

Saturnalian *Lex*: Seneca's *Apocolocyntosis*

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Introduction: Who guards the guards?

Holding people to account is a large part of the law's job. Assigning doers to deeds, ensuring the appropriate punishment of transgressions and transgressors, recommending processes of reparation, regulating the conduct of public bodies, organisations, governments, and nations: each is an example of the law apportioning and policing responsibility, individual and collective. As a regulatory force, though, the law, too, must be held accountable, which means that any justice system must incorporate sufficient checks and balances to ensure that it remains just; otherwise it loses all credibility. Urgent enough in parliamentary democracies and constitutional monarchies, the task acquires another layer of difficulty in more autocratic contexts, where a single ruler embodies the ultimate (terrestrial) source of legitimacy.¹ *Quis custodiet ipsos custodes?* A major problem of sovereign legality is its self-legitimizing nature: the sovereign is subject to the law, but in deciding what counts as law, he also transcends its framework, making law by his very ability to exceed it. The pressing question then becomes whether and how such an arrangement can guarantee the sovereign's being held to account.

This paper examines the twinned issues of sovereignty and law in Seneca's *Apocolocyntosis*, combining ancient Roman – specifically, Senecan – concepts of sovereign power with theoretical approaches formulated by Carl Schmitt and Giorgio Agamben. As summarized in the preceding paragraph, Schmitt's 'paradox of sovereignty' maintains that the sovereign 'stands outside the normally valid legal system [but] nevertheless belongs to it' for he is the one with the power to suspend and reformulate the constitution in times of emergency.² Sovereignty, for Schmitt, represents 'not . . . the monopoly to coerce or to rule, but . . . the monopoly to decide.'³ Writing at the opposite end of the twentieth century,

Agamben transforms Schmitt's idea from a temporary, emergency measure into the ongoing state of modern biopolitics, and regards the paradox of sovereignty as inherent in the very operation of the juridical order: 'the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law. This means that the paradox can also be formulated this way: "the law is outside itself"'⁴ For Agamben, the sovereign exception – i.e. whatever is acknowledged as excluded from the juridical order – becomes the rule, included by its very exclusion, and authority 'proves itself not to need law to create law'.⁵ Not only does no-one guard the guard in this case, but the guard's role entails its own negation.

Notwithstanding their modern grounding, these ideas are also applicable to the Roman principate, where the conflation of legislative and executive functions meant 'the emperor was simultaneously above the law, within the law, and the law itself'.⁶ An oft-quoted phrase from Ulpian provides the perfect example, acknowledging the ruler's legally sanctioned exemption from law in a paradox reminiscent of Schmitt's: *princeps legibus solutus est* ('the emperor is not bound by the laws' *Dig.* 1.3.31). In other words, the emperor's freedom from legal strictures is legitimated via its very codification: the *princeps* is simultaneously inside and outside the juridical order. The law authorizes its own suspension.

In the case of Claudius, and the *Apocolocyntosis*, this issue of legal anomie is thrown into particularly sharp relief, because as *princeps*, Claudius coupled supreme political and legal authority with his own, obsessive interest in legal proceedings. Although it was usual for emperors to sit in judgment,⁷ and to formulate new laws, Claudius' constant, visible meddling with the justice system drew attention to the emperor's – and indeed, the law's – accountability. How could the law self-regulate when the ultimate source of its regulation was so erratic? And could the ruler ever be held legally responsible for his imputed travesties of justice? The *princeps*' ability to pass judgment on others while escaping it himself is a problem at the heart of the *Apocolocyntosis*. Not only does Seneca's satire subject Claudius to a posthumous trial and punishment, and mete out a poetically appropriate sentence, but it also enacts, through its genre and narrative voice, the dialectic of lawmakers being both inside and outside the juridical order, specifically, of someone being able to hold others accountable without himself answering to the law.

Curiously, this aspect of the *Apocolocyntosis* has received hardly any scholarly attention. While Classicists acknowledge the text's legal imagery and language,⁸ they are more likely to classify the *Apocolocyntosis* either as a nonsensical Menippean romp⁹ or a piece of political criticism¹⁰ than an insightful assessment

of Rome's legal problems under the principate.¹¹ Granted, what Claudius suffers in this satire *is* funny, and it *is* a comment on the indiscretions of his reign and a possible lesson for Nero, but it is also shorthand for the emperor's broader role in the juridical order, especially his position as judge. In the course of ridiculing Claudius, the *Apocolocyntosis* comments on the principate's legal structure, the emperor's monopoly of legal decision-making and the consequent problems of judicial responsibility. The text reflects the concerns of its era, a time when the *princeps*' centralization of legal authority was becoming all the more apparent. Further, the *Apocolocyntosis* does not just document the principate's legal failings, but actively intervenes in them by imagining its narrative, and the narrator's voice, as having the force of law. The satire judges Claudius and invites its audience to do the same. This means that we, as readers, are granted the opportunity of performing what the law failed to do during the emperor's lifetime: we hold Claudius to account; we guard the guard.

Trial and punishment 1: Olympus

The first such judgment in the *Apocolocyntosis* is the *concilium deorum* (8.1–11.6), the longest section of the work's extant text,¹² where the gods debate Claudius' admittance to divine status. Like many such *conclia*, the scene is imagined as a meeting of the Roman senate.¹³ Claudius arrives at Olympus' threshold and convinces Hercules to admit him and champion his case. Some gods are persuaded, but the majority vote against the motion. Framing the debate are two denunciations of Claudius' conduct as emperor. The first speaker, rendered anonymous by a lacuna, condemns him for enforcing the suicide of his prospective son-in-law, Lucius Silanus Torquatus, and for his hypocrisy in posing as a moral reformer while the worst breaches of marital law happened in his own household (8.2–3). The final speaker, Augustus, follows the first deity/senator in denouncing Claudius for executing fellow aristocrats (10.3) and, more importantly, members of the imperial family (10.4; 11.1–6) and for doing so without first hearing both sides of the case (10.4). These two speeches, especially Augustus', transform the scene from a senatorial *relatio* into a full-blown trial,¹⁴ as Claudius is charged on multiple counts of judicial murder and failure to follow correct courtroom procedure.

