

Legal Strategy and Learned Display in Apuleius' *Apology*

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Over the years, many scholars have expressed surprise and even disbelief that Apuleius' *Apology* contains so much material that seems so little to the point. The variety and length of what are apparently digressions are indeed striking on even the most cursory glance: anecdotes, quotations, erudite disquisitions, displays of learning of every sort are piled on top of each other with an exuberance that seems entirely out of keeping with a serious court case. The usual approach to this material has been to dismiss it as entirely gratuitous, with no other purpose than to show off Apuleius' erudition.¹ Others, in contrast, have suggested that this sophistic display in fact had a practical purpose: Apuleius used it to associate himself with the proconsul, Claudius Maximus, as men of the same educated elite background, in contrast to the ignorant bumpkins who opposed him.² In this paper I extend the latter approach further by arguing that Apuleius' displays of learning, far from being gratuitous, are in fact absolutely central to his strategy in countering the charge brought against him.

My argument is necessarily somewhat hypothetical, as are indeed most arguments concerning the *Apology* that attempt to go beyond philological and literary analysis. The *Apology* is a text that to a large extent exists in glorious isolation; there are simply no other sources independent of the *Apology* itself that attest to the events or individuals with which it is concerned. Indeed, one could read the text purely as an example of Apuleius' sophistic play, a fictional response to a hypothetical charge, a fantasy in the

¹ The strongest statement of this view is Gaide 1993, who argues that the first two sections of the speech are so inappropriate to an actual court case that they must have been added later.

² Cf. especially Bradley 1997, 212–219, who argues that Apuleius presented himself as philosopher-counselor to Maximus, and Harrison 2000, 44–45.

first person worthy to stand with the *Metamorphoses*.³ The fictive courtroom speech was, after all, a genre not unknown in Graeco-Roman antiquity.⁴ If we were to view the work in this way, we could stand the usual interpretation on its head: the epideictic elements of the speech were in fact Apuleius' real focus, and the 'charge' was simply devised as a convenient peg on which to hang them. This is a proposition that is difficult, or rather impossible, to refute. But it is equally impossible to prove, and in my view the burden of proof must rest with those who assert that a document is not what it claims to be.⁵ The length of the speech is certainly no argument against its historicity, nor is its perceived avoidance of the legal issues at hand; in both respects we can easily find parallels in the extant speeches of Cicero, whose factuality has never been seriously doubted.⁶ If we accept the hypothesis that the speech was in origin a real defense against a real charge, then it is worth considering why Apuleius constructed it the way that he did.

Of course, even if we assume that the speech had its origin in an actual trial, we need not assume that the text we have is a verbatim record of the one originally delivered. The relation of the extant text to the speech that Apuleius actually gave at the trial has been much discussed, and again, given the absence of any other evidence, presents a problem to which we are likely never to have the solution.⁷ It is certainly possible that Apuleius could have

³ See Hunink's opinion in note 32 of his contribution to this volume and McCreight.

⁴ Antiphon's *Tetralogies* and Isocrates' *Antidosis* provide early examples. In the rhetorical training that developed in the Hellenistic and imperial periods, the practice of devising speeches for imaginary trials played an important part: cf. e.g., Marrou 1956, 202–203 and 286–287. It is also worth noting that courtroom speeches were commonly included in the Greek novels. Apuleius himself included several in his novel: *Met.* 3,5–6; 10,8–9; and 10,11.

⁵ Here I obviously disagree with Hunink's suggestion that, given the absence of proof on either side, the options of historicity and fictionality of the speech should be given equal weight (1997a, 26). As he rightly points out, however, the issue is of no real importance for someone interested in considering the speech purely as a 'literary work of art' (1997a, 27).

⁶ On the relevance of Cicero, cf. especially Harrison 2000, 44–45. He also notes (42) that the *Apology* is not much longer than *Pro Cluentio*. Similarly, in terms of its focus on the legal issues, the *Apology* can hardly be regarded as more digressive than *Pro Archia* or *Pro Caelio*.

⁷ In favor of a heavily revised speech are, for example, Gaide 1993 and Harrison 2000, 42; cf. contra Hijmans 1994, 1715–1717, and Bradley 1997, 213–214, note 19. For a recent discussion of this issue with regard to Cicero's courtroom speeches, cf. Alexander 2002, 15–26, who argues that the published versions were recreated by Cicero after the fact, relying on his memory and notes, but that they nevertheless must correspond fairly closely to what he originally said.

added all the adornments of learning at some point after the trial, when he was revising the speech for publication; as Harrison rightly points out in his contribution to this volume, he would have had good reason to do so, since the publication of his successful defense speech from what was no doubt a high profile trial would have been an excellent vehicle for promoting his literary and social career. But although Apuleius may well have revised the speech before publication and may in the process have elaborated or refined specific points, the overall logic of the speech strongly suggests that the displays of learning were integral to it from the start. What I hope to do in this paper is suggest that they were even more integral than has usually been thought.

In what follows, I will first reconsider the nature of the charge against Apuleius, the proper understanding of which, I believe, is crucial to an effective interpretation of the speech. I then consider aspects of Apuleius' strategy in devising his defense, especially his stance as a misunderstood philosopher. In the last section I return to the question of his displays of learning, and investigate their role in the overall strategy of his defense. Even though my interpretation will be somewhat hypothetical, I hope that it will serve to illuminate a new aspect of this complex and fascinating text.

The Case for the Prosecution

In order to see how Apuleius might have used displays of learning as part of his strategy in rebutting the charge brought against him, we must first consider what exactly that charge was. One issue, which in my view has seriously hindered the proper understanding of this speech, must be cleared out of the way from the start. This is the widespread assumption that Apuleius was charged under the *Lex Cornelia de sicariis et veneficiis*.⁸ Two separate points are important here. First, the relevance of the *Lex Cornelia* to this particular case has been greatly overestimated. It has usually been assumed, on the basis of a passage from a late legal compilation known as *Pauli Sententiae, The Opinions of Paulus*, that the *Lex Cornelia* functioned as a general law against magic. Close examination of the relevant evidence, however, shows that at the time of Apuleius' trial the *Lex Cornelia* was normally

⁸ For recent examples, cf. Hunink 1997a, 13 (with references to earlier scholarship); Graf 1997, 66; Gordon 1999, 263; Harrison 2000, 41; Puccini-Delbey 2004b, 28. A notable exception is Lamberti 2002, who posits instead a separate law that criminalized magic in particular.

restricted to cases involving *veneficium*, ‘death by surreptitious means’, which was the focus of the law in its original form.⁹ Although the popular association of *venefici* with *magi* may have meant that it also served as some sort of general precedent in cases involving a more general charge of magic, it seems that a corpse, or at least an intended corpse, remained the *sine qua non* for a successful suit under the Lex Cornelia.¹⁰ That, of course, was something conspicuously absent from the charge brought against Apuleius, although it is tempting to speculate that the prosecution, who had at first intended to make such a charge, retained some of the allegations that were originally intended to support it.¹¹ On the other hand, the only type of specific magical practice that we know from the *Apology* to have been attributed to Apuleius, that of using a love charm against Pudentilla, was one that juristic opinion at this time explicitly excluded from consideration under the Lex Cornelia.¹² All of this does not of course prove that Claudius Maximus could not have followed his own views of the Lex Cornelia, but it does mean that its relevance is not nearly so obvious and immediate as most scholars have assumed.

⁹ For the original law, cf. the reconstruction of J.-L. Ferrary in Crawford 1996, 752; for detailed discussion of the evidence, cf. Rives 2006. I there demonstrate that *The Opinions of Paulus*, which dates to ca. 300 CE, is not only the earliest but also the only extant evidence for the inclusion of magic in general under the heading of the Lex Cornelia; it was thus only Constantine’s endorsement of *The Opinions of Paulus* in 327/8 CE (*CTh* 1,4,2) that gave this view full legal weight. I would accordingly modify my earlier opinion (Rives 2003, 327–328) that by the time of Apuleius the Lex Cornelia had already come to serve as a precedent for a general charge of magic.

¹⁰ For the popular association of *magi* with *veneficium*, cf. Plin. *Nat.* 30,17 and 36,169; Quint. *Inst.* 7,3,7. We may also note that when Pudentilla rejected Rufinus’ urging to break off her engagement to Apuleius, he is said to have called him a *magus et veneficus* (*Apol.* 78,2).

¹¹ According to Apuleius, his enemies had initially accused him of killing his step-son Pontianus (*Apol.* 1,5), but failed to include that accusation in their formal charge (2,1–2). Since the Lex Cornelia at this time covered murder by means of cursing as well as poisoning (cf. further Rives 2006, 54–59), several of the specific allegations actually made by the prosecution could have been used to support a charge of *veneficium*: certainly that of a nocturnal ritual (*Apol.* 57–60), perhaps also those concerning the secret object hidden among Pontianus’ *lares* (53–56) and the infernal statuette (61–65).

¹² Rives 2006, 50–52. Although there were undoubtedly attempts to bring the Lex Cornelia to bear on cases involving love potions, there is no evidence that these were successful. The key passage comes from the textbook of the jurist Marcian, written probably in the 220s or 230s CE: ‘the noun [*venenum*] is ambiguous, and denotes that which is prepared for healing equally with that which is prepared for killing, as well as that which is called a love potion [*amatorium*]; but only that which is possessed for the sake of killing a person comes under this law’ (*Institutes* 14, at *Dig.* 48,8,3,2).

