as follows: Ovid, *Fast.* 2.121 ‘dum canimus sacras alterno carmine Nonas’; *Trist.* 3.1.11 ‘clauda quod alterno subsidunt carmina versu’; *Trist.* 3.1.56 (the elegiac book describes its terror) ‘aspicis alternos intremuisse pedes?’; 3.7.10 ‘in alternos cogere verba pedes’; *Ep. Sapph.* 5f. ‘forsitan et quare mea sint alterna requiras / carmina’. The image of the alternating unequal feet is brought most vividly to life by the description of Elegia in *Am.* 3.1.8: ‘pes illi longior alter erat.’

Alternation is symptomatic of elegy. The lover is involved in two reciprocal relationships which are integral to his self-image: one with his beloved, the other with his rival. This reciprocity is reflected in the basic structural unit of the poetry, the elegiac couplet, prone as it is to balance, anaphora, and many varieties of repetition and echo. The programmatic use of alternation extends beyond literal to metaphoric allusions to the elegiac couplet. I offer two examples.

Propertius 3.3 is a poem in the tradition descended from the opening of Callimachus’ *Aetia,* in which an epiphany warns the poet about the correct use of his poetic powers. When Apollo appears to Propertius in 3.3, the god uses the ship-image to recommend elegiac ‘littleness’ to the poet.

alter remus aquas alter tibi radat harenas,
   tutus eris: medio maxima turba mari est. (Prop. 3.3.23-4)

The high sea which Propertius is to avoid by staying close to the shore is epic poetry. Could it be that the image is quite precise? One line of his poetry (*alter remus*) touches the open sea (epic); the other touches the shore (elegy). One line (the hexameter) is ‘epic’, in that it is common to both epic and elegy; the other line (the pentameter) is peculiar to elegy and so is the element which defines the poetry’s generic status.

The word *alternus* occurs four times in Ovid’s *Metamorphoses,* out of a total of twenty-one instances in his whole corpus. One instance, I suggest, glances at the programmatic elegiac use of the word, and perhaps directly at the Propertian line with which I began. It occurs in the story of Echo and Narcissus. Narcissus, hearing Echo’s echo of his words is ‘alternae deceptus imagine vocis’ (*Met.* 3.385). Analysis of the elegiac resonances of the Echo/Narcissus story has been initiated by Knox. Could it be that the *alterna vox* is an elegiac voice?

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TIRESIAS THE JUDGE: OVID, *METAMORPHOSES* 3.322–38*

Incongruity and anachronism characterize Ovid’s treatment of the gods and mythological figures in the *Metamorphoses*; frequently the resulting discrepancy between the superhuman world of mythology and characteristic aspects of Roman society serves to pillory that society as well as to undermine the dignity of the traditional mythology. Linguistic parody is one of the tools Ovid uses to highlight these discrepancies. An example recently noted is that of the serenade delivered by Tiresias the Judge.

Polyphemus the landlubber to his marine beloved, Galatea (Met. 13.789–869): by casting this in the form of Gebetsparodie, Ovid mocks the literary topoi of the paraclausithyron as well as reducing the heroic status of the mythological protagonists. I suggest that in Tiresias’ brief appearance in Metamorphoses 3 Ovid imitates the pedantic locutions of jurists’ language in order to demonstrate how trivial and undignified are the preoccupations of the bickering Olympians.

It has been well observed that Ovid frequently employs legal terminology in contexts where it is either starkly incongruous or else pregnant with double entendre. Acontius’ self-justification for having tricked Cydippe into swearing fidelity to him is cast in the form of a legal debate (Her. 20), the real conflict being between human and divine law; the legal flavour of Ovid’s vocabulary is undercut by its amatory double entendres, as in Acontius’ suggestion that Cydippe should exercise her rights and summon the accused (himself) into her presence, which is a ruse to wangle an invitation into her home (and, by implication, her bed): Her. 20.79–80 ‘ignoras tua iura. uoca! cur arguor absens? / iamdudum dominae more uenire iube!’

