Magic in Court.

Understanding the Forensic Strategies and the Charges against Apuleius in the *Apologia*

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Acknowledgements

This doctoral research has begun because of a genuine curiosity about ancient magic, a subject of which I knew very little before my arrival at the University of Leeds. This "reckless curiosity" led me to delve into an extraordinary text such as Apuleius' *Apologia*, which is probably the most important source to appreciate ancient magic in all its complexity. Since then, the focus of my research inevitably moved on Apuleius' speech itself, and particularly on its forensic strategies and its pervasive Platonic tone. Nevertheless, I hope that this dissertation may also contribute to a better understanding of various aspects of ancient magic which are referred to in the *Apologia* and, in doing so, to a better understanding of the speech itself, of the borderline aspect of Apuleius' arguments, and of the accusations brought against him.

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Abstract

This dissertation focuses on the *Apologia*, a speech delivered in AD 158-159 by the Latin sophist Apuleius of Madauros. The aim of this study is to shed new light on the extent to which Apuleius' speech betrays his own knowledge of magic, and it also focuses on implications of the serious charges brought against Apuleius. By analysing the *Apologia* sequentially, I reconstruct, on the one hand, the content of the prosecution's case which Apuleius heavily distorts to avoid any threatening innuendos. In order to do so, I examine various aspects of Greco-Roman magic and introduce a new semantic taxonomy to describe the term *magus* and its cognates according to the viewpoint of the ancients. On the other hand, I explore Apuleius' forensic techniques and assess the Platonic ideology underpinning his speech; this enables me to demonstrate that a Platonising reasoning – distinguishing between higher and lower concepts – lies at the core of Apuleius' rhetorical strategy, and that Apuleius aims to charm the judge, the audience and, ultimately, his readers with the irresistible power of his arguments.

Contents

Chapter 1: Introduction

1.1. The Purpose of this Dissertation

This dissertation offers a new interpretation of Apuleius' *Apologia*, a defence-speech on magic delivered in the courtroom of the North-African city of Sabratha in AD 158-159. It aims to address two main questions: firstly, the extent to which Apuleius' arguments could betray his controversial knowledge of magic, and secondly the importance and dangerous implications of the allegations brought against Apuleius. By analysing the *Apologia* sequentially, I shall reconstruct, on the one hand, the content of the prosecution's case, which Apuleius heavily distorts in order to avoid any threatening innuendos.[1] On the other hand, I will explore Apuleius' forensic techniques and assess the Platonic ideology underpinning his speech: I shall demonstrate that a Platonising reasoning – distinguishing between higher and lower concepts – lies at the core of Apuleius' rhetorical strategy, and that Apuleius aims to charm the judge, the audience and, ultimately, his readers with the irresistible power of his arguments.

The philological[2] standpoint herein adopted complies with my attempt to understand the text according to the author's viewpoint. Thus, attention is paid to the reconstruction of the socio-cultural background of Apuleius and his contemporaries to better understand the *Apologia*. Since ancient magic is the main point at issue in this defence-speech, I will introduce a new semantic taxonomy in order to elucidate the ambivalent meaning of *magus* and its linguistic cognates in the second century AD. I will distinguish, therefore, three possible meaning of 'magic', with which both Apuleius and his attackers play, namely: philosophical or religious magic, goetic magic, and literary magic.[3] This methodological approach enables me not only to throw new light on the *Apologia*, but also to give an innovative contribution to the study of ancient magic itself. Apuleius' speech contains, in fact, allusions to several features of ancient magic: in this thesis I present a new examination of the relationship between magic and philosophy (**4.5**, **4.6**), magic

[1] An important study showing to what extent a rhetorician would prefer "presuasiveness over veracity" is that by Lintott,2008,33-9, which focuses on Cicero. Thanks to Dániel Kiss for pointing out this book to me.
[2] With this term I refer to what continental European scholarship calls "filologia" (in Italy), "filología" (in Spain), or "Philologie" (in Germany), which is the human science aiming to interpret, understand and restore a text; on this broader meaning of philology, cf. Ziolkowski,1990,2-7; 66-74.
[3] Cf. the discussion in Chapter 2.

and medicine (**6.5**), magic and mystery cults (**8.2**), magic and necromancy (**10.2**), and magic and the Babylonian Chaldeans (**11.6**). Additionally, I also discuss the structural features of goetic curses and *voces magicae*, which Apuleius mocks at *Apol*.38.8 (**6.4**) and *Apol*.64.1-2 (**10.7**) respectively; I analyse the common belief in the efficacy of goetic incantations (**4.3**) and the employment of charms and aphrodisiacs in ancient love-magic (**11.2**).

This introductory chapter will aim to provide some preliminary information about Apuleius' *Apologia*, focusing on its double title *Apologia* or *De magia* (**1.2**), and on the legal context in which the speech was delivered (**1.3**). I will also discuss the identity of the people involved in the lawsuit (**1.4**), and present the most influential studies on the *Apologia*, showing how my dissertation fills the gaps between these studies (**1.5**). Lastly, I shall outline the structure of the charges brought against Apuleius according to my reconstruction, and outline the chapters of this thesis to guide the reader through its contents (**1.6**).

1.2. The Title of Apuleius' Defence-Speech

The defence-speech with which Apuleius contests the allegations of being a *magus*, having harmed some people in Oea and forced the widow Pudentilla to marry him with magic, is known by the double title of *Apologia* and *De Magia*. This work was to become a masterpiece of rhetoric that even deserved the praise of Augustine, who describes it as *copiosissima et disertissima oratio* ('most eloquent and learned speech'),[4] his animosity towards Apuleius' Platonism and magical reputation notwithstanding.[5]

This double title deserves a closer look given its relevance to understanding the possible reference to Socrates' defence. According to the most authoritative manuscript preserving Apuleius' literary works,[6] the title under which Apuleius' speech circulated is *Pro se aput*

[4] August.*C.D.*8.19, here I have adopted the translation by Carver,2007,26; other translations in this dissertation, where not otherwise indicated, are mine. In *Ep.*137.4 Augustine describes Apuleius as *se contra magicarum artium crimina copiosissime defendentem* ('he defended himself against the crimes concerning the magical arts with outstanding eloquence'). Further appreciation of Apuleius' style in *Ep.*138.4 and *C.D.*8.12.

[5] August.*C.D.*8,14; *Ep.*102.32; 137.4; 138.8, on which cf. Moreschini,1978,240-54, updated in 2015,348-63; Carver,2007,23-30; Gaisser,2008,29-36.

[6] *Plut*.68.02 of the Biblioteca Laurenziana of Florence, now conserved under the shelf-mark Plut.68.02 (*siglum* **F**). Low-resolution digitisations of this manuscript can be found at: http://teca.bmlonline.it/ImageViewer/servlet/ImageViewer?idr=TECA0000871054&keyworks=plut.68.02#page/1/mode/1up [accessed on 03/11/2016]. The stemmatic importance of **F** is undisputed, cf. Helm,1910=1959^2,xxxiv-xli;

Claudium Maximum proconsulem de magia ('Self defence-speech concerning magic, delivered before the proconsul Claudius Maximus').[7] As Schindel explains,[8] to this title was added that of *Apologia* in the first printed edition by De Bussi.[9] Schindel proposes that this double title *Apologia* and *Defensio Magiae* could not be an innovation by De Bussi: this Greek title *Apologia* is, in fact, quite similar to other Greek titles of Apuleius' works such as the *Metamorphoses* and the *De Platone et eius Dogmate*.[10] Furthermore, it would perfectly befit the defence-speech of a Platonic philosopher under trial,[11] given the obvious reference to Plato's *Apology of Socrates*.[12] Schindel, therefore, argues that the double title might have been preserved in one of the several ancient manuscripts (*varia et vetustissima non nullibi exemplaria*)[13] transmitting the *Apologia* which De Bussi read while preparing his edition;[14] hence it might have already been employed in Apuleius' time. These are the reasons why I shall refer to the title *Apologia*, with which Apuleius' speech is conventionally designated in most studies.[15]

Butler, Owen,1914,xxix-xxxiii; Vallette,1924,xxxi-xxxvii; Marshall,1983,15-6; Hunink,1997,vol.I,28; Martos,2015,li, and especially Piccioni,2010,365-75; 2012,445-54; 2016,799-802.

[7] **F** fol.118r,l.34-5; fol.118v,l.1. This manuscript does not indicate the title at the beginning of the text but at the end of each book, preserving a late-antique fashion (on which cf. Pecere,1984=2003,16-23). As it emerges from the *subscriptiones*, the person who edited *Apologia* and *Metamorphoses* between AD 395-7 is Gaius Crispus Sallustius; on this figure, cf. the discussions by Pecere,1984=2003,6-11; Canfora,1993,90-3; 180; Stramaglia,1996=2003,129-33; Carver,2007,13-4; Gaisser,2008,43-52.

[8] Schindel,1998,865-88 disproves the incorrect claims by Mosca,1974,v – followed by Hijmans,1994,1713 – that the double title firstly appears in the Aldina (1521). Surprisingly, Schindel's study has been unacknowledged by Apuleian scholars with the exception of Schenk in Hammerstaedt,2002,22-3,n.1.

[9] De Bussi,1469,11 reports the title: *Apologia sive defensionis magiae ad clarissimum virum Claudium Maximum proconsulem oratio*. For a profile of De Bussi and his edition of Apuleius' works, cf. Gaisser,2008,160-72.

[10] The presence of a double title characterises Apuleius' most famous literary work, the *Metamorphoses*, according to **F**, or *Asinus Aureus* according to Augustine (*C.D.*18.18); on this cf. Winkler,1991,294-5; Sandy,1997,233-4; Harrison,2000,210,n.1; Bitel,2006,222-34; Carver,2007,26; Gaisser,2008,33,n.130; May,2013,15.

[11] Harrison,2000,43 emphasises the connection with the contemporary *'Απολογία ὑπὲρ Χριστιανῶν* by Justin, a defence of Christian beliefs supported by a Platonic frame. That this type of title was conventional in defence-speeches is also clear from Lucian's *Apologia*; cf. also Plutarch's lost *'Απολογία ὑπὲρ Σωκράτους*, mentioned in the 'Catalogue of Lamprias' 189. For the diffusion of the 'Socratic apology' as a genre in the Second Sophistic, cf. Max.Tyr.3, on which cf. Trapp,1997,24.

[12] Schindel,1998,866-7.

[13] De Bussi,1469,6. The text is reprint in Miglio,1978,15.

[14] Schindel,1998,872-88 notes the high degree of different readings between the *editio princeps* and **F**, and argues that they cannot be entirely due to conjectures by De Bussi but to readings found in a lost manuscript, namely the *Assisi Fragments* (Fondo Biblioteca Comunale di Assisi, n.706, *siglum* **C**). Once a printed text was made available, old manuscripts – which were already damaged or difficult to read – were generally abandoned or dismembered (cf. Pasquali,1952^2,50). This was the fate of the aforementioned *Assisi Fragments*, ten leaves written in Monte Cassino at the same time as **F**, reemployed as cover for the rogations by the sixteenth-century notaries Alessandro and Flaminio Benigni. A hypothesis similar to that by Schindel is proposed independently by Zimmerman,2012,xxi, who suggests that De Bussi might have read more than one lost manuscript.

[15] E.g. the editions by Helm (1905), Vallette (1924), and recently that by Martos (2015), and the studies by Harrison (2000), May (2006), Pellecchi (2012). The single title *Apologia* is also preferable for the sake of simplicity.

1.3. The Trial against Apuleius and its Legal Context

In AD 158-9 Apuleius stood trial before the proconsul of Africa Claudius Maximus[16] in the city of Sabratha,[17] a prosperous centre of North Africa facing the Mediterranean Sea.[18] The accusers claimed that Apuleius, who was already believed by some to be a practitioner of goetic magic,[19] was an extremely dangerous *magus* who employed his wicked arts on various victims in Oea, and especially on the rich Aemilia Pudentilla, a woman senior to Apuleius,[20] forcing her into marriage by means of magic after a widowhood of fourteen years.[21] In doing so, Apuleius purportedly endangered the substantial wealth of the late Sicinius Amicus,[22] Pudentilla's first husband, and their sons Sicinius Pontianus (who died shortly before the trial)[23] and Sicinius Pudens. Since Pudens was still a minor,[24] his uncle Sicinius Aemilianus (a brother of Sicinius Amicus) brought forward the allegations on Pudens' behalf, avoiding the dangerous repercussions of the *Lex Remmia de calumniatoribus*: this law punished those falsely accusing someone; however, Pudens was not prosecutable since he was a minor.[25]

In order to clarify the dangerous repercussions that Apuleius could face in case of a negative outcome of the trial, it is necessary to understand the law under which he was prosecuted. Abt[26] and Vallette[27] independently argue that the law at issue was the *Lex Cornelia de sicariis et veneficiis*[28] which was promulgated by Sulla in 81 BC. This law eventually encompassed the *crimen magiae*, as shown by the *Sententiae ad Filium* by Julius Paulus,[29] a jurist who lived between the second and third century.[30] That the law at stake during Apuleius' case was the *Lex Cornelia* is accepted by Abt, Norden, Butler and Owen, Marchesi, Amarelli, Graf, Hunink,

[16] On the date of Maximus' proconsulship, cf. **1.4**.
[17] *Apol*.59.2.
[18] *Brill's New Pauly*,vol.XII,s.v.*Sabratha*,coll.819-20.
[19] *Apol*.81.1.
[20] *Apol*.27.9. At *Apol*.89.5 it is explained that Pudentilla was in her forties. On the age of Pudentilla, Pontianus and Pudens cf. also the precise assessment of Butler, Owen,1914,xix-xx; although they were unaware of the date of Maximus' proconsulship (cf. **1.4**), they place it between AD 156-8 (p.xv).
[21] *Apol*.69-71, especially 68.2.
[22] *Apol*.68.2.
[23] *Apol*.1.5; 2.1; 96.5.
[24] *Apol*.2.3-4; 45.6; on this cf. the rich discussion of the related jurisdiction in Pellecchi,2012,93-119.
[25] *Apol*.2.3-4. On the *Lex Remmia*, cf. Norden,1912,136-7; Amarelli,1988,145-6; Hunink,1997,vol.II,15; Martos,2015,4,n.9. On the law in general, cf. Mommsen,1887,491-5; Berger,1991,379.
[26] Abt,1908,9-14.
[27] Vallette,1908,34-9.
[28] On this law in general, cf. Ferrary,1991,417-34; 1996,749-53.
[29] Paulus *Sent*.5.23.15-9. I refer to the edition of the text by Liebs,1996,232.
[30] *Brill's New Pauly*,vol.VI,s.v.*Iulius*,coll.1084-5.

Harrison, Dickie, May, Binternagel, and Martos,[31] but this interpretation has been challenged by Lamberti, Rives, and Bradley. Lamberti[32] explains that, since Apuleius was not accused of murder, he was not tried under the *Lex Cornelia* itself but under a *senatus consultum* updating the law, according to which *veneficium* included *mala sacrificia* comprising nefarious magical rites.[33] In several studies Rives develops the idea that the stake at issue during the lawsuit did not concern *veneficia* but the *maleficia* which Apuleius supposedly performed.[34] Thus, the trial must have been a *cognitio extra ordinem*,[35] this is a "special type of court proceedings for legal situations which had previously not been actionable".[36] Rives explains that Paulus' *Sententiae* are preserved in the form of a later compilation datable to the end of the third century AD,[37] therefore they do not offer useful information to reconstruct the legal context of Apuleius' trial. Bradley[38] similarly argues that, since scholars fail to demonstrate whether the *Lex Cornelia* encompassed magic in the second century AD, the requirement of a specific law was unnecessary: the trial was simply a *cognitio extra ordinem*.

Recently, however, Pellecchi[39] criticises the validity of Rives' interpretation of Paulus' *Sententiae* as a source reflecting a later development of the *Lex Cornelia*. Pellecchi explains that the *senatus consultum* reported in Modestinus' *Pandectae*[40] is the summary of a law which is expounded at length by Paulus,[41] whose description of the *Lex Cornelia* reflects the form in which this law was issued in Apuleius' time. Pellecchi argues, in fact, that the charges against Apuleius bear undeniable comparison with *Sent*.5.23.15,[42] and infers that the prosecutors structured their allegations according to the contemporary formulation of the *Lex Cornelia de sicariis et*

[31] Abt,1908,10-13; Norden,1912,31-2 and n.1; Butler, Owen,1914,3-4; Marchesi,1957=2011,xxi; Amarelli,1988,135; Graf,1997,66; Hunink,1997,vol.I,13; Harrison,2000,41; Dickie,2001,147-51; May,2006,73; Binternagel,2008,60; Martos,2015,xviii; p.3-4,n.8.
[32] Lamberti,2002,331-48.
[33] *Dig*.48.8.13: *ex senatus consulto eius legis* (*sc*. *Corneliae*) *poena damnari iubetur*, *qui mala sacrificia fecerit habuerit*.
[34] Rives,2003,322-36.
[35] Rives,2006,60; 2008,21-48; 2011a,103.
[36] *Brill's New Pauly*,vol.III,s.v.*Cognitio*,col.510.
[37] Rives,2003,331; 2006,53-4 argues that the *Sententiae* were spuriously attributed to Paulus, as already Liebs,1995,152-71.
[38] Bradley,2014,25.
[39] Pellecchi,2012,266-77, specifically p.271-77.
[40] *Dig*.48.8.13, cf. n.33.
[41] In particular, Pellecchi notes the similarity between the *mala sacrificia* in Modestinus and the *impia sacra nocturnave* in Paulus *Sent*.5.23.19.
[42] *Qui sacra impia nocturnave*, *ut quem obcantarent*, *defigerent*, *obligarent*, *fecerint faciendave curaverint*, *aut cruci suffiguntur aut bestiis obiciuntur*.

veneficiis.[43] Following Pellecchi's interpretation, I would like to add that the very aim of the *Lex Cornelia* was to guarantee the safety of slaves and citizens[44] from any type of harm, not only from death.[45] Consequently, when the practitioners of magic became perceived as a clear and present danger in the Roman Empire during the first century AD,[46] this law was adapted to banish their activities and their impious craft. Evidence for this is the progressive assimilation between *veneficium* and *magia* that is well-established in the first century AD: Quintilian explains that a topic for declamations was whether *veneficia* were to be deemed *carmina magorum*;[47] hence the association between magic and *veneficium* must have been already customary. That this association was accepted is also shown by Pliny, who claims that the real efficacy of the *magicae artes* lies in the *veneficae artes*.[48] Furthermore, I shall demonstrate in this study that both the prosecutors and Apuleius were not only aware of the issues mentioned at Paulus' *Sent*.5.23.15 – namely, impious sacrifices, curses, and *defixiones* – but also of those in *Sent*.5.23.16-9 which concern other impieties ascribed to goetic practitioners,[49] and especially the knowledge of magic[50] and the possession of magical treatises.[51]

Despite the lengthy and dangerous accusations, aiming to put Apuleius to death or to exile, he confutes these charges by misrepresenting them as the calumnies of ill-minded attackers, and demonstrates that he had no interest in the patrimony of the Sicinii.[52] In addition to his triumphant tone which shines through the *Apologia*, the fact that the speech was later revised and

[43] Pellecchi,2012,269; 276-7.
[44] Although slaves did not have any legal personality in the Roman world (Berger,1991,704; Bradley,1994,1-29; 174-82; Bauman,2000,115-25), the *Lex Cornelia de sicariis et venefici* (Paulus *Sent*.5.23.1-19) aims at protecting the life of every human being (*homo*), both free and enslaved (Iust.*Dig*.1.5.3), male and female (Iust.*Dig*.50.16.152). Cf. Berger,1991,488.
[45] IUST.*Instit.*4.18.5; cf. also Marchesi,1957=2011,xxi.
[46] Cf. the discussion in **2.3**.
[47] QUINT.*Inst*.7.3.7; this passage is acknowledged by Rives,2003,321; 2006,60, 2011a,81-2 although he does not consider it as sufficient evidence.
[48] PLIN.*Nat*.30.17.
[49] Paulus *Sent*.5.23.16: *qui hominem immolaverint exve eius sanguine litaverint*, *fanum templumve polluerint*, *bestiis obiciuntur vel*, *si honestiores sint*, *capite puniuntur*.
[50] *Sent*.5.23.17: *magicae artis conscios summo supplicio adfici placuit id est bestiis obici aut cruci suffigi*. *Ipsi autem magi vivi exuruntur*.
[51] *Sent*.5.23.18: *libros magicae artis apud se neminem habere licet*; *et penes quoscumque reperti sint*, *bonis ademptis ambustis his publice in insulam deportantur*, *humiliores capite puniuntur*. *Non tantum huius artis professio*, *sed etiam scientia prohibita est*.
[52] *Apol*.100-101: from Pudentilla's will it becomes clear that the heir is Pudentilla's son, Sicinius Pudens, not Apuleius.

published,[53] the presence of statues to honour Apuleius' success,[54] together with his successful career as rhetorician and priest in Carthage during the 160s AD[55] is strong evidence for his acquittal.[56]

1.4. The People in the Courtroom of Sabratha

With the exception of Apuleius and Claudius Maximus, the other figures mentioned in the *Apologia* are known to us only from the speech itself.[57] This is the case of Apuleius' wife Aemilia Pudentilla,[58] her late son Sicinius Pontianus and her younger son Sicinius Pudens. While the latter is described as a corrupted youth, almost illiterate, and a squanderer of his mother's riches,[59] the former had been Apuleius' friend and studied with him in Athens[60] before Aemilianus and Rufinus turned him against Apuleius.[61] It was Pontianus who invited Apuleius, or so he claims, *en route* to Alexandria, to lodge at his house, and paved the way for the wedding with Pudentilla.[62] As to Pudentilla, although at the centre of the legal dispute, she does not seem to have any weight during the trial. One could think that, being allegedly under Apuleius' magical control, Pudentilla would have been an unreliable witness. However, the reason may simply be legal: according to Ulpianus, the Roman law barred women from being a representative in any lawsuits.[63]

Little is known about the prosecutors who acted on behalf of Sicinius Pudens, namely Sicinius Aemilianus, Pudens' uncle,[64] Herennius Rufinus, Pudens' father-in-law,[65] and the

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[53] **1.5**.
[54] **1.4**.
[55] Rives,1994,273-90 argues that Apuleius was also a priest of Asclepius, cf. the discussion in **7.1**.
[56] This opinion is shared by Butler, Owen,1914,xvi-xvii; Marchesi,1957=2011,xxvi-xxvii; Steinmetz,1982,204-5; Fick,1991,27; Hijmans,1994,1714-5; Graf,1997,65; Hunink,1997,vol.I,19-20; Harrison,2000,7; Rives,2011a,89,n.35; Bradley,1997=2012,3; Noreña,2014,45; May,2014a,762; Stamatopoulos,2015,119.
[57] A good overview in Hunink,1997,vol.I,p,15-8.
[58] On Pudentilla's status and literacy, cf. Pavis D'Escurac,1974,89-101; Gutsfeld,1992,250-68; Fantham,1995,220-32; Harlow,2007,195-208; Lakhlif,2008,319-26.
[59] Cf. especially *Apol*.97.7-98.8.
[60] *Apol*.72.4
[61] Aemilianus and Rufinus made Pontianus change his mind about Apuleius (*Apol*.74.2-3); however, before his death, Pontianus reconciled with Apuleius and repudiated his wife, the daughter of Rufinus (*Apol*.94.2-3; 96.4-97.7).
[62] *Apol*.72.4-73.9.
[63] Cf. IUST.*Dig*.50.17.2 prol., cf. Berger,1991,469. This is also the case of the unnamed free woman in *Apol*.48-52 (**7.5**, n.254).
[64] Aemilianus is presented at *Apol*.10.6 as a *vir* […] *rusticanus*, *agrestis quidem semper et barbarus*. He is Apuleius' archenemy, the *professor et machinator* of the charges (*Apol*.2.8), and is slanderously addressed in the speech; cf. *Apol*.1.1; 2.9; 8.1-3; 10.6-7; 11.3; 12.6; 16.7-11; 17.6; 19.2; 20.9; 22.3; 23.5-7; 24.10; 25.8; 28.6; 29.1; 29.9; 32.2; 36.1-2; 36.7; 38.6; 44.5; 45.8; 46.4-5; 52.1-2; 53.3-6; 54.4-5; 55.1-3; 56.3-8; 58.7-59.3; 59.5; 60.1; 60.5; 64.1-2; 64.8; 66.3; 66.7-8; 67.1; 68.1; 69.4-70.4; 71.2-3; 83.1; 87.1; 88.1-2; 89.3-7; 90.1; 92.1; 96.1-4; 99.4-5; 102.1.
[65] Apuleius describes Rufinus as the real instigator of Aemilianus (*Apol*.74.5). He is attacked at *Apol*.60.2; 67.1; 71.2; 74.3-78.4; 81.1; 81.4-5; 82.1; 82.3; 83.3; 83.5-8; 90.1; 92.1; 94.1; 94.2; 96.5; 97.3; 97.7; 98.2; 100.3; 100.7. On Apuleius' comic characterization of Rufinus, cf. Hunink,1998,104-11; May,2006,99-106; 2014a,762-3.

advocate Tannonius Pudens.[66] They are slanderously portrayed by Apuleius as rustic, uncouth and corrupt. As Harrison notes, this characterization is meant to create an unbridgeable division between Apuleius and the philosophically-minded judge Maximus, and his ignorant foes.[67] What will emerge in this study is that Apuleius' invective needs to be framed within a Platonic logic: Apuleius presents himself and the judge at the zenith of a Platonising hierarchy whereas the prosecutors lie at its base. Their 'spiritual' vulgarity is the reason why they fail to understand the innocence of Apuleius, a true 'Socrates reborn' as various scholars aptly argue.[68]

The judge Claudius Maximus, who chaired the panel of magistrates during the trial,[69] is a historical figure. The analysis of three pieces of an inscription from the theatre of Leptis Magna[70] allowed Guey[71] and Syme[72] to date the proconsulship of Lollianus Avitus, *proconsul Africae* before Claudius Maximus,[73] to AD 157-8. Consequently, the proconsulship of Maximus himself has been dated to AD 158-9, the year during which Apuleius' trial took place.[74] But Maximus was not only a man of politics. He is also known as the philosopher who taught Stoicism to Marcus Aurelius,[75] and is addressed by Apuleius as a connoisseur of Plato's writing and theories.[76] According to the *Apologia*, Apuleius and Maximus belonged to the same cultural elite; thus the judge was bound to sympathise with a fellow philosopher, who represented himself as the victim of mere slanders (*calumniae*).[77]

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[66] Tannonius is addressed at *Apol*.4.1 as poor speaker (*non dissertissimus*); similarly in 30.5; 33.6-34.1; 34.5; 46.1-4. There seem to have been more advocates, since Apuleius addresses Aemilianus' *advocati* (*Apol*.25.8; 74.5), but their identity is unknown.

[67] Harrison,2000,46-7.

[68] Harrison,2000,43; 96; Schindel,2000,443-56; Riess,2008,51-73; Puccini-Delbey,2010,429-45; Fletcher,2014,161-7.

[69] *Apol*.1.1 and the comment by Hunink,1997,vol.II,10.

[70] Cf. *AE*,1990,1030.

[71] Guey,1951,307-17.

[72] Syme,1959,310-19; 1965,352-4.

[73] This is explained by Apuleius himself, cf. *Apol*.94.5.

[74] On this cf. the discussion with a rich bibliographical overview in Bradley,2012,283,n.1.

[75] Hunink,1997,vol.II,10; Harrison,2000,45; Bradley,1997=2012,15-16; Martos,2015,2,n.1 identify Claudius Maximus with the Stoic philosopher, mentor of Marcus Aurelius; see M.Ant.1.15.1-5; 16.10; 17.5, cf. Farquharson,1944,vol.I,275 and SHA *Marc.* 3.2 (*Claudium Maximum et Cinnam Catulum Stoicos*) on which cf. Syme,1983,34-5.

[76] In order to arouse the judge's sympathy, at *Apol*.25.10, 48.13, 51.1 Apuleius introduces Platonic citations by addressing the judge and referring to the Platonic *anamnesis* (cf. **4.2**, n.26); therefore, to grasp these references, the judge must have been acquainted with Platonic theories and works. On the Platonic characterisation of Claudius Maximus, cf. Bradley,1997=2012,15-6 in whose wake May,2010,184,n.31. Bradley,2014,29 suggests, however, that despite Apuleius' presentation, Maximus might have not necessarily been an academic.

[77] The term *calumnia* is insistently used by Apuleius to undermine the seriousness of the allegations. This term occurs also at 33.5; 45.1; 46.6; 51.10; 52.1; 55.1; 59,7; 61.3; 63.5; 67.1; 74.5; 82.8; 83.7; 84.2; 84.6; 103.4.

As to Apuleius, biographical evidence comes mostly from his *Apologia* and *Florida*; this has been accurately examined by Sandy, Harrison, Hammerstaedt, and Martos,[78] to whose discussions I refer: Apuleius was born as Roman citizen to a wealthy family in the African *colonia* of Madauros,[79] probably around AD 120.[80] Due to his studies in Carthage, Athens and Rome, Apuleius mastered both Greek and Latin,[81] was well versed in different literary genres,[82] and was deeply acquainted with Platonic philosophy.[83] Before his arrival in Oea (AD 156), and marriage with Pudentilla (AD 157 or early 158),[84] he led a globe-trotting life[85] worthy of the best of the Greek sophists of the time, and already wrote poetry,[86] treatises of natural philosophy in Greek and Latin,[87] and gave speeches before large audiences.[88] During the 160s we find Apuleius as a successful figure in Carthage.[89] The date of his death is unknown, but Harrison suggests a date after AD 170-180, which he considers as Apuleius' *floruit* during which he wrote the *Metamorphoses*.[90]

External evidence about Apuleius' life is uncertain. A second- or third-century inscription on the base of a statue from the area of the theatre of Madauros lacks the top which contained the name of a certain *philosophus Platonicus* to which the people of Madauros erected a public

[78] Sandy,1997,1-36; Harrison,2000,1-10; Hammerstaedt,2002,10-8; Martos,2003,vol.I,xii-xv.
[79] Vague information about Apuleius' birthplace comes from *Apol*.24.1 where he refers that he had been insulted for being '*Seminumidam et Semigaetulum*'. That he was native of Madauros is explicitly said in [APUL.] *Int*.4; August.*Ep*.102.32; *C.D*.8.14; Sid.Apoll.*Epist*.9.13.3; Cassiod.*Inst*.2.3.18; 2.4.7; 2.5.10.
[80] Strabo Aemilianus was his peer during his studies in Carthage (*Fl*.16.36-7), and since Strabo was *consul suffectus* in AD 156, and the minimum age to cover that role was thirty-three, Apuleius' was probably born in ca. AD 120; cf. Sandy,1997,2; Harrison,2000,3.
[81] On Apuleius' supposed *Africitas*, cf. Mattiacci,2014,87-111, who argues that Apuleius' African background influenced his own language and style. This idea is not shared by Farrell,2014,66-84 and already by Harrison,2000,3 and n.7 who believe that Apuleius' style mirrors that of his erudite contemporaries.
[82] *Fl*.9.27-8, on which cf. Hunink,2001,115-7.
[83] Apuleius studied general philosophy in Athens (*Fl*.20.4); on his probable masters, cf. Moreschini,2015,15-24, who reassesses the conclusions of his earlier monograph (1978,1-18). On Apuleius' Platonism, see the recent studies by Fletcher,2014,31-44; 271-272 and Moreschini,2015,15-27; 42-57; 219-96; 301-34; 365-7.
[84] Cf. Harrison,2000,7 in the wake of Guey,1951,317 and n.3.
[85] Apuleius describes himself as *viae cupidus* (*Apol*.72.5) and *peregrinationis cupiens* (*Apol*.73.7).
[86] Cf. *Apol*.6.3; 3.12; 9.14 that Harrison,2000,17-20 ascribes to Apuleius' lost *Ludicra*.
[87] Cf. *Apol*.36.8; 38.5, on which cf. Harrison,2000,29-30; 2008,6-7.
[88] We know that he gave speeches before the proconsul Lollianus Avitus (*Apol*.24.1 cf. Harrison,2000,33-4), and before the citizens of Oea (*Apol*.55.10-12, cf. Harrison,2000,32-3; 2008,8-9).
[89] On this cf. especially La Rocca,2005,13-77.
[90] Cf. Harrison,2000,10; 2002=2013,81-94. However, the passage at *Fl*.9.27-8, used by Harrison to date the *Metamorphoses* after AD 162-3, might not be entirely reliable since the term *historia* could have been used to indicate the *Metamorphoses* themselves; cf. **5.3**. Dowden,1994,425-6 argues, instead, that the *Metamorphoses* were written in Rome in the 150s AD.

monument.[91] It is not implausible to identify this Platonic philosopher with Apuleius,[92] who presents himself as a *Platonicus philosophus* in *Apol*.10.6.[93] This is also likely given that Apuleius had another statue set up in Oea after his victory against Aemilianus, about which he gave a speech now lost.[94] Additional evidence, suggesting Apuleius' activity in Latium, comes from a house in the proximity of the North African cooperation in Ostia rebuilt in the Antonine period:[95] the stamps on the lead waterpipes tell us that the owner of the house was a certain Lucius Apuleius Marcellus, whom Coarelli proposes to identify with our author.[96] Later evidence concerning Apuleius' link to magic, collected and examined by Carver, Gaisser, and Moreschini,[97] can be found in Christian sources that emphasise Apuleius' magical notoriety and associate him with Apollonius of Tyana.[98] The corpus of his larger works comprises *Metamorphoses*, the only complete Latin 'novel',[99] a fragmentary collection of declamations entitled *Florida*, and a set of philosophical writings preserved by a different manuscript tradition,[100] namely the *De Deo Socratis*, *De Mundo*, *De Platone et eius Dogmate*.[101]

1.5. The Scholarship on the *Apologia*

Different studies on Apuleius' *Apologia*, although not comparable in frequency to those devoted to the *Metamorphoses*, have explored its content, context, and literary status, helping our appreciation and understanding of this work. In this section I shall offer a survey of the most

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[91] *ILA* 2115: [*ph*]*ilosopho* [*Pl*]*atonico* [*Ma*]*daurenses cives ornament*[*o*] *suo. D*(*ecreto*) *d*(*ecurionum*) *p*(*ecunia*) [*p*(*ublica*)].
A picture of the inscription can be found at the following link: http://edh-www.adw.uni-heidelberg.de/edh/foto/F000532 [accessed 30/08/2016].

[92] This opinion is shared by Vallette,1924,vii; Harrison,2000,8; May,2013,2; Gaisser,2014,55.

[93] *Apol*.10.6. That of *Platonicus* is the title with which later authors tag Apuleius, e.g. Charisius *Ars grammatica* ed. Barwick,1964,314; August.*C.D*.8.24; 9.3; 10.27; Sid.Apoll.*Epist*.9.13.3. Cf. also [Apul.] *Int*. 4: *ut si pro* '*Apuleio*' *dicas* '*philosophum Platonicum Madaurensem*'.

[94] Cf. August.*Ep*.138.19 and APUL.*Fl*.16.37 discussed in Harrison,2000,33.

[95] *Regio* II, *insula* VIII, 5.

[96] Coarelli,1989,27-42. The identification is supported by the fact that this house grants the access to the so-called 'Mithraeum of the seven spheres' (*regio* II, *insula* VIII, 6), of which Apuleius would have been the keeper. The hypothesis is discarded by Harrison,2000,1,n.2, who points out that the attribution of the *praenomen* Lucius to Apuleius cannot be proved, while Takács,2008,80,n.13 takes it seriously.

[97] Carver,2007,17-30; 57-9; Gaisser,2008,21-38 and briefly in 2014,55-8; Moreschini,2015,335-63.

[98] Cf. Lactant.*Div.inst*.5.3.7; 5.3.18; 5.3.18; [Jer.] *Brev.Psal*.81. Cf. also Augustine in n.5 and Anastasius, *Quaestiones* (*PG* 89,col.525 A); Psell.*Script.Min*.vol.I,262, on which cf. Dodds,1947,56-7.
For a comparison between Apuleius and Apollonius and their trials, cf. Rives,2008,32-5 and **4.4**.

[99] For this genre in Greco-Roman times, cf. *Brill's New Pauly*,vol.IX,s.v.*Novel*,coll.837-50.

[100] Cf. Reynolds,1983,16-8; Klibansky, Regen,1993,18-54.

[101] Whilst the *Asclepius*, *Peri hermeneias*, and *De Remediis Salutaribus* are not Apuleian (cf. Harrison,2000,12-3), fragments of and references to lost texts ascribed to Apuleius have been collected by Oldfather *et al*.1934,ix-xiii; Beaujeu,1973,169-80; Harrison,2000,14-36. Stramaglia is currently working on a new *OCT* edition of these and other hitherto unacknowledged Apuleian fragments.

influential monographs and essays on the *Apologia*; this will lead us to the debate on whether the *Apologia* should be considered a work of fiction or whether it reflects a real speech.

After Monceaux's discussion of the emergence of the legend of Apuleius as a "*magicien*" that develops from the information in the *Apologia*,[102] the twentieth century saw an increasing interest in the speech. In 1908 there were published two doctoral theses which deeply influenced later studies: that by Abt and that by Vallette, who could both rely on the new edition by Helm.[103] Vallette analyses the content of the *Apologia*, and frames it within the sophistic and Platonic mentality that emerges from other writings by Apuleius. Vallette's meticulous work on the defence-speech led to an edition with critical apparatus, notes, and French translation of the *Apologia* and *Florida*, published in 1924. The focus of Abt's thesis was, instead, quite different: he examines implicit and explicit allusions to magic in the *Apologia*, showing how Apuleius betrays a knowledge of magic, and attempting a reconstruction of the prosecution's arguments. Abt pays a special attention to the evidence in the *Greek Magical Papyri*, which he was editing together with Dieterich, Wünsch, Fahz, Erman, and Möller.[104] Given the breadth of information contained, Abt's work is an obligatory presence in the bibliographies of every study devoted to ancient magic; it represents, in essence, the starting point for my own work, which brings in new evidence and reassesses that employed by Abt by adopting a more accurate methodology to define ancient magic.[105]

In 1912 scholars could benefit from Norden's detailed monograph on the legal context of the *Apologia* to understand Roman private law in the second century AD. Another edition of the *Apologia* accompanied by a commentary was that by Butler – who had already translated the *Apologia* and *Florida* into English in 1909 – and Owen published in 1914. Their commentary, although mainly focusing on linguistic and stylistic features of the speech, remains a valuable and accessible research tool, with often original interpretative inputs. Apart from the general

[102] Monceaux,1889,231-91.
[103] Helm,1905=1955[3]. Helm also published an interpretative study on the *Apologia* considered as "*ein Meisterwerk der zweiten Sophistik*" (1955,86-108).
[104] Cf. Preisendanz,1928=1973[2],v-xii.
[105] Chapter 2.

introductions and the notes accompanying the bilingual editions by Marchesi,[106] Mosca,[107] and Moreschini,[108] a major interpretative study on the *Apologia* is Winter's thesis, focusing on the historicity of Apuleius' trial.[109] A further scholarly advance is represented by two lengthy studies by Hijmans published in 1987 and 1994 in *ANRW*. The former is an analysis of Apuleius' Platonism in which a section is devoted to his self-presentation as a Platonist.[110] The latter is a contribution which reviews different stylistic and content-based features of the *Apologia* and *Florida*.[111] Although still unpublished, the doctoral thesis by McCreight, defended in 1991, offers a thoughtful insight into the language and style of Apuleius' forensic strategies[112] and contains a lengthy appendix of Apuleian terminological peculiarities.[113] An accessible overview of magic in the *Apologia* is that by Graf,[114] who sees the *Apologia* as an example confirming the anthropological theory of magic proposed by Mauss.[115]

A remarkable step forward in our understanding of Apuleius' speech is the edition with commentary in two volumes by Hunink published in 1997, and followed by an annotated English translation in 2001.[116] Although Hunink specifies that his commentary is not intended to be as detailed as the *Groningen Commentaries on Apuleius' Metamorphoses*,[117] it presents thought-provoking interpretations of the *Apologia* and contains a complete overview of the scholarship published so far. In 2002 another text with German translation and notes was edited by Hammerstaedt: this volume includes a rich introduction on the life[118] and the works of Apuleius,[119] and a series of interpretative essays ranging from magic and mysteries[120] to the legal issues related to the *Apologia*.[121] Following Sandy's book on Apuleius' position within the frame

[106] Marchesi,1957=2011.
[107] Mosca,1974.
[108] Moreschini,1990. More recently Stucchi,2016 which aims to be an intermediate reader for university students, though lacking many bibliographical references.
[109] Winter,1968.
[110] Hijmans,1987,416-25.
[111] Hijmans,1994,1709-84.
[112] McCreight,1991,1-194.
[113] McCreight,1991,195-508.
[114] Graf,1997,65-88.
[115] Hubert, Mauss,1903=1950,1-141.
[116] Hunink,2001,25-121.
[117] Hunink,1997,vol.I,31-2.
[118] Hammerstaedt,2002,9-22.
[119] Schenk in Hammerstaedt,2002,23-56.
[120] Habermehl,2002,285-314; Ritter,2002,315-30.
[121] Lamberti,2002,331-50.

of the Second Sophistic,[122] Harrison published in 2000 a detailed study on Apuleius' oeuvre which was bound to become a 'classic': even though Harrison's aim is to provide an accessible description of Apuleius' life and works,[123] surviving and lost, his volume provides the reader with an acute interpretation of the *Apologia* and its rhetorical strategies – mixing forensic and epideictic genres – and sheds light on Apuleius' dependence on Cicero.[124] The same attempt to unite accessibility with an in-depth literary analysis characterises May's monograph on the dramatic features of Apuleius' writings: the section concerning the *Apologia* explores Apuleius' employment of stock-characters taken from comedy, assessing how this was a customary practice observable in Cicero.[125] The recent monographs by Fletcher and Moreschini on Apuleius' Platonism also devote a section to the *Apologia*,[126] and so does Stamatopoulos in his thesis on witchcraft in the *Metamorphoses*.[127]

In 2008 the proceedings of the conference organised in 2007 by Riess were published, which contain a collection of papers mainly on the *Apologia*.[128] In the same year Binternagel's dissertation on the function of the digressions and anecdotes in the defence appeared; Binternagel demonstrates how these play a fundamental part in Apuleius' strategies to persuade the audience of his innocence. At the same time Piccioni published some results of her research on the textual transmission of the *Apologia* and *Florida*, which is leading to a forthcoming *OCT* edition of these texts.[129] In the meantime, Martos has edited a new critical text of Apuleius' rhetorical works, provided with a Spanish translation and rich explanatory notes.[130] Martos' critical apparatus is extremely accurate in reporting the readings of the manuscripts and the scholarly emendations to the texts; his volume also contains a comprehensive bibliography of the relevant scholarship. Further recent studies on the legal aspect of the *Apologia* are those by Taylor[131] and especially

[122] Sandy,1997; p.131-45 focus on the *Apologia*.
[123] Harrison,2000,v.
[124] Harrison,2000,39-88.
[125] May,2006,73-108.
[126] Fletcher,2014,198-226 and Moreschini,2015,29-48, respectively.
[127] Stamatopoulos,2015,103-19. I would like to thank Kostas Stamatopoulos for sharing his thesis with me.
[128] These comprise Harrison,2008,3-15; Rives,2008,17-49; Riess,2008,51-73; Hunink,2008,75-87; McCreigth,2008,89-104; Tilg,2008,105-132.
[129] Piccioni,2010,365-75; 2011,165-210; 2012,445-54; 2016,799-821.
[130] Martos,2015.
[131] Taylor,2011,149-66.

Pellecchi;[132] the latter comments on the legal context of the *Apologia* and proposes a different interpretation of the structure of the charges against Apuleius.[133]

So far I have listed the most influential studies on this defence, but to understand the dangerous context in which the *Apologia* was created and Apuleius' daring arguments it is necessary to explain whether this speech really was delivered or if it was a work of fiction. Some scholars leave the question unanswered since they focus on a literary interpretation,[134] but the latter hypothesis has gained favour in recent time.[135] Contrariwise, it has been proposed that the *Apologia* may be a stenographic recording of the speech as delivered by Apuleius in the courtroom of Sabratha.[136] I agree, however, with the majority of the scholars who argue that the text underwent a process of revision before its publication,[137] which did not substantially affect the form of the delivered speech, as Bradley specifies.[138] Furthermore, that the *Apologia* could not be a fictional speech is shown by the fact that it differs considerably from the declamations, given the precise references to real people,[139] its length, and the complexity of the allegations rebutted.[140] I want to add that the possibility of the historical existence of the trial should not be seen as a hindrance, but as an additional element to appreciate the rhetorical grandeur of Apuleius and his ability to overcome even the most dangerous situations by means of his magniloquence. As we will see, a fundamental aspect of the *Apologia* consists in the fact that Apuleius tailors a defence to appease a learned addressee, Claudius Maximus, with whom the cultivated people in court and the readers of the speech alike could have easily identified themselves. This sophisticated audience would have consequently sympathised with a fellow *literatus* such as Apuleius, a philosopher unjustly tried by a bunch of rustic swindlers.

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[132] Pellecchi,2012 which expands and continues an earlier article (2010,171-334).
[133] This is discussed in **1.6**.
[134] Cf. Sallmann,1995,140; Hunink,1997,vol.I,25-7; 2001,21-4, who overviews the scholarly debate on the issue; Taylor,2011,166, however, suggests that the lack of precise legal evidence does not allow for siding with one interpretation or the other.
[135] Cf. especially Rives,2008,17-9.
[136] Winter,1968,25-31; 1969,607-12; cautiously, Callebat,1984,143,n.1.
[137] Cf. Abt,1908,6-8; Vallette,1908,115-21; Butler, Owen,1914,xxi; Ussani,1929,130; Salottolo,1951,45; Guarino,1986,159; Amarelli,115-6; Gaide,1993,227-31 who hypothesises that the original speech was expanded; Hijmans,1994,1719; Harrison,2000,42,n.8; May,2006,73,n.4; Binternagel,2008,19-20; Pellecchi,2012,7-10; Martos,2015,xxvi-xxix; Stamatopoulos,2015,107.
[138] Bradley,1997=2012,13.
[139] On this cf. Hammerstaedt,2002,16.
[140] Cf. also Marchesi,1957=2011,xx.

1.6. The Structure of the Charges, and Summary of the Chapters

To reconstruct the body of the charges brought against Apuleius is a very difficult task since the *Apologia* does not aim to offer a reliable account of the accusers' arguments. As Quintilian remarks,[141] one should never report the opponent's *confirmatio* and Apuleius adheres to this tenet, distorting the allegations in order to sidestep their serious legal implications.[142] As far as one can gather from the evidence in the *Apologia*, the prosecution's speech was divided into three principal sections, all of them deeply concerned with the *crimen magiae*, as I will demonstrate.[143] The first section, which concerns what I call Preliminary Allegations, consists of a series of arguments which served to introduce a distorted portrait of Apuleius as a man without substance and moral principles, depraved, and fully able to employ goetic magic. The following section of the attackers' speech contains the Primary Charges, the allegations showing how Apuleius' goetic powers endangered not only Pudentilla, but the whole community of Oea. The third and last section deals more closely with the magical seduction of Pudentilla and Apuleius' alleged attempt to take possession of her patrimony. These arguments can be, therefore, summarised as follows:

Preliminary Allegations	Apuleius' beauty and hairdressing	*Apol*.4
	His extraordinary eloquence	*Apol*.5
	The toothpaste made with exotic ingredients	*Apol*.6-8
	Pederastic poems	*Apol*.9-13.4
	The possession of a mirror	*Apol*.13.5-16
	The manumission of three slaves	*Apol*.17
	Apuleius' poverty	*Apol*.18-23
	His barbaric homeland	*Apol*.24
Primary Charges	The seduction of Pudentilla with sea creatures	*Apol*.29-42.2
	The enchantment of Thallus triggering his sickness, and of other slave-boys	*Apol*.42.3-47
	The similar noxious enchantment of a matron	*Apol*.48-52
	The magical object which defiled Pontianus' *Lares* and caused his death	*Apol*.53-57.1
	The ritual polluting Crassus' household and his *Penates*, provoking his illness	*Apol*.57.1-60
	The ebony skeleton used for necromancy	*Apol*.61-5
Secondary Charges	Pudentilla's seduction with poisons and charms	*Apol*.68-71
	The compromising letters used against Apuleius	*Apol*.78.5-87.9

[141] QUINT.*Inst*.5.13.27, which is quoted by Hijmans,1994,1712. On Quintilian's advice on how to persuade the judge with a 'theatrical' performance (*Inst*.6.2-3), cf. Martín,2003,157-67.
[142] **1.3**.
[143] *Apol*.25.5; 81.1.

	Pudentilla's excessive age to remarry	*Apol*.89[144]
	The wedding in an isolated countryside villa	*Apol*.87.10-88.7
	The attempt to get his hands on Pudentilla's wealth	*Apol*.90-3

The reconstruction here outlined differs from that recently proposed by Pellecchi, who hypothesises that his opponents firstly accused Apuleius of having seduced Pudentilla with magical concoctions made of sea creatures and with a magical statuette.[145] Then, according to Pellecchi, they brought forward the allegations concerning Thallus and the epileptic woman,[146] interspersing them with two interludes: the argument concerning the magical objects in Pontianus' *lararium* and that concerning the nocturnal rituals in Crassus' house.[147] Some objections to this reconstruction should, however, be raised: Pellecchi's reasoning is mainly based on the evidence in the summing-up at *Apol*.27.6-12,[148] in which the order of the charges mirrors that which he proposes. However, this passage – similarly to other summaries at 25.1-2 and at 103.2-3 – cannot be relied on:[149] Apuleius alters the arrangement of his foes' arguments, transforming them into a series of short and harmless sentences which he can easily ridicule; here he also omits two controversial accusations, namely his alleged magical objects and his impious *nocturna sacra*.[150] Pellecchi also suggests that the eerie statuette, purportedly used for necromancy,[151] had to do with the seduction of Apuleius' wife, since the opponents became aware of this figurine by reading the same letter of Pudentilla which Apuleius discusses at *Apol*.78.5-87.9.[152] Additionally, he claims that the charges concerning the mysterious magical objects[153] and the nocturnal rituals[154] were marginal arguments.[155] Nevertheless, as demonstrated in this thesis, the corpus of letters presented by the accusers included letters which Apuleius avoids discussing in the defence-speech, and the

[144] In order to weaken this point, Apuleius does not discuss it in the correct chronological order – which he follows at 67.3. (**11.1**).
[145] Pellecchi,2012,153-78.
[146] Pellecchi,2012,210-31; p.248-54.
[147] Pellecchi,2012,231-48.
[148] Pellecchi,2012,144-52.
[149] Cf. also the remarks by Hunink,1997,vol.II,85; 94-5; 102-3; Harrison,2000,62; 64-5; 85.
[150] Both allegations are excluded from the summing-up at 27.6-12 and 103.2-3.
[151] *Apol*.61-5.
[152] Pellecchi,2012,194-209 who refers to *Pudentillae litteras* mentioned at *Apol*.61.1.
[153] *Apol*.53-6.
[154] *Apol*.57-60.
[155] Pellecchi,2012,231-48.

two charges concerning the magical objects and the nocturnal rites were, instead, quite substantial and fit prominently in the goetic depiction of Apuleius given by his accusers.

The various sections of Apuleius' *Apologia* will be discussed in this study in the following order: Chapter 2 deals with a new theoretical methodology applied to ancient magic. Chapter 3 focuses on the Preliminary Allegations showing how Apuleius conceals the dangerous references to his dabbling in magic which originally characterised the allegations. Chapter 4 examines *Apol*.25.5-28.9, in which Apuleius plays with the semantic ambivalence of magic according to an earlier Platonic interpretation, and stresses his status as a philosopher under trial. The following six chapters look at the Primary Charges: Chapters 5 and 6 are concerned with the lengthy rebuttal of the alleged seduction of Pudentilla with love charms obtained from sea animals. Here Apuleius displays his sophistic skills and draws on anecdotes and digressions which, however, might have still aroused some suspicions about his self-declared innocence. Chapter 7 focuses on the allegations concerning the noxious powers of Apuleius' incantations, which allegedly caused the sickness of various people in Oea, including some slave-boys and a free woman. It is also discussed how Apuleius misrepresents the allegation concerning the slave Thallus by inserting the element of divination, which did not feature in the prosecution's case. Chapters 8 and 9 analyse the accusations concerning the magical objects hidden amongst Pontianus' *Lares* and that of having performed impious rites in the house of Iunius Crassus. A new reconstruction of these allegations will be proposed, showing how these were meant to present Apuleius as a harmful *magus*, who attempted to kill Pontianus and Crassus. Chapter 10 is devoted to the ebony statuette of a skeleton which Apuleius commissioned and allegedly used for necromancy, and on his mock-curse at *Apol*.64.1-2 which has puzzled scholars because of its open connections with magical curses. Chapter 11 throws light on the magical features of the Secondary Charges, focusing on the wedding with Pudentilla and Apuleius' endangerment of her patrimony; it will be demonstrated that magic was a fundamental theme of these allegations – Apuleius' distortion notwithstanding – and that they were strongly connected with the Preliminary and the Primary Charges. Chapter 12 overviews the conclusions of the previous discussion and explains how

Apuleius' rhetorical skills enable him to charm his audience and triumph over his enemies, while never denying being a *magus*.

Chapter 2: Magic in the *Apologia*, a Matter of Terminology and Meaning

2.1. Introduction

When attempting to address a topic as popular as magic one is bound to face the increasing amount of scholarly interpretations which have been devoted to this subject since the nineteenth century. To overview anthropological theories of 'magic' would, however, go far beyond the scope of this study; furthermore, scholars nowadays can benefit from the comprehensive monographs by Bernd-Christian Otto and by Otto and Stausberg,[1] which cover the analysis of magic by Tylor, Frazer, Mauss and Hubert, Durkheim, van der Leeuw, Evans-Pritchard, Malinowski, Horton, Tambiah, Leach, Greenwood, Lehrich, Sørensen, Stratton, and Styers.[2] Numerous contributions have been devoted to defining ancient magic itself,[3] and I will often engage with these works in the course of this dissertation.

The purpose of my work is, however, neither to propose a general theory nor to study ancient magic as a whole, but to undertake a philological[4] examination of the *Apologia*, which aims to demonstrate the centrality of the *crimen magiae*[5] and *magica maleficia*[6] in the body of the charges, and the strategies adopted by Apuleius to counter these serious charges. The *Apologia*

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[1] Otto,2011,39-132; in this imposing volume, he reviews the representation of magic in Western culture from its Greek origin to modern times. A similar attempt in Otto, Stausberg,2013,68-262 is more focussed on recent scholarly interpretations: it includes, in fact, the works of Greenwood, Lehrich, Sørensen, Stratton, and Styers. A further discussion of the reception of 'Western learned magic' from antiquity to modern esotericism in Otto,2016,161-240. I am deeply grateful to Bernd Otto for sharing with me his ideas and his work.

[2] Tylor,1903,vol.I,112-21; 133-6; 158-9; Frazer,1922,11-2; 48-60; 711-4; Hubert, Mauss,1903=1950,1-141. Hubert had already worked on ancient magic for his entry '*magia'* in *DAGR*,1900,vol.III.2,1494-521; Durkheim,1995,38-44; 304-5; 360-7; van der Leeuw,1986,543-55; Evans-Pritchard,1958,11-2; 63-74; 79-83; 475-8; Malinowski,1948,50-71; Horton,1967,155-87; Tambiah in Horton, Finnegan eds.,1973,218-29; Leach,1991,29-32; Greenwood in Otto, Stausberg eds.,2013,197-210; Lehrich in Otto, Stausberg eds.,2013,211-28; Sørensen in Otto, Stausberg eds.,2013,229-42. Sørensen's efforts consist in framing magic within the context of cognitive sciences. Further explanations for the universal diffusion of supernatural beliefs are discussed in the studies by other cognitivist anthropologists, cf. Atran,2002,264-6; Boyer,2001,358-61; Pyysiäinen,2009,43-53. They argue that beliefs in 'supernatural agents' are triggered by the very way in which the human mind works; Stratton,2007,1-38 and in Otto, Stausberg eds.,2013,243-54; Styers in Otto, Stausberg eds.,2013,255-62.

[3] Cf. especially Graf,1997,20-60; Braarvig in Jordan *et al*.eds.,1999,21-54; Gordon in Flint *et al*.eds.,1999,161-269; Graf,2006 in *Brill's New Pauly*,vol.VIII,s.v.*Magic*,col.133-43; Dickie,2001,18-42; 124-41; Luck,2006[2],1-92; Pezzoli-Olgiati in Labahn, Lietaert Peerbolte eds.,2007,3-19*;* Collins,2008a,1-63; Frenschkowski,2010 in *RAC*,vol.XXIII,s.v.*Magie*,col.857-957; more recently Stamatopoulos,2015,9-35. Luck,2006[2] and Ogden,2009[2] are accessible sourcebooks in translation. For an overview on earlier scholarship, cf. Fowler, Graf,2005 in *ThesCRA*,vol.III,286-7 and Edmonds in *Oxford Bibliographies Online*: http://www.oxfordbibliographies.com/view/document/obo-9780195389661/obo-9780195389661-0107.xml?rskey=mbCQk6&result=102 [accessed on 03/11/2016]; amongst the earlier studies, Hopfner,1928 in *RE*,s.v.*μαγεία*,col.301-93; Nock,1933=1972,308-30; Bidez, Cumont,1938,vol.I,5-55 are worth mentioning given their influence on later scholarship.

[4] Cf. **1.1**, n.2 for my definition of the term.

[5] *Apol*.25.5; 81.1. Cf. **1.3**.

[6] *Apol*. 1.5; 9.2; 42.2; 61.2.

or *De Magia*[7] is the richest source to observe the employment of the term *magus* and its cognates in Latin literature: *magus* occurs 40 times,[8] *magia* 39 times,[9] and *magicus* 22 times.[10] In this chapter I aim to define the semantic spectrum of *magus* and its cognates and disentangle its ambiguous meaning in order to understand how both Apuleius and his attackers could play with its ambivalence. To do so, I shall set the *Apologia* in the context of Greek and Latin sources which specifically refer to *μάγος*, *magus* and their cognates. This standpoint is fundamental to a philological enquiry, since in order to reconstruct a text as close as possible to its authorial intent, it is necessary to interpret it and frame it within the socio-cultural values of its author.[11] Such a methodology differs significantly from that by Adam Abt and earlier scholars, such as Frazer and Mauss, who regarded 'magic' as a transcultural label applied to different supernatural beliefs, and to evidence which is unrelated to the terms stemming from *μάγος* and *magus*: thus, for example, in the case of magic and medicine, Abt[12] often draws on sources which have nothing to do with the *magi*, but are mere references to popular healing practices. I propose, instead, to focus on that evidence which we do not need to interpret as 'magical', but was already regarded as such in Greco-Roman times.

To develop this methodology I have profited from a number of studies, firstly, the inspirational views of Bremmer.[13] He challenges Snoek's idea[14] – followed by Versnel –[15] that a scholarly discourse should always be 'etic', and explains that the old-fashioned pattern 'magic *versus* religion' inherited from earlier scholarship cannot be applied to the Greco-Roman world – at least before Late Antiquity –[16] since *magus* was not opposed to 'priest'.[17] As the evidence in

[7] On the title, cf. **1.2**.
[8] *Apol.*9.3; 25.8; 25.9; 26.3; 26.6; 26.9; 27.2; 28.4; 30.1; 30.2; 31.9; 32.2; 32.6; 40.3; 43.1; 43.2; 43.8; 43.10; 45.5; 48.2; 51.10; 54.7; 66.3; 78.2; 79.1; 79.2; 79.4; 79.6; 81.1; 82.1; 82.6; 84.4; 90.1; 91.1. We also find the Greek forms *μάγος* and *μαγεύω* at 82.2; 83.1; 84.2.
[9] *Apol.*2.2; 9.5; 25.5; 25.10; 26.1; 27.9; 27.12; 28.4; 29.1; 29.2; 29.6; 29.9; 30.5; 31.1; 31.2; 31.4; 47.1; 47.3; 53.2; 54.6; 58.5; 62.3; 63.2; 64.8; 67.1; 67.3; 70.3; 78.5; 80.5; 81.1; 82.4; 83.5; 84.3; 84.4; 87.2; 90.4; 96.2; 102.1; 102.2.
[10] *Apol.*1.5; 9.2; 17.3; 32.2; 34.5; 36.7; 38.7; 41.5; 42.2; 42.6; 47.2; 47.5; 53.4; 53.9; 53.12; 54.1; 54.8; 61.2; 63.6; 69.4; 80.1; 102.7.
[11] Cf. the thought-provoking pages by Trovato,2014,39-44.
[12] Abt,1908,155-6; 202-5, cf. the discussion in **6.5**.
[13] Bremmer,1999=2008,235-47; 347-52.
[14] Snoek,1987,7.
[15] Versnel,1991,177-97. A similar position by Hoffman in Mirecki, Meyer eds.,2002,179-194, who challenges the utility of the emic approach, and Johnston,2003,50-4.
[16] Cf. the discussion by Graf in Bremmer, Veenstra eds.,2002,87-103.
[17] Bremmer,1999=2008,347-52.

