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Eumolpus' *Pro Encolpio* and Lichas' *In Encolpium*: Petr. Sat. 107

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The work of Gareth Schmeling on Petronius was a source of great inspiration for me when I was writing my PhD thesis in Glasgow, and his numerous publications in the field of ancient fiction continue to generate useful scholarly debate. This paper is a token of gratitude for his stimulating ideas, and offers a close reading of one of the less studied scenes in Petronius' novel: the debate between the poetaster Eumolpus and the captain Lichas during the 'trial' of Encolpius and Giton who, in order to escape the wrath of their old enemies Lichas and Tryphaena, pose as shorn, branded and penitent fugitives on board Lichas' ship.

I Setting the scene

After the comely slave Giton impudently ends his long-standing sexual association with the narrator Encolpius whom he has left for the well-endowed Ascyllus (80,6), Encolpius goes to an art-gallery and meets a white-haired old man (83,7) who introduces himself to the narrator and the readers as 'a poet of not insignificant inspiration' (83,8). The poet portrays himself as an honest enemy of vice, and claims that he rejects material goods in favour of the study of literature (84,1–3); his declarations are artificial postures whose hypocrisy is revealed through the well-constructed and lascivious tale the poet himself narrates about his amusing affair with an insatiable boy from Pergamum (85–87). His discourse on the decline of the noblest arts (88,2–10) is clichéd and inaccurate, and is delivered in response to the queries of the inquisitive narrator who ironically calls the poet 'more sagacious' (*prudentiorem*, 88,1). The poet's name, Eumolpus 'Sweet Singer,' is revealed in

the extant text only after he recites sixty-five poorly composed iambs on the siege of Troy (89), and receives a shower of stones from the passers-by as a reward for his inadequate poetic skills (90,1). During the period of his temporary residence in Encolpius' lodgings, Eumolpus attempts twice to seduce Giton (92,3; 94,2), and when the irate Encolpius demands from Eumolpus to stop reciting poetry and pursuing his beloved boyfriend, Eumolpus and Giton cleverly orchestrate a staged death-scene at Encolpius' expense (94,14–15); a farcical fracas between Eumolpus and a crowd of drunken lodgers (95,5–9) forms the noisy climax of this fast-paced series of events. When peace is eventually restored (99,2–4), Eumolpus asks Encolpius and Giton to pack their bags and either follow him or go their way (99,4). Eumolpus does not say where they should follow him, but it immediately becomes clear that plans had been made for Eumolpus and his hired servant to board a ship (99,5). Encolpius and Giton join them without asking whose boat they are boarding, and it is important that in the few lines which the narrator dedicates to the preparations for the journey he mentions twice, or possibly three times, how hastily they proceed to the boat (99,5 *moraris*; 99,5 *tamquam properandum* [*t^m: propudium lrtp*] *ignores*; 99,6 *haud mora*). So far then Eumolpus has been portrayed as a hypocritical and lustful opportunist who is skilful in narrating low-life tales, in composing hackneyed poetry, and in seducing boys.¹ In the episode I discuss in this paper one more aspect of Eumolpus' character emerges: that of the promising but ultimately unsuccessful student of rhetoric who fails to reach the high Ciceronian standards he sets, according to Encolpius' narration, for himself.

While on board, Encolpius realises that he and Giton by chance have boarded the ship of their arch-enemies Lichas and Tryphaena (100,7; 101,4; 101,6). This reversal of fortune, in true novelistic fashion, causes Giton to faint and Encolpius to surrender himself completely to the whims of Fortune (101,1). The episode abounds in well-known motifs found in the extant Greek novels and in low drama,² whose repertory is fruitfully exploited to produce a scenario, suggested by Eumolpus, which aims at deceiving Lichas and Tryphaena: Eumolpus' hireling shaves the head and eyebrows of Encolpius and Giton (103,1), while Eumolpus himself marks a neat inscription on their forehead so that they may appear as branded slaves (103,2). Presuma-

¹ There are excellent discussions of Eumolpus' character in Walsh 1970, 94–97; Beck 1979; and Courtney 2001, 135.