Sometimes it is the formulae specific to a technical process of the law that are parodied. A favourite target, which also features in Acontius’ argument, is the process of vindicatio in libertatem: cf. Her. 20.151–2, ‘elige de uacuis quam non sibi uindicet alter; / si nescis: dominum res habet ista suum”; the tension between context and content exploits the incongruity of the impassioned lover engaged in hard-headed legalistic bargaining. This technique is not confined to mythological contexts. Indeed, Ovid exploits any situation which is at odds with the formal context in which the jargon is properly employed: so, when the exile pleads for delivery from his miseries, potential melodrama is exploded by incongruous legal terminology: Pont. 4.15.42 ‘meque tuum libra norit et aere minus (magis s’); recognition that Ovid envisages his delivery from exile in terms of the ancient rites of traditio and mancipatio supports the lectio difficilior, and Ovid’s abject pose in reducing his own status to that of his patron’s chattel is rescued from grovelling servility by the linguistic parody.

David Daube has demonstrated that the strongly-worded formula ne quis fecisse uelit, proper to an ordinance ensuring public order and decency, is used in the Amores precisely to undermine such a state of affairs: Ovid admonishes his mistress not to kiss her uir in his presence: Am. 1.4.38, ‘oscula praecipue nulla dedisse uelis.’ Should she disobey him, Ovid threatens her with manus iniectio: 39–40, ‘oscula si dederis, fiam manifestus amator / et dicam “mea sunt” iniciamque manum.’ Daube has pointed out that, once again, Ovid is subverting the intention of the legal principle that he invokes: he appeals to a legal process asserting rights of ownership, but his intention thereby is to press an illegal claim against the proper holder of those rights; manus iniectio is invoked in precisely the same context at Am. 2.5.29–30, and at Her. 12.159–60 it is likewise invoked by Medea in an attempt to forestall Jason’s preparations for his marriage to Creusa. Daube draws attention to an extra hint of legal jargon at Am. 1.4.39, suggesting that amator manifestus is meant to evoke the legal rite of traditio and mancipatio.

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4 First observed by Gronovius, Observationes ii: 1; see Frécault, op. cit. (n. 2), p. 328 n. 96.
6 McKeown suggests that Ovid’s mistress is a freedwoman, and that the uir is her patron, who exercises vestigial droits de seigneur over her (Ovid Amores, ii [Leeds, 1989], p. 77).
7 Art cit. (n. 5), 228.
legal phrase *fur manifestus*. which would be entirely apposite in the context of an illicit affair. Daube recognizes that; the technical jargon in this passage is not necessarily used in a precise legal sense, but, rather, to evoke an atmosphere. It is not surprising then to find in longer passages reminiscent of the world of litigation whole clusters of phrases and syntactical features typical of jurists’ language.

An example occurs when Tiresias is called in to refereee the divine squabble resulting from Jupiter’s attempt to tease his humourless consort by making the trivial allegation that females get more pleasure from intercourse than males (*Met.* 3.322–3, 332–8). \(^8\) Structurally this episode serves to introduce into Ovid’s Cadmean narrative the story of Narcissus, which has no connection with the royal house of Thebes: Tiresias is brought in to arbitrate between the quarrelling deities because he has had experience both as a man and a woman; blinded for his pains by Juno, he receives from Jupiter compensatory clairvoyant powers, whereupon he becomes so famous as a prophet that Narcissus’ mother Liriope consults him about her son’s future. In Ovid’s account, the decision to call in Tiresias as referee (322–3) is followed by a parenthesis explaining his credentials for this role (323–31); the narrative is then resumed with seven lines devoted to Tiresias’ verdict and its outcome (332–8):

\[ ... \text{placuit quae sit sententia docti} \]
\[ ... \text{querere Tiresiae...} \]
\[ ... \text{arbiter hic iugur sumptus de lite iocosa} \]
\[ ... \text{dicta louis firmat. grauius Saturnia iusto} \]
\[ ... \text{nec pro materia fertur doluisse, suique} \]
\[ ... \text{iudicis aeterna damnauit lumina nocte.} \]
\[ ... \text{at pater omnipotens (neque enim licet inrita cuiquam} \]
\[ ... \text{facta dei fecisse deo) pro lumine adempto} \]
\[ ... \text{scire futura dedit poenamque leuauit honore.} \]