Apol.25.9-26.5 shows,[18] the situation is, in fact, quite the opposite. Thus, as Bremmer puts it, "in order to be workable, the etic definition of a concept should always be as close as possible to the actors' point of view: if not, it will soon cease to be a useful definition",[19] a stance that is very close to the so-called 'emic' approach. At this point, it becomes necessary to discuss the terms 'emic' and 'etic'. These words are coined by Kenneth Lee Pike from the linguistic terms phonetic and phonemic.[20] Pike explains that the emic approach is based on the analysis of a specific language and its socio-cultural values, so it seeks to reconstruct the conceptualisations, beliefs and customs of the culture analysed. The etic approach, instead, studies a cultural behaviour from the viewpoint of an external observer, who does not share the same customs of the culture examined. The importance of applying the emic approach to ancient magic has also been acknowledged by Dickie[21] and, to a degree, Stratton[22] in their discussion of 'magic' in the Greco-Roman world. I argue that a philological enquiry bears significant comparison with the emic methodology, which is, consequently, particularly fitting for the analysis of the term *magus* and its cognates which I undertake in this study.

For this terminological reconstruction, I have benefitted from Fowler's consideration on the semantic fluidity of *μάγος*, *magus* and their cognates.[23] Dickie, Bremmer and Rives work on *μάγος* and *magus* and agree that the terms had a double meaning:[24] on the one hand, they could refer or relate to the Persian priests, followers of Zoroaster; on the other hand, they could indicate a fearsome enchanter – *γόης*, *φαρμακεύς*, *veneficus*, *maleficus* – in a word: a *μάγος*-*magus*, a skilled practitioner who could use their uncanny powers on human and non-human beings alike. This twofold meaning is well attested in the *Apologia*,[25] which Rives considers the starting point for his linguistic enquiry into *magus* and its cognates, since it exemplifies the twofold meaning of the terms more clearly than other sources.[26] Although Rives and Bremmer's studies are

[18] **4.2**.
[19] Bremmer,1999=2008,348.
[20] Pike,1967[2],37-72.
[21] Dickie,2001,19.
[22] Stratton,2007,1-38; although she acknowledges the importance of the emic approach, Stratton also focuses on magic as a social discourse in Foucaultian terms.
[23] Fowler,1995,19-22; 2005 in *ThesCRA*,vol.III,283-4.
[24] Dickie,2001,18-46; 124-41; Bremmer,1999=2008,235-48; Rives,2009,119-32; Rives in Gordon, Marco Simón eds.,2010,53-77.
[25] Cf. especially *Apol*.25.9-26.9 (**4.2**).
[26] Rives in Gordon, Marco Simón eds.,2010,54-8.

methodologically valuable since they dismiss modern views on magic and focus on the original terminology and its meaning, these conclusions – partially anticipated by Nock, and Bidez and Cumont –[27] are not definitive.[28] A problem consists in the fact that much evidence comes from literary sources which do not aim to give a detailed and realistic account of the actual practices of contemporary *μάγοι-magi*.

To unfold the semantic polyvalence of *magus* we need to take into account more than the aforementioned two meanings of 'magic': I shall, therefore, distinguish three types of 'magic' in the *Apologia*,[29] each of which is discussed at length in this chapter. The first two kinds mirror the aforementioned dualistic division. The first type is what I define as philosophical or religious magic, which occurs when *Μάγος-Magus* indicates the priest of the Persians, as in *Apol*.25.9-26.3,[30] a wise man retaining a superior lore which Greeks philosophers sought out (**2.2**). In this case, I use the capital letter since the term indicates the ethnonym from which the religious sect derives, not the goetic practitioners. The second type of magic, which I call goetic magic or simply magic,[31] refers to the real goetic practices and practitioners, condemned by the *Lex Cornelia de Sicariis et veneficiis* under which Apuleius is tried.[32] As we shall see, this detrimental connotation – employed by Apuleius' accusers – can be applied to the *Greek Magical Papyri* and the *tabellae defixionum* (**2.3**). The third kind of magic herein introduced is 'literary magic': this designates the dramatized descriptions of goetic magic, which often bear comparison with contemporary goetic practices (**2.4**). This is not an idle but an important distinction: Apuleius is well aware of the fictional dimension of magic, on which he draws at *Apol*.30.6-13 and 31.5-7, misrepresenting

[27] Cf. Nock,1933=1972,308-30, and Bidez, Cumont,1938,vol.I,10-1. Cf. also Dietzfelbinger in *ThLL*,vol.VIII,s.v.*magus*,coll.149-52 who references Pease's commentary on Cic.*Div*.1.46 (1963,175).
[28] Rives in Gordon, Marco Simón eds.,2010,75-7 admits that the fruits of his survey are provisional and encourages further investigation.
[29] In absolute terms, one could identify another type of 'magic', namely an 'ethnic magic', this is when the term *μάγος* indicates specifically the member of a Median tribe, as in Hdt.1.101 and Str.15.3.1. This meaning can already be seen in the Old Persian *maguš* ('priest') which originally meant 'member of a tribe', cf. De Jong,1997,387,n.1. Since this ethnic connotation – from which that of 'Persian priest' derives – does not occur in the *Apologia* and in the sources that I examine, it is unnecessary to apply this further distinction in the current study.
[30] **4.2**.
[31] Unlike *μάγος*, *γόης* had only the negative meaning of wicked 'enchanter' that probably developed from the original connection of this term with the sphere of death (cf. n.36 in Chapter 10). Therefore, I consider the adjective 'goetic' as the most suitable to specify the harmful type of 'magic' by using a terminology which mirrors that adopted in classical antiquity. When goetic magic is employed for the purposes of seduction, I called it loosely 'love-magic', as does Faraone,1999,1-40, whose theoretical understanding of 'magic' differs, however, from mine since it encompasses a range of phenomena which were not described with terms derived from *μάγος-magus*.
[32] **1.3**.

literary magic as evidence to back up his claim that sea creatures could not be used in real goetic practices.[33]

My threefold distinction is not meant to constitute a rigid grid but, rather, to restore three important semantic tendencies to which this set of terms was subject in Greco-Roman times. As we shall see (**2.6**), the ancients could pick a meaning within these fluctuating boundaries but they could also reinterpret the terms *μάγος-magus* according to their own sensibility and understanding of these figures and their practices. I shall also explore the wide spread of this literary kind of magic in Greco-Roman rhetoric. This, on the one hand, will help us explain how Apuleius' digressions on magic can indicate his familiarity with the literary and rhetorical use of magic. On the other hand, it will enable us to comprehend how the attackers could draw on commonplace literary and rhetorical *topoi* to depict Apuleius as a fearsome *magus* (**2.5**). With these considerations in mind, it will be possible to get a better understanding of the many facets of 'magic' in the Greco-Roman world and, specifically, to shed new light on how they play a crucial part in the rhetorical strategy of the prosecution and especially in Apuleius' own defence.

2.2. Philosophic-Religious Magic: Oriental Wisdom

In this section I will examine evidence showing how the term *μάγος*, from which its Latin coinage *magus* originates, enjoyed a long-lasting positive connotation due to the idea that the wisdom of the Magi had been the source from which Greek philosophers, from Pythagoras onwards, gained their knowledge. A diachronic overview of the evidence is required since Apuleius, his learned addressee Claudius Maximus, and his readership would have been able to access a range of earlier writings.

This religious connotation of *magus* as Persian priest which appears in *Apol*.25.9-26.3 predates Plato's *First Alcibiades*, to which Apuleius refers explicitly.[34] We know that Xanthus the Lydian (ca 450 BC)[35] devoted a part of his lost *Lydiaka* – which Clement of Alexandria calls *Magika* – to the customs of these priests.[36] However, the earliest non-fragmentary source on the

[33] **5.2**, **5.3**, **5.4**, **5.5**, **5.6**.
[34] *Apol*.25.11=Pl.*Alc*.121e-122a (**4.2**).
[35] *Brill's New Pauly*,vol.XV,s.v.*Xanthus*,col.795.
[36] *FGrH* 765 F 31=Clem.Al.*Strom*.3.11.1; *FGrH* 765 F 32=D.L.1.2 may also belong to this section of the *Lydiaka*.

Μάγοι is Herodotus, who describes them as a tribe with priestly functions within the Persian empire.[37] As Bremmer points out,[38] Herodotus assumes that his readership is already familiar with the *Μάγοι*: this is unsurprising as the Greeks living in Asia Minor would have known these priests since Cyrus' conquest in the sixth century,[39] while those in continental Greece could have seen or heard of the *Μάγοι* accompanying Xerxes during his invasion.[40] Far from acknowledging their philosophical grandeur, Herodotus does not express any admiration for these priestly figures, quite the opposite: scholars[41] note how Herodotus describes the Magi as *φαρμακεύσαντες*[42] when performing the sacrifice of white horses to cross the river Strymon. This may be due to Herodotus' bias against the Persians,[43] the same bias that probably led to the detrimental interpretation of *μάγος* which we find in Athenian drama[44] and in Hippocrates.[45]

In Xenophon of Athens the *Μάγοι* feature, too, as priestly figures,[46] but to observe that positive connotation which Apuleius attributes to them in the *First Alcibiades*,[47] we need to look at the writings of philosophers living between the fourth and the second century BC. A passage from Diodorus Siculus[48] suggests that Hecataeus of Abdera was responsible for the circulation of the idea that Greek sages such as Orpheus, Pythagoras, Democritus, and Plato[49] gained their wisdom from the Egyptian priests. It is Sotion, author of the *Διαδοχαὶ τῶν φιλοσόφων* and a source for Diogenes Laertius,[50] who specifies that philosophy arose from the wisdom of the Magi in

[37] Hdt.1.107-8; 1.120; 1.128; 1.131-2; 7.19. On the theogony recited by the Magi (1.131-2), cf. De Jong,1997,92-120.
[38] Bremmer,1999=2008,240.
[39] Xenophon explains that Cyrus the Great first established the priestly college of the Magi (*Cyr*.8.1.23: *πρῶτον κατεστάθησαν οἱ μάγοι*), who accompany him throughout his conquest (*Cyr*.4.5.14; 4.6.12; 5.3.4).
[40] Hdt.7.114; 7.191. Centuries later, Pliny the Elder (*Nat*.30.8) reports that Ostanes was the high priest in Xerxes' entourage, responsible for sowing the *semina* of this lore in the Greek world; more on Ostanes in **4.5**.
[41] Bremmer,1999=2008,240. Stamatopoulos,2015,19-20 develops a similar argument without acknowledging Bremmer's explanation. Dickie,2001,34; Collins,2008a,57; and independently Stamatopoulos,2015,20 adds that Magi performed human sacrifices (Hdt.7.113) and offered sacrifices to the dead, Thetis, and the Nereids to calm a storm on the coast of Magnesia with the aid of *γόησι* (Hdt.7.191). This reading has been deemed problematic by earlier philologists following Madvig (cf. the overview in Macan,1908,283), but is accepted in the recent editions by Rosén,1997,277 and Wilson,2015,678 (who follows West's emendation *γοήσι*), and probably rightly so: Herodotus knows and employs the term *γόης* at 2.33; 4.105, and he could have used this term at 7.191 given that it befits the meaning of the passage.
[42] **2.3**. On *φάρμακον* and its Latin counterpart *venenum*, cf. also **6.5** and **11.2**.
[43] Cf. Hall,1989,76-100 and Bremmer,1999=2008,243-4.
[44] **2.4**.
[45] **2.3**.
[46] X.*Cyr*.5.4.14; 4.5.51; 4.6.11; 5.3.4; 7.3.1; 7.5.35; 7.5.57; 8.1.23; 8.3.11; 8.3.25.
[47] As argued by Denyer,2001,179-80, the *First Alcibiades* does not contain a praise of the Magi, cf. **4.2**.
[48] D.S.1.96-8. Cf. Momigliano,1975,146-7.
[49] On these figures and magic, cf. **4.4**, **4.5**, **4.6**.
[50] D.L.1.1, in which Diogenes refers to the book 23 of the *Successions of philosophers*. The fragments of this work are collected, edited and commented upon by Wehrli (1978).

Persia, of the Chaldeans in Babylon, the Gymnosophists in India, and the Druids in Gaul and Britain. But this interest in the Magi can already be seen in Heraclides Ponticus, a pupil of Plato and the author of a dialogue entitled *Zoroaster*;[51] additionally, in the *Magikos*, ascribed to Aristotle by Diogenes Laertius,[52] it was made clear that the Magi did not know *τὴν γοητικὴν μαγείαν*, and this was also the opinion of the historian Dinon (*floruit*: fourth century BC), author of *Persika*.[53] Furthermore, the biographer and grammarian Hermippus of Smyrna devoted his *Περὶ Μάγων* to the Persian Magi.[54]

We have observed so far the positive attitude towards the Magi from the fourth century, especially by writers close to the Peripatetic and Academic philosophy. Later in the second and first century BC, other Greek intellectuals such as Bolus of Mendes and the physician Cleemporus also seem to have fostered the idea that the earlier Greek philosophers travelled eastwards to meet with the Magi; Cleemporus does so in an essay on the virtues of plants which he attributes to Pythagoras,[55] while Bolus does the same, ascribing his *Cheiromecta* to Democritus.[56] This accounts for the widely diffused opinion that Pythagoras and other philosophers of old learnt from the Magi who were the bearers of a higher wisdom worth studying and pursuing, an idea which underlies *Apol*.27.2-4.[57] Plutarch acknowledges the priestly authority of the Magi and quotes passages which he attributes to them;[58] other texts by Apuleius are also influenced by a positive interpretation of *magus*,[59] and even his contemporary Lucian draws on the theme of the Eastern origin of philosophy.[60] In the light of this discussion, it becomes possible to reconstruct the reasons why Apuleius takes pride in being called a *magus* at *Apol*.27.4 and does not attempt to deny his reputation: he limits himself to specifying that he and the erudite judge Maximus follow

[51] Wehrli,1969b,frg.68-70.
[52] D.L.1.8=Arist.*Fr*.36 ed.Rose,1886,44. Aristotle mentions the Magi in *Metaph*.1091b, but the authorship is debated, cf. Rives,2004,35-54, who argues for a spurious attribution. The text might belong to Peripatetic philosophers: Bremmer,1999=2008,241-2 adds further evidence for the interest of Aristotle's pupils Eudemus (Wehrli,1955,frg.89), Clearchus (Wehrli,1969a,frg.13), and Aristoxenus (Wehrli,1967,frg.13) in the Magi.
[53] *FGrH* 690 F 5. On Dinon's date, cf. *Brill's New Pauly*,vol.IV,s.v.*Dinon*,col.421.
[54] Wehrli,1974,frg.2-4 and the comments in p.45-7.
[55] PLIN.*Nat*.24.159, Pliny accepts this attribution. Cf. Dickie,2001,119 and **4.4**.
[56] PLIN.*Nat*.24.160, Pliny believes in Democritean authorship, but in COL.7.5.17 it is explained that Bolus is the author, not Democritus. Cf. also Dickie,2001,119-21 and **4.4**.
[57] Cf. **4.4**, **4.5**, **4.6**. Here Apuleius plays with the semantic ambiguity of *magus* to claim that his uncouth accusers would have regarded these philosophers and him as goetic practitioners.
[58] Plu.*Mor*.270d; 396d-370c (on which cf. Griffiths,1970,470-82; De Jong,1997,157-204). Other references in *Mor*.537a; 670d; 820d.
[59] APUL.*Soc*.6, discussed further in **7.3** and generally Chapter 12; *Fl*.15.14; *Pl*.1.3.
[60] Luc.*Fug*.8.

the lofty, Eastern type of magic, and do not share his accusers' vulgar understanding of magic.[61] Although the religious and philosophical esteem for the Magi survives into later time,[62] already in the third century AD the reputation of terms *μάγος* and *magus* are in decline: Philostratus endeavours to dissociate Apollonius of Tyana from the *μάγοι*.[63] Plotinus considers *μαγεία* as a form of *γοήτεια* and biases his readers against it[64] and, with even more contempt, Augustine irrevocably equates *magia* with *goetia*.[65] This detrimental connotation was, however, far from being new: I shall now examine the development of this negative meaning of *magus*.

2.3. The Goetic *Magus*

The majority of the occurrences of *magus* and its cognates in the *Apologia* does not refer to the Persian wise man but to the goetic practitioner,[66] and this is also the meaning to which Apuleius' accusers allude to portray him as a threat not only to Pudentilla but to the whole community of Oea. It is necessary, at this point, to throw more light on these much feared *magi* and assess their existence in the Greco-Roman world, which led to the creation of a severe law against them, the *Lex Cornelia de sicariis et veneficiis* under which Apuleius is prosecuted.[67] In order to do so, I will discuss the goetic connotation of the term *μάγος* and its Latin counterpart *magus*, when employed to designate people to whom supernatural abilities were attributed. I shall also give an overview of the modern collections of the *Greek Magical Papyri* and the *Defixionum Tabellae*, since these sources attest the existence of the goetic *magi* and their practices. They will be constantly referred to throughout this study to show how the accusations brought against Apuleius were tailored on similar goetic practices, and how, at times, Apuleius himself displays a controversial knowledge of such goetic practices.

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[61] *Apol*.26.6.
[62] Amm.Marc.23.6.32 cf. den Boeft *et al*.1998,168-70.
[63] Philostr.*VA* 1.2.
[64] Plot.1.4.9; 2.9.14; 4.3.14; 4.4.26; 4.9.3.
[65] August.*C.D*.10.9.1: *vel magian vel detestabiliore nomine goetian vel honorabiliore theurgian vocant* […] *quos et maleficos vulgus appellat – hos enim ad goetian pertinere dicunt – alios autem laudabiles videri volunt, quibus theurgian deputant*. For Augustine's detrimental interpretation of magic, cf. Graf in Bremmer, Veenstra eds.,2002,87-103.
[66] E.g. *Apol*.9.3; 26.6; 26.9; 27.2; 28.4; 30.1; 31.9; 32.2; 32.5; 43.1; 43.2; 43.8; 43.10; 45.5; 48.2; 54.7; 66.3; 78.2; 79.1; 79.2; 79.4; 81.1; 82.1; 82.6; 84.4; 90.1; 90.6; 91.1.
[67] **1.3**.

Let us begin by examining the goetic meaning of *μάγος* and *magus* in the Greco-Roman world up to the second century AD. If we exclude Greek drama, which is discussed in the following section on literary magic,[68] and a much-disputed fragment of Heraclitus preserved in Clement of Alexandria,[69] the first detrimental references to the *μάγοι* as people with unearthly skills dates to the fifth century BC. In the Hippocratic treatise *De Morbo Sacro* these *μάγοι* are scorned for being pseudo-physicians who pretend to cure epilepsy with incantations (*ἐπαοιδάς*) and purifications (*καθαρμούς*).[70] In Gorgias' *Helenae Encomium*, the connection between *μαγεία* and *γοητεία* is made explicit: Gorgias discusses the power of the goetic *ἐπῳδή* on the human mind,[71] and explains that the two *τέχναι* of *μαγεία* and *γοητεία* induce mental mistakes and beguile the judgement (*ψυχῆς ἁμαρτήματα καὶ δόξης ἀπατήματα*).[72] With the exception of Aeschines, who employs *μάγος καὶ γόης* as synonyms to insult Demosthenes,[73] the evidence for the occurrence of *μάγος* and its cognates is scarce up until the first century AD.[74] The loss of many writings prevents us from clearly evaluating the spread of this goetic connotation of *μάγος* and, consequently, the presence and circulation of these figures in the Hellenistic period. We can infer, however, that these goetic practitioners must have become increasingly popular, to the extent that Dinon and the author of the pseudo-Aristotelian *Μαγικός* need to stress that the Persian Magi must not be regarded as goetic practitioners.[75] Centuries later this is also claimed by Dio of Prusa, endeavouring to distinguish the Persian priests from *ἀνθρώπους γόητας*.[76]

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[68] **2.4**.

[69] DK22B14=Clem.Al.*Protr*.2.22.2-3, its authenticity is largely disputed: Marcovich,1967,465-467; Lloyd,1979,12, n.8; Rigsby,1976,110; Papatheophanes,1958,101-161; Henrichs,1991,190-191; Burkert,2004,167,n.29; Bremmer,1999=2008,236, and n.9, with more bibliographical information. Given that Clement of Alexandria knows and employs the detrimental connotation of *μάγος* (*Protr*.4.58.3), and that in this passage he aims to condemn the mysteries, he might have added a reference to the *μάγοι*, whom in that period were commonly believed to be goetic practitioners.

[70] Hp.*Morb*.2-4; 21.

[71] On magical incantations, cf. **4.3**.

[72] Cf. Gorg.*Hel*.10 and the discussion by Dickie,2001,34-5. On rhetoric and magic, cf. **2.5**.

[73] Aeschin.*Ctes*.137, on which cf. Carey,2000,210,n.152.

[74] This may be due to the loss of a substantial amount of Hellenistic literature and, as Bremmer,1999=2008,247 explains, to the fact that the form *γόης* was more popular, probably because it was thought to be 'more Attic' (*ἀττικώτερον*, cf. Phryn.*PS*.56.8). This term is, in fact, preferred in Demosthenes (D.18.276; 19.102; 19.109; 29.32; *Exord*.52) and Aeschines (*Fal.leg*.124; 153; *Ctes*.207) with the exception of *Ctes*.137. Some occurrences of this detrimental connotation of *μάγος* to describe goetic practitioners in Pl.*R*.572e; *Plt*.280e, cf. Dickie,2001,62-5 and Bremmer,1999=2008,239. A significant occurrence in the *Derveni Papyrus* col.V,8-9 (on which, cf. **8.2**).

[75] D.L.1.8, discussed in **2.2**.

[76] D.Chr.36.41; on this passage and its connection with *Apol*.25.9-26.5, cf. **4.2**.

However, whereas the Greeks could employ both *γόης* and *μάγος*, the Romans only transliterated the latter into Latin,[77] thus they had one word – already ambiguous in Greek – to indicate the goetic practitioners and the Persian Magi. The first occurrences of *magus* and its cognates date back to the first century BC, and do not immediately relate to the goetic practitioner: in Cicero *magus* indicates the Persian priests and diviners,[78] similarly in Catullus, although he regards them with contempt for their incestuous conjugal customs.[79] With Vergil, however, we find *magicus* employed with the detrimental meaning of goetic practitioner, although in a literary dimension: this is a connotation that becomes conventional in Latin poetry and other literary writings, as discussed below.[80] But did the *magi* ever exist in Rome? As Dickie argues,[81] the Late Republic and the Early Empire is the time in which professional goetic practitioners appear in Italy: historical sources refer to the expulsion of *magi* and seers (*Chaldaei* and *mathematici*)[82] during the first century AD,[83] and to their supposed involvement in practices harming the emperors' lives.[84] The presence of such goetic *magi* aroused mixed feelings: Pliny the Elder expresses an open contempt for them and does not wish to distinguish between goetic practitioners and Persian sages.[85] The *Naturalis Historia* reflects, in fact, a stage in which *magia* had fully encompassed older terms to indicate goetic practices, such as *veneficium*; this must have been deduced from the idea that the practices of the *magi* and the *venefici*[86] overlapped. This is the reason why the *Lex Cornelia de sicariis et veneficiis* gradually encompassed the *crimen magiae*: the presence of people believed to have supernatural skills endangering the community led to the inclusion of *magia* amongst the prosecutable crimes.[87] This is why Apuleius employs *magus*,

[77] That the term is a Greek coinage is evident from observing the employment of the Greek accusative form *magian* in APUL.*Apol*.27.12 ; 28.4 ; 29.2 ; 31.1 ; 31.4 ; Tert.*Anim*.57.2; August.*C.D.*10.9; Amm.Marc.23.6.32.
[78] CIC.*Div*.1.46; 1.47; 1.90-1; *Fin*.5.87; *Leg*.2.26; *N.D*.1.43; *Tusc*.1.108.
[79] CATUL.90.1-6.
[80] **2.4**.
[81] Dickie,2001,192-201.
[82] For a discussion of these terms and their association with magic, cf. **11.6**.
[83] C.D.49.43.5; TAC.*Ann*.2.32=C.D.57.15.8.
[84] TAC.*Ann*.3.22; 6.29; 12.22; 12.52.
[85] *Nat*.30.17: *proinde ita persuasum sit*, *intestabilem*, *inritam*, *inanem esse* (*sc*. *magiam*), *habentem tamen quasdam veritatis umbras*, *sed in his veneficas artes pollere*, *non magicas*.
[86] Plautus is the first author in which we find *veneficus* as goetic practitioner, cf. *Am*.1043; *Epid*.221; *Mos*.218; *Per*.278; *Ps*.872; *Rud*.987; 1112; *Truc*.762; cf. Dickie,2001,130-1.
[87] Paulus *Sent*.5.23.15-8 and **1.3**.

veneficus,[88] and *maleficus*[89] interchangeably to designate the practitioner of goetic magic in the *Apologia*.

This linguistic overview shows how the disparaging employment of *μάγος-magus* and their cognates reflects the presence of real goetic practitioners in the Greco-Roman world. Further evidence can be brought forward to confirm these results: some texts written by goetic practitioners themselves have, in fact, survived and have been edited in the twentieth century in the *PGM* and the corpus of the *Defixionum Tabellae*. The so-called *Papyri Graecae Magicae* is a collection of various texts found in Egypt, mostly written on papyrus but also on metal, ostraca, and wood, and dating between the second and the fifth century AD.[90] Some of them are, however, much earlier in origin: in the case of the *Great Paris Papyrus* (*PGM* IV), although dating to the fourth century AD, it has been argued that this is the copy of a text composed about two centuries earlier.[91] These writings,[92] which are the result of a syncretism between Hellenistic, Egyptian and other Oriental cultures, were edited and translated into German by Preisendanz between 1928 and 1941,[93] and in 1986 Betz edited a volume with an English translation and fifty new texts.[94] The *PGM* contains several prescriptions for spells and rituals which belong to goetic practitioners. However, the fact that neither Preisendanz nor Betz attempted to define 'magic',[95] has induced them to include within this collection some texts which might not match with what the ancients would have understood as magical: Addey rightly argues that a text such as the 'Mithras Liturgy'[96] from the *Great Paris Papyrus* bears comparison with contemporary theurgic rituals,[97] although

[88] APUL.*Apol*.78.2.
[89] *Apol*.51.10. In the speech we also find *maleficium* associated with goetic magic (*magica maleficia*), cf. *Apol*.9.3; 42.2; 61.2. *Maleficus*, similarly to *veneficus*, is first attested in Plautus, cf. *Bac*.280; *Cas*.783; *Ps*.195a; 938. Cf. *ThLL*,vol.VIII,col.176.
[90] Preisendanz,1928=1973^2,v-xii; Betz,1992^2,xli; Brashear,1995,3389-90.
[91] Preisendanz,1928=1973^2,64-6. For an overview on the dating of the *PGM*, cf. Brashear,1995,3419-20.
[92] On the discovery and transmission of these papyri, cf. Brashear,1995,3398-412.
[93] Between 1973 and 1974, Henrichs updated Preisendanz's edition. Adam Abt collaborated on the project until his untimely death in the First World War (†1918); his knowledge of and interest in the papyri often accounts for his extensive employment of this type of evidence in his discussion of the *Apologia*.
[94] Betz,1986,xxvii-xxix. A second updated edition was published in 1992, and to this edition I will refer. A further advance has been the *Supplementum Magicum*, a critical edition with commentary of 51 texts by Daniel and Maltomini, published between 1990 and 1992.
[95] Cf. especially Betz,1992^2,xlix,n.6. Preisendanz,1928=1973^2,VI-XII, like Abt (**2.1**), approaches 'magic' (*Zauberei*) from an etic perspective and does not concern himself with ascertaining whether his sources would have been deemed as such in ancient time.
[96] *PGM* IV.475-829, on which cf. the edition and comment by Betz,2003.
[97] Addey,2014,38.

the boundaries between theurgy and goetic magic were often blurred in Late Antiquity.[98] Likewise, Middleton[99] explains that *P.Oxy* 3.412 – which contains an interpolated passage from the eleventh book of the *Odyssey* with the comments of Julius Africanus' *Kestoi* – suffered from being considered as a magical text also known as *PGM* XXIII. However, it must be noted that most of the writings forming the corpus of the *PGM* share strong similarities, such as the presence of prescriptions, invocations and *voces magicae*, but – most importantly – the terms *μάγος*,[100] *μαγεία*,[101] and *μαγικός*[102] feature in the *PGM* with reference to the practices and the practitioners,[103] as well as the names of Pythagoras,[104] Democritus[105] and Apollonius of Tyana[106] who were commonly considered *μάγοι*.[107] The *PGM* represents, therefore, a fundamental source to glimpse the activities of goetic practitioners, and will be extremely important in our discussion of the *Apologia* to reconstruct, on the one hand, the magical implication of the allegations and, on the other hand, to shed light on Apuleius' own familiarity with those practices, as – for instance – in the case of the mock-*nomina magica*.[108]

Another equally important resource is the collection of Greco-Roman metal tablets[109] inscribed with curses, often analogous to those in the *PGM*, published by Audollent in 1904.[110] His volume includes 301 *defixiones* ('binding spells')[111] or *devotiones* ('curses'),[112] the dating of

[98] Cf. the aforementioned August.*C.D.*10.9.
[99] Middleton,2014,139-62, especially p.139; 149.
[100] *PGM* IV.243; IV.2073; LXIII.4-5.
[101] *PGM* I.126; IV.2313; IV.2444; IV.2448.
[102] *PGM* I.331; IV.210.
[103] Cf. also the discussion in Otto,2011,337-41 and Otto, Stausberg,2013,7. As explained by Ritner,1993,14-5,n.60, the Egyptian *Heka* and the Coptic *Hik* were employed to render *μαγεία*. I wish to thank Svenja Nagel for her advice on the Egyptians' understanding of magic in the *PGM*.
[104] *PGM* VII.795.
[105] *PGM* VII.168; VII.795; XII.351.
[106] *PGM* XIa.1.
[107] On Democritus and Pythagoras, cf. **4.4**, **4.5**. Despite Philostratus' attempt to dissociate Apollonius from the *μάγοι* as a whole (*VA* 1.2), he was contemptuously regarded as such by Lactant.*Div.inst*.5.3.7; 5.3.18; [Jer.] *Brev.Psal*.81; August.*Ep*.102.32; 136.1; 138.4.18.
[108] *Apol*.38.8 (**6.4**).
[109] On the deposition, rolling, folding and piercing of these tablets, cf. Gager,1992,18-21.
[110] This *corpus* comprises the Attic curse-tablets published in 1897 by Richard Wünsch.
[111] The verb *defigo* occurs frequently to indicate 'to curse' in sources pertaining to magic; cf. OV.*Am*.3.27.9; SEN.*Her.O*.524; *Ben*.6.35.4; PLIN.*Nat*.28.19; Paulus *Sent*.5.23.15; Porph.Hor.*epod*.17.28. The term *defixio* to mean the 'curse-tablet' appears in late-antique bilingual glossaries to render *κατάδεσμος* and *νεκυομαντίαι* (cf. *CGL*,vol.II,40; 42, on the dating of which cf. Dionisotti in Herren eds.,1988,28-31). Cf. also *ThLL*,vol.V.1,s.v.*defixio*,col.356, and *Brill's New Pauly*,vol.IV,s.v.*Defixio*,col.176.
[112] This is the typical word to indicate a 'curse-tablet' in the Roman world, in sources both referring to fictional and real events, cf. TAC.*Ann*.2.69 (on which cf. Goodyear,1981,409-10); 3.13; 4.52; 12.65; 16.31; SUET.*Cal*.3; APUL.*Met*.1.10.3; 2.29.4; 9.29.2; *CIL* 8.2756.24-5; 11.1639.8; (cf. Audollent,1904,cxviii-cxx; *ThLL*,vol.V.1,s.v.*devotio*,col.879). The verb *devoveo* is also commonly employed, cf. OV.*Am*.3.7.27-28; 3.7.79-80; *Her*.6.91; cf. *ThLL*,vol.V.1,s.v.*devoveo*,col.882.

which ranges between the fifth century BC and the fourth century AD;[113] these tablets were found in different areas of the ancient Mediterranean, from Syria to Spain, from Britain to North Africa. A selection of these curse-tablets including new discoveries was published in 1992 by Gager, who provides them with an English translation and comments. An ambitious and much welcomed project, currently undertaken by a team led by Martin Dreher, is the *Thesaurus Defixionum Magdeburgensis*. This is an online database which contains not only the curse-tablets published by Audollent but all of the curse-tablets hitherto discovered (approximately 1600 altogether).[114] Each *defixio* is searchable online, provided with translation, comments and bibliography.

Having reviewed the most important bibliographical resources on curse-tablets, we still have to explain how these relate to the activity of goetic practitioners. Audollent[115] pays much attention to discussing how the deposition of *devotiones* was commonly associated with goetic magic and interdicted by the *Lex Cornelia de sicariis et veneficiis*.[116] Even literary descriptions of magic reflect this widespread custom: in Apuleius' *Metamorphoses*, *ignorabiliter lamminae litteratae* appear amongst the goetic paraphernalia of Pamphile.[117] Therefore – similarly to the *PGM* – the *defixiones* are extremely important evidence to attest the presence of goetic practices in the Imperial Age, with which Apuleius and his contemporaries were well acquainted: not only in the aforementioned passage of the *Metamorphoses* but in the *Apologia* itself, Apuleius mocks a curse modelled after the *defixiones*.[118]

This excursus has enabled us to observe some of the sources about and written by goetic practitioners across the span of several centuries. Furthermore, having demonstrated the widespread presence and the activities of goetic *magi* will be essential to better understand the implications of Apuleius' borderline arguments in his defence-speech.

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[113] Cf. Audollent,1904,xvii.
[114] Thanks to Sara Chiarini for granting me full access to the riches of the *TheDeMa* (http://www-e.uni-magdeburg.de/defigo/thedema.php [accessed on 03/11/2016]).
[115] Audollent,1904,cx-cxxv.
[116] Paulus *Sent*.5.23.15: *qui sacra impia nocturnaue, ut quem obcantarent*, *defigerent*, *obligarent*, *fecerint faciendaue curauerint*, *aut cruci suffiguntur aut bestiis obiciuntur*.
[117] APUL.*Met*.3.17.4.
[118] 64.1-2 (**10.7**)

2.4. The Literary Dimension of Goetic Magic

The popularity of goetic practitioners and the impact that their activities had on the collective imagination was such to leave a deep mark on classical literature since the fifth century BC.[119] Magic in ancient writings – mostly poetry, but also literary prose fiction of the Imperial age – is characterised by dramatic descriptions of goetic performers and their uncanny skills, which were meant to impress and entertain the readership. The purposes of this literary type of magic may be compared to the manner in which people nowadays enjoy horror, fantasy and sci-fi; the difference lies, however, in the fact that in the Greco-Roman world goetic practitioners exist and are commonly believed to possess fearsome powers; on this assumption pivots Apuleius' provocation at *Apol*.26.9: if he really were a goetic *magus* – as his accusers claim – they would never have been able to avoid his revenge and his all-powerful magic.[120] Whilst Gordon suggests that these literary accounts, in the specific case of Augustan literature, had very little to do with the practice of contemporary goetic *magi*,[121] I argue that there were, instead, strong 'contaminations' – to borrow a philological expression – between real and literary magic. As Ruiz-Montero points out, dividing literary from real magic is problematic:[122] authors often enrich their dramatized descriptions of magic with details taken from contemporary goetic practices, as can be seen by comparing these accounts with evidence in the *PGM*.[123] There was, in sum, a reciprocal influence between literary and real magic: for example, in the case of the Homeric poems[124] the almost sacred character ascribed to these writings[125] was such that Homeric verses even feature in the prescription of the *PGM*.[126] Conversely, the fortune of Latin literary magic influenced the fashion of a first-century AD *devotio* from Rome, which contains references to the mythical figures of the

[119] Although methodologically outdated, a comprehensive review of magic as a literary *topos* in Greek and Latin literature are those by Lowe,1929,57-126 and especially Eitrem,1941,39-83.
[120] **4.3**.
[121] Gordon,2009,209-28.
[122] Ruiz-Montero in Paschalis *et al*.eds.,2007,38-9.
[123] The analysis in Graf,1997,175-204 offers an overview on possible connections between Theocritus and Lucan, and the *PGM*. However, in a forthcoming monograph, Reif (2016) provides a comprehensive discussion of the parallels between literary magic and the *PGM* from the Hellenistic period up until Lucan's *Bellum Civile*. I wish to express my gratitude to Matthias Reif for sending me a copy of his book in advance.
[124] Magic, however, is not present in Homer but retrospectively applied to these poems from the Hellenistic period. Cf. Dickie,2001,5 and especially my discussion at **5.4**.
[125] Stoholski,2007,86.
[126] On this cf. Collins,2008b,211-36.

Sirens, Geryon, Circe and her transformation of Odysseus' companions.[127] These interconnections between fiction and reality notwithstanding, what is important for our enquiry is to point out that, in Apuleius' time, the knowledge of magic as depicted in literary sources diverges from the knowledge of goetic treatises because of one substantial reason: while the former indicates one's erudition, the latter is, instead, a punishable crime under the *Lex Cornelia de sicariis et veneficiis*.[128] It is the purpose of this section to outline the development of the literary presence of goetic magic from its origin in Greek drama down to Apuleius' time. This will help us understand how, by exploiting the semantic polyvalence of *magus* and its cognates, Apuleius could draw on a solid tradition and display his expertise in magic in the defence without painting a bullseye on his back.

I shall commence this survey by looking at Greek drama, where literary magic first appears and develops. As Photius records, tragedians wrote about magic (*μαγείαν οἱ τραγικοὶ λέγουσιν*)[129] and there are various occurrences of *μάγος* and its cognates[130] in the plays of Aeschylus, Sophocles, and Euripides. Scholars are doubtful about the meaning of *Μᾶγος Ἄραβος* in a list of deceased Persian commanders in Aeschylus' *Persae*.[131] This has been either interpreted as 'Magos the Arab'[132] or 'Arabos the Magian';[133] Bremmer argues that the combination of names simply shows that Aeschylus was clueless about the Persian Magi.[134] However, in Sophocles and Euripides *μάγος* and its cognates already indicate the 'goetic enchanters'.[135] The occurrence of this detrimental connotation in fifth-century BC Athens could be ascribed to the conflictual

[127] *TheDeMa* 517,4; 58; 60-1. Cf. the online discussion by Chiarini,2015: http://www-e.uni-magdeburg.de/defigo/wordpress/?p=187 [accessed on 03/11/2016]. Cf. also Bevilaqua in Friggeri *et al*. eds.,2012,614-6.
[128] Paulus *Sent*.5.23.18.
[129] Phot.*Lexicon*,s.v.*μάγους*=Kannicht,Snell,*TrGF*,vol.II,frg.592. Photius might have referred to a broader meaning of *μαγεία*, fully developed in his time, and interpreted retrospectively as related to magic plays such as Aeschylus' lost *Psychagogoi* (Radt,*TrGF*,vol.III,frg.273-8) and Sophocles' *Rhizotomoi* (Radt,*TrGF*,vol.IV,frg.534-6); cf. Dickie,2001,30-1; 94. Given the scanty extant fragments, we cannot exclude that the aforementioned plays contained clear references to goetic magic. There are, however, occurrences of *μάγος* in an anonymous fragment (Kannicht,Snell,*TrGF*,vol.II,frg.700a,5) and in the production of Hellenistic dramatists such as Sosiphanes (Snell,Kannicht,*TrGF*,vol.I, 92 F 1,1) and Python (Snell,Kannicht,*TrGF*,vol.I,91 F 1,5).
[130] Cf. Bremmer,1999=2008,236-8, and an unpublished paper by Graf, available online from: http://www.academia.edu/4054884/Graf_Magic [accessed on 03/11/2016].
[131] A.*Pers*.318.
[132] Schmitt,1978,38-9; Belloni in Sordi eds.,1986,63-83.
[133] Garvie,2009,167. For older conjectures to this this passage, cf. Broadhead,1960,110.
[134] Bremmer,1999=2008,238.
[135] S.*OT*.387; E.*Supp*.1110; *IT*.1338; *Or*.1497. We also have the fragments of a play by Aristomenes, a rival of Aristophanes, entitled *Goetes* (Kassel,Austin,*PCG*,vol.II,565-566).

relationships with the Persian Empire[136] however – as far as we can gather from the extant sources – *μάγος* and its cognates are not frequently used until the first century AD.[137]

Yet in Athenian drama we also find reference to the uncanny powers of Thessalian women,[138] a trope which became mainstream in following centuries: in Aristophanes' *Clouds* we first find the idea that Thessalian women (termed *φαρμακίδες*) can take down the moon,[139] while the lost *Thessalae* by Menander was devoted to these figures and their love-charms.[140] The *topos* of women dabbling in love-magic underlies Theocritus' *Second Idyll* or *Pharmakeutria*, in which we find young Simaetha attempting a ritual to bring back her lover into her arms.[141] Far from love-magic, Apollonius Rhodius provides us with a gloomy portrait of Medea evoking the dead with her incantations (*ἀοιδαί*);[142] this may have inspired the following depictions of Medea by Ovid,[143] Seneca,[144] and Lucan,[145] who explicitly associate her supernatural powers with *magia*.

The reference to these authors brings us to the appearance of goetic magic in Latin literature:[146] inspired by Theocritus' *Second Idyll*, Vergil employs the adjective *magicus* (*magica sacra*) to refer to goetic magic for purposes of seduction in his *Eighth Eclogue*, where we find not a female but a male character dabbling in love-magic.[147] Allusions to magic appear also in the

[136] On this cf. Hall,1989,56-62 and specifically 194 in which she engages with S.*OT*.387.
[137] **2.3**. An exception could be the so-called *μαγῳδία*, a type of pantomime which appeared in the Hellenistic period; this genre, according to Ath. 14.621c-d, derives its plots from comedy and its name from the fact that the performers *μαγικὰ προφέρεσθαι καὶ φαρμάκων ἐμφανίζειν δυνάμεις*. The performer, the *μαγῳδὸς*, played a set of stock character connected with love-magic such as adulteresses, pimps, drunkards going to their lovers at the parties (Ath. 14.621c). Cf. Stramaglia, 2000, 365.
[138] Although neither these female practitioners nor their arts are described with *μάγος* and its cognates until later times (Aesop.56, ed. Perry,1952; Ps.-Luc.*Asin*.4), the strong connections between *φάρμακον* and goetic practices (Gorg.*Hel*.14 on which cf. Dickie,2001,35) made the association between *φάρμακον* and the detrimental meaning of *μάγος* possible. This is fundamental to understanding how the Latin *magia* could encompass *veneficium* (**2.3**) and, how *maga* could become a synonym of *venefica* (cf. Ov.*Am*.1.8.5; *Med*.36; Sen.*Her*.*O*.523-7; Apul.*Met*.2.5.4), in the same way in which *magus* and *veneficus* are employed interchangeably by Apuleius (*Apol*.78.2.). On the terminology of female goetic practitioners, cf. Burriss,1936,138-40 and Paule,2014,745-57.
[139] Ar.*Nu*.749-755. On the fortune of Thessalian magic as a literary *topos*, cf. Phillips in Mirecki, Meyer eds.,2002,378-86.
[140] Kassel and Austin, *PCG*,vol.VI.2,127. Pliny (*Nat*.30.7) says it concerned 'the unfathomable incantations of women calling down the moon'.
[141] Theoc.2, also known as *Φαρμακεύτρια*, cf. *Schol.in Theoc*.2 ed. Wendel. On Simaetha's ritual, cf. Gow,1952[2],vol.II,33-6; Dover,1985,94-112; Luck in Flint *et al*.eds.,1999,120. Ogden,2008,50 suggests that Herodas' Gyllis – although not dabbling in witchcraft – could have been a source of inspiration (Herod. 1).
[142] A.R.4.1665; 1668. Medea raises these phantoms to defeat the monster Talos.
[143] Ov.*Met*.7.1-403; 12.167-8.
[144] Sen.*Med*.670-848
[145] Luc.4.556.
[146] On this, cf. also Rives in Gordon, Marco Simón eds.,2010,67-70.
[147] Verg.*Ecl*.8.66; on *Ecl*.8.64-109 cf. Abt,1908,70-84; Tupet,1976,223-32; Clausen,1994,233-9; 255-65; Luck in Flint *et al*.eds.,1999,121; Ogden,2008,43. On the connections between the *Eighth Eclogue* and Theocritus' *Second Idyll*, cf. Clausen,1994,237-9.

Aeneid,[148] and both this and the *Eighth Eclogue* are cited in Apuleius' *Apologia*.[149] Literary magic referring to female practitioners is common in Horace,[150] Propertius,[151] Tibullus,[152] Ovid,[153] Juvenal,[154] and Apuleius' *Metamorphoses*, where we find the Thessalian *sagae* Meroe, Panthia,[155] and Pamphile[156] depicted as lustful women using their supernatural powers on their victims. As in the aforementioned case of Medea, another exception is Lucan's Erictho: she has little to do with love-charms, and embodies an all-powerful type of enchantress[157] skilled in necromancy.[158] It is, in fact, Erictho's duty to reanimate the corpse of a Roman soldier to deliver a prophecy about the outcome of the Civil War.[159]

This brief review illustrates the popularity of magic as a literary theme in Greek and Latin literature between the fifth century BC and the second century AD, a subject which Apuleius knows and employs in both the *Metamorphoses* and the *Apologia*: by bearing in mind the distinction between literary and real goetic magic, it is possible to comprehend why Apuleius' digression at 30.6-13 and 31.5-7,[160] and at 47.3[161] would have constituted an erudite showcase without being a dangerous proof of his knowledge of magic. We may note that in Latin literature, literary magic mainly focuses on female practitioners, but Greek sources preserve fictional descriptions of goetic *μάγοι*, such as the ones that we read in Lucian's *Philopseudes*[162] and *Menippus*.[163] Furthermore, male goetic practitioners are predominant in the dramatized depictions of magic featuring in Greek and Latin declamations of the Imperial age. I shall now examine the relevance of literary magic in rhetoric which will enable us to get a deeper insight into how the

[148] VERG.*A*.4.493 (*magicae artes*).
[149] *Apol*.30.6-8 discussed in **5.3**.
[150] HOR.*Epod*.3.8; 5; 17; *Serm*.1.8; cf. the discussion in Tupet,1976,284-337, and Watson,2003,174-91.
[151] PROP.4.5.1-18; 63-78; cf. Tupet,1976,348-78; La Penna,1977,192-5; Ogden,2009^2,127.
[152] TIB.1.2.42-66; cf. Tupet,1976,337-48; Maltby,2002,165-6; Ogden,2009,125.
[153] OV.*Am*.3.7.27-36; 73-84. Cf. Ogden,2009^2,126.
[154] JUV.6.610, on which cf. Courtney,2013,298.
[155] They appear in Aristomenes' tale in APUL.*Met*.1.5-19. Cf. also the metamorphic *saga* in *Met*.2.21-30 and that in *Met*.9.29.
[156] APUL.*Met*.3.15-8.
[157] Cf. the attribute 'super-witch' used by Luck in Flint,1999,137-8, and recently Stamatopoulos,2015,97-102.
[158] On this cf. **10.2**.
[159] LUC.6.507-830. On this episode, cf. Baldini-Moscadi,1976=2005,15-89.
[160] **5.5**.
[161] **7.4**.
[162] Luc.*Philops*.11-3; 13-5; 33-7, cf. Ogden,2007,65-104; 105-29; 231-70.
[163] *Nec*.6-9.

prosecutions' arguments and the *Apologia* itself could have been influenced by such commonplace stock-themes.

2.5. Magic in Rhetoric

When talking about magic and rhetoric one cannot overlook the fact that, before becoming the subject of rhetorical exercises, magic shared with rhetoric another bond on a very different level: as Jacqueline de Romilly explains,[164] in the fifth and fourth century BC the skill (*τέχνη*) of the rhetorician was likened to goetic magic. Gorgias, in the *Helenae Encomium*, makes this association explicit: goetic magic can be employed to charm people's minds in the same manner in which rhetoricians can persuade their audience with a deceitful speech (*ψευδῆ λόγον*).[165] When Plato attacks the goetic type of blandishments, he acknowledges that rhetoricians and sophists were regarded as *γόητες*,[166] and often jokingly depicts Socrates himself as such.[167] The association between rhetoricians and goetic practitioners is also visible from the speeches of fourth-century rhetoricians: Demosthenes was insulted by Aeschines with the expressions: *γόης*,[168] *μάγος καὶ γόης*[169] and *γόης καὶ σοφιστής*.[170] Demosthenes, too, acknowledges the connection between *ῥήτωρ*, *σοφιστής* and *γόης*,[171] and refers to *γοητέια* as a despicable *τέχνη* to coax people.[172] This association between rhetoric and magic lasts at least until the fourth century AD: later sophists were, in fact, slandered as goetic practitioners for their extraordinary rhetorical skills,[173] as in the case of Libanius.[174] Unsurprisingly, this type of jibe features also amongst the Preliminary Allegations against Apuleius, when the prosecution warns the court against his charming grandiloquence, which he allegedly acquired by means of magic.[175]

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[164] de Romilly,1975,4-43.
[165] Gorg.*Hel*.10-1, **2.3**.
[166] Pl.*Euthd*.288b-c; *Plt*.291c; 303c; *R*.380a; *Sph*.234c; 235a-b; 241b; *Smp*.203d. These passages are discussed by de Romilly,1975,29-33.
[167] Cf. **4.6**, n.201. For Apuleius' *Apologia* as a charming speech, cf. Chapter 12.
[168] Aeschin.*Fal.leg*.124; 153; *Ctes*.207.
[169] Aeschin.*Ctes*.137.
[170] D.*Cor*.276; in *Fal.leg*.109 Demosthenes describes a hypothetic attack by Aeschines, and amongst the insults we find *γόης*.
[171] D.*Aphob*.32.
[172] D.*Exord*.52.
[173] Cf. also de Romilly,1975,83-5.
[174] Lib.*Or*.1.50. I wish to thank Almuth Lotz for pointing out the importance of this passage to me.
[175] *Apol*.5 examined in **3.3**.

But the goetic reputation of some sophists could also derive from the fact that they focused on magic in their speeches: Philostratus denies that Hadrian of Tyre – a contemporary of Apuleius – would have really used *γοήτων τέχναι* and explains that such an ill-deserved notoriety derives from the fact that Hadrian used to focus on *τὰ τῶν μάγων* in his declamations.[176] Given how magic was in vogue in the literature of the Imperial period,[177] it is not difficult to imagine that it would also have been popular in rhetorical exercises.[178] This is confirmed by abundant evidence: in the first century AD, Quintilian says that themes such as those concerning the *magi*, plagues, oracles, and cruel stepmothers should be avoided in declamations.[179] This negative acknowledgement reflects, however, the fact that goetic magic was a theme that rhetoricians could choose for their speeches.[180] In a recent contribution, Antonio Stramaglia[181] convincingly argues that the fragments of a papyrus in Greek (*P.Mich. inv*.5 + *P.PalauRib. Lit*.26), dating to the mid-second century AD,[182] contains the remains of a rhetorical exercise, specifically the defence-speech of a *μάγος* accused of having enchanted (*φαρμάκων*) a girl who fell in love with a phantom (*εἴδωλον*).[183] Further evidence comes from the *Vitae Sophistarum* by Philostratus according to which, at the end of the second century AD, the sophist Hippodromos challenged his master Megistias by choosing as a theme for their speech (*ὑπόθεσις*) 'the *μάγος* who wanted to die because he could not kill another *μάγος*, who was an adulterer'.[184] A *magus* and his fearsome powers feature at the centre of a declamation falsely attributed to Quintilian, entitled *Sepulcrum*

[176] Philostr.*VS* 590. In the case of Apuleius it seems improbable that, had he already written the *Metamorphoses*, his accusers would have not presented it as evidence of his knowledge of magic, as Augustine does (*C.D.*18.18). For an earlier dating of the *Metamorphoses*, cf. Dowden,1994,425-6; his interpretation is refuted by Graverini,2007,206-17.
[177] **2.4**.
[178] For an overview on rhetorical exercises in the Imperial Age, cf. *Brill's New* Pauly,vol.XII,s.v.*Rhetoric*,coll.540-2 and especially Stramaglia,2015,147-61.
[179] QUINT.*Inst*.2.10.5.
[180] Cf. also Stramaglia,2002,20,n.25 who explains that this was the subject of many declamations.
[181] Stramaglia,2015,164-6.
[182] *P.Mich. inv*.5 was previously thought to be part of a magical or narrative text (cf. the bibliographical review in Stramaglia,1991,75), until Dodds,1952,133-8 ascribed it to the genre of the 'ancient novel'; the idea that this is a fragment of a novel is also shared by Stephens, Winkler eds.,1995,173-8.
[183] The interpretation is confirmed in the treatise *De inventione* attributed to Hermogenes (*Inv.* 3.3.10 ed. Patillon,2012a) where the theme developed in the fragment is discussed. Stramaglia,2015,166 explains that this theme was commented upon in *Comm. in Hermog.*168 (ed. Patillon,2012b = *Rh*,vol.VII.2,802) and features in an anonymous late-antique collection of declamatory themes (*Rh*,vol.VIII,410). In addition, Heath,1995,101 points out that Minucianus cites the theme of a *μάγος* who claims the reward for the death of tyrant, accidentally struck by a lightning (*Rh*,vol.IV,472).
[184] Philostr.*VS* 619.

Incantatum; this probably belongs to the end of second or the beginning of the third century AD,[185] and is the speech of an advocate hired by a mother, whose son's spirit had been tied to the grave by a goetic *magus*.[186] Lastly, in the fourth century AD, Libanius devotes one of his declamations to the case of a goetic practitioner (termed both *μάγος* and *γόης*) who should have sacrificed his son to end a plague.[187]

This analysis shows not only that the crafts of magic and rhetoric were intimately connected with each other, but that the figure of the goetic *magus* and his fearsome powers belonged to the rich repertoire of declamations with which both Apuleius and his attackers would have been familiar. This will help us understand how the accusers could draw on stock-themes from both literature and rhetoric when portraying Apuleius as a goetic *magus*. It could also give us another perspective from which to consider the purpose of Apuleius' digression on magic at *Apol*.30.6-13 and 31.5-7: since magic was such a popular subject in declamations, this digression would have not been too suspicious, even though uttered in a forensic speech:[188] to a certain degree, it might have even met the audience's expectations, given that magic was the issue at stake during the lawsuit.

2.6. Conclusion

This overview has allowed us to observe the different shades of meaning of the term *magus* and its cognates, and the division into three kinds of magic will serve as a guideline to get a better grasp of the semantic ambiguity of *magus* and go beyond the traditional division into good and evil magic. As already pointed out,[189] this triple subdivision sets out to be a flexible frame to describe the most common trends in the semantic understanding of *μάγος* and *magus* and their cognates up to Apuleius' time. At times, however, one connotation could prevail over the others: in the first century AD, the semantic pervasiveness of *magia* was such as to enable Pliny to label

[185] Schneider,2013,49-51 hypothesises a fourth-century origin, but Ritter,1881,p268-9; von Morawski,1881,11-2; Weyman,1893,387; Hammer,1893,44; Becker,1904,89,n.3; Deretani,1927,291 argue for an earlier date by drawing on linguistic evidence.
[186] [QUINT.] *Decl*.10. For general remarks on this declamation, cf. van Mal-Maeder,2007,60-2; and the introduction of the edition by Schneider,2013,13-46.
[187] Lib.*Decl*.41, on which cf. Ogden,2009^2,297-9.
[188] We must bear in mind, however, that the boundaries between epideictic and judicial argumentation are blurred in the *Apologia*, cf. Harrison,2000,86-8
[189] **2.1**.

as 'magical' the most disparate phenomena, including the religion of the Persians,[190] the demi-god Orpheus,[191] Jewish religion,[192] the arts of the Thessalian matrons,[193] the laws of the Twelve Tables,[194] the Homeric poems,[195] the Druids in Gaul and Britain,[196] and the wise men of Persia, Arabia, Ethiopia, and Egypt alike.[197] Some interpretative patterns can, however, be ascertained. The choice of a broader or of a more specific connotation depends on two factors, namely the genre and the author's views on the subject. On the one hand, in fact, the presence of a well-established literary tradition, in which goetic and female magic plays a fundamental role, would have induced authors of fictional and dramatized accounts to employ the detrimental connotation of magic: this is the case, for example, of the first three books of Apuleius' *Metamorphoses*. On the other hand, the other key factor is authorial esteem or contempt for the figures of the *μάγοι-magi*. As noted, Apuleius – with the exception of the *Metamorphoses* and some passages of the *Apologia* – has a high regard of magic in his production,[198] while writers such as Pliny[199] and Lucian[200] utterly despise it.

Therefore, different possibilities were available to Apuleius and his opponents to buttress their own claims. As we shall see in the following chapters, the prosecution draws uniquely on the detrimental connotation of *magus* and its cognates to depict Apuleius as an evil-intentioned *magus*, able to perform all of the dangerous practices commonly attributed to these figures. Apuleius, instead, defends himself by professing to be a philosopher unjustly mistaken for a goetic practitioner, and toys with the semantic ambiguity of this set of terms to twist the accusations against his enemies. My methodology is a fundamental tool to put earlier scholarship on a firmer basis and to describe more accurately the dynamics of Apuleius' wordplay and manipulation of *magus* throughout the speech. Even though he presents magic as a bipartite concept in *Apol*.25.9-

[190] *Nat*.30.3.
[191] *Nat*.30.7.
[192] *Nat*.30.11.
[193] *Nat*.30.6.
[194] *Nat*.30.12.
[195] *Nat*.30.5-6. On Homer and magic, cf. **5.4**.
[196] *Nat*.30.13.
[197] *Nat*.25.14.
[198] **2.2**.
[199] Cf. n.85 above.
[200] Luc.*Alex*.6; 21; *Demon*.23; 25. *Merc.Cond*.27; *Macr*.4-5, where the Persian priests are associated again with goetic magic.

26.9,[201] he is well aware of its literary dimension, which characterises his *Metamorphoses* and other passages of the *Apologia*.[202] Being mindful of these considerations, I shall now start examining the *Apologia*, reconstructing the relevance of magic in the Preliminary, Primary, and Secondary Charges, and assessing Apuleius' rebuttal of such allegations.

[201] **4.2**.
[202] E.g. the aforementioned cases at 30.6-13 and 31.5-7 (**5.3**, **5.4**, **5.5**).

Chapter 3: Apuleius the Lustful *Magus*

3.1. Introduction

The first set of attacks rebutted at the beginning of the defence-speech (*Apol*.4.1-25.2) are the Preliminary Allegations, seven arguments with which, according to scholarly opinion,[1] the attackers aimed to offer a slanderous portrayal of Apuleius, a cunning and dissolute adventurer interested in the art of seduction. The content of these allegations can be summarised in the following points:

1. Apuleius' beauty and elaborate hair-style made him appear as an immoral seducer;[2]
2. His fluency in Latin and Greek and enticing eloquence was extraordinary for a man from Madauros;[3]
3. He was exceedingly interested in the care of his body and knew how to produce cosmetics such as a toothpaste;[4]
4. Apuleius was also a pederast, as his love poems for two boys show;[5]
5. The possession of a mirror confirms his effeminacy and despicable behaviour;[6]
6. Apuleius was a squanderer, who freed some of Pudentilla's slaves as soon as Apuleius and Pudentilla got married;[7] he was poor and, therefore, interested in gaining financial profit from the wedding;[8]
7. His obscure origin and barbarian homeland contrast with his newly acquired renown and *urbanitas*.[9]

[1] Abt,1908,18-9; Butler, Owen,1914,13; Hunink,1997,vol.II,20-3; Harrison,2000,49; Pellecchi,2012,142; Martos,2015,7,n.12.
[2] *Apol*.4.1-13.
[3] *Apol*.5.1-5.
[4] *Apol*.6.1-8.7.
[5] *Apol*.9.1-13.4. Butler, Owen,1914,23 note that the addressees of the poems, *pueros Scriboni Laeti* (9.2), can be interpreted either as 'slave-boys' or 'sons' of Scribonius (cf. *ThLL*.vol.X.2,s.v.*puer*,coll.2516-8), but they favour the former meaning and Martos,2015,15,n.37 follows this line. Nevertheless, Hunink,1997,vol.II,38-9 makes a strong case for interpreting *pueros* as 'sons' of Scribonius, and I prefer this interpretation. The fact that the boys were freeborn has a serious implication for Apuleius, since pederastic sex with *pueri ingenui* was deemed an unacceptable practice in Roman society (Cantarella,1992,97-106). Therefore, the poems could have been liable to censure, and this may be the reason for Apuleius' vagueness about the boys' identity.
[6] *Apol*.13.5-16.13.
[7] *Apol*.17.1-6.
[8] *Apol*.17.7-23.7.
[9] *Apol*.24.1-10. The section at 25.1-2 contains a brief summary of these arguments.

