

**A Popular Poet:  
Ovid's Challenge to Augustan Legal Reforms**

By

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*“non caret effectu, quod voluere duo”*

What two lovers want lacks nothing in execution.

Ovid | *Am.* 2.3.16

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## Introduction

Q: What's the difference between a jellyfish and a lawyer?

A: One's a spineless, poisonous blob. The other is a form of sea life.

Lawyer jokes have increasingly become staples of American popular culture over the past few decades. They have made their debut across all major media outlets—books, magazines, newspapers, cartoons, comedy routines, movies, television shows, news stations, the list could go on and on—that attribute a host of social ills to the widespread sense of litigiousness consuming American society. Sociologists William Haltom and Michael McCann decided to devise a study in 2004 that sought the answer to why American citizens flocked around their prominent elites to blame lawyers and litigants for their sociopolitical problems. Their data showed that the lawsuits, which were supposedly proliferating in obscene numbers, such as suing cases, were in fact decreasing in percentages. That is, the media's representation of law was distorting facts gleaned from rigorous sociological studies. Can popular culture really have so much sway over American minds that it is able to reinvent the American public's ideas of justice and fairness, warping reality even in the face of hard statistical evidence? The answer appears to be yes.

Thus the germ of this thesis was born. It is rather disconcerting to see that a modern person's understanding of law and legal realities can change under the pressure of mass politics. As a classicist, I was moved to ask whether this phenomenon can be limited to the modern sphere or if it instead has roots in a deeper, ancient environment. This thesis seeks to confirm evidence of this in an ancient context through a case study on Publius Ovidius Naso guided by following question: Could Ovid's popular poetry be capable of generating a similar sense of anti-litigiousness within public attitudes in Rome concerning the legal reforms of Emperor Augustus influential enough to force Augustus' hand against the poet?

Chapter I of this thesis seeks to situate the argument in its particular time and place. It cements the choice of Ovid as representative of part of Roman popular culture responding to the sociopolitical upheaval caused by the emerging *principate* and as uniquely situated to challenge Augustan legislation due to his distinctive legal background. Popular culture certainly existed in ancient Rome, but it does not offer the modern scholar a direct parallel to contemporary popular culture. Additionally, issues of literacy and unequal education play a role in who would have formed Ovid's target audience. Chapter I sifts through the sociopolitical and educational factors that would have contributed to the formation of popular entertainment in Rome, ultimately establishing a place from which Ovid could have enjoyed widespread literary success. With a plausible framework for Ovid's popularity carefully constructed at the end of Chapter I, the thesis progresses to the citation of specific examples within Ovid's poetry that would have stood as a challenge to the emperor's moral reforms.

Chapter II of this thesis seeks to establish a corpus evidence from which the conclusion can reasonably be drawn that Ovid's poetry engaged with Augustan moral legislation and offered a challenge to its stability strong enough to influence public reception of the reforms. Focusing primarily on *Amores* 3.14 and excerpts from the *Metamorphoses* Books III and IX, the myths of Actaeon and Myrrha respectively, this chapter hones in on the similarities of legal terminology and poetic content of the two works to ultimately assert that a continuity of thought with regards to Ovid's anti-Augustan position can be recognized. Therefore, due to this stability of thought, it seems reasonable to suggest that Ovid's readership could have been influenced with respect to the development of its opinion about Augustus' legislation by such prolonged exposure. Returning to the original question of the thesis, it would seem that based on these circumstances, we can at the very least see a shadow of the modern influence of popular culture in Ovid.

In conclusion, this thesis hopes to establish credibility for the claim that Ovid in his poetic capacity might have been capable of swaying the public mind against Augustus' heavy-handed attempts at regulating the morality of Rome on a broad scale through the dissemination of his popular poetry. Modern scholarship has done much in considering what influence Ovid's legal terminology might have had on his readership and the nature of the agenda promoted by it, but it has not made strong efforts to discuss the implications of such usage on modern society. Ultimately, this thesis hopes to be of use to the ongoing debate concerning the relevance of Classical Studies to the modern world in the way that it proposes a partially Ovidian basis for modern popular culture's distortion of law.

## Chapter I

### Contextualizing Ovid: The Dialectic between Law and Poetry

#### Publius Ovidius Naso

The author whose works this thesis seeks to address requires little introduction. Publius Ovidius Naso was born on March 20<sup>th</sup>, 43 BCE, in Sulmo, Italy. The majority of the biographical information available to us comes from the poet's own hand in his work *Tristia* (Ingleheart and Radice 2011, 12). From it, we know that the author's family was of equestrian rank, wealthy enough to send two sons to Rome for their formal education and Ovid abroad to Greece for further instruction. Consisting of courses in both rhetoric and Roman and Greek literature, Ovid's tutelage in public speaking afforded him extensive training in the art of persuasive argumentation. The youthful Ovid was himself supposedly quite talented at *suasoria*—speech in which a certain course of action is advised (Ingleheart and Radice 2011, 12). Though already deeply interested in poetry as a teenager, Ovid curbed his passion at the behest of his father, holding minor judicial and administrative positions, first as one of the *tresviri capitales* and later on the panel of the *decemviri in litibus iudicandis* (Henderson 1979, 1). Eventually, however, the call to verse overcame the respect for his father's expectations, and Ovid abandoned the senatorial track to pursue his poetic career. Nevertheless, his rhetorical training did not go unutilized. His combined academic and professional experiences with the Roman legal system can be seen informing his poetry; his choice of argumentation and clever manipulation of language as well as his repeated use of legal terminology are a testament to that.

The poet's choice to abandon a public career for verse came at a pivotal moment in Rome's history. With more than a century of civil war finally coming to a close, Augustus possessed decades' worth of time that his late adoptive father did not have to reestablish the

Roman state. Undertaking the task to resituate Rome politically, militarily, and socially, Augustus' rebuilding campaign sought to improve the city both physically and intellectually. Through the help of Maecenas, a close friend and trusted advisor, the emperor became patron to Horace, Vergil, and Propertius (Ryan and Perkins 2011, 4). Ovid himself wrote under the patronage of Messalla, who was also patron to Tibullus, participating in Augustus' cultural revival.

The environment created by Augustus' rebuilding scheme allowed for poets to pursue much gentler topics than those occupying the works of the previous decades. However, Ovid was not content simply to pay homage in verse to the man whose regime brought about the peaceful atmosphere through victory in a civil war. Davis asserts what Holzberg claimed before him, namely that it is universally and rightfully accepted that a distinction be made when viewing a Roman elegist as an author and as a persona (2006, 18). Therefore, uncertainty enters the scene when trying to determine which statements reflect an author's actual beliefs. Ovid exploited this ambiguity through developing an intertextual component to his poetry, which allowed him to nuance his verse with multiple interpretations (Holzberg 2002, 4). While not the first to do this, Ovid's artistic techniques were distinctive, permitting him to make veiled references to events and institutions of his day, all under the guise of literary allusion (Holzberg 2002, 6-7).

Yet it was this prolific use of words that ultimately led Ovid to his downfall. At the height of his poetic career in 8 CE, Ovid was banished to Tomi on the Black Sea, infamously because of a *carmen et error*<sup>1</sup>. Ovid died in 17 CE roughly a decade after his exile. Most scholars agree that the offending poetic work was the *Ars amatoria*, Ovid's guidebook on seduction which Emperor Augustus felt incited the exact adulterous behavior that his moral

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<sup>1</sup> *Tr.* 2.207

legislation of the late 1<sup>st</sup> century BCE attempted to control, because Ovid says as much himself. However, the question still remains as to why the Roman Emperor thought that the poet's writing merited such a drastic punishment. An inquiry into this requires an examination of the relationship between Ovid and Augustus, and more importantly consideration of who would have been absorbing the messages of Ovid's poetry.

### **Augustan Legal Reforms**

With the sociopolitical power that he accumulated as a result of his victory over Marcus Antonius, Augustus began to interfere with Roman culture. Returning from foreign fronts in 19 BCE, he embarked on a massive social project that would return the Roman state to its idealized, traditional form. Inserting himself into the personal lives of his people, Augustus' moral regeneration of Rome consisted of legislative action reflective of his version of the period of civil wars: the bloodshed was a product of divine punishment for the immoral transgressions of the Roman people (Potter 2009, 169). He resituated Roman piety to be at the forefront of civilian life, restoring temples neglected during the years of civil strife and championing moral decrees that interfered in the very bedrooms of the Roman people.

In turning to the specific legislation that Ovid would have been commenting on in his poetry, it is essential to consider the legislative tradition preceding Augustus' moral statutes. Compared to the policing done by the previous legal period's authorities on marital sexuality, the Augustian legislation stands in stark contrast. Roman legal scholars are in consensus about the proposition that Roman legislation was unconcerned with adultery prior to the *lex Iulia de adulteriis coercendis* unless the circumstances were exceptional (Cohen 1991, 110). The provisions of the new legislation were far-reaching and revolutionary, given the social norms surrounding sexual practices at the time. The *lex Iulia de adulteriis coercendis* disallowed

extramarital relationships for women, with exceptions for slaves, prostitutes, and those specialized in certain base professions. Additionally, the *lex Iulia de maritandis ordinibus* limited marriage between social classes. Combined, these laws would have pointedly affected the lives of the Roman elite<sup>2</sup>.

The tension between law and love as simultaneously close relatives and polar opposites is a phenomenon that has its origins in antiquity. The Augustan legal reforms become a perfect case study for this dialectic between law and love—one that our Roman love elegist could not ignore (Ziogas 2016, 24). As the Augustan elegists wrote their love poetry, they also engaged in a rejection of accepted social customs and behaviors. Most obviously, the seemingly adulterous<sup>3</sup> nature of these elegiac affairs stood in direct opposition to legislation at the time, which directly addressed and severely punished such relationships. Additionally, the submissive representation of the male counterpart in the lovers' interactions would have been utterly unacceptable to a typical male citizen in Rome. Finally, the entire mission of the poetic lover, absorbed solely in the pursuit of love and *otium* (leisure), would have challenged the customary public or professional career expected of the male citizen. At times, the love affairs were themselves presented as being equivalent to waging war, “an idea which was particularly provocative in the age of Augustus” (Ingleheart and Radice 2011, 11). As rational principles of jurisprudence are employed to regulate the irrational power of passionate love, the act of lovemaking can viewed as a trope for lawmaking in Ovid's poetry (Ziogas 2016, 26). Throughout the conventions of

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<sup>2</sup> Even Augustus' own daughter and granddaughter were among those negatively affected by the new legislation, much to the emperor's chagrin, and were a source of great anxiety to him.

<sup>3</sup> Ovid was forced to build a legal defense into his writing from the very beginning due to the legal restrictions he was writing under compared to his predecessors. He therefore exploited the ambiguous status of the freedwoman courtesan in this new moral legislation, deliberately declining to make clear the legal status of the women that traipsed about his elegiac verse.

this genre, public values are rejected for the pursuits of the elegiac world, a perfect breeding ground for challenges to authority.

### **The Texts**

To claim that we truly know the individual named Ovid is debatable. The sociopolitical climate of the late 1<sup>st</sup> century BCE and early 1<sup>st</sup> century CE is relatively well studied; “but we know Ovid himself only in the forms and figures into which he transformed himself in his poems” (Holzberg 2002, ix). He arguably comes before his audience in a role when he introduces himself as the word “I,” an idea that introduces skepticism into the biographical information found in his *Tristia*. Regardless of the correctness in personal details, it is indisputable that Ovid was a *poeta doctus*, a learned poet. Enjoying attention among his contemporaries as a leading figure in the literary and social circles in Rome, Ovid composed a number of works, including the *Amores*, *Ars Amatoria*, *Heroides*, and *Metamorphoses*, as well as *Tristia* during his exile. This thesis will focus in particular on excerpts from the *Amores* and *Metamorphoses*.

### **The *Amores***

The *Amores* are considered to be a part of the collection of Latin love elegy, a genre well established by the time Ovid was writing under the reign of Emperor Augustus in the late 1<sup>st</sup> century BCE. It stands as his first published collection and major contribution to Latin love elegy, for which he gained almost instantaneous fame (Ingleheart and Radice 2011, 9). While the poet’s contribution was inserted into a genre already uniquely stamped by both Propertius and Tibullus, Ovid was not prevented from adding his own individual flavor (Ryan and Perkins 2011, 8)<sup>4</sup>. Latin love elegy is recognizable as a genre due to each poet’s awareness that he was

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<sup>4</sup> The genre of elegy is thought to have originated with Gaius Cornelius Gallus, who lived and wrote from 70 BCE to 26/7 BCE. While we know of four books of poetry entitle the *Amores*, very little of Gallus’

contributing to a greater tradition with conventions. This awareness also enabled those interested in playing with the rules of the genre—Ovid being chief among them—to make innovative and unique contributions.

