

The Yale Undergraduate Research Journal

Volume 1
Issue 1 Fall 2020

Article 43

2020

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Recommended Citation

Pan, Alisia (2020) "Caught Not by Surprise: Captatio in Roman Satire and Law," *The Yale Undergraduate Research Journal*: Vol. 1 : Iss. 1 , Article 43.

Available at: <https://elischolar.library.yale.edu/yurj/vol1/iss1/43>

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Caught Not by Surprise: *Captatio* in Roman Satire and Law

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Abstract

What constitutes the legacies left behind by the Roman Empire and who has been empowered to evaluate their value and legitimacy? The Romans left wills, expressions of the most solemn and honest emotions prompted by a sense of duty and declarations which insured one's remembrance in life and death. The authors left evaluations, through which the frequent appearance of certain *topoi* characterized vivid aspects of daily life and expected societal practices. Scholars are left conflicted. To reconstruct the social world of family, friends, enemies, and community members, it is necessary to interact with both literary and legal texts to understand the intentions of the *testatores* when drafting and revising their final wishes. In hoping to remain attuned to assumptions of typified Roman life, this essay aims to connect practiced legal undertakings and established characterization of the parasite to the condemnation of *captatio* in the first centuries BCE and CE.

Aurelia ornata femina signatura testamentum sumpserat pulcherrimas tunicas. Regulus cum uenisset ad signandum, 'Rogo,' inquit 'has mihi leges.' Aurelia ludere hominem putabat, ille serio instabat; ne multa, coegit mulierem aperire tabulas ac sibi tunicas quas erat induta legare
(Pliny, Letters and Panegyricus, 1:2.20.10-11).¹

CAPTATIO, LEGACY-HUNTING

The infamous Marcus Aquilius Regulus, a *delator* in the reign of Nero as described by Pliny, arrived at the ceremony for the signing of the will of the noble lady Aurelia. Upon seeing her beautiful tunic, presumably made of high-quality silk,²

1 “The honoured lady Aurelia had dressed in her most beautiful tunics for the signing of her testament. When Regulus had arrived for the signing ceremony, he said “I ask that you leave these clothes to me.” Aurelia thought the man was joking, but he insisted with earnest; to cut a long story short, he forced the woman to open the tablets and to leave him the tunics which she had put on.” Regulus asking for Aurelia’s clothing made clear of his intention to seal the clothes, the nature of their relationship as feigned intimacy, and perhaps how he forced (*coegit*) Aurelia to agree as he was privy to intimate details that might ruin her reputation.

2 The value of Aurelia’s fabric was likely significant, which further emphasizes the greed and obstinacy of Regulus. For further reading on the cut and value of silk garments, see: Wilhelm Adolf Becker, Gallus, *oder Römische Scenen aus der Zeit des Augustus zur genaueren Kenntniss des römischen Privatlebens* (Leipzig: F. Fleischer, 1863), 3:203-19.

he forced her to open her will and to leave him the tunic that she has put on. Aurelia considered such a request to be a joke, as contemporary and modern audiences would largely agree, but Regulus insisted. His persistence was driven by greed and nurtured in a socio-historical context where such a peculiar practice of legacy-hunting (*captatio*) was widely and tactfully carried out in accordance with the law, at least in literature.

The contemporary term *captatio* originated from a bait-fishing metaphor that, as most widely accepted, may be attributed to Satire 2.5 of Horace where Tiresias advises Odysseus to hunt for legacies (*captare testamentum*) and learn from successful examples of *captatores* such as Nasica (2.5.57). In this passage, Horace firmly and vividly establishes a metaphor where legacy-hunters (*captatores*) fish everywhere to bait and capture the testaments of rich old people (*testatores*).

