
Law, Magic, and Culture in the "Apologia" of Apuleius

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IN A.D. 158 at Tripolitanian Sabratha in Africa Proconsularis, Apuleius of Madauros, the author of the *Golden Ass*, was tried before the proconsul Claudius Maximus for having allegedly practised magic in order to bewitch and entice into marriage a wealthy, fortyish widow named Pudentilla. His accuser was Sicinius Aemilianus, a brother of Pudentilla's first husband, who was determined to keep control of Pudentilla's substantial fortune—acquired in large part from the dead brother and his father—within the family of the Sicinii. The outcome of the trial is unknown. But Apuleius defended himself with a speech whose rhetorical and stylistic brilliance has convinced most of its readers that he must have been acquitted. The speech, the *Apologia*, trivialises and demolishes the allegations so completely that the issue, it seems, cannot be in doubt: the rationality of law and the legal process must, surely, have prevailed over the irrationality of magic and the essential absurdity of the charges.¹

It is with the interplay between legal rationality and magical irrationality that I am chiefly concerned in this essay, particularly as it applies to the administration of Roman justice. On its surface the *Apologia* evinces a stable and secure world, the world of a monolithic Roman Empire where the impartial rule of Roman law is everywhere unquestionable. But beneath the surface a different image of Roman imperial society can, I think, be glimpsed, one that is less positive and less confident, but also one that is more historically accurate. To bring that image to life, I explore here the contextual framework of Apuleius' trial from three points of view, the legal, especially in its physical setting, the magical, and the intellectual. My implicit general objective is to illustrate the importance of the *Apologia* as a document of social and cultural history.²

First, to reconstitute the physical circumstances in which Apuleius' trial took place is to learn something of the impact of Roman law on a remote provincial community, as also to capture something of the immediate, and intensely agonistic, character of the trial situation.

In the middle of the second century, Sabratha was not a site of great distinction. A North African port city that had come over the previous century to reflect

¹The date of the trial depends on the date of Claudius Maximus' proconsulate, A.D. 158/9, for which see Guey 1951; Syme 1959; cf. Syme 1965: 352; Barnes 1971: 271. Amarelli 1988: 129 maintains an older date of 160, and Fick 1991: 14 a date of 161, both overlooking the chief prosopographical studies concerned. Guey 1951 suggests that the trial took place in the winter of 158/9, Birley 1987: 263 the autumn of 158. For expressions of the view that Apuleius was acquitted, see the summary in Hijmans 1994: 1714–1715, to which add Graf 1994: 79: "qui se défendit lui-même, évidemment avec succès"; Zanker 1995: 234: "declared . . . not guilty."

²For an earlier but differently oriented demonstration of the historical value of the *Apologia*, see Pavis d'Escurac 1974.

its growing commercial prosperity in the construction of a complex of public buildings, so that with its forum, temples, and senate house it had very much the disciplined, almost anonymous appearance of any successful western Roman city. Sabratha was, nonetheless, a community of perhaps only 30,000 or so inhabitants—a population that would not even fill the Colosseum at Rome—and little more than a provincial backwater. Even in Tripolitania it was a far less imposing community than Lepcis Magna to the east. The finest of its public buildings, the grand theatre which among its decorations contained a prominent relief representing the concordant union of Sabratha and Rome, was yet to be built.³

Sabratha, however, was important enough to serve as an assize centre, a place where the Roman provincial governor appeared from time to time to render judgements in legal cases brought to him by local and neighbouring petitioners. The residents of Sabratha knew that the dispensation of Roman justice was associated with one of their public buildings in particular, a large rectangular basilica surrounded by colonnades that lay immediately off the forum to the south and that measured precisely 48.5 metres along its east-west axis and 26 metres north to south. As visitors crossed the main entrance of this impressive hall, their eyes automatically fell on a sequence of rooms on the opposite side, the chief element of which was an area some eleven metres square marked by an apse on its southern side. Here there was a tribunal, a raised platform of the sort from which Roman magistrates and other officials traditionally administered justice, a symbol of the law and order on which Rome's empire had been built and by which it was now being maintained.⁴

Roman law shaped and conditioned the daily lives of the local population in numerous ways, as the *Apologia* itself well illustrates. At a late stage of the speech

³ For the archaeology of Sabratha, see Kenrick 1986; cf. Mattingly 1995: 125–127. Almost anonymous: note Ward-Perkins 1981: 380 on the theatre of Sabratha: “not in any way unusual.” Population: I estimate from the rough calculation of 28,000+ for the population of Oea in the second half of the second century given by Duncan-Jones 1974: 273, assuming that the towns were of roughly comparable size; Oea may in fact have been the bigger of the two: see Mattingly 1995: 122. Colosseum: see Richardson 1992: 10: “no more than 45,000 spectators could be accommodated by the Colosseum” (cf. Richardson 1992: 87: the Circus Maximus could accommodate perhaps 250,000). Duncan-Jones 1974: 266 refers to Oea, and by implication to Sabratha and Lepcis, as “a major city,” but this is only relatively true; cf. Kenrick 1985: 11: “this never great, but certainly once prosperous, town” (of Sabratha). For the prosperity of Sabratha, marked by municipal building, in the era of Antoninus Pius, see Duncan-Jones 1990: 63–67. Note the description of Tripolitania given by Cary 1949: 220: “half-isolated from the world around.” Concordant union: see Kleiner 1992: 344–355, with references.

⁴ On the Roman assize system, see Burton 1975, with the remark (96) that there “should be little doubt that Sabratha was a judicial centre for all or part of Tripolitania”; cf. the description of procedures before the Prefect of Egypt given by Lewis 1983: 189–194. Basilica and tribunal: see Kenrick 1986: 68–80. Apuleius refers to the tribunal at *Apol.* 85.2 and 99.1 (cf. 52.3). On the architectural significance of the apse in general, see Wallace-Hadrill 1994: 23: “The apse with its semicupola serves to frame the visual centerpiece of certain types of public room, notably ... the tribunal of a basilica.”