Thus, the episode poses as repayment for Claudius' judicial misconduct. The main motif is reversal, which unites the scene's satirical requirements with its role as a piece of 'poetic justice.' Instead of presiding over the gathering, Claudius

plays the hapless petitioner; rather than acting as a judge – one of his favourite occupations while in power (Suet. *Cl.* 14–15; Tac. *Ann.* 12.43.1) – he is subjected to others’ judgment; in place of sentencing family members, he is sentenced by a family member. On the surface, this looks like a reinstatement of legality, with Claudius finally being made to answer for his deeds, if only in fictional terms.¹⁵

Augustus’ speech plays a large role in creating this impression, as it appears to deliver a decisive ‘message’ about the dangers of emperors disregarding the law.¹⁶ Among the several self-promoting claims of its preamble is the phrase *legibus urbem fundavi* (‘I gave Rome a foundation of laws’ *Apoc.* 10.2). This clear allusion to Vergil’s Numa (*qui legibus urbem fundabit*; ‘who will give Rome a foundation of laws’, *Aen.* 6.810–11) casts Augustus in his favourite role as guardian and (re)originator of ancestral – in this case, specifically legal – tradition.¹⁷ Augustus poses as a yardstick by which the gods are encouraged to measure Claudius’ aberration, and his position as founder imbues his opinions with a high level of judicial authority.

Such seeming legitimacy is further enhanced by Augustus’ ostensible disavowal of absolute power. When he cites with approval the *sententia* of Messala Corvinus, *pudet imperii* (‘I am ashamed of my *imperium*’ *Apoc.* 10.2), he implies a talent for self-restraint that Claudius apparently lacks. As the guardian of Roman law, Augustus is presumed capable of controlling himself, that is, of generating from his own conscience the checks and balances necessary to the exercise of justice. Only the emperor can set limits on his own *imperium*, which includes his juridical powers. This would be a situation with worrying consequences were it not for the fact that Augustus professes to submit himself willingly to his own limitation.¹⁸

As a result, Augustus’ verdict acquires significant moral and legal force. His condemnation of Claudius is couched in explicitly legalistic terminology: ***pro sententia mea hoc censeo . . . placet mihi in eum seuerè animaduerti nec illi rerum iudicandarum uacationem dari eumque quam primum exportari et caelo intra triginta dies excedere, Olympo intra diem tertium*** (‘**I propose this according to my opinion . . . I decree** that he be dealt with severely, nor should he be granted **exemption** from due process of law, and he should be banished straightaway, having to leave heaven within thirty days and Olympus within three’ 11.5–6).¹⁹ Such terminology casts Augustus not just as the law’s representative, but as its *voice*, a cipher for law’s lexical power to define, judge and punish. Further, it hints at his role as (former) imperial lawmaker, since the phrase *placet mihi*, besides referring to individual opinion, also evokes in this

context the legislative formula *principi placuit* ('it has pleased the emperor' cf. *Dig.* 1.4.1 *quod principi placuit legis habet vigorem*; 'what has pleased the emperor has the force of law'). Effectively, Augustus' utterance *is* law, and it is imbued with such authority that it is easy to interpret his judgment as the text's own. In contrast, Claudius seems more of an imperial lawbreaker than maker: he is portrayed as incapable of following official procedure, and the stuttering unintelligibility of his voice prevents it from acquiring any judicial force.²⁰ While the Claudius of Seneca's *Apocolocyntosis* may talk endlessly *about* the law, he cannot, it seems, *embody* it in the same way that Augustus does.

Justice, therefore, is presumed to have been served: following Claudius' abuse of it, the law has been reinstated through the person of Augustus, and Claudius' erstwhile sovereign power has been curtailed by the superior power of heaven. The unfettered judicial behaviour of the sovereign has finally been called to account. Moreover, as the medium for Augustus' judgment, the text, too, formulates a verdict on Claudius' conduct. Calling the work a 'verdict' is no mere metaphor, either, for although the *Apocolocyntosis*' condemnation of Claudius is not the same as a courtroom decision, the text's mimicry of official discourse draws attention to law's primarily verbal existence, its grounding in authoritative and persuasive language, its textual form and need for interpretation.²¹ The *Apocolocyntosis* opens with the narrator's promise to report *quid actum sit in caelo ante diem III idus Octobris* (1.1 'what went on in heaven on 13 October'), where the official formulation allows the satire to pose as an authorized record, and suggests not just 'what happened in heaven,' but 'what was decreed' and the precise date of its ratification.²² In other words, the text (jokingly) claims legal status for its pronouncements. The same applies to Augustus' verdict at *Apocolocyntosis* 11.5–6: the prominence of legal language highlights law's enactment as and through words, meaning in turn that a literary work can approximate to if not appropriate law's regulatory authority.

In submitting Claudius to Augustus' judgment, the *Apocolocyntosis* also highlights the larger issue of the audience's and of history's verdict on the emperor. A trial scene invites readers to take sides, to draw their own conclusions; at very least, it makes readers aware that their consumption of the text is also a process of decision-making, in this case, about Claudius' apparent disregard for Roman legal norms. And such decision-making on the audience's part, whether positive or negative, represents a curb on Claudius' self-substantiating power. He no longer exercises a sovereign monopoly over decision-making; he must bow to others, to the force of public opinion. The audience, rather than Claudius, assumes the position of judge.

Equally, the scene can be read as reinstating the senate's decision-making power by undermining the official proclamation of Claudius' godhead. In laughing at Claudius' *consecratio*, the text appears to challenge the public narrative of the emperor's deification and to give the 'senate' a chance to revisit its original decision. This problem has long vexed scholars because the text's mockery threatens to destabilize Roman traditions of emperor worship, with attendant consequences for Nero styling himself *diui filius*.²³ Ittai Gradel's distinction between absolute and relative categories of divinity comes closest to resolving the issue: Claudius has been consecrated a god of the Roman state and the *Apocolocyntosis*, Gradel maintains, does not question this. Instead, it ridicules Claudius' bid to become an absolute divinity, a matter which the gods, not the Roman state, must decide.²⁴ Although neat, the solution has one sticking point, and that is Gradel's all too swift dismissal of the *concilium deorum*'s resemblance to a senate meeting.²⁵ This detail is crucial because it implies the senate's *reconsideration* of Claudius' godhead just as much as it implies Olympus' initial consideration of the issue. And herein lies the senate's potential freedom, because it (re)gains the power to decide Claudius' fate, albeit in a fictional context. If, as Kaius Tuori claims, Claudius' reign represented 'the decisive ending of the senate's influence as a court of law',²⁶ then the *Apocolocyntosis* resurrects that influence. Its fictional context is not so very far removed from the everyday realities of Roman life, either, for if one of the *consecratio*'s aims was to establish how Claudius would be remembered, then the *Apocolocyntosis*, too, claims that function, even if it falls short of enforcing obedience. This does not, of course, solve the problem of the *Apocolocyntosis* mocking Claudius' divinity, but finding a solution is not my current aim. Instead, I want to show how the text subverts the emperor's monopoly of decision-making by subjecting him to others' judgments, particularly to the judgment of law-making bodies such as a senate.

