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# WAS VALERIUS MAXIMUS A HACK?

TARA WELCH



IN HIS *FACTA ET DICTA MEMORABILIA*, Valerius Maximus collects and rearranges stories from the past into a neat handbook of virtues (with some vices sprinkled in). For the most part, his text is mined for individual anecdotes and discrete historical details but not analyzed for its own sake. When we do read it as a text, it poses a number of problems to readers who would situate it within the framework of Latin literature. One is its level of sincerity; is the text a guide to “practical ethics for the Roman gentleman,” that is, a guidebook along the lines of the modern *Book of Virtues*, or is it rather a repository of themes and situations for the declaimer to expound and debate? Declamation had, indeed, become the dominant literary form in Valerius’ day, as the elder Seneca’s great collection of *suasoriae* and *controversiae* attests. Another challenge posed by Valerius’ collection of tales is its generic identity. It straddles the line between declamation and historiography. Like the former, it is concerned with turns of phrase and moral conundrums; its grouping of stories under rubrics renders them subject to stock observations. Like the latter, the text is concerned with presenting and preserving past events. A third difficulty is linked to the first two: how should we assess Valerius’ skill as an author and the quality and use of his text?

This article probes all three challenges to the interpretation of Valerius’ *Facta et dicta memorabilia* by examining its intertextuality. Although the term is broad, I understand intertextuality in the sense that Genette articulates in *Palimpsests*: “a relationship of co-presence between two texts or among several texts.”<sup>1</sup> Genette names three subcategories of intertextuality: flagged quotation, or the directed reference to another text; plagiarism, which is quotation without citation and involves both the author’s intention to obscure the presence of a co-text and the reader’s inability to detect it; and allusion, which presupposes recognition of another text in comprehending the alluding text’s full meaning.<sup>2</sup> Valerius’ collection of anecdotes, domestic and foreign, relies heavily on Cicero and

<sup>1</sup> Genette 1997, 1.

<sup>2</sup> Elaborated at Genette 1997, 1–3.

Livy, but he rarely cites them even when he reproduces whole sentences or more from their works. In his whole collection, he cites Latin authors only eleven times; he is twice as generous in his citation of Greek authors.<sup>3</sup>

In what follows, I will look at two anecdotes in which Valerius borrows extensively from a well-known source text but does not cite it. These are two of the many examples of unflagged referentiality one could choose from his text. I will argue that Valerius' intertextual strategy blurs Genette's subcategories, and that this blurring is one of the constitutive aspects of the generic identity of the *Facta et dicta memorabilia*. By quoting but not citing, Valerius obscures the presence of his forebears in a way that hints at plagiarism and even resonates with Seneca's contemporary discussion of literary and declamatory theft. This plagiarism, however, is part of Valerius' larger project of gathering and redacting material into a record of tradition. He wrests words from Cicero and Livy, to be sure, but they don't land in his own mouth. Rather, they land in a stream of utterances handed down from text to text to text, his text included, in a way that foregrounds text over author and story over text. In this way his *Facta et dicta memorabilia* differs from declamation, in which a declaimer's skill is the key, and from historiography, in which engagement with other texts serves by likeness or contrast to lend authority to the account at hand.

My analysis has benefited much from Hinds' book, *Allusion and Intertext*, particularly the chapter that explores the intertextuality of the topos. As Hinds says in introducing this concept, "a topos is an intertextual gesture which, unlike the accidental confluence, is mobilized by the poet in full self-awareness. . . . However, rather than demanding interpretation in relation to a specific model or models, like the allusion, the topos invokes its intertextual tradition as a collectivity to which the individual contexts and connotations of individual prior instances are firmly subordinate."<sup>4</sup> Hinds goes on to dismantle then rebuild one topos in ancient poetry, concluding that topoi are far from inert, and they may simultaneously evoke other instances of the use of the topos, i.e., they may act like allusions, and they may evoke the language or code of the collective use of the topos. It is important to note at the outset that Hinds is speaking of the literary topos (stock phrase or theme) rather than the more technical (and contested) rhetorical term topos (*locus*),

<sup>3</sup>Skidmore 1996, 97, seems to imply that when Valerius Maximus cites, he is "not prepared to take responsibility for the material" and wishes to defer to another's authority. Kempf's Teubner (1888 [1966]) lists the citations; so does Bloomer 1992, 63.

<sup>4</sup>Hinds 1998, 34.

which Cicero in *De Inventione* called the *materia argumentationum*, the raw materials for argumentation (1.101). These can be strategies (e.g., discrediting a witness) or content (e.g., tyrants are bad) that can be used in a variety of cases. In this article unless otherwise stated, I use the word “topos” to indicate, like Hinds, a literary commonplace.<sup>5</sup> As shall become apparent, though, the two verbal phenomena are as similar as their single name suggests.

