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APULEIUS' *APOLOGIA* IN A NUTSHELL: THE *EXORDIUM*

The recent work *A Companion to the Prologue of Apuleius' Metamorphoses*[1] opens with the following justification of its subject:

> This book is about the first 119 words of Apuleius' *Metamorphoses.* It contains a collection of twenty-four discussions, all devoted to that short prefatory passage. Such attention may appear unusual, but the Prologue to the *Metamorphoses* is an extraordinary text, which has always perplexed readers and critics.

The present paper is concerned with the *exordium* of Apuleius' *Apologia*, also an extraordinary text, which, as I hope to show, has not perplexed readers and critics enough. Hunink, author of the best commentary on the *Apologia*, represents the common view in the following assessment: 'The prooemium of the *Apol.* does not pose any particular difficulties of composition or interpretation, quite unlike the much debated opening section of the *Met.*'[2] I will argue for the opposite view and approach these difficulties by pointing to rhetorical strategies in the *exordium.*[3]

In the *narratio* of the speech, Apuleius presents himself as the defendant against a charge of having used magic in order to induce Pudentilla, the rich widow of a certain Sicinius Amicus, to marry him. Pudentilla and Amicus had two sons, of whom the older, Sicinius Pontianus, had died during a sea journey. The charge was preferred by Pudentilla's deceased husband's brother, Sicinius Aemilianus, and her surviving son, Sicinius Pudens. Also present at the trial was Herennius Rufinus, the father of the dead Pontianus' widow. They all had a vested interest in keeping Pudentilla's money within the family. The event took place when the proconsul, Claudius Maximus, was visiting the town of Sabratha (not far from Oea, now Tripoli, where Apuleius lived with Pudentilla) to act as judge in a number of legal suits in the Roman basilica (presumably in the year 158). Apuleius had gone to Sabratha in order to participate in a lawsuit on behalf of his wife against some persons referred to as the Graii (the details of this business are unknown and in any case of no importance for the present study), and the charges brought against him by Sicinius Aemilianus and Sicinius Pudens came as a complete surprise.[4]

[1] Ahuvia Kahane and Andrew Laird (edd.), *A Companion to the Prologue of Apuleius' Metamorphoses* (Oxford, 2001).

[2] *Apuleius of Madauros Pro se de magia (Apologia)*, edited with a commentary: vol. 1 (text), vol. 2 (commentary) (Amsterdam, 1997), 9, n. 1.

[3] Rudolf Helm's Teubner edition, *Apuleii Platonici Madaurensis Opera quae supersunt* 2, fasc. 1. *Pro se de magia liber (Apologia)* (Leipzig, 1972[5]), offers the fullest critical apparatus. The *exordium* occupies pp. 1–5. The text is also available in Apulée, *Apologie, Florides*, texte établi et traduit par Paul Vallette (Paris, 1924) (Budé). For a commentary, see *Apulei Apologia sive Pro se de magia liber*, with introduction and commentary by H. E. Butler and A. S. Owen (Oxford, 1914). Hunink's commentary (see above, n. 2) is not superseded by the recently published *Apuleius. De magia.* Eingeleitet, übersetzt und mit interpretierenden Essays versehen von Jürgen Hammerstaedt, Peter Habermehl, Francesca Lamberti, Adolf M. Ritter und Peter Schenk (Darmstadt, 2002).

[4] For the historical background of the speech, see, for example, S. J. Harrison, *Apuleius. A Latin Sophist* (Oxford, 2000), 39–41; at 42, Harrison summarizes the discussions about the

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In order to make it easier for the reader to follow my arguments, I present the *exordium* below, chapter by chapter. The text is that of Helm, and the bold numbers represent his chapter division. The translations are my own:

1 Certus equidem eram proque uero obtinebam, Maxime Cl(audi) quique in consilio estis, Sicinium Aemilianum, senem notissimae temeritatis, accusationem mei prius apud te coeptam quam apud se cogitatam penuria criminum solis conuiciis impleturum; quippe insimulari quiuis innocens potest, reuinci nisi nocens non potest. quo ego uno praecipue confisus gratulor medius fidius, quod mihi copia et facultas te iudice optigit purgandae apud imperitos philosophiae et probandi mei; quanquam istae calumniae ut prima specie graues, ita ad difficultatem defensionis repentinae fuere. nam, ut meministi, dies abhinc quintus an sextus est, cum me causam pro uxore mea Pudentilla aduersus Granios agere aggressum de composito necopinantem patroni eius incessere maledictis et insimulare magicorum maleficiorum ac denique necis Pontiani priuigni mei coepere. quae ego cum intellegerem non tam crimina iudicio quam obiectamenta iurgio prolata, ultro eos ad accusandum crebris flagitationibus prouocaui. ibi uero Aemilianus cum te quoque acrius motum et ex uerbis rem factam uideret, quaerere occepit ex diffidentia latibulum aliquod temeritati.

