because it is in this field that he has expertise (and Augustus does not) and his reputation and standing as a poet depend on the 'right' responses of all readers to it.

In the *exordium*, Ovid further adopts a passive and conciliatory stance by distinguishing his physical self from his poetic talent and the books of poetry it had produced. He does this by addressing his books as though they are separate entities from himself, by blaming the Muses for his downfall, by which he possibly means his poetic talent and the poetry it produced, and by stating that it was his verse that brought him fame and caused Augustus to mark him with infamy. He sums up this line of argument with a bookkeeping metaphor. He states that his culpability is the dividend of his poetry.[27] It is his Muse/poetic talent, therefore, that have led to his 'fringe benefits' of exile. Later, this distinction between Muse/poetry and poet will be pivotal to Ovid's defence and he will build on

---

[23] *Tr*. 2.7-8: *carmina fecerunt ut me moresque notaret / … Caesar …*
Poems caused Caesar ro censure me and my ways.

[24] *Tr*. 2.23-4: *Caesar matresque nurusque / carmina … dicere iussit …*
Caesar ordered the mothers and daughters to recite poems.

[25] *Tr*. 2. 25: *iusserat et Phoebo dici …*
[Caesar] had ordered [poems] to be recited to Phoebus.

[26] Owen (1924) 51

[27] *Tr*. 2.10: *acceptum refero uersibus esse nocens*.
I mark it down as income that I am guilty because of my verses.

this idea and argue that a book or poem is not evidence of a writer's character and can only corrupt if the reader is corruptible.[28] Ovid will further assert that it is only in his case that has a poem been held to be evidence of an author's character.[29]

Given Ovid's unfavourable situation vis-a-vis Augustus, the introduction to *Tristia* 2 appears to meet the rhetorical criteria for making a conciliatory appeal for clemency. There is also evidence in the *exordium* to suggest that Ovid was also making a conciliatory appeal to those in Rome who may have been thinking of him as a puiblic criminal.

Firstly, in his assertion that his verse brought it about that men and women wanted to know him, Ovid reminds readers of his former popularity and their former demand for his erotic poetry. This also suggests that Augustus' efforts to reform the moral behaviour of upper-class Romans were not delivering on their policy intent and therefore that in this respect Augustus was at odds with his leading citizens.

Secondly, in pointing out that his offensive *Ars Amatoria* was published some time before his banishment,[30] Ovid further suggests either that either Augustus had punished him without reading the poem or that he had condoned or ignored it for a long time, perhaps until Ovid committed the *error* or in some other way, it suited to the emperor to take action.

Thirdly, Ovid's reference, within the first ten lines, to Augustus marking him and his morals with infamy could further alert his audience to Jupiter's speech to Venus in *Metamorphoses* 15 and a further irony. There, speaking of Augustus, Jupiter assures Venus that the emperor will set the moral compass by his own example.[31] Yet Suetonius tells us that Augustus was divorced three times and married four times, was a serial adulterer and may have been sexually involved both with Julius Caesar and Aulus Hirtius.[32] That Ovid has Augustus designate him as immoral at the outset of *Tristia* 2 is ironic and suggests hypocrisy.

Fourthly, while Ovid's reference to Augustus ordering verses to be chanted to Apollo emphasises the emperor's piety, Ovid places this piety in the context of Augustus commissioning public games. This, too, has an ironic resonance as it calls to mind Augustus' fondness for spectacles

---

[28] *Tr*. 2.357: *nec liber indicum est animi, sed honesta uoluptas*:
A book is not evidence of the mind but a respectable pleasure.

[29] *Tr*. 2.495-6:*nempe - nec inuideo - tot de scribentibus unus / quem sua perdiderit Musa repertus ego!*
Certainly - and I am not envious - out of so many writers I am the only one whom, it is discovered, his own Muse destroyed!

[30] *Tr*. 2.8: *iam pridem emissa …*
Long since published.

[31] *Met*. 15.834: *exemploque suo mores reget …*
By his own example, he will direct the ways of mankind.

[32] Suet. *Aug*. 68-9

and perhaps suggests that he preferred them to poetry. It also reminds readers that in the *Ars Amatoria*, Ovid had recommended the games as venues for romantic liaisons.[33]

Ovid the loyal subject in exile begins his difficult task of appearing to appease Augustus with skill and at least apparent authenticity. His outrage is nonetheless evident and although subtly expressed, is discernable by the *turba doctorum*. In this *exordium*, therefore, and as is required in a difficult case such as his, Ovid substantively achieves the forensic goal of conciliating the judge, be that judge Augustus or public opinion.

B The *Propositio*.

The carefully constructed and conciliatory *exordium* paves the way for Ovid to address Augustus directly for the first time in the poem (and in the *Tristia* collection as a whole). Delaying naming an addressee until this point of the poem is, as Ingleheart notes, somewhat odd in a text that purports to be a letter.[34] Emphasising the importance of the introduction, however, Ovid seems to have been heeding Horace's advice to Trebatius that one needs to pick one's time carefully when approaching Augustus directly.[35]

Be this as it may, having elevated Augustus to the status of a god,[36] Ovid briefly states his *propositio*:

> *his, precor, exemplis tua nunc, mitissime Caesar,*
> *fiat ab ingenio molior ira meo.*
>
> By these examples, I pray, most merciful Caesar, that your anger may now become softer through my poetic talent. (*Tr*. 2.27-8)

These two lines are key because they provide an insight onto the whole disposition of *Tristia* 2 which, although convoluted and at times, inconsistent,[37] purports to be an appeal to Augustus, as a man with the equivalent of divine power, to be merciful and reduce the severity of Ovid's sentence.

---

[33] *Ars* 1.96-7: *… ut apes …per flores et thyma summa uolant, / sic ruit ad celebres cultissima femina ludos*:
As bees fly over the flowers and above the thyme, so rush the smartest women to the crowded games.

[34] Ingleheart (2010) 80

[35] Hor. *S*. 2.1.20: *cui male si palpere, recalcitrat undique tutus*.
If you stroke him clumsily, on his guard, he kicks back from all directions.

[36] *Tr*. 2.22: *exorant magnos carmina saepe deos …*
Poems often prevail upon the great gods.

[37] At the outset, for example, Ovid seems to say that his poetry is the cause of his guilt (3) and that he deserves punishment (4) yet later argues that the *Ars Amatoria* was not obscene (211) and not illegal (240). Near the end, however, Ovid concedes that he has sinned in his poetry (539).

As Claassen puts it, '[t]he poem falls easily into two apparently contradictory parts, "confession" and "refutation."' (Claassen (2008) 15)

This *propositio* works equally well whether it is read as an overt appeal to Augustus himself or as a more covert appeal to public opinion. If Ovid was to achieve a reduction in his sentence, the emperor's anger had be assuaged whether (improbably) by a direct appeal to the man himself or (more likely) by the soothing words of influential supporters intervening with him on Ovid's behalf.

Ovid's use of *mitissime* (most merciful) in the *propositio* when he ostensibly addresses Augustus is ironic and a pitch to his wider readership. This is because he later refers to the emperor's edict of relegation as *immite minaxque* (harsh and threatening)[38] and later notes that not one *exul* has ever been sent further away from Rome than he has.[39] Elsewhere in Ovid's exilic verse-letters, he also reveals that he considered that Augustus had in fact shown him no mercy in his conviction and sentence.[40] In addition, for those of us reading these lines long after the events took place, there is dramatic irony. We know that in the end, Augustus remained true to the wording of his edict, and Ovid did not receive a safer place of exile, let alone permission to return to Rome, even at the start of Tiberius' reign on the death of Augustus in AD 14.[41]

Ingleheart also notes the juxtaposition of *mollior* (milder) and *ira* (anger) in the *propositio*[42] as well as the similarity in meaning between *mollis* (mild, gentle) and *mitis* (merciful) and their associations with love elegy. Next to *ira*, closely associated with epic,[43] she argues that Ovid hopes that his elegies will soften Augustus' epic anger so that he no longer behaves like a vengeful epic deity or hero; once he is mollified, Augustus can better enter the spirit of love elegy – and stop misreading the *Ars Amatoria*[44] as a manual on adultery and read it more correctly, as his audience did, as an entertaining mock-didactic poem.

---

[38] *Tr*. 2.135

[39] *Tr*. 2.188: *nec quisquam patria longius exul abest*.
No exile is further away from his fatherland.

[40] For example, *Tr*. 2.187-200; 495-6; 567-8;

[41] Tac. *Ann*. 3.24.4
After Augustus' death, for example, Decimus Junius Silanus, Julia Minor's lover, was permitted to return to Rome. Ovid, of course, was not.

[42] *Tr*. 2.28

[43] The very first word of Homer's *Iliad* is, significantly, μῆνιν (anger, wrath).

[44] Ingleheart (2010) 80-1

CHAPTER THREE

TRISTIA 2 AS POETIC ORATORY: THE *PROBATIO* (LEGAL PROOF) - PART ONE

A Brief Introduction.

The *probatio* is the positive part of the speech that helps to make the orator's representations plausible.[1] It is 'thus the central, decisive part of the speech, which is prepared for by the exordium.'[2] In the *probatio*, Ovid continues the ostensibly conciliatory approach he took in the *exordium,* as a loyal subject might be expected to do. As he argues the ostensible point of the poem, that Augustus should put aside his epic, Jupiter-like anger, and show some mercy, he does so carefully. In some instances, his conciliatory approach is also strengthened by the echoing of themes laid down in the *exordium*. Ovid therefore remains cautious in his tone and while it is possible to take the flattery of Augustus that occurs throughout the *probatio* as sincere, a subversive reading is also possible and through this, some Ovidian impertinence and outrage towards Augustus emerges from the text as he develops his arguments.

B A just Augustus?

The first submission Ovid makes in the *probatio* is that Augustus' anger is just and that he is still blushing and deserves his punishment:

> *illa quidem iusta est, nec me meruisse negabo-*
> *Non adeo nostro fugit ab ore pudor-*
>
> Indeed that [anger] is just and I will not deny that I have deserved it – shame has not fled from my face to such an extent. (*Tr*. 2.29-30)

McGowan notes that Ovid attaches the adjective 'just' to Augustus' anger rather than to the emperor personally which is understandable '[g]iven Ovid's tendency to insist upon his own guilt.'[3] Ovid did not, however, seem to think that Augustus was personally just otherwise he would not have sought to defend himself through *Tristia* 2 and other exilic poems. This sentiment appears not to have been new, either, as it brings to mind the closing lines of the final book of the *Metamorphoses* where Ovid used the superlative form of this adjective to describe Augustus as a *iustissumus auctor*

---

[1] Cic. *Inv*. 1.34: *confirmatio est, per quam argumentando nostrae causae fidem et auctoritatem et firmamentum adiungit oratio*.

[2] Lausberg (1998) 160-1

[3] McGowan (2009) 143

(a most just legislator).[4] While this can be read literally (and flatteringly), it also lets in the possibility of an ironic reading among members of his audience who might have shared his view that Augustus was no such a thing at all, particularly in relation to his legislation on marriage and his turning adultery from a ground for divorce (a civil matter) into a criminal offence.As noted, there was strong opposition to these laws.[5]

Ovid's comparison of Augustus with Jupiter in *Tristia* 2 (and elsewhere)[6] also brings to mind Jupiter's ruthlessly unjust actions in the *Metamorphoses* when, motivated (like Augustus) by anger and despite the qualms of the other gods,[7] he destroyed Lycaon's house with a thunderbolt[8] and, using a flood, almost annihilated the entire human race.[9] This was a passage in which Ovid mentions Augustus by name and in fact addresses him directly.[10] Jupiter's anger only abates when he has destroyed or drowned everything and everyone bar one pious husband and wife, Deucalion and Pyrrha, who had managed to find the top of Mount Parnasus protruding from the water.[11]

Ovid immediately follows his blushing assertion that he deserved Augustus' angry but fair punishment with a short but nonetheless unexpected and therefore emphatic argument: he has done Augustus a favour because through his sinning, he has given the emperor an opportunity to show forgiveness![12] In this political opportunity for Augustus lies a defiant impertinence and Ingleheart notes the contradiction between this shameless argument and Ovid's modesty (*pudor*) in the lines immediately before it.[13] It does, however, alert the influential among Ovid's audience to an argument they could put to Augustus in their interventions with him. It also seems that he considered it necessary to remind readers that Augustus would not show any clemency unless he could see that it was in his own best interests to do so.

---

[4] *Met*. 15.833

[5] See Chapter One.

[6] *Fast*. 2.131-2: *hoc tu per terras, quod in aethere Iuppiter alto, / nomen habes: hominum tu pater, ille deum*.
You bear the name on earth that Jupiter bears in high heaven: you are the father of men, he of the gods.

[7] *Met*. 1.244-9; and *Met*. 1.274

[8] *Met*. 1.230-1

[9] *Met*. 1.160

[10] *Met*. 1.204-6

[11] *Met*. 1.316-29

[12] *Tr*. 2.31-2.
Cf. the *Exsultet*: *O certe necessarium Adae peccatum, quod Christe morte deletum est*.
O truly necessary sin of Adam, destroyed by the death of Christ!

[13] Ingleheart (2010) 81

C A Jupiter-like Augustus.

Early in the *probatio*,[14] and as a model for Augustus, Ovid introduces the idea of Jupiter as Iuppiter Tonans (god of thunderbolts, thunder and lightning).[15] Ovid argues that if Jupiter were to hurl a thunderbolt at every human error, he would soon run out of them; also, after the din of his thunder finally dies away, Jupiter always disperses the clouds and clears the air. Augustus, therefore, as ruler and father of the native land,[16] should model his behaviour (*utere more*) on the god who has the same title.[17]

An audience familiar with the *Metamorphoses*, however, could find ironic humour in Ovid's suggestion that Augustus should model his moral behaviour on the renowned adulterer, Jupiter, bearing in mind Suetonius' account of Augustus' own philandering which would have been well-known to them.[18] It is also ironic that it is Ovid, whose moral behaviour Augustus has condemned, who is giving advice concerning the divine entity on whose moral conduct the emperor should model his own behaviour.

Nonetheless, Ovid is making the reasonable argument here that not every human error warrants a thunderbolt. Should one be hurled, however, it is right that the retributive energy behind it should eventually dissipate. It is open to read these lines as such but Green finds it impossible to miss a mocking tone in them.[19] This is perhaps because of the situational irony inherent in Ovid giving Augustus moral advice, the absurdity of the idea that Jupiter could run out of thunderbolts, and the discordance between the idea of Jupiter hurling every thunderbolt in his arsenal and the 'reality' that he himself considered it would be foolish to do so.[20] Furthermore, and as Thomsen

---

[14] Lines 33 to 42. Ovid had earlier established a link between Jupiter and Augustus in the *Fasti* and the *Metamorphoses*: *Fast*. 2.131-2; *Met*. 1.204-5 and 15.850-60 (especially 858-60).

[15] Aug. *Anc*. 19

In 22BC, Augustus dedicated a temple to *Juppiter Tonans* on the Capitol. According to Suetonius (Suet. *Aug*. 29), this was because he narrowly escaped death by lightening strike while on the Cantabrian expedition of 26-5BC.

[16] Aug. *Anc*. 35

Augustus was granted the title *pater patriae* (Father of his Country) on 2 February, 2BC.

[17] *Met*. 15.858-60

Ovid divides the heavenly (Jupiter) and earthly (Augustus) realms and says *pater est et rector uterque* (each is both father and ruler).

[18] Suet. *Aug*. 69-71

[19] Green (2005) 223

[20] *Met*. 1.253ff

When Jupiter wanted to punish the human race, he decided it would be too dangerous to use thunderbolts in case the ensuing conflagration set fire to heaven. He therefore brought down a flood instead

notes, in holding up Jupiter as an example to Augustus, Ovid is 'implying that Augustus' mercy is not yet perfect.'[21]

D A merciful Augustus.

Ovid as loyal subject then elaborates on these points[22] by providing complimentary examples to prove that Augustus already does follow Jupiter's example. Augustus holds the reins of state more moderately than any other ruler, and does not bear grudges against conquered enemies to whom he often grants the sorts of indulgences that would not have been reciprocated had he been on the losing side. Ingleheart comments on the three instances of polyptoton[23] in Ovid's ostensibly flattering assertion that just as Augustus' soldiery rejoice at a victory, so too does the enemy soldier rejoice that he has been defeated.[24] While soldiers rejoicing at their defeat by Augustus emphasise Augustan clemency, Ingleheart quotes Wills[25] in support of an argument that polyptoton is oratorically common in pointed or scathing passages. In this particular example, the outraged poet's use of polyptoton would emphasise the absurdity of conquered soldiers celebrating their defeat or suggest that if they actually did, they must somehow have felt coerced. Either way, between the flattering lines the outraged poet reveals his mocking disbelief in Augustan mercy.

The loyal exile then asserts that his case is better than that of Augustus' enemies,[26] because he had never been any sort of insurgent. This provides some passing comment on Ovid's mistake: whatever it was, it did not involve engagement in any armed opposition to Augustus. Ovid swears that he has favoured Augustus and states that he has prayed for the emperor's apotheosis *tarde* (as late as possible!). He has also generally been a pious citizen. In making these arguments, Ovid's forensic intention is to invoke precedent to support his better case. If Augustus had in the past treated enemies beneficially, he should without doubt treat his good and loyal citizen, Ovid, who had never been a renegade, with clemency and grace.

---

[21] Thomsen (1979) 54

[22] *Tr*. 2.41-60

[23] Ingleheart (2010) 90
gaudet/gaudeat, hostem/hostis and *uicerit/uictum*

[24] *Tr*. 2. 49-50: *utque tuus gaudet miles, quod uicerit hostem, / sic uictum cur se gaudeat, hostis habet*.
And as your soldier rejoices that he has conquered the enemy, so the enemy has reason that he, conquered, should rejoice.

[25] Wills (1996) 272-7

[26] *Tr*. 2.51: *causa mea est melior*:
Mine is a better case.

Suetonius tells us that there are many examples of Augustan clemency.[27] There are recorded instances of Augustus exercising mercy by pardoning his civil war opponents as well as some (but not all) of Antony and Cleopatra's children,[28] although Ahl makes the point that it was 'Octavian' rather than 'Augustus' who behaved in this way.[29] That said, Cassius Dio records an instance where, in AD 4, Augustus acted leniently and generously towards a group that had plotted against him.[30] Ovid also makes frequent references to Augustus' clemency elsewhere in the *Tristia* and the *Epistulae Ex Ponto*,[31] although, as Green points out, these references 'often lace flattery with irony'.[32] In any event, as Fantham asks, could Ovid really 'expect the emperor to judge [his] offense (sic) by the same yardstick as the opposition of foreign enemies whom he had defeated and pardoned?'[33]

Ovid's reveals his outrage in his assertion that no ruler has ever held the reins of power with more restraint. Readers would recall that in the *Metamorphoses*, Augustus insincerely forbids that his own deeds be set above Julius Caesar's in the knowledge that, of course, they will be.[34] Furthermore, it is Augustus' very lack of restraint that allowed the *Ars Amatoria* and Ovid's mistake to provoke an anger in him of sufficient magnitude to banish the poet to the farthest limits of the empire and never allow him back. Inherent in this irony is the criticism that Augustus has fallen short of the standard of clemency, mentioned in the *Aeneid*,[35] and befitting and expected of a Roman ruler.

E A divinely powerful Augustus.