Dixi equidem et dico: captes astutus ubique testamenta senum, neu, si vafer unus et alter insidiatorem praeroso fugerit hamo, aut spem deponas aut artem illusus omittas
(Horace, Sermones, 2.5.23-6)³

3 “Well I have told and I tell you now: you ought to fish artfully everywhere for the wills of old men, and though if one or another cunning one should escape your plan after nibbling the bait off the hook, though

This practice of hunting for inheritance described by Horace is denounced as servile by Cicero and deeply concerned Martial. It is indeed ironic, as Cicero points out in his *Paradoxa Stoicorum*, that the greed for wealth enslaves freedmen who eagerly subjugate themselves to conditions of harshest servitude (*cupiditate peculii nullam condicionem recusant durrisimae servitutis*) (5.39). These freedmen, in their pursuits as legacy-hunters, would partake in all the actions of an indolent slave (*servi inertis*): agrees to whatever the master says, carries out whatever is declared, attends him eagerly, sits by his side, and offers him presents (*loquitur ad voluntatem, quidquid denuntiatum est facit, assectatur assidet muneratur*) (Cicero, *Paradoxa Stoicorum*, 5.39). Part of this phenomenon may have arisen from the fact that recently freed slaves are usually without significant means and had to live by their wits.⁴ They could have turned to the “profession” of legacy-hunting to quickly accumulate wealth, at which point they often made a show of their riches in attempts to appear as masters.⁵

THE SOCIAL CONTEXT FOR CAPTATORES

The Roman will was a ceremonial declaration, a product of personal expectations and public evaluations. Based on a paradox to respect the wishes of a diseased who ceased to wield power, the will was believed to be an expression of honest emotion as Pliny writes: “creditur vulgo testamenta hominum speculum esse morum” (*Epist.* 8.18.1).⁶ At a minimum, the perception of freedom in testaments (*licentia testamentorum*) allowed for commendation and denunciation with security. Though the motivating factor for establishing a will may be a sense of aristocratic duty, the power of control that

ridiculed, do not either give up hope or drop the art.” Though Horace may have coined the term, description of such fortune-hunting practices appeared in Plautus around 200 BCE in *Miles Gloriosus* and was present in Lucian also. Condemnation of such a practice was mostly associated with literature of the late first century BCE and first two centuries CE, particularly with Martial and Juvenal as discussed later in the paper.

4 Maurice Pellison. *Roman Life in Pliny's Time*. (Meadville, PA: Flood and Vincent, 1897), p.107.

5 Some literary examples of such a portrait may be found in Juvenal's First Satire, 101-116 as well as in Petronius' *Satyricon* where the freedman Trimalchio constantly tries to put on magnificent displays of his wealth that are instead rather vain and insolent.

6 “It is believed generally, that the testament of a man is a looking-glass of his character”; see also Lucian *Nigr.* 30.

a will granted was utilized for a variety of purposes.⁷ The intentions of the will were so openly discussed by the *testatores* that Martial writes “heredem tibi me, Catulle, dicis./ non credo nisi legero, Catulle” (*Epigrams* 12.73).⁸ Recitations of the will may even be used to defend the reputations of the *testator* still alive, as parodied when Trimalchio orders a copy of his will to be read out loud for self-glorification and the approval of friends.⁹ Satires may exaggerate reality, but undoubtedly such public announcements of the will outline social practices of acquiring advantages through testaments.¹⁰

The extent to which *captatio* is referenced in literary works of the first two centuries C.E. illustrates its prevalence, and perhaps normalization, as a method of acquiring property. Such quantitative observation unfortunately reveals little about the reasons behind its emergence. As no Roman will has survived in its complete form, judicious power has been granted to inferences based on available and quantifiable data.¹¹ Moreover, satirical works undoubtedly present their unique challenges when sourcing for a realistic and complete account of ancient life, as writers often concerned themselves with types of behaviour extracted from a conglomeration of otherwise mundane individuals. In order to be attentive to the social context and nature of sources, legal and literary evidence ought also be incorporated under a framework of morality. *Captatio* may well be legally permissible, but in violation of the ethics

7 Champlin argues that “a duty of testation” was ingrained in the ideology of the Roman aristocracy (Champlin 1992, 55). How much the actions of the upper *ordines* deserves further investigation, but it is very possible there existed “plenty of people who were neither vastly rich nor grindingly poor but had a bit of this and that to leave”, see J. Crook, “Intestacy in Roman Society,” *PCPS* 199 (1973): 39.

