PLAGIARISM OR IMITATION? THE CASE OF ABRONIUS SILO IN SENECA THE ELDER'S *SUASORIAE* 2.19–20*

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The fundamental role that imitation played in Latin literature, and the tendency among critics in ancient Rome to see it as an essential law of literary existence, are well-established facts of ancient cultural history.[1] Yet the ascendancy of *imitatio* should not lead to a philological tunnel vision that keeps us from seeing another way of conceptualizing literary debts in the Roman world.[2] Testimony from the second century B.C.E. through late antiquity shows that plagiarism, i.e., culpable reuse through which an author presents another's work as his own, was a recognized phenomenon.[3] The noun that most often denoted it was *furtum* or "theft," while *surripere*, "to steal" and "to remove by stealth," was a commonly used verb. These terms and the other descriptive Latin vocabulary for plagiarism (which includes the poet Martial's *plagiarius* or "kidnapper" to label someone stealing his

* I thank the anonymous readers at *Arethusa* for their helpful criticism. All translations are my own.

1 My language echoes West and Woodman 1979.ix.

2 The phrase "philological tunnel vision" comes from Hinds 1998.20.

3 Plagiarism (commonly κλοπή) was also acknowledged in the Greek tradition. On plagiarism in Greek and Latin literature, see Ziegler 1950. Brief comments concering literary theft in the Latin context also appear in D'Alton 1931.18–20, 328–29, 428–29, 430, and 432; Kroll 1964.144–49; Fiske 1966.27; Russell 1979.11–12; and Kaster 1995.108–09. Stemplinger 1912 and Roscalla 2006, meanwhile, focus upon the Greek world. Critics in other fields who recognize that the concept of plagiarism predates the advent of copyright and modern notions of originality include Randall 2001.60–67, Ricks 2002.226–29, and Posner 2007.49–51.

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poems, 1.52.9) interpret the cases of textual appropriation to which they are applied as illegitimate and punishable, albeit not as a legal matter.[4] In the sources, plagiarizing consists either in lifting entire works wholesale or in taking some limited amount of material from a predecessor in an otherwise independent text. The act is analogous to identity theft: plagiarists are understood to create second, false lives for preexisting work and, in the process, to represent themselves fraudulently as that material's author.

One Latin author who deals with the topic of plagiarism is Seneca the Elder. In his *Controversiae* and *Suasoriae*, Seneca gathers extracts from early imperial judicial and deliberative declamations.[5] These volumes are rich sources for rhetoric as it was practiced in the schools of the late first century B.C.E. and early first century C.E. Looking back from the late 30s C.E., when he probably put together his works, Seneca casts light upon the rhetorical exercises and rhetorical display that declaimers turned to as ends in themselves now that the republic had ended and the political role and importance of rhetoric had begun to diminish.[6]

Yet Seneca is more than a simple compiler. Within his prefaces to the books of *Controversiae* and within the bodies of both of his collections, Seneca presents extended sketches of declaimers, literary anecdotes, and his own and others' observations on speakers, poets, and the cultural scene generally. Included among this material are several references to plagiarism. The most conspicuous appears in the preface to *Controversiae* 1, where, for programmatic ends, Seneca charges contemporary speakers with plagiarizing *sententiae* or rhetorical epigrams from their great Augustan predecessors (*Con*. 1 *praef.* 10).[7] This enables him to advertise his collection in various ways: by attributing to his main subject, the speakers of the

4 Because ancient Rome lacked copyright or any law protecting intellectual property, the punishment for plagiarism was private and usually consisted of informal shaming penalties (a phrase I derive from Posner 2007.35 and 38).

5 The actual title of Seneca's work is *Oratorum et Rhetorum Sententiae Divisiones Colores*, but I give the titles that are more familiar today.

6 On the date of composition, see Sussman 1978.84.

7 "Quis est qui memoriae studeat? quis est qui non dico magnis viribus sed suis placeat? sententias a disertissimis viris factas facile in tanta hominum desidia pro suis dicunt et sic sacerrimam eloquentiam, quam praestare non possunt, violare non desinunt" ("Who is there that cares for his future reputation? Who is there that pleases—I will not say by great abilities, but by his own? Amid so sluggish a public, they easily deliver as their own epigrams produced by the most celebrated men and, in doing so, do not stop profaning the holiest eloquence, which they cannot outdo").

past, an excellence that attracts plagiarists; by suggesting that his text will help to stanch the decline in rhetorical culture that manifests itself in the plagiarism that he assails; and by claiming that his efforts will do literary history a service by allowing the public to catch the plagiarists and attribute the lines they steal to their rightful authors, thereby helping the great declaimers to survive.[8] Yet there are also several references to literary theft that Seneca inserts elsewhere in the *Controversiae* and *Suasoriae* that do not bear upon his program as *Controversiae* 1 *praef.* 10 does. In one of those passages, Seneca quotes and expands upon a past orator's complaint about those who steal *sententiae*, while in most of the others, he registers his own and others' denials that a declaimer or poet had plagiarized from a predecessor.[9]

