

## HORACE'S EPISTLE TO TORQUATUS (EP. 1.5)\*

Si potes Archiacis conviva recumbere lectis  
 nec modica cenare times holus omne patella  
 supremo te sole domi, Torquate, manebo.  
 vina bibes iterum Tauro diffusa palustres  
 inter Minturnas Sinuessanumque Petrinum. 5  
 si melius quid habes arcesse vel imperium fer.  
 iamdudum splendet focus et tibi munda supellex.  
 mitte levis spes et certamina divitiarum  
 et Moschi causam: cras nato Caesare festus  
 dat veniam somnumque dies; impune licebit 10  
 aetivam sermone benigno tendere noctem.  
 quo mihi fortunam, si non conceditur uti?  
 parcus ob heredis curam nimiumque severus  
 adsidet insano. potare et spargere flores  
 incipiam, patiarque vel inconsultus haberi. 15  
 quid non ebrietas dissignat? operata recludit,  
 spes iubet esse ratas, ad proelia trudit inertem;  
 sollicitis animis onus eximit, addocet artes.  
 fecundi calices quem non fecere disertum?  
 contracta quem non in paupertate solutum? 20  
 haec ego procurare et idoneus imperor et non  
 invitus, ne turpe toral, ne sordida mappa  
 corruget nares, ne non et cantharus et lanx  
 ostendat tibi te, ne fidos inter amicos  
 sit qui dicta fores eliminat, ut coeat par 25  
 iungaturque pari. Butram tibi Septicumque  
 et nisi cena prior potiorque puella Sabinum  
 detinet adsumam: locus est et pluribus umbris:  
 sed nimis arta premunt olidae convivia caprae.  
 tu quotus esse velis rescribe, et rebus omissis 30  
 atria servantem postico falle clientem.

### I. INTRODUCTION

Horace addresses Torquatus again in *Carm.* 4.7. There the poet distinguishes three cardinal qualities: Torquatus's *genus*, his *facundia*, and his *pietas*. Since Horace distinguishes them they were no doubt qualities on which Torquatus prided himself, but they are, in any case, the key by which Torquatus slips into Horace's lyric. I suggest that we can use the same key to open up the Epistle, and that by taking up these qualities we have ready access to the wit of the poem, carefully predicated upon its addressee.

\* This Paper had its origins in work done for the Winter Meeting 1992 of the Amici Flaccidiani (Flaccids). I am grateful to those who were present for their comments then, and in the cases of Professor David West and Mr Alan Roxburgh thereafter also; their pungent criticisms saved me from many errors and omissions, as did those of Dr Nicholas Richardson. Various ideas were also tried on my patient pupils at Merton College, and Mr Richard Vallat undertook the labour of verifying references with kind enthusiasm. An earlier draft was commented on to my great profit by Professor R. G. M. Nisbet, without whom the present version would have been considerably more embarrassing. I am grateful also to the Editors for their comments and encouragement. It goes without saying that I am solely responsible for the errors and infelicities which remain.

The importance of *genus* to the Epistle rests upon the correct identification of Torquatus as a Manlius Torquatus (patrician, and the last of whom we know), and the point is, thanks to Professor Nisbet, no longer controversial.<sup>1</sup> Without that identification we would lose the association with T. Manlius Imperiosus Torquatus (cos 347): we would lose the references to the proverbial *imperia Manliana*, and worse, lines 4 and 5 would be plunged into a darkness from which they could not be recovered if we could not say that the wine's curiously-phrased *Appellation* was an honorific reference to old Torquatus's victory over the Latins at Trifanum, which was between Sinuessa and Minturnae.

*Genus* and *pietas* overlap: 'to a Roman a noble was, in one side of his persona at least, the temporary incarnation of the essence of his family.'<sup>2</sup> Old Torquatus himself, in a famous act of *pietas*,<sup>3</sup> prevented his father from having to face the charge which had been preferred against him by a Tribune of the Plebs, by threatening the unfortunate tribune with a sword until the charge was withdrawn. The most famous examples of Torquatian *pietas*, however, the ones which are noticed again and again, are of the type 'duty before pleasure', especially in the cases of the execution by old Torquatus of his son for breach of military discipline, and the behaviour of T. Manlius Torquatus (cos 165), who held a domestic trial of charges brought by the Macedonians against his son (a Junius Silanus by adoption), declared the charges made out, and banished his son from his house forever. (The son killed himself.) It is this theme which, as I hope to shew, Horace seizes on to tease his addressee.