Secondly, there is no reason to assume that the prosecution charged Apuleius ‘under’ any particular law at all. The Lex Cornelia, and other laws like it, was linked to the system of standing courts, *quaestiones perpetuae*, that developed in the late Republic as the chief legal means of dealing with criminal activity. Trials in these courts were conducted before a body of jurors under the presidency of a magistrate, and their parameters, that is, the definition of the criminal act and the setting of an appropriate penalty, were fixed by statute. Starting in the reign of Augustus, however, a simpler and more flexible procedure for dealing with criminal charges developed alongside the system of standing courts. In this procedure, conventionally known as a *cognitio extra ordinem*, ‘a trial outside the system’, an official with *imperium* both presided and served as judge. The trial of Apuleius, in which the proconsul Claudius Maximus acted as president and judge, was obviously a trial of this type. In a *cognitio extra ordinem*, charges were not limited to statutorily defined crimes; on the contrary, the presiding official could take action against anything he found to be an offence against public order and security. As an illustration of the procedure, Sherwin-White cites a case known from one of Pliny’s letters (10,81): an enemy of Dio Chrysostom declared that he had erected a statue of Trajan in a building where his wife and son were buried. The issue was presumably one of *maiestas minuta*, disrespect to the emperor, and the accuser could presumably have brought a charge under the statute concerned with that crime. For whatever reason, however, he chose not to do so. Instead, as Sherwin-White comments, he ‘simply alleged the facts against Dio, and invited Pliny *ut cognoscerem pro tribunali*. This is the essence of the procedure *extra ordinem*. The accuser alleges a misdeed, and the judge decides how to deal with it’.¹³ This is not to say that specific laws had no relevance to trials *extra ordinem*; on the contrary, they no doubt provided important guidelines as to the sorts of charges the presiding official ought to regard as actionable.¹⁴ Yet the proconsul’s general duty to maintain peace and social stability would have been the overriding consideration, and neither he nor the prosecution would have regarded him as in any way limited by specific legislation.

The Lex Cornelia, then, is to a large extent a red herring, and the regular recourse to it has frequently had the effect of distracting scholars from thinking about what was really at issue in this trial. Since Apuleius’ speech is the

¹³ Sherwin-White 1963, 18. For the nature and development of the *cognitio extra ordinem*, cf. e.g., *ibid.* 13–19 and Kunkel 1973, 69–74.

¹⁴ Cf. Apuleius’ ironic invocation of the *Lex Julia de maritandis ordinibus* (*Apol.* 88,3). On the impact of Roman law more generally, cf. Bradley 1997, 204–205.

only actual evidence for the charge, we must begin with it. It consists of three main sections, preceded by a brief *exordium* (*Apol.* 1–3) and followed by an even briefer *peroratio* (102–103). The first section (4–25,4) is essentially a *praemunitio*, in which, as Apuleius himself says, his purpose is ‘to refute all the slanders’ advanced by the prosecution ‘before I come to the matter at hand’ (3,4). These slanders are the claims that Apuleius, who styles himself a philosopher, is handsome and eloquent, has written frivolous verse (including an ode to tooth-powder and love poems to boys), owns a mirror, and is a poor man from a backward part of the province. The second section (25,5–65) deals with what Apuleius calls ‘the actual charge of magic’, *ipsum crimen magiae* (25,5). In this section he responds to five specific allegations that his opponents advanced in support of this charge: that Apuleius had purchased certain unusual kinds of fish, that he had caused a slave to collapse, that he kept a secret item wrapped up among the household gods of his step-son Pontianus, that he had engaged in the nocturnal sacrifice of a cock, and that he had commissioned a gruesome wooden statuette that he worshipped and addressed as ‘king’. In the last section (68–101) Apuleius focuses on his marriage to his wife Pudentilla. Here too a number of specific points come under review: that Pudentilla had resolved never to marry again but had been seduced by Apuleius’ *carmina*, that her letters prove Apuleius’ use of sorcery, that she got married at an advanced age and in suspicious circumstances, and that Apuleius forced her to make over to him a large part of her property.¹⁵

From Apuleius’ rebuttal, we can make some fairly safe deductions about the case made by the prosecution. Their overall strategy must have been to argue that Apuleius was not the high-minded philosopher that he pretended to be, but was instead a man on the make: vain, good-looking, and flashy, with an eye out for a rich widow who could keep him in the style to which he wished to grow accustomed; it is this characterization that Apuleius’ *praemunitio* is designed to counter. It is also clear that they presented Apuleius as a *magus*, a master of mysterious rituals and spells and potions who had used his magic to inveigle Pudentilla into marriage and thus get his hands on her money. But it is difficult to go beyond these general observations and to determine in detail how the prosecution framed their case.¹⁶ Did

¹⁵ For more detailed analyses of the structure of the speech, cf. Hijmans 1994, 1726–1730; Harrison 2000, 47–50; Schenk 2002, 25–30; Puccini-Delbey 2004b, 41–46.

¹⁶ The one passage that Apuleius quotes from the actual indictment is very general and does not shed any further light: ‘This is the man, my lord Maximus, whom I have decided to indict before you... for numerous wicked deeds, openly committed’ (*Apol.* 102,9–103,1: ‘*hunc ego, domine Maxime, reum apud te facere institui*’ ... ‘*Plurimorum maleficiorum*

they, for example, argue that Apuleius was a *magus* and thus a threat to social stability, as a number of his actions, including his bewitching of Pudentilla, demonstrated? Or did they instead focus on the marriage with Pudentilla, presenting Apuleius as a *magus* only for the sake of supporting their claims that he had engineered the marriage through the use of love magic? If we assume, as many commentators have done, that the structure of Apuleius' speech reflects that of the prosecution, we must conclude that the prosecution made Apuleius' dealings with Pudentilla the gravamen of their case.¹⁷ But as I shall argue below, Apuleius had good reasons of his own to structure his defense speech the way he did, regardless of the way the prosecution framed their case. It seems fairly clear that speakers for the defense regularly rearranged material and shifted emphases in order to strengthen their case.¹⁸ Consequently, we cannot use Apuleius' response to reconstruct the specific form of the case that the prosecution made against him. Yet a careful consideration of the issues at stake suggests that for both sides the key issue was the question whether Apuleius was or was not a *magus*.

We may first consider the prosecution's point of view. We can be reasonably confident that the real focus of their concern was, as Apuleius asserts, his marriage to Pudentilla, even if they were not, as he implies, motivated solely by avarice. As we have already seen, the fact that they were dealing with a *cognitio extra ordinem* meant that they did not necessarily need to allege the violation of any specific law. Yet in order to ensure that their suit be heard, it was crucial that whatever misdeed they alleged against Apuleius be of such a kind that the proconsul would be certain to regard it very seriously. Now Pudentilla was clearly a leading citizen in Oea, and perhaps of some standing in the province more generally.¹⁹ Her prominence

et manifestissimorum'). On Apuleius' technique in responding to the prosecution, cf. also Deremetz 2004.

¹⁷ Cf. e.g., Harrison 2000, 75–76: 'The placing of the most serious charges at the end of Apuleius' defense no doubt reflects both their gravity and their similar climactic position in the prosecution's case'.

¹⁸ As an example, cf. Wiseman's brilliant reconstruction of the prosecution and the defense in the trial of M. Caelius Rufus (Wiseman 1985, 69–90), and the more detailed analysis of Alexander 2002, 218–243. Note also Alexander's proposal that, as a general rule, 'when the defense dwells on a charge to what seems an excessive length, we should entertain the suspicion that it may not have been as central to the prosecution as the defense makes it out to be' (Alexander 2002, 30).

¹⁹ Apuleius (*Apol.* 71,6) estimates her property at a value of 4,000,000 sesterces, four times the minimum property qualification for a Roman senator. Inscriptions corroborate the implication that her family, the Aemilii, was an important one (Guey 1954); the most im-

might well have given the prosecution reason to think that the proconsul would take an interest in alleged improprieties in her recent marriage. But what improprieties could they allege? They of course presented Apuleius as a mercenary scoundrel, whose main objective was to get at Pudentilla's money. Nevertheless, although moralists might complain about fortune-hunters setting their sights on wealthy widows (e.g., Hor. *Ep.* 1,1,77–78), there was no legal impediment to a widow marrying whomever she liked, be she ever so wealthy and he ever so mercenary. And since Pudentilla herself had made no complaint, they could hardly argue that the marriage had been against her will. Their best hope thus lay in arguing that her will had been tampered with, and that Apuleius had forcibly induced her to fall in love with him through the use of magic. Consequently, the key element in their charge against Apuleius must have been the claim that he was a *magus*; without it, their case would have fallen apart. I am personally inclined to think that they actually made this claim the focus of their charge, the *crimen ipsum*, as Apuleius says. The allegation that Apuleius was able to use his knowledge of arcane spells and rituals to subvert established social norms would have been their main reason for expecting the proconsul to take their submission seriously. But however they constructed their case, the claim that Apuleius was a *magus* must have been its cornerstone.²⁰

What of Apuleius himself? As I suggested above, regardless of the way the prosecution organized their case, Apuleius would have had good reason to reserve the issue of his marriage to Pudentilla for special treatment at the end of his speech. For one thing, it was the strongest part of his defense, in which he could back up cogent and straightforward arguments with solid documentary evidence.²¹ He could demolish one of the key pieces of evidence brought against him, a letter of Pudentilla in which she apparently called him a *magus* and claimed that he had bewitched her, by demonstrating that his accusers had quoted it out of context (*Apol.* 78–83); he could prove

portant of these (*IRT* 230) reveals that in the following generation a L. Aemilius became consul and proconsul of Asia and thus reached the very pinnacle of imperial aristocracy.

²⁰ Apuleius himself made this point: *Quae quidem omnis Aemiliano fuit in isto uno destinata, me magum esse...* (*Apol.* 25,8). That the prosecution actually used the term *magus* is not absolutely certain, since the one sentence actually quoted by Apuleius refers more generally to *maleficia*, ‘wicked deeds’ (see above, note 16), but the stress placed on the letter of Pudentilla in which she apparently called Apuleius a *magus* (*Apol.* 83,1; cf. 67,3; 78,5; 82,6) suggests very strongly that they did. It is also worth noting that Apuleius’ use of the word *maleficium* suggests that the strong connotation of “black magic” that is well attested in later Latin was already current in his day: Rives 2003, 322 with note 28.

²¹ This point is well made by Hunink 1997b, 175; cf. further his comments on the individual passages cited here.

by public records that her age was not sixty, as the prosecution asserted, but forty (89); he could produce the actual marriage contract to show that the dowry Pudentilla brought to the marriage was relatively small and would revert, in whole or in part, to Pudentilla's sons by her first marriage (91,6–92,4); he could prove on the basis of her will that he would not profit from the marriage even after his wife's death (99–100). In short, Apuleius was simply following standard practice and saving the strongest part of his case for last.²² Moreover, the discussion of his marriage allowed him to move from the defense to the offense, by representing the prosecution as acting from not only personal but even base motivations (e.g., 66,3 and 67,1). The instigators of the trial, he asserts, brought this charge solely out of spite and greed, because Apuleius, in marrying Pudentilla, threatened their own schemes to control her and her money. By attacking his accusers' motivations, Apuleius was able to call the entire charge into question and dismiss it as nothing more than a desperate attempt on the part of greedy and despicable schemers to cause trouble for someone who presented an obstacle to their plots.²³

In planning his defense, then, Apuleius no doubt quickly saw that the allegations about his marriage would be relatively easy to refute. But the claim that he was a *magus* was a different thing altogether, since, as Apuleius himself says, such a claim was more a matter of slander than of proof (*Apol.* 2,2: *calumniam magiae, quae facilius infamatur quam probatur*). Unless he were somehow able to counter that claim first, the lingering suspicions that it undoubtedly raised in the minds of the audience, Claudius Maximus in particular, would have undermined his otherwise solid rebuttal of the charges about his marriage. We must therefore consider what it meant, and how Apuleius could have gone about countering it.