According to Suetonius, the historical Claudius was a keen but erratic judge, 'sometimes prudent and perceptive, sometimes thoughtless and hasty, often trivial and like an insane person' (*modo circumspectus ac sagax, interdum inconsultus ac praeceps, nonnumquam friuolus amentique similis*, Cl. 15.1). He seems to have acted without regard for principle and precedent: in making decisions, 'he did not always follow the letter of the law' (*nec semper praescripta legum secutus*, Cl. 14.1) and he appears to have marginalized the role of professional juriconsults (as the adjective *inconsultus* at Suet. Cl. 15.1 may imply).²⁷ Although his zealous courtroom attendance was probably due to a backlog of cases that had accumulated under Tiberius and Caligula,²⁸ it could

easily appear as a desire to monopolize legal business, especially when coupled with Claudius' inconsistent verdicts. It is this image of Claudius the idiosyncratic and over-enthusiastic judge that Seneca tackles in his *Apocolocyntosis*, chiefly by asserting the law's independence from its main imperial administrator. Seneca's satire holds out the hope that Claudius will be made answerable for his actions in the afterlife, whether in the imaginary setting of Olympus or, more literally, in the text's promulgation of the emperor's failings. Both scenarios assume the existence of a power higher than Claudius', a power that imitates and may even be said to usurp law's function in making Claudius answerable for the 'crimes' committed in his role as *iudex*. It is about bringing Claudius' sovereign authority within the law's orbit, however fictively and belatedly.

Judging Olympian judges

There is, however, an added layer of complexity to Seneca's *concilium deorum*, because it portrays a senate almost as shambolic and corrupt as the petitioner it seeks to deny.²⁹ Jupiter is depicted as having forgotten correct procedure by allowing Claudius to attend the senatorial debate (9.1). The king of the gods also criticises his fellow 'senators' for their disorderly conduct: *uos mera mapalia fecistis* ('you have made a real pigsty of it' 9.1). Diespiter, who speaks in support of Claudius, is introduced as 'consul designate, a petty money-changer . . . [who] used to sell citizenship rights' (*consul designatus, nummulariolus . . . uendere ciuitatulas solebat*, 9.4) and to prevent readers from ascribing such unprincipled activity *only* to Claudius' allies, Seneca similarly portrays Janus, an opponent of Claudius' godhead, as a lazy consul designate appointed by a debased system (9.2).³⁰ How can this degenerate deliberative body be expected to deliver any kind of justice?

Augustus' speech, too, is problematic because of its blatant self-interest. He admits to feeling *indignatio* (10.2) and focuses his condemnation on *iniurias meas* ('wrongs done to me' 11.4), which he demands the senate avenge (11.4). As Katherine Aftsomis observes, this is not the image of an impartial judge, but of 'an enraged emperor seeking vindication', an emperor who has, moreover, power to sway the senate's decisions.³¹ Initial impressions of the senate's freedom begin to seem pretty illusory in this light, and Augustus emerges not as the law's disinterested voice but as a sovereign leader capable of manipulating judicial proceedings for his own satisfaction. The judicial abuses attributed to Claudius, then, appear to be perpetuated on Olympus.

Jupiter is a prime example, since details of his caricature recall Claudius' own: he is an absent-minded *princeps senatus* (9.1) in an incestuous marriage (8.2), who acts aggressively – though not murderously – towards family members (11.1). This mild resemblance to the erratic *princeps* undercuts Jupiter's mythological status as a dispenser and guarantor of justice. Notably, his breaking of Vulcan's leg (11.1), which anticipates Claudius' own limping dismissal from Olympus, is presented as an act of arbitrary violence involving serious if unstated ramifications for the divine council's treatment of the dead *princeps*. To the extent that Claudius becomes a victim of his own capricious behaviour, therefore, justice may seem to be served, but to the same extent, Jupiter cannot really be said to embody it. Can this impasse be resolved?

We could chalk it up to satire's love of inversion: the narrator reprimands injustice only to reprimand the reprimanders and we are all left wondering whom and what to laugh at.³² This may be true of Seneca's *Apocolocyntosis*, but I think there is a further purpose at work here, because in exposing the moral weaknesses of this particular 'senate', Seneca once again invites questions about the law's overall ability to self-regulate under the principate. How can justice be guaranteed or the legal system maintain credibility when it has been designed in such a way that the ultimate source of law, the emperor, cannot be held accountable except by his own willing submission? If Jupiter's conduct in the *concilium deorum* seems a reflection of Claudius' own, that is a consequence both of its being fitting punishment for Claudius' misdemeanours (a 'taste of his own medicine') and of its epitomizing the deeply problematic paradox of the *princeps* transcending the law at the same time as deciding and enforcing it. As a Claudian figure, Jupiter evokes this uneasy marriage of intra- and extra-judicial status: he has the authority to convene proceedings and to judge Claudius, but that very authority also permits him to act capriciously.

The same paradox applies to Seneca's portrayal of Augustus, who commandeers senatorial procedure, allows his own grievances to intervene and produces a verdict primarily out of anger; this is not the conduct of a good judge, especially not by Seneca's standards.³³ As much as Augustus in the *Apocolocyntosis* enforces the law, he also seems to stand beyond it. If such observations seem to contradict my earlier assertions about the Olympians' judgment of Claudius, that is due to the text's multi-layered approach, its portrayal of apparent Olympian justice undercut by the very same problems that Claudius exemplifies, namely, the self-regulating nature of sovereign power. The satire's questioning of Jupiter, Augustus, and the senate's judgment does not, therefore, invalidate its main theme of the *princeps*' extra-judicial position. The *Apocolocyntosis* still addresses

the issue of the emperor's legal accountability, only from a more complex standpoint. We can say that the satire encourages readers to judge not just Claudius but Augustus, Jupiter, and the entire trial depicted at 8.1–11.6.³⁴ We can also say that it handles the issue of sovereign legality with depth and sophistication; it doesn't propose any easy solutions.