The content of elegiac poems typically centered around the poet's overwhelming devotion to an unavailable and often married female figure, a *puella* (girl) or *domina* (mistress). The status of the elegiac woman is often left deliberately ambiguous. Under the new legislation, prostitutes were allowed to engage in adulterous behavior. Naturally, poets like Ovid, who were concerned with potential backlash for their erotic content, exploited this grey area of the law in order to safeguard themselves. The *domina* character would have been especially shocking to male Roman citizens because her role was suggestive of slavery and the particular enslavement of the poet to his beloved. Since slaves occupied the lowest rung of ancient Roman society, the slavery notion also insinuates that these adulterous relationships were not happy ones (Ingleheart and Radice 2011, 10). The Lover then becomes somewhat of a tragic figure. He is loathsome to his fellow Roman males due to the submissive role he plays in the lovers' interactions, and yet pitiable in certain respects for the cruelty he endures frequently from his beloved. Latin love elegy often features recurring obstacles to the tumultuous affairs, including an unfaithful *domina*, a guard chaperoning the beloved, and a wealthy rival lover.

The poetry is characterized metrically by the elegiac couplet: first line includes six feet of dactylic hexameter; the second line five feet of pentameter. The meter itself is reflective of the more morose content of the poetry as it is originally thought to have supplied the rhythm of

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works remain today. Nonetheless, his influence is reflected in the writings of Ovid's predecessors Propertius and Tibullus, as well as Ovid himself. Certain scholars believe the genre to have originated with the style of Catullus. However, it seems to be generally agreed upon that Gallus concretized the tradition. See Ingleheart and Radice, 2011, and Ryan and Perkins, 2011.

funeral laments, a fitting tune for an elegiac lover bemoaning his circumstances (Ingleheart and Radice 2011, 10).

One such example of Ovid's subversive writing that might have sparked fear in Augustus comes from *Amores* 3.14. Concerned with themes of deception and self-deception in particular, this poem stands as the final personal erotic episode of the *Amores* in which Ovid is advising his beloved on how to inform him about her unfaithful behavior.

**ignoto meretrix corpus iunctura Quiriti  
opposita populum summovet ante sera;  
tu tua prostitues famae peccata sinistrae  
commissi perages indiciumque tui?**<sup>5</sup>

(Ovid *Amores III* 14.9-12)

Even the jade that receives some unknown son of Quirinus is careful first to slip the bolt and exclude the crowd; and you—will you expose your faults to the mercy of evil tongues and be the informer to tell of your own misdeeds?

(Trans. Showerman)

By referring to the discretion used by prostitutes, Ovid seems to imply that his beloved is not a member of that profession, meaning that she is engaging in unlawful activity with her string of affairs. This problematically invokes the anti-adultery law of Augustus. We would expect such a scene to be filled with the musings of a jealous, suffering lover, begging his *puella* to mend her ways. Instead, Ovid goes on to advocate concealment of her infidelities, emphasizing the importance of the appearance of respectable behavior as opposed to true commitment to lawful conduct. He further describes the misbehavior with legal terminology, *commissi...indiciumque tui* (12), suggesting with the *gravitas* of such language that his poetry might be satirizing the idea that sexual behavior could be subject to the law—a challenge that very well could have inspired fear in the emperor. This thesis will engage with the ideas in this and other excerpts at greater lengths in Chapter II.

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<sup>5</sup> Latin text and translation taken from Loeb Classical Library.

## The *Metamorphoses*

Though Ovid published the *Metamorphoses* decades after his *Amores*, it is clear from allusions in certain myths that the Augustan legal reforms still preoccupied much of his attention. In analyzing both texts, and more specifically where they use the same legal terminology, we can attempt to discern whether or not palpable changes occurred in Ovid's attitude—or at least in the persona exuded in the *Amores*—towards the moral legislation. The writing of the *Metamorphoses* occupied much of Ovid's time leading up to his exile. It stands as the largest and most ambitious work of the poet, comprising fifteen books with a total of twelve thousand lines composed in hexameter. The proem identifies the subject of the work:

**In nova fert animus mutatas dicere formas  
corpora; di, coeptis (nam vos mutastis et illas)  
adspirate meis primaque ab origine mundi  
ad mea perpetuum deducite tempora carmen!**<sup>6</sup>

(Ovid *Met.* 1.1-4)

My mind is bent to tell of bodies changed into new forms. Ye gods, for you yourselves have wrought the changes, breathe on these my undertakings, and bring down my song in unbroken strains from the world's very beginning even unto the present time.

(Trans. Henderson)

Ovid intended that his work stand as a *carmen perpetuum*—a continuous poem, one that recounted the world's history from the beginnings of the universe up to Ovid's present day. Like his erotic elegies, the *Metamorphoses* also belonged to the Hellenistic poetic tradition. However, the exact literary tradition remains heavily debated due to variations of styles that the poet employed. Holzberg believes Ovid situated the work in “the traditions of Callimachean minor poetry and narrative epic,” (2002, 116). Anderson wholly discourages students from engaging in the debate of categorizing the genre, admitting that he attempts to characterize the style, which

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<sup>6</sup> Latin text and translation taken from Loeb Classical Library.

he says varies considerably due to the fact that Ovid engaged with elegiac techniques while being very conscious of the great Vergilian hexameter (1972, 17-18).

Though the genre itself is ambiguous, the proem again clearly establishes the poetic mission to confront and examine transformation through the lens of myth. Ovid is doing much more than giving a humanizing account of nature through his stories within stories; rather, he is engaging on a sophisticated level with his audience's intellect in addition to his own (Anderson 1972, 7). The *poeta* of the *Amores* transforms into a proper narrator to afford the reader "fascinating insights into the psychology of human thought and action" (Holzberg 2002, 118). Essentially, the *Metamorphoses* to a certain degree can be read as an extension of the ideas posed in the *Amores*, particularly with those concerning the law and its relation to love. These two opposing forces, "offer different normative and analytic responses to natural demands and their social constructions, and these different responses relate to one another in the social sphere" (Ziogas 2016, 25). In short, Ovid confronts the human condition with his inquiry into metamorphosis, structuring his work so that contemporary relevance—of which the Augustan reforms were a part—can be gleaned in the elaboration of the mythic transformations. Though initial responses by contemporary rhetorical critiques looked upon the *Metamorphoses* with disfavor, after Ovid's death the work quickly became popular among youthful orators and poets, including the younger Seneca and Seneca's nephew Lucan much to the chagrin of Seneca's father (Anderson 1979, 5). Indeed, the durable nature of Ovid's popularity was reflected in the graffiti of Pompeii at its demise in 79 CE, a testament that his influence could endure the harsh criticism of even a Roman emperor.

One such example of Ovid's subversive writing from the *Metamorphoses* that might have continued to antagonize Augustus comes from Book X. The book chiefly concerns the myth of

Orpheus and Eurydice, the explanation of which features the myth of Myrrha, known for her perverse love of her father that results in the birth of Adonis. Ovid's Orpheus challenges the institution of marriage, establishing a doctrine for extra-marital conduct and becoming the ancient father of pederasty (Ziogas 2016, 30). Certain aspects of Orpheus' narrative echo the Augustan legislative action, drawing attention to its mythology as relevant to the ongoing imperial activity in Rome at the time.

**ipse negat nocuisse tibi sua tela Cupido,  
Myrrha, facesque suas a crimine vindicat isto;  
stipite te Stygio tumidisque adflavit echidnis  
e tribus una soror: scelus est odisse parentem,  
hic amor est odio maius scelus<sup>7</sup>.**

**(Ovid *Met.* 10.311-315)**

Cupid himself avers that his weapons did not harm you, Myrrha, and clears his torches from that crime of yours. One of the three sisters with firebrand from the Styx and with swollen vipers blasted you. 'Tis a crime to hate one's father, but such love as this is a greater crime than hate.

(Trans. Miller)

This passage heavily features courtroom language from Cupid, and in doing so places Orpheus' audience and by extension Ovid's readers in the position of judges listening to testimony from the accused. Cupid goes on to suggest that Myrrha's father would have been luckier had he never begotten a child, that is, his beautiful daughter Myrrha. This thought insinuates a rather uncomfortable stance, which opposes the moral legislation rewarding fathers and punishing those who are unmarried and childless. Ovid again, regardless of what his true intention might have been, constructs a viewpoint that could be seen as a challenge to the Augustan regime. This thesis will engage with the ideas in this and other excerpts at greater lengths in Chapter II.

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<sup>7</sup> Latin text and translation taken from Loeb Classical Library.

## Ovid's Audience

Turning now to the question of whom Ovid would have been writing for, it is paramount to remember that the subject of Ovid's influence over his readership must be in the foreground of the discussion. As a *poeta doctus*, and an especially erudite one at that, it seems unlikely that Ovid would have appealed to readers of all social strata on the same level (Holzberg 2002, 3). His target audience would have been those occupying the upper echelons of social hierarchy, those who were at the most basic level literate and additionally trained in the arts of rhetoric and persuasion. However, it is not out of the question that the epic nature of the *Metamorphoses* might have allowed the work to be more readily available to lower levels of society in the theater and in street performance mediums like the Homeric epics by which it was preceded.

It is also noteworthy to consider that higher levels of education, which plausibly could have translated to greater sensitivity to subversive writing, did not then necessarily preclude those members of society from the reach of Ovidian influence. In fact, in comparison to their plebian counterparts, the patrician class would have had much greater social, political, and, in some cases, military influence of their own that could be swayed. These were the powerful people in Rome, the ones capable of inciting rebellions in the masses at an election or sporting event based on purely political motive. If it were Augustus' fear that Ovid intended to deliberately undermine his regime, the emperor would be very attentive to what literature interested the minds of this segment of the population. To properly assess the viability of this suggestion, the level of popularity that Ovid enjoyed in Roman popular culture must be evaluated in light of the late first century BCE sociopolitical environment as well as the more general educational standards of the Roman population. We must develop a sense of who could have been a part of Ovid's audience; what they would have known about poetry and its nuances

or, more straightforwardly, what their poetic competence could have amounted to; and what they might have drawn out of Ovid's works as a result.

### **Historical Context: Sociopolitical Landscape of Augustan Rome**

As was mentioned before, Ovid's choice to engage in a poetic career came at a pivotal moment in what had been quite a volatile sociopolitical climate up to that point for Rome and her expanding empire. He was born at a period in which the institutions in Rome were gradually transforming to accommodate a *princeps*, a man endowed with the governing authority of the state and extensive legal control (Potter 2009, 142). Roman government was evolving, moving away from creating various extra-magisterial positions for individuals to reformulating its structure to institutionalize those positions. Poetry was not immune to this turmoil. The tension between it and imperial authority played out in this movement from Republic to *Principate* (Ziogas 2016, 25). This process was punctuated and propelled by the engine of civil war, all a result of the desires of certain leading men for power. Romans had experienced the strong and unstable triumvirate of Pompey, Crassus, and Julius Caesar; the dissolution of it consumed the empire with civil war as Caesar famously descended on Rome after crossing the Rubicon with his army fresh from the northern fronts. The city, and particularly the senate, struggled with the dictatorial rule smacking of *regnum*, resisting the inevitable course towards imperial domination that would become Rome's future (Potter 2009, 155). The citizenry was again plunged into turmoil after the assassination of Julius Caesar on the Ides of March in 44 BCE.

A second unstable triumvirate formed in the wake of Caesar's demise, the deterioration of which can be tracked to three general phases of Octavian and Marcus Antonius' relationship. Those who supported Caesar and disliked Antonius flocked around the young Octavian, setting the table for yet another civil war in 43 BCE. Upon the refusal of their men to fight, Octavian

and Antonius along with Marcus Lepidus united their leadership around the Caesarian cause, postponing their dispute to avenge Julius Caesar (Potter 2009, 158). From 43 BCE to 31 BCE, nearly constant civil war, proscriptions, and political rivalry consumed Rome and its empire, ultimately culminating in the designation of Octavian as the sole ruler of the Roman Empire after the battle at Actium. With his trusted advisors Maecenas and Agrippa, Augustus began to lay the foundations of a regime committed to honoring the traditional customs of Rome. Identifying varied concerns that he needed to deal with, such as entertaining and feeding the Roman people, communicating with the senate, caring for the army, tending to the well being of the provinces, guaranteeing force behind his laws, and honoring the gods, Augustus rose to be the most successful politician of his age (Potter 2006, 164). He laid the groundwork for a government that would endure mostly unchanged for the next three hundred years. In short, Augustus' accomplishments politically and socially in the years after Actium were remarkable.