² See Galli 1996; Panayotakis 1995, 136–157.

bly the lack of hair would have made the false inscription clearly visible to the passengers on board the ship, but the educated reader, who is also familiar with the conventions and motifs of comic drama and low narratives, should not pause to consider whether this would be an effective disguise, because Encolpius and his companions inhabit the world of low fiction, and the trick is bound to go wrong. So when the two rogues are seized because, in spite of the apparently common nautical superstition, they had their hair cut on a ship at the dead of night in fine weather (105,1), Lichas orders them to be flogged; the screams of the squeamish Giton (105,5) and the familiarity of Lichas with Encolpius' genitals (105,9) reveal to Lichas and Tryphaena the identity of the protagonist and his lover, for both of whom an impromptu court is set up.

Trial-scenes are commonly found in Greco-Roman fiction:³ Dionysius' prosecution of Mithridates in Chariton (5,4–5,8), Philetas' adjudication over the dispute between Daphnis and the Methymnaeans in Longus (2,15–17), Thersander's prosecution of Clitophon in Achilles Tatius (7,7–7,12), Lucius' trial in the festival of Laughter in Apuleius (3,1–9), and Arsake's prosecution of Charikleia in Heliodorus (8,9) show that Petronius was not breaking new ground when adding a court-room scene to the adventures of Encolpius, and that Petronius' readers would have had certain expectations about the structure and development of the narrative of Lichas' prosecution of Encolpius and Giton. The narrator Encolpius does not disappoint them, since the careful structure of this episode suggests that he was well aware of the rhetorical and literary conventions of the sources he was exploiting when reshaping this episode of his past. But whereas in the novels of Chariton, Achilles, Apuleius, and Heliodorus the opposing parties speak once, and most of the speeches are lengthy and divided into the conventional sections of formal oratory, in Petronius the court-room scene is split into four mini-speeches: Eumolpus' *deprecatio supplicii* (107,1–6);⁴ Lichas' *iniqua declamatio* (107,7–11); Eumolpus' argument about the shorn locks (107,12–4); and Lichas' rebuttal of this argument (107,15). There is an obvious symmetry in these four sections: the former two are roughly equal in length, and

³ See Schmeling 1974, 116–118; Létoublon 1993, 177–179, 221; Morgan 2004, 187–188; I have not been able to see Schwartz 1998.

⁴ Mueller⁴ deletes the genitive *supplicis* which appears in some MSS after *deprecationem*, but I accept Buecheler's emendation *supplicii*; the noun *deprecatio* takes a genitive in Cic. *Part.* 131 and *Rab. Perd.* 26; see *OLD* s.v. 3b.

contain several points; the latter two are comparatively short and focus on only one issue. But the clearly sign-posted verbal links among them make the narrative cohere and flow smoothly (for instance, 107,2 *casu in has plagas incidisse* ~ 107,9 *casu incidisse noxios in plagas*; 107,3 *satisfactione* ~ 107,8 *satisfactionem*). First-time readers of Petronius whose reading repertory includes Greek novels may be surprised with this arrangement: they may have expected two long speeches, one from the plaintiff Lichas who also seems to play the part of the judge, and one from Eumolpus who plays the rôle of the counsel for the defence, but what they get resembles a formal debate between students of rhetoric rather than a set of speeches delivered by fully-fledged orators at court. Inconsistencies in the argument are easy to spot (e.g. although Encolpius and Giton pretend to be branded fugitives, Eumolpus refers to them twice as free-born: 107,3 *patimini liberos homines ire sine iniuria*; 107,5 *ingenui honesti*), and it is no accident that these inconsistencies occur in Eumolpus' section of the debate. Lichas, who, even before the speeches begin, sees through the trick of the painted letters, and defines it as 'a trick from the mimic stage' (106,1 *mimicis artibus*), turns out to be a much more careful and clever advocate than Eumolpus, whose rhetorical flaws contribute to his already established characterisation as an incompetent poet.

II Eumolpus' *deprecatio supplicii* (107,1–6)

The *lacuna* that separates the end of 106,4 (Tryphaena's acquiescence to Lichas' desire for vengeance) and the beginning of 107,1 (Eumolpus' speech) need not mean that we have lost a very large amount of text: the narrator may have said that formal legal proceedings were set up against himself and Giton, and he may have reported Lichas' accusation (this pattern would be in accordance with the order of speeches made in real courts and in the trial-scenes described in the extant novels mentioned above). Eumolpus begins his speech in a moral and formal style. His introductory sentence, which also functions as a concise *captatio benevolentiae*, includes the parenthetical sentence *ut puto* 'in my opinion,' which gives Eumolpus an air of false modesty (see Catull. 15,13 *ut puto, pudenter* and Quinn ad loc.), and the rhetorical expression *non ignotum* (litotes, 'of not insignificant repute' = 'of very significant repute') which Cicero had also used in the case against Verres to commend to the judges the knight Q. Minucius (*Verr.* 2,2,69 *Q.*