In Ovid's oath that in his heart and mind he has favoured Augustus,[36] Ovid's contemporary audience may have noticed the addition of 'Augustus' as a present and manifest god (*praesentem conspicuumque deum*)[37] to the usual threefold division of the visible world into the earth, sea and sky

---

[27] Suet. *Aug*. 51: *clementiae civilitatisque eius multa et magna documenta sunt*.
The instances of his clemency and graciousness are many and great.

[28] Suet. *Aug*.16, 17, 21 and 51

[29] Ahl (1984) 49

[30] D.C. 55.14

[31] For example: *Tr*. 4.4.53; 5.4.9; and 5.8.26; and *Ep*. 1.2.59 and 121; 2.2.115-20; and 3.6.7

[32] Green (2005) 223

[33] Fantham (2009) 43

[34] *Met*. 15.852

[35] Virg. *A*. 6.852-3

[36] *Tr*. 2.53-6

[37] Compare Augustus' present divinity here to *Met*. 15.870 where, once deified, he is *absens* (absent).

by which an oath was made.[38] This is certainly flattering. Ovid, however, and his contemporary audience, would have felt the power of Augustus the man more palpably than Augustus the god. Because in this oath Ovid emphasises the *divine* power of Augustus, he would seem here to be diminishing the value of Augustus' power on earth as well as divine power more generally. This is further highlighted by the displacement of divinity in what it is that Ovid is actually swearing: that in his heart and soul, he has favoured Augustus, the mightiest of *men* (*vir maxime*)[39] and prayed that his apotheosis would be delayed.

Ovid then specifically draws Augustus' attention to his greater work (*maius opus*),[40] the *Metamorphoses*, where through his apotheosis,[41] Augustus becomes one of the bodies changed in ways that are not believable (*in non credendos corpora uersa modos* …).[42] With Augustus' apotheosis as the centrepiece of Ovid's praise of him in the *Metamorphoses*, this line suggests Ovid does not take it seriously and, as Williams notes, '… [this] harbours a less than favourable implication.'[43] Ovid's suggestion, therefore, that his praises are true assurances of [his] mind (*animi pignora uera mei*) amount to irreverence. Green is also of the view that '[t]here was , clearly, something inherently comic to Ovid about the whole idea of Augustus' deification…'.[44] Furthermore, Ovid promptly underscores his prayer that Augustus will ascend to heaven only after Ovid's time,[45] when he prays that his own time will never actually come.[46] This, of course, postpones Augustus' deification indefinitely. Also, by teaching Augustus how to read the *Metamorphoses* and how to take the praise he will find there, Ovid compromises the argument that he will later make,[47] that a literary text does not reflect the mind of its author, and that its reception depends on the reader.

In the informal rhetorical question that echoes the opening sentence of the poem, Ovid asks why, for evidence of praise for Augustus, he should have to refer to his books, even the ones that

---

[38] E.g. Hom. *Il*. 18.483; Virg. *A*. 12.197

[39] *Tr*. 2.55

[40] *Tr*. 2.63

[41] *Met*. 15.745ff

[42] *Tr*. 2.64

[43] Williams (1994) 172

[44] Green (2005) 224

[45] *Met*. 15.868-9

[46] *Met*. 15.875-6

[47] *Tr*. 2.259-62 and 357-8 and see Chapter Eight.

form the charges against him.[48] Ovid uses homeoteleuton to single out emphatically the *Ars Amatoria*. Putting aside the somewhat odd decision to highlight the very text that had offended Augustus, the claim of a thousand mentions of Augustus' name in his books would sound flattering only to someone – Augustus? – who had in fact not read the texts[49] because, of course, it is a flippantly casual exaggeration and so really just a joke.[50] Ovid also frequently uses Venus as a euphemism for sex. As Augustus claimed Venus as an ancestor,[51] the linking of Augustus with a thousand references to sex would be humorous to a literary audience in the context of Ovid's situation and irreverently witty in its delinquent undermining of Augustus' claimed moral high ground and standing.

Even so, here as elsewhere, the passages in which Ovid claims to have mentioned Augustus a thousand times in his poems and, in the *Metamorphoses*, to have praised Augustus and expressed his allegiance,[52] are readable in a non-subversive (loyal) way. On the other hand readers who appreciated that there were not, in fact, a thousand references to Augustus in Ovid's other works, and who may have read the imperial praise in the *Metamorphoses* ironically, would have been amused at these exaggerated claims and therefore felt sympathy for Ovid.

Furthermore, as legal arguments, claims to have praised Augustus and made respectful references to him elsewhere do not necessarily equate to loyal devotion. You need to read (or to have read) the texts to know. While Ovid's audience were no doubt familiar with his poetry, Augustus seems not to have been.

---

[48] *Tr*. 2.61: … *quid referam* <u>*libros (illos*</u> *quoque, crimina nostra)* …
Why should I mention my books (even those, my offences).

[49] Williams considers that Ovid is here suggesting that Augustus partly based his sentence on a work he had not read at all. This again would imply that it was more Ovid's *error* than his *carmen* that was responsible for Ovid's relegation. (Williams (1994) 172)

[50] According to Ingleheart, in the *Ars Amatoria*, the name *Augustus* is never used and *Caesar,* which can refer to any member of the family and so is ambiguous, is used just four times. (Ingleheart (2010) 97) Furthermore, Barchiesi points out that in the *Ars Amatoria*, the 'only theme that these thousand estimated occurrences could be applied to is that of sex.' (Barchiesi (1997) 31)

[51] She was the mother of Aeneas.

[52] *Tr*. 2.63-6

CHAPTER FOUR

THE *PROBATIO* - PART TWO

A A glorious Augustus.

Ovid's loyal assertion that Augustus' glory does not become greater through having poetry written about it, essentially because it is already at its greatest possible extent,[1] is flattering. This flattery has within it, however, the capacity to undermine Ovid's argument that he has mentioned Augustus a thousand times in his books. This is because it raises the question why, if not to increase the emperor's glory (already at its zenith), Ovid had troubled to mention him in his earlier poems. The answer would seem to be to undercut him!

Despite the inherent paradox in the argument that Augustan glory is as high as it can be and cannot be increased by poetry, Ovid builds on his contention by submitting that while Jupiter also has abundant renown,[2] he still likes to feature in poems in which his deeds are related. Jupiter takes pleasure, for instance, in poets' praises when they write of the victory of the Olympian gods over the giants.[3]

Ovid further argues that if gods can be won over by a hecatomb, they can also be won over by a humble offer of incense. Ovid's point here is that while he has never written an epic relating Augustus' deeds in flattering terms,[4] he has shown his allegiance by writing elegiac verse (and an epic of sorts) in which, as he claims, Augustus' name occurs in a thousand places. This only serves to shine further light on the fact that Ovid's praise of Augustus in these works is neither prolific nor necessarily sincere, and also to suggest again that Augustus is falling short of Jupiter's standard if he does not consider that elegiac praise is good enough.

Building yet further on this argument, Ovid submits that it was a cruel enemy who maliciously selected erotic poems from his works to read to Augustus, so that the poems that glorify

---

[1] *Tr*. 2.67-8

[2] *Tr*. 2.69: *fama Ioui superest*

[3] Ingleheart (2010) 105

The Gigantomachy, the most important battle in Greek mythology in which the Olympians overthrew the old religion and established themselves as the new rulers of the cosmos, was popular with Augustan poets and used politically to represent the triumph of order and civilisation over barbarism. In *Am*. 2.1.11-38, which he wrote in his young manhood, Ovid said that he had a Gigantomachy in hand, complete with the clouds and the thunderbolt that Jove was to hurl on heaven's behalf when suddenly his lover closed her door which was an even greater thunderbolt to Ovid and quite took his mind away from epic warfare and drew it back to the light bantering of love elegy.

[4] *Am* 1.1.1-4: *arma grauī numerō uiolentaque bella parābam / ēdere, māteriā conveniente modis. / pār erat inferior uersus; risisse Cupīdo / dīcitur atque ūnum surripuisse pedem.*
I was preparing to write about weapons and violent wars in serious metre, with the subject being suitable for the metre. The lower line was equal; Cupid is said to have laughed and to have stolen away one foot.

him could not be read sympathetically. This presumably resulted in the emperor's anger or possibly further inflamed Augustan anger already roused by the coming to light of Ovid's mistake. It is neither uncommon nor unreasonable in a legal defence, as Ovid did in the introduction to *Tristia* 2 and does again in this passage, to shift blame onto someone else. Previously it was the Muses and this time it is the cruel enemy who selected infelicitous passages to read out to Augustus. The necessary implication in this argument is once again, however, that Augustus has not read, or not understood, the *Ars Amatoria* and has therefore exceeded his jurisdiction by basing an excessive punishment on something about which he knew nothing – or not enough.

Ovid points to the subjugation inherent in Augustus' glory when he states that once he was angry with Ovid, everyone else had to be angry with him too, including, absurdly, Ovid with himself.[5] Green comments that it is hard not to detect irony, if not flippancy here: 'with Ovid, as with Oliver Edwards, cheerfulness was always breaking in'.[6] Even so, Ovid uses the metaphor of the collapse of a shaken house[7] to describe the shock and aftermath of his relegation at which men, taking their lead from Augustus, turned their backs on him.[8] This image of men taking their hostile lead from Augustus in their response to Ovid's 'fallen house' further reveals the outraged poet's view of the tyrannical nature of Augustus' rule: some men only became Ovid's enemies because they were afraid of the consequences of responding to Ovid in a manner different from the emperor's. A reader, perhaps chastened at this intimation of cowardice, is also reminded of the gods timidly adopting Jupiter's anger at the behaviour of human kind in the *Metamorphoses*, even though Ovid makes it clear that they did not all, in fact, share it.[9]

B A loyal (and youthful) Ovid.

Ovid then makes the argument that before the recent events that injured him, he was a loyal citizen and his life was irreproachable[10]. He contends that because Augustus did not disapprove of

---

[5] *Tr*. 2.82: *uix tunc ipse mihi non inimicus eram*.
At that time, I could scarcely avoid being an enemy to myself.

[6] Green (2005) 224
Oliver Edwards (1711 – 1791) was an English lawyer. He is quoted in the 17 April 1778 entry in James Boswell's 'Life of Samuel Johnson' as saying: 'I have tried, too, to be a philosopher; but I don't know how, cheerfulness was always breaking in.'

[7] Cf. *Tr*. 1.9.17-20: while Ovid's house stood, men thronged around it but as soon as the shock came, men feared its fall and turned their backs in fright.

[8] *Tr*. 1.1.23-4: Ovid knew that readers in Rome still considered him a public criminal.

[9] *Met*. 1. 244-5: … *alii partes adsensibus inplent*. …
Others played their parts by giving consent.

[10] *Tr*. 2.89-102

him in the annual ride-past of the class of knights (*equitum trauectio*),[11] he must have approved of him.[12] Later, Ovid adds the sound legal point that at the time of these ride-pasts, when Augustus was judging the knights, he had already published poems including the *Ars Amatoria*, and Augustus had not marked him down in the course of his censorial examination.[13] Ovid further supports his argument of a previously blameless life by making the point that he had been competent in the execution of his legal and administrative duties and settled cases without disapproval and with losing sides acknowledging his fairness.

While legally sound, this argument also reveals the poet's outrage: Ovid's fairness in making judicial decisions can, by implication, be contrasted to Augustus' unfairness in dispensing justice in his case. Alternatively, as Williams argues, Ovid specifically mentions his own fairness 'to remind Augustus of the standard he must adhere to in judging Ovid's appeal.'[14] In either event, Ovid again highlights the significance of most recent events (*extrema*) in his downfall to which he adds vividness through the use of the storm imagery that he touched on in the introduction,[15] and will return to later on.[16]

Ovid then argues that although he seems to have used his poetic talent rather too youthfully (*iuuenaliter*), he is well-known throughout the world and cultured men of poetic good taste do not despise him.[17] Elsewhere, Ovid refers to his erotic poetry as the work of his youth,[18] and both Augustus and Ovid's supporters would have recognised that a plea of 'youthfulness' could potentially be a winning argument.[19] In *Tristia* 2, Ovid seems to be contending that Augustus has erred in his punishment because he has failed to recognise the youthful exuberance in Ovid's offending. As the *Ars Amatoria* was published in about 2 BC, however, when Ovid would have been

---

[11] Suet. *Aug*. 38.3

[12] Suet. *Aug*.39 : Ovid's use of the verb *probare* (OLD 3 – to give official approval to (after examination, scrutiny etc.), to certify as satisfactory, to pass) suggests that he was not among the *improbati* (men disapproved of: from *improbare* OLD – to express disapproval of (officially or otherwise) by word or action, object to, condemn, reject, repudiate) and deprived of his horse.

[13] *Tr*. 2.541-2

[14] Williams (1994) 163

[15] *Tr*. 2.18

[16] *Tr*. 2.469-70

[17] *Tr*. 2.117-8

[18] *Tr*. 2.339-40; 537-45; *Tr*.4.10.57-8

[19] We know that in Roman courts, an argument that criminal behaviour was a product of youthful exuberance could exculpate an accused person. Cicero, for example, used youthful high spirits (among other strategies noted above) to great effect in his successful defence of Marcus Caelius Rufus in the *Pro Caelio* of 56BC.

around forty-one years old,[20] he does seem to be stretching a point and in fact argues only that he is seen, or seems, to have written too youthfully.[21] Perhaps this argument also suggests that Ovid believed Augustus knew little about the *Ars Amatoria*: not only had he not read it, but he was not aware of its publication date either.

Furthermore, that Ovid points out that there is a multitude (*turba*) of influential men in Rome who dare to think highly of him, could remind Augustus that Ovid was a 'force to be reckoned with,'[22] and any individual reader that he or she was far from alone. That Romans had to *dare* to regard Ovid as a man of good character also points to the despotic nature of Augustus' rule as it clearly took courage to do so.

C An angry (yet merciful) Augustus.

There is a moment of optimism when Ovid imagines that his house, although fallen, can rise again, but only if the emperor's anger can be assuaged.[23] This is, in a sense, a fair point and the logical consequence of the plausible points that Ovid has so far made: firstly there was no criminal intent in Ovid's mistake and secondly, because Augustus had effectively misread (or failed to read) the *Ars Amatoria*, he had fallen into legal error in convicting and punishing Ovid. There is criticism, however, implicit in Ovid's proviso that his rehabilitation could only occur if Augustus' anger were to become more mature *(ematuruerit)*.[24] If Ovid wrote too youthfully, it seems that Augustus' anger, too, is immature and what Ovid is effectively saying is that Augustus needs to grow up and follow Virgil's advice provided in the closing words of Anchises' speech to Aeneas in the *Aeneid*: the essential distinction of a Roman leader is to impose the rule of law and spare the humbled or, in other words, to show compassionate restraint.[25] In his own case, Ovid is effectively stating that Augustus had not done this.

---

[20] Ovid was about twenty years younger than Augustus (b 63 BC) and a year or so older than Tiberius (b 42 BC).

[21] *Tr*. 2.117: *quo [ingenio] uidear quamuis nimium iuuenaliter usus, …*
I seem to have used [my poetic talent] too frivolously,.
Alternatively, this could be translated as 'I am seen to have used [my poetic talent] too frivolously…'

[22] Ingleheart (2010) 136

[23] *Tr*. 2.121-4

[24] *Tr*. 2.124

[25] Virg. *A*. 6.852-3: *…/ pacisque imponere morem / parcere subiectis …*
… to impose the law of peace and to spare the humbled …
See Introduction and Chapter Three.

Despite this suggestion,[26] Ovid ostensibly attempts to make peace with Augustus for the latter's restraint in dealing with him and his case in the way that he did. So great, in fact, was Augustus' mercy (*clementia*)[27] that Ovid's punishment was more lenient than he had perhaps anticipated: not only did Augustus refrain from having Ovid executed, but he relegated rather than exiled him, thus allowing him to retain his citizenship and keep his property. He also did not have the senate condemn Ovid but dealt with his case personally. On the face of it, this can be read as a loyal exile praising the merciful restraint of the emperor.

Clementia (a disposition to spare or pardon)[28] was also a virtue emphasised by Augustus himself[29] and was one of the personal attributes for which he claimed he was awarded the shield of virtue (*clipeus uirtutis*).[30] While Augustus might have found satisfaction in Ovid's apparently loyal reference to his *clementia* and the lenient manner in which he dealt with the case, Ovid's description of the wording of the edict Augustus issued against him as *immite minaxque* (harsh and threatening)[31] clashes with this. In addition, Ovid has already argued that his offending was minor and involved no breach of any law. Furthermore, as noted above, Ovid has intimated that Augustus' anger, the emotion driving his conviction and punishment and which he claims this poem is intended to assuage, was immature and excessive. He has also made the point that there was no fair trial or avenue of appeal. If, therefore, the best Ovid can say for Augustan mercy is that when faced with some minor offending, it stopped short of execution (unlike Diana's punishment of Actaeon),[32] he undermines the notion that Augustus had any *clementia* at all.

That Augustus, in his anger, could have ordered an end to Ovid's life, may also contain an ominous warning to his audience as it suggests an emotionally volatile ruler with absolute power over life and death. The bathos of the example of Augustus' clemency that Ovid offers (that in addition to sparing his life Augustus did not take away his ancestral property *as if life were too small a gift*),[33] suggests mockery. In addition, it has only been fifteen lines or so since Ovid specifically

---

[26] *Tr*. 2.125-38

[27] *Tr*. 2.125

[28] OLD 1

[29] Aug. *Anc*. 3;
Also OLD 1(c) clemency (as a special attribute of the Caesars).

[30] Aug. *Anc*. 34.2

[31] *Tr*. 2.135

[32] *Tr*. 2.127: *citraque necem tua constitit ira, …*
Your anger halted short of death.

[33] *Tr*. 2.130: *tamquam uita parum muneris esset, opes*.

mentioned that his house was modest in wealth.[34] The positive point that Augustus dealt with Ovid's case personally and appropriately (albeit with harsh words)[35] can also be read as an arbitrary act of merciless, personal power: as noted, there was no natural justice (*audi alteram partem*) provided to Ovid, no opportunity for Ovid to put his case to and be judged by an independent judge and jury, and no right of appeal from Augustus' conviction and sentence.

Ovid's remark that his punishment of relegation was less severe than exile is also undermined by his statement that it was mild in name:[36] the mildness is only in the name of the punishment and not in Ovid's experience of it. While Augustus could have found conciliatory sentiments in the examples of his appropriate handling of and 'leniency' in Ovid's case that this passage provides, some readers on the other hand may have understood that Ovid considered that his case had been cruelly dealt with outside the law by a moody, vindictive and vengeful tyrant.[37] As Ingleheart notes, 'the primary reference here is to Augustus attacking Ovid, but there is also play on what Ovid does in *Tristia* 2, which could be described as an attack on Augustus *tristibus … uerbis*.'[38]

D A displeased Augustus.

It is flattering to say that to sane people in control of their wits, no punishment is more severe than the knowledge that they have displeased (*displicuisse*) a man as great as Augustus.[39] Ovid undermines this, however, by devoting a sizeable proportion of the ninety-six poems in the *Tristia* and *Epistulae Ex Ponto* collections to deploring the harshness of his punishment. The statement that there can be nothing worse than displeasing Augustus must therefore also admit an insincere and ironic reading. The construction of the sentence (*nulla grauior … quam tanto … uiro*) adds weight to

---

[34] *Tr*. 2. 115

[35] *Tr*. 2.133: *tristibus inuectus uerbis …*
Having attacked me with harsh words.