*Facundia* is the third of the qualities which Horace attributes to his friend in the Ode, and its mark is also clear in the Epistle. Torquatus is an advocate: 'mitte levis spes et certamina divitiarum / et Moschi causam' (8–9). The scholiasts tell us that Moschus was a Pergamene rhetor whom Torquatus defended on a charge of poisoning: 'reus veneficii fuit, cuius causam ex primis tunc oratores egerunt Torquatus hic, de quo nunc dicit, cuius extat oratio et Asinius Pollio.'<sup>4</sup> The Ode makes explicit reference to legal process in the *splendida arbitria* of Minos; the Epistle is larded with legal puns (and some rhetorical ones), elegant tributes to Torquatus's calling, many of which have caught the commentators' eyes before, others not.<sup>5</sup> The simplest way of dealing with these is to note them in passing through the text, which I shall do in Part II of this paper.

Finally, some thoughts on the philosophical implications of the Poem. Without being dogmatic about it, and with the other Epistles to one side,<sup>6</sup> I wish to take up the hints of Sir Ronald Syme<sup>7</sup> and suggest that in this Epistle Horace urges Torquatus to adopt a loosely Epicurean approach to life. The point of this is twofold: first, to encourage him, humorously, to abandon his family's ancient tradition of 'duty before pleasure' for long enough at least to enjoy a prolonged dinner with the Poet on the

<sup>1</sup> R. G. M. Nisbet, *CQ* 9 (1959), 73–6.

<sup>2</sup> D. C. Feeney, 'History and Revelation in Virgil's Underworld', *PCPS* 32 (1986), 1–24, at 5.

<sup>3</sup> Val. Max. 5.4.3, under the heading 'de Pietate erga Parentes et Fratres et Patriam'.

<sup>4</sup> Ps-Acro *ad loc.* ex Porphy.; *Ps-Acronis Scholia in Horatium Vetustiora*, O. Keller, (ed.), (Leipzig, 1904), vol. II p. 230.

<sup>5</sup> See esp., as on the Epistle as a whole, R. S. Kilpatrick *The Poetry of Friendship* (Alberta, 1986), 61–5 (and the notes to those pages), to which, as will be obvious, I owe a particular debt. Kilpatrick notes briefly (sometimes without comment) much of the legal language in the poem: I have tried to comment more specifically and to draw out the implications of such usage.

<sup>6</sup> Although the previous Epistle (*ad Albium*) does, of course, end with the famous lines *me pinguem et nitidum bene curata cute vises / cum ridere voles Epicuri de grege porcum*.

<sup>7</sup> Sir Ronald Syme, *The Augustan Aristocracy* (Oxford, 1986), pp. 393, 396.

last day of Summer; secondly, to poke some fun at him by reference to a more recent relative, L. Manlius Torquatus (praet. 49 and possibly the father of Horace's man). L. Manlius Torquatus was an Epicurean, one of Cicero's interlocutors in *de Fin.*, chided by Cicero for failing to live up to the severe example of his ancestors, cited by Cicero with the conclusion '...numquid tibi videtur de voluptatibus suis cogitavisse?'.<sup>8</sup> Again, I shall deal with this in Part II.

## II. THE POEM

In this Part I shall set out some observations on the Poem, line by line. It is of course far from being a complete commentary on *Ep.I.5*, and is principally intended to put some flesh on the assertions made in Part I above.