8 “Catullus, you tell me that I am an heir to you. I do not believe it unless I read it, Catullus.”

9 Petronius, *Satyricon*, 71.

10 Edward Champlin, “Creditur Vulgo Testamenta Hominum Speculum Esse Morum: Why the Romans Made Wills.” *Classical Philology* 84, no. 3 (July 1989), pp. 210-212.

11 Edward Champlin, *Final Judgments: Duty and Emotions in Roman Wills, 200 B.C.-A.D. 250*, (Berkeley: University of California Press, 1992), p. 29. Cicero's writings (Top. 4), *Gaius Institutiones*, and the Digest provide some textual evidence around the legality of *testamenta*. There is also the preserved formula of an emancipatory will and testament of Manlius Theodorus in Maspero 3.67312. Legal texts are, however, difficult to extract information about social and economic reality as jurists offer terse analyses lacking specificity of factual circumstances.

of *amicitia*.¹²

The carefully chosen prey of legacy-hunting are wealthy, single or heirless, senile, and oftentimes female.¹³ In this period of the Roman Empire, women were able to acquire and enlarge their patrimony similarly to their male counterparts.¹⁴ Apart from their accrued revenue through real estate or commerce, women in particular possessed their wealth in *mundus muliebris* (“womanly ornaments”) as termed by the magistrates.¹⁵ These items including clothing, jewelry, and household utensils often project a luxurious lifestyle and are especially sought-after because they are easily distributed in divisible units.¹⁶ Juvenal demonstrates that such objects are much coveted because they may be easily pawned to finance luxurious banquets (*Satire* 11, 1-26). As another gender distinction between *testatores*, well-to-do women were often more affluent than their male counterparts because they were not required to

spend on the *cursus honorum*.¹⁷

Under these circumstances, regardless of gender, childlessness became an important criterion for the extent of one’s influence. Childlessness was not always a choice, as infant mortality rates were high and many refused marriage for strategic utility of legacies.¹⁸ Though Juvenal discusses exceptional individuals who preferred to follow the Lex Julia by procreating a dear heir (*dulcem heredem*), many more accepted the risks of childlessness in exchange for the advantages: large turtle doves, crested mullets, fortune-hunting meat market (*tollere dulcem/ cogitat heredem, cariturus turture magno/ mullorum-que iubis et captatore macello*) (*Satire* 6, 38-40).¹⁹ In addition to material gifts, childlessness attracted frequent visitors,²⁰ a visible indicator of influence and reputation, and allowed access to achieving the pinnacle of power and authority (*auctoritas summa et potentia*) (Pliny the Elder, *Natural History*, 4:14.1.5). As Juvenal illustrates, no one ever kills even a quail for a father (*coturnix nulla unquam pro patre cadet*) whereas people would promise a hundred oxen (*promittant hecatomben*) if wealthy yet childless Gallitta and Pacius began to feel a hint of fever (*sentire calorem si coepit locuples Gallitta et Pacius orbii*) (*Satire* 12, 97-101). Though the advantages of childlessness has even been used by Seneca to comfort Marcia mourning the loss of her son (*Moral Essays*, 2:19.2), Pliny the Younger praises the exceptional Asinius Rufus (*homo eximius*) as he has fulfilled his civic duty for having several children.²¹

Sunt ei liberi plures. Nam in hoc quoque functus est

¹⁷ It might not have been unheard of for a male to attend the *salutationes* of rich women, as Juvenal describes of a praetor who was hoping for a testament or marriage (*Satires* 3, 125-6).

