In this paper I propose to discuss certain constitutive features of Lucretius’ poem in connection with specific aspects of Roman culture in his times. This type of investigation has never been overly popular in the case of the *De rerum natura*, perhaps as a reaction to Benjamin Farrington’s rather extreme, if generous, promotion of Lucretius to the position of radical political champion.\(^1\) In more recent times the welcome, indeed dramatic, increase in our knowledge of Epicurus and Epicureanism has inevitably catalysed the interest of scholars. As a caveat, which I will elaborate at the end, I hasten to add at the beginning that I am not promoting a new politicization of the *De rerum natura* à la Farrington, nor will I suggest that more focus on distinctly Roman features in the poem invalidates or weakens the fundamental relationship between Lucretius and his Greek teacher.

E. J. Kenney remarked some thirty years ago that Lucretius was too often studied in a vacuum, and he then proceeded brilliantly to modify the then prevailing view of Lucretius’ poetic allegiances.\(^2\)

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A similar complaint could still be made about Lucretius’ broader cultural and political background: it is clearly important to extend our understanding of which aspects of contemporary Roman culture Lucretius appears to be more directly engaging with in his project to make Epicurus’ message both understandable and attractive for a native audience.

TEACHING POSITIONS

A promising starting point for our project is to analyse the relationship between master and teacher staged in the poem, and its underlying epistemic and didactic protocols. In recent years important insights have been gained about the role of the addressee and his function in didactic poetry. We have better focused, among other things, on the fact that the didactic situation itself is predicated on the existence and activity of the addressee, with whom the narrator engages in different forms of dialectical encounter. Here I propose to concentrate especially on the form of the didactic encounter portrayed in De rerum natura, and offer some parallels from other domains of Roman culture.

The De rerum natura stages not one but two didactic situations. On the one hand, Lucretius portrays himself as Epicurus’ faithful disciple; on the other, he is Memmius’ teacher, and, by extension, our own. Although it is tempting to consider the latter relationship as closely modelled on the former, upon closer inspection meaningful differences do emerge. The most explicit characterization of the relationship between Epicurus and Lucretius is of course to be found at the beginning of Book 3, where the operative image is that of the footprints, uvestigia (3.3–4):

\[
\text{te sequor, o Graiae gentis decus, inque tuis nunc}
\]
\[
ficta pedum pono pressis uestigia signis.}
\]
\[
you I follow, O glory of the Grecian race, and now on the marks you have left I plant my own footsteps firm.}
\]


4 See the essays collected in Schiesaro, Mitsis, and Clay (1993).

5 Translations from Lucretius in this paper are taken from Rouse, rev. Smith (1975).
Lucretius declares his intention to place his feet over the master’s footprints, in a declaration of allegiance that seems to leave no space for individual initiative or, literally, for personal detours. He pictures himself and his poem as the most orthodox rendering, albeit in a different language and medium, of his master’s *aurea dicta*, and this portrait is in itself fully consonant with the traditional Epicurean view of the master–pupil relationship, as discussed, for instance, in Philodemus’ *De libertate dicendi*. The image of clearly defined footprints also appears to echo the Epicurean explanation of memory: objects literally imprint our minds as a seal would imprint a wax tablet, and the shape resulting from this operation guarantees that we recognize and remember. At quite another level, the elaborate image of footprint-matching seems to highlight a desire to reproduce almost physically the teacher’s own footprint, to match his actual body shape. The physicality of the image may be meaningful: we know from Suetonius (*Aug.* 64.5), for instance, that Augustus made sure his grandchildren’s handwriting was an exact imitation of his own, for the child must mirror his elder and better down to such external details if his legitimate status is to be apparent to all. Epicurus is, of course, the supplier of *patria . . . praecepta* (3.9–10) to his pupil, and the relationship between Lucretius and his teacher is undoubtedly similar to the traditional relationship that a Roman father would maintain with his son. The very word *praecepta* recalls similar prescriptive didactic works such as those that Cato the Elder addressed to his son, one of the early forms of didactic literature in Rome.

As applied (in turn) to the relationship between Lucretius and Memmius, however, the image of *uestigia* undergoes a perceptible transformation. In a very important methodological passage in Book 1 (402–9), Lucretius alternately flatters and cajoles his pupil:

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6 A similar image returns at 5.55–6: ‘cuius ego ingressus vestigia dum rationes | perseuor ac doceo dictis, quo quaeque creat | foedere sint, in eo quam sit durare necessum.’ (*His steps I trace, his doctrines I follow, teaching in my poem how all things are bound to abide in that law by which they were made.*)

7 Note that adherence to the *kathegetes*’ teachings still leaves room for discussion between teacher and pupil, especially as the latter progresses. On Philodemus’ treaty see Gigante (1983), 55–113, esp. 97–8, Glucker (1978) 132.


9 Philodemus (*Lib. dic.* VII a 1–3) defines the *kathegetes* as *pater*: Glucker (1978) 132.

10 See later, p. 69 and n. 17.
uerum animo satis haec uestigia parua sagaci
sunt per quae possis cognoscere cetera tute.
namque canes ut montiuagae persaepe ferai
naribus inueniunt intectas fronde quietes,
cum semel institerunt uestigia certa uiuai,
sic alid ex alio per te tute ipse uidere
talibus in rebus poteris caecasque latebras
insinuare omnis et uerum protrahere inde.

But for a keen-scented mind, these little tracks are enough to enable you to recognize the others for yourself. For as hounds very often find by their scent the leaf-hidden resting-place of the mountain-ranging quarry, when once they have hit upon certain traces of its path, so will you be able for yourself to see one thing after another in such matters as these, and to penetrate all unseen hiding-places, and draw forth the truth from them.

What he has provided so far, he states, are *uestigia parua*, which Memmius’ intelligence will be able to develop further, and use to persuade himself that the void does indeed exist. Here these *uestigia certa* are the traces that a dog would follow when hunting a quarry in the woods: if the initial trace is clear and safe enough, the dog’s own nose will lead to the quarry, even if this is hiding in a ‘leaf-hidden resting-place’ (*intectas fronde quietes*). The quarry is the truth (*uerum*) which the pupil will be able to bring out (*protrahere*) after insinuating himself into all the ‘unseen hiding-places’ (*caecasque latebras*). Lucretius, however, will watch over, and, if Memmius (who is addressed in 411) hesitates or deflects from his pursuit, will intervene again and overpower him with a veritable cascade of arguments and proofs. The image suggests a more interactive relationship between the teacher and the pupil, who is granted a certain degree of autonomy and self-initiative provided that he does not forget the initial *uestigia certa* and proves himself to be resourceful and determined enough. These *uestigia*, just as in the hunting image, are relatively small. At the end of Book 1 Lucretius offers Memmius the certainty of attaining the extreme secrets of nature, the *ulta naturai* (1116), led by a *parua . . . opella* (1114), which is at the same time the relatively short poem he is writing and the relatively limited effort which is requested of Memmius himself (1.1114–17):

haec sic pernosces parua perductus opella;
namque alid ex alio clarescet nec tibi caeca
So you will gain a thorough understanding of these matters, led on with very little effort; for one thing will become clear by another, and blind night will not steal your path and prevent you from seeing all the uttermost recesses of nature: so clearly will truths kindle light for truths.