This article identifies a denial of plagiarism in the pages of Seneca that, to my knowledge, has never received full critical notice. The relevant material appears in *Suasoriae* 2.19–20, where Seneca discusses a hexameter line that the poet Abronius Silo derived from an epigram of his teacher Marcus Porcius Latro.[10] Seneca is not explicitly interested in whether Silo had stolen his verse. But as I will argue, while treating other topics, Seneca indicates that although Silo endured a charge of theft, he himself viewed the poet's borrowing from Latro as an instance of praiseworthy imitation, and that the accusers misread Silo because of their meanness of temper.[11] A further concern will be to look at the literary attitudes and critical practices that come to light in Seneca's passage, and to connect his treatment to ideas and pursuits found elsewhere in his work, in his immediate cultural

8 See *Con*. 1 *praef*. 6–9 for the theme of decline, and *Con*. 1 *praef*. 10–11 for comments on the purposes of the collection. My summary in part reiterates McGill 2005.345. For more on *Con*. 1 *praef.* 10, see Gunderson 2003.42–44. Gunderson 2003.29–58 is good on the preface in general, with an emphasis on the thematics of memory in the passage.

9 See *Con*. 10.5.20 (with 10.5.21) for the first passage, and *Con*. 9.1.13, 10.4.21 (with perhaps 10.4.20, depending on the reading of a corrupt line), and *Suas*. 3.7 for the others.

10 I follow Winterbottom 1974.2.530, Fairweather 1981.232, 312, 316, and 324, and Hakanson 1989.347 in identifying the poet as Abronius Silo, although the manuscripts have *arbronum* and *abronum*. Edward 1928.13, 53, and 114 and Bonner 1949.141 and 161 give him the name Arbronius Silo, while Courtney 1993.331 and Hollis 2007.330–31 posit Arbonius Silo.

11 In an earlier article (McGill 2005.341 n. 13), I suggest that Silo was the victim of an overzealous plagiarism charge, but say only that, and in passing. (I had yet to come to think about the topic as I do now.) Other critics identify Silo simply as an imitator of Latro. See Edward 1928.114, Bonner 1949.141 and 161, Kroll 1964.149, Fairweather 1981.312 and 324, and Bloomer 1997.145.

context, and in Roman literary culture more broadly. The hope is that this examination will reveal *Suasoriae* 2.19–20 to be, despite its brevity, a rich source for the history of criticism.

The declamations from which Seneca quotes in *Suasoriae* 2 deal with the 300 Spartans at Thermopylae who deliberate whether they should meet the advance of Xerxes or retreat. Among the extracts from the *suasoriae* that Seneca gives is Marcus Porcius Latro's epigram: "si nihil aliud, erimus certe belli mora" ("If nothing else, we will surely be a brake on the war," *Suas*. 2.19). Immediately after citing that *sententia,* Seneca moves on to an associated story about Abronius Silo, Latro's student. When Silo was reciting a poem that he had written, Seneca and other members of the audience (note the first-person plural *agnovimus*)[12] recognized his reuse of Latro's *sensus*, a word synonymous here with *sententia*:[13]

> Postea memini auditorem Latronis Abronium Silonem . . . recitare carmen, in quo agnovimus sensum Latronis in his versibus: "ite agite, <o> Danai, magnum paeana canentes, / ite triumphantes: belli mora concidit Hector."
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> Later I recall that Abronius Silo, Latro's student . . . recited a poem in which we recognized Latro's epigram in these verses: "Go forward, Greeks, singing a great paean, go victorious: Hector, the brake on the war, has fallen."

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12 It seems plausible enough that Seneca, whom Fairweather 1981.77 characterizes as an "adult enthusiast in the *auditoria* of the declaimers," would have attended the performance of his friend Latro's student. I take the position that Seneca was recalling a scene in which he himself participated, even as I know full well that his claim to be relying upon his memory when putting together his collection (see, esp., *Con*. 1 *praef.* 1–5) has come under suspicion. Yet even the strong skeptic Lockyer (1970.192) acknowledges that Seneca could have depended at least to some extent upon his experience and memory for his material.

13 *Sensus* stands as a synonym for *sententia* in *Con.* 2.2.8 as well, on Ovid's reuse of Latro's epigrams. As in *Suas*. 2.19, the aim seems to be linguistic variety. Other examples in which *sensus* is synonymous with *sententia* appear in *Con.* 1.1.21, *Con.* 7.6.24, *Suas*. 1.13, and *Suas*. 7.11. For this use of the term, see *OLD* s. v. "sensus" 9c. *Sensus* and *sententia* are also distinguished in Latin antiquity; see Quintilian *Inst. Orat*. 8.5.1, who states that in prevailing usage, *sensus* designates mental concepts and *sententiae* bright thoughts expressed especially at the end of passages. Quintilian himself, however, does not always observe the distinction (see *Inst. Orat*. 12.10.46).

Seneca proceeds to draw a sweeping contrast between audiences of the past and of the present. Presumably, the distinction lay between the *auditores* of the early Augustan age, when Silo delivered his poem, and those of the late 30s C.E., when Seneca put together the *Controversiae* and *Suasoriae*:[14]

> Tam diligentes tunc auditores erant, ne dicam tam maligni, ut unum verbum surripi non posset; at nunc cuilibet orationes in Verrem tuto licet pro suo <dicere>.[15]
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> So assiduous were audiences then, not to mention so mean-spirited, that a single word could not be plagiarized. But now anyone can safely deliver the *Verrines* as his own.