(88.3), explaining why he and Pudentilla had married in the country, not the city, Apuleius points out that the Augustan *lex Julia de maritandis ordinibus* did not specify precisely where marriages were to take place, a point that is surely meant ironically or sarcastically. Yet the mere mention of the law reveals how in ordinary social intercourse the lives of citizens on the fringes of empire were quietly regulated by legal directives or conventions that came from the centre. The same is true of allusions Apuleius makes to the appointment of a *tutor* for a minor child whose father has died (68.6), to the official registration of the birth of a newly born child (89.2), to the designation of a guardian for a woman (101.6). The long-term corollary was the enrichment of the Roman ruling class by elite provincials who had fully assimilated the culture of Rome the law represented, a well documented process illustrated here by the consulship in the mid 160s of L. Aemilius Frontinus, who was probably a kinsman of Pudentilla, and the achievement of senatorial status by a scion of the Sicinii, Q. Sicinius Clarus Pontianus, who is attested as governor of Thrace in the early third century. When the Roman governor, however, wearing official dress and accompanied by a retinue of advisers, his very presence connoting dignity and power, from time to time took his seat on the tribunal in the basilica at Sabratha, Roman law was not so much a quiet influence as a living reality, visible and audible—though not too audible. This is how Apuleius (*Flor.* 9.11–12) evokes the magisterial presence in another work, comparing the modulated voice of the dignitary with the racket made by his strutting herald:

The proconsul . . . speaks quietly and with frequent pauses, sits while he speaks, and often reads from a written document. This is only natural. For the garrulous voice of the crier is the voice of a hired servant, the words read by the proconsul from a written document constitute a judgement, which, once read, may not have one letter added to it or taken away, but so soon as it is delivered, is set down in the provincial records.⁵

Within sight of the sea, and with the commotion of the forum in the background, it was from the tribunal in the basilica at Sabratha, in all probability, that Claudius Maximus tried Apuleius. The process was straightforward. Sicinius Aemilianus brought charges against Apuleius, including at first an accusation of murder, though this was quickly dropped. Four or five days later, however, Aemilianus proceeded with an indictment of magic, which he laid in the name of his nephew, Sicinius Pudens, Pudentilla's younger son, and he drew on the services of an advocate, Tannonius Pudens, to plead his case before the proconsul.

⁵ *enimvero proconsul ipse moderata voce rareret et sedens loquitur et plerumque de tabella legit, quippe praeconis uox garrula ministerium est, proconsulis autem tabella sententia est, quae semel lecta neque augeri littera una neque autem minui potest, sed utcumque recitata est, ita provinciae instrumento refertur.* For Roman private law in the *Apologia* in general, see Norden 1912. Allusions: cf. Norden 1912: 132, 126–127, 114, 138, and Amarelli 1988: 136–144. On L. Aemilius Frontinus and Q. Sicinius Clarus Pontianus, see Guey 1954; Corbier 1982: 694, 727–728. Retinue: for the proconsul of Macedonia with six friends and their slaves, a party of well over twenty, visiting Samothrace in 165, see Harris 1992. Reality: cf. *Apul. Met.* 3.2: *iamque sublimo suggestu magistratibus residentibus, iam praecone publico silentium clamante . . .*; 3.11: *ecce ilico etiam ipsi magistratus cum suis insignibus . . .*

Apuleius, who can have had only a few days in which to prepare, spoke in his own defence. His evidence creates the impression that the case was brought on hurriedly, that it was almost irresponsibly contrived. Neither he nor Aemilianus were residents of Sabratha, but of the third Tripolitanian city, Oea, also a small centre, from where Apuleius had travelled precisely because of Claudius Maximus' impending arrival in the assize centre where he was to represent his wife in another legal matter. Aemilianus was there probably as a result of this case too, but he seems to have seized the opportunity to attack Apuleius instead. Yet despite this impression of haste, Apuleius' defence implies that the case was heard dispassionately and with all the rationality to be expected in a local community where the rule of Roman law, in its splendid Roman architectural setting, was so ideologically important.⁶

In principle, Roman law was available to all Rome's provincial citizens. Implementation of the law, however, was erratic and depended on such variables as the vagaries of travel and the human inclinations of Roman officials. The governor had virtually unlimited powers within the confines of his province: he could confer honours and influence upon individuals and communities, allot material rewards and benefits, promote the ambitions of the prominent eager to advance their careers within the wider Roman world, control access to the emperor. Attended by a retinue large enough to provide safety for the individual traveller on the dangerous roads of the Roman empire, his arrival in an outpost such as Sabratha was a momentous event for which preparations could not be too carefully made. He was expected to avoid financially overburdening his province, but accommodation, food, transportation, everything that the governor and the members of his entourage might require, his wife included, had to be provided by local communities, and if special favours were hoped for local responsibilities could not be neglected. In accordance with the principle of equity, the governor's court was to be accessible to petitioners of all social ranks. Yet the governor was under no obligation to hear all the cases that local citizens wished to present to him, and petitioners were well aware that he was open to influence. Negotiating a path to the governor's tribunal was thus a tension-laden affair, very different in reality from the prosaic rules of Roman provincial administration considered in the abstract. Sicinius Aemilianus was able to negotiate successfully, and in doing so he initiated a dramatic contest that was not motivated by the pursuit of wealth alone.⁷

⁶ See *Apol.* 1–2. Tannonius Pudens is first introduced at 4.2. On Oea, see Mattingly 1995: 122–125 and cf. above, n. 3.

⁷ On the powers and responsibilities of the proconsul, see *Dig.* 1.16; 1.18 with Sherwin-White 1963: 1–23, and Kolendo 1982. Dangerous roads: *Epict.* 4.1.91. Wife: Claudius Maximus' wife, who may have been with him, was named Secunda; Raepsaet-Charlier 1987: no. 691. Preparations: see the detailed list of materials required of local individuals in the mid-second century for the visit of the Prefect of Egypt in *P.Lond.* I 159; cf. Mitchell 1976: 127–128; Mitchell 1993: 1.64–67. Observe the reference to requisition at *Apul. Met.* 9.39.

At the root of the issue of course was a struggle for Pudentilla's riches, the real reason, Apuleius' enemies contended, why magic had been practised. Pudentilla's fortune is alluded to frequently in the *Apologia*, as when Apuleius refers (93.3–5) to the farmlands, the house, the crops, the livestock, and the four hundred slaves—just a portion of Pudentilla's property—that he had at one stage persuaded his wife to make over to her sons, to show to all concerned that he was not a fortune-hunter. In the archaeological record, a surprisingly large number of olive presses is in evidence in Tripolitania, a firm indication of the economic centrality of olive production in the region, which supported an export trade in olive oil for which the coastal cities of Sabratha, Oea, and Lepcis served as distribution points to overseas markets. The rural hinterlands (*territoria*) of Oea and Lepcis extended across the fertile coastal plains into the Gebel to the southwest, where in fact there were riches for the taking, as border disputes between the cities suggest. Apuleius' reference to the oil that Pudentilla's farms produced—and so by implication the wheat, barley, and wine as well—is thus confirmed. Typical of the local Tripolitanian elites, Pudentilla was the very direct beneficiary of massive economic prosperity and exploitation.⁸

Yet economic factors aside, the charges of magic were important in their own right and far more threatening to Apuleius personally than the surface tenor of his speech suggests. Roman law recognised that magical power, like the powers of the gods at large, of which magic was just one expression, could be used to either human advantage or disadvantage. The harm of magic was to be resisted, and since the Twelve Tables law had been used to suppress antisocial magical practices and their practitioners. Magicians were “enemies of the Roman order,” subject to capital penalties upon conviction. For Apuleius, a figure of some eminence, not execution at least but exile and stigmatic loss of status were to be faced if Claudius Maximus found himself convinced by the claims of Sicinius Aemilianus. Much was at stake, therefore, from the moment Maximus agreed to entertain the accusations against him. This was not an occasion for mere epideictic oratory.⁹

Secondly, to contextualise the specific claims against Apuleius is to heighten the sense of the tension-laden and the dramatic, and also to bring out the element of the irrational, as the all-pervasiveness of magical belief and practice in Roman

⁸Border disputes: Tac. *Hist.* 4.50. On olive production and other economic matters in Tripolitania, see Mattingly 1985; Mattingly 1988; Mattingly 1995: 138–159. On Pudentilla, see Fick 1992; Gutsfeld 1992: 252–256 (on the economic profile especially); Fantham 1996.