1 I was certain—indeed, I knew for a fact—Maximus Claudius and members of the jury, that Sicinius Aemilianus, an old man of notorious rashness, would fill his accusation against me, which he had begun in your presence before he had thought it over in his own mind, with insults for want of legal grounds for a charge. For any innocent man can be accused, only a guilty one convicted. To a greater degree than others I put my trust in this, and in this alone, congratulating myself (so help me god!) that I had the benefit, before such a judge as you, of clearing philosophy in the eyes of those who are ignorant of it and proving my own case. But as for those insults, it was only at first sight that they were serious, and by the same token it was in order to make the defence difficult that they were brought forth without warning. For, as you will remember, it was four or five days ago, when I had set myself to plead the cause of my wife Pudentilla against the Granii, that his advocates began, by prearrangement, to assail me unawares with insults and charge me with magic and finally with the murder of my stepson Pontianus. When I understood that they had produced slurs worthy of a quarrel rather than charges pertaining to a legal suit, I took the initiative and challenged them in repeated entreaties to charge me with a crime. But in that situation, seeing that you too were violently disturbed and that his case was made up of words, Aemilianus lost confidence and began looking for some hiding-place for his rashness.

Apuleius turns to the judge and the members of the jury (*Maxime Cl*[*audi*] *quique in consilio estis*) at four places in the speech: here, at the end of chapters 65 and 67, and at the beginning of chapter 99. The phrase divides the text into two parts: the first (chapter 4–65) being a refutation of allegations against his person (for example, against the speaker's beauty, eloquence, and poverty) and of charges concerning Apuleius' interest in magic (an interest, he explains, that is purely scientific); the second (chapter 68–98) meeting the charge that he had used illegal magical means to induce Pudentilla to marry him. Chapters 66–7 provide a bridge between the two parts. Chapters 99–101, which precede the peroration in chapters 102–3, contain Apuleius' assertion that he himself persuaded his wife *not* to disinherit her younger son in his own favour. The address of the judge and members of the jury in chapter 99 thus reveals that the trial was essentially about money, not magic.[5]

Aemilianus is introduced on the scene as a *senex*. The term chosen may, in the mind of a reader versed in Roman literature, evoke a stock character in a Plautine comedy,

kind of authorial revisions (if any) the long speech (114 pages in Helm's edition) may have undergone before its publication. I will not concern myself with the parts of the *Apologia* that shed light on ancient magic; for this aspect of the speech, see F. Graf, *Magic in the Ancient World* (Cambridge, MA and London, 1997), 65–88.

[5] For a convenient survey of the structure of the *Apologia*, see Harrison (n. 4), 47–8.

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the ridiculous old man.[6] Such an association is confirmed in chapter 66 (one of the chapters bridging the two main parts of the work), where Aemilianus is referred to as *capulari seni*, an old man with one foot already in the grave. In classical Latin literature, the word *capularis* appears only here and in Plautus' *Miles Gloriosus* 628, where it is applied to the *senex* of the play and joined to the adjective *Accherunticus*, 'one who belongs to the realm of death'. The latter picturesque epithet appears also in Plautus' *Mercator*, again attached to the *senex.* Apuleius varies the theme by likening Aemilianus to Charon twice in the *Apologia* (in chapters 23 and 56). My point is not that Apuleius is fond of Plautine words (which he is) but that the *exordium* presents a compact and condensed version of the speech as a whole. With subtle economy Apuleius insinuates that Aemilianus, like the old man in a Roman comedy, is annoying but does not pose a genuine threat and will get his deserts in the end.

The characteristic feature of Aemilianus is his rashness. It was this very defect that prompted him to deliver his accusation of Apuleius before the judge without proper deliberation: *accusationem mei prius apud te coeptam quam apud se cogitatam.* Accordingly, and not surprisingly, Aemilianus' rashness is made the main topic of the first chapter. This focusing is achieved through the position of the word *temeritas* in the first and last sentences of the chapter, each time in connection with the name Aemilianus. Thus, the temerity of the accuser frames the first part of the *exordium.*

McCreight has convincingly argued for the 'multivalent nature of the vocabulary and symbols in Apuleius' *Metamorphoses*'.[7] The same kind of multivalence is at work also in the *Apologia.* The *exordium* alone displays several instances, the first already in the opening sentence. There Apuleius asserts that he had been convinced that Aemilianus would fill his accusation with insults (*conuiciis*) for want of legal grounds for a charge (*penuria criminum*).[8] The word *penuria* usually refers to a lack of material things, but Apuleius here and elsewhere employs it to denote a lack of something abstract, such as 'human speech' (*Met.* 4.28: *sermonis humani penuria*). A few lines further on in the *Apologia*, Apuleius congratulates himself, *quod mihi copia et facultas te iudice optigit purgandae apud imperitos philosophiae et probandi mei.* The phrase has been translated above: 'that I had the benefit (*copia et facultas*), before such a judge as you, of clearing philosophy in the eyes of those who are ignorant of it and proving my own case'. The words *copia* and *facultas* are synonyms, which gives a certain emphasis to what they express. In addition to 'benefit', both words can mean 'ability'. *Copia* can even be used as a rhetorical term designating 'the ability to express oneself well and fully', 'command of the resources of oratory' (*OLD* s.v. 6). Now, from the juxtaposition of *penuria* on the one hand and *copia et facultas* on the other, the reader is invited (or at least free) to infer that Aemilianus suffers from a lack of ability as a prosecutor, whereas Apuleius himself enjoys the full command of oratory.[9]

[6] For other comic characters in the *Apologia*, see V. Hunink, 'Comedy in Apuleius' *Apology*', *Groningen Colloquia on the Novel* 9 (1998), 97–113.