Minucius eques Romanus, in primis splendidus atque honestus, vobisque, iudices, non ignotus; cf. Rutilius Lupus *Schemata Lexeos* 1,16). So Lichas and Tryphaena, who, unlike the readers, do not know that Eumolpus' talent lies not in the field of oratory but in the areas of seducing boys and girls and deceiving credulous people, are here presented with a self-professed ambassador who is reserved when it comes to blowing his own trumpet, and who clearly states that he has been appointed (107,1 *elegerunt*) to the task of reconciliator of people who used to be connected to one another by very strong ties of friendship (107,1 *amicissimis*). With these words Eumolpus wishes to establish from the start that Encolpius and Giton boarded Lichas' ship fully aware of the fact that Lichas was the captain and that they were sincerely intending to sort out their differences with him. But *amicus* may also have a political meaning (*OLD* s.v.¹ 2), and so the enmity between two rogues and a low-life captain acquires grand dimensions: like Maecenas, who went to Brundisium as a representative of Octavian to liaise and avert the civil war between Mark Antony and the future Augustus (Hor. *Sat.* 1,5,27–9; Appian 5,64),⁵ so Eumolpus is portrayed as an ambassador (107,1 *ad hoc officium [legatum]*, unwisely deleted by Mueller; 107,9 *te legato*; Hor. *Sat.* 1,5,29 *legati...amicos*) with the important mission of reconciling powerful, yet estranged friends. But the bubble is pricked by the superlative *amicissimis*, deliberately placed at the end of the sentence (107,1); given the sexual sense of *amicus* (*OLD* s.v.² 2), it suggests that the relations between the opposing parties were of a carnal rather than of a political nature, and that the plaintiff, who has misguided beliefs about Epicurean gods and what they do, is the vengeful and superstitious former lover of the defendant.

Eumolpus' next sentence is a bold attempt to dismiss the central point in Lichas' accusation: surely Lichas and Tryphaena do not believe that the young men fell by chance into this snare, do they? (107,2 *nisi forte...casu in has plagas incidisse*) This is a brilliant stratagem, especially since the formula *nisi forte*, often employed in Ciceronian discourse to introduce a suggestion which the speaker wishes his audience to regard as absurd (*OLD* s.v. *forte* 3b), and the phrase *in has plagas incidisse*, used (as far as I can see) elsewhere only by Cicero (*Verr.* 2.5.151 *in illas tibi maiores plagas incidendum est*), lend Eumolpus' statement the authority of the most celebrated orator of Latin literature, Cicero. So, when Eumolpus' argument for probability continues in the next clause (107,2 *cum...credat*), in which it is stated

⁵ Cf. DuQuesnay 1984, 39–43.

that all passengers, before boarding a ship, wish to know the identity of their captain because they entrust their lives to him (therefore, Encolpius and Giton knew that they were boarding Lichas' ship), Eumolpus' portrayal of Encolpius and Giton as travellers who make enquiries about their journeys and who always know their destination (107,3 *patimini...ire...quo destinant*) acquires credibility. This is an important point because we as readers both know that Encolpius and Giton do *not* belong to the type of traveller who makes enquiries in advance of his journey, and have already been told that Encolpius and Giton had no chance to ask Eumolpus whose boat they were boarding, since they left their lodgings in a hurry (99,5; 99,6). The superior knowledge of the readers over Lichas enables them to appreciate the deceitful irony of Eumolpus' argumentation.