This description of the process of knowledge does not mirror the one outlined in the case of Lucretius and Epicurus. This didactic relationship, more articulate and more mature, is the one the poet intends to establish with his general readership, not just with Memmius. In fact the essential principles of Epicureanism are relatively few, and on their basis a sufficiently intelligent disciple–reader can work out the explanation of a fair number of phenomena. Especially in the later books of the poem, Lucretius presupposes precisely this kind of self-initiative, for instance when he invites the reader to reflect autonomously on certain aspects of meteorology (6.527–34), something he will be able to do since by now he has come to know well the basic properties of elements (534 cum bene cognoris elementis reddita quae sint):

cetera quae sursum crescut sursumque creantu,
et quae concrescent in nubibus, omnia, prorsum omnia, nix uenti grando gelidaeque pruinae et uis magna geli, magnum duramen aquarum,et mora quae fluuios passim refrenat auentis,perfacilest tamen haec reperire animoque uidere omnia quo pacto fiant quareue creantu,cum bene cognoris elementis reddita quae sint.\textsuperscript{12}

The other things that grow above and are produced above, and those which collect in the clouds, all, absolutely all, snow, winds, hail, and cold frosts, and the great power of ice, that great hardener of the waters, that obstacle which everywhere curbs back the eager rivers, how all these are produced and why they are made it is very easy to find out in spite of all and to see with the mind’s eye, when you have fully understood what qualities belong to their elements.

\textsuperscript{12} Note even in this passage the totalizing ambition indicated by the repeated \textit{omnia}: cf. p. 73 below.
In yet another case, in Book 5.1281–2, Lucretius, even as he then proceeds to discuss the topic anyway, states that it would be easy for Memmius to work out by himself how the properties of iron have been discovered:

\[
\text{nunc tibi quo pacto ferri natura reperta sit facilest ipsi per te cognoscere, Memmi.}
\]

Now it is easy for you, Memmius, to recognize by yourself in what manner the nature of iron was discovered.

Even if the polemical aside at 5.1133–5 is specifically referred to politics, the contrast drawn there between, on the one hand, men whose ‘wisdom comes from the lips of others’ and who ‘pursue things on hearsay’, and, on the other, those who heed ‘feelings themselves’ (1133–4 \textit{sapiunt alieno ex ore petuntque | res ex auditis potius quam sensibus ipsis}) underlines again, from a different angle, the importance of individual, autonomous reflection.

The different types of relationship which Lucretius establishes with his teacher and his pupils reflect—at one level—different power relations that he presupposes between the various actors in the dramatic setting of the poem (and at least in part outside it). Memmius, a \textit{patronus}-like figure, is usually treated with respect and understanding;\textsuperscript{13} vis-à-vis god-like Epicurus, on the contrary, Lucretius prefers to present himself as a faithful, obedient follower.\textsuperscript{14} But the coexistence of the two models of relationship which we have identified in the \textit{De rerum natura} is also parallel to a gradual evolution which can be traced in other aspects of Roman culture, where two models of teaching and learning compete with each other in what is conventionally called the transition between the middle and the late Republican periods. In the more archaic model the value of the didactic utterance is inextricably linked with the personal authority of the speaker, a father or father-like figure who embodies and distributes unquestionable wisdom. In the model which gradually

\textsuperscript{13} Contra Mitsis (1993).

\textsuperscript{14} For a comparable sequence of thought see for instance P. Valerius’ prayer at Livy 3.17.6: ‘Romule pater... iube hanc ingredi uiam, quam tu dux, quam tuus ingressus exercitus est. primus en ego consul, quantum mortalis deum possum, te ac tua uestigia sequar.’
emerges most notably between the end of the second and the beginning of the first century BC we face a gradual shift towards a more detached relationship between speaker and utterance: the speaker must still be able to command considerable respect, of course, but what he says is also evaluated on its own merits as it conforms to rules of persuasion and argumentation which can both be taught and learnt.

The transition between the two models can be traced with sufficient clarity in the development of Roman oratory and rhetorical education. In this field the patrilinear acquisition of knowledge and wisdom is eloquently exemplified by Cato’s didactic writing addressed to his son Marcus, a repository of learning of quasi-encyclopaedic aspiration, and at the same time the undisputable model to which Marcus should conform. Indeed, Cato’s work is referred to as a *carmen* or an *oraculum* by subsequent authors, and Cato refers to himself as a *uates* (significantly, in the context of a sustained attack against Greek culture). The word *carmen* suitably captures the most relevant aspects of both form and substance: Cato’s are short, well-crafted sentences which can be easily memorized, but they also have the aspect and force of legal statements or sacramental formulas.

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15 In this section, I am indebted esp. to David (1992) 321–66, q.v.
16 Close adherence to the teachings of one’s elder and better was represented in spatial terms, as conveyed in the admonition *nusquam discedere* (Cicero, *De or.
17 As reported by Pliny, *Nat.* 29.14 (*hoc puta uatem dixisse*). The title and structure of Cato’s work are uncertain, but, like the *De agricultura*, it contained short *praeccepta* (*Praecepta ad lium* is one of the possible titles of the collection). See now Cugusi and Sblendorio Cugusi (2001) 1.77–8 and 2.424 n. (with 1.75 about the title).
18 Cato is also the author of a *carmen de moribus*, a guide for ethical living composed in rhythmic prose. See Cugusi and Sblendorio Cugusi (2001) 80–81, with further bibliography. On the style, language and contents of *carmen* see now Meyer (2004) esp. 44–72.
19 Seneca, *Ep.* 94.27 dwells on the connection between *praeccepta* and *responsa* and their lack of explicit reasoning: ‘quid quod etiam sine probationibus ipsa monentis auctoritas prodest? sic quomodo iurisconsultorum ualent responsa, etiam si ratio non redditur. praeterea ipsa quae praecipiuntur per se multum habent ponderis, utique si aut carmini intexta sunt aut prosa oratione in sententiam coartata, sicut illa Catoniana.’ See also *Ep.* 95, where Seneca distinguishes between *praeccepta* (simple indications of dos and don’ts) and *decreta*, more sophisticated philosophical discussions, for instance Lucretius’ (*Ep.* 95.11).
an epigrammatic, forceful style, is unquestionable: they appear effectively impervious to questioning, let alone confutation.