A class-based hierarchy marked the social system in Rome that operated under the Augustan regime. Wealth, property, heredity, and citizenship status delineated slave, non-citizen, plebeian, and patrician ranks in the Roman world. Deeply patriarchal in nature, the Roman social structure legally enforced a strict divide between classes and physically emphasized the boundary through complex customs of dress. The simple, white toga may have been a symbol of Roman citizenry, but social stratification manifested itself in every additional adornment. Yet, in spite of the rigid hierarchy in place, the different strata interacted with one another on a daily basis. Slaves and freemen frequently worked in upper-class homes and soldiers could be seen associating on personal levels with their officers. On rare occasions, a *novus homo* could transcend the class boundaries, relatively speaking, advancing up the *cursus honorum* through talent and political alliances.

Of course, an obsessive commitment on the part of some of the elite to maintaining the status quo was an undercurrent within all of these social interactions. As the Roman population grew larger, the governmental systems in place proved incapable of accommodating the influx of citizens. The self-interest inherent in the governing style of the upper-class pushed Italians and provincials to rely on powerful patrons—like Octavian and Julius Caesar before him—to get what they wanted from the state (Potter 2009, 165). This dissatisfaction with the Republican form of government contributed heavily to its fall; the Republic could not, and ultimately would not, create institutional structures that could accommodate the average Italian and provincial populations. Augustus maintained the guise of the Republic, claiming that he had in fact restored it to its traditional glory, and thus effectively consolidated all governmental power to his seat.

This would have been the social and political environment of Ovid's audience, one seasoned by a long history of political competition settled in a social framework where familial prestige and wealth dictated status. Yet, despite the fact that many might have viewed Octavian positively for returning some semblance of stability back to Rome, it does not then follow that the citizenry trusted his actions blindly, as shown by the senatorial assassination plot of 22 BCE. The Roman elite was clearly wary of the emperor's mounting grip on the state, a disposition that could very well have made people sympathetic to outlets that offered a challenging view.

### **Roman Education**

The cultivation of the complex sociopolitical arrangements in ancient Rome was due primarily to the increased literacy rates from the eighth century BCE onwards. By the fifth century BCE, "the written word was a fact of everyday life throughout the Greek and Roman worlds" (Morgan 1998, 2). Employed in political, religious, legal, military, cultural, and

economic affairs, the ability to write dictated the status quo, empowering a relatively small number of elite individuals to produce the greatest empire in the ancient world. While ancient literacy produced the cultural canon that modern audiences interact with today, it also was responsible for inspiring poets and authors to twist the written word into a weapon of propaganda. By the time Ovid was writing in the first century BCE, a subversive agenda artfully hidden in lines containing mythological imagery was to be expected. The increasingly nuanced nature of literature and rhetoric, be it political or artistic, arguably widened the divide between the literate elite and the illiterate plebeian, allowing members of the patrician class to attain a dangerous level of influence through manipulating words.

An exploration of Roman education is critical in assessing Ovid's influence over his respective audience. The differences in educational standards across the social classes in Rome could plausibly have resulted in the formation of two distinct types of audience member: one more susceptible to the Ovidian agenda and one who would have understood his underlying political aims. By delving into the particulars of the education, the role law might have played in an average Roman's schooling becomes more pronounced, lending credence to the idea that disparities in educations between social classes allowed for those with less exposure to formal legal training to be more susceptible to manipulation than others.

As Rome began to develop a system of education in the sixth century BCE, it was naturally modeled closely on the same structures used in Greek education. Despite her Greek inspiration, Rome "continued to be opposed to Greece," a stance especially apparent in education, resulting in the preservation of certain features of original Roman education (Marrou 1964, 310). Contained in this originality was the concept of archaism; its internalization prevented Rome from progressing fully.

“And Rome was never to emancipate herself entirely from the collective ideal whereby the individual is completely in the hands of the State—not even when in all her customs she had grown far away from it. She always looked back to it nostalgically. She was always making efforts to return to it. One has only to think of all the attempts at moral rearmament that were going on under Augustus when Horace was writing:

*Dulce et decorum est pro patria mori*

‘It is a lovely and splendid thing to die for one’s country’” (Marrou 1964, 310).

The rural, peasant aristocracy in power after the expulsion of the original monarchy bound itself closer and closer to the soil with each successive generation, preventing the culture from fully urbanizing under Etruscan influence (Marrou 1964, 311). Respect for the *mos maiorum* became an essential component of early childhood education, persisting as the ideal code by which to conduct oneself even through lulls of conservatism in the city’s development. Though originally the moral outlook of the Greek *polis*, the *mos maiorum* is commonly understood to be distinctly Roman. Literally the “custom of the ancestors,” the tradition emphasized certain values, such as *fides*, *pietas*, and *virtus*, which comprised Roman social norms and behaviors that impacted the private, political, and military realms. It is therefore unsurprising that a politically savvy elite like Augustus would eventually learn what was to be gained from exploiting the unquestionable commitment to that tradition.

The foundation of this peasant education was centered within the family unit. The family itself was strongly patriarchal in nature. The oldest living male in the family, the *paterfamilias*, possessed legal power that authorized him as the final arbiter on all decisions concerning life and death of those within his family (Kertzer and Saller 1991, 23). While this strict, patriarchal hold during the Republican period in Rome eventually dissipated to a certain degree, the original family stabilized by strong paternal control came back into vogue by the first century BCE. Educating in an atmosphere of severity and high moral tone, the mother controlled a child’s learning up to the age of seven at which point the Roman teaching system dictated that custody

switch to the father (Marrou 1964, 314). Though this style of education eventually gave way to the school system under the imperial regimes, the advantages of educating a child from home were still heavily discussed, emphasizing the Roman family's "strong constitution—the sovereign authority that was invested in the *paterfamilias*, the respect that was accorded to the mother" (Marrou 1964, 313). At this point in the lives of aristocratic children, the genders separated, each developing under the tutelage of a primary parent: boys followed their father as he went about his daily public duties and girls remained home with their mother learning the arts of weaving and house-keeping.

When boys reached the age of sixteen, their learning at home ceased as they transitioned into the role of citizen. However, they were far from completing their education. The newly minted, male citizens then spent a year preparing for *tirocinium fori* (public life) during which time they accompanied a politically experienced and honored friend of the family (Marrou 1964, 315). At this stage, they would have been exposed to the Roman law courts and the nuances of the complex governmental structure. Traditionally, once the year passed, the young men transitioned into military service; however, political careers were far too important to be limited by temporal restrictions so many continued to follow around successful politicians. When the young aristocrat did enroll in his military training, he spent his first year in the ranks, developing a sense of obedience that would further aid in his future leadership endeavors. These aristocrats were of course not treated in the same manner as a common soldier as they were given tutors to look after them (Marrou 1964, 316). They typically left the common ranks for staff officer positions, which they acquired quickly either through election or appointment. The new officers completed their final stage of military education under the guidance of a well-known and venerated man, for whom they had much respect. Upon the completion of his public and

military training, the young aristocrat could pursue the career of his choice, so long as it led to the advancement of his family name and betterment of his reputation.

At the heart of this entire educational process was an unwavering dedication to the Roman ideal and unparalleled sense of duty the Roman state. The content of this system contained a moral standard by which the young man measured himself; it was essential that he inculcate a set of rigid moral values, reliable reflexes, commitment to a particular way of living, and above all a conscience that reflected his absorption of these ideals (Marrou 316). Tied intrinsically with this education was the dominant presence of the family, whose name the young aristocrat's career would go on to promote in the seemingly endless pursuit of glory. In short, Roman education was an exercise in imitation of one's ancestors.

To understand the fabric of the mind of Ovid's audience, we must give proper weight to the deeply political and socialized components of education that would have had a lasting impact on his audience's perception. Hard work, frugality, and severity: these were the virtues that transcended social rank to inform the Roman conscience about its environment and how to behave in it accordingly. These were also the virtues of the Roman Republic, which did not take kindly to individual men pursuing personal power at the expense of the state. To engage with the content of Roman education in order to spur action would have been a delicate task. Augustus attempted to draw on the power of these traditional ideals in his push to return Rome to her conservative heritage and correct the corruption within the system. In his endeavor to legally control the production and interpretation of these customs—to alter judicial authority so that it reflected his agenda—without seemingly interfering with the legacy of the Republic, the emperor unintentionally encouraged the poets of love elegy, satire, and epic to respond with their own interpretation of judicial authority (Ziogas 2016, 25). Ovid's audience would have been deeply

attuned to the traditional standards governing Roman life and could have very well picked up on the polyphony of judicial authority. It is natural to consider that Augustus would have feared the influence of competing interpretations of the actions of his regime, thereby making Ovid's poetry worthy of being silenced.

### **Popular Culture: Achieving Popularity in Ancient Rome**

To understand the grounds for the imperial fear potentially resulting from Ovidian poetry, we must consider how widespread Ovid's writing would have been in addition to the mediums in which it would have been performed. It was clear from an early stage in the development of public entertainment in Rome that the cultural phenomenon could be exploited for political gain. Imitating an Old Republic tradition, imperial rulers utilized the very structures that held the entertainment to communicate with the Roman people, following the tradition that Augustus promoted as the first emperor. Not only did the buildings speak to the power of the influential politician that commissioned them, but they also provided a platform from which an official could espouse his political agenda alongside the entertainment for the day. Public policy and public entertainment often merged as "the theater, amphitheater, and circus" became "the loci of imperial communication with the people" (Potter and Mattingly 1999, 280). These venues stood as physical representations of the incredible disbursement of public resources for pleasure, underscoring "the centrality of public entertainment for the exposition and formation of social values" (Potter and Mattingly 1999, 280). Emperor Augustus, while certainly not the first Roman politician to manipulate public venues and entertainers, perpetuated the tradition of exploitation by inserting imperial patronage and his own ideology in particular into the foreground of entertainment.

However, the nature of Ovidian poetry would not have required the use of grand, public venues. As a result, Roman authorities would not have been able to control it in the same way as drama, mime, and the *ludi*, making it that much more dangerous to a ruler seeking total control over his state. In assessing what influence Ovid might have held in the entertainment industry, it is appropriate to consider where his poetry might have fallen on the spectrum of popularity and how it might have been disseminated. It was well known, for example, that pantomime enjoyed an incredible amount of popularity under the reign of Augustus (Potter and Mattingly 1999, 297). By using this form of entertainment as a standard for extreme popularity in the minds of an ancient audience, Ovid's poetry can be situated by comparing the similarities and differences of the audiences who would have been potential observers of the respective artistic performances.

Ancient pantomime originated out of the art of mime, amassing popularity at the end of the first century BCE that lasted well into the sixth century CE. It was an "expression-filled dance form, predicated on the mute delineation of character and passion" (Lada-Richards 2007, 13). Audiences were mesmerized as the male masked dancer contorted himself into marvelous configurations that celebrated the physicality of the body in concert with an emotional instrumental backdrop. The lavish nature of the entertainment captivated the audience on a multi-sensory level: "Emotionally absorbing as well as technically staggering and hauntingly beautiful in the eyes of its admirers, the spectacle seduced its fans by bombarding them with auditory as well as visual delights" (Lada-Richards 2007, 13). What made the art form particularly accessible to its audience was its silent nature; understanding and appreciation of its beauty required no level of education. As such, all sectors of society could take part in enjoying the performative pieces, though it would be incorrect to suppose that they all received the performances in the same way. In the cultural landscape of Rome, pantomime was able to cut

across sociopolitical and educational divides, functioning as “the great blank canvas upon which very diverse groups of viewers chose to project their fantasies and dreams or inscribe their desires” (Lada-Richards 2007, 16). Whether performed at a private party or in the presence of a sold-out theater, the stories told in the pantomime’s dance produced a forceful contemporary impact, elevating the genre a level of popularity that rivaled Greek horse racing.

