

# On Psyche and Psychology: A Reflection\*

K.R. BRADLEY

University of Notre Dame & University of Victoria

From the moment of enslavement to this last stage, assignment to an owner, men, women and children must have suffered a hideously traumatic experience, but nobody was interested in describing the psychological sufferings of the victims; one did not, after all, have animal-psychologists.

J.P.V.D. Balsdon, *Romans and Aliens* (London 1979): 79

What can be said about Apuleius's *Cupid and Psyche* that has not already been said? Its literary artistry, aesthetic appeal, its symbolic, allegorical and even philosophical meanings have all been voluminously illustrated. Any faltering step into the territory of critical comment risks the consequent danger of immediate superfluity. Yet there is potential value, I think, in examining a central, and at least to the historically minded observer, striking element of Apuleius's story, namely the depiction of Psyche through much of the narrative as a runaway slave. This is my subject here. My interest lies in the associations and implications the characterization evoked for contemporary Roman readers, and the extent to which they may, in all their variety, enhance appreciation of Apuleius's text. I draw especially on the informing evidence of Roman law in order to disclose them, evidence that I consider essential. I begin, however, by emphasizing the difference between the setting of the *Metamorphoses* up to the point where *Cupid and Psyche* begins, and the setting of the inserted story itself. It is a difference obvious once stated but crucial for the interest indicated.<sup>1</sup>

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<sup>1</sup> Illustrated: Schlam & Finkelpearl 2001: 135-151 provide an extensive review of scholarship from 1970 to 1998. I refer to subsequent contributions in the major works on Apuleius's *Metamorphoses* with which I am familiar. Element: for important earlier studies see Annequin 1989: 94-103 (cf. 1997) and esp. Owens 2021; cf. Ávila Vasconcelos 2009: 43-44, 150-152. (Unless I am mistaken, Panayotakis & Panayotakis 2015 and van Mal-

## I

Despite the asininity of his magical transformation, Lucius's story takes place in a realistically identifiable context, the provincial Roman world of Apuleius's own era. The story opens with Lucius on the road to Thessaly in Greece, and it is precisely in the city of Hypata that misfortune converts him into a beast of burden. The society in which he moves up to this stage is equally authentic, embracing characters who range in type from members of the decurial elite and local magistrates, through traders, business agents and artisans, men and women alike, to domestic slaves and low-life criminals. Lucius's adventures of course will eventually climax in Corinth and come to an end in Rome.<sup>2</sup> *Cupid and Psyche*, in contrast, is a fairy tale set in a timeless and geographically indistinct location—somewhere in Greece, certainly, though this emerges only gradually—with characters both human and, remarkably, divine. The former are entirely fanciful, principally an unnamed king and queen and their princess daughters, while the latter, chiefly Olympians, experience a range of human emotions and interact with mortals as if there were no metaphysical distinction between them. Further, instead of the main story's realistic everyday scenes of life in a miserable moneylender's house and a city's marketplace, or of typical events such as a civic festival and a frightening home invasion, *Cupid and Psyche* is full of everything other than the everyday and the credible. A favouring breeze regularly transports human characters from mountaintop to valley (hang gliding equipment is not required); a proto-digitally "smart" palace provides its occupant with every need and want by simple voice command; and natural phenomena and material objects alike have a wondrous capacity to speak in human voice in the very language spoken by Psyche herself. All is fantastical, far more magical than the magical rituals of Lucius's "real" world.<sup>3</sup> The gods of course are Greek gods, if in Latinate guise, and so a story from Greek antiquity is presupposed, one perhaps of putatively epic pretensions. But nothing requires the story to express anything of topical significance, and its "once upon a time" beginning inherently closes off any readerly expectations of such. The opening sentence is enough in and of itself to establish the story's difference from Lucius's story. Its immediate audience of one, the beautiful, well-born Charite, a victim of abduction by the perpetrators of the home

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Maeder 2015 overlook the element.) As will emerge, my approach differs significantly from theirs. *Cupid and Psyche* occupies *Met.* 4.28-6.24.

<sup>2</sup> Context: Millar 1981. Society: Bradley 2012: *passim*.

<sup>3</sup> Timeless: Schlam 1992: 82; cf. Shumate 1996: 252. Indistinct: Harrison 2013: 174 thinks the geographical contrast between Lucius's story and the inserted tale less pronounced; cf. GCA 13. Emotions: cf. Annequin 1989: 95. Interact: cf. similarly Lucian, *The Fugitives*. Voice command: was Apuleius thinking of Arist. *Pol.* 1253b?

invasion just mentioned and a captive in their lair, will easily have understood this as she listened to the tale. The story is told by an old woman Charite's marauding captors have charged to take care of her.<sup>4</sup>

It comes as a jolt, then, when without any forewarning the stunningly gorgeous Psyche, youngest daughter of the stereotypical king and queen and now pregnant wife of Cupid, is suddenly identified as a *fugitiva volatica*, a slave of the goddess Venus who has wickedly absconded (5.31.2). In a timeless fairy tale it is hardly unusual that the sea-born immortal should enjoy the luxury of an elaborate entourage, and the reader has already been introduced to her army of divine attendants in a suitably marine tableau (4.31.6-7). If alert, indeed, the reader will recall that when chastising her miscreant son, Venus has just threatened to punish Cupid by diminishing his status through the elevation of a new child adopted from among her *vernulae* (5.29.5), a term whose meaning is not in doubt: young home-born slaves, the *partus ancillarum* often of interest in the real world to Roman jurists. The slave-owning implications of the detail, however, could easily have been missed, as too the slightly earlier use of the quintessentially Roman term *familia* that Apuleius uses to refer to Venus's divine household (5.28.4).<sup>5</sup> On reflection, however, the reader realizes that Venus is being portrayed as a Roman *matrona*, a notion on the face of it preposterous, and as it now appears the owner not least of a human commodity. The image long ago reminded one authority of the husband-emasculating harridan conjured up by Juvenal (6.206-224). The result is that the story of Psyche, jarringly, is literally brought down to earth, transposed from the timeless world of make-believe to that of the socio-culturally contingent. At the moment concerned, as Venus makes the identification in an address to her peers Ceres and Juno, Psyche is no longer enjoying the delights of her

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<sup>4</sup> Latinate: vocabulary inevitably betrays the Roman ethos of the story: in the early sections alone the following items, many of which have legalistic connotations, are redolent of Roman cultural or institutional norms: *provinciasque* (4.29.1); *partiario* (4.30.1); *vicariae* (4.30.2); *iustitiam fidemque* (4.30.3); *foedera* (4.31.1); *vindictam* (4.31.1); *vindica* (4.31.1); *dignitatis et patrimonii* (4.31.3); *obsequium* (4.31.5); *dominae* (4.31.7); *plebe* (4.32.1); *desponsae* (4.32.3); *iustitium* (4.33.5). Whether it is critically correct to insist on the Greek character of the story is a consequent issue. Keulen 1997: 204 n.6 hesitates over the question whether Apuleius had any "legal training." But Quintilian's curriculum (12.3; cf. 2.4.33-40) suggests an affirmative answer. Pretensions: on the story's epic allusiveness see Finkelpearl 1998: 67-71, 96-101, 110-114, 200-202. Opening sentence: *'Erant in quadam civitate rex et regina'* (4.28.1: "Once upon a time in a certain city there lived a king and queen."). Told: the literary complication that the old woman's tale is reported by Lucius is of no concern to my subject. For quotations and translations, I draw respectively on Zimmerman 2012 and Hanson 1989.

<sup>5</sup> *Vernulae*: not "household slaves" (Kenney 1990a: 85) or "domestic servants" (GCA 337); "young slaves" (Hanson 1989: I 307) is better; see Herrmann-Otto 1994: 10.

mysteriously invisible husband's magical palace, or the nocturnal pleasures his intimate presence has brought her. Instead, having disobediently discovered his divine identity through an injurious ruse, she has driven him away and is now wandering, aimlessly, from place to place in an effort to find and win him back. Encouraged by the advice of the great god Pan, she has long been aware nonetheless of the distress of a hostile Venus jealous of her beauty (5.25.6, 5.34.5). She seems, moreover, to accept the reality of her degraded status, soon seen in her search intent on appeasing Cupid with suitably servile entreaties (6.1.1: *serviles preces*).<sup>6</sup>

To a Roman reader, the label of *fugitivus*, here properly gendered of course, was pejorative, doubly so in this instance with its "elusive" refinement. But it was also a formal, quasi-technical term, as in this precise definition recorded by the eminent jurist Ulpian: "Ofilius tells us what is a fugitive: He is one who remains away from his master's house for the purpose of flight, thereby to hide himself from his master."<sup>7</sup> Servile flight in everyday life, however, was so prevalent, and the circumstantial complications to which it led so great, that, as will appear, legal discussions of the term's import became endless. Its actual incidence is now immeasurable, because the evidence attesting flight is impressionistic rather than quantifiable. But the material concerned includes much more than the law. Literary and documentary records confirm that at all times in the Roman past innumerable men and women attempted to extricate themselves from servitude by running away, and that as in slave societies elsewhere, the phenomenon was an elemental feature of Rome's slaveholding system. Here, therefore, one effect, I think, of Psyche's designation as a fugitive slave for Roman readers was to prompt associations of what the everyday phenomenon involved. Another was to raise expectations of further allusions to flight in the remainder of the story. This is certainly what happens.<sup>8</sup>

<sup>6</sup> Authority: Norden 1912: 76. Intent: note the textual variants given by Kenney, Hansen, GCA, and Zimmerman on Psyche's emotional state at 6.1.1 (*inquieta animi; inquieta animo; inquieta, animo*), state of "mind" (GCA 363) rather than of "heart" (Kenney 1990a: 89).

<sup>7</sup> Pejorative: the term is an early form of insult in Plautus (Richlin 2017: 175; cf. Bradley 1989: 36), whose influence on Apuleius is universally acknowledged; it encapsulates the unfeeling disdain of the privileged for their social inferiors as evident for instance in Lucian's *Philosophies for Sale*, a parody of ordinary proceedings in the slave market. Ulpian: *Dig.* 21.1.17.pr. = K(lingenberg). 69: *Quid sit fugitivus, definit Ofilius: fugitivus est, qui extra domini domum fugae causa, quo se a domino celaret, mansit*. Translations of passages from the *Digest* are those of Watson ed. 1985.

<sup>8</sup> Prevalent: for the structural significance of servile flight in Roman society see e.g. Bradley 1994: 117-121, 126-128; Rivière 2002; Harper 2011: 256-261. As one illustration of its everyday presence note the allusions in Artemidorus's *Oneirocritica* (1.26, 2.11, 2.14,

On two occasions, her servile condition accepted, the pitiful Psyche seeks relief from a vengeful Venus by entreating Ceres to allow her to hide for a few days in a temple to the goddess which Psyche has happened upon while searching for her lost love (6.2.1-6.3.2). Ceres is conveniently present at the site but she rejects Psyche's appeal. Almost immediately afterwards Psyche makes a similar plea to Juno, who, amazingly, is also encountered in person (as it were) in another temple quickly found (6.3.3-6.4.5). On the surface these events are utterly far-fetched, part of the make-believe quality of the story at large. But they draw on a long historical convention in the Greek world of sacred places serving as centres of refuge for complainant slaves, where fugitives could speak freely in a way impermissible in normal daily life, as Psyche does here. The well-known sacred law of Messenian Andania, a catalogue of rules for the celebration of the city's mysteries, in which, it happens, those of Demeter and Kore seem to have figured prominently, is the star item of illustrative evidence. This is its key provision:

That There be a Place of Refuge for Slaves: The sanctuary must be a refuge for slaves, as the sacred men appoint the place, and no one is to harbor the fugitives or give them provisions or offer them work. Anyone acting contrary to what is written is to be liable to the master for twice the value of the slave and a fine of 500 drachmas. The priest must decide about the fugitives, whichever ones are sitting (in supplication) from our city, and whichever ones he condemns he must hand over to their masters. But if he does not hand over, the master is allowed to go away in possession of him.<sup>9</sup>

The convention continued well into Rome's Imperial age. Already by the time of Tiberius, however, practices had become chaotic enough for the emperor to instruct the senate to investigate and regulate procedures in a dozen or so Greek cities. One such was Ephesus, a notable detail for students of the ancient novel, since Apuleius's contemporary Achilles Tatius has his troubled heroine at one

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2.19, 2.20, 2.35, 2.68, 4.56). Endless: for the relevant evidence see Bellen 1971; Morabito 1981: 260-263, 252-255; Klingenberg 2005. It does not matter that Apuleius cannot have known all the legal details involved. A few of the relevant texts come from jurists of the late Republic and early Imperial era, but most are from legists active in the late Antonine and Severan eras after Apuleius's *floruit*. It can be assumed nonetheless that he was aware of the endemic practical problems fugitive slaves raised. Elsewhere: flight was the predicate for the ubiquitous development of *marronage*, a well-attested phenomenon in the slave societies of Latin America and the Caribbean, closely associated with revolt and rebellion (Bradley 1989: 2-17).