[7] Thomas D. McCreight, 'Invective techniques in Apuleius' *Apology*', *Groningen Colloquia on the Novel* 3 (1990), 35–62.

[8] The word *crimen* has the Ciceronian sense of 'ground for charge'; cf. R. G. Austin's comment on *Cael.* 1 in *M. Tulli Ciceronis Pro M. Caelio Oratio* (Oxford, 1933), 43. See also *Cael.* 6: *Accusatio crimen desiderat. . . quae si petulantius iactatur, convicium, si facetius, urbanitas nominatur* and Austin's comment ad loc.

[9] For this significance of the pair *copia et facultas*, see also Hunink (n. 2) ad loc.

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The use of the pair *copia* and *penuria* recurs at the end of chapter 20, where Apuleius meets Aemilianus' insinuation that he married Pudentilla for money: *quod si nihil in animo deest, de rebus extrariis quantum desit non laboro, quarum neque laus in copia neque culpa in penuria consistit.* In other words, as long as someone does not suffer from an intellectual shortcoming, material poverty is of no consequence; there is, in such a case, nothing praiseworthy in plenty, nor anything blameworthy in deficiency. Thus, Apuleius turns the tables on Aemilianus, and he does it at length, in chapters 18–23, where he defends himself against the charge that poverty had driven him to marrying the rich widow. This line of defence is thus introduced already in the *exordium*, but only obliquely, by dint of the multivalence of the word *copia.*

The first sentence in the passage quoted above ends with a *sententia* typical of the declamatory and rhetorical language of the period: 'for any innocent man can be accused, only a guilty one convicted'. What follows is an expression that deserves closer scrutiny: *quo ego uno praecipue confisus.* Butler and Owen observe in their comment ad loc.: 'Apuleius affects the "vulgar" use of the nominative of the personal pronoun where there is no emphasis, a use especially frequent in letters and the comic poets.' Their comment is an example of philological tunnel vision which looks at one word or phrase at a time but ignores the overriding rhetorical aim of the text which alone determines the choice of words. Of course there is emphasis here. Apuleius singles himself out as not *quiuis innocens*, 'any innocent man', but as one who puts his trust in one thing only, his innocence. The personal pronoun *ego* is surrounded by *quo* and *uno* as by personal lifeguards. As a matter of fact, Butler and Owens could have found an argument *against* Apuleius' affecting the 'vulgar' use of the pronoun from an interesting and highly pertinent observation of theirs concerning Apuleius' use of *equidem*, the second word of the *exordium*: in his rhetorical works (the *Apologia* and the *Florida*) he always (which amounts to eighteen times) uses the word *equidem* in the same way as Cicero, that is, in the sense of *ego quidem*, whereas in his novel he uses *equidem* to designate the first person singular only twice out of ten times, that is to say, in accordance with a 'vulgar' use. The use of pronouns in the *Apologia* is Ciceronian rather than 'vulgar'.[10]

The next sentence runs as follows: *quamquam istae calumniae ut prima specie graues, ita ad difficultatem defensionis repentinae fuere.* In the construction *ad difficultatem defensionis* Butler and Owen have seen yet another sign of post-classical Latin. They translate: 'so that they have made the work of defence very difficult'. Vallette's translation agrees with theirs: 'leur [i.e. of the *calumniae*] soudaineté ajoutait encore aux difficultés de la défense'. So does Hammerstaedt's: 'so unvermittelt waren sie [i.e. die Bezichtigungen] auch, was ihre Abwehr noch erschwerte'. But this interpretation is not consistent with the way in which Apuleius casts himself as the one who sets the agenda and has the upper hand of Aemilianus, both intellectually and morally. The preposition *ad* has a quite classical final meaning, and the phrase should be translated: 'But as for those insults, it was only at first sight that they were serious, and by the same token it was in order to make the defence difficult that they were brought forth without warning.'

As a matter of fact, Apuleius asserts his superiority in several places in the speech by indicating in different ways that the accusations were not to be taken seriously and did not present any difficulties for the defence. Occasionally this is achieved by his

[10] For other and more obvious instances of Ciceronian influence on the *Apologia*, see Harrison (n. 4), 44, 51.