Such a detrimental presentation was necessary to lay the foundations for the Secondary Charges, which concern Apuleius' supposed seduction of Pudentilla with love-magic, their marriage, and the subsequent endangerment of her substantial patrimony.[10] There is, however, more to some of the Preliminary Allegations: the purpose of this chapter is to reconstruct the magical insinuations hinted at by the prosecution with regard to Apuleius' handsome appearance (**3.2**), his eloquence (**3.3**), his skill in manipulating exotic herbs (**3.4**), and his use of a mirror for magical divination (**3.5**). This reconstruction is difficult since Apuleius heavily distorts his enemies' arguments; furthermore, he puts the few direct references to magic in a context in which they appear ridiculous: this is the case in *Apol*.9.2 and 9.5,[11] where he wonders about the connection between his poems and the charge of being a *magus*, and in 17.3,[12] in which he ironically connects the liberation of three slaves with goetic magic. That magical insinuations could have been brought forward by the attackers is suggested by Abt,[13] whose argument has been taken up by Hunink[14] and Martos,[15] and here I shall review these discussions and put their conclusion on a firmer basis, demonstrating how this initial group of indictments served to prepare the ground for the *crimen magiae*, which is the main issue of the Primary Charges. Having shed more light on the risky implications of the Preliminary Allegations, we will also be able to better understand Apuleius' defensive strategy and, especially, his characteristic Platonising opposition between lofty and base concepts, a core feature of the *Apologia*. As we shall see, by means of this opposition Apuleius depicts his enemies as unable to understand the higher values shared by him and Claudius Maximus: the charges are inevitably the result of his foes' stupidity and misunderstanding. This reasoning will, ultimately, allow Apuleius to present himself as a Socrates reborn.

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[10] *Apol*.66-103 (Chapter 11).
[11] Abt,1908,22-4 argues for a magical undertone of the allegation concerning Apuleius' pederastic poems (9.12; 9.14), since the term *carmen* could also indicate the magical incantation (cf. **4.3**). However, this interpretation is implausible since, if the prosecution intended to misrepresent the *carmina* as magical spells, they would not have read them aloud in court to evidence Apuleius' immorality (9.13). Hunink's suggestion (vol.II,43) that 'sympathetic magic' can be seen in the second poem (9.14) is equally implausible; on these poems cf. Mattiacci,1985,249-61; Courtney,1993,394-5.
[12] Abt's attempt to see connection with goetic magic at *Apol*.17.3 (Abt,1908,27), as well as at 23.7 (28-30), will not be taken into account given the absence of any supporting evidence.
[13] Abt,1908,18-27.
[14] Hunink,1997,vol.II,21-2; 28-9; 38; 45; 57-8; 69.
[15] Martos,2015,7,n.12; 9,n.19; 14,n.36; 24,n.73; 44,n.143.

3.2. Apuleius the Handsome Seducer

The first two Preliminary Allegations rebutted in *Apol*.4.1-5.5 concern Apuleius' beauty and eloquence. These accusations, as quoted by Apuleius, seem to comprise a single charge,[16] and this is the interpretation maintained by Abt, Vallette, Hunink, Harrison, and Martos.[17] However, since Apuleius treats them separately and since there is no evidence that the opponents developed a single argument for both beauty and eloquence, I will discuss these attributes as two distinct allegations. We shall first look at the accusation concerning Apuleius' beauty and his hairdressing,[18] and I will demonstrate that the prosecutors employed this argument to portray him as an effeminate seducer who was likely to have recourse to love-magic to fulfil his immoral goals, as otherwise he would have not been attractive enough.

In his speech, Apuleius attempts to twist the allegation to his own favour and briefly explains that beauty is a feature of the Homeric Paris[19] and of many philosophers,[20] such as Pythagoras,[21] Zeno of Elea,[22] and other handsome philosophers of the past.[23] Nevertheless, Apuleius says that none of these exterior characteristics should be applied to him, since his literary toil compromised his physical appearance.[24] This is a mere excuse that supports his self-presentation as an erudite scholar: later in 92.5 he contradicts himself, arguing that he is a youth *neque corpore neque animo neque fortuna paenitendus*.[25] Additionally, Apuleius briefly mentions what he punningly defines as *crinium crimen*,[26] that is his careful hairstyle that makes him look like a pimp.[27] From this passage it is possible to understand that the prosecution intended to besmirch Apuleius' reputation by presenting him as a *leno*,[28] and more generally, as an immoral

[16] *Apol*.4.1.
[17] Abt,1908,18-9; Vallette,1908,42-3; Hunink,1997,vol.II,20-8; Harrison,2000,52-3; Martos,2015,7,n.12.
[18] *Apol*.4.1-13.
[19] *Apol*.4.3-4=Hom.*Il*.3.65-6. In Synesius' *Calv*.21 Paris and his hair are brought up as an example of effeminacy.
[20] *Apol*.4.6.
[21] The beauty of Pythagoras is a stock-theme which recurs in *Flor*.15.12; cf. Hunink,2001,146; Martos,2015,8,n.15. On Pythagoras and magic, cf. **4.5**.
[22] *Apol*.4.7-8. The mention of Zeno's beauty comes from Pl.*Parm*.127b, as Apuleius openly states. On this reference, cf. Hunink,1997,vol.II,25; Martos,2015,8,n.16.
[23] *Apol*.4.9.
[24] *Apol*.4.10.
[25] Although the litotes diminishes the favourable effect of the sentence, this self-portrait is clearly positive, thus contrasting with the claim here in 4.10. On Apuleius' self-contradiction, cf. also Vallette,1908,42,n.2; Butler, Owen,1914,16; Hunink,1997,vol.II,227,n.1.
[26] *Apol*.4.13. On the comic aspect of this expression, cf. Nicolini,2011,55
[27] *Apol*.4.11-2.
[28] For references to this figure in Roman comedy, cf. PLAUT.*Asin*.70; *Bacch*.1210; *Capt*.57; *Curc*.348; 648; *Merc*.44; *Pseud*.754; 1155; *Truc*.62a; 64; 67. cf. *ThLL*,vol.VII.2,s.v.*leno*,col.1149-50. Cf. also Skinner,1981,39-40 on

seducer: the term *lenocinium*, employed at *Apol*.4.11 indicates also the excessively elaborate physical appearance of a person,[29] suitable for pimps and 'Don Juans'. Ovid, too, in the *Ars Amatoria*, suggests that careful hairstyle is characteristic of effeminate seducers;[30] he also warns his female readership against these rapacious men: a suitable lover should, instead, look sober and neat.[31] As already in Ovid's time, attention to one's hair[32] is a particularly despicable quality that belongs to effete men and pederasts. This fashion also belongs to Apuleius' time: in the *Amores* attributed to Lucian it is stressed the ornate hairstyle of the 'playboy' Theomnestus (διακριδὸν δ' ἠσκημένης κόμης ἐπιμέλεια).[33] Thus, this type of portrayal serves to introduce the subsidiary indictment which concerns Apuleius' alleged pederasty.[34] Centuries later, Synesius still acknowledges that haircare befits *πάντες οἱ πρὸς ἀργύριον τὴν ὥραν διατιθέμενοι* like the effete followers of Cybele.[35]

So far, we have seen that, with the allegation concerning Apuleius' beauty, the prosecution aimed to depict him as a corrupt man who devoted excessive attention to his appearance, in other words: a *homme fatal*.[36] I will now show how this accusation was also meant to underscore Apuleius' involvement in love-magic, which he purportedly used to charm Pudentilla.[37] Abt[38] explains that in the *PGM* we find prescriptions to acquire an exceptionally

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CATUL.103. This characterisation is not unusual in rhetoric, cf. CIC.*Ver*.2.1.23; *Phil*.6.4; QUINT.*Inst*.2.4.23 and Apuleius himself adopts it against Rufinus (*Apol*.75.1; 98.1, cf. May,2006,99-106; 2014a,762).

[29] E.g. CIC.*N.D*.2.146; SEN.*Con*.2.7.4; SUET.*Aug*.79 (*ThLL*,vol.VII.2,s.v.*lenocinium*,col.1152). On the *lenocinii crimen* in the Roman law, cf. Puliatti,2003,147-216.

[30] Ov.*Ars* 3.433-8, on which cf. Gibson,2003,276-8.

[31] *Ars* 1.511. For an accurate discussion of this figure, cf. Pianezzola *et al*.,1993,243-4 who attempts to establish a literary *typos* of the women's seducer, by comparing Ovid's description to that in Thphr.*Char*.19.

[32] *Ars* 3.434.

[33] Luc. *Am*. 3. The scepticism about the authenticity of the dialogue was mainly supported by earlier academics (on which, cf. Stramaglia,2000,63) due to a biased view of this type of narrative, and by the parallel with the erotic tales in the second book of Achilles Tatius' *Leucippe and Cleitophon*, which was believed chronologically later until the publication of a second-century fragment, i.e. *P.Oxy*.56.3836 published by Parsons in 1989. Such was also the reason for considering inauthentic the *'Ερωτικαὶ διηγήσεις* attributed to Plutarch in the 'Catalogue of Lamprias' 222, that Giangrande deems instead authentic in the introduction to his edition (1991). Mossman,2005,146-7 seems to accept the idea that Lucian's *Amores* could also be authentic.

[34] The passage at 3.438 (*forsitan et plures possit habere viros*) is rightfully compared by Pianezzola to that in 2.683-4 (*odi concubitus qui non utrumque resolvunt / hoc est cur pueri tangar amore minus*), and interpreted as a reference to pederastic love in Pianezzola *et al*.1993,342,394. This is significant, since Apuleius is also accused of being a pederast (**3.1**).

[35] Syn.*Calv*.23. For long, curly hair as a typical trait of effeminacy of Cybele's priests, cf. Apuleius' description of Philebus in *Met*.8.24.2, which mentions Philebus' long curls and bare head; cf. Hijmans *et al*.,1985,206.

[36] On the age of Pudentilla, cf. 89.1-7 (**11.1**).

[37] Chapter 5 and 6 and **11.2**.

[38] Abt,1908,18-9. In his wake, Hunink,1997,vol.II,22 and Martos,2015,7,n.12.

handsome appearance;[39] thus, he argues that Apuleius' beauty could have been presented as the result of goetic practices. I suggest, however, that the accusers' portrait of Apuleius as excessively refined was meant to make him appear as a person who was likely to use love-magic for his immoral purposes. We know from the *Ars Amatoria* that Ovid admonishes against the use of *magia* and love philtres, since they are the ideal tools of a wicked male seducer.[40] There is a strong link between Ovid's characterisation and Apuleius' portrayal as given by the prosecution to the extent that the employment of *magia* would have been implied by the very accusation of *formositas*.

Hunink[41] adds that the mention of hair was bound to raise magical suspicions in court, and relies on Abt, who comments on hair as an ingredient for love-magic in a quotation from Laevius.[42] Hunink's point, however, does not hold much water since in this type of goetic performances, the practitioners need the hair of their victim, not their own, and here Apuleius' opponents referred to Apuleius' own hair, and to that of Pudentilla. We must note, instead, that long hair is a typical feature of philosophers who were suspiciously regarded as goetic practitioners: this is the case of Apollonius of Tyana, who – according to Philostratus' account – [43] had long hair in imitation of Pythagoras.[44] When Apollonius was tried under suspicion of being a *γόης*, we find a charge specifically concerning his peculiar long hair.[45] Furthermore, long hair is also a feature of the Pythagorean Alexander of Abonoteichus,[46] whom Lucian characterises as a *γόης*.[47] I argue that this was a crucial point brought forward by Apuleius' foes, which he carefully omits in the defence-speech in order to trivialise the accusation and conceal its dangerous aspects.

[39] Abt references *PGM* IV.2169-70 which has, however, no connection with beauty, but also III.578 (a spell for love-magic); XII.396 (a spell for admiration). We could add VIII.4; VIII.27 (love-spell) and XCII.1-16 (a spell for favour).
[40] *Ars* 2.99-106. For further remarks about magic in Latin elegiac poetry, cf. Pianezzola *et al*.,1993,281-3; Luck,1962,45-7; and Luck in Flint,1999,123.
[41] Hunink,1997,vol.II,22.
[42] Abt,1908,107-8 on *Apol*.30.13.3.
[43] On its fictitious aspect, cf. Bowie,1978,1652-99 and 1994,181-99 and Whitmarsh,2004,423-35.
[44] Philostr.*VA* 1.32. On Pythagoras and magic, cf. **4.5**.
[45] *VA* 8.7.6; the comparison between Apuleius' and Apollonius' hair is proposed by Bradley,1997=2012,18.
[46] Luc.*Alex*.11. The parallel is stressed by Hunink,1997,vol.II,26 and more recently Elm,2009,71-99, followed by Martos,2015,7,n.12; they do not notice the fact that both Apuleius and Alexander were thought to be involved in goetic magic.
[47] *Alex*.1, on this cf. Luck in Flint *et al*.1999,142-8 and Petsalis-Diomidis,2008,45; 53-60.

In conclusion, we have seen that male beauty and elaborate hairdressing were generally regarded as contemptible features, which had strong connections with goetic practices and, specifically, with love-magic. I argue that the prosecution wanted to stress Apuleius' moral flaws and his almost unnatural gifts in order to connect these with the seduction of Pudentilla. Additionally, their description of Apuleius' long hair resembles that of Apollonius and Alexander, also accused of being involved in goetic magic, while Apuleius' beauty as a whole closely resembles the image of Ovid's corrupt *seductor*, who was inclined to employ *magia* for his sinful purposes. But while in Ovid's passage the lustful 'predator' chases after young beauties, Apuleius' accusers imply, instead, that he used his effete charm and his alleged magical skills to win the love of an older woman and lay his hands on her wealth.

3.3. Apuleius' Suspicious Eloquence

The second Preliminary Allegation is about Apuleius' eloquence in Greek and Latin.[48] As we shall discuss, this charge was partly meant to warn the judge and the public in court against the unnatural magniloquence of the orator,[49] and to underscore the idea that a man of barbarian origin such as Apuleius[50] could have acquired a full fluency in both Greek and Latin only because of magic.

Similarly to the former, this rebuttal is quite brief and provides us with scanty evidence to reconstruct the allegation. Apuleius professes that his eloquence is the result of his literary studies, having renounced any other pleasure from a young age and that he devoted himself to the achievement of eloquence to the detriment of his own health.[51] Even though Apuleius longs to increase his knowledge,[52] he claims to already be the most eloquent man of his time.[53] With this extremely confident self-portrayal, Apuleius lays the foundations for his image as a *defensor*

[48] *Apol*.4.1.
[49] Cf. Thompson,1978,2-3; Hunink,1997,vol.II,22; Marchesi,1957=2011,XXI, but this was already suggested by the humanist Floridus (1688,405).
[50] *Apol*.24.1-10.
[51] *Apol*.5.1. This passage is clearly connected with Apuleius' claim of his ruined appearance at 4.10. On this section of the defence, cf. Puccini-Delbey,2004,227-37.
[52] *Apol*.5.2.
[53] *Apol*.5.5.

philosophiae,[54] which he develops at 28.2-3,[55] and increases the hiatus between his own figure and the disparaging characterisation of his accusers: throughout the speech, Apuleius constantly contrasts himself with his foes and, in a Platonising fashion, puts himself and the cultivated judge and philosopher Maximus at the apex of a spiritual hierarchy, relegating his vulgar opponents to the lowest ranks. [56] This, as we will observe, is a constant pattern in the *Apologia* and constitutes the backbone of Apuleius' forensic strategy.

As already suggested in the seventeenth-century edition by Floridus,[57] it is possible that the prosecutors intended to depict Apuleius' eloquence as something suspicious, against which they wanted to warn the court, and it is worth bearing in mind the strong connection between rhetoric and magic which have been discussed in Chapter 2.[58] Furthermore, as Abt notes,[59] in *PGM* IV.2170-1 we find the prescription for an all-powerful spell enabling the practitioner to win his enemies over, and this could apply to a legal context as well. It is, however, necessary to further develop this point and to connect it with another Preliminary Allegation, namely that concerning Apuleius' obscure origin.[60] I argue that his enemies could have also used this argument to highlight the fact that Apuleius' magniloquence was an uncustomary skill for a man from Madauros.[61] Although the evidence available indicates that magic was primarily used in lawsuits to tie the tongue of the practitioners' opponents,[62] I would suggest that the prosecution may have implied that Apuleius reached his extraordinary eloquence by means of goetic magic.

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[54] He already hinted at this issue twice in the *exordium* (1.3 and 3.5).
[55] Here he professes that there is nothing that philosophers could not disprove, being confident in their innocence. Cf. Harrison,2000,65.
[56] Cf. also Puccini-Delbey,2004,231-3, who focuses on Apuleius' contrast between his elonquence and the supposed ignorance and inarticulacy of the prosecution.
[57] Floridus,1688,405, followed by Abt,1908,18; Martos,2015,7,n.12, and n.48 above.
[58] **2.5**.
[59] Abt,1908,18-9; he also mentions *Cat.Cod.Astr.*3.44, which is chronologically late and bears little connection with magic.
[60] *Apol.*24.1-10. Fick,1991,17-8 hypothesizes the possibility of a connection between Apuleius' barbarian origins and magic, but this argument does not hold water given that other people in court, with Roman citizenship, might have come from remote areas of Northern Africa, and they could have been not regarded as goetic practitioners on the basis of their origin.
[61] Hunink,1997,vol.II,23,n.1-2 explains that the knowledge of Greek was very rare in the province of Africa, and that Apuleius' mastery of Latin can be regarded as an achievement in itself. Recently Farrell,2014,66-84 argues that Apuleius' culture and formation fully comply with those of other the most learned people of his time. This could have made him appear as an extraordinary person in the provincial *milieu* of Oea.
[62] Gager,1992,116-50 devotes a chapter of his monograph on curse-tablets to those curses specifically used in a judicial context to bind the tongue of the adversaries.

Therefore, the analysis of this indictment indicates that the allegation concerning Apuleius' eloquence could have contained suspicious allusions to goetic magic, by which means Apuleius would have acquired his extraordinary magniloquence. This argument seems particularly effective, tarnishing a prime attribute of Apuleius, namely his rhetorical reputation.

3.4. Dabbling with Exotic *Venena*: The Toothpaste

The subsidiary allegation most closely related to magic is that which concerns the *dentifricium* that Apuleius made for Calpurnianus. Hunink[63] and even Abt[64] argue that the references to *magia* are marginal here, but I will demonstrate that this is because Apuleius endeavours to conceal such references in order to make this charge appear preposterous. We know from the speech that the accusers read a short poem by Apuleius,[65] a *xenion* which accompanied the gift of toothpaste given to Calpurnianus.[66] This person is said to be in court for the trial,[67] and probably acted as witness for the prosecution, admitting that he received toothpaste from Apuleius.[68] At first glance, this allegation hints at Apuleius' frivolity – in perfect continuation with the indictment of *formositas* –[69] but also, more insidiously, at his magical skills in handling exotic simples: I will show that this argument was meant to provide evidence of Apuleius' ability to manipulate herbs[70] and forbidden *venena* in order to unnaturally increase people's beauty. This alleged expertise is a fundamental corollary of the charges concerning the seduction of Pudentilla with love-magic.[71]

Apuleius defends himself by digressing: he protests that, if a crime had been committed, Calpurnianus would have been his accomplice since he asked Apuleius for the toothpowder.[72] Then he proceeds with a rhetorical praise of the mouth,[73] and follows it with an invective against

[63] Hunink,1997,vol.II,28-9.
[64] Abt,1908,20-1.
[65] *Apol*.6.3. For a study of the poem, cf. Mattiacci,1985,243-9; Courtney,1993,392-3 and 1993,242-9. For its belonging to Apuleius' *Ludicra*, cf. Hunink,1997,vol.II,29 and especially Harrison,2000,16-20; 54, followed by Martos,2015,11,n.24.
[66] *Apol*.6.2.
[67] *Apol*.6.1.
[68] Cf. Vallette,1908,43; Butler, Owen,1914,18; Hunink,1997,vol.II,17-8; 29; Martos,2015,11,n.26. At 60.2 Calpurnianus features together with Rufinus. The accusers succeeded in having various depositions against Apuleius: i.e. that of Pudentilla's *familia urbana* (**7.1**); that of Pontianus' librarian (**8.4**); that of Iunius Crassus (**9.2**).
[69] **3.2**.
[70] *Apol*.6.3.3 and 6.5.
[71] *Apol*.29-42 (Chapter 5-6) and 68.1-71.1 (**11.2**).
[72] *Apol*.6.1.
[73] *Apol*.7.5.

the slanderous Aemilianus, whose 'filthy' mouth is depicted with a series of jaundiced attributes, and finally compared to that of a poisonous adder.[74] This negative description conforms to the same Platonising dichotomy which characterises the following distinction between Venus *vulgaris*, that is the physical and appetitive sexual impulse,[75] and Venus *ourania*, which Apuleius devoutly follows.[76] Unsurprisingly, this distinction between earthly and divine concepts repeats the same Platonic opposition that occurs in the whole speech. Apuleius concludes that oral hygiene is not only a prerogative of mankind, it belongs to animals as well.[77] Therefore, taking care of one's own mouth should not be considered worthy of any reproach but, on the contrary, as evidence of natural neatness and purity.

However, the issue at stake here was not oral hygiene itself, but the ability to produce a *dentifricium* by manipulating suspicious ingredients. It should be noted that the whitening powers of exotic powder[78] might have been looked at with suspicion in court: the expression *Arabicae fruges* would have indicated two specific components, that is frankincense and myrrh[79] which were commonly employed to make toothpowder but also in goetic practices,[80] and Apuleius knows this well. At *Apol*.30.7 and 47.7 he mentions, in fact, incense (*tus*) as a magical ingredient, and in the *Metamophoses* he describes Pamphile's magical laboratory as stocked with *omne genus aromatis*.[81] This reflects the fact that both myrrh and frankincense were really employed by the practitioners of magic: even though he does not believe that magic was an issue at stake in this allegation,[82] Abt cites *PGM* II.17-20, where the practitioners are supposed to grind together

[74] *Apol*.8.1-5.
[75] This is a reference to Pl.*Symp*.180d-185e. For this particular adjective at 12.2, cf. Butler, Owen,1914,32. On this Platonic imagery, cf. Kenney,1990,19-20, who comments on the figure of Venus in the tale of *Cupid and Psyche* (APUL.*Met*.4.28-6.24).
[76] *Apol*.12.1-6. The underlying reasoning is that Aemilianus inevitably fails to comprehend the higher nature of things, while Apuleius and the judge benefit from a loftier understanding. This ultimately serves to influence the judge against the accusers. On this passage, cf. also Hunink,1997,vol.II,54-5; Martos,2015,22,n.65. For a similar discussion of the Platonic love, cf. Max.Tyr.18.3.
[77] *Apol*.8.6-7.
[78] *Apol*.8.2.
[79] For the description of their Arabian origins, cf. PLIN.*Nat.*12.30; 12.51-32; 12.65 on frankincense, and 12.33; 12.66-34; 12.72 on myrrh. Martos,2015,11,n.27 wrongly suggests that *Arabicae fruges* indicates only myrrh.
[80] These were also typical burn-offerings for ordinary sacrifices (cf. *Brill's New Pauly*,vol.VI,s.v.*Incense*,col.762 and s.v.*Myrrh*,col.419-20); but since they were used in goetic rituals, as discussed above, during a trial for magic any element betraying Apuleius' magical expertise could have represented a threat to his self-proclaimed innocence, given that the very knowledge of magic was punished under the *Lex Cornelia de sicariis et veneficiis* (cf. Paulus *Sent*.5.23.17).
[81] APUL.*Met*.3.17.4, on which cf. Van der Paardt,1971,132.
[82] Abt,1908,20.

various ingredients and to anoint their mouth with frankincense gum. Furthermore, abundant evidence confirms that myrrh and frankincense were ingredients for various magical practices, and since the magical employment of myrrh occupies another section of this study,[83] I shall focus on frankincense here. The prescriptions of the *PGM* indicate that frankincense (*λίβανος*) could be used in rituals for very different purposes: it features as a component for creating an amulet to gain favour;[84] in rituals to summon a daemonic being;[85] as burnt offering in divinatory practices;[86] either burnt[87] or unburnt[88] in love-magic and attraction spells; as burnt offering for invoking the astral constellation of the Bear,[89] Hermes,[90] Asclepius;[91] to fumigate a lead tablet;[92] and in prescriptions for more than one purpose.[93] Thus, the fact that Apuleius was accused of being able to handle these substances could have been easily regarded as dabbling in goetic magic.

Abt also proposes that these ingredients were specifically employed for the creation of potions and powders for oral hygiene:[94] he lays stress on two passages from Pliny, namely *Nat*.28.178 and 30.22. The former is a list of *remedia* for dental care[95] – amongst which is myrrh (*murra*) –[96] which has, however, nothing to do with magic. In the second passage Pliny describes, instead, the remedies for oral hygiene prescribed by the *magi* themselves:[97] these were generally made of animal bones or body parts[98] mixed with other ingredients, amongst which we find both myrrh (*murra*) and frankincense (*tus*).[99] Therefore, since the creation of toothpowders with Arabian simples was something attributed to the *magi*, this point could have represented a serious issue in the eyes of those who were ill-disposed towards Apuleius.

[83] Cf. my remarks on *Apol*.32.4 (**6.2**).
[84] *PGM* XXXVI.276.
[85] I.10; I.62.
[86] IV.215 IV.907; IV.3193; VII.320; VII.543; VII.742; VII.828; VIII.70.
[87] IV.1269; IV.1830; IV.1904; IV.1985; IV.2457; VIII.58.
[88] XXXVI.135.
[89] IV.1309; LXXII.23.
[90] V.201; V.394.
[91] VII.637; VII.639.
[92] VII.927.
[93] II.13; II.19; II.20; II.24; IV.2675; IV.2870; XIII.18; XIII.20; XIII.354; XIII.356; XIII.1008; XIII.1017.
[94] Abt,1908,20-1.
[95] *Nat*.28.178-82.
[96] *Nat*.28.179.
[97] *Nat*.30.21-7.
[98] I.e. dogs and snakes (*Nat*.30.21), crocodiles, lizards and various kinds of worms (30.22-4), horns of snails and snail shells (30.24), hens, ravens and sparrows (30.25-6), mice, porcupines, geese and spiders (30.27).
[99] *Apol*.30.24-5.

So far we have seen how myrrh and incense were customary ingredients in real magical practices. What has gone hitherto unnoticed is the importance of another passage of this section of the *Apologia*, which enables us to understand that magic certainly was a point at stake in this allegation: at *Apol*.7.1 Apuleius explains that his accusers uttered the word *dentifricium* with such an indignation *quanta nemo quisquam venenum*. Now, we know that *venenum* is a term strongly tied up with goetic magic in the Imperial age,[100] and there would be no reason for this gratuitous reference if the opponents had not made it clear that Apuleius' skills to concoct this toothpaste were evidence of his dabbling in magic, confirming the widespread reputation in Oea that Apuleius was a *magus*.[101] The production of cosmetics itself was also associated with goetic magic, as shown by the commentary on Horace by Pomponius Porphyrio,[102] dating to the early third century AD:[103] Porphyrio explains that the *saga* Canidia[104] was a figure inspired by a real woman from Naples by the name of Gratidia;[105] she worked as an *unguentaria* ('producer and/or seller of cosmetics'), and Horace insultingly described her as a *venefica*.[106] A person trading this type of merchandise would have been easily deemed a practitioner of magic: people dealing in cosmetics would often handle poisonous substances,[107] and the *Lex Cornelia de sicariis et veneficiis* prosecuted those who administered *amatoria pocula,*[108] as well as those selling or concocting *venena*.[109] These legal measures notwithstanding, the production and circulation of these philtres was so widespread that Ovid addresses this issue seriously in his poems and admonishes his readers against resorting to love-charms and love-magic.[110] I argue that this was the type of imagery and legal implications that Apuleius' accusers intended to employ to present

[100] E.g. according to Pliny, the real efficacy of magic came directly from the *veneficae artes* (*Nat*.30.17). For the employment of *venena* in magic, cf. **6.5**, **11.2**.
[101] Cf. *Apol*.81.1.
[102] According to Dickie,2001,180 this information comes from the commentary of Helenius Acron, probably dating to the end of the second century AD (cf. *Brill's New Pauly*,vol.VI,s.v.*Helenius Acron*,coll.65-6).
[103] Cf. the discussion in Diederich,1999,3.
[104] She features in HOR.*Ep*.3.8; 5; 17; *Serm*.1.8; 2.8.95.
[105] Scholars have tended to doubt this information (Mankin,1995,300; Watson,2003,198; Ogden,2008,50; 2009^2,121; Gordon,2009,1-2,n.3), only Dickie,2001,168 approaches it less sceptically. Nevertheless, what is relevant in my case is that the historical existence of Gratidia was believable in the second century AD.
[106] Porph.*epod*.3.7-8.
[107] Marcianus in *Dig*.48.8.3.3-4 says that the *pigmentarii* ('dealers in cosmetics') can be prosecuted if they sell poisonous ingredients such as hemlock, salamander, monkshood, pine grubs, the venomous beetle, and the Spanish fly.
[108] Paulus *Sent*.5.23.14.
[109] Paulus *Sent*.5.23.1.
[110] Ov.*Ars* 2.99-106; 2.683-4; 3.433-8; *Her*.83-94.

him not only as an immoral and lecherous man, but also as a dangerous practitioner of magic, who was fully able to charm Pudentilla with love-magic.

In conclusion, not only did the prosecution introduce this argument to show Apuleius' frivolity, they also alluded to his widespread magical notoriety: this argument was, in fact, meant to provide the court with a preliminary portrayal of Apuleius as a man who dabbled with suspicious substances, partly because of his purported effeminacy, partly for his unlawful interests in magic. This served to prepare the ground for the first Primary Charge, which concerns Apuleius' alleged preparation of love potions made with sea creatures,[111] and for the first Secondary Charge, which addresses the fact that Apuleius won Pudentilla over with *carmina* and *venena*.[112] As discussed, Apuleius' strategy consists in making use of digressions and humour to bias the audience and the judge against his opponents, and in shifting attention from the *dentifricium* to oral hygiene; this enables him to elude the dangerous implications of being an experienced *magus*, who could easily handle exotic drugs and provide people with such types of remedies.

3.5. A *Magus* at the Mirror

In *Apol*.13.5-16.13 Apuleius presents the fifth Preliminary Indictment as related to his possession and use of a mirror (*speculum*). Scholars[113] agree in considering this as an argument substantiating the immoral characterisation[114] set up in the previous allegations, namely those concerning his beauty[115] and his pederastic poetry.[116] Nevertheless, we need to observe that, as in other cases, Apuleius does not discuss the allegation itself: he isolates one point – in this case the possession of a mirror – and twists it to weaken the accusation. Although he shuns any references to magic in this part of the defence,[117] I will demonstrate that this allegation also had a magical undertone:

[111] *Apol*.29-42 (Chapter 5 and 6).
[112] *Apol*.68.1.-71.1 (**11.2**).
[113] Butler, Owen,1914,34; Hunink,1997,vol.II,58; Harrison,2000,56-7; Martos,2015,24-5,n.73.
[114] Vallette,1908,51 explains that this type of accusation was typically addressed to philosophers, cf. SEN.*Nat*.1.17.1; Luc.*Pisc*.45. McCarthy,1989,168,n.15 adds that the use of mirrors was deemed evidence for effeminacy, cf. JUV.2.99-100; GEL.6.12.5.
[115] **3.2**.
[116] *Apol*.9.1-13.4 (**3.1**).
[117] Hunink,1997,vol.II,60 argues that the adverb *magis* at 14.3 may also be interpreted as the *dativus auctoris* of *magus*; this interpretation, however, does not contribute to Apuleius' reasoning and to the rhetorical style of the sentence.

mirrors were, in fact, tools employed in magic, as suggested by Abt.[118] To confirm this, I will test his results with my methodology on magic and add more evidence to substantiate the employment of mirrors in magical divination; this will enable us to confirm that, like the Preliminary Allegations discussed above, this one was also meant to depict Apuleius as a dissolute seducer, expert in magic.

The fact that hydromancy and lecanomancy, that is divination through water used as a reflective surface,[119] were widespread practices in the Greco-Roman world[120] is not relevant in our case, as argued by Vallette, and Hunink, and Martos,[121] since here the prosecution clearly refer to a mirror, not to reflective surfaces as a whole. Abt[122] cites a passage from Pausanias[123] and Artemidorus[124] describing the employment of a mirror for the oracle of Demeter in Patrae which bear no connection with goetic magic. Abt includes, however, a passage concerning the magical rituals used by Didius Julianus, emperor in AD 193, who sought out the help of some *magi* and resorted to 'those practices which are said to be performed with a mirror' (*ea quae ad speculum dicunt fieri*) with the aid of a child, in order to foresee his future.[125] If this passage reflects a real practice, it would be extremely relevant to the present analysis, since showing how goetic practitioners employed mirrors for divinatory purposes in times not too far from the trial. To confirm that they really employed mirrors for divination, we need to add evidence hitherto unacknowledged: in the hymn to Selene[126] in the *Paris Papyrus*, we find a reference to catoptromancy – that is mirror-divination – in the context of love-magic,[127] and at *PGM* XIII.752 the spell indicated in the prescription is said to work for different types of divinations, including mirror-divination (*εἰσοπτρομαντιῶν*). This evidence cannot be ignored, and makes it plausible

[118] Abt,1908,24-7; Butler, Owen,1914,34 deny that magic had anything to do with this allegation but, as we shall see, much evidence suggests the opposite.
[119] Cf. *Brill's New Pauly*,vol.IV,s.v.*Divination*,col.569; s.v.*Magic*,col.137 and *ThesCRA*,vol.III,s.v.*Divination*,9. This practice is mentioned at *Apol*.42.6, and we know from Pliny that Ostanes (cf. **4.5**) boasts to perform several types of divinations including lecanomancy (*Nat*.30.14); a similar information is reported in Str.16.2.39.
[120] Cf. n.118.
[121] Vallette,1908,51; Hunink,1997,vol.II,57-8; Martos,2015,24,n.73.
[122] Abt,1908,24-7; an analogous discussion in Maxwell-Stuart,1976,1-4, who does not acknowledge Abt.
[123] Paus.7.21.10.
[124] Artem.2.7.
[125] SHA *Did.Iul*.7.
[126] For the link between the goddess and magic, cf. **5.6**.
[127] *PGM* IV.2292.

that Apuleius' opponents would have drawn on the idea that goetic *magi* practised mirror-divination, in order to sully Apuleius' portrait with a further magical attribute.

Nevertheless, in the defence-speech Apuleius argues that his interest in mirrors is merely scientific, and builds up a strong defence against this charge: firstly, he asserts that possession does not imply the use of an item,[128] and this is followed by a long philosophical disquisition on the mirror as a means to inspect his own image.[129] To strengthen his case, Apuleius brings many illustrious examples of philosophers interested in the properties of mirrors,[130] amongst which is Socrates.[131] Then, at the conclusion of his rebuttal, he attacks Aemilianus, portrayed as a foul man, whose ignorance prevents him from fully understanding the mirror's philosophical importance.[132] Aemilianus is also depicted as a shady peasant (*rusticando obscurus*),[133] while Apuleius professes to live publicly and to be known by everyone.[134] The vivid contrast between light and darkness reflects again the Platonising opposition between positive and negative concepts, which Apuleius introduces with the proverbial expression *albus an ater*.[135]

In conclusion, the fact Apuleius does not mention magic in this section of the speech does not imply that the indictment concerning the mirror did not have any magical implications; it seems, instead, that Apuleius decides to ignore them in order to weaken such goetic undertones. As I have demonstrated, this allegation concerning the mirror speaks to both of the prosecution's claims that Apuleius was an immoral and effete man, who had an excessive care of his appearance, and an expert *magus* who could use his mirror to foreshadow future events for his wicked purposes. Consequently, this charge, too, contains goetic innuendos that prepare the audience for the Primary Charges, which are specifically about Apuleius' alleged magical skills.

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[128] *Apol*.13.6-8.
[129] *Apol*.14.8.
[130] *Apol*.15.3-16. 6.
[131] *Apol*.15.4.
[132] *Apol*.16.7-8.
[133] *Apol*.16.10.
[134] *Apol*.16.11. Further remarks in Hunink,1997,vol.II,66,n.1; Harrison,2000,56. The public aspect of Apuleius' research and knowledge is also stressed at *Apol*.40.5 and 91.2.
[135] 16.8. Butler, Owen,1914,47; Hunink,1997,vol.II,66; Martos,2015,30,n.95 compare the expression with CIC.*Phil*.2.41; CATUL.93.2; PHAED.3.15.10; QUINT.*Inst.*11.1.38; and Hieron.*Adv.Helv.*16, but a further passage can be added: HOR.*Epist*.2.2.189. Cf. also Porph.*epist*.2.2.189.

3.6. Conclusions

At this point, it is possible to draw attention to some important considerations which will serve us as guidelines for the examination of the Primary and Secondary Charges. It has been shown that these Preliminary Allegations are far from being feeble, absurd, and merely subsidiary: the analysis and reconstruction of the prosecution's case has allowed us to identify a precise structure and rhetorically elaborated features, closely intertwined with specific magical issues: the prosecution drew on the idea that goetic practitioners could use magic to win their victims over (**3.2**, **3.3**), to obtain an extraordinary beauty (**3.2**) and eloquence (**3.3**), and on the fact that they were known to handle unlawful *venena* (**3.4**), and practice captromancy (**3.5**). We can assert, therefore, that the Preliminary Allegations were a whole set of accusations with strong connections with goetic magic and clear references to the *Lex Cornelia de sicariis et veneficiis*,[136] under which Apuleius is tried. The following discussion of the Primary and Secondary Charges will confirm the dangerousness of these charges.

We should also note that, to counter these attacks, Apuleius stakes it all on lessening and ridiculing not only the whole allegations but particularly the references to magic.[137] He also employs what I have defined as Platonic dichotomy, a structural feature of the *Apologia* which consists in contrasting lower and higher concepts, which – he argues – the prosecution cannot grasp because of their vulgarity. This argument serves to influence the learned Claudius Maximus, as well as the cultivated audience, against the attackers who are put in the lowest ranks of an ideal intellectual hierarchy, at the vertex of which we find Plato,[138] Apuleius, and Maximus. In addition, throughout the first section of the *Apologia*, Apuleius signposts his status of *defensor philosophiae*[139] to present himself as a Socrates reborn, as various scholars argue:[140] both the philosophers, in fact, had risked the punishment of death: Socrates for impiety (*ἀσέβεια*), Apuleius for his alleged *crimen magiae*. Apuleius' life, however, rests in the friendly hands of the learned

[136] Paulus *Sent*.5.23.1; 5.23.14 (**3.4**).
[137] *Apol*.9.2; 9.5; 17.3 (**3.1**).
[138] References to Plato are abundant in this section (4.8; 10.7-9; 12.1; 13.1-2; 15.9; 15.13; 22.7), and serve to buttress Apuleius' Platonic status; cf. especially 10.6 and 11.5, on which cf. Hunink,1997,vol.II,11-2; Harrison,2000,55; Fletcher,2014,196; Martos,2015,20,n.53.
[139] *Apol*.1.3, with the bibliography in n.137.
[140] Cf. Harrison,2000,43; 96; Schindel,2000,443-56; Riess,2008,51-73; Puccini-Delbey,2010,429-45; Fletcher,2014,161-7.

philosopher Claudius Maximus. Given Maximus' and Apuleius' philosophical kinship,[141] the identification with Socrates allows Apuleius to send at the very beginning of his speech a powerful message to the people in court: this time, justice will be done to Socrates and to philosophy. This message subtly implies that the prosecution's case is inevitably sentenced to failure.

[141] On Claudius Maximus as a philosopher, cf. **1.3**.

Chapter 4: The Core of the Defence-Speech

4.1. Introduction

Having explained the serious, magical undertones of the Preliminary Allegations, we shall now focus on *Apol*.25.5-28.9, a part of the speech in which Apuleius sets out his distinction between philosophical and vulgar magic in order to free himself from the allegation of being a goetic *magus*. By exploiting the semantic ambiguity of the term *magus*,[1] he succeeds in presenting himself as a philosopher who fell victim to unrighteous calumnies,[2] before rebutting the several allegations brought against him. Previous studies acknowledge the importance of this twofold distinction between the two types of magic,[3] but fail to understand that this division complies with the same Platonising reasoning that characterises the whole speech, opposing higher concepts, with which Apuleius associates himself, and the lower values of the opposition.

I shall demonstrate how Apuleius re-elaborates the dualistic division between philosophical and goetic magic, inherited from previous sources known to him, and even reinterprets a passage from Plato' *First Alcibiades*, presenting it as evidence for Plato's appreciation for the Magian lore, in the wake of an earlier tradition (**4.2**). I will then analyse Apuleius' description of the goetic *magus*[4] and the employment of incantations in magic (**4.3**), which openly discloses for the first time Apuleius' deep familiarity with the harmful type of magic. Attention will be paid to the goetic notoriety that Apuleius provocatively attributes to Democritus (**4.4**), Orpheus, Pythagoras, Ostanes (**4.5**), Empedocles, Socrates and Plato (**4.6**): I will test the discussions by previous scholars with an emic methodology in order to confirm that these philosophers were associated with goetic magic in earlier sources accessible to Apuleius.[5] Finally, it will be demonstrated that this list of figures is arranged by Apuleius in order to create a *climax* that would have filled with contempt for the prosecution the real addressee of the speech,

[1] On this, cf. Chapter 2.
[2] *Apol*.25.5-27.4.
[3] Cf. Abt,1908,32-41; 44-50; Butler, Owen,1914,68; Hunink,1997,vol.II,88; Martos,2015,49,n.160.
[4] *Apol*.26.6.
[5] Cf. Abt,1908,251-4; Butler, Owen,1914,70-1; both studies are followed by Hunink,1997,vol.II,92-3; and Martos,2015,50-2,n.165; 167; 168.

the judge Maximus. Apuleius argues, in fact, that the whole trial is a result of his enemies' benightedness: given their vulgarity, they were bound to misunderstand the higher meaning of *magus* that he ascribes to Plato, and they would wrongly condemn the most respectable philosophers, and even Plato himself.[6] The following discussion will, therefore, enable us to understand the pivotal function of this section of the *Apologia*, which prepares the ground for the rebuttal of the dangerous Primary Charges.

4.2. Playing with Magic: Apuleius Platonising the Term *Magus*

The following reconstruction of the Primary Charges will enable us to gauge that Apuleius was objectively in a very unsafe situation: his enemies accused him of being a goetic *magus* and validated this claim with accusations, supported by relevant evidence and depositions, which concerned Apuleius' manipulation of sea creatures to concoct love-philtres for Pudentilla,[7] the noxious power of his incantation,[8] the pollution of Pontianus' *lararium* and of Iunius Crassus' *Penates*,[9] and – lastly – his necromantic skills.[10] From *Apol*.25.5 onwards Apuleius, after dismissing the Preliminary Allegations as frivolous calumnies,[11] focuses on magic and endeavours to disprove the *crimen magiae*. We shall now discuss how, to achieve this goal and convince his audience of his innocence, he resorts to a calculated rhetorical strategy aiming to debase his enemies' arguments by describing them as calumnies and misunderstandings induced by their ignorance.

Since he cannot deny the widespread impression that he was a *magus*[12] – a *communis opinio* shared by many Oeans already before the trial –[13] he lessens his notoriety by using the imagery of a spreading fire[14] to depict the calumnies brought against him, and adds that they died away 'amidst certain old wives' tales' (*per nescio quas anilis fabulas*). The choice of this expression is significant since it underscores the baseness of his detractors, which throughout the

[6] Cf. **4.6**, **4.7**.
[7] Chapter 5 and 6.
[8] Chapter 7.
[9] Chapter 8 and 9.
[10] Chapter 10.
[11] *Apol*.25.1-4. On the charges as *calumniae*, cf. **1.4**, n.77.
[12] *Apol*.25.5.
[13] *Apol*.81.1.
[14] *Apol*.25.5 and 25.7 discussed in Hunink,1997,vol.II,89-90 and Harrison,2000,63.

whole speech is contrasted with Apuleius' self-professed integrity. Hunink,[15] who relies on Pease's commentary on Cicero's *De Natura Deorum* 3.12,[16] notes that the similar expression *fabellae aniles* occurs in Cicero to describe the superstitious accounts of old wives. Martos[17] indicates that Apuleius himself reemploys the expression *aniles fabulae* in the *Metamorphoses* to underline the imaginary character of the tale of *Cupid and Psyche*.[18] We need to add that the literary motif of the 'old women's tales' dates back at least to Plato,[19] and is used by Lucian with a connotation analogous to that at *Apol.*25.5: in the *Philopseudes* the sceptical Tychiades discredits the superstition of his interlocutors and their belief in goetic magic as *γραῶν μῦθοι*.[20] I argue that Apuleius here – in a similar way – adopts this well-established theme to sully the magical charges as mendacious,[21] since they are the result of his attackers' superstitious beliefs.

After this first battering, Apuleius caustically addresses[22] Aemilianus and his advocates with the disparaging superlative *eruditissimi*,[23] and exhorts them to explain to him what a *magus* is (*quid sit magus*).[24] This question allows Apuleius to formulate a pivotal argument: he insists that, 'as I read in many authors, *magus* in Persian is what we call priest' (*quod apud plurimos lego*, *Persarum lingua magus est qui nostra sacerdos*) and asks what kind of crime it is to be a priest and to master religious lore.[25] To validate this assumption, Apuleius calls on Maximus, referring to the Platonic anamnesis,[26] and cites a passage from the *First Alcibiades*[27] in which Socrates describes how the eminent youths in Persia were taught the *μαγεία* of Zoroaster, son of

[15] Cf. Hunink,1997,vol.II,87-8,n.1 and 2.
[16] Cf. Pease,1968,vol.II,997-8.
[17] Cf. Martos,2015,48,n.158 where he acknowledges the reference to 1 Tim.4.7 by Butler, Owen,1914,67.
[18] APUL.*Met*.4.27.8.
[19] Pl.*R*.350e; *Grg*.527a; *Tht*.176b; *Ly*.205d, cited in Pease,1968,vol.II,997. Cf. also Trenkner,1958,120-22.
[20] Luc.*Philops*.9.
[21] *Apol*.25.7.
[22] Harrison (2000,63) stresses that the question echoes a Plato's Socratic elenchus; this signals the following reference and citation from Plato at 25.9-26.5.
[23] On the subject, cf. Hofmann,1951[3],90-102 and Petersmann,1977,111,n.75; Facchini Tosi,1986,111 on *Apol*.98.6 (*postremissumus*); Nicolini,2011,44-5,n.101 on their function in Apuleius' prose. For this type of superlative, cf. *Apol*.61.2 (*exquisitissimus*) in **10.4**.
[24] *Apol*.25.8.
[25] *Apol*.25.9.
[26] *Apol*.25.10. On the Platonic tone of the expression: *mecum*, *Maxime*, *recognosce*, cf. Hunink,1997,vol.II,89; Harrison,2000,64; Fletcher,2014,207-8. Similar references to Platonic *anamnesis* in *Apol*.48.13 and 51.1.
[27] Although Apuleius and other classical authors ascribe the dialogue to Plato, the attribution has been disputed by scholars; cf. the overview by Denyer,2001,14-26 who, however, defends the Platonic authorship.

Oromazes.[28] It has not been pointed out before that what seems *prima facie* a loyal reference to Plato is, instead, a reference to a later Academic tradition: this passage, in Plato's *First Alcibiades*, is an account of the Persian education that contains neither praise, nor admiration for Zoroaster and his priests. As Denyer[29] argues, Plato here aims to convey his criticism of the Persian wisdom, and this would conform to Plato's general disregard for these figures in his works.[30] Apuleius is, therefore, offering an interpretation of this passage that befits his argument but distorts the *First Alcibiades*, presented as evidence of Plato's approval of the Magian customs, in the wake of a tradition connecting Plato with the Persian wisdom, which I discuss below.[31]

Hunink[32] claims that Apuleius' opposition between higher and lower types of magic, which is also thought to have an important function in the *Metamorphoses*,[33] as formulated in the *Apologia* cannot be found in previous authors,[34] and alludes to later examples cited by Hopfner,[35] amongst which is Calasiris' speech in Heliodorus' *Aethiopica* 3.16, in which Calasiris explains the two types of Egyptian priestly crafts.[36] Yet, Philo of Alexandria already contrasts the Persian *ἀληθής μαγική* with that of the goetic practitioners.[37] This distinction between goetic and philosophic magic conforms to a long-lasting tradition which can be dated at least to the fourth century BC:[38] in the treatise entitled *Μαγικός* that Diogenes Laertius falsely attributes to Aristotle,[39] and in the fifth book of Dinon's *Persika*,[40] it is, in fact, pointed out that the Persian priests 'did not know the goetic type of magic' (*τὴν δὲ γοητικὴν μαγείαν οὐδ' ἔγνωσαν*). This

[28] *Apol*.25.11=Pl.*Alc*.121e-122a. The minor differences between Apuleius' citation and the transmitted text of the *First Alcibiades* are indicated in the apparatus of Helm,1905=1955[3],30 and Vallette,1924,32. Cf. also Butler, Owen,1914,68 and Hunink,1997,vol.II,89; Binternagel,2008,225-38.
[29] Denyer,2001,179-80.
[30] Pl.*R*.572e; *Plt*.280e.
[31] Plato was believed to have sought out the Magi and to be held by them in high regard, cf. **4.6**; cf. also **2.2**.
[32] Cf. Hunink,1997,vol.II,88; cf. also Annequin,1973,108-9; Graf,1997,69-70; Rives,2010,54-6.
[33] This is stressed by Griffiths,1975,47-5, comparing the contrast between Isis and the Thessalian *sagae* with this passage of the *Apologia*. Cf. also Fick,1985,132-47; Schlam,1992,12;122; May,2013,36-41. On Apuleius' Platonic understanding of Isis, cf. also the forthcoming study by Nagel in Erler, Stadler eds.,1-50 (provisional pagination); this is the expanded version of a paper presented at the international symposium *Platonismus und spätägyptische Religion* in 2014. Thanks to Svenja Nagel for sharing with me a copy of her paper.
[34] Cf. Hunink,1997,vol.II,88
[35] Cf. Hopfner in *RE*,1928,vol.XIV,s.v.*Mageia*,coll.373-5.
[36] Hld.3.16.
[37] Ph.*Spec.Leg*.3.18.100-1; *Quod.Omn.Prob*.74. In the light of my discussion, the hypothesis by Colson,1937,635-6, followed by Mosès,1970,122,n.2 that this distinction derives from the division between artificial and natural divination by the Stoics appears wrong.
[38] Cf. also Chapter 2, where my taxonomy to define *magia* is outlined.
[39] D.L.1.8=Arist.*Fr*.36 ed.Rose,1886,44. In *Suid*.α 2723 ed. Adler the treatise is, instead, attributed to Antisthenes. On the issue, cf. Rives,2009,119-32.
[40] D.L.1.8=*FGrH* 690 F 5.

implies that the opposition between a philosophico-religious type of *μαγεία* and a goetic lore was already made explicit in the Hellenistic period; thus, the semantic ambiguity of magic with which Apuleius plays had become subject of discussion long before his time.[41]

A passage from another author prior to Apuleius bears remarkable similarity to the division between philosophical and goetic magic in the *Apologia*: in the *Borysthenic Oration*, the rhetorician Dio of Prusa – whose works Apuleius probably knew –[42] specifies that 'they are called Magi by the Persians and are those who know how to honour the gods, not like the Greeks who employ this term to indicate the goetic practitioners because of their ignorance' (*οὓς Πέρσαι Μάγους ἐκάλεσαν, ἐπισταμένους θεραπεύειν τὸ δαιμόνιον, οὐχ ὡς Ἕλληνες ἀγνοίᾳ τοῦ ὀνόματος οὕτως ὀνομάζουσιν ἀνθρώπους γόητας*).[43] This distinction between a philosophico-religious and a goetic kind of magic corresponds to that ascribed to Pseudo-Aristotle and Dinon, later adopted by Apuleius himself. Furthermore, Dio's description, too, contains references to the *First Alcibiades* since the expression *θεραπεύειν τὸ δαιμόνιον* paralles the *θεῶν θεραπεία* in Plato *Alc.*I.122a,[44] extensively quoted in the *Apologia*. We can, therefore, conclude that Apuleius' statement: *quod ego apud plurimos lego*[45] is indeed grounded on a conventional conceptual opposition between philosophical and goetic types of magic, reflected in sources with which Apuleius was well-acquainted. Therefore, his innovativeness – if at all – would not lie in such a distinction, but in the Platonic frame in which the dichotomy is set out and in its forensic purpose: that of drawing away the suspicion that he was involved in goetic magic.

As might be expected, Apuleius' argument is not exempt from controversies: Hunink,[46] following Abt[47] and Bidez and Cumont,[48] asserts that the very mention of the word *magus* would have inevitably brought to everyone's mind the much-feared goetic practitioners.[49] The same

[41] **2.2**.
[42] Cf. the parallels highlighted by Harrison,2000,101; 233.
[43] D.Chr.36.41. The relevance of this passage and its similarity to the *Apologia* has gone unnoticed, although it is cited in Butler, Owen,1914,68, and Martos,2015,49,n.160 who references the discussion of the *magi* as priests in De Jong,1997,400-1.
[44] Cf. the commentary by Russell,1992,236.
[45] *Apol.*25.9.
[46] Hunink,1997,vol.II,88-9.
[47] Abt,1908,32-4.
[48] Bidez, Cumont,1938,vol.I,143-5.
[49] **2.3**.

would have happened when Apuleius dropped the name of Zoroaster,[50] which is repeated twice in this passage.[51] Whilst he enjoyed the reputation of an esteemed sage,[52] the semantic ambiguity of *μάγος-magus* contributed to the diffusion of a pejorative understanding of Zoroaster in authors chronologically close to Apuleius such as Pliny the Elder[53] and Lucian;[54] predictably, such a deleterious consideration became harsher in Christian writings.[55] Because of this reputation, a conspicuous corpus of treatises was attributed to Zoroaster,[56] some of which dealt with astrology,[57] others went into the supernatural virtues of herbs,[58] of stones,[59] and even specifically into magic.[60] Furthermore, his name also recurs in the *PGM* where we find a quotation attributed to *Ζωροάστρης ὁ Πέρσης* which contains two *nomina magica*.[61] Therefore, we can observe the presence of a rather negative reputation of Zoroaster which coexists with the positive esteem shared by Apuleius; his reference to Zoroaster could have, thus, raised some suspicions in the courtroom of Sabratha.

These controversial issues are simply glossed over by Apuleius who continues his commendation of magic by adding another quotation from Plato: he calls upon the *ἐπῳδαί* of the Thracian Zalmoxis[62] from *Charmides* 157a, where Socrates refers to have learnt from the *ἰατροί* of Zalmoxis *ἐπῳδαί* that can even make one immortal.[63] The figure of Zalmoxis was already known to Herodotus,[64] who gives a twofold account of him as a chthonic deity of the Geti[65] and

[50] Cf. also Abt,1908,250-1.
[51] *Apol*.26.2; 26.5.
[52] D.Chr.36.40; Apul.*Apol*.26.2; 26.5; D.L.1.8; Amm.Marc.32.6.32; *Suid*.ζ 159 ed. Adler. For a discussion of this figure and the sources, cf. Bidez, Cumont,1938,vol.I,5-55; vol.II,7-62. Cf. recently Boyce,1994,278-84; De Jong,1997,317-23; Vasunia,2007,237-65; Bremmer,1999=2008,239-41; *Brill's New Pauly*,vol.XV,s.v.*Zoroaster*,coll.964-5. Later in the *Apologia*, Zoroaster is defined as Pythagoras' master (cf. *Apol*.31.2=*Fl*.15.14, **5.4**) as well as a goetic *magus* (cf. 90.6, **11.5**).
[53] PLIN.*Nat*.30.3-4; 30.5 (with the name: *Zaratus*). Pliny altogether despised *magia* without distinguishing between philosophical, literary and goetic magic (e.g. *Nat*.30.1; 30.17).
[54] Luc.*Nec*.6, where the reference to Zoroaster has a debunking function since Mithrobarzanes' practices are plainly goetic (cf. *Nec*.7-8).
[55] Arn.*Nat*.1.52.1; August.*C.D*.21.14; Prud.*Apoth*.491; Clem.Rom.*Recogn*.4.27.
[56] The fragments have been collected and commented upon in the monumental study by Bidez and Cumont (1938,vol.II,137-263) to which I refer. We might observe that already Porphyry acknowledges the spurious nature of some of these works (Porph.*Plot*.16). Cf. also the more recent discussion of the Zoroastrian pseudepigrapha by Beck,1991,521-39.
[57] Cf. Bidez, Cumont,1938,vol.II,207-42.
[58] Cf. Bidez, Cumont,1938,vol.II,158-97.
[59] Cf. Bidez, Cumont,1938,vol.II,197-206.
[60] Cf. Bidez, Cumont,1938,vol.II,242-8.
[61] *PGM* XIII.968-9.
[62] *Apol*.25.4.
[63] On the *ἐπῳδαί* in magic, cf. **4.3**.
[64] Hdt.4.93-6. On Zalmoxis, cf. Eliade,1970,31-80 and recently Ferrari,2013,21-41 and Bevegni,2013,57-70.
[65] Hdt.4.94.

as a disciple of Pythagoras.[66] This latter version is followed by Strabo,[67] but not by Diodorus Siculus who includes, amongst various foreign lawgivers, the immortal Zalmoxis together with *Ζαθραύστης*,[68] an alternative spelling of Zoroaster.[69] It is not implausible that – in the wake of this well-documented tradition – Apuleius made more explicit the connection between Zalmoxis and philosophical *magia*, in the same manner in which, conversely, he proposes a goetic interpretation of Epimenides and Plato's highest good at *Apol*.27.2-3.[70] This would have made Apuleius' explanation palatable to the judge.[71]

We have so far discussed how Apuleius shrewdly presents philosophical magic, associating it with himself and Claudius Maximus, and how he supports his reasoning by even manipulating Plato. Having emphasised the holy character of the *Magus*, whose practices are commended by Plato – as Apuleius puts it – he can confidently question his audience by saying: *cur mihi nosse non liceat vel Zalmoxi bona verba*[72] *vel Zoroastri sacerdotia*?[73] Far from flatly denying his personal involvement in magic, Apuleius simply avoids its nefarious connotations and turns the situation to his advantage by resorting to the erudite distinction between philosophical and goetic magic.