To illustrate this paradox more fully, I draw attention to the opening of Seneca's *de Clementia*, a text scholars often pair with the *Apocolocyntosis*.³⁵ It begins with Seneca's promise to 'perform the function of a mirror' (*speculi uice fungerer*, *Clem.* 1.1.1) in order to display Nero to himself (*ut . . . te tibi ostenderem*, *Clem.* 1.1.1), and underscore the pleasure involved in gazing upon and examining a good conscience (*Clem.* 1.1.1). For Peter Stacey, the mirror's significance lies in its construction of a 'self-reflecting moral *persona*' for the Senecan sovereign.³⁶ Effectively, Nero is urged to act as a mirror for himself and to scrutinize his actions, just as Seneca's text uses the rhetorical strategy of posing as a protreptic mirror for the young *princeps*. Self-government becomes the foremost ingredient in good government; self-rule guarantees the rule of law and the sovereign's legitimacy. But the metaphor of the mirror has a flipside as well, because it also shows how 'nothing except the emperor defines the limits of jurisdiction.'³⁷ The only person to whom Nero can be held responsible is Nero himself, and although his moral guidance is supposed to stem from the external, universal standards of Stoic natural law, his earthly conduct is essentially free from supervision. Moral checks and balances, however superior in origin, seem weak when faced with Nero's capacity for self-determination. Like Augustus and Jupiter in the *Apocolocyntosis*' *concilium deorum*, the Nero of *De Clementia* 1.1 is imagined as being simultaneously inside and outside the juridical order, able to suspend the law's validity in the name of justice (e.g. in acts of clemency), and thereby to create new legal standards. He embodies the law just as he embodies his own reflection. For the *Apocolocyntosis*' Olympian 'senate', visiting justice upon Claudius involves a similar – albeit more glaringly irresponsible – dismissal of good judicial practice: Augustus and Jupiter are depicted as having judged Claudius correctly despite (or because of?) their erratic, irate, 'Claudian' behaviour as judges. They transcend and therefore remake the law as needed.

The overall effect is of Seneca and his audience adopting the role of judges and discerning the right and wrong not just in Claudius' conduct but in that of the text's other juridical figures, too. (The same could be said of the *de Clementia*: it is the text itself, Seneca as author and, above all, the audience's expectations of the *princeps* – his mirror standing in for his 'reputation' – that are meant to keep Nero in check.) This approach enables Seneca to dissipate the problem of

sovereign power by creating a *community* of judges whose diversity of perspectives and eras prevents any one of them from monopolizing the decision-making process. The text itself becomes a legal artefact, simultaneously evidence and verdict, and it is a clear example of literature intervening actively in legal problems. The *Apocolocyntosis* weakens Claudius' sovereignty by making him the object of others' judgments and, at the same time, a butt of ridicule.³⁸ Claudius is no longer in control; Seneca and the audience are. In the world of the *Apocolocyntosis*, the *princeps'* authority is no longer legally independent and underived: it is checked, curtailed, regulated by others, a job performed by the text itself as much if not more than by the characters within it. The sovereign power of decision-making passes from Claudius as *princeps* to Seneca as author, and to his readers. Although it is still quite a step from putting the emperor on trial in fiction to putting him on trial in actuality, the *Apocolocyntosis* opens the door to this possibility, by intimating that people other than the emperor can interrogate and place limits upon his power.

Trial and punishment 2: The underworld

If this paradox of sovereign legality receives light inflection in the *concilium deorum*, it is brought to fuller prominence in the subsequent underworld trial, where Claudius is charged with murder under the *lex Cornelia* (14.1). Aeacus conducts proceedings in true Claudian fashion, denying the defendant an adjournment and then, his right of reply (14.2). Claudius is condemned without a hearing; Aeacus decides *altera parte...audita* ('with one side of the case heard', 14.2), a direct echo of Claudius' own practice, as reported at *Apocolocyntosis* 12.3.19–21: *quo non alius / potuit citius discere causas / una tantum parte audita* ('no-one could decide cases faster, **with only one side heard**' cf. Suet. *Cl.* 15.2). Aeacus' ensuing citation of a Hesiodic maxim, 'should you suffer what you have done, this would be true justice' (αἴκε πάθοις τὰ ἔρεξας δίκη εὐθεῖα γένοιτο, 14.2; fr. 286.2 M-W) confirms that the very *form* of the trial, not just its outcome, functions as punishment for Claudius.³⁹ While this wilful disregard for procedure seems shockingly novel to the assembled crowd, Claudius himself merely thinks it unfair, rather than unprecedented (14.3) – partial recognition of his own erratic conduct as judge, even if he does not think it worthy of punishment.

The result is that Aeacus embodies *both* a just judge *and* a Claudian travesty of justice. It is significant that the narrator calls him *homo iustissimus* at precisely the moment he forbids the defence counsel from speaking (14.2). This label is at

once an ironic acknowledgement of Aeacus flouting accepted legal procedure and genuine praise for his treatment of Claudius.⁴⁰ Essentially, Aeacus contravenes the law in order to apply it better, and his status as the law's guardian enables him to overstep its jurisdiction, to create it by suspending it. The scene is a brilliant miniature illustration of law's paradoxical dialectic: Aeacus has to override official procedure in order to be just; he must imitate Claudius in order to show how unlike Claudius he is in his ruling; he must break with precedent in order to adopt a sufficiently Claudian precedent to ensure not only Claudius' but the law's own accountability. Inasmuch as he, like Jupiter, is a quasi-Claudian figure, Aeacus embodies the problems inherent in sovereign power's relationship to the law: he is all at once above it, subject to it, and its point of origin. Only in this case, in implied contrast to Claudius' own courtroom conduct, abuse of the law happens for a good purpose.

Following the trial, Claudius undergoes two stages of punishment, each designed to match and therefore repay his particular personal failings. The first is the sentence handed down by Aeacus: eternal gambling with a broken dice box (14.4), a witty spin on Sisyphus' endless labour (15.1) and the Danaids' hopeless water-carrying. The punishment's significance lies in its evoking one of the historical Claudius' favourite past-times (Suet. *Cl.* 33.2), and in its being an essentially Saturnalian activity, for only during the short period of this festival was gambling sanctioned by Roman law (though those laws appear to have been largely ineffectual in preventing its practice at other times).⁴¹ In being condemned to rattle and lose his dice *semper* (14.4), Claudius performs the penal equivalent of his time spent as *princeps*, which Seneca characterizes as an ongoing Saturnalia (8.2; 12.2: *semper*). I address this theme fully in the next subsection; for now, it suffices to say that Claudius' lonely, one-man Saturnalia in the afterlife mirrors and inverts his equally singular conduct as the *Saturnalicus princeps* (8.2).

