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Trimalchio's last will: shifting interactions between seeming and being

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Abstract

During the *cena Trimalchionis* – maybe the most prominent episode of Petronius' *Satyrica* – we come to know of different testamentary dispositions focusing on Trimalchio as legatee, heir, and especially as testator. To analyze and visualize these different roles here, I used an approach derived from historical network research: the *ego-alter*-dyad enables a systematic analysis of interpersonal interactions which can be regarded as the basis of most Roman last wills. In ancient Rome, the testament (in the sense of a last will and testament) means a unilateral last will by which an heir was appointed, or a person intended by law to be an heir was excluded from inheritance. Apart from the legal context, a testament was also regarded as ultimate as well as financial confirmation of *amicitia* and family ties. In this article the ties connecting Trimalchio with his former *patronus*, friends, family members, and slaves are visualized in different graphs. It is the aim of this paper to bring both sources and graphs into a dialogue and interpret them together. By doing so, Trimalchio's *mimus* which he



performed when reading out his last will is explained. He did not reciprocate any of his mutual friendship or family ties in his will, but he did make his friends and family members believe he would do so. Thus Trimalchio violates a societal norm which was of paramount importance in Roman society. In his *cena Trimalchionis* Petronius creates a bizarre *mimus* where the *dramatis personae*, especially Trimalchio, are shifting between authenticity and illusion, between seeming and being.

1 Introduction*

The following analysis is based on one episode of Petronius' *Satyrica* which is one of the few Roman novels that has been handed down from antiquity. Only a few episodes of the *Satyrica* have survived, but they allow us to follow the ramble of the protagonist and narrator Encolpius in Italy of the 60s of the 1st century A.D. But Encolpius and his friends Ascyltos and Agamemnon as well as their slaves Menelaus and Giton, who maybe is also Encolpius' lover, are wandering through a fictitious upside-down world. The preserved part begins in the surroundings of a school of declamation in Campania where Encolpius and Agamemnon debate the decline of oratory. But it seems that they do not prefer orderly studies, because there follows a spontaneous visit to a brothel, sex, a jealousy scene with Giton in the centre, robberies, and a veritable orgy. Encolpius and his friends slide from adventure to adventure through a topsy-turvy world. Despite ongoing quarrels, economic hardship binds them together, beguiles them into committing larcenies, buffooneries, and frauds. An invitation to the house of Trimalchio, a wealthy and eccentric freed man, is accepted by the friends and they experience a decadent banquet there. The so-called *cena Trimalchionis* is at the centre of this study. After the banquet, Ascyltos and Encolpius split in a quarrel. The latter, together with Giton and the aging poet Eumolpus, sets off for Kroton (Southern Italy), where they play a trick on the

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local legacy hunters: Eumolpus presents himself as a rich man and a potential testator, to be ensnared by the legacy hunters.

The partly dizzying, wild, and rapidly narrated plot seems untamable according to stylistic or formal constraints to any literary genre. Nikolas Holzberg for example sees the *Satyrice* as a “komisch-realistischen Roman” which does not fit formally or textually into any genre.¹ Because of the *Satyrice*’s fragmentarization, contemporary readers are thrust into the plot without knowing Petronius’ intention.² And despite the satirical character of the novel, the individual episodes are characterized by a closeness to everyday life. It is a critique of imperial society, which no longer seems to offer any orientation to the individual. The *cena Trimalchionis*, for example, portrays *liberti* who are denied actual social advancement in spite of their persistent work and economic success. They remained *liberti*. It can be assumed that Petronius, who is perhaps identical with the senator mentioned in the 16th book of Tacitus’ *Annals*, created an autonomous and vivid work, implementing his literary models as a montage, a comic as well as satiric adventure story.³

The most prominent passage of the *Satyrice* ist probably the *cena Trimalchionis* which has been much debated in research.⁴ As already briefly explained at the beginning, Encolpius and his friends are invited by Agamemnon to the banquet of Trimalchio, a former slave (*libertus*), who had become wealthy and who now invites his guests to extraordinary meals and performances in his house. Petronius describes Trimalchio as a *nouveau riche*, a decadent *parvenu* who does not care about conventions and social norms at all.

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- ¹ Holzberg, “Der antike Roman,” 22; cf. Perry, “Ancient Romances,” 87; Courtney, *Companion to Petronius*, 24; Murgatroyd, “Petronius’ *Satyrice*,” 2013, 241; Severy-Hoven, “*Satyrice* of Petronius,” 33–46; Roth, “Liberating the *Cena*,” 614–615. Bracht Branham and Kinney, *Satyrice*, xxiii: “*Satyrice* (the neuter plural of the adjective *satyric*) is rather a heuristic metaphor for the moral ambiance of the fictional world Petronius has created.”
 - ² Slater, “Reading the *Satyrice*,” 18: “[...] the world of the *Satyrice* is full of surprises, of sudden and sometimes violent changes of action, scene, or mood [...].”
 - ³ Schönberger, *Satyrgegeschichten*, 18; cf. Courtney, *Companion to Petronius*, 31–39; Slater, “Reading the *Satyrice*,” 21–22. For further information about Petronius see Tac. ann. 16.17.1; 16.18.1–2; 16.19.5; Plin. nat. 37.20. Much more is not known about the author of *Satyrice*. Plass, *Game of Death*; Baldwin, “Tacitean Petronius,” 15–18; Courtney *Companion to Petronius*, 5–9; Hill, “Ambitiosa Mors,” 237–251; Slater “Reading the *Satyrice*,” 27; Vout, “Neronian Culture,” 101–103; Völker and Rohmann, “*Praenomen Petronii*,” 660–676 and especially 660, footnote 1–2.
 - ⁴ Cf. Harrison 1998, 580–585; Murgatroyd, “Petronius’ *Satyrice*,” 241. For an overview concerning the *Satyrice*’s fragmentation see Courtney, *Companion to Petronius*, 43–49; Slater, “Reading the *Satyrice*,” 17–20.

The following episode can also be seen in this context: during this banquet the host Trimalchio reads out his last will. Apart from the legal context, a will was also regarded as the ultimate as well as financial confirmation of *amicitia* and family ties. It was quite unusual to read a will before the testator died. But this fits into Petronius' social criticism. Especially the connections resulting from wills, which existed between some participants of the *cena* as well as to persons who are not present during the banquet, are of special interest. Besides Trimalchio's role as *testator* I also stress his role as heir and legatee here, a role that remains underresearched. Wills can be used as a source to analyse interpersonal relationships as well as to scrutinize the obligations and expectations attached to them. From this point of view, it does not matter whether the persons and relationships to be analysed are known from historiography or from fictional texts.

Historical network research seems the appropriate approach to analyze and visualize the interactions between testator, heirs, and legatees, and to compare these links with other interpersonal relationships. I assume that in the abstract, an *amicitia* or *familia* relationship was based on two entities, the *ego* and the *alter*, and both together built a dyad which was above all based on reciprocity and mutual services. Both *ego* or *alter* can be joined to further entities displayed as nodes; together they form a network. Additionally, it was vital for friendship ties that *ego* and *alter* corresponded in main aspects and internal attitudes (*morum similitudo*). Ideally, *alter* can be regarded as *alter ego*. Furthermore, *ego* or the self regards oneself as a role model for the other. In modern literary studies, the concepts of otherness and alienness were used to determine the self, the other, and the stranger.⁵ The other (*alter*) is not any other, but the other in a relationship between two coequal entities. By contrast, the stranger (*alius*) does not have any or almost no similarities with the *ego*; they are completely alien to each other. The *ego* or the self needs the other and, in some cases, also the stranger for acts of identity like self-description and self-rule. Foremost, the *ego* is interested in confirming the self as norm. Despite their origin in modern literary studies, the concepts of otherness and alienness will also be fruitful to analyze Roman *amicitia* relationships which occur in wills, as Roman friendship discourse already knows the *ego-alter*-dyad.⁶

⁵ For further information and bibliographic references concerning Historical Network Research as well as otherness, identity, and related fields see e.g. Assmann, *Problem der Identität*, 238–253; Köstner 2018b, "Ein gefundenes Fressen," 192, footnote 3; Köstner, "Partizipation, Alterität und Alienität," 14–23.

⁶ Cf. e.g. Aristot. pol. 1253a; 1285a; eth. Nic. 1156a; 1178a5; metaph. 10.3.1054b16; Plat. nom. 967–979; 949e–953e; soph. 256a; symp. 207d–e; Parm. 137c–e; rep. 5.470c1; 5.471b7; 9.586e2.

All information concerning the nodes and ties are taken from Petronius' *Satyrice*, more precisely from the episode about the *cena Trimalchionis*. The characters and their connections will be discussed in more detail in section 2.