1-2: *Si potes Archiacis conviva recumbere lectis*... The scholiasts tell us, on the subject of Archias and his *lecti*, '*Archiaci lecti dicebantur humiles a Archia fabro, qui non magnae staturae dicitur fuisse*' (Ps-Acro) or '*Archias breves lectos facit, unde Archiaci*...' (Porph.). Though this explanation has been accepted by Bentley and commentators since (and though it may be true), more appealing, to my mind, is the suggestion of Bougery, more recently revived by Kilpatrick,<sup>9</sup> which compares the story told of Archias of Thebes by Cornelius Nepos:<sup>10</sup>

Nam magistratum Thebanorum statim ad aures pervenit exsules in urbem venisse. id illi vino epulisque dediti usque eo despexerunt, ut ne quaerere quidem de tanta re laborarint. accessit etiam quod magis aperiret eorum dementia. adlata est enim epistula Athenis ab Archino uni ex his, Archiae, qui tum maximum magistratum Thebis obtinebat, in qua omnia de profectione eorum perscripta erant. quae cum iam accubanti in convivio esset data, sicut erat signata, sub pulvinum subiciens, 'in crastinum,' inquit 'differo res severas.' at illi omnes, cum iam nox processisset, vinolenti ab exsulibus duce Pelopida sunt interfecti.

If Horace had this passage (or at least this story) in mind when he wrote his Epistle, and I believe that he did, the phrase *Archiaci lecti* takes on a new and attractively allusive perspective. When Horace issues his invitation in such terms, it means that those who accept it will have to take the risk of putting off serious matters *in crastinum* and spend some time absorbed in their own and the Poet's pleasures. The reference is the more attractive for its use of the word 'severus', associated with the Torquati, as we shall see,<sup>11</sup> and used by Horace in admonishing Torquatus in line 13. The point is better still, for just as Archias was prevented from dealing with his *res severae* on the morrow, Horace's guest will have to forget his duties then as well: 'cras nato Caesare festus / dat veniam somnumque dies' (9-10). The difference is made clear by that very comparison: Archias's self-indulgence was fatally irresponsible, whereas what Horace offers Torquatus is in the truest sense life-enhancing; dressed in allusive language which suggests a life-long surrender to Sensuality, it is, properly understood, an appeal to find room amidst the demands of duty for Pleasure. Surely, says Horace, Torquatus does not really believe that finding room in life for having fun is going to kill him. Setting out this paradigm at the beginning of his poem, then, lays the ground for Horace's teasing exploration of the leitmotiv of Torquatian history—that abandonment of duty is as good as, and deserving of, death—which culminates in the last line of the poem.

<sup>8</sup> Cic. *de Fin.* 1.7.24.

<sup>9</sup> A. Bougery, *RPh* 9 (1935), 130-31. Briefly noted and dismissed by J. Préaux *ad loc.* (Presses Universitaires de France, 1969). Revived by R. S. Kilpatrick (*supra*, note 5), at 62.

<sup>10</sup> Cornelius Nepos, *Vit. Pelop.* 3.1-3.

<sup>11</sup> Cf. Livy 8.7.15; Val. Max. 2.7.6, 5.8.3; Cic. *supra* at note 8.

*nec modica cenare times holus omne patella*. Lewis and Short suggest that the phrase *edere de patella* was proverbial of impiety, citing Cicero *de Fin.* 2.7.22. Even if Madvig's comment *ad loc.* is right ('cur hoc de patella edere e proverbio aut comoedia sumptum putetur, nulla est causa'); though the archaism *edint* suggests a proverbial quality), we should take notice of the phrase. It is used by Cicero as the climax of a wholesale condemnation of the Epicurean concept of Pleasure in a work in which his principal interlocutor is, as we have already observed, L. Manlius Torquatus:

Sed tamen nonne reprehenderes, Epicure, luxuriosos ob eam ipsam causam quod ita viverent ut persequerentur cuiusquemodi voluptates, cum esset praesertim, ut ais tu, summa voluptas nihil dolere? atqui reperiemus asotos primum ita non religiosas ut edint de patella, ...<sup>12</sup>

The connection is too good to miss, and among other things explains the slightly curious use of *times*. In short, what Horace appears to do here, if I am right to adopt such an interpretation, is once again to urge Torquatus to relax into a (quasi-Epicurean) pursuit of his own pleasures, with Horace as his companion. Part of the joke (and the heart of the lesson) is that Horace's idea of culinary pleasure is not the Sensuality that Cicero unkindly confounds with Pleasure before bestowing Epicurus's approval on it.<sup>13</sup> Rather, the meal proposed by Horace (*holus omne*) bears a strong resemblance both to the meals of Laelius praised by Cicero in lines from Lucilius,<sup>14</sup> and to the real pronouncements of Epicurus.<sup>15</sup>