⁹For the Roman law on magic, see the still useful survey in Pharr 1932; cf. Garnsey 1970: 109–111. On the absence of a comprehensive legal ban, see Phillips 1991. Observe, however, the letter (P. Yale inv. 299) of a late second century Prefect of Egypt sent to district governors with instructions to suppress divination; Parássoglou 1976, with Rea 1977. Magicians: see MacMullen 1966a: 95–127. Exile: see Dig. 48.8.3, the penalty of deportation for *honestiores* under the *lex Cornelia de sicariis et veneficiis*; cf. *Apol.* 26.9, 100.9 for the capital nature of the charges (and see August. *De civ. D.* 8.19, mention of the death penalty). For the seriousness of the threat to Apuleius, cf. Barnes 1971: 212; Amarelli 1988: 135.

society is seen. In this essay I have scope to investigate one charge only, but for the purpose at hand it is enough.

The first allegation against Apuleius was that he had procured from some fishermen certain types of fish which he used to manufacture love-charms in order to induce Pudentilla to fall in love with him. The charge sounds preposterous, and Apuleius was determined to prove to his audience in the basilica at Sabratha that it was. He does not deny purchasing fish; that was a matter of fact. But he has a logical explanation of his actions that demonstrates beyond doubt, it seems, the absence of any sinister or socially harmful conduct or even motive on his part. First, while there is evidence in poets such as Virgil, whom Apuleius incidentally can quote, that magical charms are associated with the world of the erotic, fish are not a raw material from which love-charms are made. Indeed, there is no association between fish and the practice of magic at all. Secondly, as a philosopher following in the footsteps of Aristotle, Plato, Theophrastus, and others, Apuleius has a scholarly interest in natural history, and he has composed books on the history and classification of fish, in both Greek and Latin, extracts from which he can have read in court. His interests are purely scientific, and he claims to have been the first to translate from Greek into Latin the names of certain species. Thirdly, his scientific interest is not merely academic but has a practical end in view, the discovery of medicinal properties in fish that will be of benefit to humanity at large (29–41).¹⁰

Apuleius, then, has an impeccable defence: he is an altruistic scientist, not a threat to society; he has simply been misunderstood. But an impeccable defence is not necessarily the truth. Apuleius' admission that love-charms are the common stock of poets opens up, in fact, a whole set of associations between magic and the erotic that extend from the heights of great poetry to the depths of the binding-spells that men and women inscribed on lead tablets and carefully buried in the earth as a way of accommodating their erotic desires. A product of high culture such as Horace's Priapic satire (*Sat.* 1.8) on the witches of the Esquiline, who "work on the minds of men with magic songs and potions," may not demand to be read as a mirror of social reality. But it is rather different with a text of the following sort, a spell from third-century Hadrumentum (not too far removed from Tripolitania) that has no pretence to anything but the literal. Domitiana speaks:

I invoke you, the great god, eternal and more than eternal, almighty and exalted above the exalted ones. I invoke you, who created the heaven and the sea. I invoke you, who set aside the righteous, to bring Urbanus, to whom Urbana gave birth, and unite him with Domitiana, to whom Candida gave birth, loving, tormented, and sleepless with desire and

¹⁰ On this charge generally, see Abt 1908: 135–231; Norden 1912: 37–38; Graf 1994: 87–92. Preposterous: note the comment of Hijmans 1994: 1764 on *Apol.* 29: "The passage oozes scorn." For the denial of association, see *Apol.* 31.1: *enimvero piscis ad quam rem facit captus nisi ad epulas coctus? ceterum ad magian nihil quicquam videtur mihi adiutare*; 32.1: *Dixi, cur non arbitrer quicquam negotii esse magis et piscibus*.

love for her, so that he may take her into his house as his wife . . . I invoke you, great, everlasting and almighty god, whom the heavens and the valleys fear throughout the whole earth . . . unite them in marriage and as spouses for all the time of their lives. Make him as her obedient slave, so that he will desire no other woman or maiden apart from Domitiana alone and will keep her as his spouse for all the time of their lives. Now, now! Quickly, quickly!¹¹

It is from the evidence of spells like this, or from finger-ring charms, or from random statements in literary sources, such as that "arrows drawn out of a body and not allowed to touch the ground act as a love-charm upon those under whom when in bed they have been placed" (Pliny *NH* 28.34), that the ubiquity of magical belief and practice in the Roman empire, especially in the domain of the erotic, is revealed. Magic for many was a coping mechanism, a way of dealing with ordinary human anxieties and emotions that has left its traces everywhere. From infancy all through their lives, people in antiquity wore amulets, for example, to give protection against or cures for all manner of ailments, which means that everyone in the ordinary round of daily life was constantly being bombarded with visual reminders of the constant presence in their midst of magical forces. Even the highly intelligent and rational doctor Soranus (*Gyn.* 3.42), not far removed in time from Apuleius, conceded that amulets were useful as placebos. Belief in the efficacy of magic was strong, and even if misfortune prevailed, belief did not necessarily waver: it was not the system that was at fault but the practitioner, who must have erred in the conduct of the rites. Where medicine was concerned, the dividing line between the rational and the irrational was very narrow, and Apuleius, despite, or rather because of, his scholarly knowledge, knew this himself. He must also have known that amulets were worn for erotic purposes—a piece of an elephant's trunk mixed with the red earth of Lemnos, or, to guarantee immediate success, the anus of a hyaena worn on the left arm. There was, it emerges, nothing implausible in Sicinius Aemilianus' claim that Apuleius had contrived to secure marriage to Pudentilla through magic. The charge came from a highly recognisable social and religious context.¹²

Apuleius' contention that fish were not associated with magical practices was false. Cataloguing the ceremonies of the Parentalia in the *Fasti* (2.577–582), Ovid for example describes a magical rite involving a fish whose object was to

¹¹ Wünsch 1912: no. 5, excerpted from the translation of Gager 1992: no. 36. On binding spells (*defixiones*) generally, see Graf 1994: 139–198.