4.3. The Depiction of the 'Vulgar' *Magus* and Goetic Utterances

It is now the time to focus on Apuleius' knowledge of the goetic type of magic, which he betrays at *Apol*.26.6-9. Apuleius attributes this interpretation to his enemies; they believe that the term *magus* does not denote the Persian priest but the goetic practitioner, whose powers lie in his incantations: *more vulgari eum isti proprie magum existimant*, *qui communione loquendi cum deis immortalibus ad omnia quae velit incredibili*[*a*][74] *quadam vi cantaminum polleat*.[75] But in

[66] Hdt.4.95. Herodotus is sceptical about the last version (cf. 4.96.1). On Pythagoras and his association with magic, cf. **4.5**.
[67] Str.7.3.5; 16.2.39.
[68] D.S.1.94.2. Similarly, in D.L.1.1, mentioned by Hunink,1997,vol.II,90, Zalmoxis as well as *μάγοι* and other barbaric populations are deemed the forerunners of Greek philosophy.
[69] Cf. Bidez, Cumont,1938,vol.I,175.
[70] **4.6**.
[71] On Maximus' philosophical affiliation, cf. **1.4**.
[72] Apuleius wisely refers to the *λόγοι καλοί* in Pl.*Chrm*.157a instead of referring to the *ἐπῳδαί*-*carmina*, thus avoiding a term pregnant with magical implications (**4.3**).
[73] *Apol*.25.8.
[74] This emendation is proposed by Butler, Owen,1914,69 for stylistic reasons and printed by Vallette,1924,33 and Hunink,1997,vol.I,55.
[75] *Apol*.26.5.

giving this vulgar interpretation (Apuleius mockingly insists), how could the prosecution have ever escaped the vengeance of such a powerful and baneful being as the evil *magus*?[76] This syllogistic ploy notwithstanding, this passage evidences Apuleius' deep familiarity with this harmful type of magic, and this showcase might have been looked at with suspicion in court.[77] To understand such dangerous implications better, some preliminary remarks are necessary: in this vivid sketch of the goetic practitioner, Apuleius argues that the *magus*' strength lies in the all-powerful *cantamina*, a synonym for the more common form *carmina*.[78] This is the means by which goetic practitioners were believed and believed themselves able to establish a *communio loquendi*,[79] as Apuleius puts it, contacting and compelling supernatural beings to grant their requests.[80]

We find abundant evidence of magical incantations in Greco-Roman sources as well as in this and other passages of the *Apologia*,[81] and since Abt's explanation chiefly focuses on the *PGM*, lacking an exhaustive account of the literary evidence,[82] I shall provide a more comprehensive analysis and test his results with an emic approach to magic; this will make it possible to reconstruct the beliefs concerning magical incantations in Apuleius' time and the meaning of Apuleius' reference to goetic charms.[83] Since the very appearance of the goetic usage of *μάγος* and its cognates in the fifth century BC, these practitioners were said to act by means of 'barbarian songs' (*βάρβαρα μέλη*)[84] and especially *ἐπαοιδαί*,[85] a word that acquires the meaning of 'magical spell' and maintains it throughout the centuries.[86] The most suitable Latin rendering of *ἐπῳδή* was undoubtedly *carmen*, already used to define the harmful and forbidden incantations

[76] *Apol*.26.6-9; additional remarks on this reasoning in Hunink,1997,vol.II,91.
[77] I argue that at 90.6 the utterance of the names of some *magi* provoked the uproar of the people in court (**11.5**).
[78] Cf. Burriss,1936,142-4.
[79] Cf. Abt's attempt to draw a comparison between this expression and other sources (p.50-6).
[80] On this, cf. my remarks on *Apol*.43.2 (**7.2**).
[81] Cf. below and n.91; 92; 93.
[82] Cf. Abt,1908,50-6.
[83] On magical spells, cf. Tupet,1986,2592-601, the monograph *Carmen magicum* by Fauth (1999), which focuses on the Roman world; Versnel,2002,104-58; *Brill's New Pauly*,vol.VIII,s.v.*Magical Spells*,coll.146-9; Bremmer,1999=2008,245-7. Except Bremmer, none of the aforementioned studies adopts an emic approach to explain how spells were a quintessential feature of what the ancients thought to be a goetic practitioner.
[84] E.*IT*.1337-8.
[85] Hp.*Morb.Sacr*.1.1; 1.2; the term here is always connected with *καθαρμοί* ('purifications'). This is the title of a poem by Empedocles thought to be a goetic text (**4.6**).
[86] The first reference to the of singing of the *Μάγοι* in Hdt.1.132 does not have goetic connotations (cf. De Jong,1997,118), as instead Sosiph.F 1.1 in *TrGR*,vol.I, ed.Snell, Kannicht,1986^2,261; Gorg.*Hel*.10; Pl.*R*.426b; X.*Mem*.2.6.10; Luc.*DMeretr*.4.5; *Nec*.6; 7; 10;*Philops*.7; 8; 11; 12; 15; 17; 35; 36. For a discussion of *ἐπῳδαί* in the *PGM*, cf. Abt,1908,41-4 and below.

in the *Twelve Tables*,[87] long before the concept and the terminology of magic entered the Roman world.[88] Then, from Vergil onwards, *carmen* fulfilled the same goetic role as its Greek counterpart *ἐπῳδή*, explicitly indicating the magical incantation.[89] As suggested by Apuleius in *Apol*.26.6, these utterances were believed to enable the practitioner to attain *omnia quae velit*, from love-magic[90] to lethal curses: in the *Apologia*, in fact, *carmen* indicates the magical incantation *tout court*,[91] the crippling spells cast on a boy,[92] as well as those used to seduce Pudentilla.[93] A brief survey of the *Magical Papyri* will allow us to confirm the variety of purposes that incantations had in real goetic practices: we find references to *ἐπῳδή-ἐπαοιδή*[94] in *formulae* for love-magic,[95] in instructions to summon a daemon,[96] as well as in recipes for healing inflammations[97] and headaches,[98] and to pick up a plant; so sundry was the employment of *ἐπῳδαί* in these rites that often the papyri do not even specify their purpose.[99]

In sum, we have ascertained the belief that the goetic practitioners – whichever their goal – would have needed to accompany their rituals with spells. After these clarifications, we may ask ourselves the reason why Apuleius preferred the form *cantamen* instead of *carmen*. Whereas the semantic spectrum of *carmen* is remarkably broad and the term is more neutral,[100] *cantamen* precisely indicates the 'magical spell' in literary description of magic:[101] Propertius, in fact,

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[87] Cf. *Tab.*8.1.a-b; 8.8.a-b (ed. Riccobono,1941[2]). Later sources (PLIN.*Nat.*28.17; 30.12; APUL.*Apol*.47.3; Serv.*A*.8.99) interpret these *carmina* as magical. Cf. Comerci,1977,287-303 who adopts an etic approach to magic, and especially De Meo,2005,139-43. It is worth mentioning the two apotropaic utterances reported in CATO *Agr*. 160.1 (cf. Ogden,2009[2],265), although neither conceived by their author as magical nor later interpreted as such.
[88] For a brief discussion of analogous supernatural traditions in Indo-European civilisations, cf. Watkins,1995,540-4; West,2007,326-9; 332-3.
[89] Cf. VERG.*E*.8.67; 68(=72; 76; 79; 84; 90; 94; 100; 104; 109); 69; 70; 103; *A*.4.487; HOR.*Epod.*5.72; 17.4; 17.28; *S*.1.8.19; PROP.1.1.24; 2.28.35; TIB.1.2.44; 1.2.51; 1.5.12; 1.8.17; 1.8.23; OV.*Am.*1.8.5; 1.8.18; *Ars*.2.104; *Rem*.290; *Met*.14.44; 14.58; *Fast.*2.426; V.FL.8.351; SEN.*Ep.*9.6; *Med.*688; *Phaed*.791; *Oed.*561; *Her.O.*467; PETR.134.12.13; LUC.6.822; QUINT.*Inst.*7.3.7; [QUINT].*Decl.*10.2; 10.7; 10.15; 10.16; 10.18; 10.19; SIL.1.103; 1.431; 8.440; TAC.*Ann.*4.22; JUV.6.133; APUL.*Apol.*31.9; 42.3; 42.7; 44.1; 45.2; 45.3; 45.4; 47.3; 67.3; 69.4; 71.1; 90.1; 102.1; *Met.*2.5.4; 3.22.1. For a list of occurrences, cf. *ThLL*,vol.III,s.v.*carmen*.coll.464-5. A funerary epigraph from North Africa is devoted to a woman *carminibus defixa* (*CIL* 8.2756), on which cf. Graf,2007,141,n.10.
[90] On this question, cf. the analysis of *Apol*.68.1-71.1 (**11.2**).
[91] *Apol*.31.9; 47.3.
[92] *Apol*.42.3; 42.7; 44.1; 45.2; 45.3; 45.4.
[93] *Apol*.67.3; 69.4; 71.1; 90.1; 102.1.
[94] The second form is preferred and often united to the adjectives *ἱερός* and *τέλειος*. Cf. also Abt,1908,43.
[95] *PGM* IV.453; IV.2749-50; IV.2923; IV.2935; VII.992.
[96] I.317.
[97] XX.7.
[98] XX.5; XX.15.
[99] I.296; I.332; IV.1970; IV.2785.
[100] Cf. *ThLL*,vol.III,s.v.*carmen*,coll.463-74.
[101] Cf. *ThLL*,vol.III,s.v.*cantamen*,col.279, which adds *Cod.Theod*.9.16.6; the reading in Mommsen's edition (1954[2],vol.II,461) is, however, not *cantaminibus* but *contaminibus*, hence I have excluded the passage from the discussion above.

regrets his unfamiliarity with the *cantamina* of the *Magica Musa*;[102] later, Prudentius adopts the same term to describe both a spell for love-magic[103] and a lethal enchantment.[104] Apuleius is fully aware of the goetic connotation of *cantamen* which he utilises not solely in the *Apologia*,[105] but also in the *Metamorphoses* when referring to the magical incantations of the evil Thessalian *sagae*.[106]

The possible suspicions aroused by the description of the goetic *magus* at *Apol*.26.6[107] were, however, bound to be tempered by the Platonising tone in which the whole argument is nestled: as we have already seen when commenting on the Preliminary Allegations,[108] Apuleius relegates his enemies to the lower ranks of an intellectual hierarchy, and depicts them as ill-educated slanderers.[109] Having defined the philosophico-religious type of magic and relying on the understanding judge,[110] he can now counterattack and measure the lofty connotation of magic against that of his vulgar opponents. His sardonic menace[111] is primarily meant to influence the erudite audience against them: since they believed, as Apuleius claims,[112] that *magus* could only mean 'goetic practitioner', their base understanding of magic condemned them *ipso facto* to suffer from the irrepressible powers which were popularly attributed to the *magi*. In this perspective, it becomes possible to comprehend why Apuleius ignores the fact that goetic magic was thought to be counteracted with phylacteries:[113] his intent in this passage is not to give an account of real goetic practices,[114] but rather to 'tickle the ears' of the learned audience and the judge with a

[102] PROP.4.4.51 and Hutchinson,2006,128.
[103] Prudent.*Perist*.13.23.
[104] Prudent.*C.Symm*.2.176.
[105] *Apol*.43.9; 84.3; 102.4. At 40.4, however, the term is used as a positive reference to the healing charm (*ἐπαοιδή*) of Autolycus' sons (Hom.*Od.*19.456-8), cf. **6.5.**
[106] APUL.*Met*.2.1.2; 2.22.3. Cf. also van Mal-Maeder,2001,56.
[107] Although everyone would have had a general idea of goetic magic, the *Lex Cornelia de sicariis et veneficiis* punished the very knowledge of magic (Paulus *Sent*.5.23.17), hence this display could have aroused suspicion.
[108] Cf. Chapter 3.
[109] *Apol*.5.6; 9.1; 9.6; 16.7; 23.5; 25.8, partly discussed in **4.2**. Cf. also Harrison,2000,46.
[110] *Apol*.25.9-26.4.
[111] Such provocations are a typical feature of the defence-speech, cf.38.7-8 (**6.4**); 64.1-2 (**10.7**); 90.6 (**11.5**).
[112] *Apol*.26.6.
[113] Abt,1908,56-60, followed by Martos,2015,50,n.164, objects that Apuleius' claim that none could avoid the vengeance of the goetic *magus* is untrue.
[114] One use of phylacteries, against magic: e.g. *amiantus* effectively counteracts any *veneficia* and especially those by the *magi* (PLIN.*Nat*.36.139); so does the *herba cynocephalia* (*Nat*.30.18) and, according to Ostanes, another way to avert the noxious effect of *mala medicamenta* consists in letting one's own urine drip on the foot (*Nat*.28.69). On Ostanes, cf. **4.5**. On the use of phylacteries in the Greco-Roman times, cf. Abt,1908,56-60; recently Faraone eds.,1991,107-37; Ogden in Flint *et al*. 1999,51-4; *Brill's New Pauly*,vol.XI,s.v.*Phylakterion*,coll.205-8.

subtle reasoning, making them sympathetic towards his own case, which – as he boldly argues – has nothing to do with the goetic magic.

4.4. A Plea for Philosophy

After the provocative question on the unavoidability of the *magus*' revenge,[115] at *Apol*.27.1-4 Apuleius moves to another topic: he states that he has not been brought to court under suspicion of being a *magus* as claimed by his accusers, but for being a philosopher. He already set this key argument out at the beginning of the speech[116] and employs it again in the *peroratio*,[117] bolstering with a perfect ring-composition his self-portrait of a Socrates reborn. Now Apuleius explains that philosophers were often blamed because of a 'commonplace mistake of the louts' (*communi quodam errore imperitorum*),[118] and specifies that philosophers were ignominiously taken for goetic practitioners, due to their base understanding of *magia*.[119] It has gone hitherto unacknowledged that a comparable argument can be found in Philostratus' *Life of Apollonius of Tyana*: according to this account,[120] the Pythagorean was tried as well under suspicion of *γοητεία*.[121] Similarly to Apuleius,[122] Apollonius professes to be the victim of a persecution against philosophy,[123] explicitly compares himself with Socrates,[124] and also with other illustrious philosophers of old such as Thales[125] and Anaxagoras, wondering how they could be deemed *γόητες* because of their divine predictions.[126]

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[115] *Apol*.26.6-9.
[116] *Apol*.1.3; 3.5-6 and Harrison,2000,52.
[117] *Apol*.103.4.
[118] *Apol*.27.1. This substantival usage of *imperitus* to discredit the prosecution mirrors that in *Apol*.1.3; 3.6; 82.5.
[119] *Apol*.27.1-3.
[120] On its fictitiousness, cf. Bowie,1978,1652-99 and 1994,181-99. Cf. also the discussion by Whitmarsh,2004,423-35.
[121] Cf. especially *VA* 7.17. The allegations concerned the following points: Apollonius' linen clothes, his asceticism, the fact that he was an object of worship, the prophecies delivered in Ephesus, his open dislike of Domitian, the sacrifice of an Arcadian youth (*VA* 7.20), and also his beard and long hair, the 'Protean' ability to transform himself into water, tree, and wild animal (*VA* 7.34). The charge concerning the hair is analogous to that brought forth by Apuleius' accusers (cf. *Apol*.4.11-3 in **3.2**).
[122] *Apol*.27.2-3.
[123] *VA* 7.11.
[124] *VA* 7.11 and 8.7.9, compared below to *Apol*.27.3.
[125] In Clem.Al.*Strom*.6.7.57 it is said that Thales, like Pythagoras and Pherecydes, studied with the *μάγοι*.
[126] *VA* 8.7.9. The close proximity between Philostratus and Apuleius must be due to pre-existing *topoi* concerning magic and philosophy (**2.2**), on which Apuleius and Philostratus independently drew. I take the opportunity to thank Ewen Bowie and Malcolm Heath for discussing this question with me. Demeretz,2004,209-22 argues that Apuleius was influenced by the defence-speech of Apollonius, which should mirror that recorded by Philostratus; however, for the fictitiousness of the Philostratus' account, cf. n.120.

The reference to Anaxagoras and Socrates in Apollonius' speech brings us back to *Apol*.27.1-4, where Apuleius mentions these and other philosophers unjustly vilified by the mob, then he sarcastically congratulates himself for being numbered amongst such eminent sages.[127] To be more specific, he asserts that those who enquired about the nature were attacked, *ut Anaxagoram et Leucippum et Democritum et Epicurum ceterosque rerum naturae patronos*,[128] as well as those *qui providentiam mundi curiosius*[129] *vestigant et impensius deos celebrant*, *eos vero vulgo magos nominent* […] *ut olim fuere Epimenides et Orpheus et Pythagoras et Ostanes*,[130] *ac dein similiter suspectata Empedocli catharmoe*, *Socrati daemonion*, *Platonis τὸ ἀγαθόν*.[131] We can easily detect that Apuleius divides the philosophers into two main groups: the former comprising those who were accused of irreligiosity[132] – which is, however, not the question at issue during the trial –[133] and the latter encompassing those who were regarded as *magi*.[134] This second list is particularly interesting for our study, since I will demonstrate that these philosophers were really believed to have connections with the Magi, and that the ambiguity of *μάγος-magus* induced others to consider these philosophers as goetic practitioners.[135]

Before addressing this point, one may note that Democritus – who features in the list of the natural philosophers – could also have been included among those philosophers suspected of magic, as remarked by Butler and Owen.[136] In the *Naturalis Historia* 30.2.9, [137] a passage well-

[127] *Apol*.27.4.
[128] *Apol*.27.1.
[129] As Hunink,1997,vol.II,92 observes, here the term is not used with the same connotation that we find in the *Metamorphoses*. This religious type of *curiositas* is examined by Leigh,2013,130-60, who does not discuss this passage. In the *Metamorphoses*, *curiosus* and *curiositas* mark Lucius' inappropriate interest in Thessalian magic (e.g. *Met*.2.6.1; 3.14.1; 11.23.5, cf. Leigh,2013,79-81; May,2013,22; Keulen *et al*. eds.,2015,383-4), mirroring a literary tradition that we already find in HOR.*Epod*.17.77 (cf. Watson,2003,583; Leigh,2013,136-50). This is reflected by their Greek counterparts *περίεργος* and *περιεργία* (cf. QUINT.*Inst*.8.3.55), which are equally fundamental keywords in Ps.-Luc.*Asin*.15; 45; 56. It is not a mere coincidence that Ostanes' quotation in Ps.-Democr.3 (ed.Berthelot,1887,43,l.22-4; p.10) is reported as follows: *ἦκω δὲ κἀγὼ ἐν Αἰγύπτῳ φέρων τὰ φυσικὰ, ὅπως τῆς πολλῆς περιεργείας καὶ* [*οὐ*] *συγκεχυμένης ὕλης καταφρονήσητε*. Analogously in *PGM* XII.402 the name of the herbs associated with the statue of each deity is kept secret because of the people's *περιεργία*.
[130] *Apol*.27.2.
[131] *Apol*.27.3.
[132] *Apol*.27.1.
[133] Cf. also Hunink,1997,vol.II,91; Harrison,2000,64.
[134] *Apol* 27.2-3.
[135] **4.5**, **4.6**.
[136] Butler, Owen,1914,70. On Democritus and magic, cf. also Abt,1908,252-3; Martos,2015,226,n.687.
[137] Cf. also PLIN.*Nat*.24.156; 24.160; 25.14. An exact parallel for 30.9 cannot be found: Cicero acknowledges that Democritus, Plato and Pythagoras went to study to the *ultimae terrae*, without explicitly mentioning the *magi* (cf. CIC.*Fin*.5.50; *Tusc*.4.44). Philostratus (*VA* 1.2.1) independently explains that Democritus, Empedocles, and Pythagoras went to see the *Μάγοι*. Diogenes Laertius, drawing on other sources, refers that Democritus was taught by some *μάγοι* and *Χαλδαῖοι* in Abdera (D.L.9.34), and that he travelled to Persia (D.L.9.35). Therefore, there was a *communis opinio* concerning Democritus' relationship with the *magi*.

known to Apuleius,[138] Democritus is described as a follower of the traditions of the *magi* together with Pythagoras, Empedocles and Plato. Even though his goetic reputation – as well as the attribution of various treatises to him –[139] should be ascribed to Bolus of Mendes, who circulated his *Cheiromecta* under the name of Democritus,[140] for Pliny it is beyond doubt that Democritus sought the scrolls buried in the tomb of the *magus* Dardanus.[141] Another interesting account handed down under the name of Democritus himself[142] relates that the philosopher evoked from Hades[143] his master Ostanes in order to know the location of the *βιβλία* unveiling the knowledge to control *φύσις*.[144] Further evidence for such a goetic reputation can be found in the *Magical Papyri*: the name of Democritus appears in the title of a series of recipes with different purposes (*Δημοκρίτου παίγνια*),[145] which seem related to a symposiastic context;[146] it is also found together with Pythagoras in the title of a *formula* for dream divination *(’Ονειραιτητὸν Πυθαγόρου καὶ Δημοκρίτου ὀνειρόμαντις μαθηματικός*),[147] and lastly in the *Δημοκρίτου Σφαῖρα*, explaining how to predict life and death.[148]

Given Democritus’ notoriety for being involved in magic, Apuleius resorts to a safer tradition: that of Democritus as a natural philosopher.[149] This enables Apuleius to create two symmetrical groups. On the one hand, the purportedly *irreligiosi*: Anaxagoras, Leucippus, Democritus, Epicurus; on the other hand, the supposed *magi*: Epimenides, Orpheus, Pythagoras, Ostanes.[150] The following discussion will shed more light on relations between these philosophers

[138] *Apol*.90.6 for close parallels (**11.5**), and Chapter 2 for general observations. The passage was also known and commented upon in GEL.10.12.
[139] E.g. PS.APUL.*Herb*.4.7 (*CML*,vol.IV,1927,33 in apparatus) and Dsc.2.118 where Zoroaster, Ostanes, Pythagoras, and Democritus are cited as authorities.
[140] PLIN.*Nat*.24.160 and especially COL.7.5.17, where the Democritean authorship is confuted. On Bolus, cf. Kingsley,1995a,325-8; Gordon,1997,128-58; Dickie,2001,117-22.
[141] PLIN.*Nat*.30.9. It is noteworthy that D.L.9.35 reports that, according to Antisthenes of Rhodes (*FGrH* 508 F 12), Democritus used to spend time alone amongst the graves. A different account is given in Luc.*Philops*.32: a rationalist Democritus, convinced that souls die with the bodily decease, retired into a tomb to write and was not scared by youths dressed up like ghosts; cf. Ogden,2007,225-7. On Dardanus, cf. *Apol*.90.6 (**11.5**).
[142] Ps.-Democr.3 (ed. Berthelot,1887,42-3), cited by Bidez, Cumont,vol.II,317-20 and also mentioned in Betz^2,1992,L,n.16.
[143] On magic and necromancy, cf. **10.2**.
[144] Analogously in PETR.88.3, mentioned in Abt,1908,252.
[145] *PGM* VII.168-86. This and the following two *formulae* are cited in Abt,1908,252-3.
[146] Cf. Betz,1992^2,120.
[147] *PGM* VII.795.
[148] XII.351-64.
[149] This is also employed in *Fl*.18.19, cf. Hunink,2001,187-8; Martos,2015,226,n.687.
[150] *Apol*.27.2 (**4.5**).

and both philosophical and goetic magic, and the reason why Apuleius provocatively associates them with the goetic type of magic.

4.5. The Goetic Notoriety of Pythagoras, Orpheus, and Ostanes

The content of the second list of philosophers – associated with the *magi* and, consequently, with magic – at *Apol*.27.2-3 is clustered in two sections: firstly, Apuleius lists some philosophers of old: Epimenides, Orpheus, Pythagoras, and Ostanes, who were wrongly considered goetic *magi*.[151] Secondly, he maintains that Empedocles' *Purifications*, Socrates' daemon and Plato's highest good underwent an equal misjudgement.[152] The passage can be seen as a reaction to Pliny's *Natural History*, where Ostanes,[153] Orpheus,[154] Pythagoras as well as Empedocles and Plato[155] are said to be involved in goetic magic. Although Apuleius insists that to consider these venerable philosophers as goetic practitioners befits his ignorant accusers, there is a substantial tradition connecting these figures with goetic magic which Pliny follows. I shall, therefore, put Abt's discussion on a firmer basis,[156] and examine the magical reputation of each of these figures, starting with those included in the first group at 27.2.

As to Epimenides, excluding this passage of the *Apologia*, there is no further evidence that this legendary wise man had anything to do with magic or with the *magi*;[157] however, in Apuleius[158] and in Diogenes Laertius[159] it is said that Epimenides had taught a sage cited in our passage of the *Apologia*, whose magical notoriety was far more evident: Pythagoras. The belief that Pythagoras was intimate with *magi* is, in fact, commonplace in Greek and Latin authors – including Apuleius – who agree on Pythagoras' Levantine travelling and his meeting with the

[151] *Apol*.27.2.
[152] *Apol*.27.3.
[153] PLIN.*Nat*.30.8.
[154] PLIN.*Nat*.30.7. For a brief profile of Orpheus, Pythagoras, and Empedocles dabbling in magic, cf. Luck in Flint *et al*. 1999,117-9, who resorts to the outdated category of 'shamanism' employed in Dodds,1951,135-78.
[155] PLIN.*Nat*.30.9.
[156] The study by Abt,1908,252-4 – followed by Butler, Owen,1914,70-1 and Hunink,1997,vol.II,92-3 – is incomplete since it focuses uniquely on Democritus, Orpheus, and Pythagoras. Martos,2015,51-2,n.167-8 refers to Abt, but acknowledges more recent bibliography.
[157] For a thought-provoking but outdated interpretation, cf. Dodds,1951,140-7. An important evidence, showing that Epimenides was associated with mythical sages amongst whom *Ζωροάστρης ὁ Μῆδος*, is Clem.Al.*Strom*.1.21.133. In Lucian's *Philops*.26, his reawakening is alluded to amongst other supernatural deeds. Cf. also Luck in Flint *et al*. 1999,117-9.
[158] APUL.*Fl*.15.20.
[159] D.L.8.3. Iamblichus (*VP* 104;222) reports that Epimenides and Empedocles were instead disciples of Pythagoras.

Persian Magi.[160] For those who considered the Magian lore as a source of philosophical wisdom, unblemished by any evil connotations,[161] Pythagoras became a model worth imitating; hence, from this Pythagorean tradition probably stems the belief that other philosophers, including Empedocles, Democritus and Plato, followed his example when travelling East. However, given the semantic ambiguity of *μάγος-magus* and the resulting confusion between philosophical and goetic magic,[162] Pythagoras was inevitably bound to be associated with the latter type of magic, as it emerges from both literary and papyrological sources: the Cockerel of Lucian's *Gallus* – the goetic features of which I discuss when commenting on *Apol*.47.7 –[163] is said, in fact, to be a reincarnation of Pythagoras himself,[164] and in the title of the aforementioned divinatory *formula* of *PGM* VII.795 we find the name of Pythagoras together with that of Democritus.[165]

Another figure to whom magical skills were attributed is Orpheus. Butler and Owen reference two significant passages from Pausanias and Strabo:[166] the former mentions that an unspecified Egyptian authority considered the Thracian Orpheus, as well as Amphion, to be able to use magic (*μαγεῦσαι*),[167] while Strabo indicates that Orpheus was an *ἀνὴρ γόης* who earned his living with *μουσική* and *μαντική* and performing mystery initiations;[168] having gathered a throng of followers, he was eventually killed for the fear of plotting and violence.[169] I would like to add that Plutarch, too, associates Orpheus with the doctrines of the *μάγοι* followers of Zoroaster,[170] and the Platonist Celsus includes him amongst wise men such as Zoroaster and Pythagoras.[171] This tradition might even be older, since the *μάγοι* are already acknowledged in the Orphic ritual

[160] CIC.*Fin*.5.87; V.MAX.8.7.2; PLIN.*Nat*.24.156; 24.160; 25.14; 30.9; Plu.*Moralia*.1012e; APUL.*Fl*.15.14; Philostr.*VA* 1.2.1; Clem.Al.*Strom*.1.66; 1.69-70; 6.7.57; D.L.8.3; Hippol.*Haer*.1.2.12; 6.23.2; Porph.*VP* 6;12; Eus.*PE* 10.4.14-5; Iamb.*VP*.19;151; Jul.*Or*.7.236d; Cyril.Al.*adv.Iul*.3-4; *Suid*.π 3120 ed. Adler. The evidence is collected in Timpanaro Cardini,1958,vol.I,12-61 and Cuccioli Melloni,1969,16-21; 40-219.
[161] This philosophical trend is clearly described in D.L.1.2; 1.6 and also in Luc.*Fug*.8. On this, cf. my remark on philosophical magic in **2.2**. In the *Philopseudes*, Lucian mocks the credulity in supernatural deeds shared by Pythagoreans, Academics, Stoics, and Peripatetics; cf. Ogden,2007,18-30.
[162] Chapter 2.
[163] Luc.*Gall*.28 examined in the discussion of *Apol*.47.7 (**7.4**).
[164] *Gall*.18.
[165] **4.4**.
[166] Cf. Butler, Owen,1914,70; they also lay stress on E.*Alc*.966-9 and E.*Cyc*.646 in which Orpheus is connected with *φάρμακα* and *ἐπῳδαί* respectively.
[167] Paus.6.20.18.
[168] On mysteries and magic, cf. **8.2**.
[169] Strab.7a.18.
[170] Plu.*Mor*.415a.
[171] Orig.*Cels*.1.16.

described in col.V,8-9 of the *Derveni Papyrus*,[172] which dates to the 340s BC.[173] This widespread belief connecting Orpheus with magic – either of the philosophical or the goetic kind – probably eased the circulation of spurious works concerned with magic: Pliny acknowledges him as the first author of a detailed study on the supernatural virtues of herbs,[174] and two treatises on the supernatural virtues of the stones have, in fact, been handed down under the name of Orpheus. In the former, in verse, the *Μάγοι* are mentioned as respectable authorities,[175] while the latter, in prose, contains direct references to the *μάγοι* as goetic practitioners.[176] In the wake of this tradition, we find Orpheus called *ὁ θεολόγος* in the title of a goetic recipe of the *PGM* for summoning gods and goddesses,[177] followed immediately afterwards by a quotation from Erotylos' *Orphika*, which contains various *voces magicae*.[178]

If the association with magic is an ancillary trait of the beliefs surrounding Pythagoras and Orpheus, it entirely defines and characterises the third *philosophus* cited by Apuleius, namely Ostanes.[179] According to Pliny, Ostanes was responsible for spreading the *magicae artes* in the Hellenic world while accompanying Xerxes' expedition and was also the author of the first treatise on magic which Pliny could find.[180] Many pseudepigrapha circulated under the name of Ostanes, and although none of these works has survived,[181] references and citations in other sources enable us to reconstruct that they concerned healing remedies, uncanny powers of stones, plants and animals.[182] Furthermore, analogously to Democritus, Pythagoras and Orpheus,

[172] For the interpretation of these lines, cf. Kouremenos *et al*.,2006,170 and 166-8 on the meaning of *μάγοι* in the context. Cf. also Tsantsanoglou,2008; Ferrari,2011,71-3.
[173] Kouremenos *et al*.,2006,3.
[174] PLIN.*Nat*.25.12.
[175] Orph.*L*.697. An earlier passage (71-4) alludes to the goetic reputation of the *μάγοι* and to the persecutions against them. Halleux and Schamp took this evidence to date the text to the first half of the second century AD (1985,51-7). For a detailed introduction cf. Giannakis,1982,19-78, who focuses on its stylistic and content-based features.
[176] Orph.*Lith.Keryg*.11.14; 23.2-3, according to the editon by Halleux, Schamp,1985; Giannakis,1987,74 expunges the first occurrence since he argues that the group of MSS (family *δ*) preserving it inherited the passage from the *Περί λίθων* ascribed to Socrates and Dionysius. I wish to express my gratitude to Michael Paschalis for giving me a copy of Giannakis' volumes.
[177] *PGM* XIII.935-48.
[178] XIII.948-55. On Erotylos, cf. Abt,1908,253-4 and Betz,1992^2,193,n.129. On the *voces magicae*, cf. **6.4**.
[179] Cf. also Abt,1908,251-2; Butler, Owen,1914,163; Bidez, Cumont,1938,vol.I,167-207; *Brill's New Pauly*,vol.X,s.v.*Ostanes*,coll.279-80; Fernández García,2009,731-44.
[180] PLIN.*Nat*.30.8. At 30.2.11 Pliny acknowledges the existence of a second Ostanes travelling in the retinue of Alexander the Great, of whom we have no other information (cf. Ernout,1963,82).
[181] These fragments are collected and discussed in Bidez, Cumont,vol.II,271-356.
[182] Bidez and Cumont divide these fragments in two groups: magical (p.296-308) and alchemic (p.309-56).

Ostanes' name also recurs in the *Magical Papyri*: the prefatory epistle[183] of a *formula* to seek the assistance of a *καταχθόνιος δαίμων* in love-magic is addressed to *βασιλεύς 'Οστάνης*;[184] he is also referred as an authority in a recipe for sending dreams by means of a daemon.[185]

Having reconstructed the goetic aura surrounding these *philosophi* mentioned by Apuleius, we can infer that despite his upbeat tone, such a namedropping might have had some controversial repercussions, since – as I argue in Chapter 11 – the utterance of a list of *magi* at *Apol*.90.6 seems to have encountered a cold reception in the courtroom of Sabratha.[186] Nothing precludes us from thinking that the prosecution might have protested and feigned upset, especially when hearing the name of the *magus* Ostanes. However, according to Apuleius' reasoning, this reaction would have been worthy of vulgar and superstitious people[187] such as his attackers, whom Apuleius relegates to the lower ranks of his intellectual hierarchy. Surely, the learned audience and especially Claudius Maximus would have never deemed these philosophers goetic practitioners; on the contrary, they could have been disturbed by this very association, which Apuleius attributes to his enemies.

4.6. Philosophers and Magi: Empedocles, Socrates, and Plato

So far we have explored the goetic renown of Orpheus, Pythagoras and Ostanes. Apuleius does not limit himself to deliberately associating these sages with goetic magic; he piles it on, and considers Empedocles' *Purifications*, the daemon of Socrates, and even Plato's highest good as evidence for goetic magic. This provocative *climax* was meant to demonstrate how dangerous and untrustworthy the reasoning of Apuleius' accusers was: their miscomprehension of the meaning of *magus*, due to their ignorance, would induce them to regard him – a Socrates reborn – and figures above suspicion such as Empedocles, Socrates, and Plato, as goetic *magi*. Nevertheless, we need to point out that, although no evidence shows that Plato's *τὸ ἀγαθόν* was associated with

[183] On the use of epistlolary dedication in late-antique recipes, cf. Halleux, Schamp,1985,215; *Brill's New Pauly*,vol.IV,s.v.*Epistolography*,col.1145.
[184] *PGM* IV.2001-118.
[185] *PGM* XII.122-43.
[186] *Apol*.91.1 and my comments in **11.5**.
[187] On their supposed superstion, cf. my remarks on *Apol*.25.5 (**4.2**).

magic, all of these three philosophers were thought to be related to the *magi* much before and during Apuleius' time.

That Empedocles, similarly to Pythagoras[188] and Democritus,[189] was believed to have pursued the wisdom of the Magi is retold in the *Naturalis Historia*[190] and in the *Life of Apollonius of Tyana*.[191] Although Butler and Owen, and Hunink alike[192] argue that the fragments of Empedocles' *Purifications* do not betray any direct connection with magic,[193] the evidence in Diogenes Laertius suggests quite the opposite:[194] Diogenes, in fact, abridges a passage from the Peripatetic Satyrus reporting that Gorgias – who was a disciple of Empedocles – witnessed his master practising goetic rites (*γοητεύων*), and that Empedocles himself claimed to have such powers in a passage (DK 31 B 111) of his own *Purifications*[195] alluding to the ability of rejuvenating the old,[196] controlling the wind[197] and rain, and reviving the dead from Hades.[198] Peter Kingsley substantiates a goetic reading of this fragment of the *Purifications* and of the figure of Empedocles.[199] This interpretation, which dates already to Gorgias' time – if we believe in Satyrus' account – could be due to the fact that Empedocles was already thought to have contacts with the *μάγοι* by his contemporary Xanthus of Lydia.[200] We can, therefore, conclude that Apuleius' provocative interpretation of Empedocles and, specificially, his *Καθαρμοί* as a magical text was not unprecedented.

As to Socrates, already in the portrayal offered in Plato's dialogues we find him jestingly addressed as *γόης* for the constraining strength of his elenchus.[201] Later evidence for Socrates'

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[188] **4.5**.
[189] **4.4**.
[190] PLIN.*Nat*.30.9.
[191] Philostr.*VA* 1.2.
[192] Cf. Hunink,1997,vol.II,93.
[193] Cf. Butler, Owen,1914,70-1.
[194] D.L.8.59.
[195] Cf. frg.101 Wright,1995=frg.15 Inwood,2001. Cf. the discussion in Kingsley,1995a,220 and n.9.
[196] Such is the ability of the mistress of magic Medea in OV.*Met*.7.159-293.
[197] On this, cf. also the mention of Aeolus in *Apol*.31.7 (**5.5**).
[198] For an overview, cf. **10.1**.
[199] Cf. Kingsley,1995a,217-32, who does not attempt to distinguish between philosophical magic and goetic magic, though.
[200] D.L.8.63=Arist.*Fr*.66 ed.Rose,1886,75=*FGrH* 765 F 33. That this passage would belong to the text in which Xanthus talks about the Magi is argued in Kingsley,1995b,185-91.
[201] Pl.*Men*.80a-b; Meno says, in fact, to Socrates: *καὶ νῦν, ὥς γέ μοι δοκεῖς, γοητεύεις με καὶ φαρμάττεις καὶ ἀτεχνῶς κατεπάδεις, ὥστε μεστὸν ἀπορίας γεγονέναι* (*Men.*80a). For goetic terminology attributed to the Platonic Socrates, cf. de Romilly,1975,33-7; Belfiore,1980,133-6. This evidence is open to different scholarly views: Belfiore,1980,128-37 denies a serious goetic interpretation, while Gellrich,1994,275-307 defends it. In addition to this, we may add the

connection with magic is scanty:[202] Diogenes Laertius cites a passage from a lost work by Aristotle, reporting that a *μάγος* from Syria foretold Socrates' violent death; [203] this, however, does not allow us to establish a direct relationship between Socrates and the *μάγοι*. The only remarkable – although independent –[204] parallel with this passage of the *Apologia* is in Philostratus' *Vita Apollonii* 8.7.9,[205] in which Socrates and his *δαιμόνιον*[206] are paradoxically interpreted in a goetic perspective.

The evidence underlining the belief that Plato had a relationship with the Persian Magi[207] contains different versions of the story: according to Pliny,[208] Plato went overseas to study their wisdom like Pythagoras; however, Diogenes Laertius[209] and Apuleius himself[210] say that, Plato's intentions notwithstanding, he could not reach Persia because of war. A slightly different account is found in later sources, which however reflect lost texts originated from the first generation of Plato's pupils:[211] in Olympiodorus' *In Alcibiadem*[212] and in the *Anonymous Prolegomena*[213] it is explained that Plato, instead of travelling to Persia, went to meet some Persians in Phoenicia from whom he learned the doctrine of Zoroaster.

The Magi themselves thought highly of Plato and, according to the *Anonymous Prolegomena*, Plato was superior to Pythagoras because, whilst the latter went to Persia to learn *τὴν τῶν μάγων σοφίαν*, the Magi went to Athens because of Plato, 'longing to participate in his philosophy' (*τῆς ἐξ αὐτοῦ μετασχεῖν φιλοσοφίας γλιχόμενοι*).[214] That they respected Plato is also

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reference to *φάρμακα* and *ἐπῳδαί* in Pl.*Charm*.155e (on which cf. Slezák,1985,141-8), and a citation from Timon's *Silloi* in D.L.2.19=frg.25 [50] Diels,1901,190.

[202] Other sources provide dubious evidence: in *PGM* XII.229-30 the transmitted reading is *σοκρα|της* (*sic*.); this is, however, emended with *ὁ Κράτης* by Eitrem,1925,117-20, followed by Preisendanz,vol.II,1974^2,73. Analogously, the title of a *Περί λίθων* which contains references to magic (cf. 31.1 ed.Halleux, Schamp), is attributed to Socrates and Dionysius, but it has been suggested by Wirbelauer,1937,42 that the reading Socrates is a corruption of Xenocrates; on the treatise cf. Halleux, Schamp,1985,139-44. We might mention the Apuleian Socrates and his mishaps with the Thessalian *sagae* in APUL.*Met.*1.5-19; although this does not evidence Socrates' dabbling in magic, this figure can be regarded as an 'Anti-Socrates', cf. May,2013,30-2.

[203] D.L.2.45=Arist.*Fr*.32 ed.Rose,1886,43.

[204] Cf. for possible presence of stock themes on which Apuleius and Philostratus independently drew, cf. n.126.

[205] **4.4**.

[206] For the magical connotations of the Latin rendering *daemonion*, cf. my remarks at 63.6 in **10.6**.

[207] On the question, cf. Riginos,1976,25-7; 66-7 and Kingsley,1995b,195-8. As Momigliano,1975,143 remarks, already at the beginning of the third century BC, the Epicurean Colotes admonished Plato for borrowing from Zoroaster (Procl. *in R*.2.109).

[208] PLIN.*Nat*.30.9.

[209] D.L.3.7.

[210] APUL.*Plat*.1.3. On the passage, cf. Fletcher,2009,257-83; 2014,209-10.

[211] Cf. *Brill's New Pauly*,vol.XI,s.v.*Plato*,col.338.

[212] Olymp.*in Alc*.2.138-41.

[213] *Anon.Prol.*4.10-1, I refer to paragraphs and lines of Westerink's edition (1962).

[214] *Anon.Prol*.6.19-22.

shown by other evidence: Seneca writes that the Magi who were in Athens when Plato died made offerings to the departed and considered the years of his life as a numinous sign, being the *perfectissimus numerus* eighty-one.[215] This examination shows, hence, that a relationship between Plato and the Persian Magi was believed to have existed, and this could have induced those who despised the Magi as goetic practitioners to believe that Plato was interested in rather suspicious lore.

To sum up, we have highlighted how philosophers such as Orpheus, Pythagoras, Ostanes, Empedocles, Socrates, and Plato were connected to the Magi, and this led to the creation of their goetic reputation. Apuleius, probably following the information set out in the *Naturalis Historia*,[216] rearranges this figures in a provocative *climax*, culminating with the hitherto unheard association of Plato's highest good with goetic magic. The judge Maximus and the cultured audience would have considered this as blasphemy: according to Apuleius' reasoning, only those who failed to understand the real meaning of *magus* – such as his foes –[217] could have had such a vulgar opinion of these revered philosophers and, consequently, for Apuleius himself, who proudly associates himself with them.[218] We can conclude that, even if all these figures were popularly associated with goetic magic, this cogent argument would have lessened the very idea that Apuleius was a wicked *magus* in the eyes of the judge, before he begun discussing the Primary and Secondary Charges. These accusations, thus, would have appeared as the result of a misunderstanding, and if Apuleius was to be blamed for goetic magic, so were Pythagoras, Empedocles, Socrates, and Plato.

[215] SEN.*Ep*.58.31. The passage from Favorinus in D.L.3.25 – which reports that a Persian named Mithridates placed a statue of Plato in the Academy – shows that the Persians held Plato in high regard; cf. Kingsley,1995b,197-8 and 199-203, where he tries to connect this information with the fragment of Philip of Opus containing a dialogue between Plato and a Chaldean (cf. Gaiser,1988,176-80); Kingsley's argument is followed by Vasunia,2007,250-1 and Horky,2009,93-98. On the possibility that the Magi were in Athens in Plato's time, cf. Tuplin,2017. I owe my gratitude to Christopher Tuplin for sending me a copy of this chapter before its publication.
[216] *Nat*.30.7; 30.9.
[217] **4.3**.
[218] *Apol*.27.4.

4.7. Conclusion

Although Apuleius discloses his acquaintance with the figure of the goetic practitioner[219] and uses a terminology with specifically magical connotations,[220] he succeeds in structuring a compelling argument at *Apol*.25.5-28.9. By relying on a well-established tradition, he plays with the semantic ambiguity of magic in order to portray himself as a devout follower of a wisdom commended by Plato,[221] while he attributes the goetic interpretation of *magus* to his attackers,[222] whose ignorance inevitably induced them to confuse every philosopher with the practitioners of goetic magic.[223] As we have noted, Apuleius stakes it all on his Platonic hierarchy contrasting higher and lower values in order to suggest that Claudius Maximus, the erudite audience in court – as well as his readership – should have sided with him and unequivocally condemned his base prosecutors. We can, therefore, consider this section of the *Apologia* as the very ground upon which Apuleius lays the foundations of his confutation of the main charges.

The reconstruction proposed in the following chapters will demonstrate that the magical allegations brought against Apuleius were far more dangerous than what has been hitherto believed, and were backed up by evidence and oral and written depositions. The Platonising arguments set out in this section of the *Apologia* will, therefore, play a crucial role in the next part of the defence, enabling Apuleius to boast his self-declared intellectual superiority, while scorning the baseness of his opponents and the mendacity of their arguments.

[219] *Apol*.26.6 (**4.3**).
[220] Cf. *cantamen* at 26.6. (**4.3**).
[221] *Apol*.25.9-26.5.
[222] *Apol*.26.6.
[223] *Apol*.27.2-3.

Chapter 5: Love, Sea Creatures, and Literary Magic

5.1. Introduction

The second and most threatening set of accusations that Apuleius attempts to disprove at *Apol*.29-65 are the Primary Charges, which aim at underscoring Apuleius' involvement in goetic magic as a whole, and to prove that he was capable of forcing Pudentilla into marriage. As Abt explains,[1] the first of these allegations specifically concerned the magical seduction of his wife by means of three *res marinae*: two molluscs with obscene names[2] and a sea-hare[3] supposedly dissected to obtain the ingredients for a love-charm.[4] This cannot be immediately gathered from *Apol*. 29.1-42.2, the lengthy section of the defence-speech devoted to countering this charge, because Apuleius arranges it to make his enemies' argument unintelligible:[5] firstly, he begins by arguing that fish is unusable in magic,[6] then he sandwiches the discussion of the sea animals allegedly dissected[7] within a pietistic declaration of the philosophical nature of his research.[8] Given its length and some significant thematic differences, it is possible to divide the rebuttal of the first Primary Charge into two instalments, which I examine separately: whilst *Apol*.29.1-31.9 is mostly characterised by Apuleius' showcase of literary magic,[9] *Apol*.32.1-42.2 is mainly concerned with providing a Platonising tone to counterbalance the risks of the previous display.[10]

In this chapter I shall focus on *Apol*.29.1-31.9: the forensic strategy employed here consists in disproving the principle underlying the accusation, that is that fish serves magical purposes. To achieve this goal, Apuleius draws on illustrious authorities, arguing that their literary descriptions of magic do not show any employment of sea animals. Although scholars have acknowledged that Apuleius' statement is mendacious,[11] I will cast new light on Apuleius' controversial claim[12] that fish has no utility in magic,[13] and on the serious implications of the

[1] Abt,1908,61 followed by Amarelli,1988,121; Bradley,1997=2012,8; Harrison,2000,66; Pellecchi,2012,162-7.
[2] *Apol*.33.5-34.6.
[3] *Apol*.33.3; 40.5-11.
[4] *Apol*.41.5 and 68.1.-71.1 examined in **6.6** and **11.2** respectively.
[5] Cf. Vallette,1908,59 and Hunink,1997,vol.II,97-8.
[6] *Apol*.29-31.
[7] *Apol*.33.3-34.6; 40.5-11.
[8] *Apol*.36-9; 41.5.
[9] *Apol*.30.6-31.7; on literary magic, cf. **2.4**.
[10] Cf. **6.2**, **6.3**, **6.5**.
[11] **5.2**.
[12] *Apol*.30.4.
[13] **5.2**.

subsequent digression[14] by means of which he supports his argument: this consists in a showcase of learned references to Vergil, Laevius and Greek authorities,[15] particularly Homer.[16] Lastly, I shall explain how this digression does not solely exhibit his insight into literary magic but also indicates a clear knowledge of goetic practices, which could have had serious juridical implications.[17] This will enable us to infer that, although Apuleius' overflowing display complies with a precise sophistic strategy aiming at bewildering the audience with surprising arguments,[18] these might have also aroused scepticism about his self-admitted innocence.

5.2. A Bold Denial: No Fish in Magic

In order to rebut the first Primary Charge concerning the magical employment of sea creatures to seduce Pudentilla, Apuleius twists the evidence in his own favour: he opens this section by labelling the whole body of charges as Aemilianus' *deliramenta*,[19] and lays stress on the expression *suspicio magiae*,[20] an expression transforming the allegation into a *calumnia* (slander) – as he already claimed[21] and repeats shortly afterwards –[22] rather than a real *accusatio*.[23] With such premises, Apuleius summarises the charge as follows: *nonnulla me piscium genera per quosdam piscatores pretio quaesisse*.[24] From this we should infer that he harmlessly bought fish from some unspecified anglers. Allusions to magic are avoided and the all-encompassing term *pisces* distracts from the fact that he was accused of using two molluscs[25] and a poisonous sea-hare;[26] *piscis*, in fact, can indicate different types of marine creatures, including molluscs with or without a shell, and crustaceans.[27] Therefore, although Apuleius insists on his enemies' mendacity,[28] he intentionally overlooks two pivotal questions emphasised by his foes: the types

[14] *Apol*.30.5-31.9.
[15] **5.3**.
[16] **5.4**, **5.5**.
[17] **5.6**.
[18] **5.7** and Chapter 12.
[19] *Apol*.29.1 and previously in 27.5-12.
[20] *Apol*.29.1.
[21] *Apol*.1.4; 2.2; 2.6; 8.2; 25.7.
[22] *Apol*.29.3.
[23] Apuleius employs it shortly after (29.9), in a passage where the term *accusatio* produces a laughable effect.
[24] *Apol*.29.1.
[25] *Apol*.33.5-34.6.
[26] *Apol*.33.3; 40.5-11.
[27] Cf. *ThLL*,vol.X.1,s.v.*piscis*,col.2208.
[28] *Apol*.29.9.

of fish allegedly used,[29] and his intent to win Pudentilla over with love-magic.[30] The following witticism about the lack of connections between magic and the fact that fishermen provided him with fish[31] and were paid in return[32] is a mere distraction from the real issue at stake.

Having tampered with the prosecution's argument, Apuleius boldly claims that fish can be of no use in magical rites,[33] an assertion clashing with the idea that fish was ordinarily employed in real magic. This is partly shown by Abt, who focuses on astrological, encyclopaedic, and papyrological sources,[34] and to a greater extent by Bradley.[35] Both their discussions, however, lack an emic understanding of magic and include irrelevant passages.[36] In order to put this hypothesis on a firmer basis, I shall analyse evidence which, from an emic viewpoint, is connected to goetic practices or attributed to the *magi*, starting with a source well-known to Apuleius: the *Naturalis Historia*.[37] Pliny explains that the remora is an ingredient for both *amatoria* and *veneficia*,[38] and reports that the *magi* prescribed the dissection of sea crabs[39] and octopuses for curative purposes.[40] The evidence in the *Naturalis Historia* compares well to that in the *Magical Papyri*, highlighting the use of marine animals in goetic practices[41] and particularly in love-magic.[42] Furthermore, it seems improbable that an author of zoological[43] and medical treatises[44] such as Apuleius would have been unaware of the notoriety of the sea-hare[45] and the red mullet (*mullus* or *τρίγλη*), whose head was considered beneficial *contra omnia venena*, as Pliny explains;[46] this fish was also sacred to Hecate,[47] a goddess commonly associated with goetic

[29] *Apol*.33.2-7.
[30] *Apol*.41.5.
[31] *Apol*.29.3; 29.7.
[32] *Apol*.29.4-6; 29.8.
[33] *Apol*.30.4-31.9.
[34] Cf. Abt,1908,67-70.
[35] Cf. Bradley,1997=2012,9-11.
[36] E.g. Abt,1908,67,n.1 cites *Cat.Cod.Astr*.vol.II,170; vol.IV,136; vol.VI,95 to indicate the connection between Aphrodite and the sign of Fish. Bradley,1997=2012,9-10 mentions OV.*Fast*.2.577-82 and PLIN.*Nat*.32.44; 32.74; 32.133; 32.137 which do not deal with magic, but superstitious beliefs and popular medicine. Abt's argument is followed by Martos,2015,54,n.172 who acknowledges Bradley and Watson (n.38).
[37] Cf. Harrison,2000,26 and my remarks on *Apol*.27.1-3 (**4.4**, **4.5**, **4.6**) and 90.6 (**11.5**).
[38] PLIN.*Nat*.9.79. Cf. Abt,1908,68 and specifically Watson,2010,639-46 with further examples.
[39] *Nat*.32.55. On crabs, cf. also *Apol*.35.3 (**6.3**).
[40] *Nat*.32.121.
[41] *PGM* IV.2213;VII.374-6.
[42] *PGM* VII.300a-310; VII.467-77; XXXVI,361-71; *PDM* XIV.335-55.
[43] *Apol*.36.7-8; 37.4; 38.2-4, on which cf. Harrison,2000,29-30.
[44] Prisc.*Inst*.6.11, cf. Harrison,2000,25-6.
[45] **6.6**.
[46] PLIN.*Nat*.32.43. Cf. also Abt,1908,67-8.
[47] Ps.-Plu.*Prov*.8 and Ath.7.325a-d who cites various authorities, amongst which the comic poet Chariclides (cf. Kassel,Austin,*PCG*,vol.IV,70,fr.1).

magic.[48] It could be added that Apuleius seems aware of the idea that sea creatures could be used in magical rites, since he draws on it to enrich a literary description of magic: a *spongia mare nata*, thus a *res marina*, is involved in the uncanny practices of Meroe and Panthia in Apuleius' *Metamorphoses*.[49] Therefore, it seems undeniable that – despite his self-confident tone – Apuleius was fully aware of walking on thin ice.

Before setting out this argument, he plays with the double meaning of *quaero* and *quaestio* ('to seek' and 'to enquire into')[50] in order to shift the attention from his purported intention of obtaining fish for love-magic to his philosophical research on sea animals, then he asks: *qui pisces quaerit, magus est*?[51] Far from denying his interest in fish, he digresses again into irrelevant examples,[52] then he batters his prosecutors, starting with Aemilianus: had the latter known that fish have *aliquid occultum*[53] – Apuleius argues – he would undoubtedly have been a *magus* himself. Had he not, he would have to confess his ignorance and acknowledge the faultiness of his accusations.[54] Not content with this, Apuleius scorns his enemies' ignorance of *omnes litterae* and even *vulgi fabulae*[55] – a reference foreshadowing the literary digression at *Apol*.30.6-31.9 – and finally proclaims that, since love is like fiery fire, how could a creature like fish, cold and *brutus*[56] by nature, be associated with love?[57]

While Hunink[58] notes that Apuleius' claim conforms to the so-called sympathetic magic,[59] Abt[60] underscores its controversial aspects, pointing out the astrological association between Venus-Aphrodite and the sign of the *Ἰχθύες*[61] and bringing further examples suggesting

[48] *Apol*.31.9 in **5.6**.
[49] APUL.*Met.*1.13.7. Cf. Keulen,2007,250; 275 and May,2013,151;159. Hunink,1997,vol.II,98 and 2008,83,n.23 stresses the parallel with *Met.*1.24-5 where, however, the magical use is far less evident.
[50] Cf. *OLD*,1968-82,s.v.*quaeso*; *quaestio*,1534. We might observe that in the two quotations from Vergil and Laevius, at *Apol*.30.8 (=VERG.*A*.4.515) and 30.13.2 respectively, we find again the verb *quaero*. Apuleius could not have been unaware of the connections between *quaero* and the research of goetic ingredients.
[51] *Apol*.30.1.
[52] *Apol*.30.1 and analogously 29.3-6.
[53] On occult nature of magic, cf. 42.3 (**7.4**).
[54] *Apol*.30.2. For further implications of this passage, cf. my remarks at 91.2 (**11.5**).
[55] *Apol*.30.3.
[56] This means 'inert' like the dead (cf. *OLD*,1968-82,s.v.*brutus,*243).
[57] *Apol*.30.4.
[58] Cf. Hunink,1997,vol.II,100.
[59] Cf. in particular Frazer,1911,52-219; Hubert, Mauss,1903=1950,56-67 with some rectifications and Tupet,1986.p.2639, to whom Hunink refers.
[60] Abt,1908,66-7.
[61] *Cat.Cod.Astr.*vol.II,152-157.

that fish was closely associated with the goddess,[62] thus with love as a whole. I would like to add that Apuleius' denial that the myth of Venus' birth from the sea at *Apol*.30.4 evidenced any connection between sea and magic[63] would have been questionable: this myth is recounted by Tibullus in an explicitly goetic context.[64] Moreover, Apuleius himself later admits the importance of this deity in love-magic,[65] and the fact that she was *pelago exorta* could have easily implied the existence of this magical association. Additionally, while the connection between fire and love rests on a traditional literary convention[66] which we also find in the *Metamorphoses*,[67] the association between fish and cold and its exclusion from the realm of love[68] might have sounded rather unconvincing as the names of seashells and molluscs such as *καλλιώνυμος*, *κόγχη*, *ἐχῖνος*, and *σπατάγγης* were employed in Greek comedy to indicate sexual organs.[69]

We have discussed so far some considerable controversies visible in the first part of this section of the *Apologia*: whoever could remain immune to Apuleius' tantalising grandiloquence, would certainly have been puzzled by the inconsistency of an argument which does not hold much water. It is, in fact, untrue that fish and other marine creatures were unusable in magic and that they had no connection whatsoever with love. As we shall discuss, this suggests that Apuleius tackles the most problematic accusations by surprising his readership with incredible arguments.[70] In order to substantiate his controversial claims, he embarks on a lengthy excursus, consisting in a showcase of passages from celebrated authors who do not acknowledge the use of sea animals in magic.

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[62] Eust.*In Hom.Il.*1.206; PLIN.*Nat.*9.80; Opp.*H.*1.499.
[63] Hunink,1997,vol.II,100 and Martos,2015,56,n.175 link this with APUL.*Met.*4.28.4; cf. also Zimmerman *et al.*,2004,46-8. This reference may be a response to the prosecution's argument since they referred to Apuleius' *ekphrasis* of Venus' statue to emphasise his lasciviousness; cf. 33.7-34.3 in **6.3**.
[64] TIB.1.2.41-2.
[65] *Apol*.31.7; 31.9; on Venus and love-magic (**5.5**).
[66] VERG.*Ecl*.8.81; 83; *A*.4.2; 4.23; 4.54; 4.68; 4.300; 4.364; 4.368; OV.*Met.*3.372; SEN.*Phaed*.361.
[67] APUL.*Met.*8.2.7; 10.2.5, cf. also Zimmerman,2000,71-2.
[68] As I could not find any other significant parallel, a part from a reference to the coldness of fish in MART.5.104, I would attribute this phrase to Apuleius himself.
[69] Cf. Henderson,1991^2,142,§159-62. Thanks to Virginia Mastellari for suggesting this to me. Cf. recently Shaw,2014,554-76.
[70] **5.7**.

5.3. Apuleius' Digression on Literary Magic: Laevius, Vergil, and Greek Authorities

To confirm the impossibility of using any *res marinae* in magic, Apuleius draws on a heavy barrage of literary sources which he arranges as follows: firstly, he paraphrases a passage from Vergil's *Eclogues* and quotes from the *Aeneid*;[71] then he acknowledges various sources on magic in Greek literature[72] and cites some lines from Laevius.[73] After this display of literary magic, Apuleius adds an anecdote on Pythagoras in which he refers, instead, to the philosophical type of *magus*.[74] Then, he goes back to literary magic and cites several passages from the *Iliad* and the *Odyssey*,[75] and concludes by mentioning the deities invoked in real goetic magic: Mercury, Venus, Selene and Hecate.[76]

Even though this section of the *Apologia* has been the object of a careful analysis by Abt,[77] several issues remain hitherto undiscussed. To begin with, it has not been pointed out that, to some degree, this excursus bears comparison with the exposition of the magical powers of the herbs in *Natural History* 25.5.10-5. Pliny acknowledges, in fact, Circe's expertise in *venena*,[78] then expands on Helen's knowledge of Egyptian herbs[79] and mentions Pythagoras, *peregrinatus Persidis Magis*,[80] amongst the ancient experts in botanic lore. Since these figures recur in the *Apologia* as well, it is not implausible to suppose that Apuleius took a leaf out of Pliny's book, as he frequently does.[81] Although the purpose of the digression is not only to validate his claims about fish and love-magic but also to exhibit his learnedness, we must bear in mind that the ploy set at *Apol*.30.2 ('if you know the magical powers of fish, then you are a *magus* yourself')[82] was a double-edged sword: Apuleius needed to rely on authorities and traditions so well-known as to be beyond any suspicions. This is due to the fact that the *Lex Cornelia de sicariis et veneficiis*, according to the *Pauli Sententiae*, peremptorily forbade the knowledge of the *magicae artes* and

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[71] *Apol*.30.6-8.
[72] *Apol*.30.11.
[73] *Apol*.30.12-3.
[74] *Apol*.31.2-4.
[75] *Apol*.31.5-8.
[76] *Apol*.31.9.
[77] Cf. Abt,1908,70-132. Such a detailed discussion of the magical features of each of the quotations goes beyond the reach of this study.
[78] *Nat*.25.10-11=*Apol*.31.7. On Circe and magic, cf. Luck in Flint *et al*. 1999,110-1; Ogden,2008,7-27; 2009^2,94-99.
[79] *Nat*.25.12=*Apol*.31.6.
[80] *Nat*.25.13=*Apol*.31.2-5.
[81] *Apol*.27.2-3 (**4.4**, **4.5**, **4.6**) and 90.6 (**11.5**) and also Harrison,2000,70; 82.
[82] **5.2**.

the possession of any books on the subject:[83] had Apuleius not referred to well-known sources, he could have run the risk of being condemned as a *magus*.

Bearing this in mind, we can now take a closer look at the first part of the excursus.[84] Apuleius commences by belittling the ignorance of the prosecution's advocate Tannonius: had he read Vergil, he would have known that fish cannot be included amongst the components of love-magic.[85] As it appears from the *Eighth Eclogue* – the second part of which is largely inspired by Theocritus' *Second Idyll* –[86] in love-magic use is made of *vittas mollis*[87] *et verbenas pinguis et tura mascula*[88] *et licia discolora*;[89] *praeterea laurum fragilem*,[90] *limum durabilem*, *ceram liquabilem*.[91] Since these ingredients are gathered from the earth, one could deduce that *res marinae* are unusable in magic. Secondly, Apuleius recites *verbatim* four verses from the *Aeneid*[92] describing Dido beseeching Anna to collect:

> *Falcibus et messae ad lunam*[93] *quaeruntur aenis*
> *pubentes herbae nigri cum lacte veneni*.
> *Quaeritur et nascentis equi de fronte revulsus*
> *et matri praereptus amor*.[94]

Like the passage from the *Eclogues*, this citation shows the magical employment of components which are not obtained from sea animals. This Vergilian part of the excursus[95] would, therefore, suggest that his foes' claims were mendacious.[96] Continuing his invective, Apuleius reproaches the prosecution's naivety, insisting that further evidence from Theocritus,[97] Homer,

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[83] Paulus *Sent*.5.23.17-8 and the discussion of *Apol*.91.2 (**11.5**).
[84] *Apol*.30.6-13.
[85] *Apol*.30.5.
[86] VERG.*Ecl*.8.64-109 and Theoc.2.1-63; cf. Clausen,1994,255-6.
[87] *Ecl*.8.64.
[88] *Ecl*.8.65. For the *tus* as an ingredient for magic and *Apol*.7-8 (**3.4**); 47.7. Cf.also 32.4, in which Apuleius intentionally omits its connection with magic.
[89] VERG.*Ecl*.8.73-4.The binding effect of the knotted threads features also in APUL.*Met*.3.18.2; cf. Van der Paardt,1971,137-8.
[90] *Ecl*.8.82.
[91] *Ecl*.8.80.
[92] *A*.4.513-6.
[93] On moon and magic cf. **5.6**.
[94] Cf. Pliny's discussion of the *hippomanes* as a *venenum* (PLIN.*Nat*.8.165 and 28.180), here indicated with a periphrasis (cf. also Serv.*A*.4.515). On the *hippomanes*, cf. Abt,1908,92; Tupet,1986,2653-7, and Maltby,2002,428-9.
[95] *Apol*.30.7-8.
[96] *Apol*.30.9-10.
[97] The reference is clearly to the *Second Idyll*.