Having tackled the issue of the absence of chance (*casus*) in the events, which was perhaps the most difficult point of his speech *On behalf of Encolpius and Giton*, Eumolpus moves on swiftly to the issue of reparation (*satisfactio* 107,3; this is a formal judicial term used from Cicero onwards; see *OLD* s.v. 2). The particle *ergo* (107,3) is meant to portray the issue of 'reparation' as a logical result of the issue of 'chance,' but this is not true because Encolpius and Giton fell 'into the snare' of Lichas and Tryphaena by coincidence, not deliberately. Eumolpus argues that Lichas and Tryphaena (I take it that the plural imperatives *flectite* and *patimini* at 107,3 are addressed to both of them) must realise that they have already exacted their vengeance on their former enemies, and should not pursue them any further (107,3), because Encolpius and Giton, characterised as 'freeborn and honourable young men' (*liberos homines*, 107,3; *iuvenes, ingenui honesti*, 107,5), were apparently punished by branding (their deformity is sufficient punishment), and have now returned to Lichas and Tryphaena without any external coercion. There is no clear indication in the extant text that Eumolpus knows the social status of Encolpius and Giton (as Courtney 2001, 41 and 163 rightly notes), and there is no reason to assume that he would have known this in a portion of the text that is now lost. Eumolpus is simply making up the arguments as he goes along, and the weakness of this particular argument is demonstrated by the fact that, although he presents Encolpius and Giton as free, he nevertheless goes on to support his plea for lenience with a moral and general statement which applies to fugitive slaves who are forgiven by their 'harsh and irreconcilable masters' (107,4 *saevi quoque implacabilesque domini*) when repentance brings the slaves back to their master's home. The narrator

chooses Eumolpus' vocabulary very carefully in this section. Words related to the adjective *saevus* and characterising the enemies of Encolpius and Giton on board the ship occur frequently in this episode (105,7 *saevientes*; 108,3 *saevientium*; 108,7 *saevit*), so there is a continuity in the imagery employed by Eumolpus and the atmosphere of violence which is predominant on board the ship. Moreover, the adjective *implacabilis*, which Livy employed as the polar opposite of 'reconciliation' (27,35,8, *itaque is [scil. M. Livius, cos. 208 B.C.] magis implacabilis erat et nihil opus esse reconciliatione aiebat*), and Tacitus (*Ann.* 15,64) used with reference to Nero, will ironically be exploited to qualify Lichas himself when drowned (115,11 *agnovique terribilem paulo ante et implacabilem Licham pedibus paene subiectum*). The phrase *domini crudelitatem suam impediunt* ('masters obstruct their own cruelty' 107,4) harks back to the magnanimous statement Lichas made about himself before launching his attack on Encolpius and Giton (*non sum crudelis* 'I am not cruel' 106,3), while the noun *paenitentia* ('regret' 107,4) is the key-word that paves the way to the climax of this section of the speech, namely Eumolpus' invocation of the traditional Roman virtue of mercy and generosity shown to enemies who surrender (*et dediticiis hostibus parcimus* 107,4). Cicero had elaborated on this Roman duty in detail (*Off.* 1,34–35) and had given historical examples showing how the Romans appreciate the co-operation of their defeated enemies (*Off.* 1,35 *parta autem victoria conservandi ii qui non crudeles in bello, non immanes fuerunt, ut maiores nostri Tusculanos Aequos Volscos Sabinos Hernicos in civitatem etiam acceperunt*); Augustus publicized in monuments that he endorsed this policy (*Monumentum Ancyranum* 1,14 VICTOR...OMNIBVS V<ENIAM PETENTIB>VS CIVIBVS PEPERCI); and in the Vergilian Underworld Anchises famously stated that part of the mission of the Romans is to 'spare the vanquished and subdue the haughty' (*Aen.* 6,853 *parcere subiectis et debellare superbos*). So what Eumolpus effectively does here is to remind Lichas of his duty as a Roman and of his respect to tradition, and he elevates the trivial incident of the enmity between Lichas and Encolpius into a matter of immense moral and political significance. If Lichas were to harm Encolpius and Giton, he would be violating not only two penitent free-born citizens (so says Eumolpus) but also the *mos maiorum* in relation to prisoners of war. Eumolpus' passionate eloquence obscures the crucial point that Encolpius, Giton, Lichas, and Tryphaena are low-life individuals whose behaviour, citizen status, and sexually charged Greek names are a far cry

from the noble and elevated world which Vergil prescribed for the Roman generations of the future.