(1) My focus is set on the characters who participated in the *cena Trimalchionis* or were mentioned in connection with wills during the banquet. Within the graphs the characters are displayed as nodes whereby different colors indicate the quality of their relationship with Trimalchio (family members, friends or external guests as well as testators respectively heirs not present during the banquet) as well as their appearance at the dinner and their interaction with others during the *cena*: the host Trimalchio and his wife Fortunata (both *liberti*) are displayed as pink nodes. Trimalchio's friends, who are all *liberti*, are represented in different shades of blue (the gradations are explained in more detail below as well as in Chapter 2 and in the corresponding graph). These men have known each other for a long time and can rely on what they have experienced together. Trimalchio's slaves who work during the *cena*, i.e. serve food and drinks, are represented as orange nodes. They differ from Trimalchio and its guests in their legal and social status as *servi*. Encolpius and his friends are displayed as green nodes. Their legal and social status varies: while Encolpius, Ascyltos and Agamemnon were likely Roman citizens (*civis Romani*) or *liberti* (the text does not allow a more precise definition), Giton and Menelaus were slaves. Although Agamemnon had received an invitation to Trimalchio's banquet, it cannot be assumed that they knew the host, his other guests or the slaves well. It was not unusual to invite members of a school of declamation to a *cena* to provide entertainment. Those mentioned in connection with wills during the dinner but not present are shown as grey nodes.

(2) The ties visualize the interaction between the persons. On the one hand, there are the relationships that are known in the context of wills: thus who is the testator, who are the heirs and the legatees and what binds them together? So, it is about the appreciation of mutual services (e.g. financial and legal support) and gifts (e.g. wishes for recovery, invitation to the theatre) in a will. Petronius does not go deeper into such services and gifts. This exchange was obligatory between friends or family members, but it had already taken place before the banquet.

On the other hand, the interactions between the participants of the *cena Trimalchionis* are presented in order to compare them with those known in connection with wills. In that context 'intensity' seems to be a suitable category, in order to differentiate these interactions. Thus, only those relationships are displayed within the graphs which indicate a deeper, more intense interaction during *cena*: not only listening to a conversation or doing small talk, as e.g. Encolpius and his friends do, but in fact having more intense conversations and discussions with each other, e.g. about mutual *amici*, as Trimalchio's friends do. Thus, it matters how long they knew each other and what they have in common.

participants of the <i>cena Trimalchionis</i> and testators or heirs	social status (with regard to Trimalchio)	legal status	testamentary relationships	intensity of interactions (with regard to Trimalchio)
Trimalchio	<i>familia</i>	<i>libertus</i>	yes	----
Fortunata	<i>familia</i>	<i>liberta</i>	yes	xxx
C. Pompeius	<i>familia</i>	<i>civis</i>	yes	xxx
Emperor	' <i>amicus</i> '	<i>civis</i>	yes	x
Pansa	<i>amicus</i>	<i>libertus?</i>	yes	xx
<i>Saltuarii</i>	<i>servi</i>	<i>servi</i>	no	xx
Encolpius	<i>amicus/external</i>	<i>civis?</i>	no	-
Ascylos	<i>amicus/external</i>	<i>civis?</i>	no	-
Agamemnon	<i>amicus/external</i>	<i>civis?</i>	no	x
Giton	<i>servus/external</i>	<i>servus</i>	no	-
Menelaus	<i>servus/external</i>	<i>servus</i>	no	-
Hermeros	<i>amicus</i>	<i>libertus</i>	no	xxx
C. Iulius Proculus	<i>amicus</i>	<i>libertus</i>	no	xxx
C. Pompeius Diogenes	<i>amicus</i>	<i>libertus</i>	no	xxx
Damas	<i>amicus</i>	<i>libertus</i>	no	xxx
Seleucos	<i>amicus</i>	<i>libertus</i>	no	xxx
Phileros	<i>amicus</i>	<i>libertus</i>	no	xxx
Ganymed	<i>amicus</i>	<i>libertus</i>	no	xxx
Echion	<i>amicus</i>	<i>libertus</i>	no	xxx
Niceris	<i>amicus</i>	<i>libertus</i>	no	xxx
Plocamus	<i>amicus</i>	<i>libertus</i>	no	xxx
Habinnas	<i>amicus</i>	<i>libertus</i>	no	xxx
Scintilla	<i>amica</i>	<i>liberta</i>	no	xxx
Philagyrus	<i>servus</i>	<i>servus</i>	yes	xx
Menophila	<i>serva</i>	<i>serva</i>	yes	xx
Cario	<i>servus</i>	<i>servus</i>	yes	xx
Dionysios	<i>servus</i>	<i>servus</i>	no	x
Croesus	<i>servus</i>	<i>servus</i>	no	x
Carpus	<i>servus</i>	<i>servus</i>	no	x
Daedalus	<i>servus</i>	<i>servus</i>	yes	x
Stichus	<i>servus</i>	<i>servus</i>	no	x

Table 1. Comparison of testamentary and interpersonal relationships. Relationships based on the *cena Trimalchionis* and with regard to Trimalchio as central hub: social status of the participants displays mutual obligations and expectations within the context of *amicitia* and *familia* (*familia*, *amicus*, *amicus/external*, *servus*); legal status may have a limiting effect (*libertus/liberta*, *servi*, *civis*); intensity of interactions: high (xxx), middle (xx), low (x), no interaction (-).

Trimalchio and his friends are close to each other because they share a common past. Encolpius and his friends came to the *cena* by invitation. But it seems that, according to the text, Agamemnon and Trimalchio were not close friends in the past. Their interactions during the banquet remain rather superficial; this also applies to the relationship between Encolpius or Ascyltos and the host.

These relationships depend furthermore on the social and legal status of the individuals. For example, the *servi* are in contact with all the guests, i.e. they serve food and drinks and engage in small talk. Their interactions remain on a rather superficial level because they do not have the same social as well as legal status. Therefore, these relationships are not displayed within the graphs, though the slaves know each other very well (they may have been working together in the household of Trimalchio for years). These relationships are displayed within the graph. To sum up for the moment: one part of the relationship is defined by testamentary interactions, between testator, heir or legatee. Another part of the relationships is determined by intensity, e.g. the deep closeness and familiarity among the *liberti* or the distance of Encolpius and his friends towards the other guests and the *host*; Petronius depicts them as observers of the scenery, captivated by fascination and horror. In his *Satyricon*, Petronius alienates the social relationships of Roman society, focusing on the group of the *liberti*. The aim of this paper is to find out whether these different forms of interpersonal relationships are congruent, whether there were any distinctions, and how is this related to the Trimalchio's *mimus*.

(3) I create graphs with the software *Visone* to visualise interpersonal and testamentary relations. Besides using graphs, the theoretical framework derived from historical network analysis – the *ego-alter-dyad* – is applied to analyze social and testamentary relationships. As already mentioned, different categories define the ties shown within the graphs. To my mind, it is essential to present all these different ties in one graph and to display in color and in different line types those relationships which are actually important and belong to a certain text passage. In particular, the markings of some ties illustrate e.g. Petronius' narrative structures, interpersonal relationships and testamentary interactions. It is the aim of this paper to bring both sources and graphs into a dialog and interpretate them together. By this means, Trimalchio's *mimus*, which he performed when reading out his last will is explained. He did not reciprocate any of his mutual friendship or family ties in his will, though he makes his friends and family members believe he would do so. Thereby, Trimalchio violates a societal norm which was of paramount importance in Roman society. In his *cena Trimalchionis* Petronius creates a bizarre *mimus* where the *dramatis personae*, especially Trimalchio, were shifting between authenticity and illusion, between seeming and being. Moreover, the bizarre and dazzling episode concerning the *cena Trimalchionis* and particularly the publication of the host's will is suitable to demonstrate the connection between source material and

graphs, their joint interpretation, and the application of network analysis to a fictional text from the Roman Imperial Period.

2 The *cena Trimalchionis*: “*Ergo, inquit, cum sciamus nos morituros esse, quare non vivamus?*”⁷

2.1 The *dramatis personae* of the *cena Trimalchionis* and further characters

To begin with, the *dramatis personae* present at the *cena Trimalchionis* and the relationships only mentioned during the *cena* and related with the host Trimalchio and wills must be gathered. In this context and first of all, we must start with the narrator Encolpius. He seems to slide without any orientation from adventure to adventure through the topsy-turvy world of the novel.⁸ At his side, we meet Giton, his lover and/or his slave.⁹ Encolpius and Giton can be regarded as the original dyad, but in chapter 10.7 Ascyltos joins the two; he is expanding the original dyad to a “love-triangle” (until chapter 98).¹⁰ Encolpius, Ascyltos, and maybe also Giton are *scholastici*, which does not necessarily mean that they study oratory. In fact, they can be regarded as “groupies [...] who hung around the schools of declamation and [...] aped their style in everyday dealings.”¹¹ In the surroundings of such a school of declamation these three men got in contact with Agamemnon who was perhaps a teacher of oratory. In Agamemnon’s company Encolpius, Ascyltos, Giton as well as Agamemnon’s slave Menelaus attend Trimalchio’s dinner (Figure 1). Within the graph, they are represented by green nodes. Based on the text, it can be assumed that they knew each other well, but not the host or his other guests, as will become apparent later.