Orpheus,[98] and *ex comoediis et tragoediis Graecis et ex historiis* would back up his thesis. He argues, however, that to cite such Greek authorities would have been futile[99] given the Greeklessness of his accusers, who were even unable to read Pudentilla's letter in Greek.[100] This passage offers striking evidence for Apuleius' acquaintance with literary magic. The reference to the Greek comedies and tragedies,[101] although brief, is particularly interesting since it reflects the wide spread of literary magic in these genres which contain the first goetic usage of *μάγος* and its cognates.[102] As to the term *historia*, this has been seen by Abt[103] as a reference to historical and ethnographical accounts; *historia*, however, could acquire a different meaning: as Harrison[104] explains, the term was semantically flexible[105] and could be used to designate a simple narration neither related to history nor historiography. To be more precise, *historia* was also employed in the sense of *λόγος*[106] to refer to licentious narratives such as the *Milesian Tales* by Aristides and by Sisenna,[107] the possible models of Apuleius' *Metamorphoses*.[108] Furthermore, evidence for this use of *historia* is not unparalleled in Apuleius' prose and occurs, four times in the *Metamorphoses*.[109] If this interpretation is correct, in this passage of the *Apologia* Apuleius shows familiarity with the fact that literary magic is not only a dominant *topos* of Greek drama, but also of the lost tales by Aristides and Sisenna, of which he could have been a connoisseur.

Although refraining from citing Greek passages for the moment, Apuleius displays his learning by adding a quotation from the comic poet Laevius:[110]

Philtra omnia undique eruunt:

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[98] On Orpheus' pseudepigrapha, cf. 27.2 discussed in **4.5**.
[99] In reality, Greek quotes will play a substantial function at 31.5-6, and especially at 38.8 (**6.4**).
[100] *Apol*.30.11. Apuleius alludes to the letter that they misinterpreted to underscore his magical seduction of Pudentilla, cf. 78.5-87.9 (**11.4**).
[101] Cf. Abt,1908,95-99 followed by Butler, Owen,1914,75-6 and Hunink,1997,vol.II,102.
[102] E.g. S.*OT*.387; E.*Hel*.1497a-b. Cf. **2.4**.
[103] Abt,1908,99-100 followed by Butler, Owen,1914,78 and Hunink,1997,vol.II,102.
[104] Cf. Harrison,1998=2013,57-68.
[105] *ThLL*,vol.VI.3,s.v.*historia*,col.2839; *OLD*,1968-82,799.
[106] Ps.-Luc.*Am.*1.
[107] Cf. especially Ov.*Trist*.2.443-444. Harrison,1998=2013,62 argues that *historia* refers to narrative or continuous exposition. Cf. also the study by Stramaglia,1996=2003,153-8 and particularly p.154,n.5 on the content of Apuleius' lost *Epitoma Historiarum*.
[108] On the Milesian Tales, cf. Harrison,1998=2013,57-68 and May,2013,4-6.
[109] APUL.*Met.*2.12.5; 6.29.3; 7.16.5; 8.1.4; I owe the identification of these parallels to Stephen Harrison. For an overview of the term in the *Metamorphoses*, cf. van Mal-Maeder 2001,216. In *Fl*.1.22, *historia* is used in a vague connotation; cf. Hunink,2001,163; controversial is the interpretation of *historiae variae rerum* at *Fl*.9.28; cf. Hunink,2001,116. On this, cf. Costantini,2017b.
[110] *Apol*.30.12-3. On this passage, cf. Abt,1908,100-12. For general remarks on the fragment, cf. Bartalucci,1985,79-92; Mattiacci,1986,178-9; Courtney,1993,118-43.

antipathes[111] *illud quaeritur*,

trochiscili, *ungues*, *taeniae*,

radiculae, *herbae*, *surculi*,

saurae inlices bicodulae,

hinnientium dulcedines.

Since Laevius' production is lost,[112] it is difficult to reconstruct the context from which these six lines are taken, but specific terms such as *philtra* – a loanword from the Greek *φίλτρα*[113] featuring in texts which have to do with literary magic –[114] *inlices*[115] and *hinnientium dulcedines*, which indicates the aforementioned *hippomanes*,[116] can be understood as references to ingredients for love-magic. I would like to add that the fact that *φίλτρα*[117] and *ἱππομανές*[118] appear in the *Second Idyll* by Theocritus could suggest that this idyll inspired Laevius' verses, according to a literary tradition probably reflecting real customs. Since the first extant evidence for the goetic employment of *magus* and *magia* in Latin literature dates back to Vergil,[119] it remains impossible to determine whether Laevius knew and alluded to this negative connotation, or if Apuleius interpreted the lines *ex post facto* as a reference to goetic magic.[120] Nevertheless, we can conclude that this additional literary example seems to strengthen Apuleius' argument, allowing him to highlight once more the falsehood of the charge since fish – once captured and cooked – serves only *ad epulas*.[121]

[111] On this magical stone, cf. **5.6**.
[112] For a general discussion, cf. Courtney,1993,118-20.
[113] The term is etymologically connected to *φίλος* thus to the idea of 'love' and 'friendship'; cf. Chantraine,1977,s.v.*φίλος*,1206. Cf. also Tupet,1986,2626-8. For love-philtres in goetic practices, cf. **11.2**.
[114] In Greek literature, e.g.Theoc.2.1; 2.159; in Latin literature, cf. OV.*Ars*.2.105-6; JUV.6.610-1 and later in IREN. *adv.haer.*1.25.3.
[115] The adjective *illex* from *inlicio* (cf. *ThLL*,vol.VII.1,s.v.*illex*,col.367) is used as attribute of Venus at 31.9.
[116] *Apol*.30.8; 30.9.
[117] Theoc.2.1; 2.159.
[118] Cf. Butler, Owen,1914,79; Abt,1908,92; Tupet,1986,2653-7. It can be noted that while *hippomanes* in Theocritus is a herb (2.48: *φυτόν*), in this and other Latin sources it means the mare's foal (cf. VERG.*G*.3.282-3; *A*.4.516; PROP.4.5.1; OV.*Ars* 2.100). This interpretation is already known to Aristotle (*HA,*572a; p.577a; 605a Bekker), and might have been attested by other lost Hellenistic works, to which Laevius and other Latin authors referred.
[119] VERG.*Ecl*.8.66 and *A*.4.493; cf. **2.3**, **2.4**.
[120] Analogously, PL.*Bac*.27 was interpreted as reference to magic in Serv.*Ecl*.8.71 even though Plautus does not know the term *magus* and its cognates.
[121] *Apol*.31.1.This is also stressed at 29.5-6; 32.5-6; 39.2-4 and 41.2 in particular.

5.4. From Pythagoras to Homer: Apuleius' Flights of Fancy

Up to this point, Apuleius' digression consisted in a list of literary evidence showing the absence of sea animals in love-magic. We face, however, a substantial change in the direction of his reasoning at 31.2-4 since he shifts from the literary type of magic to *magia* as a source of philosophical wisdom.[122] Apuleius retells, in fact, a popular anecdote about Pythagoras[123] in order to demonstrate that fish *ad magian nihil quicquam videtur adiutare*:[124] the philosopher, introduced as *Zoroastri sectatorem*[125] *similiterque magiae peritus*, saw in the environs of Metapontum some anglers dragging a net full of fish,[126] so he bought them and, *pretio dato*,[127] ordered to return them to the deep.[128] Apuleius' logic seems compelling: as Pythagoras, an eminent disciple of Zoroaster, whom the accusers would have vulgarly believed to be a goetic magus,[129] did not examine fish when he had the opportunity it follows that no real *magus* could be interested in fish. Although Apuleius aims at confusing the audience by playing with the semantic ambiguity of *magus*, a careful reader would have not failed to notice the irrelevance of this account and his exploitation of the term's ambivalence.

After this anecdote on Pythagoras, Apuleius goes back to literary magic arguing that fish has no place not only in love-magic, but in magic as a whole with another barrage of examples, this time from the *poeta multiscius* Homer,[130] which consist in two quotations in Greek,[131] and a group of abridged episodes from the *Iliad* and the *Odyssey*.[132] These passages do not solely highlight Apuleius' erudition, but draw a neat line between himself, the sympathetic judge Maximus and the cultivated audience, and his uncouth attackers, who have just been labelled as

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[122] On this concept, cf. **2.2**. Hunink,1997,vol.II,103 also notes the obvious "difference between honourable Persian magic and black magic becomes blurred".
[123] *Apol*.31.2-3.The story can found in Plut.*Mor*.91c; 729e; Porph.*V.P*.25; Iamb.*V.P*.36 and D.L.8.3. Cf. also Sallmann,1995,151,n.29; Hunink,1997,vol.II,103,n.3; Nelson,2001,85; Binternagel,2008,150-7; Martos,2015,58,n.182. On Pythagoras and magic cf. **4.5**.
[124] *Apol*.31.1.
[125] On Zoroaster, cf. 26.2 (**4.2**).
[126] *Apol*.31.2.
[127] The expression parallels Apuleius' own claim that he paid for the fish (29.1; 29.4) underpinning an association between the sage and Apuleius himself.
[128] *Apol*.31.3.
[129] **4.2**.
[130] For a stylistic discussion of the citations in this passage, cf. Hunink,2008,82-5.
[131] *Apol*.31.5-6.
[132] *Apol*.31.7. As McCreight,2004,158 suggests, it is worth bearing in mind that quotes from the Homeric poems feature in the *formulae* of the *PGM* (e.g. IV.830-4; IV.2146-50; VII.1-148; XXa.2-9, on which cf. Collins,2008b,211-36). In this case, however, I would argue that Apuleius' citations might have not been perceived as dangerous; they would have, instead, corroborated the assumption that fish is not used in magic.

Greekless.[133] Since Abt does not explore these Homeric references, I shall analyse the passages and clarify their connections with magic. Before going into details, a methodological remark is required: from an emic standpoint, we cannot read the Homeric works themselves as evidence for magic because the terms *μάγος* and its cognates appear only from the fifth century BC onwards[134] and reflect a socio-cultural context deeply differing from that of the Homeric texts.[135] What I intend to stress in my examination is that Homer was retrospectively considered as an authority on magic[136] by later authors who were acquainted with the terminology of magic and its literary employment, including Apuleius.

Maintaining that sea animals do not serve any magical purpose, he begins his Homeric digression by quoting the following line from the *Iliad*:[137] *ἦ τόσα φάρμακα ᾔδη ὅσα τρέφει εὐρεῖα χθών*.[138] This verse describes the skills of Agamede, the daughter of the mythical king Augeias, vaguely addressed as *quaedam saga* in order to challenge the audience to identify the Homeric character. The fact that Apuleius labels Agamede with the term *saga*, generally adopted to designate the female practitioner of magic,[139] suggests that the widespread connection between *φάρμακα* and magic[140] may have made Agamede a suitable candidate for such an interpretation. This figure features, in fact, in the repertoire of the literary magic already in Theocritus' *Second Idyll*,[141] where she is called by the name Perimede, together with Circe – who is mentioned shortly afterwards in *Apol*.31.7 –[142] and Medea,[143] the two main female practitioners of magic in Greco-

[133] *Apol*.30.11. In reality their knowledge of Greek, although poor, is made clear later when Apuleius says that they intentionally misread a letter in Greek written by Pudentilla to Pontianus (82.1-9, **11.4**), and that they wrote another letter which they falsely ascribed to Apuleius (87.2-5 **11.4**).
[134] Cf. **2.2**, **2.3**.
[135] A similar position is that by Dickie,2001,5.
[136] This could have been fostered by figures such as Apion of Alexandria, author of a lost *Περὶ μάγου Ὁμήρου*. Cf. Suid.π 752 ed. Adler, which is similar to Plu.*Prov*.frg.50. The original reading *Ὅμηρος* preserved in **V** (*Vossianus Graecus*) was already expunged in the *editio princeps* by Demetrius Chalcondyles (1499). The emendation *Ὁμήρου* was first proposed by von Gutschmid,1893,359. For a discussion, cf. Rives,2009,120-2.
[137] *Apol*.31.5.
[138] Hom.*Il*.11.741. In spite of Pliny's assertion that in the *Iliad* there is no reference to magic (PLIN.*Nat*.30.5.) Apuleius refers twice to magic in the poem. The second case is at *Apol*.31.7 (**5.5**).
[139] As Cicero explains (*Div*.2.65, on which cf. Pease,1963,210) originally the term was not associated with magic; evidence for this association comes from HOR.*Carm*.1.27.21; *Epist*.2.2.208; PROP.3.24.10; TIB.1.2.44;1.5.59; JUV.6.59 and APUL.*Met*.1.8.4; 2.21.7; 9.29.4. Cf. also Maltby,2002,166-7; Keulen,2007,205-6. The term *saga* is attested in a first century inscription from Rome to label a woman believed to have goetic skills (cf. *CIL* 6.19747).
[140] On *φάρμακον*, cf. also the discussion in Abt,1908,112-5 and **6.5**, **11.2**.
[141] Theoc.2.15-6.
[142] **5.5**.
[143] Apuleius considers her as the quintessential *saga* in *Met*.1.10.2. For Medea's employment of the *magicae artes* in Latin sources prior to Apuleius; HOR.*Epod*.5.62; MAN.5.35; TIB.1.2.53; OV.*Ars* 2.101; *Rem*.1.262; *Ep*.6.75-94; *Met*.7.1-403; 12.167-8; SEN.*Med*.670-848; LUC.4.556; PLIN.*Nat*.25.10; STAT.*Theb*.4.551. Their model may have been

Roman literature. Drawing his inspiration from Theocritus, Propertius likewise acknowledges Perimede as an expert in magical concoctions made of herbs.[144] Having shed more light on the relevance of Agamede-Perimede in literary magic before Apuleius' time, we may infer that he proves a noticeable acquaintance with these sources. The following analysis of his Homeric excursus will confirm our hypothesis.

After the citation from the *Iliad*, Apuleius quotes a passage from the *Odyssey*[145] which concerns another *saga*:

> *τῇ*[146] *πλεῖστα φέρει ζείδωρος ἄρουρα*
>
> *φάρμακα, πολλὰ μὲν ἐσθλὰ μεμιγμένα, πολλὰ δὲ λυγρά.*[147]

The figure in question here is the Egyptian Polydamna, who was also deemed an expert and a skilful manipulator of *φάρμακα*.[148] It is noteworthy that this Homeric character appears as a paradigmatic example of a magical practitioner in two works chronologically close to Apuleius, the first being Lucian's biography of Alexander, the *γόης* from Abonoteichus,[149] whose master was said to be endowed with the same magical skills as Polydamna.[150] The second occurrence is in Philostratus' *Life of Apollonius of Tyana*, where Apollonius – while imprisoned and waiting to be tried – discusses Helen's expertise in the use of *φάρμακα* due to her acquaintance with Polydamna during her Egyptian stay.[151] The magical reputation of Helen is mentioned at *Apol*.31.7, when Apuleius refers to the bowl in which she mixes *φάρμακα* with wine, soothing everyone's sadness at the recollection of Odysseus' misfortunes.[152] Unsurprisingly, this episode

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again Theocr.2.16 and especially Apollonius Rhodius (4.1659-72). On this figure and magic, cf. Luck in Flint *et al*. 1999,111-3; Ogden,2008,27-35; 2009^2,78-93; 312-5.

[144] PROP.2.4.8.

[145] *Apol*.31.6.

[146] Hunink,1997,vol.II,104 observes that *τῇ* with the omission of the previous part of the line (*Αἰγυπτίη*) could be interpreted as 'for whom' instead of 'where'. To suppose that Apuleius distorts this passage might not be necessary as the text makes sense even intending *τῇ* as an adverb, as in Marchesi's translation (1957=2011,45).

[147] *Od*.4.229-30. Hunink's claim (1997,vol.II,105) that is would be the first time in which Apuleius refers to the harmfulness of magic can be dispelled, cf. 26.6 (**4.3**).

[148] Hdt.2.116; Thpr.*HP*.9,15.1; D.S.1.97.7; Str.17.1.16; Ael.*NA*.9.21; Eust.*Comm.ad Hom.Od.*vol.I,160-2; *Schol.in Od.*4.228 indicates further non-extant sources.

[149] Luc.*Alex*. 1.

[150] *Alex*.5. This parallel is also acknowledged by Hunink,1997,vol.II,104.

[151] Philostr.*VA* 7.22. On Proteus and magic, cf. **5.5**.

[152] Hom.*Od*.4.219-32.

was already interpreted as magical by Propertius[153] and Pliny especially, which is the probable source for this part of Apuleius' excursus.[154]

We have so far examined and reconstructed the traditions from which Apuleius could derive these literary passages on magic. This display was possible because of the semantic ambiguity of magic: he shifts, in fact, from the real goetic practices at which his accusers hinted, to philosophical, then again to literary magic. This allows him to feign innocence since none of the passages cited would have evidenced any goetic misdeeds. The next part of the defence follows this same line.

5.5. Further Allusions to Magic in Homer: Proteus, Odysseus, Aeolus, Circe and Venus

The second reference to Homer comprises six succinct descriptions of various characters and their attributes deemed magical, which aims to show *cum tamen numquam apud eum* (*sc*. *Homerum*) *marino aliquo et piscolento*[155] *medicavit nec Proteus faciem nec Ulixes scrobem nec Aeolus follem nec Helena creterram*[156] *nec Circe poculum nec Venus cingulum*.[157] The first of these figures is Proteus,[158] a metamorphic deity of the sea thought to have to do with magic already in Plato,[159] then by Petronius,[160] Pliny[161] and Plutarch.[162] This widespread goetic interpretation is the reason why Apuleius mentions Proteus first. This goetic interpretation is fundamentally due to three reasons: firstly, he is said to have oracular powers[163] and his prophecy[164] might recall that given to Odysseus by Tiresias[165] in the Homeric *nekyia*, which we discuss below. Secondly, Proteus' connection with Egypt,[166] the land of *φάρμακα*,[167] would have

[153] PROP.2.1.49
[154] PLIN.*Nat*.25.13, cf. **5.4**.
[155] The adjective is first used in PL.*Rud*.907; by drawing on a Plautine term Apuleius would have, therefore, corroborated the ironic tone of his claim, underscoring the idea that finding Homeric evidence for the use of sea creatures in magic is absurd.
[156] On Helen and magic, cf. **5.4**.
[157] *Apol*.31.7.
[158] Hom.*Od*.349-572.
[159] Pl.*Euthd*.288b: *ἀλλὰ τὸν Πρωτέα μιμεῖσθον τὸν Αἰγύπτιον σοφιστὴν γοητεύοντε ἡμᾶς*.
[160] PETR.134.12.14.
[161] PLIN.*Nat*.30.6.
[162] Plu.*Mor*.97a.
[163] This is indicated by the adjective *νημερτής* (cf. *Od*.4.349; 4.384; 4.401; 4.542; 17.140) a specific attribute of Proteus, on which cf. Heuback *et al*.,1988,215.
[164] Hom.*Od*.4.472-80.
[165] *Od*.11.100-37
[166] *Od*.4.385.
[167] *Od*.4.229-30.

strengthened his association with magic since these were considered fundamental tools in magico-goetic practices.[168] Thirdly, we must acknowledge the magical feature on which Apuleius lays stress, that is Proteus' *δολίη τέχνη*, enabling him to change his physical aspect into a lion, snake, panther, boar, water and a tree.[169] Needless to say, the theme of the magical transformations – which is at the core of the *Golden Ass* –[170] would have appealed to Apuleius. We must tackle, however, a controversial issue which has not been dealt with by previous scholars: Proteus is described in Homer as closely associated with the sea and sea animals: he is a seal herd,[171] and a *γέρων ἅλιος*[172] who *θαλάσσης πάσης βένθεα οἶδε, Ποσειδάωνος ὑποδμώς*.[173] He embodies, therefore, the connection between sea, sea creatures and – retrospectively – magic, and this would have blatantly contrasted with Apuleius' claim that in Homer it cannot be found *numquam marino aliquo et piscolento*. His choice to mention Proteus may depend still, on the one hand, on the widespread popularity of this figure and its association with magic, on the other hand, on Apuleius' own fondness for the theme of magical metamorphosis.

The theme of metamorphosis is not unique to Proteus and features predominantly in Circe's episode,[174] which Apuleius includes in his list at *Apol*.31.7. He refers, in fact, to Circe's *poculum* (*χρύσεον δέπας*)[175] – an expression mirroring the *Circae poculum* in Horace's *Epistulae* 1.2.23 –[176] which causes the transformation of Odysseus' companions into animals. The term *poculum* is often used in literary passages concerning magical practices,[177] and Circe herself was considered a *maga par excellence* in the rhetorical works by Maximus of Tyre[178] and Dio of Prusa,[179] and in several Latin authorities prior to Apuleius, such as Vergil,[180] Hyginus,[181] Ovid,[182]

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[168] Cf. n.140.
[169] Hom.*Od*.4.455-8 and 4.415-7.
[170] APUL.*Met*.3.24.1-6.
[171] Hom.*Od*.4.413 in which the simile with the shepherd is openly pointed out.
[172] *Od*.4.349.
[173] *Od*.4.384-6.
[174] *Od*.10. 220-319.
[175] *Od*.10.316-7.
[176] Cf. similarly OV.*Met*.14.294-5.
[177] For the employment of *poculum* in explicit connection with love-magic, cf. HOR.*Ep*.5.38; PROP.2.1.51; 2.27.10; TIB.1.5.50; LUC.6.454-6 and APUL.*Met*.2.29.5, whereas in APUL.*Met*.3.23.8 it still refers to a goetic usage but to achieve a magical transformation as in Homer.
Cf. also *ThLL*,vol.X.1,s.v.*poculum*,coll.2483-4.
[178] Max.Tyr.18.8f.
[179] D.Chr.8.21.
[180] VERG.*Ecl*.8.70; *A*.7.10-20; 7.189-91.
[181] HYG.*Fab*.125.8-9
[182] OV.*Ars* 2.103; *Rem*.263-90; *Met*.14.55-8; 14.312-440.

Petronius,[183] Pliny,[184] Valerius Flaccus[185] and Statius.[186] A century after Apuleius' trial, Plotinus deems Circe a *μάγος*,[187] and in the fourth century Circe's goetic notoriety reverberates in Augustine's acrimonious words, depicting her as *maga famosissima*.[188] Given Apuleius' interest in magical transformations, and given the well-established tradition in considering Circe as a *maga*, he would have been bound to insert this character as well within in his list of Homeric examples.

Apuleius indicates then the *scrobem*, the sacrificial hole dug in the river of Ocean into which Odysseus pours milk and honey, wine, water, barley flour, and goat blood in order to raise the spirit of Tiresias.[189] This necromantic ritual, which Odysseus performed following Circe's advice,[190] was retrospectively given a magico-goetic intepretation[191] because of the later belief that the *magi* could evoke and communicate with the dead.[192] Hunink argues that Odysseus' offerings to the dead are partly liquid and not herbs;[193] yet these do not immediately relate to sea or fish, consequently they do not contradict the coherence of Apuleius' argument, as the mention of Proteus does.

After this reference to the *nekyia*, Apuleius recalls Aeolus' *scrobis* (*ἀσκός*), the leather bag made out of beef skin containing the dangerous winds that impeded Odysseus' return.[194] This interpretation of Aeolus' bag might have even originated in the Hellenistic period if the information retained in the *Scholia Vetera* on the *Odyssey* can be relied on: here, in fact, Aeolus is described as *μαγικώτατος*.[195] It is not difficult to comprehend the reason for such an interpretation; similarly to the *magus* who could achieve *omnia quae velit*,[196] Aeolus was the

[183] PETR.134.12.12-3.
[184] PLIN.*Nat*.25.10; 30.6.
[185] V.FL.6.445-50.
[186] STAT.*Theb*.4.551.
[187] Plot.1.6.8.
[188] August.*C.D.*18.17.
[189] Hom.*Od*.11.21-36; the whole book 11 concerns the episode of the *nekyia*.
[190] *Od*.10.516-28.
[191] Cf. especially PLIN. *Nat*.30.6. The plot of Lucian's *Nekyomanteia* hinges on Menippus' intent of consulting with Tiresias (*Nec*.4), and the costume that the *μάγος* Mithrobarzanes gives him alludes to the figure of Odysseus as well (*Nec*.8).
[192] **10.2**.
[193] Hunink,1997,vol.II,105,n.2.
[194] Hom.*Od*.10.19-24.
[195] *Schol. in Hom. Od*.10.2.
[196] *Apol*.26.6.

watcher of the winds and could block or set in motion whatever he wanted.[197] It might be worth recalling that a passage from Empedocles' *Purifications* alludes to the control of the winds, and that this was considered as a goetic text.[198] Unsurprisingly, Petronius' Oenothea[199] boasts about her ability of stalling the West Wind, the power of blocking the winds is attributed to the Thessalian *sagae* in Apuleius' *Metamorphoses*,[200] and we find analogous references to setting in motion and blocking the winds in the *PGM*.[201] The theme of the *scrobis-ἀσκός* might be also at stake in the episode of the inflated goat bags enchanted by Pamphile – whose intent was instead to entrance a Boeotian youth – in Apuleius' *Metamorphoses*.[202] We can infer, therefore, that the myth of Aeolus' bag lends itself quite well to a magical interpretation.

The last Homeric allusion at *Apol*.31.7 brings us back to the realm of love-magic: Apuleius, in fact, refers to Venus' *cingulum*, the powerful girdle (*κεστός*) that *ἔκλεψε νόον πύκα περ φρονεόντων*, which Aphrodite unties from her body and gives to Hera who wanted to seduce Zeus and obtain his favour.[203] A goetic interpretation of Aphrodite's girdle can already be found in Plutarch,[204] and the allusions to the magical ties of Venus in Vergil[205] and Tibullus[206] could be connected with a magical reading of this Homeric episode. Furthermore, Venus-Aphrodite herself was generally related to love-magic to the extent that Apuleius himself includes the seductress Venus (*illex animi*) amongst the deities popularly invoked in goetic magic.[207] Significant evidence for such invocations of Aphrodite in the real goetic practices can be found in the *Magical Papyri*: at *PGM* IV.1265-74, a *formula* to seduce a woman begins with the Egyptian name of Aphrodite (*Νεφεριηρι* in Egyptian),[208] and at IV.1721-32 a rite for attracting a man involves the engraving of Aphrodite, Psyche and Eros on a magnetic stone.[209] The goddess is also called upon in a spell

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[197] Hom.*Od.*10.21-2.
[198] Cf. DK 31 B 111 and D.L.8.59 discussed in **4.6**.
[199] PETR.134.12.5-6, cf. Setaioli,2011,300-1 and Schmeling,2011,521.
[200] APUL.*Met*.1.3.1, on which cf. Keulen,2007,118; May,2013,107. In *Met*.1.8.4 the control of the weather, although not directly the wind, is attributed to the *saga* Meroe.
[201] *PGM* I.99; IV.715; IV.1367; VII.320-1; XII.233; XXIX.1-11; XXXVI.261.
[202] APUL.*Met*.3.9.9; 3.17.1-3. For a general discussion of the *utres inflati*, cf. Stramaglia,Brancaleone,1993=2003,113-7; they also acknowledge (p.114,n.3) that Crusius,1890,44 first thought of a possible association with Hom.*Od*.12.395, but not with the episode of Aeolus.
[203] Hom.*Il*.14.214-7.
[204] Plu.*Mor*.23c.
[205] VERG.*Ecl*.8.77-8.
[206] TIB.1.8.5-6.
[207] *Apol*.31.9 (**5.6**).
[208] On this name cf. Betz,1992^2,62,n.171.
[209] On stones in magic, cf. **5.6**.

to obtain a dream revelation,[210] in an instruction for lecanomancy,[211] and for engraving a *στήλη*.[212]

Having examined these Homeric passages listed by Apuleius, we can now confirm that their magical interpretation is not just the result of his innovation, but of a tradition well-established before the second century AD. We can, therefore, acknowledge not only Apuleius' fondness for Homer,[213] but especially for the literary tradition associating these Homeric episodes and characters with magic; this would, ultimately, prove his interest in the subject of literary magic as a whole, which is thoroughly displayed in *Apol*.30.6-13, and 31.5-7. Although Apuleius succeeds in flaunting his learnedness, by showcasing his knowledge of literary magic and mentioning a marine deity such as Proteus, he could have undermined his controversial assumption that sea creatures are unfitting for magic. Nevertheless, to grasp this contradiction it would have required a learned prosecution, well-acquainted with the Homeric poems, not a bunch of Greekless people, as Apuleius describes his enemies. Furthermore, it is improbable that the judge Claudius Maximus would have considered Apuleius' erudition as direct evidence for his supposed goetic knowledge.

5.6. The Goetic Employment of Stones and the Deities of Magic

More compromising is, however, the last instalment of Apuleius' digression[214] as it contains allusions to the ominous use of stones in real goetic magic and references to the deities invoked in such practices. It is quite striking that now, while disclosing his acquaintance with this suspicious knowledge, he does not name any authorities from which he could have gathered this information. In fact, having completed his Homeric digression, Apuleius underlines the foolishness of his opponents, who subvert the natural order[215] presuming to find earthbound *herbae*, *radices*, *surculi*, and *lapilli* in the belly of fish.[216] This sentence was meant to represent

[210] *PGM* IV.2553.
[211] *PGM* IV.3207-52.
[212] *PGM* VII.216-8.
[213] On Homeric citations and allusions in the *Apologia*, cf. Hunink,2008,75-87; May,2010,175-92.
[214] *Apol*.31.8-9.
[215] The expression *colluvio naturae* has obviously a comic function and, together with the allusion to the high mountains, likens to the reference to Deucalion's flood at the end of the rebuttal (41.5).
[216] *Apol*.31.8. The expression also recurs at 30.10 (*herbae et surculi*) and *Met*.2.5.4 (*surculi et lapilli*).

an amusing conclusion to the display of evidence which Apuleius has so far provided to argue for the absence of fish amongst the ingredients of the *magicae artes*. Tupet[217] links this passage with the previous quotation from Laevius in which we find *radiculae*, *herbae*, *surculi*[218] as well as the *lapis antipathes*.[219] The latter is described by Pliny as a protection against enchantments by the *magi*[220] and Dioscorides adds that the *ἀντιπαθής* is a coral.[221] Therefore, although the *antipathes* does not come from *piscium ventres*, the fact that it was a *res marina* – such as the marine debris and the seaweed mentioned at *Apol*.35.4 –[222] leads to a self-contradiction: it proves that similar ingredients from the sea were indeed used in magic.

The mention of *antipathes* and *lapilli* sheds also light on the use of stones in goetic magic – a custom of which Apuleius must have been a connoisseur – which is evidenced by both literary and papyrological sources. Abt discusses examples taken especially from the *PGM*,[223] but a more exhaustive discussion can be provided, starting with an analysis of the literary evidence. Not only the aforementioned citation from Laevius, but also the *Sepulcrum Incantatum* ascribed to Quintilian indicates the employment of stones in magical rituals: in fact, to bind the soul of the boy into his grave, the *magus* uses both *ferrum* and *lapides*;[224] similarly, Pamphile in the *Metamorphoses* is described as using *surculi et lapillis*,[225] and the Babylonian *μάγος* in Lucian's *Philopseudes*[226] heals Midas by means of a charm (*ἐπῳδή*)[227] and fastening around his foot a *λίθος* taken from the stele of an untimely dead girl.[228] In the same writing the use of magical rings made of stones and gems is acknowledged,[229] a practice also attested in the *PGM*: such rings could be made of different kinds of stones,[230] but – according to these *formulae* – stones themselves could

[217] Cf. Tupet,1986,2628-9; 2630-1.
[218] *Apol*.31.13.4.
[219] *Apol*.31.13.2. Cf.also Abt,1908,102-3 who does not specify whether the *antipathes* is a stone or a plant, even though he mentions Ps.-Plu.*Fluv*.21.5 in which it is called *λίθος ἀντιπαθής*.
[220] PLIN.*Nat*.37.145 and Dsc.4.130 who refers to *φάρμακα*.
[221] Dsc.5.122.
[222] Cf. **6.3** for their use in goetic practices.
[223] Cf. Abt,1908,115-6; his argument is followed by Butler, Owen,1914,80 and Hunink,1997,vol.II,105.
[224] [QUINT.] *Decl*.10.8. For a recent discussion of the materials used in magic, cf. Gordon in Boschung, Bremmer eds.,2015,133-76.
[225] APUL.*Met*.2.5.4 and n.216. The passage is acknowledged by Abt,1908,115,n.6.
[226] So this character is defined in Luc.*Philops*.12. On the whole episode (*Philops*.11-3) cf. Ogden,2007,65-104.
[227] On medicine and magic, cf. *Apol*.40.1-4 (**6.5**). On magical utterance in magic cf. *Apol*.26.6 (**4.3**).
[228] Luc.*Philops*.11.
[229] *Philops*.24, on which cf. Ogden,2007,164-5, and *Philops*.38.
[230] *PGM* V.240; V.447-58; XII.201-16; XII.270-350.

be also employed as phylacteries[231] or for other purposes,[232] including love-magic.[233] Additional evidence of the usage of stones in real magic can be found in the *Lapidarium* attributed to Damigeron-Evax, with specific reference to the *lapis adamans*,[234] *corallius*,[235] *magnes*,[236] *hieraciles*,[237] *panchrus*,[238] *melas*[239] and *anthropocrinus*.[240]

Apuleius piles it on and ironically asserts that his clumsy enemies pretend that in magical rites one should not invoke *Mercurius carminum vector et illex animi Venus et Luna noctium conscia et manium potens Trivia*, but Neptune, Salacia, Portunus and Nereus' choir,[241] and concludes by laughing at the connection between sea and love-magic.[242] Abt[243] argues for the controversial aspect of this assertion since sea deities were invoked in goetic rituals, as shown by a curse-tablet from Hadrumetum containing an invocation to *Oceanus* and *Tiber*.[244] This is also confirmed by the *Magical Papyri*, where we find a marine spirit (*πνεῦμα θαλάσσιον*),[245] and the epithet *πελαγίος* applied to supernatural agents.[246] Furthermore, Athenaeus explains that Hecate was a sea goddess,[247] drawing from a tradition which dates back to Hesiod.[248] This reference to Hecate brings us back to Apuleius' acknowledgment of four deities commonly addressed in goetic magic, namely Mercury, Venus, Selene and Hecate. Since the connection between Venus[249] and Mercury[250] and goetic magic is discussed in other sections of this study, I shall here go into the

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[231] *PGM* I.67; I.144; II.16-20; III.503; III.505; III.507; III.510; III.513; III.516; III.520; III.524; III.526; III.529; IV.1615; IV.1655; IV.1680; IV.1704; IV.1714; IV.2630-5; VII.999; XXIIa.11-4.
[232] *PGM* XIII.1005; LXII.42; CX.1-12; CXXVIb.9.
[233] *PGM* IV.1723; IV.1736; IV.1741; IV.1870; XXXVI.333-60.
[234] Damig.*Lapid*.3.4.
[235] Damig.*Lapid*.7.1-14.
[236] Damig.*Lapid*.30.2-3. On the magnet, cf. also Betz,1992^2,333.
[237] Damig.*Lapid*.26.1.
[238] Damig.*Lapid*.37.6.
[239] Damig.*Lapid*.40.3
[240] Damig.*Lapid*.53.2.
[241] For a discussion of the expression, which also occurs at APUL.*Met*.4.31.5, cf. Butler, Owen,1914,81; Hunink,1997,vol.II,106; Zimmerman *et al*.,2004,74-5.
[242] *Apol*.31.9.
[243] Abt,1908,130-1.
[244] Audollent,1904,286^A.12. Although not sea deities, in two tablets buried in a spring found in Arezzo (Audollent,1904,129^B.4-5) and Bath (Audollent,1904,158) we find references to *aquae ferventes* or *Nimfas*. Similarly in the *Sethianorum Tabellae* the *Νυμφεε* are invoked, cf. Audollent,1904,155^A.7; 155^B.1; 156.6; 157.2-3; 158.5; 159^A.1; 159^B.1-2; 160.1; 161.6; 161.56; 162.2; 163.6; 165.41; 166.26; 167.5; 169.5; 170.4-5 and Gager,1992,70,n.94.
[245] *PGM* XII.329.
[246] *PGM* IV.1797; IV.2267 (this is acknowledged in Abt,1908,131,n.1).
[247] Ath.7.325c; cf. Olson,2008,533,n.410.
[248] Hes.*Th*.440-3.
[249] **5.5**.
[250] **10.3**.

copious evidence – much of which is unacknowledged by Abt –[251] enabling us to observe the relevance of Selene and Hecate in magic, and putting Abt's discussion on a firmer basis.

Luna is here elegantly described as *noctium conscia*, an expression which is probably derived from Ovid's *Metamophoses* 7.194, in which Hecate is invoked by Medea as *conscia* of her goetic rituals. The moon was associated with Thessalian magic since the first appearance of this *topos* in Aristophanes' *Clouds*,[252] and became a commonplace theme of literary magic.[253] Theocritus' Simaetha addresses Selene[254] together with Hecate,[255] and uses as a refrain the invocation: *φράζεό μευ τὸν ἔρωθ' ὅθεν ἵκετο, πότνα Σελάνα*.[256] The aforementioned passage of Ovid's *Metamorphoses* can be framed in the wake of this tradition. These literary descriptions mirror real goetic beliefs: such invocations to Selene also characterise real goetic utterances, as the evidence in the *PGM* shows. In fact, to acquire a supernatural assistant, the practitioners need to utter a *λόγος Σελήνῃ*;[257] to the goddess and Helios have to be sacrificed two gizzard stones of a cockerel;[258] offerings must be made to her according to a prescription for love-magic.[259] Selene has to be addressed in a spell for revelation,[260] in a prayer for any spell[261] and to collect herbs.[262] Furthermore, some *formulae* are specifically devoted to the goddess, such as the *Slander Spell to Selene* (*Διαβολὴ πρὸς Σελήνην*),[263] Claudianus' *Lunar Spell* (*Κλαυδιανοῦ σεληνιακόν*) [264] and Moses' *Secret Prayer to Selene* (*Μοϋσέως ἀπόκρυφος Σεληνιακή*).[265]

[251] Cf. Abt's discussion, especially p.126-30, focuses primarily on the *PGM*.
[252] Ar.*Nu*.749-50; Hp.*Morb*.*Sacr*.4; Pl.*Grg*.513a; Sosiphanes' *Meleager* (cf. F.1 *TrGR*,vol.I,261, ed. Snell, Kannicht,1986[2]); Menander's *Thessalae* (cf.Kassel,Austin,*PCG*,vol.VI,2,127); A.R.4.57-61; VERG.*Ecl*.8.69; HOR.*Ep*.5.45-6; 17.77-8 (on which cf. Watson,2003,223-4); PROP.1.1.19; 2.28.37; TIB.1.8.21-2 (on which cf. Maltby,2002,308); OV.*Ars* 2.1.23; LUC.6.500-6; MART.9.29.9; JUV.3.286; Luc.*Philops*.14; Phillips,2002,378-86. On moon and magic in general, cf. also Abt,1908,123-5; Tupet,1976,92-103; Keulen *et al*. eds.2015,85; Martos,2015,60,n.186.
[253] APUL.*Apol*.31.9.
[254] Theocr.2.10.
[255] Theocr.2.10-2. On the identification between Selene and Hecate, cf. Rabinowitz,1997,534-43. Cf. also Audollent,1904,41[A].7 in which we find both deities.
[256] Theocr.2.69; 75; 79; 81; 87; 93; 99; 105; 111; 117; 123; 129; 13, on which cf. Reif,2016,32-50 who compares Theocritus' description with the *PGM*.
[257] *PGM* I.48-62.
[258] *PGM* II.25. For the use of hens and cockerels in magic, cf. *Apol*.47.7 (**7.4**).
[259] *PGM* IV.2708.
[260] *PGM* IV.2518-63.
[261] *PGM* IV.2782-886.
[262] *PGM* IV.2981.
[263] *PGM* IV.2618-702.
[264] *PGM* VII.862.
[265] *PGM* XIII.1058-64.

Regarding the chthonic goddess Hecate,[266] it has been hitherto unnoticed that Apuleius' expression *Trivia manium potens*[267] is an elegant allusion to Catullus who addresses the goddess as *tu potens Trivia*,[268] an epithet of Diana with whom Hecate was syncretistically associated.[269] The name *Trivia*,[270] a translation of the Greek *Τρίοδος*[271] which we find in Theocritus' *Second Idyll*,[272] is used to indicate Hecate as a patroness of magic in Tibullus,[273] Valerius Flaccus[274] and in Seneca's *Medea*.[275] The goddess was, in fact, strongly connected with Medea,[276] and features in various accounts of literary magic with her Greek name Hecate,[277] the most notable of which is probably Lucian's *Philopseudes* 22-3, in which Eucrates retells his terrible vision of a gigantic Hecate plunging into an infernal chasm.[278] The goddess is also frequently invoked in the *formulae* of the *Greek Magical Papyri* – where we find mention of her gigantic size as well –[279] often to obtain control of daemons[280] and to use them in love-magic;[281] she is also generally addressed in coercive or attraction spells.[282] Likewise, invocations to Hecate occur frequently in many curse-tablets, in which the goddess is addressed alone[283] or with other infernal deities such as Hermes,

[266] Hecate is one of the many names of Isis in APUL.*Met*.11.5.3; this does not imply that Hecate is presented as a goddess of magic in the novel (cf. Griffiths,1975,47-51) since she was not only invoked in magical rites (cf. Johnston,1999,203-49; *Brill's New Pauly*,vol.VI,s.v.*Hecate*,coll.38-40). The association between Isis and Hecate reflects, instead, a syncretistic attitude that is typical of the Greco-Roman culture, which Bettini,2014,65-9 elucidates. On Hecate as a deity of magic, cf. also Abt,1908,126-30; Bömer,1976,251-2; 1986,135, on OV.*Met*.7.194 and 14.403-5, respectively; Johnston,1990,146-8.
[267] On magic and necromancy, cf. **10.2**.
[268] CATUL.34.15. The Catullan parallel is corroborated by the following allusion to *Luna* (34.15-6); in *Apol*.31.9 the order is inverted. A further reference to *Trivia potens* can also be found in V.FL.3.321.
[269] Hes.*Theog*.411-52; A.*Supp*.676 and cf. *LIMC*,vol.VI.1,985; *Brill's New Pauly*,vol.VI,s.v.*Hecate*,col.40.
[270] This name is commonly used to indicate Diana-Hecate, e.g. LUCR.1.84; VERG.*A*.6.69; PROP.2.32.10; MART.*Sp*.1.3; Min.Fel.*Oct*.22.5.
[271] On this theme, cf. Johnston,1991,217-24; Ogden,2007,120-2.
[272] Theocr.2.36.
[273] TIB.1.5.16.
[274] V.FL.3.8; 3.321.
[275] SEN.*Med*.787.
[276] OV.*Met*.7.74; 7.174; 17.194; 7.241; 14.44; SEN.*Med*.7; 577; 787; 833; 841. On Medea, cf. **5.4**, **2.4**.
[277] HOR.*Serm*.1.8.35; VERG.*A*.4.511; LUC.6.700; 6.737.
[278] On this, cf. Ogden,2007,161-70.
[279] *PGM* IV.2711.
[280] *PGM* III.47.
[281] *PGM* IV.1432; IV.1443; IV.1462.
[282] *PGM* IV.2606; IV.2711-50; IV.2953. An exception is *PGM* LXX.5-25, a prescription against the fear of punishment in which Hecate is called *'Ερεσχιγάλ*. In other cases the figure of Hecate needs to be engraved (cf. *PGM* IV.2112; IV.228; IV.2689); on this imagery, cf. *LIMC*,vol.VI.2,fig.291-322 discussed in *LIMC*,vol.VI.2,1010-1.
[283] Audollent,1904,38.14; 41A.7; 13.

Pluto and the Erinyes.[284] This parallels, to some extent, the *PGM* where Hecate is addressed together with the Chthonic Hermes[285] and Selene.[286]

We have so far observed that Apuleius' argument in *Apol*.31.8-9 draws partly on a literary tradition, but might have also reflected his direct familiarity with real goetic practices. Furthermore, since the literary traditions concerning Hecate, Selene, as well as the use of stones in magic were inextricably linked with the lore of the goetic practitioners, this final part of Apuleius' digression[287] could have been deemed suspicious, had the judge been unsympathetic towards Apuleius. One may note, however, that his argument is interspersed with the elegant allusion to Catullus' Trivia and to Ovid's Hecate,[288] which would have been seen by a learned audience and Maximus as a clear sign of Apuleius' erudition, not of his goetic expertise. Additionally the conclusion of the passage contains a mocking reference to the sea deities, and this ironical tone would have lessened the dangerous innuendos of Apuleius' display, despite the fact that sea deities were really invoked in magic.

5.7. Conclusion

The results of the analysis of *Apol*.29.1-31.9 undertaken in this chapter enables us to clarify the controversial aspects of this section of the speech: being accused of having won Pudentilla over with magical charms in which sea creatures had been used, Apuleius hinges his defence on a blatant lie when he contradicts the widespread assumption that fish could be used in goetic magic.[289] To dilute his controversial claim, Apuleius draws on the semantic ambiguity of *magia*[290] and foregrounds his argument in a literary context that could have not been mistaken for real goetic knowledge. Any possible risky references to goetic magic – such as the mention of four gods invoked in goetic rites (Mercury, Venus, Selene, and Hecate) and the use of stones in these

[284] This is the case of various *defixiones* from Cyprus dating to the third century AD, cf. Audollent,1904,22.35-6; 24.20; 26.24-5; 29.23; 31.22-3; 32.23; 33.27-8; 35.22-3; 35.22-3 and p.35. In a *defixio* from Egypt we find again Hermes and Hecate (Audollent,1904,72.13-4).
[285] *PGM* III.47; IV.1443;IV.1462-3; IV.2606.
[286] *PGM* IV.2812.
[287] *Apol*.31.8-9.
[288] *Apol*.31.9.
[289] *Apol*.30.4.
[290] Chapter 2.

forbidden practices –[291] are drowned out in a vast accumulation of Latin[292] and Greek passages[293] on literary magic, Vergil and Homer especially, which the educated people in court and the judge also know and which would have not been deemed evidence for goetic magic. Additionally, the grandiloquence and captivating persuasiveness of Apuleius' borderline claims is intended to entertain the audience and especially the sympathetic Claudius Maximus, well aware that Apuleius would never really practice goetic magic. Nevertheless, as I shall demonstrate in the next chapter, to be above suspicion Apuleius still needs to demonstrate that his interest in sea animals was not aimed to seduce Pudentilla – as his ill-minded attackers claim – but to a better scientific understanding of fish, which would even outshine the research by Aristotle.

[291] *Apol*.31.8-9.
[292] *Apol*.30.6-8; 30.12-3.
[293] *Apol*.30.11.

Chapter 6: Sea Creatures for the Seduction of Pudentilla

6.1. Introduction

In the previous chapter we have explored the weakness and problematic aspect of Apuleius' discussion of the first part of the 'fish charge': his attempt to deny that *res marinae* were used in goetic rituals – specifically in love-magic – betrays, however, a knowledge of these practices that could have constituted in itself unfavourable evidence. Furthermore, the speech in *Apol*.29.1-31.9 is extremely elusive and does not contain references to any specific details of the charge. It is only at *Apol*.32.1-41.7 that Apuleius finally begins to address the serious arguments brought forward by his accusers, namely the nature of the sea creatures he sought and dissected,[1] and the charge that he allegedly seduced Pudentilla with aphrodisiacs and incantations when they lodged in the remote inland of North Africa.[2] As in the previous section of the speech,[3] Apuleius adopts some deliberately daredevil arguments, such as the denial of the association due to similar names[4] and the utterance of pseudo-*voces magicae*,[5] which were meant to bewilder and charm his readership, demonstrating how a sophist of his calibre could prevail against all the odds.[6]

Yet, Abt[7] and Butler and Owen[8] rightly indicate the controversial features and the magical undertone of Apuleius' claims, and later scholarly discussions rest on their results.[9] In this chapter, I will test their conclusions with an emic methodology, bringing forward additional evidence to show the unconvincing nature of Apuleius' argument when providing examples about seemingly harmless herbs[10] and sea creatures,[11] and when he denies the popular belief that different objects share a sympathetic connection because of their similar names.[12] I will explain the goetic overtone of the reference to the Homeric incantations at *Apol*.40.4,[13] and I will add new evidence to

[1] *Apol*.33.1-35.7 (**6.3**); 40.5-11 (**6.6**).
[2] *Apol*.41.5 (**6.6**).
[3] Cf. Chapter 5.
[4] **6.3**.
[5] **6.4**.
[6] **6.3** and Chapter 12.
[7] Abt,1908,131-55.
[8] Butler, Owen,1914,85; 98 (**6.6**).
[9] Cf. Hunink,1997,vol.II,110-3; 118-9; 124; and Martos,2015,61,n.189; n.192; n.193; 64-5,n.199; n.203; n.206; 70,n.219; 73,n.237; 74,n.238.
[10] *Apol*.32.4; 32.8 (**6.2**).
[11] *Apol*.34.6; 35.4; 35.6 (**6.3**).
[12] *Apol*.34.4; 35.6 (**6.3**).
[13] **6.5**.

demonstrate that Apuleius betrays an undisputable acquaintance with *magica nomina* such as these found in contemporary curse-tablets from Carthage,[14] and that his denial of having dissected a sea-hare is far from convincing.[15] An emic reconstruction of the connections between magic and medicine will be provided to clarify how Apuleius could divert from an accusation of dissecting molluscs for love-magic to the claim of his scientific and medical purposes.[16] I will also throw light on the Platonising tone of this part of the defence, set out at 32.3-8[17] and constantly signposted throughout this section, which enables Apuleius to counterbalance the seriousness of the prosecution's arguments and to argue for the zoological[18] and medical[19] purposes of his fish enquiry. This analysis will ultimately allow us to better evaluate how critical Apuleius' situation was, and that his strong point consists in seeking the sympathy of the judge Claudius Maximus and his peers in the courtroom.

6.2. A Platonising Appeal

In *Apol*.32.2-8 Apuleius lays down the Platonising foundations on which he builds the following part of the speech, focused on the sea creatures purportedly sought to concoct an *amatorium* for Pudentilla.[20] Despite the reassuring and swaggering tone, we shall note how this part of the defence does not lack contradictions, showing how complicated it must have been for Apuleius to rebut this accusation. Analysing this passage, in fact, will shed light on his attempt to disguise the magical notoriety of several herbs actually employed in goetic practices, which he cites at *Apol.*32.4 and 32.8.

At *Apol.*32.1 – giving the impression that he is about to rebut the next charge – he concludes that he has given the reasons why he believes that *pisces* have nothing to do with magic. Then he surprisingly concedes that the prosecution's argument is valid, and that fish *etiam ad magicas potestates adiutare*.[21] By playing again with the semantic duplicity of *quaero* ('to

[14] *Apol*.38.7-8 (**6.4**).
[15] *Apol*.40.5-11 (**6.6**).
[16] *Apol*.40.1-3 (**6.5**).
[17] **6.2**.
[18] *Apol*.36.3-8; 37.4-6; 39.4 (**6.4**), and 40.5-7; 41.1-4; 41.6-7 (**6.6**).
[19] *Apol*.40.1-3 (**6.5**).
[20] *Apol*.33.1-35.6 (**6.3**) and 40.5-11 (**6.6**).
[21] *Apol*.32.2. This provocative strategy is set out at 28.2-3, cf. Hunink,1997,vol.II,106; Harrison,2000,66-7.

search', and 'to inquire into')[22] Apuleius adds irrelevant examples, mirroring those at 29.3-6, to demonstrate that seeking fish in itself cannot be regarded as a crime,[23] before introducing a paradigmatic observation: *nihil in rebus omnibus tam innoxius dices, quin id possit aliquid aliqua obesse, nec tam laetum, quin possit ad tristitudinem intellegi*. *Nec tamen omnia idcirco ad nequiorem suspicionem trahuntur*.[24] Scholars have not understood the importance of this passage:[25] this plea is specifically addressed to Claudius Maximus and the educated audience and complies with the same Platonic dichotomy, distancing higher and positive ideas from lower and negative values, which characterises the forensic strategy of the *Apologia*.

Apuleius puts himself and his fellow sympathisers at the vertex of an intellectual order, while his enemies are relegated to the lowest level. This reasoning, hence, cautions the benevolent audience about his foes, who wrongly believe him a goetic *magus* because of their ignorance and evil-mindedness.

To validate this point, Apuleius provides two series of examples: one concerns Menelaus' companions seeking fish to avoid starvation in Pharos thus acting like *magi*, should one abide by Aemilianus' foolishness, as Apuleius ironically claims.[26] The second is about the usage of six herbs, cited in two symmetrical groups, namely *tus et casia et myrra*,[27] and *elleborus vel cicuta vel sucus papaveris*;[28] these are said to be used either for holy sacrifices and medical remedies or for funerary rites[29] and poisoning.[30] The underlying reasoning on which these examples pivot is that, while considering *Menelai socii* as *magi* could be only due to Aemilianus' dullness,[31] the aforementioned herbs should not be feared for their ill-omened employments but studied in order to appreciate their virtues. It has to be noted that Apuleius takes great care when phrasing this

[22] Cf. *OLD*,1968-82,s.v.*quaeso*,1534, analogously at 30.1 (**5.2**).
[23] *Apol*.32.2. Amongst these examples: *qui gladium sicarius*. The allusion to the assassin, similarly to that in *Apol*.26.7, seems to address a point of the *Lex Cornelia de sicariis et veneficis* which is unrelated to magic (Paulus *Sent*.5.23.1-3; Marcian.*Dig*.48.8.1-3).
[24] *Apol*.32.3-4 ('you can mention nothing in nature so inoffensive that it could not impair other things, and nothing so positive that it lacks gloomy undertones. And yet we do not consider everything as negative for this reason'). Martos,2015,61,n.193 notes the similarity to the arguments in *Dig*.48.8.3.2, on which n.221.
[25] Cf. the recent monographs by Fletcher,2014,211 and Moreschini,2015,32-4.
[26] *Apol*.32.5-6, a reference to Hom.*Od*.4.354-69.
[27] *Apol*.32.4.
[28] *Apol*.32.8.
[29] *Apol*.32.4.
[30] *Apol*.32.8. The reference to *veneficium* – similarly to that to *sicarius* at 32.2 (cf. n.23) – is an allusion to the *Lex Cornelia* (Marcian.*Dig*.48.8.3.1).
[31] Hunink's argument (1997,vol.II,106) that Apuleius should not have referred to Pharos, an Egyptian island, since Egypt was the land of *φάρμακα* (cf. Hom.*Od*.4.229-30) is overblown.

argument not to mention any goetic application of such herbs, but only their possible use in funerary rites and poisoning. The reason why he does so is because all of them, with the exception of hemlock,[32] were employed in real goetic practices. Since I have already discussed the use of frankincense (*tus*) in magic,[33] I limit myself to observe that – quite surprisingly – Apuleius has already alluded to the magical application of *Arabicae fruges* (frankincense and cinnamon),[34] and particularly to that of the former in *Apol*.30.7 where he paraphrases *Eclogue* 8.65 including *mascula tura* amongst the ingredients for a love-charm. Additionally, later at *Apol*.47.7 he reports that – according to his attackers – he practised a goetic rite on Thallus burning *grana turis*.[35] Since literary descriptions of frankincense in magic were inspired by goetic practices[36] and since the passage at *Apol*.47.7 does not refer to literary magic but to real magic, Apuleius shows his awareness of the goetic undertone of the *tus* in the *Apologia*, and he would have probably known that cinnamon, myrrh, hellebore and poppy were employed in goetic magic too. This usage has been touched upon by Abt,[37] on whose analysis commentators on the *Apologia* rely.[38] Abt focuses primarily on passages in the *PGM* where such ingredients feature as offerings. In order to put the discussion on a firmer basis, I will provide a more thorough examination of the evidence, enabling us to glimpse the function of these herbs in goetic magic.

As to cinnamon (*casia*, *κασία*),[39] the most significant evidence comes from the *PGM*, where this is found amongst the offerings in the *Διαβολὴ πρὸς Σελήνην* alongside with frankincense.[40] It is also recommended as an offering to Zeus,[41] to Apollo,[42] and in the so-called *Bear-charm* to call upon a divine being.[43] Cinnamon was also prescribed in the preparation of a magical ring consecrated to Hermes,[44] and is specifically said to be the type of incense sacred to

[32] To sell the venomous *cicuta* is, however, condemned by the *Lex Cornelia*, cf. Marc.*Dig*.48.8.3.3. On this herb and its poisonous effects, cf. PLIN.*Nat*.25.151-5, and *Nat*.28.129; 28.158 where it is listed together with the sea-hare (**6.6**).
[33] *Apol*.6.5 (**3.4**).
[34] *Apol*.7.1.
[35] Cf. **7.1**, **7.4**.
[36] Cf. also Reif,2016,84; 107-10.
[37] Abt,1908,132-4 on 32.4 (cf. also p.73-4), and p.134-5 on 32.8.
[38] Cf. Butler, Owen,1914,82; Hunink,1997,vol.II,106-7; Martos,2015,61,n.189;192.
[39] Cf. André,1985,s.v.*casia*,52. On this herb in general, cf.PLIN.*Nat.*12.95-8; the *cinnamomum* (*κιννάμωμον*) was the tender shoot of the *casia*, cf. Rackham,1960,62,n.a.
[40] *PGM* IV.2677.
[41] *PGM* XIII.13 and probably XIII.353.
[42] *PGM* I.285.
[43] *PGM* IV.1309.
[44] *PGM* V.223. This is association with Hermes-Mercury is also confirmed by the *Glossae Casinienses*, where the *casia* is named *mercurialis*, cf. *CGL*,v.III,s.v.*linotesagria*,540. On Mercury and magic, cf. **10.3**.

this deity in another *formula*.[45] The goetic employment of myrrh (*myrra* or *murra*, *μύρρα*)[46] was so renowned as to be acknowledged by Pliny, who cites from Pseudo-Democritus;[47] the *Magical Papyri* contain rich evidence of its functions in goetic rituals: according to these prescriptions, myrrh was one of the most common ingredients for love-magic,[48] compelling a daemon,[49] catching a thief,[50] business,[51] and constituted an apt burnt offering to Hermes[52] and Selene.[53] It was also employed unburnt in various rites aiming at unsealing doors,[54] receiving a prophetic dream,[55] making a magical ring,[56] and love-magic.[57] Myrrh was also a customary component of inks for writing down magical *formulae* with several purposes:[58] a fetching spell,[59] a memory spell,[60] a phylactery,[61] an invocation of a daemon,[62] a charm to improve one's business[63] or favour,[64] to restrain anger,[65] to request[66] or send dreams,[67] to induce insomnia,[68] a curse,[69] divination,[70] necromancy,[71] and again love-magic.[72] Furthermore, it is worth noting that two *formulae* for love-magic – the point at issue in the allegation here discussed – are specifically concerned with myrrh, as their titles reveal.[73]

[45] *PGM* XIII.19, discussed by Abt,1908,132.
[46] Cf. André,1985,s.v.*myrrha*,166; the spelling in the papyri is *ζμύρνη*. For general remarks, cf.PLIN.*Nat*.12.66-71.
[47] PLIN.*Nat*.25.166 alluding to a mixture of components including myrrh, called *hermesias*. On Democritus and magic, cf. *Apol*.27.1 (**4.4**).
[48] IV.1309.
[49] *PGM*.II.178.
[50] V.20.
[51] IV.2456.
[52] V.197, mentioned in Abt,1908,133.
[53] XIII.20. Cf. also Abt,1908,133.
[54] XIII.1068; XXXVI.313.
[55] VIII.97.
[56] V.220,223,227,229, cf. Abt,1908,133,n.3.
[57] IV.2889; XXXVI.134.
[58] In certain cases the purpose is unspecified (*PGM* VII.300; XIII.409,412; XXXVI.264) or impossible to understand because the papyrus is fragmentary (III.179; LII.10-1).
[59] IV.2232.
[60] I.233.
[61] IV.816; IV.1076; XXXVI.257.
[62] I.9; II.35; II.60; VII.521; LXII.46; LXXII.7.
[63] IV.2388.
[64] VII.999; XII.399.
[65] VII.941; XII.179.
[66] XII.146.
[67] XII.108; XII.122; XIII.315.
[68] XII.376.
[69] V.307.
[70] IV.2201; IV.3210,3246; VII.664; VII.703; VIII.70 (on this, also Abt,1908,133,n.4); XXXVI.134.
[71] IV.1989; IV.2135.
[72] VII.468; VII.596; VIII.57; XIII.322; XIXb.3,5.
[73] IV.1496-1595 (cf. also Abt,1908,133,n.6); XXXVI.333-60.

If compared to the aforementioned cases, the presence of hellebore (*elleborus* or *ἐλλέβορος*)[74] and poppy (*papaver* or *ἀνέμων*)[75] is not equally abundant in the *PGM*: as to the former, we find it in a secret list of plant names by the name of *γόνος Ἡλίου*,[76] while the latter features amongst the ingredients for making the so-called Typhonian ink.[77] Pliny reports a recipe to heal lumbago ascribed to the *magi* in which poppy should be boiled in wine,[78] confirming that this component featured in practices prescribed by the *magi*.

This analysis provided sufficient elements to confirm the magical employment of herbs such as, hellebore, poppy,[79] cinnamon, myrrh and particularly frankincense[80] which Apuleius himself associates with goetic rituals in the *Apologia*. Despite these issues, we noted that his forensic strategy undergoes a change in comparison with *Apol*.29.1-31.9,[81] and does not solely consist in plain denial[82] and sophistic displays.[83] Being probably aware of the weakness of his earlier arguments, at *Apol*.32.3 he stakes it all on a Platonising appeal in order to bias Maximus and the cultured audience against the malevolence of his enemies. In this perspective, the allusion to the hemlock strategically placed at the end of the list[84] should be seen as a reference to Socrates' tragic death,[85] which the judge and fellow philosopher Maximus would have easily understood, stressing again the programmatic association between himself and the venerable sage. In this part of the defence, Apuleius clearly aims to gain Maximus and the audience's favour before facing a dangerous point: the type of *res marinae* purportedly sought to allure Pudentilla.