Apuleius' Legal Strategy

What would the claim that Apuleius was a *magus* have meant to those involved in this trial?²⁴ The word *magus* entered Latin (as far as we can tell from the surviving texts) in the 50s BCE, and originally retained its technical

²² Cf. e.g., *Rhet. Her.* 3,18 and Quint. *Inst.* 5,12,14.

²³ Again, a comparison with Cicero's *Pro Caelio* is useful: Cicero quickly glosses over the substantive charges against Caelius in order to elaborate on his assertion that the entire trial was motivated by the spite of the jilted Clodia.

²⁴ In what follows I summarize points from my more detailed discussion in Rives, forthcoming.

meaning of ‘Persian priest/wise man’. It is not until over a century later, in Pliny’s *Natural History*, that we can detect any significant change in its usage. Although Pliny maintained the ethnic associations of the word, he most commonly characterized *magi* as authorities in arcane lore about plants, animals, and stones, lore that he usually dismisses with hostility and contempt; indeed, the two words that he most frequently associates with magian lore are *vanitas*, ‘fraudulence’, and *veneficium*, ‘poisoning’. The related adjective *magicus*, in contrast, appeared first in Vergil and was for many decades used almost exclusively by poets, who consistently employed it to characterize rituals, herbs, and especially chants that brought about some alteration in the natural world, most often in descriptions of witches. By the time of Apuleius, these two streams seem to have merged, so that, if we take the *Apology* as a guide to the typical usage of the time, both *magus* and *magicus* implied a knowledge of secret and arcane rituals, chants, and substances, an expertise in exotic oriental traditions, and the invocation of superhuman powers, especially those of the underworld, in order to achieve specific, and most often selfish, ends. Although the connotations of the word *magus* and its cognates were thus extensive and varied, we can identify a few recurring motifs. One of them is knowledge: magic was almost overwhelmingly imagined as something one knows, and more specifically something that most other people do not know. Another is power: the knowledge of the *magus* was thought to give him power that other people do not have, and so the ability to achieve his ends in ways that are not available to others.²⁵ Lastly, this word group had strongly negative connotations, and was regularly applied to marginal and anti-social peoples and activities; to call someone a *magus* was to mark him out as an ‘enemy of the Roman order’.²⁶

When the prosecution lodged a charge with Claudius Maximus that Apuleius was a *magus*, then, what they meant by this, and what Maximus would have understood by it, was that Apuleius had a specialized knowledge of arcane doctrines and secret rituals, that this knowledge gave him power that other people did not have, and that he used this power in ways that were subversive and anti-social. The claim that Apuleius was a *magus* was thus in essence a claim about the nature of his knowledge: according to his accusers, it took socially suspect forms and was used for socially subversive purposes.

²⁵ As was long ago observed by Vallette 1908, 305: ‘*le magicien est un homme à qui des connaissances spéciales, secrètes par conséquent, et supérieures à celles du commun des mortels, confèrent un pouvoir, qui, lui aussi, bien entendu, est supérieur aux facultés normales de l’homme*’ (emphasis original).

²⁶ In the phrase of MacMullen 1966. On the negative connotations of the word *magus*, cf. further Gordon 1999, 191–219 and Stratton 2007.

Consequently, Apuleius' overriding objective in his defense was to demonstrate that, on the contrary, his knowledge took socially respectable forms and that he used it for socially respectable purposes.

The most important, and most obvious, element in Apuleius' strategy for attaining this objective was his stance as a philosopher and his corresponding presentation of his self-defense as a defense of philosophy. He establishes this position at the very start of his speech, in his opening address to Claudius Maximus: after an initial attack on his chief opponent for bringing false charges, he claims to be confident in his innocence and even self-congratulatory, 'because the opportunity and occasion has befallen me, with you as judge, to clear the name of philosophy among the ignorant and to justify myself'.²⁷ He thereafter reverts to this topic regularly, carefully keeping his identity as a philosopher in the forefront of his audience's minds throughout the speech. Indeed, to a large extent it informs many of his specific arguments, particularly in the second section of the speech. In addressing the various allegations meant to support the prosecution's claim that he was a *magus*, his regular tactic is to admit the facts but contest the interpretation. For example, he grants that he has purchased unusual fish, but claims that his interest in them is not that of a *magus* looking for *venena* but that of a philosopher exploring the mysteries of nature (*Apol.* 36–41). A slave did indeed collapse in his presence, but only because he suffers from epilepsy, a condition in which Apuleius has serious philosophical and medical interest (49–51). The secret object that he keeps among Pontianus' household gods is the token of an initiation into a mystery; his 'zeal for the truth and sense of duty toward the gods' (55,9) has led him to undergo many such initiations. The wooden statuette is actually an image of Mercury to which he pays cult on holidays, and he has solid philosophical reasons for addressing it as 'king' (63–64). In short, the points that his opponents had adduced as evidence of magic, Apuleius explains as perfectly legitimate philosophical interests.

To a certain extent, Apuleius had little choice but to adopt this particular strategy. Apuleius' self-presentation as a philosopher was already well established at the time of his trial, and even, it seems, at the time of his arrival in Oea.²⁸ As I noted above, one of the prosecution's chief tactics was to use this

²⁷ *Apol.* 1,3: *gratulor medius fidius, quod mihi copia et facultas te iudice optigit purgandae apud imperitos philosophiae et probandi mei*; cf. 3,5: *Sustineo enim non modo meam, verum etiam philosophiae defensionem.*

²⁸ For example, Apuleius claims that after he had delivered his first public address in Oea, Pontianus appealed to him as both a friend and a philosopher to marry his mother (*Apol.* 73,4).

self-presentation against him, by calling attention to alleged discrepancies between his persona as a philosopher and his actual behavior. Apuleius claims to quote their very words: ‘we accuse before you a philosopher who is both good-looking and extremely eloquent in Greek as well as Latin’.²⁹ Since the prosecution had already made his stance as a philosopher an issue in the trial, it was inevitable that Apuleius address it and try to turn it to his advantage.

But he also had good reasons to believe that he actually could use it to his advantage. For one thing, Claudius Maximus, the proconsul who presided over the trial, seems to have been a philosopher himself. Apuleius repeatedly implies that Maximus is familiar with and admires the works of both Plato (*Apol.* 25,10; 51,1; 64,4–7) and Aristotle (36,5; 41,4), and early on in the speech he informs his accuser Aemilianus that ‘you are making a mistake... if you measure that man by the bounty granted by fortune rather than the strict watch kept by philosophy, if you reckon that a man of so rigorous a sect and such lengthy military service will not be more well disposed to restrained moderation than to self-indulgent wealth’ (19,2). The reference to the ‘rigorous sect’ has sometimes been taken as confirmation that the proconsul Claudius Maximus was in fact identical with the Maximus whom Marcus Aurelius recalled as one of his teachers in Stoic philosophy.³⁰ The identification seems likely enough, but even without it the fact that Maximus really did have serious philosophical interests seems fairly secure; as Harrison has rightly pointed out,³¹ Apuleius’ constant appeals to them might otherwise have backfired. He is thus likely to have had good reason to expect that his strategy of presenting himself as a philosopher under attack by the ignorant would play well with the man judging his case.

Yet even apart from Claudius Maximus’ personal interests, Apuleius may well have thought that an appeal to philosophy would carry considerable weight at that particular cultural moment. The trial took place in 158 or 159 CE, when the reigning emperor, Antoninus Pius, was over seventy, and when all eyes must have been increasingly turning to the senior of his two heirs, Marcus Aurelius; indeed, Marcus Aurelius had held tribunician power

²⁹ *Apol.* 4,1: ‘*accusamus apud te philosophum formosum et tam Graece quam Latine... disertissimum*’; cf. 9,9 and 10,6 (real philosophers do not write erotic verse) and 13,5 (real philosophers do not own mirrors).

³⁰ Marcus Aurelius refers to a Maximus at *Meditations* 1,15 and 1,17,10. Hist. Aug. *Aur.* 3,2 mentions a Claudius Maximus among his Stoic teachers. The identification is accepted, e.g., by Birley 1987, 96–97, Bradley 1997, 216, and Harrison 2000, 45. Hunink 1997a, 18 and Hunink 1997b, 10 is non-committal.

³¹ Harrison 2000, 45.

and proconsular imperium for some dozen years at this point, serving virtually as co-regent with his adoptive father. Marcus Aurelius was of course famous among later generations as the philosopher prince, although the documents that provide the best evidence for his philosophical interests, his correspondence with Fronto and his *Meditations*, were not publicly available until some two centuries after his death.³² Nevertheless, there is good evidence that already by the time of Apuleius' trial his philosophical inclinations were well known even to people with no direct connections to the court. According to the epitome of Dio's history, 'great numbers pretended to pursue philosophy, hoping that they might be enriched by the emperor' (71,35,2, in the Loeb translation of E. Cary). A striking example of an appeal to Marcus Aurelius' philosophical concerns, although not made in the hope of riches, dates to just a few years before Apuleius delivered his speech. The Christian philosopher Justin Martyr opens his defense of his religion with a formal address to Antoninus Pius and his two heirs Marcus Aurelius and Lucius Verus, both of whom he styles 'philosophers', and he goes on to urge that as such they should listen to him without prejudice: 'Reason dictates that those who are truly pious and philosophers should honor and love only the truth, declining to follow the opinions of the ancients, if they are worthless'.³³ If Claudius Maximus were indeed Marcus Aurelius' former teacher, the philosophical interests of the latter would have been all the more relevant to this trial. Yet even if this were not the case, the relevance would have been just as real if less immediate. In a society where the emperor and the imperial court set the standards for fashion, a philosopher at the center of power must have gone a long way towards ensuring the social respectability of philosophers throughout the empire.