### TEST CASE 1

The first example is found in the first book, in the section on prodigies. Valerius tells two famous stories about insects invading the mouths of babes: ants to Midas, bees to Plato (1.6.ext. 2 and 3).<sup>6</sup> The underlined words are contextual, shared by Valerius and Cicero:

1.6.ext. 2: Midae vero, cuius imperio Phrygia fuit subiecta, puero dormienti formicae in os grana tritici conghesserunt. parentibus deinde eius quorsus prodigium tenderet explorantibus augures responderunt omnium illum mortalium futurum ditissimum. nec vana praedictio exstitit: nam Midas cunctorum paene regum opes abundantia pecuniae antecessit, infantiaeque incunabula vili deorum munere donata onustis auro atque argento gazis pensavit.

When King Midas was a boy (Midas was ruler over Phrygia), ants put grains of wheat into his mouth while he was sleeping. His parents sought to know what outcome this prodigy foreboded, and the augurs responded that he would be the richest of all mortals. And their prediction turned out not to be hollow, for Midas surpassed almost all kings in his abundance of money, and the cradle of his infancy, which had been endowed cheaply by the gods’ gifts, he balanced with treasures replete with gold and silver.

1.6.ext 3: Formicis Midae iure meritoque apes Platonis praetulerim: illae enim caducae ac fragilis, hae solidae et aeternae felicitatis indices exstiterunt, dormientis in cunis parvuli labellis mel inserendo. qua re audita prodigiorum interpretes singularem eloquii suavitatem ore eius emanaturam dixerunt. ac mihi quidem illae apes non montem Hymettium thymi flore redolentem, sed Musarum Heliconios colles omni genere doctrinae virentes

<sup>5</sup>For the literary topos, see the discussion in Curtius 1953, 79–105. For the rhetorical topos, see Rubinelli 2010, who traces the evolution of the term from Aristotle’s precisely parsed system to Quintilian’s more inclusive *argumentorum sedes* (5.10.20).

<sup>6</sup>The text of Valerius Maximus is Shackleton Bailey’s 2000 Loeb edition.

dearum instinctu depastae maximo ingenio dulcissima summae eloquentiae instillasse videntur alimenta.

Rightly and truly I would prefer Plato's bees to the ants of Midas: for the ants turned out to be harbingers of a fragile and fallible blessing, whereas the bees were harbingers of a solid and eternal blessing. When the little boy was asleep in his crib, the bees deposited honey into his lips. When this became known the soothsayers announced that a unique sweetness of eloquence would flow from his mouth. And in my opinion, those bees didn't feed on Mount Hymettus, redolent with thyme-flowers, but they fed rather on the slopes of Helicon, the Muses' haunt, thriving in every kind of learning, and at the instigation of the goddesses they instilled into his peerless natural endowment the sweetest nourishments of eloquence unsurpassed.<sup>7</sup>

Cicero tells the same story in *De Divinatione* 1.78:

Fiunt certae divinationum coniecturae a peritis. Midae illi Phrygi, cum puer esset, dormienti formicae in os tritici grana congesserunt. Divitissimum fore praedictum est; quod evenit. At Platoni cum in cunis parvulo dormienti apes in labellis consedisent, responsum est singolari illum suavitate orationis fore: ita futura eloquentia provisa in infante est

Trustworthy conjectures in divining are made by experts. When he was a boy, Midas of Phrygia—yes, that Midas—was sleeping, and ants filled his mouth with grains of wheat. It was predicted that he would be extremely wealthy; which in fact did happen. But, while Plato as a young child was sleeping in his cradle, bees settled on his lips and it was predicted that he would be endowed with a unique sweetness of speech. And so his future eloquence was foreseen in his infancy.

We could compare the two texts to see what Valerius has done with his model: why he added the bit about Midas recognizing that his wealth was the gods' gift and why he lingers on the provenance of the bees, and the like. That would fall under Genette's intertextual subcategory, "allusion," engagement with another text that needs to be recognized by the reader in order for a text to have its full meaning. This text screams out for it, especially for the ways it downplays Cicero's diviners and adds poetic bees into Cicero's mixture. I want to take the question in a different direction. Because these stories are well known, it is remarkable that Valerius would need to use any source. We could call the story of insects enriching the mouth of a future-blessed man a topos. Valerius almost says as

<sup>7</sup>All translations are my own.

much when he bypasses the local bees and the famous honey and yokes the topical portent to another topos, the musical sweetness of Helicon. In fact, Heliconian bees are said to have nested in Pindar's mouth.<sup>8</sup> But here's the question: if the story was common knowledge, even topical, why quote Cicero?