In juxtaposing pantomime then to Ovidian poetry, it seems apparent that pantomime would have enjoyed greater exposure due to the nature of its performative environment. A theater setting would have accommodated more people than an aristocratic classroom. Additionally, the literacy requirements placed on absorbing poetry would have limited deep enjoyment of Ovid’s work to the upper echelons of the Roman social strata. However, the recent emphasis on illiteracy limiting what would have been the public oversimplifies the reality of Augustan Rome. Ovid himself mentions thirty contemporary poets, whom he considered to be accomplished, and Horace caricatures a superficial production of poetry in which everyone in Rome took part when the moment spurred their poetic genius (Citroni 2009, 20). Undoubtedly including more aspects, tendencies, and currents than can be documented by extant texts, the practice of poetry writing then seems to have been an extremely important reality in the daily customs of Augustan Rome, stemming from developing and changing social conditions (Citroni 2009, 20). The theater had instilled a certain cultural preparation in the public readership, increasing the number of those considered poetically competent. Augustan poets commented on the book markets as a common reality of Roman life and Ovid confirms “a flourishing of light works written for the Saturnalia, evidently to be sold to a numerous public who used books as pastimes and gave them to friends for the same reason” (*Tr.* 2.471–92; Citroni 2009, 21). Poetry may not have experienced the same level of popularity as pantomime, but the art form—

especially for poets who excelled in their genre like Ovid—plausibly entertained a healthy following.

Yet, it is important to note that Ovid himself claimed that his poetry was publicized through performative dancing in his *Tristia*<sup>8</sup>, a work considered to be a letter of pleading defense to Emperor Augustus from Ovid in exile. The reference to dancing suggests that Ovid's poetry was a part of the pantomime repertoire. Given the fluid nature of the content of the *Metamorphoses*, it would seem that at least that work would have been particularly well suited for such entertainment. If we are to trust Ovid's account, the poet's work would not have been limited to the medium of the written word, allowing it to enjoy even greater popular attention. What Ovid had to say and who he had to say it about would have reached all echelons of society.

In the ancient world, literacy was the currency with which to attain greater prestige. Those of the middle and lower classes would have been incentivized by whatever amount of education they received to continue obtaining greater knowledge for the sake of advancement. The Augustan poetic tradition refers to this varied and widespread public of readers; it is this against this background that the imperial exploitation of literary production must be understood (Citroni 2009, 21). In grasping the influence of Ovid's position as a popular poet, we ultimately need to look no further than the audience he addresses while in exile. He aimed his apologetic discourse not only at his authoritative friends and the emperor, but also at this numerous and varied public readership that was representative of the wider Roman society. The decision to write elegy was one conscious of rejecting the most prestigious of genres, epic; the content of elegy, and of Ovid's elegy in particular, stands in direct opposition to what Romans supposedly valued at the time. It was incitation of the public readership with inflammatory rejections of traditional values that an all-encompassing Augustan regime would have sought to eliminate.

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<sup>8</sup> *Tr.* 2.519: *et mea sunt populo saltata poemata saepe.*

## Chapter II

### The Textual Evidence: Ovid's Poetic Defiance

#### Contextualizing the Texts

Naturally, the next task is to locate instances of such inflammatory writing throughout Ovid's career. This thesis has chosen to focus on examples that can be found within the *Amores* and the *Metamorphoses* because they were among his most popular works and mark the beginning and end of the corpus of writing that Ovid produced before his subsequent exile. This chapter particularly hones in on the similarities between legal terminology and poetic content of the two works to ultimately assert that a continuity of thought with regards to Ovid's anti-Augustan position can be recognized. If such stability of thought can be established, it would seem reasonable to suggest that Ovid's readership could have been influenced with respect to the development of its opinion about Augustus' legislation by such prolonged exposure. Returning to the original question of the thesis, we would then be able to claim at the very least that a shadow of the modern influence of popular culture can be detected in Ovid's poetry.

Usage of legal terms and ideas in love poetry is certainly not new. However, Ovid's practical experience in the legal profession does distinguish him from other elegists who indulged in law-related imagery and metaphors (Kenney 1969, 243). We know of the poet's public career relating to law due to references made to it in *Tristia*. It would seem to be uncontroversial to assert that such knowledge gained from his direct interaction with the law informed his poetry, making his usage of technical legal language and stance on legislative topics more credible. We unfortunately do not have access to any substantive details regarding his formal legal training, which would definitively prove this point. Regardless, it significant to

note that Ovid's professional career in the law made an impression on him, contributing a small part to the formation of this poetic versatility.

We do know, again from *Tristia*, that Ovid studied under the most distinguished teachers of declamation<sup>9</sup>. While it is unlikely that Ovid absorbed much legal content from these teachers, it is plausible that his ability to persuade his audience was greatly bolstered by such exposure (Kenney 1969, 250). According to the elder Seneca, Ovid in fact shied away from argumentative exercises supplied by points of law, instead “preferring *suasoriae* and the so-called *ethicae controversiae*, in which the emphasis lay on psychological motivation<sup>10</sup>.” It is undisputed that Ovid's writing was ‘rhetorical’ in nature. His poetry displayed “the techniques of formal rhetoric, and in particular the use of formally structured arguments as an instrument of persuasion, more often and more openly than that of any other Latin poet,” though experts do quarrel on the exact meaning of ‘rhetorical’ (Tarrant 1995, 63). This thesis attempts to conjecture what purpose Ovid might have had for such techniques—to think that they are merely reflexes of his education and not skills that he employed to manufacture his poetry in a specific way is too simplistic an approach. This is underscored by what Tarrant contends to be the main theme of Ovid's poetry: the striking lack of success enjoyed by his poetic persona in the persuasive argumentation he undertakes (1995, 64). For the lover to not get his way in elegiac verse is characteristic of the genre. Ovid's innovation was in the way that he coupled this lack of success “with irrepressible fluency in such a way as to make the lover's powers of speech emblematic of his lack of other forms of control” (Tarrant 1995, 67). Therefore, when Ovid elaborately launches into persuasive strategies, which come in a variety of forms throughout the *Amores* and *Metamorphoses*, he does so knowing the outcome and deliberately intending them to

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<sup>9</sup> Kenney (1969) p.250: *in signes Urbis ab arte viros* (Tr. IV.10.16).

<sup>10</sup> *Contr.* II.2.12, with Kenney 1969, p.250.

fail. Moreover, whatever message he aims to convey is appropriately obscured within this deceptive duality. I will explore the significance of specific instances of Ovid's failed persuasive efforts more thoroughly in this chapter.

### **The *Amores***

When contemplated more broadly, it would seem that the entirety of the relationship put forth in the *Amores* between Ovid and Corinna, fictitious or otherwise, would have stood in direct opposition to Augustus' strict legislation on adultery. However, this is true only if we assume that Corinna was a citizen woman, since the moral reforms did preclude freedwomen courtesans from punishment for adulterous behavior. Leaving Corinna's identity ambiguous—and possibly deliberately so<sup>11</sup>—Ovid details his adulterous exploits with her and others in three books of elegiac verse. While condoning such illicit relationships throughout this fifty-one-poem collection, Ovid does stress the necessity of deception in seeing these affairs carried to fruition, introducing the theme as early as *Am.* 1.4<sup>12</sup>. The need for it is two-fold: most obviously, the deception keeps the affair from the attention of his *puella's vir*<sup>13</sup>; on a personal level, it also ensures the vitality of the relationship for Ovid because it sustains his interest. However, he also explicitly states at several points that he and Corinna are committing no crime through

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<sup>11</sup> The women of elegy occupy a mysterious social status in the ancient world. Ovid's poetry becomes an exercise in controlled ambiguity. This ambiguity could be used for a legal defense for Ovid later, should his work be at the center of an investigation; *Am.* 3.12.41-44: *Exit in inmensum fecunda licentia vatam, obligat historica nec sua verba fide. et mea debuerat falso laudata videri femina; credulitas nunc mihi vestra nocet.*

<sup>12</sup> *Am.* 1.4 describes a dinner party hosted by Ovid, which Corinna will be attending with her husband. Ovid asks his mistress to employ a complicated series of hand gestures so the two can communicate discreetly. The poem culminates with Ovid directly asking Corinna to deceive him about her sexual interactions with her husband at the dinner, a precursor to the deception he asks for in 3.14 (*sed quaecumque tamen noctem fortuna sequetur cras mihi constanti voce dedisse nega*, 1.4.69-70).

<sup>13</sup> Potentially her husband if she is a citizen woman or a less formal relationship if she is a freedwoman courtesan.

consummating their love<sup>14</sup>, going so far as to suggest that Venus herself lends immunity to amorous deceits<sup>15</sup>. This section seeks to wade through this dissonance in order to ascertain whether or not an audience can glean an overarching message from the multiple layers of deception. It should be noted that the *Amores* is considerably complex with respect to its themes, literary devices, and content. I do not contend to give a definitive interpretation of Ovid's message nor do I think that it would be at all possible to do so. It is my intention to put forth one viable interpretation of the content, which could plausibly be understood as having an influence over how Ovid's audience received the Augustan moral reforms.

### ***Amores* 3.14**

*Amores* 3.14 is described by Tarrant as being one example of such failed persuasive argumentation, in which the argument is left unanswered. While the content might suggest that the strategy eventually failed like all the rest, I would argue that ambiguity still exists as to whether or not that is truly the case. In opening line of this poem, Ovid portrays himself as being fully aware that his *puella* is carrying on an affair (1-2). He begins to agonize not—as we might expect—over the fact that the affair is taking place but because it has been brought to his attention, shamelessly suggesting that Corinna engage in a plot of deception against him (3-4). Ovid sets up his persuasive argument by deriding the foolishness of his mistress' careless attitude towards her adulterous behavior (5-12). He contends that even prostitutes have more discretion than Corinna because these women knew what danger there was in unabashedly exposing their less than savory deeds to the public eye. Asserting that notoriety comes only when the act is publicized and not from the mere act itself, Ovid asks his mistress if she does intend to inform on herself, bearing witness to her own crime. Begging her to be shrewder than this, the poet

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<sup>14</sup> *Am.* 2.2.63-66: *non scelus adgredimur, non ad miscenda coimus toxica, non stricto fulminat ense manus quaerimus, ut tuto per te possimus amare. quid precibus nostris mollius esse potest?*

<sup>15</sup> *Am.* 1.8.85-86: *nec, siquem falles, tu periurare timeto—commodat in lusus numina surda Venus.*

essentially condones her affairs, asking that she only deceive him in return (13-30). Ovid describes the adulterous behavior with erotic details, enticing Corinna with the promise that she can engage in all the naughtiness she pleases so long as she does so within the privacy of her own home. Ovid spends a mere nine lines describing the effects that his mistress' admissions have on him before returning once again to his plea for deception (31-40). Claiming that even if he caught her in the middle of the act he would readily be tricked, the poet concludes the poem with legal imagery, in which Corinna is encouraged to exploit her sexual relationship with her lover-judge in order to win her case (41-50). Ultimately, knowing the success of the argument is unnecessary. The legal repercussions for the behavior Ovid advocates for and against ironically remain the same.

As the penultimate poem of the *Amores* and the final one concerning Ovid's own eroticism, we would expect 3.14 to be somewhat of a statement piece. The preceding poems set the stage for the content to be quite emotive, the final place for Ovid to express his feelings about his *domina*'s unfaithful exploits. In keeping with how Ovid has conveyed his emotions thus far in the *Amores*, we would expect these verses to be filled with the impassioned heartbreak of the poet, complete with admonishments against adulterous acts against him and a lengthy description of the pain the lover endures as a result. However, the unusual tone of the poem is immediately recognizable, as it takes on a distant and technical edge with its argumentative structure and use of legalese. Ovid engages in *suasoria*<sup>16</sup>, encouraging his beloved to lie to him about her treacherous deeds and providing her with instructions as to how to do so effectively. We do not seem to be presented with a man in love, but rather one that is consumed by incongruity.

While deception has been an integral part of how Ovid carries out his affairs within the entirety of the *Amores*, the figure of the lover in 3.14 contradicts that of preceding poems—such

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<sup>16</sup> Rhetorical strategy in which a certain course of action is advised (Ingleheart and Radice 2011).

as 3.11, which depicts a jealous Ovid still desperately infatuated. He further muddles our previous understanding of his psyche with his endorsement of conscious self-deception. Thus, with the introduction of this new form of deception, we are moved to anticipate the instrumental role of deception within this poem and the broader implications such concealment might have when considered in the context of the sociopolitical backdrop against which Ovid wrote.