¹⁸ Augustinian marriage legislations were partially created as a reaction to the decreasing upper-class birth rates, though they were met with resistance from the elites despite *delatores* being rewarded a share of confiscated patrimony. See Norr, “Planung in der Antike,” 312.

¹⁹ Similar ideas appear at *Satire* 4, 18-19; 5.97.

²⁰ Tacitus particularly highlights Calvia Crispinilla, who became powerful (*potens*) because of her wealth and childlessness in both peaceful and warring times (*The Histories*, I.73).

²¹ Though it is widely agreed that childlessness brought *auctoritas*, *potentia*, *praemia*, *gratia*, *pretia*, *regnum* and much more benefits, it may also be interesting to discuss the heritability of consulship. Consuls with more consular forebears are shown to produce more sons who were consuls or praetors than *novus homo*, and in some cases the failure to produce a son may have been biological and not political. See Keith Hopkins, *Death and Renewal*, (Cambridge University Press, 1983).

¹² There of course exists broader questions of the sources made available to modern scholars when extracting information about social and economic reality from legal or literary texts, not excluding the bias of representation of the upper-class and the gap between default legal provisions and practiced reality. See Champlin, 1992.

¹³ The representation of male *captatores* and female *testatores* often represent an inversion of expected social codes that emphasizes the extreme polarity of a relationship founded on dramatically opposed motivations. The sexuality of older women were often ridiculed in classical literature and *captatio* presents an especially interesting context where the female power of seduction lies in their wealth. For examples of where the man assumes the role of a prostitute because of the ugliness and lustfulness of an older woman who must pay for the man’s service, see Epigram 29 of Book 11 and Epigram 75 of Book 7 for accounts from the male perspective.

¹⁴ Though widows are often assumed to be poor and less female testaments are mentioned, it is not sufficient to conclude that women were significantly disadvantaged socio-economically. Though it is true the agnatic circle is favoured when handing down patrimony, girls of the male line are not necessarily disfavoured compared to their brothers. For further reading on inheritance law for women, see John A. Crook’s “Women in Roman Succession,” in *The Family in Ancient Rome: New Perspectives*, ed. Beryl Rawson (London: Croom Helm, 1986), 58-82.

¹⁵ Though from the over 1000 literary, legal, papyrological, and epigraphic sources that survive of Roman testaments, speculations necessarily based on inferences of available reality suggest that men outnumbered women almost four to one among *testatores* with determinable sex. This may be taken to assume that women owned less property proportionately to men and “inheritance must have been the main means of acquiring property” as argued by Edward Champlin, *Final Judgments: Duty and Emotions in Roman Wills, 200 B.C.-A.D. 250*, (Berkeley: University of California Press, 1992), pp. 46-9.

¹⁶ Elke Hartmann. “Wealthy Women and Legacy Hunters in Late Imperial Rome.” *Annales* 67, no. 03 (2012): p. 441.

*optimi civis officio, quod fecunditate uxoris large frui
voluit, eo saeculo quo plerisque etiam singulos filios
orbitatis praemia graves faciunt. Quibus ille despec-
tis, avi quoque nomen adsumpsit*

(Pliny the Younger, Letters and Panegyricus 1:4.15.3)²²

For an heirless rich Roman to exercise their power to bequeath property and designate legatees unrelated by kinship, the social phenomenon of *captatio* must not have existed as an unilateral pursuit.

THE BAITES FED BY TESTATORES

It is not uncommon for the legacy-hunters to be trapped themselves. The gifting habits of legacy hunters placed a heavy financial burden on the *captatores*, especially when the *testatores* are living out a longer life than expected. Martial speaks to such a phenomenon of legacy-hunters arriving at their financial ruin in *Epigrams* 1:5.39 where the speaker complains of the fact that Charinus seals his final testament thirty times per year (*supremas tibi triciens in anno signanti tabulas*) and has thus caused the speaker to have emptied cashboxes and purse after feeding his patron with a mendacious cough (*mentitur... tuis*).