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showing that he does not pay close attention to the prosecution. There is a good example already in the first chapter: *nam, ut meministi, dies abhinc quintus an sextus est*: 'For, as you will remember, it was four or five days ago.' Butler and Owen merely provide a grammatical comment on the use of *an*. But they miss the point, which is purely rhetorical: an affectation of carelessness. Viewed as a rhetorical strategy, the nonchalance in stating the date when the accusation was brought forth can be contrasted with the meticulous care that Cicero displays in the third chapter of his first Catilinarian oration, where he presents four exact dates concerning Catilina's activities and (as Apuleius here) introduces the passage with the verb *meministi*. In Cicero's speech, the exactitude conveys an attitude that can be phrased thus: 'I know exactly when this dangerous terrorist acted'; in Apuleius' speech, the carelessness conveys the opposite message: 'I cannot be bothered to take account of exactly when this harmless fool acted.' Another example of a demonstrative lack of concern in the *Apologia* occurs after the *exordium*. Having cited the beginning of the accusation, Apuleius adds: *nisi fallor enim*, 'unless I am mistaken'. And in chapter 67 that leads to the second part of the speech, Apuleius states that the charges directed against him add up to five, *si probe memini*, 'if my memory serves me well'. In all three cases, the effect of the carelessness is to demonstrate Apuleius' contempt for his prosecutor and his confidence in his own line of defence.

In the final sentence of the first chapter, Apuleius introduces a new theme, to wit that Aemilianus lost courage and started to look for a way out. The word *diffidentia* provides a contrast to the participle *confisus* applied to Apuleius himself in the first half of chapter one. Due to his lack of confidence, Aemilanus began looking for a hiding-place. The noun *latibulum* is normally used of animals; the bold use of the word and its position close to the final word, *temeritati*, prepares the reader for the second chapter of the speech which is entirely devoted to a closer analysis of how Aemilianus' rashness was quickly followed by a lack of confidence:[11]

2 igitur Pontianum fratris sui filium, quem paulo prius occisum a me clamitarat, postquam ad subscribendum compellitur, ilico oblitus est; de morte cognati adolescentis subito tacere maluit. tanti criminis descriptione tamen ne omnino desistere uideretur, calumnia⟨m⟩ magiae,[12] quae facilius infamatur quam probatur, eam solum sibi delegit ad accusandum. ac ne id quidem de professo audet, uerum postera die dat libellum nomine priuigni mei Sicini Pudentis admodum pueri et adscribit se ei assistere, nouo more per alium lacessendi, scilicet ut optentu eius aetatulae ipse insimulationis falsae non plecteretur. quod tu cum sollertissime animaduertisses et iccirco eum denuo iussisses proprio nomine accusationem delatam sustinere, pollicitus ita facturum ne sic quidem quitus est ut comminus ageret percelli, set iam et aduersum te contumaciter eminus calumniis uelitatur. ita totiens ab accusandi periculo profugus in assistendi uenia perseuerauit.

2 Accordingly, although, only a little while ago, he had shouted repeatedly that Pontianus, his brother's son, had been murdered by me, he immediately forgot about him when forced to sign

[11] For an analysis of the use of the terms *latibulum* and *temeritas* in this chapter, see McCreight (n. 7), 41–5.

[12] This passage has been the object of numerous conjectures. The manuscript F reads: *de morte cognati adolescentis subito tacerem tanti criminis descriptione tamen omnino desistere uideretur calumnia magiae*... In a later manuscript (Florence Laur. 29.2) *ne* has been added above *omnino*. According to Helm's critical apparatus, in the Vulgate (v = *codices deteriores et libri impressi*) *ne* has been added after *tamen* and *calumnia* has been emended to *calumniam* (I have accepted both conjectures). In his text, Helm follows F but obelizes the whole passage from *de morte cognati* to *desistere uideretur*, while accepting the Vulgate's emendation *calumniam*. However, in his critical apparatus he suggests adding *et* before *de morte* and replacing *tacerem* with *tacere maluit* (I find the latter conjecture plausible) followed by a full stop and a new sentence beginning with *ne*.

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the indictment. All of a sudden he preferred to say nothing about the death of his young relation. However, in order that he would not appear to cease completely from signing such a serious charge, he picked out only one false accusation, that of magic which it is easier to smear with suspicion than to make acceptable. And not even that does he have the courage to do overtly; but on the following day he hands in a document containing an accusation in the name of my stepson Sicinius Pudens, a mere child, adding that he stands by him as his advocate; quite a novel practice of assailing through someone else, naturally in order that he himself, protected by the tender age of the child, should not be punished for bringing a false accusation. When you had ingeniously discovered this and had consequently ordered him to shoulder the responsibility of handing in the accusation once again, this time in his own name, he promised to do so. But not even then could he be driven into action at close quarters, but now he takes offensive action against you as well—defiantly but at a safe distance. Thus, having repeatedly made his escape from the danger of bringing an accusation, he persisted resolutely in the special permission of appearing as an advocate.

Aemilianus' first *latibulum* was the withdrawal of the accusation that Apuleius had killed Pontianus, the elder son of Pudentilla. In the first chapter, Apuleius states (according to my interpretation) that Aemilianus brought forth his charges without warning in order to make the defence difficult. In the second chapter, he explains that Aemilianus settled for charges of magic rather than murder because the former would be more difficult to repudiate. Thus, Apuleius consistently describes the prosecutor as trying to make things more difficult for the defendant and less difficult for himself.

