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Authorship acknowledgement in Ovid and Martial, or how to rethink copyright in the Digital Age

Paolo Monella, University of Palermo

paolo.monella@gmx.net

Before copyright

(1) Gaius 2.77

Eadem ratione probatum est, quod in cartulis sive membranis meis aliquis scripserit, licet aureis litteris, meum esse, quia litterae cartulis sive membranis cedunt: itaque si ego eos libros easve membranas petam nec inpensam scripturae solvam, per exceptionem doli mali summoueri potero.

On the same principle, the writing inscribed on my paper or parchment, even in letters of gold, becomes mine, for the property in the letters is accessory to the paper or parchment; but if I sue for the books or parchment without offering compensation for the writing, my action will be defeated by the plea of fraud.

(2) Tacitus, *Dialogus de oratoribus* 9.3

Nam et domum mutuatur et auditorium exstruit et subsellia conducit et libellos dispergit.

He gets the loan of a house, fits up a room, hires benches, and scatters programmes.

Ovid and his audience

(3) Ovidius, *Tristia* 1.1.1-4

Parve – nec invideo – sine me, **liber**, ibis in Vrbem,
ei mihi, **quo domino non licet ire tuo!**
vade, sed incultus, qualem decet exulis esse;
infelix habitum temporis huius habe.

Little book, you will go without me – and I grudge it not – to the city. Alas that your master is not allowed to go! Go, but go unadorned, as becomes the book of an exile.

(4) Ovidius, *Tristia* 3.1.1-3

Missus in hanc **venio** timide liber exulis Vrbem:
da placidam fesso, **lector amice**, manum.
neve reformida, ne sim tibi forte **pudori**:
nullus in hac charta versus amare docet.

Though sent to this city I come in fear, an exile's book. Stretch forth a kindly hand to me in my weariness, friendly reader, and fear not that I may perchance bring shame upon you; not a line on this paper teaches love.

(5) Ovidius, *Tristia* 3.1.59-72

Inde tenore pari gradibus sublimia celsis
ducor ad intonsi candida **templa** dei,
signa peregrinis ubi sunt alterna columnis,
Belides et stricto barbarus ense pater,
quaeque viri docto veteres cepere novique
pectore, lecturis inspicienda patent.
quaerebam fratres, exceptis scilicet illis,
quos suus optaret non genuisse pater.
quaerentem frustra custos me sedibus illis
praepositus sancto iussit abire loco.
altera templa peto, vicino iuncta theatro:
haec quoque erant pedibus non adeunda meis.
nec me, quae doctis patuerunt prima libellis,
atria Libertas tangere passa sua est.

Then with even pace up the lofty steps
60 I was conducted to the shining temple of the unshorn god, where
alternating with the columns of foreign marble stand the figures of
the Belids, the barbarian father with a drawn sword, and all those
things which the men of old or of modern times conceived in their
learned souls are free for the inspection of those who would read.
65 I was seeking my brothers, save those indeed whom their father
would he had never begot, and as I sought to no purpose, from that
abode the guard who presides over the holy place commanded me to
depart. A second temple I approached, one close to a theatre:
70 this too might not be visited by my feet. Nor did Liberty allow me to
touch her halls, the first
that were opened to learned books.

Martial on sale

(6) Martialis 1.2

Qui tecum cupis esse meos ubicumque libellos
 Et comites longae quaeris habere viae,
 Hos eme, quos artat brevibus membrana tabellis:
 Scrinia da magnis, me manus una capit.
 Ne tamen ignores **ubi sim venalis**, et erres
 Urbe vagus tota, me duce certus eris:
Libertum docti Lucensis quaere **Secundum**
 Limina post Pacis Palladiumque forum.

You who are anxious that my books should be with you everywhere, and desire to have them as companions on a long journey, buy a copy of which the parchment leaves are compressed into a small compass. Bestow book-cases upon large volumes; one hand will hold me.
 5 But that you may not be ignorant where I am to be bought, and wander in uncertainty over the whole town, you shall, under my guidance, be sure of obtaining me. Seek Secundus, the freedman of the learned Lucensis, behind the Temple of Peace and the Forum of Pallas.

(7) Martialis 1.3

Argiletanas mavis habitare **tabernas**,
 Cum tibi, parve liber, scrinia nostra vacent.
 Nescis, heu, nescis dominae fastidia Romae:
 Crede mihi, nimium Martia turba sapit.
 Maiores nusquam rhonchi: iuvenesque senesque
 Et pueri nasum rhinocerotis habent.
 Audieris cum grande sophos, dum basia iactas,
 Ibis ab excusso missus in astra sago.
 Sed tu ne totiens domini patiari lituras
 Neve notet lusus tristis harundo tuos,
 Aetherias, lascive, cupis volitare per auras:
 I, fuge; sed poteris tutior esse domi.