Yet things were not quite so simple, since distinguishing genuine philosophers from mere posers and pretenders was by no means a clear-cut matter. Here, for example, is Dio Chrysostom, two or three generations before Apuleius, addressing the Alexandrians on the subject of the recent unrest in their city: 'perhaps this situation is not of your making...; the fault

³² The earliest extant writer to quote the correspondence of Fronto is Charisius (T 21–26 van den Hout²); the earliest to refer to the *Meditations* is Them. *Or.* 6,81c. For Marcus' philosophical interests, cf. Birley 1987, 94–98; for his role as virtual co-regent, *ibid.* 103–104.

³³ Justin, *1 Apol.* 1–2, in the translation of Barnard 1997. Barnard 1997, 11 dates the text to the period 151–155 CE. Another Christian writer, Athenagoras, employed a very similar tactic in his own apology, written in 177 CE: again he gives Marcus Aurelius and Lucius Verus the title 'philosopher' (*Leg. praef.*), and again he appeals to their education in philosophy (*Leg.* 2,3).

may lie rather at the door of those who wear the name of philosopher'. Those whom he has in mind are self-proclaimed Cynics, who, 'posting themselves at street-corners, in alley-ways, and at temple-gates, pass round the hat and play upon the credulity of lads and sailors and crowds of that sort, stringing together rough jokes and much tittle-tattle and that low badinage that smacks of the market-place'.³⁴ Or here is Lucian, similarly inveighing against *soi-disant* Cynics some two decades after Apuleius' speech: 'every city is filled with such upstarts, particularly with those who enter the names of Diogenes, Antisthenes, and Crates as their patrons and enlist in the army of the dog. Those fellows have not in any way imitated the good that there is in the nature of dogs..., but their barking, gluttony, thievishness, excessive interest in females, truckling, fawning upon people who give them things, and hanging upon tables'.³⁵

Although both Dio and Lucian insist that the difference between these imposters and genuine philosophers is obvious, the very fact that they felt the need to insist upon it suggests that it must instead have been far from obvious. One of the celebrities of the mid-second century CE, for example, was a man named Peregrinus. Born into a wealthy family of Parium, he became first a Christian and then a wandering Cynic; after verbally abusing the great and the good of his day, including the emperor Antoninus Pius, he ultimately burned himself alive at the Olympic Games in 165 CE. Lucian, who not long afterwards composed a hostile account of his life, depicts him as a complete charlatan, morally corrupt and willing to do anything to increase his notoriety. His contemporary Aulus Gellius, however, says that when he was living in Athens he would frequently visit Peregrinus in his hut outside the walls; he recalls him as 'a man of dignity and fortitude', whose teachings on the avoidance of evil-doing he respectfully records in his *Attic Nights*.³⁶ On the other hand, Lucian presents Demonax, another philosopher with Cynic tendencies, as a model wise man, with whom he claims to have

³⁴ D.Chr. 32,8–9, in the Loeb translation of H. Crosby. For discussion, cf. Jones 1978, 36–44. The date of the speech is either Vespasianic (Jones 1978, 134) or Trajanic (Sidebottom 1992).

³⁵ Lucianus *Fug.* 16, in the Loeb translation of A. Harmon. For the date, cf. Jones 1986, 168. Apuleius himself was later to rail at those who claimed to be philosophers but were merely scoundrels (*Fl.* 7,9–13; 9,9). His use of the word *rabies* (*Fl.* 7,11) suggests that, like Dio and Lucian, he had in mind self-proclaimed Cynics. Cf. Hunink 2001a, 99, who notes his similarly worded dismissal of the Cynics at *Apol.* 39,1.

³⁶ Lucianus *Peregr.*; Gel. 12,11. For discussion, cf. Jones 1986, 117–132; Holford-Strevens 1988, 104–105; Francis 1995, 53–81.

studied himself for a long time.³⁷ We find similar ambiguities in the career of Dio. Although he attacked wandering Cynics as false philosophers, his own behavior was in certain respects not very different from theirs: he wore a cloak, he traveled from place to place (especially during his period of exile), he offered advice and often criticism to the peoples he visited, and under Domitian at least he publicly abused the emperor; one of his heroes was Diogenes, the founder of the Cynic movement. It is thus not surprising that in an address to the citizens of Tarsus, delivered probably in the early second century CE, he openly admits that they are probably not inclined to listen to him because of his persona: people are accustomed to give the name of Cynic to men who dress as he does, and to dismiss them as not merely incompetent but actually insane.³⁸ It seems clear that, although Dio himself was confident that he was a genuine and not a false philosopher, others were not always so sure.

The problem here was something more fundamental than people trying to pass themselves off as philosophers when in fact they were not; it was rather that the criteria for distinguishing ‘true’ and ‘false’ philosophers were not fixed and absolute, but instead existed to a large extent in the eye of the beholder.³⁹ Lucian tries to supply an objective criterion by suggesting that the false philosopher is marked by a gap between word and deed, between the simplicity and austerity that he advocates and the self-indulgence with which he actually lives. But such a claim, as Apuleius might have said, was more a matter of slander than of proof, the sort of allegation that one could make against almost anyone; as we have seen, it was precisely the same accusation that Apuleius’ enemies brought against him. What was at stake in these discussions of Cynic and Cynic-like philosophers was not so much an objective appraisal of motives, but rather a debate over the appropriate limits to the criticism and rejection of social norms: those who thought a particular person went too far in this direction were liable to dismiss him as a scoun-

³⁷ Lucianus *Demon*. 1. For discussion, cf. Jones 1986, 90–98 and *ibid.* 31 on Lucian’s ambivalence towards Cynicism.

³⁸ D.Chr. 34,2. For the date, cf. Jones 1978, 136–137. Dio makes Diogenes the leading figure in several of his speeches (4, 6, and 8–10). For his claim to have spoken out against Domitian, cf. 3,13 and especially 45,1. On his relation to Cynicism, cf. Jones 1978, 49, who concludes that ‘Dio is a Stoic who admires the Cynic ideal, but deplors those imposters who falsely claim the title’; this is no doubt correct, but we must note that it was presumably Dio himself who determined which Cynics were imposters.

³⁹ This point is often made with respect to ‘being a *magus*’; what I want to stress here, and what is equally important for our understanding of Apuleius’ speech, is that the same problem existed with respect to ‘being a philosopher’.

drel and a false philosopher, while those who did not might hold him up as a model of what a true philosopher should be.⁴⁰

There seems to have been little danger of Apuleius falling afoul of this particular debate over true and false philosophers; one of the things his opponents fastened on was precisely his failure to conform to the scruffy Cynic model of a philosopher. But there were other debates over the limits of genuine philosophy, and to one of these Apuleius' particular interests and activities were extremely relevant. If in Cynicism there was a disputed line between philosophy and subversive attitudinizing, there was in other cases a disputed line between philosophy and a disturbing expertise in matters arcane, an inappropriate knowledge of the unseen world: in short, between philosophy and magic.

One of the best examples of the disputed line between philosophy and magic is the debate over Apollonius of Tyana, a wandering philosopher of the later first century CE. Although it is impossible to get at the historical Apollonius, we have excellent evidence for the debate over his status.⁴¹ The most important document is the life written by Philostratus, probably in the 220s or 230s CE. Philostratus opens his work with a brief account of Pythagoras, explaining that Apollonius' practices were much the same, but that in approaching wisdom and overcoming tyrannies he was even more divine. Nevertheless, 'people do not know him for the genuine wisdom which he practiced philosophically and sincerely'; instead, focusing on particular feats and his associations with Babylonian *magoi*, Indian Brahmins, and Egyptian gymnosophists, they consider him a *magos* and slander him as one wise by force (ὡς βιαίως σοφόν). Yet other philosophers too, Philostratus insists, had connections with *magoi* and Egyptians and were not slandered in this way, and some, like Anaxagoras, also made predictions. 'Yet people ascribe all this to wisdom in Anaxagoras, while refusing to credit Apollonius with the foreknowledge of wisdom (τὸ κατὰ σοφίαν προγινώσκειν), and saying that these deeds were done by magic art (μάγῳ τέχνῃ)'.⁴²

Now there were people in antiquity who attacked Apollonius as a fraud; Lucian, for example, dismissed him as a mere showman, of the same ilk as

⁴⁰ Cf. further Griffin 1996 and especially Francis 1995.

⁴¹ For general discussion, cf. e.g., Bowie 1978 and Dzielska 1986.

⁴² Philostr. *VA* 1,2,1–2. The quotations are taken from the translation of Jones 2005. On the date, cf. Jones 2005, 3. Cf. *VA* 5,12, where Philostratus argues that Apollonius had foreknowledge not through magic but from the things which the gods had revealed (οὐ γοητεύων, ἀλλ' ἐξ ὧν οἱ θεοὶ ἔφαινον), a fine distinction that may well have been lost on Apollonius' enemies.

Alexander of Abonuteichos.⁴³ But it was not to them that Philostratus was responding; it was rather to people like Moeragenes, the author of four volumes of memoirs of Apollonius, who did take him seriously, but more as a *magos* than as a philosopher.⁴⁴ Although Moeragenes' date is unknown, it seems that already in Apollonius' lifetime there were those who objected to his style of philosophy. According to Philostratus, one of these was a man named Euphrates, who, jealous of Apollonius' influence with Vespasian (*VA* 5,33,1), urged Vespasian to embrace the kind of philosophy that is in accord with nature (τὴν μὲν κατὰ φύσιν), but avoid that which promises to invoke the divine (*VA* 5,37,1: τὴν δὲ θεοκλυτεῖν φάσκουσιν). This Euphrates was a historical person, a Stoic philosopher with sophistic tendencies, not unlike his fellow-student Dio Chrysostom; the younger Pliny knew him and wrote of him with glowing admiration for his wisdom, and Epictetus cited him with respect.⁴⁵ A number of the letters ascribed to Apollonius concern their quarrel; regardless of their very uncertain authenticity, these are extremely useful as an example of a debate over different styles of philosophy.⁴⁶ Apollonius rebukes Euphrates for accepting fees and for being too worldly, too concerned with wealth and acclaim.⁴⁷ Euphrates, in turn, is said to tax Apollonius with such ascetic and mystical practices as avoiding bathhouses, wearing long hair and linen clothes, employing prophecy, and abstaining from meat.⁴⁸ In short, Apollonius declares, Euphrates attacks the followers of Pythagoras and insists that they are really *magoi*. Apollonius' response is that, since *magos* is simply the name that the Persians give to godly men, all true worshippers of the gods are *magoi*, whereas Euphrates is an atheist, far removed from real philosophy.⁴⁹ The debate whether Apollonius was really a

⁴³ Lucianus *Alex.* 5; cf. D.C. 77,18,4.

