Martial and Domitian’s Moral Reforms

Martial’s panegyrics in honour of Domitian in Books 6 and 9 have long been a source of analysis and debate.¹ In the epigrams on the Emperor’s moral legislation in these Books, Martial has created miniature works of varying complexity.

It is the aim of this analysis to demonstrate that the epigrams on moral reform in Books 6 and 9 are essentially laudatory in nature. This premise necessitates interaction with the recent work of John Garthwaite,² whose theory of subversive meaning based on intratextual analysis results in an anti-panegyric reading of these pieces. Before this particular system is discussed, however, the details of the Emperor’s reform programme need to be outlined with particular attention to the legislation on sexual and marital behaviour. An examination of the panegyrics in relation to the genres in which Martial is working, namely epigram and satire, is also required.

Sexual and Marital Reform

Domitian reintroduced both the Lex Iulia and the Lex Scantinia in approximately 85 CE.³ The Lex Iulia, originally instituted by


² See Garthwaite (n.1 above).

³ My thanks to Brian W. Jones for this ‘tentative’ date.
Augustus in 18 BCE, was principally concerned with the protection of marital fidelity and the promotion of senatorial and equestrian eugenics. Under this law adulterium, a term that was used by Augustus in a relatively general sense, was punishable as crimen. Adulterium appears to have incorporated the act of stuprum, but what stuprum entailed under the Lex Iulia is a matter for debate: stuprum could be committed with a virgin, a widow or a boy, but it is unclear whether or not Augustus incorporated the latter crime under this law. The same contentions characterise the reintroduction of the statute under Domitian as there is no legal description of what was entailed by this revival.

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5 On the problem of defining adulterium in the Lex Iulia see Pál Csillag, The Augustan Laws on Family Relations (Budapest, 1976), 179.


7 On stuprum including paederastia under the Lex Iulia, see Justinian’s Digest 48.5.9(8) and 48.5.35(34). The latter passages are listed by Csillag (n.5 above) as evidence for stuprum including paederastia under Augustus’ law. Scholars who hold the same view include: Last (n.4 above), 447; J. A. C. Thomas, The Institutes of Justinian: Text, Translation and Commentary (Oxford, 1975), 335; Amy Richlin, The Garden of Priapus: Sexuality and Aggression in Roman Humor (Oxford, 1992), Appendix 2. For further references, see Eva Cantarella, Bisexuality in the Ancient World (New Haven, 1992), 253 n.66. Theodor Mommsen is usually cited as the major advocate of an opposing view. See Mommsen, Le droit pénal romain (Paris, 1900), vol. II, 432. For a recent revival of Mommsen’s view, see Cantarella, 142f. See also Treggiari (n.4 above), 890 and Williams (n.6 above).

The Lex Scantinia (or Scatinia), a law dating from the republican era, was designed to regulate the sexual behaviour of the Romans, particularly in regard to male-male relations. As with the Lex Iulia, the Lex Scantinia presents definitional vagueness in regard to illegal activity and, subsequently, scholarly hypotheses vary. The two main activities thought to be punishable were: (i) *stuprum* with a boy and/or (ii) adult passivity. Punishment of the active partner in an adult relationship or encounter has been listed as another possible basis for prosecution. The Scantinian legislation was active during the

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9 On the name of the law, see J. Christius, *Historia Legis Scatiniae* (Magdeburg, 1727).

10 Some sources argue in favour of 149 BCE, but this is debatable. See T. Robert S. Broughton with Marcia L. Patterson, *The Magistrates of the Roman Republic* (New York, 1951), 459 and 460 n.3. See also John Boswell, *Christi'nianity, Social Tolerance and Homosexuality* (Chicago, 1980), 65; Fantham (n.6 above), 285-87; Cantarella (n.7 above), 110-11. Of related interest, Polybius (31.25), writing of the situation in Rome in the Second Century BCE, notes the increase on homosexuality among Roman youths.

*It should be noted that Boswell’s argument in favour of Roman tolerance of homosexuality, which allegedly extended to the absence of legalised penalties, is open to query if not rejection. See A. Richlin, ‘Not Before Homosexuality: The Materiality of the Cinaedus and the Roman Law against Love between Men’, *Journal of the History of Sexuality* 3 (1993), 528-29 and 533.


12 Richlin (n.7 above), 224 and Richlin (n.10 above), 530. For further contributors to this hypothesis, see Cantarella (n.7 above), 245 n.72. Cantarella argues that the Lex Scantinia involved two provisions that each punished one partner only: the adult male in the case of *stuprum* with a boy and the passive partner in the case of two adults (111).

13 See Christius (n.9 above).
late republic and beyond, and Suetonius refers to Domitian’s condemnation of citizens on the basis of the law, which attests its force during Martial’s era.

During the Domitianic age, these laws forbade certain sexual acts and regulated choice of partner. Therefore, a married woman could not have intercourse with ‘a man other than her husband’ and an adult male could not ‘have sex with another adult male.’ Domitian’s reintroduction of the laws reinforced the Roman ideology of state interference in the private life of the individual. Linked inextricably with this social and moral philosophy was the concept of infamia. Domitian’s programme preserved the traditional connection between state-ordained censorship and its potential to brand an individual infamis.

In addition to the Lex Iulia and the Lex Scantinia, Domitian enacted a law that forbade the castration of slaves. This was introduced sometime during 82 or 83 CE and there are several possible reasons behind it: (i) castration was seen as an unnatural, sacrilegious act; (ii) Domitian’s court favourite, Earinus, had been castrated; (iii) Titus’ liking for eunuchs.

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14 See, for example, Cicero, Epistulae ad Familiares 8.12.3 and 8.14.4; Juvenal, Satire 2.
15 Suetonius, Domitian 8 and Cassius Dio, 67.12.1 (for an anti-Domitian interpretation).
16 Richlin (n.10 above), 571.
17 For a discussion of sexual legislation and infamia, see Richlin (n.10 above), 555-60. Richlin lists relevant primary and secondary source material.
18 On the law against castration, see Suet. Dom. 7; Ammianus Marcellinus, 18.4.5; Philostratus, Vita Apollonii 6.42.
19 Martial initially refers to the outlawing of the practice in Book 2 (2.60), published in 86 CE.
Poetic Eulogy and Satiric Epigram

In his epigrams, Martial calls upon a range of themes and poetic approaches, including obscenity, satire, epitaphs, eulogy, jokes and topical observations. For the purpose of this paper, Martial's use of poetic eulogy and satiric epigram will be addressed.

Among the earliest and most consistent forms of epigram were dedicatory poems in the form of actual epitaphs or poetical exercises in epitaph style. This type of epigrammatic honour, which can be found in the works of the Greek Anthology, particularly Book 7, is also present in the Roman epigrammatic context in the epitaphs of Ennius. Ennius' short pieces in honour of Scipio Africanus reveal a generic trait that explains in part the

20 See M. Annaeus Seneca, Controversiae 10.4.17 and L. Annaeus Seneca, Epistulae 122.7. See also Quintilian, Institutio Oratoria 5.12.18f. Statius notes the sacrilegious nature of castration and equates Domitian's ban with divine prohibition:

\[
\text{nunc frangere sexum}
\]
\[
\text{atque hominem mutare nefas...}
\]
\[
\text{now to ruin masculinity}
\]
\[
\text{and to mutilate a human being is sacrilege}
\]
\[
\text{(Silvae 3.4.74-75)}
\]

21 This is the reason specified by Dio, 67.2.3. Amm 18.4.5 discusses the edict with reference to Vespasian and Titus but does not state that their liking for eunuchs prompted Domitian's act.

22 In Book 7 of the Greek Anthology* poems 1-150 are on famous people (as well as heroes, heroines and divinities). In Book 2 the reader is witness to a variety of subjects, including praise of famous individuals. On the Anthology, see Alan Cameron, The Greek Anthology from Meleager to Planudes (Oxford, 1992). See also J. P. Sullivan, Martial: the Unexpected Classic (Cambridge, 1991), 78-93.


23 See Ennius, Epigrams 10-11 and 12-14 and Epigrams (Epitaphs) 1-2 and 5-6 on Scipio Africanus. Before Ennius, the Latin epitaph/epigram tradition can be traced to the mid-third century BCE, with pieces rendered in Saturnian metre placed on the Scipionic monument (see, for example Scipionum Elogia 1-2).†
development of the commemorative laudation within a Latin confine. Ennius notes Africanus’ deeds on behalf of Rome, and this focus on the general’s military achievements can be equated with Martial’s commemorations of those of Domitian, ranging from his exploits in warfare to the moral reformation. Despite this parallel, it is difficult to trace the Latin tradition from Ennius to Martial because of the dearth of poetry in between. Martial names Catullus as an inspiration, particularly in regard to his free vocabulary (Book 1, Preface 9), and Catullus’ work demonstrates the use of epigram for a variety of purposes including attack and praise. As for the other poets listed as sources for Martial’s imitatio (Domitius Marsus, Albinovanus Pedo and Lentulus Gaetulicus), there is no extant information of substance. It is sufficient to say, however, that epigram within a Greek and Latin tradition catered for praise. Martial, in keeping with this tradition, praises Domitian, Titus, Nerva and Trajan, as well as consulars such as Aquilius Regulus and Arruntius Stella. This type of epigram not only reflected one of the genre’s earliest traditions, it was testimony to the continuation of the style in collections such as the Garland of Philip, which was published closer to Martial’s own era.

The themes of poetic eulogy are present in Roman satire. Satire, as postulated by Diomedes in an analogy from republican times, may have derived from satura: a plate of assorted foods.

† The edition used is that of Warmington, IV (London, 1940).