In short, Horace urges the pleasures of his dinner-party upon Torquatus by the select and controverted use of an image derived from (as it were) one of the documents of Torquatus's family history, a cheeky theft of a counter-example cited by Cicero in his attempt to bring L. Torquatus up to scratch and dissuade him from his Epicureanism, used here to suggest relaxation into a pleasure with which neither Epicurus nor Cicero could properly have found fault.

3: *supremo te sole. solis occasus suprema tempestas esto* (*XII Tab.*; Bruns *Fontes Juris Romani Antiqui* (Tübingen, 1909), p. 19), i.e. for legal proceedings (cf. *OLD* s.v. *supremus*). Horace invites Torquatus to eat with him, then, at the end of the Court-day, when the Court has risen; but lines 30–31 make clear that Torquatus's business is only half done when the Court rises: for him, as for modern barristers, the day continues with clients calling on him for advice. 'Come and see me as soon as the Court rises, forget your 5 o'clock Conference.' Cf. Kilpatrick *op. cit.* 62 and n. 42.

4–5: explained by Nisbet (note 1, above). Perhaps not a good wine (but the production of it would be the more amusing if its principal purpose was not luxury but *pietas*).

6: *arcesse vel imperium fer*. A reference to old Torquatus and the proverbially harsh *Imperia Manliana*. Cf. Cic. *de Fin.* 2.32.105 (*vide ne ista sint Manliana vestra aut maiora etiam si imperes quod facere non possim*). Nisbet is right in identifying the joke in *imperium fer* as Horace's saying that Torquatus, though of a family used to giving orders, will have to take them for once. The joke can perhaps be pushed a little further.

<sup>12</sup> Cic. *de Fin.* 2.7.22. 'Patella' here means a sacred offering-dish.

<sup>13</sup> 'mundos, elegantes, optimis cocis, pistoribus, piscatu, aucupio, venatione...hos ergo asotos bene quidem vivere aut beate numquam dixerim. ex quo efficitur non ut voluptas ne sit voluptas, sed ut voluptas non sit summum bonum': Cic. *de Fin.* 2.8.23–4.

<sup>14</sup> 'O lapathe, ut iactare nec es satis cognitus qui sis!  
in quo Laelius clamores σοφός ille solebat  
edere, compellans gumias ex ordine nostros.  
Praeclare Laelius et recte σοφός...' (Cic. *ibid.*)

<sup>15</sup> Cf. Hier. *adv. Iovin.* 2.11: 'Epicurus voluptatis assertor omnes libros suos replevit holeribus et pomis, et vilibus cibis dicit esse vivendum...'; Cic. *Tusc.* 5.89.

Old Torquatus not only gave orders, but had his son executed for disobedience to his orders: this Torquatus should, accordingly, know how to obey orders, as well as to give them, and has his ancestor's own son as an example of the price of disobedience.

*arcesse*. The term in judicial language used of summoning someone into Court. Cf. Cic. *Fl.* 6.14: *ut hunc hoc iudicio arcesseret*.

7: *Splendet focus et tibi munda supellex*. The association of Torquatus's *genus* with super-correct military behaviour enables Horace to explore another avenue of humour here and in lines 22–3: the hearth-stone is glistening (*splendet focus*), the household-utensils are clean (*munda supellex*); Horace will ensure that the linen will not make Torquatus wrinkle-up his nose in disgust (*ne turpe toral, ne sordida mappa / corruget nares*), and that Torquatus will be able to see his face in the plates and drinking-vessels (*ne non et cantharus et lanx / ostendat tibi te...*). Why this emphasis on cleanliness and order? Some will say that this is part of a philosophical point for the poem,<sup>16</sup> and 'preparation for a party' is, in any case, a conventional theme, but I suggest that that is not all. Horace is talking about discipline: that is to say, he has transferred to the domestic sphere—as he has the *imperia Manliana* by reference to *imperium*—the military discipline for which Torquatus's ancestor was a by-word. Cf. Livy 8.7.15f: (old Torquatus to the son he is about to have executed):