⁷ Petron. 72.2: “Well, well, if we know we must die, why should we not live?” (for all *Satyrical*-passages see Petronius/Seneca. 1969. “*Satyricon – Apocolocyntosis*”, edited and translated by Michael Heseltine, William H. D. Rouse and Eric H. Warmington, Loeb Classical Library London: Heinemann).

⁸ Cf. Walsh, “Roman Novel”, 234–235; Murgatroyd, “Petronius’ *Satyrical*”, 243.

⁹ The *Satyrical* does not make doubtlessly clear if Giton was Encolpius slave or his boyfriend or maybe both.

¹⁰ Cf. Courtney, *Companion to Petronius*, 49; Andreau, “Freedmen in the *Satyrical*”, 117.

¹¹ Courtney, *Companion to Petronius*, 39–40; cf. Petron. 10.6; 39.5; 61.4.

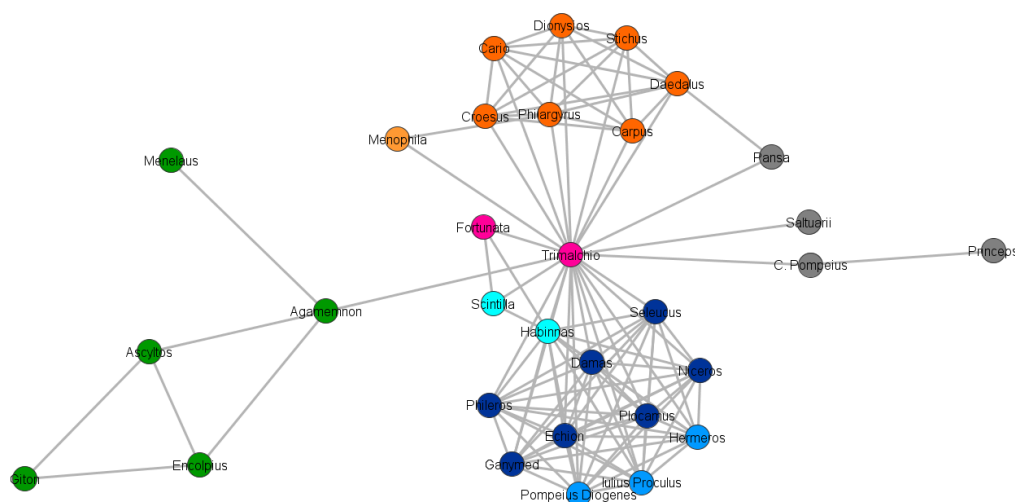


Figure 1. The nodes show the participants of Trimalchio's *cena* and the persons related to Trimalchio by testamentary dispositions. The different colors display their social or legal status (*servi*, *liberti*, or *cives*) and the quality of their relationship to Trimalchio (family members in pink, slaves in orange, friends in different shades of blue, external guests in green, and persons mentioned during the *cena* in relation with testamentary dispositions but not yet present in grey). The ties visualize the interaction between the individuals, whereby 'intensity' determines them as well as the legal status of the persons which limits their scopes.

Perhaps Encolpius and his friends were invited to entertain Trimalchio's guests and in return they were offered free meals and drinks during the dinner. Despite, or maybe because of these prospects, their motivation to attend the dinner was pretty poor:

"Venerat iam tertius dies, id est expectatio liberae cenae, sed tot vulneribus confossis fuga magis placebat quam quies. Itaque cum maesti deliberaremus quonam genere praesentem evitaremus procellam, unus servus Agamemnonis interpellavit trepidantes et: 'Quid? vos, inquit, nescitis hodie apud quem fiat? Trimalchio, lautissimus homo. ... Horologium in triclinio et bucinatorem habet subornatum, ut subinde sciat quantum de vita perdiderit!'"

"The third day had come. A good dinner was promised. But we were bruised and sore. Escape was better even than rest. We were making some melancholy plans for avoiding the coming storm, when one of Agamemnon's servants came up as we stood hesitating, and said, 'Do you not know at whose house it is today?

Trimalchio, a very rich man, who has a clock and a uniformed trumpeter in his dining-room, to keep telling him how much of his life is lost and gone.”¹²

In company of Agamemnon and Menelaus, Encolpius, Ascyltos and Giton go to the house of Campania's richest man (displayed in the graph as a pink node), C. Pompeius Trimalchio, a bald-headed, fat man wearing a scarlet robe and jewelry.¹³ He phenotypically embodies the crude *nouveau riche* and vulgar host. His habits complement his appearance: he leaves his guests alone for quite a long time to use a potty, he advertises flatulating at any time, and encourages his guests to comment on his intestinal activity. On the one hand, Petronius draws the picture of a decadent and awkward *nouveau riche*. On the other hand, he describes Trimalchio as a self-made man, a *libertus* who first gained wealth due to commercial activities, then lost property but is on the social and financial ascendant again due to his financial transactions and income from letting and leasing, as well as from his estate (*villa rustica*).¹⁴ He must have been a rich man indeed, as he is a *sevir Augustalis*, an office which requires wealth. In Trimalchio's eyes, wealth stands for status and reputation. But – and this is typical for a *parvenue* in the *Satyrical*'s interpretation – he lacks decency and morality. Gilbert Bagnani, e.g., calls him a *nouveau riche* without any social ambitions but with a pronounced sense for swank and pomp.¹⁵ The luxurious living was only possible because of his economic success, for which his wife was responsible, too. Fortunata is described as a former chorus girl ransomed by Trimalchio.¹⁶ Her keen eye and business skills helped Trimalchio prevent further financial losses.

Trimalchio invited his guests to his house – allegedly located in a *Graeca urbs* – which he converted into an extraordinary palace with, amongst others, four dining rooms, 20 bedrooms and two marble halls decorated with wall paintings showing the milestones of his life.¹⁷ It is a fantastical architectural construction in narrative fiction, which did not exist in real life, but is absolutely necessary for the novel. Petronius invented a house of a manner which his readers and audience were expecting, and which they associated with a person like Trimalchio. The interior design of the rooms follows the exterior, as does the dining room where the *cena* and the reading of the will take place. The dining

¹² Petron. 26.7–9; cf. Bechet, “Fear and Irony,” 118–119.

¹³ Cf. Petron. 27.

¹⁴ Cf. Bagnani, “Trimalchio,” 87–89; Brown, *Character-Portrayal*, 18–19; Andreau, “Freedmen in the *Satyrical*,” 115; Ramsey, “Freed Slave,” 73–74; Petron. 30.2; 71.12.

¹⁵ Cf. Bagnani, “Trimalchio,” 78–79. Concerning Trimalchio's origin and childhood see Bagnani, “Trimalchio,” 78–87; Wade Richardson, “Young Trimalchio,” 201; Baldwin, “Young Trimalchio,” 143–146; Petron. 44.4; 75.10–11; 71.7; 97.2.

¹⁶ Cf. Petron. 37.1–7; 66–67; 74.13–77.7; Brown, *Character-Portrayal*, 38.

¹⁷ Cf. Bagnani, “House of Trimalchio,” 17; Petron. 77.4.

room's entrance was decorated with a bronze ship's prow as well as *fascēs* and axes, the consul's insignias. It seems that Trimalchio, a former slave, appropriated the insignias and symbols of Rome's highest office, although he could not actually hold the office; this is Petronius' point exactly. In this opulent dining room, Trimalchio and his guests use exquisite tableware and feast on select and extraordinary dishes. One small glimpse must suffice here to give an impression of this banquet, which Emily Gowers describes as "a dizzying synesthetic experience":

"[...] in quo positus erat primae magnitudinis aper, et quidem pilleatus, e cuius dentibus sportellae dependebant duae palmulis textae, altera caryatis, altera thebaicis repleta. Circa autem minores porcelli ex coptoplacentis facti, quasi uberibus imminerent, scrofam esse positam significabant."