6.3. Obscene Molluscs: Association through Name Similarity

A Platonising texture is also a noticeable feature of the defence in *Apol.*33.1-35.7; here Apuleius finally discusses the three sea creatures mentioned by his opponents: two molluscs resembling

[74] Cf. André,1985,s.v.*elleborus*,94. Pliny gives a description of this plant and its virtues at *Nat*.25.48-61.
[75] On poppy cf. André.1985,s.v.*papaver*,188 and the overview in PLIN.*Nat*.19.168-9.
[76] *PGM*.XII.432.
[77] XII.97.
[78] PLIN.*Nat*.30.53.
[79] *Apol*.*Apol*.32.8.
[80] *Apol*.32.4.
[81] *Apol*.30.4-31.9 in Chapter 5.
[82] *Apol*.30.4.
[83] *Apol*.30.6-31.7.
[84] *Apol*.32.8.
[85] Pl.*Phdr*.117a (*φάρμακον*) and specifically D.L. 2.42 (*κώνειον*).

male and female organs which he designates with the neologisms *veretilla* and *virginal*,[86] and the notorious sea-hare.[87] While he only touches upon the latter,[88] he focuses on the *veretilla* and the *virginal* in an attempt to disprove the belief in a connection between them and sexual organs due to the similarity of names, which would allow for their supposed use in love-magic.[89] Apuleius backs up this statement with three sets of examples concerning seemingly harmless *res marinae*,[90] which he denies ever having sought.[91] As we shall observe, the creatures in such lists are far from being as innocent as Apuleius would like us to believe, since many of them feature in recipes ascribed to the *magi* and in the *PGM*. Although Abt rightly argues that the accusation is serious and cleverly structured,[92] he and other scholars fail to identify much fundamental evidence that proves how these sea creatures were used in goetic practices, which will be examined here. The controversial implications of Apuleius' argument notwithstanding, I will also cast light on the sophisticated tone permeating this section of the *Apologia* and on the allusions to Plato's *Cratylus* and Cicero's *De Divinatione*, which are subtly addressed to Apuleius' fellow sympathisers and serve to endorse his declaration of innocence.

Since Apuleius' digression on the sea-hare occupies another section of this chapter,[93] I will analyse here the discussion of the *veretilla* and the *virginal*[94] highlighting Apuleius' manipulation of the prosecution speech. Initially, Apuleius diverts from the magical powers attributed to the molluscs and bitterly reprimands Tannonius – the prosecutors' advocate – for his lack of finesse.[95] It is because of his ignorance, Apuleius claims, that he could not utter the name

[86] *Apol*.34.5. These molluscs, like the sea-hare, might have looked like human genitals in the eyes of the ancients, hence their names (**6.6**). *Veretilla* is a diminutive of the common *veretrum*, i.e. 'penis' (cf. Adams,1982,s.v.*veretrum*,52-3); *virginal* is an Apuleian coinage (cf. Adams,1982,s.v.*virginal*,94, who does not acknowledge Apuleius' authorship). Abt,1908,137-8 considers *virginal* as a translation of *κτείς*, and *veretilla* a translation of *βάλανος* (on the erotic usage of both, cf. Henderson,1991^2,132,n.130 and p.119,§40, respectively). Since Abt could not find evidence to support a goetic interpretation of these terms, I want to add that *PGM* VII.193 contains a reference to *βάλανος* to indicate the penis in an eternal spell to bind a lover. The erotic connotation of this term appears in goetic spells in Greek and the same might have happened to its Latin counterpart *veretilla*. Further stylistic remarks on these Apuleian neologisms in Butler, Owen,1914,84-5; Bardong,1944,270; McCreight,1991,309-10; Hunink,1997,vol.II,110-1; Nicolini,2011,132,n.405.
[87] *Apol*.33.3.
[88] This is postponed to 40.5-11 (**6.6**).
[89] *Apol*.34.6.
[90] *Apol*.34.6; 35.3-4; 35.6.
[91] *Apol*.34.7.
[92] Abt,1908,138; Hunink,1997,vol.II,109 likewise argues for Tannonius' stylistic brilliance.
[93] **6.6**.
[94] *Apol*.34.5 and 33.5-7.
[95] *Apol*.33.6-34.3.

of a *virile marinum*,[96] and needed to quote from a description of Venus' statue of by Apuleius[97] to indicate the mollusc resembling female genitals.[98] In reality, Tannonius' reticence was probably intended to be a display of prudery, underscoring the prosecution's integrity, while the quotation from Apuleius' description would have underpinned the idea that he was familiar with indecent and lascivious themes.[99] This would be in line with his earlier portrayal as a lustful seducer in the Preliminary Allegations, supporting the prosecution's claim that his immorality made him a fitting person for using magic to seduce his victims.[100] Furthermore, I argue that Tannonius, by quoting Apuleius' description of Venus' pudenda to indicate a mollusc, could have intended to corroborate the link between fish and goetic magic, since Venus was deeply connected with the *magicae artes*, as we have already seen.[101]

After a fast-paced lambasting of Tannonius' rusticity,[102] at *Apol*.34.4 Apuleius gets finally to the point and counters the principle by means of which *veretilla* and *virginal* enabled him to perform his supposed love-magic on the widow. This strategy – as we will observe in the following chapters – is a typical feature of the *Apologia*: by disproving the underlying reasoning that holds together the magical details of the charges, Apuleius manages to avoid a comprehensive discussion of such goetic features, averting their dangerous implications. He condemns, in fact, the possibility of any connections due to similarity of names, insisting that this reasoning evidences his enemies' foolishness, with the following words: *an quicquam stultius quam ex nominum propinquitate vim similem rerum coniectam*?[103] Analogously to the surprising

[96] *Apol*.33.6 and 34.2. For the Ciceronian character or this invective, cf. Hunink,1997,vol.II,137; Harrison,2000,70.
[97] *Apol*.34.3. This work is now lost; Hunink,1997,vol.II,109,n.3 suggests that it might have been a "declamation or a treatise dealing with statues", while Harrison hypothesises an ekphrastic catalogue such as the *Imagines* by Lucian and those by Philostratus (2000,36). For a similar argument that the prosecutors needed Apuleius' works to name sea creatures, cf. *Apol*.38.6.
[98] *Apol*.33.7, which resembles APUL.*Met*.2.17.1-2; cf. van Mal-Maeder, 2001,263-5; Hunink,1997,vol.II,110; Harrison,2000,36. This shows how Apuleius re-employs stock-material in his various works, similarly to *Apol*.43.2-3 which mirrors *Soc*.6 (**7.3**). On the accusers' strategy and Apuleius' use of euphemism, cf. Masselli,2004,195-213.
[99] Apuleius' interest in erotic themes also emerges in a Latin translation of Menander's *Anechomenos* preserved in *Anthologia Latina* 712 (=Kassel,Austin,1997,*PCG*,vol.VI.2,256-7,frg.431) according to the numeration in Riese's second edition (1894), which Harrison,2000,19 hypothesises to belong to Apuleius' lost *Ludicra*; on this cf. also May,2006,63-71.
[100] *Apol*.4-16 (**3.2**, **3.3**, **3.4**, **3.6**).
[101] Cf. my discussion of *Apol*.31.7 (**5.6**).
[102] *Apol*.34.1-3.
[103] This claim is rephrased at 35.6, where he refers to the female and male genitals as *spurium* and *fascinum* respectively (cf. Adams,1982,s.v.*spurium*,96-7; s.v.*fascinum*,63-4). The term *fascinum* or also *fascinus*, however, has the double meaning 'phallus' and 'charm', cf. *ThLL*,vol.VI.1,s.v.*fascinus*,coll.300-1. As explained in PLIN.*Nat*.29.39 these phallic figurines had an apotropaic function against the evil eye, hence the meaning of 'charm'; cf. Neilson,2002,248-53. Unsurprisingly, the terms *βασκανία* and *ἀβάσκαντον*, which in a bilingual Glossary are

claim that fish cannot be used in magic at *Apol*.30.4,[104] this statement might have been looked at with disbelief by his readership since the idea that beings and objects with similar names are connected with each other is a customary principle of ancient medicine,[105] as we can observe in the *Naturalis Historia*.[106] To a degree, Apuleius' assessment seems to echo the rationalist attack against popular medicine – firmly condemned as *γοητεία* – in the *Philopseudes*;[107] nevertheless, given Apuleius' admitted interest in medicine,[108] his criticism could not be directed to such therapies as a whole, but only to the principle of name similarity. It is also necessary to note, on the one hand, that Apuleius draws the attention away from magic with a very general tenet without mentioning magic. On the other hand, the expression: *an quicquam stultius quam ex nominum propinquitate vim similem rerum coniectam*[109] should be seen as a learned allusion to two lofty models. The first is Plato's *Cratylus*, where Socrates opposes Cratylus' theory of linguistic naturalism,[110] and shows that it is possible to speak falsely because names are not always correct *μιμήματα* – as they are often distant from the original idea which they represent –[111] and that a name's etymology does not always grant access to the knowledge of its referent, since names might contain false beliefs about their referents.[112] Needless to say, the parallel with the *persona* of Socrates in the *Cratylus* enables Apuleius to buttress his self-characterisation as a Socrates reborn. A second possible model for this formulation could have been Cicero's denial of the efficacy of the principle of affinity (*συμπάθεια*)[113] in divinatory practices in the *De Divinatione*: in addition to negating sympathetic associations – similarly to what Apuleius does here – Cicero biases his readership against these popular beliefs,[114] and this allows him to assert his

indicated as the Greek equivalents of *fascinus* (cf. *CGL*,vol.II,s.v.*βασκανία*; *βάσκανος*,256; s.v.*fascinus*,515), appear in the *PGM* (IV.1451; XIII.802). For phylacteries and magic, cf. my remarks on *Apol*.26.6-9 in **4.3**, n.114.

[104] **5.2**.

[105] An updated overview in *Brill's New Pauly*,vol.VIII,s.v.*Medicine*,coll.573-4.

[106] E.g.PLIN.*Nat*.9.79-80; 22.39; 25.38; 27.57; 27.131. Apuleius was acquainted with Pliny (**4.4**, **4.5**, **4.6**, **5.3**, **11.5**), and was also the author of medical texts (cf. n.209). Cf. Abt,1908,139-40, followed by Butler, Owen,1914,87, and also Önnerfors,1993,183-7 who, however, do not emically examine medicine and magic.

[107] Luc.*Philops*.8.

[108] *Apol*.40.1-4 (**6.5**).

[109] *Apol*.34.4.

[110] Pl.*Cra*.383a-390e in particular. For an overview on this dialogue, cf. Fine eds.,2008,223-9.

[111] Pl.*Cra*.430a-431c.

[112] Pl.*Cra*.436a-437d; cf. Ademollo,2011,431-41.

[113] A century after the trial, Plotinus explains that *συμπάθεια* plays a fundamental part in magic, since *ἐν ταῖς μάγων τέχναις εἰς τὸ συναφὲς πᾶν· ταῦτα δὲ δυνάμεσιν ἑπομέναις συμπαθῶς*; on Plotinus and magic, cf. **2.2**, n.64 and Helleman,2010,114-46.

[114] CIC.*Div*.2.34-6 and Pease,1963,411-2.

philosophical rank in contrast with the supporters of *συμπάθεια*. Apuleius draws on this type of reasoning to disparage his foes, who accept the base principle of the name similarity, while creating around himself an aura of philosophical respectability. This ultimately allows him to prejudice the educated audience and Claudius Maximus against the prosecution.

To strengthen this claim, Apuleius introduces three series of intentionally incongruous examples, highlighting the absurdity of the association between different things with similar names. He groups into three lists the following marine beings: in the first (*Apol.*34.6) we find *marinus pecten*, *piscis accipiter*, *piscis apriculus*, and *marina calvaria*; the second and longest list (*Apol*.35.3-4) is composed by: *conchula striata*, *testa hebes*, *calculus teres*, and *cancrorum furcae*, *echinorum caliculi*, *lolliginum ligulae*, and *assulae*, *festucae*, *resticulae*, and *ostrea* † *Pergami* † *vermiculata*,[115] *muscus*, *alga*.[116] The third list (*Apol*.35.6) reprises elements of the second group: *calculus*, *testa*, *cancer*, *alga*. While the presence of several diminutives suggests the small importance of this marine waste, the presence of Plautine forms[117] and the references to Ennius' *Hedyphagetica*[118] – which Apuleius cites shortly afterwards –[119] were supposed to display Apuleius' erudition. Additionally, the three lists are arranged in a chiastic structure: that at *Apol*.34.6 is a *tetracolon* mirroring that at *Apol*.35.6, whilst the group in the middle (*Apol*.35.3-4) is composed by four *tricola*. These refined features notwithstanding, the *res marinae* named by Apuleius bear dangerous magical implications. The examination by Abt,[120] which has been followed by Butler and Owen,[121] Hunink,[122] and Martos,[123] is methodologically imprecise from

[115] I follow here the text as printed in Vallette,1924,43. Hunink,1997,vol.I,61; vol.II,112 might be right in expunging *Pergami*, which Abt sees as a dittography induced by *vermiculata*; yet, it could have been an interlinear gloss influenced by *ostrea plurima Abydi* (39.3.2), then copied in the body of the text. I thank Francesca Piccioni, who puts *Pergami* between *cruces* in her forthcoming edition, for sharing her views with me.
[116] I translate this list as: 'a tiny grooved seashell, a blunt shell of a crustacean, a smooth pebble, and also crabs' claws, shells of sea-urchins, squids' little tentacles, and splinters, straws, wicks, and striped shells of oysters † from Pergamum, † even moss and seaweed'.
[117] PL.*Cas*.493; 497, cf. Hunink,1997,vol.II,112; May,2006,91; Pasetti,2007,34. On the comic tone of this and the previous diminutives, see McCreight,1991,268-9; Hunink,1997,vol.II,110-2; May,2006,91; Pasetti,2007,34. For a stylistic discussion of the whole passage, see Harrison,2000,67.
[118] These are *pecten* in 34.6=39.3.3; *apriculus* at 34.6=39.3.5; *calvaria* at 34.6=39.3.10; *echini* in 35.3=39.3.11; *ostrea* in 35.4=39.3.2. Cf. Pasetti,2007,37-8.
[119] *Apol*.39.3.
[120] Abt,1908,141-52.
[121] Butler, Owen,1914,85-7.
[122] Hunink,1997,vol.II,111-3.
[123] Martos,2015,64-5,n.199;203;206.

an emic standpoint since he often confuses ancient medicine with magic,[124] and lacks fundamental evidence which I provide, instead, below by commenting on those molluscs and their use in magic. Since the third group repeats elements of the second, I shall discuss the magical employment of the *res marinae* at *Apol*.35.3-4 and 35.6 together.

As to the first group at *Apol*.34.6, the only *res marinae* recalling magical practices are the *marina calvaria*, which Apuleius paradoxically says *elicere mortuos*. There is a common assumption that goetic practitioners could raise the dead,[125] and had recourse to skulls – although mostly human –[126] for such purposes: the *PGM* contain various references to necromancy by means of a skull (*κρανίον* or *σκύφος*),[127] studied in detail by Christopher Faraone.[128] Apuleius was fully aware of such a custom and in the description of Pamphile's laboratory in *Met*.3.17.5 we find, in fact, *trunca calvaria*.[129]

Many of the sea creatures and marine waste at *Apol*.35.3-4 and 35.6 were indeed used in goetic magic, as suggested by both encyclopaedic, papyrological evidence, and *devotiones*: seashells are included in many prescriptions of the *Magical Papyri*[130] for love-magic as well:[131] *PGM* VII.300a-310 in particular contains the instructions for a powerful love-charm in which one needs to write on a seashell and address it in the spell. The same custom can be gauged in a *defixio* from Carthage, in which the spell also has to be inscribed on a seashell.[132] Pebbles (*calculi*)[133] were equally employed in magical practices: Seneca reports that Democritus[134] knew how to make emeralds out of pebbles, by boiling them.[135] According to the *magi*, sea-urchins (*echini*) in vinegar could cure night rashes, and burnt with vipers' skin and frogs could even allow for the

[124] For a reconstruction of the links between magic and medicine, cf. **6.5**. Here only what is ascribed to the *magi* and features in sources explicitly referring to goetic magic is considered as relevant evidence.
[125] **10.2**.
[126] At *PGM* XIa.2; 4; 38 a spell to evoke an old woman as a servant, requires the use of the skull of a donkey; this is, however, not a *marina calvaria*.
[127] *PGM* IV.1928-2005; 2006-125; 2125-139; 2140-4.
[128] Cf. Faraone,2005,255-82 and the discussion in **10.6**.
[129] The connection between this passage of the *Metamorphoses* and *Apol*.34.6 has gone unnoticed in recent studies on the *Apologia*, although acknowledged by Van der Paardt,1971,134. A similar use is in TAC.*Ann*.2.69 reported by Abt,1908,141.
[130] *PGM* IV.2218; VII.374-6;
[131] *PGM* VII.467-77.
[132] Audollent,1904,308-9; 234,6-7; 32 and p.310 for comments.
[133] For the goetic use of stones in general, cf. **5.6**.
[134] This is clearly a reference to the Pseudo-Democritean corpus, probably by Bolus of Mendes, which is discussed in **4.4**.
[135] SEN.*Ep*.90.33. On stones and magic, cf. *Apol*.31.8 (**5.6**).

improvement of eyesight.[136] Crabs (*cancri*) were renowned to be ingredients in the recipes of the *magi*, as explained by Pliny.[137] Furthermore, references to crabs appear in the *Magical Papyri*[138] where we also find evidence of the magical usages of their claws (*furcae* or *χηλαί*).[139] Astounding is Apuleius' scepticism about the possible usage of crabs to heal cancers at *Apol*.35.6, since a passage in Pliny's *Natural History*,[140] despite lacking direct connections with the terms which stems from *magus*,[141] clearly indicates the opposite: the ashes of sea crabs burnt with lead were indeed believed to be a remedy for ulcers (*ulcerae*) and cancers (*carcinomata*), and the principle underlying this therapy seems that of name similarity.[142] Apuleius' statement is puzzling given his acquaintance with the *Natural History*, and such a plain contradiction could have been visible to Apuleius' well-educated readership, acquainted with Pliny or the medical knowledge that Pliny expounds. Nevertheless, Apuleius' bold strategy is in tune with the previous denial of the connection between fish and magic. I argue that the reason for adopting these risky arguments is to be provocative, challenging his enemies with daring self-confidence, while amusing the sympathetic Maximus, who was well aware that Apuleius was a fellow philosopher, not a goetic *magus*.[143]

Abt[144] comments on the sea waste in *Apol*.35.4, and cautiously proposes a comparison between *assulae*, *festucae*, and especially *resticulae* and *PGM* VII.594-595, a passage from a prescription for love-magic, where it is said *ποίησον ἐλλύχνιον ἀπὸ πλοίου νεναυαγηκότος* ('make a wick of the hawser of a wrecked ship').[145] In reality, more evidence can be added to underscore the usage of remains of shipwrecks in goetic practices: *PGM* V.64-65; 67-68 and VII.466 allude

[136] PLIN.*Nat*.32.72. For magic and medicine cf. **6.5**.
[137] PLIN.*Nat*.32.55; 32.74; 32.82; 32.111; 32.115-6.
[138] *PGM* VII.780.
[139] Cf. the so-called *Slander Spell to Selene* at *PGM* IV.2645, and even the coercive spell to attain various purposes (IV.2579). This is noted in Abt,1908,146,n.5.
[140] PLIN.*Nat*.32.126.
[141] This point has not been understood by Abt,1908,151, followed by Butler, Owen,1914,87; Hunink,1997,vol.II,113; Martos,2015,65,n.206, because they do not attempt to comprehend magic according to the viewpoint of Apuleius and his contemporaries (Chapter 2).
[142] Further comments on the contradictory aspects – although not related to magic – pertaining to the list at 35.6 are given in Abt,1908,150-2.
[143] For his self-professed rhetorical powers cf. *Apol*.28.2-3. Furthermore, as suggested by Hunink,1997,vol.II,113, had his enemies protested, they would have indirectly betrayed knowledge of goetic practices (**11.5**).
[144] Abt,1908,147-8.
[145] Cf. Betz,1992^2,135.

to water and a copper nail respectively, which should be taken from shipwrecked vessels.[146] Lastly, it is possible to add that seaweed (*algae*) is also named amongst the recipes of the *magi* reported in the *Natural History*,[147] as they believe it useful to alleviate gout.[148]

We have so far demonstrated that, although Apuleius feigns innocence, both his claim that association *ex nominum similitudine* and his lists of examples are affected by some complications: the former contradicts a widespread principle, the latter are ingredients actually used in magic. Another issue needs to be addressed: we need to understand the reason why Apuleius lays stress on the commonness of such *res marinae*.[149] Commenting on *Apol*.29.1, Hunink suggests that this is an attempt to disprove the claim that he paid a substantial amount of money to obtain uncommon and harmful components:[150] his insistence on the *pretium*[151] implies that the prosecution pointed out that a high price was paid for such rare, magical ingredients. It must be added that a similar argument characterises the Primary Charge concerning the skeletal statuette to practice necromancy made of rare ebony which Apuleius strenuously sought in Oea, according to the prosecution.[152] Furthermore, that poisons were very expensive is a commonplace idea which Apuleius knows well: in *Met*.10.9.1, in fact, he describes an evil-minded servant willing to pay *centum aurei solidi* to buy a powerful *venenum*.[153]

It now becomes necessary to review what has been discussed so far. This examination of *Apol*.33.1-35.7 has enabled us to assess the difficulties that Apuleius had to tackle and the disputable aspects of some of his arguments. His situation was objectively difficult: not only was the accusation more serious than how he presents it, but his denial of the association *ex nominum propinquitate* is indeed controversial, and his examples are tainted by magical undertones.

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[146] Abt,1908,148,n.3 employs this evidence to defend the reading *infelicium navium* in APUL.*Met*.3.17.4, but his interpretation is disproved in Costantini,2017a.
[147] We can infer this since Pliny from 32.66 onwards is reviewing the prescriptions of the *magi*.
[148] PLIN.*Nat*.32.111. In *PGM* IV.1319-20 there is a reference to pondweed (*ποταμογείτονος*), probably referring to a plant that could be found in the Nile, which could have easily recalled a seaweed.
[149] *Apol*.35.2 and 35.4-5.The last passage echoes PLIN.*Nat*.9.93 (*saepias*, *quoque et lolligines eiusdem magnitudinis expulsas in litus*) and could underscore Apuleius' knowledge of Pliny, making his following statement at 35.6 even more surprising.
[150] Hunink,1997,vol.II,98-9.
[151] *Apol*.35.3 and also 29.1; 29.4-6; 29.8. In the anecdote concerning Pythagoras (30.2-4) Apuleius points out that the sage paid a *pretium* to buy fish (30.3), thus Apuleius would have been as innocent as Pythagoras. For the comicality of fish-buying, cf. May,2006,152-3.
[152] *Apol*.61.2; 62.5 (**10.1**).
[153] For *venenum* and magic, cf. **5.6**, **11.2**. Cf. also APUL.*Met*.10.25.2; for the *topoi* of the expensive poisons and the greedy physician, cf. Zimmerman,2000,157-8; 319.

Nevertheless, the risks of his provocative strategy could have been counterbalanced – at least to some extent – by his masterly distortion of his opponents' speech, and by the learned allusions to the ideas in Plato's *Cratylus* and Cicero's *De Divinatione*, which would have helped him gain the favour of the cultivated audience. Up to this point, Apuleius focuses on the alleged employment of *veretilla* and *virginal* to unlawfully win Pudentilla's love. He still left unexplained the most crucial issue: the fact that he publicly dissected a mollusc that his enemies identify with the notorious sea-hare. But before addressing this important point, he adds a lengthy excursus on the philosophical reasons of his fish enquiry.

6.4. A Parody of the *Voces Magicae*

Apol.36.1-39.4 contains perhaps the most irrelevant digressions of the whole defence: Apuleius distracts his audience from the magical issue at stake by describing his noble research into nature and fish in particular,[154] imitating and even outdoing[155] his illustrious predecessors Aristotle, Theophrastus, Eudemus of Rhodes, and Lyco of Troas.[156] Then he further displays his magniloquence by retelling an anecdote concerning the poet Sophocles, unjustly impugned by his son,[157] and quotes eleven hexameters from Ennius' *Hedyphagetica*.[158] Framed within this section – in which the magical seduction of Pudentilla is wholly overlooked – we find the controversial mockery of some *voces magicae*, the unintelligible utterances featuring in many goetic spells. Firstly, Apuleius announces that a servant will bring into the courtroom of Sabratha some of his zoological treatises on fish, which he sarcastically calls *magici mei*.[159] Despite his irony, this assertion might have been objectively dangerous were the judge ill-disposed towards Apuleius: we know that the *Lex Cornelia de sicariis et veneficiis* rigorously condemned the very possession

[154] *Apol*.36.3-8; 37.4-6; 39.4.
[155] *Apol*.36.6 and 38.5.
[156] *Apol*.36.3; these are called *Platonis minores*, the interpretation of which as 'Plato's disciples' befits Apuleius' Middle-Platonic views (cf. Marchesi, 1957=2011,51; Hunink,1997,vol.II,114; Fletcher,2014,112). Butler, Owen,1914,88 leaves open the possibility of interpreting it either as 'disciples', or as *posteri*; cf. also Butler's (1909,69), Hunink's (2001,61), and Martos' translations as 'successors' (2015,66). For the use of *minor* as 'disciple', cf. *ThLL*,vol.X.1,s.v.*parvus*,col.566.
[157] *Apol*.37.1-3 on which cf. Binternagel,2008,158-65. Harrison,2000,68,n.77 suggests as a model CIC.*Sen*.22. For remarks on the anecdote, cf. Hunink,1997,vol.II,116. McCreight, to whom I owe my gratitude for sharing with me a copy of his study, points out that this anecdote might function as an '*historiola*' to enchant the audience (2004,153-75). Further remarks on Apuleius' charming speech in Chapter 12.
[158] *Apol*.39.2-3. On this lines, cf. Vivenza,1981,5-44; Courtney,1993,22-5; Schade,1998,275-8; Kruschwitz,1998,261-74.
[159] *Apol*.36.7.

of *libri magiae artis*,[160] and punishments would have been even more severe for a *magus* writing down such a forbidden lore.[161] These risks notwithstanding, at *Apol*.38.7-8 Apuleius goes even further in provoking Aemilianus, says that he will utter unintelligible *magica nomina Aegyptio vel Babylonico ritu*, and then pronounces[162] the following series of Greek names: *σελάχεια*, *μαλάκεια*, *μαλακόστρακα*, *χονδράκανθα*, *ὀστρακόδερμα*, *καρχαρόδοντα*, *ἀμφίβια*, *λεπιδωτά*, *φολιδωτά*, *δερμόπτερα*, *στεγανόποδα*, *μονήρη*, *συναγελαστικά*. This is, in reality, not a goetic utterance but a list of thirteen names indicating Aristotelian classes of fish, amphibians, and other animals probably contained in a lost zoological treatise by Apuleius.[163] However, its resemblance with the *voces magicae* that we find in contemporary *defixiones* and in the later *Magical Papyri* – as I discuss below – could have easily provoked the uproar of the prosecution and part of the people in court, given that an analogous reaction is scripted after the utterance of the names of various *magi* at *Apol*.90.6.[164]

Apuleius does not seem concerned with these serious implications: he mainly intends to amuse the cultured audience and the judge Maximus, who would have easily understood the harmlessness of the pseudo-magical names, and would have looked at the accusers – previously described as Greekless –[165] and their protests with disdain. And when Apuleius would have read the Latin rendering of such names, even the sceptical crowd would have been, at least to a degree, reassured.[166] This ploy is part of a rhetorical strategy well observable in three other passages of the defence-speech: at *Apol*.26.6-9, in fact, Apuleius surreptitiously threatens Aemilianus saying that, if he were a goetic *magus*, then his archenemy would never be able to escape from his all-powerful powers.[167] Likewise, the use of refined neologisms at *Apol*.64.2 counterbalances the frightful invocation of daemons to hunt down Aemilianus,[168] and the aforementioned list of

[160] Paulus *Sent*.5.23.18. The sentence for *humiliores* was death, while the *nobiliores* were to be confined to an island.
[161] A person having knowledge of goetic magic was to be put to death, cf. Paulus *Sent*.5.23.17-8.
[162] Hunink,1997,vol.II,119 rightly points out that in this case Apuleius acts as a speaker and does not ask an assistant to read the passage. We can add that this conforms to the other allusions to goetic magic at *Apol*.26.6-9, 64.1-2, and 90.6, always uttered by Apuleius.
[163] Abt,1908,155; Butler, Owen,1914,92-3 followed and expanded on by Hunink,1997,vol.II,119; Harrison,2000,68; May,2006,93; Martos,2015,70,n.219.
[164] **11.5**.
[165] *Apol*.30.11.
[166] *Apol*.38.9; this part is not transcribed in the published version of the speech, cf. Harrison,2000,68,n.78.
[167] *Apol*.26.6-9 (**4.3**).
[168] **10.7**.

notorious *magi* at 90.6 is equally justified by the fact that this information did not come from magical treatises,[169] but from writings accessible in public libraries.[170]

This risky strategy presupposes the unquestionable benevolence of Claudius Maximus and the well-educated audience, but the knowledge of magic here displayed is indisputable, and objectively dangerous. The utterance of indecipherable names is, in fact, a typical feature of goetic magic as Abt rightly points out,[171] but since his discussion lacks completeness, I shall review the substantial evidence that can be gathered from literary, epigraphic, and papyrological sources which will allow us to confirm Apuleius' knowledge of the *voces magicae*. From the very appearance of the goetic connotation of *μάγος* in the fifth century BC, these practitioners were thought to utter unfathomable *βάρβαρα μέλη*.[172] The *Getty Hexameters* – Orphic inscriptions on golden leaves from Selinus dating to the end of the fifth century BC – are *Realien* of the early existence of such utterances: within these hexameters we find the elements composing the powerful charm known as *Ephesia Grammata*, which occur in later goetic *formulae*.[173] Several literary sources chronologically close to Apuleius allude to eerie utterances in the realm of literary magic: already in Ovid,[174] Lucan[175] and Silius Italicus[176] we find allusions to *magica lingua*, while Pliny refers to *magica vocabula*.[177] In the second-century *Necyomanteia* by Lucian, the magical utterance of the *μάγος* Mithrobarzanes is interspersed with *βαρβαρικά τινα καὶ ἄσημα ὀνόματα καὶ πολυσύλλαβα*.[178] In real magical practices such foreign names were not perceived as goetic, but described with a holy terminology: they are, in fact, called *nomina sacra*[179] in a Carthaginian *defixio*,[180] and as *ὀνόματα ἅγια* or *ἱερά* in the *PGM*.[181]

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[169] On this, cf. n.160.
[170] *Apol.*91.2 (**11.5**).
[171] Abt,1908,152-5 and, in his wake, Butler, Owen,1914,92 and Hunink,1997,vol.II,118-9.
[172] E.*IT.*1337-8. More on goetic spells in **4.3**.
[173] On the *Ephesia Grammata* and their proto-'magical' aspect, cf. the recent discussion by Bernabé in Faraone, Obbink eds.,2015,71-106. On the connection between Orpheus and magic, cf. **4.5**; on magic and mysteries, cf. **8.2**.
[174] Ov.*Met.*7.330, and in 14.57-8 (*magicum os*).
[175] Luc.3.224.
[176] Sil.1.431-2.
[177] Plin.*Nat.*24.166.
[178] Luc.*Nec.*9 and similarly *DMeretr.*4.5. Later evidence such as [Quint.] *Decl.*10.15 and Hld.6.14 contain analogous allusions to these *formulae*.
[179] Fittingly, in his pioneering *Nomina Sacra*, Ludwig Traube devotes a section to *Die ägyptischen Zauberpapyri* (1907,38-40). More recently, Hurtado,1998,665-73.
[180] Audollent,1904,50[A],28.
[181] E.g. *PGM* III.391; III.624; IV.216-7; IV.871-2; VII.444; X.40; XII.134.

It has gone unnoticed that Apuleius' specific allusion to an *Aegyptius vel Babylonicus ritus*[182] must be understood in the light of an illustrious antecedent: in Lucan's *Bellum Civile* 6.448-9 we find the mention of the unintelligible *murmur* of goetic practitioners from Babylon and Egypt.[183] This reflects the fact that when the term *magus* and its cognates refer to the foreign cults of the Babylonian Chaldeans and the Egyptian priests, they have always a goetic meaning. Since I discuss the goetic reputation of the Chaldeans when commenting on *Apol*.97.4,[184] I will here briefly discuss the magico-goetic interpretation of the Egyptian cults. Although explicit evidence for this appears in Lucian's *Philopseudes*,[185] it is worth remarking that the aforementioned passage from the *Bellum Civile*[186] indicates a goetic understanding of Egyptian as well as Babylonian cults. Additionally, the Homeric passages concerning the Egyptian deity Proteus and Agamede-Perimede, which are quoted in *Apol*.31.6-7, could have eased this association since these figures were retrospectively associated with goetic magic already in the Hellenistic period.[187]

So far we have shed more light on literary allusions to *voces magicae* ascribed to Egyptians and Babylonians. We still have to explore the extent to which the pseudo-utterance reveals Apuleius' own knowledge of real magic, and some stylistic remarks are necessary to gauge the striking similarities with the utterances preserved in curse-tablets and the *Magical Papyri*.[188] It must be observed that the evidence in the *Apologia* is exceptional, since no literary text available to us offers such a vivid rendering of terms which could have recalled the *magica nomina* employed in real magic. Abt compares *Apol*.38.8 with the *voces magicae* in a spell for producing trance preserved in the *Great Paris Papyrus*,[189] which was copied in the fourth century AD.[190] However, it is worth noting that already in the first century AD curse-tablets from the

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[182] *Apol*.38.7.
[183] On this passage and the use of *murmur* in magical contexts, cf. Baldini-Moscadi,1976=2005,165-74.
[184] **11.6**.
[185] *Philops*.34, on which cf. Abt,152-3 and especially Ogden,2007,248-56. At the beginning of the third century Cassius Dio considers Arnouphis, the Egyptian priest in the entourage of Marcus Aurelius, as a *μάγος* (C.D.71.8.4). Cf. Dickie,2001,199 and Ogden,2007,248.
[186] LUC.6.448-9.
[187] **5.3**, **5.4**.
[188] The *voces magicae* in both *defixiones* and *PGM* have been the object of thorough studies in recent times: cf. Gager,1992,5-12 and particularly Crippa,2012,289-97 and Marco Simón,2012,135-45, on *PGM* and curse-tablets respectively.
[189] *PGM* IV.886-95.
[190] Cf. Betz,1992^2,xxiii; Faraone,2005,278; Van der Horst,2007,173-4.

Roman world present elaborated *voces magicae* of Oriental origin,[191] and Audollent clearly shows that the utterances recorded in most *defixiones* have strong analogies to those in the later papyri.[192] This indicates the presence of an established goetic idiom already in the first two centuries AD, a jargon with which Apuleius was so acquainted as to parody it exemplarily. His pseudo-*magica nomina* are, in fact, characterised by features recurring in curse-tablets from North Africa chronologically close to the trial: the presence of figures of the speech such as *accumulatio* of Greek names within a Latin main text, assonance,[193] and alliteration of various syllables,[194] can be seen in the *voces magicae* in a second-century *defixio* from the amphitheatre of Carthage.[195] Likewise, many other African *devotiones* contain *nomina magica*[196] presenting the aforementioned figures of the speech, that is to say alliteration, *accumulatio* and assonance. We can, therefore, confirm that Apuleius' ominous utterance parallels the format of those found in goetic material chronologically and geographically close to him. Hence, anyone in court familiar with this practices – especially if less versed in Greek – could have seen this as evidence confirming the accusations.

To sum up, having discussed the rhetorical strategy in *Apol*.35-9, and thrown substantial light on the use of *voces magicae* in the Greco-Roman world, we can conclude that Apuleius' utterance complies with a recurring forensic strategy intended to intimidate the accusers – who would have failed to ascertain the real nature of the provocation – as in *Apol*.26.6-9, 64.1-2, and 90.6. An outraged reaction would have only biased Apuleius' real addressee, Claudius Maximus, against the prosecution. The parodic purpose of Apuleius' utterance notwithstanding, his pseudo-*voces magicae* would have indirectly betrayed his own goetic expertise. Even though this could have exposed Apuleius' flank to further controversies,[197] in the following part of this section, he fully resorts to his Platonising reasoning to avert any dangerous suspicions.

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[191] Cf. Gager,1992,6-7. On the Jewish origin of some *voces magicae*, cf. Bohak,2003,69-82.
[192] Audollent,1904,499-516.
[193] Abt,1908,154,n.3.
[194] These figures of the speech, alliteration in particular, are also typical of the Roman sacral language as explained in De Meo,2005[3],144-6, and an interesting parallel could be the incantation to heal a fracture in CATO *Agr*.160.1. For a thought-provoking anthropological discussion of numinous utterances in various cultures, though from an etic standpoint, cf. Tambiah,1968,175-208.
[195] Audollent,1904,350;253,2-7; 22-34; 66-7. A series of *nomina magica* covers the margins of the tablet.
[196] E.g. Audollent,1904,234.3-4; 28-30; 235.3-4; 236.1-2; 237.2-3; 238.2-5; 239.2-4; 240.2-3; 241.2-4; 243.1-34; 244[A].1-19; 250[B].1-3; 252.1-6; 11-24; 45; 264.2-11; 265[A].1-3 (in Latin); 266.9-11.
[197] Paulus *Sent*.5.23.17.

6.5. Swinging between Magic and Medicine

In *Apol*.40.1-4 Apuleius prepares the ground to defend himself from the accusation of having publicly dissected a mollusc identified by his attackers with the noxious sea-hare.[198] Instead of denying this controversial point, he adopts a tactic similar to that in *Apol*.25.9-26.5,[199] that is to draw upon semantically ambiguous concepts to dampen any suspicions and present himself as a righteous follower of Plato.[200] In this case, he draws upon the connection between magic and medicine to explain that his medical interests lead him to seek remedies inside fish to heal people, not to make aphrodisiacs for Pudentilla;[201] then he adds as *exemplum* the fact that Homer already described the healing powers of the *carmina*.[202] Scholarly examinations of this passage pay insufficient attention to the conceptual contiguity between goetic magic and medicine in Greco-Roman times, on which Apuleius' reasoning relies: Abt does not address this issue in his analysis of *Apol*.40.1-4,[203] while Hunink[204] and Martos[205] briefly refer to Önnerfors;[206] but the latter focuses on incantations, which he etically calls 'magical', used in Roman medicine that do not explain the connections between magic and medicine. Additionally, the purpose of the reference to the Homeric incantations has not been understood: in this section, I will argue this reference was meant to provide a counterargument to the accusation of having used both *amatoria* and incantations on Pudentilla, and that it also preludes the rebuttal of the following charge, dealing with the noxious powers of Apuleius' spells.[207] I will also shed light on the dangerous implications of Apuleius' reference to Homeric incantations in order to clarify how his situation was far more serious than what has been hitherto thought. Finally, I shall analyse more systematically the connections between magic and medicine from an emic standpoint to understand Apuleius' strategy, which was meant to address the *Lex Cornelia* itself.

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[198] *Apol*.40.5-11 (**6.6**).
[199] **4.2**.
[200] Plato is explicitly addressed with Aristotle before the conclusion of the section, cf. 41.7.
[201] *Apol*.40.1-3; cf. the overview in Harrison,2000,68-9.
[202] *Apol*.40.4.
[203] Abt,1908,155-6; a partial discussion is given at p.202-5.
[204] Hunink,1997,vol.II,122.
[205] Martos,2015,72.
[206] Önnerfors,1993,157-224.
[207] **7.1**.

Let us take a closer look at the defence-speech: Apuleius firstly admits that he sought components from sea animals for medical purposes, since these can be even found *in piscibus*.[208] Although he discards any goetic intentions, it is implicit that he actually gained some ingredients from fish, otherwise it would have been futile to digress on this point. He swiftly sets out the crucial argument that knowledge and research of healing remedies befit the physician and the philosopher, who aim to freely help people,[209] rather than the goetic *magus*.[210] Then, Apuleius draws on the authority of Homer to explain that the *ἐπαοιδή* of Autolycus' sons could cure Odysseus' wound,[211] and concludes that attempting to save people's life cannot be deemed a prosecutable action.[212] It stands out immediately that the insistence on the terms *salus* and *remedium* is a direct reference to the *Lex Cornelia de sicariis et veneficiis*, the law safeguarding people's safety.[213] Apuleius, in fact, wants to make it perfectly clear that he never harmed anyone, and by doing this he anticipates the mendacious nature of the following accusations, which are about his enchantment of Thallus and of an unknown matron,[214] the alleged murder of Pontianus,[215] and the pollution of Iunius Crassus' household to murder him.[216]

But Apuleius' main concern here is to create an uplifting prelude to safely rebut his disputable dissection of the sea-hare[217] and, in order to do so, he resorts to the well-established link between magical practices and medicine. Since studies on this subject employ 'magic' without defining it according to the viewpoint of the ancients,[218] and since Apuleius plays with the semantic and conceptual ambiguity of magic and its connection with medicine, I shall attempt

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[208] *Apol*.40.1-2. On the use of the generic term *piscis* cf. **6.2**.
[209] On Apuleius interest in medicine, cf. Vallette,1908,68-74; Gaide,1991,39-42. Prisc.*G.L.*2.203 mentions Apuleius' lost *Libri Medicinales*; cf. Harrison,2000,25-6. Further evidence of such an interest can be glimpsed in the miraculous account about Asclepiades of Prusa (*Fl*.19, cf. Hunink,2001,196-201 and Lee,2005,178-81) and in the portrayal of the honest physician in *Met*.10.8-12 (cf. Zimmermann,2000,148-95); cf. also May,2014b,115-17. It is worth noting that Rives,1994,273-90 proposes that Apuleius was a priest of the healing deity Asclepius, on which he also wrote a speech now lost (*Apol*.55.10-2, cf. Harrison,2000,34). For an overview of medicine and rhetoric during the Second Sophistic, cf. Pearcy,1993,445-56.
[210] *Apol*.40.3. An analogous argument is formulated at 51.9.
[211] Hom.*Od.*19.456-8. On the absence of the concept of magic in Homeric, cf. **5.4**.
[212] *Apol*.40.4.
[213] Cf. **1.3**. This law addresses cases of accidental poising by means of healing remedies: Paulus (*Sent*.5.23.19) reports that *si ex eo medicamine*, *quod ad salutem hominis uel ad remedium datum erat*, *homo perierit*, the *humilior* would have been sentenced to death, the *nobilior* relegated to an island.
[214] *Apol*.42.3-52.4 (Chapter 7).
[215] *Apol*.53-57.1 (Chapter 8).
[216] *Apol*.57-60 (Chapter 9).
[217] *Apol*.40.5-11 (**6.6**).
[218] Cf. Lloyd,1975,1-17; 1979,10-58; Önnerfors,1993,157-224; Nutton,2004,37-52; *Brill's New Pauly*,vol.VIII,s.v.*Magical Healing*,coll.136-7.

to clarify the contiguity of magic and medicine in Greco-Roman times. That people with diseases sought the help of the *μάγοι* is already attested in the *De morbo sacro* attributed to the Greek physician Hippocrates, who condemns with utter disbelief their therapies, namely *καθαρμοί* and *ἐπαοιδαί*, both of which are associated with goetic magic in various sources.[219] The fact that the Greek *φάρμακον* is *vox media*, designating both poisons and beneficial remedies, is already clear from reading Homer' *Odyssey* 4.230, a verse cited in *Apol*.31.6.[220] Likewise, *venenum* – the Latin counterpart of *φάρμακον* – is also a *vox media* as explained in the second and third century AD by the jurists Gaius and Marcianus.[221] Thus, *φάρμακον*-*venenum* could indicate a medical remedy as well as a noxious poison; but, from an early stage, *φάρμακον* and its cognates were also associated with goetic magic in literary texts, such as Aristophanes' *Clouds*[222] and Theocritus' *Second Idyll*,[223] and the popularity of this literary *topos* probably eased the cultural transfer[224] of such goetic concepts and terminology in the Roman world. In fact, Plautus – although he does not know the words *magus* or *magia* – employs the terms *venenum* and specifically *medicamentum*[225] with reference to Medea's concoctions to rejuvenate Pelias,[226] making the connection between goetic and medical concepts well visible. In the Imperial age, medicine was considered by Pliny as the core feature of *magia*: in his description of the origin of magic, he believes that it originated from medicine and that it later acquired its religious and astrological features.[227] Numerous passages from healing recipes attributed to the *magi* are scattered in the *Natural History*,[228] about which Pliny expresses the same scepticism shining through the *De morbo sacro*. The medico-

[219] Hp.*Morb*.2; 4, cf. **4.3**, n.85.
[220] **5.4**.
[221] Gaius cites the aforementioned Homeric verse, establishes a clear connection between *'venenum'* and *φάρμακον*, and observes: *qui 'venenum' dicit*, *adicere debet*, *utrum malum an bonum*: *nam et medicamenta venena sunt quia eo nomine omne continetur, quod adhibitum naturam eius*, *cui adhibitum esset*, *mutat* (*dig.*50.16.236). Similarly, Marcianus, commenting on the *Lex Cornelia*, explains: *nomen medium id* (*sc. venenum*) *est*, *quod ad sanandum, quam id, quod ad occidendum paratum est, continent, sed et id quod amatorium appellatur* (*dig.*48.8.3). This already shines through in HOR.*Ep*.5.87 (*venena miscent fas nefasque*).
[222] Ar.*Nu*.749.
[223] Theoc.2.15; 161, some remarks on the importance of this work in **5.3**.
[224] I use this theoretical model to indicate the mobility of words and concepts between cultures, cf. Espagne,Werner,1985,502-10.
[225] *ThLL*,vol.VIII,s.v.*medicamentum*,coll. 534-5 for the use of the in contexts concerning magic, seduction and poisoning.
[226] PL.*Ps*.869-70.
[227] PLIN.*Nat*.30.2. Cf. also Crippa,2010,115-25.
[228] E.g. PLIN.*Nat*.28.47; 28.69; 28.89; 28.92-106; 28.198; 28.201; 28.215; 28.226; 28.228-9; 28.232; 28.249; 28.259-60; 30.21; 30.51-4; 30.64; 30.82-4; 30.91; 30.98-100; 30.110; 30.141; 32.34; 32.41; 32.49-50; 32.55; 32.72; 32.115-6.

magical evidence in Pliny presupposes the circulation of treatises ascribed or actually written by people who called themselves *magi*,[229] and the *PGM* confirms the fact that magical practitioners actually performed healing rites: therein we find prescriptions to cure various illnesses, including fever and haemorrhages.[230] We can, therefore, conclude that the well-established association between magic and medicine enabled Apuleius to account for his dissection of fish without denying it, in the same manner in which he does not deny being a *magus*, since he understands this as the commendable priest of Zoroaster.[231]

Whereas Apuleius' shift between magic and medicine might have been a successful forensic ruse, the following reference to the incantation of Autolycus' sons[232] at *Apol*.40.4 is far more questionable, and this has gone unnoticed in previous scholarly discussions. While Abt[233] draws a parallel with a late Christian *historiola*[234] to prevent a wound from bleeding, Hunink[235] mentions a prescription with analogous purposes in the pseudepigrapha of Theodorus Priscianus[236] in which Apuleius is called upon. Such late examples do not help us understand the suspicions that Apuleius' reference could have aroused during the trial. It is fundamental to remark that the belief in the efficacy of Homeric *ἐπῳδαί* could have been also shared by Galen, who wrote a lost *Περί τῆς καθ' Ὅμηρον ἰατρικῆς*.[237] However, healing incantations as a whole were also contemptuously attributed to goetic magic. This can already be seen in the *De morbo sacro*[238] and, in the second century AD, Lucian openly mocks the efficacy of healing *ἐπῳδαί* describing them as forms of *γοητεία* befitting simpletons.[239] Even more important, this episode of the *Odyssey* cited by Apuleius was explicitly associated with goetic magic by Pliny when giving a list of examples about the supernatural power of spells.[240]

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[229] These therapies are amusingly mocked in Lucian's *Philops*.7-8.
[230] *PGM* XVIIIb.1-7; XXIIa.1-27; LXXXVII.1-11; CCXXVIII.1-11.
[231] *Apol*.25.9-26.5.
[232] Hom.*Od.*19.455-8.
[233] Abt,1908,155-6.
[234] *Cat.Cod.Astr*.vol.VI,88. On the *historiola*, cf. Önnerfors,1993,190-2; Brashear,1995,3438-40; *Brill's New Pauly*,vol.VI,s.v.*Historiola*,col.430.
[235] Hunink,1997,vol.II,123.
[236] Ps.Theod. ed.Rose,1894^2,276.
[237] The passage comes from the epitome of Rufus of Ephesus by Alexander of Tralles (cf. Puschmann,1963,vol.II,475). Cf. Collins,2008b,211-2.
[238] Hp.*Morb*.2.
[239] Luc.*Philops*.8.
[240] PLIN.*Nat.*28.4.21. Since Pliny does not distinguishes between literary and goetic magic, we find this passage after the reference to the magical charms in Vergil and Theocritus (*Nat.*28.4.19).

That Apuleius was aware of the retrospective magical interpretation of this Homeric episode can be glimpsed by the fact that he translates *ἐπῳδή* with *cantamen*, a term which – as previously explained – is specifically employed with a goetic connotation.[241] He probably hoped that the safe context of his praise for medicine would have removed or at least attenuated the magical notoriety of this episode and of healing incantations in general, while underscoring his argument with an example from the *certissimus auctor* Homer.[242] But why bring forth an example objectively controversial when attempting to rebut an already difficult accusation? As extensively discussed in Chapter 11, both philtres and spells were employed to magically seduce a victim, and this is a point which the prosecution made clear in this allegation and in the first Secondary Charge.[243] I argue that in this passage Apuleius was probably addressing his alleged use of incantations on Pudentilla. Moreover, such a reference would have ultimately constituted an uplifting prelude to his countering of the accusation concerning his noxious spells making people fall ill in Oea – discussed shortly afterwards – during which Apuleius draws again on the contiguity between magic and medicine to cast away the serious innuendos.[244]

In brief, the content of *Apol*.40.1-4 and in particular the shift from magic to medicine has a structural function that not only helps Apuleius to introduce his following discussion about the sea-hare, but also to address several dangerous issues which characterise the other allegations brought against him. However, we have seen that the Homeric example concerning the supernatural powers of *carmina-cantamina* – although presented as an evidence of innocence – matches with real goetic practices, and could have indeed cast suspicions upon Apuleius. As we will observe, the next part of *Apologia* is equally contentious.

6.6. The Dissection of a Sea-hare

The final instalment of this section concerning the 'fish charge' is pervaded by the same Platonising undertone characterising the rest of this section, and serves to lessen the dangerous innuendos as well as some disputable points of Apuleius' counterargument. What I shall discuss,

[241] *ThLL*,vol.III,s.v.*cantamen*,col.279 and my remarks on *Apol*.26.6 (**4.3**).
[242] *Apol*.40.4.
[243] Cf. *Apol*.68.1-71.1 (**11.2**).
[244] *Apol*.42.3-52.4 (Chapter 7).

in fact, is that the argument at *Apol*.40.5-41.7 is far from convincing: light will be shed on the notoriety of the sea-hare, explaining why a deadly mollusc had been included in an accusation concerning love-magic. Then, I shall demonstrate the mendacity of Apuleius' claim that the sea creature dissected was not a sea-hare, by expanding upon the evidence brought forward by Butler and Owen.[245] Lastly, I shall consider the importance of Apuleius' allusions to some features of the accusation, touched upon shortly before the conclusion, which enables us to gain a better insight into the charge.

Having professed his own righteousness and the beneficial potentials of his fish inquiry,[246] Apuleius declares that the reason for such a dissection goes even beyond medicine,[247] and aims to supplement Aristotle's zoological writings.[248] He feigns surprise at his enemies' ignorance of the several dissections which he practised publicly, according to his ideal master's example.[249] The reasoning underlying this passage is that acting in broad daylight hinders his identification with the occult nature of goetic magic, an art known for being *noctibus vigilata et tenebris abstrusa et arbitris solitaria*, as he puts it.[250] Having made this point clear, Apuleius moves on to the *pisciculus*[251] which his prosecutors apparently called a sea-hare,[252] and emphasises, firstly, that the dissection took place before a crowd to whom he showed his results,[253] and secondly, that he did not anatomise a sea-hare but a hitherto unidentified mollusc.[254] Before assessing the validity of Apuleius' second claim, it is necessary to shed some more light on the baneful properties ascribed to the sea-hare. A number of ancient sources allude to the *lepus marinus*, or *θαλάττιος λαγωός* and its virtues, a mollusc identified with a common sea-slug of the Mediterranean sea by the name of *Aplysia depilans*.[255] A physical description of the sea-hare can

[245] Butler, Owen,1914,98.
[246] *Apol*.40.1-4 (**6.5**).
[247] *Apol*.40.2-4.
[248] *Apol*.40.5, similar claims in 40.11 and already 36.6; 38.5.
[249] *Apol*.40.6-7. On this passage, cf. Hunink,1997,vol.II,124 and especially Martos,2015,73,n.237.
[250] *Apol*.47.3 (and 42.3), cf. **7.4**.
[251] *Apol*.40.6; 40.8. For this comic diminutive cf. my comments at **7.2** and n.117.
[252] Cf. analogously 33.2-3.
[253] *Apol*.40.8. The adjective *plurimi*, used as a noun, underscores again the publicity of the event and hints at Apuleius' celebrity, always attracting the crowd to his performances either for zoological purposes or for listening to his speeches (*Apol*.28.3).
[254] *Apol*.40.9.
[255] This contrasts with 33.3, where Apuleius states that his attendant could not find a sea-hare. On this animal, cf. Keller,1913,544-5; Butler, Owen,1914,85; 98; Lewin,1920,22; 197; Thompson,1947,142-4; Saint-Denis,1947,54-5. Cf. the taxonomical information in the World Register of Marine Species (WoRMS) available from:

be found in Nicander's *Alexipharmaka*, where he comments on its repugnant smell,[256] and stresses its sordid aspect and the similarity to molluscs which spray ink.[257] Pliny depicts the sea-hare as an *offa informis colore tantum lepori similis*,[258] while Aelian compares it to a snail without a shell.[259] There is a consensus amongst the ancients about the deadliness of this mollusc,[260] and its poisonous effects were so popular as to become proverbial even in Greek comedy.[261] Philostratus, in the *Life of Apollonius*, reports that Domitian poisoned Titus by mixing a sea-hare into his meal, inheriting Nero's custom of employing sea-hares to murder his enemies.[262] Given that the evidence available does not indicate the use of this creature in love-magic, one could wonder about the reason why the venomous sea-hare was mentioned in a charge concerning the seduction of Pudentilla with love-charms and philtres.[263] A hypothesis can be ventured: a Mediterranean sea-slug with the mouth open might easily be likened to female genitals,[264] an association perhaps not explicitly proposed by the accusers for reasons of prudishness,[265] but seemingly evident to anyone familiar with this mollusc. The role of the sea-hare in the allegation concerning the seduction of Pudentilla seems now clearer: while dissecting a creature resembling female genitals would have suggested Apuleius' licentiousness – which had already been pointed out by his attackers –[266] the physical shape of the sea-hare would have made it a suitable candidate for love-magic, analogously to the *virginal* and the *veretilla*.[267]

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http://www.marinespecies.org/aphia.php?p=taxdetails&id=138754 [accessed on 03/11/2016]. I thank Malcolm Heath for indicating me this database.

[256] Nic.*Alex.*467-8. I refer to the recent edition with commentary by Jacques,2007,201-2. At 41.6 Apuleius shows familiarity with the *Theriaka* but cautiously omits the *Alexipharmaka*; cf. Hunink,1997,vol.II,125.

[257] Nic.*Alex.*470-3.

[258] PLIN.*Nat.*9.155.

[259] Ael.*NA* 2.45.

[260] Nic.*Alex*.465; PLIN.*Nat.*9.155; 20.223; 24.18; 28.158-9; 32.8; 52.70; Plut.*Mor.*983f. Scribonius Largus (186) acknowledges its poisonous, not deadly, powers. Cf. also Graf,1997,72-3.

[261] This is stressed by Jacques (2007,200), who refers to Amipsias (Ath.9.400c; cf. Kassel,Austin,*PCG*,1991,vol.II,205-6.frg.17); Cratinus (Demiańczuk,1967,36,frg.16; Kassel,Austin,*PCG*,1983,vol.IV,324,frg.466), and Hipponax (*Scholia in Nic.Alex.*465; cf. Masson,1962,95,frg.157; Degani,1983,52,frg.37).

[262] Philostr.*VA* 6.32, mentioned also in Abt,1908,135.

[263] A similar bewilderment in Abt,1908,135 followed by Hunink,1997,vol.II,107. As Henderson,1991[2],144,§169 explains, *λαγῷον*, which can also mean 'hare's flesh' (cf. *LSJ*,2009,s.v.*λαγῷος*,1023), is used in comedy to indicate 'cunt'; this is, however, a reference to the terrestrial hare, not to the mollusc.

[264] Butler, Owen,1914,85 record a series of obscene designations for this sea creature in Italian dialects, still in use nowadays.

[265] Cf. Tannonius' ostentation of contempt at *Apol*.33.6 (**6.3**).

[266] *Apol*.4 (**3.2**); 9-13.4 (**3.4**); 13.5-16.13 (**3.5**).

[267] **6.3**.

In addition, Apuleius' argument that the vivisected creature was unknown even to earlier philosophers[268] does not come entirely out in his favour: if this sea animal was yet unidentified, no one could know whether its components could be beneficial or venomous; this is perhaps why he gives no indication about what he obtained from the dissection,[269] but he only presents it as a descriptive inquiry. He shares, in fact, with the audience the preliminary results of the inspection, explaining that the unknown sea creature had twelve little bones, similar to the malleoli of pigs, interconnected within its belly.[270] In reality, this description does not entirely support Apuleius' claim that the mollusc is not a sea-hare. Butler and Owen[271] suspect that the vivisected fish was indeed a sea-hare since, after a scientific dissection of an *Aplysia*, eleven bones were found resembling those described in *Apol*.40.10. To suppose that Apuleius is consciously bluffing might not be improbable given that this part of the *Apologia* is characterised by denials of other commonplace beliefs, such as the use of fish in magic,[272] and the connection due to name similarity.[273]

We have shown so far the unconvincing aspects of Apuleius' discussion of the dissection of a sea-hare. What follows at *Apol*.41.1-7 is an uplifting conclusion,[274] enabling him to further bias the audience against the ill-educated prosecution,[275] whilst highlighting once more his innocence:[276] he lashes out against his base opponents[277] and offers a lofty self-portrait as an encyclopaedist, a physician, a mystic, and an orator, or – in a single word – a *philosophus*.[278] Then, he addresses Maximus and his admiration for Aristotle and provokes Aemilianus, arguing that if he had to be sentenced, then the whole Aristotelian corpus should have been outlawed.[279] It is implicit that Claudius Maximus would have allowed neither the destruction of these writings,

[268] *Apol*.40.9.
[269] The main point of the previous part of the speech was the fact that beneficial components can be found in fish, suggesting that some components were obtained from the dissection (*Apol*.40.1-3 in **6.5**).
[270] *Apol*.40.10.
[271] Butler, Owen,1914,98, in their wake Hunink,1997,vol.II,124 and Martos,2015,74,n.238.
[272] *Apol*.30.4-31.9 (Chapter 5).
[273] *Apol*.34.4-35.6 (**6.3**).
[274] Despite the original division into chapters by Hildebrand (1842), followed by other editors, the actual conclusion of this section is the fast-paced summing-up at 42.1-2.
[275] *Apol*.41.1-6.
[276] *Apol*.41.7.
[277] *Apol*.41.1-2.
[278] *Apol*.41.3. For Apuleius' holistic understanding of philosophy, cf. Moreschini,1978,17-8, updated in 2015,42-8; Hijmans,1987,470; McCreight,1990,60; Sandy,1997,22-6; Harrison,2000,38; May,2010,178; Fletcher,2014,185-90; Stover,2016,66-9.
[279] *Apol*.41.4. For a similar argument cf. 91.2 (**11.5**).

nor the conviction of his fellow philosopher Apuleius, who was not only a follower of both Aristotle and Plato,[280] but a Socrates reborn.[281]

Within this safe frame he drops, however, fundamental information allowing us to understand the real nature of the charge: according to his foes, he seduced a *mulier* – that is to say Pudentilla –[282] by means of *marinae illecebrae*[283] in the time when he was in Gaetulia.[284] As explained at length in Chapter 11, this must be understood as a reference to the fact that his attackers pointed out that he practised love-magic on Pudentilla when they lodged in the North African inland, isolated from the rest of her family.[285] Apuleius tries to cloud this issue by saying that he could not have found any molluscs in the inland; however, he clearly acknowledges the dissection of the mollusc,[286] and it might well be that his foes implied that he brought along philtres brewed soon after the dissection. The following pun about Deucalion's flood, as well as the reference to Nicander's *Theriaka*,[287] allows Apuleius to dampen these serious points, but the very fact that he is uneasy to discuss them at length enables us to glimpse what is hidden behind his ostentatious self-confidence: the awareness of being in deep waters.