'quandoque,' inquit, 'tu, T. Manli, neque imperium consulare neque maiestatem patriam veritus, adversus edictum nostrum extra ordinem in hostem pugnasti et, quantum in te fuit, disciplinam militarem, qua stetit ad hanc diem Romana res, solvisti meque in eam necessitatem adduxisti ut aut rei publicae mihi aut mei obliviscendum sit, nos potius nostro delicto plectemur quam res publica tanto suo damno nostra peccata luat... nec te quidem... recusare censeam, quin disciplinam militarem culpa tua prolapsam poena restituas...'

Cf. also Val. Max. 2.7.6: *satius esse iudicans patrem forti filio quam patriam militari disciplina carere*. Entertaining a Manlius Torquatus is an arduous business: everything must be done in accordance with strict principles of domestic discipline.

*supellex*. There is also the possibility of a pun with a rhetorical thrust in *munda supellex*. *supellex* can mean a person's literary, oratorical and similar resources; cf. *OLD* s.v. (c). Cf. Cicero *de Orat.* 1.36.165:

'Ain tu?' inquit ille. 'si de istis communibus et pervagatis vix huic aetati audiendum putas, etiamne illa neglegere possumus quae tu oratori cognoscenda esse dixisti, de naturis hominum, de moribus, de rationibus eis, quibus hominum mentes et incitantur et reprimerentur, de historia, de antiquitate, de administratione rei publicae, denique de nostro ipso iure civili? hanc enim ego omnem scientiam et copiam rerum in tua prudentia sciebam inesse; in oratoris instrumento tam lautam supellectilem numquam videram.'

If we are supposed to recall the phrase *lauta supellex* from this passage of *de Orat.*, then *et tibi munda supellex* could mean roughly 'you are an elegant and resourceful speaker'. (For a similar use of *munda* cf. Ovid *A.A.* 3.479.) An oratorical reminiscence would be appropriate here, opening the way to the specific mention of the Moschus-case. It would also import a pleasing balance to line 7: my hearth-stone is gleaming, everything is spick and span (and you have the resources to be a splendid conversationalist). Kilpatrick suggests that there may be a legal meaning to *supellex* by reference to *Dig.* 33.7.10.

9–11: *cras nato Caesare festus* appears to create a legal pleasantry with *aestivam noctem*: Augustus's Official Birthday had since 30 BC been a.d. IX Kal. Oct., i.e. 23rd September. Summer ends at the Equinox (23rd September) in Civil Law (*Dig.* 43.20.1.32: *aestas finitur aequinoctio autumnali*), so tonight's dinner is the last of

<sup>16</sup> Cf. R. Mayer, *PCPS* 31 (1985), 39–40.

summer and accordingly the last chance *aestivam sermone benigno tendere noctem*. Cf. Kiessling-Heinze ad loc. and Kilpatrick (n. 5), p. 139 n. 35. The emphatic position of *aestivam* underlines the point. In this amusingly convoluted way Horace urges Torquatus to seize the present pleasure, which tomorrow will be gone.

10: *dat veniam ... dies. venia* was the remission of a criminal penalty by authority for personal or circumstantial reasons.

*impune*. In a legal context *impunitas* is something like freedom from prosecution in certain circumstances. Cf. Cato *orat.* frg 222 (Malcovati): *in adulterio uxorem tuam siprehendisses, sine iudicio im-poene necares*; Cic. *Mil.* 9: *quod si XII Tabulae nocturnum furem...interfici impune voluerunt*.

*licebit*. Cf. Cic. *Phil.* 13.6.14: *licere id dicimus quod legibus, quod more maiore institutisque conceditur*. Very apt for an aristocratic lawyer.