This patriarchal model for the transmission of wisdom retains a significant role among Roman elites even as an alternative one emerges and gradually acquires wider currency: we know, for instance, that Cicero himself was still responsible personally for educating his son and nephew.\textsuperscript{20} Elements of tension between the two models, each carrying important social and political implications, can be detected as early as 155 BC, when Cato argues for the quick dismissal of the Greek philosophers, guilty above all of having argued on two successive days two contrasting theses:\textsuperscript{21} they should go back to their schools to debate with their Greek pupils, but the Romans should continue to listen only to the laws and the magistrates.\textsuperscript{22} This is not just a case of resistance to foreign influences: it is, rather, a clear indication of resistance to a technicalization of eloquence which takes the responsibility for shaping the young away from their fathers and paves the way for sophistic changes of mind. To wit, an even more forceful reaction against a form of teaching which decouples technical proficiency from personal authority occurs half a century later, when the debate about the Hellenization of Roman culture is no longer as fierce. The circumstances surrounding the presence in Rome of the so called \textit{rhetores latini} are a matter of dispute, but the edict of 92 BC shows a high degree of uneasiness about their role. Even if one does not accept a fully politicized reading of the episode (that the censors are reacting against the \textit{rhetores} because of their leanings towards Marius), the fact remains that a swift moral repro-\footnote{Ferrary (1988) 330–31, David (1992) 330.}\footnote{See the account in Cicero, \textit{Rep.} 3.6.9.}\footnote{In the words of Plutarch’s Cato (\textit{Cato maior} 22.7). Cf. Garbarino (1973) 362–6.}\footnote{A full discussion, and further references, in Kaster (1995) 273–4. See also Gruen (1990) 178–92. Calboli (1982) offers a comprehensive overview of the relationship between rhetoric and politics in first century BC Rome. On the relationship between politics and culture at this time see Gabba (1953).} \textsuperscript{23}\textit{bation follows the\textit{rhetores’} attempt to offer a form of technical training entrusted to experts who are not themselves either \textit{patres familias} or indeed \textit{patres}}.\textsuperscript{22}

It is in this context, incidentally, that we must place Cicero’s attempt to preserve the humanistic dimension of eloquence while
allowing for the development of a technical dimension to the orator’s background. To the old model, which sees oratory and eloquence as ingrained qualities of the authoritative politician, he opposes a new one where eloquence is indeed a technique, but its practitioner, the orator, is required to possess such a high degree of personal distinction and almost universal doctrine that he can still be seen to embody the higher wisdom and moral authority of the aristocratic *pater familias* of old.\(^{24}\)

To return to the *De rerum natura*. In the different construction of the relationship between Epicurus and Lucretius on the one hand, and between Lucretius and Memmius on the other, I propose to read an instance of the conflict between two models of wisdom and its transmission, comparable to the one we can trace in the cognate field of eloquence: the technicalization of knowledge endorsed by Lucretius marks the gradual unshackling from the absolute authority of tradition, and a move towards more rational forms of interpretation and understanding which allow disciples considerable intellectual freedom.\(^{25}\)

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**FROM ARCHAIC KNOWLEDGE TO THE ‘SCIENTIFIC REVOLUTION’**

The main point of strength in the new form of wisdom which Lucretius proclaims in his poem is undoubtedly its general import. The general laws he asserts and explains are to be proved valid in each and every circumstance. The act of interpretation will therefore consist in understanding the relationship between individual phenomena and the general law that can explain them. There will be no need to know the specific answer to a specific question, no need for an itemized knowledge which applies to just one phenomenon at a time.

This one-to-one relationship between phenomena is deeply rooted in Roman jurisprudence, the domain of Roman thought where,

\(^{24}\) Narducci (1997) esp. 19–76.

\(^{25}\) Further stages in the technicalization and professionalization of knowledge during the Empire will acquire different, even opposite, connotations: see Wallace-Hadrill (1997).
arguably, the most important epistemic changes of these times can be
detected. Law is first of all expressed in oral *responsa* which in their
more archaic, yet enduring, form share three defining characteristics:
they are oral, narrowly focused, and unexplained.

Orality is the constitutive form of juridical expertise.26 The *iuris-
consultus* addresses the specific issue at hand, and whether his opin-
ion is followed or not will depend on his personal authority and
credibility rather than external social constraints. Precisely because of
its oral shape, a *responsum* will have to be memorable, and couched,
not unlike a *carmen*, in effective words and rhythmical patterns. The
*responsum* is also narrow in scope, in that it does not aspire to general
validity or to abstraction, but aims to resolve one single problem at
the time when it is raised. It can be remembered, and used later in
similar circumstances, but its origin is, literally, as a precise answer to
a precise question. Finally, the law expert will not (necessarily) have
to explain the reasoning behind his utterance. His sources of wisdom
and the ways in which he attains this semi-normative truth can
remain largely opaque. *Responsa* prescribe, they do not always ex-
plain.

The tradition of *responsa* stands as a parallel in the field of law to the
form of traditional wisdom I have briefly outlined above. Specific issues
require specific answers, which of course can then be re-used, by way of
analogy or contrast, in other cases, but which stop short of any general-
izing ambition. The author of *praecpta*, just as that of *responsa*, is
endowed with superior authority, and his learning brooks no questions
and no explanations. Even when it is eventually put down on paper, his
teaching will clearly retain the traces of its oral origin.

Traces of this question and answer pattern survive in certain
characteristic expressive features of didactic poetry (as indeed in
other texts which interact with a didactic model),27 but, again, with
telling differences. In Lucretius the hypothetical question of the
addressee is often used as an effective way to further the argument,28

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27 Such as Horace, *Serm.* 2.1, a ‘consultation’ with the famous Trebatius Testa, or,
differently, *Serm.* 2.5.
28 See, for instance, repeated expressions such as *ne forte requiras, si forte putas, ne forte putes*,
which both presuppose and forestall a question on Memmius’ part.
yet it is clear from the very beginning that the poem has a totalizing ambition, and its goal is nothing less than the complete explanation of the *rerum natura* as a unified, comprehensive set of phenomena all sharing well-defined common causes. At the beginning of the *Georgics*, on the contrary, a string of indirect questions lists the specific topics which Maecenas is supposedly interested in, and the poet is willing to elucidate. Similarly, when at the end of the poem Proteus finally reveals the cause of Aristaeus’ misfortune, he replies to a specific question with the superior authority of a semi-divine figure. *Praecepta* and *responsa* are in fact the defining forms of knowledge in the *Georgics*, a poem which eschews Lucretius’ generalizing certainties and reverts to a more archaic and narrowly defined form of teaching and learning: there are no general laws that, carefully applied, can yield further insights into the nature of things.

*Responsa* long remain a central feature of Roman law, surviving the emergence of written laws and the epistemic changes this phenomenon entails. Indeed, the detailed attention to the fact at hand is still paramount in the jurists who most actively work towards shaping a new form of legal knowledge. But the history of Roman law in the crucial half-century between approximately 110 and 60 BC can be seen in many ways as showing a gradual detachment from the traditional theory and practice of *responsa* and the emergence of a competing form of knowledge, keen on generalizing abstractions which seek uniformity of explanation behind apparently disparate phenomena. This evolution, which has aptly been labelled the ‘scientific revolution’ of Roman law, is, at least to our eyes, relatively sudden, but we are fortunate enough to be able to trace it with sufficient detail. Two scholars tower over all others: Quintus Mucius Scaevola, ‘the Pontifex’, and Servius Sulpicius Rufus.