6.7. Conclusion

The evidence that we have gathered and discussed up to this point exhibits some questionable points in Apuleius' *Apol*.32.3-41.7: not only are most of the examples which he claims to be harmless closely connected with magic in literary, epigraphic and papyrological sources, but the utterance of pseudo-*voces magicae* at 38.8 entails a clear awareness of such practices that could have ultimately constituted some incriminating evidence. Being probably aware of the disputable aspect of some of his arguments and of the seriousness of the allegation, Apuleius tends to touch

[280] *Apol*.41.7. The passage contains a free quotation from Pl.*Tim*.59d[1-2]; Fletcher,2014,211-2 argues that the reworking is not due to imprecision, as Hunink,1997,vol.II,126 argues, but might be seen as an intentional play "of hide and go seek".
[281] Harrison,2000,69.
[282] So rightly Abt,1908,61; Amarelli,1988,121; Bradley,1997=2012,8; Harrison,2000,66.
[283] The use of this term in association with love-magic is typically Apuleian (*Apol.*34.5; *Met*.3.16.3), cf. *ThLL*,vol.VII.1,s.v.*illecebra*,col.365.
[284] *Apol*.41.5.
[285] Cf. my discussion of 78.5-87.9 (**11.4**).
[286] *Apol*.40.6; 40.8-11.
[287] *Apol*.41.5-6. The mention of *veneficium* in this passage is an ironic allusion to a point of the *Lex Cornelia* concerning the use of *venena* to kill people (Paulus *Sent*.5.23.1). Since this is not an issue raised in the allegations, Apuleius could jest safely.

a chord with his audience and involve them in his own defence on an emotional level – a standard practice in ancient juridical rhetoric –[288] instead of rationally disproving his accusers' claims. His daring arguments were probably meant to pique and amuse the readership,[289] although the most obvious way to get on their good sides was his *Selbstdarstellung* of a Socrates reborn, and the Platonising arguments scattered through this section. This aura of probity allows Apuleius to temporarily dampen the dangerous accusation of having practised love-magic on Pudentilla with *res marinae*, and to move on to the next part of the defence which – as we shall see – contains further controversial evidence.[290]

[288] CIC.*de Orat*.2.185-8.
[289] Cf. Chapter 12.
[290] *Apol*.42.3-52.4 (Chapter 7).

Chapter 7: The Noxiousness of Apuleius' Spells

7.1. Introduction: the Facts, the Charge, and its Distortion by Apuleius

After the lengthy rebuttal of the accusation concerning the magical seduction of Pudentilla with sea creatures,[1] Apuleius defends himself from another serious charge supported by several witnesses:[2] this concerns the malefic powers of his spell, which caused the sickness of the slave-boy Thallus,[3] of other slave-boys,[4] and an unnamed free woman.[5] This part of the defence focuses primarily on Thallus' collapse – from which we gather fundamental evidence for our enquiry – and on the discussion of the epileptic woman,[6] relegating to a quick series of rhetorical questions the counterargument concerning the other enchanted slaves.[7] In this chapter, I will pay particular attention to *Apol*.42.4-43.5[8] and *Apol*.47.3-4[9] since, by examining these passages, we will be able to evaluate Apuleius' own knowledge of goetic magic and the innuendos that his digressions on magical divination and magical secrecy could have aroused in court.[10]

However, before beginning this analysis, I will propose a reconstruction of what had really happened, how the prosecution manipulated it to present Apuleius as a dangerous *magus*, and how he distorted this in turn to free himself from the any suspicions. The most significant attempt to reconstruct the charge is made by Abt, and later scholars refer to his interpretation.[11] Abt argues that the prosecution accused Apuleius of practicing a divinatory ritual on Thallus triggering his fall, and that the case of the other slave-boys and of the woman are a misunderstanding of epilepsy.[12] On this assumption, he develops an analysis of papyrological evidence showing the use of youths in divinatory practices,[13] then discusses the superstitious

[1] *Apol*.29-42.2 (Chapter 5 and 6).
[2] *Apol*.44.2-46.8; 47.1-47.6; 48.3; 48.6; 51.9.
[3] *Apol*.42.3-46.6; 47.1-7 (**7.2** and **7.4**).
[4] *Apol*.46.1-6.
[5] *Apol*.48.-52.4 (**7.5**).
[6] *Apol*.48.1-52.4
[7] *Apol*.46.1-6.
[8] **7.3**.
[9] **7.4**.
[10] The impact of this display is discussed in **7.6**.
[11] Cf. Butler, Owen,1914,101-2; Hunink,1997,vol.II,126-7; Ogden,2001,197; Martos,2015,76,n.247.
[12] Abt,1908,158-9.
[13] Cf. especially Abt,1908,160-70.

beliefs surrounding medicine and epilepsy.[14] In the wake of Abt's argument, Pellecchi hypothesises that Apuleius might have initiated Thallus by using a *carmen*, to practice a magical divination through him.[15] Martos follows Abt's interpretation but adds that, if Apuleius practised an exorcism, this would contrast with his demonology.[16] Here I shall challenge Abt's interpretation and attempt a reconstruction of what was likely to have happened, how the attackers distorted it against Apuleius, and how he manipulated it against them.

Let us start with the case of Thallus: evidence in the *Apologia* suggests that Apuleius probably performed a healing rite of Asclepius to cure the youth in Pudentilla's house, unintentionally provoking an epileptic attack[17] that would have scared the bystanders.[18] This can be hypothesised by considering the paraphernalia used in the ritual, described by Apuleius as *sacrum*[19] or *sacrificium*:[20] an altar,[21] some grains of frankincense, and hens.[22] The presence of an oil-lamp[23] did not have to be part of the ritual, and was probably due to the fact that it took place at night or in a dark, secluded room.[24] Butler and Owen rightly note that the hens and frankincense were offerings typically given to Asclepius,[25] but we have to acknowledge that Apuleius had a specific interest in the healing hero[26] – of which he probably became a priest –[27] and that he was also committed to freely assisting anyone in need because of interest in medicine, as professed at *Apol*.40.3.[28] This interest in Asclepius and in medicine, and the presence of the customary offerings to the god make it possible to think that Apuleius performed a ritual to Asclepius, by

[14] Abt,1908,198-205. This discussion has, however, no connection with what I define as magic (Chapter 2).
[15] Pellecchi,2012,214-23.
[16] Martos,2015,76,n.247 which refers to André,2010,335 and n.13.
[17] At *Apol*.42.3 and 45.2 Apuleius refers that Thallus had amnesia; that epilepsy induced amnesia is already recorded in Hp.*Morb.Sacr*.18, on which cf. Temkin,1994,41-2.
[18] For this attitude towards epileptics in the ancient world, cf. *RAC*,vol.III,s.v.*Epilepsie*,coll.829-30; Temkin,1994,9. On epilepsy and pollution in Greece, cf. Parker,1983,232-4; in Rome: Lennon,2013,30-1.
[19] *Apol*.45.6; 45.8; 47.5.
[20] *Apol*.44.8.
[21] *Apol*.42.3.
[22] *Apol*.47.7.
[23] *Apol*.42.3.
[24] *Apol*.42.3 (*secreto loco*).
[25] Cf. Butler, Owen,1914,108-9, followed by Martos,2015,85,n.270.
[26] *Apol*.55.10; *Flor*.18.37. Commenting on *Apol*.55.10, Hunink,1997,vol.II,150 stresses Apuleius' interest in this deity, and adds that the treatise *Asclepius* was indeed written by Apuleius (cf. specifically Hunink,1996,288-308). Its spuriousness is, however, demonstrated by Horsfall-Scotti,2000,396-416; cf. already Nock, Festugière,1945,277-83; Gersh,1986,vol.I,218-9; Madec in Herzog,1989,355-6; and Harrison,2000,12,n.48-9 with bibliographical references.
[27] APUL.*Fl*.18.37 on which cf. Rives,1994,273-90, who discusses the evidence in *Fl*.16.38 and in August.*Ep*.138.19. On this cf. Harrison,2000,8,n.30; Hunink,2001,193. La Rocca,2005,22-3; 276-80 is sceptical about Rives' interpretation.
[28] **6.5**.

sacrificing chickens and frankincense on an altar in order to gain the god's favour and heal the slave-boy.[29] Such a performance would have given Apuleius the chance of outdoing the other physicians who failed to cure the boy,[30] in the same way in which his public dissections of rare sea animals enabled him to outshine Aristotle.[31]

We know that this healing ritual and the fact that Thallus had an epileptic attack was witnessed by Apuleius' stepson and accuser, Sicinius Pudens,[32] and fourteen slaves[33] who seem to have testified against Apuleius.[34] With their help, the attackers could have easily distorted and blackened this ritual, claiming that Apuleius practised a *magicum sacrum*[35] and used his noxious *carmina* to harm Thallus;[36] both practices were condemned by the *Lex Cornelia de sicariis et veneficiis*.[37] Their manipulation was possible because – as I discuss below – hens, frankincense,[38] oil-lamps, and altars[39] lent themselves to a magical interpretation as really employed in these rituals; furthermore, the interest of goetic practitioners in harming people and particularly youths was equally notorious.[40] The prosecutors could have added the detail about the incantation and the occult character of the ritual,[41] emphasising its appalling appearance. However – *pace* Abt's claims – they certainly did not refer to magical divination since this charge was meant to expand on the sinister effects of Apuleius' incantations[42] in order to present him as a dangerous *magus*, who tested his all-powerful spells on several victims in Oea and made them fall ill.[43] This allegation would have complied with the evil-looking portrait of Apuleius as given in the two

[29] To further speculate about the dynamics of the ritual is impossible and goes beyond the scope of this enquiry.
[30] *Apol*.44.3.
[31] *Apol*.40.6-7 (**6.6**).
[32] *Apol*.45.7-8.
[33] *Apol*.44.4-7. Apuleius forces them to admit before the judge that Thallus was already epileptic; his illness is not due to Apuleius' spells.
[34] *Apol*.44.2-45.2; 47.1-6. They were probably the *familia urbana* of Pudentilla (cf. Pavis d'Escurac,1974,93).
[35] *Apol*.47.5. Analogous expressions can already be found in literary magic VERG.*Ecl.*8.66; PROP.1.1.20; PLIN.*Nat*.28.188; 6.29; STAT.*Ach*.1.135; and in reports of historical events: SUET.*Nero* 34.8; TAC.*Ann*.2.27. Cf. also Watson,2003,224 who observes that *sacrum* is equally employed to describe illicit and licit practices.
[36] *Apol*.42.3; 44.1; 45.2.
[37] Paulus *Sent*.5.23.15: *Qui sacra impia nocturnave*, *ut quem obcantarent*, *defigerent*, *obligarent*, *fecerint faciendave curaverint*, *aut cruci suffiguntur aut bestiis obiciuntur*.
[38] **7.4**.
[39] **7.2**.
[40] **7.2**.
[41] *Apol*.42.3 (**7.2**); 47.3-4 (**7.4**).
[42] **4.3**.
[43] Cf. especially 44.1 where it is reported that the accusers said that Apuleius caused Thallus' fall by *carmina*. Cf. 46.1 and 48.1; 48.6-8.

following charges, which concern the pollution of Pontianus' *Lararium* and the ominous *nocturna sacra* practised in Iunius Crassus' house.[44]

Apuleius cannot deny that a ritual took place, given the number of people who witnessed it. Instead of describing what he had really done – which could have appeared suspicious given the poor outcome of the rite – he conceals his actions and manipulates his foes' arguments by deliberately introducing the argument of divination.[45] Moreover, the accusers' reason for not saying that the slave-boy suffered from epilepsy was to imply that Apuleius himself caused Thallus' malady;[46] that the slave-boy was already ill is, in fact, presented as a striking revelation in the *Apologia*.[47] By distorting his foes' argument as a case of magical divination Apuleius could highlight the clumsiness of their claims: he asserts that, since divination requires a healthy boy, no divinations could have been performed with Thallus.[48] Additionally, he criticises the validity of the testimonies, and argues that the presence of so many witnesses made it impossible that the rite was magical, since magic requires the utmost secrecy.[49]

So far I have reconstructed Apuleius' healing rite, its twisting by the accusers, and then by the defendant. The information about the other enchanted slave-boys in *Apol*.46.1-6 is insufficient to attempt a similar reconstruction. The prosecutors insisted that Apuleius practised his evil spells on other young slaves in the same way in which he did with Thallus; but we cannot assess whether this is a lie, as Apuleius claims,[50] or whether behind this argument there were some suspicious practices.[51] As to the unnamed *mulier*, it is possible that Apuleius' claims are at least partly sincere: given his medical skills, a sick woman was brought to him to be examined, as testified in court by Apuleius' assistant Themison.[52] I disagree with Abt,[53] who considers the reference to the ringing of the woman's ears as related to magic on the grounds of a parallel with

[44] *Apol*.53-6; 57-60 respectively (Chapter 8 and 9).
[45] *Apol*.42.4-43.10.
[46] *Apol*.44.3-4.
[47] *Apol*.43.8-9.
[48] *Apol*.43.1-9 (**7.3**).
[49] *Apol*.47.1-6 (**7.4**).
[50] *Apol*.46.1.
[51] Cf. the discussion in Hunink,1997,vol.II,136.
[52] Cf.48.3; 51.9 (**7.5**).
[53] Abt,1908,198 and 175, followed by Butler, Owen,1914,109-10; Hunink,1997,vol.II,139; Martos,2015,85,n.271.

PDM XIV.75-80,[54] but I agree when he says that the prosecution misinterpreted a medical visit by drawing on the connection between medicine and magic,[55] and claimed that the *magus* lured a defenceless woman into his house and harmed her with his *carmina*, causing her collapse.[56] This becomes clear by reading *Apol*.48.6-8: Maximus questions the attackers about the benefit (*emolumentum*)[57] of the woman's fall, and they reply that the collapse itself was Apuleius' goal. The real outcome of the visit is unclear: Apuleius claims that the woman did not collapse during their session,[58] but the *Apologia* lacks any further detail concerning the visit,[59] and contains a lengthy digression[60] displaying Apuleius' medical knowledge and casting away any residue of suspicion, as in *Apol*.40.1-4.[61]

In the light of my interpretation of the charge, the meaning of this response becomes finally clear: they accused Apuleius of practicing noxious incantations in order to harm people in Oea, slaves and citizens alike,[62] making them fall ill. After this reconstruction, I will now explain how the digression on magical divination at *Apol*.42.4-43.1-5,[63] as well as that on the secrecy magic in 47.3-4[64] reveals more of Apuleius' acquaintance with goetic and literary magic, and how this could have had serious implications, had the judge not favoured him.[65]

7.2. Goetic Magic and *Incanto*, Youths, Oil-lamps, and Altars

After a further attack of what he terms the 'fishy charge' (*argumentum piscarium*),[66] Apuleius moves on to the discussion of the second Primary Charge, which – as explained –[67] focuses on the purported harmfulness of his spells. The first part of the allegation,[68] set out in *Apol*.42.3,

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[54] *Apol*.48.3 (**7.5**). As we shall see, the reference is meant to display Apuleius' medical expertise, and the connection with *PDM* XIV.75-85 stressed by Abt,1908,198 is incorrect.
[55] Abt,1908,159. Pliny reports prescriptions by the *magi* to cure epilepsy (*Nat*.30.91-2). The fact that they claimed to heal this sickness and the association between magic and medicine (**6.5**) would have consequently eased the misinterpretation of Apuleius' therapy as a goetic ritual.
[56] *Apol*.48.1; 48.6-8 (**7.5**). It is possible that the prosecution underscored the secluded and occult character of the visit. On magic and secrecy, cf. **7.4**.
[57] *Apol*.48.6; this is keyword of this section and recurs at 42.5.
[58] *Apol*.48.4.
[59] Cf. also Hunink,1997,vol.II,127.
[60] *Apol*.48.11-51.8.
[61] **6.5**.
[62] Cf. **1.3**, n.44.
[63] **7.3**.
[64] **7.4**.
[65] **7.5**, **7.6**.
[66] *Apol*.42.1-2.
[67] **7.1**.
[68] *Apol*.42.3-45.8; 47.1-7.

concerns the magical rite and the enchantment of Thallus, causing his subsequent sickness. According to Apuleius, the accusers conformed to the commonplace ideas about magic,[69] and mendaciously[70] claimed that a certain boy collapsed after being enchanted by Apuleius during an occult ritual: *puerum quempiam carmine cantatum remotis arbitris*,[71] *secreto loco*, *arula et lucerna et paucis*[72] *consciis testibus*,[73] *ubi incantatus sit*, *corruisse*, *postea nescientem sui excitatum*. I will now discuss how Apuleius rephrases the accusation in this summing-up in order to present it as a case of magical divination, a point which was not raised by his opponents.[74] According to a strategy mirroring that in *Apol*.29.1, Apuleius rephrases the charge in a vague tone[75] and conceals the identity of the *puer*[76] and his epilepsy,[77] as well as the sacrifice of hens and frankincense, which emerges only later at *Apol*.47.7.[78]

As anticipated, the extent of Apuleius' manipulation has not been entirely understood by previous scholars. The main position is that of Abt,[79] who believes that Apuleius' version of the events mirrors the actual content of the charge, that is to say that he had really been accused of having used Thallus for magical divination. The most interesting evidence in support of Abt's hypothesis is at *PGM* VII.540-78 and *PDM* XIV.805-40, containing the instructions for a lamp divination by means of a boy.[80] Abt's interpretation presents, however, two major weaknesses: on the one hand, it presupposes that Apuleius' words literally reflect the accusation, whilst we demonstrated elsewhere how he systematically distorts his enemies' arguments to weaken them.

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[69] *Apol*.42.2.
[70] *Apol*.42.1: *excogito*, which suggests a cunning and pernicious plan (*ThLL*,vol.V.2,s.v.*excogito*,col.1275); 42.2: *fingo*; 42.3: *confingo*; 42.4: *mendacium*.
[71] The expression reoccurs slightly varied in 47.3 (*arbitris solitaria*), cf. **7.4**. The terms *arbiter* and *arbitror* feature in APUL.*Met.*1.14.5; 1.16.2; 1.18.1; 1.20.3. Furthermore, in *Met.*3.21.3 the verb *arbitror* is employed to indicate the sight of Pamphile's metamorphosis. Cf. Keulen,2007,35,n.112; p.289; 309; May 2013,163-4; 170.
[72] This might reflect the wording of the enemies, who wanted to present fourteen slaves as a small group of witnesses; Apuleius will use this point to prove that the presence of such a crowd would have hindered the secrecy typical of goetic magic (**7.4**).
[73] *Conscius* and *testis* occur in another magical context in APUL.*Met.*1.16.3, on which cf. Keulen,2007,307; May,2013,170. A model could have been HOR.*Sat*.1.8.44.
[74] *Apol*.42.4-43.10 (**7.3**).
[75] This vagueness is conveyed by the indefinite *quispiam* (cf. Leumann, Hofmann,1928,484).
[76] As noted by Hunink,1997,vol.II,128, the identity of the boy is only revealed at 43.8. Abt,1908,159 notices Apuleius' use of the double meaning of *puer* ('boy' and 'slave') that we discussed when commenting on *Apol*.9.2 (**3.1**, n.5).
[77] *Apol*.43.8-10 (**7.3**).
[78] **7.4**.
[79] Abt,1908,158-9, and developed in p.160-70. His position is followed by Butler, Owen,1914,101-2 and Hunink,1997,vol.II,128.
[80] Abt,1908,174-5. For remarks on lychnomancy, cf. Hopfner,1921-24,vol.II,345-82; Ogden,2001,193-6, and especially Zografou,2010,276-94.

On the other hand, the parallel with the aforementioned papyri, although suggestive, is not conclusive evidence since the presence of a boy, the act of *incantare*, the requirement of secrecy, the presence of an altar, and the use of a *lucerna* served numerous goetic purposes, not only related to divination. We will now see that the aforementioned elements – about which the eyewitnesses informed the prosecutors –[81] could be easily presented as goetic evidence. Since the analysis of secrecy in magic is covered in another part of this chapter,[82] and since I have already discussed goetic spells,[83] here I will show that the verb *incanto*, boys, oil-lamps, and altars could be used in magic for various purposes, and that they all feature in the upsetting descriptions of literary magic. This will ultimately allow us to comprehend how the attackers could misrepresent a healing rite as a nefarious goetic practice.

Let us begin by remarking that goetic spells are the key theme of *Apol*.42.3-52.4: the verb *incanto*, in particular, is constantly repeated throughout this part of the defence to report the accusation concerning Thallus,[84] the other slave-boys,[85] and the matron.[86] But what kind of incantation might be at stake here? It was a commonplace assumption that the strength of the goetic practitioners was due to their incantations,[87] and it would have been simple enough for the attackers to play on this idea to underscore the noxiousness of Apuleius' spells, given that the outcome of his therapy had been Thallus' epileptic attack.[88] The use of the verb *incanto* is quite significant since it specifically indicates the casting of a magical spell to get control over people and objects:[89] it appears already in the *Twelve Tables* where it refers to the utterance of a harmful incantation,[90] which is retrospectively interpreted as magical by Pliny[91] and Apuleius.[92] In literary sources, *incanto* indicates the compelling power of goetic spells: *incantata* are the knots (*vincula*) made by Horace's Canidia for love-magic,[93] and a particularly interesting parallel is that with the

[81] *Apol*.44.1.
[82] **7.4**.
[83] **4.3**.
[84] *Apol*.42.3.
[85] *Apol*.46.1-6.
[86] *Apol*.48.1; 48.6; 48.11.
[87] *Apol*.26.6 (**4.3**).
[88] **7.1**.
[89] Cf. *ThLL*,vol.VII.1,s.v.*incanto*,col.846. Cf. also the remarks in Tupet,1976,168; 1986,2595; Schneider,2013,93,n.6.
[90] PLIN.*Nat*.28.18 and **7.4**.
[91] PLIN.*Nat*.30.12.
[92] APUL.*Apol*.47.3 (**7.4**).
[93] HOR.*Serm*.1.8.49-50.

declamation entitled *Sepulcrum Incantatum*, attributed to Quintilian. There a *magus* practices an ominous ritual to bind the soul of an untimely-dead youth to his grave[94] and, in order to achieve this result, he spellbinds the tomb with a *noxium carmen*[95] and buries in it an enchanted piece of iron (*cantatum ferrum*).[96]

Whilst papyrological evidence shows the custom of using youths in divinatory practices,[97] boys appear in literary magic for a different and far more sinister end: in Horace's *Fifth Epode*, a youth is abducted by Canidia and other *sagae* to make a powerful love-potion with his liver and marrow.[98] Although the historicity of the information cannot be assessed, Philostratus recounts that Apollonius of Tyana[99] was accused of having sacrificed an Arcadian boy during a nocturnal and occult ritual.[100] In later times, Libanius writes another declamation on a *γόης* who should have sacrificed his own son to free the city from a plague.[101] It seems likely that the prosecutors drew on the idea that the goetic practitioners were interested in youths for their nefarious practices in order to bias the audience and the magistrates against Apuleius, whose rite and incantation did not kill Thallus, but left him permanently sick.

Regarding the use of oil-lamps in magic, evidence from the *PGM* highlights that *λύχνοι* are not solely employed in magical divination,[102] but feature also in prescriptions to attain several goals.[103] So widespread was this usage of oil-lamps as to leave a significant mark on literary descriptions of magic: in *The Lover of Lies*, Lucian narrates the magical purification of a house inhabited by a monstrous *δαίμων*: to repel him, Arignotus enters the house with an oil-lamp alone

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[94] [QUINT.] *Decl.*10 prol.
[95] *Decl.*10.7.
[96] *Decl.*10.8; 10.2.
[97] **7.3**. The account in SHA *Did.Iul.*7.10-1, where we find the verb *incanto*, closely mirrors the practices ascribed to Nigidius (*Apol.*42.7).
[98] HOR.*Ep.*5.32-40, cf. Watson,2003,174-91. A funerary inscription from Rome (*CIL* 6.3.19747) is devoted to a three year old boy killed by a *saga*, cf. Graf,2007,139-50.
[99] On the similarities between the *Vita Apollonii* and the *Apologia* cf. **4.4**.
[100] Philostr.*VA* 7.20. For the theme of the sacrifice of youths, cf. the detailed overview in Watson,2003,175,n.11.
[101] Lib.*Decl.*41.
[102] Cf. Abt.p.162-5; Eitrem,1941,175-87; Ogden,2001,193-5 where the use of lamps is, however, connected with necromancy.
[103] The occurrences of *λύχνος* in the *PGM* are several; I shall list some cases: *PGM* I.125 (a ritual to acquire the assistance of a daemon); III.22 (a ritual for involving the sacrifice of a cat); III.585 (a spell to contact Helios); IV.931; 957; 1094; 1103; 1105; 1108; (charm for a divine vision); IV.2185 (divine assistance from Homeric verses); IV.2366 (spell for business); VII.376-7 (charm to induce insomnia); VII.593; 599; 601; 613; 617-8 (love-magic). Furthermore, an *defixio* from Ostia to cause the death of a certain Helenus was inscribed on the body of an oil-lamp, Audollent,1904,137 (=*CIL* 15.6265) and p.194-5.

at night, and utters some formulas which eventually allow him to fight the spirit back.[104] The description in *Apol.*42.3 can be compared to Pamphile's magical rituals to transform herself into an owl in Apuleius' *Metamorphoses*: she anoints her body with an oil and, *multum cum lucerna secreto conlocuta*, begins her magical metamorphosis.[105] Furthermore, at *Met.*2.11.6-2.12.2 Pamphile is said to be able to foresee the weather by divining with her *lucerna*.[106] Another parallel with the *Metamorphoses* can be added: in Aristomenes' tale one of the two *sagae*, who replace Socrates' heart with a sponge, holds a *lucerna lucida*;[107] they too utter a spell,[108] and operate in secret despite the unexpected presence of a witness.[109] The evidence from the *Metamorphoses* is particularly significant because – although probably written after the trial –[110] it suggests that a deep connoisseur of magic such as Apuleius would have been aware that the elements cited in *Apol*.42.3 could not only be used for divination, as he insists.[111]

We examined so far the act of *incantare*, the employment of boys, and the functions of oil-lamps in non-divinatory magic according to evidence of real practices and literary descriptions. What about the *arula*? Abt[112] proposes a censer (*θυμιατήριον*)[113] to burn incense,[114] and Butler and Owen follow him.[115] This interpretation is based on the aforementioned papyrological evidence and depends on the assumption that Apuleius attempted magical divination. *Arula*, however, does not seem to designate a censer: Hunink thinks of a small altar for burnt offerings, but he neither supports this interpretation with evidence, nor does he explain how this reconstruction fits the picture sketched by the accusers.[116] I propose to interpret *arula* as a comic diminutive, a rhetorical tool often used in the *Apologia* to lessen dangerous details of the charges.[117] It is difficult to imagine that Apuleius could sacrifice some chickens on a censer, but

[104] Luc.*Philops.*30-1.
[105] *Met.*3.21.4. Vallette,1908,78 aptly suggests a parallel with Ps.-Luc.*Asin*.12.
[106] On this cf. van Mal-Maeder,2001,203-4.
[107] *Met*.1.12-3, on which cf. Keulen,2007,254 and May,2013,151.
[108] *Met*.1.13.7.
[109] *Met*.1.14.1-2. Cf. Keulen,2007,250; May,2013,150.
[110] **1.4**.
[111] *Apol*.42.4.
[112] Abt,1908,174-5 and p.175,n.4.
[113] For censers in real goetic practices, e.g. *PGM* I.63; III.295; IV.214; IV.1318; IV.1903; IV.2709; IV.3192; V.39; V.219; VII.636; VII.741; LXXII.1.
[114] *Apol*.47.7 (**7.3**).
[115] Butler, Owen,1914,101.
[116] Hunink,1997,vol.II,127.
[117] E.g. *pisciculus* at 29.4; 40.6; 40.8; *sudariolum* 53.2; 53.12; 55.2 and *linteolum* at 53.4. On the comic function of the diminutives in Latin, cf. Hofmann,1951[3],297-300. Specific remarks on comic diminutives in Apuleius' prose in

since he mentions these offerings only at *Apol*.47.7,[118] Abt failed to understand the real meaning of this diminutive. Altars (*arae*) are, in fact, present in many goetic rites of Latin literature: it would suffice to recall the altar for Dido's magical rite,[119] those of Medea as depicted by Ovid,[120] and by Seneca,[121] and the altar of Erictho in Lucan's *Pharsalia*.[122] In addition to this literary evidence, the presence of *arae-βωμοί* in magical rituals unrelated to divination is widely attested in the *PGM*.[123]

After this analysis, we can dismiss Abt's hypothesis and conclude that the compresence of incantations, youths, oil-lamps, altars, and secrecy[124] characterises different types of magical practices. The fact that such paraphernalia were employed in magic enabled Apuleius' attackers to distort these elements and blame him for Thallus' illness. Had the judge not favoured him, he could have been in an extremely precarious situation since magical practices such as those described in *Apol*.42.3 were interdicted by the *Lex Cornelia de sicariis et veneficiis*.[125] Apuleius' position here was rather insecure: he could not deny having performed a ritual, but – as we shall see – tries to demonstrate the accusers' mendacity by using his own expertise in magic to present the charge as a case of magical divination and dispel this accusation.

7.3. Magical Divination with *Pueri*

At *Apol*.42.4 Apuleius emphasises the mendacity of his accusers and explains that, to complete their fanciful account, they should have added that the slave-boy gave oracular responses.[126] In the light of my interpretation, it is clear that the prosecution did not need to add anything else to their account:[127] they claimed that, being an evil *magus*, Apuleius tested his *carmina* on Thallus

Ferrari,1968,119; 123 for the *Florida*; Callebat,1968,371; 510; 520; Pasetti,2007,27-31 for the *Metamorphoses*; Callebat,1984,147-8 and n.21 for the *Apologia*. In this study, however, Callebat does not acknowledge the comic diminutives discussed in the present study.

[118] **7.4**.

[119] VERG.*A*.4.509.

[120] OV.*Met.*7.74; 7.240; 7.258.

[121] SEN.*Med*.578; 785; 808.

[122] LUC.6.432; 558.

[123] *PGM* I.282 (summoning daemons); IV.34; IV.38; IV.42 (initiation); IV.2649-50 (slander spell); V.200 (to catch a thief); VI.36 (encounter with a god); XII.28; XII.34; XII.36 (summoning Eros); XII.212 (magical ring); XIII.8; XIII.124; XIII.367; XIII.375; XIII.681 (spell for various purposes).

[124] **7.4**.

[125] Paulus *Sent*.5.23.15, and **7.1**.

[126] Apuleius uses interchangeably *praesagium* and *divinatio* (42.5) as in *Soc.*17; cf. Abt,1908,65-6,n.5; Hunink,1997,vol.II,128.

[127] **7.1**.

in order to make him fall ill:[128] Apuleius' only intention was to harm the people in Oea. Harrison suggests that the enchantment of Thallus is "somewhat gratuitously" associated with divination by means of a boy,[129] and rightly so. In order to temper this dangerous point, Apuleius draws on his expertise in magic to misrepresent the alleged ritual as a divinatory rite,[130] and asserts that it is possible to gain foreknowledge only by using a healthy and uncorrupted youth.[131] This allows him to argue for the stupidity of the accusation: given Thallus' sickness, he would have been unsuitable for any divinations.[132] However, to structure this reasoning, Apuleius betrays once more his deep acquaintance with magic; I will expand on Abt's discussion and show additional parallels with the *PGM* confirming the employment of boys in divinatory rituals. This risky display of goetic knowledge is counterbalanced at *Apol*.43.2 with a quotation from Plato' *Symposium* that would have reassured the court about his innocence.[133] I will demonstrate that Apuleius does not simply quote from Plato, but distorts the passage to convey his personal appreciation for the philosophico-religious type of magic.

Apuleius' digression on magical divination is arranged with much caution by choosing, on the one hand, a non-magical terminology and, on the other hand, by referencing sources above suspicion.[134] Hunink[135] notes, in fact, that a term like *canticum* – which is first applied to the goetic utterances in *Apol*.42.4 –[136] would have been less suspicious than *carmen* or *cantamen*.[137] We must add that the expression *magica percontatio* might not belong to the citation from Varro,[138] but could also be due to Apuleius' intention to avoid *carmen* and *cantamen*: this is, in fact, the only occurrence of *percontatio* with a goetic undertone.[139] To confirm the employment of boys in magical divination Apuleius relies on two examples from Varro, a learned source that

[128] *Apol*.44.1 and **7.1**.
[129] Harrison,2000,69.
[130] *Apol*.42.4-8; 43.1-2.
[131] *Apol*.43.3-6.
[132] *Apol*.43.7-10.
[133] Cf. also **7.6**.
[134] This is to avoid the charge of possessing magical treatises, punished by the *Lex Cornelia de sicariis et veneficiis* (Paulus *Sent*.5.23.18).
[135] Cf. Hunink,1997,vol.II,128.
[136] The only other employment of the term to indicate a 'charm' is in Mart.Cap.9.928, who might have looked at this passages of the *Apologia*. Cf. *ThLL*,vol.III,s.v.*canticum*,col.284.
[137] Cf. my discussion of *Apol*.26.6 (**4.3**).
[138] *Apol*.42.6-8.
[139] Cf. *ThLL*,vol.X.1,s.v.*percontatio*,coll.1218-9, hence the necessity of the adjective *magicus*.

could not have been taken for a goetic treatise, which also allow him to showcase his erudition. The first example concerns hydromancy:[140] during the Mithridatic wars, a *puer* in Tralles saw the image of Mercury[141] reflected in the water and sang a prophecy in a hundred and sixty lines.[142] It cannot be ascertained whether Varro describes this episode as magical, or if Apuleius retrospectively reinterprets it as such to fit in the context of his argument. The second anecdote, probably still from Varro,[143] concerns Nigidius Figulus, later known for being *Pythagoricus et magus,*[144] who enchanted some boys in order to find the missing money of a certain Fabius.[145]

Apuleius' distortion of the charge rests, however, on solid ground. That the *magi* were able to divine is a commonplace assumption in Greco-Roman times:[146] a passage cited by Pliny[147] from a lost work ascribed to Ostanes[148] reveals that the *magi* could divine from water, globes, air, stars, lamps, basins and axes, and by other techniques, including necromancy.[149] This is confirmed by several prescriptions in the *PGM*[150] and, amongst those, several cases require the use of a sexually and physically uncorrupted youth[151] to make the divine vision possible, a belief closely mirroring Apuleius' words at *Apol*.43.3-6.

Given the notoriety of these goetic practices, at *Apol*.43.1 Apuleius needs to distance himself from the previous examples[152] by restating that he gained this knowledge from many

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[140] For Varro as a source on *hydromantia*, cf. the polemical confutation in August.*C.D*.7.35. On hydromancy in general, cf. *ThesCRA*,vol.III,s.v.*divination*,9.
[141] For Mercury and magic, **10.3**.
[142] *Apol*.42.6. Since much of Varro's production is lost, it is impossible to identify the text from which the anecdote is taken. For a discussion of this passage cf. also Abt,1908,171-7; Butler, Owen,1914,102-3; McCarty,1989,169,n.20; Hunink,1997,vol.II,128-9; Odgen,2001,191-3; Cardauns,2001,85-7; Martos,2015,76-77,n.248, n.249, n.250.
[143] Cf. Cardauns,1960,48.
[144] Hyeron.*Chronic.*156 H, an abridgement from Eusebius' *Chronicon*, who in turn probably used Suetonius' *De Philosophis*. Apuleius' punningly refers to Nigidius' magical notoriety at *Apol*.45.5 (cf. Brugnoli,1967,226-9; Hunink,1997,vol.II,135). Nigidius' interest in the occult emerges in LUC.1.639-64, and Serv.*Ecl.*1.10, who cites a passage from Nigidius' *De Deis*, in which the *magi* are regarded as reputable authorities. For a discussion of Nigidius in relation to magic, cf. Dickie,1999,168-72; and 2001,170-2; Mayer i Olivé,2012,237-45.
[145] *Apol*.42.7-8. For the identification with Quintus Fabius Maximus, cf. Cardauns,1960,47.
[146] For a study of magic and divination, cf. Eitrem in Faraone, Obbink eds. 1991,175-87; Graf in Jordan *et al*. eds.,1999,283-98; *Brill's New Pauly*,vol.VIII,s.v.*Magic*,col.137.
[147] On Pliny as a source for Apuleius, cf. my analysis of 27.1-3 (**4.4**, **4.5**, **4.6**) and 90.6 (**11.5**).
[148] PLIN.*Nat*.30.14, cf. Bidez, Cumont,1938,vol.II,286-7; Ernout,1963,83. On Ostanes, cf. **4.5**.
[149] **10.2**.
[150] E.g. *PGM* II.1-64; II.65-183; III.165-86; III.187-262; III.263-75; III.282-409; III.479-83; IV.3086-124; IV.3209-54; V.370-446; VII.1-148; VII.222-49; VII.250-54; VII.540-78; XII.153-60.
[151] *PGM* V.373; VII.544; *PDM* XIV.285-90 quoted by Abt (p.183-5) who also indicates the HOR.*Ep*.5.13 (cf. Watson,2003,196-7). In these cases, it seems that both physical and sexual purity are prescribed, cf. Hopfner,1926,65-74 and n.18. Other evidence about uncorrupted youths in *PGM* I.85-90; II.55-60. For prescriptions concerning the purity of the body, cf. *PGM* I.57; III.306; IV.26-7; IV.52-4; IV.73-4; IV.733-7; IV.897-8; IV.1099-100; IV.1267-9; IV.3080; IV.3244; VII.218; VII.334; VII.363; VII.667; VII.725; VII.749; VII.843; VII.846; VII.981; XII.208; XII.276-7; XIII.4-5; XIII.347; XIII.671-2; XIII.1005-6; XXIIb.27-8; XXXVIII.1. Cf. also Martos,2003,vol.II,212,n.309; 2015,79,n.256. On Apuleius' views on 'purity', cf. *Apol*.43.7 discussed below.
[152] *Apol*.42.6-8.

authorities (*apud plerosque*),[153] and underscoring his scepticism about goetic magic.[154] Before explaining that boy divination requires a pure medium, not an epileptic,[155] Apuleius quotes a passage from Plato's *Symposium* on the agency of daemons in divination. In Apuleius' view,[156] the human soul is a daemon called *Genius*;[157] each daemonic soul is entrusted to the care of a higher class of tutelary daemons, to which Socrates' daemon belonged,[158] and – if rightly revered – they help their protégées by granting them premonitions.[159] The Platonic passage is not given in Greek, as in *Apol*.25.11, but summarised as follows: *quamquam Platoni credam inter deos atque homines natura et divinationes cunctas et Magorum miracula gubernare*.[160] The passage belongs to Apuleius' philosophical repertoire, recurring almost identically at *Soc*.6, and is an abridged and manipulated version of *Symp.*202e-203a, which says: *διὰ τούτου* (*sc*. *τὸ δαιμόνιον*) *καὶ ἡ μαντικὴ πᾶσα χωρεῖ καὶ ἡ τῶν ἱερέων τέχνη τῶν τε περὶ τὰς θυσίας καὶ τελετὰς καὶ τὰς ἐπῳδὰς καὶ τὴν μαντείαν πᾶσαν καὶ γοητείαν*. It has gone hitherto unnoticed that Apuleius does not only eliminate the reference to the priestly art, sacrifices, mysteries, and incantations, but takes a significantly different stance from the Platonic reference to *γοητεία*. As we have seen, Apuleius follows a tradition distorting Plato in order to suggest that he commends the *magi*;[161] at *Apol*.43.2 and in *Soc*.6 he seems to reinterpret Plato of his own accord: here *magus* does not refer to the goetic practitioner as in Plato, but to a priestly figure able to obtain divine prophesies. The positive connotation of *magus* is confirmed by the undertone of the whole passage, which has nothing to do with the goetic magic but with divine foreknowledge and respectable initiations.[162]

[153] For a similar argument cf. 41.4; 91.2 (**11.5**).
[154] *Apol*.43.1. For analogous expressions of doubt, cf. 43.4 (*si qua fides hisce rebus impertienda est*), and similarly 26.6 (*incredibili vi*) and 47.3 (*incredundas inlecebras*). Regen,1971,3-4 defines this retraction as a striking contradiction, but he fails to understand Apuleius' cautiousness, as explained by Hijmans,1994,1764-5, followed by Hunink,1997,vol.II,129-30.
[155] *Apol*.43.3-10.
[156] On Apuleius' demonology: Vallette,1908,221-69; Regen,1971,3-22; 61-83; 1999,438-59 continued in 2000,41-62; Beaujeu,1973,8-15; 183-247; Moreschini,1978,19-27, updated in 2015,123-45; Gersh,1986,vol.I,228-36; Brenk,1986,2133-5; Hijmans,1987,442-4; Hubert,2003,447-60; Fletcher,2014,147-50. The most thorough accessible analysis to date is Habermehl,1996,117-42.
[157] *Soc*.15.
[158] *Soc*.16.
[159] Socrates relies on the *vis presaga* of his tutelary daemon (*Soc*.18). In *Apol*.43.3, Apuleius uses *praesagare*, a rarer form of *praesagire*, cf. *ThLL*,vol.X.2,s.v.*praesago*,col.813 and Callebat,1984,144,n.5.
[160] *Apol*.43.2.
[161] *Apol*.25.9-26.4 (**4.2**).
[162] *Apol*.43.3-6, and the use of *initio* (cf. n.175). For a similar argument, cf. 55.8-56.2 (**8.6**).

Furthermore, in Apuleius' prose the term *miraculum* is always used to indicate a prodigy anticipating future events,[163] a connotation befitting a philosophical discourse on divination.[164]

Having pointed out that men can prophesy by seeking contact with their tutelary daemons, Apuleius cautiously[165] acknowledges that especially the soul of a youth can attain this goal when separated from the body.[166] The ideal medium needs to have an incorrupt body and soul,[167] and a correct use of language to reproduce his celestial vision.[168] This explanation could have raised some doubt about Apuleius' feigned innocence. Abt[169] claims that *carminum avocamentum* and *odorum delenimentum* would refer to magic, and cites a passage from Livy,[170] which, however, is about the partner of the Numidian king Syphax, who influenced him against the Romans, and has no connection with magic. Nevertheless, the fact that incantations and aromatic spices[171] were used in goetic practices supports Abt's argument. Additionally, the lychnomantic rite by means of a boy in *PGM* VII.540-78 resembles the prescriptions at *Apol*.43.3-5.[172] The presence of some connections with goetic magic notwithstanding, Apuleius' description would have undoubtedly appeased the judge Maximus – the main addressee of the speech – because of its resemblance to the Platonic idea that the human soul, when detached from the body, could obtain a divine foreknowledge.[173] This would have consequently counterbalanced the connections with lychnomancy.

After this digression on divination by means of a boy, Apuleius can finally validate his claim about the absurdity of the accusation: if the prerequisites for divination are that the boy

[163] For this employment of *miraculum*, cf. *Fl*.6.6; 16.16; 18.31; *Met.*2.28.7; 6.29.4; 11.14.3.
[164] This same positive usage recurs at *Apol*.42.5. Bulhart, the curator of the entry *miraculum* in the *ThLL*,vol.VIII,coll.1053-59, wrongly enlists the occurrences of the term in *Apol*.43.2 and *Soc*.6 amongst the passages related to the goetic magic (col.1056) such as HOR.*Epist*.2.2.208 and LUC.9.923, instead of the passages where *miraculum* means a prodigious deed foreshadowing the future (col.1055).
[165] *Apol*.43.4 and n.154.
[166] *Apol*.43.3. Dowden, 1982, 341-2; 1994, 427-8 connects this passage of the *Apologia* with the episode of *Cupid and Psyche* in Apuleius' *Metamorphoses*.
[167] For Apuleius, physical and spiritual wellness go hand in hand: epilepsy causes, in fact, the soul's corruption (50.1-3). On the commonplace fear of epilepsy, cf. n.18.
[168] *Apol*.43.4-6. Regarding Pythagoras' saying (*non enim ex omni ligno* […] *debet Mercurius exculpi*), Martos,2015,79,n.257 stresses a parallel with Iamb.*VP* 34.245. The passage might foreshadow the discussion the statuette of Mercury at *Apol*.61-5 (Chapter 10).
[169] Abt,1908,183-4.
[170] LIV.30.13.12.
[171] Griffiths,1975,299, followed by Hunink,1997,vol.II,131, refers to incense. Martos,2015,79,n.254 reaches the same conclusion. On the *Arabicae fruges* in magic, cf. *Apol*.6.4 (**3.4**).
[172] Cf. Abt,1908,185.
[173] Plu.*Mor*.592c; CIC.*Div*.1.50.113 and the remarks in Pease,1963,304. The connection is made by Vallette,1908,275-8, who does not notice its importance in relation to Maximus' philosophical views.

must be healthy and spiritually pure,[174] then how could he 'initiate'[175] the epileptic Thallus?[176] According to this reasoning, the features of the slave-boy are just the opposite of what is required in a divinatory rite, and the following description of the wretched slave-boy underlines his unfitness for divinatory rites.[177] It is, therefore, due to his epilepsy and not to Apuleius' presumed spells that Thallus collapses at least three or four times a day.[178] The safe context of this paradoxical comparison between divine foreknowledge and Thallus' impurity, which underpins the weakness of the allegation, enables Apuleius to jokingly use the dangerous term *cantamen*[179] and to briefly engage with magic: Thallus would, in fact, benefit from a *medicus* rather than a *magus*,[180] and this is precisely how Apuleius presents himself. At *Apol*.40.1-4 he draws a distinction between medicine and magic,[181] but we have already explained how both were deeply interconnected in Greco-Roman times, and how the prosecution drew on such connections to misinterpret Apuleius' healing ritual as a goetic performance.[182] In the light of my interpretation, we can confirm that this passage toys with the prosecution's argument: should Apuleius be a goetic *magus* – as they claim – and not a physician, then Thallus would have been of no use to him. The greatest *magus* in the world, Apuleius ironically concludes,[183] is whoever could compel Thallus not to fall.[184]

We have observed so far that Apuleius's own acquaintance with magic helps him to distort the charge of performing evil spells on Thallus, by describing it as a case of magical divination. The obvious doubts that the audience could have had about this display were meant to be dampened by the following quotation from the *Symposium*, which Apuleius readapts to express

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[174] *Apol*.43.7.
[175] The verb *initio*, here used ironically, occurs also in *Apol*.55.8 and in *Met.*3.15.4; 11.17.1; 11.19.2; 11.21.2; 11.21.4; 11.26.4; 11.29.5. For this connotation, cf. *ThLL*,vol.VII.1,s.v.*initio*,coll.1649-50. For magic and mysteries, cf. **8.2**.
[176] *Apol*.43.8. On epilepsy and pollution, cf. n.18.
[177] *Apol*.43.9, according to Sallmann,1995,151, followed by Hunink,1997,vol.II,132, this description was supposed to make the audience shudder. However, here this is mitigated by a comical characterisation (cf. Callebat,1984,165; May,2006,95) which is in tune with Apuleius' irony against his accusers. The appalling description is that at *Apol*.44.9, where the epileptic attack is depicted. On Apuleius' irony in the *Apologia* cf. also Masselli,2003,121-57.
[178] *Apol*.43.9.
[179] *Apol*.43.9, cf. 26.6 (**4.3**).
[180] *Apol*.43.8.
[181] Cf. Hunink,1997,vol.II,132 and the discussion in **6.5**.
[182] **7.1**.
[183] *Apol* 43.9.
[184] *Apol*.43.10. Hunink,1997,vol.II,133, proposes a subtle reference to the judge in this final pun.

a positive view on magic.[185] We must note that – his self-confidence notwithstanding – Apuleius was aware that the accusation concerning Thallus was a particularly dangerous one since so many people witnessed the event. Therefore, to corroborate his countering, he sets out to disprove the validity of the testimonies.[186] I shall now clarify how, while doing so, he lays bare further dangerous knowledge of goetic magic.

7.4. Apuleius' Secret Magical Ritual

After undermining the allegation concerning Thallus, which Apuleius misrepresents as a case of magical divination,[187] he adds another argument to disprove the validity of the charge: he gives an account of the occult nature of goetic magic,[188] and says that the presence of fourteen witnesses – not to mention Sicinius Pudens – implies that no occult magical rite could have taken place.[189] Before bringing forward this argument, he attacks his prosecutors by asserting that the fourteen slaves called to bear witness against him will confirm that Thallus was already sick before Apuleius even came to Oea, so he cannot be held responsible for the slave's illness.[190] Thallus was not presented in the courtroom of Sabratha to avoid its contamination,[191] and since the slave has no memory of what happened during the rite,[192] Apuleius denies that he provoked his epilepsy with a spell, and accuses Sicinius Pudens of being responsible for such calumnies.[193] Sandwiched between this argument, we find the short discussion of the other slave-boys on whom Apuleius purportedly tested his dire *carmina*:[194] Apuleius claims that this is a plain lie, and the prosecution seems unable to react to his assault.[195] This rebuttal precedes the digression on the secrecy of magic at *Apol*.47.3-4, to which my following analysis is devoted: my examination will test on an emic basis the parallels with magical sources – particularly the *PGM* – pointed out by Abt,[196] and

[185] On this cf. also Chapter 12.
[186] *Apol*.44.1-45.8; 47.1-6.
[187] *Apol*.*Apol*.42.4-43.10.
[188] *Apol*.47.3.
[189] *Apol*.47.1-2; 47.4-6.
[190] *Apol*.44.1-3.
[191] *Apol*.44.4-9. Cf. n.18.
[192] *Apol*.45.2 and 42.3. On amnesia and epilepsy, cf. n.17.
[193] *Apol*.45.7-8.
[194] *Apol*.46.1-6. Cf. **7.7**.
[195] *Apol*.46.3-6. For the Ciceronian tone of the passage, cf. Hunink,1997,vol.II,136-7; Harrison,2000,70; Martos,2015,83,n.262; n.263.
[196] Abt,1908,191-8.

provide new evidence to gauge Apuleius' expertise in this aspect of goetic magic. Then, I will focus on *Apol*.47.7, which contains references to the sacrificial offerings, namely frankincense and hens, and I will explain what happened during the ritual and how the prosecution distorted it[197] by showing how these two ingredients were employed in healing rituals of Asclepius, and how they appear amongst the tools of goetic magic.

At *Apol*.47.3-4 Apuleius provides an eerie description of goetic magic as a secret, illegal, and frightful craft, indicating his interest in and familiarity with the subject: *magia ista*, *quantum ego audio*, *res est legibus delegata*, *iam inde antiquitus XII tabulis propter incredundas frugum inlecebras*[198] *interdicta*, *igitur et occulta*[199] *non minus quam tetra et horribilis*, *plerumque noctibus vigilata et tenebris abstrusa et arbitris solitaria et carminibus murmurata*. This passage complies with the imagery and terminology of magic in literary and non-literary sources, betraying again how Apuleius was a remarkable connoisseur of the subject. The first part of the passage concerns the *Twelve Tables*: the conviction that the *magicae artes* were already banished by these laws is due to a retrospective interpretation that can already be found in the *Natural History*,[200] on which Apuleius probably draws.[201] Unsurprisingly, the *Lex Cornelia de sicariis et veneficiis* – under which Apuleius is tried – clearly forbids any *sacra impia nocturnave* as well as goetic incantations.[202]

The following cluster of adjectives and nouns serves to underscore the idea that goetic magic is occult and nocturnal (*noctibus vigilata*,[203] *tenebris abstrusa*),[204] thus abominable and frightening (*tetra et horribilis*).[205] This conforms to the belief that secrecy is a prerequisite of

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[197] **7.1**.
[198] On this term, cf. my remarks on *Apol*.34.5 (**6.6**, n.283).
[199] For the adjective *occultus* in magical contexts, cf. *Apol*.26.7, and PLIN.*Nat.*21.166. Cf. *ThLL*,vol.IX.2,s.v.*occulo* (*occultus*),col.365.
[200] PLIN.*Nat*.28.17-8; 30.12. Apuleius does not refer to the law acting against whoever cast a spell on another person, but to that concerning the charming of the crops; this, obviously, bears less connection with the allegation brought against him. Vallette,1908,74,n.2, followed by Norden,1912,39, observes that Apuleius needed to be careful since to display knowledge of magic was itself a punishable crime under the *Lex Cornelia de sicariis et veneficiis* (Paulus *Sent*.5.23.17).
[201] Cf. Harrison,2000,71,n.83. As discussed when commenting on *Apol*.27.3 (**4.4**, **4.5**, **4.6**) and 90.6 (**11.5**) Pliny is a frequent source for Apuleius.
[202] Paulus *Sent*.5.23.15.
[203] On this, cf. Abt,1908,194-6 and my discussion of *nocturna sacra* (*Apol*.57-60) in **9.2**.
[204] The expression recurs in APUL.*Met.*3.20.1, as noted by Abt,1908,196-7,n.6. Cf. also Van der Paardt,1971,151.
[205] The adjective *horribilis* occurs literary magic (cf. SEN.*Med*.191), and its cognate *horrendus* is used by Horace to describe Canidia and Sagana (HOR.*Serm*.1.8.25-6). As to *taeter*, a parallel, although unrelated to magic, is Arruns' macabre divination in LUC.1.618-9.

goetic practices, and that very few witnesses could be allowed to such rites. Abt, followed by Hunink[206] and Martos,[207] explains that this belief can be found in numerous literary sources, such as the characterization of Ovid's Medea,[208] that of Canidia and Sagana,[209] and the necromantic rite performed by an Egyptian crone in Heliodorus' *Aethiopica*.[210] Further literary examples can be added, such as the magical rite by Lucian's Arignotus, [211] the *arcana secreta* in Seneca' *Medea*,[212] and Hecate's *arcana*[213] in Valerius Flaccus.[214] Another famous example is the pyre, secretly set up, where Dido should have performed her magical rite.[215] The importance of secrecy in literary magic reflects its pivotal function in the real goetic performances: as Abt remarks, evidence from the *PGM* indicates that secrecy was a fundamental prerequisite of goetic magic.[216]

Apuleius' mention of the *carmina murmurata*[217] also adheres to a long-lasting literary tradition:[218] as shown by Baldini Moscadi,[219] references to the murmuring of magical spells appear in Theocritus' *Second Idyll*,[220] in the depiction of Medea's utterances in Ovid[221] and Valerius Flaccus,[222] in Lucan's *Pharsalia*,[223] and in the *Sepulcrum Incantatum*.[224] Analogously, in Lucian's *Necyomantia* the expression *ἐπῳδὴν ὑποτονθορύζω* indicates Mithrobarzanes' incomprehensible utterance.[225] Furthermore, Bremmer[226] notes how Prudentius calls magical utterances a whole *Zoroastreos susurros*,[227] blending philosophical magic into goetic magic. Unsurprisingly,

[206] Hunink,1997,vol.II,138.
[207] Martos,2015,84,n.266.
[208] OV.*Met.*7.255-6. We can stress a parallel with Medea's secret arts (*secretae artes*) at *Met.*7.138.
[209] HOR.*Sat*.1.8.46-50; nocturnal secrecy is a standard feature also in *Ep*.5.49-52, on which cf. Watson,2003,222-4.
[210] Hld.6.14-5.
[211] *Philops*.31 discussed above (**7.2**).
[212] SEN.*Med*.679.
[213] For *arcanum* as a keyword of both magic and mysteries, cf. **8.2**.
[214] V.FL.3.321-2. For Hecate and magic, cf. **5.6**.
[215] VERG.*A*.4.493-5.
[216] Abt,1908,196-7 refers to *PGM* III.616-7; IV.39-40; VII.340; XII.37, but requirements of secrecy can be also found in *PGM* I.130; I.146; I.217; IV.74; IV.922; IV.1115; IV.1251; IV.1353; IV.1610; IV.1760; IV.1778; IV.1798; IV.2508; IV.2514-5; VII.352; VIII.15; XII.237; XII.240; XII.265; XII.321; XII.322); XII.334; XII.406; XIII.20; XIII.344; XIII.731-2; XIII.742; XIII.755; XIII.763; XIII.1058; XIII.1079; XXI.1; XXIIb.20; LVIII.13.
[217] On magical *carmina*, cf. **4.3**.
[218] A parallel at *PGM* IV.745, cf. Baldini Moscadi,1976=2005,170.
[219] Cf. Baldini Moscadi,1976=2005,165-74.
[220] Theocr.2.10-11; 62.
[221] OV.*Met*.7.251.
[222] V.FL.7.464.
[223] LUC.6.448; 6.568; 6.686.
[224] [QUINT.] *Decl.*10.15.
[225] Luc.*Nec.*7. Cf. Baldini Moscadi,1976=2005,170.
[226] Bremmer,1999=2008,246.
[227] Prudent.*Apoth*.494.

murmur returns in Apuleius' *Metamorphoses* to describe the dismaying spells of the Thessalian *sagae*.[228]

The evidence discussed above shows how Apuleius' digression on the occult nature of magic mirrors both real practices and literary sources. Since only a few men of free condition could witness goetic performances,[229] Apuleius criticises his accusers for including in the *magicum sacrum* Thallus and fourteen slaves,[230] and adds a series of jokes to mock the absurdity of their argument.[231] This farcical context serves to briefly[232] and ironically allude to some suspicious details of the allegation: at *Apol*.47.7 Apuleius, in fact, mentions the sacrificial victims (*hostiae lustrales*)[233] of the ritual, namely hens (*gallinae*) and grains of frankincense (*grana turis*). This reference enables us to substantiate my reconstruction of what Apuleius had actually performed:[234] grains of incense were, in fact, customarily offered to Asclepius,[235] and so were hens – according to Prudentius[236] and the epitome of the *De verborum significatu* –[237] in the same way as cockerels.[238] Given Apuleius' interest in the healing hero Asclepius and in medicine as a whole,[239] it is likely that he may have sacrificed on an altar (*ara*)[240] some chickens, and burnt some grains of incense, attempting a private ritual to purify Thallus, during which Asclepius was invoked.[241]

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[228] APUL.*Met.*2.1.3 (cf. van Mal-Maeder,2001,60) and the *magicum susurramen* at *Met*.1.3.1 (cf. Keulen,2007,67; 116-7).
[229] *Apol*.47.4. This reference could suggest that Apuleius has been one of the few witnesses of a goetic rite. He was certainly involved in the mysteries (55.8-56.2), which also require secrecy, cf. **8.2**.
[230] *Apol*.47.5.
[231] *Apol*.47.5-6.
[232] Hunink,1997,vol.II,138 comments on Apuleius' brevity as surprising.
[233] *Apol*.47.7. The expression stands comparison with the *hostia pulla* offered to the *magici dei* in TIB.1.2.64. As to *lustralis*, this is its only occurrence in a goetic context; cf.*ThLL*,vol.VII.2,s.v.*lustralis*,col.1870. Cf. also Martos,2015,84,n.269, who alludes to a rite of purification.
[234] **7.1**.
[235] For the employment of incense in Asclepius' rites, cf. Aristid.*Or.*42.2; Philostr.*VS* 2.25.5; Orph.*H*.67; Euseb. Hieron. *Comm. in Isaiam* 18. 65.
[236] Prudent.*Apoth*.204-6; cf. Edelstein,1998,vol.I,299.
[237] Paul.Fest.s.v.*in insula*,110 M= p.98 L; cf. *ThLL*,vol.VI.2,s.v.*gallina*,col.1682.
[238] The cockerel is the favourite offering to Asclepius (Artemid.5.9) to the extent that Socrates' last words: 'a cock to Asclepius' was proverbial, cf. Pl.*Phd*.118a; Herod.4.12; 4.16; Luc.*Bis Acc.5*; Olymp.*in Phd.*p.205,24; p.244,17; TERT.*Apol.*46.5; Lactant.*Div.inst*.3.20.16-17; *Inst. Epit.* 32.4-5; Prudent.*Apoth*.203-6. Cf. Edelstein,1998,v.I,296-9; vol.II,190. Some remarks on the cockerel and Asclepius in Butler, Owen,1914,108, followed by Martos,2015,85,n.270 who do not connect this evidence to the ritual performed by Apuleius.
[239] **7.1**.
[240] *Apol*.42.3 discussed above (**7.2**).
[241] It is worth adding that private healing rites to Asclepius could take place, cf. Edelstein,vol.II,119-20; 182,n.3. A detailed study including archaeological evidence by Stafford in Mehl, Brulé eds.,2008,205-221.

The attackers could have easily described these elements as goetic offerings: Abt, followed by Butler and Owen, Hunink, and Martos,[242] focuses on a spell for revelation at *PGM* II.24-6, where a lump of frankincense, twelve right-whorled pinecones, and two cockerels are offered to Helios and Selene.[243] However, more significant evidence can be added: at *PGM* XIII.1-15,[244] a *formula* to contact the Divine from the *Eighth Book of Moses*,[245] we find most of the elements purportedly used by Apuleius, specifically: cockerels,[246] frankincense,[247] an oil-lamp,[248] and an altar,[249] although there is no reference to youths. Furthermore, several *formulae* of the *Magical Papyri*,[250] and even two *defixionum tabellae* from Carthage,[251] indicate that hens and cockerels – similarly to frankincense –[252] were prescribed in goetic magic for different goals.