24 On the paucity of the components needed to trace a satisfactory epigrammatic tradition in Latin, see Gian Biagio Conte, Latin Literature: A History (Baltimore, 1994), 506-507.
25 Catullus’ attacks on Caesar: 29, 57 and 93; praise of Lesbia: 86; (satiric?) praise of Cicero: 49.
The varied contents of the plate as a symbolic explanation of the nature of satire fits comfortably with the thematic and tonal medleys of the Martialian corpus. Martial's plate is rich and his satiric predecessors show him that satire caters for variety and, more importantly, praise. Lucilius, for example, stands at the beginning of the satiric tradition and, as Horace reveals, he praises the men of virtue by attacking the worthless:

quid, cum est Lucilius ausus
primus in hunc operis componere carmina morem,
detrahere et pellem, nitidus qua quique per ora
cederet, introrsum turpis, num Laelius aut qui
duxit ab oppressa meritum Carthagine nomen
ingenio offensi aut laeso doluere Metello
famosisque Lupo cooperto versibus? atqui
primores populi arripuit populumque tributim,

It has been argued that Diomedes' etymological discussion derives from Varro's non-extant work(s) Quaestiones Plautinae and/or De Compositione. For an early discussion of this, see F. Leo, 'Varro und die Satire', Hermes 24 (1889), 64-84. Leo's paper is a development of O. Jahn's 'Miscellen', Rhein. Mus. 9 (1854), 629-30. For references before Diomedes, see Cic. Academicae Quaestiones 1.2.8 and Livy, 7.2. For a discussion of other intermediary sources, such as Suetonius, see C.A. Van Rooy, Studies in Classical Satire and Related Literary Theory (Leiden, 1966), 2ff. Michael Coffey in Roman Satire (Bristol, 1989) writes that Ennius was, in a formal sense ... the first creator of a literary form *satura* in that this was the name that he gave to some of his minor poems (35).

Diomedes, *Ars Grammatica* 3. The plate of foods was believed to have been offered to the gods at a Roman festival. In addition to this derivation of the word *satura*, Diomedes suggests the following: from οὐταυρόν; from a stuffing called *satura*; from a miscellaneous law called *satura*. For a discussion of Diomedes' derivations, see Van Rooy, I-19; Charles Witke, *Latin Satire: The Structure of Persuasion* (Leiden, 1970), 15-20; Edwin S. Ramage, 'Ennius and the Origins of Roman Satire', in Sigmund C. Fredericks, Ramage and David L. Sigsbee, *Roman Satirists and their Satire* (New Jersey, 1974), 22-25; Coffey, 12-15.

In 10.59 Martial, in a discussion of the epigrammatic genre and his movement beyond the distich and four line models, makes reference to the satire-like quality of his varied themes. Here, using imagery of *satura*, he describes the content of his epigrams.
scilicet uni aequus virtuti atque eius amicis.

What's this? When Lucilius dared
first up, to compose poetry in this way,
and to peel back the pelt that each
pranced about with, glittering before the eyes of men
but murky on the inside, was Laelius—or he who
won his well deserved name from a crushed Carthage—
offended by his wit, or did they grieve when Metellus was
wounded
and Lupus overwhelmed with scandalous verse?

Nevertheless,
he satirised the leaders of the people and the people,
tribe by tribe,
a friend—undoubtedly—to virtue alone
and its friends.

(Satire 2.1.62-70).

Horace notes Lucilius' rage against the enemies of his patrons,
Scipio Aemilianus and Gaius Laelius. Such vilification of
Metellus Macedonicus and Lentulus Lupus can be interpreted as an
effective form of public support of important patrons in an open
political environment. We can also infer from the surviving
fragments of Lucilius, particularly fr. 714 in reference to the
Numantian triumph of 132 BCE ('Percrepa pugnam Popili, facta
Corneli cane, /Celebrate Popilius' battle, sing of Cornelius'
deeds'),\(^{30}\) that Scipionic panegyric featured in the satires.
Martial, working within the genre of satiric epigram, follows in
this earliest of traditions by mocking and attacking enemies of
Domitian's regime such as the Cynics (3.103 and 4.53) and
individuals like Antonius Saturninus (4.11).\(^{31}\) The praise via

\(^{30}\) The edition used is that of Warmington, *Remains of Old Latin III*
(London, 1938). For discussion of the passage, see Wendy J. Raschke *Arma
pro amico*—Lucilian Satire at the Crisis of the Roman Republic*, *Hermes* 115
(1987), 308.
attack is also strongly presented in the epigrams on moral and marital legislation.

Epigrammatic and satiric eulogy are present in the work of Martial and, as his poetry reveals, there is room within both oeuvres for public praise of an individual. Epigram and satire also cater for a mixture of inter-related subject matter, including comment on everyday issues. Martial’s panegyrics on Domitian and his treatment of the Emperor’s moral legislation are, therefore, appropriate subjects for these genres. Finally, such topics fit in well with the commonplace and longstanding creed of the epigrammatist and satirist: to instruct. One can do this in a variety of ways, ranging from overt and moralistic advice to criticism of wrongdoers in the manner of Lucilius. This side to Martial’s work is most significant; it not only reflects his literary heritage, it is well suited to his adoption of conservative viewpoints, especially on matters of morality, and his deference to hierarchy.

Garthwaite and Intratextuality

31 It is noteworthy that the second jibe at the Cynics and the attack on Antonius Saturninus come from Book 4. Published in 89 CE, this book marks the beginning of Martial’s overt stand as a pro-Flavian poet. See B.W. Jones, *The Emperor Domitian* (London, 1992). Jones discusses Martial’s treatment of philosophy, namely Stoicism, and notes that in Book 1 the poet is positive about certain practitioners. He mentions Decianus of Emerita, one of Martial’s friends and a dogmatic Stoic, who appears only in Books 1 and 2 and argues that ‘Open reference to ... Stoic luminaries by a writer with Martial’s obsequious attitude to the emperor is evidence enough of what was permitted’ (121). However, one must consider the date of the Books (86 CE), which places them in the period prior to Domitian’s active suppression of philosophical freedom of speech (93 CE). In addition to this, Sullivan (n.22 above) makes the important point: ‘Thereafter he [Decianus] vanishes without even the compliment of a funerary epigram. Perhaps he fell into disgrace for sharing the ideals of the Stoic opposition, like Herennius Senecio ... and [was] banished or worse in one of the periodic expulsions of philosophers’ (16-17).

32 On the tradition of advice and morals in the epigram genre, see Book 10 of the Anthology.
In his work on the Domitian panegyrics, Garthwaite formulates a hypothesis that argues in favour of subversive undercurrents accessed via intratextual analysis. This system of literary criticism is essentially the interpretation of an individual piece based on its placement within a collection. An epigram that may appear to be overtly positive in its treatment of a chosen subject may therefore assume an opposite meaning when read within a broader context, be it in an entire book or, more narrowly, in terms of the poems adjacent to it.

In the case of Book 6, Garthwaite discusses the poems on moral and marital legislation, namely 6.2, 6.4, 6.7, 6.22, 6.45, and 6.91. When read as separate pieces, the first two epigrams are seen as panegyric, but when read in conjunction with the other, more satirical pieces, their meaning is allegedly tarnished and, according to Garthwaite, they 'appear, in retrospect, to have a deliberately ironic intent, their lavish praise of the reforms acting as a foil for Martial's subsequent ridicule of the attempt to legislate morality.' This system of analysis is then closely applied to 6.2, 6.3 and 6.4. As already noted, Garthwaite regards 6.2 and 6.4, when read in isolation, as positive poems. Their meaning is seen to be altered, however, when the epigram that separates them is considered. 6.3 is about (i) Domitian's future child and (ii) Domitian's deified niece. Garthwaite regards this piece as a reference to the rumours of Domitian's incestuous relationship with Julia and her death by a forced abortion. This reading consequently affects the overtly positive treatment of the

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33 It should be noted that Garthwaite does not use the term 'intratextuality' per se. For a discussion of Garthwaite's methodology as intratextuality, see A.J. Boyle, 'Martialis Redivivus: Evaluating the Unexpected Classic', *Ramus* 24 (1995), 96.

34 Garthwaite (n.1, 1990), 15-16.

35 Garthwaite (n.34 above), 16-22. The relevant sources will be discussed at a later point.
moral legislation in 6.2 and 6.4, and Domitian, the great moral reformer, is presented as a hypocrite.

A similar deconstruction is presented by Garthwaite in his treatment of the panegyrics of Book 9. After a discussion of the panegyric cycle in general Garthwaite discusses 9.5 and 9.7. Both pieces deal with the Lex Scantinia and the ban on castration. Again, when read as individual epigrams, these two poems are positive. When Garthwaite juxtaposes them with the Earinus cycle, however, their meaning changes and Martial is again seen to be attacking Domitian for his moral dissimulation.

The hypothesis of Garthwaite is ingenious and is not without its supporters. It does, however, present several problems: (i) it goes against the primary meaning of the epigrams; (ii) it does not take into account the generic traditions at work; and (iii) does not acknowledge the significance of the restraints operating in Domitianic Rome.

Book 6: Cycle I

Book 6, published in 91 CE, reflects Martial’s understanding of the Principate and the Emperor’s desire for public obedience in respect of morality. The opening epigram, which marks the beginning of a four poem sequence on positive imperial themes, introduces Martial’s political cognisance:

Sextus mittitur hic tibi libellus,
in primis mihi care Martialis:
quem si terseris aure diligenti,
audebit minus anxius tremensque

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36 Garthwaite (n.1, 1993), 82-86.

37 Garthwaite (n.36 above), 85-94.

38 See Boyle (n.33 above). Boyle notes Sullivan’s opposition to Garthwaite’s interpretations.
magnas Caesaris in manus venire.

This sixth booklet is dispatched to you,
dear Martial. To me you're in the foremost gang!
If you could emend it with your critical ear,
it will dare with less stress and less quivering
to pass into the mighty hands of Caesar.