<sup>9</sup> Greek world: Ismard 2019: 202-221. Speak freely: Philo, *Quod omn. prob.* 148-149. Andania: Gawlinski 2012 (trans.): lines 80-84; the date of the law is disputed: either 91 BC or AD 24. Figured: Paus. 4.26.6-8; 4.33.4-5.

stage of *Leucippe and Clitophon* take refuge precisely in its temple of Artemis. An unusual excursus on its asylic function follows. By this time, the mid second century, the further, and controversial, convention had developed that slaves could also seek refuge before statues and shrines of the Roman emperor. But whether asylum of any kind brought permanent benefit, even in the most deserving circumstances, is an open question. The emperor Antoninus Pius was to rule that when a slave's complaint of excessive cruelty against his master was justified, his fate was to be sold off to a new owner—a mixed blessing, it might be thought. Asylum was not an automatic avenue to freedom.<sup>10</sup>

What I want to stress, however, is the unmistakable intrusion of contemporary reality into the world of Psyche's timeless tale these two occasions represent. It reaches a climax with Juno's denial of Psyche's suit. Not only can Juno not offend Venus by affording Psyche shelter; the law forbids her to take in a slave against her master's wishes: "And besides," Juno says, "I am prevented by laws forbidding anyone to harbor the fugitive slaves of others without their masters' consent" (6.4.5). Again, it is absurd on the face of it that an Olympian goddess should consider herself subject to Roman law forbidding the concealment of runaways, and the statement can be read perhaps as an illustration of Apuleius's sometimes cringingly weak humour.<sup>11</sup> Yet Roman law did indeed penalize the harbouring of runaway slaves and specified what concealment meant: "strictly speaking harboring is enabling a slave to take refuge, with a view to concealing him, either on one's own land, or on ground or in a building belonging to somebody else." Harbouring was also legally understood to be a form of theft, rendering the harbourer subject to both the Republican *Lex Fabia* and the law governing the corruption of slaves. The former states, "anyone who persuades another's slave, male or female, to run away from his master or mistress, or conceals him or her against the will or

<sup>10</sup> Tiberius: Tac. *Ann.* 3.60-63. Achilles Tatius (on "Diana of the Ephesians"): "From ancient days this temple had been forbidden to free women who were not virgins. Only men and virgins were permitted here. If a non-virgin woman passed inside, the penalty was death, unless she was a slave accusing her master, in which case she was allowed to beseech the goddess, and the magistrates would hear the case between her and her master. If the master had in fact done no wrong, he recovered his maidservant, swearing that he would not bear a grudge for her flight. If it was decided that the serving girl had a just case, she remained there as a slave to the goddess" (7.13.2-3 trans. Winkler; but cf. Strabo 14.1.23). Statues: Tac. *Ann.* 3.36; Cass. Dio 47.19.2-3; Sen. *Clem.* 1.18.2; Plin. *Ep.* 10.74.1; *Dig.* 1.6.2 = K. 2 (cf. *Coll.* 3.3.1-3 = K. 198; *Inst.* 1.8.2 = K. 285); 47.11.5 = K. 158; 48.19.28.7. See Gamauf 1999; cf. Annequin 1989: 99-102; Price 1984: 192-193; Naiden 2006: 255-256. Antoninus Pius: Gaius 1.53 = K.1; *Dig.* 1.6.2 = K.2 (cf. *Coll.* 3.3.1-3 = K. 198; *Inst.* 1.8.2 = K. 285).

<sup>11</sup> 6.4.5: *Tunc etiam legibus quae servos alienos profugos invitis dominis vetant suscipi prohi-beor.* Humour: see 4.32.6-4.33.1-2: Greek Apollo at Miletus prophesying in Latin.

without the knowledge of the master or mistress...is liable to the penalty [of the statute].” According to the latter, “The praetor says: ‘If a man is alleged to have harboured another man’s male or female slave...I shall give an action against him for double the sum involved’.” (An exception was allowed if he were detaining the fugitive for the owner’s benefit or for some justifiably sympathetic reason). It comes as no surprise, consequently, that on recovery the runaway was expected to appear before the city prefect at Rome or the governor of a province, after which he was returned to his owner and, especially if he had pretended to be free while on the loose, severely punished. Here, importantly, Juno has no doubt that Psyche is indeed a runaway slave: “reality” is plain.<sup>12</sup>

Next to consider is a scene in which Venus, wishing to find and punish Psyche, instructs her brother Mercury to issue a public description of the fugitive’s distinguishing features (*indicia*). Anyone suspected of hiding her will be unable as a result to profess ignorance of who she is. Mercury is also to offer a reward for Psyche’s recovery and the restoration of Venus’s ownership. Venus duly hands him a document (*libellus*) containing Psyche’s name and personal details, and Mercury dutifully obeys with an amazingly miraculous, girdle-round-the-earth announcement (6.7.3-6.8.3):

*‘Si quis a fuga retrahere vel occultam demonstrare poterit fugitivam regis filiam, Veneris ancillam, nomine Psychen, conveniat retro metas Murtias Mercurium praedicatorem, accepturus indicivae nomine ab ipsa Venere septem savia suavia et unum blandientis adpulsu linguae longe mellitum.’*

‘If anyone can arrest the flight or reveal the whereabouts of a runaway princess, a slave-girl of Venus, known as Psyche, he should meet this announcer, Mercury, behind the Murcian turning-point. There as a reward for his information he will receive from Venus herself seven delicious kisses plus one more, deeply sweetened by the touch of her caressing tongue.’

The scene is clearly playful. It is also a play on what took place in real life. As Ulpian put it, “The magistrates should be told the names and distinguishing

<sup>12</sup> Specified: *Dig.* 11.3.1.2 = K. 24: *et est proprie recipere refugium abscondendi causa servo praestare vel in suo agro vel in alieno loco aedificiove* (Ulpian). Former: *Dig.* 48.15.6.2 = K. 168: *quique servo alieno servaeve persuaserit, ut a domino fugiat, vel eum eamve invite vel insciente domino dominave celaverit...eius poena teneatur* (Callistratus). See Robinson 1995: 33-35; Bellen 1971: 44-57; cf. Summers 1970: 515; Annequin 1989: 96-99. Latter: *Dig.* 11.3.1.pr. = K. 23: *Ait praetor: ‘Qui servum servam alienum alienam recepisse...in eum quanti ea res erit in duplum iudicium dabo.’* (Ulpian). Exception: *Dig.* 11.3.5.pr. = K. 27 (Ulpian). Hanson 1989 I: 319 cites on harbouring only the late *CJ* 6.1.4.pr. (cf. 11.64.2).

features of runaways, and those to whom they say they belong, so that they may more easily be recognized and caught. (The term “distinguishing features” also includes scars.) The law is the same if this information is posted up in public notices or on a sacred temple.” The significant words here are “names” (*nomina*), “distinguishing features” (*notae*), and “posted up” (*scriptis*), which all correlate with Venus’s *indicia* and *libellus*. And that Mercury’s proclamation has a basis in real practice there is no doubt, since authentic notices for the recovery of runaways have survived on papyri from Hellenistic and Roman Egypt, a well known early example identifying two delinquent slaves with rewards announced for their apprehension. This extract refers to the first individual:

A slave of Aristogenes son of Chrysippus, of Alabanda, has escaped in Alexandria, by name Hermon also called Nilus, by birth a Syrian from Bambyce, about 18 years old, of medium stature, beardless, with good legs, a dimple on the chin, a mole by the left side of the nose, a scar above the left corner of the mouth, tattooed on the right wrist with two barbaric letters. He has taken with him 3 octadrachms of coined gold, 10 pearls, an iron ring on which an oil-flask and strigils are represented, and is wearing a cloak and a loincloth. Whoever brings back this slave shall receive 3 talents of copper; if he points him out in a temple, 2 talents; if in the house of a substantial and actionable man, 5 talents. Whoever wishes to give information shall do so to the agents of the strategus.<sup>13</sup>

Two comparable examples from closer to Apuleius’s era concern a certain Philip-pus, said to be “about fourteen years old, pale-skinned, speaking badly, broad-nosed,” who was to be returned to the army; and an anonymous 32-year-old Greekless weaver, said to be “tall, lean (?), smooth-shorn, with a slight (?) wound on the left side of his head, honey-complexioned, somewhat pale, with a scanty beard—(or rather) with no hair at all to his beard, smooth-skinned, narrow in the jaws, long nosed.” His seemingly indignant owner reported of him, “he walks around as if he were somebody, chattering in a shrill voice”—a petty sounding

<sup>13</sup> Ulpian: *Dig.* 11.4.1.8a = K.39: *Eorumque nomina et notae et cuius se quis esse dicat ad magistratus deferantur, ut facilius adgnosci et percipi fugitivi possint (notae autem verbo etiam cicatrices continentur): idem iuris est, si haec in scriptis publice vel in aedes proponas.* Early example: P.Par. 10 = Hunt & Edgar 1934 no. 234 (trans.) = Scholl 1990: no. 81 (156 BC). See in full Scholl 1990: nos. 61-85 for Hellenistic evidence; no. 82 is of interest in its request that the slave when recovered be bound hand and foot and returned to the owner.



detail, except that when a slave was put up for sale it could become a question whether a speech defect was enough to invalidate the transaction.<sup>14</sup>

The connection, accordingly, between literature and life is self-evident. The two authentically grounded passages elaborate the initial designation of Psyche as *fugitiva volatica*, and together all three items shatter the illusion of the fairy tale's timelessness. No Roman reader could mistake them for anything but reflections of everyday life, or avoid a flood of complementary associations the abridged term *fugitiva* evoked. Slave-owners, for instance, had various methods for the recovery of fugitives at their disposal, what Venus calls at one point *terrena remedia inquisitionis* (6.6.1: "attempts to track down on earth"): military and civic personnel could be summoned for assistance, local magistrates and provincial governors were expected to offer cooperation, there were men known as *fugitivarii*, slave-catchers, who could perhaps be hired to hunt down fugitives—or else a slave-owner might instruct a friend undertaking a journey to search for a runaway on his behalf, as in the case of a third-century Egyptian and a companion who happened to be travelling to Alexandria, and more or less as Venus does with Ceres and Juno when Venus first brands Psyche a runaway (5.31.2). While waiting, moreover, the owner might consult an oracle to determine his chances of success: Yes, the fugitive would be found at once, or soon, or eventually, perhaps by happenstance; or No, there was no hope of recovery at all, particularly if the runaway had managed to sail away somewhere. A broad associative context was available, one not perhaps at once and fully apparent to modern readers, into which their Roman predecessors, I imagine, naturally located the image of the runaway slave princess. It is a context offering further, if less immediately obvious, examples of life affecting literature, of plot being impacted by the historically contingent.<sup>15</sup>

<sup>14</sup> Comparable examples: P.Oxy. 3616, 3617 (both perhaps from the third century, with translations uncertain in places, as their editors indicate). For other evidence and discussion see Straus 1988: 894-896, building on the fundamental study of Biežuńska-Małowist 1969. For fictional examples in literature see Petron. *Sat.* 97.1-2; Lucian, *The Fugitives* 27 (quoted at Bradley 1994: 120). Speech defect: *Dig.* 21.1.10.5.

<sup>15</sup> Methods: Bradley 2011: 367-373; Harper 2011: 256-261; Fuhrmann 2012: 30-41; cf. Llewelyn 1997. *Fugitivarii*: evidence for their status and functions is limited: see Guizzi 1964. The highly speculative but widely accepted view of servile collusion proposed by Daube 1952 is doubtful, the circular reasoning on which the argument depends seldom noted (cf. Watson 1987: 64-66; Klingenberg 2005: 14); the only pertinent evidence is *PS* 1.6a.1. Egyptian: P.Oxy. 1643. More or less: cf. *Dig.* 18.1.35.3 = K. 59. Oracle: "Will I find the fugitive?" is one of the life-anxiety questions listed in the *Oracles of Astrampsychus*, with the variety of responses summarized.