¹² Finger-ring charms: see from Roman Britain, for example, *RIB* 2422.2, 12, 19, 35, 47, 48 (and cf. 2421.1; 2440.15, 16). Amulets: Kotansky 1991. See the collections of Bonner 1950 and Kotansky 1994; cf. Bonner 1946. Ubiquity: see the surveys of MacMullen 1966a: 100–108 and Fowler 1995; cf. Gordon 1987; MacMullen 1981: 70–71, arguing for an increase in "superstition" in the imperial period (a difficult argument, however; see Rutherford 1989: 181–188). Belief: see Philost. *Apol.* 7.39, with Evans-Pritchard 1976: 154–158, on explanations among the Azande for contradictions in oracles with no damage to sustained belief in their efficacy. Dividing line: *Apol.* 40.3; cf. 43.8; on Apuleius' medical knowledge, see Gaide 1991. Erotic purposes: Pliny *NH* 28.88, 106.

prevent hostile gossip: an old woman, honouring the goddess Tacita, roasts in a fire the head of a sprat (*maena*) which she has sewn up, secured with pitch, pierced with a bronze needle, and over which she finally pours wine. How frequently this spell was cast it is impossible to know, but the connection is clear. Again, in a section of the *Natural History* dealing with the medicinal properties of plants and animals, Pliny the Elder devotes a whole book (32) to remedies derived from sea creatures, some of which further the magical association. Fish amulets will help women in childbirth and prevent miscarriage—the sting taken from a live stingray, for instance (32.133). A dolphin's tooth worn as an amulet will relieve infants of their childish terrors, and one of crab's eyes, worn around the neck, will cure ophthalmia (32.137; 32.74). A starfish, smeared with the blood of a fox and fastened to a doorway with a bronze nail, will protect a house against harmful spells (32.44). And these are items, incidentally, distinct from others attributed to the Magi, for whom Pliny commonly expresses disdain because their beliefs are beyond belief (32.55; 32.72; 32.115–116). Also to take into account is the potent evidence of the so-called Greek magical papyri, a collection of spells and rituals from Hellenistic and Roman Egypt variously written in Greek, Demotic, and Coptic. In a spell intended to establish a relationship with the god Helios in which the divinity is invoked in a number of different hourly forms, the jellyfish appears as the form Helios takes in the sixth hour and the crayfish as one of the forms for the seventh hour. In a ritual to make inquiry of the Sun, the boy to be used as a medium has to have his eyes covered with an ointment made, among other things, from two river fish, still alive, called *buri*.¹³

Almost anything from the natural world, then, could help control the uncontrollable and relieve psychological, if not physical, stress, and inevitably therefore there were fish-amulets for love-magic: the *echeneis*, or *remora*, a small rock fish notorious for slowing down ships by clinging to their hulls also, according to Pliny (*NH* 9.79), had a reputation for supplying love-charms; the sea-horse, worn on the arm, was an aphrodisiac, but the gall of a live electric ray, attached to the genitals, was an antaphrodisiac. From the magical papyri, in a procedure to induce a woman to have sexual intercourse with a man, while the spell is chanted the man is to rub on his genitals an ointment made from honey, a crow's egg, the juice of the plant crow's foot, and the gall of an electric eel. And then there is a

¹³ False: cf. Abt 1908: 141–144, with specific reference to love magic; disputed by Tupet 1976: 67–68, on the argument that love-philtres are the subject of discussion. I take Apuleius to say in *Apol.* 31 that (i) there is no association between fish and magic in general and (ii) therefore there is no connection between fish and love magic in particular. In addition to *Apol.* 32.1 (quoted in n. 10, above) see also 42.2: *scierunt et ipsi argumentum piscarium futile et nihil futurum, praeterea novitatem eius ridiculam, (quis enim fando audivit ad magica maleficia disquamari et exdorsari piscis solere?), potius aliquid de rebus pervulgatoribus et iam creditis fingendum esse.* Pliny: for the background, see Beagon 1992: 102–113. Helios: *PGM* III 515–520 (= Betz 1992: 32). Sun: *PDM* xiv 875–885 (= Betz 1992: 240). See also *PGM* I 104; I 291; IV 2685–2694; *PDM* xiv 330; *PGM* CXXVII 1–2 (respectively Betz 1992: 6, 10, 83, 214, 322).

love spell involving a specially prepared oil and a black fish from the Nile. This is what is done:

When the lunar month occurs, you should bring a black Nile fish measuring nine fingers, its eyes variegated in color . . . ; you should put it into (the) oil for two days When the two days have passed you should arise at dawn. You should go to a garden. You should bring a vine shoot that has not yet formed grapes. You should lift it in your left hand; you should put it in your right hand. It should amount to seven fingers in length. You should take it to your house; you should bring the fish up out of the oil; you should tie it by its tail with a strip of flax; you should hang it up by the head on the vine; and you should place the thing containing oil under it for three days until the fish pours out by drops downwards that which is in it, while the vessel which is under it is on a new brick. When the three days have passed, you should bring it down. You should embalm it with myrrh, natron, and byssus. You should put it in a hidden place or in your house. You should spend two more days reciting to the oil, making seven days. You should keep it. When you wish to make it do its work, you should anoint your phallus and your face and you should lie with the woman to whom you will do it.¹⁴

This is all beyond belief, one might think. But a spell of attraction involving a river crab, to be used for inflicting sickness or other harm on a victim, or for sending dreams or for revealing the meaning of dreams, is said to have been revealed, in person, by a certain Pachrates, the prophet of Heliopolis, to the Roman emperor Hadrian, who was so impressed by its efficacy that he doubled Pachrates' salary. The story is not necessarily true, but the explicit reference to Hadrian at least injects a certain sense of plausibility into the Egyptian evidence, especially when the Pancrates of Lucian is recalled, an Egyptian magician and holy man from Memphis whose wonderworking Lucian (*Philops.* 33–36) could describe at some length. Against this background, it is not difficult to understand how the fish, *ichthus*, was contemporaneously becoming a symbol of the new Christian magic.¹⁵

¹⁴ PDM xiv 335–349 (= Betz 1992: 215); cf. PDM xiv 355–365 (= Betz 1992: 216). *Remora*: cf. also Arist. *HA* 2.14.505b; Ovid *Hal.* 99; Lucan 6.674–675; Isid. *Orig.* 12.6.34; according to Pliny *NH* 32.139, it could also act as an antaphrodisiac. Procedure: PGM XXXVI 283–294 (= Betz 1992: 276). Note the comment of Nock 1972: 2.905 (originally in a review in *Gnomon* 29 [1957] 531–532): “The fish was also notable as living in the element on which man depended but in which he could not live . . . , and its power of multiplying, coupled perhaps with its shape, could easily contribute to its being associated with human fecundity; it was a natural amuletic type.” On sacred fish, especially in the worship of Atargatis, see MacMullen 1981: 35 with 160 n.5.