Also, Suet. *Aug*. 86: Augustus used *tristia uerba* (harsh words) apparently against Maecenas, Tiberius, Mark Antony and his granddaughter Agrippina to name just a few. At *Tr*. 2.135, Ovid also describes the edict of relegation itself as *immite minaxque* (harsh and threatening). How could a *mitissimus princeps* (most merciful prince) draft an order in such a way?

[36] *Tr*. 2.136: *in… nomine lene …*

[37] *Tr*. 2.134 - *ultus es offensas … tuas*. -
You avenged your own injuries.

In Aug. *Anc* 2, Augustus states that he drove the men who murdered Julius Caesar into exile with a legal order, and afterwards, when they waged war against Rome, he conquered them in two battles. Avenging ones own injuries (as Augustus did in Ovid's case) seems rather more selfish and somewhat less virtuous than avenging someone else's injuries (such as Julius Caesar's).

[38] '… with harsh words.' Ingleheart (2010) 149

[39] *Tr*. 2.139-40

the potential puffery since it is crafted in a way that recalls a sentence in Ovid's eulogy of Augustus in the *Metamorphoses* (*ullum maius … quam tantum … uirum*).[40] There Ovid makes the hyperbolic statement that there was no accomplishment among all Julius Caesar's achievements (and he lists a number of significant ones) greater than that he had sired a man as great as Augustus. Caesar did not, of course, 'sire' Augustus at all; he adopted him and if a reader were to take that statement literally, then Caesar was necessarily an adulterer because he was not married to Augustus' mother. There is also a warning to Ovid's supporters in his use of the verb *displicere*:[41] if merely incurring the displeasure of the emperor can result in a harsh punishment, the consequences of a more serious offence do not bear thinking about. Perhaps, as Ovid is also appealing to some of his supporters to intervene on his behalf, his caution is that they should be judicious in how they go about it.

E An appeased Augustus.

Ovid then concludes the *probatio*[42] with an emphatic return to the hopeful theme, present in the *exordium*, that by means of *Tristia* 2, Augustus may be appeased.[43] Through these closing lines of this section of the poem, Ovid uses anaphora to stress the idea of hope.[44] While he concedes that Augustus forbids him to hope, Ovid will nonetheless continue to hope, with varying degrees of confidence, that Augustus can be appeased.[45] Ovid uses weather imagery once again[46] to illustrate that there are grounds for hope because gods in general and Augustus' *alter ego*, Jupiter, in particular, can be appeased and their anger mollified.

Even, however, as Ovid wraps up his *probatio* in these seemingly loyal, conciliatory and to some extent hopeful lines, his audience may, once again, detect outrage. Ovid's use of the adjective *saeuus* (savage) to describe Jupiter[47] calls into question the sincerity of Ovid's assertion, just three lines later, that Augustus is *mitissimus* (most merciful). That Augustus forbids Ovid to hope, suggests

---

[40] *Met*. 15.751-8

[41] *Tr*. 2.140: 'to displease' but appears here in its perfect infinitive form, *displicuisse,* meaning 'to have displeased.'

[42] *Tr*. 2.141-54

[43] *Tr*. 2.1-14 and 15-26

After opening the poem with an acknowledgement that his poetry has been both a boon and a curse (1-14), Ovid says that he is going to risk writing another poem because what kills can also cure and there is evidence that Augustus enjoys poems (15-26). Ovid therefore embarks on *Tristia* 2 with a sense of hope that through this poem, Augustus may be appeased.

[44] *Tr*. 2.145-54: *sperare … sperabimus … spes … spes … spem*

[45] *Tr*. 2.141-54

[46] Cf. *Tr* 2.35-6: after Jupiter frightens the world with his thunder, he clears the rain clouds away and the sun comes out…

[47] *Tr*. 2.144

an oppressive intrusion into a man's inner life and again reminds supporters of a parallel prohibition in the *Metamorphoses*: there, Augustus forbids that his own accomplishments be set above Julius Caesar's but fame (like Ovid's hope) defies him and exalts him over Caesar anyway.[48] Just as it no doubt suited Augustus in the *Metamorphoses* to be regarded more highly than Caesar, perhaps it also suited him that Ovid should defy him with his vain hope for a reprieve as it would have added a satisfying painful twist to the punishment.

When Ovid uses a gusts-at-sea simile to illustrate how his hopes of appeasing Augustus come and go,[49] he writes that the madness is not continuous (*non est … continuusque furor*).[50] Ingleheart notes that *furor* (madness) 'is frequent in storm imagery'[51] but would some readers not also have appreciated that in his implicit comparison of Augustan anger to *furor*, Ovid was marking the emperor with the very opposite of Roman values and Roman order? In the *Aeneid*, Jupiter ends his Roman history lesson 'in the future tense'[52] with Augustus shutting the gates of war and imprisoning a bound *Furor impius* (ungodly Madness) inside.[53] In *Tristia* 2, Ovid seems to be suggesting, at least in his treatment of him, that Augustus has untied Madness and let it out. Finally, Ovid emphatically enjambs fears and hope (*timores / et spem*) suggesting the contrast between his fears blowing away optimism, and his hopes blowing it back.

---

[48] *Met*. 15.852-3

[49] *Tr*. 2.149-54

[50] *Tr*. 2.150

[51] Ingleheart (2010) 162

[52] Auden, *Secondary Epic*.

[53] Virg. *A*. 1.293-6

CHAPTER FIVE

TRISTIA 2: FIRST *PERORATIO* (SUMMING-UP) - 'I'VE GOT A LITTLE LIST'[1]

A Brief introduction.

The influence of a judicial speech can also be found in *Tristia* 2's *perorationes*, the first at the end of the *probatio* and the second at the end of the *refutatio* (rebuttal). The objectives of a *peroratio*, as noted by Lausberg, are two in number: to refresh the memory and to influence the emotions.[2] That Ovid resorts less to the former and more the latter in both his *perorationes* is not surprising as it was not necessary in his circumstances to include a *narratio* (statement of facts) and he positively avoided making any mention of his mistake. This would appear to accord both with Ovid's pose as a loyal subject and with Quintilian's view that it is the *miseratio* (appeal to pity) which carries the most weight.[3]

B Overview of first *peroratio*

In this the first and more lengthy of the *perorationes*, Ovid sums up his *probatio* in an ostensibly loyal and flattering epic prayer[4] to Augustus. It comprises around fifty lines that are divided into two halves, both of which culminate in appeals for a safer place of exile. The first half is a single sentence of twenty-five lines, addressed directly to Augustus, in which Ovid prays for a number of beneficial outcomes for Augustus should he spare Ovid by granting him a nearer and milder place of exile. In the second half, Ovid outlines his suffering in Tomis which leads agains to a direct address to Augustus in which Ovid prays for a closer and safer place of exile.

Ovid makes an appeal to the emotions in this *peroratio* through his focus on his suffering in Tomis. He also makes apparently sympathetic references to some of Augustus' key challenges, including his old age, the security of Rome's borders, and the imperial succession. These references, however, also carry with them the possibility of ironic readings which could equally be the outraged poet reminding his supporters that the emperor was a politically vulnerable geriatric and susceptible to persuasion on his behalf.

---

[1] From the libretto of *The Mikado* by W. S. Gilbert.

[2] Lausberg (1998) 204

[3] *plurimum tamen ualet miseratio, quae iudicem non flecti tantum cogit, sed motum quoque sui lacrimis confiteri*.
But the appeal to pity will prevail to the greatest effect, an appeal which does not merely force the judge to change his mind but also to betray his emotion with tears. (Quint. *Inst*. 6.1.23)

[4] *Tr*. 2.155-206.
Lengthy prayers are more associated with epic than elegiac poetry: see, for example, Virg. *A*. 4.206-18, and 607-21.

C Ovid's (restrictively conditional) prayer for Augustus.

The prayer opens with Ovid making an oath. He swears both by the gods, who should and will give Augustus a long life, if they love the Roman race, and also by the fatherland, which is safe and secure under Augustus' paternal care, and of which Ovid had recently been a part.[5] By wishing that the gods grant Augustus a long life if they love the Roman race, Ovid portrays the destinies of Augustus and Rome as 'inextricably linked.'[6] By saying that Augustus is the father of the fatherland (*te … parente*) Ovid echoes the opening of the *probatio*.[7] Augustus, too, stressed the safety and security that he brought to Rome[8] and the peace of mind that this idea invokes sharply contrasts with Ovid's own precarious situation in Tomis.

There then follows a list of wishes couched in the subjunctive mood and readable as loyal to Augustus. Each is introduced by the adverb of manner *sic* (just as)[9] operating with restrictive force, making, in effect, every wish for Augustus dependent on the prayer, *parce, precor* (spare me, I pray), being granted. Ovid therefore wishes the benefits he lists for Augustus only to come to pass <u>if</u> he grants his prayer. As a result, Ovid's wishes are all conditional.

Nonetheless, because much of this prayer for a safer and milder place of relegation closer to Rome is addressed directly to Augustus,[10] the only man with the power actually to grant what Ovid asks, it is couched in terms that are recognisable as imperial panegyric. Assuming that a modest goal was to secure a more comfortable place of exile closer to Rome, one would expect that the flattery in Ovid's conditional wishes for Augustus would be nothing more than rhetorical embellishment in support of his plea. As we shall see, however, and as was the case earlier in the poem, a straightforward reading is not the only possible one. As outraged poet, Ovid seems to undercut the conventions of imperial flattery with irony, admitting a reading that is critical not only of Augustus but also of his heirs. As such, the *peroratio* also operates as a subversive appeal to Ovid's wider audience.

Apparently respectfully, Ovid wishes that the debt of love of a grateful city be repaid to Augustus, a debt which he is owed through his deeds and spirit. Again, Augustus himself stressed his

---

[5] *Tr*. 2.155-8

[6] Ingleheart (2010) 65

[7] *Tr*. 2.39: *tu quoque, cum patriae rector dicare paterque*, …
You, also, since you are called ruler and a of the fatherland.

[8] Aug. *Anc*. 13

[9] OLD *sic* 8

[10] *Tr*. 2.155-86 and 201-6

own prodigious popularity[11] and the survival of his principate is evidence that there was some truth in that. Nonetheless, as Ovid wrote *Tristia* 2 in AD 9, Weidemann points out that the years AD 6 to 9 'were extremely critical for Augustus; they were years of military disaster abroad coupled with famine at Rome, and rumour had it that Augustus even contemplated suicide …'[12] As we have noted,[13] during these years, Augustus had among other things been forced to address state revenue shortfalls with new taxes, and to replace his *Lex Iulia de Maritandis Ordinibus* of around 18 BC with a 'much weaker law … forced upon [him] as a result of an open demonstration … by the equestrian order.'[14] It is therefore possible that Ovid subverts this wish that the debt of love of a grateful city be repaid to Augustus: in the context in which Ovid was writing, love for Augustus in Rome may have been at a low ebb.

Ovid then focusses with apparent loyal respect on Augustus' household. He wishes Augustus and Livia a long marriage, and notes that Livia was worthy of no spouse but him and that if she had not existed, he would have had to remain a bachelor. Nugent notes, however, that '[t]his is a truly unfortunate allusion to Livia and Augustus.'[15] Referring to Suetonius, Tacitus and Dio Cassius, she goes on to note that Ovid's contemporaries 'would have needed no reference works to remind them of Augustus' divorce from Scribonia or the somewhat unusual details of [his] taking Livia from her first husband and the father of her children.'[16] Augustus had also been married three times and Livia, twice. Furthermore, to say that a man could have married no one else or, in other words, that a couple deserve each other, 'has always been a two-edged message'[17] and had Augustus in fact remained *caelebs* (unmarried), he would have attracted the connotations of useless and hedonistic egotism that went with that term and, furthermore, would have been in breach of his own marriage laws and incurred a fine.[18]

Ovid then wishes both Augustus and his adopted son Tiberius well and tactfully looks forward to some future time when they might rule the empire together as an old man with one even older; and he wishes that Augustus' grandsons may continue to follow in their (respective) father's

---

[11] Aug. *Anc*. 9, 10, 25, 35, and 57

[12] Wiedemann (1975) 265

[13] See Introduction.

[14] Ibid. 265 and citing Dio 56.10.1

[15] Nugent (1990) 251 Footnote 35

[16] Ibid.

[17] Barchiesi (1997) 33

[18] Ibid. 34

and their grandfather's footsteps.[19]

It also seems disdainful for Ovid to focus on the respective senility of Augustus and Tiberius[20] especially when standard imperial panegyric wishes long life to emperors and their families. This is because youth represents potency and vigour and dispels concerns about succession. The contrast between youthful potency and the image Ovid conjures of two old men ruling Rome is comical. Ovid is also mischievous here because in his language, he does not put it beyond doubt which of Augustus and Tiberius is the *senex* (old man), and which is the *senior* (older man, or man above the age for military service). Because, by AD 9, Tiberius was virtually Augustus' co-regent,[21] Ovid is either saying that Rome has, or will have, a *senex* (Tiberius) ruling with a *senior* (Augustus) - or possibly a *senex* (Augustus) ruling with a *senior* (Tiberius). This is because if *senior* is read in its military sense, Tiberius was above the age for military service and therefore, technically, a *senior*.[22]

When Ovid wishes that Augustus' *nepotes* (grandsons) may follow in their fathers' and grandfather's footsteps (*per … facta … eant*), to which grandsons was Ovid referring? Augustus' grandsons included the brothers Germanicus and Claudius (sons of Tiberius' brother, the elder Drusus), Drusus (Tiberius' son by his first wife) and Agrippa Postumus (son of Julia the elder, Augustus' only biological offspring and therefore the only blood-descendant of all the grandsons). Possible references here to Claudius and Postumus potentially undermine Ovid's loyal deference. According to Suetonius, when young, Claudius was an embarrassment to his family because he was afflicted by various mental and physical illnesses to the extent that even when he reached the appropriate age, he was not considered capable of any public or private business.[23] He also had difficulties walking[24] which specifically undercuts Ovid's wish that his grandsons follow in Augustus' footsteps. In AD 6, Postumus was disinherited and banished by Augustus[25] and while the reasons for this have not come down to us, as Nugent might put it, Ovid's contemporaries would not

---

[19] *Tr*. 2.161-8

[20] *Tr*. 2.166: *et olim / imperium regat hoc cum senior senex*;
And one day, may an old man direct the government, together with one even older.

In AD 9, Augustus (b. 63 BC) would have been around 72 years old, and Tiberius (b. 42 BC), around 51 years old. At some future time (*olim*) they would, of course, have been even older.

[21] Ingleheart (2010) 175

[22] OLD *senior* 3: A man of older years (… one above military age or over the age of forty-five). In AD 9, Tiberius was over 45 years old and therefore above military age and so met this definition of *senior*. At around 70 years old, Augustus met the definition, too, but this does not detract from Ovid's humour.

[23] Suet. *Claud*. 3.2

[24] Suet. *Claud*. 30

[25] Ingleheart (2010) 176-7

have needed reference books to find out what they were. In addition, Augustus may well not have wished to be reminded of them. Green also points out that Ovid's description of the grandsons as youthful stars (*sidus iuuenale*)[26] may not necessarily be complimentary as stars could be baneful.[27]

Ovid then courteously prays for military victories for Augustus and Tiberius. Specifically, he prays that *Victoria* (Victory) should seek out the Roman standards and place laurel wreaths on conquering Tiberius' hair. This is because Augustus was not waging war on the battlefield but was in Rome, waging war through Tiberius who, Ovid further prays, will return in triumph.[28] Ovid is here referring to Tiberius' three-year struggle (AD 6-9) to defeat the Pannonian and Dalmatian rebels, an endeavour in which he succeeded 'only with the utmost difficulty.'[29] Suetonius describes this rebellion as the most serious of all foreign wars after the Punic wars.[30] Ingleheart considers that Ovid may therefore ironically be undermining the sincerity of his prayer in his reference to the Roman standards being well known to *Victoria*.[31] In addition, in Germany in the late summer of AD 9, Publius Quinctilius Varus, a relative of Augustus' through marriage, lost three irreplaceable legions together with their standards, in a 'military disaster of the first magnitude'[32] after which Varus committed suicide.[33]

That *Victoria* should place the laurel wreath (*laurea serta*)[34] onto Tiberius' *shining* hair (*in nitida … coma*), may also be denigrating: in the *Aeneid*, Iarbas was scornful of Aeneas because of the eastern and effeminate connotations of his similarly described hair.[35] If so, this would suggest criticism of Tiberius. To say that Augustus wages war through Tiberius is also potentially disparaging as it implies that Augustus, being either a *senex* or a *senior,* was too old to do any fighting himself and that Tiberius was 'little more than a puppet.'[36] This is because although the actual commander in

---

[26] *Tr*. 2.167 (singular for plural)

[27] Green (2005) 226

[28] *Tr*. 2.169-78

[29] Salmon (1968) 110

[30] Suet. *Tib*. 16.1: *grauissimum omnium externorum bellorum post Punicum*.

[31] Ingleheart (2010) 180

[32] Salmon (1968) 111

[33] Suet. *Aug*. 23

[34] *Met*. 1.560-1: A laurel wreath was the symbol of victory that Roman generals wore when they led triumphs into Rome.

[35] Virg. *A*. 4.216: *crinem … madentem* or hair moist with oil and perfume, and so also shiny.

[36] Hollis (1977) 191

the field,[37] Tiberius was acting merely as an instrument of Augustus. In any event, Ovid seems to be suggesting that Augustus, with his proconsular *imperium*, claimed Tiberius' victories for himself even though, in any military or indeed moral sense, he did not deserve them.

Ovid then emphasises that half of Augustus (i.e. – Tiberius) is far from Rome (in Pannonia) waging savage wars[38] and then makes the point that he, too, is far from Rome (in Tomis) and also unsafe in the midst of enemies.[39] Ovid then rounds off his hope for military success by wishing that Tiberius return to Rome as a victor, glistening high up on a garlanded horse.[40] That Ovid wishes Tiberius should glisten (*fulgeat*) possibly recalls the conceivably baneful glow of the *sidus iuuenale* (youthful star[s]) which described Augustus' grandsons as well as Tiberius' possibly effete *nitida coma* (shining hair) and anticipates the flash of Augustus' thunderbolt.[41]

> *parce, precor, fulmenque tuum, fera tela, repone,*
> *heu nimium misero cognita tela mihi!*
> *parce, pater patriae, nec nominis inmemor huius*
> *olim placandi spem mihi tolle tui!*
>
> Spare [me], I pray, and put aside your thunderbolt, savage weapon, alas, a weapon too familiar to my wretched self! Spare [me], I pray, father of the fatherland, and do not, forgetful of this name, take from me the hope of one day placating you! (*Tr*. 2.179-82)

While implicit in the identification of Augustus with Jupiter, this is the first time in *Tristia* 2, although not in the *Tristia* generally,[42] that Ovid explicitly states that Augustus possesses thunderbolts which as mentioned above, Ovid points out Jupiter uses only sparingly.[43] Ingleheart notes that Ovid's repetition of *parce* (spare!) may suggest that he has doubts that Augustus will do so voluntarily and thus his message to his influential readers is that they need to make every effort with Augustus on his behalf.[44] She further observes that as the copies of the poem that Ovid circulated would not have been punctuated, there is also a possible ambiguity in *parce, pater patriae, …* With the verb *parcere* (to spare) taking the dative case, and with the genitive and dative forms of *patria*

---

[37] Suet. *Tib*. 16.1: Tiberius held tribunician power.

[38] *Tr*. 2.176: *dimidio procul es saeuaque bella geris*;
In half of yourself you are far away and you wage savage wars.