Seneca's primary point is to oppose the diligence of the earlier audiences with the intellectual lethargy and inattention of contemporary audiences. The differences between the two groups reveal themselves in their reactions to plagiarism: whereas the listeners of yesteryear did not allow a single word to be stolen, those of the present would miss it if a person recited Cicero's *Verrines* with the claim that he had written them. Neither of these assertions should be taken literally. Rather, "unum verbum surripi non posset" exaggerates matters to underline just how attentive the earlier audiences were. The picture of safely stealing the *Verrines*, meanwhile, satirizes the profound torpor of current *auditores* by having them miss the wholesale appropriation of a work of extreme bulk and renown.[16] The larger goal is to use the divergent responses to plagiarism to illustrate how Rome has suffered a cultural decline.[17] In the change from audiences who identified wrongful

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14 Contra Hollis 2007.330–31, a *terminus ante quem* for Silo's poem can be set at 19 B.C.E., since in *Suas*. 2.20 we hear that Virgil expressed Silo's epigram better in the *Aeneid*. Whether or not Virgil actually took Silo as a model, the fact that Seneca believed he did assumes Silo's priority in time. (Trust in Seneca seems justified, meanwhile, by his chronological closeness to events, as well as by his apparent firsthand familiarity with Silo.)

15 The text I print is essentially Winterbottom's 1974.2.530 rather than Hakanson's 1989.347, though I use the latter's *pro suo* and not the former's *pro suis*.

16 I summarize McGill 2005.340–43. Edward 1928.114 thus seems to be on the wrong track when he states in connection with *Suas*. 2.19 that "Seneca is not given to exaggeration."

17 As noted earlier, Seneca also links plagiarism and cultural decline in *Con*. 1 *praef.* 10 (but see n. 19 below). On Seneca's handling of the theme of cultural decline, see Sussman 1972.

reuse with extreme care to audiences who let gratuitous plagiarism pass, Seneca finds a token of how the present falls short of the past.

Why does Seneca go from noting that listeners identified Silo's reuse of Latro at a recitation to reflecting upon the ways that listeners in Silo's era and later reacted to plagiarism? The sequence of topics implies that the crowd at Silo's performance exemplifies past *auditores* in general. From there, the conclusion logically follows that Silo's audience members accused him of stealing *belli mora* from Latro, and that the memory of that event prompted Seneca to make the varying reception of plagiarism by past and present audiences the measure of the decline.[18] The charge against Silo gives the movement between ideas coherence: with that allegation in mind, Seneca points to the past's superiority by commenting upon how conditions at the time of Silo's performance were not conducive to plagiarism, rather than by simply referring to the listeners' great attentiveness or by pointing out that they identified any and all moments of imitation.[19] (This means that Seneca's "unum verbum surripi non posset" only slightly exaggerates matters in the case of Silo, who, after all, reuses just *belli mora*.) The scene that we can reconstruct from Seneca's passage thus finds Silo's listeners keenly on the scent of plagiarism and, as the appearance of the parenthetical *maligni* ("ne dicam tam maligni") suggests, impugning the poet for his perceived misdeed. The hostile tone of the accusation impels Seneca to remark upon the earlier audiences' extreme severity while emphasizing their diligence.

The plagiarism charge against Silo arose at a time when the proper attribution of *sententiae* was a concern. In the competitive climate of the rhetorical schools, epigrams were ascribed as quotations to individual speakers,

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18 My reading contrasts with the suggestion of Bloomer 1997.145 that "perhaps Latro had been accused of plagiarism." To me, this does not follow from the text. I also do not think that the plagiarism charge was just a joke that played on the name Latro, i.e., "Silo stole from a *latro* ("thief"). Not only is this reading excessively speculative, but the indication that the accusation was hostile in tone (see below) also argues against it.

19 The way that Seneca links the past's superiority to its diligence in identifying plagiarism distinguishes the passage from *Con*. 1 *praef.* 10, where he locates the past's superiority in its plagiarized declaimers. It ought to be evident, moreover, that we should not lump Silo with the plagiarists whom Seneca attacks in the preface to Book 1 of the *Controversiae*. Silo, after all, is not an author in the 30s C.E., and therefore is not himself a symbol of the decline that Seneca laments. On a related note, it is clear that *Suas*. 2.19 does not have the same programmatic purposes as the prefatory account, even as the passages' pessimistic views of cultural history correspond.

whose ability and success they helped to measure.[20] The declaimers fought for students and for standing (goals that could, of course, overlap) and had in their *sententiae* culturally recognized yardsticks of their rhetorical skill and credentials. These circumstances required that the epigrams belonged to those who distinctly expressed them, whether through imitation or without recourse to a specific predecessor. The claim was of symbolic ownership, embodied in the form of recognized, attributed, individual authorship.[21] Of course, imitation remained as normal with *sententiae* in Augustan culture as it was with other literary material. To imitate a rhetorical epigram in poetry, moreover, was an entirely accepted practice.[22] But the understanding that a *sententia* was a form of private intellectual property—open to *imitatio*, to be sure, but the (symbolic) possession of its composer all the same—also established the framework for plagiarism charges. The complaint was that the plagiarist violated textual property lines by taking an epigram that belonged to another and presenting it as his own. Attribution, and with it credit, was the thing stolen—attribution to which the thief was not entitled.[23]