*"[...] a tray was brought in after them with a wild boar of the largest size upon it, wearing a cap of freedom, with two little baskets woven of palm-twigs hanging from his tusks, one full of dry dates and the other of fresh. Round it lay sucklingpigs made of simnel cake with their mouths to the teats, thereby showing that we had a sow before us."*¹⁸

During the *cena*, Encolpius, Ascyltos, Agamemnon, and their slaves stayed in the background, listened to the conversations and watched the action: the *liberti* are talking mostly about mutual friends and sometimes they are disputing with each other. They are watching Trimalchio's slaves – Carpus, Daedalus, Croesus, Dionysus, Stichus, Philargyrus, and Cario (orange nodes within the graph) – serving dishes and interacting with the guests.¹⁹ Encolpius and his friends appear only as observers, they mostly remained passive and maintained a certain distance to the action; this becomes clear in the graph, too. Within these intertwining, Agamemnon can be regarded as broker (Figure 1): with his tie to Trimalchio he connects different clusters, viz. he enabled Encolpius and his friends to participate in the *cena*, whereby they still remained outsiders. Agamemnon bridges what I call the Encolpius-cluster with the clusters of Trimalchio's *amici* as well as with the cluster of his slaves. Of course, Trimalchio as central hub – host and testator – connects the different clusters consisting of his *amici*, *servi*, and external guests. Of course, we have to rely on the information

¹⁸ Petron. 40.3–4; Gowers, "Tasting the Roman World," 94; cf. Arrowsmith, "Luxury and Death," 304–331.

¹⁹ Relating to the slaves mentioned during the *cena Trimalchionis* Barry Baldwin ("Domestic Staff", 96) also states Cinnamus, Menophila und Nasta. But it is not clear if these were in fact working at Trimalchio's dinner, hence they were not mentioned in the graph (apart from Menophila).

given in the text. Although the *Satyricon* is fiction, but it is also a critique of society that scrutinizes interpersonal relationships and the norms associated with them.

Trimalchio can be understood as the heart of the *cena*, the guests pay close attention to him, and he enjoys it. This interpretation is supported by betweenness centrality, i.e. a measure of centrality in a graph based on the shortest paths. And this is also where Mark Granovetter's considerations on weak ties and Ronald Burt's theory on structural holes can be introduced: even though the relationship linking Agamemnon and Trimalchio must be regarded as weak and rather superficial, their tie bridges a structural hole.²⁰ Structural holes occur when two or more close-meshed, homogeneous network clusters are connected by only one or a few bridges. Although Agamemnon receives an invitation to the *cena*, it seems that he does not belong to the inner circle of Trimalchio's *liberti*. In Roman society it was apparently not unusual to invite guests as entertainers and grant them free meals and drinks in return, especially when one hoped that their rhetorical skills would contribute to the entertainment. So there must not necessarily have been an intensive connection between Agamemnon and Trimalchio. Actors flanking such a bridge over structural holes like Trimalchio and Agamemnon boast a higher betweenness centrality, which identifies them as brokers. Additionally, the cluster of Trimalchio's *amici* as well as the cluster of his *servi* show high density. The persons within these clusters are interacting with each other during the dinner, but their social respectively legal status separates the members of the two clusters. While the slaves serve food and drinks and ensure a smooth flow among each other, their interactions with Trimalchio and his guests are very limited (e.g. instructions to the slaves and their short replies). In contrast, Trimalchio's friends are engrossed in deeper conversations (more on this later), but Encolpius and his friends are not involved; they remain observers of the banquet. In addition to the legal status, the intensity of the interactions is also decisive: Encolpius and his friends have no common past with Trimalchio and his friends; they do not know the same people and have not experienced anything together. Their interactions during the banquet remain rather superficial. Thus, it matters how long they have known each other and what they have in common.

²⁰ Cf. Granovetter, "Strength of Weak Ties", 1360–1380; Burt, *Structural Holes*, 18–20.

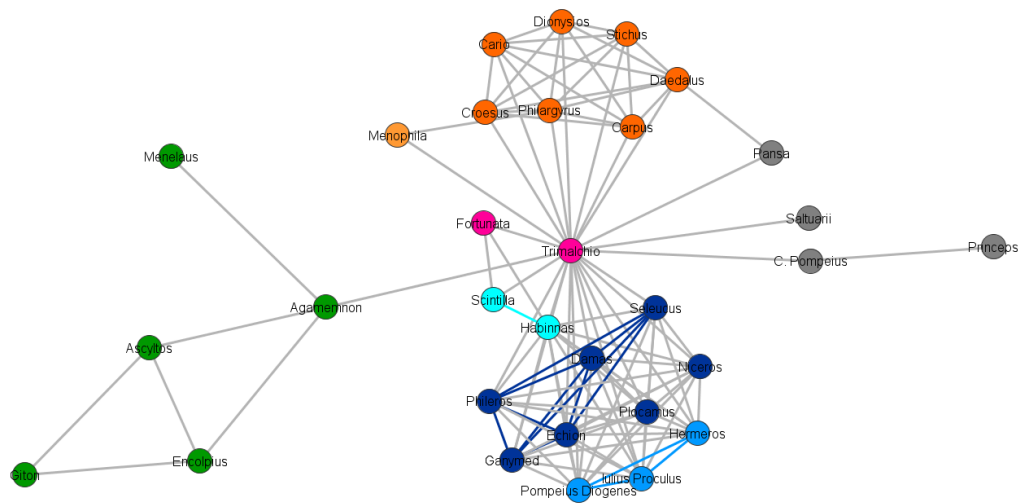


Figure 2. The nodes show the participants of Trimalchio's *cena* and the persons related to Trimalchio by testamentary dispositions. The different colors display their social or legal status (*servi*, *liberti*, or *cives*) and the quality of their relationship to Trimalchio (family members in pink, slaves in orange, friends in different shades of blue, external guests in green, and persons mentioned during the *cena* in relation with testamentary dispositions but not yet present in grey). The ties visualize the interaction between the individuals, whereby 'intensity' determines them as well as the legal status of the persons which limits their scopes. Here some of the ties are marked additionally with the color of the respective subgroup and thus, it is possible to visualize Petronius' narrative structure of Trimalchio's *amici*-cluster (see text below): Hermeros, C. Iulius, and C. Pompeius Diogenes in light blue, Echion, Ganymed, Damas, Seleucus, and Phileros in dark blue, Habinnas and Scintilla in turquoise.

Figure 2 focuses on Trimalchio's *amici* (displayed in different shades of blue). It illustrates the structuring of narration and Petronius' literary composition: Trimalchio's *amici* were all *liberti* who came from different parts of the *imperium Romanum*. They were brought as slaves to the Italian peninsula. In most of the cases, they were professionally successful and thus they had sufficient financial resources. But they did not come close to Trimalchio's wealth. Despite their wealth, they are denied actual social advancement. Trimalchio's guests can be subdivided in different subgroups. It can be assumed that Petronius' approach helps the reader to distinguish the different characters and keep an overview of Trimalchio's *amici*. To make these structures inside the *amici*-cluster visible in the graph (Figure 2), the ties linking the *amici* are shown in the color of the respective subgroup. One of the *liberti* is called Hermeros. We do not know what his job was, exactly, only that he disposed of financial resources comparable to those of Trimalchio; like the latter, he too was a *sevir*

Augustalis.²¹ He talks to two men: the undertaker C. Iulius Proculus and his wealthy friend C. Pompeius Diogenes (nodes and ties in light blue).²²

The other *liberti* – Damas, Seleucos, Phileros, Ganymed, Echion, Niceros, und Plocamus (nodes in dark blue) – are talking to each other about common friends, about gossip. Thus, they present their biographies in a kind of condensed self-communication. It is quite clear that they have known each other for many years. Nonetheless, in my opinion, their immense familiarity does not prove Jean Andreau's observation that all these men were former slaves in the *domus* of C. Pompeius, Trimalchio's erstwhile *patronus*.²³ Another smaller subgroup is composed of Echion, Ganymed, Damas, Seleucus and Phileros who are involved in a vigorous debate (ties in dark blue).²⁴ Ganymed criticizes his friends because of their aloof opinions and maybe because he is threatened by financial debt and societal decline. Again, Petronius creates structures within his narrative composition. And there is a further subgroup consisting of the couple Habinnas and Scintilla. These two arrived late for the *cena*.²⁵ Habinnas is – like Trimalchio and Hermeros – a *sevir Augustalis* and therefore probably also wealthy. It is mentioned that he is a stonemason and – later in the story – Trimalchio wants him to build his funerary monument.²⁶ It is likely that Scintilla and Fortunata know each other quite well (nodes and ties in turquois).