Bloomer's exploration of this episode shows that Valerius relied on Cicero for the structure of this section on prodigies, and he amplified several of the stories using phrasing and diction from Livy's narrative.<sup>9</sup> But in this example, he follows Cicero's diction. One possibility Bloomer mentions is that, with Cicero's text (and Livy's) open during the composition process, it would be easy and convenient to borrow some words or phrases.<sup>10</sup> This form of textual co-presence is Genette's subcategory, "plagiarism": undeclared but literal borrowing. Such textual reuse caused many problems for the elder Seneca, who tells us that borrowing without credit—passing prior text off as one's own—is rampant, and that it is getting worse (*Controversia 1 praef.* 10):

Quis est qui memoriae studeat? Quis qui, non dico magnis virtutibus, sed suis placeat? Sententias a dissertissimis viris iactatas facile in tanta hominum desidia pro suis dicunt et sic sacerrimam eloquentiam quam praestare non possunt, violare non desinunt.

Who is there who gives a darn about memory anymore? Who is pleasing—I won't say for his great qualities; let's just say for his own qualities? They recount as their own the *sententiae* that had been emitted by men of extraordinary learning, without a blush, the laziness of men being what it is. And thus eloquence most holy, which they can't surpass on their own, they never cease to violate.

Seneca elaborates in *Suasoria 2* on a certain instance that contrasts past anti-plagiarist zeal with current carelessness of borrowing (*Suas.* 2.19):

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.

So assiduous were audiences then, not to mention so ungenerous, that a single word could not be plagiarized. But now anyone can safely deliver the *Verrines* as his own.

<sup>8</sup>Sources for Plato's bees are collected in Riginos 1976, 17–19. There is a swarm of others blessed by bees according to legend: Pindar, Sophocles, Achilles, Virgil, and Ambrose.

<sup>9</sup>Bloomer 1992, 29–40.

<sup>10</sup>Bloomer 1992, 33.

McGill's studies of these passages show that, to Seneca, plagiarism relies both on authorial intention to take undue credit by obscuring a source and on the listener's inability to distinguish original text from borrowed text.<sup>11</sup> Valerius is roughly contemporary with Seneca, so perhaps Valerius thought his audience was careless or inattentive enough not to notice that he had borrowed some Cicero. Or perhaps Valerius was a lazy borrower rather than an innovator. Such was the *communis opinio* of the early twentieth century.<sup>12</sup> Both these positions resort to the unfruitful rhetoric of Silver Latin, the decline of all things creative and good in Latin letters. In broad terms, Bloomer effectively refutes the accusation of Valerius as a hack by pursuing a more conventional hermeneutic of intertextuality, what Genette might call "allusion."<sup>13</sup> Bloomer does not discuss these intertextual bees, but we can readily pursue this line of thought: Valerius Maximus used Cicero's phrasing as especially apt to the point he wished to make. Cicero is an authority, so Valerius sees no need to cite.<sup>14</sup> Historiography regularly relies on this practice, with co-texts valorizing the unspecified but recognizable source as authoritative. Viewing the passage as a tool for declamation rather than historiography, a different picture emerges. The few changes Valerius makes—deemphasizing Cicero's soothsayers and adding Helicon's poetic bees—helps the passage fit his rubric on portents. The savvy reader might then learn about bees and portents and about Valerius' talent in crafting set material to his own use. This is the sort of allusion Seneca calls *palam mutuari*: openly obtaining loan words with the intention of paying them back (*Suas.* 3.3.7, and see Peirano's article in this volume). His use of Ovid's adaptation of Virgil in that passage as the exemplar of *palam mutuari* suggests that this allusive practice is more literary (borrowing the words) than historiographical (borrowing authority

<sup>11</sup> McGill 2005 and 2010. McGill 2005 argues that it is not so much inability to recognize Cicero's *Verrines* that allows plagiarism but the audience's laziness and inattentiveness during the performance. McGill 2010 situates proper borrowing in the realm of *imitatio*. See also Sussman 1972.

<sup>12</sup> The protagonists are Klotz 1909; Bosch 1929, refuted by Helm 1939, 1940; Bliss 1951. Bloomer 1992 chap. 3 "Sources and Reading" (59–146, esp. 59–77) discusses this trend.

<sup>13</sup> Bloomer 1992 absolves Valerius from the charge of plagiarism and strives to see creativity. For example, he analyzes 1.6.6 on Flaminius as allusion (32–34). Elsewhere, he sees pastiche and *contaminatio* (109 for an example; 200 for a general statement). For Bloomer, Valerius' recycling of sources is the result of his wide reading and wide listening (62). This is like Seneca the Elder's memory hoard (*Controv.* 1 *praef.* 10 and see below), but does not answer the question of why Seneca insisted on names while Valerius did not.