(6.1)³⁹

This proemial piece praises Domitian and presents him as a leader worthy of respect. Such ideas and attitudes set the principal tone of 6.1 and provide an exegesis for the panegyrics that follow. Martial, in requesting that his friend, Julius Martialis, assist in the delivery of the book at court (3), implies that he is wary of approaching the Emperor. This element of concern is enhanced with the reference to the book's potential stress and quivering and the vision of it passing into the mighty hands of Caesar (4-5). These later lines suggest that Domitian is a man who inspires fear as well as respect, but rather than openly stating this and risking offence, Martial affects a light-hearted fear on behalf of the book. He thereby walks a fine line; balancing a practical desire to please the Emperor with the epigrammatist's mischievous tone.

6.2, the first of the epigrams on Domitian’s moral reformation, introduces the topic of the Julian legislation:

Lusus erat sacrae conubia fallere taedae,
lusus et inmeritos execuisse mares.
utraque tu prohibes, Caesar, populisque futuris
succurris, nasci quos sine fraude iubes.
nec spado iam nec moechus erit te praeside quisquam:

³⁹ The Latin edition used is that of D.R. Shackleton Bailey, Martial Epigrams (London, 1993). The translations of Martial (and other Latin sources) are my own.
at prius—o mores!—et spado moechus erat.

Fun it once was to violate the sacred torches of marriage;
fun also to 'snip' undeserving males.
And both you prohibit, Caesar,
and you succour future generations,
because you demand offspring without dishonour.
Now, while you reign, no man shall be eunuch or adulterer.
But previously—o morality!—even a eunuch was an
adulterer.

(6.2)

At a surface level, and read specifically as an individual
piece, 6.2 is panegyrical. The use of the word 'lusus' ('fun', 1-2) can
be seen to lend a light perversity to the epigram: have Domitian's
laws outlawed fun in an innocent sense as well as in a risque sense?
The vocabulary, if one adopts the possibility of the dual meaning
of the word, is augmented by the syntax of lines 1 and 2: lusus
opens the first and second lines and is followed by the phrase
'utraque tu prohibes, Caesar,' ('And both you prohibit, Caesar,') in
line 3. The implication may well be, as stated above, that
Domitian has ended all sorts of fun. Yet, while Martial might be
playing poetic games, the reader should not lose sight of the areas
of fun being legislated against. The laws against adultery and
castration, mentioned in the opening lines, deal with socially
destabilising and/or unnatural sexual activities\textsuperscript{40} and on these
grounds Martial's essentially conservative views are clearly
aligned with those of Domitian.\textsuperscript{41} The vocabulary and syntax
again lighten the topic in a way that is in keeping with
epigrammatic and satiric tradition but the intent remains
essentially conventional.

\textsuperscript{40} On the unnaturalness of castration, see n.20 above.

\textsuperscript{41} See Sullivan (n.22 above), 185. See also Sullivan (n.1), 288-302.
As discussed earlier, Garthwaite has detected a subversive note in 6.2 based on a joint reading of 6.2 and 6.3. The latter epigram is alleged to have layers of seditious meaning:

Nascere Dardanio promissum nomen Iulo,
vera deum suboles; nascere, magne puer,
cui pater aeternas post saecula tradat habenas,
quique regas orbem cum seniore senex.
ipsa tibi niveo trahet aurea pollice fila
et totam Phrixi Iulia nebit ovem.

Be born the name promised to Dardan Iulus,
true progeny of the gods; be born, great boy,
to whom a father, after generations to come,
will hand-over the everlasting reins of power.
And you, with an even older man,
shall rule the world as an old man.
Julia herself, with snow-white finger,
shall draw forth the golden threads and spin
for you the entire sheep of Phrixus.

(6.3)

Garthwaite discusses the appropriateness of including a poem on Julia after one on the Lex Iulia: 'it is surely tactless to mention her at all in the context of the Julian law against adultery.' He discusses the rumour, recorded in later sources, concerning the

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42 Garthwaite (n.34 above), 16-22.
44 On the allegations or rumour of an affair between Domitian and Julia, see Suet. Dom. 22; Dio, 67.3.2; Pliny, Epistulae 4.11.6 and Panegyricus 52.3; Philostr. 7.7. On Julia’s alleged abortion, see Pliny, Ep. 4.11; Suet. Dom. 22; Juv. Sat. 2.29-33.
adulterous/incestuous relationship between uncle and niece, and
the associated explanation of Julia's death through an abortion
forced upon her by Domitian. He argues that 'it is most unlikely
that the rumours concerning Julia's life, and very possibly her
death, were not already circulating at the time 6.3 was written, or
that they were unknown to Martial and a large part of his
audience.'\textsuperscript{45} Garthwaite further supports his argument by drawing
attention to the reputation of Domitian in antiquity:

Indeed it might be felt that any criticism of the emperor,
however covert or oblique, would have been simply too
hazardous for Martial to contemplate; this may explain
why the implications of this series of epigrams have
never been fully explored. In reply, however, we should
perhaps not dismiss as mere hyperbole Juvenal's
observation that Domitian could be gulled by even the
most blatantly false flattery, and that there was nothing
which a man whose power was praised as the equal of the
gods would not believe himself. Further, Quintilian,
Martial's contemporary, tells us how, by means of
emphasis, or intentional double entendre, one could
successfully and safely criticize even the most oppressive
tyrans, provided that what was said could also be taken
another (namely, positive) way.\textsuperscript{46}

Several points can be raised, however, in support of a
straightforward, panegyrical interpretation:-

(a) Domitian's Literary Censorship: Were Martial familiar with
the rumours, the question arises whether he would have published
6.3 if there were any risk of misinterpretation. The issue of
imperial reaction is a difficult one, despite Garthwaite's

\textsuperscript{45} Garthwaite (n.34 above), 19.

\textsuperscript{46} Garthwaite (n.34 above), 21. References are to Juv. Sat. 4.69-71 and
Quintilian 9.2.67.
observations on the views of Juvenal and Quintilian.\textsuperscript{47} The writings of Pliny and Dio Cassius suggest a different kind of emperor, namely a man who was not satisfied with simple praise.\textsuperscript{48} Suetonius discusses Domitian's literary censorship: the execution of Helvidius the Younger in late 93 CE for his farce about Paris and Oenone, interpreted by the Emperor as a comment on his divorce,\textsuperscript{49} and the death of Hermogenes of Tarsus resulting from some allusions in a historical work. In the case of Helvidius one should be cautious: his father Helvidius the Elder, son-in-law of Thrasea Paetus\textsuperscript{50} and dedicated Stoic, had a history of opposition to imperial regimes, particularly Vespasian's, which resulted in his execution.\textsuperscript{51} The philosophical/political stance of Helvidius' family and step-family must have therefore created suspicion on Domitian's part.\textsuperscript{52}

\textsuperscript{47} Quintilian's position in the imperial household is noteworthy. As the official tutor to Domitian's heirs (see \textit{Inst.} Book 4, Preface 2) it is unlikely that his views on tyrants and freedom of speech would be without bias.

\textsuperscript{48} Pliny, \textit{Pan.} 1.6; Dio, 67.4.2.

\textsuperscript{49} Suet. \textit{Dom.} 10 and Pliny, \textit{Ep.} 3.11.2-3 (the latter does not discuss the reason for Helvidius' death). See K.M. Coleman, 'The Emperor Domitian and Literature', \textit{ANRW} II. 32 (1986), 3112.

\textsuperscript{50} Thrasea Paetus, famous for his republican sympathies, was condemned under Nero in 66 CE and ended his life in Stoic fashion. On Tacitus' treatment of Thrasea, see \textit{Annals} 14.12, 14.48-49, 15.20-25, 16.21-35 (on his death).


\textsuperscript{52} At the same time as the execution of Helvidius the Younger, Domitian exiled mother and daughter, Arria and Fannia (the latter's property was also confiscated), respective wives of Thrasea and Helvidius the Elder, (see Pliny, \textit{Ep.} 7.19.6). Associated with these trials were those of Herennius Senecio, Junius Mauricus, Quintus Junius Arulenus Rusticus (brother of the latter), and Gratilla (the wife of Arulenus). Senecio, according to Pliny (\textit{Ep.} 7.19.5), Tacitus (\textit{Agricola} 2.1) and Dio (67.13.2) had written a life of Helvidius the Elder. Rusticus, according to Suetonius (\textit{Dom.} 10), had published eulogies on Thrasea and Helvidius the Elder. Both Senecio and Rusticus were executed. See Robert Samuel Rogers, 'A Group of Domitianic
The incident involving Hermogenes is more helpful in providing an example of a stronger form of literary censorship. Suetonius mentions Hermogenes’ figurae (allusions), which led to the death of the historian and his copyists. In this case we have a work with a factual basis, written by a man without apparent political allegiances, which thereby places Hermogenes in a different category to Herennius Senecio and Quintus Junius Arulenus Rusticus, the Stoic apologists executed on Domitian’s orders in the same year as Helvidius’ demise. The case of Hermogenes contradicts Garthwaite’s use of Quintilian’s emphasis or double entendre to illustrate a method of safe criticism. Demetrius’ discussion of emphasis, which he regards as vital in verbal dealings with tyrants, comes with a warning that provides a useful addition to the work of Quintilian:

Πολλά δὲ τοιαύτα παρὰ τοῖς τυράννοις, εἷν τό χρὴν 
μὲν διὰ τὸ ἐπέρφθαλμος εἶναι ἠργίζετο, εἰ τις 
ὁμόνωμεν ἐπὶ αὐτοῦ Κύκλωπα ἢ ὀφθαλμὸν ὄλως. 
Ἐρμείας δὲ ὁ τοῦ Ἀταρνεως ἁρές, καὶ τὰ 
ταύτα πρᾶσοι, ὡς λέγεται, οὐκ ἂν ἤνεχετο 
ῥαδίως τινὸς μαχαίριος ὁμομάχοντος ἢ 
τομὴν ἢ ἐκτομὴν διὰ τὸ ἐνανθρώπον 
εἶναι. ταύτα δὲ καὶ ἐφήναι καὶ 
καλεῖται ἔσχηματισμένος.