**Non ego, ne pecces, cum sis formosa, recuso,  
 sed ne sit misero scire necesse mihi;  
 nec te nostra iubet fieri censura pudicam,  
 sed tamen, ut temptes dissimulare, rogat.<sup>17</sup>** (Ovid *Amores III*  
 14.1-4)

I do not ask that you should not transgress, since you are beautiful,  
 But I ask that it not be necessary for me, wretched, to know;  
 Nor does my censorship order you to become chaste,  
 But it still asks that you try to conceal your actions.<sup>18</sup>

In the first line we see an Ovid suffering his mistress' transgression simply because she is pretty. Her beauty is enough to prevent Ovid from asking her to stop what she is doing. On the surface, this statement might be exactly what we would expect from an infatuated lover: the object of desire is incapable of being condemned for any real wrong, regardless of how hurtful its actions might be. Ovid's decision not to intervene becomes more interesting when we consider what exactly his mistress is doing wrong in her lover's eyes. The *pecces/peccatum*, you may sin/sin, to which our poet refers is of course his *puella*'s affairs with other men. Although Ovid limits the judgment of Corinna's behavior to the sphere of their relationship, it is also taking place within a broader sociopolitical context. As such, when we consider the sentiment of this line in light of these circumstances, it can be read as a challenge the moral legislation concerning adultery. Inherent then in Ovid's declaration is the conscious supplanting of Roman ideals. An

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<sup>17</sup> Latin text taken from Loeb Classical Library.

<sup>18</sup> Translation my own with aid of commentary notes by Katherine Radice (2011).

illegal relationship thereby becomes more important than preserving the order of the state. Nor does it seem that law has any influence over the matter as it is left somewhat uncomfortably unmentioned, a sentiment that echoes the poet's previous assertion in *Amores II* that lovers cannot be kept apart if they desire to be together<sup>19</sup>. Ovid endows her with a trivial defense for her *peccatum*. His *puella* is beautiful, too beautiful to be reproached by her lover and too beautiful to be fettered by imperial statutes. Ovid's Roman manhood and honor seem to have become obsequious to the wiles of passion, which in Roman poetry has been known to destroy empires<sup>20</sup>. The very first line of this penultimate poem signals that Ovid is revisiting the whispers of impetuous defiance scattered throughout the collection<sup>21</sup>. We therefore anticipate that the remainder of the poem will elaborate on this insolence.

Again, while the theme of deception can be perceived as early as *Amores* 1.4, the introduction of conscious self-deception in line two begins to force the audience to seriously consider whether or not 3.14 is simply another expression of erotic suffering (Ingleheart and Radice 2011, 67). A plain reading of the line depicts an Ovid wishing only to not be made aware of the harsh reality that his beloved Corinna is not strictly his own. He essentially gives a modern audience the ancient rendition of "ignorance is bliss." Yet there is something noteworthy and rather strange about the deception he desires in this particular situation, especially when we compare it to other instances of duplicity in the collection. Ovid previously encouraged Corinna to deceive her husband and he even pressured the slaves of his mistress' husband to aid in his affair—both straightforwardly deceitful and presumably quite illegal actions. In *Am.* 2.5, Ovid caught Corinna in the act of kissing another man. Instead of begging

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<sup>19</sup> *Am.* 2.3.16: *non caret effectu, quod volvere duo*

<sup>20</sup> The most obvious reference I wish to make here is to the *furor* that consumed Dido and halted Carthaginian productivity, described in Vergil's very nationalistic epic.

<sup>21</sup> *Am.* 1.8.85-86, *Am.* 2.2.63-66: See footnotes 4 and 5 for full text.

for deception then, he wanted only to have what was allotted to the other lovers with of course better quality. Interestingly, Ovid's anger at his mistress was quickly overcome by her beauty in *Am.* 2.5, a parallel echoed in the first line of this poem. Now in *Am.* 3.14 we see the introduction of both a new kind of deception and reaction that, when paired, seem to produce a rather convoluted result. Ovid, who knows that Corinna has cheated on him, wants to help her deceive him about it; he wants to submit himself to conscious self-deception. We would think that this desire would be the exact opposite reaction Augustus would have had in learning such information. Instead of wanting that intelligence concealed from him, the emperor would have prosecuted the lovers for defying his moral restrictions. The fulfillment of Ovid's confusing request will become the crux of his *suasoria*.

With the mention of *censura* and *pudicam* in the third line, our attention is directly drawn to the concept of sexual morality. By extension, *censura* is also heavily suggestive of the moral legislation being promoted by Augustus, which sought to censure the very bodies of the Roman people. Ovid, however, does not demand for his *puella*'s chastity to be real. He instead establishes that concealment of such deeds resulting from her *pecces* is sufficient, establishing that Ovid's idea of censorship of sexual deeds does not constitute a very strong restriction. But we must ask what exactly Ovid means by *censura*. Is it the *censura* he has within the context of his relationship with Corinna? Or does Ovid refer to it in the sense of its broader conceptual meaning and practice? The significance of teasing out this distinction rests in the way that the two interpretations of *censura* in line three can doubly incriminate Ovid. If we take the first interpretation, Ovid's authority within the relationship does not condemn illegal activity. If we take the second, Ovid has essentially written off the current *censura* of Emperor Augustus embodied in the legal reforms. Regardless of what Ovid originally intended with this line, a

double reading of this storyline exists, with perhaps one version more convincing than the other. Ovid does qualify line three with a request that Corinna at least make an attempt to conceal her adultery. Interestingly, this appeal does have mutually beneficial ramifications. Presumably, if Corinna is more deceptive with her affairs, she will make Ovid happier and will keep their own relationship safer. Concern is certainly being expressed for Ovid's own emotional well-being, but there is also a hint that the lovers do have something to fear from the prying public. The irony of the fact that Ovid's own relationship with Corinna is adulterous presses the background of this entire discussion. Ovid wants security from rival lovers in the context of the poem, but outside of it he needs deception to keep his own relationship protected. This dual narrative will continue to play out as Ovid gives his mistress details on how she might go about achieving the self-deception her lover begs for.

In four short lines, Ovid creates a situation in which deception will suffice to fulfill the spirit of moral legislation. He shows himself to be chiefly concerned with appearances as opposed to actual substance—a commentary that might also be taken as his opinion on the law itself, namely that it is empty. Epigrammatically framing the content that the rest of the poem will address, Ovid offers his audience an interpretation of his poetry that depicts the poet's stance on the new moral regulations to be at best feigned respect.

At this juncture in the poem, we would expect the poet to return to the *peccatum* alluded to in the first line and describe why it has pushed Ovid to want to be deceived. Instead of exploring this emotional damage, our lover becomes calculating and matter-of-fact in his response, choosing to continue emphasizing the importance of pursuing the appearance of propriety as opposed to actually behaving within the confines of the law.

**non peccat, quaecumque potest peccasse negare, 5  
solaque famosam culpa professa facit.**

**quis furor est, quae nocte latent, in luce fateri,  
 et quae clam facias facta referre palam?  
 ignoto meretrix corpus iunctura Quiriti  
 opposita populum summovet ante sera;                    10  
 tu tua prostitues famae peccata sinistrae  
 commissi perages indiciumque tui?                    (Ovid *Amores III* 14.5-12)**

She does not sin, whosoever can deny that she has sinned,                    5  
 And only when blame is admitted does it bring about notoriety.  
 What madness is this, to confess in the daylight what things lie hidden in the dark,  
 And to report openly the deeds which you committed secretly?  
 The prostitute about to make love to a body of some unknown Quirinus  
 Wards off the people having bolted the door first;                    10  
 Will you expose to shame your sins to unfavorable gossip  
 And will you be an informer of your own crime?

This section of the poem marks the beginning of Ovid's persuasive argument as to why Corinna should make an effort to conceal her affairs. Line five commences this portion with some concerning content: if a girl can lie well enough about it, she has done nothing wrong. If we take this line in the context of Ovid's affair, it would seem that he is fostering practices that would quickly lead to the degeneration of the relationship's health. Presumably, deception is a necessary part of conducting an affair, but it does not need to extend into the relationship between the individuals involved. By encouraging lies among lovers, Ovid undermines the strength of the family unit, which the Augustan reforms sought to restore.

It is also problematic that the line can be generalizable. Ovid does not yet name what exactly his *puella* has done, capturing it instead in the broad term of *peccat* (5). Due to this ambiguity, his *suasoria* could be applied to anyone conducting amorous affairs, making this poem and the collection a precursor to the *Ars Amatoria*. This poem is on its surface meant for Corinna, but it could inform any pair struggling with the same problem Ovid and Corinna are facing<sup>22</sup>. Ironically, Ovid follows this line by saying that personal admission of one's *culpa* (6)

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<sup>22</sup> Ovid invokes both Catullan and Propertian themes of tolerating the infidelities of mistresses, *Cat.* 68 and *Prop.* 2.32.

is the only way to gain notoriety. It seems reasonable to wonder why Ovid would stress concealment as much as he does while publishing his affair, fictitious or otherwise, in elegy for all of Rome to admire. At a certain point, part of the thrill of the affair rests in its forbidden nature. Coupled with this of course is the idea that part of the fun of something is talking about it<sup>23</sup>. The tension between these two aspects of the love affair work to establish a counter-morality unique to the elegiac world. Again with the sociopolitical backdrop in mind, this couplet seems to continue the suggestion mentioned earlier that the legislation surrounding adultery was weak. While this may have been the case, there were several laws dedicated to what immediate action a father or husband could take if they caught a daughter or wife in the act of adultery. However, without directly witnessing the illicit act, the legal response becomes much more ambiguous.

Exploiting the rich literary tradition surrounding *furor*, Ovid goes on to place the notorious onus typical of an impassioned woman on one who would admit to her crime of infidelity. By comparing Corinna to a *meretrix* (9), Ovid suggests that his mistress has all but flaunted her indiscretions, playing on the humorous double entendre that his mistress is also as available as a prostitute. It is of note that the lover advises his mistress to mirror the discreet lengths to which the prostitute goes to in order to ensure her reputation. Under the *lex Iulia de adulteriis coercendis*, prostitutes were among those exempt from adhering to the sanctions on extramarital affairs. This comparison would imply that Corinna is not in fact a prostitute<sup>24</sup>, which confirms the illegal nature of the sexual behavior being critiqued here and that discussed

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<sup>23</sup> Ovid alludes to this sentiment at the close of *Amores II* in poem 19, where Ovid makes clear that his attention requires a challenge. Presumably, an increased watch on his mistress would signify that her husband fears extramarital affairs.

<sup>24</sup> It is worth reiterating that the situations surrounding freedwomen courtesans entered into a rather grey area in terms of what was and was not legal for them compared to citizen women. It is not surprising that Ovid would exploit this ambiguous space in order to secure legal deniability. In doing so, Ovid sustains the element of titillating thrill that surrounds the thought of married citizen women conducting affairs.

in previous poems. When he suggests that his beloved acts as an informer on herself in line twelve, he further evokes the Emperor's moral legislation, creating an elegiac figure of the *index*, who would have been encouraged in the Augustan system to reporting illegal activity (Ingleheart and Radice 2011, 68). One can read this closely with the notion of *furor*, which continues the idea that an individual would be crazy to act as her own informer and reflects Ovid's opinion of his beloved's behavior.

The next section of poetry turns Ovid's argument towards his mistress' *pudor* and the proper place for her to confine her wanton behavior.

**sit tibi mens melior, saltemve imitare pudicas,  
teque probam, quamvis non eris, esse putem.  
quae facis, haec facito; tantum fecisse negato,     15  
nec pudeat coram verba modesta loqui!  
Est qui nequitiam locus exigat; omnibus illum  
deliciis inple, stet procul inde pudor!  
hinc simul exieris, lascivia protinus omnis  
absit, et in lecto crimina pone tuo.             20  
illic nec tunicam tibi sit posuisse pudori  
nec femori inpositum sustinuisse femur;  
illic purpureis condatur lingua labellis,  
inque modos Venerem mille figuret amor;  
illic nec voces nec verba iuventia cessent,     25  
spondaque lasciva mobilitate tremat!  
indue cum tunicis metuentem crimina vultum,  
et pudor obscenum diffiteatur opus;  
da populo, da verba mihi; sine nescius errem,  
et liceat stulta credulitate frui!             30     (Ovid *Amores III* 14.13-30)**

Let your mind be better, or at least imitate chastity,  
And let me think that you are chaste, although you are not.  
What you do, do these things: only, deny that you have done them             15  
Nor let it shame you to utter modest speech publicly.  
There is a place, which weighs wickedness: fill that space  
With all your fun, let your modesty stand far off from there.  
Henceforth, at the same time you depart, straightaway let all lasciviousness cease,  
And leave your faults on your couch.             20  
In that place, let it be no shame to you to have shed your undergarment,  
Nor to have supported your thigh pressed to another thigh;  
There, let you tongue be buried into rosy lips,

And let passion fashion lovemaking into one thousand ways;  
 Over there, let neither gratifying calls nor words cease, 25  
 And let the bedstead tremble with lustful mobility.  
 Put on with your dress a face fearing indictments,  
 And let modesty disavow your lewd work.  
 Tell lies to the people, tell lies to me: allow me to err unknowing  
 And let me be permitted to enjoy foolish credulity. 30

Ovid returns to the theme of deception with the first couplet of this section, heavily intertwining it with sexual appropriateness—or at least the appearance of modesty. The erotic description Ovid presents stands as a culmination of the moral behavior that the poet has upended throughout the poem. The *pecces* of line one seems to draw on the typical sense of moral wrongdoing associated with the word, but it is quickly followed by *cum sis formosa*, a phrase which qualifies the sense of morality introduced with the unethical values of the elegiac world. By line five, the *peccat* has been made synonymous with being caught, undermining the moral weight inherent in the word. When we see *pudeat* used in line sixteen, it is clear that Ovid is still committed to turning morality on its head, an inversion again expected as a characteristic of the elegiac sphere. What we would presume to be uncontroversial for a respectable Roman woman, that is to speak modestly in public, is a surprising proposition for Corinna. Ovid is clearly poking fun at conventional Roman standards, a bold move when considering the concerted effort Emperor Augustus is making to restore traditional morality to Rome. However, Corinna need only deny such illicit acts, as line fifteen suggests in its echo of line five, in order to avoid the scrutiny of those reforms.