<sup>14</sup> Cf. Quintilian 10.2.25, who posits a hypothetical defense of plagiarism: *Quid ergo? Non est satis omnia sic dicere quo modo M. Tullius Cicero dixit?* ("What of it—isn't it enough to say everything just exactly how Cicero said it?") only to reject it as unsubtle and lazy.

via the words). Like Ovid's debt to Virgil, which showcases Ovid's talent over Virgil's raw materials, Valerius' open borrowing from and recrafting of Cicero's narrative emphasizes Valerius' skill. Declamation is a form of discourse that likewise aims to make apparent the declaimer's skill at transforming given material, even his "one-upmanship" over prior speakers on the theme. The way we read Valerius' use of Cicero's text thus informs how we might understand the genre of his work as a whole; to extrapolate from here, intertextuality is part of the matrix of codes that signals genre.

This line of thinking is all the more germane to this instance of textual reuse in that bees are not only metapoetic creatures (as in Demeter's bees from Callimachus' *Hymn to Apollo* 2.110–12) but also the intertextual creatures *par excellence*. Horace's *Odes* 4.2 combines metapoetic and intertextual bees when he suggests that he, like a bee, gathers pollen from many flowers to make his sweet honey; Antony's son Iulus, in contrast, can and must hymn Augustus in the Pindaric style.<sup>15</sup> The younger Seneca's *Epistles* 84 is even more to the point. In this letter, Seneca asserts that writers should imitate bees, who wander about collecting material from flowers suitable for making honey, then arrange what they have culled into their honeycomb.<sup>16</sup> The bees' activity is clearly intertextual, but Seneca goes on to wonder exactly how they are intertextual: do they transform what they have gathered into something sweeter (= Genette's "allusion," Seneca the Elder's *palam mutuari*), or does the pollen itself do the transforming, a process to which the bees are merely witnesses and vehicles? Seneca complicates even this thorny issue (on which he refuses to pass judgment, *non satis constat*, 84.4) by suggesting that we authors should imitate the bees (*debemus imitari apes*). What, in this text about intertextual bees, does imitating the bees mean?

But Valerius himself raises similar thorny issues about his use of sources in the preface to his work:

Urbis Romae exterarumque gentium facta simul ac dicta memoratu digna, quae apud alios latius diffusa sunt quam ut breuiter cognosci possint, ab inlustribus electa auctoribus digerere constitui, ut documenta sumere volentibus longae inquisitionis labor absit. nec mihi cuncta complectendi cupido incessit: quis enim omnis aevi gesta modico voluminum numero comprehenderit, aut quis compos mentis domesticae peregrinaeque historiae

<sup>15</sup>The irony is that Horace's poem, which likens Iulus' poetry to Pindar's, is itself a Pindaric hymn that miniaturizes several Pindaric hymns.

<sup>16</sup>*Apes, ut aiunt, debemus imitari, quae vagantur et flores ad mel faciendum idoneos carpunt, deinde quidquid attulere disponunt ac per favos digerunt* (84.3).



seriem felici superiorum stilo conditam vel attentiore cura vel praestantiore facundia traditurum se speraverit?

I have decided to select from renowned authors and arrange those deeds and words of both the Roman city and of foreign peoples that are especially worthy of commemoration. These are scattered too widely among other authors to be able to be comprehended briefly. Thus may the hard work of long investigation be absent for those wishing to take up these teaching tools. Nor has some desire of treating everything come upon me. For who could contain the affairs of all time in a small number of volumes? Or who in his right mind could hope that he would hand down the sequence of domestic and foreign history, established already by the blessed pen of authors past, with closer care or smoother elegance than they?

This is, to an extent, a conventional opening that establishes his project and its parameters, hints at his method, and both praises his sources as authoritative (historiographical intertextuality, valuing the source texts) yet insufficient to his purposes (declamatory or literary intertextuality, valuing the destination text). He asserts himself as a transformative and vehicular bee at once. Could he also be a plagiarist, in Seneca the Elder's sense? He suggests that his readers will not need to bother with finding or recognizing his source material, a shade away from Seneca's lazy and inattentive sort. Skidmore endorses a variation of this idea: he argues that Valerius' audience is primarily the group of provincial Romans, unacquainted with the whole of Cicero and Livy yet desirous of absorbing the *mos maiorum* contained in their great texts.<sup>17</sup> This is hardly flattering to Valerius' audience, but Skidmore is on to something, since he draws attention to Valerius' mission to select (*electa*) and arrange (*digerere*) his material as teaching tools (*documenta*). Plus, if Valerius' desire is to plagiarize in Seneca's (and the modern) sense, he makes an awkward fuss here about his use of earlier texts and authors, texts that he praises as superior to his or any talent. His project is, after all, to retell *facta et dicta memoratu digna*. These are the deeds and great sayings that are his anecdotes, of course. Given, however, the immediate follow-up on his repackaging of prior and better texts—texts, mind you, that are peppered with forgettable irrelevancies that he promises to leave out—one wonders whether Cicero's words, or Livy's, or Valerius Antias', or Salust's, fall into the category "worthy of remembering." Without citation, memory is the means whereby prior texts are discerned. It is vital to intertextuality.<sup>18</sup> Seneca's lament quoted above, "Who gives a darn about

<sup>17</sup>Skidmore 1996, 103–12.