The penultimate section of Eumolpus' speech begins with a double rhetorical question, in which the important word is the adverb *ultra* 'further' (107,5 *quid ultra petitis aut quid vultis?*). Combined with the technical judicial term *petere* ('to seek to exact punishment or retribution,' *OLD* s.v. 11c), it reiterates the point that Lichas and Tryphaena should regard the branding of their enemies as a sufficient means of reparation for the harm Encolpius and Giton once caused to them (this point will be repeated yet again only five lines later on: *satiari...potuissetis hac poena quam videtis* 107,6). The repetition of this issue usefully reinforces Eumolpus' strongest argument, but it may also signal that Eumolpus is gradually running out of ideas, and simply recycles earlier points by embellishing them with gesticulations and figures of speech. So, the dramatic gesture of Eumolpus pointing to the two penitent young suppliants (107,5 *in conspectu vestro supplices iacent iuvenes*), the asyndeton referring to the citizen status and rank of the accused (107,5 *ingenui honesti*; cf. also 107,6 *vultus ingenuos*), and the reference to the ties of friendship formerly binding the opponents (107,5 *familiaritate vobis aliquando coniuncti*) are well-known devices in law-court speeches aiming at eliciting sympathy for the defendants and odium for the prosecutor (cf. 107,10 *nam quod invidiam facis*, and see *OLD* s.v. *invidia* 3a). But they do not add any new evidence in support of the accused. Equally ambiguous are the terms *familiaritas*, which Cicero sometimes uses pejoratively (*Cael.* 10 *Nam quod Catilinae familiaritas obiecta Caelio est*), and *familiaris*, which may have a sexual meaning (the lover of the Widow of Ephesus is called *familiaris* at 112,6). There is therefore a lot of authorial irony in Eumolpus' statement (107,5) about the close intimacy between a lady of luxury, a bisexual captain, and two morally dissolute youths. Irony, I believe, is also the reason why Petronius wrote the two conditional clauses which form the final part of Eumolpus' appeal for pity. The pluperfect subjunctives used therein (107,6 *si...intervertissent pecuniam vestram, si fidem proditione laesissent*) suggest that the speaker is talking about something which is contrary to a fact. Although we are told that Lichas' wife was seduced (113,3), that his ship was plundered (113,3), and that Tryphaena's moral integrity was publicly challenged (106,4), we do not know exactly what Encolpius' rôle was in these events, and the narrator does not cite in full Giton's account to Eumolpus about the cause of the long-standing hatred between Lichas and

the two young men (106,1 *'hi sunt' inquit Giton 'quos fugimus' simulque raptim causas odiorum et instans periculum trepidanti Eumolpo exponit*). This is presumably done for the sake of the reader who does not need to be reminded in detail of adventures he has already read in previous sections of the novel. But I am tempted to view the unreal facts of Eumolpus' conditional clauses as what *really* happened: namely, that Encolpius and Giton *had* actually embezzled Lichas' and Tryphaena's money (*intervertissent pecuniam vestram*) and betrayed Lichas' and Tryphaena's trust (*fidem proditione laesissent*). Petronius is thus poking fun at the inability of Eumolpus to sustain a good argument in defence of Encolpius and Giton, and destroys the pomposity with which Eumolpus finishes his speech. His last word *proscritos* 'outlawed' (107,6) echoes the infinitive *proscribere* which he himself had used at 101,11 to demolish one of the suggestions Giton had put forward to escape Lichas' attention (*nudis [scil. capitibus], et quid erit aliud quam se ipsos proscribere?*). But it also creates again the grand historical dimension which Eumolpus wishes his case to acquire: unlike the proscribed enemies of Sulla (Flor. *Epit.* 2,11) and Mark Antony (Nepos *Att.* 10,4), Encolpius and Giton are criminals who have *willingly* (107,6 *voluntaria poenarum lege*) been proscribed, and for this reason they deserve the mercy of the magistrate. Eumolpus would have gone on, but Lichas interrupts him (107,7).

At this point the narrator Encolpius sums up Eumolpus' speech with the technical term *deprecatio* (107,7) 'a plea in mitigation (of guilt, punishment, etc.)' (*OLD* s.v. 3b). The Latin equivalent of the Greek term *paraitēsis*, *deprecatio* appears, at least in the rhetorical manual *Ad Herennium*, to form one part of the section of a speech termed *concessio* 'admission of guilt,' the other part being *purgatio* 'exoneration' (1,14,24). According to this manual, a plea in mitigation of punishment applies 'when the defendant confesses both that he erred and that he committed the deed deliberately; nonetheless, he begs that they have pity on him' (1,14,24 *cum et peccasse se et consulto fecisse confitetur, et tamen postulat ut sui misereantur*; see, also, Cic. *Inv.* 1,13; 1,15; 2,104). But how would this definition work in Encolpius' case? The reason for which Encolpius and Giton were arrested before they were recognised is the fact that they had their hair cut during a peaceful night on board a ship. When they are recognised by Lichas and Tryphaena, this offence is added to the insults which Encolpius and Giton had previously committed against the captain of the ship and his luxurious lady-passenger. Eumolpus, the defence counsel of the culprits, does not deny that the offence