As already stated, during the *cena* Encolpius and his friends stayed in the background, listened to the conversations between Trimalchio and his friends.²⁷ Encolpius and his friends are first and foremost observers: they do not know the other guests from earlier gatherings, they have nothing or not enough in common with Trimalchio's *amici*. Nor do they fulfil their role of providing entertainment with their rhetorical talent. Here, both the intensity of the relationships as well as the social and legal status of the persons are decisive. In the case of the cluster of Trimalchio's friends, the literary composition of Petronius can be recognized. These men seem to be closely linked, whereby

²¹ Concerning Hermeros see Brown, *Character-Portrayal*, 44; Petron. 36–38; 57–59. Concerning Trimalchio's guests see Andreau, "Freedmen in the *Satyrica*", 120: "[...] Trimalchio's dinner party formed a single and unique *familia* [...]."

²² Cf. Brown, *Character-Portrayal*, 55–56; Petron. 38.7; 38.10; 38.15–16.

²³ Cf. Andreau, "Freedmen in the *Satyrica*," 120. According to the different *liberti* see Brown, *Character-Portrayal*, 57–69; Andreau, "Freedmen in the *Satyrica*," 117–119; Petron. 40.10–12; 21.2–4; 42.6–7; 43.1–2; 43.6–7; 44.15; 45.1–4; 63.1–10; 64.3–5.

²⁴ Cf. Petron. 41.9–46.

²⁵ Cf. Brown, *Character-Portrayal*, 65–69; Petron. 65–71.

²⁶ Concerning Trimalchio's plans for his funeral monument see Petron. 71.5–12; Perkins, "Naming Power," 139–162; Hope, "At Home with the Dead," 147–151; Ramsey, "Freed Slave," 73; Roth, "An(other) Epitaph for Trimalchio," 422–425.

²⁷ Cf. Petron. 33.5–8; Slater, "Reading the *Satyrica*," 23; Ramsey, "Freed Slave," 69; 81.

Encolpius and his friends were not welcomed or did not want to be integrated. The slaves who served food and drinks during the banquet were excluded from deeper interactions with the members of the other clusters because of their social and legal status. The analysis and visualization of the interpersonal relationships is necessary in order to then scrutinize and visualize the testamentary relationships and compare these forms of social relationships and interactions. In this way, Trimalchio's *mimus* and Petronius' social critique can be deciphered.

2.2 Trimalchio's testamentary relationships and his last will

2.2.1 Legal issues concerning last wills and the opening of a testament

In this paper, I intend to shed light, on the one hand, on Trimalchio's guests who come together in a bizarre *domus* enjoying an extraordinary meal. They are the audience for the opening of the host's last will. On the other hand, I also focus on testamentary relationships which means testamentary dispositions Trimalchio benefitted from as well as his own testament read out during the dinner.

First, however, it is necessary to clarify some legal issues concerning last wills in Rome. It is probable that Petronius took the *testamentum per aes et libram* as basis for all wills stated in the *Satyrical*, because it was the common form of testating in the 1st century A.D. Originally, with such a testament the testator's property was transferred to the *familiae emptor* in a symbolic act of purchase.²⁸ According to Trimalchio's will, it can be assumed that he has already completed this procedure: it was drawn up in front of five witnesses, the *libripens*, and the *familiae emptor*.²⁹ The persons mentioned in a last will (and those hoping to be

²⁸ Cf. Gai. inst. 2.103–104; 2.97–98; Babusiaux, *Römisches Erbrecht*, 142; Jakab, "Inheritance," 498. The term *familiae emptor* is difficult to translate because the tasks associated with this function have changed over time. In general, the *familiae emptor* can be understood as a kind of estate administrator or executor, i.e. an intermediate person who purchased the inheritance symbolically and then transmitted the inheritance to heirs and legatees. Originally the *libripens* (scale-holder) probably actually weighed the uncoined copper which served as a means of payment. Later, especially in the case of wills the weighing became purely symbolic and the scale-holder functioned as another witness.

²⁹ Cf. Babusiaux, *Römisches Erbrecht*, 139; Meyer, *Legitimacy and Law*, 161–162: „They [= the testator's friends who testified the last will] would add their seals to yours on whatever type of document was being constructed, showing to the world an

named) highly anticipated the moment of breaking the testament's seals and reading it out in public (or private).³⁰

There was more than one possibility to open a will and make its contents public. In this context, Trimalchio's procedure must be interpreted: for one thing, breaking the testament's seals in public, e.g. in the presence of a praetor, was not unusual. Then again, it was also possible to read out a last will at the testator's *domus*, but we have no further information on which of these variants was more common or, perhaps, more traditional. We know that it was not unusual to talk about the content of a last will before it was opened.³¹ But usually a testament was opened officially only after the testator's death. Having said this and remembering the bizarre setting of the *cena* which contradicts every norm, Trimalchio's dinner was not the appropriate occasion to open a will.³² But this episode fits perfectly into Petronius' portrayal of Trimalchio's habitus with which he criticises the excessive importance of wills in Roman society.

2.2.2 Trimalchio as heir and legatee

But before having a closer look at Trimalchio as testator, his role as heir and legatee is worth mentioning in detail. Thus, Petronius depicts him as a typical member of the Roman sub-elite who not only benefited from testamentary depositions of his fellows economically, but also socially as well as symbolically. In general, this testamentary exchange was of paramount importance for any Roman aristocrat and an integral part of aristocratic habit because it honored friendship ties.

immediate public adherence to you. [...] The *fides* of the sealers built a proud and self-satisfied rampart for a document that crumbled once those seals were broken, the *fides* leaking away through the breach." (cf. Sall. Cat. 16.2; Cic. Q. fr. 1.1.13).

³⁰ According to E. Champlin (*Final Judgments*, 64–70) only little time passes between drawing up a last will and breaking the testament's seals (cf. BGU 1655; 2244; 326; 361; P. Coll. Youtie 64; P. Oxy. 2348; 3758; Suet. Claud. 44.1; App. civ. 1.105; Tac. ann. 14.29; Dig. 36.1.63; 32.102.1). But there exist enough examples showing the contrary, see e.g. Tac. ann. 3.16.5–7; 3.76; 17.8; 18.1; Suet. Aug. 17.1; Suet. Tib. 49.1; Suet. Vita Persi 3; Val. Max. 7.7.2–4; 7.8.2–3; 7.8.6; Sen. Clem. 1.15.4 = 3.13.4; 1.15.6 = 3.13.6; Plut. Ant. 58.4–8; Cass. Dio 50.3.3–5; 51.15.7.

³¹ Cf. Champlin, *Final Judgments*, 23; Mart. 9.48.1–3; 11.67; 12.40; 12.73; Lucian. dial. mort. 19 (9).3; Cic. Att. 14.3.2; 14.5; Val. Max. 7.6.8; 7.8.5; Cic. Phil. 2.4.1.

³² Severy-Hoven, "Satyrical of Petronius," 23: "If good company and simple meal were the paragons of virtue, then Trimalchio is a debauched mess."

To begin with, I want to mention the last will of Trimalchio's *patronus* C. Pompeius who made his slave co-heir besides the emperor:

"coheredem me Caesari fecit, et accepi patrimonium laticlavium."

"I was joint residuary legatee with Caesar, and came into an estate fit for a senator."³³

To analyze this short passage in detail, I start with the emperor's roles when a Roman citizen died (Figure 3): first, the emperor can be regarded as supreme administrative officer who was responsible for the inheritance tax (*vicesima hereditatum*); second, he could receive *bona caduca* and *bona vacantia*, and third – which seems in my opinion to be the most difficult and delicate role – he could be an heir or legatee.³⁴ As this is the role in which the nameless emperor of the *Satyricon* is mentioned, it needs further explanation here. During the Roman Republic it was common for members of the aristocracy to consider their *amici* in last wills as an expression of *amicitia*. Since 27 B.C. and in spite of Augustus' *primus inter pares*-postulate, an equal status between *nobiles* and *princeps*, which was the basis for *amicitia*, did not exist any longer. Consequently, the habit of mentioning the *princeps* as heir or legatee in wills and thereby regarding him as an *amicus*, was no longer possible and rather obsolete. However, this paradox was not overcome: this tradition persisted at least during the 1st half of the 1st century A.D. This century, particularly, can be understood as a kind of transitional horizon during which traditions known from the late republic were either losing their significance and gradually given up or were given new meanings and could therefore continue in a modified form.

If the *princeps* appeared as beneficiary in such a testament he had to express self-restriction, especially if family members were disinherited or discriminated against with a smaller testamentary disposition. Otherwise, he ran the risk of appearing greedy or might even become involved in legal disputes. On the other hand, neither could the *princeps* reject the testamentary disposition completely as such a gesture would reflect badly on the testator and their *amicitia*. The

³³ Petron. 76.2; cf. Bagnani, "Trimalchio," 85–87.