You prefer, little book, to dwell in the shops in the Argiletum, though my book-case has plenty of room for you. You are ignorant, alas! you are ignorant of the fastidiousness of Rome, the mistress of the world; the sons of Man, believe me, are much too critical.
 5 Nowhere are there louder sneers; young men and old, and even boys, have the nose of the rhinoceros. After you have heard a loud "Bravo!" and are expecting kisses, you will go, tossed to the skies, from the jerked toga. Yet, that you may not so often suffer the corrections of your master,
 10 and that his relentless pen may not so often mark your vagaries, you desire, frolicsome little book, to fly through the air of heaven. Go, fly; but you would have been safer at home.

Plagiarism and authorship acknowledgement

(8) Martialis 1.29

Fama refert nostros te, Fidentine, libellos
 Non aliter populo quam recitare tuos.
 Si **mea** vis dici, **gratis** tibi carmina mittam:
 Si dici **tua** vis, hoc **eme**, ne **mea** sint.

Report says that you, Fidentinus, recite my compositions in public as if they were your own. If you allow them to be called mine, I will send you my verses gratis; if you wish them to be called yours, pray buy them, that they may be mine no longer.

(9) Martialis 1.53

Una est in nostris tua, Fidentine, libellis
 Pagina, sed certa domini signata figura,
 Quae tua traducit manifesto carmina **furto**.
 Sic interpositus villo contaminat uncto
 Urbica Lingonicus Tyrianthina bardocucullus,
 Sic Arretinae violant crystallina testae,
 Sic niger in ripis errat cum forte Caystri,
 Inter Ledaes ridetur corvus olores,
 Sic ubi multisona fervet sacer Atthide lucus,
 Inproba Cecropias offendit pica querellas.
 Indice non opus est nostris nec iudice libris,
 Stat contra dicitque tibi tua pagina **'Fur es.'**

One page only in my books belongs to you, Fidentinus, but it bears the sure stamp of its master, and accuses your verses of glaring theft. Just so does a Gallic frock coming in contact with purple city cloaks stain them with grease and filth; just so do Arretine pots disgrace vases of crystal; so is a buck crow, straying perchance on the banks of the Cayster, laughed to scorn amid the swans of Leda: and so, when the sacred grove resounds with the music of the tuneful nightingale,
 the miscreant magpie disturbs her Attic plaints. My books need no one to accuse or judge you: the page which is yours stands up against you and says, "You are a thief"

(10) Martialis 1.52

Commendo tibi, Quintiane, nostros –
 Nostros dicere si tamen libellos
 Possum, quos recitat tuus poeta – :
 Si de servitio gravi queruntur,

To you, Quintianus, do I commend my books, if indeed I can call books mine, which your poet recites. If they complain of a grievous yoke,

Adsertor venias satisque praestes, 5
Et, cum se dominum vocabit ille,
Dicas esse meos manuque missos.
Hoc si terque quaterque clamitaris,
Inpones **plagiario** pudorem.

do you come forward as their advocate, and defend them efficiently; and when he calls himself their master, say that they were mine, but have been given by me to the public. If you will proclaim this three or four times, you will bring shame on the plagiarist.

Martial's literary prestige: defamation through misattribution

(11) Martialis 7.12

Sic me fronte legat **dominus**, Faustine, serena
Excipiatque meos, qua solet aure, iocos,
Ut mea nec, iuste quos odit, pagina laesit,
Et mihi de nullo fama rubore placet.

Quid prodest, **cupiant cum quidam nostra videri**, 5
Si qua Lycamdeo sanguine tela madent,
Vipereumque vomat nostro sub nomine virus,
Qui Phoebi radios ferre diemque negat?
Ludimus innocui: scis hoc bene: iuro potentis

Per genium Famae Castaliumque gregem 10
Perque tuas aures, magni mihi numinis instar,
Lector inhumana liber ab invidia.

So may the lord of the world, Faustinus, read me with serene countenance, and receive my jests with his wonted attention, as my page injures not even those whom it justly hates, and as no portion of reputation, obtained at the expense of another, is pleasing in my eyes.

To what purpose is it that certain versifiers wish publications which are but darts dipped in the blood of Lycambes to be deemed mine, and that they vomit forth the poison of vipers under my name? – versifiers, who cannot endure the rays of the sun and the light of day? My sport is harmless; you know this well; I swear it

by the genius of all-powerful Fame, and by the Castalian choir, as well as by the attention you grant me, reader, who, if you are free from the unmanly passion of envy, are to me as a great deity.