[39] *Tr*. 2.187-200

[40] *Tr*. 2.177-8

[41] Ingleheart (2010) 185

[42] Tr. 1.1.72: *uenit in hoc illa fulmen ab arce caput*.
It was from that citadel (Caesar's dwelling) that the thunderbolt fell upon this head.

[43] *Tr*. 2.33-4. See Chapter Three.

[44] Ingleheart (2010) 187

(fatherland) being the same, the phrase *parce pater patriae…* generally translated as, 'spare [me] father of the fatherland …' can be read as 'spare, father, the fatherland…' suggesting that Augustus could do this by not making Ovid's exile permanent: he is missed in Rome![45]

By stating that Augustus should not be forgetful of this name – ie – father of the fatherland,[46] Ovid is both appealing to Augustus to behave paternally (and forgive his loyal 'son') and, possibly subversively, 'warning Augustus not to forget about Ovid's own *nomen* i.e. his popular standing in Rome and his poetic reputation.'[47] In doing so, Ovid is also, of course, reminding his audience not to forget his name either.

D The object of Ovid's prayer.

Ovid then clarifies what it is for which he is praying. He uses a good rhetorical strategy by appearing to ask for something modest: he says that he is not requesting a return to Rome, even though the gods have sometimes granted more than they have been asked, but a milder and nearer place of exile. The reminder that more is occasionally granted than asked for erodes the modesty of Ovid's request and reveals what he really wants: to return to Rome. These lines also anticipate the second *peroratio* contained in the final four lines of *Tristia* 2, in which Ovid does not ask to be permitted to return to Italy (unless Augustus is overcome by his long absence) but merely to be allocated a safer and more peaceful place of exile that would represent a more fitting punishment for his crime. Again, with the conjunctival clause, he undercuts the modesty of what he is seeking and reminds his readers where it is he really wants to be.

Ovid concludes his *peroratio* by repeating his prayer for a safer place of exile.[48] As context for this, he resorts to *miseratio*, seeking to engage the sympathy of Augustus (and his wider audience) by elaborating on the harshness of his life in Tomis. He mentions the danger and insecurity he constantly faces there (Rome's jurisdiction is tenuous and he is surrounded by hostile tribesmen); its remoteness (he is on the furtherest edge of the empire to where no other exile has ever been

---

[45] Ibid

[46] *Tr*. 2.181: *nec nominis inmemor huius*

[47] Ingleheart (2010) 187

[48] Tr. 2.201: *unde precor supplex ut nos in tuta releges, …*
From where I pray as a suppliant that you will relegate me to a place of safety, …

relegated); and its coldness (even the sea freezes over).[49] While this would arouse pity among his wider audience, Ovid's assertion that Tomis is insecurely held and dangerous is at odds both with other Augustan literature, including Ovid's own writing,[50] and with Augustus' own claims.[51] This would therefore not be what Augustus would have expected to read in a poem written under his principate let alone in an appeal to him personally for clemency.

Ovid expands further on this theme by saying that as a Roman citizen, he should not be living in a place where he is liable to be captured by barbarians.[52] Having just addressed Augustus as *pater patriae* (father of the fatherland) by reminding him that he is *tuus … ciuis* (your citizen) Ovid prompts Augustus that he has a duty to protect him, and suggests that his influential readers need to intervene on his behalf as Augustus will not discharge his duty unless persuaded by them to do so. Wiedemann rhetorically asks in the context of these lines why Ovid would wish to remind his readers, having just prayed for the success of Tiberius' difficult military campaigns in Pannonia and Dalmatia, both of which had a border with Moesia where Tomis is located, 'that the frontiers were insecure and the lives of Roman citizens endangered.'[53] The answer may be that Ovid wished to signal to them that, as noted above, Augustus was vulnerable and therefore potentially open to persuasion that he could secure much needed good-will by ending Ovid's exile.

Ovid's argument that Augustus has been unjust to him because he has banished no others to a more remote place, even for a weightier cause[54] is also a good one to make. It would help to motivate the influential among his audience to intervene on his behalf because it would highlight how unfair Augustus' treatment of Ovid had been because he had convicted Ovid merely for *teaching* adultery[55]

---

[49] *Tr*. 2.187-206; Williams (1994) 5-8 analyses these claims and while noting that in 9 AD, the Pontic region of Moesia had only recently come under Roman domination, concludes that Ovid's claims that Tomis was constantly under the threat of barbarian attack 'is primarily literary' and makes the point that 'very few potential readers would be able to check Ovid's details from their own experience.' It could also be noted that at 44 degrees north, Tomis is a mere 2 degrees further north than Rome and not even as close to the North Pole as Dunedin, at 45 degrees south, is to the South Pole.

[50] *Met*. 15.830-60, especially *terra sub Augusto est* (the land is under Augustus) and also, for example, Virg. *A*. 1.286-8.

[51] Aug. *Anc*. 30.1-2 *…protulique fines Illyrici ad ripam fluminis Danui. … et postea trans Danuuium ductus exercitus meus Dacorum gentes imperia populi Romani perferre coegit*.
I extended the frontier of Illyricum to the banks of the Danube. … and afterwards my army crossed the Danube and compelled the Dacian tribes to submit to the commands of the Roman people.

[52] *Tr*. 2.204-5

[53] Wiedemann (1975) 269

[54] *Tr*. 2.193: *cumque alii causa tibi sint grauiore fugati, …*
Although others have been exiled by you for a weightier cause, …

[55] *Tr*. 2.212: *arguor obsceni doctor adulterii*.
I am accused of being the teacher of offensive adultery.

(and making a mistake) whereas some of these others, sent to milder places, had actually *committed* adultery. The others to whom Ovid refers would include Augustus' own daughter and granddaughter, bringing the adultery very close to home, and the emperor would not have wished to be reminded of that. Mentioning that Augustus had banished a number of others also suggests that Augustus was a serial banisher which would further remind Ovid's audience that Augustus faced serious moral and other compliance problems, may not have felt completely safe himself, and so could be susceptible to pressure on Ovid's behalf.

In this *peroratio*, Ovid is strategically astute in the choice of material that he uses to appeal as a loyal subject to the emotions of his nominal addressee, Augustus, and as an outraged poet, to those of his wider audience. His use of Augustus' key vulnerabilities, such as his age, the security of some of Rome's provinces and its borders, as well as the succession as themes for his deferential prayers for Augustus' well-being. These could communicate that Ovid, as a good citizen, was empathically sensitive to and supportive of the emperor's difficulties. In line with the *propositio*, this could assist psychologically to soften Augustus' anger and make him more favourably inclined towards Ovid's case. It must be remembered, however, that all Ovid's well-wishes are restrictively conditional upon Augustus actually granting the prayer for a milder place of exile if not a return to Rome. At the same time Ovid also emphasises Augustus' vulnerabilities and points out their ironies to his wider readers, communicating that the imperial publicity is not to be believed and that in AD 9, at least, the time was ripe for pressure to be put on Augustus.

CHAPTER SIX

TRISTIA 2: THE *REFUTATIO* (REBUTTAL) - PART ONE

A Brief overview.

Having ostensibly attempted to placate and conciliate Augustus in the *exordium*, stated his objective in the *propositio*, presented his case credibly in the *probatio*, and entered his prayer for mitigation of sentence in the *peroratio*, Ovid now moves to rebut the charge that he taught adultery in the *Ars Amatoria*.[1]

If the *probatio* can be said to be the positive part of a speech, where an orator demonstrates the plausibility of a case, then the *refutatio* can be said to be the negative part of a speech that finds fault with the opposing case.[2] Quintilian's view is that in a *refutatio*, counsel for the defence may employ a number of tactics including that he may despise and scorn (*despiciat*, *derideat*).[3] We shall see that Ovid resorts to such strategies in his attempt to find fault with Augustus' determination that he taught adultery in the *Ars Amatoria* and that he and his poem were immoral. They give strength to his voice as an outraged poet and he points out Augustus' hypocrisy and inconsistency: the emperor himself had a predilection for adultery, and appeared to have no difficulty with, and even promoted, adultery in other situations and contexts. While the loyal subject has kept his resentment of Augustus and his actions in banishing him under some control up to this point in the poem, when it comes to stating the faults in the case against him, Ovid's apparent allegiance begins quite quickly to be undercut 'by venomous contempt or parodic mockery.'[4] In a 'tone [that] is almost overtly satirical,'[5] Ovid's disdain for Augustus, and his denials that he broke the law or that he or his poem were immoral, increase in intensity, until his outrage at what he believes to be the harsh and absurd injustice that Augustus perpetrated against him is almost palpable. As Claassen puts it, 'the poet's indignation waxes rampant.'[6]

Green sums up Ovid's many contentions in the *refutatio* as a 'rag-bag' in which, among other things, Ovid argues that 'just as to the pure, all things are pure, so, equally, perverted minds can be

---

[1] *Tr*. 2.207-572

[2] Isid. *Orig*. 2.7.2: … *argumentandum est ita, ut primum nostra firmemus, dehinc aduersa confringamus*.
… [the action] must be argued in such a way that firstly we prove our case and after that we destroy the opposing case.

[3] Quint. *Inst*. 5.13.2

[4] Green (2005) 222

[5] Kenney (1982) 446

[6] Claassen (2008) 15

corrupted by anything, and that anyway literature, like the theatre, is full of instances of vice that goes unpunished.'[7] On literature, Ovid appoints himself as a teacher, a 'literary *praeceptor* [who] demonstrates to his emperor, with example after example, that *all* poetry is erotically charged - from the *Iliad* itself … to [Augustus'] own *Aeneid*…'[8] Furthermore, 'Ovid gains the upper hand on his addressee by staking out the realm of poetic judgement as the arena for this epistolary encounter and by casting doubt on Augustus competence in that arena.'[9]

After briefly touching on his mistake (discussed above)[10], Ovid begins, with legal language (*arguor* – I am charged),[11] his varied and spirited rebuttal of the indictment that in the *Ars Amatoria,* he taught adultery.

B With his weighty responsibilities, Augustus has misread the *Ars Amatoria*.

In the opening section of the *refutatio*, Ovid paves the way for his attacking defence in a manner that seems deferential enough.[12] He states that as overseer of the world, it is understandable that Augustus could not pay due attention to trivial things, such as the *Ars Amatoria*:

> *utque deos caelumque simul sublime tuenti*
> *non uacat exiguis rebus adesse Ioui,*
> *de te pendentem sic dum circumspicis orbem,*
> *effugiunt curas inferiora tuas.*
>
> And just as there is no leisure time for Jupiter to be present for small matters, as he watches simultaneously over the gods and high heaven, in the same way, while you oversee the world that depends on you, lesser matters escape your attention. (*Tr*. 2.217-20)

Ovid argues here that the weighty responsibilities of running Rome and the empire (his *negotium*)[13] deprived him of the time to read (or read properly) for himself the foolish games[14] that are the products of Ovid's leisure (his *otium*). That the *Ars Amatoria* is nothing more than a trifling jest is also an important argument for Ovid's appeal – it is a mock-didactic poem, not a serious

---

[7] Green (2005) 222

[8] Nugent (1990) 250

[9] Ibid.

[10] See Chapter Two.

[11] *Tr*. 2.211-12: *Altera pars superest, qua, turpi carmine facto, / arguor obsceni doctor adulterii*.
The other part [of the crime] remains, by which, having composed a disgraceful poem, I am charged with being the teacher of obscene adultery.

[12] *Tr*. 2.213-40

[13] *Tr*. 2.221-2: Augustus has to bear the weight of the Roman name (*moles Romani nominis*) on his shoulders.

[14] *Tr*. 2.223: *lusibus … ineptis, / …*

manual on how to commit adultery. Even as such, however, there is evidence of Ovid's belief in the literary value of his poetic output.[15]

Nonetheless, as Ingleheart notes,[16] this argument that matters of state prevented Augustus from reading a lightweight poem is also an example of a rhetorical dilemma that operates to subvert Ovid's ostensible deference:[17] either Augustus exceeded his jurisdiction by convicting Ovid without reading the *Ars Amatoria,* or, if he says he has read it, he has neglected onerous and important duties. As such, it undercuts Augustus while appealing to Ovid's audience because either way Augustus has made a mistake in removing Ovid from their *milieu*. Even if there is a third option in this dilemma, that Augustus worked hard at running the empire but still made time to read the *Ars Amatoria*, it would seem that Ovid's view is that he did not read it 'correctly' as much of the *refutatio* is 'a lesson in literary history'[18] and a defence of the poem.

In the context of comparing Augustus to Jupiter,[19] Ovid continues his deferential groundwork by saying that it is possible for heavenly minds (including, therefore, Augustus' mind) to be deceived.[20] In doing so, he lays down an important premiss for the rest of the *refutatio*: that a poem (or any other work of literature) can be misread. The appeal point here is that Augustus had mishandled Ovid's case by 'misreading' the *Ars Amatoria* possibly because an enemy read selective passages to him out of context.[21] Ovid's readers may also have found amusing the apparently true-hearted rhetorical question where he asks whether Augustus, as the leading man of the empire, should have abandoned his post to read Ovid's elegiacs[22] (of course not!): they may well have been aware that Augustus was a serial abandoner of posts having missed battles both in his youth[23] and his

---

[15] *Met*. 15.877-9: Ovid says that wherever Rome's power extends over the world, his work will be read out and that throughout all the ages, his fame will live on.

[16] Ingleheart (2010) 19

[17] Quintilian defines a dilemma as giving one's opponent the choice between two propositions, one of which must be true, and ensuring that whichever one he chooses will do his case harm. (Quint. *Inst*. 5.10.69)

[18] Barchiesi (2001) 80

[19] C.f. *Tr*. 2.33-40

[20] *Tr*. 2.213; *fas ergo est aliqua caelestia pectora falli, / …*
It is possible, therefore, for heavenly minds to be deceived in some way.

[21] C.f. *Tr*. 2.77-80 where Ovid claims that a savage and cruel enemy of his read extracts of his erotic poetry to Augustus and so clouded the latter's judgement to the extent that he could not appreciate Ovid's praise of him in his other works.

[22] *Tr*. 2.219-20: *scilicet imperii princeps statione relicta / imparibus legeres carmina facta modis*?
Of course, would the leading man of the empire, having deserted his post, read poems written in unequal metres?

[23] Suet. *Aug*. 13: Augustus missed the battle of Philippi through illness.

old age.[24]

To illustrate the very significant current business that was naturally preventing Augustus reading the *Ars Amatoria*, Ovid apparently patriotically lists challenges in Pannonia, Illyria, Raetia, Thrace, Armenia, Parthia and Germany. In his commentary, Owen interprets these lines as complimentary panegyric, noting that Ovid is reviewing the wars by which Augustus secured the frontiers of the Roman empire.[25] Williams, on the other hand, reviewing developments in these provinces closer to the time Ovid was writing, notes that in the six years or so before Ovid was exiled, all the provinces in this list, with the exception of Thrace and Raetia, 'were in active revolt against Roman authority, and in none of them had a satisfactory outcome been achieved in Augustus' favour by the time *Tristia* 2 was written.'[26] In the *Metamorphoses*, too, Ovid listed military victories in a less than flattering way.[27] Nonetheless, drawing attention to contemporary threats would seem to have no place in panegyric. Williams then ponders how Augustus might have read these lines (e.g. as panegyric as Owen did or as aspersion as he does) and further, how Ovid supposed that Augustus would read them.[28] Another suggestion is that Ovid's primary intention here had less to do with how Augustus may have read these lines (even though they are readable as panegyric) and more to do with reminding his contemporary audience that Augustus was in a vulnerable situation and that it was therefore a politically opportune time for him to be persuaded to secure some good-will by recalling the poet from exile. More widely, Ovid is possibly also subverting Augustus' credibility because he is effectively saying that the official propaganda of the *pax Augusta* is not to be believed.

Ovid continues the opening of the *refutatio* by appearing to flatter Augustus in saying that through Tiberius fighting on his behalf, Germany feels his youthful vigour.[29] Recalling that in AD 9, the situation in Germany was volatile, as well as Ovid's allusion to this tense situation in the *peroratio*,[30] these lines can also be read as another sharply ironic reminder[31] that at the time of writing, Tiberius was a *senior* (above military age), and Augustus a *senex* (an old man), who was too old to fight (or *vice versa*).

---

[24] *Tr*. 2.173-4: Augustus was fighting the war in Pannonia through his proxy, Tiberius.

[25] Owen (1924) 158

[26] Williams (1994) 182

[27] *Met*. 15.752-7; 822-8

[28] Williams (1994) 185

[29] *Tr*. 2.229-30: *nunc te prole tua iuuenem Germania sentit, / bellaque pro magno Caesare Caesar obit*;
Now Germany feels you as a young man in the person of your son, and Caesar takes on wars on behalf of great Caesar.

[30] *Tr*. 2.176. See Chapter Five.

[31] *Tr*. 2.165-75; and see Chapter Six.

Ovid then starts to close the preliminary passage of the *refutatio* with a loyal assertion that the empire is bigger than it has ever been and that no part of it is teetering.[32] He then deferentially mentions some of the weighty and important responsibilities that keep Augustus from reading his verse. These open with the tiring burden of Rome and Augustus' guardianship of his laws and morals, modelled on his own behaviour. Ovid then seems to sympathise with Augustus that he cannot enjoy his own *pax Augusta* because of another care which is the constant war he has to wage against vice.[33]

Ovid appears to bear true allegiance in his statement on the size and security of the empire. It comes, however, directly after a list of provinces presenting significant contemporary threats to Augustus' regime, not to mention Ovid's recent mention of the tense security situation in Moesia,[34] and his frequent complaints in his exilic verse of the dangers of life in Tomis, posed by local and neighbouring hostile tribes. These references suggest that Ovid was not being sincere about the security of the empire.

As noted above,[35] what had been tiring Augustus in Rome includes matters such as disease and famine,[36] army recruitment problems,[37] and the demonstrations by the equestrian order against the *lex Iulia de maritandis ordinibus* which forced Augustus to weaken the law.[38] Ovid again alludes to Augustus' own morals to point out to his audience the gulf between what they actually were and the laws that were officially modelled on them. There is also suggestion that Augustus' war on vice, like the wars necessary to maintain the *pax Augusta*, was unending: he was fighting a losing battle.[39] Nonetheless it was a battle, and against the very class of people to whom Ovid was addressing *Tristia* 2: his audience of elite Romans including the women who were the main target of Augustus' adultery laws. In these lines, the outraged poet not only seems to be reminding them that Augustus is a hypocrite but that he is also their enemy just as he is Ovid's, and that he is in a politically weak position and susceptible to pressure from them.

---

[32] *Tr*. 2.231-2: *denique et in tanto quantum non extitit umquam / corpore pars nulla est quae labat imperii*.
And finally, even in so large a body of the empire as has never existed before, there is no part that is teetering.

[33] *Tr*. 2.233-6

[34] *Tr*. 2.187-200

[35] See Chapter One.

[36] Plin. *Nat*. 7.149

[37] Suet. *Aug*. 25

[38] Dio. 56.10.1

[39] Tac. *Ann*. 3.25 … *utque antehac flagitiis, ita tunc legibus laborabatur*.
And where [the country] once suffered from its vices, it was then oppressed by its laws.

Ovid finally provides an answer to his rhetorical dilemma: did Augustus abandon his duties to read the *Ars Amatoria* or did he unlawfully convict Ovid without having read the poem? Ovid's answer is that Augustus never read the poem:

> *mirer in hoc igitur tantarum pondere rerum*
> *te nunquam nostros euoluisse iocos?*
>
> Should I wonder, then, that amidst this weight of such important affairs, you have never unrolled my trifles? (*Tr*. 2.237-8)

This provides a clear message to Ovid's audience that Augustus had mishandled his case not only because he took the *Ars Amatoria* as a serious adultery manual (which it was not) but also that he had reached this conclusion without even having read the work. His conviction was therefore *ultra uires* (outside powers) because it was not supported by evidence. Without a conviction there should have been no punishment, let alone such a severe one.