30 Schiesaro (1997).
32 We should nonetheless acknowledge, with Pomponius, that the origins of this process are rooted in an earlier phase of rapid acceleration and evolution of juridical thinking in the middle of the second century BC. According to Pomponius (*Dig.* 1.2.2.39), M. Manilius (*cos.* 149 BC), M. Iunius Brutus (*pr.* 142 BC), and P. Mucius Scaevola (*cos.* 133 BC, and father of Q. Mucius), *fundauerunt ius civile*: Frier (1985) 156–8. On the conflict between tradition and innovation in Roman law between the fourth and the second centuries BC see D’Ippolito (1986).
Q. Mucius’ activity straddles the two centuries, since his birth is usually assigned to c.140 BC, and he died in 82 BC, a victim of the civil war. His main work, the eighteen books of civil law often regarded as the fundamental work of Roman jurisprudence, dates to the immediate background of Lucretius’ formative years. The importance of the *libri iuris ciuiles* is well captured by a later commentator, Pomponius, who in the second century AD pointedly sums up Q. Mucius’ approach in a few words: *ius ciuile primus constituit generatim in libros decem et octo redigendo* (Dig. 1.2.2.41). Q. Mucius, that is, is the first to adopt a classificatory system based on diaeretics, or *partitio*, as the basis for his jurisprudence, and thus, most importantly, the first to impress on Roman law a definite turn towards abstraction.

Crassus’ speech at *De oratore* 1.186–91, where he presents his plan to organize *ius* into an *ars*, provides a very eloquent indication of the aims and trends of the increasing interest in abstraction as the foundation, in Rome, of a Hellenistic-style system of knowledge. Speaking in front of Q. Mucius himself in the fictional debate Cicero dates to 91 BC, Crassus offers an eloquent, almost lyrical praise of the virtues of a logical ordering of all aspects of knowledge (*De orat*. 1.187):

> omnia fere quae sunt conclusa nunc artibus, dispersa et dissipata quondam fuerunt; ut in musicis numeri et uoces et modi; in geometria liniamenta, formae, interualla, magnitudines; in astrologia caeli conuersio, ortus, obitus, motusque siderum; in grammaticis poetarum pertractatio, historiarum cognitio, uerborum interpretatio, pronuntiandi quidam sonus; in hac denique ipsa ratione dicendi excogitare, ornare, disponere, meminisse, agere, ignota quondam omnibus et diffusa late uidebantur.

Nearly all elements now forming the content of arts, were once without order or correlation: in music, for example, rhythms, sounds and measures; in geometry, lines, figures, dimensions and magnitudes; in astronomy, the revolution of the sky, the rising, setting and movement of heavenly bodies; in literature, the study of poets, the learning of histories, the explanation of

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33 Cicero was the author of a monograph, *De iure ciuili in artem redigendo*, now lost (see Frier (1985) 170, with further references).

words and proper intonation in speaking them; and lastly in this very theory of oratory, invention, style, arrangement, memory and delivery, once seemed to all men things unknown and widely separate one from another.

Note that Crassus correlates the lack of systematicity with the limited diffusion of technical knowledge. Indeed, just a few lines earlier he had explicitly stated that *ius* is in itself easy to understand, but is considered a very difficult subject in people’s minds mainly because *ueteres illi, qui huic scientiae praefuerunt, optinendae atque augendae potentiae suae causa peruolgari artem suam noluerunt* (*De orat.* 186), and also because, even after laws were finally revealed to the public, *nulli fuerunt qui illa artificiose digesta generatim componerent* (186). Crassus’ project to order the whole of *ius generatim* (190) represents in a more comprehensive form what Q. Mucius had partially managed to achieve through his emphasis on categories or *genera*35 (in his work, as far as we can assess, logic and historical ordering, *usus*, coexist side by side). Note also, in Crassus’ exposition of the virtues of a logical ordering of phenomena according to *genera*, and, within them, to *partes*, each endowed with a clear definition, that is a *breuis et circumscripta quaedam explicatio* (189), a Lucretian-sounding element of pride and intellectual achievement mixed with sheer pleasure. The fruit of learning *ius* rationally and scientifically—as indeed the inner *ratio* of nature—is a *mira . . . suauitas et delectatio* (193).36

For our present purpose the most important aspect of Q. Mucius is his work on the law of contracts. In a passage of Pomponius’ commentary to Q. Mucius’ work, which is usually thought to preserve not just the contents but also the form of the original text, Q. Mucius puts forth a ‘symmetry principle’ of ground-breaking novelty, according to which ‘a contractual obligation is dissolved in the same manner it is contracted: *re, litteris, consensu*’37 (*Dig.* 46.3.80):

In whichever way a contract be made, so it should also be resolved [*prout quidque contractum est, ita et solui debet*], so that if we contract by the delivery of a thing, it should be performed by the delivery of the thing. Thus, if we make a loan, the same amount of money should be repaid; and when we make a verbal contract, it can be discharged by delivery or by words – by words, if the promissor be given formal release, by delivery, if the

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debtor give what he promised. Equally, if there be a sale and purchase or a letting [and hiring], since they can be entered into by bare agreement, they can also be dissolved by agreement to the contrary effect.\(^{38}\)

Q. Mucius’ contribution is twofold: firstly, he identifies a general notion of *contrahere*\(^ {39}\) which can be seen at work in a variety of practical instances; that is, ‘he finds a united conceptualization for a series of obligatory relationships which the actual development of the city’s legal practices . . . presented as distinct and faraway’.\(^ {40}\) Secondly, he balances this general notion of *contrahere* with its opposite, *soluere*. This pair of concepts describes a norm of general import which paves the way for the creation of *regulae iuris*, general normative principles which ‘regulate in a unitary fashion, through a single concept, realities which may appear far from each other, and quite incomparable’.\(^ {41}\) It is rewarding to observe the similarity between what we might call Q. Mucius’ general law of contracts and Lucretius’ formulation of the basic law of aggregation and disaggregation of compounds. In Lucretius’ world *concilia* result from the grouping together of atoms, and inevitably resolve back into their constituent components after more or less time. *Nexus*, a word to which we will return, is inevitably followed by *discidium* (1.220), since *natura* must eventually dissolve all atomic aggregates if the principle of *nihil ex nihilo* is to hold true forever.