Such caution is often needed in dealing with rulers. Because he had only one eye, Philip would grow angry if anyone mentioned the Cyclops in his presence or used the word ‘eye’ at all. Hermeias, the ruler of Atarneus, was in other respects good-tempered, it is said, but he resented any mention of a knife, surgery, or amputation, because he was a eunuch. I have mentioned these points to bring out very clearly the true nature of those in power, and to show

Treason-Trials’, CPh 55 (1960), 19-23. Rogers argues that their crimes were more a result of rebellion and treason than simple instances of speaking out (23). See also Jones (n.31 above), 122f.

that it especially calls for that circumspection in speech which is called innuendo.

(On Style 5.293)

Demetrius, like Quintilian after him, notes the significance of emphasis—but emphasis with common sense and caution. Brian W. Jones, in his work on Domitian, has, not surprisingly, utilised 6.3 as a major reason for his rejection of the contemporaneous nature of the rumours concerning Domitian and Julia; pointing out that 'Martial was neither a hero nor a fool' and that while 'the rumours linking Domitia and Paris were current during Domitian's reign ... those linking Julia's death with a supposed affair with her uncle were not. They were invented after his death.'

Had the rumour of Domitian and Julia been current at the time of 6.3 it is doubtful that Martial would have taken such a risk. The persecutions of Helvidius, the Stoic eulogists and Hermogenes are post 91 CE and thereby indicate the Emperor's increasing intolerance of criticism. Even had Domitian failed to act immediately, he could have taken retroactive steps against Martial as Augustus had done with Ovid.

54 The edition and translation used are by Doreen C. Innes (based on W. Rhys Roberts), 'Demetrius on Style' in Aristotle XXIII (London, 1995). For a discussion of the passage, see Frederick Ahl, 'The Art of Safe Criticism in Greece and Rome', AJPh 105 (1984), 200-201. For further discussion on Roman imperial poetry and issues such as propaganda and freedom of speech, see Ahl 'The Rider and the Horse: Politics and Power in Roman Poetry from Horace to Statius', ANRW II.32 (1984), 40-110. The latter comes with an addendum by Garthwaite: 'Appendix: Statius, Silvae 3.4', 111-24.

55 Jones (n.31 above), 39. See also Jones, Suetonius: Domitian (Bristol, 1996), 150-51. Jones, in an earlier work (The Emperor Titus [London, 1984]) has an alternative view and one in agreement with Suet. Dom. 22 (19).

56 Suetonius is a particular advocate of this interpretation. It has been recently supported by Jones (n.31 above), 124.

57 The lesson of Ovid, exiled by Augustus on account of 'duo crímína, carmíne et error' ('two crimes, a poem and an error', Tristia 2.207), must have been
(b) Domitian: Censor Perpetuus: Domitian became censor in April 85 CE and censor perpetuus (censor maxime, 6.4.1) towards the end of the same year, and it was under the aegis of this office that he revived the Lex Iulia and the Lex Scantinia. The post of censor was a high profile one: it entailed the protection of cura morum (hence the legislation); it was taken seriously by the Emperor, and, if Jones is correct, it heralded the beginning of Domitian’s ostentatious autocracy as well as the reign of terror. The office and its political consequences must therefore be taken into account when assessing Martial’s levels of intent. The possibility of Martial, had he known of such rumours, publicising Domitian’s private activities in contradiction of cura morum seems implausible. J.P. Sullivan, in his discussion of Domitian and the censorship, suggests that the office may well explain the ‘relative tameness and paucity of the sexual themes’ in Book 1 (published one year after the perpetual censorship). The cautiousness of this pervasive during Martial’s era. Martial’s debt to Ovid (as well as Catullus) is evidenced in 1.1 with its echo of Trist. 4.10. For a discussion of the Ovidian allusions in 1.1, see P. Howell, A Commentary on Book One of the Epigrams of Martial (London, 1980). See also, Boyle (n.33 above), 95-96.


The punishment of the Vestals found guilty of incestum in 83 CE is an example of how seriously Domitian treated moral transgressions. The Vestals were tried by Domitian in his role as Pontifex Maximus, although the proximity of the case to the reintroduction of moral legislation, especially the Lex Iulia, illustrates the inextricability of lex and religio in this particular case. The trial of the chief Vestal in 90 CE was again orchestrated by Domitian as Pontifex Maximus, although the occasion coincides with his reinforcement of the laws against adultery and castration in the same year and must therefore be seen in conjunction with the censoria potestas of 85 CE.

59 Jones (n.31 above), 76-77. This view appears to be a revision of the earlier work by Jones, ‘Some Thoughts on Domitian’s Perpetual Censorship’, CJ 68 (1973), 276-77 (for a reply, see T. V. Buttrey, ‘Domitian’s Perpetual Censorship and the Numismatic Evidence’, CJ 71 (1975), 26-34.

60 Sullivan (n.22 above), 22.
book is further evidenced by Martial’s direct reference to the censorship in 1.4:

Contigeris nostros, Caesar, si forte libellos,  
terrarum dominum pone supercilium.  
consuevere iocos vestri quoque ferre triumphi,  
materiam dictis nec pudet esse ducem.  
qua Thymelen spectas derisoremque Latinum,  
illa fronte precor carmina nostra legas.  
innocuos censura potest permettere lusus:  
lasciva est nobis pagina, vita proba.

If by chance, o Caesar, you take my booklets,  
put aside the nod that rules the world.  
Even your triumphs are accustomed to endure sport,  
and a general is not embarrassed to be the focus of a jibe.  
Please read my verses with that expression  
with which you watch Thymele and ridiculous Latinus.  
The censorship permits innocuous fun.  
My page is naughty—my life upright.

(1.4)

Here Martial specifies that the office caters for *lusus* but *lusus* that is *innocuos*. With such a careful yet light-hearted approach, Martial avoids the interpreter’s malice referred to in Book 1, Preface 8. In the same way, the omnipotent presence of the perpetual censor can explain the tones and levels of intent in Book 6. K.M. Coleman, in an analysis of Domitian’s censorship, sums-up the climate succinctly:

Martial mentions the erotic poet, Sabellus, in an epigram written under Nerva; in Domitian’s reign he mentions Sulpicia, who wrote poetry celebrating married love. The moral tone of ‘Silvae’, celebrating marital
fidelity and bliss, accords with an imperial concern to publicize sexual morality.\textsuperscript{61}

(c) Poetic Considerations: When we acknowledge the political specificities of Domitianic Rome and assess the possibility of Martial ridiculing the Emperor, it appears all the more likely that 6.3 is essentially panegyric and not of use in the quest to establish a more subtle, subversive tone in 6.2. This interpretation is reinforced further when we look at the poetic considerations at work in 6.3, namely the echoing of Vergil’s Eclogue 4 and the theme of the deified Flavians, especially Julia.

The \textit{imitatio} of Eclogue 4 is easily detectable in 6.3:

\begin{quote}
cara deum suboles, magnum Iovis incrementum
dear offspring of the gods, great progeny of Jove
\end{quote}

\textit{(Ecl. 4.49)}

\begin{quote}
vera deum suboles; nascere, magne puer,
true progeny of the gods; be born, great boy.
\end{quote}

\textit{(6.3.2)}

The closeness in verbal parallel in the opening of each line is continued in the use of the adjective \textit{magnus} (great) applied to the offspring. This lexical similarity is enhanced by the thematic correspondence: Vergil’s prophetic poem heralds the birth of a special child as does Martial’s piece, and the strong imperial connection in 6.3 would be enhanced if we were to recognize the same ambience in Eclogue 4, namely that the child is linked with

Augustus. Martial's use of *imitatio* can therefore be seen as a poetic signifier that contributes to the panegyrical intent of 6.3. By selecting a well-known line from Vergil, and one that is unmistakably laudatory, Martial extols the future offspring of Domitian by enhancing the divine ancestry as well as the theme of the infant redeemer who will rule as his mighty father ruled.

The theme of divinity at the core of Vergil's metaphor is clearly present in Martial's piece. This theme serves a dual role in 6.3 as it applies to Martial's treatment of Julia as well as to the anticipated child of Domitian. Deification is synonymous with the Flavian gens and has been well documented. Julia, the recipient of deification in approximately 90 CE, had been consistently associated with divinity in the epigrams of Martial. In 6.3, for example, Julia's spinning of the golden thread of life equates her with the Fates. In 6.13 Martial again alludes to divine connections when he discusses Julia's beauty (symbolised by her statue) in relation to Venus and Juno. Finally, in 9.1 Martial refers to Julia as a *diva* (goddess) supplicated by a Roman *matrona* (married woman). Here she is situated at the temple of the Flavians, her final resting place.

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62 The identification of the child in Vergil's poem has long been a source of contention and conjecture. For a survey of the possible parents and offspring, see Robert Coleman (ed.), *Vergil: Eclogues* (Cambridge, 1977), 150-52. Coleman discusses the possible connections with Augustus. See also R. G. M. Nisbet, 'Virgil's fourth eclogue. Easterns and westerners', *BICS* 25 (1978), 59-78.

63 See, for example, the early work by Kenneth Scott, *The Imperial Cult Under the Flavians* (Berlin, 1936).

64 For a discussion, see Scott (n.63 above), 77-78.

65 Scott notes the echo of Seneca's *Apocolocyntosis* 4, 'where with thread of gold a life beyond all normal bounds is woven for Nero by the Fates. In Martial, Julia, apparently as *diva*, is to perform this task for the heir whose birth is desired' (75). Related references include Catull. 64.311-15; Petronius, *Satyricon* 29.6 and Stat. *Silv.* 1.4.123-27.
The poetic considerations at work in 6.3 demonstrate its categorisation as a poetic laudation, particularly in its *imitatio* of a well known, serious, possibly eulogistic work and in its utilisation of a highly appropriate panegyric device—and one that is well suited to the individual and family in question—the theme of deification. The echo of Vergil can even be seen as an enhancement of the praiseworthy intent of the poem, for in Vergil's work we note what was to become a trend by the time of Martial: imperial flattery.