The second stage of punishment arrives along with the work's abrupt conclusion: Caligula turns up and claims Claudius as his slave; the judgment is made in Caligula's favour, and 'he hand[s] [Claudius] over to his freedman, Menander, to be his secretary for petitions' (*is Menandro liberto suo tradidit, ut a cognitionibus esset*, 15.2).⁴² The scene is obviously formulated as a response to the historical Claudius' notorious over-reliance on freedmen and their unprecedented level of influence at the imperial court. Claudius remains dependent upon them in the underworld, but from a position of social subservience rather than one of authority.⁴³ In a basic sense, Claudius' relegation to this category is typical of comedy's 'monde renversé' where social hierarchies are temporarily disturbed (though we should note that, in Claudius' case, the

reversal is supposed to be permanent).⁴⁴ Yet the punishment also entails deeper thematic significance because Claudius' slave status inverts and corresponds to his former position outside the juridical order. Just as the emperor stands above the law, so the slave, in Roman society, stands below it. Slaves are defined largely by their exclusion from the law's protection: they cannot bring lawsuits, nor prosecute on someone else's behalf; they are objects, property rather than 'people'; they can be assaulted with impunity.⁴⁵ So Claudius, as a slave, continues to inhabit an extra-judicial realm, just without the privileges he used to enjoy.

His allotted task of dealing with *cognitiones* is also relevant, at the most literal level because the position of *libertus a cognitionibus* appears to have been established under Claudius (*CIL* vi.8634),⁴⁶ and more figuratively, because the legal process of *cognitio*, where the same magistrate or judge presided over the case from beginning to end, is thought to have evolved in tandem with the principate, as a consequence of Rome's increasingly centralized governmental structure.⁴⁷ This centripetal movement appears to have culminated in Claudius' reign: we know from Suetonius that Claudius frequently attended (*Cl.* 12.2) and held *cognitiones* (*Cl.* 15), and Tacitus complains of Claudius' having 'concentrated all the functions of the laws and magistrates in his own hands' (*cuncta legum et magistratum munia in se trahens princeps*, *Ann.* 11.5.1). Significantly, the *cognitio* allowed judges to exercise more discretion than the older formulary process did,⁴⁸ which meant that it afforded Claudius more scope for his idiosyncratic interpretation and application of the law, a situation that further highlighted the problems of his sovereign power as judge. The *Apocolocyntosis*' reference to *cognitiones* therefore achieves a neat inversion, for Claudius remains absorbed in the same kinds of legal proceedings he once pursued as emperor, but without his previous level of executive control.

In sum, both Aeacus' decision and Claudius' punishment focus attention on the sovereign's problematic use of his legal powers, and on the need for their external regulation. Once again, it is the text, author and audience that perform this function by submitting Claudius to (quasi-)legal scrutiny. It is particularly significant that Seneca situates this trial in the Underworld and brings Claudius before a jury of his victims (13.6), since this move allows him to invoke the idea of collective judgment as counterweight to the sovereign's self-legitimization, and equally, the idea of Claudius' real punishment being his historical reputation, the verdict placed upon the past by those able to right (and rewrite!) its wrongs in the present. Seneca, too, occupies this role, as one of Claudius' more fortunate victims. Hence the text itself acquires the status of a trial and assumes the judicial power to decide Claudius' (posthumous) fate. Where the law is presumed to

have failed during Claudius' lifetime, the *Apocolocyntosis* offers an alternative form of justice.

The Saturnalian *princeps*

The final key element in the *Apocolocyntosis*' critique of sovereignty is its Saturnalian leitmotif, its 'comic anchor', which Seneca uses to characterize Claudius' reign as an extended period of social role-inversion and clownish misrule.⁴⁹ Everything about the emperor, from his physical handicaps and incontinence to his erratic behaviour and his tendency to fill the imperial court with ex-slaves casts him as a topsy-turvy Saturnalian figure. His role as an arbiter of law also fits within this theme and not just because his capricious conduct is well known to have extended to the courtroom. The Saturnalia's real significance, in this regard, lies in its simultaneous negation of and obsession with legality, for this festival was a time of legally sanctioned anomie in which court business was suspended and various actions otherwise forbidden by law were permitted.⁵⁰ It was not, however, a time of pure lawlessness; rather, it resembled a parodic reflection of legal activity, when mock laws were promulgated,⁵¹ and festivities demonstrated acute fascination for juridical issues. Like the sovereign, therefore, the Saturnalia is defined by law as being outside the law; it creates a legal framework by means of law's suspension and/or negation, effectively occupying a zone of indistinction between norms and anomie.⁵²

In the *Apocolocyntosis*, Saturnalian themes map neatly onto Claudius' juridical waywardness, itself a form of institutionally protected arbitrariness. The theme implies that Claudius inhabits a kind of juridical limbo in which he may pursue a variety of anomalous legal activities without being brought to account. Only once he has died and his Saturnalia come to a close can his actions be evaluated in light of the law's reinstatement. Although recognised by scholars, this interrelationship between law and the Saturnalia in the *Apocolocyntosis* has not received anything approaching detailed attention.⁵³ The present subsection, by contrast, explores the theme in full, concentrating especially on how Seneca uses Saturnalian motifs to comprehend and evaluate the *princeps*' exceptional role in the Roman legal system.

On two occasions, the *Apocolocyntosis* refers explicitly to Claudius as a Saturnalian ruler. The first occurs at 8.2, when a member of the *concilium deorum* protests that not even Saturn would consent to deify Claudius: *si mehercules a Saturno petisset hoc beneficium, cuius mensem toto anno celebrauit Saturnalicium*

princeps, non tulisset ('if by Hercules he had asked this favour from Saturn, whose festival he celebrated year-round, as a Saturnalian *princeps*, he would not have received it'). The second is during Claudius' funeral, where one of the pale, emaciated jurists emerging from the shadows says to the grieving barristers, *dicebam uobis, non semper Saturnalia erunt* ('I kept telling you it wouldn't be the Saturnalia forever', 12.2). The idea behind both references is not just that Claudius' rule represented a travesty of regular imperial government, but more precisely, that it constituted a legal 'no man's land', which normalized the flouting of judicial norms.

To take the second passage first: here Seneca establishes a contrast between the jurists, who found themselves out of work during the Claudian Saturnalia, and the orators who lament their loss of business as a consequence of Claudius' death. The division encapsulates Saturnalian versus non-Saturnalian forms of legal activity. The jurists' fundamentally procedural and scientific relationship to the law casts them as anti-Saturnalian figures, people who respect and uphold, even formulate, the rules – a direct contrast to Claudius' freewheeling, idiosyncratic approach to legal matters. Their retreat into hiding (12.2) signals the irregular 'legality' of the Claudian Saturnalia; only once it is over can juridical normality be resumed. The *causidici*, on the other hand, fit well within a festival context. As witnessed by Terence's prologues and Cicero's *Pro Caelio*, analysed in the introduction to this volume, oratory and comedy make good bedfellows. Oratory and performance likewise: when Seneca describes the barristers crying at Claudius' funeral, the addendum *sed plane ex animo* ('but obviously with sincerity' 12.2) highlights their more usual practice of performing this emotion in court. Although such displays were well recognised as part of the orator's repertoire and training,⁵⁴ Seneca suggests that the *causidici*'s professional insincerity represents a travesty of legal processes. It becomes, in other words, another aspect of Claudius' Saturnalia: a false or flippant version of law, a parody of it, parasitic upon the real task of administering justice.