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Roman law recognized that one of the reasons a slave might seek asylum was to escape cruelty, *saevitia*, suffered at the hands of the slave-owner. This is evident from the ruling of Antoninus Pius cited earlier. As far as I am aware, the law has left no absolute definition of cruelty, but from the age of Apuleius until the sixth century details from the legal tradition show how the Roman establishment was perennially sensitive to the degree of physical force that slave-owners might acceptably exercise in the management of their slave property.<sup>16</sup> Apuleius's contemporary the jurist Gaius remarked in reference to Pius's ruling that "at the present time" (*hoc tempore*), immoderate cruelty against slaves on the part of Roman slave-owners was not permitted without cause. The item reappears in the *Digest* immediately before its more detailed version of Pius's ruling, taken from Ulpian's book on the duties of the proconsul, where the telling phrase *maior asperitas dominorum* is found. Ulpian also wrote of Hadrian's earlier banishment of a female slave-owner, "on the ground that she had for the most trifling reasons subjected her *ancillae* to appalling treatment," and he allowed further, when writing on the aedilician edict, that rescission of the sale of a slave was permissible if the slave had been induced to flee because of the new owner's cruelty (*saevitia*). The decisions of Hadrian and Pius are seen again in the third-century *Collatio legum Romanarum et Mosaicarum*, and that of Pius later still in Justinian's *Institutes* of the sixth century. Clearly there was an awareness, a consciousness stretching across the great interval of time the law codes embrace, that the totality of rights slave-ownership conveyed might lead to what were perceived at times, if only vaguely, as abuses of authority. They were analogous to those alleged in criminal accusations sometimes brought by Rome's subjects against extortionate provincial governors.<sup>17</sup> It was an awareness that can be traced to an inherent tension in the Roman legal tradition between natural law (*ius naturale*) and the law of peoples (*ius gentium*). The former acknowledged that all men were born free, but the latter conceded the customary practice of enslavement of some by others that was

<sup>16</sup> Establishment: a term I consider more historically appropriate here than "state."

<sup>17</sup> Gaius 1.53 = K. 1; *Dig.* 1.6.1.2 (telling phrase); 1.6.2 = K. 2: *divus etiam Hadrianus Umbriam quandam matronam in quinquennium relegavit, quod ex levissimis causis ancillas atrocissime tractasset*; *Dig.* 21.1.23.pr. = K. 89; *Coll.* 3.3.1-4 = K. 198; *Inst.* 1.8.2 = K. 285. Criminal accusations: Tac. *Ann.* 13.52, Sulpicius Camerinus; Plin. *Ep.* 2.11.2, Marius Priscus, both former proconsuls of Africa and both accused of *saevitia*, the latter especially of taking bribes to punish innocent people and even to pass death sentences; cf. Suet. *Galb.* 9.1, 12.1 (Galba's extreme cruelty in Spain). See Sherwin-White 1966: 161-162.

due, above all, to a universal consensus that those defeated in warfare automatically became the slaves of those who had vanquished them.<sup>18</sup>

In Apuleius's fairy-tale, Venus is the archetype of the immoderately cruel slave-owner, possessed of an overweening *maior asperitas*. Proof comes from the almost anticipated appearance in the narrative of the key term *saevitia* and its cognates. Bitterly jealous of Psyche from the outset, continually indignant and vindictive, Venus feels a rage that Ceres and Juno easily construe as an *ira saeviens* (5.31.3), while to Psyche herself, when entreating Ceres for refuge, Venus is already a *dea saeviens* whose *saevientes impetus* are felt as she deliberates whether to surrender herself to the immortal she accepts as her mistress (6.2.6; 6.5.3: *domina*). In due course, a perceptive ant (no less!) identifies and decries the unadulterated *saevitia* of the first of four punitive ordeals to which the goddess subjects Psyche (6.10.5); and when Psyche later brings Venus an urn of Stygian water that will complete her third trial, the goddess appears still to be the same cruel divinity (6.16.1: *dea saeviens*). Ever irate and enraged (*furens animi* [6.2.2]), capable of *miseratio* only in the most ironic of terms (6.9.4), Venus is the heavenly counterpart of the earthly Vedio Pollio, a notoriously sadistic slave-owner of the age of Augustus, exercising punitive power in the manner of emperors remembered in the second century for displays of extraordinary brutality and butchery. Apuleius's readers familiar with Suetonius's *Caesares* will have needed no reminder of them.<sup>19</sup>

How physically abusive of their human property Roman slave-owners generally were it is impossible to say. Abuse is a relative concept and normative conduct a matter of speculation. Yet Roman slavery was by definition a form of abuse, as is every form of slavery, and broad discretion was permitted in the infliction of

<sup>18</sup> Tension: *Dig.* 50.17.32 (Ulpian); cf. 1.5.4.2 (Florentinus); 1.1.4 (Ulpian); *Inst.* 1.2.2; 1.5.pr. The notion of equality in the natural law is minimised by Garnsey 2009: 208, who considers the lawyers to be engaged in establishing a "hierarchy" of legal systems. Preservation of the distinction by Justinian seems nonetheless important. Honoré 2002: 86 believed that the rulings of Hadrian and Antoninus Pius give evidence of "the slave's right to a minimum of decent treatment." This is surely aberrant: the rulings show no more than regular Imperial decision-making in specific situations, and the concept of a servile "right" is dubious. Pius's decision was prompted by establishment interests: *sed dominorum interest*. Columella's recommendation (*Rust.* 1.8.10) that the rural slave overseer (*vilicus*) should avoid cruelty in his exercise of authority is notable.

<sup>19</sup> Other than with Venus, *saevitia* appears only as an attribute of Fate (5.22.1) and dragons (6.15.5: *saevientium*). The contrast with Lucretius's *alma Venus* is strong. Vedio Pollio: "the friend and favourite of Caesar Augustus, opulent, cruel, and luxurious, who fed slaves to the *muraenae* in his fishponds at Pausilypon" (Syme 1979: 519). Suetonius: *saevitia* is a regular category in his estimate of Rome's early emperors: *Tib.* 61.2; 62.1; 75.3; *Cal.* 6.2; 27.1; 30.2; 32.1; *Claud.* 15.4; *Ner.* 33.1; 36.1; *Vitel.* 13.1; *Vesp.* 1.1; *Dom.* 11.1.

physical chastisement. There is no reason to believe that every Roman slave-owner was by modern standards a sadist, but the application of physical pain to the slave's body was always regarded as justifiable. This is best illustrated by the principle that in legal proceedings a slave's evidence was necessarily to be taken through the application of torture, a principle never seriously questioned despite the realization that physical pain brought no guarantee of truth being disclosed. It was also a principle of law that slaves guilty of crimes were punished more severely than free persons.<sup>20</sup> The hypocrisy of the system is well captured by Seneca:

*Servis imperare moderate laus est. Et in mancipio cogitandum est, non quantum illud impune possit pati, sed quantum tibi permittat aequi bonique natura, quae parcere etiam captivis et pretio paratis iubet.*

It is praiseworthy to use authority over slaves with moderation. Even in the case of a human chattel you should consider not how much he can be made to suffer without retaliating, but how much you are permitted to inflict by the principles of equity and right, which require that mercy should be shown even to captives and purchased slaves.

The statement was made, in a scarcely veiled effort of self-interest, to prevent the young Nero from exploiting to the full the powers of the emperors recently conferred upon him. Its pathetic fallacy is that determination of "equity and right" lay exclusively with the slave-owning establishment, as the decision of Hadrian mentioned a moment ago reveals. Hardly a paragon of Stoic moderation, Seneca had no interest in dispensing with the physical punishment of slaves altogether.<sup>21</sup>

Psyche is by any standard violently treated by Venus, the four ordeals to which she is subjected alone representing terrible acts of vengeance. They are literary embellishments of the punishments any returning real-life fugitive could expect, as contemporary readers would know. But perhaps the most blatantly savage aspect of her story comes in the earlier scene where Psyche, in desperation, abandons the search for Cupid and submits herself to Venus's control (6.8.4-6.10.1). The first member of the divine household she encounters is Consuetudo, who virtually threatens Psyche with death because of her *contumacia* (6.8.7), a

<sup>20</sup> Realization: *Dig.* 48.18.2. More severely: see Garnsey 1970: 122-136 on the increase in the era of Apuleius in the application of *servilia supplicia* to *humiliores*. Torture: Robinson 2007: 107-108, 173, 194-195; cf. Evans Grubbs 2013: 36-38.

<sup>21</sup> Sen. *Clem.* 1.18.1 (trans. Basore). Attempts to absolve Seneca of criticism are meritless. Lenski 2016 restates the essential point that Roman slavery was based on violence.

forceful, legalistic word that in a military context meant a soldier's disobedience of orders from a commanding officer or provincial governor that was punishable by execution. It could also, as the "flagrant disobedience towards a magistrate giving a legitimate order," give grounds for a provincial governor's punishment of free persons who refused to abide by his judgement, as in the settlement of a property dispute.<sup>22</sup> This initial threat is followed by a physical assault and delivery of Psyche afterwards to Venus who, as if in compliance with both law and custom, at once hands Psyche over to two other *ancillae* to be beaten and savagely tortured, before the goddess of love herself ruthlessly brutalizes her victim (6.9.3, 6.10.1). Particularly chilling is Venus's threat to end the pregnancy that has followed Psyche's marriage to Cupid (6.9.6: *si tamen partum omnino perferre te patiemur* ["if indeed we allow you to go through with the birth at all"]). The names of the *ancillae*, Sollicitudo and Tristities, as that of Consuetudo, obviously betray the scene's parodic disposition. But its sinister undertones are confirmed once the traditional connection between the slave and corporal punishment is recalled, evident especially for instance in Plautine comedy, together with the easy accessibility in real life of torturers (*tortores*) who could be hired to "examine" slaves. It was standard practice likewise, to shameful effect, for recovered fugitives either to be physically disfigured by tattooing or subjected to wearing an iron collar.<sup>23</sup> Whether Apuleius meant in his story to offer any critique of contemporary behaviour, who can say? The answer, I suspect, is no, because in the end the abrupt nullification of Psyche's servile status sweeps away whatever distress readers may have felt at her previous misfortunes; it is inevitable after all that at the end of the story all must be well. It is less unthinkable, however, that one effect of the tale was to remind Roman readers of the limits of the acceptable in the treatment of their slaves, as that question was implicitly addressed in the rulings of Hadrian and Antoninus Pius. Nevertheless, Apuleius's readers are expected to accept the cruel treatment of Psyche, based on a rage much like that of an out of control dog (cf. 6.19.6), as unproblematic if literarily emotive. Sympathy for Psyche is

<sup>22</sup> *Contumacia*: Dig. 49.16.6.2; cf. 4.8.39; Plin. *Ep.* 10.57. Quotation: Sherwin-White 1963: 72.