C In defence of the *Ars Amatoria*.

At this point, Ovid moves into his attack against the finding that the *Ars Amatoria* breached the criminal law in that it taught adultery:

> *at si, quod mallem, uacuum tibi forte fuisset,*
> *nullum legisses crimen in Arte mea.*
>
> But if, as I should prefer, there had by chance been some leisure for you, you would have read no crime in my *Ars*. (*Tr*. 2.239-40)

(i) The Ars Amatoria is not instructive and breaks no law.

Ovid asserts that the *Ars Amatoria* did not break any law:

> *illa quidem fateor frontis non esse seuerae*
> *scripta, nec a tanto principe digna legi,*
> *non tamen idcirco legum contraria iussis*
> *suadent Romanas erudiuntque nurus.*
>
> Indeed I confess that [the *Ars Amatoria*] is not written with a straight face and it is not worthy to be read by such a great leading-man, but not for the reason that it advises against the dictates of the laws or instructs young Roman wives. (*Tr*. 2. 241-44)

By 'laws', Ovid is referring to Augustus' moral legislation, and particularly to the *lex Iulia de adulteriis coercendis* which, as discussed,[40] was a law applicable to Roman citizens (hence

[40] See Chapter One.

Romanas) that penalised 'adultery and other irregular sexual relations'.[41] To support this claim that the *Ars Amatoria* was not criminal, Ovid quotes (with some interpolation) four lines from the poem itself as proof that it was not written for married Roman citizen women:

> *este procul, uittae tenues, insigne pudoris,*
> *quaeque tegis medios instita longa pedes!*
> *nil nisi legitimum concessaque furta canemus,*
> *inque meo nullum carmine crimen erit.*
>
> Be off far away, slender bands, the mark of modesty, and you who cover half the feet with a long ruffle! I shall sing of permitted secrecy and of nothing else, unless it is lawful, and there will be no crime in my poem. (*Tr*. 2.247-50)

In the original version,[42] Ovid humorously turns the ritual cleansing formula *procul este profani* (be off and far away, impure men!)[43] on its head (be off and far away, pure women!) in an amusing attempt to advertise that the poem is going to be a titillating one. Alluding to a similar example where the effect of a warning is actually enticing, Green writes that in the original lines, 'one is reminded of those formal notices on the entrance-doors of pornographic bookshops.'[44] Ovid also interpolates: in the *Ars Amatoria*, he writes *nos uenerem tutam … canemus* (we sing of safe sex) while in the version he inserts into *Tristia* 2, he writes *nil nisi legitimum … canemus* (we sing of nothing unless it is lawful). For his audience, this insertion of different words would also draw attention to the redacted phrase. Williams observes that '…all this [ironic humour] is stripped away in *Tristia* 2 to expose the bare literalism which is not, of course, any part of their meaning in *Ars* 1, except to the reader who is ignorant of poetic allusion and indifferent to the witty application of the poetic *ingenium*.'[45]

This 'ignorance of poetic allusion and indifferen[ce to poetic wit]' would also apply to somebody (Augustus?) who had not read the *Ars Amatoria*, and was therefore uninformed about the quoted lines in their original context. These lines are therefore disingenuous, operating on one level as a serious appeal argument by a loyal exile to Augustus who, Ovid seems confident, would be none the wiser and take them literally, and on another as a poignantly pointed attack against the 'judge' who had convicted and harshly punished him for writing a poem that he had not even read.

---

[41] Jones (1970) 63

[42] *Ars* 1.31-4

[43] Virg. *A*. 6.258

[44] Green (2005) 228

[45] Williams (1994) 208

(ii) If the *Ars Amatoria* can corrupt, read nothing!

Having structured his argument credibly that he was sincerely saying that the *Ars Amatoria* was not intended for respectable Roman matrons, Ovid employs the rhetorical device of *anticipatio* by foreseeing and then dealing with an imagined objection (by Augustus?) to this argument: that even so, it would still be possible for married women to read and be corrupted by the *Ars Amatoria*. Ovid then attacks that argument by reducing it to the absurdity that a respectable matron should read nothing because anything can corrupt a woman who is corruptible.

> *at matrona potest alienis artibus uti,*
> *quodque trahat, quamuis non doceatur, habet.*
> *nil igitur matrona legat, quia carmine ab omni*
> *ad delinquendum doctior esse potest.*

> But a married woman is able to use other people's wiles, and has something to tempt her, even though she is not the one being taught. Therefore a married woman should read nothing because from every poem she is able to become more learned about adultery. (*Tr*. 2.253-6)

There is humour in these couplets for Ovid's audience: two forms of the verb *docere*[46] are emphatically in the same position after the *caesura* in each pentameter in these lines (*non doceatur* and *doctior esse*). This verb is also key to the opening couplet of the *Ars Amatoria*. There Ovid says there that if there is anyone ignorant of the art of making love, let him/her read the poem and after reading it, let him/her then be learned (*doctus*) in the art of love-making.[47]

In this *Tristia* 2 passage, therefore, Ovid echoes the opening of the *Ars Amatoria* and effectively plays on an assumed ignorance of the *Ars Amatoria* (on Augustus' part?) to suggest an ironic joke at the emperor's' expense: while Augustus seriously considers the argument, Ovid's audience, especially the female members of it, are amused and beguiled into being persuaded by Ovid's pitch to them because Roman matrons were probably among those who knew the *Ars Amatoria* well and enjoyed reading it.

---

[46] OLD 4 To teach.

[47] *Ars* 1.1-2: … *hoc legat et lecto carmine* ***doctus*** *amet*.

CHAPTER SEVEN

THE *REFUTATIO* - PART TWO

C In defence of the Ars Amatoria (continued).

(iii) If the *Ars Amatoria* can corrupt, so can anything.

Ovid continues his attack on the absurdity of the charge that the *Ars Amatoria* is corrupt because it teaches adultery by making the further preposterous argument that a woman can be corrupted by texts that are above moral reproach.[1] His first example is Ennius' *Annales*, a 2nd century BC narrative poem on the history of the Roman people, than which, he says, no other is more virile and manly (*hirsutius*).[2] This can corrupt a woman because in it she will discover how Rhea Silvia became a mother. The latter was a vestal virgin who illicitly conceived the doubtful offspring (*incerta stirps*), Romulus and Remus, and claimed that Mars was their father.[3]

Ovid's other example of a poem above moral reproach but with the potential to corrupt a Roman matron is Lucretius' *De Rerum Natura* because it opens with an invocation to Venus, the mother of Aeneas.[4] A married woman will naturally ask how Venus became Aeneas' mother. The answer, of course, is by committing an act of adultery with Aeneas' father, Anchises, because at the time, Venus was married to Vulcan.

These arguments harbour some dangers for Ovid as serious appeal points. If, as he argues, the works of Ennius and Lucretius can corrupt, the potential of the *Ars Amatoria* to do likewise would seem incontrovertible. Rhetorically, however, Ovid succeeds because his audience probably found (and still finds) these references to the corruptibility of such honourably meritorious works absurd and amusing. There is a subversive element, too. Reading the *Annales* and the *De Rerum Natura* as corrupting texts deflates the imperious pomposity inherent in Augustus' official descent from Venus through Aeneas and Romulus, as it taints this propaganda with criminal adultery. Green goes so far as to consider that Ovid's mention of illicit sex engaged in by Rhea Silvia and Venus could even 'be construed as a not-so-subtle piece of emperor-baiting,'[5] A further rhetorical objective could also be to make the point to his audience that the house of Ovid was morally superior to that of Augustus.

---

[1] Barchiesi (1997) 27

[2] *Tr*. 2.259

[3] Liv. 1.3.11 -1.4.1

[4] Lucr. 1.1-2: *Aeneadum genitrix, hominum diuomque uoluptas, / alma Venus, …*
Cherishing Venus, mother of Aeneas, delight of men and gods.

[5] Green (2005) 228

Ovid further develops his attack on the charge that the *Ars Amatoria* is criminally corrupt by saying that all genres of poetry can be harmful. This is despite not every book containing an offence. Furthermore, this does not just apply to literature. There is nothing that is advantageous, or tells in one's favour, that cannot at the same time also damage, displease, injure, cause pain, harm interests, or possibly offend against something.[6] As examples, Ovid cites potentially favourable or at least morally neutral things like fire, medicine, a sword and even eloquence that can all have positive applications as well as negative ones. His final point here is that poetry (even his own), if read in a morally upright way, cannot corrupt:

> *sic igitur carmen, recta si mente legatur,*
> *constabit nulli posse nocere meum.*
> *'at uitia irritat.' quicumque hoc concipit, errat,*
> *et nimium scriptis arrogat ille meis.*

> So, therefore, if my poem is read with a morally upright mind, it can corrupt nobody, it must be agreed. 'But it provokes vices.' Whoever conceives this is wrong, and that man attributes too much to my writings. (*Tr*. 2.275-8)

Taking this line of argument back to the 'straw man' Ovid set up earlier (that even if the *Ars Amatoria* were not written for respectable married women, it is still possible that such women may nonetheless read it and be corrupted), he is finally contending that the argument is effectively irrelevant as the impact of a poem depends on the reader and the author should not be held responsible if a reader is open to be corrupted. Therefore, if Augustus thinks that an author is responsible for the corruption of a reader, he is wrong.

There is a further rhetorical attack on Augustus in an implicit dilemma that Ovid sets up here. As the *Ars Amatoria* was behind a conviction under a law to stamp out immoral and corrupt behaviour, Augustus must have thought that it was an immoral and corrupting work. If so, either Augustus read it without a morally upright mind (*recta mente*) or, if he says that he has a morally upright mind, he could not have read it. Augustus is therefore either corrupt (and so the conviction and sentence should be set aside) or he has not read the text (and so the conviction and sentence should be set aside).

As readers of the *Ars Amatoria*, married women may well not have agreed that they had been corrupted by it. If this is so, it would further Ovid's objective of persuading them – and their husbands - that he had been unfairly dealt with as their own (uncorrupted) experience as readers

---

[6] *Tr.* 2.266: *nil prodest quod non laedere possit idem*.
Nothing helps that cannot at the same time harm.
OLD *prosum* **2** (of concr. or abst. things) To be helpful, advantageous, beneficial, etc. **4** To tell in ones favour (for the purposes of); and OLD *laedo* **1** To injure, damage, harm, … **2** To cause pain or annoyance, to displease, offend, vex **b** to offend (… the feelings). **3** To damage the interests of, harm injure, wrong. **c** to harm (interests, reputation, etc.). **4** To injure with words. **5** To offend against, infringe, break (a promise, obligation, agreement, etc.).

would demonstrate that Augustus' charge that the poem was immoral and provoked vice was wrong.

(iv) Augustus as (a fellow?) promoter of vice.

Ovid then begins to increase the pitch of his attacking outrage at Augustan double-standards and hypocrisy when he points out that if the *Ars Amatoria* provokes vice, then so do a number of events, locations and political institutions, all closely associated with Augustus.[7] Many of these are also recommended by Ovid in the *Ars Amatoria* as providing likely venues and advantageous opportunities for men and women who wished to begin sexual liaisons.[8] On this basis, therefore, Augustus is no different from Ovid and should therefore not have punished him.

A contemporary audience would have been aware that Augustus was an enthusiastic supporter of the games[9] and that he promoted chariot races.[10] When Ovid audaciously issues a direct command to Augustus that he should order all the theatres to be demolished (*tolli tota theatra iube!*),[11] he brings to mind the fact that Augustus had built the theatre of Marcellus[12] and restored the theatre of Pompey,[13] the very places where the seeds of debauchery (*semina … nequitiae*)[14] are sewn. Gladiatorial combats, sometimes sponsored by Augustus,[15] provide an opportunity for sinning (*peccandi causam*).[16] The *Circus Maximus*, with its strong Augustan associations,[17] should be abolished (*tollatur Circus!*)[18] because in it, a girl may sit next to a strange man. Ovid rhetorically asks why porticos, [19] also associated with Augustus, should lie open when some women stroll in them so that they can meet their lovers there.

---

[7] *Tr*. 2.279-300; McGowan (2009)117

[8] Owen (1924) 279-300

[9] Aug. *Anc*. 22.2; Suet.. *Aug*. 43,45

[10] Suet. *Aug*. 43-5

[11] *Tr*. 2.280

[12] Dio C. 54.26

[13] Aug. *Anc*. 20

[14] *Tr*. 2.279-80

[15] Aug. *Anc*. 22; Suet. *Aug*. 45; Dio Cass. 55.8.5

[16] *Tr*. 2.281

[17] Aug. *Anc*. 19

[18] *Tr*. 2.283

[19] Suet. *Aug*. 29

In a rhetorical question in which the word *augustior* (more venerable) would seem to point straight at Augustus, Ovid asks what place is more revered than temples (*quis locus est templis augustior*?).[20] These august edifices, many of which Augustus built and restored, including ones dedicated to his own 'ancestors', Jupiter and Venus,[21] contain numerous reminders of divine adultery and so undercut Augustan moral propaganda. The temple of Jupiter, the god with whom, as noted, Ovid closely associates Augustus throughout *Tristia* 2 and elsewhere, will remind a woman how many offspring Jupiter sired, and with the temple of his wife, Juno, nearby, a woman will be further reminded that these acts of divine propagation were all adulterous.

Also significantly for August and his ideology, Ovid mentions the temples of Mars and Venus.[22] He points out that Augustus' gift,[23] the temple of Mars (father of Romulus), depicts him in an adulterous coupling with Venus (mother of Aeneas) on the inside while an image of her husband, Vulcan, is on the outside. This would seem to emphasise adultery as the scene depicted is, as Ingleheart notes,[24] akin to the sort of mime-show that Augustus enjoyed,[25] with the wife and her smart, handsome lover on the inside while her stupid, unattractive husband is on the outside. Ovid also mentions that in Venus' temple, there is an image of Anchises (father of Aeneas), with whom the goddess had adulterous sex to begin the Julian line.

The outraged poet's power of attack here lies in the point strongly made to his audience either that it is absurd (and hypocritical) that Augustus should condemn him for his *Ars Amatoria* when the emperor took personal pleasure in adultery and had provided so many examples and opportunities for illicit sex himself, or that neither of them can be held responsible for any ensuing vice if their respective works are not approached in a morally upright manner. In short, all things can mislead corrupt minds.[26]

Either way, Ovid is scornfully pointing out that Augustus is a plaster saint who has hypocritically targeted him.

---

[20] *Tr*. 2.287

[21] Aug. *Anc*. 19; Livy 4.20.7

[22] *Tr*. 2.295-6. Venus (as mother of Aeneas) and Mars (as father of Romulus) were ancestors of the Roman race in general and of the Julii (including Augustus) in particular.

[23] *Tr*. 2.295: *tua munera*

[24] Ingleheart (2010) 255

[25] Ovid deals with Augustus and mime shows at *Tr*. 2. 511-18.

[26] *Tr*. 2.301: *omnia peruersas possunt corrumpere mentes;* / …

(v) The Ars Amatoria does not corrupt chaste women.

Ovid then repeats his point that the first page of the *Ars Amatoria* warns off married women (ironically, however, as discussed)[27] and asserts that the poem was written only for prostitutes (*solis meretricibus*) and debars free-born hands (*ingenuas … manus*).[28] Apart from Ingleheart's point that 'there is little internal evidence of an audience of prostitutes,'[29] this latter argument can only be taken literally by someone who has not read the *Ars Amatoria* (Augustus, again?) because in its advice to make a play for the attractive girl, its opening makes it clear that at least the first book is addressed to men.[30] This, together with the ironic and enticing 'be off and far away' command to married women, would, as Green said, surely be a hook to arouse their curiosity even further - what is he saying about us?[31]

Ovid is again using humour here to engage his audience and particularly the married women among them who had legally[32] read the *Ars Amatoria* and considered themselves uncorrupted by it, to make the point that Augustus was wrong in his assessment of it. After all, chaste women are allowed to read many things that they should not[33] and this is no different from a haughty and disdainful married woman[34] who sees naked girls standing around soliciting for every type of sex. The strength of Ovid's appeal to his female audience seems to lie in the fact that the *Ars Amatoria* did not corrupt them by turning them into 'loose women' and he and they knew it.

(vi) Even if the *Ars Amatoria* were to corrupt, it would not be Ovid's fault.

Ovid further reinforces his argument that an author is separate from his work and should not be punished if someone who reads it is corrupted. He argues, for example, that if a priest forbids a

---

[27] See Chapter Six.

[28] *Tr*. 2.303-4

[29] Ingleheart (2010) 261

[30] *Ars* 1.37: *… labor est placitam exorare puellam*: / …
The task is to win over the girl that pleases you.
The second book is also written for men while the third is at least ostensibly written for women.

[31] Green (2005) 228

[32] *Tr*. 2.307: *nec tamen est facinus uersus euoluere molles*, …
It is not, however, a crime to unroll tender verses …

[33] *Tr*. 2.308

[34] *Tr*. 2.309: *supercilii … matrona seueri …*
A married woman with a severe eyebrow.

woman to enter a place and yet she does, she is the one who is charged and not the priest.[35] Similarly if Vestal virgins (a class of women more chaste even than *matronae*) see prostitutes, it is not their master who is punished.[36] In these analogies, Ovid places himself in the position of the priest he anticipated in his formulaic *este procul* warning to married women to stay away from the *Ars Amatoria*.[37] Augustus, of course, was also a priest, the *Pontifex Maximus* (Chief Priest), a role that included responsibility for the Vestal virgins and one he assumed on the death of Lepidus in 12 BC.[38] Ovid is effectively arguing here that as a 'priest of love', he is punished if women merely read his poems yet as Chief Priest, Augustus goes unpunished if women, including Vestal virgins for whom he was directly responsible, venture into forbidden territory or and see something they should not.[39] Ovid appears to be speaking here once more particularly to his female audience for whom this hypocrisy would resonate most sonorously.

(vii) Ovid's *apologia* for his frivolous Muse.

Ovid now returns to the theme of literature, a topic that will be his main focus for the rest of the poem. He introduces the theme by asking rhetorically why there is too much lewdness in his Muse and why his book persuades anyone to love.[40] In so doing, as Gibson points out, Ovid 'not only develops his argument that it is impossible to argue that a book is morally bad, but also alludes to an earlier passage (*Tr*. 2.277-8) where Ovid warned against ascribing too much efficacy to his poetry.'[41] This leads into an apparently deferential confession and statement of contrition:

> *nil nisi peccatum manifestaque culpa fatenda est.*
> *paenitet ingenii iudiciique mei.*
>
> There is nothing for it but to confess my blunder and evident guilt. I am sorry for my talent and my judgement. (*Tr*. 2.315-6)

Ovid's audience may well, however, have read this as insincere and ironic, particularly in the light of his strong rejection of critics who found fault in his books and his Muse to be shameless and

---

[35] *Tr*. 2.305-6

[36] *Tr*. 2.311-12

[37] Ingleheart (2010) 260

[38] Aug. *Anc*. 10

[39] Here Ovid seems to be alluding to the his mistake.