Just what these acts might be Ovid informs his audience with very explicit detail. Though common in elegy, this catalogue of sexual deeds is particularly intense. It also takes on a rather morbid quality when we consider that the sexual encounters Ovid is going to great lengths to describe are those his mistress has with another man. The graphic material, which

pays particular attention to the pleasure of those involved, seems to undermine the idea that Ovid is truly a man in love and thereby hurt by his mistress' adultery. If anything, he seems to even be encouraging it. However, he does return once again to the self-deception that he is seeking. As he tells his mistress to dress her face with a modest expression that would fear indictments, playing on the dual meaning of *indue* (27) that is both to clothe and to put on an appearance, he emboldens Corinna to lie to the public and to Ovid. The paradox that Ovid wants—to enjoy foolish credulity while also knowing his mistress' flagrant conduct—seems unattainable in light of his knowledge of Corinna's behavior. If his persuasive argument is to collapse, at this juncture it seems that failure would be due more to Ovid's own inability to be fooled than to Corinna's ability to deceive. And the reason for why it would fail becomes intensely important. If it is because Corinna does not want to alter her behavior, the mistress becomes emblematic of those who refuse to have their bodies ruled by the wishes, or laws, of another. On the other hand, if Ovid cannot ultimately permit himself to be deceived, we are left with a result that is difficult to interpret. His inability to forget his mistress' infidelities might be symbolic of the emperor's own inability, or perhaps unwillingness, to overlook violations of his laws. I will explore this outcome more at the conclusion of my analysis of 3.14.

We finally hear Ovid describe his personal feelings about Corinna's behavior in the next section. The marked absence of Ovid's emotions in the poem thus far coupled with his detailed account of his mistress' infidelity in the previous section again highlights the idea that Ovid may not be a "true figure" of the elegiac lover. While he holds on to many aspects of elegy in this penultimate poem by not fully renouncing love after this hurtful experience, we do know that it is his intention to move on to other genres. As such, this poem is his last chance to indulge in the suffering characteristic of elegy.



can be reduced to four lines. His attention then is clearly elsewhere, focused on the argument for self-deception to which he is constantly returning.

The final section of the poem begins with Ovid restating that he will be a willing participant in his mistress' deceptions. While legal language is scattered throughout 3.14<sup>26</sup>, this section is striking for its sustained usage.

**Nil equidem inquiram, nec quae celare parabis  
 insequar, et falli muneris instar erit.  
 si tamen in media deprensa tenebere culpa,  
 et fuerint oculis probra videnda meis,  
 quae bene visa mihi fuerint, bene visa negato— 45  
 concedent verbis lumina nostra tuis.  
 prona tibi vinci cupientem vincere palma est,  
 sit modo “non feci!” dicere lingua memor.  
 cum tibi contingat verbis superare duobus,  
 etsi non causa, iudice vince tuo! 50 (Ovid *Amores III* 14.41-50)**

Indeed I will ask nothing nor will I pursue that which you will prepare to conceal:  
 And to be deceived will be the form of a gift.  
 If still you will be found out red-handed in the middle of the act  
 And your shame must be seen by my eyes,  
 Deny that I saw clearly what was clearly seen by me: 45  
 My eyes will yield to your words.  
 It is an easy victory to conquer one longing to be overcome by you,  
 Let it be that your tongue remembers to say only, “I did not do it”:  
 When it happens for you that you can survive with two words,  
 Even if not because of your case, succeed because of your judge. 50

The legal phrases include the mistress being caught in the middle of the act (*in media deprensa tenebere culpa*, 43); Ovid telling his *puella* to defend herself with an expression used commonly by defendants in court cases (*non feci*, 48); the poet's reference to the mistress' plight as a legal case (*causa*, 50); and Ovid referring to himself as a judge over the situation (*iudice tuo*, 50). Yet the sense of dissonance is almost felt more strongly here than at any point in the poem. Though Ovid appears to be very concerned with his mistress' proper behavior in this new role as judge, his attitude towards the *culpa* up to this point has been preoccupied with the appearance of

<sup>26</sup> Legal language: *pecco* (1, 5), *culpa* (6), *comissi...indicium* (12), *crimen* (20, 27, 35)

propriety, at times questioning or even belittling conventional morality. The fact that Ovid would introduce a judge into the elegiac sphere seems to flirt heavily with mockery given that standards are inverted in that world, flouting convention and often challenging it. Moreover, he is clearly comprised in that position, readily admitting that he would allow himself to be deceived even if he saw his mistress in the act.

In contemplating what Ovid's purpose is for clustering legalese at the end of his poem we are rewarded with a variety of interpretations. Such language could lend gravitas to poem. It might add a certain shock value to Corinna's infidelities. Or—as I have argued—it can be understood as satirizing the idea that the law can govern sexuality (Ingleheart and Radice 2011, 69). Ovid is a compromised judge. It is clear that as such no judgment rendered will be untainted by corruption. At this stage in the poem, our former statesman has walked his client through her crime, given her reason to refute the charge, instructed her in her testimony, and told her what the verdict would be if she committed herself to the course of action that he has proposed. Our judge has gone to desperate lengths to ensure his self-deception. In painting such a distressed figure, Ovid seems to hint that his persuasive strategy is failing, which makes his use of intensive technical language that much more interesting. Corinna will not, even at the behest of an authority, be swayed by reason and by extension elegy will not be controlled by moral legislation. The pathetic presentation of the judge, emblematic of Roman legal authority, is a testament to how weak the power of the law is in the elegiac world. Yet, even if Ovid were eventually successful in his argument, the outcome would ironically remain the same. Corinna may submit her flagrant conduct to her lover's reasonable requests, but they only ask her to conceal. She would not actually alter her behavior so that it is morally in line with sociopolitical convention. In short, Emperor Augustus cannot win.

Ovid appears to have successfully created an autonomous sphere. However, it would obviously not have been the reality in which his Roman audience would have lived. They were very much subject to the moral reforms issued by the emperor and many probably did not have the leisure time to invest in extramarital affairs. Nevertheless, his poetry might have at least caused his fellow citizens to question how far-reaching the power of Augustus was. Although Augustus was consolidating his power, the days of the Republic were still within memory. Ovid was not so bold as to position 3.14 at the end of his collection, but its placement as the penultimate poems still infuses it with a great deal of significance. His final poem marks him as a descendent of a people that challenged Rome for its autonomy<sup>27</sup>. In light of this, 3.14 can be interpreted as Ovid's own challenge to Rome, for which he hopes to be remembered for eternity.

### ***The Metamorphoses***

The *Metamorphoses* was written by a hand matured from experiences ranging over two decades of Roman politics and growth under the burgeoning Principate of Emperor Augustus. Thought to be completed around 8 CE, the monumental fifteen-book collection stands as an exploration of the human psyche through stories of mythological transformations, which confront the mortal condition as it navigates the various dialectics that contribute to the structuring of Roman society. This section will focus particularly on the tension between law and love, concentrating on excerpts from Books III, which concern Actaeon's story, and Book X, which detail the song of Orpheus about Myrrha. I have chosen these passages because they highlight the continuity of thought that can be traced from the *Amores* through the *Metamorphoses*. This stability suggests that Ovid's poetry remained outspoken against the

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<sup>27</sup> *Am.* 3.15.8-19: Paelignae dicar gloria gentis ego, quam sua libertas ad honesta coegerat arma, cum timuit socias anxia Roma manus.

emperor's moral reforms for quite a period of time and, due to its longevity, could have bolstered a cult following of anti-Augustan sentiment.

### **Book III: The Story of Actaeon and Diana**

The tale of Actaeon is situated in the Book III corpus, which concerns itself with the mythology of ancient Thebes beginning with its founder Cadmus and ending with one foolishly impious king Pentheus. Book III as a whole is especially relevant to this paper because several of its stories contain elements of adultery and/or general eroticism. The characters that receive the most attention are often those either participating or aiding in infidelities, suffering only when the faithlessness has been brought to some form of public attention. For example, Semele (3.253-315), the famed mortal mother of Bacchus, is destroyed only once she has spoken directly to Juno, who was disguised in the form of Semele's nurse Beroë, about her affair with Jove. Additionally, Tiresias (3.316-338), a renowned seer in mythology, is struck blind<sup>28</sup> after he reveals his opinions on the enjoyment of amorous exploits of women and men at the behest of the "playful" quarrel between Juno and Jove as to which of the sexes most delights in intercourse. While Ovid embeds these erotic elements within metamorphic mythology, we cannot ignore what reaction a contemporary audience might have had to the content, especially the material which could be plausibly interpreted as a commentary on Augustus' moral legislation. Moreover, both examples recall the warning Ovid gives to Corinna in *Am.* 3.14 about discretion and its central role in successful love affairs, an echo that extends throughout Book III and Book X. It is with these thoughts in mind that we now turn to Actaeon's metamorphosis.

The young prince's tale comes on the heels of the founding of Thebes. Ovid prefaces Actaeon's story with that of the youth's grandfather, Cadmus, famous for killing a beastly

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<sup>28</sup> At least this is the Ovidian interpretation of the myth.

serpent and sowing its life-generating teeth into the ground. Thebes was born out of a peace between the teeth-children, who initially committed mass fratricide before finally laying down their arms. Intentionally or not, Ovid recalls Rome with his depiction of the city's founding, who was herself wracked with bouts of civil war before finally enjoying peace under Augustus' consolidation of government. Situated in this context, the story opens up on Actaeon hunting with his comrades. After dismissing them due to the heat of the day, the prince searches for a cool place to rest. During his search, he missteps into a sacred grove of Diana at which point he sees the goddess bathing alongside her nymphs. Blushing furiously at the unexpected intrusion, the goddess splashes water onto Actaeon, which immediately causes him to change into the form of a stag, so that he cannot speak about what he saw. Confused and disoriented, the youth stumbles into his pack of hunting dogs, which is unable to recognize its master due to his transformation. Pursuing him hotly, the hounds rip Actaeon apart. Ovid leaves his audience with one final thought on whether or not the youth's punishment was justified. He removes himself from the situation by saying that both camps found sound reasons to convince themselves as to why the penalty was warranted or not before moving on to the story of Semele, who also suffered for seeing something she should not have seen.

The opening of Ovid's version of the Actaeon myth demarks the boy as the first cause of grief to Cadmus after the founding's bloodshed.

**Prima nepos inter tot res tibi, Cadme, secundas  
causa fuit luctus, alienaque cornua fronti  
addita, vosque, canes satiatae sanguine erili.  
at bene si quaeras, Fortunae crimen in illo,  
non scelus invenies; quod enim scelus error  
habebat?**<sup>29</sup>

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(Ovid *Met.* 3.138-143)

One grandson of thine, Actaeon, midst all thy happiness first brought thee cause of grief,  
upon whose brow strange horns appeared, and whose dogs greedily lapped their master's

<sup>29</sup> Latin text taken from Loeb Classical Library.

blood. But if you seek the truth, you will find the cause of this in fortune's fault and not in any crime of his. For what crime had mere mischance?<sup>30</sup>

This introduction immediately alerts the reader that Actaeon's metamorphosis has a violent and seemingly unjust ending. Such a beginning distinguishes Ovid's poem from other accounts of the myth, which varying in terms of how the youth's punishment came about and whether or not he ultimately deserved his fate. At this juncture, Ovid would seem to take a pro-Actaeon stance, attributing *crimen* (141) to Fortune and believing an *error* (142) undeserving of the condemnation of *scelus* (142). The juxtaposition of *scelus* and *error* is noteworthy. While it seems to emphasize the dissonance that Ovid wishes to convey, we must scrutinize the poet's claim. Are missteps and crimes mutually exclusive, as Ovid appears to suggest?