<sup>23</sup> *Tortores*: AE 1971 no. 88 (Puteoli); cf. Petron. *Sat.* 49.6; Juv. 6.480. Standard practice: Webster 2010: 54; Kamen 2010; Trimble 2016. Shameful: Saller 1994:133-153 correctly draws attention to Roman society's assumption that corporal punishment humiliated the free Roman but not the slave, who as a non-person could not be dishonoured; slaves themselves nonetheless are likely as human beings to have felt the shame of being beaten or otherwise physically chastised (cf. Dig. 47.10.15.35: *hanc (sc. iniuriam) etiam et servum sentire palam est*). To my inexperienced eye, Consuetudo's treatment of Psyche is well portrayed in the relevant panel of the Camera di Psiche in the Palazzo del Te at Mantua: Signorini 2001: 125.

certainly elicited, but in a realistic context the modern reader alert only to fairy-tale tropes might easily overlook. Verbal abuse and physical torment go hand in hand, rendering comprehensible enough Philo's withering remark, "For what greater curse can a slave have than a hostile master?" Literature and life are again indissociable.<sup>24</sup>

\* \* \*

*'Iam quae possunt alia meis aerumnis temptari vel adhiberi subsidia, cui nec dearum quidem, quamquam volentium, potuerunt prodesse suffragia? Quo rursum itaque tantis laqueis inclusa vestigium porrigam, quibusque tectis vel etiam tenebris abscondita magnae Veneris inevitabiles oculos effugiam? Quin igitur masculum tandem sumis animum et cassae speculae renuntias fortiter, et ultroneam te dominae tuae reddis et vel sera modestia saevientes impetus eius mitigas? Qui scias an etiam, quem diu quaeritas, illuc in domo matris repperias?'*

"What more can I try now? What other aids can be applied to my tribulations, since even the votes of the goddesses, favourable as they are, could not help me? Where else can I turn my steps, caught as I am in such a powerful noose? What roof or darkness can I hide beneath to evade the inescapable eyes of mighty Venus? So why not finally take courage like a man and bravely abandon your vain hopes? Hand yourself over voluntarily to your mistress and soften her furious attacks by submission, late though it be. Besides, who knows but what you will actually find the one you have long been searching for, there in his mother's house?" (6.5.2-4)

The self-counsel Apuleius contrives for Psyche is an important feature of his narrative, effectively communicating a putative dilemma that any fugitive slave might be imagined to have confronted: how in practical terms to escape safely and to avoid recapture. Flight was altogether a risk-laden enterprise, and what was implicated is easily determinable, if only obliquely, from details in the legal tradition that collectively enrich the thoughts Psyche's words express. An immediate advantage presumably lay with slaves who were not as a matter of course closely guarded, as opposed to those who belonged to a household where at night all were

<sup>24</sup> Inevitable: cf. Bradley 2021. The ending of the main story, however, may be ambiguous (Bradley 2012: ch. 4). Verbal abuse: see further 6.10.2: *tam deformis ancilla* ("such a hideous slave"), a variation of the ubiquitous association of the slave with ugliness (e.g. Philo, *Quod omn. prob.* 155-156). Withering remark: Philo, *Leg.* 119.

locked within premises to which there was only one key. Even so, whether to flee alone or in a group could be a question. (A gaggle when put up for sale might well decide to flee together.) The principal issue, however, was where to find safe haven. Instructions given to the prefect of the watch suggest that in Rome itself the city's *insulae* were perhaps sometimes known to house runaways. But the ideal location was one that in the long run slave-owners would find inaccessible, in a faraway province for instance where recovery was impossible.<sup>25</sup> Yet hiding places were subject to betrayal, not least because rewards were available to those who revealed them; and wherever fugitives hoped to go they might be compelled to seek directions along the way, exposing themselves no doubt to danger as a result. They also had to survive while on the run, for which stealing cash ahead of time from their owners was a possible strategy, or else valuables that could perhaps be sold or bartered. (City slaves were understood to know the furnishings of their owners' houses inside out. Hermon-Nilus will be recalled.) But without material resources they might have to hire themselves out simply for the sake of survival, another potentially threatening situation. If running away, moreover, on the spur of the moment, having failed for example in their obligation to assist an owner attacked by brigands (an omnipresent hazard), the prospects of success were on the face of it far less favourable than when escape had been carefully planned beforehand.<sup>26</sup> And while pretending to be free might always have been an option, there could never be any guarantee that freedom could or would be permanently secured by running away. If the enterprise collapsed altogether punishment was certain, as Psyche well knew (6.5.4: *ad certum exitium praeparata* ["prepared to risk sure destruction"]). The late ruling attributed to Constantine and Licinius, that a slave who fled to the barbarians was to have a foot amputated on recovery, or be condemned to the mines or suffer some other virtual death sentence, was typical of its time in extremity but not in principle.<sup>27</sup>

This set of factors forms another aspect of the setting, familiar to Roman readers, in which Psyche's wandering and her appeals for help and safety (*salus*) have

<sup>25</sup> Advantage: *Dig.* 13.6.18.pr. = K. 51; cf. 50.17.23 = K. 177; 21.1.17.15 = K. 84. Question: *Dig.* 47.2.36.3 = K. 149. Gaggle: *Dig.* 17.2.60.1 = K. 56. *Insulae*: *Dig.* 1.15.4 = K. 5. Inaccessible: *Dig.* 21.1.17.13 = K. 82; *CJ* 3.221 = K. 245.

<sup>26</sup> Betrayal: *Dig.* 19.5.15 = K. 65. Directions: *Dig.* 47.2.63 = K. 154. Stealing: *Dig.* 46.3.19 = K. 144; cf. 12.1.11.2 = K. 44; 13.6.5.13 = K. 49; 47.2.17.3 = K. 146; 47.2.36.2 = K. 148; *CJ* 5.37.22.2 = K. 252. (See *Hor. Sat.* 1.76-78 for the runaway thief as a source of anxiety to the slave-owner.) Hire out: *Dig.* 47.8.2.25 = K. 156; 48.15.6.1 = K. 167. *Latrones*: *PS* 3.5.8 = K. 194 (omnipresent hazard: Shaw 1984).

<sup>27</sup> Free: *Dig.* 46.3.34.4 = K. 145; *CJ* 3.221 = K. 245; *CJ* 6.1.4.3 = K. 256. Guarantee: *CJ* 7.22.1 = K. 266; cf. 4.19.15 = K. 246. Constantine: *CJ* 6.1.3 = K. 255 with Evans Grubbs 2013: 65 n.135.

to be understood (6.5.1, 6.2.2). They were the kinds of practical hurdle confronted, I imagine, by real fugitives such as Artemidorus, Isidorus and Martilla, three slaves aged 26, 22, and 38 who are identified in a mid-second century order for their arrest and recovery; they seem to have belonged to the same household and to have run away together. Or else Helene, Herakleia, and Ammonarion, aged 68, 38 and 42, perhaps a family of runaways whose names are listed in a late second-century census return. Or Sarapion, a slave known from a runaway notice who was said to have stolen various household items, some cloaks in particular, when he made off at some third-century point. These men and women are known from chance papyrological finds and their perspective of events is obviously lost to history.<sup>28</sup> The manner in which Psyche speaks, however, full of despair, comes close to registering in a quasi-slave voice an anxiety surrounding the prospect of flight reasonably inferable from the legal materials I have summarized. Her words could obviously be dismissed as dramatic exaggeration. Yet a novelist's portrait of his creation's hopes and fears and the jurists' assumptions about servile concerns are, I think, two sides of a coin: respectively fictive but mutually reinforcing.<sup>29</sup>

More importantly still, Psyche's words and the decision she subsequently makes presume the workings of a mind in a figure who, if necessarily fictional, finds herself in a historically plausible situation. The dilemma she faces is psychological. And from this vantage point, too, the evidence of the jurists is compatibly revealing, since in discussions of what constituted flight the lawyers regarded as normative the slave's ability to reason and to assess the practical issues flight presented. Psyche's words, that is, again have more substance than they initially seem to bear, as does her reaction to Mercury's proclamation: *Quae res nunc vel maxime sustulit Psyche omnem cunctationem* (6.8.4: "This circumstance more than all else put an end to Psyche's hesitation").<sup>30</sup> Consider the title of the *Digest* on the aedilician edict that regulated the buying and selling of slaves. The seller was required to identify to the buyer any physical defects in the slave

<sup>28</sup> P.Rendell Harris 62; P.Berlin Leihg. 15 (cf. Bagnall & Frier 1994: 278); P.Turner 41.

<sup>29</sup> Psyche's question about safe haven anticipates a moment in the main story of the *Metamorphoses* when the Ass deliberates whether to flee from his masters of the moment, the very robbers who had held Charite captive, but decides against: *Sed quo gentium capessetur fuga, vel hospitium quis dabit?* ("But whither in the world shall your flight be directed? And who will provide sanctuary for you?" [6.26.8]). Psyche does not consider herself a freeborn woman enslaved as a result of misfortune, thoughtful in flight of making for her place of origin, a possibility that Artemidorus assumed natural (*Oneir.* 4.56). For Psyche's despair at her rejection by Ceres and Juno see the relevant panels from Mantua: Signorini 2001: 121.

<sup>30</sup> Psychological: the interest is a feature of the narrative throughout, the most dramatic illustration occurring perhaps at 5.21.3-4, prior to Psyche's attempt on Cupid's life.



property at issue, and to disclose whether the slave had a history of running away. Grounds for rescission otherwise came into play. Unlike physical defects such as a stammer, however, the jurists understood that running away could be due to motivations that offered exonerating circumstances, which made arguable any simple definition of what a fugitive was. The matter of intent had to be taken into account. Objectively a fugitive was “one who remains away from his master’s house for the purpose of flight, thereby to hide himself from his master.” But it made a difference if a slave had run away from a teacher physically abusing him, or had gone into hiding until his owner’s rage subsided, or if he ran away to seek asylum. (It is precisely a hope that her “mistress’s” anger will subside that forms part of Psyche’s appeal for temporary refuge to Ceres [6.2.6].) The lawyers duly laboured to ascertain when the label of *fugitivus* should or could be accurately applied.<sup>31</sup> The following extract is all-important, and typical, not only for its immediate circumstantial character, but also for the vocabulary used to explain ways in which slaves actually behaved:

*Caelius autem fugitivum esse ait eum, qui ea mente discedat, ne ad dominum redeat, tametsi mutato consilio ad eum revertatur: nemo enim tali peccato, inquit, paenitentia sua nocens esse desinit. Cassius quoque scribit fugitivum esse, qui certo proposito dominum relinquat. Item apud Vivianum relatum est fugitivum fere ab affectu animi intellegendum esse, non utique a fuga: nam eum, qui hostem aut latronem, incendium ruinamve fugeret, quamvis fugisse verum est, non tamen fugitivum esse, item ne eum quidem, qui a praeceptore cui in disciplinam traditus erat aufugit, esse fugitivum, si forte ideo fugit, quia immoderate eo utebatur. idemque probat et si ab eo fugerit cui erat commodatus, si propter eandem causam fugerit. idem probat Vivianus et si saevius cum eo agebat. haec ita, si eos fugisset et ad dominum venisset: ceterum si ad dominum non venisset, sine ulla dubitatione fugitivum videri ait.*

But Caelius says that he, too, is a fugitive who leaves *with the intention* of not returning but *changing his mind*, returns; for, he says, no one purges his offence by *remorse*. Cassius says simply that a fugitive slave is one who *with deliberate intent* leaves his master. And we find in Vivian that a fugitive is to be so determined from *his attitude of mind* and not merely from the fact of his

<sup>31</sup> Intent: Buckland 1908: 267: “the material point” (it was not his concern to examine its historical implications). Objectively: *Dig.* 21.1.17.1.pr. = K. 69 (quoted earlier). Difference: *Dig.* 21.1.9-10; 21.1.4.1; 21.1.4.3 = K. 68; 21.1.4.4. A self-protective decision could be made to hide temporarily within a household due to a display of rage (*iracundia*) from a slave-owner a slave wished to evade until the anger abated (*Dig.* 21.1.17.4 = K. 73).

flight; for a slave who flees from an enemy or brigand, a fire, or the collapse of a building, certainly runs away, but he is not a fugitive. In the same way, a slave who runs away from the instructor to whom he was entrusted for training is not a fugitive, *if the reason* for his running away be the intolerable treatment which he receives. Vivian says the same, *if that be the reason* for his running away from someone who borrowed him. He says the same *if* the slave were savagely used. All this applies to those who, having fled, return to their masters; but, says Vivian, *if* they do not return, then they are unquestionably fugitives.<sup>32</sup>

An especially valuable case is that of a fugitive who took with him when he fled his own under-slave (*vicarius*). Was the latter also a fugitive? This was the solution: “if...the latter goes unwillingly or not knowing what it is all about and seeks the opportunity to return, he will not be deemed a fugitive; but if he knew at the time of flight what was going on or later became aware of it and chose not to return to you when he could do so, the *vicarius* would himself be a fugitive.” Recognition of the slave’s capacity to think independently and to decide to act cannot be clearer. The same is true of items that refer to the slave’s openness to persuasion to flee.<sup>33</sup> At the same time, intention alone to flee was to be distinguished from action. As the jurist Tryphoninus conversely wrote, “it is agreed that someone is only called a fugitive slave...if he has done something and not if he merely has the intention.” One slave who did do something was a thirty-year old Egyptian named Thermuthion, who seems to have bolted just when he was being sold from one owner to another. The new owner, a military man named Philiscus, was to track him down himself.<sup>34</sup>

If only at a remove, then, the mind of the human commodity makes itself discernible in the work of Rome’s jurists through words and phrases that indicate reasoning on the commodity’s part: *ab affectu animi, consilio suscepto, mutata voluntate, ea mente, fugiendi animo, fugae consilio*. Slavery forced the slave to react thinkingly to a condition that by nature discouraged individual initiative and independence of will, and thereby to appreciate the complexity of what the

<sup>32</sup> *Dig.* 21.1.17.1-3 (my emphasis).