[40] *Tr*. 2.313-4

[41] Gibson (1999) 26

pushy (*proterua*) in the *Remedia Amoris*.[42] Gibson calls it a 'frivolous confession of repentance'[43] which Ovid explains by saying that even though he tried, he was just not up to the task of writing on lofty and epic themes such as the Trojan war, Thebes, Rome's pugnacious past or Augustus' achievements, and so had to reject them. Instead, he says, with a possibly ironic afterthought:[44]

> *forsan – et hoc dubito – numeris leuioribus aptus*
> *sim satis …*

> Perhaps (and even this I doubt) I am well enough suited to lighter metres … (*Tr* 2. 331-2)

Ever the wit, Ovid then further beguiles his audience with the seemingly true-hearted but very double-edged:

> *diuitis ingenii est immania Caesaris acta*
> *condere, …*

> It is [the mark of] a rich talent to compose the enormous deeds of Caesar. (*Tr*. 2.335-6)

Citing Gibson, Ingleheart notes a possibly subversive reading of the verb *condere*.[45] While the verb can mean 'to compose' (OLD 11), it can also mean 'to bury' (OLD 4), 'to hide' (OLD 6) or, 'to cause to disappear' (OLD 8). Similarly *immanis* can mean 'of enormous size' (OLD 3), but it can also mean 'savage, brutal' (OLD 1) and 'frightful in aspect or appearance' (OLD 2). Beneath the loyal flattery, therefore, a subversive reading opens up: 'it is [the mark of] a rich talent to cause the savage deeds of Caesar to disappear…'.

Ovid then proceeds to state that he stopped himself writing about Caesar's deeds because he seemed to belittle them and it would be impious to demean Caesar's powers.[46] Readers familiar with his work would appreciate that this argument is ironically undercut by the first poem in the second book of his *Amores* where Ovid writes that he did dare to write of Caesar's achievements (and his voice was adequate)[47] but that unfortunately, at the key moment, his girlfriend closed her door on him. That was a thunderbolt that affected him far more than Jove's and caused him to abandon his

---

[42] *Rem*. 361-4

[43] Ibid.

[44] *Tr*. 2.115-20 where Ovid asserts that his genius means his modest house is not obscure, his name is great throughout the world and cultured people know him and do not despise him; and *Tr*. 2.467 where Ovid claims to be the successor of a long line of Greek and Roman authors.

[45] Ingleheart (2010) 278

[46] *Tr*. 2.337-8: *et tamen ausus eram; sed detractare uidebar, / quodque nefas, damno uiribus esse tuis*.
And yet I dared; but I seemed to disparage, and that is impious, to be demeaning to your powers.

[47] *Am*. 2.1.11-12: *ausus eram … - et satis oris erat - …*

epic.[48]

Ovid briefly, and perhaps rather heroically, re-runs his forensic argument that he was not to blame for writing erotic verse because the fates made him do it,[49] before he says that he regrets ever having received an education. He then he addresses Augustus directly:

> *haec tibi me inuisum lasciuas fecit ob Artes,*
> *quas ratus es uetitos sollicitare toros.*
>
> This [learning] made me hateful to you because of the promiscuous *Ars* which you thought encouraged forbidden sex. (*Tr*. 2.345-6)

Significantly, Ovid does not concede here that the *Ars Amatoria* encourages forbidden sex but rather states that Augustus thought it did. This also comes after lengthy attacking arguments that Augustus was both substantively wrong in forming this view and also a hypocrite to have formed it.

Furthermore, bearing in mind that it was Augustus who had made adultery a crime with the law aimed specifically at adulteries committed by and with married women, and the public trials women had to endure and the severe punishments that could be inflicted upon them under the law, forbidden sex (*uetitos … toros*) seems here to be a forceful reminder particularly to his female audience who the forbidder was and of the potentially harsh impact of this law on them.

If, as Ingleheart suggests and Ovid's use of the Actaeon myth would support, the charge against him was pandering (*lenocinium*),[50] he would, of course, have had the adultery law used against him and it is likely that they knew that. Ovid is therefore including his female audience here, because they are all in the same difficult circumstances, and all subject to the same severe and humiliating punishment.

---

[48] *Am*. 2.1.17-20

[49] *Tr*. 2 341: *sed me mea fata trahebant*

[50] Ingleheart (2010) 4 and see Chapter Two.

CHAPTER EIGHT

THE *REFUTATIO* - PART THREE

C In defence of the Ars Amatoria (continued).

(viii) The Catullan defence:[1] a book and its author are not the same thing.

The final section of the *refutatio* comprises a long section of the poem in which Ovid attacks the charge that he and the *Ars Amatoria* are immoral. He begins by anticipating Augustus countering this with his key charge that in the *Ars Amatoria*, Ovid is a teacher of adultery. He defends this by saying that he has only written trifles and pleasant poems[2] and implies that he has good moral standing because no one can teach a subject about which he knows little.[3]

He backs this up by pointing out that he has led a virtuous life: no scandal has ever affected him and no father has ever doubted the paternity of his child because of him. In short, Ovid pointedly intimates that unlike Augustus, he knows nothing of adultery and is not a hypocrite. This further leads Ovid to echo the point he has made earlier, that there is a dichotomy between a book and its author: a book does not necessarily reflect the mind of its author:

> *nec liber indicium est animi sed honesta uoluptas*:
> *plurima mulcendis auribus apta feret.*
>
> A book is not evidence of a state of mind but an innocent pleasure: it will relate many things suitable to soothing the ears. (*Tr.* 2.357-8)

Ovid is not necessarily being consistent in this argument because in the *probatio*, he claimed that if Augustus were to look into the *Metamorphoses*, he would find true assurances of his mind there.[4] What Ovid literally means, of course, is that there are passages in the *Metamorphoses* that can be read as flattery of the emperor and his family.[5] His audience, however, might have appreciated that the eulogy of the emperor and his family in the *Metamorphoses* can admit an ironically irreverent reading that undercuts Ovid's claim to have mentioned them favourably and, in fact, the whole work is shaped very little by Augustan loyalism.[6] Those readers could therefore find this

---

[1] Catul. 16.5-6: *nam castum esse decet pium poetam / ipsum, uersiculos nihil necesse est;*
The poet himself should keep clear of lascivious behaviour and be upright, his verses not necessarily so.

[2] *Tr*. 2.349: *delicias et mollia carmina feci, / …*

[3] *Tr*. 2.348: *quodque parum nouit, nemo docere potest.*

[4] *Tr*. 2.66: *inuenies animi pignora uera mei.*

[5] E.g. *Met*. 15.746ff

[6] *Met*. 15.745ff and Gibson (1999) 20

assertion that a book is not evidence of an author's state of mind amusing because it is simultaneously both true and untrue: Ovid's flattery of Augustus was insincere so while not evidence of the state of mind it overtly suggested, it was evidence of a different state of mind that seemed to find Augustan propaganda rather ridiculous. Gibson comments on a further irony. He notes that *Tristia* 2 'is nothing if not an attempt to demonstrate an *indicium animi*, [which is] Ovid's intention not to corrupt his readers.'[7] This is the paradox of *Tristia* 2: far from it not being evidence of a state of mind or an innocent pleasure, much of its point is to try and prove forensically what Ovid's inclination in the *Ars Amatoria* really was and so defend both the work and its author.

Ovid then proceeds to back up this argument on the disconnection between a book and the intention of its author. He does this temperately at first by saying that if this were so, then, for example, Accius[8] would be cruel (*atrox*), Terence[9] a reveller (*conuiua*) and those who wrote about fierce wars (*fera bella*) would be combative (*pugnaces*).[10] He leaves the reader to infer that such conclusions would be absurd. Should a reader similarly infer that the overt tone of contrition and conciliation that dominates parts of *Tristia* 2 is not indicative of its author's disposition either? Perhaps Ovid is here seeking to assure his audience that he has not changed into a sycophant and that they need not take the deference to and flattery of Augustus seriously but continue, as he instructed, to read more than what is written and be receptive to his message.[11]

(ix) Of all the erotic elegists, only Ovid has been punished.

Ovid begins to discuss his own case in emphatic terms.

denique composui teneros non solus amores:
composito poenas solus amore dedi.

And finally, not I alone have written about tender love affairs. But I alone have been punished for having written about love. (*Tr*. 2.361-2)

In pursuit of his objective to defend his erotic verse, the outraged poet here emphatically makes the strong point that while he is far from the first poet to have written love elegies, no other poet has been punished. The emphatic strength in Ovid's assertion lies in his use of polyptoton: *composui* / *composito*, *non solus* / *solus* and *amores* / *amore*. This statement also introduces a long

---

[7] Gibson (1999) 27

[8] The Roman tragedian, Lucius Accius who was born c.170BC.

[9] The 2nd Century BC Roman comedic dramatist, Publius Terentius Afer.

[10] *Tr*. 2.359-60

[11] See Chapter One.

list, or catalogue, of unpunished Greek and Roman writers who wrote on the subject of love.[12] This serves to remind Ovid's audience of his *soi-disant* position as the illustrious heir and successor to them and also operates as a key pillar in his defence. Ingleheart points out that this line of defence 'is also (to some extent) otiose: Ovid was punished not for the erotic nature of his poetry but because the *Ars* was alleged to have taught adultery.'[13] She goes on to note, however, that 'any text may be exemplary: ancient poetry was commonly read as offering teaching, and Ovid presents many of the authors in his list as didactic.'[14]

Be this as it may, Ovid then illustrates his point, at great length, with very many examples,[15] and with growing outrage in his attack. Some scholars[16] argue that Ovid is inconsistent in his approach here because, for example, he imbues some works in his catalogue with the very didactic purpose that he says his own works lack,[17] and cites other works as evidence of their authors' lives,[18] an argument that, as we have just seen, he rejects in his own case. His reading of the works of Greek and Latin literature as being immoral and having the capacity to corrupt is also as one sided as he says Augustus' reading of the *Ars Amatoria* was. While these arguments illustrate the 'shifting, and ambiguous'[19] nature of the text of *Tristia* 2, and reveal a tendentiousness in Ovid's approach, the main point that he wants to resonate with his audience is that Augustus has been underhand, capricious, and unfair in censoring the *Ars Amatoria* by removing it from the libraries and punishing him as its author while taking no action against other works that also contain indecent material.

Williams considers that this argument and the evidence Ovid adduces shows him 'at his boldest …, for it involves what looks like an Ovidian revaluation of Greco-Roman poetry, an assertion of his own place in the tradition, … and a demand for imperial recognition of the poet's sincerity. What is at stake here is nothing less than Ovid's status as a poet …'[20]

---

[12] *Tr*. 2.363-420 (Greek); and 421-468 (Roman)

[13] Ingleheart (2010) 293

[14] Ingleheart (2010) 293. See also *Tr*. 2.363-6; 369-70; 447-60; and 465-6

[15] Suet. *Aug*. 89: *in euoluendis utriusque linguae auctoribus nihil aeque sectabatur, quam praecepta et exempla publice uel priuata salubria, …*
In reading the writers of both languages, there was nothing for which [Augustus] looked so carefully as precepts and examples, advantageous to the public or individuals.

This may explain why Ovid resorted to so many examples in this line of argument.

[16] E.g., Gibson (1999) 28ff; and Williams (1994) 193ff

[17] E.g., Anacreon and Sappho: *Tr*. 2.363-6

[18] E.g., Callimachus: *Tr*. 2.367-8

[19] Ingleheart (2010) 1

[20] Williams (1994) 193

If *Tristia* 2 is employing the form of a rhetorical appeal to Augustus as a framework to petition a wide audience including influential supporters and ultimately all readers down the ages, then his intention is perhaps broader than the one Williams articulates: Ovid is not just seeking imperial recognition of his sincerity but defending his reputation to the whole world and seeking full recognition in perpetuity of his standing and prestige (as Williams says, his 'status') as a poet. As for his contemporary readers, they would appreciate, particularly as his sense of outrage rises,[21] that this marking down of him and his morals by Augustus[22] was dishonest, erratic, and unjust. This is especially so as the most notable example of an endowed public library that would have contained copies of all of Ovid's catalogue of Greek and Latin indecency, was Augustus' own Palatine library.[23]

(x) Ovid as successor to all the Greek and Roman authors before him.

Ovid concludes his arguments on this theme with a powerful return to his own case:

his ego successi – quoniam praestantia candor
nomina uiuorum dissimulare iubet.

I was successor to these [deceased authors of erotic literature] – seeing that loyalty orders me to conceal the omitted names of the living [authors of erotic literature]. (*Tr*. 2.467-8)

Here, Ovid places himself on the summit of the mountain of Greek and Latin literature (all of it erotically themed) that had gone before him. He further asserts that erotic poetry is a living tradition as there are other contemporary writers whom he does not name. In identifying himself as successor to authors as wide ranging in terms of time and genre as Homer and Tibullus, Ovid attacks Augustus as censor of the *Ars Amatoria*, and as instigator of its removal from public libraries. Ovid's point is that Augustus' view of the *Ars Amatoria* is wrong and that the work should be put back into the libraries where it belongs with all the other great works of literature to which it is an equal.

In his suppression of the names of living authors of erotic literature, Ovid also suggests criticism of Augustus by implying a mood of fear in Rome induced by Augustus' failure to understand it, as well as his arbitrary exercise of authority. Moreover, this 'suggests writers in Augustus' Rome were afraid after Ovid's punishment'[24] which is in line with Ovid's reluctance to name addressees in the *Tristia* more widely.

---

[21] For example, Ovid portrays both the *Iliad* and the *Odyssey* as 'Hellenistic love-romances' (Williams (1994) 193) depicting behaviours that would fall foul of Augustus' marriage and adultery laws.

[22] *Tr*. 2.7-8

[23] Gibson (1999) 31

[24] Ingleheart (2010) 357

(xi) Augustus is a hypocrite!

In his outrage, the poet now escalates his *ad hominem* attack that Augustus was a hypocrite when he introduces a line of reasoning on gambling:

> *sunt aliis scriptae, quibus alea luditur, artes –*
> *haec erat ad nostros non leue crimen auos –*
>
> The arts with which dice are played have been written about by some and this was not a minor offence according to our ancestors. (*Tr*. 2.471-2)

Games of chance were considered a waste of time[25] and worse still, as Williams notes, 'disreputable and … forbidden by law.'[26] Yet Suetonius tells us that Augustus gave way to gambling[27] and did not attempt to conceal his penchant for it but played frankly and openly,[28] and even wrote letters to Tiberius about it.[29] Ovid is therefore arguing provocatively that Augustus failed to practice what he preached if he banned a poem on the art of love (because adultery was illegal) but not poems on the art of playing dice (even though gambling was illegal). Since Augustus 'was notoriously addicted to the (officially illegal) pastime of dicing,'[30] the point about his iniquitous inconsistency is strongly made and would not have been lost on a contemporary audience.

Ovid then moves on to make a similar argument about the safety of poets and their prosaic didactic poems on the technical skills of other time-wasting pursuits such as ball-games, swimming, hoop-games, cosmetics (a self-reference?),[31] dinner-parties and ceramics. Suetonius tells us that Augustus liked ball-games.[32] This may also have been well-known which inserts further criticism of Augustus and amounts to another appeal to Ovid's readers' sense of outrage at this yet further shocking example of Augustus' hypocrisy.

---

[25] Sen. *Ep*. 13.1

[26] Williams (1994) 204: *alea turpis* (Juv. 11.176) and *uetita legibus alea* (Hor. C. 3.24.58)

[27] Suet. *Aug*. 70.2: … *et aleae indulgens* …

[28] Suet. *Aug*. 71.1: *aleae rumorem nullo modo expauit lusitque simpliciter et palam* …

[29] Suet. *Aug*. 71.2-3

[30] Green (2005) 232

[31] Among Ovid's works is the *Medicamina Faciei Femineae*, a mock didactic poem on the art of mixing and applying make-up.

[32] Suet. *Aug*. 83.1

Ovid ends his long, literary list with an exclamatory appeal on the injustice of his situation that echoes the sentiment he expressed at the outset of *Tristia* 2:[33]

> *nempe – nec inuideo – tot de scribentibus unus*
> *quem sua perdiderit Musa repertus ego!*
>
> Without doubt – I am not envious – the only man out of so many writers whom his own Muse destroyed, is found to be me! (*Tr*. 2.495-6)

Ovid then rhetorically strengthens his outrage by asking what might have happened if he had written mimes with their indecent humour derived from adultery plots featuring a well-dressed adulterer (*cultus adulter*), and a cunning wife (*callida nupta*) with her stupid husband (*stulto uiro*): these were commonly written and produced to public acclaim.[34] Not only, argues Ovid, are these shows both watched and heard by a marriageable virgin (*nubilis … uirgo*), a married woman (*matrona*), a husband (*uirque*), and a child (*puerque*), but most members of the senate also attend (*ex magna parte senatus adest*). In fact Ovid contends that the more wily the trick used by the adulterous pair to deceive the dim husband, the more the public enjoys the show to the financial benefit of its author.

There follows a direct focus on Augustus who, as Ovid has pointed out, did not have the time to read the *Ars Amatoria*.[35] Ovid accuses Augustus, whom he has imbued elsewhere with a god-like status on earth, not only of watching (*tu spectasti*) mime shows but also through his generous majesty (*maiestas … comis*) of paying for them to be watched (*spectandaque saepe dedisti*), apparently without concern for the corrupting influence that the enacted adultery may have either on himself or the others in the audience.[36] To use the notion of Augustus' 'majesty' in the context of watching and paying for obscene mime shows is powerfully shocking.

The strong personal attack here is that Augustus is complicit in promoting adultery and therefore, once again, a hypocrite. Ovid then directly and strikingly gives the measure of his argument when he states that it is absurd and outrageous if the divine Augustus is so deeply involved in mime shows, and has even watched performances of Ovid's own poetry,[37] that he should have

---

[33] *Tr*. 2.13-14: *si saperem, doctas odissem iure sorores, / numina cultori perniciosa suo*.
If I had had any sense, I would rightly have hated the learned sisters, deities ruinous to their supporter.

[34] *Tr*. 2.497-514. This also recalls the adulterous 'mime scene' depicted in Augustus 'own gift', which was the temple of 'mighty Mars'. (*Tr*. 2.295-6)

[35] *Tr*. 2.221-4

[36] *Tr*. 2.511-12

[37] *Tr*. 2.519-20. It should also be recalled, however, that Ovid thought that Augustus has never actually read any of his poetry - see Introduction.

punished Ovid in the way that he did:

> *scribere si fas est imitantes turpia mimos,*
> *materiae minor est debita poena meae.*
>
> If it is divinely lawful to compose mimes that portray shameful themes, a smaller penalty is owed to my material. (*Tr*. 2.515-6)

If crude and obscene mime shows are divinely acceptable (*si fas est…*), and therefore go unpunished, then Ovid's poetry, which, of course, should also be *fas* if Augustus has watched it performed, should incur no penalty at all.

Ovid concludes his *ad hominem* attacks that Augustus has been complicit in sexual corruption with a reference to the indecent pictures that were, amongst others, on view in the Augustan residences. Ovid says that alongside depictions of old heroes like Ajax and tragic heroines like Medea, there could be found a painting of Venus, barely covered.[38] According to Augustus' own mythology, supported in the opening lines of Lucretius' *De Rerum Natura*, Venus, of course, as Aeneas' mother, was his founding female ancestor and Ingleheart suggests that Ovid's reference to her here, virtually naked, both insinuates Augustus' own moral culpability and degrades the whole concept of her as *genitrix* of the Julian clan.[39]

Tablets depicting different sexual positions were also on view in Augustus' palaces among those depicting ancestors and heroes.[40] Especially if there were some didactic point to pictures depicting sexual positions[41] (but even if not), Ovid is here contemptuous of Augustus' hypocrisy in displaying sexually explicit material in his home while objecting to and punishing the far milder content of the *Ars Amatoria*. He seems to be inviting his readers both contemporary and those down the ages to join him in what can be read as a scathing attack on the emperor's dishonest self-righteousness and hypocrisy. Ovid therefore deserves to be acquitted!