*Supremas tibi triciens in anno
signanti tabulas, Charine, misi
Hyblaeis madidas thymis placentas.
defeci: miserere iam, Charine:
signa rarius, aut semel fac illud,
mentitur tua quod subinde tussis.
excussi loculosque saccumque:
Croeso divitior licet fuissem,
Iro pauperior forem, Charine,
si conchem totiens meam comesses.*
(Martial, Epigrams 1:5.39)²³

22 “He has several children. For in this also he has performed his duty of a good citizen, that he has chosen to enjoy the blessings of a fruitful marriage, in a time when the rewards of childlessness make even one child a burden to most. Rufus would scorn such advantages, and in fact received the title of grandfather.”

23 “To you signing your last will thirty times a year, Charinus, I sent cheesecakes soaked with Hybla’s thyme. My means have failed: have pity now, Charinus. Seal less often, or do it once for all, that which your cough often feigns. I have shaken out my cash boxes and my purse: even

In this case, the *testator* set a trap purposefully for the legacy-hunters. Much like how the rebel general Vindex used to take a drug that produced an artificially paler countenance, the *testatores* played this hunting game with a set of implicit rules to achieve their goal of securing social prestige. In Martial’s time, testaments were frequently adjusted as the patriarchy of the upper *ordines* fluctuated. As one example, a *bon vivant* senator under Nero unashamedly admits to depleting his patrimony on extravagant dining experiences and consequently adjusted his testaments several times (Tacitus, *Annals* 15.54). Besides, the eventual inheritance might reveal itself as a disappointment. Such is the case of Bithynicus to Fabius in Martial’s *Epigrams* 2:9.8, where the secured testament may be smaller than expected since the *testator* put on a deceivingly conspicuous front. Juvenal even mocks a certain Aurelia who depended upon reselling the luxury food products gifted to her by a legacy-hunter, as her sole subsistence (*Satire* 5, 97-8).

LEGACY HUNTING IN JUVENAL’S FIFTH SATIRE

Describing Juvenal’s fifth satire as “a dinner party” would be a gross oversimplification as further understanding of the practice of *captatio*, as it evolved around the patron-client relationship at a *cena*, helps elucidate inherent connectivity between Juvenal’s satirical works.²⁴ Between Virro and Trebius, the characters highlight exchange between patron and client that is motivated by greed and corruption. For Virro, his practical frugality is marked by inhumanity; whereas for Trebius, his delusional extravagance captures him without dignity and self-respect. Under what circumstances would Virro treat Trebius as a friend (*amicus*) and be given toasts in his name as a brother (*frater*)? Surely, an equestrian fortune given by a god or man kinder than fate would turn Trebius from a nobody into a great man (*quadringenta tibi si quis deus aut similis dis/ et milior fatis donaret homuncio, quantus/ ex nihilo*) (Juvenal, *Satire* 5, 132-4).

if I had been wealthier than Croesus, I should be poorer than Irus, Chrinus, if you were eating my beans this often.”

24 Mark Morford. “Juvenal’s Fifth Satire.” *The American Journal of Philology* 98, no. 3 (1977), p. 219.

... o nummi, vobis hunc praestat honorem,
 vos estis frater. dominus tamen et domini rex
 si vis tum fieri, nullus tibi parvulus aula
 luserit Aeneas nec filia dulcior illo.
 iucundum et carum sterilis facit uxor amicum.
 sed tua nunc Mycale pariat licet et pueros tres
 in gremium patris fundat semel, ipse loquaci
 gaudebit nido, viridem thoraca iubebit
 adferri minimasque nuces assemque rogatum,
 ad mensam quotiens parasitus venerit infans.
 (Juvenal, Satire 5, 136-145)²⁵