Tiresias is introduced to us as *doctus*. This epithet is generally explained as alluding to his role as *uates*, \(^9\) but in the context it may have extra point: while Liriope will later consult Tiresias for his prophetic powers, he is here being approached because his personal experience qualifies him to pronounce judgement. *Doctus* is the *vox propria* of the learned and experienced jurisconsult; \(^10\) the travesty in this instance is that Tiresias’ qualifications consist of experience of a highly unorthodox nature: a dual sex-change. Despite its extended range of metaphorical and colloquial usage, *sententia* is primarily a technical term with two spheres of reference: politics, and the law. In the juridical sense it refers to the individual vote of a member of a jury, or to the jury’s collective verdict. Under certain limited circumstances it is also applied to the verdict of a single judge acting independently of a panel of jurors; such circumstances include (as here) arbitration between two parties with conflicting interests: cf. Val. Max. 7.3.4, ‘*Nolani ac Neapolitani queri nihil potuerunt secundum ipsorum demonstrationem dicta sententia.*’ It is precisely in this area that *sententia* starts to shed its strictly formal character and shade off into colloquial usage. \(^11\) By employing this word, Ovid conveys the impression that he is using a popular term in rather a precise sense, to create an atmosphere.

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\(^8\) Noted in neither the commentary of F. Bömer (Heidelberg, 1959) nor that of A. A. R. Henderson (Bristol, 1979).

\(^9\) Bömer *ad loc.*, *TLL* v. 1.1756.80.

\(^10\) Cf. *Dig*. 1.2.2.45–6 (Pompon.) ‘Trebatius peritior Cascellio, Cascellius Trebatio eloquentior fusse dicitur, Olfilius utroque doctior ... Tubero doctissimus quidem habitus est iuris publici et priuati’, *TLL* v.1.1756.27–30, 1759.60–4.

After the parenthesis, *arbiter…sumptus* (332) re-establishes the professional atmosphere: *arbitrum sumere* is a standard phrase in the *Digest* for the appointment of an adjudicator, pointing up the irony here in that a mediator is required in the affairs of the chief deity, himself the law-giver and ultimate dispenser of justice. The phrase *dicta…firmat* has no precise parallel, but the notion behind it seems to be that, out of his fund of experience, Tiresias corroborates Jupiter’s claims. *Adfirmare* is so used in Livy: cf. 26.24.7, ‘haec dicta promissaque a Romano imperatore Scopas…et Dorimachus princeps Aetolorum adfirmauerunt auctoritate sua’, 28.2.2, ‘interim specularares transfigurarum dicta adfirmantes uenerunt.’ Ovid’s use of the simplex form, while metrically useful, may be primarily intended to convey an archaic and legalizing tone. The actual dispute is designated by the oxymoron *lite iocosa* (332): the technical term *lis* serves to dignify the dispute, while *iocosus* conveys the discrepancy between Jupiter’s teasing intent and Juno’s litigious over-reaction.

The terminology for Tiresias’ role is significant: the two protagonists appeal to him as *arbiter* (332), but once he has delivered his verdict in Jupiter’s favour he becomes *iudex suus* (335) for Juno. This phrase is further emphasized by the word-order, since *suique*, beginning a new colon, is in the emphatic position before the noun it qualifies, and it is thrown into relief by the enjambement between them. Why does Ovid lay this stress on the shift from *arbiter* to *iudex*? The distinction between the two 12 *Dig. 4.8.21.1, 4.8.33, 4.8.50, 10.2.47, 10.2.52.2, 33.3.4: see VIR v.873.25–8.