A second aspect of Q. Mucius’ work which is useful to mention in a Lucretian perspective, although I am not going to discuss it in detail here, is his original contribution to the notions of *societas* and *consortium*.\(^ {42}\) In this field Q. Mucius innovates substantially on previous jurisprudence with an ingenious discussion of the relationship between *pars* and *totum*, and by positing the relevance to contract law of the concept of *pars ‘pro indiviso’, an ‘ideal part’, or notional portion of a whole, to which no physical object corresponds, as for instance in the case of shares (Dig. 50.16.25.1). With this

\(^{38}\) Translations of the *Digest* are taken from Watson (1985).

\(^{39}\) The use of *contrahere* (of which this may be the first occurrence in a technical sense: Schiavone (1992) 57), is in itself more recent than the traditional *agere, facere*, or *gerere*.

\(^{40}\) Schiavone (1992) 54 (my translation).

\(^{41}\) Schiavone (1992) 58 (my translation).

discussion we can arguably compare Lucretius’ remarks at 1.599–614 about the existence of notional parts within an atom, which of course remains firmly indivisible in a material sense.

Before I offer some remarks about the relationship between the legal notions of coire, solui, pars ‘pro indiuio’ and their possible Epicurean parallels, I would like to focus our attention, briefly, on the other main representative of late Republican jurisprudence, Servius Sulpicius Rufus. Servius, who was consul in 51 BC, and died in 43 BC, was to Cicero’s eyes endowed with even more ars than his teacher Q. Mucius (Brut. 151). He may not have written all the 180 books of responsa that part of the tradition assigns to him, but it is certain that from approximately 75 BC to his death over thirty years later he was engaged in a systematic reworking of Roman jurisprudence. Cicero, a close friend, praises his litterarum scientia as well as his loquendi elegantia, subtilitas and diligentia (Brut. 153–4). Two letters which Servius addresses to him (Fam. 4.5 and 4.12) allow us a taste of his style and beliefs well beyond what we can generally do in the case of his fellow jurists, whose writings, invariably of a technical nature, are preserved, if at all, in much later excerpts.43

There are three aspects of Servius’ work which warrant a mention in this context. One of his opinions is preserved in the Digest, which relies in turn on the anthology of Servius’ responsa compiled by his pupil P. Alfenus Varus (Dig. 9.2.52.2):44

Some mules were pulling two loaded carts up the Capitoline. The front cart had tipped up, so the drivers were trying to lift the back to make it easier for the mules to pull it up the hill, but suddenly it started to roll backward. The muleteers, seeing that they would be caught between the two carts, leaped out of its path, and it rolled back and struck the rear cart, which careened down the hill and ran over someone’s slave-boy. The owner of the boy asked me whom he should sue. I replied that it all depended on the facts of the case [respondi in causa ius esse positum]. If the drivers who were holding up the front cart had got out of its way of their own accord and that had been the reason why the mules could not take the weight of the cart and had been pulled back by it, in my opinion no action could be brought against the owner of the mules. The boy’s owner should rather sue the men who had

43 On Servius’ philosophical background see Vernay (1909).
been holding up the cart; for the damage is no less wrongful when someone voluntarily lets go of something in such circumstances and it hits someone else. For example *ueluti si quis*, if a man failed to restrain an ass that he was driving, he would be liable for any damage that he caused, just as if he threw a missile or anything else from his hand.

This famous passage embodies Servius’ most explicit methodological principle: *ius in causa esse positum*. To paraphrase, ‘the legal solution depends on the actual details of the case at hand’. Indeed, Servius’ reasoning and writing are characterized throughout by a close attention to detail, and an enviable ability to bring to life the specific case coupled with logical rigour.\(^\text{45}\) Note also his recourse to analogy, introduced by *ueluti si quis* (*…cum agitasset*): events, captured in their immediacy, are the best guide to the underlying truth of *ius*, which, once revealed, nevertheless acquires a general validity.

Equally important is a second aspect of Servius’ activity; he forges ahead towards an increased level of abstraction, following the path inaugurated by his teacher Q. Mucius. His, for instance, is the introduction of *contractus* as a noun, an additional step forward from *contrahere* as far as the underlying degree of abstraction is concerned.\(^\text{46}\) In aiming at abstraction Servius emphasizes how *ius* is possessed of a persistent internal *ratio*, and can be gleaned beyond the varieties of *verba* used to express it and the variable circumstances of individual cases. It is probably in this light that we should read Servius’ statement in one of his letters to Cicero (*Fam.* 4.12) that *casus et natura in nobis dominatur*, a confirmation that random yet compelling laws are at work in the world.

A striking incarnation of these principles and aspirations is to be found in a well-known passage in which Servius appears tantalizingly close to Lucretian doctrine (*Dig.* 5.1.76):

The case was put that several of the judges appointed for the same trial had been excused after the case had had a hearing, and others had been put in their place. The question was whether the replacement of individual judges had resulted in the same case or a different court. I replied that not merely if one or two, but even if all had been changed, the case and the court both still remained the same as they had been before. And this was not the only example of a thing being considered the same after its parts had been

changed, but there were many others too [neque in hoc solum evenire, ut partibus commutatis eadem res esse existimaretur, sed et in multis ceteris rebus]. For a legion too was held to be the same although many of its members had been killed and others had been put in their place. A people too was thought to be the same at the present time as it had been a hundred years ago, although no one was now alive from that period. Likewise, if a ship had been repaired so often that no plank remained the same as the old had been, it was nevertheless considered to be the same ship. For if anyone thought that a thing became different when one of its parts were changed, it would follow from this reasoning that we ourselves would not be the same as we were a year ago, because, as the philosophers said, the extremely tiny particles of which we were made up daily left our bodies and others came from outside to take their place. Therefore, a thing whose appearance remained the same was considered also to be the same thing [quod si quis putaret partibus commutatis aliam rem fieri, fore ut ex eius ratione nos ipsi non idem essemus qui abhinc anno fuissemus, propterea quod, ut philosophi dicent, ex quibus particulis minimis consisteremus, haec cotidie ex nostro corpore decedent aliaque extrinsecus in earum locum accederent, quapropter cuius rei species eadem consisteret, rem quoque eandem esse existimari].

In spite of some earlier suspicions, it is now agreed that what we read in Alfenus’ Digesta is more or less verbatim Servius’ own responsum. The overall argumentative structure, to begin with, is worth comparing with Lucretian arguments where similar combinations of analogy and reductio ad absurdum play a pivotal role. But the most interesting point of comparison is of course to be found in Servius’ direct reference to materialistic philosophy as a means to underline the abstract principles which sustain his reasoning. This passage testifies not only to Servius’ philosophical interests, but, more importantly, to the interest Roman legal thought and philosophy share in the conceptualization of the notions of change and permanence in the context of a materialistic view of the world which emphasizes the eternal flux of the matter in a limitless universe.

47 Schiavone (1992) 132–3, Bretone (1998) 78. It should be noted, however, that P. Alfenus Varus was himself a pupil of the Epicurean teacher Siro, according to Servius on Virgil, Ecl. 6.13 and the Scholia Veronensia on Virgil, Ecl. 7.9.