In keeping with the panegyric nature of poems 1-3, the last piece in this first imperial cycle reinforces Martial's praise of the Emperor:

*Censor maxime principumque princeps,*
*cum tot iam tibi debeat triumphos,*
*tot nascentia templa, tot renata,*
*tot spectacula, tot deos, tot urbes,*
*plus debet tibi Roma quod pudica est.*

Greatest of moral crusaders, first of the first!
Now, although Rome owes you so many triumphs,
so many temples burgeoning and so many rebuilt,
so many spectacles, so many gods, so many cities,
she is additionally indebted to you because she is pure.

(6.4)

Martial applauds Domitian for a variety of achievements, not the least being the moral reformation. The latter topic is alluded to in the opening and closing lines, thereby giving it emphasis. The general approach to the reforms allows Martial to conjure up all three pieces of legislation: the *Lex Iulia*, the *Lex Scantinia*, and the ban on castration. As with 6.1, 6.2 and 6.3, there is nothing by way of sub-text in 6.4. The epigram, like those before it, reflects confidence in the regime and, by returning to the main theme of 6.2, it completes a quadrilateral panegyric cycle.
Book 6: Cycle II

Beginning with 6.7, the second panegyric cycle is markedly different in tone and approach to the first. 6.7 is a variation on the panegyric theme of 6.2 and 6.4. Distanced slightly from 6.4 and markedly so by way of 6.5, 6.7 establishes a thematic treatment of the Julian law that links it to 6.22, 6.45 and 6.91. These combine to form the second group, which is clearly based on a looser quadrilateral structure. Unlike the panegyrical surfaces of the epigrams in the first cycle, these poems praise the Emperor and his legislation through the use of satiric personae and a more playful, biting tone.

In Martial's attacks on those who thwart Domitian's moral legislation, we see a form of praise of the Emperor that operates along the same lines established by Lucilius. Lucilius' treatment of the men involved in opposition to Scipio has recently been analysed by Wendy J. Raschke, whose discussion of the satirist's attacks on Macedonicus and Lupus clearly establishes him as a public supporter of the Cornelii Scipiones, their politics, and their adherence to the mos maiorum.66 Of particular bearing on the epigrams of Martial that are to follow are Lucilius' attacks on moral transgressors, which may well be interpreted in light of Scipio's censorship (142-140 CE)—a censorship noted for its harshness and dogged promotion of tradition.67 Likewise, the satirist's attacks on adultery (Books 26, 29 and 30) and stereotypical female failings (Books 29 and 30) can be seen as public endorsement of Scipio's office and his high moral standards in general.

66 See n.30 above.

Sullivan refers to 6.7 as ‘Martial’s most pointed satire’, and its wit and frankness are testimony to this view:

Iulia lex populis ex quo, Faustine, renata est
atque intrare domos iussa Pudicitia est,
aut minus aut certe non plus tricesima lux est,
et nubit decimo iam Telesilla viro.
quae nubit totiens, non nubit: adultera lege est.
offendor moecha simpliciore minus.

Since the Julian Law has been revived, Faustinus, and Chastity has been ordered to stride into our homes, it’s the thirtieth day—or less—or at least no more, and Telesilla is now marrying hubby number ten. A woman who marries so many times isn’t marrying: by law she’s a slut.

I’m offended less by your average hooker. (6.7)

Here the reader observes Martial’s thematic link between the Lex Iulia and one’s private life; through the figure of Telesilla the public clashes with the private. The signs of Martial’s preoccupation with the law are marked by the word order in line 1: the emphatic placement of Iulia lex signposts the subject. The subtleties of intent can be unearthed by a reading based on vocabulary and syntax. In line 2 the perfect passive indicative, ‘iussa est’ (‘has been ordered’), suggests that Pudicitia (Chastity) has been ordered into private homes—she was not invited—nor did she come willingly. The use of the verb ‘intra re’ (‘to stride into’, 2) enhances the image of force, and is visually and emotionally empowered by its placement next to the word ‘domos’ (‘homes’). The military tone of both verbs conjures up the image of a crusade against the moral imperfections of the populace at large. The Emperor has initiated it and Chastity has carried out orders.

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68 Sullivan (n.22 above), 145.
The military vocabulary and tone, interspersed with reference to moral reform, link 6.7 to 6.4 and thus the two panegyric cycles: in 6.4 Martial writes of Domitian's triumphs (2) as well as his gift of chastity to Rome (5); in 6.7 Pudicitia becomes a personified force and wages a moral war on behalf of the Emperor. Garthwaite has commented on the verbal echoes between these two epigrams and compares the vocabulary expressing the Emperor's numerous accomplishments ('tot ... triumphos ... tot urbes/' 'so many ... triumphs ... so many cities', 2-4) with that depicting Telesilla's frequent marriages ('nubit totiens'/'[a woman who] marries so many times', 5). Another echo is also detected:

... the noticeably prosaic conclusion of 6.4, with its factual assertion of Rome's virtue (Roma quod pudica est), is echoed and underscored by the repeated est at the end of each of lines 6.7.1-3, only to be comically parodied at the end of 6.7.5 by the poet's equally categorical assessment of Telesilla's conduct—adultera est.69

The verbal echoes are surely no accident, but to argue that they underscore overt tonal elements in the earlier piece is not sustainable. To interpret the echoes as part of the epigrammatic tradition of wit, albeit in the subtle guise of linguistic conceit, is more in keeping with Martial's lapses into the 'jocular light-heartedness'70 so applicable to the writing of nugae (trifles). Here the reader notes the similarity of tonal approach between the intratextual game-playing evidenced in 6.4 and 6.7 and the atmosphere that pervades 6.2 resulting from its vocabulary and syntax.

69 Garthwaite (n.34 above), 15.
70 Sullivan (n.22 above), 238.
Chastity, by being ordered into people’s homes, has replaced the traditional supervision of *pueritia* by the *paterfamilias*;\(^7\) the Emperor becomes the father *par excellence*, an image that is highlighted in the epigrams on moral reform in Book 9 and one in keeping with the office of *censor*. The very public entrance of Chastity into the privacy of one’s home prepares the reader for Martial’s denunciation of Telesilla, thereby constituting the satire to which Sullivan refers.\(^7\) This ‘little girl from Telesia’ has identified and acted upon a loop-hole in the legislation and so, to avoid prosecution, she simply marries her lovers. The irony is that Telesilla’s actions have been motivated by a law based on the protection and enhancement of morality; hence Martial argues that she is legally an adulteress.\(^7\) This essentially superficial treatment of the intricacies of the law and its definitional boundaries allows Martial to use the legislation for the censure of one of the Emperor’s moral enemies.

In 6.22 a similar approach is adopted:

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Quod nubis, Proculina, concubino
et, moechum modo, nunc facis maritum,
ne lex Iulia te notare possit:
non nubis, Proculina, sed fateris.
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Because you’re tying-the-knot with your sex-slave,

Proculina,

only recently a casual fuck, now made a hubby,

lest the Julian Law should nail you, you’re not

tying-the-knot, Proculina, you’re confessing.

(6.22)

\(^7\) As Fantham (n.6 above) writes: ‘*Pueritia* was originally the concern of the family and above all the *paterfamilias* whose honour was affected by the behaviour of his children of either sex’ (272).

\(^7\) Sullivan (n.68 above).

\(^7\) For other examples of Martial on unpunished female adultery, see 2.39 and 2.56.
Martial again applies the *Lex Iulia* to an individual; Proculina weds her *concinusu* (concubine, 1) / *moechus* (male lover, 2) in order to avoid the law. In Martial’s opinion Proculina, like Telesilla, is publicising her guilt by opting for the legal loop-hole provided by the Julian law: marriage. The use of ‘*moechus*’ (‘a casual fuck’, 4) linked with ‘*nubis*’ (‘you wed’, 4) accentuates this theme and simultaneously challenges Roman values and traditions; marriage, because of the actions of such unethical women, is now a public declaration of guilt.

6.22, like 6.7, reflects Martial’s resentment of female power and sexual freedom. Proculina has a name based on the diminutive of the senatorial name ‘Proculus’, which indicates a stately social position. Proculina’s relationship and the poem overall are consequently given different hermeneutic layers based on one’s understanding of the use of the noun *concinus* (particularly in connection with the name Proculina). *Concinus* can be defined as a male paramour; a catamite; one who lives in concubinage. If one understands the term to mean a paramour, without any specific reference to class, Martial would appear to be discussing a sufficiently reprehensible act. If, however, he is referring to a male concubine, one of low social standing, particularly a slave, his epigram and its accusation become even more outrageous: not only has Proculina committed a sexual offence, she has committed it with a social inferior. To make matters worse, to avoid the law, Proculina married her inferior and elevated him in social standing from *concinus* to *moechus* to *maritus* (husband). Such attacks comply with what has been identified as a strong conservative strain in Martial’s work. His obscenity and his own sexual

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74 I would like to acknowledge the helpful discussions with Mr Terry Ryan from the University of Newcastle in the development of the ideas on the naming of Proculina. See also J.P. Sullivan, ‘Martial’s “Witty Conceits”: Some Technical Observations’, ICS 14 (1989), 192-94 and John Ferguson, *Juvenal. The Satires* (New York, 1979) in relation to Juv. 2.68 and Livy, 1.16 (130).