<sup>18</sup>Literary memory (as allusion and as a constituent of genre) is a central focus of Conte 1986. See also Conte 1994, 131–38, and Hinds 1998.

memory these days?” works two ways, as Peirano demonstrates in this volume: without *memoria*, misappropriation can occur, but *memoria* is the misappropriator’s best tool.<sup>19</sup>

### VALERIUS TRADITURUS

The key lies in *tradturum*. Valerius desires to be a conduit for this material—a vehicular bee, if you will. I believe Valerius’ audience is very savvy and keyed into the sources he uses. Otherwise the allusivity of individual passages, such as I explored above for the bees, would not work. There is, however, a key difference from Seneca’s bees: Valerius is not a conduit for the particular texts he uses as such, but for their content: for tradition. The word *tradtio* appears one other time in Valerius’ text, at 1.8.7, the section on miracles:

Referam nunc quod suo saeculo cognitum manavit ad posteros, penetrales deos Aeneam Troia advectos Lavinii collocasse: inde ab Ascanio filio eius Albam, quam ipse considerat, translatos pristinum sacrarium repetisse, et quia id humana manu factum existimari poterat, relatos Albam voluntatem suam altero transitu significasse. nec me praeterit de motu et voce deorum immortalium humanis oculis auribusque percepto quam in ancipiti opinione aestimatio versetur, sed quia non nova dicuntur, sed tradita repetuntur, fidem auctores vindicent: nostrum sit inclitis litterarum monumentis consecrata perinde ac vana non refugisse.

I will relate now that which, having been known since its own century, has dripped down to later generations, namely that Aeneas established at Lavinium the Penates he had carried from Troy. Taken thence by Aeneas’ son Ascanius to Alba, which he had founded, they returned to their first home, and because this could be thought to have happened by human hands, after they were brought back to Alba they made their wishes clear by a second transfer to Lavinium. Nor does it escape my notice how ambivalent is the assessment about the movement and voice of the immortal gods, when perceived by human eyes and ears. Nevertheless, because these are not new things being said but rather they are things handed down that are being repeated, let the originators themselves prove our trust in them. Let me claim this: not to have fled from things consecrated in famous works of literature as if they were bogus.

The story is that the Penates which Aeneas brought from Troy moved of their own accord twice, to Lavinium from Alba. Valerius categorizes the

<sup>19</sup> Gowing’s discussion of Valerius’ text of *Empire and Memory* (2005) is not unrelated, for *memoria* both preserves and retools the past.

story as tradition established in many texts:<sup>20</sup> note the words *cognitum, manavit, auctores, tradita*. His job is to drip them down again: *referam, repetuntur, non refugisse*. I think it is wonderful that the very story about back and forth movement and returning home (*relatos, repetisse*) is the one Valerius chooses as the home for his mini-exkursus on how tradition works.

I suggest that in this generically odd text, “tradition” operates as “anti-intertextuality” in that it minimizes the presence and the integrity of any source text and emphasizes instead universal authorship and univocality. Thus when Valerius uses and quotes Cicero or Livy, he simultaneously calls those texts to mind and erases them as texts. In particular, he removes examples from their context in the source text and makes them universally applicable. In the little example above about the ants and bees, Cicero stresses the act of divination by mentioning it at the beginning and end of his section. This was fitting in his text on divination. Valerius instead focuses on the prodigies themselves and what they mean, as if—like examples—they are available to all. He mentions the interpreters but embeds them into the larger narrative that already confirms the truth of the tales.

The use of rubrics in Valerius’ text further generalizes the anecdotes and strips them of the specificity of their appearance in Cicero’s text. Valerius’ rubrics elide idiosyncrasies among the lists’ contents, since readers must be able to apply the lessons therein to their own lives and situations. The generous bees are part of Valerius’ section on prodigies, one that turns not on how well or poorly the prodigies are interpreted, nor even on whether they are true or false, but rather on whether they are favorable or not: *prodigiorum quoque, quae aut secunda aut adversa acciderunt, debita proposito nostro relatio est* (“there should be some mention in my project of prodigies as well, either those that turned out to be favorable or those that were the reverse,” 1.6 *praef.*).