³⁴ Cf. Rogers, "Roman Emperors," 140–158; Bund, "Erbrechtliche Geldquellen," 50–65; Champlin, *Final judgments*, 152, for more detailed information concerning the emperor as heir or co-heir see also Köstner, "Wenn Kaiser erben," 11–30. The term *bona caduca* refers to any thing which is left by testament to a person, but he/she does not take it for some reason. *Bona vacantia* is a legal concept associated with property that has no owner. In the imperial period, the *fiscus* collected the estates if no heir or heiress was appointed.

reciprocal interactions between *nobiles* and *princeps* thereby seem like a paradoxon within a paradoxical situation.

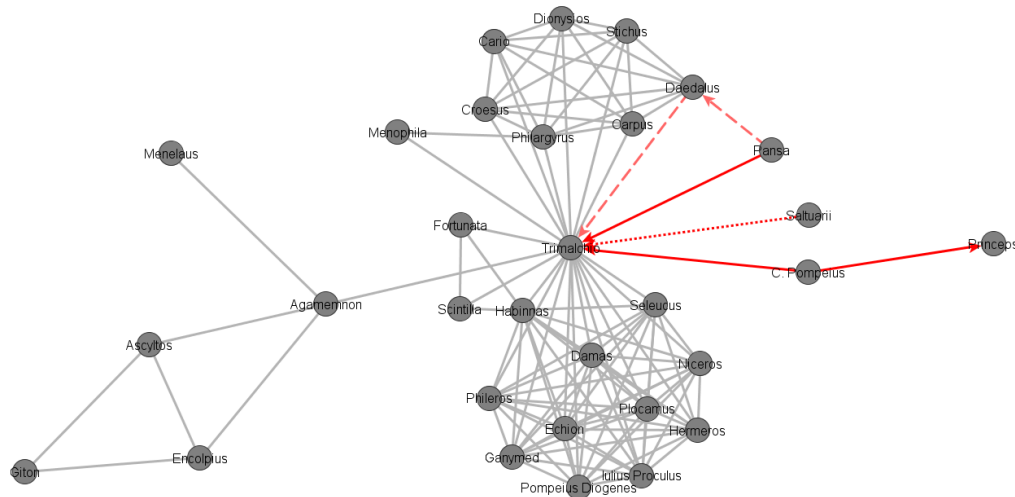


Figure 3. The nodes show the participants of Trimalchio's *cena* and the persons related to Trimalchio by testamentary dispositions. The ties visualize the interaction between the individuals, whereby 'intensity' determines them as well as the legal status of the persons which limits their scopes. Here some of the ties are marked additionally: Trimalchio's ties relating him with testators are marked in red, whereby a solid tie indicates a portion of inheritance or a legacy, a dotted tie means disinheritance, and dashed ties connect the persons involved in the same testament via the given inheritance.

In the case of C. Pompeius we can only speculate about his motivation in mentioning the emperor as his heir. But the combination of the *princeps* as heir and Pompeius' slave Trimalchio as co-heir might indicate that the testator was childless. A necessary condition to make Trimalchio his co-heir was to manumit him in his testament.³⁵ The act of *manumissio testamento* will be explained later in

³⁵ Cf. Gai. inst. 2.186: "*Sed noster servus simul et liber et heres esse iuberi debet, id est hoc modo: 'Stichus servus meus liber heresque esto', vel 'heres liberque esto'.*" – "A slave belonging to us must, however, be appointed heir and declared to be free at the same time, that is to say, in the following manner: 'Let Stichus, my slave, be free and my heir', or 'Let him be my heir and be free'." (for all passages of Gaius' *Institutiones* see Scott, Samuel P. 1932. "The Civil Law." Cincinnati: The Lawbook

detail. But the inheritance Trimalchio got from C. Pompeius formed the basis for his own property. Petronius terms the inheritance a *patrimonium laticlavium*, which indicates a considerable property, similar to a senator's fortune.³⁶

The readers and the audience of the *Satyrice* come to know that Trimalchio also benefitted from a last will written by a man called Pansa who remains unknown to us:

[Trimalchio:] "'empticius an [...] domi natus?' [Daedalus:] 'neutrum' inquit cocus 'sed testamento Pansae tibi relictus sum.'"

[Trimalchio:] "'Were you purchased or born on the estate?' [Daedalus:] 'Neither; I was left to you under Pansa's will.'"

It can be assumed that Daedalus, one of the slaves working at the *cena*, was the legacy Trimalchio was offered by Pansa because of honoring their *amicitia* within his testament. In the following episode, Trimalchio was disinherited:

"iam etiam edicta aedilium recitabantur et saltuariorum testamenta, quibus Trimalchio cum elogio exheredabatur [...]."

"We now had a further recitation of police notices, and some foresters' wills, in which Trimalchio was cut out in a codicil [...]."³⁸

Like an official gazette, a slave reports the current events on Trimalchio's estates during the dinner, as well as the obtained income and that Trimalchio was disinherited by his *saltuarii* (foresters). Martin Smith explains this passage by hypothesising that there existed a kind of prohibition which forbade the foresters from mentioning Trimalchio in their testaments.³⁹ Unfortunately, the legal status of these men remains unclear. If the *saltuarii* were slaves, they could not make a legally valid will but only an informal testament which was not legally valid at all. The *Satyrice* keeps silent about Trimalchio's reaction concerning the disinheritance. With these passages (Figure 3), Petronius creates a diverse as well as realistic portrait of Trimalchio in the role of a member of the

Exchange). Cf. Dig. 26.4.3.3; 50.16.120; Schmeling, "Commentary on the *Satyrice*", 319; Smith, *Petronii Arbitri Cena Trimalcionis*, 207.

³⁶ Cf. Tac. ann. 1.75; Sen. epist. 27.5. Gareth Schmeling (*Commentary on the Satyrice*, 319) reads the phrase *patrimonium laticlavium* quite literally as portion of the inheritance of one million sesterces. In my opinion, Petronius wanted to stress the extremely high inheritance.

³⁷ Petron. 47.12.

³⁸ Petron. 53.9–10.

³⁹ Cf. Smith, *Petronii Arbitri Cena Trimalcionis*, 144; Schmeling, *Commentary on the Satyrice*, 219; Plin. epist. 8.16.1–2.

Roman sub-elite. The grey nodes and ties that can be read from the text show testators, heirs, legataries and their connections to bequests. The testators – except Trimalchio – are of course not part of the *cena*, but they are indirectly present through the reference to their wills. This can be understood as a glimpse into Trimalchio's past. Inheritance and legacies work as a reward for *amicitia*- and *familia*-relationships that existed in the past between Trimalchio and C. Pompeius respectively Pansa. The relationship between Trimalchio and the *saltuarii* was terminated by these through the disinheritance.

2.2.3 Trimalchio's testament

"(1) [...] 'amici', inquit 'et servi homines sunt et aequae unum lactem biberunt, etiam si illos malus fatus oppresserit. tamen me salvo cito aquam liberam gustabunt. ad summam, omnes illos in testamento meo manu mitto. (2) Philargyro etiam fundum lego et contubernalem suam, Carioni quoque insulam et vicesimam et lectum stratum. (3) nam Fortunatam meam heredem facio, et commendo illam omnibus amicis meis. et haec ideo omnia publico, ut familia mea iam nunc sic me amet tamquam mortuum'."

"(1) [...] 'Ah, my friends, a slave is a man and drank his mother's milk like ourselves, even if cruel fate has trodden him down. Yes, and if I live they shall soon taste the water of freedom. (2) In fact I am setting them all free in my will. I am leaving a property and his good woman to Philargyrus as well, and to Cario a block of buildings, and his manumission fees, and a bed and bedding. (3) I am making Fortunata my heir, and I recommend her to all my friends. I am making all this known so that my slaves may love me now as if I were dead'."

Trimalchio reads out his last will between acrobatic performances and exquisite food – a festive atmosphere which was neither the norm nor appropriate for such an occasion. He introduces his testamentary dispositions by awarding slaves – or at least his own slaves – the distinction of being seen as human (*et servi homines sunt*). Thus, he explains himself their *manumissio testamento*. Ulrike Roth regards these actions as "staged enactments of freedom".⁴¹ Indeed, Trimalchio announced his intention to free all his slaves – *ad summam, omnes illos in testamento meo manu mitto* –, but this was in fact no longer possible since a law prohibiting this, the *lex Fufia Caninia*, was established

⁴⁰ Petron. 71.1–3. In § 3 the Latin term *familia* is translated with "slaves" which does not fit well and therefore I would suggest "family" or "those close to" the *pater familias*. E.g. the translation of the *Satyrica* by Bracht Branham and Kinney ("Satyrica") uses the term "household"; cf. Smith, *Petronii Arbitri Cena Trimalcionis*, 195; Schmeling, *Commentary on the Satyrica*, 291–292.