75 See n.41 above.
activities do not mark him out as any kind of radical; on the contrary, they reinforce his views on the natural order of the universe. This order, virtually a divinely sanctioned law akin to the laws of Domitian, assigns social status and relationship boundaries to human beings whose duty it is to adhere to their allotted role.

Martial pursues the same satirical form of attack in the third epigram in this imperial cycle. In 6.45 he begins with a general assault on female sexuality and then turns his attention to a specific figure, Laetoria:

Lusistis, satis est: lascivi nubite cunni:
permissa est vobis non nisi casta Venus.
Haec est casta Venus? nubit Laetoria Lygdo:
turpius uxor erit quam modo moecha fuit.

You have played the field!
Enough’s enough!
Wed, you naughty cunts!
You are not allowed to unless it’s a pure Venus.
There is such a thing as a pure Venus?
Laetoria weds Lygdus.
As a wife she’ll be more revolting
than she was just now as a slut.

(6.45)

Again Martial attacks women whose game-playing contravenes the Julian law. Martial, by addressing the personified cunni (1), and qualifying them by the adjective ‘lascivi’ (‘naughty’, 1), creates the ultimate symbol of private and unbridled female sexuality that is in direct contrast with public and controlled female sexuality as promoted by the censor perpetuus. When he moves from the general image of the wayward cunni to specify a tamed one (symbolised by Laetoria), his example remains just as
abhorrent. The application of the law does not change women as revolting as Laetoria.

Men can also be the objects of disgust, as 6.91 demonstrates:

Sancta ducis summi prohibet censura vetatque moechari. gaude, Zoile; non futuis.

The sacred rule of our most excellent leader
prohibits and forbids adultery.
Rejoice, Zoilus, you don’t fuck!

Zoilus is as repugnant to Martial as the sexually liberated females of 6.7, 6.22 and 6.45. Zoilus’ previously established reputation within the Martialian corpus consolidates his negative presentation in 6.91. In 3.82.33, for example, Martial stresses Zoilus’ liking for fellatio, a sexual preference that categorises and characterises him. This private pastime feminises Zoilus, rendering him no better than a woman. The stuprum (fellatio) itself has not been highlighted in the other poems on sexual and marital reform, and while Martial does not specify the act Zoilus has been guilty of in this epigram, he relies on the reader’s prior knowledge. The ridicule of Zoilus is juxtaposed with Martial’s siding with Domitian (1). The abrupt change of tone from the panegyrics of lines 1 and 2 to the crudity of the last word is not a ridiculing of the Emperor’s legislation but another example of Martial’s lightening of his theme in line with his genre. Martial’s treatment of Zoilus, Telesilla, Proculina and Laetoria is an example of the satiric tradition of Lucilius inasmuch as it is rage against the enemies of the leader with whom the poet aligns himself.
Book 6 has two panegyric cycles: (i) 6.1, 6.2, 6.3, 6.4 and (ii) 6.7, 6.22, 6.45, 6.91. The opening epigram with its themes of flattery and caution establishes an overall framework in that it informs us that Martial is pro-Domitian and that he must be careful in what he writes and how he writes it. This proemial epigram should be regarded as an intratextual signifier. The device of intratextual decodification is useful in terms of the latter case, and while it also facilitates the analysis of the verbal echoes of 6.4 in 6.7, an over application of the tool as in the case of Garthwaite’s study of 6.2 and 6.3 can lead to destabilising interpretive results.

Book 9

In terms of the theme of Domitian and his Principate, Book 9 offers the most fulsome treatment. Published in 95 CE, Book 9 contains approximately twenty-five references to Domitian. The topics of the panegyrics and more general references to the Emperor vary from the Temple of the Flavians to Domitian’s eunuch, Earinus. The theme of moral legislation is still present, albeit in a more confined context. 9.5 and 9.7 deal with the moral legislation in a straightforward style, while 9.101 offers a briefer, more general allusion via the phrase ‘mores populis dedit’ (‘he gave morals to the people’, 21). The book opens with a preface to Martial’s friend, Toranius, and begins with a panegyric on the aforementioned Temple. This direct movement into praise of the Emperor and his regime is a signpost for the laudation that follows.

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77 Sullivan (n.22 above), 43. Pitcher (n.1 above) mentions twenty-nine epigrams dealing with the Emperor, thereby ‘providing the largest group of epigrams concerned with an individual in a single book of Martial’ (86).

78 9.1, 9.3 and 9.34.

9.5 deals with the law against castration and alludes to the *Lex Scantinia* and the *Lex Iulia*:

Tibi, summe Rheni domitor et parens orbis,  
pudice princeps, gratias agunt urbes:  
populos habebunt; parere iam scelus non est. 
non puer avari sectus arte mangonis  
virilitatis damna maeret ereptae,  
nec quam superbus conputet stipem lenso 
dat prostituto misera mater infanti. 
qui nec cubili fuerat ante te quondam,  
pudor esse per te coepit et lupanari.

To you, supreme master of the Rhine and parent of the world,  
O chaste prince, the cities give thanks:  
they shall have a population; to bring forth is no crime now.  

No boy, cut by the art of an avaricious slave-dealer,  
laments the loss of his stolen manhood,  
nor does a wretched mother give her prostituted infant  
the earnings calculated by a haughty procurer.  
Decency, which before you, not even the conjugal bed possessed, now a  
brothel begins to show, because of you.  

(9.5)

Here Domitian is defined by the expression *'parens orbis' ('parent of the world', 1)* because Martial wants to stress the Emperor's parental role in the protection and nurturing of young men. This image is presented most strongly in lines 6 and 7 with the reference to the needy mother giving up her son to a pander—an act surely qualifying for prosecution under the *Lex Scantinia*.80

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80 See Boswell (n.10 above) and Veyne (n.11 above).
In 9.7 Martial presents a related epigram on the castration law and the Scantinian enactment:

Tamquam parva foret sexus iniuria nostri
foedandos populo prostituisse mares,
iam cunae lenonis erant, ut ab ubere raptus
sordida vagitu posceret aera puer.
immatura dabant infandas corpora poenas.
non tuit Ausonius talia monstra pater,
 idem qui teneris nuper succurrit ephebis,
 ne faceret steriles saeva libido viros.
dilexere prius pueri iuvenesque senesque,
at nunc infantes te quoque, Caesar, amant.

As if it were a small injury to our sex
that males should prostitute themselves to be defiled
by the public,
the cradle was but now the pimp’s own that a
boy snatched from the breast begged in tears
for the sordid coin. Immature bodies endured
unspeakable punishments.
The Ausonian father could endure such atrocities
no longer;
he whom of late has succoured tender youths,
lest savage lust make sterile men.
Boys and juveniles and old men esteemed you first,
but now infants love you as well, O Caesar.

(9.7)

As with 9.5, 9.7 is essentially panegyric. The image of the Emperor is again parental—this time he is the Ausonian father
(6). In addition to the pater imagery, Martial associates Domitian with a series of masculine words that encapsulate
the full spectrum of Roman manhood and potential manhood: mares
(husband, 2), puer (boy, 4), viri (men, 8), pueri (boys, 9), iuvenes
(young men, 9), senes (old men, 9), infantes (infants, 10). In
addition to these words, Martial includes the term ephebus (7), a
Greek noun denoting youths between the ages of eighteen and twenty.\textsuperscript{81} The word is not in direct keeping with the Latin vocabulary and may well be read as an allusion to Domitian's eunuch, Earinus, who also features in Book 9. The adjective \textit{tener} (tender, 7), which qualifies \textit{ephebus}, accentuates the imagery, feminising the noun and contrasting it with the associated Latin words.

Book 9 contains six pieces on Earinus, and as Garthwaite rightly points out: 'the epigrams for Domitian are designed from their very outset ... to incorporate the Earinus poems.'\textsuperscript{82} For example, the use of the adjective \textit{tener} to qualify \textit{ephebus} in 9.7.7 is echoed in connection with Earinus' name in 9.12:

\begin{quote}
Nomen habes teneri quod tempora nuncupat anni,

You have a name that heralds the tender time of the year,
\end{quote}

\textit{(9.12.1)}

In 9.36 Martial compares Earinus with Ganymede and thereby Domitian with Jupiter. Here Earinus is referred to as Domitian's \textit{ephebus}:

\begin{quote}
Viderat Ausonium posito modo crine ministrum
Phryx puer, alterius gaudia nota Iovis:
'Quod tuus ecce suo Caesar permissit ephebo
tu permitte tuo, maxime rector' ait;

The Phrygian boy, noted delight of the other Jove,
had spied the Ausonian cup-bearer with newly cut locks:
'Look at what your Caesar allowed his \textit{ephebus},
and allow yours, greatest of rulers', said he.
\end{quote}

\textit{(9.36. 1-4)}

\textsuperscript{81} For a listing of Roman usage, see \textit{TLL} 654-55.

\textsuperscript{82} Garthwaite (n.36 above), 87.
Word repetition is further utilised in 9.36 via the inclusion of the adjective ‘Ausonium’ at line 1, which echoes the description of Domitian in 9.7.6. Calling Earinus Ausonius minister in 9.36.1 not only links the two pieces, it fortifies the pater imagery of 9.7, making Domitian the father of his ephebus as Jupiter, in 9.36, is pater aetherius (7) to all, including Ganymede.

The reader is confronted, through these verbal echoes, with the issue of the poet’s levels of intent. One can argue that a tension exists between the Earinus poems and those on moral legislation. One wonders whether or not Martial is satirising, even criticising, the Emperor within the definitional boundaries of safe commentary as outlined by Demetrius and Quintilian. This leads to the issue of how to define the Earinus epigrams and their tone. Garthwaite regards them as an indirect criticism of Domitian:

... as the author subtly implies, these are not two distinct cycles but a coherent and inseparable whole—though their intrinsic contradictions will surely make us begin to question the nature of the panegyrics and Martial’s attitude to the emperor.