## THE DEATH OF THE AUTHOR

Like the prodigies, which have truth beyond and independent of the diviners’ interpretation, the examples Valerius hands down have truth beyond and independent of Cicero’s or Livy’s interpretation. This includes those

<sup>20</sup> *Origo gentis Romanae* (17.3) lists four sources: *Annales Maximi Pontificum* Book 4, Cincius Alimentus, Q. Aelius Tubero Book 1, and Caesar, presumably L. Iulius Caesar’s *Pontificalia* (see Wiseman 2002, 352–54, who discusses these sources and adds Dionysius 1.67, which he suggests is derived from Timaeus).

writers' actual collocations. So, the examples Valerius uses are not really Cicero's or Livy's; they belong to everyone. Those *auctores* were rather *traditores*, and Valerius is simply one more among them (*traditurum*). He constructs himself as part of a process by which communal property becomes available to members of society at large. This has implications for our notion of (their notion of) what an author is. Intertextuality and authorial subjectivity have been antagonists from the get-go; Kristeva's initial coinage of the term "intertextuality" arose from the postmodern assertion that all subjectivity is relative rather than absolute. The author thus has little control over the meaning of the text in the eyes of any other reader.<sup>21</sup> Valerius seems to undermine the idea of authorship as ownership, an idea implicit in the terminology of plagiarism (see Peirano in this volume). As a foil, we may revisit Seneca, who endorses the idea of intellectual property just after the passage quoted above on the decline in *ars dicendi*. I reproduce that quotation for context, with its follow-up about ownership (*Controv. 1 praef.* 10–11):

Quis est qui memoriae studeat? Quis qui, non dico magnis virtutibus, sed suis placeat? Sententias a disertissimis viris iactatas facile in tanta hominum desidia pro suis dicunt et sic sacerrimam eloquentiam quam praestare non possunt, violare non desinunt. Eo libentius quod exigitis faciam et quaecumque a celeberrimis viris facunde dicta teneo, ne ad quemquam privatim pertineant, populo dedicabo. [11] ipsis quoque multum praestaturus videor, quibus oblivio imminet, nisi aliquid, quo memoria eorum producat, posteris traditur. fere enim aut nulli commentarii maximorum declamatorum extant aut, quod peius est, falsi. itaque, ne aut ignoti sint aut aliter quam debent noti, summa cum fide suum cuique reddam.

Who is there who gives a darn about memory anymore? Who is pleasing—I won't say for his great qualities; let's just say for his own qualities? They recount as their own the *sententiae* that had been emitted by men of extraordinary learning, without a blush, the laziness of men being what it is. And thus eloquence most holy, which they can't surpass on their own, they never cease to violate. Therefore I will willingly do what you demand and I will dedicate to the people at large my collection of skillfully turned sayings of the most famous orators, lest they belong privately to any one man. I seem to be providing much to those men whom oblivion threatens, unless something is handed down to posterity by which their memory can be kept alive. For you see, either no notebooks of the best declaimers survive, or, what is worse, only false ones survive. And so, lest the declaimers

<sup>21</sup> See the cogent discussion in the introduction and first chapter of Juvan 2008, with a summary of Kristeva's terminology at 11–12.

be unknown or lest they be remembered otherwise than they ought, I will give each his own due with utmost fidelity.

Though Seneca, like Valerius, aims to make texts available to many readers, he paradoxically does so by restoring them to their rightful owners (*a celeberrimis viris, reddam cuique suum*). It is worthwhile to add here Quintilian's sentiment on the matter. In the tenth book of his *Institutio Oratoria*, a treatise on rhetoric, language, and education, Quintilian discusses *imitatio* as a necessary and even beneficial phenomenon in Roman life, for well-executed imitation is the sole vehicle for progress and improvement. Else culture would be at a standstill. Nevertheless, imitation must not be slavish, for this does not engender improvement (10.2.4 and 26). Rather it must be subtle and skillfully done, such that the result is not Seneca's or even Genette's plagiarism but rather a new text belonging to a new author (10.2.4):

Ante omnia igitur imitatio per se ipsa non sufficit, vel quia pigri est ingenii contentum esse iis quae sint ab aliis inventa . . . quod prudentis est quod in quoque optimum est, si possit, suum facere.

Above all, imitation is not sufficient in and of itself, because it is the hallmark of a lazy man to be content with those things that have already been invented by others . . . but it is the hallmark of a prudent man to make his own that which is best in every other speaker, if possible.

Like Seneca, Quintilian admits the viability and desirability of intellectual property (*facere suum*). Also like Seneca, Quintilian, even in this theoretical formulation, names names: Pollio, Caelius, Caesar, Calvus, and, of course, Cicero (10.2.25). Seneca and Quintilian speak of authors as individuals: *cuique* (Seneca) and *in quoque* (Quintilian). In contrast, Valerius, in his programmatic statement cited above, lumps authors together and neither names names nor promises to do so: *apud alios, ab illustribus auctoris, superiorum*. As if to drive home the point, those plural and nameless folks utilize a single pen: *felicioire superiorum stilo*. The tension between plurality of tradition and singularity of author is parallel to that found in the exempla themselves. Above, I noted that Valerius' rubrics and his refashioning of Cicero's bee prodigies rendered the lesson universal and available rather than restricted and contingent.<sup>22</sup> Here I