(xii) Even Augustus' *own* Virgil teaches adultery!

Ovid then returns once again to the theme of literature, restating his own shying away from writing epic verse.[42] Saving the best for last, he follows this with what Gibson calls 'the most powerful literary subversion in the whole poem, [his] triumphant interpretation of the *Aeneid* in

---

[38] *Tr*. 2.521-8

[39] Ingleheart (2010) 381

[40] *Tr*. 2.521-8

[41] Suet. *Tib*. 43 seems to suggest a didactic purpose for a depiction of sexual positions.

[42] *Tr*. 2.529-32. C.f. *Tr*. 2.73-4, and 317-38

erotic terms.'[43]

> *et tamen ille tuae felix Aeneidos auctor*
> *contulit in Tyrios arma uirumque toros,*
> *nec legitur pars ulla magis de corpore toto,*
> *quam non legitimo foedere iunctus amor.*

> And yet that lucky author of your *Aeneid* brought his arms and a man to Carthaginian beds, and not any part of the whole work is read more than the love joined in an unlawful pact. (*Tr*. 2.533-6)

As Gibson points out, Ovid's use of the possessive pronoun, 'your' (*tua*), as in 'of your *Aeneid'* (*tuae … Aeneidos*) 'heightens the sense of an *ad hominem* criticism of Augustus'[44] whose origins, together with Rome's, were Virgil's chief objective in the Aeneid.[45] Suetonius' *Vita Vergilii* also suggests that Augustus viewed the *Aeneid* as a work supportive of his regime. Ovid's further use of an emphatic chiasmus, placing the opening two words of the *Aeneid* (*arma uirumque*) between the sheets, as it were, of Carthaginian beds (*Tyrios [arma uirumque] toros*), is not only rhetorically forceful but also a sardonically humorous reference to the sexual relationship between the hero (and ancestor of Augustus), Aeneas, and Dido, the widow-queen of Carthage, that Virgil recounts in the fourth book.

There is a possibility of further ironically attacking humour if one recalls the fact that the illegal (under Augustan law)[46] sexual relationship between Aeneas and the widow Dido was engineered by Venus and Cupid who, as mother and half-brother respectively to Aeneas, were therefore all antecedents of Augustus.[47] Ovid makes the point that this episode on the affair between Dido and Aeneas not only describes a sexual union that was a criminal offence under Augustan law, but that it was more widely read than any other episode, possibly suggesting Augustus' moral reforms (and legislation) had had little impact. There is also an intimation that Augustus was hypocritically complicit in this because according to Suetonius, Virgil himself had read the fourth book to Augustus who did not punish him.[48] Here Ovid's outraged attack on Augustus gains strength because of course his contemporary readers would have been aware of the popularity of the Dido and

---

[43] Gibson (1999) 35

[44] Gibson (1999) 35

[45] Suet. *Poet*. (*Vit. Verg*.) 21: *… et in quo* [*Aeneide*], *quod maxime studebat, Romanae simul Urbis et Augusti origo contineretur.*
And in[the Aeneid] - and this was Virgil's greatest objective - was at the same time an account of the origin of the city of Rome, and of Augustus.

[46] Pap. (2 *de adult.)* D. 48.5.11(10) pr: *mater autem familias significatur non tantum nupta, sed etiam uidua*.
'Mater familias', however, means not only a married woman, but even a widow.

[47] Virg. *A*. 1.657-722

[48] Suet. *Poet* (*Vit. Verg*.) 32

Aeneas episode in the *Aeneid,* and therefore appreciated his ironic humour, and agreed with his point.

Ovid then makes the further argument that as a young man, Virgil wrote (in the *Eclogues*) about the passion of Phyllis and tender Amaryllis.[49] This allows him to recapitulate that the *Ars Amatoria* was similarly circulated a long time before (*iam pridem emissa*)[50] his punishment which was a new penalty (*supplicium … nouum*)[51] for a work that was not new and about which for a decade Augustus had apparently made no adverse comment.[52]

Ovid's penalty is new because no other love poet before him had ever been punished as he had, and his readers in Rome may well have understood that this delayed but novel punishment was an example of imperial brutality. Certainly half a century or so later, the younger Seneca, addressing Augustus' great-great grandson, Nero, thought that inventing new kinds of punishment was a form of brutality.[53] As Ingleheart also points out, Ovid is insinuating here that Augustus' 'widely advertised' clemency is illusory.[54]

(vii) Ovid has written non-erotic poems.

Ovid then makes the point that not all of his work is permissive.[55] He contends that he has written, and dedicated to Augustus, six books of *Fasti* (one for each month), and drafted six more,

---

[49] *Tr*. 2.537-8

[50] *Tr*. 2.539. C.f. *Tr*. 2.8: *... ut me moresque notaret / iam pridem emissa Caesar ab Arte mea. …*
… so that Caesar marked me and my morals as a result of my *Ars Amatoria*, long since published.
The *Ars Amatoria* was published around ten years before Ovid's relegation: see Introduction.

[51] *Tr*. 2.540:

[52] *Tr*. 2.541-2: *carminaque edideram, cum te delicta notantem / praeterii totiens inreprehensus eques*.
I had also published poems when I passed by you so many times as a blameless knight, while you were noting down sins.
This is in effect a recapitulation of an earlier argument: *Tr.* 2.89-90

[53] Sen. *Cl*. 1.25.2: *hoc est, quare uel maxime abominanda sit saeuitia, … noua supplicia conquirit, ingenium aduocat ut instrumenta excogitet per quae uarietur atque extendatur dolor …*
Brutality is most of all detested for the reason that … it searches out new punishments and summons its creativity to think up devices through which suffering may be diversified and prolonged.

[54] Ingleheart (2010) 338

[55] *Tr*. 2.547: *ne tamen omne meum credas opus esse remissum, /…*
You should not believe that all my work is permissive …

although his exile has forced him to stop work.[56] He notes that he has also written a tragedy[57] and in the *Metamorphoses* written about bodies changed into new forms[58] which he claims he begins with the origins of the world and then brings down to Augustus' own times[59] This represents the second example in *Tristia* 2 where Ovid interpolates to strengthen his argument.[60] In the present example, and also to shift the emphasis in favour of the emperor,[61] Ovid changes his invocation to the gods in the *Metamorphoses* to bring his work down to his own times (*ad mea … tempora*)[62] to a statement in *Tristia* 2 that he has himself brought the work down 'to your [Augustus'] times' (*in tua … tempora*). Ovid's audience would have recognised this alteration and perhaps been amused as making an argument in this way suggests that he knew, as they did, that Augustus had an inadequate knowledge of the original.

Ovidian humour is also evident in the enjambment of *non ego* (not I) with the line favouring Augustus and his family.

> *aspicies …*
> *quoque fauore animi teque tuosque canam.*
> *non ego…*
>
> You will see with what warmth I sing of you and your family. Not I. (*Tr*. 2.561-3)

Ovid then claims not to have harmed anyone with a scathing poem, although his voice as outraged poet in *Tristia* 2 leaves Augustus' reputation far from intact. This claim of never having written maliciously also sets him apart from Augustus who apparently knew how to speak with

---

[56] *Tr*. 2.549-50. It was also perhaps deliberate that Ovid ceased work on the *Fasti* before publishing the books on the months of July (Julius) and August (Augustus).

[57] *Medea*, which has not come down to us. Two fragments are quoted at Quint. 8.5.6 and Sen. *Suas*. 3.7. Weakening his argument here that tragedy is not permissive, Ovid earlier uses the story of Medea as an example of how sex, or sexual jealousy, can lie at the heart of tragedy: *Tr*. 2.387-8

[58] *Tr*. 2.556: *in facies corpora uersa nouas.[*

[59] *Tr*. 2.559-60: *surgens ab origine mundi / in tua deduxi tempora, Caesar, opus!*

[60] *Ars* 1.33 and *Tr*. 2.249: As noted above, in *Tristia* 2, Ovid changed part of a line he quoted from the *Ars Amatoria* from 'I will sing of safe sex' (*nos uenerem tutam … canemus*) to 'I will sing of nothing unless it is legitimate' (*nil nisi legitimum … canemus*).

[61] *Tr*. 2.559-60

[62] *Met*. 1.2-5

Roman frankness and to write a scathing poem of his own.[63] Ovid's contemporary audience may well have known this, and if so, the ironic humour would have been rhetorically persuasive.

(xiv) Ovid's punishment is arbitrary and unfair.

Ovid then restates his argument that his punishment was unlawful because it was an arbitrary exercise of power. Of all his fellow authors and of everything that has ever been written, he alone is the one whom the Muse has injured.[64] Because of this, Ovid conjectures that nobody has rejoiced over his misfortunes but many have grieved, and no one has mocked his fall from grace:

> *non igitur nostris ullum gaudere Quiritem*
> *auguror, at multos indoluisse malis*;
> *nec mihi credibile est quemquam insultasse iacenti*
> *gratia candori siqua relata meo est.*

> I do not surmise, therefore, that any citizen has rejoiced at my misfortunes, but many have grieved over them. It is not credible to me that anyone has mocked me as I lie prostrate, if any appreciation has been ascribed to my tenderness. (*Tr*. 2.569-72)

These couplets, which conclude the *refutatio*, recall another in the *exordium* where Ovid wrote that it was his poetry that brought it about that men and women wished to get to know him.[65] It is these same men and women who he wishes not to view him as a public criminal but to continue to read his works as they did before, and to do their best to see that he was recalled. It might also serve as a warning to Augustus that his citizens do not believe that Ovid's conviction and punishment were lawful, let alone fair or proportionate.

---

[63] Mart. 11.20.9-10: *absoluis lepidos nimirum, Auguste, libellos, / qui scis Romana simplicitate loqui*.
Without doubt you dismiss my charming little books, Augustus, you who know how to speak with Roman frankness.
Macr. 2.4.21: *temporibus triumuiralibus Pollio, cum Fescenninos in eum Augustus scripsisset, ait, 'at ego taceo. non est enim facile in eum scribere qui potest proscribere*.'
When in the times of the triumvirs, Augustus had written some Fescennine (malicious) verses directed at him, Pollio said, 'But I will stay silent for it is not easy to contend with a man who can sign one's death warrant.'

[64] *Tr*. 2.567-8; c.f. *Tr*. 2.495-6

[65] *Tr*. 2.5-6: *carmina fecerunt, ut me cognoscere uellet / …femina uirque …*
Songs brought it about that men and women wanted to get to know me …

CHAPTER NINE

TRISTIA 2 AS POETIC ORATORY: THE SECOND *PERORATIO*

A Brief overview.

In the second, short, and final *peroratio* that brings *Tristia* 2 to a close,[1] Ovid as loyal exile ostensibly makes a final and modest prayer to Augustus for mercy and demonstrates his mastery of rhetoric and his consummate skill as a poet. As in the first *peroratio*,[2] and consistent with his avoidance of any detail regarding his mistake, Ovid avoids refreshing the memory and focusses instead on influencing the emotions. In doing so, he also appears to follow the principle, later articulated by Quintilian, that a *miseratio* (prayer for pity) should be brief as nothing dries faster than tears.[3]

On the surface, Ovid states in short order what he wants the outcome of all his efforts in *Tristia* 2 to be. Having read the *Ars Amatoria* properly (and seen the mistake for what it was), a no longer angry Augustus would realise that he had erred in punishing Ovid for what were in effect non-offences. As a result, he should exercise his divine controlling powers (*numina*) to bring Ovid's overly harsh circumstances of exile into line with his minor or misunderstood transgression(s).

(i) An appeal to Augustus?

Ovid constructs the second *peroratio* as a direct supplication to Augustus.

> *his, precor, atque aliis possint tua numina flecti,*
> *o pater, o patriae cura salusque tuae!*

> By these and other things, I pray, may your divine powers be moved, o father, preserver and saviour of your fatherland! (*Tr*. 2.573-4)

As Ingleheart points out, Ovid's use of *his* (by these things), referring to all the arguments in favour of a milder punishment that he has made in *Tristia* 2, tends to suggest a closure of the poem, while *aliis* (by other things), referring to matters not mentioned in the poem, seems to resist closure.[4]

---

[1] *Tr*. 2.573-8

[2] See Chapter Six.

[3] Quint. *Inst*. 6.1.27: *nunquam tamen debet esse longa miseratio, nec sine causa dictum est, nihil facilius quam lacrimas inarescere*.
But the appeal to pity ought never to be long, and nor is the saying without reason, that nothing dries as quickly as tears.

[4] Ingleheart (2010) 403

Reading the poem so long after the events that led to its writing, we cannot know for sure what 'other things' Ovid may have had in mind. It could be that he was referring to arguments further diminishing the criminality or seriousness of the *error* that he did not feel at liberty to disclose,[5] or perhaps to additional arguments that could have been included if he had had the time,[6] or to the pressure he hoped influential members of his audience could exert on Augustus and his advisers to effect a change of heart and consequent improvement in his circumstances. Perhaps he meant all of these things. In line with the contention, however, that his immediate and practical purpose in writing *Tristia* 2 (and the rest of the exilic verse letters) was, as noted above, 'to save his own skin'[7] contemporary readers may well have understood what these other things were, effectively making the prayer in the opening line of the *peroratio* an address to them, too.

(ii) Augustus as father and beloved saviour of Rome?

The juxtaposition of *pater* and *patriae* in this prayer for relief brings to mind Augustus' title of *pater patriae*[8] which Ovid uses early in the *probatio* in a passage that strongly connects Augustus with Jupiter.[9] In this regard, Ovid's use of *salus* also echoes Jupiter's role as saviour or safe keeper,[10] 'a concept embodied in the personified *Salus Augusti*, which developed from Greek ideas via the worship of the goddess Salus in Rome, representing the *salus publica*.'[11] Using these ideas of Augustus in the roles of a father and a saviour, the loyal Ovid is reminding Augustus from exile of his paternal duty to protect and save his citizens (including Ovid!), in return for which he will receive their affection (*cura*).

The outraged poet, however, is simultaneously reminding his audience that in his case, Augustus has not behaved as a *pater patriae* should, and furthermore, was unlikely to be persuaded by *Tristia* 2 (or anything else written in exile) to discharge this duty. This failure by Augustus has the

---

[5] *Tr*. 2 208

[6] *Tr*. 2.407-8

[7] Williams (1994) 161 and see Chapter One.

[8] Aug. *Anc*. 35.1: *tertium decimum consulatum cum gerebam, senatus et equester ordo populusque Romanus uniuersus appellauit me patrem patriae, …*
In my thirteenth consulship, the senate and the equestrian order and the whole Roman people gave me the title of Father of the Fatherland.

[9] *Tr*. 2.37-40. Just as Jupiter is called father and ruler of the gods, Augustus is called father and ruler of the fatherland. Augustus should therefore follow the example of Jupiter, the god with the same title as his own. See Chapter Four.

[10] For example, Pi. *O*. 5.17 σωτὴρ ὑψινεφὲς Ζεῦ …
Savior Zeus dwelling high in the clouds.

[11] Ingleheart (2010) 403

effect of disparaging the emperor in the eyes of Ovid's audience. This assists both in promoting Ovid's case generally and specifically pitching an appeal to the influential to intervene in an attempt to ensure that Augustus behaved in line with his duty.

The notion of Augustus being beloved by his fatherland (*patriae cura … tuae*) also bring to mind the first *peroratio*[12] with its subversive suggestion that Augustus was failing in his paternal responsibility to keep citizen Ovid safe. By dint of circumstances prevailing at the time of the circulation of *Tristia* 2, Augustus was also not particularly beloved by a number of other citizens. A similarly ironic reading is possible here.

(iii) A modest request.

Ovid's final prayer in effect states what he really wants which is a return to Rome:

non ut in Ausoniam redeam, nisi forsitan olim,
cum longo poenae tempore uictus eris:
tutius exilium pauloque quietius oro,
…

I pray not that I may return to Italy, unless perhaps one day you will have been appeased by the length of time of my punishment: I pray for a safer and somewhat peaceful place of exile. (*Tr*. 2.575-7)

With one important distinction, this request for an improvement in exilic circumstances repeats the first *peroratio*. There, Ovid modestly says that he does not pray for return (even though the gods have often granted more than what has been prayed for) but only for a gentler and closer place of exile.[13] He is not even clear where it is to which he is not asking to return, although Rome is, of course, the city from which he departed.[14] It seems arguable, therefore, that avoiding a direct request to return to Rome in the first *peroratio* rhetorically sets up the even more modest request not even to return to Italy in the second *peroratio*.

The rhetorical intent of this very modest proposal for a place of exile even outside Italy is to induce surprise in both Augustus and a wider readership at its very limited scope. This is so that they reject it,[15] because in all the circumstances of his excessive and unjust punishment, of course Ovid should be permitted to return to Rome - and the emperor would benefit from some much-needed

---

[12] *Tr*. 2.155-206

[13] *Tr*. 2.183-5

[14] The context of the first *peroratio* is also Tiberius' returning to Rome after conquering the foe. (*Tr*. 2.177)

[15] Jonathan Swift took a similar approach in his 1729 essay, 'A Modest Proposal for Preventing the Children of the Poor from being a Burthen to their Parents or Country, and for making them Beneficial to the Publick.' In this essay, Swift uses the device of satiric hyperbole, arguing on the surface for his readers to agree with his ostensible point, while simultaneously shocking them into rejecting it and thereby agreeing with his actual position.

popularity if he allowed it. In case this might be too subtle, it seems that Ovid provides an additional hint when he qualifies his modest proposal by saying that it stands only if, by chance and at some point, Augustus has not been overcome (*uictus eris*) by the length of time of the punishment.

(iv) The punishment should fit the crime.

The last line of the poem is emphatic both in its placement as such and in its statement of a fundamental tenet of justice that lies at the heart of Ovid's case for an acquittal:

> … *ut par delicto sit mea poena suo*.
>
> … so that my punishment may be equal to its crime. (*Tr* 2. 578)

In itself, this sort of restrained and rational assertion that accords with the basic precepts of justice is something any loyal subject could make. Who could disagree that justice demands proportionality in the relationship between crime and punishment? Throughout *Tristia* 2, however, Ovid has made arguments that no one, no erotic poet or adulterer even, let alone, as Ovid argues in his own case, a person who has in fact broken no law, has ever been banished to such a remote (and cold and dangerous) place. He has also made arguments that in dealing with him, not only was Augustus a hypocrite, but he also acted in excess of his jurisdiction - or of what his jurisdiction ought constitutionally to be - and so erred in law. The case against Ovid should therefore be dismissed!

Ingleheart also notes the implication of this final line for the punishment of Actaeon by Diana, discussed above.[16] When he tells the story of Actaeon's mistake and Diana's punishment of him at greater length in the *Metamorphoses*, Ovid also provides some insight into the responses to Actaeon's punishment:

> *rumor in ambiguo est: aliis uiolentior aequo*
> *uisa dea est, alii laudant dignamque seuera*
> *uirginitate uocant ; pars inuenit utraque causas*.
>
> The common talk is uncertain: to some the goddess seemed more harsh than was fair; others gave praise and said that her action fitted with her strict virginity; each side found good reasons [for their judgement]. (*Met*. 3.253-5)

Noting Ingleheart's point that Ovid emphasises the negative response by placing it first,[17] it is still possible, however, that right at the very end of *Tristia* 2, Ovid may have introduced a note of ambivalence for his audience, allowing for a conclusion among some people that his punishment may, in fact, have been proportionate. Perhaps Ovid knew that there were contemporary readers who

---

[16] Ingleheart (2010) 405 and *Tr*. 2.105-8. See also Chapter Three.