The indicatives used for the distribution of presents (*gaudebit, iubebit, licet*) suggests that the events described after *nunc* (“as it is”)²⁶ at line 141 takes place in reality, as compared to the subjunctives (*donaret, fieres, vis, luserit*) used to construct the fictitious situation of a rich Virro. If the subjunctives *pariat* and *fundat* which depends on *licet* were to be taken as a hypothetical clause, then subjunctives should instead be employed in the main clause.²⁷ As such, the passage describes the reality where *dominus* Virro presents gifts to the three children of poor Trebius.²⁸

Normally, nuts serve as literary *topoi* to highlight the generosity of the masters who would distribute them to the children of his clients to play with or eat in festive settings. For one, Pliny values walnuts for *sparsiones* because of their large size. As such, Virro’s ostensibly kind gestures are undercut by the description of *minimae*. The host’s stinginess is further illus-

25 “O coins, to you he offers this honour, you are his father. However if you ultimately want to become a master or the king of master, don’t have any little Aeneas in the altar nor a daughter dearer than him. A barren wife makes your friend pleasant and close. But if now your Mycale would birth and pour three boys into the lap of their father at once, Virro will rejoice in your chattering nest, he will order green jersey to be brought and the tiniest nuts and pennies if asked, whenever your child parasite should come to the table.”

26 John Mayor. *Thirteen Satires of Juvenal*, 4th ed. (London, 1886), p. 266.

27 Marianne Hopman. “Satire in Green: Marked Clothing and the Technique of Indignatio at Juvenal 5.141-45.” *American Journal of Philology* 124, no. 4 (2003), p. 560.

28 Earlier commentators suggested, based on analysis of how the Greek name Mycale indicates lower-status, that the children presented here are illegitimate. Friedlander and Wilson suggested that lines 141-45 belonged to the hypothetical situation where Trebius is rich by divine favour and Virro might court him in the hopes of a testament. This analysis, if not refuted by more recent grammatical refutation by Mayor, would further shine light on the importance of childlessness. See Friedlander 1895, 274; Wilson 1907, 63.

trated as he provides an as, the smallest unit of coinage, only when they are begged for (*rogatum*). This perhaps references *Satire* 1 where a patron’s concern over being cheated by clients in distribution of *sportula* is highlighted (1.97-99). The strict accounting accentuates the distrust and humiliation of clients by their patrons that is paralleled here in a chiasmus at 144 framing the gifts between derogatory descriptions (*minimasque nuces assemque rogatum*). Further, the choice of gifting a *thorax viridis* has foreign and effeminate connotations, though it may also reference the popular *factio prasina* in chariot-racing or as the incomplete product of a double-dyed Tyrian purple tunic.²⁹

Such perversion of a traditional *cena* aimed to bring together patrons and clients as equals emphasizes the subsequent perversion of *amicitia* by greed and money. Indeed, legacy-hunting presents all the outward characteristics of a long-established and socially-accepted *amicitia*.

PARASITES’ FOOD FOR THOUGHT

Amico aliquis aegro adsidet: probamus. At hoc hereditatis causa facit: vultur est, cadaver expectat. Eadem aut turpia sunt aut honesta; refert, quare aut quemadmodum fiant.

(Seneca, Epistles, 95.43)³⁰

Motivation may help distinguish a desire-driven *captator* from an *amicus* deserving of rewards. In practice, however, the distinction is more than difficult to identify. Does this mean there were not any identifiable legacy-hunters? Should scholars then not concern themselves about their existence or distinction? The beginning of an answer may surface from the reciprocal nature of the predatory relationship, which is still similar to the bonds between *amici*, that justifies its categorization as a negative subset or representation of acceptable *amicitia*.³¹

29 Plin. *HN* 9.135. See Sebesta 1994, 69 for detailed analysis of this passage; and for technical commentary on the usage of green dye as interrupted photochemical development of purple in antiquity, see Dedekind 1898.