Aemilianus' second 'hiding-place' was to hand in a new charge the day after he had brought the first one. This was signed by Pudens, the younger son of Pudentilla by her first husband, who was still too young (*admodum pueri*) to bring forth an accusation of his own,[13] and co-signed by Aemilianus who would act as Pudens' advocate (*ei assistere*).[14] By this stratagem, Aemilianus protected himself: if he won his case, he would not be punished for *infamia*, of having brought forth false accusations; if he lost, he could hide behind the fact that he was only representing a minor. Apuleius writes that the judge saw through this device and compelled Aemilianus to bring in an act of accusation of his own. But apparently Aemilianus was successful, persevering in *assistendi uenia*, the special permission of appearing as an advocate, not as a persecutor. In chapter 85 of the *Apologia*, Apuleius sums up Pudens' position in the following words: *cum uenia perniciosus est et nondum poenae, iam iniuriae sufficit*, 'In combination with the special permission he is pernicious and, while not being old enough to be punished, he is old enough to cause injury.'[15]

With the words *contumaciter eminus*, Apuleius with great economy sums up Aemilianus' character as presented in the first two chapters of the *Apologia*: *contumaciter* ('defiantly') corresponds to *temeritas* ('rashness'), *eminus* ('at a safe distance') to *latibulum* ('refuge').

After the expression *in assistendi uenia perseuerauit*, I would like to introduce a new chapter beginning with *Igitur* (in the middle of Helm's chapter 2) and ending with *conuictus est* (a few lines into Helm's chapter 3):

Igitur et priusquam causa ageretur, facile intellectu cuiuis fuit, qualisnam accusatio futura esset, cuius qui fuerat professor et machinator idem fieri auctor timeret, ac praesertim Sicinius Aemilianus, qui si quippiam ueri in me explorasset, numquam profecto tam cunctanter

[13] See Butler and Owen (n. 3), ad loc. on the relevance of Pudens' youth for the case at hand.
[14] For the legal significance of the expression *adscribit se ei assistere*, see Hunink (n. 2), ad loc.
[15] For another interpretation of the term *uenia*, see Butler and Owen (n. 3) and Hunink (n. 2), ad loc.

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hominem extraneum tot tantorumque criminum postulasset, qui auunculi sui testamentum quod uerum sciebat pro falso infamarit, tanta quidem pertinacia, ut, cum Lollius Vrbicus V.C. uerum uideri et ratum esse debere de consilio consularium uirorum pronuntiasset, contra clarissimam uocem iurauerit uecordissimus iste, tamen illud testamentum fictum esse, adeo ut aegre Lollius Vrbicus ab eius pernicie temperarit. **3** quam quidem uocem et tua aequitate et mea innocentia fretus spero in hoc quoque iudicio erupturam, quippe qui sciens innocentem criminatur eo sane facilius, quod iam, ut dixi, mentiens apud praefectum urbi in amplissima causa conuictus est.

Thus, even before the trial could begin, it was easy for anyone to understand what the accusation would amount to: the very person who had been its expert writer[16] and contriver would fear to be its bringer—especially Sicinius Aemilianus. For if he had been sure of anything at all that could truthfully be held against me, he would undoubtedly never have hesitated so much before prosecuting a foreigner on so many serious charges. This is the man who who smeared his own uncle's testament—which he knew was genuine!—with suspicion; and indeed he did this with such stubbornness, that when the honourable Lollius Urbicus, having consulted men of consular rank, had pronounced that it was clearly genuine and ought to be ratified, this madman swore, against that solemn statement, that the testament was false anyway, so that it was only with difficulty that Lollius Urbicus restrained himself from ruining him. **3** It is that very statement that I hope—relying both on your impartiality and on my own innocence—will burst forth in this trial as well, since it is easier for him to accuse an innocent man in the full knowledge of his innocence, given that he has already, as I said, lied before a magistrate in a trial of great distinction and been convicted.

This passage indicates that Aemilianus had a history of lying in court before a Roman magistrate. Its main function in the *Apologia* seems to be to discredit Aemilianus and show that he had once before been convicted of a false accusation, *calumnia.* That this occurred in an earlier trial matters little; what is important is the rhetorical effect upon the listeners (or readers). But this passage also deepens our understanding of the word *notissimae* in the expression *notissimae temeritatis* ('notorious rashness') at the very beginning of chapter 1, thus closing the circle of the first three chapters of the *exordium.*

A summary of this part of the *exordium* will justify my division of the text. All three chapters (in my chapter numbering, not that of Helm) focus on Aemilianus, in all likelihood in order to place him in the limelight that he particularly wished to avoid. In chapter 1, his *temeritas* is brought out, in chapter 2, his twofold *latibulum*, and in chapter 3, his discreditable past. At the level of style, this is made clear in two ways. First, each chapter ends with a verb in the perfect tense that describes Aemilianus' manoeuvring: chapter 1 ends with the verb *occepit*, chapter 2 with *perseuerauit*, and (my) chapter 3 with *conuictus est.* This conveys an image of Aemilianus as one who began, persevered, and was convicted. Secondly, the ends of chapters 1 and 2 introduce a theme that will be further developed in chapters 2 and and 3, respectively. At the end of chapter 1, the metaphor *latibulum* provides the theme for chapter 2, and at the end of (my) chapter 2, the expression *ita totiens*. . . *perseuerauit* paves the way for a narrative in chapter 3 on how Aemilianus had already at a previous trial stubbornly (*tanta quidem pertinacia*) defied a Roman magistrate.