13 In the jurists *firmare* is used with a somewhat different range of abstractions (e.g. *conseuetudinem, ius, obligationes* etc.): see VIR ii.894.41–5.

14 Hofmann–Szantyr, p. 298.

15 Except for Gell. 17.2.10, all ancient authorities referring to this passage quote the normalized form *solis occasus*; hence *solis* was accepted by Mommsen as the original reading (see Riccobono, *FIRA* i.28–9). But the nominative *sol*, quoted by Gellius with the comment ‘non insauui uetustate est’, is accepted as a genuine *ab urbe condita* construction by E. Laughton, *The Participle in Cicero* (Oxford, 1964), p. 86 n. 1.

16 Examined by Laughton, op. cit. (n. 15), pp. 84, 89.

17 For examples in Plautus and Terence (involving *opus/usus est*) see E. J. Tammelin, *De participiis priscae Latinitatis quaestiones syntacticae* (Helsinki, 1889), 104–14; for the handful of instances in Horace’s *Odes* see Nisbet–Hubbard on *Odes* 1.37.13 (adding 1.13.18 and 1.25.9). The ubiquity of this construction in Livy and Tacitus is noted in all the major syntactical handbooks, e.g. Hofmann–Szantyr, p. 256; the prose development from early Latin is concisely illustrated by E. C. Woodcock, *A New Latin Syntax* (London, 1959), pp. 76–7 (and for this construction with the future participle add Laughton, op. cit. [n. 15], p. 99).


20 See Hofmann–Szantyr, p. 408.
capacities is so fine that Cicero can cite the controversy over the usage of these terms as typical, from the layman’s point of view, of jurisprudential hair-splitting (Mur. 27): ‘iam illud mihi quidem mirum uideri solet, tot homines, tam ingeniosos, post tot annos etiam nunc statuere non potuisse utrum “diem tertium” an “perendinum”, “iudicem” an “arbitrum”, “rem” an “item” dici oporteret. Cicero claims that jurists thus preoccupied with legal formulae have lost sight of the aims of justice: ‘in omni denique iure ciuili acquitatem reliquerunt, urba ipsa tenuerunt.’ The original distinction seems to have been that the iudex decided which party in a dispute was right, whereas the arbiter assessed the validity of competing claims;21 but Cicero’s parody shows that, at least to the contemporary layman, both terms were applied to an undifferentiated concept.22 Ovid’s shift from arbiter to iudex reflects the interchangeability of these terms from the layman’s point of view; at the same time, the prominence given to iudex may hint at a layman’s perception that a preference for one term over the other could provide cognoscenti with matter for heated debate. There is an extra element of irony in the application of these terms to Tiresias, whose credentials for either role are highly unorthodox, being based not upon jurisprudence but on a fortuitous sex-change (326–7).

A further ingredient in the legal flavour of this passage is the language of Ovid’s authorial comment on the absurd outcome of this domestic quarrel (336–7):23 Jupiter’s omnipotence is so emasculated by the divine code of ethics that, far from restoring to Tiresias the eyesight that his verdict in the god’s favour had cost him, Jupiter can only compensate his human champion with metaphorical vision. Inritus24 denotes what is without legal sanction; hence inritum facere (336–7) is the technical phrase for an act of annulment.25 Neque ... licet ... cuiquam is typically inclusive legal phraseology, reflecting the evolution of a legal system of prohibitions. Daube26 has demonstrated how prohibitions cast in the form of conditional clauses refer to a particular situation in the context of folk-law, and hence precede the formulation by a relative clause, which refers to a general category; the locution neque ... licet ... cuiquam is a development from the latter type.27 The perfect infinitive after licet might appear to smack of legal precision; but in fact the present infinitive is regular in the jurists, and the use of the perfect seems to begin with Ovid and remain exclusive to poetry until the time of Tertullian.28