[17] Ingleheart (2010) 125-6 and see also Chapter Two.

thought that if a person of standing and influence (like Ovid) failed to follow the moral compass direction set by the emperor, he deserved everything he got as a consequence. Perhaps there were others who thought that despite the manifest injustice in his case, Ovid's battle was one that was simply not worth fighting. They would have had to assume some considerable risk in taking up Ovid's cause, and the poet seems to acknowledge this when, for example, he refuses to name any fellow contemporary poets. While we can never know whether anyone actually intervened on Ovid's behalf, in the end, perhaps, and as his lack of success with Augustus shows, his audience may well have demonstrated that '… the faintest of all human passions is the love of truth.'[18]

[18] Housman (1903) xliii

CONCLUSION

When he wrote *Tristia* 2, Ovid must still have been feeling the shock of outrage at what he considered was the manifestly unjust conviction and cruel sentence meted out to him by Augustus just the year before. Having had no opportunity to defend himself at trial and with no avenue of appeal or any other form of legal redress open to him, it seems that all he could do to try and reduce the excessively punitive circumstances of his exile (if not effect a recall), redeem his reputation, and ensure that his name lived on, was to resort to his *ingenium* and write and circulate a poem that put his side of the case on the public record.

The poems collected in *Tristia* 1 seem to prepare the ground for *Tristia* 2's ostensible appeal to the emperor, where Ovid adopts the pose of a loyal subject as he asks Augustus to put aside his anger and grant him a softer and safer place of exile. At the same time, however, and despite his protests that the circumstances of his exile had impacted adversely on his talent, Ovid skilfully employs a number of literary and rhetorical devices to subvert Augustus' 'truth' about him, that he had taught adultery and so was a public criminal no longer fit to live within Roman society or have his *Ars Amatoria* available in public libraries. These devices include the use of mythological parallels, ambiguous or absurd lines of reasoning, paradoxes, and instances of flippancy, bathos, and hyperbole as Ovid makes a strong case for himself to an audience capable of reading between the lines.

By undercutting his suppliant stance and shining a harsh light on Augustus' juridical, literary, and personal mistakes and failings, Ovid as outraged poet provides for those with 'poetic good taste,' a lesson on the nature of the unfettered power wielded by Augustus and on the cruel and selfish manner in which he exercised it. Ovid shows Augustus up to be an immoral hypocrite who let anger cloud his judgement and who, with no misgivings and no regard for due process or the rule of law, could sacrifice him, the leading poet of the day, on the altar of political expediency. Ovid's harsh light asserts a 'truth' that is equal and opposite to the emperor's and hides his downfall and dishonour in the dark shadow of Augustus' own grievous shortcomings. By placing his offences in a context that diminishes them, Ovid is able to ask his literary audience to acquit him and keep reading his works if not come to his aid.

The *corpus* of Ovid's exilic verse suggests that he would have been satisfied if he had managed to attain an improvement in the location of his place of exile, if an end to his banishment was not possible. This is even though he seems to have exaggerated his claims about the harshness of life in Tomis and the barbarity of the local people. It seems likely, however, that more important to him than alleviating the circumstances of his exile was his goal of attaining immortality. He knew that Augustus' edict, marking him down as a public criminal and branding his *Ars Amatoria* with

depravity, as well as the emperor's removal of that poem from public libraries, had scared off contemporary readers. Because of this, his poetry was not being read and that if he left that issue unaddressed, in the longer term, he would without doubt be forgotten.

Motivated, therefore, by the pagan idea that an author survived through his works and the concomitant anxiety that being forever marked as a *persona non grata* by the leader of the Roman world would stop people reading his works, Ovid wanted to rescue his good name and reputation from the disgrace of his censure from on high. He therefore needed to assert the flaws in his prosecutor and judge as a tactic to promote his own case that he was a great and moral poet. In taking this approach, Ovid demonstrates that there is indeed power in the logic of negating the other in order to constitute the self.

In subverting his tone of supplicatory deference in *Tristia* 2, Ovid also took a considerable political risk. Particularly in the *refutatio*, this risk is heightened as Ovid brings almost to the surface a disparaging condemnation of Augustus' finding that he had taught adultery in the *Ars Amatoria*. That he did so suggests that he judged it worthwhile. Perhaps Ovid believed that having sent him to the ends of the earth, Augustus had washed his hands of him and was no longer concerned with anything he might say. With Ovid dead to him as it were, Augustus would therefore be unlikely to take further offence. In addition, Ovid may have thought that Augustus was politically vulnerable and not in a position to punish him further, and could even be persuaded to see self-interest in recalling him. In the end, however, it would seem that Ovid was more concerned about his appeal to a wider audience because it was in their (and our) hands that the survival of his poetry, and through it his everlasting fame, lay. He felt compelled to leave readers in no doubt that between him and Augustus, it was the emperor and not the poet who was immoral and had behaved disgracefully. Through taking this risky approach, Ovid incidentally taught and teaches a lesson in the true nature of the emperor Augustus and the unfettered power that he wielded.

In exposing Augustus as a cruel and unjust hypocrite in *Tristia* 2, Ovid judges him by the judgement he made, gives him as much as he got, and leaves a mark on his reputation. He teaches us that Augustus was ignorant when he found that the *Ars Amatoria* contained lessons in adultery, hypocritical when he condemned Ovid as an immoral criminal, and vindictive when he imposed such an excessive punishment. In making these arguments, Ovid incidentally strips away the 'constitutional wrapping' in which Augustus 'disguised his absolute powers'[1] and in the process of clearing his name, provides a lesson in what lay behind the creative genius of the Golden Age of Rome: Ovid teaches that the ideas and ideals that the victorious Octavian invented and instilled into

[1] Jones (1970) 167

his assumed name *augustus*,[2] as some sort of 'idealised aura'[3] to underpin his transformation of the republic into an hereditary monarchy with himself and his family at the head of it, were myths and illusions.

Ovid therefore wanted readers to know that the shame of his cruel and humiliating rhaphanidosis[4] of sorts at the hands of Augustus could not have been less fair and just, or more callous and specious. If through *Tristia* 2 he could put the star of his fame and reputation back where it belonged, beyond the deified ones of the likes of Julius Caesar and Augustus himself,[5] then influential supporters would come to his aid, Augustus would reduce the sentence, and most importantly of all, he would for ever be on people's lips.[6]

In doing all this, Ovid has left behind some *tristia uerba* of his own. Although these words failed to achieve their ostensible purpose of assuaging the emperor's anger and securing an improvement in his circumstances of exile, they succeeded brilliantly in CSwhat I have argued was their most important goal. This was to redeem Ovid's reputation and so secure for posterity his place in the canon of Western literature. In achieving this, the poet's words have perhaps also proved that in the end the pen really is mightier than the sword.

———oOo———

---

[2] OLD 214: *augustus – a – um*. 1. (relig.) Solemn, venerable. 2. (of persons) Worthy of honour, venerable, august. 3. Majestic, in appearance, august, dignified.

[3] Ahl (1984) 47

[4] Ar. *Nu*. 1083: 1083: Τί δ᾽ ἢν ῥαφανιδωθῇ πιθόμενός σοι τέφρᾳ τε τιλθῇ; But what if persuaded by you [to commit adultery] he is penetrated with a radish and depilated with hot ash?

Rhaphanidosis was therefore a humiliating and no doubt painful punishment for adultery in ancient Athens, at least according to Aristophanes.

[5] *Met*. 15.875-6: *parte tamen meliore mei super alta perennis / astra ferar, nomenque erit indelebile nostrum, / …*
In my better part, however, I shall be carried immortal above the soaring stars, and my name will be undying.

[6] *Met*. 15.878-9: *ore legar populi, perque omnia saecula fama, / … uiuam*.
I shall be mentioned on people's lips and through all the ages, in fame shall I live.

Bibliography

Ancient

Aristotle 1926 *The 'Art' of Rhetoric*. J. H. Freese (Trans.) Cambridge, Mass.: Harvard University Press.

Augustus 1967 *Res Gestae Diui Augusti*. P. A. Brunt and J. M. Moore (eds.) Oxford: Oxford University Press.

Catullus 1913 *Poems*. F. W. Cornish (Trans.) G. P. Goold (Reviser) Cambridge, Mass.: Harvard University Press.

Cicero 1953 *Pro Milone*. *In Pisonem*. *Pro Scauro*. *Pro Fonteio*. *Pro Rabirio Postumo*. *Pro Marcello*. *Pro Ligario*. *Pro Rege Deiotaro*. Cambridge, Mass.: Harvard University Press.

- 1959 *De Oratore*. E. W. Sutton (Trans.) London: Heinemann.
- 1976 *De Inuentione*. *De Optimo Genere Oratorum*. *Topica*. H. H. Hubbell (Trans.) Cambridge, Mass.: Harvard University Press.
- 1987 *Pro Caelio*. *De Prouinciis Consularibus*. *Pro Balbo*. R. Gardner (Trans.) Cambridge, Mass.: Harvard University Press.
- 1994 *De Officiis*. M. Winterbottom (ed.) Oxford: Clarendon Press.

[Cicero] 1989 *Ad C. Herennium (Rhetorica Ad Herennium)*. H. Caplan (Trans.) Cambridge, Mass.: Harvard University Press.

Homer 1999 *Iliad*. A. T. Murray (Trans.) Cambridge, Mass.: Harvard University Press.

Horace 1927 *The Odes and Epodes*. C. E. Bennett (Trans.) London: Heinemann.

Livy 1925 *Ab Urbe Condita Liber I*. B. O. Foster (Trans.) London: Heinemann.

Lucretius 1922 *De Rerum Natura*. C. Bailey (ed.) Oxford: Clarendon Press.

Ovid 1915 *Tristium Libri Quinque*. *Ibis*. *Ex Ponto Libri Quattuor*. *Haliutica Fragmenta*. S. G. Owen (ed.) Oxford: Clarendon Press.

- 1916 *Metamorphoses Books IX - XV*. F. J. Miller (Trans.) Cambridge, Mass.: Harvard University Press.
- 1971 *Heroides and Amores*. G. Showerman (Trans.) Cambridge, Mass.: Harvard University Press.
- 1977 *Ars Amatoria Book 1*. A. S. Hollis (ed.) Oxford: Clarendon Press.
- 1977 *Metamorphoses Books I - VIII*. F. J. Miller (Trans.) Cambridge, Mass.: Harvard University Press.
- 1979 *The Art of Love and Other Poems*. J. H. Mozley (Trans.) Cambridge, Mass.: Harvard University Press.

- 2008 *Ibis* R.Ellis (ed.) Bristol: Bristol Phoenix Press.

Pliny 1947 *Natural History Libri III - VII*. H. Rackham (Trans.) London: Heinemann.

Propertius 1967 *The Elegies*. H. E. Butler (Trans.) Cambridge, Mass.: Harvard University Press.

Quintilian 2001 *Institutio Oratoria Books 3 - 5*. D. A. Russell (Trans.) Mass.: Harvard University Press.

- 2001 *Institutio Oratoria Books 6 - 8*. D. A. Russell (Trans.) Cambridge, Mass.: Harvard University Press.

Seneca 1974 C*ontrouersiae Books 1 - 6*. M. Winterbottom (Trans.) Cambridge, Mass.: Harvard University Press.

Suetonius 1914 *Lives of the Caesars, Volume II*. J. C. Rolfe (Trans.) Cambridge, Mass.: Harvard University Press.

- 1928 *Lives of the Caesars, Volume I*. J. C. Rolfe (Trans.) Cambridge, Mass.: Harvard University Press.

Tacitus 1979 *The Annals Books I - III*. J. Jackson (Trans.) Cambridge, Mass.: Harvard University Press.

Virgil 1926 *Eclogues*. *Georgics*. *Aeneid I - VI*. H. Rushton Fairclough (Trans.) London: Heinemann.

- 1928 *Aeneid VII - XII*. *The Minor Poems*. H. Rushton Fairclough (Trans.) London: Heinemann.

Modern

Ahl, F. M. 1984 'The Rider and the Horse: Politics and Power in Roman Poetry from Horace to Statius.' In *Aufstieg und Niedergang der Römischen Welt* 2. H. Temporini and W. Haase (eds.) Berlin: De Gruyter. 40-124.

Alexander, M. C. 2002 *The Case for the Prosecution in the Ciceronian Era*. Ann Arbor: University of Michigan Press.

Auden, W.H. 2007 *Collected Poems*. E. Mendelson (ed.) New York: Random House.

Barchiesi, A. 1997 *The Poet and the Prince*. *Ovid and Augustan Discourse*. Berkeley: University of California Press.

- 2001 *Speaking Volumes*. *Narrative and Intertext in Ovid and other Latin poets*. London: Duckworth.

Barsby, J. 1978 *Ovid*. Oxford: Oxford University Press.

Boswell, J. 2008 *The Life of Samuel Johnson*. D. Womersley (ed.) London: Penguin.

Camps, W. A. 1987 'Notes on Catullus and Ovid.' *Classical Quarterly* 37. 519-20.

Cantarella, E. 2016 'Women and Patriarchy in Roman Law.' In *Oxford Handbook of Roman Law and Society*. P. J. Du Plessis, C. Ando, and K. Tuori (eds.) Oxford: Oxford University Press: 419-31.

Casali, S. 1997 'Quaerenti Plura Legendum: on the Necessity of "Reading More" in Ovid's Exile Poetry.' *Ramus: Critical Studies in Greek and Roman Literature* 26: 80-112.

Claassen, J-M. 1988 'Ovid's Poems from Exile. The Creation of a Myth and the Triumph of Poetry.' *Antike und Abendland* 34: 158-69.

- 1996 'Exile, Death and Immortality: Voices from the Grave.' *Latomus* 55: 571-90.
- 2008 *Ovid Revisited. The Poet in Exile*. London: Gerald Duckworth.

Davis, P. 1999 'Instructing the Emperor: Ovid, "Tristia" 2.' *Latomus* 58: 799-809.

Drucker, M. 1977. *Der Verbannte Dichter und der Kaiser-gott: Studien zu Ovids Späten Elegien*. Diss. Heidelberg.

Evans, H. B. 1983 *Publica Carmina: Ovid's Books from Exile*. Lincoln: University of Nebraska Press.

Fantham, E. 2009 'Rhetoric and Ovid's Poetry.' In *A Companion to Ovid*. P. E. Knox (ed.) Chichester: Wiley-Blackwell: 26-44.

Fitton Brown, A. D. 1985 'The Unreality of Ovid's Tomitian Exile.' *Liverpool Classical Monthly* 10: 18-22.

Gibson, B. 1999 'Ovid on Reading. Reading Ovid. Reception in Ovid *Tristia* II.' *The Journal of Roman Studies* 89*:* 19-37.

Gibson, R. K. 2003 *Ovid* Ars Amatoria *Book 3*. Cambridge: Cambridge University Press.

Gilbert, W. S. and Sir Arthur Sullivan 1986 *The Mikado or the Town of Titipu*. New York: G. Schirmer.

Glare, P. G. W. 1968 *Oxford Latin Dictionary*. Oxford: Clarendon Press.

Green, P. 2005 *The Poems of Exile:* Tristia *and the Black Sea Letters*. Berkeley: University of California Press.

Hinds, S. E. 1996 'Ovid.' In *The Oxford Classical Dictionary*. S. Hornblower, and A. Spawforth (eds.) Oxford: Oxford University Press.

- 1987 'Generalising About Ovid.' *Ramus: Critical Studies in Greek and Roman Literature* 16: 4-31.

Hollis, A. S. 1977 *Ovid:* Ars Amatoria *Book 1*. Oxford: Oxford University Press.

Hornblower, S. Spawforth, A. and Eidinow, E. 2012 *The Oxford Classical Dictionary*. Oxford: Oxford University Press.

Housman, A. E. 1937 *M. Manilii Astronomicon Liber Primus*. Cambridge: Cambridge University Press.

- 1997 *The Poems of A. E. Housman*. A. Burnett (ed.) Oxford: Clarendon Press.

Ingleheart, J. 2010 *A Commentary on Ovid,* Tristia*, Book 2*. Oxford: Oxford University Press.

Jones, A. H. M. 1970 *Augustus*. London: Chatto and Windus.

Jones, P. 2005 *The Poems of Exile:* Tristia *and the Black Sea Letters*. Berkeley: University of California Press.

Lausberg, H. 1998 *Handbook of Literary Rhetoric. A Foundation for Literary Study*. D. Orton and D.Anderson (eds.) M. T. Bliss and A. Jansen (Translators) Leiden: Brill.

Liddell, H. G. and Scott, R. 1977 *Greek-English Lexicon*. H. S. Jones and R. McKenzie (eds.) Oxford: Oxford University Press.

Luck, G. 'Notes on the Language and Text of Ovid's Tristia.' *Harvard Studies in Classical Philology* 65: 243-61.

McGowan, M. M. 2009 *Ovid in Exile*. Leiden: Brill.

Millar, F. 1993 'Ovid and the *Domus Augusta*: Rome seen from *Tomoi*.' *Journal of Roman Studies* 83: 1-16.

Murgia, C. E. 1986 'The Date of Ovid's *Ars Amatoria* 3.' *American Journal of Philology* 107: 74-9.

Nagle, B. R. 1980 *The Poetics of Exile. Program and Polemic in the Tristia and Epistulae ex Ponto of Ovid*. Brussells: Latomus.

Nugent, S. G. 1990 '*Tristia* 2: Ovid and Augustus.' In *Between Republic and Empire. Interpretations of Augustus and His Principate*. K. A. Raaflaub and M. Toher (eds.) Berkeley: University of California Press: 239-57.

Owen, S. G. 1924 *Ovidius Tristium Liber Secundus*. Oxford: Clarendon Press.

Quinn, K. 1973 *Catullus. The Poems*. London: Macmillan.

Radulescu, A. 2002 *Ovid in Exile*. L. Treptow (Trans.) Iasi: The Centre for Romanian Studies.

Rudd, N. 1976 *Lines of Enquiry: Studies in Latin Poetry*. Cambridge: Cambridge University Press.

Shakespeare, William. 'Measure for Measure.' In *The Arden Shakespeare Complete Works*. R. Proudfoot, A. Thompson, and D. S. Kastan (eds.) London: The Arden Shakespeare: 799-828.

Swift, J. 2009 *A Modest Proposal and Other Writings*. C. Fabricant (ed.) London: Penguin Books.

Syme, Sir Ronald. 1978 *History in Ovid*. Oxford: Clarendon Press.

- 1939 *The Roman Revolution*. Oxford: Clarendon Press.

Thomsen, M. H. 1979 *Detatchment and Manipulation in the Exile Poems of Ovid*. Diss. Berkeley: University of California Press.

Treggiari, S. 1991 *Roman Marriage:* Iusti Coniuges *from the Time of Cicero to the Time of Ulpian*. Oxford: Oxford University Press.

White, P. 2002 'Ovid and the Augustan Milieu.' In *Brill's Companion to Ovid*. B. W. Boyd (ed.) Leiden: Brill: 1-26.

Wiedemann, T. 1975 'The Political background to Ovid's *Tristia* 2.' *The Classical Quarterly* 25: 264-71.

Williams, G. 1994 *Banished Voices*. Cambridge: Cambridge University Press.

Wills, J. 1996 *Repetition in Latin Poetry*. Oxford: Oxford University Press.