of the haircut was committed (how could he have denied it, since Encolpius and Giton are bald?). Cleverly enough, he does not deal, at least not in an explicit manner, with the previous offences committed against Lichas and Tryphaena. He also confesses that the haircut was done deliberately. But he asks for the forgiveness of the guilty party because, as he repeatedly argued at 107,1–6, Encolpius and Giton surrendered themselves to their former enemies, and because, as he will argue at 107,12–14, the two youths, who were unaware of the superstitious beliefs concerning haircut and storms, had no time to have their hair cut before they embarked on the ship. In spite of its contradictions, Eumolpus' plea in mitigation of punishment might have impressed the jury at a law-court, but the author of the manual *Ad Herennium* goes on to say that *deprecationes* (i.e. speeches such as Eumolpus') rarely made it to court, but were commonly admissible before the Senate, a general, or a council (1,14,24 *hoc in iudicio fere non potest usu venire...ergo in iudicium non venit, at in senatum, ad imperatorem et in consilium talis causa potest venire*); it is only in cases in which the defence speaks for someone whose good deeds are several (1,14,24 *nisi quando pro eo dicimus cuius multa recte facta extant*) that speeches like this one were practised in court. Here lies, I argue, yet another level of Petronian irony, which would not have gone unnoticed by the Roman élite which was familiar with court procedures: Petronius sets up a court-scene, and gives the disreputable Eumolpus a speech which would not normally have been heard in court. The exception to the rule about *deprecationes* and law-courts hardly applies here, since Encolpius and Giton are not the type of citizens whose misdemeanours are forgiven on the grounds of excellent previous conduct and notable services to the state. In other words, the term *deprecatio*, which the narrator saves for the end of Eumolpus' speech, negates the validity of the whole plea, and reveals Eumolpus' boldness in undertaking the far-fetched task of defending two rogues.

III Lichas' *iniqua declamatio* (107,7–11)

Unlike Eumolpus' speech whose points lacked an explicitly hierarchical arrangement, Lichas' response is clearly articulated, structured, and divided into four sections, all of which correspond to arguments put forward by Eumolpus. Throughout his speech, Lichas maintains remarkable mental clarity (*noli...causam confundere*, he says threateningly to Eumolpus at 107,7), and

unfailingly signposts the beginning of each section of his reply: (1) *primum omnium* (107,8); (2) *deinde* (107,9); (3) *nam quod* (107,10); and (4) *at enim* (107,11). His aim is to demolish every single point of Eumolpus' *deprecatio*, and it is no accident that there are many verbal similarities between his speech and Eumolpus' plea.

In the first section the conditional clause *si ultro venerunt* 'if they came on their own initiative' (107,8) responds to Eumolpus' phrase *voluntaria poenarum lege proscriptos* 'proscribed by means of a voluntary law of punishment' (107,6). The accusative *satisfactionem* (107,8) is meant to recall the ablative *satisfactione* of 107,3. The moral maxims *vultum enim qui permutat fraudem parat* 'for he who disguises himself seeks to deceive' (107,8) and *quid debent laesi facere ubi rei ad poenam confugiunt?* 'what should the injured party do when the guilty party flees into punishment?' (107,10) form the retort to the apophthegm expressed at 107,4 regarding the irreconcilable masters whose cruelty is mitigated by the repentance of their fugitive slaves (in fact, at 107,10 Lichas ironically plays with the verb *confugiunt* and the identity of Encolpius and Giton who pose as *fugitivi*, fugitive slaves). In the second section the conditional clause *si gratiam te legato moliebantur* 'if they were making efforts to gain our favour with you as an ambassador' echoes the noun *legatum* and the noun-clause *ut se reconciliarem* of 107,1.⁶ Likewise, the rare expression *casu...incidisse in plagas* (107,9) reiterates almost verbatim Eumolpus' *casu in has plagas incidisse* (107,2). In the third section the accusatives *ingenuos honestosque* (107,10) mirror Eumolpus' *ingenui honesti* (107,5) and *vultus ingenuos* (107,6). In the final section the point about the ties of friendship between the defendants and the plaintiff picks up the references at 107,1 and 107,5 to the long-standing *amicitia/familiaritas* of the opposing parties.