30 “Someone who sits at the bedside of their sick friend: we approve. But when someone does it for the reason of (obtaining) inheritance: he is a vulture, waiting for carrion. The same acts are base or honourable; it matters, why or how they are done.”

31 Koenraad Verboren, *The Economy of Friends: Economic Aspects of Amicitia and Patronage in the Late Antiquity*, (Bruxelles: Latomus, 2002), p. 180.

Though the prevalence of legacy-hunting in literature is uncontested, some have argued that such literary evidence should be discounted when judging the frequency of its occurrence in reality.³² Under this framework, *captatio* is valued as a powerful metaphor which summarizes Roman apprehension of corruption. To use legacy hunting as both cause and result of social decline, *captatio* may have been elevated beyond their tangible existence in society — legacy hunting was thus employed as a satirical and moral condemnation of the greed of friendship.³³

A similar literary type, the parasite, may then shine light on the intentions of ramifications of *captatio*. Transplanted from Greek to Roman comedy first, the parasite was originally a stage character that crawled into satires and orations because of their identification as conglomeration of repulsive traits. Though Frank argues that “there is no evidence that these creatures had as yet made their way to Rome” as Fraenkel and Highet sees the parasite as “import product” and “foreign to the audience of Plautus,” the popularity of its imagery in Rome suggests its adoption and adaptation.³⁴

For Latin authors and their audience, the stock character of the parasite grew to embody the unhealthy and problematic aspects of the Roman system of patronage.³⁵ Whereas Greek parasites often arrived uninvited (*akletos*) and entertained for food, Roman exploitations demanded that the comic character wait and wish for an invitation. Besides caricature hunger, the parasite craves patronal benefits as a *cliens*. The parasite was thus widely employed to voice concerns over degeneration of Roman society, with patronage as the root cause of evil. The social consciousness of Roman society of a normalized institution, able to dominate daily routines because of its unobtrusive nature, is judged by satirists. Juvenal is especially frank when labelling a type of Roman *cliens* as *parasitus*.

32 See Champlin, 1992.

33 Agnes Mansbach. “*Captatio*”: *Myth and Reality* (Ann Arbor, MI: University Microfilms International, 1984), pp. 3-4.

34 See Eduard Fraenkel, *Elementi Plautini in Plauto*, translated by F. Munari (Florence: La Nuova Italia, 1960), p. 183; Gilbert Highet, *The Classical Tradition: Greek and Roman Influences on Western Literature* (New York, NY: Oxford University Press, 2015), p. 600; Tenney Frank, *Life and Literature in the Roman Republic* (Berkeley: Univ. of Calif. Press, 1957), p. 79.

35 Cynthia Damon, *The Mask of the Parasite: a Pathology of Roman Patronage* (Ann Arbor: University of Michigan Press, 1998), p. 2.

TRUTH THROUGH FICTION

If “parasite” is to be taken as a characterizing type within satire, and not regarded as an individual, then the figure of a parasite is an insult. As a label of behaviour, the parasite would not have a concrete counterpart in reality.³⁶ The evocation of the figure of parasite is then a representation, with an effort of interpretation and an intended effect of emblemization. Juvenal portrays the parasite as an unreliable witness willing to gratify their patrons and fulfill their appetite even through perjury, not unlike Cicero’s claims in *Pro Flacco*.³⁷

*Si te propositi nondum pudet atque eadem est mens,
ut bona summa putes aliena vivere quadra,
si potes illa pati quae nec Sarmentus iniquas
Caesaris ad mensas nec vilis Gabba tulisset,
quamvis iurato metuum tibi credere testi.*
(Juvenal, Satire, 5.1-5)³⁸

The condemnation of this parasitic practice is extended by Juvenal in *Satire* 12, where legacy-hunters are criticized in a broader context of religious sacrifices. Just as *captator* presents gifts to their *testator* in exchange for a fortune, humans provide sacrifices to the gods in order to extort divine favour. Given this parallel, it is unsurprising that Juvenal may be able to combine philosophical denunciation of ritualistic sacrifice with satirical criticism of amoral legacy-hunting as they are both plagued by corruption.³⁹

Without doubt, Roman society as told through satires would be subject to interpretation and imagination of the poets.