⁴⁴ Philostr. *VA* 1,3,2 and 3,41,1. The work was also known to Origenes *Cels.* 6,41, who says that Moeragenes described how certain 'not ignoble' philosophers, including Euphrates, were overcome by Apollonius' *mageia* after having approached him as a quack (γόηϛ). On Moeragenes, cf. Bowie 1978, 1673–1679 and especially Raynor 1984, who argue convincingly that his account was not negative but positive.

⁴⁵ Plin. *Ep.* 1,10; Arr. *Epict.* 3,15,8 and 4,8,17–20; fellow-student of Dio: Fronto *De eloquentia* 1,4 van den Hout² = 2,50 Haines. Cf. further Grimal 1955, 370–379; Sherwin-White 1966, 108–109; and especially Frede 1997.

⁴⁶ On the question of authenticity, cf. Penella 1979, 23–29.

⁴⁷ Ap.Ty. *Ep.* 2–8, 15, 18, 51. Cf. Philostr. *VA* 1,13,3; 5,39; 6,13,1; 8,7,11 and 34. Bowie 1978, 1676–1678 plausibly suggests that this somewhat stylized opposition between the Stoic Euphrates and the Pythagorean Apollonius was an idea elaborated by Moeragenes.

⁴⁸ Ap.Ty. *Ep.* 8; cf. especially 8,1: prophecy (μαντική) is not suitable for a philosopher (οὐ πρέπον φιλοσόφῳ τὸ τοιοῦτον).

⁴⁹ Ap.Ty. *Ep.* 15, 17, and 50. Apollonius' tactic here is of course very similar to that adopted by Apuleius (*Apol.* 25,9–26,1).

philosopher or a *magus* was thus in essence a debate over what constituted true philosophy. The side represented by Euphrates espoused a philosophy that relies solely on natural cognitive abilities; that represented by Apollonius emphasized the need for divine inspiration, something that Euphrates' side condemned as tantamount to magic.⁵⁰

Apuleius was no doubt well aware of controversies such as these; he consequently acknowledged the ambiguity outright and did his best to turn it to his advantage. Near the start of the second section of his speech he expatiates on the number of philosophers who have been attacked by the ignorant, both those accused of being atheists and (more to the point) those accused of being *magi*. The latter, 'who investigate the providence of the cosmos a bit more carefully and honor the gods a bit more lavishly, those they regularly call *magi*, as if they know how to make happen the things that they know do happen, such as long ago Epimenides, Orpheus, Pythagoras, and Ostanes; later on the *Purifications* of Empedocles, the *daemonion* of Socrates, and the Good of Plato likewise fell under suspicion' (*Apol.* 27,2–3). As commentators have pointed out, many of these names would if anything reinforce people's suspicion that Apuleius too might have been a *magus*; two of them, in fact, Apuleius himself later refers to as experts in magic.⁵¹ The prosecution might well have responded to this list of names with a simple 'Q.E.D.', and even Claudius Maximus might have felt obliged to agree with them.

It is clear, then, that in the second century CE claims to be a philosopher were often highly contested, and that there did not exist any universally accepted criteria for determining who was or was not a genuine philosopher. In such a context, Apuleius' strategy of establishing the social respectability of his knowledge by presenting himself as a philosopher, although in certain respects highly effective, could have only limited success. The problem was that the distinction between a philosopher and a *magus* was not so much a matter of facts as of perceptions: one person's philosopher was another's *magus*.⁵² What Apuleius needed to do, accordingly, was to shape people's perceptions of him; he had to present himself, not through argument but through his actual behavior, in such a way that people could see for them-

⁵⁰ I follow here the perceptive analysis of Frede 1997, 4–5, although I am not convinced that Euphrates would simply have dismissed Apollonius as a fraud.

⁵¹ Cf. Hunink 1997b, 92–93. At *Apol.* 31,2 Apuleius describes Pythagoras as *magiae peritus*, and at 90,6 he pairs Ostanes with Zoroaster as the foremost of the *magi*.

⁵² Vallette 1908, 291–325 cogently argues that Apuleius' conception of philosophy was in fact tantamount to the popular conception of *magia*. If so, then for Apuleius himself, as for the Apollonius of the letters, the true philosopher was in fact also a *magus*.

selves that his knowledge was not subversive and threatening, but instead comfortingly familiar and socially respectable.⁵³

Learned Display

It is against this background, I would argue, that we can start to appreciate Apuleius' display of erudition as an essential part of his defense. Most of this learning we can broadly class as grammatical, in the sense not of the modern English 'grammar' but of the ancient *grammatica*, 'absolute skill in literary matters', as Eratosthenes is said to have defined it.⁵⁴ Grammatical learning was the foundation of all education in the Graeco-Roman world. In the system that developed in the Hellenistic period and became standard under the empire, students first learned the basics of reading and writing and then went on to more detailed study of literature under a *grammaticus*. The grammatical syllabus consisted primarily of poetry: Homer above all, but also tragedy (Euripides especially), comedy, and lyric. In Italy and the western empire, students naturally studied the Latin classics as well, among which Vergil's *Aeneid* had pride of place. The typical procedure consisted of, first, reading aloud or reciting a passage, with attention to correct punctuation, accentuation, and expression, and second, commenting on the passage. The commentary covered a range of topics: grammar and meter, glosses and etymologies, tropes and figures, and what the *grammatici* referred to as 'historical exegesis', the explication of all the names and references found in the text.⁵⁵

Because grammatical training of this sort was the foundation of all education, and thus of all claims to elite status, particular grammatical expertise could be a significant source of cultural prestige. We can get some sense of its significance from a curious work written a generation or so after Apuleius delivered his speech, Athenaeus' *Deipnosophistai*, or *The Banquet of Learning*. This massive compilation purports to be an account of a banquet attended by representatives of the various branches of learning typical of the day: *grammatici*, philosophers, rhetors, jurists, physicians, and musicians. What all these learned men have in common, of course, is their literary train-

⁵³ On this point I am very much in agreement with Bradley's suggestion that 'a defense that went beyond the purely rational may well have been needed' (Bradley 1997, 212).

⁵⁴ Scholia to Dionysius Thrax, cited by Pfeiffer 1968, 162: Ἐρατοσθένης ἔφη ὅτι γραμματικὴ ἐστὶν ἕξις παντελὴς ἐν γράμμασι, γράμματα καλῶν τὰ συγγράμματα.

⁵⁵ Cf. further Marrou 1956, 160–170; Bonner 1977, 198–249; Cribiore 2001, 185–210.

ing, and their conversation centers exclusively on grammatical erudition. The following sequence, chosen at random, is fairly typical. A course is brought in, a dish of fried liver in a wrapping that goes by the name *epiplous*, and one of the guests, Cynulcus, challenges another, Ulpian, to say whether it is mentioned anywhere. Ulpian responds with his own challenge, to say which authors used the word *epiplous* to describe the fatty caul. A third guest, Myrtilus, takes up both challenges. He first disposes of Ulpian's by quoting two passages from Epicharmus and one from Ion of Chios, and then, turning to Cynulcus', chides Ulpian for having earlier cited but not quoted a passage of Alexis in which a wrapped liver dish is mentioned: 'the entire passage is valuable as illustrating a number of things, and since your memory at present is not equal to it, I will recite it at length myself' (Loeb translation of C. Gulick). The passage is indeed lengthy (twenty-six lines), and Myrtilus follows it up with eleven further quotations and citations that touch on liver and other fried foods. Ulpian, irritated by this bravura response, asserts in retaliation that one of Myrtilus' slave had complained to him of his owner's meanness, attributing to the slave quotations from Eubulus and Antiphanes about skin-flint masters (3,106e–108f).

And so it goes, page after page, for fifteen books. Although it is difficult to imagine anyone finding much entertainment in this ponderous production, we have to keep in mind the climate of competitive learning which the educational system fostered and which Athenaeus himself ably illustrates.⁵⁶ The mastery of philological minutiae and the ability to retain vast amounts of literature in one's head allowed people to score points off their peers and to demonstrate their superiority in this crucial area of cultural competence. The level of erudition displayed by Athenaeus' characters is of course fantastic; the banquet here is simply a fictive framework for Athenaeus' own display of learning, which he no doubt worked up in the library rather than at the dinner table. But the social phenomenon of competitive grammatical learning that he evokes was certainly real enough. Apuleius' contemporary Aulus Gellius, for example, describes a situation not far removed from that presented by Athenaeus. When he was studying in Athens, he and other resident Romans would celebrate the Saturnalia with a dinner at which the chief entertainment was a sort of parlor game that involved posing and answering learned questions: 'an obscure saying of some early poet, amusing rather than perplexing; some point in ancient history; the correction of some tenet of philosophy which was commonly misinterpreted; the solution of some

⁵⁶ On the importance of competition in ancient education, cf. Morgan 1998, 74–89. On competition as a structuring device in Athenaeus' work, cf. Wilkins 2000, 24–26.

sophistical catch; the investigation of a rare and unusual word, or of an obscure use of the tense of a verb of plain meaning' (18,2, in the Loeb translation of J. Rolfe). The one who correctly answered a question received as a prize a laurel crown and, not surprisingly, a book.⁵⁷