<sup>22</sup>The tension between specific (example) and universal (applicability) in rhetoric is a subject of keen scholarly interest of late. See Roller 2012 on the way Seneca the Younger's lists of anecdotes straddle contingency and transcendence, Langlands 2011 for the way readers must discern what is unique to an exemplary situation and what may be transplanted to other situations, and Levene 2010b on recyclable argumentative strategies.

add that this same tension is the one operable in Hinds' examination of topoi as intertextual gestures. Hinds' test case in that discussion is what he calls the "many mouths" motif of the sort "if I had a hundred tongues and a hundred mouths I could not sing of all the. . . ." Any use of this motif might be read as a specific, intended allusion to specific source text/s that employ/s the motif, or a general nod to the motif without the notion of authors or texts, or to a subset of uses of the motif (satiric, epic, and the like), or all of these or any combination thereof. I believe that here, Valerius, in using but not quoting Cicero, nudges the reader away from the one-to-one correspondence of philological fundamentalism (i.e., away from "this is a nod to Cicero's bees") and toward the general, "topical" understanding of the content (i.e., "Of course. Bees and geniuses").<sup>23</sup>

This move constructs the reader as someone with access to the lesson whether or not (s)he has read Cicero. By this I mean two things. First, as Valerius says in his preface and as Skidmore takes at face value, the *Facta et dicta memorabilia* is a text for everyone, whether they know their Cicero or not. And the bee prodigy is likewise a prodigy for anyone in whose experience it might happen. Second, and more importantly, if Valerius' readers happen to be the Roman elite speakers who know Cicero's words and would recognize them in this context—and this is the sort of reader Bloomer understands them to be—this exemplum is available to them despite their knowledge of Cicero. Recent readings of Roman declamation have emphasized its sociological import: declamation is a social practice that introduces Roman youth to the norms and expectations of elite Roman life; a competitive practice in which elites strive for praise and honor in a zero-sum game; and, combining these first two notions, a mechanism whereby entry into the group of the elite is limited and policed.<sup>24</sup> Valerius' anti-intertextuality opens it even wider, for one's ability to understand, use, and appropriate the prodigy (the exempla, rhetoric) does not depend on one's Ciceronian expertise. His anti-intertextuality functions not only aesthetically, as a statement about texts and creation, but also socially, as a statement about who may participate in Roman culture.

<sup>23</sup>"Philological fundamentalism" is the term employed by Hinds 1998, 17–51, to describe the critical assumption of a "tidy contract between author and reader, wherein the reader is able to take out exactly what the author put in" (the quotation comes from p. 22 and refers particularly to allusion).

<sup>24</sup>See Kaster 2001, Gunderson 2003, and Dugan 2005. See also Goldberg 2005 and Wallace-Hadrill 2008, 256, for the interconnection of elite authority and literary ownership in the late Republic. Kaster 1998 discusses declamatory "ownership" of Cicero as a marker of success and the resultant shift in emphasis from Cicero the historical person to Cicero the icon of rhetoric.

## TEST CASE 2

Let us turn to my second example, which I hope will unpack some of these ideas. In the ninth book, which focuses on vices and miscellanea, Valerius tells the well-known story of Tarpeia as the first example under the heading *perfidy* (9.6.1). His language is Livy's; convergences are underlined:

Romulo regnante Spurius Tarpeius arci praeerat. cuius filiam virginem aquam sacris petitum extra moenia egressam Tatius ut armatos Sabinos in arcem secum reciperet corripit, mercedis nomine pactam quae in sinistris manibus gerebant: erant autem iis armillae et anuli magno ex pondere auri. loco potitum agmen Sabinorum puellam praemium flagitantem armis obrutam necavit, perinde quasi promissum, quod ea quoque laevis gestaverant, solverit. absit reprehensio, quia impia proditio celeri poena vindicata est.

While Romulus was king, Spurius Tarpeius was in charge of the citadel. When his virgin daughter had exited the walls to fetch water for the sacred rites, Tatius tempted her to admit the Sabine forces along with her into the citadel. She was promised as a wage what they wore on their left arms; they wore on them bracelets and rings heavy with gold. When they seized control of the place, the company of Sabines killed the girl, who was demanding her payment, by burying her with their weapons—just like they were fulfilling their agreement, because they also wore these on their left hands. May all blame for this be lacking, since impious betrayal was met with swift penalty.