Verbal parallels between *sententiae* were naturally essential to identifying when an author had stolen a line from a predecessor. The similiarities would indicate direct dependence and would be considered instances where the thief had failed to personalize his model sufficiently, with the result that he delivered an epigram as his own when he had not textually made it his own.[24] Yet usually accusers (and deniers) of plagiarism looked beyond the text to authorial intention when considering what constituted the theft of an epigram.[25] To build upon an earlier point, it is evident that authors produced

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20 Sinclair 1995.119–32 is useful on this topic (and on plagiarism in Seneca). In the earlier *Rhetorica ad Herennium*, the term *sententia* had signified "maxim," "precept," or "generally accepted commonplace," as Sinclair 1995.120 observes.

21 Randall 2001, esp. 65–66, 77–78, and 93–95, is insightful on the link between authorship and ownership.

22 For confirmation, see *Con*. 2.2.8, where Seneca cites two passages in which Ovid imitates Latro's epigrams (*Met*. 13.121–22 and *Am*. 1.2.11–12). Imitating poetry in declamations was also permitted; see, e.g., *Con*. 10.4.25 and *Suas*. 3.4–5.

23 I adapt Ricks 2002.238.

24 In *Con*. 10.5.20, Cassius Severus and Seneca explicitly call attention to how plagiarists repeat their models with excessive fidelity. The discussions of plagiarism in *Con*. 9.1.13 and 10.4.21, meanwhile, proceed from close parallels.

25 *Con*. 9.1.13 and 10.4.21, cited in the previous note, bring intentions into the discussion, as does *Con*. 1 *praef.* 10. *Con*. 10.5.20 is more ambiguous. While Severus compares plagiarists to consciously fraudulent thieves ("[aiebat] hos . . . similes sibi videri furibus alienis pocu-

some *sententiae* without imitating any model and that this was a recognized state of affairs for their audiences, even as *imitatio* remained customary. This opened the door to finding in plagiarism an author's deliberate effort to keep his close borrowings hidden and to manipulate the expectation that a line could be "perfectly unborrowed and [the author's] own," so that his audience considered his debts unindebted.[26] This critical approach resembles the line taken by Junius Gallio, whom Seneca quotes in *Suasoriae* 3.7. According to Seneca, Gallio stated that his friend Ovid reused Virgil's verses "not for the sake of plagiarism, but to borrow openly, and with the intention of having the borrowing recognized" ("non subripiendi causa, sed palam mutuandi, hoc animo ut vellet agnosci").

Gallio's observation signals that the concern with plagiarizing *sententiae* did not occur in a vacuum and that there existed a broader awareness of plagiarism in the early principate just as in other periods in Latin cultural history—and the evidence for the *furta*-literature produced against Virgil in the first decades of his reception only reinforces the point.[27] In addition, Gallio vividly illustrates that the importance of intentions in determining what constituted plagiarism transcended discussions of stealing *sententiae*. This was the case not only in the early imperial context, but also in sources scattered from Terence through late antiquity. The focus upon intentions gave textual theft an extra-textual component, just as it continues to have in our post-Intentional Fallacy world.[28]

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lis ansas mutantibus"), it is hard to know how far he was pushing the parallel, particularly when his focus is upon the formal matter of close repetition. Seneca's subsequent comment, meanwhile, that plagiarists think that they have pocketed (*lucri facere*) an epigram by taking away, changing, or adding a word could mean that they really believe that they have made the line their own, even though they have not. Fraud in that case would be the result, but not the intention.

26 I take this phrase from Macfarlane 2007.2.

27 Evidence for this thread in Virgil's reception comes from the Suetonian biography of the poet (*VSD* 44–46) and Macrobius *Sat*. 6.1.1–7. Macrobius's *Sat*. 5.3.1, sections of 5.16 and 18–22, and 6.2.30–33 also appear to derive ultimately from Virgilian *furta*-literature. On this topic, see Cameron 2004.258–60.

28 Examples in which this way of thinking is apparent include Terence *Eun*. *prol*. 23–24; Cicero *Brutus* 76; Vitruvius *de Arch*. 7 *praef*. 3–10; Martial *Ep*. 1.29.1–2, 1.52.6–9, 1.66.5–9 and 12–13, and 1.72; Ausonius *Ep*. 13.10–15 (Green); and Symmachus *Ep*. 1.31.3. On the importance of authorial intention in the Roman concept of plagiarism, see D'Alton 1931.428 and Fiske 1966.27. Randall 2001, esp. 11–13 and 126–32, underlines the central role that intentions play in identifying plagiarism today, as they have in other periods in history. See, too, Ricks 2002.220 on the importance of intentions in modern definitions of the act.