More subtly, the adnominatio in facta ... fecisse and the polyptoton dei ... deo evoke

22 See J. M. Kelly, Studies in the Civil Judicature of the Roman Republic (Oxford, 1976), p. 119. Cicero’s later admission (Fin. 4.74) that this passage was deliberate mockery has been interpreted as evidence that the two terms were in reality treated as distinct even in Cicero’s day: see G. Broginni, ludex Arbituriae, Prolegomena zum Officium des römischen Privatrichters (Cologne, 1957), pp. 199–200. But for Cicero’s joke to have been effective it must have recalled genuine linguistic controversies (Kelly, p. 118). For Cicero’s mockery of jurisprudence see A. Haury, L’Ironic et l’humour chez Cicéron (Leiden, 1955), p. 232.
23 Parentheses in the Metamorphoses often serve to justify and highlight behaviour recounted in the narrative; on the inseparability of ‘logische/psychologische Funktion’ in these explanatory parentheses see M. von Albrecht, Die Parenthese in Ovids Metamorphosen und ihre dichterische Funktion (Hildesheim, 1964), 112–14.
24 TLL vii.2.431.73 – 432.2.
25 Cf. Dig. 28.3.6.7 (Ulp.), ‘testamenta irrita constitutiones faciunt’, 31.77.5 (Papin.), ‘si ... mulier uenditionem irritam faceret’, 48.11.8.1 (Paul.), ‘eadem lex uenditiones locationes eius rei causa pluriis minorisue factas irritas facit.’
27 For licet with a dative to specify the sphere of application in legal sources see VIR iii.1629.13 – 1630.52.
the clumsy efforts of legislators to avoid ambiguity. Both figures are typical of solemn legal language and can be traced back to the XII Tables. For the internal accusative creating the adnominatio in facta...fecisse cf. Table XII 2: ‘si seruus futurum faxit noxiamue no(x)it’; for the repetitious precision of polyptoton, cf. Table I 4: ‘adsiduo uindex adsiduus esto.’ Centuries later, under the Digest title De uerborum significatione (a compilation that abundantly illustrates the general linguistic problems faced by jurists), Paulus discusses the phrase facere oportere and incidentally demonstrates how jurists, avoiding the variatio afforded by synonyms, employ inflections of a single word to achieve precision in defining meaning: Dig. 50.16.189 ‘“facere oportere” et hanc significationem habet, ut abstinence quis ab eo facto, quod contra conuentionem fieret et curaret ne fiat.’

That the average Roman regarded such features as typical of legal language, and that they sounded funny to his ears, is demonstrated by Cicero’s extended parody in the passage (Mur. 26–7) that concludes with a jibe at the arbiter/iudex controversy (quoted above). Cicero, mocking the uerbosa loquacitas of lawyers, quotes (and comments on) legal formulae which prominently feature repetition of nouns and pronouns, prepositional phrases, and words derived from a single root (Mur. 26; repetitions are italicized): ‘FVNDVS inquit Q VI EST IN AGRO Q VI SABINVS VOCATVR: satis uerbose; cedo quid postea? EVM EGO EX IVRE QVIRITIVM MVEM ESSE AIO. quid tum? INDE IBI EGO TE EX IVRE MANVM CONSVRTVM VCO. quid huic tam loquaciter litigioso respondeter ille unde petebatur non habebat. transit idem iuris consultus tibicinis Latini modo. VNDE TV ME inquit EX IVRE MANVM CONSVRTVM VOCASI, INDE IBI EGO TE REVOCO...SVIS VTRISQVE SUPERSTITIBVS PRAESTIVM ISTM VIAM DICO; ITE VIAM. praestio aderat sapiens ille qui inire uiam doceret. REDITE VIAM.’ This Ciceronian rehearsal of legal formulae is sufficiently detailed to qualify as parody, whereas Ovid’s phrase facta deifecisse deo is but the briefest of allusions; yet, in the context of Tiresias’ judicial role, Ovid’s authorial comment succeeds in evoking the same ponderous and repetitious style of jurists struggling for precision.