¹⁵ PGM IV 2441–2456 (= Betz 1992: 82–83): “Pachrates, the prophet of Heliopolis, revealed it to the emperor Hadrian, revealing the power of his own divine magic. For it attracted in one hour; it made someone sick in 2 hours; it destroyed in 7 hours, sent the emperor himself dreams, as he thoroughly tested the whole truth of the magic within his power. And marveling at the prophet, he ordered double fees to be given to him.” Nock 1972: 2.183–184 (originally in a review in *Gnomon* 4 [1928] 224–225) was sceptical of the literal truth of the story, which “developed from the probably historical account of Hadrian’s meeting with a prophet or poet called Pancrates.” It is taken more seriously by MacMullen 1966a: 101, who accepts the identification of Pachrates with Lucian’s

If then fish had magical properties, did Apuleius deliberately lie? The question is impossible to answer, but given the impressive knowledge of magical practices that the author of the *Golden Ass* commanded, not to mention the history of the Magi paraded in the *Apologia* (25.5–26.4), his contention is certainly suspicious. And even if they lacked the arcane knowledge of Ovid, Pliny and Apuleius himself, many of those who listened to Apuleius in Sabratha must have known so, not least as the magical papyri might suggest. For all around them there were other visual signs of the magical properties of the marine world that simply could not be missed, signs that took the form of mosaic decorations on fountains, baths, houses, and other highly visible structures. Both realistic and fantastic marine subjects, including fish, were among the most popular forms of mosaic decoration in the North African provinces, and representations of fish were used as decorations on thresholds to ward off evil. Together with other emblems, images of fish were especially used to repel the ever present gaze of the Evil Eye, as were mosaic representations of what have been termed “pisciform phalli.”¹⁶

The preoccupation with averting the forces of evil through magical means, it has been suggested, “seems to have been particularly strong in Africa,” a view that recalls Pliny’s statement (*NH* 28.24) that “in Africa nobody decides on anything without first saying ‘Africa,’ whereas among all other peoples a man prays first for the approval of the gods.” In Tripolitania, reliefs from the farms of the Gebel and the pre-desert areas show the Tanit symbol and other apotropaic phallic symbols of Punic origin independent of the Greco-Roman evidence. Whether or not Africans were more devoted to the magical than other ancient Mediterranean peoples I know no way of deciding, but there is at least a strong discrepancy between Apuleius’ bold assertion about fish on the one hand and the reality of the mosaic and related evidence in a relevant local context on the other. Fear of evil was palpable, a vital element of mentality that for many was better accommodated by magic than by the rituals of conventional Roman religion, no matter how prominently displayed and promoted through sculpture and other artistic media officially sanctioned rituals were. The allegations against Apuleius were far more serious and pressing than they seem, and given the inadequacies of his argument in this one example, a defence that went beyond the purely rational may well have been needed.¹⁷

Thirdly, to assess the presentation of high intellectualism in the *Apologia* is to understand how Apuleius based his defence not on the truth, but on the

Pancrates, and by Anderson 1994: 157–158 (cf. 172). *P.Oxy.* 1085 identifies Pancrates of Alexandria, who wrote a poem on Hadrian and Antinous (see Syme 1991: 164). Christian magic: see for example August. *De civ. D.* 18.23.

¹⁶ Those who listened: see *Apol.* 28.3; cf. 46.1. Mosaic decorations: Dunbabin 1978: 126, 162–164; cf. Dunbabin and Dickie 1983. Quotation: Dunbabin 1978: 162. On the erect phallus as a device to give protection against the Evil Eye (cf. Pliny *NH* 28.39: *medicus invidiae*), see Johns 1982: 61–75. For African inscriptions warding off the Evil Eye, see Merlin 1940; Ghalia 1990.

¹⁷ Suggested: Dunbabin 1978: 162. Reliefs: Mattingly 1987: 75; cf. Mattingly 1995: 162.

establishment of a common intellectual identity with his judge, the only figure after all he needed to persuade.

One of the most notable features of the *Apologia* is the enormous parade of literary learning that its author puts on display from beginning to end. From Homer and the Greek lyric poets through the tragedians and the classical philosophers, from Statius Caecilius and Ennius through the Roman poets of the late Republic and the Augustan era, there is scarcely an author in the Greek and Roman literary canons to whom Apuleius cannot appeal in the construction of his defence. Apart from Virgil, those directly quoted include Homer, Catullus, Solon, Plato, Hadrian, Afranius, and Ennius, among others. With real confidence, it seems, Apuleius can speak about or allude to every major literary genre and its practitioners, history and oratory included. There is, therefore, a conscious strategy at work in his speech of intellectual self-presentation.¹⁸

To some commentators, Apuleius' learning has seemed superficial, intended simply to produce a quick effect, a means of simply brushing away the efforts of the prosecution. I find this a difficult proposition to evaluate. It is true that errors of quotation are made, but on the assumption that the speech is more or less the version that Apuleius delivered and that relatively little time was available for its preparation, they are not very significant. What the speech reveals to my mind is a man with a remarkable ability to speak knowledgeably, from memory, of a great number of authors whose works at one time or another he had read and read thoroughly. And even if the speech were revised for publication subsequently, which is very difficult to know, this situation hardly alters in any meaningful way. Apuleius emerges, therefore, as a figure whose literary and rhetorical capacities might seem to classify him as a member of the Second Sophistic, a man of *paideia*—"someone," on a recent definition, "who has read the approved canon of classical texts and absorbed from them the values of Hellenism and urban-dwelling man alike, and who applies those values in life." I should prefer, however, to refer to Apuleius' learning as *doctrina*—a term Apuleius uses himself—and to regard him as an intellectual with interests, not infrequently pedantic, similar to those of other western authors of his period, the polymath Aulus Gellius, for instance, or even Suetonius, the scholarly biographer.¹⁹

¹⁸ For a complete list of authors cited by Apuleius, see Helm 1994: 115.