In his comments on cultural decline in *Suasoriae* 2.19, Seneca likewise attributes fraudulent aims to plagiarists. At issue is whether a literary thief is able to get away with presenting what he takes from another as his own. The animating idea is that he aims to conceal his debts from his audience in order to effect the textual transfer; and what distinguishes the past from the present are the obstacles that each age puts up to that effort. Because Seneca's remarks grow out of the plagiarism accusation against Silo, moreover, they would appear to reflect how he understood that criticism. The sense that Silo's accusers alleged a will to conceal and deceive, through which the poet sought to win credit for formulating *belli mora*, shapes Seneca's generalizing statements, so that he believes they follow the charge from which they take their cue in assuming the plagiarist's dark intentions. The characteristics are those that, in Seneca consistently but most visibly in *Suasoriae* 3.7, differentiate plagiarism as a critical category from licit borrowing. The transgression is not just the aesthetic one of sticking too close to a predecessor, but involves conscious duplicity, or the resolve to reuse a model "subripiendi causa, non palam mutuandi."[29]

One person who declined to brand Silo as Latro's plagiarist, however, was Seneca, even as he joined with the poet's accusers in recognizing that "belli mora concidit Hector" derives from the declaimer. This becomes apparent in *Suasoriae* 2.20, where Seneca moves from contrasting audiences of the past and present to showing that a well-said epigram can still be expressed better. The *sensus bene dictus* turns out to be none other than Silo's line, which, according to Seneca, was also "very renowned" (*valde celebre*). In Seneca's judgment, Silo's fine and celebrated *sensus* found more attractive expression in Virgil's *Aeneid* 11.288–90:[30]

> Sed, ut sciatis sensum bene dictum dici tamen posse melius, notate prae ceteris quanto decentius Vergilius

29 Mazzeo 2007.2–3 and 96–98, on "culpable" and "poetical" plagiarism in the eighteenth and nineteenth centuries, has influenced my thinking on this matter.

30 Again, we cannot be sure that Virgil actually imitated Silo; but the important thing is that Seneca thought he did. Another poet who might have borrowed from Silo is Ovid, whose *Met*. 12.20 ("Troia cadet, sed erit nostri mora longa laboris") resembles Silo's *sensus*, as Bornecque 1932.570 recognizes. Later in the first century C.E., Seneca the Younger echoes Silo even more closely ("non sola Danais Hector et bello mora," *Agam*. 211), which raises the suspicion that he found that poet's line in his father's text and imitated it. Lucan, meanwhile, could have turned to Seneca or Silo, whom he might have located in his grandfather's work, for his *belli mora* ("Crassus erat belli medius mora," *BC* 1.100).

> dixerit hoc quod valde celebre, "belli mora concidit Hector": "quidquid ad adversae cessatum est moenia Troiae, / Hectoris Aeneaeque manu victoria Graium / haesit."
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> But so that you may know that a well-said epigram can still be expressed better, take note particularly of how much more fitly Virgil expressed this very renowned line, "Hector, the brake on the war, has fallen": "Whatever delay there was before the walls of stubborn Troy, the Greeks' victory was stayed by the hands of Hector and Aeneas."

There is no indication here that Silo's *sensus* was *bene dictus* because *male surreptus*, i.e., that Silo illegitimately presented Latro's finely turned epigram as his own. Seneca instead describes Silo's *sensus* so that it looks to be itself well composed and to have discrete aesthetic virtue. This is how Seneca uses *bene dicta* and related phrases in other passages where he describes lines he admires.[31] The unagitated and unqualified remark that Silo's effort was *valde celebre*, meanwhile, suggests Seneca's acceptance of how the epigram earned independent renown. Neither of these perspectives accords with the belief that Silo engaged in plagiarism, which Seneca, like other Latin sources, elsewhere associates with misappropriating another's meritorious material in an effort to earn spurious and undeserved credit.[32]

Like the presence of praise, the absence of blame in Seneca's treatment of Silo points to his understanding that the poet did not plagiarize his line from Latro. Whereas Latro stands out in the *Controversiae* and *Suasoriae* as Seneca's close friend and the leading declaimer of his age,[33] Silo appears only here in the collections and, indeed, in all our extant sources.

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31 See *Con*. 7.3.8 (*melius dicta*) and 7.4.10 (*bene dicta*); see, too, 10.4.18 for *pulchre dicta*. On textual and thematic grounds, I also prefer Winterbottom's reading: "P. Vinicius et pulchre dixit et nove (sumpsit ab omnibus bene dicta)" at *Con*. 1.4.11 (1974.1.118) to Hakanson's: "P. Vinicius et pulchre dixit et nove <sen>sum etsi ab omnibus bene dictum." I disagree with Winterbottom's translation, however, in which *sumere* signals theft: "Publius Vinicius said nicely, and also originally (usually he stole everyone else's witty sayings)." I would render it: "Publius Vinicius said nicely, and also originally (he was a man who borrowed witty sayings from everyone)." On Seneca's critical language, see Bardon 1940.

32 See *Con*. 1 *praef.* 10 and *Con*. 10.5.20.

33 Seneca provides a vivid sketch of Latro in *Con*. 1 *praef.* 16–18, on which see Leeman 1963.227–28. For more on Latro, see Bornecque 1967.188–92 and Kaster 1995.329–31.