The former example, at *Apocolocyntosis* 8.2, illustrates a similarly Saturnalian paradox, for here Claudius' imperial authority is assumed to incorporate its own negation. As a *Saturnalicus princeps*, Claudius is at once a travesty of imperial *auctoritas* and the ultimate expression of it because he stands outside the world of everyday norms and is answerable to no-one. The phrase is obviously a play on *Saturnalicus rex*, the title given to those who, appointed by lot, oversaw the Saturnalian festivities in individual households. These 'kings' would dispense for the festival's duration jovial and arbitrary orders (e.g. Epict. *Diss.* 1.25.8; Luc. *Cron.* 4), which the household or group of *conuiuiae* was bound to obey. Their

being called *reges* emphasized their anomalous status as chief representatives of the Saturnalia's parodic government and therefore, as inversions of the real state of affairs.⁵⁵ By substituting *princeps* for *rex*, however, Seneca implies not just that Saturnalian misrule becomes the norm under Claudius, but that such governmental anomalousness is built into the emperor's role, namely via his continuous lack of accountability. Like the Saturnalian *rex*, he may devise arbitrary laws without fear of legal repercussions, and he far exceeds the *rex*'s power in being able to set the terms of his rule.

Hence Claudius' characterization as a Lord of Misrule, like his treatment on Olympus and his Underworld trial, encapsulates his problematic role as sovereign lawmaker, his legally sanctioned ability, as *princeps*, to flout and remake the law, to stand both inside and outside the juridical order. The Saturnalia is a particularly apt means of examining this issue because its celebration entails a marked exploration of juridical limits. For example, a passage from Seneca, *Epistles* 47.14, suggests that even slaves could be granted the carnival privilege of being *reges*, since the rules of the Saturnalia, as established by Rome's *maiores*, 'permitted them to assume honours in the household and **to pronounce judgment**' (*honores illis in domo gerere ius dicere promiserunt*). If this passage is reliable,⁵⁶ it is an excellent example of the Saturnalia's legal inversions, whereby those who are all but excluded from the lower end of juridical order suddenly and briefly occupy a position at the opposite end, both roles entailing the ambiguous stance of being simultaneously inside and outside the law. As a parody of the lawmaker, the slave-cum-king flouts the law and institutes it; he does the former, in fact, in order to perform the latter. What is more, his exceptional extra-legal status is itself condoned by religious custom. In this respect his conduct mirrors the problem of legal and sovereign self-legitimation explored throughout this paper: how can law be constituted if not by its own overturning, and to what extent are those creating the law also subject to it?

As much as this Saturnalian motif deals with Claudius' own, peculiar abuse of justice, it also tackles the broader problem of the *princeps*' legal status, and law's status under the principate; Claudius simply happens to be an apposite example. Notably, the work persists in aligning kings with fools, again, not only because Claudius appears to unite the two categories, but also because their union evokes a Saturnalian 'state of exception': neither figure can be held accountable; each exists at the fringes of the juridical order, included by their exclusion and denoting the upper and lower limits of law's functioning. In the *Apocolocyntosis*' opening paragraph, Seneca refers to Claudius as *ille, qui uerum prouerbium*

fecerat, aut regem aut fatuum nasci oportere ('he who made true the proverb that one must be born either a king or a fool' 1.1). Significantly, the Latin adage derives from a Greek saying, and this is where we can see Seneca's subtle ideas about law and autocratic government emerging: μωρῶι καὶ βασιλεῖ νόμος ἄγραφος ('for the fool and the king the law is unwritten' cited by Porphyrius on Hor. *Sat.* 2.3.188). The phrase implies that regular, codified law cannot encompass kings or fools; they operate according to a different set of rules, if they follow rules at all. Augustus makes a similar claim in his speech at the *concilium deorum*, describing one of Claudius' aristocratic victims as *uero tam fatuum ut etiam regnare posset* ('indeed such a fool that he could even have been king' 11.3). Clearly, the combination of fool and supreme ruler is not restricted to Claudius, even if he represents its prototype. By making the *fatuus* a prerequisite for the *rex*, Augustus suggests that both are made of the same Saturnalian material. It is not just the idea that being incompetent qualifies one for rulership, as per the Claudian model, but also that rulers and fools occupy the same sphere: they are beyond the law's reach.

In a broader application of the Saturnalian theme, Claudius is also portrayed as sitting in judgment during periods of recess, such as the summer, as he tells Hercules at the entrance to Olympus (7.4–5).⁵⁷ His boast of diligence is cast in ludicrous terms, as Claudius compares his work to Hercules' cleaning of the Augean stables (7.5). Making the activity seem doubly laughable, moreover, is the fact that Claudius' diligence appears misplaced: it happens at the wrong time of the year, an application of law during a period of (relative) recess, like the Saturnalian practice of misrule. Seneca may be alluding here to the historical Claudius' habit of trying cases *etiam suis suorumque diebus sollempnibus, nonnumquam festis quoque antiquitus et religiosis* ('even on his own anniversaries and those of his relatives, and on old festival days and days of religious ban' Suet. *Cl.* 14.1). While this most likely refers to Claudius following Augustus' example in removing some minor celebrations from the Roman festival calendar in order to make more room for court business,⁵⁸ nonetheless it characterizes the *princeps* as engrossed in legal proceedings to the point where he seems to contravene their customary suspension during *dies festi*. The continued practice of law in such circumstances risks making a mockery of law itself – again, a ready parallel for the mock-government of the Saturnalia.

As this last example demonstrates, the *Apocolocyntosis* depicts Claudius' 'Saturnalian' reign as a paradoxical period in which the emperor cannot be held accountable but can himself pursue seemingly limitless judgment of others. In calling Claudius a *Saturnalicus princeps*, Seneca simultaneously invalidates the

emperor's legal activity and affirms that his victims have no recourse. Law is hamstrung under Claudius, just as it is during the Saturnalia. But this means that literature can step into the void and assume the mantle of justice.