<sup>33</sup> Solution: *Dig.* 21.1.17.7 = K. 76: *si vicarius invitatus aut imprudens secutus est neque occasionem ad te redeundi nactus praetermisit, non videri fugitivum esse: sed si aut olim cum fugeret intellexit quid ageretur aut postea cognovit quid acti esset et redire ad te cum posset noluit, contra esse*. Persuasion: *Dig.* 11.3.1.5 = K. 26; 47.2.36.pr. = K. 147.

<sup>34</sup> Tryphoninus: *Dig.* 50.16.225 = K.176: *et ideo fugitivum...non secundum propositionem solam, sed cum aliquo actu intellegi constat*. Thermuthion: P.Oxy. 5166. Klingenberg 2005: 27-28 distinguishes throughout between “objective” and “subjective” definitions of flight.

strategy of flight involved—the emotional issues raised, the organization required, the dangers anticipated. The variety of real-life circumstances in which legal discussions had to take account of fugitives implies a correspondingly constant willingness by any number of men and women to make complex decisions to free themselves from the shackles of servitude, and in such discussions there are many hints that the lawyers understood the psychology that lay beneath them. This must also be true of those in whose interests the jurists carried out their deliberations.<sup>35</sup> The point is best shown in the most extreme of outcomes. Roman law presupposes that slaves sometimes committed suicide. This provision is found for instance in the law concerning the valuation of property jettisoned at sea due to storms, where I take the last clause to signify wilful death: “No valuation is put on slaves who have been drowned, any more than if they had sickened and died on board *or thrown themselves into the sea*.” Acts of self-destruction, consequently, could again affect how the fugitive was legally conceived. The rules allowed that a slave who threw himself from a height, or jumped into the Tiber or from a bridge, was not to be so categorized if attempting only to take his own life; rather, “a slave acts to commit suicide when he seeks death out of wickedness or evil ways or because of some crime he has committed, but not when he is able no longer to bear his bodily pain.” The moralistic assumptions are self-evident, and perhaps equally so the perception that slavery itself was at times the cause of suicide.<sup>36</sup>

<sup>35</sup> Words and phrases: *Dig.* 21.1.17.1; 21.1.17.3; 21.1.17.4; 21.1.17.6. Hints: the rescript of Antoninus Pius shows that starvation (*famis*) and unbearable injury (*intolerabilis iniuria*), as well as *saevitia*, motivated flight, the latter including sexual violation: *impudicitia* and *turpis violatio* (cf. *Dig.* 21.1.23.pr.: *si stupratum sit*). In the fourth-century, despite the establishment’s position that susceptibility to torture should theoretically dispel from the minds of slaves all thoughts of flight, *duritia*, *inedia*, and *verbera* were again formally taken to be causes of continuing servile escape (*CJ* 6.6 = K. 258: *servorum animi*; 5.37.22 = K. 252). The memory of Spartacus long survived as a reminder that the wish for freedom could motivate escape (*Dig.* 41.2.3.10 = K. 135). True: if so, a partial answer may emerge to a principal question long since posed but never as far as I know adequately answered, namely that of the psychological impact of slavery on Roman society at large (Finley 1968 [seminal]). It is currently fashionable to dismiss Finley on classical slavery, with abstract critique at times overriding the recovery and explication of historical experience; see my remarks in *Classical Review* n.s. 70 (2020): 142–144 and *Slavery & Abolition* 43 (2022): 229–231, on Lenski & Cameron 2018 and Vlassopoulos 2021. The assault had already begun with Ste Croix 1981. The principal question nonetheless remains.

<sup>36</sup> Jettisoned: *Dig.* 14.2.2.5 (my emphasis): *Servorum quoque qui in mare perierunt non magis aestimatio facienda est, quam si qui aegri in nave decesserint aut aliqui sese praecipitaverint*. Rules: *Dig.* 21.1.17.4 = K. 73; 21.1.17.6 = K. 75; 21.1.43.4: *Mortis consciscendae causa facit, qui propter nequitiam malosque mores flagitiumve aliquod admissum mortem sibi consciscere voluit, non si dolorem corporis non sustinendo id fecerit*.

That the heroine of an inherently melodramatic story should tend to the suicidal is almost to be expected, and with Psyche this is of course the case. At a still blissful stage of her adventures, she coyly threatens to harm herself in order to persuade Cupid to succumb to her wish to see her sisters (5.6.4), comes close to so doing once she discovers Cupid's true identity in the near-murderous night-time plot fabricated by the wicked women (5.22.3-4), and throws herself into a river with more serious intent after her husband has abandoned her (5.25.1-2: only to be saved by divine intervention). As yet, Venus's claim of slave-ownership has not been overtly made. Thereafter, however, Psyche responds to her ordeals with increasing self-harming alarm, her tendency to the histrionic permitting a succession of potential solutions to her torments. She first throws herself into another river (6.12.1), later prepares to jump from a mountaintop (6.14.1), and lastly thinks of letting herself fall from the height of a tower (6.17.1-2). An act of saving grace intervenes each time, portending that sooner or later her misfortunes will come to an end even as the reader suffers with her through every perilous crisis, and as already intimated, this is indeed the case. Jupiter eventually confers divine status upon her and sanctions her marriage to Cupid. The pattern of behaviour regardless has an obvious connection with the real-life behaviour of slaves as understood and presented in the legal record, a correspondence that again will not, I think, have been lost on Apuleius's contemporary readers. The sober evidence of Roman law renders the emotionally parlous aspect of the fanciful story of the fugitive far from fictional.<sup>37</sup>

## II

It might well in fact be posited, from what I have said so far, that to read the story of Psyche through the prism of Roman law generally is to expose the multi-dimensional nature of Psyche's predicament as Apuleius's contemporaries will have perceived it. And to that extent the story itself assumes a modest documentary value. Psyche's predicament is a fairy-tale elaboration of a set of circumstances to which Rome's slave-owning culture commonly gave rise. There is a

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<sup>37</sup> Correspondence: cf. similarly Owens 2021: 245. I should not press the argument too far, but similarities are detectable between the vocabulary of the legal sources and that of the narrative passages concerned: (a) *Dig.* 21.1.17.4: *ut se praeciperet...qui domi in altum locum ad praecipitandum se ascendisset*; *Dig.* 21.1.17.6: *qui se in Tiberim deiecit; qui de ponte se praecipitavit*; (b) 5.25.1: *per proximi fluminis marginem praecipitem sese dedit*; 6.12.1: *requiem malorum praecipitio fluvialis rupis habitura*; 6.14.1: *montis extremum petit tumulum...in<ventura> vitae pessimae finem*; 6.17. 2: *pergit ad quampiam turrin praealtam, indidem sese datura praecipitem*.

limit, however, to what can be seen. Psyche's flight is a relatively brief affair, implicitly lasting just a few months, and her story allows no hint of whatever lingering consequences, especially psychological consequences, if any, may have followed in real life from the experience of running away. And indeed the historical material on which I have drawn to elucidate her story is of little help with a question of this kind. The legal penalties specified in the event of recovery might prompt some despairing prospects, while thoughts of permanently avoiding recapture perhaps lead to more positive notions. But little more than surmise is possible. Anything analogous to Psyche's metamorphosing return to a life of divine freedom might seem unlikely to say the least. To illustrate and emphasize the deficiency I turn now, in complete contrast, to a novel of a far different character from that of Apuleius, from which a further documentary observation concerning Psyche's story may eventually emerge.<sup>38</sup>

Toni Morrison's *Beloved* of 1987 is a classic of modern fiction, a work both celebrated and controversial. Its starting point is the flight of a group of slaves from a farm called Sweet Home in the American state of Kentucky in the year 1855. The proximate cause of the escape is a change in the management of Sweet Home and a change in the treatment of its slaves. The original estate owner having died, his widow appoints a distant relative as a new manager who is known to the slaves as schoolteacher. Unlike his reasonably humane predecessor, this man is a racist psychopath, and the two nephews who accompany him are similarly disposed. The estate's five slaves, four men and a woman, duly hatch a plot to cross the Ohio River by means of the Underground Railroad, intending to begin new lives in the free state of Ohio. The woman, Sethe, the novel's main protagonist, is married to one of the men, Halle, and their three young children are included in the arrangements made for escape. At the last minute, however, the plan is foiled, and group coordination gives way to individual improvisation. Sethe, who happens to be pregnant, secures the departure of her children. But schoolteacher and his nephews horribly violate her before she can find a way to follow them. Her passage, difficult enough in itself, is complicated by the delivery of a daughter *en route*. Nonetheless, she eventually rejoins the children sent ahead and settles with her mother-in-law on the outskirts of Cincinnati. (This woman, Baby Suggs, had earlier secured her freedom through the efforts of her son.) As for the men, Sethe's

<sup>38</sup> Brief affair: long enough for Venus to notice Psyche's baby bump (6.9.4; cf. 5.14.4 of the sisters). Surmise: fine points in the jurists' discussion of the aedilician edict on sales of slaves introduce such terms as *melancholici*, *furiosus*, and *lunaticus* when servile defects of the mind are distinguished from defects of the body; see *Dig.* 21.1.1.10; 21.1.1.11; 21.1.2; 21.4.1; 21.1.14.4; 21.1.23.2; 21.1.43.6. I wonder whether the terms and behaviour described might be explicable as reflections of the long-term consequences of enslavement.

husband is almost never heard of again and his fate remains unknown. One of the others is captured and hanged, another, Sixo, is burned alive before being shot dead, and one alone escapes. This is Paul D, who eighteen years later reconnects with Sethe and the solitary child still with her, the daughter born during her flight. The story, told with multiple chronological shifts between 1855 and 1873, chronicles Sethe's life and family history, gradually revealing an horrendous act to which she had been driven a month or so after her escape when schoolteacher, one of the nephews, a sheriff, and a slave-catcher had suddenly arrived to reclaim her and her children. The act was so shocking, however, that the attempt at recovery was abandoned and Sethe remained free. All the same, her escape and its sequel led over time to staggeringly complicated, life-controlling consequences.<sup>39</sup>

The impulse for the novel was what Morrison considered to be the inadequacies of the way life in American slavery was portrayed in the autobiographies of such prominent former slaves as Frederick Douglass and Henry "Box" Brown. If there was much to be learned from these works, Morrison had found them constrained nevertheless by a certain self-censorship on their authors' part, anxious as the authors had been not to forfeit sympathy for the wider ameliorative objectives they had hoped to secure. In their concern for propriety, they had especially passed over the "more sordid details" of the violent and sexually charged incidents of life in slavery, and more importantly still accounts of their interior lives were conspicuously, tellingly absent. "There was a careful selection," Morrison wrote, "of the instances that they would record and a careful rendering of those that they chose to describe." Her project, accordingly, was to redress the balance—"to rip that veil," as she expressed it, "drawn over" what Lydia Maria Child had once called "'proceedings too terrible to relate.'" And to do so, her strategy involved not only conventional research, but also the drawing on certain "recollections," "the subsoil" of her work as she called it, by which Morrison meant, I think, exploitable memories of the American antebellum period from within her own African-American community. At the same time, she acknowledged that her reconstruction depended ultimately on her own imaginative capacity, but the goal regardless was to give a faithful portrayal of the conditions under which her slave forebears had lived. Authorial creativity and historical accuracy were to be combined and mutually accommodated to produce in fiction a truth that extended beyond the facts of the real-life episode on which the novel was based. This was the killing of a two-year-old daughter, and the attempted killing of her three other children, by an American slave named Margaret Garner who, after escaping

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<sup>39</sup> *Beloved*: quotations given are from the First Vintage International Edition (New York 2004). Proximate cause: the deeper cause of course was slavery.

across the Ohio in 1856, resorted to unimaginably drastic action to prevent her children being returned to life in slavery. The truth gradually revealed is the long troubled history of how Sethe and her companions confronted and coped with the traumas they had endured in their time as slaves: “witnessing the murder, torture, or sale of family and friends; being whipped, chained, led with an iron bit in the mouth, and housed in an underground “box”; being examined and catalogued in terms of “human” and “animal” characteristics, or forcibly nursed by white boys when one’s breasts held milk for a baby.” The result, it has been said, is “a spiritual and psychological drama about the lasting wounds of cruelty and the wrenching difficulty of holding together damaged selves and human relationships in the aftermath of unspeakable tragedy.”<sup>40</sup>