But this practice of posing questions was not always innocent fun. Gellius also records a number of incidents in which grammatical expertise is used to establish or reinforce relative social status. He recalls, for example, a visit to the eminent M. Cornelius Fronto, ex-consul and former tutor to the princes Marcus Aurelius and Lucius Verus, when one of Fronto's friends used the word *praeterpropter*, 'more or less'. The question of the word's meaning was then put to a leading *grammaticus* who happened to be present; the *grammaticus*, caught off guard, dismissed the inquiry as unworthy of attention, since the word, he asserted, was far too vulgar and was more familiar from the conversation of workmen than from that of the educated classes. Fronto, however, brought him up short by pointing out that both Varro and the elder Cato had used it; a friend of Gellius added that it also occurred in a tragedy of Ennius, the text of which was produced and read. Fronto then asked the *grammaticus* to explain the meaning of the line in which the word occurred, but the *grammaticus*, discomfited, beat a hasty retreat, claiming that he would take up the question when fewer of the unlearned were present (19,10). The attempt by the *grammaticus*, presumably a professional school-teacher and thus of relatively low status, to act as an arbiter of taste before his social superiors was thus quickly and efficiently swatted down. Gellius elsewhere records a similar incident in which he himself showed up an arrogant *grammaticus*, this time with quotations from the standard school authors Vergil and Sallust as well as Plautus and Ennius (6,17), and another in which his teacher Sulpicius Apollinaris, a professional teacher but nonetheless a gentleman, confounded an ignorant know-it-all who claimed to be the one and only expounder of Sallust (18,4).⁵⁸

Grammatical learning, then, for all its apparent frivolity, was a key medium for the expression and affirmation of social status, a function that it could fulfill because it was shared by everyone with any claims to elite status. It is in this context that we must locate Apuleius' displays of erudition in the *Apology*. In what follows I will be concerned not so much with the con-

⁵⁷ According to Plutarch *Quaest. conv.* 9,2,1 737D, a similar custom was observed at the festival of the Muses: guests at a dinner party would draw lots, and those who drew together would propound learned questions to one another. Even emperors engaged in this sort of dinner-time entertainment (e.g., Suet. *Tib.* 56 and 70,3).

⁵⁸ On the social significance of these scenes, cf. further Champlin 1980, 47–49; Kaster 1988, 50–60; Vardi 2001.

tent of this learning, although I will comment in passing on a few particular points, as with the forms in which it is displayed. For the sake of brevity, I will focus on three of the most characteristic: the quotation, the list, and the ‘problem’.

As I noted above, one of the essential elements of grammatical education was the memorization and recitation of passages from literary classics. This practice was made necessary by the cumbersome information technology of the day: the convention of writing texts without word breaks or punctuation made reading more laborious, and the use of scrolls meant that it was difficult to locate particular passages quickly and easily. In order to discuss literature, then, it was necessary to have a good deal of it stored in one’s head. As a result, people naturally regarded the ability to produce a quotation appropriate to the occasion as one of the defining marks of a properly educated person. We can easily see the traces of this habit in the texts from this period that have come down to us. For example, Dio Chrysostom, in the oration he delivered at Olympia in 97 CE, quotes once from Hesiod and some nine times from Homer; in a speech to the Alexandrians, perhaps delivered under Trajan, he again quotes repeatedly from Homer (including a virtuoso cento stitched together from a number of separate passages) as well as from Aristophanes, Eupolis, Menander, and Euripides.⁵⁹ Likewise, Maximus of Tyre, a popularizing Platonist contemporary with Apuleius, liberally sprinkles his philosophical discourses with a variety of quotations, drawing predominantly from Homer but encompassing a wide range of authors.⁶⁰ In his letters, the younger Pliny regularly quotes Homer and Vergil, often without attribution, as passages immediately familiar to the reader, and also, more occasionally, other Greek classics.⁶¹ The practice of adducing suitable quotations was not limited to pieces meant for public dissemination. The young Marcus Aurelius, for example, in his private letters to Fronto, quotes freely both from classic Greek authors and from the archaic Latin writers favored by his

⁵⁹ *Or.* 12 (Olympia): Hesiod at 24, Homer at 15, 17, 26, 52, 62, 64, 72, 83, 85; *Or.* 32 (Alexandria): Homer at 4, 16, 21, 23, 24, 75, 79, 82–5 (the cento), 99; Aristophanes and Eupolis at 6; Menander at 16; an unidentified comic poet at 23; Euripides at 86, 94, 100.

⁶⁰ Trapp 1997, xxxv–xxxvii; cf. *ibid.* 343–346. There are some 140 passages from Homer in the forty-one discourses, some ten from Plato, and others from Hesiod, Stesichorus, Sappho, Anacreon, Simonides, Pindar, Epicharmus, Aeschylus, Euripides, Aristophanes, Ariphron, Menander, and Aratus, among poets, and Heraclitus, Herodotus, Thucydides, Aeschines Socraticus, and Epicurus, among prose writers.

⁶¹ Homer: *Ep.* 1,7,1 and 4; 1,18,1 and 4; 1,20,22; 4,11,12; 5,19,2; 5,20,7; 6,8,3; 8,2,8; 9,1,4; 9,13,20. Vergil: *Ep.* 1,2,2; 5,6,44; 5,8,3; 6,20,1; 6,33,1; 7,20,4; 9,13,12. Euripides: *Ep.* 4,11,9; 4,27,6. Demosthenes: *Ep.* 2,20,12; 4,7,6. Hesiod: *Ep.* 3,7,15. Thucydides: *Ep.* 4,7,3. Xenophon: *Ep.* 7,32,2.

teacher.⁶² Lastly, we may note that Suetonius depicts his emperors as well equipped with appropriate tags, which they produce in a variety of circumstances; again, Homer is by far the most frequently quoted author, but Euripides, Menander, Ennius, and Vergil also appear.⁶³ These examples provide a fairly representative sample of the authors that educated people of the second century CE were likely to have at their fingertips: Homer above all, whose fundamental role in both Greek and Roman education is immediately obvious, but also Hesiod, Euripides, and, for Latin speakers, Vergil. Even so, the range of texts is striking, even if it does not begin to approach that paraded by Athenaeus' *deipnosophists*.

Considering the cultural context, then, we would expect almost as a matter of course to find Apuleius including quotations in his *Apology*. Nor does he disappoint: apart from paraphrases and more indirect references, he quotes twenty-two passages from twelve different writers (not including himself, whom he quotes perhaps most extensively of all).⁶⁴ Homer is of course well represented, with four separate quotations, and Vergil puts in his expected appearance. As an avowed follower of Plato, Apuleius demonstrates his familiarity with the master's writings by quoting from five separate works, not counting the epigrams. But he also takes care to go beyond the standard authors and works, quoting from Solon, Catullus, Afranius, Laevius, and an otherwise unattested poem of Ennius. He even quotes a line of the emperor Hadrian's verse, the only remotely contemporary writer to do so.

⁶² Fro. *Aur.* 1,4,3–7 van den Hout² = 1,92–96 Haines: Homer, Callimachus; 1,5,5 = 1,98: Ennius, Laevius; 2,5 = 1,112–114: Plautus, Naevius; 2,8,1 = 1,136–138: Ennius, Plautus, Naevius; 2,11 = 1,140–144: Laberius, Caecilius, Cato; 4,2,3 = 1,76: Ennius; 4,6,1 = 1,180–182: Novius; 4,8,1 = 1,184: Euripides.

⁶³ Augustus quotes Homer (Suet. *Aug.* 65,4; *Tib.* 21,6), Euripides (*Aug.* 25,4), Ennius (*Tib.* 21,5), and Vergil (*Aug.* 40,5). Gaius quotes Homer (Suet. *Cal.* 22,1 and 4) and Vergil (*ibid.* 45,2). Claudius quotes Homer on the tribunal and uses Homeric tags as passwords for his guards (Suet. *Cl.* 42). Nero (Suet. *Nero* 49,3), Galba (Suet. *Gal.* 20,2), Vespasian (Suet. *Ves.* 23,1), and Domitian (Suet. *Dom.* 12,3 and 18,2) all quote Homer. Vespasian also adapts Menander (Suet. *Ves.* 23,1).

⁶⁴ Apul. *Apol.* 4,4: Hom. *Il.* 3,65–66; 6,6: Catul. 39,19; 9,9: Solon F 12 Diehl = 25 West; 10,8–10: epigrams of 'Plato', *AP* 7,670, 100, and 99; 11,2: Catul. 16,5–6; 11,3: Hadrian F 2 Courtney; 12,6: Afranius F 221 Ribbeck = F 225 Daviault; 22,5: Hom. *Od.* 19,172; 25,11: Pl. *Alc.* 1,121e; 26,4: Pl. *Chrm.* 157a; 30,8: Verg. *A.* 4,513–516; 30,13: Laevius F 27 Courtney; 31,5: Hom. *Il.* 11,741; 31,6: Hom. *Od.* 4,229–230; 39,3: Enn. *var.* 34–44 Vahlen; 64,4: Pl. *Phdr.* 247c; 64,6: Pl. *Ep.* 2,312e; 65,5 and 7: Pl. *Lg.* 12,955e; 88,8: Menander?; 94,6: Cato the Elder. It is worth noting that all but the last two of these (both of which are simply unattributed tags) occur in the first two parts of the speech.

Although the direct quotation was perhaps the most decisive demonstration of one's cultural competence, other possibilities existed as well. One of the most concise was the list, which condensed a whole range of learning into simple but effective form. Although lists go back to the earliest period of Greek literature (e.g., the Catalogue of Ships at *Il.* 2,484–877), it was in the Hellenistic period that they acquired their fundamental cultural importance. The system of education that became standardized at that time placed great emphasis on the memorization of lists (of letters, of syllables, of words, of names, and so forth), and undoubtedly encouraged the habit of thinking in lists. Lists also became a crucial tool in scholarship. This development began already in the fifth century BCE with the work of men like Hippias of Elis and Hellanicus of Lesbos but reached a peak with the *Pinakes* of Callimachus, a massive listing of all Greek literature broken down into various categories (epic, lyric, tragedy, comedy, philosophy, history, rhetoric, etc.).⁶⁵ For anyone with a claim to culture, consequently, the use of lists must by the late Hellenistic period have been second nature.

Lists served a variety of functions. The selective list, for example, demonstrated critical judgment. The impulse to develop lists of the 'best' writers in a particular genre went back to the fourth century BCE, but the practice seems to have been developed more systematically in the second century BCE by Aristophanes of Byzantium and Aristarchus of Samothrace, eventually resulting in standard lists like those of the Nine Lyric Poets.⁶⁶ Roman scholars soon did the same for Latin authors; in the late second or early first century BCE, for example, the poet and critic Volcacius Sedigitus provided a ranked list of the ten best writers of comedies (*Gel.* 15,24). By the imperial period, lists like these informed most scholarly discussions of literature; one of the fullest surviving examples is Quintilian's exhaustive survey of Greek and Roman writers that the student of oratory should read, together with comments on each writer's distinguishing qualities (*Inst.* 10,1,46–131).