Sullivan, in contrast, posits that Martial demonstrates sympathy for an imperial favourite. These two divergent views are closely linked to, and very likely a partial result of, the clash between a concept of freedom of speech and the political climate of Flavian Rome. Obviously, Martial must be careful when venturing into the territories of political commentary and favouritism, and what needs to be initially highlighted in an analysis is the overtly panegyric surface tone of both the Earinus cycle and the epigrams on sexual and marital reform. The laudatory nature of 9.5 and 9.7,

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83 On Demetrius and Quintilian, see the discussion of 6.3.

84 Garthwaite (n.36 above), 87.

85 Sullivan (n.22 above), 145.
as already outlined, is easily accessed and the same can be said in the case of the Earinus epigrams:

(a) *Poetic Presentation of Earinus and Domitian*: In the poems that celebrate the Emperor's favoured eunuch, Martial is consistently mindful of creating a positive portrait of both the servant and his master. This is achieved by the subtle yet ingenious focus on the name rather than on the youth per se and by the application of mythical and divine imagery to the respective *persona*. 9.11 illustrates this dual approach:

Nomen cum violis rosisque natum,
quo pars optima nominatur anni,
Hyblam quod sapit Atticosque flores,
quod nidos olet alitis superbae;
nomen nectare dulcius beato,
quo mallet Cybeles puer vocari
et qui pocula temperat Tonanti,
quod si Parrhasia sones in aula,
respondent Veneres Cupidinesque;
nomen nobile, molle, delicatum
versu dicere non rudi volebam:
\[\text{sed tu syllaba contumax rebellas.}\
\[\text{dicunt Eiarinon tamen poetae,}\
\[\text{sed Graeci quibus est nihil negatum}\
\[\text{et quos } \text{'Aρες } \text{'Aρες } \text{decet sonare:}\
\[\text{nobis non licet esse tam disertis}\
\[\text{qui Musas colimus severiores.}\

A name born with violets and roses,
from which is named the best part of the year,
which tastes of Hybla and Attic flowers,
which smells of the nest of the proud bird.
A name more honeyed than blessed nectar,
by which Cybele's boy and he who mixes the Thunderer's draught would rather be called,
which, if sung in the Parrhasian palace,
would be answered by Venuses and Cupids.
A name noble, soft, delicate
I desire to express in verse not unskilled.
But you unyielding syllable—you rebel!
And although the poets say 'Eiarinos',
they are Greek—to whom nothing is denied—
and to whom it is seemly to sing 'Ares, Ares'.
We, who cultivate sterner Muses,
are not permitted to be so articulate.

(9.11)

Martial draws the reader's attention to the significance of Earinus' name by the syntax of line 1.86 nomen is the first word of the line and Martial, through his reference to violets and roses, associates the name with gentle, feminine symbolism. This connection is continued in the evocation of spring-time (2), the tastes of Hybla and Attic flowers (3), and blessed nectar (5). The resultant picture is of a romantic, youthful, attractive male. The poet, however, has been careful to stress that the name—not the boy—is being described. This approach is subtle, clever and safe.

The subtlety of the name as a focal point is best illustrated by Martial's use of terms indicating sexuality and sexual roles. In line 10 Martial refers to Earinus' name with the phrase 'nomen nobile, molle, delicatum' ('a name noble, soft, delicate'). Sexual innuendo is implicit in Martial's choice of words, 87 particularly molle and delicatum, but Martial has simultaneously established a safety-net in relation to the name issue that is to be found in the cleverness of the choice of adjectives: while both molle and delicatum can be used to describe an effeminate male and/or a catamite/castratus, they also define the quality of speech, sound,

86 The syntax of line 1 with the insertion of nomen at the beginning of the line is repeated in lines 5 and 10.

87 As Garthwaite argues (n.36 above).
verse and as such are aptly applied to the very subject of the epigram: the name, its pronunciation and unorthodox scansion. The word order is also important in this line: the adjective *nobilis* is the first to qualify the noun and it highlights the nobility associated with the *nomen* above its softness and delicacy. In this sense Garthwaite’s argument in favour of the poet’s stress on the status of Earinus as Domitian’s lover is not in keeping with the overall tone and subtlety of the epigram. Garthwaite is right to note Martial’s focus on the derivation of the youth’s name, but the distinction must be made between such an overt point of emphasis and (i) Earinus’ emasculation and (ii) ‘his status as Domitian’s young slave and lover.’ The statue of Earinus as a *castratus* is only alluded to (6-7) and his sexual function is barely addressed.

In 9.11.6-7 Earinus’ name is associated with Attis and Ganymede respectively, and the imagery of Attis/Cybele, while not overtly involving Domitian, casts light on the image and role of Earinus in relation to the Emperor: Earinus is no common eunuch but, like Attis, a youth chosen by a god for servitude and devotion in a specifically non-sexual role. As the earthly Ganymede the boy serves the earthly Jupiter, and again the sexual role the reader expects to find explicit in the image is rendered barely implicit, for Martial safely focuses on the role of Ganymede the cup-bearer.

The mythical and divine imagery continues in other epigrams in the cycle. In 9.12.3-4, for example, Earinus’ name is associated with Venus, while in 9.16 and 9.36 Martial returns to the Earinus/Ganymede comparison and consequently the

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88 For *delicatum* describing sound/speech: Cic. *de Oratore* 3.98 and Quint. *Inst.* 9.4.31. For *mollis*: Cic. *Brutus* 38; *de Orat.* 2.95; *Orator* 40; Ovid, *Epistulæ ex Ponto* 1.5.14; Persius, *Sat.* 1.63; C. Velleius Paterculus, 1.7.1; Quint. *Inst.* 9.4.78.

89 Garthwaite (n.36 above), 88.

90 Garthwaite (n.36 above), 88.
Domitian/Jupiter analogy. Earinus’ offer of his locks at the temple of Aesculapius at Pergamum is the subject of 9.16 and the Ganymede comparison is based on the superiority of Earinus’ hair to that belonging to Jupiter’s boy:

Consilium formae speculum dulcisque capillos
Pergameo posuit dona sacrata deo
ille puer tota domino gratissimus aula,
nomine qui signat tempora verna suo.
felix quae tali censetur munere tellus!
   nec Ganymedeas mallet habere comas.

The boy, the master’s favourite in all the palace, whose name signifies the blossoming season, has dedicated his mirror—beauty’s adjudicator—and his sweet curls, as sacred offerings, to the god of Pergamum. Blessed be the land appraised by such a gift. It would not prefer to own a Ganymedian lock.

(9.16)

In 9.36 the most overt Earinus/Ganymede and Domitian/Jupiter comparison is presented:

Viderat Ausonium posito modo crine ministrum
   Phryx puer, alterius gaudia nota Iovis:
   ‘Quod tuus ecce suo Caesar permisit ephebo
tu permitte tuo, maxime rector,’ ait.
   ‘iam mihi prima latet longis lanugo capillis,
   iam tua me ridet luno vocatque virum /
   Cui pater aetherius ‘Puer o dulcissime,’ dixit
   ‘non ego quod poscis, res negat ipsa tibi:
Caesar habet noster similis tibi mille ministros
tantaque sidereos vix capit aula mares;
at tibi si dederit vultus coma tonsa viriles,
   quis mihi qui nectar misceat alter erit?’
The Phrygian boy, noted delight of the other Jove, had spied the Ausonian cup-bearer with newly cut locks: ‘Look at what your Caesar allowed his ephebus, and allow yours, greatest of rulers’, said he. ‘Now the first down is hidden by my long curls, now your Juno laughs at me and calls me a man.’ To him spoke the heavenly father: ‘O, most delicious boy, not I, but the situation itself, denies what you ask. Our Caesar has a thousand cup-bearers like you, and the palace has barely room for so many starry youths. But if cropped hair gives you a macho look, who else will there be to mix nectar for me?’

(9.36)

Again, the focus is not on Ganymede as Jupiter’s catamite but, as in 9.16, on the lock dedication and the roles of both Earinus and Ganymede as cup-bearers to gods. The cup-bearer motif opens the epigram with Ganymede’s definition of Earinus and the same image ends the epigram with Jupiter’s reminder to Ganymede of his role in heaven.

It would not be presumptuous to suggest that Martial was familiar with his audience, the Martia turba (Mars’ mob, 1.3.4), and as he writes of their discernment (1.3.4) one can argue that he would surely have anticipated their recognition of the archetypal master and catamite implicit in the Jupiter and Ganymede story. Martial himself uses Ganymede in other epigrams as a symbol of the passive boy lover.91 Likewise, however, we can posit that the poet knew his Emperor and subsequently he would have been aware that any strong comparison between Earinus/Ganymede and Domitian/Jupiter on a sexual basis would have been inexpedient. Therefore, he handles the story with precision, and the result of his careful craftsmanship is a comparison that works within the panegyric genre and is ultimately defensible.

91 2.43, 3.39, 5.55, 10.98 (by far the most graphic or overt reference to Ganymede’s sexual activities), 11.104.
(b) The Commissioning of an Anathematikon: The motivation on Martial’s part to include the Earinus cycle is an important consideration in terms of accessing levels of intent. In these poems, Martial is clearly tapping in on public discussion; the Emperor and his castratus are a public pair, which furnishes a legitimate reason to feature them. The possibility that Martial’s epigrams were commissioned, or were aimed at earning a future commission, is significant in terms of his intent.

Statius writes that Earinus commissioned him to write a poem in honour of the offering:

\[\text{cum petisset ut capillos suos, quos cum gemmata pyxide et speculo ad Pergamenum Asclepium mittebat, versibus dedicarem.}\]

When he had asked that I should in verses dedicate his hair which he was sending to the Pergamene Aesculapius with a jewelled box and a mirror.