Straightforwardly and legally speaking, they are not—a fact that can often make those who commit a crime unwittingly the beneficiaries of sympathy from onlookers. Ovid seems to be purposefully priming his audience for a tragic response to the episode's finale. Moreover, by accrediting the *crimen*, a word which emphatically recalls the eroticism of Corinna, to Fortune, Ovid dilutes the culpability customarily attached to it. Fortuna is characteristically random in action, making the suggestion that she be held to an immutable standard rather naïve. Therefore, in this primary assessment of the situation, Ovid seems to deliberately weaken the force of *crimen*, which would allow his readership to endow Actaeon with a mitigated guilt even if it does think him ultimately deserving of his punishment.

Additionally, it is important at this juncture to consider the legal distinction between *crimen/scelus* and *error* as far as it relates to Ovid's own life. In *Tristia*, Ovid compares his exile and the reason for it—the infamous *carmen et error*<sup>31</sup>—to the story of Actaeon<sup>32</sup>, compelling his

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<sup>30</sup> Translated by Frank Justus Miller; Revised by G. P. Goold.

<sup>31</sup> *Tr.* 2.207



A blush, conjuring up an image of an embarrassed virgin, is not what we would expect necessarily from a goddess devoted above all else to the hunt. It is interesting that Ovid chose to highlight this very human reaction and underscore Diana's virginity as opposed to the other qualities associated with her divinity. We know from the way other immortals respond to displeasing situations, Juno being chief among them, that rage can very easily be the first emotion expressed. And though Diana's anger follows rapidly, the time taken to describe her blush seems to suspend the gravity of the situation if only momentarily. For a brief interlude, the goddess' hyper-focus on her maidenhood allows for ambiguity to enter the situation as to why she is blushing. Is it truly in anger or can an argument be made that Diana was inflamed fleetingly with passion for the prince? The comparison of the color to that of rosy Dawn extends this uncertainty, as the image of the rising sun usually accompanies a hopeful turn in a story. Ultimately, we do not need to come up with a definitive answer to this puzzling question. It is enough that Ovid has introduced another level of vagueness, which perhaps signals that his true intentions for the poem might be similarly veiled.

While her nymphs quickly try to cover their mistress with their own bodies, Diana recovers from her initial surprise and responds more in line with the divine outrage which we would expect. Flinging the closest weapon she has at Actaeon, the water in which she is bathing, the goddess says:

**“nunc tibi me posito visam velamine narres,  
sit poteris narrare, licet!”**

**(Ovid *Met.* 3.192-193)**

“Now you are free to tell that you have seen me all unrobed—if you can tell.”

When the water hits the Theban prince, he immediately sprouts horns, transforming into a stag. However, Diana's reaction is again not entirely what we might expect. Instead of killing him for his transgression, the goddess is satisfied with a metamorphosis that ensures the security of her

body. Ovid claims that the goddess did not use her bow simply because it was out of reach. And Actaeon does arguably suffer a much crueler fate at the jaws of his dogs than if Diana would have blotted him out herself. Other accounts of the myth even assert that the punishment of the transformation was postponed until Actaeon attempted to speak<sup>33</sup>, making Ovid's version potentially more severe. Yet despite these softer stories and the horrific death Actaeon endures in Ovid's account, I would still argue that the poet's version is nuanced in such a way that it does offer an interpretation of Diana's response as being tempered, especially if we read it closely with the extended description of the goddess' blush. Diana's fixation on what Actaeon would tell others seems to suggest that the greater problem is the fact that Actaeon in his human form would have had the agency to reveal what he saw; the actual crime itself of seeing a goddess naked is out of focus. The goddess' concern for the possible defamation of her virginal reputation harkens back to Ovid's warning to Corinna about discretion with regards to immodesty in *Am.* 3.14. Recall that the issue in Corinna's case was not that she was committing illicit acts, but rather that her careless behavior put her at risk of being caught. Lack of discretion, then, is focalized in both cases, while issues of legality are relegated to the background of the discussion. This idea will become particularly important in the analysis of the end of the episode.

It is noteworthy that the prince does not receive the chance to mumble even one word in his defense amidst this interaction. In fact, the only real characterization that we have of Actaeon up to this point is that he spoke in a friendly manner to his men<sup>34</sup>. To speculate about what he may have said would be therefore of little help in illuminating the layers at work in this episode. However, it is of some significance that he has not been portrayed as impious before his metamorphosis. His character, as Ovid presents it, has a blank slate; the audience is unencumbered

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<sup>33</sup> Callimachus, *Hymn V*

<sup>34</sup> *Met.* 3.46-47: cum iuvenis placido per devia lustra vagantesparticipes operum compellat Hyantius ore

by superfluous details, which will allow them to judge the crime of Actaeon without bias. The stag-Actaeon no sooner fled from Diana than when his hunting hounds picked up his scent. Diana's wrath was sated only after each dog had sunk its teeth into its master until there was no room left for a wound. Yet it is at this point—dying in animal form—that we finally get a richer description of Actaeon. For example:

**...gemit ille sonumque,  
etsi non hominis, quem non tamen edere possit  
cervus...**

**(Ovid *Met.* 3.237-239)**

He groans and makes a sound which, though not human, is still one no deer could utter...

And shortly after:

**at comites rapidum solitis hortatibus agmen  
ignari instigant oculisque Actaeona quaerunt  
et velut absentem certatim Actaeona clamant  
(ad nomen caput ille refert) et abesse queruntur  
nec capere oblatae segnem spectacula praedae.**

**245**

**(Ovid *Met.* 3.242-246)**

And now, down on his knees in suppliant attitude, just like one in prayer, he turns his face in silence towards them, as if stretching out beseeching arms. But his companions, ignorant of his plight, urge on the fierce pack with their accustomed shouts, looking all around for Actaeon, and call, each louder than the rest, for Actaeon, as if he were far away—he turns his head at the sound of his name—and complain that he is absent and is missing through sloth the sight of the quarry brought to bay.

While we do not get a sense as to the kind of person Actaeon was beyond this encounter, Ovid does give us an intense depiction of humanity. These descriptions increase the sense of *pathos* felt for Actaeon and heighten the tragic nature of his death. He makes a sound, not quite animal but not quite man, demonstrating perhaps how hard he was fighting to retain his humanity in the face of death. Taken down by his own dogs and chided for being absent by his comrades, Actaeon becomes the subject of tragic irony that makes it difficult not to question the legitimacy of his punishment.

Ovid leaves his audience with the following final thought on that matter.

**Rumor in ambiguo est; aliis violentior aequo  
visa dea est, alii laudant dignamque severa  
virginitate vocant: pars invenit utraque causas.**

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(Ovid *Met.* 3.253-255)

Common talk wavered this way and that: to some the goddess seemed more cruel than was just; others called her act worthy of her austere virginity; both sides found good reasons for their judgment.

In this closing excerpt, Ovid situates the discussion of Actaeon's guilt in the mouths of the common people. To them, the circumstances surrounding the incident between Actaeon and Diana definitively establish whether or not the prince deserved his fate. And yet, to the audience outside of the poetry the situation remains somewhat ambiguous for two reasons. Firstly, the lack of consensus among the Theban people seems to suggest that there are merits to both readings of what transpired. And second, there is still a degree of uncertainty regarding the nature of the alleged *crimen*: is it that Actaeon saw the goddess or that he would not have been discreet about what he saw? Diana's carefully crafted reaction pushes Ovid's audience to regard the latter as the *crimen* on trial, which ironically turns Augustan moral authority on its head. According to imperial law concerning immodesty, Actaeon should inform on immodest behavior that he sees; according to Diana, paradoxically a goddess famed for her virginity, Actaeon should favor discretion. To be clear, we are not presented with a perfect case study of the modesty laws in this episode. However, the erotic content of the case mingles enough with that which would have concerned the moral reforms to merit this deeper examination. The ambiguity surrounding Diana's reaction is noteworthy, but it is even more significant that the goddess of virginity would support the kind of discretion that would keep those like Corinna from suspicion.

Even if we do not indulge this layered interpretation of Diana's response, we are still left with a rather bold statement from Ovid. Recall that the poet claimed in the beginning that Actaeon's *error* could not be counted as a *crimen* or *scelus*. At this final juncture, his opinion is

markedly absent and possibly deliberately so. The common people of the story are choosing to weigh in on a matter that could have been dangerously entrenched in the politics of Rome.

While Ovid chooses to be silent, he still manages to make one thing very clear: divine status alone does not entitle one to unqualified support nor does it preclude one from having ambiguous parts of a case assessed. In short, Actaeon's story can be interpreted on a baseline level as a warning to Augustus to not assume that his deified status justifies any and all action.

### **Book X: The Song of Orpheus | Myrrha**

The myth of Myrrha comes from Book X of the *Metamorphoses*, which concentrates on the story of Orpheus. Similar to Book III, Book X features erotic content. However, the stories that spin from Orpheus' lyre seem to engage the Augustan moral legislation more directly, challenging in particular the element of productivity that the emperor wished to return to the Roman family. The majority of unions featured in this book are either homoerotic in nature, such as those enjoyed by Ganymede and Hyacinthus (10.155-219), or shockingly immoral, like those of the Propoetides (10.220-242) and Myrrha (10.298-502). The remaining are marred in some way so that they are prevented from being productive, by impiety in the case of Atalanta and Hippomenes (10.560-707), or their productivity fosters even greater depravity, like that of Pygmalion and his statue-wife (10.243-297). This section will focus on the Orphic song about Myrrha because it stands as one of the most obvious places in which we see Ovid destabilizing Augustan legislation.

Book X opens upon the marriage of Orpheus and Eurydice. Ovid swiftly dispels any hope for a lasting union within the first five lines. Orpheus has summoned Hymen, the god of marriage, as a guest and witness to the conjugal ceremony.

**adfuit ille quidem, sed nec sollemnia verba  
nec laetos vultus nec felix attulit omen.**

**(Ovid *Met.* 10.4-5)**

He was present, it is true; but he brought neither the hallowed words, nor joyous faces, nor lucky omen.

Quickly following this ominous arrival was the tragic outcome of the ceremony: the bride fell dead from a serpent's bite, an ending worse than the beginning. After losing his wife a second time during his famed trip to the underworld, Orpheus shuns all female contact, becoming the father of pederasty. He begins to weave a song concerned with homoerotic love and unnatural passion in females. Ovid surrenders the task of narrating to Orpheus' celebrated lyre, thereby removing himself one step from the impropriety of the Song of Orpheus.

Priming his audience to anticipate unseemly eroticism, Orpheus turns to the story of Myrrha. The centerpiece of the bard's performance, the story concerns the incestuous and forbidden love between a daughter and a father. As the beautiful princess of Cypress, Myrrha is the recipient of many suitors' attention. However, the girl is overcome by an impious passion for her father, Cinyras. Myrrha attempts to quell her love, but eventually resolves to kill herself. Caught in the act by her nurse, the girl divulges her hideous secret to her servant, who pledged to help the princess win her love no matter the circumstances. When the opportunity eventually presents itself, the nurse leads Myrrha to her father's bed, concealing the daughter's identity from the king. The two begin an affair, which ends abruptly once the king discovers his daughter's identity. Myrrha flees before her father can kill her, wandering pregnant for nine months. Before she gives birth, the girl overcome by her crime prays to be removed from the company of both the living and the dead. An unnamed god answers her petition, transforming her into a myrrh tree so that she can forever mourn her lost love.

Similar to the story of Actaeon, Myrrha's tale is prefaced by a warning to those who dare to listen. It serves as a transition point between Pygmalion's myth and Myrrha's.

**“Editus hac ille est, qui si sine prole fuisset,  
 inter felices Cinyras potuisset haberi.  
 dira canam; procul hinc natae, procul este parentes      300  
 aut, mea si vestras mulcebunt carmina mentes,  
 desit in hac mihi parte fides, nec credite factum,  
 vel, si credetis, facti quoque credite poenam.      (Ovid *Met.* 10.298-303)**

“Cinyras was her son and, had he been without offspring, might have been counted fortunate. A horrible tale I have to tell. Far hence be daughters, far hence, fathers; or, if your minds find pleasure in my songs, do not give credence to this story, and believe that it never happened; or, if you do believe it, believe also in the punishment of the deed.”