Lists could also document the wide range of a person's learning. In fact, a great deal of grammatical scholarship took the form of annotated lists, as we see in the scholarly works of Suetonius, writing a generation or so before Apuleius. His treatise *On Words of Insult*, for example, is essentially a list of abusive words, grouped into various categories (terms for boasters, gossips, dimwits and so forth; insults derived from the names of cities or numbers)

⁶⁵ The fundamental work on lists in Graeco-Roman scholarship is Regenbogen 1950. On Callimachus' *Pinakes*, cf. also Pfeiffer 1968, 126–134.

⁶⁶ For the fourth century BCE, note Heraclides Ponticus' treatise *On the three tragic poets* (D.L. 5,88 = F 179 Wehrli). Cf. in general Pfeiffer 1968, 203–208.

and annotated (with a definition, an etymology, and illustrative citations from various authors). From the generation after Apuleius we find the same sort of thing in Athenaeus' *Deipnosophistai*. To consider only the most striking example, one of the guests, the *grammaticus* Plutarch of Alexandria, entertains his companions with a gargantuan annotated list of words for drinking cups, in alphabetical order no less, which if actually delivered would no doubt have taken up several hours of the banquet (11,782d–503f). Although the scale on which Athenaeus depicts this sort of activity is unbelievable, the practice itself is not. Aulus Gellius reveals that 'once upon a time, when I was riding in a carriage, to keep my mind from being dull and unoccupied and a prey to worthless trifles, it chanced to occur to me to try to recall the names of weapons, darts, and swords which are found in the early histories, and also the various kinds of boats and their names' (10,25,1, in the Loeb translation of J. Rolfe). He shares with the reader the result of this meditation: *hasta, pilum, phalarica, semiphalarica, soliferrea, gaesa, lancea, spari, rumices*, etc. (10,25,2), followed by *gauli, corbitae, caudicae, longae, hippagines, cercuri, celoces vel ut Graeci dicunt κέλητες*, etc. (10,25,5).

Thirdly, the list could function as a very effective rhetorical device, to support and emphasize a point. The rapid enumeration of multiple examples served to establish the authority of the speaker and his control of the topic under consideration. At the same time, it created a sense of amplitude and weight: even though the individual examples might not have carried much weight on their own or even have been particularly relevant, their combination in a list suggested an irrefutable case. Two examples suffice to illustrate this use of the list. In a letter written probably in 105 or 106 CE, the younger Pliny defends himself against the criticism that it is inappropriate for someone of his social standing to write and recite poems like his hendecasyllables, which he apparently composed in the style of Catullus. His response is to provide a long list of other men of senatorial status who also wrote frivolous verse: Cicero, Calvus, Asinius Pollio, Valerius Messala, Hortensius, and so on down to Verginius Rufus, adding for good measure Julius Caesar, Augustus, Tiberius, and Nerva. A tailor-made list like this, *Senators Who Wrote Frivolous Verse*, not only supported Pliny's defense but served to demonstrate his learning, containing as it does many names that were very famous, but not generally associated with frivolous verse.⁶⁷ In a somewhat similar way, Fronto, writing probably to Marcus Aurelius a few years after

⁶⁷ Plin. *Ep.* 5,3. For the date and further discussion, cf. Sherwin-White 1966, 34–35 and 316–318.

Apuleius delivered his *Apology*, rebuts the suggestion that in his old age he alter his style. His chief tactic is to reel off a long list of artists and writers grouped in different categories (sculptors, painters, poets, historians, orators, philosophers), together with the qualities for which they are known. ‘Among poets, who does not know how Lucilius is plain, Albucius dry, Lucretius lofty, Pacuvius moderate, Accius uneven, Ennius diverse? History has likewise been written carefully by Sallust, clumsily by Pictor, charmingly by Claudius, inelegantly by Antias, long-windedly by Sisenna, by Cato with many words together, by Coelius with single words on their own’ (*De eloquentia* 1,2 van den Hout² = 2,48 Haines). Again, the display of erudition and critical understanding adds weight to the defense, and helps to account for the inordinate length of the list.

Like Pliny and Fronto, Apuleius often employs lists in the *Apology* as a way to bolster his arguments. We see an example of this near the very start of the speech, when he counters the prosecution’s insinuations about his good looks by adducing a list of Philosophers Who Were Handsome.⁶⁸ Perhaps the most crucial use of this technique is the long list of philosophers who were misunderstood by the ignorant, which we have already examined above (*Apol.* 27,1–3). In this example we can see especially clearly how the formal qualities of the list partially compensate for the shakiness of the individual instances, and work to create the impression that what is happening to Apuleius is merely the most recent case of something that has always befallen great philosophers.

But Apuleius uses lists in other ways as well. For example, in order to denigrate the motivations that inspired his enemy Aemilianus to lodge his accusation, he contrasts them with the desire for glory that in the past led young men of the elite to start their public careers with a notable prosecution, such as that which M. Antonius brought against Cn. Carbo, C. Mucius against A. Albucius, P. Sulpicius against Cn. Norbanus, and so forth. Although we can identify most of the men involved here (Apuleius in fact has some of the details wrong), there is little evidence that these were particularly celebrated trials, or even that they all fit Apuleius’ characterization.⁶⁹ But the fact that nobody in his audience would have known about these tri-

⁶⁸ *Apol.* 4,6–9. He in fact names only two, Pythagoras and Zeno of Elea, but creates the sense of a list by adding that ‘many philosophers’ are said to have been good-looking. Other lists not discussed below: *Apol.* 17,7–10: noble Romans who owned few slaves; 18,7–11: poor but noble Greeks and Romans; 31,7: instances of magic in Homer; 36,3: philosophers who wrote on animals; 78,4: criminal women in Greek myth; 81,3: cunning scoundrels in Greek myth and history.

⁶⁹ *Apol.* 66,4 with the comments of Hunink 1997b, 177.

als, probably not even Maximus himself, did not hinder the effectiveness of the list; it would in fact have enhanced it, as a reminder that Apuleius' learning went beyond that of most people. The opposite is true of the last significant list in the speech. After reading a letter of Lollianus Avitus, Claudius Maximus' predecessor as proconsul of Africa, Apuleius launches into rapturous praise of Avitus' eloquence. Whatever speech he should compose, he declares, 'Cato would not find it wanting in weight nor Laelius in melodiousness nor Gracchus in force nor Caesar in heat nor Hortensius in arrangement nor Calvus in cleverness nor Sallust in economy nor Cicero in richness' (*Apol.* 95,5). Here we have a list of the type already seen in Quintilian and Fronto, namely, notable writers of a particular genre together with their distinguishing characteristics. In this case, both the names and the qualities associated with them are absolutely standard, the sort of thing anyone with some education in rhetoric would have been able to trot out. Here it is not so much the *recherché* quality of Apuleius' learning but its comfortable familiarity that matters.

The quotation and the list were thus typical adornments of learning in the second century CE, and Apuleius is careful to make extensive use of them both, more extensively than a simple rebuttal of the charges against him would require. But in many cases he moves beyond the simple quotation and list, combining both forms in elaborate disquisitions that read almost like miniature essays. I will here discuss two representative examples, one from each of the first two parts of the speech.

Among the points raised by the prosecution to undermine Apuleius' claim to be a philosopher was the fact that he had written frivolous verse, notably love poems to two boys whom he called Critias and Charinus. The plaintiffs evidently suggested that the use of pseudonyms was in itself evidence that this behavior was somehow shameful. Apuleius' response is both thorough and effectively organized.⁷⁰ His first point is that many classic poets wrote erotic verse, a point that he supports with two lists, one of four Greek poets and one of three Latin poets (*Apol.* 9,6–8).⁷¹ The second point is that even philosophers have written erotic verse (9,9–11), which Apuleius illustrates with first a quotation (from the erotic poetry of Solon) and then a list (the writings of Diogenes the Cynic, Zeno the Stoic, and 'many things of

⁷⁰ *Apol.* 9,6–13,4. Cf. Hunink 1997b, 39–57 for discussion of the details.

⁷¹ It is worth noting that the two lists are nicely balanced: the Greek poets are very well known (they come, in fact, from the canonical list of the Nine Lyric Poets), but Apuleius makes this less obvious by alluding to them by their place of birth rather than their name. In contrast, he names the Latin poets outright, but his selection is quite *recherché*. For the details, cf. Hunink 1997b, 40–41, where the reference to Gellius should be 19,9,10–14.

that kind'). After reciting the poems that his opponents had criticized, Apuleius turns to a third issue, whether the use of pseudonyms in such poetry is grounds for suspicion (10,2–5). He addresses this first with a list of classic Latin love poets who did the same: Catullus, who called Clodia Lesbia; Tigidas, who called Metella Perilla; Propertius, who called Hostia Cynthia; and Tibullus, who called Plania Delia. He follows the list with two more detailed examples: he blames Lucilius for using the real names of the boys Gentius and Macedo, and praises 'the Mantuan poet' for hiding the identities of himself and Pollio's boy under the names Corydon and Alexis. After a dig at the rusticity of Aemilianus, for which the rustic setting of Vergil's eclogues provides the excuse, he returns to the argument that such light erotic verse is unworthy of a Platonic philosopher, and caps his previous refutation by quoting the erotic verse of Plato himself (10,6–10). He then responds to an assumption underlying the whole issue of his poetry, that poetry of this sort is evidence for loose morals. This allegation he counters with quotations first from Catullus (16,5–6, previously quoted by the Younger Pliny in similar circumstances, *Ep.* 4,14,5), and then from Hadrian, before concluding that they are fools to imagine that Maximus would find fault with any behavior for which Plato provided the model (*Apol.* 11).