12: *quo mihi fortunam si non conceditur uti?* *Concedo* is a legal word used of grants and assignments (*TLL* s.v. II.B.1.b: *apud Iconsultos passim sensu tecnico*). Cf. Cic. *Fl.* 36.89: *hereditatem*; Vitruvius 7.7.2: *vectigalia*; Sen. *Clem.* 1.9.8: *patrimonium*; Plin. *Ep.* 10.84: *intestatorum civium...vindicationem bonorum*. It is used of the grant of servitudes which include the *VSVS* and the *VSVFRVCTVS*. The *usus* was a recent innovation in the time of Labeo (*fl. temp. August.*), but it and the *usufructus* were created by a process of law called *CESSIO IN IVRE* which was at least as old as the XII Tables. Cf. Jolowicz *Historical Introduction to the Study of Roman Law* (Cambridge, 1954) 282: [of the usufruct] 'it is usually for the life of the person entitled and cannot be for a longer period, and it thus corresponds most closely to what we call a life interest. *Usus* is a similar right but confined to the use of the thing only, not including the taking of fruits.' (My emphasis.) Horace appears, therefore, by legal language suited to his addressee, to impress upon Torquatus the transience of his enjoyment of his *fortuna*, making it all the more important to use it while he can. Wealth and life are life-time benefits only.

13–14: *cura* = *curatio* as a juridical term, i.e. trusteeship, guardianship of minor, lunatic, absent person, cf. Hor. *Ep.* 1.1.102. Bearing in mind the usual behaviour of Horatian heirs (cf. *Carm.* 2.14.25–8; 4.7.19–20, also addressed, of course, to Torquatus), are we to think especially of the *cura prodigi*? The two lines (especially with the use of *severus*) suggest an oblique reference to the way in which the Torquati famously treated those who might have expected to be their heirs.

The history of the Torquati provided several edifying examples of paternal severity. As we have already seen, T. Manlius Imperiosus Torquatus (cos 347) executed his son on the battle-field for disobedient and misplaced enthusiasm. In a minor way old Torquatus himself had suffered from parental strictures:

Manlius Torquatus adeo hebetis atque obtusi cordis inter initia iuventutis existimatus, ut a patre L. Manlio amplissimo viro, quia et domesticis et rei publicae usibus inutilis videbatur, rus relegatus agresti opere fatigaretur... (Val. Max. 6.9.1).

Beside him, and worthy of him, is the consul of 165; Cicero, chiding the Epicurean L. Torquatus, tells his story thus:

T. Torquatus, is qui consul cum Cn. Octavio fuit, cum illam severitatem in eo filio adhibuit quem in adoptionem D. Silano emancipaverat, ut eum, Macedonum legatis accusantibus quod pecunias praetorem in provincia cepisse arguerent, causam apud se dicere iuberet, reque ex utraque parte audita pronuntiaret eum non talem videri fuisse in imperio quales eius maiores fuissent, et in conspectum suum venire vetuit, numquid tibi videtur de voluptatibus suis cogitavisse? (*de Fin.* 1.7.24)

The story did not end with Silanus's banishment, however: after he had killed himself for shame, T. Torquatus refused to go to the funeral, and on the day remained

at home to give advice in the usual way to those who chanced to consult him. (*T. Manlius Torquatus D. Silanum filium suum de Macedonia damnavit, funeri non interfuit eademque die in domo suo consultantibus respondit*: Livy, *Per.* 54 (Oxyrhynchus); cf. Val. Max. 5.8.3.) Whether or not Cicero is right that T. Torquatus did not spend time thinking *de voluptatibus suis* before acting as he did, it seems clear that in this area the fame of the Torquati lay in their ability to overcome a father's natural affection for his son, and to act with exemplary *severitas* when the occasion and their own sense of duty seemed to demand it. (Such *severitas* might seem shocking even to a Roman: cf. Virgil *Aen.* 6.824–5: *saevumque securi / aspice Torquatum*...; Livy 8.7.20.)