\((\text{Silv. Book 3, Preface 1-3})\)

The request resulted in \textit{Silvae 3.4}, an anathematikon in the Greek tradition. While Martial does not refer to a similar request on the part of the youth, the Earinus cycle in Book 9 may well have been commissioned. Martial does, after all, include epigrams that correspond to Statius’ dedicatory celebration: 9.16, 9.17 and 9.36 all deal with the offering.\(^9\) 2


Though the subject is different, these three poems [9.11, 9.12 and 9.13] were probably written on the same occasion as the three discussed earlier [9.16, 9.17 and 9.36]. In any case, they have to have been written within the year which separates the publication of Book Eight from that of Book Nine. And since at no time during the years before or after Book Nine did Martial mention Earinus, it seems likely that during the year in question also, he did not deal with him until asked. Furthermore, the nucleus from which the variations on the name proliferated is plainly to be found in a line from number 16, on the offering to Aesculapius: “puer ... nomine qui signat tempora verna suo.”
To take the Earinus cycle in Book 9 as a commissioned collection places a restriction on the extent to which the reader can argue in favour of poetic subversiveness. The origin of the anathematikon is also worthy of consideration. This Greek dedicatory genre was composed to celebrate an offering to the god(s), an offering that frequently took the form of a lock of hair. As such, the poems reflect a significant religious event and were clearly meant to be taken seriously. The fact that the early anathematika were written to accompany the actual offering in the temple further enhances their religious significance. This Greek background to the writing of dedicatory poems, its religious context in particular, further colours or restrains the reader’s interpretations of Martial’s intent. The sombre and pious nature of

What Martial sought to do was to produce enough verse to justify the sending of a proper brochure. The total of verses equals a little over half the length of the Statian poem. (290)

See also W. Hofmann, ‘Motivvariationen bei Martial. Die Mucius Scaevola—und die Earinus-Gedichte’, Philologus 134 (1990), 45 and C. Henriksen, ‘Earkin: An Imperial Eunuch in the Light of the Poems of Martial and Statius’, Mnemosyne 50 (1997), 291-92 (my thanks to Dr Elizabeth Baynham from the University of Newcastle for bringing this article to my attention).

93 See Book 6 of the Anthology for examples of dedicatory epigrams, including poems on the offering of a lock of hair. For a discussion of the anathematikon and Statius’ use of the Greek model, see Alex Hardie, Statius and the Silvae (Liverpool, 1983), 121. Catullus 66 on the lock of Berenice is noteworthy. This particular work, based on an original by Callimachus (written between 246-245 BCE), celebrates Berenice’s offering. In its thematic scope, the Catullan imitatio not only celebrates the Egyptian queen’s action, it praises the royal household and its head, Ptolemy III, in a panegyrical style that very probably reflected the sentiments of the original.

94 It has been suggested that the works by both Statius and Martial on the lock were not intended to be sent with the dedication. See, for example F. Vollmer, P. Papinii Statii Silvarum libri (Leipzig, 1898), 216. See also the suggestion by O. Weinreich, Studien zu Martial (Stuttgart, 1928), 106ff. that Martial’s collection may well have been presented to the Emperor and Earinus as a libellus (a theory recently discussed by Henriksen [n.92 above, 293-94]). Such a possibility further reduces the likelihood of serious subversiveness in the cycle and in the published book (even with the addition of 9.5 and 9.7).
the genre, of which Martial would not have been ignorant, would surely have made him sensitive to the appropriate handling of the subject and genre. As an epigrammatist, Martial lightens his subject through the Earinus/Ganymede and Domitian/Jupiter comparison, but the underlying tradition of the Greek dedicatory poem is still detectable and significant.

The Earinus cycle, therefore, deals with safe material in a safe way. The cycle fits in well with the panegyrics on Julia in Book 6, another publicising of a relationship between the Emperor and a member of the court. The Julia poems emphasise familial values and are therefore as praiseworthy of the uncle as they are of the niece. The Earinus epigrams continue the familial imagery through the depictions of Domitian as Jupiter and as pater. It is in the father imagery that the reader detects the link to the earlier poems on legislation.

(c) Domitian as Pater: In 9.5 and 9.7 the focus is on Domitian, not only as the recreator of the Lex Iulia, the Lex Scantinia and the law against castration, but as pater—hence the appropriateness of the symbol of Jupiter in the related cycle. Nevertheless, the placement of the panegyrics on Earinus within the fuller context of Book 6, namely the epigrams on the castration legislation and the Lex Scantinia, have been regarded intratextually as being geared to the creation of a tension: Domitian in this light can be seen to be a hypocrite. However, the repetition of the father imagery and the divine parallels weaken this interpretation. Statius' Silvae 3.4 is an enlightening addition to this discussion because it deals

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95 The idea of Domitian being a hypocrite for having legislated against castration yet keeping a eunuch would be enhanced had Earinus been emasculated after his arrival at court. Garthwaite, basing his view on Silv. 3.4.65, argues that the castration 'is imagined as belonging to the distant past, perhaps even before Earinus became the emperor's attendant' (n.54 above, 118). He presents a different view in a later paper: 'Admittedly, Martial does not say whether Earinus had been emasculated on Domitian's order. Statius, however, reveals that the boy had suffered castration after his acquisition by the emperor and his arrival in the palace (Silv. 3.4.65ff.)' (n.36 above, 100 n.19).
openly with the castration of the youth in conjunction with the
laws of Domitian, the caring father of Rome’s youth:

haud ulli puerum mollire potestas
credita, sed tacita iuuenis Phoebelius arte
leniter haud ullo concussum uulnere corpus
de sexu transire iubet. tamen anxia curis
mordetur puerique timet Cytherea dolores.
nondum pulchra ducis clementia coeperat ortu
intactos seruare mares; nunc frangere sexum
atque hominem mutare nefas gauisaque solos
quos genuit natura uidet, nec lege sinistra
ferre timent famulae natorum pondera matres.

To no one was the power entrusted to unman the boy,
but the son of Phoebus with quiet skill
softly orders the body to give up its sex,
struck with no wound.
But Cytherea is anxious—consumed by cares—
and fears the suffering of the boy.
Not yet had the glorious clemency of the Emperor
begun to keep males untouched from birth.
Now to ruin masculinity and to mutilate a
human being is sacrilege,
and nature delights to see man as she made him,
nor does a left-handed law cause
slave mothers to fear to bear children.

(Silv. 3.4.68-77)

Statius clearly regards the castration of Earinus as fit subject
matter to be placed alongside reference to Domitian’s law.\(^\text{96}\) We
can argue, in light of this poetic confidence, that Statius is
comfortable because Earinus’ castration occurred before the
legislation of 82 CE. The location of the act of castration is kept
vague; Statius describes the role of Venus in removing the young

\(^{96}\) Statius again refers to the ban in Silv. 4.3.13-15.
Earinus from Pergamum (3.4.21ff.) and he narrates the journey to Rome (3.4.47ff.) but the rest remains appropriately hazy. This approach to geography removes Domitian and his court from the scene of the deed, which further signifies skill and ease on the poet's part in dealing with such potentially awkward material. The juxtaposition of this personal story with the public nature of Domitian's reform, overtly praised as an act of clemency, strikes the perfect balance needed in successful panegyric.

Statius is not concerned with (nor does he intend) any slight against the Emperor and Martial's handling of the themes is similar. Book 9 continues Martial's pro-Domitian stance and extends his panegyrical repertoire to include the Earinus cycle, which is an inversion of the second imperial series of Book 6: in the latter Martial attacks those who break the laws of the Censor Perpetuus and consequently extols the reintroduction of the Lex Iulia; in the former he praises a favourite of the Emperor and thereby extols the outlawing of castration. The Earinus cycle thereby fits in well with 9.5 and 9.7 with both panegyrical groups strongly complimenting the Emperor and reinforcing the sentiments of Book 6.

Finally, it should be reiterated that Earinus' eunuch status and the Emperor's relationship with him do not in any way contravene the laws regulating sexual expression and castration. The Lex Iulia and the Lex Scantinia did not apply to slaves and, if Earinus were manumitted after the cutting of his hair,98 passivity, as discussed by M. Annaeus Seneca, was an obligation that a freedman owed his master.99 Furthermore, Sullivan's suggestion that 'Earinus' plight, or his complaints' could have 'lead Domitian to decide that castration produced more misery than

97 This is a reading in contrast to the one offered by Garthwaite (n.95 above) and Henriksen (n.92 above), 283-84.

98 Henriksen (n.92 above), 285.

happiness',\textsuperscript{100} can be interpreted as a positive and legitimate explanation of Martial's series on the youth.

**Conclusion:**

The Domitian panegyrics in Books 6 and 9 are positive poems by a poet who is writing in both the epigrammatic and satiric tradition. These works, because they are from a man renowned for his obscenity, wit and satire, can mistakenly be interpreted as clever attacks on the Emperor. This view is, however, out of step with the environment of Flavian Rome. Martial was living in an age of literary censorship and competition for artistic patronage. He was also accustomed to the presence of public/literary laudatio and was alert to its possible benefits. Such considerations along with generic issues and individual verbal indicators need to be acknowledged when discussing these epigrams.

The reader will never know what Martial actually thought about the Domitianic Principate when he wrote the epigrams of Books 6 and 9; as one scholar has recently pointed out in relation to Statius' *Thebaid*: 'such blandishment was a standard and even necessary part of epic and occasional poetry. Like almost any writing, it cannot be attested as being representative of the poet's true feelings.'\textsuperscript{101} Martial's true feelings may or may not be revealed in the Domitian panegyrics but this is a secondary consideration in an assessment of the poems overall. What he publicly pronounced is overt support for the Emperor, his moral

\textsuperscript{100} Sullivan (n.22 above), 39.

\textsuperscript{101} William J. Dominik, 'Monarchal Power and Imperial Politics in Statius' *Thebaid*, *Ramus* 18 (1989), 76.
reforms and his imperial favourites. Martial played the panegyric game as befits his era and kept himself safe.

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