The beginning of the passage quoted above deserves closer scrutiny (I here change the punctuation):

Igitur et priusquam causa ageretur, facile intellectu cuiuis fuit, qualisnam accusatio futura esset: cuius qui fuerat professor et machinator idem fieri auctor timeret; ac praesertim Sicinius Aemilianus,. . . qui auunculi sui testamentum—quod uerum sciebat!—pro falso infamaret.[17]

[16] *OLD* s.v. *professor* 1b.

[17] The verb form *infamaret* is the reading of F and in my opinion correct, but Helm, following the vulgate, changes it to *infamarit.*

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Thus, even before the trial could begin, it was easy for anyone to understand what the accusation would amount to: the very person who had been its expert writer and contriver would fear to be its bringer; especially Sicinius Aemilianus... who smeared his own uncle's testament—which he knew was genuine!—with suspicion.

The two verb forms *timeret* and *infamaret* are subjunctives, both subordinate to the indirect question *qualisnam accusatio futura esset* and indicating what was obvious to everyone even before the trial had begun. Both subjunctives are balanced by indicatives telling the objective truth and thus not using the subjunctive: *qui fuerat professor* and *quod uerum sciebat.* The words *cuius qui fuerat professor et machinator idem fieri auctor timeret* have been taken to refer to Aemilianus by Butler and Owen and Hunink ad loc. There is, however, a problem involved in this interpretation: as Hunink observes, the words *professor et machinato*r 'both suggest an expertise which Aemilianus, according to Apuleius, is completely lacking', and the word *auctor* 'in general has very positive shades of meaning'. He resorts to the assumption of irony, 'that last expedient of a despairing commentator', to quote Fraenkel.[18] Vallette italicizes his translations of the three words, thus signalling typographically that they are somehow out of context but without offering an explanation: 'Aussi fut-il aisé de pressentir, avant même que l'action fût engagée, ce que serait une accusation dont celui qui l'*avait ourdie et tramée* craignait de prendre la responsabilité. Un Sicinius Emilianus surtout!' I agree with Vallette's punctuation but not with his interpretation. The skilful brain behind the trial who refused to take responsibility for it is not Sicinius Aemilianus, who is consistently described as a ridiculous old fool, but Herennius Rufinus, the father of the widow of Pudentilla's son Pontianus.

Rufinus first appears in the *Apologia* in chapter 60 (*in Rufini cuiusdam domo, de quo mox dicam*) and in chapter 67 (*Herennium Rufinum, impulsorem huius, de quo mox dicam*). The use of the rhetorical figure of prolepsis in both cases indicates the importance of this person. In chapter 74, Apuleius introduces a regular invective against Rufinus: *Hic est enim pueruli huius instigator, hic accusationis auctor, hic aduocatorum conductor, hic testium coemptor, hic totius calumniae fornacula, hic Aemiliani huius fax et flagellum, idque apud omnis intemperatissime gloriatur, me suo machinatu reum postulatum.* The use of the words *hic accusationis auctor* and *suo machinatu* leaves no doubt as to the identity of the *exordium*'s *machinator* who was in reality responsible for the accusation, its *auctor*, but did not dare to appear as such. Thus, in Apuleius' scenario Rufinus hides behind Aemilianus who hides behind Pudens.

As was shown above, the pairing of the word *penuria* with the multivalent *copia* in chapter 1 foreshadows that Apuleius' main line of defence in the first part of the *Apologia* (chapters 4–65) will be to show that his education puts him on a par with the judge, whereas Aemilianus is a boor; cf. the adjectives *rudi et indocto... rustico et barbaro* applied to Aemilianus in the transitional chapter 66, the point at which Apuleius deals the final blow to the old man and begins his attack on Rufinus. It has been pointed out often enough that the *Apologia* is full of quotes from Greek literature, a strategy probably aimed at disarming the uneducated Aemilianus.[19] But what seems to have gone unnoticed is that these quotes all occur in the first part of the *Apologia.* The Greek sentences occurring in the second part are all extracts from an incriminating letter written in Greek by Pudentilla. Thus, their presence in that part of the speech has a strictly legal justification. The reason

[18] E. Fraenkel, *Horace* (Oxford, 1957), 46.
[19] See e.g. Harrison (n. 4), 46.

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why the showing off of bilingualism is confined to the first half of the speech is that in the second half Apuleius is facing, not a ridiculous and ignorant *senex* who is easily put into his place with a bit of Greek, but a dangerous enemy that must be taken seriously.

