ULTRA LEGEM: LAW AND LITERATURE IN
HORACE, SATIRES II 1

BY

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The first poem in the second book of Horace’s Satires represents a dialogue between the satirist and the eminent jurist, C. Trebatius Testa1). The presence of the jurist, as has been observed, is remarkable, as is the literary shape of this opening poem, which departs from the monologues of Book One. The subject, or at least the ostensible subject, of the conversation between the two men is the degree to which the poet’s compositions have exposed their author to legal hazard and how best to address Horace’s potential vulnerability. Recent critical scrutiny has complicated our appreciation of Sat. II 1 at the same time that it has improved it. Scholarly divisions are configured about three important yet debated distinctions: (1) How does this poem negotiate the difference between law and literature encapsulated in the expression ultra legem, found in the opening lines? (2) Which constitutes the true programmatic matter of this opening satire, moral (or legal) issues or stylistic and compositional ones? (3) Is the satire serious or ironic? These three distinctions, clearly related to one another, introduce concerns so crucial and so obviously fruitful to any understanding of Horace’s early poetry that it seems difficult to elude the conclusion that the dynamic of their competitive claims is, in no small measure, itself a vital aspect of this poem2). In other words, Sat. II 1 may fairly be said to exhibit that characteristically Augustan “multiplicity of resonances” which, in the

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1) Trebatius was “the most important lawyer of the period” in the opinion of R. A. Bauman, Lawyers in Transitional Politics (Munich 1985), 2 (see discussion at 123-136). For a brief characterization of Trebatius, who had been the friend of Cicero (cf. Cic. Fam. VII 3-22) and was in good standing with Octavian, see F. Muecke, Horace, Satires II (Warminster 1993), 99-100, with further references.

2) It should be said at the outset that no one fails to recognize the humorous tone of Sat. II 1. That the poem nevertheless addresses serious political concerns represents the assumption of R. E. Smith, The Law of Libel at Rome, CQ 1 (1951), 169-179; E. Fraenkel, Horace (Oxford 1957), 145-153; R. A. LaFleur, Horace and Onomastikomodein: The Law of Satire, ANRW II. 31. 3 (1981), 1790-1826; F. Muecke, Law, Rhetoric, and Genre in Horace, Satires 2. 1, in: S. J. Harrison (ed.), Homage to Horace

words of one recent study of the period, “can be experienced on several levels, depending on the intellectual and social horizon of the reader”³). All of which urges that special attention be paid to the poem’s conclusion, which at least holds out the prospect, however problematic, of resolution for the various oppositions that are operative throughout the piece. For, in the end, all readings of Horace’s satires, whatever their divergence, must nevertheless yield to a single reading, the reading entertained by Caesar.

In the opening lines of Sat. II 1, the satirist observes to Trebatius:

Sunt quibus in satira videar nimis acer et ultra legem tendere opus.

‘There are some to whom I seem too ferocious in my satire and to bestraining my work beyond what is legitimate’⁴).

The jurist, quite reasonably, takes the expression ultra legem to be a reference to what we may here conveniently call the law of libel; the satirist, however, because he goes on to defend his habit of versification mainly in literary terms, is ordinarily taken to have meant the phrase as a reference to a generic or to a stylistic principle. This ambiguity is the essential point of departure for the entire dialogue, one consequence of which has been a majority consensus amongst commentators that the interlocutors of Sat. II 1 simply speak different languages. W. S. Anderson, for example, insists that “the satirist and Trebatius converse on two entirely different levels”. N. Rudd observes that aesthetic principles are “cleverly confused with the law of libel”, and E. Fraenkel speaks of “the blending of two different elements”. F. Muecke, who insists on an even sharper division than her predecessors, argues for “the autonomy of these two distinct and independent voices”⁵).

Only A. D. Leeman, so far as I know, dis-


4) All translations of Sat. II 1 are from Muecke’s translation and commentary (above, note 1).