

In Latin the word for crime or charge, *crimen*, looks and sounds like the word for song or poem, *carmen*. For reasons of morphology and, later, paleography this is even more true when the words assume their dactylic form: *crimina* / *carmina*. In the best manuscripts of Ovid's *Tristia*, *carmina* was read for *crimina* at least four times in the first two books (1.1.23; 1.2.96; 2.3; 2.9). The present paper argues that the confusion scribes and subsequent editors have faced in determining the correct reading of these passages derives from the poet himself. In blurring the distinction between the words for crime and poetry here Ovid intended to point out that the act of writing had become cause for criminal action under Augustus.

The first instance of this problem appears in the first poem Ovid writes from exile, *Tr.* 1.1.23-4:

*protinus admonitus repetet mea crimina lector,
et peragar populi publicus ore reus.*

Once warned the reader will recall my crimes forthwith, and as a defendant before the people I will be on trial when they talk.

The *Tristia*'s most recent editor, J. B. Hall (Teubner 1995), has queried the authenticity of this distich for two reasons: first, Ovid never officially stood trial before the people and, second, he would never have wanted to admit that he had committed actual crimes worthy of exile. As to the first, Ovid implies throughout the exile poetry that his private wrong against the *princeps* has become a public crime in the eyes of the state. This is the result of the highly visible presence of the *princeps* in nearly every facet of the Roman state, a notion Ovid brings powerfully to verse, *Tr.* 4.4.15: *quia res est publica Caesar* "because Caesar is the commonwealth."

In response to Hall's second point it is important to note that in the *Tristia*'s first two books *crimina* refers several times to the writing of poetry, e.g. 1.7.21: *uel quod eram Musas, ut crimina nostra, perosus* "or because I had come to hate the Muses, that is, the sources of the charges against me" (cf. 1.2.96; 2.3; 2.9; 2.207; and perhaps 1.9.63-4). The two words are not synonymns but often carry a similar meaning, as in the case of the poet's famous account of the charges leveled against him, *duo crimina, carmen et error*: poetry is one of two crimes responsible for his exile.

In short, Ovid's identification of his *carmina* with *crimina* is intentional; it is a subtle way of showing how Augustus has made poetry a legal reason for banishment. This is in keeping with the poet's intense interest in the legality of his own actions in relation to those of the *princeps*. The present paper aims to show how Ovid often defines the nature of his crime against the severe and public punishment it received. He uses specific terms of the law for offenses which by accepted standards of interpretation of the Roman legal code would not seem to merit exile. By inference he shows that his predicament is peculiar, if not unique.

This paper will conclude by returning briefly to Ovid's mention of his own *crimina* in the poem cited above. The admission of guilt implicit in *crimina* at the opening of the *Tristia* initiates a *Leitmotiv* at play in the rest of the exile poetry: regardless of the severity of his transgression, the poet does not deny that he is guilty and deserving of punishment. Such a stance follows from a point made earlier in the same poem, *Tr.* 1.1.20: *id quoque, quod uiuam, munus habere dei* "that I am alive at all I consider the gift of a god." The *princeps*' power is presented as the attribute of an actual god, and Ovid's admission of guilt here raises a fundamental question about the nature of that divinity. Augustus the god, it seems, does not exercise his right to punish the guilty; instead he demonstrates his ability to exact guilt from the accused.