Let us now take a look at the next section of the speech, covering the remaining part of chapter 3 in Helm's edition, a passage that I would print as a separate fourth chapter:

namque peccatum semel ut bonus quisque postea sollicitius cauet, ita qui ingenio malo est confidentius integrat ac iam de cetero quo saepius, eo apertius delinquit. pudor enim ueluti uestis quanto obsole[n]tior est, tanto incuriosius habetur. et ideo necessarium arbitror pro integritate pudoris mei, priusquam ad rem aggrediar, male dicta omnia refutare. sustineo enim non modo meam, uerum etiam philosophiae defensionem, cuia magnitudo uel minimam reprehensionem pro ⟨*ma*⟩ximo crimine aspernatur, propter quod paulo prius patroni Aemiliani multa in me proprie conficta *et ali*a communiter in philosophos sueta ab imperitis mercennaria loquacitate effutierunt. quae etsi possunt ab his utiliter blaterata ob mercedem et auctoramento impudentiae depensa haberi,. . . tamen uel mea causa paucis refellenda sunt, ne is. . . uidear cuipiam, si quid ex friuolis praeteriero, id agnouisse potius quam contempsisse. . . . quod si forte inepta uidebor et oppido friuola uelle defendere, illis debet ea res uitio uorti, quibus turpe est etiam haec obiectasse, non mihi culpae dari, cui honestum erit etiam haec diluisse.

Take a misdemeanour committed once: just as any good person takes greater care to avoid it in the future, so an evil person repeats it with ever greater confidence and, in the future, the more frequently he does wrong, the more openly he does it. For it is with decency as with a garment: the more shabby it is, the more carelessly it is worn. And therefore I consider it necessary, for the sake of the integrity of my own decency, to refute all false accusations before dealing with the heart of the matter. For I assume the defence not only of myself but of Philosophy, whose greatness is above even the slightest refutation with regard to the most extreme charge, for which reason the advocates of Aemilianus blurted out a little while ago, with mercenary garrulity, many things fabricated against me personally and other things commonly said by ignoramuses against philosophers in general. Even if it is possible to regard these things as idle statements made by those individuals out of self-interest in return for money paid out as a recompense for indecency. . . I still consider it my duty, at least for my own sake, to refute these things briefly, in order not to appear to anyone—if I pass over any of those trifles—to have admitted rather than scorned them.. . . But if it will look as if it is silly things and utter trifles that I wish to rebut, this should be reckoned as the fault of those, who have done something shameful in citing such things as well as a ground for condemnation, and not be blamed on me, who will do something honourable in washing away even these things.

The first sentence has not been commented on by previous editors and commentators. It is easy to translate, but what does it refer to? 'Take a misdemeanour committed once: just as any good person takes greater care to avoid it in the future, so an evil person repeats it with ever greater confidence and, in the future, the more frequently he does wrong, the more openly he does it.' Now, it seems highly unlikely that Apuleius introduced this sentence in his *Apologia* as a general moral reflection. It is far more probable that it has a direct bearing on the case in question. But then, who is the *bonus* who has been guilty of a single misdemeanour, and who is the person who continues on the road of wrongdoing? Certainly, Aemilianus had (in Apuleius' view) committed the same crime twice, that of lying in the court. But the words *confidentius* and *apertius* are discordant with Aemilianus' *diffidentia* and *latibulum.* Furthermore, it is not at all likely that Apuleius would admit that he himself had been guilty of even the slightest one-time misdemeanour. I believe that Apuleius here refers to the two brothers Pontianus and Pudens. Later on in the *Apologia* (chapters 73–4), we learn that Pontianus had first been a keen supporter of Apuleius' marrying his mother Pudentilla but that suddenly he changed his

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mind and opposed the marriage. Apuleius points out that Pontianus' change of mind was entirely due to the bad influence of his father-in-law Rufinus, and that he later repented and was forgiven. Thus, Pontianus is a perfect example of a fundamentally good person who does something wrong once but repents and takes great care not to repeat his mistake. From a passage in chapters 86–7 of the *Apologia* it seems clear that the words *qui ingenio malo est* refer to Pudens, Pudentilla's younger son. There, Apuleius turns to Pudens and accuses him of having behaved as a most disloyal son during the trial by reciting a letter from his mother to Pontianus (a letter that played a significant role in the trial). But as if that were not enough, Apuleius continues, *ne semel peccasses* (chapter 86), Pudens then read in court another letter that he claimed to have written himself to his elder brother Pontianus but whose authenticity Apuleius doubts. And, the height of impudence, Pudens had finally recited a letter which he claimed that Apuleius had written to Pudentilla. As far as the last letter is concerned, Apuleius seems less disturbed by the legal infraction than by the personal affront of having had a badly written letter attributed to himself: *cur praeterea tam uitiosis uerbis, tam barbaro sermone ego scriberem, quem idem dicunt nequaquam Graecae linguae imperitum?* (chapter 87).

Thus, the sentence quoted above does have a direct relevance to the trial. As a matter of fact, it offers, in a nutshell, a substantial part of it. Pontianus had erred once, that was a pity, but it could happen to anyone. Pudens, on the other hand, had proven himself thoroughly corrupt by repeating the same offence more and more openly. The words immediately following upon the veiled reference to Pudens is a pun on his name (*Pudor*), explaining why his offences became more and more overt: *Pudor enim ueluti uestis quanto obsole*[*n*]*tior est, tanto incuriosius habetur. et ideo necessarium arbitror pro integritate pudoris mei, priusquam ad rem aggrediar, male dicta omnia refutare.* 'For it is with decency as with a garment: the more shabby it is, the more carelessly it is worn. And therefore I consider it necessary, for the sake of the integrity of my own decency, to refute all false accusations before dealing with the heart of the matter.'