For Horace to warn a Manlius Torquatus not to be *severus* with himself *ob heredis curam* seems superfluous, not to say paradoxical, in the light of the history of that family. How much more fun, and how delightfully Cicero's question is called into play, when the required lack of affection for one's heir is accompanied by a self-indulgent concern for one's own comfort and well-being: here is a Torquatus who is urged to fall in with the family pattern, and yet act contrary to the line drawn from it by moralists by giving most weight to *voluptates suae*. In urging Torquatus not to act as if he were his heir's trustee, stinting himself in the process, Horace makes a sharper point since Torquatus appears to have had no son, so that everything would go to a distant *heres*, even less deserving of consideration.

*adsidet insano. adsideo* is the term for sitting as an assessor. Cf. Prop. 4.11.21: *iudex sedet Aeacus, assideant fratres*; Tac. *Ann.* 1.75: *iudicii assidebat*. A literal rendering of this unique phrase might be 'sits as assessor with a mad judge'.

15: *inconsultus*. Another legal double-entendre: i.e. not legally advised; the position of the unfortunate client in the last line of the poem.

16: *dissignat*. A legalistic nuance in sealing and unsealing? Cf. *OLD* s.v. *consigno*. Noted by Kilpatrick op. cit. (n. 5), p. 63 (but with a different interpretation from that here, p. 64).

17: *spes iubet esse ratas*. Perhaps the same *spes* as in line 8. The difference is, of course, that the *spes* which were but *levis* there are now—and will become to the drinker in his cups—*ratas*, i.e. confirmed, legally valid (cf. the legal formula *justa rataque sunt* CIL 2.1964.2.23). There may also be an undertone of meaning in the context of heirship, where *spes* means the expectation of inheritance under a will (cf. Hor. *Sat.* 2.5.47; Tac. *Ann.* 1.8); i.e. drinking makes such legal hopes realities (for a while). It would have been elegant to have been able to combine all these references into a reference to the Massilians' ratified expectation of inheriting under Moschus's will; but the case which achieved that ratification came too late to have been known to Horace (Tac. *Ann.* 4.43).

18: *onus*: a legal burden. Cf. Cic. *Vatin.* 33: *Nullum onus inponam mihi testimonii*; Quint. *decl.* 338 p. 334.12: *nullum onus probationis ad me pertinere*; Cels. *dig.* 31.22: *onus...probandi*. Cf. *TLL* s.v. 1.*onus* II.B.3 *de parte apud iudicem sustinenda incommoda*. Cf. also Tac. *Ger.* 29.1: *exempti oneribus*... (though here the legal burden is the burden of taxation). Kilpatrick op. cit. (n. 5), p. 64, noting *onus* = 'burden of proof', translates 'exonerates'.

19: Surely Horace asks this question with his tongue in his cheek. If there is one group of people who (mostly) do not need to be drunk to appreciate the sound of their own voices it is the members of the Bar. Perhaps the same was true of Torquatus. N.b., however, that *ebrietas addocet artes*: being drunk enables those who are already accomplished to excel themselves. (There may well also be something cod-official about the prefix 'ad-' here.)

20: Whom does drunkenness not release from pinching poverty? N.b., too: *contraho*: to make a contract; *solvo*: to release from an obligation / pay off a debt. So there may be a play on the legal meanings: whom does drunkenness not release from the debts and obligations to which he has bound himself contractually? Kilpatrick op. cit. (n. 5), p. 64 paraphrases by 'renders solvent'.

21–22: *procurare*: to administer as a procurator; '*procurator*: est is qui aliena negotia mandatu domini administrat' (Ulp. *Dig.* 3.3.1); cf. Cic. *Ad Att.* 4.16.7: *utrum per procuratores ageres an per te ipsum*; i.e. an agent in legal terms.

*idoneus*: as a legal term, 'good for one's obligations, having the money to meet them'; cf. Scaev. *Dig.* 4.4.39; Sen. *Ben.* 4.39.1; Plin. *Ep.* 4.4.2. I.e. 'I am obliged to arrange these things as your agent, and I can meet such obligations out of my own resources': it's all for you that I'm doing this, but I shall bear the cost. N.b. the theoretically gratuitous nature of contracts of mandate, incl. *procuratio* (cf. A. Watson, *Contract of Mandate in Roman Law* (Oxford, 1961), Ch. 6 esp. 109–10).