⁴¹ Roth "Liberating the *Cena*", 615; cf. Roth, "Liberating the *Cena*", 616.

in 2 B.C.⁴² This law intended to prevent a too liberal handling of testamentary manumissions.⁴³ On the one hand, the slaves being freed should be mentioned by name in the testament. On the other hand, only a fixed number of slaves could be freed. If a *patronus* owned between eleven and 30 slaves, he would be allowed to free one third; if he owned between 31 and 100 slaves, he would be allowed to free one quarter.⁴⁴ Due to the imprecise numbers of slaves available from the text, it is not possible to determine the exact number of slaves Trimalchio possessed. What can be observed, however, is that eight slaves were working during the banquet. We know of two others: one is Menophila and another one who reported on the news of Trimalchio's estate (*villa*). The latter also mentioned several *saltuarii*, who may also have been slaves. Probably there were other slaves working on Trimalchio's estate. Probably, Trimalchio owned between eleven and 30 slaves. According to the *lex Fufia Caninia*, he was allowed to release a maximum of three slaves, which he did. It can be assumed that Petronius was sufficiently well informed in legal matters to pay attention to such details. Therefore, these manumissions remained within the legal framework.

Trimalchio manumitted Philargyrus and Cario, and maybe also Menophila who was not present at the *cena* (Figure 4). Additionally, Philargyrus received a plot of land and – as already mentioned – his lover and consort Menophila. From the text it cannot be determined with absolute certainty whether Menophila was released or whether she was given as a slave to Philargyrus. Cario got an *insula*, a bed, and the *vicesima*. This term refers to the five-percent-tax which had to be paid since republican times and which was reformed and introduced again by Augustus in order to aliment the newly created *aerarium militare*.⁴⁵ The tax amount depended on the slave's value at the moment of purchase. Usually, the person to be freed had to pay for it, except in those cases where the will included further regulations in a last will – like in Cario's case.⁴⁶ Unfortunately, we do not have further information about the *vicesima* that Philargyrus and Menophila had

⁴² Concerning the dating of the *lex Fufia Caninia* with the help of the eponymous consuls C. Fufius Geminus and L. Caninius Gallus see CIL 6.36809.

⁴³ Cf. Gai. inst. 1.44; 2.239; Sirks, "Lex Fufia Caninia," 549–550.

⁴⁴ Cf. Gai. inst. 1.42–45; Yavetz, *Kaiser Augustus*, 233–235; Sirks, "Lex Fufia Caninia," 549–551. The intention of *lex Fufia Caninia* was to avoid many slaves being manumitted by testament because this may have caused negative and far-reaching consequences for the testator's *familia*.

⁴⁵ Cf. Liv. 7.16.7; 27.10.11; Caes. civ. 1.14.1; Cic. Att. 7.21.2; App. civ. 2.41; Cass. Dio 55.25.

⁴⁶ Cf. Smith, *Petronii Arbitri Cena Trimalcionis*, 195; Müller and Ehlers, *Schelmenroman*, 517; Schmeling, *Commentary on the Satyricon*, 291–292; Ramsey, "Freed Slave," 73. Usually, the tax on testamentary manumissions had to be paid by the person concerned.

to pay. Trimalchio's interaction with his slaves displays him as as generous *patronus* and testator. It is his aim to create a positive *existimatio*.

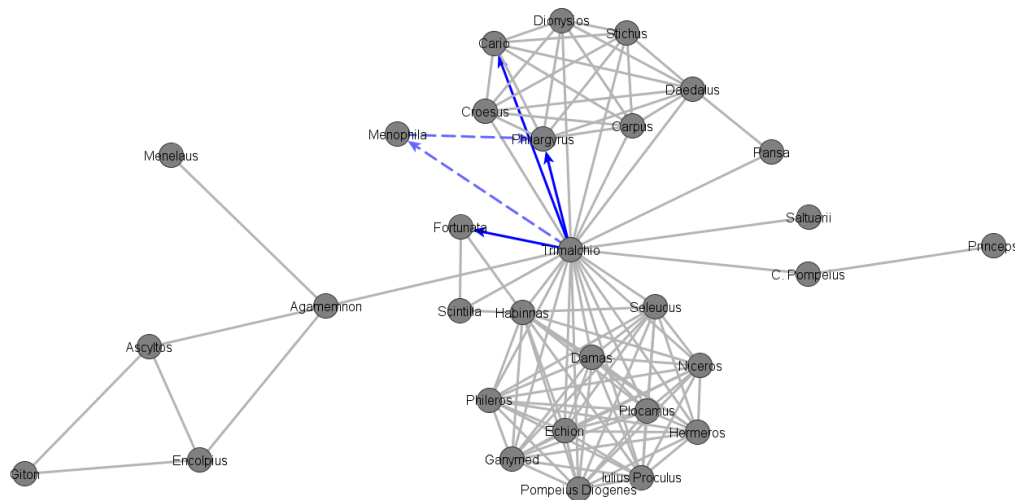


Figure 4. The nodes show the participants of Trimalchio's *cena* and the persons related to Trimalchio by testamentary dispositions. The ties visualize the interaction between the individuals, whereby 'intensity' determines them as well as the legal status of the persons which limits their scopes. Here some of the ties are marked additionally: Trimalchio's ties as testator relate him with heirs and legatees are marked in blue, whereby a solid tie indicates a portion of inheritance or a legacy. Dashed ties connect the persons involved in the same testament via the given inheritance.

Besides his slaves, Trimalchio also bequeaths his wife Fortunata, who is instated as the principal heiress of his property. Since usually the testator's children were preferred as heirs, we may assume that the couple had remained childless. Taking possession of the estate after the death of the testator, the heir or heiress had to fulfill several duties: he or she was responsible for the dispensation of the portions of inheritance and legacies. If there existed a testamentary disposition to this effect, the heir or heiress had to pay the *vicesima*. Additionally, the costs for the funeral monument and commemorative ceremonies had to be covered.⁴⁷ Moreover, Fortunata would become *sui iuris* after Trimalchio's death, that is: she became legally independent.

⁴⁷ Cf. Petron. 71.8–9.

According to the text and graph (Figure 4), Trimalchio's guests were not considered in his will. This is not surprising for Encolpius and his friends, as their relationship with the host was rather superficial. But Trimalchio did not consider those whom he seemed to have known for many years, who had a similar biographical background and shared common values. Petronius draws Trimalchio as a man who deviates from social customs. Instead, besides his wife, some of his slaves are considered in his testament, i.e. they receive legacies and are manumitted. In the graph it can be quickly recognized what is not so easily practicable in the text: i. e. that testamentary and social connections are not always congruent. And this is the starting point for Petronius' *mimus* with Trimalchio as the main character.

But why does Trimalchio read out his last will at this moment at all? Afterwards, he stressed his intention to live on for another 30 years.⁴⁸ He answers this question himself: he wants to gain all the sympathy, love, and appreciation that is the result of his testamentary dispositions now and not after his death. Additionally, he intends to assure himself of the favors of his friends and family.⁴⁹ This was usually closely associated with the testator's intention to benefit from gifts and services given by the persons mentioned in a testament. Petronius takes the testamentary gift exchange *ad absurdum* and in this way criticizes the habitus of the testators, heirs and legatees, who already want to receive the appreciation that should actually be bestowed upon them after death or who greedily wait for the legacies probably intended for them. Trimalchio was not an exception in that he behaved as a typical member of the Roman elite. Actually, the testator had to choose the appropriate heir or heiress who could be his ideal successor as head of the family. But it should not be neglected that a testator was also interested in creating a positive image of himself (*existimatio*). On the one hand, for heirs, heiresses, and legatees, a last will was regarded as expression of *amicitia* and offered the opportunity to benefit in economic and social terms. On the other hand, to be mentioned in a last will was always related to uncertainty, because the testator could withdraw, disinherit, and change every single element of his testament before dying.⁵⁰

⁴⁸ Cf. Petron. 77.2: "[...] et — quid vobis non dixerim — etiam nunc mi restare vitae annos triginta et menses quattuor et dies duos. [...]" — "[...] though I must not tell you this, that even now I had thirty years four months and two days left to live."

⁴⁹ Cf. Perkins, "Naming Power," 158–159; Hope, "At Home with the Dead," 143: "Trimalchio wins favor, and hopes to gain continued good service from his household, by reading his will, but he would have many opportunities to change his mind if he were to live the further 30 years predicted by the stars."

⁵⁰ Cf. Mart. 5.39; 12.37; Plin. epist. 2.20.10–11; 8.18.3; Tac. ann. 15.54.