Conclusion: The sovereign narrator

Having invoked throughout this paper the idea that Seneca's text mimics the law in its judgment of Claudius, I want to conclude with a brief glance at its narrative voice, specifically, its opening claim to evade accountability:

si quis quaesierit unde sciam, primum, si noluerō, non respondebo. quis coacturus est? ego scio me liberum factum, ex quo suum diem obiit ille, qui uerum prouerbiū fecerat, aut regem aut fatuum nasci oportere. si libuerit respondere, dicam quod mihi in buccam uenerit. quis umquam ab historico iuratores exegit?

if anyone asks the source of my information, first, if I don't want to, I won't reply. Who will force me? I know that I have been freed from the moment he died, that man who made true the proverb that one must be born either a king or a fool. If I feel like responding, I'll say whatever comes into my head. Who ever asked a historian for sworn witnesses?

Apoc. 1.1–2

The declaration obviously plays on the trope of the historian's impartiality,⁵⁹ but it is more than light-hearted mockery or an admission of the satirist's unreliability as a narrator,⁶⁰ for here we see the same paradox that Seneca pursues throughout his characterization of Claudius: someone who judges others without himself being held accountable. The *Apocolocyntosis*'s narrator asserts his underived power to say whatever he likes, without the need for oaths or proof, without, in other words, the quasi-legalistic framework of evidence and interrogation. This is the satirist in his dual role as prosecutor and defendant, bent on attacking whomever he pleases but also having to ward off the risk of offending the powerful.⁶¹ His main means of achieving this protection, moreover, is to highlight the blatant fictitiousness of his account, the impossibility of its being taken seriously. It is the literary nature of Seneca's/the narrator's accusation that grants him both the underived power to accuse and a refuge from potential retaliation.

Yet this distance only intensifies rather than minimizes literature's relationship to the law, because the narrator himself assumes the position of a sovereign, claiming a monopoly over decision-making and an attendant freedom from

legal strictures. The narrator creates and imposes his own laws, suspending or changing them at will, a condition that applies in greater or lesser degrees to all literature, but which the *Apocolocyntosis*'s introduction brings home with especial force. Thus, Seneca's judgment of Claudius is the equivalent to his asserting legal and sovereign control: he sets the parameters, decides the verdict, and inhabits a quasi-Saturnalian realm – in a manner of speaking – where his judgments become untouchable. Literature in this case does not usurp law's power so much as create an equally powerful alternative, a process that mirrors actual legality and even claims to achieve more.

This theme of judicial accountability is a central issue in the *Apocolocyntosis*, from its opening all the way through to Claudius' final punishment. It is the primary method by which Seneca evaluates Claudius' actions as emperor, and even more fundamentally, the means by which he interrogates the sovereign's relationship to the law (for despite its overt status as an occasional piece,⁶² the *Apocolocyntosis* deals with enduring issues at the heart of Rome's imperial government). It is also the major means by which the text itself engages with the limits and possibilities of legal power, as Seneca's narrator assumes the sovereign ability to judge Claudius and invites his audience to do likewise. Impossible as it may be to bring Claudius into a real court, this posthumous attack serves the equivalent and perhaps more enduring purpose of tarnishing his memory, vindicating his victims, and granting a community of readers the opportunity to curb the emperor's power. Literature does not just assume law's role in this case, but actively displaces it.

Notes

- 1 The only higher source of legitimacy being divine; see Stacey (2011) for its role in Seneca's political thought.
- 2 Schmitt (2005) [1922] 7.
- 3 Schmitt (2005) [1922] 13.
- 4 Agamben (1998) 15. On Agamben's 'state of exception,' derived from the Roman legal concept of *iustitium*, see Biggs (in this volume).
- 5 Agamben (1998) 16.
- 6 Tuori (2016a) 11. The theories are also applicable because of their ancient background: Schmitt was influenced by Roman concepts of dictatorship, on which see Tuori (2016b), and Agamben's work developed from his study of Roman law: see Ziogas (2021) 10.

- 7 On the significance of the emperor's role as judge, see Aftsomis (2010) and Tuori (2016a).
- 8 Eden (1984); Kaplan (1991); Braund and James (1998) 306–7; Robinson (2005); Paschalis (2009); Aftsomis (2010).
- 9 Paschalis (2009) 202, and to a lesser extent, Relihan (1993) 75–90. Osgood (2007) 329 similarly maintains that the narrator's 'patently playful voice...allows Seneca to claim some distance from the contents of his work'
- 10 E.g. Momigliano (1934) 76–7; Griffin (1976) 129–30; Leach (1989); Braund and James (1998) 291–300; Whitton (2013); Panayotakis (2014). See Coffey (1961) 261–2 for older political approaches to the text.
- 11 Only Aftsomis (2010) tackles this issue.
- 12 There is a small lacuna between 7.5 and 8.1: see Eden (1984) *ad Apoc.* 8.1 for details.
- 13 Aftsomis (2010) 109.
- 14 Aftsomis (2010) 134.
- 15 In favour of this interpretation is the parallel case of Lucilius' *concilium deorum* (fr. 5–46 Warmington), which attacked Lucius Cornelius Lentulus Lupus for corrupt conduct that, in life, had not prevented him from attaining the rank of *censor*. Freudenburg (2015) 98–105 is an appealing argument for close thematic connections between Lucilius' and Seneca's *concilia*, though Eden (1984) 16–17 cautions against the potential circularity of such views, because Seneca's satire is typically used as a guideline for reconstructing Lucilius. On the content of Lucilius' *concilium deorum*, see Manuwald (2009) 51–4.
- 16 The speech has long been taken as key to the text's serious purpose: Momigliano (1934) 76–7; Eden (1984) *ad Apoc.* 10.1; Leach (1989) 200–16; Binder (1999) *ad Apoc.* 10.1–11.6; Aftsomis (2010) 128; Vannini (2013); Green (2016) 685.
- 17 A role reinforced by the preceding claims, in which Seneca's Augustus alludes to his own *Res Gestae*. See Green (2016) for discussion.
- 18 An idea that permeates Roman thinking about the emperor's relationship to the law. For example, Pliny *Pan.* 65.1 notes that Trajan's conduct generates a new adage, *non est 'princeps super leges' sed 'leges super principem.'* *idemque Caesari consuli quod ceteris non licet.* "it is not "the *princeps* is above the law", but "the law is above the *princeps*". The same limits applied to other consuls are also applied to Caesar as consul. Pliny implies that Trajan behaves this way purely out of self-restraint. In other words, the *princeps* is the only one who can make himself accountable to the law, bring himself within its compass. The same idea emerges from *Cod. Iust.* 6.23.3: *licet enim lex imperii sollemnibus iuris imperatorem soluerit, nihil tamen tam proprium imperii est, ut legibus uiuere.* 'although the law of *imperium* has set the emperor free from formal laws, nonetheless nothing is so proper to *imperium* as the fact of its living by the laws.' Here, the emperor's supra-legal power is recognised in law and, one could say, made *possible* by it, while at the same time transcending it.