This points to his marginality to Seneca and his minor position in Augustan literary culture, despite the fame that, according to Seneca, his "belli mora concidit Hector" achieved. Because we can reasonably assume, based on these historical factors, that Seneca's sympathies would have stood with the plagiarized Latro over the plagiarist Silo, it grows difficult to imagine that the poet would have escaped censure if Seneca thought that he had misappropriated his epigram. On top of that, as a plagiarist, Silo would have been doing exactly what Seneca slams contemporary declaimers for doing in the preface to Book 1 of the *Controversiae*, namely stealing a great Augustan speaker's *sententia*. One might have expected at least some consistency between Seneca's responses to the declaimers and to Silo if he considered the latter a literary thief.[34] The only person Seneca criticizes when dealing with Silo's epigram, however, is Silo's son, who makes a passing appearance as someone who profaned his "considerable talent" (*ingenium grande*) by writing mimes (*Suas*. 2.19).[35] Seneca might have conceived of that *ingenium* as an inherited trait, in which case his rebuke indirectly complimented the elder Silo. But in any event, he presents Silo père in a friendly light, sparing him any harsh comment and simply memorializing him for his celebrated *sensus bene dictus*.

Two responses to Silo's epigram thus emerge from *Suasoriae* 2.19–20. On the one side stand the critics who find something blameworthy in the poet's dependence upon Latro and label it plagiarism. On the other side stands Seneca, who reacts favorably to Silo's line and, in the process, indicates that he saw it as the product not of culpable theft but of an acceptable and even commendable reuse of a model. The inference is that Seneca departed from those who charged Silo with plagiarism in how he interpreted the debt that they had all identified.[36]

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34 This expectation holds despite the differences between the rhetorical conditions in the two passages.

35 "[Abronius Silo] patrem huius Silonis, qui pantomimis fabulas scripsit et ingenium grande non tantum deseruit sed polluit" ("Abronius Silo, the father of the Silo who wrote pantomime plays, thus not only falling short of his great talent but polluting it as well").

36 One might also suspect that Seneca was not an accuser because of how he generalizes on the basis of the charge against Silo that past audiences were *maligni* as well as *diligentes*. But it seems possible that Seneca could have tacitly aligned himself with the other audience members as a severe plagiarism hunter (a move that would have been self-deprecating, given the connotations of the word *malignus* and given other considerations that I lay out below). We must therefore look to other evidence to see that Seneca was not among those accusing Silo of theft.

The place of *imitatio* in Seneca's literary culture provides the obvious basis for him to have accepted and, indeed, applauded Silo's treatment of his model. Seneca links the poet's line to that licit mode of textual reuse and goes on to maintain that Silo imitated Latro well by making a *sensus bene dictus* from that predecessor. (Presumably Seneca saw this as a matter of adapting Latro's *belli mora* to a new narrative context so that it acquired a different tone and different connotations.) Seneca did not go so far as to consider Silo's epigram superior to Latro's. If he had, he could have used "belli mora concidit Hector" rather than Virgil's lines to demonstrate that it was possible to improve upon a finely turned phrase.[37] But ancient critics, including Seneca, saw legitimate imitation in examples where the later author produced something good of his own out of a good model while falling shy of producing something better than that predecessor.[38] In thinking to use Silo's line as he does, Seneca signals that he understood the borrowing in just those terms.[39]

Both the absence of a fixed formal barrier separating imitation from plagiarism and the elusiveness of authorial intentions would have permitted the coexistence of Seneca's reading of Silo's epigram and an opposing charge of theft. Roman theory and practice show that the textual threshold for *imitatio* could be low, with minimal changes to a source satisfying the requirements for it. In that context, Silo certainly modifies Latro enough to be considered an imitator, even with the repetition of *belli mora*.[40] The

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37 It is safe to suppose that Seneca quoted Latro's epigram because he found it effective and memorable.

38 *Con*. 2.2.8 appears to offer an example: the idea seems to be that Ovid expressed nicely the nice epigrams of Latro, rather than that he improved upon them. For non-Senecan material that clearly makes this point, see Macrobius *Sat*. 5.12. Many passages in Seneca and elsewhere in which a favorably disposed critic cites an imitator and his source without further comment also imply this outlook.

39 The remark that Silo's line was *valde celebre* when Virgil reused it seems irreconcilable with Seneca's perception that widespread charges were made against it, given the basic incompatibility between discrete renown and literary theft. Hence we might suppose that Silo's epigram generally escaped plagiarism charges at least in the early Augustan period—just as, for example, Virgil's lines did, even as they were also deemed the product of *furtum*.

40 We need look no further for confirmation than to *Con*. 2.2.8, since the parallel between Ovid's *Met*. 13.121–22 ("arma viri fortis medios mittantur in hostis; / inde iubet peti," "Let the hero's weapons be hurled into the middle of the enemy; order them to be retrieved from there") and Latro's epigram ("mittamus arma in hostis et petamus," "Let us hurl our weapons at the enemy and go to retrieve them") is closer than the similarity between Silo and Latro, yet is still considered an instance of imitation. Latin literature is, of course, suffused with other parallels that overwhelmingly point to close imitation; we also have

potential rub was that there existed no firm verbal measure to determine when an author had arrived at legitimate reuse. Quite justifiably, the matter was never reduced to a mechanical arithmetic of linguistic change. This would have given critics the opening to cry theft in a case like Silo's where an author repeated some of his model's words verbatim, as well as where writers adapted their models more thoroughly: the accusers could emphasize similarity over difference and claim that the borrowing came up short of right and proper imitation. One could define that border subjectively because of the lack of an objective standard.