36 Cynthia Damon, “Greek Parasites and Roman Patronage,” *Harvard Studies in Classical Philology* 97 (1995), pp. 186-187.

37 Cicero attacks the credibility of witnesses against his client by suggesting that their testimonies may be tempered by food like parasites as “Mithridates influences that crowd not through authority, but he was keeping their food troughs full” (*qui* [sc. *Mithridates*] *multitudinem illam non auctoritate sua, sed sagina tebeat, Flac.* 17). Though such characterization is only a side remark, but in *Pro Caecina*, Cicero proves a case on reasonable probability by directly undermining his opponent Aebutius by arguing that he is a dependent who “feeds on” a patron or patroness (*alere*) (*Caecin.* 13-14).

38 “If you are not yet ashamed of your life-plan and you persist in your view that the highest good is to live in other’s dining table (crumbs), if you are able (to endure) treatment which not even Sarmentus nor cheap Gabba would have put up with at the unequal tables of Caesar, I would fear to trust your word even if you were on oath.”

39 For more in-depth analysis, see James Uden, *Invisible Satirist: Juvenal and Second-Century Rome*. (Oxford University Press, 2018), pp. 195-202

The details they provide, here as they pertain to legacy-hunting, are as realistic as fictitious. The smallest details may accurately reflect social phenomena but are thus employed strategically to achieve the poet's purposes.⁴⁰ While a great degree of characterization exists especially in Roman satires, they reveal vivid aspects of Roman life. In the case of *captatio*, its sheer volume of appearance in literary works justifies its significance and relevance in contemporary dialogue and consciousness.

Firmly regarded as a *topos* for social decline, corruption, loss of humanity, and deterioration of patron-client relationships, the imagery of legacy-hunting may be invoked by Roman satirists in exceptionally specific and nebulous settings. Beyond its social significance, more attention may be given to the use of *captatio* as a metaliterary device.⁴¹ After all, the connection between parasite and poet has been made as Martial laments that he is too busy attending to his patron that he has scarcely written a page in a month (*Epigrams*, 11.24). If one may escape the net set out to trap those captivated by determined destinations and lured by promises of rewards, one may gain more in the end — whether that be a monetary, literary, or scholarly legacy.

... expectent ergo tribuni,
vincant divitiae, sacro ne cedat honori
nuper in hanc urbem pedibus qui venerat albis,
quandoquidem inter nos sanctissima divitiarum
maiestas, etsi funesta Pecunia templo
nondum habitat, nullas nummorum ereximus aras,
ut colitur Pax atque Fides, Victoria, Virtus
quaeque salutato crepitat Concordia nido.
(*Juvenal*, Satire 1, 109-116)⁴²

40 For more on how satire may or may not be used to justify historical reality, see Damon, C. 1997. *The Mask of the Parasite: A Pathology of Roman Patronage*. Ann Arbor, MI.

41 Legacy hunting appears in contexts with literary significance, through evocation of familiar Homeric scenes and earlier poets, the metaphor of *captatio* may be used to express concern of literary production as discussed especially in chapter 5 in Heather A. Woods. "Hunting Literary Legacies: *Captatio* in Roman Satire." PhD diss., University of Minnesota, 2012.

42 "Thus let the Tribunes wait, let riches rule supreme, lest the man who has arrived recently in this city with whitened feet surrender to sacrosanct office, seeing that among us the majesty of riches is the most venerable, even if deadly Money does not yet live in a temple, altars of coins have not been set up, as Peace is worshipped, and Loyalty, Victory,

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Virtue, and Concord who clatters when her nest is hailed."

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