The *princeps* is included in the judicial system via his exclusion and his accountability is revealed as entirely self-directed.

- 19 Berger (1953) 386 on *censere*, 632 on *placet*, and 757 on *uacatio*. Legal and procedural language in this passage is noted by Eden (1984) *ad Apoc.* 10.1–11.5 and collated by Kaplan (1991) 105–6. Also relevant to the legal timbre of Augustus’s speech is his reciting from a notebook (11.5) since the verb *recitare* is often used of legal pronouncements, e.g. Pliny *Ep.* 10.56.2, and Berger (1953) 669.
- 20 Claudius’ voice is ridiculed at *Apoc.* 4.3; 5.2; 7.3; 11.3. Braund and James (1998) and Osgood (2007) show how the satire links Claudius’ unsteady voice to his professional/moral failures as emperor. For the satire’s more general combination of Claudius’ bodily and moral failings, see also Panayotakis (2014) 155–6.
- 21 Manderson (2019) 260–71. See also White (1981–82).
- 22 Eden (1984) *ad Apoc.* 1.1 with comparanda.
- 23 See Eden (1984) 9–10 and Whitton (2013) 155–7 for summaries of the problem. For more specific treatment of the issue: Griffin (1976) 129–31; Price (1987) 87; Nauta (1987) 75; Gradel (2002) 325–30.
- 24 Gradel (2002) 327–30.
- 25 Gradel (2002) 326.
- 26 Tuori (2016a) 155.
- 27 On Claudius and the jurists, see Levick (2012) [1990] 117, and below.
- 28 Levick (2012) [1990] 116; Hurley (2001) *ad Cl.* 15.2. See also Suet. *Cl.* 23.1
- 29 Thus Relihan (1993) 81: ‘a council of unworthy gods.’
- 30 Janus’ position as *designates . . . in kal. Iulias postmeridianus consul* implies that he is consul for only one afternoon, a clear allusion to the habit, adopted under the principate, of shortening consuls’ terms of office so that more individuals could achieve this honour over the course of a calendar year. Further, the appointment for the *afternoon* coincides with traditional Roman siesta time, so Janus’ role entails no work.
- 31 Aftsomis (2010) 135–6. Rudich (1997) 39 likewise notes Augustus’ self-centredness in the *Apocolocyntosis*. O’Gorman (2005) 105 remarks that Augustus’ *indignatio* ‘makes him a quasi-satirical speaker’.
- 32 Relihan (1993) 89–90, Paschalis (2009) 202–4. On the text’s seemingly self-contradictory inversions, see Nauta (1987).
- 33 Aftsomis (2010) 136. Cf. Seneca’s description of judgments formed in anger at *Ira* 1.17.7 (which recalls his portraits of Claudius in the *Apocolocyntosis*) and of the need for judges to be calm at *Ira* 1.19.2.
- 34 Cf. Aftsomis (2010) 137.
- 35 Leach (1989); Braund and James (1998).
- 36 Stacey (2011) 22.
- 37 Hammer (2014) 281–2.

- 38 The idea comes from Kastan (1986), who argues for a fundamental, conceptual link between monarchy's representation on stage in Renaissance England, e.g. in Shakespeare's history plays, and the eventual execution of Charles I.
- 39 Robinson (2005) 235. The line may also reflect Claudius' own purported fondness for quoting Homer (e.g. *Apoc.* 5.4), especially when dispensing verdicts (Suet. *Cl.* 42.1).
- 40 Pace Paschalis (2009) 209, who reads it only as ironic.
- 41 On gambling during the Saturnalia, see Versnel (1993) 147–8.
- 42 The line is problematic, but this is its most commonly accepted form. See Eden (1984) with discussion *ad loc.*, Binder (1999) and Schmeling (2020).
- 43 Knoche (1975) 105; Coffey (1976) 166: 'having been the dupe of freedmen in his lifetime, he becomes a slave of a freedman in the underworld. . . . His degradation is thus complete.'
- 44 The concept of the 'monde renversé' comes from Bergson (2005) [1911] and has been a staple of Plautine scholarship since Segal (1986). It works equally well as a theoretical paradigm for the *Apocolocyntosis*, with the obvious caveat that satire and comedy are not identical genres.
- 45 Though some imperial legislation was meant to protect slaves, it was fairly ineffectual. Joshel (1992) 28–32 is a helpful summary.
- 46 Eden (1984) *ad Apoc.* 15.2
- 47 Mousourakis (2007) 127–9; Rūfner (2016).
- 48 Aftsomis (2010) 104.
- 49 The quotation is from Braund and James (1998) 298. Versnel (1993) 205–10 was the first to explore the work's Saturnalian motif in depth, followed by Nauta (1987).
- 50 On the Saturnalia's relationship to the law, see Agamben (2005a) 71–3 and Ziogas (2021) 62–5.
- 51 Such as the comical *lex Tappula*: see Nauta (1987) 86; Versnel (1993) 161–2.
- 52 Agamben (2005a) 73.
- 53 Braund and James (1998) 306–7; Robinson (2005) 249.
- 54 Gunderson (2000); Fantham (2002).
- 55 Nauta (1987) 85.
- 56 See the caveats of Nauta (1987) 87 n.57 and Versnel (1993) 150 n.81. Edwards (2019) *ad loc.* does not flag any problems.
- 57 Not an official time of holiday for the law courts, but a less busy period, as Pliny *Ep.* 8.21.2 notes: *Iulio mense, quo maxime lites interquiescunt.* 'in the month of July, when legal business is at its quietest.'
- 58 Hurley (2001) *ad Cl.* 14.1.
- 59 Compare *Apoc.* 1.1 – *nihil nec offensae nec gratiae dabitur* 'nothing will be granted to animosity or favour' – with Tac. *Ann.* 1.1.1: *sine ira et studio* 'without anger or partisanship.'

- 60 An argument pursued by Paschalis (2009) 202, and Relihan (1993) 17 and 35.
- 61 Keane (2006) 73–4, drawing on Knight (1990) 143–4. The satirist's outspokenness could, of course, have real-world repercussions, in the form of breaking libel laws, or in the *Apocolocyntosis*' case, risking a charge of *maiestas*. See Goldschmidt (in this volume) for more on poetry and prosecution.
- 62 Possibly presented at the Saturnalia of 54 CE: see Griffin (1976) 129 n.3 and (1984) 96–7; Eden (1984) 4–5; Nauta (1987); Graf (2005) 204. See Nauta (1987) 69 for the origins of the hypothesis. Whitton (2013) 155 cautions against giving the hypothesis too much weight.