Ovid carefully contrives this opening, warning daughters and fathers explicitly to avoid listening to the song about Myrrha. In doing so, the poet builds into the passage a safety net for himself: he took the time to caution those who might indulge in similar behavior, thereby exculpating himself from any crime his song inspires. However, he seems to anticipate that daughters and fathers will ignore him, which leads him to further advise them to not give any authority to the tale. Yet he again appears to expect that his audience will disregard his advice and give some weight to the story. He takes another step to exonerate himself from any backlash by encouraging his reckless listeners to at least endorse the final punishment of Myrrha if they insist on hearing the tale to the end. We must of course pause to ask what sort of content would merit such an extended proviso fixated on absolution. The painstaking steps Ovid takes in these beginning lines to create an increasingly elaborate fallback for himself seems to suggest that he knew the content he was about to present would be controversial enough to merit repercussions. We need not go farther than Orpheus’ first claim, which problematically evokes Augustan moral legislation. Orpheus asserts that Cinyras would have been more fortunate, or among the *felices* (299), had he not begotten Myrrha, a declaration that is in great tension with the reforms designed to encourage increased fecundity with rewards. In doing so, he undermines the very institution of marriage.

Moreover, as Ziogas suggests, Ovid can also be seen contradicting himself in these lines in asking his readership to disbelieve the plausible, that a daughter can be sexually attracted to a father, and believe the implausible, Myrrha's punitive metamorphosis (2016, 31). By undermining his elaborate layers of disassociation he also discredits their claim to authority. These lines can also be seen taking on a strong legal sense. Ovid offers his audience what essentially amounts to a "tell the truth and nothing but the truth" opening of a courtroom. He of course destabilizes his claim to truth telling by contradicting himself, but it stands nonetheless. It is with this anticipation of further legal imagery that we will explore Myrrha's controversy.

Very quickly we learn that Ovid is not the only one who is not keen on being associated with Myrrha's passion. Cupid also wants no part in this horrific story.

**"ipse negat nocuisse tibi sua tela Cupido,  
Myrrha, facesque suas a crimine vindicat isto..." (Ovid *Met.* 10.311-312)**

"Cupid himself avers that his weapons did not harm you, Myrrha, and clears his torches from that crime of yours."

This marks an interesting shift in Ovid's play with erotic content. Cupid had a very direct hand in influencing what Ovid chose to compose at the beginning of his poetic career. Recall that he essentially forced Ovid to write the *Amores* when the poet supposedly wanted to indulge in the epic genre. His absence here is striking because it evokes the *Amores* so obviously while also allowing Ovid to put up yet another barrier between himself and the content of Myrrha's story. By absolving Cupid from the impious union to come, Ovid seems to be trying to also divorce the content of Book X from that of the *Amores*. Furthermore, the usage of *crimine* (312) perhaps reminds Ovid's audience of *Am.* 3.14. It is noteworthy that Cupid also takes his *faces* (312) just before this reference to Myrrha's crime. The theme of darkness will play a large role in this poem as it relates to discretion. Affairs are safe so long as they are kept secret, in the dark, away from

prying eyes. Ovid's advice to Corinna will remain appropriate for Myrrha. Therefore in taking away his torches, Cupid inadvertently does Myrrha a favor; the absence of the marriage torches removes the light by which adultery can be made known and it symbolically detaches Cinyras' wife from the situation. In short, Cupid's conjugal condemnation is a convoluted blessing. Although it is dangerous to speculate on Ovid's true intentions, I think it is reasonable to believe that Ovid would have been more discreet if he really did not want his readership to be reminded of the *Amores*. In concentrating so much effort into disassociating himself, he invariably encourages his audience to do just the opposite.

Cupid is also using legal language at this juncture in his claim that he had no part in motivating Myrrha's passion, a move which places his audience and Ovid's readers in the position of the judge. Ziogas again weighs in, reminding us to consider Cupid's position as the archetypal deceiver (2016, 34). The broader mythological associations that Ovid's characters have cannot be forgotten. It was Cupid's mother, Venus, who allowed for Myrrha to be born from Pygmalion's line by answer the artist's prayer to have his statue come to life. Cupid then, as the constant extension of his mother's hand, did play a part in the creation of Myrrha's double love. Consequently, Myrrha's son by her father, Adonis, is destined to avenge his mother's passion by ensnaring Venus with his beauty. Thus, we are reminded by Orpheus to not forget Cupid's legal expertise and deceptive prowess.

Moving past these opening blockades, we officially find out that Myrrha's transgression is her amorous love for her father. We also discover that she is struggling with the impropriety because two different authorities are in her mind hold contradicting stances on what is consuming her.

**“illa quidem sentit foedoque repugnat amori  
et secum ‘quo mente feror? quid molior?’ inquit**

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**‘di, precor, et pietas sacrataque iura parentum,  
 hoc prohibete nefas scelerique resistite nostro,  
 si tamen hoc scelus est. sed enim damnare negatur  
 hanc Venerem pietas: coeunt animalia nullo  
 cetera dilectu, nec habetur turpe iuvencae 325  
 ferre patrem tergo, fit equo sua filia coniunx,  
 quasque creavit init pecudes caper, ipsaque, cuius  
 semine concepta est, ex illo concipit ales.  
 felices, quibus ista licent! humana malignas  
 cura dedit leges, et quod natura remittit, 330  
 invida iura negant.’” (Ovid *Met.* 10.319-331)**

“She, indeed, is fully aware of her vile passion and fights against it and says within herself: ‘To what is my purpose tending? What am I planning? O gods, I pray you, and piety and the sacred rights of parents, keep this sin from me and fight off my crime, if indeed it is a crime. But I am not sure, for piety refuses to condemn such love as this. Other animals mate as they will, nor is it thought base for a heifer to endure her sire, nor for his own offspring to be a horse’s mate; the goat goes in among the flocks which he has fathered, and the very birds conceive from those from whom they were conceived. Happy they who have such privilege! Human civilization has made spiteful laws, and what nature allows, the jealous laws forbid.’”

Myrrha’s internal struggle is explicated in a manner very similar to a defense in court, noting the procedural usage of *negatur* (323) and the legal terms *damnare* (323) and *delictu* (325). It can also be read as a form of *suasoria* or *controversia*<sup>35</sup>—classroom exercises used to prepare Roman boys for legal careers. Outwardly she is fighting her vile passion, but an inward look on this turmoil reveals a girl less certain that she is in the wrong, especially in the private sphere of her own thoughts. Given the space to make her case against what is condemned publicly, Myrrha appeals to nature to make her argument as to why her behavior should be admissible, analyzing both sides of the issue.

On the surface, she establishes a somewhat convincing line of rhetoric. The examples to which she alludes are all accepted in the natural realm, making her plight an accident of geography as opposed to something worthy of moral denunciation. However, we must press the validity of

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<sup>35</sup> For rhetoric in Ovid, see Ulrike Auhagen, ‘Rhetoric and Ovid’ in William Dominik and Jon Hall (eds), *A Companion to Roman Rhetoric* (Blackwell Publishing, 2007).



This excerpt in particular picks up on the aforementioned connection between darkness and the protection it provides adulterers. On a purely symbolic level, the light fleeing can be simply interpreted as the approach of the hideously sinister consummation. However, this same darkness also gives Myrrha courage to act more confidently. Under its murky veil, Myrrha—and by extension all those complicit in affairs—becomes more protected in the security offered by its discretion. Myrrha does repent of her boldness when on the verge of committing her crime. And while she is concerned with the impiety of the deed, she also focuses on the horror of her father recognizing her. Recognition, the disruption of discretion, becomes the focal point of her fear. However, it is delayed for the moment, and father-daughter pair begins its love affair.

Ironically, the affair is quite literally brought to light when Cinyras' curiosity about the identity of his mistress became too much.

**“postera nox facinus geminat, nec finis in illa est,  
cum tandem Cinyras, avidus cognoscere amantem  
post tot concubitus, inlato lumine vidit  
et scelus et natam verbisque dolore retentis  
pendenti nitidum vagina deripit ensem;  
Myrrha fugit: tenebrisque et caecae munere noctis  
intercepta neci...”**

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**(Ovid *Met.* 10.471-477)**

“The next night repeated their guilt, nor was that the end. At length Cinyras, eager to recognize his mistress after so many meetings, brought in a light and beheld his crime and his daughter. Speechless with woe, he snatched his bright sword from the sheath, which hung near by. Myrrha fled and escaped death by grace of the shades of the dark night.”

Playing on the tragic irony of the situation, Orpheus exploits both the symbolic and legal implications of this scene. The dissonance between light and darkness is particularly poignant at this juncture. Light allows Cinyras to recognize the perverted nature of the relationship he has engaged in and darkness protects Myrrha from death at her father's distraught hand. The affair was sustainable only so long as its central secret was kept hidden from Cinyras. The tragic irony

lies in Cinyras' instinct to slaughter his daughter. By law, if a father happened upon his daughter committing adultery, he could kill her, so long as he caught her in the act and killed her immediately. The twist here is that under the *lex Iulia de adulteriis coercendis* Cinyras would have been considered both father and adulterer, a dual-status that would have permitted him to kill himself after Myrrha. Witness to the very crime he was party to, Cinyras once again evokes *Am.* 3.14, which details a similar situation in which Corinna would become the informer on herself if she followed the law exactly.

Myrrha ultimately escapes death by her father-lover's hand. After wandering for nine months, nearly ready to give birth to her child-sibling, she is once again a figure of uncertainty: she does not know what to pray for. Acknowledging the rightness of the punishment due to her, she wishes only to not offend anyone, be they living or dead, and therefore asks to be denied the privilege of life and death. A god, though unnamed, did respond to her plea, forcing the audience to contemplate how impious Myrrha's act truly was if a god could justify pitying her. Recall the opening lines of the episode where Orpheus-Ovid claims that those who give credence to this story must also then accept the punishment as just. The assertion, which was before ludicrous due to its implausible nature, takes on a more controversial meaning now that the audience realizes that Myrrha requested the punishment. The girl is transformed into a myrrh tree, fated to mourn her lost love with sap tears for eternity and permitted to give birth to one that would avenge her.

The myth of Myrrha should not be read without considering Augustan moral legislation. As a part of the greater Orphic narrative, which first idealizes and then condemns the marriage promoted by Augustan reforms, Myrrha's tale acquires a deeply political dimension. Though her own "marriage" is productive, her story stands as a testament as to why men and women should

avoid the perilous practice of procreation. Moreover, the role of this “heroine” can be thought as aiming a personal dig directly at the emperor in the way that it resembles Augustus’ only daughter Julia, who was eventually exiled for her own licentious behavior. In summation, not only do books of the *Metamorphoses* continue the conversation begun in the *Amores* about the absurd nature of the moral crusade championed by Augustan moral reforms, but they also take the dialogue to a personal level, scrutinizing and warning the emperor to consider the bounds of his power.

## Conclusion

Each chapter of this thesis has worked to establish not a definitive assertion but a reasonable proposition: Ovid could have had an influence on the reception of Emperor Augustus' moral reforms by the Roman people. Undercurrents can be detected in Ovid's writing that designate the poet's work as distinctly anti-Augustan. Throughout the *Amores* and within the *Metamorphoses* Ovid challenges the emperor's bold assumption that law can control love, that people can be forced into a conservative lifestyle due to the mere presence of an imperial edict, that poetic justice could be silenced.

In the massive sociopolitical turnover from the Republic to the *Principate*, Ovid's position in this dialectic between law and love remains starkly unchanged. Content and specific use of legalese connects the *Amores* and the *Metamorphoses*, two works that were separated by over two decades of time. This thesis argues that it is primarily due to the stable continuity of thought coupled with the privilege of popularity that afforded Ovid the potential opportunity to strongly influence the opinions of the Roman populus.

We return now to answer the initial inquiry of the thesis. This paper set out to confirm evidence of a modern phenomenon in an ancient context through a case study on Publius Ovidius Naso. It was guided by following question: Could Ovid's popular poetry be capable of generating a similar sense of anti-litigiousness within public attitudes in Rome concerning the legal reforms of Emperor Augustus influential enough to force Augustus' hand against the poet? In conclusion, this thesis hopes to have established—through a rigorous close-reading of excerpts from the *Amores* and the *Metamorphoses*—credibility for the claim that Ovid in his poetic capacity could have been capable of swaying the public mind against Augustus' heavy-

handed attempts at regulating the morality of Rome on a broad scale through the dissemination of his popular poetry.

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