Behind Servius’ passage we can also discern the jurist’s interest in moving towards an abstract notion of *res*, a process which engages Roman jurisprudence for decades,\(^{49}\) and one with which Lucretius deals at length in 1.265–328, where he points out that visibility should not be considered a characteristic of bodies.\(^{50}\)

At this stage in my investigation I should pause and, in truly Lucretian fashion, answer some potential questions. The first and foremost is of course what type of relationship I propose to posit between the juridical discourse of which I have so far offered some sketchy images and Lucretius’ own didactic project. I have argued elsewhere that Lucretius’ relationship with juridical oratory is not limited to the episodic sharing of formulas or other stylistic traits,\(^ {51}\) but involves structural and argumentative features of a general import, for which parallels can be found especially in Cicero’s speeches. Several important aspects of Lucretius’ manner of argumentation would have struck Roman readers as distinctly familiar: it was the same manner of arguing and explaining they had been taught and saw practised in the forum. What juridical oratory had to offer was a rich and flexible repertoire of argumentative structures and formulas, which was thoroughly absent in the scant models of didactic poetry previously attempted in Latin, and in its extent and strength was probably unparalleled in Greek didactic poetry as well (Empedocles stands out as an exception). This fundamental feature of the *De rerum natura* was admirably summed up in a sharp remark by Goethe, who dubbed Lucretius ‘ein dichterischer Redner’, ‘a poetic orator’.\(^ {52}\) Indeed.

But behind juridical oratory there is, or at least there should be unless we are dealing with school exercises, *ius civile* itself, and I would now want to argue further, therefore, not only that Lucretius shares with juridical oratory the structure and many forms of his argumentation, but also that his exposition in Latin of Epicurus’ philosophy is partially predicated on contemporary advances in Roman legal thought, and as a consequence all the more readily

\(^{49}\) This issue is at the core of Bretone (1998).

\(^{50}\) A similar concern emerges in Philodemus’ *On Signs* (ch. 52), which also insists on the importance of understanding the nature of bodies *per se*, irrespective of mutable variations: cf. Schiesaro (1990) 34.

\(^{51}\) Schiesaro (1987).

intelligible to a Roman non-philosophical audience. This does not amount to saying, of course, that Lucretius would not have been understood if Q. Mucius and Servius Sulpicius had not been writing just before and alongside him. But I would certainly want to argue that the Epicurean message he tries to get across would have been considerably more arduous for a Roman non-technical audience not yet familiar with phenomena such as a marked increase in the level of abstraction in juridical thought; the possibility of grouping disparate phenomena into a small number of *genera*; the belaboured emergence of the notion of *res incorporalis*; the growing awareness that a hidden *ratio* can be gleaned amid the confusing array of apparently diverse phenomena; the use of analogy to bridge the gap between phenomena and lead to a higher level of abstraction; the confidence that a few, overarching principles of *ius* such as *contrahere* and *soluere* can offer what we would now call general laws of societal bonds.

As Lucretius distinctly shows, in his conceptual categories, an awareness of the process of evolution and abstraction that Roman juridical thought had been undergoing in recent times, it is also worth considering, if briefly, whether a reverse process of influence can also be postulated. An exhaustive investigation of this issue would exceed the scope of this paper, and firm evidence may in any event be hard to pin down. There is no doubt, for instance, that Servius Sulpicius’ opinion at *Dig.* 5.1.76 deals in atomistic terminology, but it would be awkward to posit a direct dependence from a specific Epicurean source: similar problems may well arise in similar cases. At a more general level, however, it is worth pointing out that Lucretius’ poem must stand as the first and foremost example of the extension of juridical concepts to the explanation and interpretation of the entire physical reality. We have so far focused on general conceptual categories which *De rerum natura* appears to be shaping in a dialogue with important aspects of contemporary legal thought; the next section will deal more specifically with the ‘laws of nature’, that is, the construction of a legal model for the universe. In both ways, then, Lucretius implicitly but effectively shows that legal thought can aspire to explain and regulate more than human transactions, but can project its force onto the universe and provide a form of understanding for the whole cosmos.
A LEGAL MODEL FOR THE UNIVERSE

I have deliberately refrained from arguing the relationship between Lucretius and juridical thought on the basis of shared linguistic usage. Use of legal expressions, even if appropriate and perhaps sophisticated, rarely says much about the structural relationship between a poetic work and the conceptual world of the law. Even a substantial presence of legal terminology in a Roman poet points to little more than his training in eloquence, as, for instance, in the case of Ovid.\textsuperscript{53} Thus even technically proficient lines such as DRN 3.971, \textit{uitaque mancipio nulli datur, omnibus usu}, are in and of themselves an aspect of \textit{langue}, as it were, much as the contrast between \textit{mancipium} and \textit{usu} is effective and to the point.

What sets Lucretius apart from other Roman poets, and at the same time from his philosophic predecessors, is that metaphors drawn from the domain of the law and social institutions dominate his overall conception of the atomistic universe.\textsuperscript{54} Precedents for this phenomenon can be found, to be sure, in the Presocratics, who, for instance, indicate with \textit{isonomia} the correct balance between different elements.\textsuperscript{55} Empedocles uses words such as \textit{σύνοδος} (‘assembly’) and \textit{συνέρχομαι} (‘to meet’) to describe the ‘coming together’ of the roots, as if in an assembly, under the influence of love, and so do, in different contexts, Leucippus and Democritus, followed by Epicurus and Diogenes of Oinoanda.\textsuperscript{56}

In the \textit{De rerum natura} Lucretius describes and explains a universe organized according to principles and rules which are defined with reference to specifically Roman practices: his universe is knit together

\textsuperscript{53} Kenney (1969).
\textsuperscript{54} In general see Cabisius (1985), a valuable article. I am not sure, however, that I can agree with Cabisius’s view of the connection between nature and atomic compounds as comparable to the one between Rome and her \textit{foederatae ciuitates}.
\textsuperscript{55} Vlastos (1947).
\textsuperscript{56} \textit{σύνοδος}: Empedocles B17.4, Leucippus A24.9, Democritus A49, Epicurus, \textit{Ep. Pyth.} 108.5; \textit{συνέρχομαι}: Empedocles B17.7, Diogenes fr. 67.II.14 Smith. The specifically political connotations of \textit{concilium}, however, are arguably stronger than those of \textit{σύνοδος}. Important research in this area has been carried out by Garani (2005).
on the basis of nexus, foedera, and leges. It would be wrong\textsuperscript{57} to strip nexus of the metaphoric legal meaning which it normally has at this time, and to see it used in a purely physical sense. Concilium,\textsuperscript{58} too, must retain its legal meaning (in Ciceronian times it always refers to deliberative assemblies), not the material one which the Thesaurus decides to assign to it.\textsuperscript{59} The Thesaurus' uneasiness cannot simply be put down to what has been called, in Housmanian mode, its 'perversity',\textsuperscript{60} but does point to a problem of substance. Metaphors inevitably carry associations and implications, and the non-material use of words such as nexus or concilium could in fact import into the mechanistic world of Epicurean philosophy some potentially disturbing connotation of intentionality.