Is Lichas a better speaker than Eumolpus? His style is surely less florid than that of Eumolpus, and he is certainly clear-headed enough to reach the following conclusions: (1) Encolpius and Giton need not have had a haircut while about to surrender themselves to their enemies; (2) the fact that neither Eumolpus nor Encolpius and Giton had revealed their identity *before* they were arrested by Lichas' crew suggests that they were trying to hide, and that it was by chance that they fell into Lichas' clutches; (3) the invocation of the citizen status of the defendants, even if it is a fact, does not render them less

⁶ Cicero (*Rab. Post.* 32 *reconciliatio gratiae*) supports the view that there is a conceptual analogy between the verb *reconciliare* and the expression *gratiam molire*.

guilty; and (4) the bonds of friendship between Lichas and the accused increase, rather than diminish, the severity of their crime. The rhetorical manual *Ad Herennium* contains a list of commonplaces from which a plaintiff could draw in order to amplify the accusation. This list includes the opinion that a plea for mercy was justified only when the act was unpremeditated, whereas there should be no excuse for a crime committed with premeditation (2,30,49 *voluntario facinori nullam esse excusationem, imprudentiae iustam deprecationem paratam*). Lichas is sharp and concise, and embellishes his conclusions with general statements which shift the focus of Eumolpus' arguments to the sphere of Roman morality: 'he who harms strangers is called a robber, but he who harms friends, a little less than a parricide' (107,11 *qui ignotos laedit, latro appellatur, qui amicos, paulo minus quam parricida*). Lichas is no paragon of virtue (there is irony in the fact that a vindictive character such as Lichas pronounces on the proper administration of justice) but his views are difficult to refute. The narrator's comment at the end of Lichas' speech (107,12 *resolvit Eumolpos tam iniquam declamationem*) is formal and consistent with the judicial tone employed so far: the verb *resolvo* 'I refute' is a technical term used by orators when rebutting an argument (see Quint. 5,13,2; 12,2,10; and *OLD* s.v. 7c), and the noun *declamationem* 'display speech' was associated with schools of rhetoric by at least the first century B.C.⁷ The latter term sheds new light on the set of speeches to which we have been listening so far, since Eumolpus and Lichas may now be viewed as amateurs involved in a rhetorical *controversia* or 'debate' of the type studied by the Elder Seneca and used by the Younger Seneca in the plot of some of his plays (see, for example, the debate between Phaedra and her Nurse in Sen. *Ph.* 129–266). This plethora of literary models is typical of Petronius' narrative which challenges the erudite reader to identify and appreciate the allusions to various authors and motifs, and invites him to draw his conclusions about the effect of the literary reminiscences on the portrayal of the main characters. So, if we were to imagine Eumolpus and Lichas as students debating on whether or not the protagonist Encolpius and his boy-friend Giton deserve to be punished, we would easily conclude that Lichas' case is stronger than Eumolpus', since the latter lies and tries to distort the truth, whereas the former views the evidence sensibly; because of this the

⁷ *Rhet. Her.* 3,11,20 *mollitudinem vocis...maxime faciet exercitatio declamationis*; Sen. *Contr.* 1 praef. 12 *ipsa declamatio apud nullum antiquum auctorem ante Ciceronem et Calvum inveniri potest, qui declamationem <a dictione> distinguit*.

adjective *iniquam*, which qualifies the term *declamationem* at 107,12, is all the more ironical on Petronius' part: the narrator Encolpius regards Lichas' declamation as 'unfair' (*OLD* s.v. 4a; see also 108,3 *negat Eumolpus passurum se, ut quisquam ingenuos contra fas legemque contaminet*), but the author Petronius, who has given his readers superior knowledge over the characters, mocks with this adjective the indignation of the narrator of his novel.

IV Eumolpus' point about the shorn locks (107,12–14) and Lichas' rebuttal (107,15)