The sentence *sustineo enim non modo meam, uerum etiam philosophiae defensionem, cuia magnitudo uel minimam reprehensionem pro* ⟨*ma*⟩*ximo crimine aspernatur, propter quod paulo prius patroni Aemiliani multa in me proprie conficta et alia communiter in philosophos sueta … effutierunt* in the passage quoted above involves several problems. The word *reprehensionem* has generally been taken to mean 'criticism' (directed against philosophy).[20] I want to argue instead that the word *reprehensionem* here carries a meaning that is quite common in rhetorical texts, to wit, 'refutation' (of an argument). As a consequence of taking *reprehensionem* to mean, not 'refutation' but 'criticism', I believe that one has seen difficulties in the expression *propter quod* that are not there. Hunink quotes the opinion that it is an equivalent of *propterea quod* but states that he prefers rendering it with 'for which reason', since 'Aemilianus' legal advisers have poured forth the fictions precisely *because* they knew that Philosophy considers minor reproaches as major charges. They have consciously touched her on a tender spot.' This explanation, I believe, flies in the face of Apuleius' attitude. I do not think it likely that he would admit that his opponents had been successful in touching Philosophy on a tender spot, since he considers her strong

[20] Vallette translates: 'Je ne défends pas seulement ma propre cause, mais celle de la philosophie, dont la majesté s'insurge contre le plus léger reproche comme si on l'accusait d'un crime.' Hammerstaedt's translation runs as fullows: 'Ich leiste nämlich nicht nur meine eigene Verteidigung, sondern auch die der Philosophie, welche in ihrer Erhabenheit selbst die geringste Beanstandung von sich weist, als ob es die schlimmste Beschuldigung wäre.'

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and invulnerable to an even higher degree than he himself. Beginning from the verb *sustineo*, I would translate:

> For I assume the defence not only of myself but of Philosophy, whose greatness is above even the slightest refutation with regard to the most extreme charge, for which reason [i.e. that Philosophy does not stoop to refutation of charges against herself] the advocates of Aemilianus blurted out a little while ago, with mercenary garrulity, many things fabricated against me personally and other things commonly said by ignoramuses against philosophers in general. Even if it is possible to regard these things as idle statements made by those individuals [i.e. Aemilianus' advocates] out of self-interest (*utiliter*) in return for money paid out (*ob depensa*) as a recompense for indecency [I take *impudentiae* to be yet another wordplay on the name Pudens], . . . I still consider it my duty, at least for my own sake, briefly to refute these things, in order not to appear to anyone—if I pass over any of those trifles—to have admitted rather than scorned them.

In other words: Philosophy would not stoop to refuting even a most serious charge; Apuleius will therefore not only defend himself but also speak on her behalf.

That the word *reprehensionem* in the Prologue is used in the sense of refutation of accusations has its parallel in, for example, Cicero's *De Inventione Rhetorica* 1.58: *Reprehensio est per quam argumentando aduersariorum confirmatio diluitur aut eleuatur.* It is not insignificant that the verb used by Cicero, *diluitur*, is chosen as the very last word in Apuleius' *exordium*: *haec diluisse.* His use of the perfect infinitive indicates that he considers this part of the trial a closed case. But it also adds the finishing touch to the metaphor introduced in the beginning of the chapter: Pudens' impropriety is like a shabby, soiled garment, which has come so dangerously close to Apuleius' own impeccable moral garment that he has felt the urge to rinse off the dirt and thus return it to its stainless quality by refuting the accusations brought forth by Pudens and his advocates.[21]

To conclude: the *Apologia* can be divided into two parts, one directed against the ridiculous *senex* Aemilianus, the young, inexperienced Pudens, and their hired advocates; the other dealing with the accusations of a more formidable enemy, Rufinus. It is noteworthy that the defence against the charges behind which Apuleius detected this dangerous brain at work occupies less that one-third of the speech. The strategy of defence is to give most space to the least dangerous allegations. The same strategy of inverted proportion is discernible in the *exordium*: the first three parts deal with Aemilianus, stressing his rashness in acting, his cowardice in withdrawing from the scene, and his criminal past. The fourth part deals with Pudens by way of an elaborate wordplay describing his impudence. The real enemy is only summarily referred to as an anonymous *professor et machinator*, who feared to come forth as the real *auctor* of the case. As was pointed out above, the listener (or reader) is kept in suspense as to his identity until chapters 74–5, after a few proleptic false starts in chapters 60 and 67. Thus, the *exordium* mirrors the composition of the *Apologia* and presents it, as it were, in a nutshell.

University of Oslo MONIKA ASZTALOS
m.m.asztalos@ifikk.uio.no

[21] See also Hunink (n. 2), ad loc.: 'The final word, *diluisse*, subtly evokes the images of "stains" again, as in the preceeding *macula* (3,8).'

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