If atoms can have no feelings and no intentions (they are not sentient entities), in what sense, then, can they enter into legally binding nexus or foedera, or contrarily separate because of discidia? Also, is it possible to talk about the operation of laws in the workings of nature without necessarily positing the existence of a provident lawgiver responsible for their creation? The real question, then, is the meaning and significance of the 'laws of nature' to which Lucretius repeatedly refers.

The use of lex in De rerum natura is in several instances unproblematic, because it means little more than 'the usual norm'. Thus, when in 3.687 we read that the soul is not 'free from the law of death' (leti lege soluta), but material and mortal, we assume that Lucretius is simply referring to the commonly perceptible truth that all material things come to an end as if obeying a 'law' of sorts, not quite the relationship between phenomena formalized in mathematical functions which we are now accustomed to calling 'laws of nature'.

Lucretius' foedera naturae also appear to possess a strong empiricist foundation.\textsuperscript{61} Lucretius, who takes over from Aristotle a firm belief in the fixity of species even as he rejects his consequent belief in

\textsuperscript{57} As Davies (1931–2) 36 usefully remarks.
\textsuperscript{58} On concilium and its connotations see Fowler (2002a), 185.
\textsuperscript{59} ThLL IV.45.39–41. The material use is found in Ovid and later authors.
\textsuperscript{60} Davies (1931–2).
the eternity of the world, argues in Book 5 that fanciful mythical creatures such as the centaur could never have existed, because young and inexperienced as the earth was in the first stages of creation, it could never have tolerated the existence of animals made up of different genera of atoms. The importance of this belief is obvious if we think that the notion of reproduction generatim, that is, genus by genus, finds its way even into the proem to the whole work. How does this fixity arise? In Epicurean terms, Lucretius seems to posit that the atomic structure of any given animal is such that the seed it produces will only assimilate those atoms which are compatible with the parent animal’s own. As Giussani rightly remarks, this rule must have applied even as the first living creatures were produced, not by other living creatures but by the earth itself. What Giussani calls ‘the absolute power of the law’ holds firm from the very beginning (DRN 5.677–9):

\[
\text{namque ubi sic fuerunt causarum exordia prima} \\
\text{atque ita res mundi cecidere ab origine prima,} \\
\text{consequé quoque iam redeunt ex ordine certo.}
\]

For since the first beginnings of causes have been so, and since things have thus befallen from the first beginning of the world, with regular sequence also they now come back in fixed order.

From this ‘absolute power of the law’ stems the certus ordo which still is, and always will remain, the defining feature of the Epicurean universe.

Lucretius, in the footsteps of his master, seems to be able both to achieve a very reliable notion of ‘law’, and yet to preserve, as he must, the strict indeterminacy and contingency of a mechanistic universe. ‘Laws of nature’ are the projection over the extent of time of the prevailing forms of association among compatible atoms that emerged at the very beginning of the world and that natural reproduction has inherited. As Lucretius states in 2.707–10, there exists a

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63 DRN 1.20 efficis [sc. Venus] ut cupidé generatim saecula propagent. Significantly, the adverb appears for the first time in prose with Cicero and Varro, in poetry with Lucretius.
64 Giussani (1896–8) 4.169–72.
65 Giussani (1896–8) 4.172.
certa ratio which prevents the appearance, now as in the remotest past, of creatures such as the chimaera:

\[
\text{quorum nil fieri manifestum est, omnia quando}
\text{seminibus certis certa genetrice creat}
\text{conseruare genus crescentia posse uidemus.}
\text{sic ilicit id certa fieri ratione necessust.}
\]

But that none of these things happen is manifest, since we see that all things bred from fixed seeds by a fixed mother are able to conserve from their kind as they grow. Assuredly this must come about in a fixed way.

Clearly, the potential confusion between a material and an abstract sense of foedera (naturae) or nexus is not simply due to the Thesaurus’ ‘obtuseness’. What we now perceive as abstract principles of aggregation stem in fact from the combinatory possibilities which atomic compounds established at the outset. ‘Laws’ are yet another way in which we can describe, in Epicurean terms, the non-teleological order which governs the workings of nature. A few lines after this passage Lucretius comes closest to establishing the equivalence between lex and ratio (DRN 2.718–19):

\[
\text{sed ne forte putes animalia sola teneri}
\text{legibus hisce, eadem ratio res terminat omnis.}
\]

But do not think that animals only are held by these laws, for the same principle holds all things apart by their limits.

This view of ‘natural laws’ is, metaphorically speaking, heavily historicist. These ‘laws’ do not exist outside and above the physicality of atoms, just as the soul does not exist on its own, but originates from the combination of specific atoms, each with its own properties. As the soul is not eternal and certainly not divine, these laws are equally not the gift of a provident lawgiver, nor do they obey a teleological project of any kind. ‘Natural laws’—foedera—crystallize post factum the workings of nature, and embody a ‘deeply fixed’ (1.77 alte . . . haerens) terminus for each creature, a limitation of possibilities which prevents complete anarchy in the physical world.68 In Book 5, as he outlines the origin of laws in the human world, Lucretius depicts a

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67 Long (1977) 83. See also G. Campbell’s paper in this volume.
68 Garani (forthcoming) fruitfully compares Lucretian foedera with Empedoclean ‘oaths’.
different scenario. At lines 5.1141–7 he explains how the excessive violence of primitive men made life extremely difficult, and laws were recommended by some of them (1143 partim) as a remedy to this state of social anarchy:

res itaque at summam faecem turbasque redibat,
imperium sibi cum ac summatum quisque petebat. 
inde magistratum partim docuere creare 
iuraque constituere, ut uellent legibus uti. 
nam genus humanum, defessum ui colere aeuum, 
ex inimicitii languebat; quo magis ipsum 
sponte sua cecidit sub leges artaque iura.

So things came to the uttermost dregs of confusion, when each man for himself sought dominion and exaltation. Then there were some who taught them to create magistrates, and established law, that they might be willing to obey statutes. For mankind, tired of living in violence, was fainting from its feuds, and so they were reader of their own will to submit to statutes and strict rules of law.

Following a genuinely Epicurean evaluation of pros and cons (total freedom on the one hand, more limited risks on the other) men sponte sua fell under leges artaque iura (1147), and lived ever after under the shadow of guilt and punishment (1151 metus maculat poenarum praemia uitae). In the human world, therefore, historical laws emerge as an afterthought, as the somewhat random (and thus coherently Epicurean) product of specific social conditions. They do not enjoy the natural immediacy of foedera naturae. They represent external limits imposed by human beings on other human beings, and, helpful as they are, they also overshadow the potentially pleasurable freedom of a lawless society fully converted to Epicureanism.69

We should note, however, that well before these historical laws primitive men had already developed, with no prompting from any lawgiver, a basic social foedus which consisted in nec laedere nec uiolari (5.1020), and which clearly recommends itself as an essential form of protection, especially for women and children, within the very first communities (5.1011–27). This ‘social contract’ displays the same natural immediacy of Epicurean ‘laws of nature’.