I argued above that the logical way in which Lichas' speech is presented makes it difficult to refute the accusations against Encolpius and Giton. Under these circumstances Eumolpus, in his response to Lichas which initiates a second round of speeches, cleverly omits any mention of the citizen status of the defendants, the ties of friendship once binding the opposing parties, the intention of Encolpius and Giton to surrender themselves to and be reconciled with Lichas, and the point about chance (*casus*) and premeditation (all these arguments clearly weaken Eumolpus' defence); instead he focuses on only one issue, the haircut of the culprits during the night (107,12). He takes care to spell out the accusation afresh (107,12–13; his phrase *incidisse in navem* echoes the expression *in plagas incidisse* used at 107,2 and 107,9), and to emphasize that it was the circumstances (a favourable wind, 107,13) and the defendants' ignorance of superstitions (107,14) that forced them to cut their hair on board the ship. Eumolpus' pathetic excuse is that the hair of the defendants was such a tiresome and redundant burden (107,13 *molesto et supervacuo pondere*) that it needed immediate attention. But he omits to explain how this action squares with Encolpius' and Giton's intention to be reconciled with their former enemies, and he does this not out of negligence but deliberately because the haircut was meant to trick Lichas, not to relieve the defendants. On the other hand, Lichas does not fail to spot this weakness in the argumentation of Eumolpus (107,15 *quid...attinuit supplices radere?* 'why was it relevant that suppliants should shave their heads?' he asks), and launches a brief but fierce attack against him which greatly differs in tone from Lichas' earlier speech: it comprises five angry questions (note the anaphora *quid attinet* in two of them), a sarcastic clause introduced with *nisi*

forte which echoes Eumolpus' clause beginning with *nisi forte* at 107,2,⁸ and direct verbal abuse towards Encolpius (*latro...pharmace*; the former noun appears as a term of abuse in Cic. *Phil.* 3,29, *Fam.* 10,5,3, and *Catil.* 1,33; on the latter noun see Cavalca 2001, 134–135). Like Cicero (*Verr.* 1,36; *Ep. ad Brut.* 1,10,3), Lichas does not trust go-betweens when it comes to seeking the truth (107,15 *quid attinet veritatem per interpretem quaerere?*),⁹ but, unlike Cicero, he does not maintain self-control, and his outburst is partly responsible for his eventual downfall.

VI The bigger picture

But even more interesting than the portrayal of Eumolpus as a flawed student of rhetoric or the presentation of Lichas as an 'angry Cicero' is the way in which the trial-scene in this novel 'disintegrates' from a pair of equally long speeches to a set of uneven arguments, and ends up in mere slapstick and blows which are triggered both by Encolpius' inability to respond to Lichas' abusive questions (108,1), and by a wet sponge which wiped the ink off Encolpius' face and revealed to the irate Lichas Eumolpus' trick (108,2). There are at least two reasons for this ending: it is appropriate that a scene steeped in literary allusions from the Greek novels and low drama should end in a manner which echoes the brawls of mime¹⁰ and resembles the blows of the opposing parties at court in some Greek novels (Long. 2,17,2–3; Heliod. 8,9). However, the abrupt and inconclusive ending is also characteristic of the way in which Petronius constructs his text to elicit humour: several literary sources are exploited for the composition of a single, multi-layered episode, whose plot eventually crumbles and falls to pieces. Likewise, in this scene the author enlists the services of Roman oratory, Greek novelistic accounts of trial-scenes, rhetorical debates proliferating in the first century A.D., and low drama, but the synthesis of it all is far from orderly, and does not lead to predictable conclusions about the characters of the *Satyrice* and

⁸ Lichas' sarcastic comment that 'bald people are usually more pitiable' (107,15) backfires against him both because the bald Encolpius and Giton excite the pity of Tryphaena and her maids who adorn them with wigs and false eyebrows (110,1–5), and because the cropping of hair in men and women is associated with mourning from Homer onwards: on the latter issue see, recently, May 2005, 276–279.

⁹ Schmeling 1994 regards this sentence as an epigram which epitomizes the elusive character of the whole novel.

¹⁰ See Panayotakis 1995, 154.

the world they inhabit. In spite of his sharp brain and his concise eloquence, Lichas drowns at the end of this episode, whereas Eumolpus and his companions survive and embark on new adventures at Croton. This suggests to me that Petronius does not wish to edify morally his audience by punishing the bad and rewarding the good characters in his novel, and that Encolpius' narrative does not portray a world in which prudent people (such as Lichas) who revere the gods are rewarded and live longer than hustlers (such as Encolpius and his friends) who do not believe in traditional moral values and live at the margin of society. In the world of the *Satyricon* culprits are taken to court and yet escape punishment, and this miscarriage of justice resembles the adultery mimes in which, according to Choricus (*Apol. Mim.* 30), the husband takes wife and adulterer to court, and the judge threatens to punish them, but the show always ends happily, not seriously or tragically, because it aims at the audience's entertainment. In other words, those who talk about narrative polyphony in Petronius should not always view it as harmonious; often, it is purposefully cacophonous. Whether or not the chaotic ending of this trial reveals anything about the judiciary system in Petronius' time is unclear to me, but I am not tempted to go down this route.

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