¹⁹ Assumption: whether the *Apologia* as it now exists is the version Apuleius delivered at his trial or a subsequent elaboration cannot be positively known. Abt 1908: 6–8, argued for substantial elaboration (cf. Amarelli 1988: 114–115), but Vallette 1971 (first published 1924): xxiv–xxv, took the view that the extant version, whether worked up from notes or from the version of a stenographer, was not radically different from the court speech: "En somme le discours écrit ne saurait différer sensiblement du discours oral..." (Vallette 1971: xxiv). This seems to me a reasonable view. But a circumstantial case can be made that the extant version is in fact the original speech; see Winter 1969, pointing to the likelihood that Apuleius' speech on Aesculapius given at Oea (*Apol.* 55.10–11) was published from a stenographed version, and to Apuleius' statement at *Flor.* 9.13 that his later speeches were recorded as he delivered them and could not therefore be altered: *nam quidcumque ad nos protuli,*

Among those who heard Apuleius' speech there can have been few, I suspect, who knew Greek and Latin literature as intimately as Apuleius himself. Throughout the speech he characterises Sicinius Aemilianus as a rustic boor who lacks *doctrina*, whose ignorance is cause enough for his assault on Apuleius to be dismissed. Aemilianus is not alone: Sicinius Pudens is said to be unable to speak Latin; apart from a few words of Greek, Punic is the language he speaks, and that is as much a sign of barbarism as it is for Aemilianus not to know Greek at all.²⁰

This could all be dismissed as mere invective, nothing more than a standard ploy to discredit Apuleius' enemies. But there is the uncomfortable fact that beneath the veneer of Roman civilisation represented by architecture and law, communities like Oea and Sabratha in the Roman era were linguistically, and so culturally, very diverse. And in point of fact local languages such as Neo-Punic or Libyan were just as prominent as Greek and Latin, if not more so. From literary sources the trilinguality of Septimius Severus, a native of Lepcis, might be recalled—Severus was sufficiently educated in Latin letters, schooled in Greek oratory, but more at home in Punic, so it was held—and the report that his sister Octavilla could hardly speak Latin at all should also be kept in mind. Ulpian (*Dig.* 32.11 pr.; 45.1.1.6) assumed the vitality of Punic in his day as a matter of course. It is inscriptions, however, that best illustrate the linguistic heterogeneity of the region, and in so doing sternly offset the Romanocentric view of Roman Tripolitania which the *Apologia*, at first inspection, necessarily demands. The inscriptions reveal Libyan names like that of Stiddin from Oea, or Neo-Punic names like that of Iddibal, son of Balsillac, grandson of Annobal, from Lepcis. Then there are the Romanised forms like that, from a late second-century bilingual inscription, of the misspelled Q. Apuleus Maxssimus (*qui et Rideus vocabatur*), son

exceptum ilico et lectum est, nec revocare illud nec autem mutare nec emendare mihi inde quicquam licet. Quintilian (*Inst.* 7.2.24) shows that stenographers published written versions of speeches unilaterally, without their authors' permission, while the habitual presence of *notarii* at investigations conducted by Roman magistrates is reflected in records of Christian martyrdoms; see Bowersock 1995: 36–38. For the introduction of stenography, Plut. *Cato min.* 23.3. All in all, it seems to me that the written version cannot be substantially different from the original; cf. Hijmans 1994: 1715–19 (Gaide 1993: 231 dismisses the evidence of *Flor.* 9.13 as “une plaisanterie et une exagération” and improbably asserts that the *Apologia* was largely written at Carthage long after the trial; Graf 1994: 79–80 has no clear opinion). On the textual tradition of the *Apologia*, which derives from a late fourth century *emendatio* by Sallustius, see Vallette 1971: xxxi–xxxvii and Reynolds 1983: 15–16. Observe Augustine's awareness of the speech: *Ep.* 138; *De civ. D.* 8.19. Recent definition: Anderson 1993: 8. For the view that Apuleius was in fact a sophist, see Barnes 1971: 212–213 and, much earlier, Helm 1955. But Brunt 1994 is sceptical about the very existence of the Second Sophistic. *Doctrina: Apol.* 48.12; 91.3 (of Claudius Maximus); observe the way Apuleius contrasts Greek and Latin populations: *apud Graecos* ... *apud nos* (9.6–8). Aulus Gellius: see Holford-Strevens 1988; Suetonius: see Wallace-Hadrill 1983. On Apuleius' knowledge of philosophers, Hijmans 1987: 416–417.

²⁰ Sicinius Aemilianus: *Apol.* 10.6; 16.7; 22.3; 23.6; 36.7; 66.3–8; 91.1. Sicinius Pudens: *Apol.* 98.8: *loquitur numquam nisi Punice et si quid adhuc a matre graecisset; enim Latine loqui neque vult neque potest;* cf. 28.9. For discussion of knowledge of Greek among the elite of Roman North Africa, see Fick 1987.

of Iuzale, grandson of Iurathe, whose wife was named Thanubra, but whose sons were called Pudens, Severus, and Maximus. And there are multi-cultural names, like that of the landowner Ulpus Chinitiu, a man wealthy enough to have left a mausoleum and works of sculpture, but someone who was obviously of native origin striving to renegotiate his cultural identity. Clearly the society of Roman Tripolitania was a society in cultural flux, and Greek and Latin were the languages, it should be understood, of an intruding alien minority. (There are of course inscriptions in Punic and Libyan as well as Greek and Latin.) Romans might conflate the local gods with those they brought with them, so that for instance the Libyan god Canapphar was assimilated to Mars, but the local gods were by no means ousted and in the early imperial period at least local burial practices remained very much unaffected by the arrival of Roman ways. Apuleius himself had been sent away from his native Madauros, which he describes (24.1) as being on the virtual limits of civilisation, to acquire an education (*Flor.* 18.15–16). So too from Oea Sicinius Pontianus, the older son of Pudentilla. The two had met, fatefully, as students in Athens (72.3), the greatest of all intellectual centres, a city in utter contrast to their African *patriae*. They were not representative of the local population in the forum and basilica of Sabratha when the trial of Apuleius took place. There, although complementing the Roman form and architecture of the city, the Latin in which the trial was held was less to be heard than the culturally clashing local languages in which the city's other business was routinely, and more typically, conducted.²¹

Claudius Maximus, however, was not a man of this world. At the time of his governorship the proconsul was about sixty years of age and was bringing to a culmination a lifetime of patient devotion to the government of Rome and the service of the Caesars. Decorated by the emperor himself in Trajan's doomed attempt to conquer the Parthians, he had governed armed provinces on the Danube both before and after his consulship, and in Italy he had supervised one of the peninsula's great trunk routes and at Rome administered the city's public works. He was typical of the administrative elite of his age, a man who knew how to parlay loyalty to the emperor into personal political success and social advancement. Closely tied to the court of Antoninus Pius, he moved in the company of such influential contemporaries as M. Cornelius Fronto, the confidant of Marcus Aurelius, and L. Lollianus Avitus, his immediate predecessor