The novel duly concentrates on the suppression, or repression, of normal human emotions to which Morrison believed the external experiences of life in slavery led. Sethe calls this “beating back the past,” and Paul D describes it as having “shut down a generous portion of his head,” as having “everything...packed tight in his chest,” so that there could be “no sense of failure, of things not working out.” In slavery, all sense of individuality and personhood was likely to be lost, given that “anybody white could take your whole self for anything that came to mind. Not just work, kill, or maim you, but dirty you. Dirty you so bad you couldn’t like yourself anymore. Dirty you so bad you forgot who you were and couldn’t think it up.” Such treatment included as a matter of course sexual violation of women by male slave-owners, as physical appetite aligned with potential economic gain to destroy, in Baby Suggs’s words, all sense of female sexual fulfillment: “Slaves not supposed to have pleasurable feelings on their own; their bodies not supposed to be like that, but they have to have as many children as they can to please whoever owned them.” Memory subsequently remained, but in a form of re-imagining the past for the sake of self-survival that suggests in Morrison’s empathetic imagination the impossibility of time ever healing the psychological damage caused by the experience of enslavement. The deleterious effects upon its victims were ineradicable. Escape for Sethe had been an assertion of autonomy, the act of a spirit that could not be altogether broken. Yet its immediate hazards apart—and *Beloved* dramatically vivifies the practicalities of flight—it

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<sup>40</sup> Impulse: Morrison 2008: 69-72 (quotations: 69, 70); cf. Sinha 2016: 456-457 on slave narratives and the abuse of women. Margaret Garner: see Miles 2019: 61-65; Sinha 2016: 529-533. Truth: Rody 1995: 79. Result: Miles 2019: 61; cf. Baillie 2013: 138: “More than social history, Morrison performs a feat of imaginative power that exposes the psychosis of the self hitherto obscured by history.” Morrison’s statement on the purpose of her project, made soon after her novel’s appearance, has much in common with E.M. Forster’s observations from almost a century ago on the novelist’s advantage over the historian in recording the past (Forster 1927).

had quickly led to tragedy which in turn engendered a remorse foreclosing full enjoyment of the freedom finally gained. "Before and since," the reader learns, "all her effort was directed not on avoiding pain but on getting through it as quickly as possible. The one set of plans she had made—getting away from Sweet Home—went awry so completely she never dared life by making more." The legacy of flight, therefore, was "misery, regret, gall and hurt." For Sethe, simply put, "It had cost too much."<sup>41</sup>

Among the external *realia* of *Beloved* there are events and features that are clearly analogous to those of the Roman record. A slave is sold away to pay off an owner's debts, another is removed from her childhood environment as a teenager when purchased as a gift for the purchaser's wife, infants whose mothers have to work are put out to wet-nurses, a slave "marriage" is no more than an informally agreed upon arrangement. Truancy, shackling, beatings, slave-catchers—these all are familiar from the world of Apuleius. But because the novelist imagines everything from the viewpoint of the enslaved, the *realia* have an immediacy and an emotional power lacking in the establishment-dominated Roman sources, the dispassionate legal sources especially. Here are two examples. The first is Paul D's description of the scarring of Sethe's back caused by the severe beating suffered many years before. (Think of the tortured and beaten Psyche). The second conjures up the servile reaction to a newspaper story featuring a slave.

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<sup>41</sup> Quotations: *Beloved* 86, 49, 261, 295, 247, 46, 101, 18. Re-imagining: Morrison's concept of "re-memory" on which the novel's disjointed chronological structure depends. See Furman 1998: 261-262: "For Sethe, places and people of the past are not subject to the logic of chronological time; they are not relegated to history. As long as she can remember him, schoolteacher and the tragedy he spawned exist; so do the dangers. Examining this implied tension between a conventional view of memory as a bridge from the present to the past and Sethe's re-memory, which reverses the maneuver by bringing the past forward into the present, is Morrison's concern in *Beloved*. One is the rightful province of memory; the other must be resisted because it resurrects buried anguish and disrupts peace of mind." Assertion: "Up till then it was the only thing I ever did on my own. Decided. And it came off right, like it was supposed to. We was here. Each and everyone of my babies and me too. I birthed them and I got em out and it wasn't no accident. I did that. I had help, of course, lots of that, but still it was me doing it; me saying, *Go on*, and *Now*. Me having to look out. Me using my own head. But it was more than that. It was a kind of selfishness I never knew nothing about before. It felt good. Good and right." (*Beloved* 190). Vivifies: note "Nobody could make it alone. Not only because trappers picked them off like buzzards or netted them like rabbits, but also because you couldn't run if you didn't know how to go. You could be lost forever, if there wasn't nobody to show you the way." (*Beloved* 159). "I don't know what we thought—but getting away was a money thing to us. Buy out. Running was nowhere on our minds. All of us? Some? Where to? How to go?... "That way." Halle was pointing over the stable. ... "Sixo say freedom is that way. A whole train is going and if we can get there, don't need to be no buy-out."" (*Beloved* 232-233).



(Imagine a Roman slave's response to a runaway description of the type given by Mercury):

"It's a tree, Lu. A chokeberry tree. See, here's the trunk—it's red and split wide open, full of sap, and this here's the parting of the branches. You got a mighty lot of branches. Leaves, too, look like, and dern if these ain't blossoms. Tiny little cherry blossoms, just as white. Your back got a whole tree on it. In bloom....I had me some whippings, but I don't remember nothing like this."

A whip of fear broke through the heart chambers as soon as you saw a Negro's face in a paper, since the face was not there because the person had a healthy baby, or outran a street mob. Nor was it there because the person had been killed, or maimed or caught or burned or jailed or whipped or evicted or stomped or raped or cheated, since that could hardly qualify as news in a newspaper. It would have to be something out of the ordinary—something white people would find interesting, truly different, worth a few minutes of teeth sucking if not gasps.

It would be an easy step, accordingly, to suppose that responses to the challenges symbolised by Psyche's predicament were broadly similar among Roman slaves. Recreation of the emotional costs of flight in *Beloved* is overpowering, and translation of modern to ancient, with an attendant increase in sensitivity to slavery's long horrific history, is an obvious temptation for accommodating the absence from the Roman record of servile evidence of life in slavery.<sup>42</sup> All the more so when a precise collocation in the representation of slave behaviour can be found. A passage of rapid-fire dialogue in *Beloved* displays Sixo's ability to outwit schoolteacher and make him in the process a classic symbol of resistance. The issue at hand is the "disappearance" of a pig Sixo is accused of having stolen. The back-and-forth exchange has the character of a catechism, but a catechism ingeniously subverted by Sixo's quick thinking. Yes, he had killed, butchered, cooked, and eaten the pig. But no, he had not stolen it. Why not? Because his actions meant that he could work the more industriously, and so increase the farm's profitability. It was not stealing, but "improving" schoolteacher's property ("Clever, but schoolteacher beat him anyway to show him that definitions belonged to the

<sup>42</sup> Quotations: *Beloved* 93, 183. Tree: cf. Ach. Tat. 5.17.6: "and she slipped down part of her dress to show her back cruelly striped with welts" (of Leucippe). See Richlin 2017: 90-104 on slaves and beating in Plautus, with esp. *Am.* 446 and *Poen*, 398. The comedic contrast with Morrison's account is self-evident.

definers—not the defined.”) A manipulative attempt to reach a seeming certainty thereby fails completely, and an alternative truth emerges from the unpredictable response to schoolteacher’s questioning. The fictional *Life of Aesop* offers a classical prototype. A series of similar episodes shows the trickster Aesop continually victorious in what Keith Hopkins notably called “the unceasing guerrilla warfare” in Roman antiquity “between master and slave.” As often, a specific mode of servile resistance transcends time and place.<sup>43</sup>

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For much of Apuleius’s story, the fugitive Psyche is in danger of giving birth to a child of servile status, since the offspring of an *ancilla* automatically took the status of the mother. This is made clear in the challenge Venus raises to the legitimacy of Psyche’s marriage (6.9.5-6). It is a bizarre development. The account of the marriage, a funereal death-and-the-maiden affair followed by covert consummation, has a quasi-mythical character in which there is no more than a hint of Roman contemporaneity (4.33.4-4.35.2, 5.4.3) The marriage’s validity, however, is not in question until Venus announces her objections. The terms repeatedly used of the spouses, *maritus*, *uxor*, and, occasionally, *coniunx*, are uncontroversial, Psyche’s description of the union as *conubium* cannot have failed to connote formality with contemporary readers whatever its metaphorical usage (5.6.7), and a further note of legal precision is introduced when Cupid, as Psyche sees it, “divorces” her, drawing on a traditional solemn formula as though it were formally required (5.26.7). Venus’s objections, however, inject real-life legal concerns: Psyche’s father had not given his consent to the marriage (which is not true), and there had been no witnesses; the marriage, therefore, was not a formal arrangement at all, and Psyche’s child, a *vilis ancillae filius* as Venus disparagingly terms it, will be illegitimate—*spurius*, a “morally neutral” term that connotes nothing of sexual irregularity, but reflects the character of what has now become in Venus’s conception a quasi-marital union between a free father and a slave mother. (It is in this, the absence in Roman terms of *iustum matrimonium*, impossible for slaves, that the illegitimacy lies.) Venus’s reasoning is in fact strong enough for Apuleius to attribute to the sympathetic ant shortly thereafter use of the technically accurate *contubernalis* when describing Psyche as Cupid’s “wife” (6.10.5): not his “bedfellow” as the word is sometimes rendered, but a partner in what was

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<sup>43</sup> Catechism: King 1998. Passage: *Beloved* 224-225. Aesop: Hopkins 2018 (quotation: 415). Morrison as it happens composed children’s books based on Aesop’s fables.

often a stable, if informal, arrangement involving a slave partner: *contubernium*.<sup>44</sup> Reality seeps into the fairy tale yet again, with the result, however, and this is the crucial point, that the stability of the “marriage” is now cast into doubt regardless of the inclinations of the *maritus* and *uxor* themselves. A slave-owner always had the capacity to sell a slave individually and thereby to separate a couple for the purpose of profit, or in this case to create havoc by indefinitely torturing the slave with a series of punitive tasks.

The insecurity of informal marital unions can be underestimated even in the Roman legal tradition. The jurists give the impression that such unions were common, and that informal family units were commonly regarded as the norm. The lawyers used conventional terms for the members of the servile families that they knew came into being (“husband” and “wife,” “sons” and “daughters,” “brothers” and “sisters”), standard rules on avoiding incest applied, and a female slave could even bring her slave husband the equivalent of a dowry. In the case of a lady’s maid (*pedisequa*) who was “handed over” (*tradita*) to a slave manager (*actor*), active promotion of a union is detectable, and concern for familial well-being is implicit in the legacy recorded of a farm complete with a *vilicus*, his *contubernalis*, their children and grandchildren (*fili*, *nepotes*). The bequest of a rural estate well-stocked with slave personnel likewise provided for the wives and children of the villa’s staff to be kept together, while a farm belonging to a woman in Africa seems to have had a whole community of slave families. (Which inevitably brings to mind the huge number of slaves owned by Apuleius’s wife Pudentilla in Tripolitania.)<sup>45</sup> Even so, the fragility of the informal union remained as long as one partner was of servile status. The ruling that separation of a family group was to

<sup>44</sup> *Spurius*: the term does not have the same negative associations as English “bastard,” as commonly translated, and does not have a “strongly derogatory tone” (GCA 432, following Keulen 1997: 213–226, who thinks the term is used to mean Greek *nothos* as part of a “literary game” Apuleius plays with his readers [204]. This requires readers constantly to remind themselves that the Latin words they are reading cannot be taken at face value but have to be mentally translated into Greek because the story of Psyche itself is originally Greek. I do not accept this.) For the term’s meaning see Rawson 1989 (quotation: 15); cf. 2003: 75, 266–267. Psyche’s own expectation was of divine offspring (*divinae subolis* [5.12.1]). Legally the child would be a stolen object, not a fugitive: *Dig.* 11.4.1.5 = K. 35; 47.2.61 = K. 153 with Herrmann-Otto 1994: 277 n.102. *Contubernium*: Treggiari 1991: 52–54.