*non invitus*. Cf. Ulp. *Dig.* 3.3.8.1: *invitus procurator non solet dari. invitum accipere debemus non eum tantum qui contradicit, verum eum quoque qui consensisse non probatur*.<sup>17</sup>

It seems probable that the following *ne...ne...ne...ne...ut* in such a context of legalisms is reminiscent of the language of decrees or official instructions. Cf. Kiessling-Heinze *ad loc.*: 'Auch die folgende Aufzählung mit dem oft wiederholten *ne* entspricht ganz dem amtlichen Stil.' They (and following them Kilpatrick, op. cit. (n. 5), p. 63) suggest that the cod-official tone and the references to superintending indicate that Horace is adopting language recalling the aedilician duty of supervising the cleaning of public buildings. If this is the case, it would appear that Horace is mingling the language of private and public law.

25: *eliminet*. Was Horace's use of this vivid metaphor (the literal meaning of the word is 'to turn out of doors') suggested by Torquatus's own family-history and the story of the banishment of D. Silanus from his father's house?

25–26: *iungo* seems to be used both domestically of forming associations (e.g. partnerships) and in international law of entering into alliances or treaties: cf. Cic. *Verr.* 5.167: *qui et sermonis et iuris...societate iuncti sunt*; Liv. 7.31.2: *Samnites nobiscum foedere iuncti sunt*.

27: *cena prior potiorque puella*: the combination *prior potiorque* (though here each limb is attached to a separate noun) is reminiscent of the jurists: cf. *si non dominus duobus eandem rem diversis temporibus pignaverit, prior potior est...*: Paul. *Dig.* 20.4.14; *potior sit cui priori res tradita est*: Ulp. *Dig.* 6.2.9.4; *si priori hypotheca obligata sit, nihil vero de venditione convenerit, posterior vero de hypotheca vendenda convenerit, verius est priorem potioem esse...*: Marcian. *Dig.* 20.4.12.10; Papin. *Dig.* 20.4.3.1.

30: *rescribe*. 'Give me your Opinion...', as Colin Macleod saw in his translation (Rome, 1986).

30–31: Horace urges his friend to leave his client waiting in the atrium and disappear through the back door to have dinner with the poet. How different from the image of right behaviour at the end of the Regulus-ode (*Carm.* 3.5), where the clients come first, and a well-deserved holiday after the conclusion of their business: *quam si clientum longa negotia / diiudicata lite relinqueret, / tendens Venafranum in agros aut Lacedaemonium Tarentum*. Torquatus's client has here come at the end of the business-day; like as not, he is seeking his patron's legal advice, and Torquatus

<sup>17</sup> I am grateful to Professor Nisbet for prompting me to look for this reference.



is urged to abandon him. A patron's duties were not lightly dodged in the scheme of Roman morality: *neque clientes sine summa infamia deseri possunt* (Caesar *orat.* frg. 44 Malcovati); cf. also: *patronus si clienti fraudem fecerit, sacer esto* (*XII Tab.* ap. Serv. ad *Aen.* 6.609; Bruns *Font. Jur.* Tübingen 1909, p. 33); Virgil reserves a special place in Tartarus for those who pull a fast one on their clients (*Aen.* 6.609).

Closer thought reveals a further telling detail to the picture. The client waits in the atrium, and there the masks of Torquatus's illustrious ancestors could look down in all their *severitas* on the absence of their descendant, and see in the frustrated client the result of a dereliction of duty by the last of their line. In a similar way the mask of old Torquatus will have gazed upon the father of D. Silanus as, with no regard for mere sentiment, he sat in the atrium and dutifully advised his clients on the day of his son's funeral: cf. Val. Max. 5.8.3:

...ille neque exsequiis adulescentis interfuit et, cum maxime fraus eius duceretur, consulere se volentibus vacuas aures accommodavit: videbat enim se in eo atrio consedissee, in quo imperiosi illius Torquati severitate conspicua imago posita erat, prudentissimoque viro succurrebat effigies maiorum cum titulis suis idcirco in prima parte aedium poni solere, ut eorum virtutes posterius non solum legerent, sed etiam imitarentur.

Torquatus is being teased again.

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