The second example comes from Apuleius' response to the charge that he had purchased certain types of fish to use in his love magic against Pudentilla. The first point that Apuleius makes in his detailed and elaborate rebuttal is that fish, as anyone with any education at all knows, are never associated with magic (*Apol.* 30,5).⁷² In support, he adduces a range of material. He first invokes the authority of Vergil, listing a number of items that figure in the eighth *Eclogue* and then quoting four lines from the magical rites described by Dido in the fourth book of the *Aeneid* (30,6–8). After drawing a humorous contrast between the materials mentioned by Vergil and those proposed by the prosecution (30,9–10), he says that he would also have quoted similar passages from Theocritus, Homer, and Orpheus, as well as from Greek comedies, tragedies, and histories, if his opponent were not ignorant of Greek (30,11). He therefore turns back to Latin poetry, quoting six lines of Laevius, an obscure poet of the early first century BCE, that enumerate a number of items used in magic (30,12–13). After reiterating his assertion that fish have nothing to do with magic, he cites as further proof an anecdote about Pythagoras, whom 'many have regarded as a disciple of Zoroaster and similarly skilled in magic': after paying some fishermen for a

⁷² As commentators have pointed out, this claim of Apuleius is simply wrong: cf. Hunink 1997b, 99 and, on the details of Apuleius' citations, *ibid.* 100–106.

large catch of fish that he had just witnessed them bring in, he threw them back in the water rather than keeping them for magical purposes (31,2–4). Undoubtedly, Apuleius continues, he remembered the lines of Homer referring to *pharmaka* produced from the earth (31,5–6). He then lists all the episodes in the Homeric poems that have to do with magic, pointing out that in none of them is there any reference to marine ingredients. He finally concludes this section with another humorous contrast, between deities known to have some association with magic (Mercury, Venus, Luna, Hecate) with the sea deities whom his opponent would introduce in their place (31,9).

In passages like these, Apuleius employs a form that we might, for lack of a better term, call the ‘problem’. In its simplest form, the problem was an essential component of the commentary process in grammatical education. Epictetus depicts the following exchange as typical: ‘Who was the father of Hector?’—‘Priam’—‘Who were his brothers?’—‘Alexander and Deiphobus’—‘Who was their mother?’—‘Hecuba; this is the account I have received’—‘From whom?’—‘From Homer; but I think Hellanicus also writes on these subjects, and perhaps others like him’ (Arr. *Epict.* 2,19,7). More complex or obscure questions required a more elaborate response, and some members of the educated elite, not just professional *grammatici*, took pride in showing off their ability to provide learned and detailed answers to particularly obscure or challenging questions; we have already seen in Athenaeus and Aulus Gellius how such questions could be used in a sort of parlor game. Apuleius is, in a sense, playing the same game in the *Apology*: he treats the arguments of the prosecution as a series of grammatical challenges, and then provides a set of virtuoso responses. If they suggest that it is inappropriate for a philosopher to write erotic verse and that the use of pseudonyms is evidence for impropriety, he will answer the questions ‘What philosophers wrote love poetry?’ and ‘What love poets used pseudonyms?’ If they accuse him of purchasing fish to use in a love potion, he will answer the question ‘In what passages do fish not appear in lists of magical ingredients?’ As we might expect from Apuleius, he employs this form with a twist; in the first case he interweaves two separate problems, and in the second he takes the sort of question that Athenaeus’ deipnosophists enjoyed propounding for each other and poses it in negative terms (‘In what passages are fish *not* found?’).

In the *Apology*, then, Apuleius deliberately and emphatically displayed his grammatical learning by employing three of its most typical formal expressions: the quotation, the list, and the problem. Although the various individual examples that we have considered each had a specific function, it is

clear that Apuleius' use of these forms went far beyond his immediate needs, as many commentators have noted. His purpose in doing so, I would argue, was to demonstrate not merely that he was learned, but more specifically that his learning took very familiar and entirely respectable forms and would likewise, by implication, be used for perfectly respectable purposes. As I suggested in the second section of this paper, the charge of 'being a *magus*' was essentially a matter of cultural perception and thus difficult to refute by outright argumentation; it was instead something that he had to counter more subtly. By parading his knowledge in such familiar and socially respectable forms, Apuleius was in effect disproving the charge that it constituted something sinister and subversive.

The reason why this sort of learning was socially respectable deserves a bit more comment. Modern observers sometimes express surprise or even distaste over the pedantry and the lack of substance that characterized the literary and intellectual endeavors of the second century CE. But such criticisms are fundamentally misguided: I would argue that the lack of substance was precisely what made such learning respectable. Flinterman has very aptly invoked Veblen's concept of 'conspicuous leisure' to explain the cultural importance of sophistic rhetoric in the second century CE. Because non-productive activity is something in which only the wealthy can indulge, 'the more useless an activity is the more prestige it imparts to those who excel in it'; he thus convincingly argues that 'sophistic oratory was important as a medium for the affirmation of *elite* identity *precisely because it was devoid of any practical use*'.⁷³ The same thing is true of the grammatical learning displayed by Apuleius. But in the context of the *Apology* I think we can also discern another reason for the respectability of useless knowledge. I suggested earlier that when Apuleius' enemies accused him of being a *magus* one of the things they meant was that his knowledge of arcane lore gave him an unusual control over his environment and thus the ability to circumvent the established structures of social power. In other words, it was the power that Apuleius could wield as a result of his knowledge that made it socially subversive. By the same logic, the opposite was also true: since useless knowledge by definition could not pose a threat to established social structures, the elite could safely approve and even endorse it. They could even employ it to reinforce established structures by endowing it with a gatekeeper function: as noted above, grammatical learning was the basis of education, and its mastery was required of anyone who aspired to social

⁷³ Flinterman 2002, 203 (original italics). I am indebted to Maaïke Zimmerman for calling this paper to my attention.

respectability. But it was its lack of immediate utility that made such learning capable of fulfilling this function in the social system.

I would thus propose that the very pointlessness of Apuleius' elaborate displays of learning was precisely their point. Apuleius was not so much explicitly arguing that his knowledge was not socially subversive as implicitly demonstrating that fact by means of these impressive but reassuringly anodyne displays of erudition. Let me give one last example that I think encapsulates Apuleius' strategy. The final specific topic that Apuleius addresses in his speech is what he himself describes as 'the very root of the accusation', namely, the claim that he bewitched Pudentilla into marrying him for the sake of monetary gain (*Apol.* 90,1). If his accusers can prove that he gained any financial advantage from the union, he proclaims, 'may I be the well-known Carmendas or Damigeron or Moses or Johannes or Apollobex or Dardanus himself or anyone else who has been famous as a *magus* since the days of Zoroaster and Ostanus' (90,6). Hunink (1997b, 222) sees Apuleius' strategy here as 'daring and highly provocative', and this is certainly what Apuleius himself would have us believe. He in fact calls attention to his daring by what he says next: 'See, Maximus, what an uproar they have raised, because I have run through the names of a few *magi*' (91,1). But I would argue instead that there was relatively little risk involved in reeling off such a list: the reassuringly familiar form of his learning, something that at this point he had demonstrated again and again, effectively neutralized anything suspicious about its specific content. What Apuleius says next simply makes explicit what must already have been obvious to Claudius Maximus and many other members of the audience. 'What should I do with men so ignorant and barbaric? Should I inform them that I read these names and very many others in public libraries in the works of the most reputable authors? Or should I argue that the knowledge of their names is one thing, participation in their art another, and that the apparatus of erudition and the retention of learning ought not to be considered the confession of a crime?' (91,1–2). In this passage, Apuleius, before the very eyes of his audience, transforms magical knowledge into grammatical knowledge; he renders innocuous what might otherwise appear powerful, subversive, and threatening.

Conclusion

In this paper I have tried to demonstrate that the seemingly gratuitous displays of learning that Apuleius incorporated into the *Apology* in fact served

an important practical purpose. The key issues at stake in the trial, for both the prosecution and Apuleius himself, was the claim that Apuleius was a *magus*, which was in essence a claim that he possessed socially suspect knowledge and used it for socially subversive ends. Accordingly, Apuleius' overall objective in his defense was to demonstrate that his knowledge was instead socially respectable. Although an important part of his strategy was to present himself as a philosopher, a status that at that time was eminently respectable, debates over who counted as a real philosopher meant that this line of argument could get him only so far; he needed to supplement his claim to be a philosopher with something more immediate. He thus put his knowledge on display in forms that were instantly recognizable as safe, familiar, and socially respectable: the standard grammatical forms of the quotation, the list, and the problem. These displays of learning accomplished something that his more explicit arguments could not: they shaped the audience's perceptions of him in ways that were both subtle and immediate.

As Harrison notes in his contribution to this volume, these displays are particularly characteristic of the first two parts of the speech; the third contains only two quotations (both anonymous) and no disquisitions on grammatical problems. Harrison suggests that this is because it is only in the third section that Apuleius turns to the serious legal charges. Although in one respect this is true enough, I would suggest that in another respect the opposite is also true. Because Apuleius was tried not under a specific law but in a *cognitio extra ordinem*, the legal issues at stake were not clear cut. His task was not so much to prove that he had not committed a particular crime, but rather to convince Claudius Maximus that he was not deserving of punishment. Now Apuleius knew that when he came to deal with the question of his marriage to Pudentilla he had a very solid case, which he could support with strong arguments, documentary evidence, and respectable witnesses; for Apuleius, this would be a cakewalk. But it would not be the end of the case. Maximus could easily decide that, even if there had been no improprieties in his marriage to Pudentilla, Apuleius still deserved punishment as a *magus*, someone generally subversive of the status quo. Apuleius knew that to ward off this outcome would be much more difficult; since the charge of being a *magus* was much more nebulous, much more a matter of ill-defined attitudes, it could not be easily countered with arguments, evidence, and witnesses. If we look at the case from this perspective, we can see that it is precisely in the first two sections that Apuleius is doing the really difficult work, carefully shaping the audience's perception of him as a safe and perfectly ordinary (if outstanding) intellectual of his day. Once he had done

that, he could turn to the part of the case where he was on solid ground, and deliver the coup de grace.⁷⁴

The displays of learning with which Apuleius adorns the *Apology* are thus not a secondary element in his case for his defense; they are rather the core of that defense. Once we understand that Apuleius' primary goal was not to counter the charge of an officially defined crime but rather to reassure his audience and above all the proconsul that his knowledge took innocuous and socially approved forms, we can appreciate the reasons why he spent so much time showing off his learning in such elaborate but reassuringly familiar displays. His success, and safety, depended on his self-presentation as a sophist at play.

⁷⁴ On this point I am in close agreement with Hunink 1997b, 20–21, who argues that the first two sections constitute its core, even though I would obviously disagree that they are ‘not directly related to the legal issues to be judged’.