It is a constant truth of literary history, meanwhile, that the psychology of the writer is resistant to quantifiable, absolute verification. Thus the author's aims in ancient Rome were susceptible to diverse projections, including the belief that he had set out to imitate and the suspicion that he had set out to plagiarize. While *imitatio* was king in Roman literary culture at least from the second century B.C.E. through late antiquity, open-endedness and volatility in the interpretation of the formal properties of adaptation and the author's mindset made its sway less than total. It is altogether unexceptional in the Roman context for Seneca to have identified the standard practice of *imitatio* behind Silo's line and, concomitantly, to have supposed that the poet sufficiently personalized his source and had none of the fraudulent intentions that Seneca acknowledges as a defining aspect of plagiarism. Yet the ability to reconstruct textual repetition and the author's inner state in other ways also left room for the verse to be remade differently at the point of reception. Like disputes in general over whether or not an author had plagiarized, the varying reactions to Silo illustrate the claim in reader-response criticism that audiences create texts that sometimes diverge sharply from one another through the processes and performances of interpretation.

To maintain that Silo imitated Latro instead of plagiarizing from him is to maintain that the poet's accusers got it wrong. Seneca suggests that he held this view of the critics and, at the same time, hints at why they made the mistake they did when he parenthetically remarks in *Suasoriae* 2.19 that past *auditores* were *maligni* as well as *diligentes* ("tam diligentes tunc auditores erant, ne dicam tam maligni"). As I previously noted, Seneca's

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many instances where critics accept the borrowings as legitimate. For some representative examples connected to Virgil, see Aulus Gellius *NA* 1.21.7, DServius *ad Aen*. 3.10, and Macrobius *Sat*. 5.2.13, 5.3.16, 5.3.40, 5.7.4, and 6.1.7.

use of *maligni* gestures toward the audiences' darker side. Not only were the listeners attentive, they were cranky and ungenerous as well.

For a wide range of Latin sources, referring to audience members' malignity was a way of blunting and answering their adverse assessments of texts. In this *ad hominem* argument, the interpreters' emotional bent causes them to read flaws into a work that in actuality do not exist.[41] Biography undermines credibility: the *ad hominem* turn counters critical messages by calling into question the messengers and, particularly, the soundness and reliability of their judgment. Groundless hypercriticism is the tendency of the angry readers that a more objective, right-thinking audience member would reject.[42]

One of the Latin writers who so personalized literary debates was Terence. In the prologues to his comedies, Terence cites his critics' malignity when responding to negative criticism, including plagiarism charges. The argumentative tack is to refute the criticism by conveying that the animosity his critics (especially Luscius of Lanuvium) felt toward him skewed their interpretation.[43] Other examples of *ad hominem* responses to plagiarism allegations appear in connection with Virgil.[44] Of particular relevance to Seneca is Macrobius's *Saturnalia* 6.1.2, where the speaker Furius Albinus states his concern that the list he is about to present of lines and passages Virgil derived from his Latin predecessors will give the "foolish or hostile" (*imperiti vel maligni*) occasion to indict the poet for stealing material.[45] The

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41 Examples with forms of *malignus* appear in Aulus Gellius *NA* 4.15.1 and Tiberius Claudius Donatus *Int. Verg. praef.* p. 5, 25–26 (Georgii). See, too, Martial *Ep.* 1 *praef.* 1, who implies that his *malignus interpres* finds fault with his poetry unjustly. For examples of this viewpoint with terms other than *malignus* describing the interpreters, see Phaedrus *Fab.* 4 *prol.* 15–16, *Fab.* 5 *prol.* 8–9; *VSD* 43; Aulus Gellius *NA* 10.26.1, 17.1.1–3, and 18.11.1; Servius *ad Buc.* 3.90; and Macrobius *Sat.* 1.24.8 (compare 1.7.2).

42 Herrnstein Smith 1984.18–23 strongly influences this discussion.

43 See *Eun.* 3–6, 16, and 19–43 and *Ad.* 1–14. Following, e.g., Barsby 1999.16–17 and Marshall 2006.23, I accept the historicity of the charges against Terence, while acknowledging that the poet certainly might have colored their content for rhetorical ends.

44 Thus the moniker *obtrectatores* to describe Virgil's critics in *VSD* 43 (who include his plagiarism hunters) implies carpers who find fault invidiously so as to tear down the poet who stands at the top of the canon. In Servius *ad Buc.* 3.90, meanwhile, the tacit idea is that the inferior poets Bavius and Maevius criticize Virgil out of jealousy. On Virgil's *obtrectatores*, see Görler 1996.