In sum, therefore, we have in this brief episode a mythological scene invested with the litigious atmosphere of contemporary Rome. Mythology frequently appears in Ovid in modern dress: sometimes he makes the comparison explicit and apologizes for it, as in his gloss upon the topography of heaven, described in terms of the snobbish area-preferences of his contemporaries at Rome: Met. 1.175–6, ‘hic locus est quem si ueribus audacia detur / haud timeam magni dixisse Palatia caeli; here his comment on the palaces of the divine elite adopts a tone of mock-hesitation in the parenthetic ‘si ueribus audacia detur’ that nicely offsets the hybris of the comparison. But in the Tiresias episode the contemporary overlay is more subtle, relying upon linguistic allusion and the contradictions inherent in interpreting a divine quarrel in terms proper to human litigation. It has been well observed that ‘parody’ is too coarse a concept for the linguistic humour which Ovid deploys in the Metamorphoses.

29 This propensity of legal language is well illustrated by the tendency of English (handicapped by its lack of inflection) to avoid pronouns, employing instead ‘backward-oriented reference to previously mentioned nouns’ in an attempt (frequently unsuccessful) at greater precision: see Brenda Danet, Law & Society Review 14 (1980), 478. The war waged by legal language against ambiguity is noted by D. Melinkoff, The Language of the Law (Boston and Toronto, 1963), pp. 22–3.

30 Slightly different in arrangement from the phenomenon of ‘substantive Parataxen’ that Landgraf sees as characteristic of Latin expression, including juristic writing: ALL 5 (1888), 169.

31 On parenthesis as a distancing technique in the Metamorphoses see von Albrecht, op. cit. (n. 23), 209–15.
for the benefit of contemporary urbani. So it is with Tiresias’ brief appearance as umpire in Book 3, where legal jargon contributes an atmosphere of incongruous pomposity to the divine comedy.

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32 By M. von Albrecht, Der altprachliche Unterricht 6.2 (1963), 68.

CORNELIA AND DIDO (LUCAN 9.174-9)

ut primum in sociae pervenit litora terrae,
collegit vestes miserique insignia Magni
armaque et impressas auro, quas gesserat olim
exuvias pictasque togas, velamina summo
ter conspecta Iovi, funestoque intulit igni.
ille fuit miserae Magni cinis.

Pompey has been treacherously killed, his body decapitated and thrown into the surf. The faithful Cornelia cannot give her husband a proper funeral, but must be content to place on the pyre all that is left of his greatness. Commentators are not of much help in this place, most caught up in tralatician glossing and hence content to echo the scholastic reference to Pompey’s three triumphs. Thomas Farnaby thought of the funeral of Misenus in Aeneid 6, but one looks in vain to Grotius (1639), Oudendorp (1728), Burman (1740), Bentley (1760), Weber (1828–9), Francken (1896–7), Heitland-Haskins (1889), Housman (1926), Bourgery-Ponchont (1947), and Luck (1985) for the most important parallel, which is to Dido in Aeneid 4. I adduce the passages Heinze well described as examples of ‘das Idealbild eines heroischen Weibes’:

tu secreta pyram tecto interiore sub auras
erige, et arma uiri thalamo quae fixa reliquit
impius exuviasque omnis lectumque iugalem,
quo perit, super imponas:

super exuvias enseque relictum
effigiemque toro locat haud ignata futuri.

hic, postquam Iliacas uestis notumque cubile
conspexit, paulum lacrimis et mente morata
incubuitque toro dixitque nouissima uerba:
‘dulces exuuiae...’

J. K. Newman has remarked that ‘exuvias...is one of Dido’s words’; other

1 The text is D. R. Shackleton Bailey, Lucanus, De Bello Civili (Leipzig, 1988).