²¹ Invective: the rhetorical strategy of Apuleius is analysed in McCreight 1990. Septimius Severus: *Epit. de Caes.* 20.8; Octavilla: *SHA Sev.* 15.7. Stiddin: *IRT* 236; Iddibal: *IRT* 300; Apuleus Maximus: *CIL* VIII 22758; Ulpus Chinitiu: *IRT* 859. On Tripolitanian languages and their cultural import, see Millar 1968; Mattingly 1987: 73–81; Harris 1989: 175–180; Adams 1994; Mattingly 1995: 162–167; cf. also Whittaker 1978; MacMullen 1966b; Matthews 1989: 69–72; note *Apul. Met.* 9.39 for an apposite example of not knowing Latin. Local gods: Mattingly 1987: 82; Mattingly 1995: 167–168. Madauros: not actually mentioned in the *Apologia*, but for the *testimonia* revealing the birthplace, see Butler and Owen 1914: vii; Vallette 1971: vi–vii; *PIR*² A 958. Athens: on its attractiveness to the western elite, see Alcock 1993: 16–17, 224–227.

in Africa. In addition, Claudius Maximus was a man of intellectual capacity, with a special interest in Stoic philosophy, and it was this that had brought him directly into touch with the imperial family. In the first book of the *Meditations*, Marcus speaks of him as one of the three men he was most grateful ever to have known, and he pays Maximus the special tribute of having learned from him a whole catalogue of moral virtues that reflects very favourably on Maximus' own character—"mastery of self and vacillation in nothing," for example. He was one of those, it has been said, in whom Marcus particularly valued "the qualities of consistency and balanced character."²²

It is not surprising, therefore, that Claudius Maximus and Apuleius could speak a common language, the language of the educated elite, and that throughout his defence Apuleius could take pains to make this language work in his favour. He addressed Maximus repeatedly, not simply to hold his attention in conventional rhetorical fashion, but to establish and reinforce an intellectual bond with him. Responding to the charge—to take one particular example—that he had composed indecorous erotic poems and was therefore morally corrupt, Apuleius justifies himself to Maximus directly: he defends the use of pseudonyms in his poems by appealing (10.1–5) to the precedents of Catullus, Ticia, Propertius, Tibullus, and Virgil, contrasting the practice of Lucilius; he denies the objection that his conduct was unworthy of a Platonic philosopher by quoting from Plato's erotic poetry (10.7–10); he appeals (11.1–2) to Catullus' example again to show that poetry cannot be taken as literal evidence of a poet's character; and by linking himself to Plato (12), he argues that his poetry is not lascivious but concerned with the meaning of love in a much more profound, philosophical sense. Such learned discourse, both here and throughout the speech, he expects Maximus to understand intimately, unlike his rival Aemilianus: Maximus is a man of *sapientia* (60.3), *providentia* (84.6), *doctrina* (48.12; 91.3), *perfecta eruditio* (91.3; cf. 36.5). Apuleius cannot instruct him—*etenim admonendus es mihi, non docendus* (48.13)—but only remind Maximus of what he already knows in the works of Aristotle (on natural history in particular [36.5]), Plato (the *Timaeus* and the *Phaedo* specifically [49.1; cf. 51.1; 64.4]), and other philosophers. Maximus and Apuleius are partners in knowledge, two of the intellectually elect, fellow members of the family of Plato (64.3). The language Apuleius and Claudius Maximus spoke was a code, a mystery, known only to those initiated into the world of *doctrina*, and as such it acted both as an intellectual marker and as a social marker, since learning on this scale could only be the preserve of the socially and economically advantaged. It was not the language of traders, shopkeepers, artisans, and peasants, the majority—perhaps not available even to all those who constituted the Roman political classes, for while few men could be senators,

²² Rutherford 1989: 101, with reference to M. Aur. *Med.* 1.15 (cf. 1.16.10 and SHA *Marc.* 3.2 [Stoic identity: valid: Syme 1983: 34–35]). Most grateful: M. Aur. *Med.* 1.17.5. On Maximus' career and the identification of the public functionary with the Maximus of the *Meditations*, see Syme 1965.

fewer still were noble, fewer still consulars, fewer still virtuous, and fewer still learned (*eruditi*), or so Apuleius could elsewhere maintain (*Flor.* 8). In the isolated world of Sabratha, at a precise moment in time, the two philosophers were the sole inhabitants of a rarefied atmosphere of intellectualism that separated them radically from the alternate, and far larger, world of ignorance and magical practice.²³

Or rather perhaps, as the language of reminding suggests, Claudius Maximus and Apuleius were not so much two philosophers together, precise peers, as a variation on the theme of statesman and philosopher-counsellor—analogue to Hadrian and Pancrates—the one in his public, prestige-conferring role benefiting from the sage advice of the other, a lesser man detached from the ordinary affairs of the world who was able for that reason to serve the public servant as a constant source of enlightenment.

In an early section of the *Apologia* (4), Apuleius defends himself against the charge that he was a *philosophus formosus*, a philosopher of handsome appearance, an indictment that again sounds silly and that again Apuleius rebuts with something of a sarcastic, if not trivialising tone: he cannot change the way nature made him, and in any case were not Pythagoras and Zeno of Elea philosophers also known for their beauty? Furthermore, uninterrupted literary labour has actually robbed Apuleius, he says, of any claim to beauty, has sapped his strength and wasted his body so that he has become pale and thin. Look at his hair, which his accusers said he had grown long to enhance his appearance: it was in fact unkempt, matted and knotted, of uneven length, “like a lump of tow.” Apuleius did not even bother to comb or to part it.

Romans were highly sensitive to distinctions of dress and deportment, especially in an orator. Quintilian observed (*Inst.* 11.137) that while there was no special dress the orator should wear, because he was so much in the public eye his dress should nonetheless be distinguished and manly, *splendidus et virilis*; equally, however, excessive attention to the style of his toga or shoes, or to the arrangement of his hair, was reprehensible. The beard, moreover, whether carefully groomed

²³I apply the idea of learning as a distinctive code to the relationship between Apuleius and Claudius Maximus from the analysis of Brown 1992: 35–70; see *Apol.* 12.1 for the notion of knowledge as a preserve of the intellectually elite. For the metaphor of the family of Plato, see Hijmans 1987: 416. On Claudius Maximus see also *Apol.* 25.11 (Plato quoted directly to him), 38.1, 41.4, 48.5 (*sollertia*), 81.2. It has often been noted that Apuleius appeals to Maximus directly (e.g. Fick 1987: 292, noting that Apuleius uses Greek in his speech to create “une sorte de complicité” between Maximus and himself), but the intellectual motivation behind the rhetorical strategy has not, I think, been sufficiently placed within the sociocultural context of the trial; thus, for example, Callebat 1984: 144 recognises the linguistic complexity of second century North Africa in general and the educated style of Apuleius’ Latin in particular, but pays no attention to the immediate material context of the speech at all. Isolated: contrast the cultural atmosphere of Carthage as sketched by Barnes 1971: 194–195; cf. Philost. *Apol.* 5.8 on the theme of cultural isolation: while the inhabitants of Gades knew of the Olympic festival, their neighbours in smaller centres did not.