45 "Etsi vereor ne . . . occasionem reprehendendi vel imperitis vel malignis ministrem, exprobrantibus tanto viro alieni usurpationem" ("Even if I fear lest [by showing how much Virgil derived from earlier authors], I offer the ignorant and malign the opportunity for censure in the form of reproaching so great an author for plagiarizing" [described here with a legal term for stealing from another's property]).

suggestion is that plagiarism hunters' private traits, which include rancor, cause them to find phantom transgressions in Virgil's work.[46]

Obviously, the cultural and rhetorical contexts of Seneca's *ne dicam maligni* differ from those in Terence and Macrobius, just as the contexts of those examples differ from each other. Still, the connection that Virgil's defenders and Terence establish between errant plagiarism charges and interpreters' ill will seems likely to be operative in a passage also concerned with literary theft that calls attention to plagiarism hunters' asperity, and with a term found in the Virgilian apology. Like other Latin sources, Seneca uses the word *maligni* to convey that mean-spiritedness clouded judgment and resulted in false charges that rendered plagiarism a mistaken critical construct. The signs that Seneca's remark develops from an allegation with which he disagrees, moreover, give us further reason to conclude that he was thinking along those lines. Having judged that Silo's hostile accusers were off the mark with their charge, Seneca goes on to locate their error in their very hostility.[47]

Seneca's full message about the Augustan past is thus that would-be thieves faced strong obstacles to getting away with plagiarism in a climate where audiences identified it not only diligently but also overzealously, as the response to Silo showed. This observation makes a place for both sharp-eared *and* prickly plagiarism hunting in the early Augustan Age. The audience members who accused Silo of plagiarizing Latro's epigram are representative of the *auditores* of that era in how they policed plagiarism rigorously and alleged it erroneously.[48] Though the parenthetical character of *ne dicam maligni* subordinates the listeners' prejudice to their admirable assiduity, Seneca still relates that they were prone to confuse guilt

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46 *Ad hominem* responses to plagiarism charges continue to appear in later literary history. For some examples, see Kewes 1998.97–99 and Randall 2001.115–16.

47 This is a good place to underline what by now should be clear: Seneca does not attribute the same personal animus to the accusers that Virgil's defenders and Terence do. Rather than suggesting that the critics had it in for a particular author, Seneca implies that they were, in general, antagonistic, hypercritical interpreters.

48 Seneca's comments, of course, do not show that the critics were being consciously tendentious, or even that he believed they were aware of how their hostility was influencing their interpretation. Perhaps the accusation arose simply because Silo was Latro's student. The perception might have been that he was unequal to his teacher, which made the critics apt to posit his extreme, illegitimate dependence on Latro. For another perspective on how social inferiority influences plagiarism charges in Seneca, see Bloomer 1997.147–48, who contends that the alleged thieves were predominantly Greeks and freedmen, and that these identities opened them up to the accusations. To me, the Senecan evidence does not bear out Bloomer's claim.

and innocence.[49] The baseless plagiarism charges that they issued were the collateral damage of the attentiveness and care that made them so superior to their successors.

The way that Seneca emphasizes the earlier audiences' diligence takes the teeth out of his suggestion that they could succumb to distorting *malignitas* and wrongly saddle authors with allegations of plagiarism. In what looks like a good-humored aside, the propensity for false charges stands as a venial flaw that a laudable trait overrides. Unlike Virgil's defenders and Terence, whose treatments of overheated plagiarism hunters are contentious and dismissive, Seneca focuses upon what was good about past audiences and goes on to train his disdain upon the leaden listeners of the present.

Seneca's tolerance reflects how the rhetorical conditions that led Virgil's supporters and Terence to degrade their adversaries are not in place in *Suasoriae* 2.19: Seneca neither defends himself against plagiarism charges nor shields someone he considers a cultural giant from them. The very different function that Seneca gives his comments is revealing. With Seneca only secondarily labeling the Augustan audiences *maligni* while primarily holding them up as golden precursors to cultural decline, he shows that a Latin critic might treat mean-spirited and misguided plagiarism hunters without rancor and scorn. Though Seneca tacitly contests their accusations by citing their falsifying harshness, he takes that *ad hominem* route while fundamentally aiming to idealize the critics.

Now Seneca need not have interrupted his praise of the past *auditores* to call attention to their malignity. By doing so, he indicates that the bitterness of Silo's accusers made an impression on him and that he wanted his readers to register the role of that characteristic in producing the false charges against Silo and others in that era. Viewing things through the dark filter of *malignitas*, the critics missed that Silo's line was actually a *sensus bene dictus* or an example of legitimate, well-turned imitation, just as they were wrong elsewhere in how they understood authors' borrowings from their predecessors. Yet for Seneca, disagreements over what constituted plagiarism and imitation did not lead to a breach or an attack. In remaining friendly and, indeed, respectful toward the *auditores*, Seneca varies the picture we get from Terence and from critics of Virgil of a mode of dealing

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49 Obviously, Seneca is simply noting what he considered a cultural tendency here. This is what one does with generalizations, which are by nature reductionist. It would therefore be a mistake to conclude from his remarks that he really considered all audiences in the earlier age to be like the ones he describes.

with plagiarism accusers in the Roman world.[50] His benign approach toward the *maligni* illustrates that in Latin antiquity, to represent audience members as having misread texts out of gall did not necessarily mean expelling them from the ranks of good interpreters.

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50 Given that Seneca has his own biases and promotional goals in *Suas*. 2.19, we should hesitate before supposing that his leniency was typical, just as we should recognize that the argumentative aims of Virgil's defenders and Terence make them unreliable voices for broad cultural attitudes. What the differences between Seneca and the other passages do demonstrate is simply that one could treat malign plagiarism hunters variously, depending upon context and the speakers' rhetorical positions.

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