<sup>45</sup> Conventional terms: *Dig.* 38.10.10.5; 38.1.2; 38.16.1.1; 48.2.12.4. Standard rules: *Dig.* 23.2.2–3: recognition of *ad finitas*. Dowry: *Dig.* 23.3.39.pr. Promotion: *Dig.* 40.4.59.pr. Legacy: *Dig.* 32.41.5 Bequest 33.7.12.4–8. (The superficially settled servile rural life of *Daphnis* and *Chloe* may be compared). Note *Dig.* 40.5.41.15: a testator stipulated that a married *vilicus* and *vilica* were not to be set free for eight years so that they could serve his nine-year-old son; the boy was eleven and a half when his father died and a question was raised about the original dictate. Farm: *Dig.* 33.7.27.1. Pudentilla: *Apul. Apol.* 93.4.

be avoided for the sake of *pietas* if a slave sold with “relatives” such as a brother had to be returned to the seller is striking. But it was of minimal interest to the lawyers to ask what the effects of the uncertainty inherent in *contubernia* involving a slave partner were on the family members themselves. The opinion that the child of a slave woman was to belong to her vendor if born after the woman had been sold implies immediate separation of mother and child, as does the divorce of a fully married slave-owning couple where the husband was allowed to keep the offspring of the dotal slaves of agreed value who were to be returned to his wife. But in the event of rescission of the sale of an *ancilla*, the children born after sale also went to the vendor and so remained with the mother. Such details from the evidence on *partus ancillarum* are intriguing, even bewildering. Any eventuality, it appears, was possible. What is most noticeable, however, in these latter details is that the fathers of the children concerned receive no mention at all.<sup>46</sup>

There is nothing in *Cupid and Psyche* to suggest sexual exploitation of the slave of the kind evident in *Beloved*, nor do the jurists seem to have been deeply interested in the emotional disruptions to slaves’ family lives that might result from abuse of a “married” female slave by her male owner.<sup>47</sup> Ulpian’s notice on an attempt to assault the slave sexually is instructive. An action for *iniuria* could be brought against a third party who made such an attempt, to the advantage of the slave’s owner. But nothing is said about an attempt made by the owner himself. The latter’s interests obviously predominated over those of the slave.<sup>48</sup>

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<sup>46</sup> *Pietas*: *Dig.* 21.1.35; 21.1.40. Opinion: *Dig.* 18.1.31. Divorce: *Dig.* 23.3.18; cf. 24.3.66.3; 24.3.31.4; 31.48.pr. Rescission: *Dig.* 21.1.31.2. *Partus ancillarum*: see Morabito 1981: 61 n.158, 194 (25 examples from the *Digest* of servile conjugal unions); Herrmann-Otto 1994. The term reminds of instructions found in methodical Roman handbooks on farming to encourage servile sexual activity for the sake of producing new slaves, and also of evidence that infants born to slave women were not necessarily willingly fathered. Bewildering: note *Dig.* 1.5.15, perhaps hypothetical: a provision is made that an *ancilla* would be set free if she bore three children; she gave birth twice, the second time to triplets; her last born child became free with the mother, but the previous three children remained slaves. See generally Gardner 1986: 213–221; Perry 2021.

<sup>47</sup> Ellen Finkelpearl suggests to me, however, that the emotional state of the vulnerable *ancilla* is inferable from the scene in which Psyche’s marriage is consummated (5.4.2), with its heavy stress on the vocabulary of fear: *metuens, pavet, horrescit, timet*.

<sup>48</sup> Ulpian: *Dig.* 47.10.9.4, on which Honoré 2002: 87 remarked: “the law aimed *indirectly* at protecting the slave against the owner’s sexual advances” (my emphasis). However, concern for the dignity and personality of the slave proposed is undercut by *Dig.* 47.10.15.44, which shows determination of a slave’s character must be made by slave-owning representatives and depend on subjective moralistic criteria they formulate. A clear case of the lesson learned by Sixo: “definitions belonged to the definers—not the defined.” A putative commitment to human equality on Ulpian’s part is irreconcilable with recognition in

Anecdotal evidence leaves no doubt about the reality. Privileged Roman wives may not all have been as tolerant of their husbands' liaisons with an *ancilla* as Tertia Aemilia is said to have been: the wife of the elder Scipio Africanus manumitted the woman after her husband's death and married her off to a freedman. Horace, nevertheless, could assume easy sex with slaves of either gender, and Martial that casual encounters between male slave-owners and female slaves were common, with the women, sometimes in marital relationships, in due course giving birth. (He also assumed that slave-owning women were just as interested in casual sex with their male slaves.) Satire might be judged inconsequential, but not the evidence of the fastidious Quintilian. To the argument that sex with a slave was as disgraceful for a *dominus* as for a *domina*, he recommended what was obviously a conclusive statement his accomplished pupil could make in court as occasion required: "It is not the same for the master to sleep with the slave-girl (*ancilla*) as for the mistress with a male slave." How frequently such activity caused distress among slaves is beyond calculation, and there are indications of compliance at times on the part of slave women. But a salutary hint even in a predominantly one-sided tradition can occasionally be found, such as an outraged slave husband's act of vengeance against a slave-owner who in this instance had simply scourged his wife.<sup>49</sup>

The absence of direct testimony from those affected by the eventualities to which these various sources refer is an obvious stumbling block as far as recovery of servile psychology is concerned. The most relevant item perhaps is an episode reported by Josephus in his account of the Jewish War that began in Nero's reign (*BJ* 6.201-213). In a terribly besieged Jerusalem, a woman who had taken refuge there, prompted by extreme starvation, killed the child she was nursing and cooked and ate part of its corpse. The act was remembered as an abomination, a crime against nature. But in Josephus's telling the woman acted as she did in part because of the prospect of enslavement she anticipated from a Roman victory in the war. The incident may be taken without difficulty to indicate the fears for

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Roman society of "degrees of dignity" (Honoré 2002: 85). The implicit reference at *Dig.* 21.1.44 to a slave's *dignitas* is surely ironic.

<sup>49</sup> Tertia Aemilia: Val. Max. 6.7 (nothing is known of the *ancilla*'s circumstances). Horace: *Sat.* 1.2.117. Martial: 1.84, 4.66, 6.71, 12.58, 12.86, cf. 6.39. Quintilian: 5.11.34-35: (*'non idem est dominum cum ancilla coisse quod dominam cum servo'*). Note also Sen. *Ben.* 4.31.3. See in general Herrmann-Otto 1994: 171-180, 231-267. Compliance: Philo, *Quod omn. prob.* 38; cf. *CTh.* 4.8.7. Hint: Amm. Marc. 28.1.49; cf. Apuleius's story of a slave woman who killed herself and her child to avoid the shame suffered from her slave husband's adultery (*Met.* 8.22, with Bradley 2010: 231-232). I wonder whether the missing fathers in the legal texts discussing *partus ancillarum* were "husbands" or exploitative slave-owners.

familial well-being raised when enslavement was thought inevitable. I know of no Roman evidence, however, to set alongside this reflection from Baby Suggs, which moves from external events to their enduring internal effect:

It made a lot of sense for a lot of reasons because in all of Baby's life, as well as Sethe's own, men and women were moved around like checkers. Anybody Baby Suggs knew, let alone loved, who hadn't run off or been hanged, got rented out, loaned out, bought up, brought back, stored up, mortgaged, won, stolen or seized. So Baby's eight children had six fathers. What she called the nastiness of life was the shock she received upon learning that nobody stopped playing checkers just because the pieces included her children. Halle she was able to keep the longest. Twenty years. A lifetime. Given to her, no doubt, to make up for hearing that her two girls, neither of whom had their adult teeth, were sold and gone and she had not been able to wave goodbye. To make up for coupling with a straw boss for four months in exchange for keeping her third child, a boy, with her—only to have him traded for lumber in the spring of the next year and to find herself pregnant by the man who promised not to and did. That child she could not love and the rest she would not.

Instead, Apuleius's story altogether avoids any perspective of this kind through its obligatory happy ending, one indeed that solves the problem raised by Venus of the lack of social and legal compatibility between husband and wife. In another outrageous move on Apuleius's part, Jupiter arranges a fully legitimate union for the now immortal Psyche and Cupid consistent with Rome's *ius civile* through the form of marriage *cum manu* (6.23.4-5), a form long since outmoded in Apuleius's day—the fact can easily be missed—but one that guarantees the union's safety from external interference and the birth in due course of a freeborn child. Slavish pleasure is not the outcome when Psyche's daughter Voluptas is finally born. While tantalizing, therefore, the modern novel also makes the problem of penetrating to the heart of Roman slavery more intractable than ever. Temptation, consequently, has to be tempered. Simple juxtaposition of ancient and modern is insufficient. What then is left?<sup>50</sup>

*Beloved* was written during a period of intense debate about racial equality and social justice in the United States. It was a debate connected to and conditioned by two complementary forces: the irruption of a powerful abolitionist movement in the mid eighteenth century that drew inspiration especially from Protestant Christianity, and the simultaneous emergence of the concept of

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<sup>50</sup> Quotation: *Beloved* 27-28 (the passage is in fact an authorial judgement; see further below). Outmoded: Treggiari 1991: 35.

universal human rights that culminated in their mid-twentieth century formalization. The novel was and remains, that is to say, a testament to its moment of composition. No matter, therefore, how factually accurate it may be in its depiction of external conditions, the plausibility of the portrayal of its characters' inner lives will depend on the reader's willingness to sympathize with what is portrayed; and this in turn will depend on the view held of the intense debate itself, which as I write is still as virulent as ever. Further, no matter how honestly stated its author's aims, the novel is the product of an educated imagination strictly unable by definition to recover directly the interior lives of those who lived in slavery. It functions, rather, as something of a bridge between past and present. As one critic has said, "by dramatizing the psychological legacy of slavery the novel portrays that "interior" place in the African-American psyche where a slave's face still haunts." A quarter of a century later, its current re-reader is both unfailingly aware of its *parti pris* character, and constantly reminded that American slavery is of far greater standing in the modern western consciousness than slavery in classical antiquity can, or ever will, be. Not simply for chronological reasons, *Beloved* is intimately connected to the present.<sup>51</sup>

*Cupid and Psyche* has likewise to be regarded as a component of a work comparably governed by its place in time. Its original reader is (surely) meant to pity Psyche as she searches for her lost love and suffers persecution from a resentful deity. Yet the sympathy solicited is more for Psyche as the victim of Venus's wrath than for Psyche as a fugitive slave. The reason is clear. The contestability of slavery as a social category so evident in *Beloved* had no place in Apuleius's Roman world, despite the inherent contradiction earlier noticed between *ius naturale* and *ius gentium*. Slavery was accepted for centuries as theoretically unnatural, and the law certainly bowed from time to time before its inhumanity in situations concerning flight. Writing on the praetorian edict, Ulpian for example disallowed the bringing of a suit for corrupting a slave when a person harboured a fugitive slave out of *humanitas* or *misericordia*, and he recognized that *misericordia* could induce one man to release another's slave from his chains even if a

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<sup>51</sup> Abolitionist movement: see from a vast literature Davis 1966; Hochschild 2005; Drescher 2009; Sinha 2016 (esp. 381-460, emphasizing the role of fugitive slaves in the promotion of abolition in the United States). Formalization: The Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations in Paris on December 10, 1948 (an appropriate day of the month for Romanists). Article 4 reads: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." Article 5 reads: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." While not legally binding, the UNDH has influenced the creation of international laws regulating crimes against humanity; see L. May 2005; Geras 2011; Sands 2016 (a gripping account of its antecedents). Critic: Rody 1995: 98.

certain legal liability ensued. Much later, Justinian similarly appreciated that *misericordia* could prompt the release of a slave belonging to a third party and allow him to flee. Neither at Rome nor at Constantinople, however, did any broad, progressive questioning of the system of slavery ever to my knowledge arise. Lactantius would assert in his day that free and slave were equals in the sight of God, but the new Christian Golden Age he envisaged did not include among its putative blessings an end to slavery. A sermon, moreover, from the Cappadocian Gregory of Nyssa, containing what has been called the sole statement from antiquity suggesting an awareness of “the injustice of slavery,” never became a signal for radical social change. Rather, the fugitive slave remained a classic illustration of disruption to the social order, deserving of every physical penalty imaginable.<sup>52</sup> If any proof were needed, it comes from the continuing, and relatively abundant, attestation of flight in the long fourth century and the continuing inhumanity that provoked it. Intellectually and morally, slavery remained closed to any reformist interrogation, a fact all the more remarkable in view of Justinian’s transposition of traditional Roman law into a new Christian setting. (The issue of race of course was non-existent.) A female slave like Sethe who gave birth while in flight from the farm on which she worked was of interest to a Roman lawyer only when the question arose of whether she and her child should be included in a legacy prescribed by her owner if she were to remain unrecovered at his death. (The answer was yes.) Across Roman slavery’s astonishingly long duration, the tension between nature and convention was never resolved, and ironically enough it is the grand edifice of Roman law that offers the best evidence of its enduring institutionalization in Roman life and thought.<sup>53</sup>

<sup>52</sup> Ulpian: *Dig.* 11.3.5. pr. = K. 27; 4.3.3.7 = K. 9. Justinian: *Inst.* 4.3.16 = K. 289. Lactantius: *Div. Inst.* 5.8.1-10; 5.14.17; 4.4.1-5; 5.18.14 (flogging, prison, chains, crucifixion). Gregory: *Homilies* IV on Eccl. 2:7 (= Garnsey 1996: 80-83). See Harper 2016: 132-134 (quoted), extending Harper 2011: 345-346, where the more cautious line of Garnsey 1996: 83-85 is followed.