3 Everything just fake news? Trimalchio's shifting interaction between seeming and being

It seems that Trimalchio had made a massive mistake which made his will legally invalid, viz. the wrong order in which the heirs are appointed (*institutio heredis*). A Roman last will always began with the nomination of the heirs, with legatees, manumissions, and further dispositions following.⁵¹ This was crucial because an inheritance was considered as a *successio in universum ius* and hence the heir was responsible for distributing the estate towards co-heirs and legatees, manumitting slaves, and implementing further dispositions.⁵² Did Petronius not have any adequate knowledge about the regulations of the law of succession? Did he not know anything about the importance of a legally correct *institutio heredis*? If Petronius, who authored the *Satyrica*, was identical with the senator mentioned in Tacitus' *Annals*, then he would have known about the importance of the correct nomination of heirs even if he was not a lawyer. Do we have to consider the possibility of inaccuracy due to the literary composition Petronius created? I do not think so. The inclusion of said 'mistake' was Petronius' conscious decision, because the shifting interaction between fact and fake, between authenticity and illusion is of vital importance for the *Satyrica* and Trimalchio embodies it! This can be illustrated with the following passage and the graph (Figure 5):

⁵¹ Gai. inst. 2.117: "*Sollemnis autem institutio haec est: 'Titus heres esto'; sed et illa iam conprobata uidetur: 'Titium heredem esse iubeo'; at illa non est conprobata: 'Titium heredem esse volo'; sed et illae a plerisque inprobatae sunt: 'Titium heredem instituto', item: 'heredem facio'.*" – "The regular appointment of an heir is as follows: 'Let Titius be my heir.' The following form at present seems to be approved, namely: 'I order that Titius be my heir.' This one, however, 'I desire Titius to be my heir' is not recognized as correct; and the following expressions, 'I appoint Titius my heir', and 'I make Titius my heir', are not admitted as valid by the greater number of authorities." Concerning the absolute compliance with the legal formalities according to the *institutio heredis* see Gai. inst. 2.116; Dig. 28.1.4; 28.5.32pr.; 28.5.34. For further information concerning the *institutio heredis* see Dig. 20.2.53.1; 28.5.67; 42.5.31pr.–2; 42.6.1.1; 50.16.138; 50.16.142; 50.17.7; 50.17.62; Gai. 2.206; 2.111; 2.158; 2.163; 2.167; 3.36; 3.78; 4.34. Concerning the testament's legal ineffectiveness and abrogation, see Gai. inst. 2.145; Dig. 28.1.12; 28.5.9,13; 28.5.79pr.; 49.15.5.1; 49.15.22pr. The heir or heiress was not permitted to be witness of the *institutio heredis* simultaneously (cf. Dig. 28.1.20pr.)

⁵² Dig. 50.17.62: "*Hereditas nihil aliud est, quam successio in universum ius quod defunctus habuerit.*" – "Inheritance is nothing more than succession to every right enjoyed by the deceased." Cf. Gai. inst. 1.157; 1.176; 1.185; 1.189–190; 1.194; 2.153–155; 2.157–158; 2.162–163; 2.185–186; 3.154; 4.112; Dig. 28.5.31; 28.5.60pr.; 29.2.6pr.–1; 29.2.53.1; 41.1.19; Stern, "Testamentary Phenomenon," 413–428; Babusiaux, *Römisches Erbrecht*, 85; Hartmann, *Ordnung in Unordnung*, 127–129.

“gratias agere omnes indulgentiae coeperant domini, cum ille oblitus nugarum exemplar testamenti iussit afferri et totum a primo ad ultimum ingemescente familia recitavit.”

“They all began to thank their master for his kindness, when he turned serious, and had a copy of the will brought in, which he read aloud from beginning to end, while the slaves moaned and groaned.”⁵³

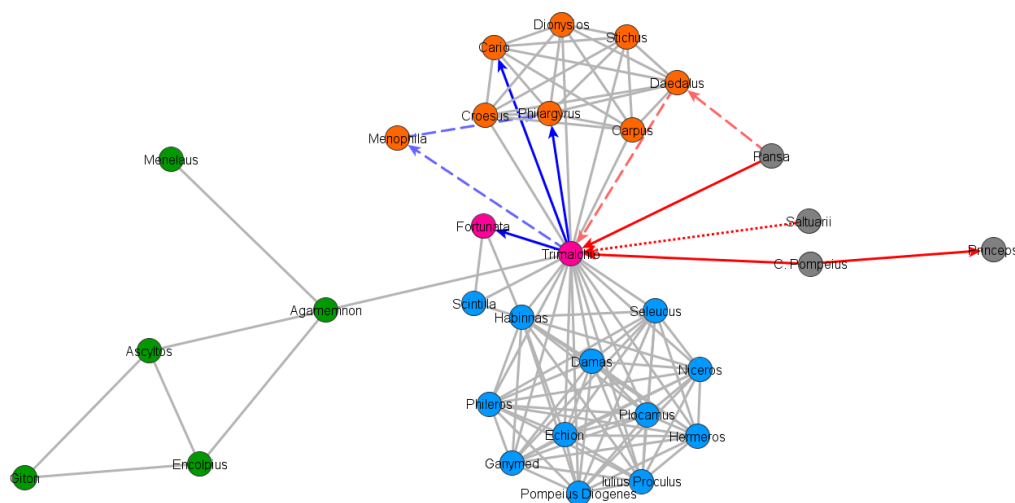


Figure 5. This graph combines information given in the previous graphs: The nodes show the participants of Trimalchio’s *cena* and the persons related to Trimalchio by testamentary dispositions. The different colors display their social or legal status (*servi*, *liberti*, or *cives*) and the quality of their relationship to Trimalchio (family members in pink, slaves in orange, friends in light blue, external guests in green, and persons mentioned during the *cena* in relation with testamentary dispositions but not yet present in grey). The ties visualize the interaction between the individuals, whereby ‘intensity’ determines them as well as the legal status of the persons which limits their scopes. Here some of the ties are marked additionally: Trimalchio’s ties as testator relate him with heirs and legatees are marked in dark blue, whereby a solid tie indicates a portion of inheritance or a legacy, and dashed ties connect the persons involved in the same testament via the given inheritance. Trimalchio’s ties relating him with testators are marked in red, whereby a solid tie indicates a portion of inheritance or a legacy, a dotted tie means disinheritance and dashed ties connect the persons involved in the same testament via the given inheritance.

⁵³ Petron. 71.4.

What did Petronius intend with Trimalchio's *mimus*? It is not possible to decide with any certainty whether or not the last will which Trimalchio read out afterwards was identical with the one he presented right off the bat. The beginning of the paragraph is of interest: those who were present – *omnes* – voice their *gratia* quite emotionally. Did they not notice that this testament was not legally binding at all? Lastly, even if they assume – just for one moment – that the last will was actually legally valid, who really had any reason to express deep gratitude towards Trimalchio? Usually, the testator had to mention *amici* and *familia* in his testament and in this context, he had to find the right balance between these groups. Concerning the *amici*, these men accompanied him throughout his life: they shared a broad base of common values (*morum similitudo*) and supported each other in various fields (e.g. financial or legal assistance). Their friendship had to be appreciated ultimately in the testator's last will. Anyway as the graph shows, Trimalchio's friends, who were present during the *cena*, did not get anything.⁵⁴ Their mutual friendship was not represented or acknowledged in his last will, although such a habit was regarded as societal norm in Roman society. Moreover, it was rather hard for Habinnas, the stonemason: Trimalchio asked him to build his funeral monument. Usually, if somebody met such demands, he would get a legacy as expression of gratitude. The graph also shows that Trimalchio benefited from the inheritance of his *patronus* and a legacy of his friend Pansa, but did not himself keep up these practices. Finally, only Fortunata and the slaves being freed would have had any reason to express their gratitude towards Trimalchio, if his testament was legally valid! Beside his wife he considered some of his slaves in the will.

The graph shows, based on the text, that Trimalchio turned away from his own social group of *liberti*. However, the graph allows a rapid grasp of the different clusters into which the guests can be divided according to the intensity of their interactions and their social and legal status. Those who, according to social norms, could have hoped for an inheritance or a legacy, i.e. the *amici*, were left empty-handed. Trimalchio made his wife the main heiress and some of his slaves got legacies. This would represent a rejection of the social norms that were supposed to create cohesion. In fact, social interactions (e.g. financial and legal support, recovery and congratulations) should coincide with testamentary interactions. But this is not the case in the *cena Trimalchionis* and the graphs show it. Through this imbalance Petronius exercises social criticism. Petronius leaves the readership in the dark about Trimalchio's testament and its validity. All participants of the *cena* – guests and friends, wife and slaves – were part of a

⁵⁴ Concerning *amici* as a burden in conjunction with last wills see Köstner, "Ein gefundenes Fressen," 191–221.

bizarre *mimus* which is deliberately shifting between seeming and being, and that includes exuberant and joyful expressions of thanks.

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