The Latin student will recognize Livy's version of the same tale (1.11):

Novissimum ab Sabinis bellum ortum multoque id maximum fuit; nihil enim per iram aut cupiditatem actum est, nec ostenderunt bellum prius quam intulerunt. Consilio etiam additus dolus. Sp. Tarpeius Romanae praeerat arci. Huius filiam virginem auro corrumpit Tatius ut armatos in arcem accipiat; aquam forte ea tum sacris extra moenia petitum ierat. Accepti obrutam armis necavere, seu ut vi capta potius arx videretur seu prodendi exempli causa ne quid usquam fidum proditori esset. Additur fabula, quod volgo Sabini aureas armillas magni ponderis brachio laevo gemmatosque magna specie anulos habuerint, pepigisse eam quod in sinistris manibus haberent; eo scuta illi pro aureis donis congesta. Sunt qui eam ex pacto tradendi quod in sinistris manibus esset directo arma petisse dicant et fraude visam agere sua ipsam peremptam mercede.

The most recent war arose from the Sabines and it was by far the most serious. But nothing was done out of anger or greed, nor did they give any sign of war before they attacked. Deceit even supplemented their strategy.

Spurius Tarpeius was in charge of the Roman citadel. His virgin daughter king Tatius tempted with gold so that she would let armed forces into the citadel. She had, by chance, exited the walls to fetch water for sacred rites. Once she accepted them they killed the girl by running her over with their weapons, either so that it would seem that the citadel had been taken by force, or for the sake of a moral example, lest there evermore be any compact with a traitor. A story is added to this, that the Sabines commonly had golden armbands of substantial heft on their left arms and rings bejeweled with extraordinary beauty, and that she demanded what they had on their left hands; then their shields were heaped on her instead of the gold gifts. There are some who say that, from the promise of handing over what was on their left hands, what she really sought was their weapons and that, having appeared to act in fraud, she was undone by her own “wage.”

Valerius here copies Livy’s narrative almost word for word; the presence of a co-text is blatant, but the changes serve to “traditionalize” Tarpeia’s story and erase Livy’s careful treatment of it. Valerius’ redaction via the elimination of controversial details creates the illusion of consensus in a narrative otherwise troubled by variants in Livy’s account. Livy mentions a completely different version of events (*sunt qui dicunt*); this was Piso’s conjecture that Tarpeia was a patriot. Valerius ignores this, streamlining her story considerably. Livy also casts as a common tale (*additur fabula volgo*) the means and manner of her death. Valerius treats the latter as fact. Finally, where Livy hypothesizes about Tatius’ motive for killing Tarpeia—including that it was a ploy to elevate the virtue of his own victory—Valerius includes only one possible explanation (the transcendent guilt of a traitor) and neglects pragmatics. Valerius here makes monolithic and univocal a story that Livy, by referring to anonymous and collective authors (*volgo, sunt qui*), sought to render as complex and multi-vocal.

All this can be considered intertextual engagement of Valerius with Livy, and it serves Valerius’ expressed aim to present stories as universally applicable *exempla* for the purpose of moral instruction. But his verbal likeness to Livy’s account raises, then ignores, the specter of Livy’s version in the text. His particular act of intertextual streamlining—leaving out the variants—renders Livy’s account not a critical and subtle work of historical discernment, but rather a vehicle for the transmission of a tale that had a life before and outside him, that is, a tradition about Tarpeia. Valerius does not borrow from Livy so as to invoke his authority (historiographical intertextuality), nor does he try to surpass his verbiage (declamatory intertextuality). His reuse of Livy is *sui generis*. In making Livy a vehicle for tradition Valerius bypasses the contingencies of that text and the need to prove it true; if we recall that passage about the movable Penates, in



which Valerius says he is not saying anything new but repeating things handed down, we see that like the Penates, the Tarpeia story prefers its home in, and as, tradition rather than in any new, specific, text.

## CONCLUSION

In closing, let us substitute the word “tradition” for “topos” in Hinds’ quotation from the introduction: “a tradition is an intertextual gesture which, unlike the accidental confluence, is mobilized by the poet in full self-awareness. . . . However, rather than demanding interpretation in relation to a specific model or models, like the allusion, tradition invokes its intertextual tradition as a collectivity to which the individual contexts and connotations of individual prior instances are firmly subordinate.” I hope to have shown that this applies to Valerius’ use of Cicero and Livy in the two examples used here, with two important implications. First, Valerius’ derivative prose—precisely the feature that has led to his general dismissal as an author of serious mettle—is, in fact, a keen maneuver to recuperate for all Romans some of the values and tools that had been previously held by the elite alone. To make Cicero’s prose seem hackneyed indeed could be seen as a mark of genius. Second, Valerius’ strategies of textual reuse call into question our critical notions of the intentionality not of the alluding author, but of the source author. While in a way this idea lends support to a central tenet of intertextual theory (that the reader is the arbiter of textual meaning), it does so at great cost, for Valerius himself as a reader defers the meaning of his own text back to a collective of prior speakers. The fact that these two implications—Valerius is original, Valerius is a hack—are at odds is a reflection of the critical potential in this fascinating text.<sup>25</sup>

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