69 Fowler (1989b) 141–5.
The analogy between *foedera naturae* and the vision of *ius* which we have reconstructed through Q. Mucius and especially Servius is potentially significant. *Ius ciuile*, much as it can appear as a systematic and abstract account, is in fact nothing but the sedimentation of actual practices and obligations that run through the history of Roman society, and in which a *iurisperitus* can discern a *ratio*. Rules of law do not exist above and beyond social practices, just as *foedera* are in fact ‘preferred *syncrises*’ of atoms which have acquired inflexible validity.

Even in the face of a relentless rationalization and a fearless power of abstraction, Lucretius, and Epicureanism for that matter, never renounce their basic empiricist instincts. The task of the Epicurean poet is to uncover and announce the hidden *ratio* of phenomena: but the *ratio* is already there, and will always be. The structure of the poem, and, as Don Fowler has shown in one of his most engaging articles on the *De rerum natura*, even the structure and arrangement of individual lines or sentences, strive to mirror that *ratio*. Concepts such as the aggregation of atoms, their getting together into larger *concilia*, their coming to an end only to begin again: all these basic aspects of the Epicurean world order find compelling parallels in the poem itself.

I have so far avoided an explicit discussion of the possible political implications of my argument. It is tempting to consider the notion of individual atoms developing their own rules of association without any external ordering force, of a *Natura libera . . . dominis . . . superbis* (2.1091), as ‘republican’ if not outright libertarian, but we should be mindful that epistemic models, philosophical affiliation, and

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70 Breton (1984) 97: ‘La formula, in cui una disciplina giuridica si è riassunta o conglutinata, è come inserita in un movimento circolare, che dopo averla ricavata dalla prassi ve la riporta e ne sperimenta la validità.’

71 This is effectively the position stated by Reich (1958), who translates *foedera* as ‘Bündnis’ (‘bond’), as opposed to ‘Gesetz’ (‘law’). Reich’s explanation is only partially accepted by Long (1977) 81, according to whom the term *foedera* incorporates both a physical and an abstract meaning.


73 Schiesaro (1994).

74 Momigliano (1941; repr. 1960) 387: ‘Book V of *De rerum natura* has faith not only in the *deus ille*, but in mankind. We must agree . . . that the idea of human progress is not to be found there logically, but is there as an aspiration. A Republic is an advanced stage of this progress.’ Cf. Canfora (1993) 96–8; Fowler (1995) passim.
party politics do not overlap tidily in the turbulent mid-first century BC. Lucretius is ready to agree that a utilitarian social compact shields men from violence and fear, and enables each individual to pursue what really matters (individual happiness), but the same utilitarian calculation recommends monarchy as an alternative to democracy, a complicated system which theoretically requires the active involvement of every citizen, and inevitably precipitates a generalized search for honours and electoral success. Then again, even if the _De rerum natura_ is not quite the liberating gospel Farrington saluted, it is nonetheless a philosophy of empowerment conveyed in suitably empowering terms. The overall legibility of the universe made possible by the distinct intelligibility of natural laws endows Lucretius’ readers with a lasting and rewarding legacy: freedom from religious superstition, fear, and enslavement to hidden and mysterious powers. In this respect Lucretius is clearly aligning himself with the efforts, dating back to the second century BC, to distinguish sharply between ‘sacral’ and ‘lay’ knowledge (especially in the legal field) and to promote rational understanding as an antidote to the traditional opacity of events and the unbridgeable difference in power which this opacity provoked and crystallized.

The forms of demonstration Lucretius uses can to a significant extent be paralleled with contemporary juridical usage, and they are crucial to his liberating programme. Analogy, for instance, does not just make distant and hidden phenomena understandable; it also ensures peace of mind because, as an open-ended method, it guarantees the comparability of new, unknown phenomena to others we have already grasped. Analogy was a method charged with explicit political sensitivities, as we can glean from the few tantalizing fragments of Caesar’s tract _On Analogy_, probably composed in 54 BC, and dealing with analogy as a grammatical concept.

75 If ‘many of the most authoritative Epicureans were supporting Caesar in 45’, their attitude changed after his assassination, and ‘[e]nthusiasm for the Republic was in 44 BC widespread enough to influence also those Epicureans whose devotion to Caesar’s memory was stronger’ (Momigliano (1941; repr. 1960) 380, 382).

76 Stein (1966) 26–8.

77 See now Sinclair (1994). On analogy in grammar and law in the early Principate see Stein (1969); on the relationship between grammar and law in Labeo see Bretone (2000) 165.
ascertain from the handful of lines handed down to us is that Caesar defines a contrast between analogy and predictability on the one hand, and uniqueness and anomaly on the other, perhaps as a reaction to Cicero’s claim, in *De oratore*, that *consuetudo* was the correct guide to speaking Latin. Anomaly based on *consuetudo* is exclusivist, because there are no rules to guarantee that similar words under similar circumstances will behave in the same way. One must know the specific correct usage, as of course do the *urbani* who, according to Cicero, already instinctively know what *Latinitas* and *elegantia* require without any need for further explanation (*De or. 3.38–9, 150–51*). Analogy, on the contrary, is predicated on the universal validity of fixed rules, and thus makes it possible to face new words and new formations without undue worries. As far as language is concerned, this opposition is particularly important as it draws a line between insiders and outsiders, native Latin speakers steeped in the detailed knowledge of the language with its more idiosyncratic forms, and the provincials for whom Latin was an acquired habit and who could easily fall into mistakes. This contrast between insiders and outsiders is exactly the same as it applies to philosophical knowledge: if Lucretius is right, one need not be a *pontifex maximus* to understand the workings of nature and the role of gods.

As I mentioned before we owe to Don Fowler a peculiarly lucid and brilliant article about some of the issues I have dealt with in this paper. Written in 1994, and published in the Russell Festschrift a year later, ‘From Epos to Cosmos: Lucretius, Ovid, and the Poetics of Segmentation’ represents Don at his very best. There one finds together the keen scholar of Epicurean philosophy and the canny reader of poetry; provocative theory alongside technical prowess; an original and deep awareness of the historical dimension of literature. One also finds, as in several other works by Don, a clear understanding of the connection between the man, with his feelings and beliefs, and the scholar with his expertise and his mission. The tension between order and disorder, complexity and intelligibility, which he compellingly reconstructs in *De rerum

natura, clearly emerges also as a moral, personal issue, just as the 'liberal individualism' of Lucretius’ atoms is seen as a recipe for life in our society. Don planned to continue his work on this area in an article which he proposed to title ‘Lucretius’ Republican Poem’, which we will never read, but to which this paper is, if nothing else, a heartfelt tribute.