or allowed to grow uncontrolledly, could convey various views of virility. A certain limit therefore in physically presenting the self had to be met.²⁴

Apuleius' self-portrait conjures up in fact the image of the introspective philosopher known in art of the Hellenistic era and beyond, a visionary figure who at times might be portrayed as physically enfeebled. One might compare the image of Apollonius of Tyana as presented by Philostratus. Accused, like Apuleius, of practising magic, this time before Domitian, Apollonius found that his clothes and the manner in which he wore his grey hair could be introduced as proof of the charge. He looked like a magician, startling those who saw him by the oddity of his appearance even as they were impressed by his imposing features. Domitian had his hair and beard cut. In a speech of defence, the arguments could be offered that the long hair of the philosopher was not to be violated by the curling-iron, and that Apollonius' predilection for linen followed a precedent set by Pythagoras. The distinction between magician and philosopher could be very narrow, and a man who travelled the world in search of wisdom (as Apollonius himself said) might easily believe that he could serve as political adviser to Roman senators threatened by tyranny. One might also invoke the younger Pliny's description (*Ep.* 1.10) of the philosopher Euphrates, a man marked out by his *proceritas* and *decora facies*: Euphrates had long hair too (though he kept it well groomed) and a long white beard, features that gave him a rather venerable aspect; his restrained dress was one of the reasons why you felt a certain awe when you met him, Pliny said. When he wrote those words, Pliny was Prefect of the Treasury of Saturn and overburdened with public duties. In spare moments he would complain to Euphrates, and Euphrates would offer consolation: "anyone who holds public office, presides at trials and passes judgement, expounds and administers justice, and thereby puts into practice what the philosopher only teaches, has a part in the philosophic life and indeed the noblest part of all."²⁵

²⁴ On beards and their symbolic significance, see Cic. *Caes.* 33, with Austin 1960: 91–92, and Ovid *AA* 505–524, with Hollis 1977: 117–120; cf. Wyke 1994: 135; on the widespread adoption of beards by Roman men in the second century A.D., see Zanker 1995: 198–266. Quintilian: see also *Inst.* 11.148 on the emotional appeal of the orator's dishevelled hair.

²⁵ Introspective philosopher: see Pollitt 1986: 68–69; Smith 1993; MacMullen 1966a: 109–111, on the more visionary image of the philosopher that was emerging at just about the time of Apuleius' trial (see especially MacMullen 1966a: 321 n.17 for the iconographic references), and Zanker 1995: 233–242, for the second century associations of beards with ascetic philosophy (observe that for Zanker, Apuleius' physical appearance in court was a "masquerade" [Zanker 1995: 235]). The beard and long hair were also signs of mourning, and deployed as such by orators; cf. Kaufman 1932 for examples. On the associations between long hair and magic in general, see Leach 1958; Mageo 1994. Apollonius: see Philost. *Apol.* 7.8; 7.20; 7.31–32; 7.34; 8.4; 8.7 (cf. generally Dzielska 1986); for charges of magic brought against various sophists, see Bowersock 1969: 116; Holford-Strevens 1983: 74. Distinction: cf. Fick 1991: 19. Euphrates: see Sherwin-White 1966: 108–109, and note Epict. 4.8.17; cf. Zanker 1995: 260–262 on Euphrates' "hieratic appearance." Observe Apul. *Met.* 11.8 for the stereotype of the philosopher, and cf. Epict. 4.8.15; Quint. *Inst.* 12.3.12. On the conventionality of Greek philosophers advising Roman dynasts and emperors, see Rawson 1989.

The role of detached adviser was the perfect role for Apuleius to adopt in relation to Claudius Maximus, the *virum severum et totius provinciae negotiis occupatum* (25.3), and the appealing hint he supplied by drawing Maximus' attention to his physical demeanour can scarcely have been missed by a person of Maximus' social status and intellectual outlook—a man of balanced judgement (*virum aequum et iustitiae pertinacem* [102.4]) who was perhaps predisposed to share Marcus Aurelius' scepticism (*Med.* 1.6) towards the practice of magic. Apuleius spoke, and presented himself, in terms he could easily understand: they alone had a share in the power of rational knowledge, and not surprisingly, therefore, Apuleius' final appeal in his speech was addressed *tam bono tamque emendatoque viro* (103.5). For the execution of Roman justice the implications are obvious: discovering the simple truth, pursuing constitutional powers to an objective end—these were rather less important matters than the persuasive power of informed and mutually comprehensible words.

At the surface level, Apuleius' *Apologia* seems to be little more than a playful, clever, and entertaining piece of Latin rhetoric. In fact, it is rather like a box of delights, inviting its reader to enter a succession of new and differing worlds as its surface is made to open up. Considered in its topographical setting, the work provides evidence of the spread of Roman law to a provincial region and of everything that Roman law connotes: order and civilisation, the rational, an all-encompassing Romanisation. But considered in its magical, that is to say, religious, context, the work exposes a much more complex and differentiated Roman culture in which the irrational is a notably strong and all-pervasive element in the total cultural mix—not just the irrationality of religious belief in general, which Roman society of course could easily legitimate, but the irrationality of a belief system that was officially disapproved and actively repressed. Magic, it is clear, constrained the lives of innumerable subjects of the Roman Empire in a way that makes the alien aspect of that empire unmistakable. From an intellectual perspective, the work offers evidence of the enormous gulf that existed between the educated few, the men of Latin *doctrina* or Greek *paideia*, and the rest, many of whom, even though wealthy and influential, never lost the marks of their local origins despite the impact of the new cultural forms. And when Roman justice was exercised on the margins of empire, it was predictable that the few should display solidarity against the many, for the code of knowledge that bound them inextricably together offset that principle of equity which, in theory, had always distinguished Roman law.

The trial of Apuleius was a historical drama whose roots lay in his accidental arrival in Oea some years earlier. The educated outsider dazzled the inhabitants of the tiny town with his florid speechmaking, but he also spread fear and anxiety among them when, so it seemed, moving easily between the worlds of high culture and destructive evil, he sent young boys into trances and women into fits with his magical incantations. Through his marriage to Pudentilla, he even challenged the ascendancy of locally prominent families. It was not merely because of money,

therefore, that Apuleius was attacked: he was a hostile intruder, an invader who had to be expelled because he disrupted the patterns of local life in a relatively closed community where the ways of Rome were still contending for cultural identification. The instrument his enemies chose in order to seek their vengeance against him was the civilising law of Rome. The defence with which Apuleius countered, ironically, was the magical power of words.²⁶

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²⁶ Intruder: cf. also Graf 1994: 83.

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