<sup>53</sup> Proof: Harper 2011: 256-261. Christian setting: as far as I can tell the dictum of David Brion Davis still holds: “For some two thousand years men thought of sin as a kind of slavery. One day they would come to think of slavery as sin” (Davis 1966: 90; cf. de Wet 2010). Rome, it might be said, still stood for “war and conquest, power and authority, hierarchy if not regimentation,” but the notion that a “common humanity” had ever commonly encouraged manumission of slaves is chimerical (Syme 1991: 185-186). Race: which meant a free man could be mistakenly apprehended as a fugitive slave (*Dig.* 47.10.22 = K. 157). The catalogue of third-century legal texts examined by Evans Grubbs 2013 exposes the complexities of status definition in a society where no obvious physical characteristic such as skin colour presumptively associated an individual with servitude. Lawyer: *Dig.* 30.84.10 (Julian).



Apuleius was himself an owner of slaves.<sup>54</sup> As such he was a representative of the privileged sector of Rome's Imperial population, men and women of social eminence and material wealth instilled from childhood with habits of command and expectations of an unchanging social order that ensured a continuing monopoly of power. Enslavement of some by others was a permanent aspect of that order. No Roman reader, consequently, could be expected to respond to Psyche's enslavement with the same all-pervading sense of wrongfulness with which the reader, at least this reader, now responds to the story of Sethe. The salvific miracles that punctuate *Cupid and Psyche* leave no doubt that in the end all will be well: the story is told after all to console and comfort the unfortunate Charite in her fictionally "real" plight of confinement. Which means that the ordeals of a fairy-tale princess and everything they imply about the real-life enterprise of flight can quickly be forgotten. There is nothing in *Cupid and Psyche* in fact to suggest anything of authorial social conscience, of interest in sparking institutional change, in heightening awareness of the dangers to which flight exposed slaves, let alone of its long-term psychological consequences for those bold, or rash, enough to make the attempt. No, the immanence of slavery in Apuleius's world made the conceit of the fugitive slave a "natural" device to illustrate Psyche's victimization, for nothing else gave equal licence for the display of cruelty consistently meted out to her by Venus, or of the distress experienced by Psyche so especially evident in the grand supplications made to Ceres and Juno (6.2.4-6, 6.4.1-3). There was no need, however, to dwell on flight's real-life horrors, or the anxieties those horrors might provoke as they are evoked in *Beloved*. The brutality of Roman culture excluded any such sensibility. I find it unsurprising, therefore, that an implicit attitude of indifference towards slavery pervades *Cupid and Psyche*. Not an indifference of the kind found in Stoic sanctimony—slavery as an impediment to the body but not to the soul—but an indifference to slavery's inherent violence and the spoliation of the human being it brought. And indeed, the essential point I want to make, or rather to reiterate, is that slavery as a socio-cultural institution was so deeply embedded in Apuleius's world that its idioms and associations were, as it were, inescapable, and could no more be avoided in *Cupid and Psyche* than in the *Metamorphoses*' main story of Lucius. Psyche herself at the outset is the mistress (*domina*) of a *familia* full of *famulae* and *ancillae* (5.2.3-4, 5.2.5, 5.8.1, 5.9.7, 5.10.9); so is Venus; and Psyche's sisters can easily think of themselves at one point as their husbands' *ancillae* (5.9.3; cf. 5.10.3). Rome without slavery was unthinkable, and slavery's *présence* in Apuleius's fairy tale is in cultural terms, accordingly, both predictable and explicable. Which was well understood, I think, by Fritz Norden more than a century ago: "Die

<sup>54</sup> Bradley 2012: 74; cf. 180.

Einrichtung der Sklaverei war eben in seiner Umwelt so eingebürgert, daß sie geradezu als Naturnotwendigkeit, als ein Axiom, über das man nicht mehr zu diskutieren brauchte, betrachtet wurde.” To the Roman *littérateur*, a child of his time and place as Norden observed, the slave was a figure of no extended psychological interest. In Apuleius’s obliviousness, nevertheless, I suggest that one aspect of the psychological impact Roman slavery made on the Roman slave-owner at large might well be sensed.<sup>55</sup>

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This being so, clarification may result of what has always been seen as an anomaly in Apuleius’s text, the fact that no explanation is ever given for how or why Venus is able to claim Psyche as her fugitive slave in the first place. On a standard view the oddity is a compositional loose end that Apuleius failed to tidy up when conjoining an originally folkloristic tale with a more polished, if unattested, Hellenistic story, and perhaps this is true. Several other loose ends can be distinguished, although this one seems to me to differ from the others in its socio-cultural particularity. Alternatively, an elaborate theory has been proposed requiring the reader to appreciate from the outset that Apuleius meant his Venus to have an easily perceptible, Platonically-derived, double essence—Venus Caelestis and Venus Vulgaris, with a corresponding Cupid-of-body and Love-of-soul to match—that permits Psyche voluntarily, or by default, to admit herself to Venus’s *familia* as a putative “slave to love.” Contemporary Platonic enthusiasts perhaps grasped this at once. But it may not have been obvious to everyone, and Venus’s claim of ownership is actively made while Psyche, for all her simplicity of character, shows no sign of passivity when contriving the deaths of her Goneril-and-Regan-like sisters (5.26.2-5.27.5). The narrative shifts and contortions the theory demands are baffling.<sup>56</sup> Compositional clumsiness must, I think, be granted, with

<sup>55</sup> Indifference: as within the novelistic genre as a whole (Bradley 2021). Apuleius’s modern reader can scarcely perceive that historically flight was a form of resistance to authority. Stoic: I cannot follow the view that Ulpian was motivated by Stoic cosmopolitanism to effect improvement in servile conditions (Honoré 2002: 76-93): Stoicism’s concern was with its adherents’ individual spiritual well-being, not the active promotion of social reform; see definitively Brunt 2013, esp. ch. 11 (originally from 1974). To designate Ulpian “the first human rights lawyer” (Honoré 2002: 86) is excessive. Main story: Bradley 2012: 59-78. Note 5.11.6: Cupid refers to Psyche’s pregnancy as bringing an increase to their *familia*. Quotation: Norden 1912: 81. Annequin 1989: 103; 1997: 111-112 overstates to my mind the realism of Psyche’s plight given the fanciful nature of the story. I regard the position stated as one of the “cultural contexts” taken as interpretatively permissible by Graverini 2007: 113.

<sup>56</sup> Anomaly: of the two principal ways by which servile status was acquired according to the *ius gentium*, birth to a slave mother and captivity in war, the former obviously cannot

the most glaring illustration coming in the astonishing image of Venus dancing joyfully at Psyche's wedding banquet (6.24.3)—a reversal of character that could never have been foreseen; Venus is intimidating almost to the very end (6.22.1: *sobrietas*)—but a clumsiness in this case attributable to the eminently foreseeable intrusion of an all-pervasive social institution incongruous only from a modern reader's perception. To what degree of authorial consciousness this occurred it is of course impossible to say. But it allowed the legally informed Apuleius to insert at times amusing topical allusions into a story he inherited and adapted, as he does once more when Jupiter confirms, absurdly, that the marriage of Cupid and Psyche now meets the requirements of Roman civil law (6.23.4).<sup>57</sup>

A corollary of my essential point, finally, is that *Cupid and Psyche* cannot be fully appreciated, any more than the *Metamorphoses* as a whole, unless the idioms and associations of slavery in Apuleius's real world are given their full due. The legal and documentary materials to which I have referred are far from obscure and from a contextual position surely enrich understanding of Apuleius's creation. They arouse little critical attention, however, in comparison with the linguistic parallels and literary precedents that critics and commentators assiduously and

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apply. Venus's hostility to Psyche is met very early in the story (4.30.3). A threat and the avenging instructions to Cupid quickly follow (4.31.1-3), with the stage thereby set for Psyche to emerge as a proleptic captive in the vendetta Venus wages against her. But note further: at 5.28.7 Venus identifies Psyche as Cupid's *amica*, and Mercury as *ingenuus*, in its strictest sense "freeborn" if obviously ironic. The situation is comparable to that of the freeborn Catiline and his slave mistress in Q.Cic. *Pet.* 8: *amicam quam domi palam haberet de machinis emit*. Venus herself is a *domina* who thinks of members of her *familia* as *ancillae* (6.9.2); she can consequently think of Psyche *amica* as a slave, not claiming ownership at 5.28.7 or 5.31.2, when Psyche as fugitive is introduced—that belongs to Mercury's notice at 6.8.2—but the anomaly may have been less noticeable to Apuleius's contemporaries than to moderns. Psyche is never formally manumitted, but see Owens 2021: 241: apotheosis serves the purpose. Loose end (emerging again at 6.8.6 in *Consuetudo's* '*Tandem ancilla nequissima...*'): Walsh 1970: 217; cf. Annequin 1989: 102; R. May 2006: 225: "an inconsistency" that "defies legal explanation." Theory (with *Apol.* 12.1-5): Kenney 1990a: 19-22 and *passim* in his commentary; 1990b; cf. Shumate 1996: 259-262; Keulen 1997: 225-226 (for the contortions required); GCA 351-352 (cf. 394: "comic reference to Roman law"); Graverini 2007: 112-113 (for the ambiguity involved); Puccini-Delbey 2003: 211-243 (for Platonically inspired myth with no reference to the story's topical elements). Actively made: cf. Shumate 1996: 257. For breathtaking explanation of various "loose ends" see Cameron 2010.

<sup>57</sup> Legally informed: see for instance Summers 1970 (usefully comparing here 4.30.4 with *Dig.* 48.6.3.2-4, although I do not accept the thesis that the *Metamorphoses* is an indictment of Rome's system of justice). Civil law: the allusion follows Jupiter's completely irrelevant reference to Augustus's legislation on adultery at 6.22.4: the absurdity of the philandering king of the gods worrying about the dictates of Roman law is yet another example of Apuleius's feeble humour.

comprehensively amass. No one will deny that such labour has a value all its own, and I can well imagine that some of Apuleius's privileged Roman peers, listening in Plinian mode to their servile *lectores*, might well have exclaimed when the point was reached where Mercury issues a reward for Psyche's arrest, "Oh, yes, that's Moschus!"<sup>58</sup> I consider it far more plausible, however, that many more, uneasily perhaps, recalled the notices offering rewards for runaways they had recently seen when passing through their *fora ac conciliabula*, or that they paused to wonder who from among their *familiae* might at that very moment be venturing out across the woodlands of their rural estates or leaving the city for a port where a ship headed for a distant land might be found. Was it time to find a *fugitivarius*? If indeed there was such substance to their thoughts, I should like to think that one of those on the run might, *mutatis mutandis*, have been a forerunner of Paul D, able to take the advice of a local sage on how best to find his way to freedom:

"That way," he said, pointing. "Follow the tree flowers... As they go, you go. You will be where you want to be when they are gone."

So he raced from dogwood to blossoming peach. When they thinned out he headed for the cherry blossoms, then magnolia, chinaberry, pecan, walnut and prickly pear. At last he reached a field of apple trees whose flowers were just becoming tiny knots of fruit. Spring sauntered north, but he had to run like hell to keep it as his travelling companion. From February to July he was on the lookout for blossoms. When he lost them, and found himself without so much as a petal to guide him, he paused, climbed a tree on a hillock and scanned the horizon for a flash of pink or white in the leaf world that surrounded him. He did not touch them or stop to smell. He merely followed in their wake, a dark ragged figure guided by the blossoming plums.<sup>59</sup>

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<sup>58</sup> Deny; but cf. Annequin 1986: 92. Plinian mode: Plin. *Ep.* 8.1.2; cf. 9.34. Moschus: Kenney 1990a: 199; GCA 416; cf. Fitzgerald 2000: 97 n.32. Little attention is paid to the Bardon factor (Bradley 2008: 372-373). The degree to which the unprivileged may have read Apuleius's story I set aside, but I imagine that many in this category as known from Artemidorus had more pressing concerns; see my remarks in *JHS* 67 (2021): 260-262.

<sup>59</sup> *Beloved* 132-133.

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