From the analysis of the passage concerning the occult nature of magic at *Apol*.47.3-4, we have become able to gauge Apuleius' expertise not only in the literary sources on magic but in the real goetic rituals. We can now understand the reason for the brevity and comical tone of his allusion to hens and frankincense at *Apol*.47.7: Apuleius knew that these were also employed by the goetic practitioners, and that to provide a longer discussion could have raised further suspicions. It is worth noting that, although we cannot reconstruct how the prosecution phrased the description of the magical offerings, the reference to birds in goetic magic would have anticipated the following charge concerning the goetic rite in Crassus' house, where the feathers of some unspecified birds were found.[253] In conclusion, the accusation of having caused Thallus's collapse with goetic incantations was all but clumsy, as Apuleius strives instead to demonstrate.

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[242] Abt,1908,197-8; Butler, Owen,1914,108-9; Hunink,1997,vol.II,138; Martos,2015,85,n.270.
[243] On Selene and magic, cf. **5.6**.
[244] Cf. also *PGM* XIII.363-72.
[245] On this, cf. Lietaert Peerbolte,2007,184-94.
[246] *PGM* XIII.9-10.
[247] XIII.13-20.
[248] XIII.10-1.
[249] XIII.8.
[250] The cock is prescribed as an offering in the *PGM* for various type of *formulae*: cf. II.25; II.73; III.693; III.701; XIII.125; XIII.377; XIII.437-8; XIII.628 (invocation of a divine being); IV.35; IV.38 (initiation); IV.2183 (a spell with Homeric verses for different purposes); IV.2365 (spell for business); XII.30 (invocation of Eros, love-magic); XII.213; XII.311-3 (creation of a magical ring). Given the semantic broadness of *ὄρνις* (cf. *LSJ*,2009,s.v.*ὄρνις*,1254), which is often used in place of *ἀλεκτορίς* to indicate the hen, it is difficult to understand when the term refers to hens in the *PGM*. For birds in magic, cf. **9.3**.
[251] Audollent,1904,222[B].1-5; 241.15-8; the former is a curse addressed to people involved in a lawsuit, the latter is a racing curse.
[252] Cf. the discussion of *Apol*.6.5 (**3.4**).
[253] *Apol*.58.2 (**9.2**, **9.3**).

7.5. To Harm a *Mulier* with Spells

The discussion of the alleged spells with which Apuleius caused the epilepsy of a free woman (*mulier libera*)[254] differs substantially from the previous part of this section: unlike the discussion of the enchantment of Thallus, *Apol*.48.2-52.4 does not offer us specific references to magical details included in the allegation,[255] and it does not contain any information to reveal Apuleius' own familiarity with magic. I will demonstrate, in fact, that Apuleius' discussion of her ringing ears[256] has nothing to do with goetic magic, Abt's claims notwithstanding. Before addressing this point, I shall review the forensic strategy of this part of the speech, which will allow us to comprehend why Apuleius could avoid mentioning magic. Here he endeavours to reassure the audience by counterpoising the risky innuendos which the former discussion of magical divination[257] and magical secrecy[258] could have raised. In order to do so, he reaffirms that he practised medicine, not magic;[259] subsequently, he displays his knowledge of medical theories about epilepsy[260] in order to underscore his status of philosopher and physician, and lastly attacks Aemilianus for his calumnious arguments.[261] This strategy stands comparison with that in *Apol*.29-31 and *Apol*.32-41, where Apuleius firstly discloses his suspicious acquaintance with both literary and real magic, then counterbalances it by showcasing his zoological and medical erudition.

Such a different approach and the omission of any references to magic was possible because Apuleius did not need to engage closely with the accusation since he could benefit from the deposition of Themison, Apuleius' assistant and physician,[262] and from the judge's favour.

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[254] The concealment of her identity could be due to authorial choices to protect the woman's privacy and decorum. Hunink,1997,vol.II,139) wonders about the absence of the woman from the courtroom, but according to the Roman Law women's testimonies did not count (cf. **1.4** with reference to Pudentilla).
[255] For the reconstruction, cf. **7.1**.
[256] *Apol*.48.3; 48.11; 51.2-3.
[257] *Apol*.42.4-43.6 (**7.3**).
[258] *Apol*.47.3-4 (**7.4**).
[259] *Apol*.40.1-4; 43.8; 48.3-4; 51.9-10. On the connections between magic and medicine exploited by Apuleius' foes, cf. **6.5** and Abt,1908,202-5.
[260] *Apol*.48.11-51.8. An overview of this section in Harrison,2000,71-2.
[261] *Apol*.51.10-52.4.
[262] Themison features as Apuleius' servant (*servus*) skilled in medicine at *Apol*.33.3 and 40.5; there the corrupted reading of the MSS (*Themis* [*c*]*onservus*) was aptly emended by Lipsius, followed by contemporary editors of the *Apologia* (Helm,1905=1955^3,39; 46; Butler, Owen,1914,83; Vallette,1924,41; 49; Martos,2015,62; 73). On Themison's name, cf. Hunink,1997,vol.II,108; Martos,2015,62,n.196.

Themison, in fact, denies any magical misdeed,[263] and explains that he himself brought the woman for a medical inspection to Apuleius – who asked her if her ears were ringing – and that the woman did not collapse before them, but retired.[264] This deposition disproves the accusation that Apuleius harmed the woman with his noxious spells causing her collapse,[265] and detaches him from the direct responsibility for her epileptic attacks. As to the judge, in this case we can observe how he openly favours Apuleius: as reported in *Apol*.48.6-8,[266] Maximus insistently questions the prosecution about the advantages of the alleged incantation, and dismisses the possibility that the simple collapse of the woman, and not her death, would have been the reason behind Apuleius' actions. Now, it is true that the *Lex Cornelia de sicariis et veneficiis* primarily punished the murdering of Roman citizens,[267] but simply endangering their lives by means of goetic performances and magical spells was itself a prosecutable crime.[268] An unsympathetic magistrate or a person biased against any kind of magic would have approached the accusers' arguments less sceptically, but the evidence in *Apol*.48.6-8 suggests that Claudius Maximus discards *a priori* the possibility that a fellow philosopher like Apuleius would have been involved in goetic magic.

Concerning the reference to the ringing of the woman's ears,[269] Abt wrongly stresses a connection with magic;[270] this would have instead shown Apuleius' technical knowledge of the jargon of medicine. In fact, *tinnitus*,[271] when used in connection with the ears, is a technical term of Roman medicine,[272] while the verb *obtinnio* is an Apuleian coinage[273] that would have emphasised his expertise in the subject.[274] Abt, followed by Butler and Owen,[275] Hunink,[276] and Martos,[277] argues for a magical undertone of *obtinnio* by referring to *PDM* XIV.75-80, in which

[263] *Apol*.48.3; 48.6; 51.9.
[264] *Apol*.48.3.
[265] *Apol*.48.1 and **7.1**.
[266] Hunink,1997,vol.II,139 rightly observes that, in this case, the possibility of a manipulation by Apuleius is improbable given that all the speakers are attending the trial.
[267] IUST.*Instit*.4.18.5; this law protected freeborn people and slaves alike, cf. **1.3**, n.44.
[268] Paulus *Sent*.5.23.15.
[269] *Apol*.48.3; 48.11; 51.2-3.
[270] Cf. Abt,1908,198 and 175.
[271] *Apol*.48.11; 51.3.
[272] *Aurium tinnitus* can be found in medical context in PLIN.*Nat*.20.162; 23.85; 31.117; in Marcellus Empiricus: *CML*,vol.V,172; 176; 188; in Caelius Aurelianus: *CML*,vol.VI.1,38; 51; 136; 320; 360; 432; 458; 464; 490; 530; 688; in the pseudo-Hippocratic epistle in Bede's *Temp.rat*.30. Some remarks in Langslow,2000,377.
[273] *Apol*.48.3. Cf. *ThLL*,vol.IX.2,s.v.*obtinnio*,col.291.
[274] Cf. *Apol*.40.1-4 (**6.5**).
[275] Butler, Owen,1914,109-10.
[276] Hunink,1997,vol.II,139.
[277] Martos,2015,85,n.271.

a lamp divination by means of a boy is described as follows: "if his two ears speak, he is very good; if it is his right ear, he is good; if it the left, he is bad."[278] However, this passage pertains to a voice speaking in the ears, not to their ringing, and the superstitious belief, reported by Pliny,[279] that the ringing of the ears (*tinnitus aurium*) indicates that someone is talking about a person has nothing to do with magic and with the divinatory practice described in *PDM* XIV.75-80.

In short, we have noted that *Apol*.48.1-52.4 does not contain evidence of Apuleius' acquaintance with magic, lessening the serious accusation of having harmed a free woman in need of assistance. The favourable deposition of the witness, the judge's sympathy, and the safe context of Apuleius' medico-philosophical showcase[280] enable him to make a convincing case against his accusers and Aemilianus in particular, who – as Apuleius puts it – collapsed under the burden of his mendacious arguments like an epileptic.[281] Despite the cogency of this part of the defence-speech, we still need to assess the impact of this accusation as a whole. This will enable us to ascertain the function of this charge within the broader context of the following Primary Charges.

7.6. Conclusion

The present discussion enables us to observe that, when rebutting the accusation of having harmed Thallus with magical spells,[282] Apuleius displays a fully-fledged understanding of two typical aspects of goetic magic: namely magical divination with boys[283] and the secrecy of magic.[284] This examination has also made it possible to reconstruct how the attackers tarnished a healing ritual of Asclepius according to the most frightful and widespread *topoi* of Greco-Roman magic, such as the idea that the *magi* harmed people with their charms and had a special interest in youths.[285] Apuleius, however, could rely on a far deeper knowledge of magic to distort and weaken this accusation. But unlike the lengthy digression on literary magic at *Apol*.30.6-31.9[286] and the

[278] I follow the translation by Johnson in Betz,1992[2],199.
[279] PLIN.*Nat.*28.24; cited in Abt,1908,198,n.2.
[280] *Apol*.48.11-51.8.
[281] *Apol*.52.1; on Apuleius' witticism, cf. Hunink,1997,vol.II,143; Martos,2015,90,n.285.
[282] *Apol*.42.3-47.7.
[283] *Apol*.42.4-43.5 (**7.3**).
[284] *Apol*.47.3-4 (**7.4**).
[285] **7.1** and **7.2**.
[286] **5.3**, **5.4**, **5.5**.

deliberate provocation at Apol.38.7-8,[287] the two magical displays in this section of the defence are framed within a reasoning aiming to undermine, on the one hand, the possibility of using the epileptic Thallus in divination,[288] and, on the other hand, the validity of the witnesses.[289] Apuleius was well aware that his showcasing would have surprised the audience, and to reassure them about his innocence he inserts a citation from Plato's *Symposium*, which introduces a discussion of philosophical foreknowledge,[290] and then – after the description of magical secrecy –[291] he moves on to medicine.[292]

The countering of the accusation of the enchantment of the other slave-boys[293] and the free woman[294] offers insufficient evidence to reconstruct these aspects of the charge, and does not allow us to glimpse Apuleius' knowledge of magic.[295] Nevertheless, we must note that there is significant progression in the development of the second Primary Charge: whilst the first point concerns the noxious effects of Apuleius' spells on Thallus, the second and third ones are about more slave-boys and a free woman who was also allegedly harmed by the *magus*. The sense of this allegation is quite clear: the prosecution intended to stress that everyone in Oea was endangered by Apuleius' presence, not only slaves, but also free citizens. This latter point fittingly anticipates the next two allegations, which focus on the alleged contamination of Pontianus' *Lararium* and Crassus' household by Apuleius, provoking the supposed death of the former and the sickness of the latter.[296]

[287] **6.4**.
[288] **7.3**.
[289] **7.4**.
[290] *Apol*.43.2-5; this digression bears, however, comparison with the *PGM* (**7.3**).
[291] *Apol*.47.1-6.
[292] *Apol*.48.1-52.4, especially 48.11-51.8 (**7.5**).
[293] *Apol*.46.1-6.
[294] *Apol*.48.1-52.4.
[295] **7.1**.
[296] *Apol*.53-57.1 and 57-60 (Chapter 8 and 9).

Chapter 8: The Pollution of Pontianus' *Lares*

8.1. Introduction

The rebuttal of the fourth Primary Charge, concerning some magical objects wrapped in linen and hidden amongst Pontianus' *Lares*, has a particularly delicate implication which has gone unnoticed by previous scholars: as I argue below,[1] the prosecution hinted at the fact that Apuleius polluted Pontianus' *lararium*[2] in order to cause his stepson's death. Abt,[3] Hijmans,[4] Harrison,[5] Pellecchi,[6] and Martos[7] believe, instead, that the charge consisted in the very possession of allegedly magical objects; this leads Hunink to affirm that this was a "minor remark of the prosecution, perhaps not even included in the official charges, aiming at raising doubts on the private life of the defendant".[8] However, the evidence in the *Apologia* must be approached and examined more carefully and critically:[9] as we have seen, Apuleius' intention is not to give an accurate report of what his accusers said, but to distort it to lessen their dangerous arguments; he intentionally avoids any detailed discussion of his purported evil goals: when discussing the *res marinae*, he never explicitly reports that the prosecution stressed how these ingredients had been sought and employed to seduce Pudentilla with love-magic.[10] Likewise, when countering the charge of having enchanted several people in Oea, he cautiously omits that his purpose, according to his foes, was to harm his victims by making them fall ill.[11] By disproving the validity of these details (e.g. fish cannot be used in magic; Thallus cannot be employed for divination), Apuleius hinders the prosecutions' reasoning and frees himself from the necessity of addressing the suspicious arguments brought against him. Here at *Apol*.53-6 he follows this same forensic

[1] **8.4**.
[2] For the sake of simplicity I shall adopt this term to indicate the shrine of the *Lares*, although evidence for its use is chronologically later than Apuleius (cf. *CIL* 9.2125, which dates to AD 236 and SHA *Marc*.3.5; *Alex.Sev*.29.2; 31.4-5; *Tac*.17.4). Cf. also Giacobello,2008,55, and n.109. Gagetti,2006,491 explains that before the appearance of *lararium* other terms were employed, namely: *sacrarium*, *aedicula*, and *sacellum*.
[3] Abt,1908,206. Butler and Owen do provide an interpretation of the charge, perhaps assuming that it simply consists in magical objects hidden in the *lararium*.
[4] Hijmans,1994,1765.
[5] Harrison,2000,72-3.
[6] Pellecchi,2012,231-7.
[7] Martos,2015,91,289.
[8] Hunink,1997,vol.II,144.
[9] **8.3**.
[10] Cf. Chapter 5 and 6, **11.2**.
[11] **7.1**; for a similar distortion, cf. **9.4**, **9.5**, **11.4**.

approach: although he does not deny that he really put some objects amongst the *Lares*,[12] he clarifies that these are not tools of magic, but the symbols of his mystery initiations.[13]

It is plausible that he really kept his own mystery symbols in Pontianus' personal shrine as he claims; however, given the proximity between magic and the mysteries, it was easy for the prosecution to darken their description of this secret objects and present them as magical. In this chapter, I shall provide further evidence supporting this interpretation,[14] and this will allow us to ascertain that the accusation was far more critical than what has been hitherto thought. I will put Abt's results[15] on a firmer basis, confirming that Apuleius adopts some risky arguments in this section of the *Apologia*, since they show close resemblance with real magical practices.[16] I will also discuss how the goetic implications of such arguments were ultimately meant to be dampened by means of a Platonising reasoning – mirroring that at *Apol*.32.4 – that consists in exhorting his audience to look positively at the evidence and not to interpret it suspiciously.[17] My examination will ultimately enable us to cast new light on this section of the defence and on its function within the Primary Charges and its connection with the following charge, which concerns the defilement of Iunius Crassus' household.[18]

8.2. The Relationship between Magic and the Mystery Cults

Apuleius' counterargument commences with the same bitter tone of reprimand against Aemilianus that characterises the conclusion of the previous section.[19] Being aware of the threatening implications of this indictment, he endeavours to underscore from the beginning the methodological inadequacy of his attackers. He contends, in fact, that the charge cannot bear any weight since Aemilianus does not even know the content of the allegedly magical wrap:[20] so, how could he accuse him of what he confessed not to know?[21] Apuleius' claim notwithstanding, the

[12] At 55.3-4 he provocatively claims that the accusation could have been made up by his opponents, but then proceeds with his counterargument.
[13] 55.8-9; 56.1.
[14] **8.2**.
[15] Cf. Abt,1908,209-14.
[16] **8.3**; **8.5**.
[17] **8.5**; **8.6**.
[18] *Apol*.57-60 (Chapter 9).
[19] *Apol*.51.10-52.
[20] This point is resumed at 53.5-6 and fully developed at 54.5-8. On this strategy, cf. Harrison,2000,72.
[21] *Apol*.53.1.

accusation is not as illogical as Apuleius presents it. If the prosecution intended to present the content of the wrap as occult and mysterious, it is because secrecy was a typical feature of goetic magic.[22] Apuleius was so aware of this that he draws upon this *topos* to claim that his ritual, since performed before fifteen witnesses, could have nothing to do with magic.[23] But in order to explain how the attackers could misrepresent Apuleius' mystery symbols as tools for goetic magic, we need to explore the connections between magic and mysteries on which the prosecution drew.

The first evidence for the connection between magic and mysteries dates back at least to the fifth century BC, if we consider unauthentic a quotation from Heraclitus where the *μάγοι* are said to undergo mystery initiations.[24] In Euripides' *Bacchae* we find that the mysteries of Dionysus are put in relation to the activities of a *γόης*,[25] a term with which *μάγος* was synonymically associated.[26] Additionally, it has been recently argued that the *Getty Hexameters*[27] constitute evidence of the connection between magic and the mysteries, given the employment of an overlapping technical language which was later used to describe the rites of the *μάγοι*.[28] Because of such an early connection, which continues in the Hellenistic period,[29] some features of the mysteries, such as secrecy[30] and a nocturnal setting,[31] became typical aspects of magical rituals in the collective imagination,[32] and this considerably impacts on literary representations of magic in the following centuries.

In the Roman world, regard for the mysteries varies over time: in the Republican period and at the beginning of the Imperial age, *mysteria*,[33] similarly to *magia*, were regarded as suspicious. The Bacchanalia were exemplarily interdicted under the *Senatus consultum de*

[22] *Apol*.42.3; 47.3 (**7.4**).
[23] 47.1-6.
[24] DK22B14=Clem.Al.*Protr*.2.22.2-3. On authenticity of this passage, cf. **2.3**, n.69.
[25] E.*Ba*.233-8. On *γοητεία* and mysteries, cf. Johnston,1999,105-11
[26] E.*Or*.1497b; S.*OT* 387-389 and the discussion in **2.3**, **2.4**.
[27] The *terminus ante quem* is the destruction of Selinus in 409 BC. Cf. Bremmer, in Faraone and Obbink,2013,21-9.
[28] Cf. Faraone, in Faraone and Obbink,2013,107-19.
[29] D.S.5.64.4, where Diodorus Siculus describes the Idean Dactyls as practicing mysteries (*τελετάς*) because *γοητες*. Cf. also col.5,8-9 of the *Derveni Papyrus* (on which cf. Tsantsanoglou,2008; Ferrari,2011,71-83).
[30] Secrecy is a rule of the mysteries already in the Homeric hymn to Demeter (478-82), cf. *Brill's New Pauly*,vol.IX,s.v.*Mysteries*,col.438.
[31] E.g. especially the Eleusinian mysteries, cf. *Brill's New Pauly*,vol.IX,s.v.*Mysteria*,coll.431-2.
[32] On secrecy and night, cf. the discussion of 47.3 and the following remarks in **9.2**.
[33] The term is loanword from the Greek *μυστήριον*, which we find in *Apol*.56.1, and already occurs in Caecilius' *Titthe* (frg.3, l.223, in Ribbeck,*CRF*^{3},71) and Accius' *Philoctetes* (frg.2, l.527, in Ribbeck,*TRF*^{3},236); cf. *ThLL*,vol.VIII,s.v.*mysterium*,col.1753.

Bacchanalibus (186 BC).[34] Later, Cicero condemns the mysteries in the *Leges*,[35] but his disapproval is not absolute, as Burkert asserts,[36] since he also expresses a very positive attitude towards the Dionysian and Eleusinian mysteries:[37] what Cicero regards as reproachable are not the mysteries as a whole, but those nocturnal rites as described by the comic playwrights, Aristophanes in particular.[38] At any rate, we witness a general change of attitude in the second century AD, a period in which the mystery cults seem to appeal to the Roman elite.[39] Their diffusion was such that the emperor Marcus Aurelius himself underwent the initiation into the mysteries of *Ceres*.[40] Therefore, in *Apol*.55.8-56 Apuleius addresses an audience who was well-acquainted with and sympathetic – at least to some degree – towards these cults.[41]

Such a positive consideration notwithstanding, the suspicion already harboured by Cicero, especially towards literary descriptions of the mysteries, continued in later times given that mysteries and magic shared common features and a common technical language, as I will show by looking at literary and papyrological sources. As said above, a nocturnal setting and especially secrecy characterise goetic rituals as well as various mysteries: in the Roman world, the term *arcanum*[42] refers, in fact, to both mysteries and magic. In Horace's *Fifth Epode* Canidia invokes *Nox* and Diana-Hecate[43] and calls her rites *arcana sacra*,[44] so does Medea in Seneca[45] and Photis when referring to Pamphile's magical practices in Apuleius' *Metamorphoses*.[46] We can add that Pliny mentions that Nero had been initiated by the Armenian *magus* Tiridates.[47]

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[34] LIV.39.10-19.
[35] *Leg*.2.21 and 37.
[36] Cf. the discussion in Burkert,1987,11 and 138,n.58.
[37] *Leg*.2.35-6.
[38] *Leg*.2.36-7. This could be an allusion to the impious infanticide-'utricide' in the *Thesmophoriazusae* (694-755). It is also worth remembering that impious nocturnal rites were interdicted by the *Lex Cornelia de sicariis et veneficiis* (Paulus *Sent*.5.23.15).
[39] Cf. the detailed overview by Bremmer,2014,1-20.
[40] SHA *Marc*.27.1.
[41] *Apol*.55.8-11; 56.9-10. According to a suggestive hypothesis by Coarelli,1989,27-42 Apuleius was also initiated into the mysteries of Mithras and was the keeper of the 'Mithraeum of the seven spheres' in Ostia, accessible from his own house (**1.4**).
[42] Cf. *ThLL*,vol.II,s.v.*Arcanum*,coll.436-8. I owe my gratitude to Regine May for indicating me this crucial keyword, which she discussed in her paper at the *International Conference on the Ancient Novel V*. Amongst the cases in which *arcana* means *mysteria*, we should mention: APUL.*Met*.2.28.3; 2.29.4*;* 11.21.2; 11.21.9; 11.22.6; *Soc*.20.
[43] Cf. my comments on *Apol*.31.9 (**5.6**).
[44] HOR.*Ep*.5.52, cf. Watson,2003,224.
[45] SEN.*Med*.679. Boyle,2014,300 comments solely on stylistic aspects.
[46] APUL.*Met*.3.15.3. Van der Paardt,1971,114 stresses a parallel with *Met*.11.21.9, where the meaning of the term is completely different (n.42). Other occurrences of *arcanum* associated with magic in: Ov.*Met*.7.192; LUC.6.431; 6.440.
[47] PLIN.*Nat*.30.17.

Likewise, the *μάγος* Mithrobarzanes needs to perform a certain set of rites in order to initiate Menippus and prepare him for the descent into the Netherworld.[48] What we reconstructed from literary evidence parallels the real goetic practices: as shown by Betz,[49] terms like *μύστης*,[50] *μυστήριον*,[51] and *μυσταγωγός*,[52] clearly borrowed, feature in the prescriptions of the *PGM*; this suggests that the goetic practitioners themselves borrowed the language of the mystery cults to describe their rituals.

It is because of these well-established connections between mysteries and goetic magic that the accusers could aptly describe Apuleius' mystery symbols as magical objects, in the same manner in which they misread his interest in medicine as evidence for his magical misdeeds.[53] I shall now discuss how Apuleius counters this charge by heavily distorting it.

8.3. The Summary of the Charge: the Linen Cloth

By stressing at the very outset the accusers' lack of methodological consistency, Apuleius creates a safe premise before he summarises the indictment, a critical point in which he needs to deploy all of his rhetorical mastery to dispel the magical undertone of the allegation. Similarly to the previous summaries of charges,[54] this allegation is distorted as to diminish the importance of its content. Apuleius rephrases it, in fact, as follows: Aemilianus said *me habuisse quaedam sudariolo involuta apud Lares Pontiani*.[55] Shortly afterwards, he re-presents it in a sentence in which he mockingly imitates Aemilianus' suspiciousness:[56] '*habuit Apuleius quaepiam linteolo involuta apud Lares Pontiani*'.

At first glance, it is possible to identify two typical features occurring when Apuleius rephrases each accusation. The first is the employment of the indefinite pronouns, in this case

[48] Luc.*Nec*.8.
[49] Betz, in Faraone and Obbink,1991,244-59 (especially p.249). On the same line Graf,1997,96-117.
[50] *PGM* I.131; IV.476; IV.723, IV.746; IV.794; IV.2477; IV.2592; V.110; XII.331, XII.333; XII.322; XIII.128, XIII.685; XIXa.52.
[51] I.127; IV.474, IV.744.
[52] IV.172, IV.2254.
[53] *Apol*.42-52 (Chapter 7); on magic and medicine cf. **6.5**.
[54] *Apol*.25.1-2; 29.1; 42.3.
[55] *Apol* 53.2.
[56] *Apol* 53.4; on the ironic value of this sentence, cf. McCreight,1990,57.

quidam,[57] and *quispiam;*[58] this serves to give a vague and imprecise appearance to the allegation, and would have been an apt choice in the current case, as the content of the magical wrap is professedly unknown to the prosecution. The second feature is the presence of the comic diminutives, mocking and belittling important elements of the charges,[59] *sudariolum*[60] and *linteolum*,[61] varying the normal forms *linteum*[62] and *sudarium*[63] that Apuleius uses later in the speech. Since this linen wrap allegedly contained some tools of magic, Apuleius needed to parry his enemies' thrust by making it appear a piece of cloth as harmless as possible.

It should also be observed that when Apuleius first rephrases the allegation (54.2), he avoids the term *linteolum* and uses, instead, the more general *sudariolum*, indicating a napkin or a cloth used to wipe one's face, which is not necessarily made out of linen.[64] This careful word-choice is due to the fact that linen was generally believed to be used in goetic magic, or – to be more specific – in the Egyptian type of magic, with which Apuleius is acquainted.[65] Abundant evidence of the use of linen in magic comes from the *Greek Magical Papyri* – the product of syncretistic lore within an Egyptian *milieu* –[66] showing that linen fabrics were frequently prescribed for various kinds of goetic rituals.[67] We could add that in the healing prescriptions of the *Lapidarium* attributed to Damigeron-Evax – a figure strongly connected to *magia* –[68] some of the stones have to be enveloped *in panno lineo* to cure the sick.[69] Not solely papyrological, but also literary sources show the use of linen in goetic magic. Amongst the characters portrayed in

[57] Cf. Kühner,vol.I,621; Leumann, Hofmann,1928,484.
[58] Cf. Kühner,vol.I,619-20; Leumann, Hofmann,1928,484.
[59] On the comic diminutive in the *Apologia*, cf. my comments on 42.3 (**7.2**).
[60] *Apol*.53.2; 53.12; 55.2. Hunink,1997,vol.II,145, following McCreight,1990,56-7, acknowledges the deprecatory value of *sudariolum* but does not frame it within a wider technique, characterising Apuleius' rephrasing of the charges as a whole.
[61] *Apol*.53.4. The comic use of *linteolum* dates back to Plautus' *Epidicus* 230; another occurrence of this term in Apuleius' prose is in APUL.*Met*.2.30.9, where it indicates – not without a comic effect – the bandage covering Thelyphron's deformed face. These occurrences are noted by Pasetti,2007,27,n.80; 57; 60, who does not acknowledge the same use in the *Apologia*.
[62] *Apol*.53.8; 54.4.
[63] *Apol*.54.5; 55.3.
[64] *OLD*,1968-82,s.v.*sudarium*,1859.
[65] Cf. the discussion of 31.5-7 (**5.4**) and 38.7 (**6.4**).
[66] On the *PGM*, cf. Brashear,1995,3390-452; on Egypt and magic, cf. my comments on *Apol*.38.7 (**6.4**).
[67] Abt,1908,215-6 refers to *PGM* II.162-3; IV.1858-9; 2182; 309-2, but the occurrences of linen textiles in the *PGM* are far more numerous: cf. I.277; I.293; I.332; III.295-6; III.706; III.712; IV.80-81; IV.88; IV.171-2; IV.174-5; IV.663; IV.675-6; IV.769-70; IV.1074; VII.209; VII.338; VII.359; VII.664; VIII.85-6; XII.122; XII.145; XII.179; XIII.96; XIII.650-1; XIII.1013; XXXVI.268.
[68] *Apol*.90.6.
[69] Damig.*Lapid*.10.5 (*in panno lineo puro*); 10.13 which is similar to the later description in Marcellus Empiricus, 8.45 (*CML*,vol.V,124-6); 28.3.

Lucian's *Philopseudes*, we also find Pancrates, *ἱερὸς ἀνήρ* from Egypt, whose garments are made out of linen;[70] but the most interesting evidence is in Philostratus' *Life of Apollonius of Tyana*: one of the charges of *γοητεία* brought against the Pythagorean sage specifically concerns the fact that he solely wore linen garments.[71]

In order to deny this connection between linen and magic, Apuleius claims its purity and holiness, by opposing it to the impurity of wool, and maintains that it was used by Orpheus, Pythagoras and by the *sanctissimi* priests of Egypt. Linen would have, therefore, been the most suitable material to cover the sacred symbols of his initiations.[72] This argument – which is extremely similar to that later used in Apollonius' defence –[73] draws on a literary tradition dating back to Herodotus, who contrasts the pureness of linen to the uncleanliness of wool, and explains that linen is used by the initiates into the Pythagorean and Orphic mysteries, and by Egyptian priests.[74] In addition to the Herodotean passage, the fact that Egyptian priests – and those of Isis especially – wore linen cloths is so well-known in the Roman world as to almost be proverbial.[75] Needless to say that Apuleius conforms to this imagery when he describes the holy robes of Zatchlas[76] *Aegyptius propheta primarius*,[77] and those of the priests of Isis and Osiris.[78] Despite the authority of this tradition, Apuleius' explanation at 56.1-2 does not rely on an entirely safe basis: not only the Egyptian priests, but also Orpheus and Pythagoras were associated with the *magi*, and Apuleius knows it.[79]

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[70] Luc.*Philops*.34. A detailed discussion of this figure in Ogden,2007,248-59.
[71] Philostr.*VA* 8.7.4-5. In *Ep.*8, it is repeated that Apollonius *ἐσθῆτα φορεῖ λινῆν* because they are *τῶν ἱερέων τὰ καθαρώτατα*.
[72] 56.1-2.
[73] Philostr.*VA* 8.5.
[74] Hdt.2.81; 2.37, cited by Hunink,1997,vol.II,151; Martos,2015,97,n.303. Herodotus also mentions the *Βακχικοί* mysteries (2.81). On these passages, cf. Asheri, Lloyd, Corcella,2007,264-5; 295-6.
[75] OV.*Met.*1.747; MART.12.28.19; PLIN.*Nat*.19.14; JUV.6.533; SUET.*Otho* 12.1. Another interesting reference in Plu.*De Isid.*4 (cf. Griffiths,1970,270-1); and in LUC.9.150 the limbs of Osiris are said to be wrapped in linen.
[76] Zatchlas is described as a *propheta* not as a *magus* by Apuleius, although Stramaglia,1991=2003,61-111 underlines the goetic aspects of his characterisation.
[77] APUL.*Met.*2.28.2; it is worth noting that the expression *linteis amiculis iniectum* used to indicate Zatchlas' garments, stands comparison with *Apol*.56.2: *lini seges* […] *amictui sanctimissis Aegyptiorum sacerdotibus.* On this passage from the *Metamorphoses*, cf. Stramaglia,1991=2003,80,n.74 with specific reference to *Apol*.56.1-2 and van Mal-Maeder,2001,370; cf. also Martos,2015,97,n.303. At APUL.*Met*.11.27.4 an initiate of Osiris' cult is described as *de sacratis linteis iniectum*; cf. Keulen *et al.* eds.2015,456.
[78] APUL.*Met*.11.10.1; 11.14.3; 23.4; 27.4. Isis herself wore linen in 11.3.5; cf. Griffiths,1975,192; Keulen *et al.* eds.,2015,135; 227.
[79] *Apol*.27.2 discussed in **4.5**.

8.4. The True Meaning of *Lares Pontiani* and Its Alleged Pollution

We discussed so far the magical implications related to the linen wrap. Further information about the content of the allegation is scattered throughout this section of the defence, and can be reconstructed as follows: the *Lares Pontiani* were kept on a *mensa*[80] inside Pontianus' library,[81] a private part of the house which was accessible only to him, to Apuleius, and to a freedman who was in charge of the library.[82] It was this librarian who noticed the presence of the mysterious wrap amongst the holy statuettes;[83] then he sided with the opposition and bore witness against Apuleius during the trial.[84]

Having collected the details concerning the indictment, it becomes necessary to shed light on the alleged function of these magical objects wrapped in linen, which previous scholars of the *Apologia* failed to understand,[85] and this is mainly due to an incorrect understanding of the expression *Lares Pontiani*. Abt[86] interprets the term *Lares* as the *Lares familiares*, and argues that they were kept on a table in Pontianus' library as tutelary deities of the venue, in the same manner in which other deities looked over other famous libraries, such as Athena's statue in Pergamum and Serapis in Alexandria. Marchesi and Hunink[87] similarly argue that the *Lares* were kept on a table in the library of Pontianus. Butler and Owen, later Griffiths, and to some extent Moreschini[88] challenged this position, hypothesising that the *Lares* were not put on a table but inside a shrine in form of a cupboard.

It is worth pointing out that *mensa* is neither a mere table in the library, nor a cupboard. The term was, in fact, customarily used to designate a sacred surface, a niche, where to keep ritual objects, [89] such as the holy statuettes of the Penates mentioned in the third book of Naevius' *Bellum Punicum*,[90] and the *Lares* themselves as described in the *Satyrica*.[91] The archaeological

[80] *Apol*.53.8.
[81] *Apol*.55.3.
[82] *Apol*.53.8.
[83] *Apol*.53.8; 53.11; 55.5.
[84] *Apol*.53.8.
[85] **8.1**.
[86] Abt,1908,p.206-7.
[87] Marchesi,1957=2011,157; Hunink,1997,vol.II,145.
[88] Butler, Owen,1914,115; Griffiths,1975,332; Moreschini,1990,193,n.1, who imagines that the *Lares* were kept on the same shelving unit where the *volumina* of the library were conserved.
[89] Cf. *ThLL*,vol.VIII,s.v.*mensa*,col.743.
[90] NAEV.frag.3.2=Prob.*ad Verg.Ecl.*6.31 (p.336.5 Hagen): *sacra in mensa Penatium*.
[91] PETR.60.8: *duo Lares bullatos super mensam posuerunt*.

evidence collected by Giacobello validates this interpretation: in fact, niches, often richly decorated, were commonly used as *lararia* in various houses of Pompeii.[92] The remains of private libraries from Pompeii show how their walls had several niches – as in the case of the 'House of the Library' –[93] not only filled with bookcases but also with statues,[94] which could also have been *Lares*. Therefore, I argue that *mensa* at *Apol*.53.8 indicates a consecrated surface, a niche, used as a shrine for the *Lares*.

The crucial point, however, is that these are not the *Lares familiares*, but some sacred statuettes belonging to Pontianus[95] and acting as his personal protectors.[96] Apuleius knows that there are not only the *Lares familiares*,[97] and explains that: *daemonas vero*, *quos Genios et Lares possumus nuncupare*, *ministros deorum arbitratur custodesque hominum et interpretes*, *si quid a diis velint*.[98] Literary and archaeological and evidence confirm the custom of having one's personal *lararium*. In the second century, the emperor Marcus Aurelius himself held his belated philosophical masters in such a respect that he kept their golden statuettes in a *lararium*, probably his own.[99] Some fifty years after Marcus' death, the emperor Alexander Severus had at least two *lararia*: in one he kept, amongst the statuettes of his ancestors and of previous emperors, those of Apollonius of Tyana, Orpheus, Christ and Abraham;[100] in the other *lararium*, the statuettes of Vergil, Cicero, Achilles and other illustrious men.[101] The archaeological *realia* confirm the literary evidence: Gagetti and Giacobello identify, in fact, the presence of a personal shrine of this type in the 'Casa a Graticcio' in Herculaneum.[102]

The evidence so far discussed shows the diffusion, even amongst the emperors, of a trend consisting in the worshipping of sages and *literati* in a personal *lararium*. This allows us to

[92] Cf. Giacobello,2008,71-4; by checking her catalogue of the *lararia* in Pompeii (p.132-294) it emerges that in most cases such shrines were niches inside a wall of the houses.
[93] Cf. Pompeii VI.7.41, room 17.
[94] Cf. Houston,2014,188.
[95] In the expression *Lares Pontiani* (53.2; 53.4) the genitive indicates the possession of the *Lares* by Pontianus; for this interpretation, cf. *ThLL*,vol.VII.2,s.v.*lar*.coll.965-6(2b).
[96] On these private tutelary statuettes, cf. Gagetti,2006,487-90.
[97] He discusses them as a category of daemons in *Soc*.15. Hunink,v.II,145 wrongly refers to this passage in his commentary, arguing for a possible magical connection, given that no reference to magic emerges from the passage.
[98] APUL.*Pl*.1.12. The passage alludes to Pl.*Leg*.732c; 877a where Plato refers to the tutelary daemon.
[99] SHA *Marc*.3.5, it is not implausible that this was his personal *lararium*.
[100] SHA *Alex.Sev*.29.2-3.
[101] SHA *Alex.Sev*.31.4-5. Cf. the discussion by Settis,1972,237-51, who regards these statuettes as moral examples.
[102] Cf. Gagetti,2006,487; Giacobello,2008,56. These statuettes are thought to be *Lares cubiculares*, which were different from the traditional household deities (cf. Gagetti,2006,487-9 with further archaeological evidence).

imagine Pontianus' holy statuettes as representing philosophers and writers, which would have found an ideal abode inside his library. Being Pontianus' own tutelary protectors, they were kept in a private part of the household, the access to which – as explained – was restricted to only a few people. Because of the private character of this venue, it is impossible that the *Lares Pontiani* could have actually been the *Lares familiares*, as the latter were not to be kept in a private and inaccessible space, but in an area accessible to the whole of the *familia*.[103] The servants, in fact, were in charge of the cult of the *Lares familiares*,[104] which were customarily conserved in a shrine close to the heath and the kitchen[105] that they could regularly approach. It is, therefore, implausible that a private library could have been the place of a domestic cult, and this made it a suitable venue to host Apuleius' most secret mystery symbols.

We still need to add another tile to complete our picture: the tutelary statuettes kept inside a *lararium* were inextricably connected with their owner's health: in the *Life of Tacitus*,[106] the falling of the statuettes inside the *lararium* is regarded as a sign of the death of the emperor Tacitus. Now, if the simple fall of one's own *Lares* would have foreshadowed the death of a person, it would have been clear that contaminating a shrine with unholy, goetic tools, would have had similarly dramatic repercussions.

This reconstruction makes it finally possible to comprehend the nefarious implications which the attackers wanted to convey in this allegation: the result of secretly putting some impure objects of magic amongst Pontianus' *Lares* would have been the pollution of the shrine itself, leading to Pontianus' sickness and, eventually, his death: this was the obvious consequence to which the prosecutors alluded. To make their case more convincing, they could have stressed that Pontianus did not trust Apuleius and supported the prosecutors by publicly defaming Apuleius in Oea.[107] Consequently, the evil *magus* would have avenged himself by defiling his stepson's

[103] OV.*Fast*.6.305-6; PLIN.*Nat*.28.81.267; COL.11.1.19; PETR.60.8; and also *Brill's New Pauly*,vol.VII,s.v.*Lares*,col.248.
[104] CATO *Agr*.5.3; D.H.*Ant.Rom*.4.2.1; 4.14.3; COL.11.1.19; *Brill's New Pauly*,vol.VII,s.v.*Lares*,coll.248-9; Giacobello,2008,110-6 with abundant references to archaeological evidence.
[105] Cf. Foss,1997,197-218, who brings together literary and archaeological evidence from the Pompeian houses.
[106] SHA *Tac*.17.4. The author explains that the reason for the fall, although unclear, was probably a tremor. Although Tacitus was emperor in AD 275-276, the strong connection between the *Lares* and their owner is likely to reflect a custom as early as that of the personal *lararium*. On the reliability and the sources of the *Scriptores Historiae Augustae*, cf. *Brill's New Pauly*,vol.VI,s.v.*Historia Augusta*,col.408-9.
[107] *Apol*.82.3; 82.6-7 (Chapter 11). This allows us to understand why the accusers attempted to prevent the dying Pontianus from writing his testament, where he would have expressed his admiration for his stepfather (96.5), and

lararium to cause his death and remove a dangerous enemy. The murdering of Pontianus was an argument that the prosecution explicitly employed before the trial took place.[108] However, they did not openly accuse Apuleius of having killed Pontianus with his *magica maleficia*,[109] but the unspoken consequences of putting magical tools in a *lararium* would have been evident to anyone living in Apuleius' time.

Furthermore, the very idea of laying down goetic items was bound to raise much fear and suspicion in court. Although it is impossible to figure out the precise content of their speech, one might stress a parallel with the frightful description in the speech entitled *Sepulcrum Incantatum* attributed to Quintilian, where a dire *magus* is hired by a man to seal the tomb of his young son, in order to prevent his soul to visit and comfort his mother at night.[110] In order to attain his purpose, the *magus* placed various goetic objects on the tomb, namely a *magicum ferrum*,[111] *vincula ferrea*,[112] *lapides*[113] and *catenae*.[114] It is not unlikely that the prosecution would have drawn upon a similar imagery when delivering the allegation, in order to arouse fear and suspicion for the harmful *magus* Apuleius. This charge was, therefore, meant to reinforce the portrait of the goetic *magus* Apuleius, a man not only capable of enticing a widow,[115] and of provoking the epilepsy of Thallus and other people in Oea,[116] but even of causing the death of his stepson by means of despicable *defixiones*.

According to my interpretation, it becomes also possible to comprehend another feature of the rephrasing of the charge, namely the variation between the verbs *habeo* and *depono*, which Apuleius adopts to refer to the 'placing' of the wrap.[117] *Depono* is, in fact, a technical verb found in *tabellae defixiones* of African origin,[118] and it was likely to have been adopted by the attackers

why Apuleius presents the dispatches from his late stepson as a surprising revelation (96.6-7). The prosecution concealed the reconciliation between the two in order to support the charge that Apuleius murdered Pontianus to avenge himself.

[108] *Apol*.1.5.

[109] *Apol*.2.2. According to the explanation here proposed, Apuleius' claim that the charge was dropped before the trial is not entirely sincere.

[110] [QUINT.] *Decl*.10.1-2.

[111] [QUINT.] *Decl*.10.2; 10.8; 10.17. Cf. Schneider,2013,119.

[112] *Apol*.10.2; 10.16. Cf. Schneider,2013,119.

[113] *Apol*.10.8.

[114] *Apol*.10.8; 10.16. Schneider,2013,192 interprets this as a *defixio*.

[115] Cf. Chapter 5 and 6.

[116] Cf. my remarks on *Apol*.44.3 (**7.1**).

[117] *Apol*.53.2; *depono* is used later at 54.4.

[118] Audollent,1904,lviii; and especially 250^{B},13; 300^{B},7=*CIL* 8.19525. The former is a *defixio* found in Carthage's amphitheatre, the latter comes from a grave in Cirta, not far from Carthage.

to give a particularly frightful façade to the pollution of the *lararium*. To ward off the ominous implication of *depono*, Apuleius uses the more general *habeo* when he first refers to the allegation;[119] Only after having developed his counter and argued for the feebleness of his enemies' argument,[120] he could more safely employ the dangerous *depono*. Such a choice conforms to a precise forensic strategy which – as we have observed – aims to underscore Apuleius' innocence by manipulating his enemies' speech, and serves here to avoid the serious legal implications of the charge. The defilement of Pontianus' *lararium* would have easily evoked the uncanny practices related to the *defixionum tabellae*,[121] metal tablets secretly laid down to provoke someone's death, a widespread practice in the Greco-Roman world[122] that was punished by death under the *Lex Cornelia de sicariis et veneficiis*.[123]

Having reconstructed the 'scattered shards' of the charge, concealed behind Apuleius' rhetorical expedients, we have become able to acknowledge that he faces a dangerous accusation, far from being as flimsy as he insists,[124] and far more critical than what scholars have thought. It is now necessary to shed more light on the defensive strategy to which Apuleius resorts to remove the suspicions of his supposed magical misdeeds.

8.5. A Borderline Defence

In order to counter the threatening allegation of having caused Pontianus' death, Apuleius employs an argument which is very similar to that used at *Apol*.32.3, where he states that nothing in the world is so innocent that it could not lend itself to a sinister interpretation.[125] According to this reasoning that everything should be subject to a positive and not to a negative interpretation, Apuleius objects that whichever object Aemilianus might have taken out of the wrap, he would

[119] *Apol*.53.2; 53.4.
[120] *Apol*.54.4, where Apuleius reproduces the speech of his enemies as follows: '*Quid ergo illud fuit, quod linteo tectum apud Lares potissimum deposuisti*?'. Additionally, at 53.8 and 55.5 he employs the non-compound form of the verb (*pono*) to blunt the magical implications evoked by *depono*.
[121] On the curse-tablets, cf. **2.3**. On the use of *defigo* in such a goetic context, cf. especially SEN. *Ben.*6.35.4; *Her.O.*524 and the several occurrences in Audollent,1904,134^{A},6; 135^{A},9; 135^{B},7; 222^{B},2; 250^{B},17. Apuleius is fully aware of these eerie metal tablets, which he adds to the description of Pamphile's magical laboratory in *Met.*3.17.4, on which cf. Van der Paardt,1971,132-3.
[122] E.g. the exemplar cases of the curse-tablets in which the name of Germanicus (TAC.*Ann*.2.69), and Caligula (SUET.*Cal*.3) were inscribed; more on the *defixiones* at **2.3**.
[123] Paulus *Sent*.5.23: *qui sacra impia nocturnave, ut quem obcantarent defigerent obligarent, fecerint faciendave curaverint, aut cruci suffiguntur aut bestiis obiciuntur*.
[124] Cf. especially 53.5-6.
[125] **6.2**.

have always denied its connection with magic.[126] As in 32.4 and 34.8, Apuleius brings forward two series of examples in support of his statement. Firstly, he provokes Aemilianus by saying: *excogita quod possit magicum videri*. *Tamen de eo tecum decertarem*, (**a**) *aut ego subiectum dicerem*, (**b**) *aut remedio acceptum*, (**c**) *aut sacro traditum*, (**d**) *aut somnio imperatum*.[127] These brief examples, although aiming to show the innocuousness of the mysterious objects in the linen wrap, are not exempt from magical implications. While the first (**a**: *ego subiectum dicerem*) simply serves to introduce Apuleius' strategy, the clause sentence (**b**: *remedio acceptum*) already shows a closer connection with magic. As I have previously explained, the boundaries between the *artes magicae* and medicine were tightly interwoven,[128] and the term *remedium* itself was, in fact, often used to indicate the dubious preparations of the *magi*.[129] As to the expression *sacro traditum* (**c**), this might have not been an entirely safe choice either, since the term *sacrum* was also applied to the ominous goetic rituals.[130] The last example in particular (**d**: *somnio imperatum*)[131] has drawn the interest of scholars: Abt,[132] followed by Butler and Owen[133] and Hunink,[134] discusses it a possible reference to Asclepius' incubation, an explanation befitting an initiate into Asclepius' mysteries such as Apuleius.[135] This explanation, however, does not show any direct connection with magic. It is noteworthy that *somnio imperatum* could more generally indicate 'what has been ordered by means of a dream',[136] and this could recall some of the practices in the *PGM*. Dreams, in fact, did not only provide the practitioners with prophecies;[137] we often find that the practitioners themselves conjured up the power to send dreams

[126] *Apol*.53.12-54.1.
[127] *Apol*.54.1-2: 'go on and excogitate anything that could appear magical! But I would disprove you, by saying that it is a wrong substitute, or a medical remedy, or a traditional ritual, or a command received in a dream'.
[128] Cf. my remarks on 40.1 (**6.5**). Abt,1908,209, followed by Butler, Owen,1914,116, and Hunink,1997,vol.II,147 argues for the sympathetic influence of the object on the *Lares*.
[129] PLIN.*Nat*.30.34; 30.35; 30.38; 30.51; 30.72. Dickie,2001,125; 328,n.16 points out that already in Varro the term indicates an amulet (VAR.*L*.7.107).
[130] Cf. my comments on *Apol*.47.5 (**7.1**, n.35).
[131] The verb *imperare* is also applied to magic in: STAT.*Theb*.3.145; Firm.*Err*.13.5; MAN.*poet*.5.525; Drac.*Romul*.10.7; cf. *ThLL*,vol.VII.1,s.v.*impero*,col.587; to these passages we may add PLIN.*Nat*.30.2.
[132] Abt,1908,209.
[133] Abt,1908,116.
[134] Hunink,1997,vol.II,147.
[135] *Apol*.55.10-1 (**8.6**).
[136] Cf. in non-magical contexts: *imperavit somnium* in Clem.Rom.*Ps.Recognitiones*.7.8.4, which does not certainly refer to incubation. Hunink,1997,vol.II.p.147,n.1 suggests a parallel with APUL.*Met*.11.5-6, where Isis explains to Lucius how to recover his human form during a dream; to be more precise, at *Met*.11.5.4 we find: *ergo igitur imperiis istis meis animum intende sollicitum*, showing how the feature of the command characterises Isis' revelation as well.
[137] Such as in: *PGM* IV.2501-19; IV.3172-208; VII.222-49; VII.250-4; VII.359-69; VII.664-85; VII.703-26; VII.740-55; VII.795-845; VII.1009-16; VIII.64-110; XII.144-52; XII.190-2; XXIIb.27-31; XXIIb.32-5;

(*ὀνειροπομπέω*) to others whilst the victims were asleep.[138] In doing so, they could impose their will on their targets, compelling them to do whatever the practitioners wished.

The second series of examples (54.7) further shifts the attention from the content of the wrap to more common cases, and serves to show how so many rituals could be malevolently interpreted as magical. To accentuate Aemilianus' *stultitia* and baseness, Apuleius reproduces his suspicious reaction by means of a fast-paced series of questions and answers: (**a**) '*votum in alicuius statuae femore signasti*? *Igitur magus es*! *Aut cur signasti*? (**b**) *Tacitas preces in templo deis allegasti*? *Igitur magus es*! *Aut quid optasti*? (**c**) *Contra*: *nihil in templo precatus es*? *Igitur magus es*! *Aut cur deos non rogasti*? (**d**) *Similiter*: *si posueris donum aliquod*; (**e**) *si sacrificaveris*; (**f**) *si verbenam sumpseris*.[139] Similarly to the previous examples, these are not entirely untainted by the suspicion of goetic magic, despite their seemingly innocuous appearance.

The first case (**a**) refers to the engraving of a votive inscription on the thigh of a statue, a long-established religious practice[140] of which we have abundant evidence from the Etruscan,[141] the Latin,[142] and even the Hellenico-Judaic world,[143] probably under the influence of the Greeks.[144] Although the reasons of this practice are not entirely clear,[145] what is worth pointing out is that inscription on a statue's thigh characterises magic as well. Butler and Owen[146] and Hunink,[147] in the wake of Abt,[148] argue for the presence of an allusion to Lucian's *Lover of Lies*

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[138] *PGM* I.329; III.163; IV.2439; IV.2496-7; IV.2620; V.487; VII.916-8; XII.107-21; XII.121-43; XIII.308-18; XVIIa.10-5; LXIV.1-12.
[139] *Apol*.54.7: 'Did you inscribe a vow on the leg of a certain statue? Then you are a *magus*! Or: why did you make that gesture? Did you bind a god in the temple with a murmured utterance? Then you are a *magus*! Or: what did you ask the gods? Contrarywise: did you not pray in the temple? Then you are a *magus*! Why did you not beseech the gods? And similarly if you ever offered a gift, made a sacrifice, collected verbena'.
[140] Cf. also the discussion in Abt,1908,210,n.4-6.
[141] Giovan Battista Vermiglioli already pointed out this (1833,vol.I,43,n.1); for other examples, cf. the so-called 'Culsans of Cortona' studied by Staccioli,1994,347-53, and the 'Mars from Ravenna' discussed in Cagianelli,1999,372-80.
[142] E.g. *CIL* 3.4815, the inscription on the thigh of the so-called 'Youth of Magdalensberg'; cf. Gschwantler,1993-94, p.311-39. Butler, Owen,1914,116 refer to *genua incerare deorum* in JUV.10.55.
[143] Cf. *NT.Apoc.*19.16.
[144] Epigraphical evidence for the votive function of these inscriptions is discussed in Stanton,1996,347-9, which concerns the dedicatory inscription cut on the thigh of a *kouros* (*IG*.i3.1024); and in Pennacchietti,1985-86,26-30, who examines the bilingual inscriptions (Greek and Aramaic) on two legs of a bronze Heracles dated to AD 151. The practice of writing on the thigh for non-religious purposes (i.e. writing the name of the sculptor) is attested in CIC.*Ver*.4.39.
[145] An interesting discussion on the supernatural lore attached to the leg is discussed by Carlo Ginzburg, when referring to the mythological lameness (1989,206-51) and to the golden thigh of Empedocles and Pythagoras (p.218; 237), who were also considered *magi* (cf. *Apol*.27.2-3, **4.5**, **4.6**). Cf. also Ogden,2007,156,n.42.
[146] Butler, Owen,1914,117.
[147] Hunink,1997,vol.II,148.
[148] Abt,1908,211.

20: Pellichus' statue is said to have supernatural virtues and because of this was honoured by pasting with wax to its thigh some silver coins and silver leaves for healing various people from fever. The numinous power of the statue notwithstanding, this does not imply that the practice of attaching gifts and inscribed wax tablets to its thigh should be thought as a magical act; it rather conforms with the aforementioned set of religious practices.[149] Some evidence to connect this custom to magic can, instead, be found in *PGM* IV.2373-440: according to this prescription for acquiring customers and business, the practitioners need to fashion a wax figurine of a begging man;[150] and to attach on its right and left thigh – as in other parts of its body – some *magica nomina* inscribed on a strip of papyrus.[151]

The second example, which is about uttering some *tacitae praeces* inside a temple (**b**), would have more easily evoked the magical rule of murmuring *carmina-ἐπῳδαί* and goetic utterances, a rule of which Apuleius is fully aware.[152] According to the third example (**c**), if a person would access a temple without praying, then he would necessarily be a goetic *magus*. With this formulation, Apuleius intends to provide the audience with an ironic inversion of a customary practice (i.e. you access a temple to pray the gods), and he intentionally overlooks any malicious implications. However, to go into a temple for other goals than seeking the gods' favour could actually recall the practices of the *Magical Papyri*: at *PGM* IV.1072-5 it is, in fact, said that the essential element to prepare a protective amulet (*φυλακτήριον*), is a strip from the linen cloth[153] taken from a marble statue of Harpocrates in any of the temples. In *PGM* IV.2118-24 the practitioner needs to collect the dirt from the doors of a temple of Osiris, to create a restraining seal (*κάτοχος σφραγίς*) for rebelliously speaking skulls. In addition to this, in *PGM* IV.3125-71 is described the placing of a *φυλακτήριον* within the sacred space of a temple. The latter case might also apply to the following example, which concerns the deposition of an offering (**d**). Despite the vagueness of the formulation (*si posueris donum aliquod*)[154] and the religious connotation of

[149] Cf. especially the passage in JUV.10.55; cf. also Courtney,2013,404 who refers to Gnilka's study (1964,52).
[150] *PGM* IV.2374-7.
[151] *PGM* IV.2411-4.
[152] On this cf. my comments on 26.6 (**4.3**), and 42.3; 47.3 (**7.2**). Cf. also Abt's remarks (1908,211-3).
[153] On the linen and its use in magic cf. **8.3**.
[154] This is also increased by the implementation of the indefinite *aliquod*; cf. Kühner,vol.I,616;

the expression,[155] the act of depositing (*ponere*) might have been easily associated by the audience with the unholy deposition of goetic objects[156] such as *defixionum tabellae*; Apuleius was, in fact, accused of having performed the same unholy act, this is to put (*ponere* or *deponere*)[157] some wicked magical objects in Pontianus' personal *lararium*. This example seems, therefore, all but free from the suspicion of magic.

As to the following sentence (**e**: *si sacrificaveris*), since it parallels one of the previous examples,[158] it suffices to remark that *sacrifico*, being a cognate of the term *sacrum*, could also have been associated with the *magicae artes*.[159] The last example (**f**), which describes the collection of verbena, would have been particularly disadvantageous for Apuleius since this herb was employed not only in holy cults,[160] but also in the *magicae artes*, as shown by various sources amongst which a passage that Apuleius himself cites when claiming that fish could not be used in magic;[161] this is the reference to the *verbenae pingues* in Vergil's *Eclogue* 8.65, which reflects real goetic practices. Pliny, in fact, indicates that the *magi* were particularly interested in the use of verbena: they believed that it had to be extracted with a peculiar rite,[162] and that those who were *hac* (*sc. verbenaca*)[163] *perunctos inpetrare quae velint*, *febres abigere*, *amicitias conciliare nullique non morbo mederi*.[164]

We can, therefore, conclude that these two series of examples at 54.2 and 54.7 could easily evoke magical innuendoes as they conform to both literary descriptions of magic and real goetic practices of the *PGM*. But what would have been the purpose of such a controversial display? I argue that Apuleius intended to provoke his accusers with examples that could be regarded either as innocent or as goetic evidence, as he does in *Apol*.32.4 and 32.8. By triggering

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[155] Cf. *ThLL*,vol.V.1,s.v.*donum*,coll.2017-8.
[156] [QUINT.] *Decl.*10.8.
[157] **8.4**.
[158] *Apol*.54.2: *sacro traditum* (**b**).
[159] Cf. **7.1**, n.35.
[160] E.g. PLIN.*Nat*.22.5 and HOR.*Carm*.1.19.13; 4.11.1 who refer to its use during various Roman festivities; and APUL.*Met*.11.17.4 during Isis' ceremony. For a discussion, cf. *Brill's New Pauly*,vol.XV,s.v.*Verbena*,col.291.
[161] *Apol*.30.7 (**5.3**). Cf. also the Abt's remarks to this passage, in which he argues for the presence of papyrological parallels listing the various Greek renderings of the Latin *verbena* (p.71-2). In reality, the only precise parallel is at *PGM* IV.799-802, where it is said that the *κεντρῖτις βοτάνη* is similar to the *ὀρθὸς περιστερεών*, which Meyer rightly translates as 'verbena' (in Betz,1992^2,53); cf. also *LSJ*,2009,s.v.*περιστερεών*,1388.
[162] PLIN.*Nat*.25.107.
[163] This is another name for *verbena* as André,1985,s.v.verbenaca,269-70 explains by referring to Isid.*Orig*.17.9.55.
[164] PLIN.*Nat*.25.106: 'those who have been anointed with verbena can obtain whatever they wish, dispel any fever, make friends, and cure every disease'. For verbena as a *remedium* according to the prescription of the *magi*, cf. also *Nat*.25.107 and 30.35.

his enemies' reaction with borderline arguments,[165] he would have been shown their spiritual vulgarity which induced them to confuse philosophical wisdom,[166] medicine,[167] and even mystery cults with goetic magic, biasing the cultured Claudius Maximus against his attackers. This subtle reasoning notwithstanding, Apuleius was conscious that his dangerous strategy could have aroused suspicions: I shall discuss now how, to reassure the audience about his innocence, he suddenly changes the tactic of his defence, adopting a Platonising tone which we already encountered in other sections of the *Apologia*.

8.6. The Platonising Strategy: Mysteries, not Magic

One can ultimately argue that the strength of Apuleius' defence does not lie in the examples *per se*, but on the implicit allusion to *Apol*.32.3-8, a passage where Apuleius invites to consider the positive and beneficial nature of various elements such as frankincense, cinnamon, myrrh, hellebore, hemlock, and poppy juice, instead of regarding them as negative for their gloomy employment in funerals or for their toxicity.[168] This reasoning shows strong affinities with that employed to stress the twofold features of the elements examined above.[169] At 32.4 in particular, Apuleius adopts a rather Platonising tone, contrasting lower with higher concepts, when he exhorts the audience not to take everything according to a detractive interpretation, since such a behaviour is worthy of his accusers' low-mindedness, but certainly not of his own – and the magistrate's – uprightness. This subtle reference to *Apol*.32.3-8 introduces to a certain extent the Platonising tone of the following part of the defence,[170] in which the Platonic dichotomy plays a fundamental role, as we shall see. This reasoning is at the core of Apuleius' defence: as we have seen in *Apol*.25.8-26.9, what his prosecutors wrongly confuse with goetic magic is, instead, related to a righteous philosophical knowledge, worthy of a true Socrates reborn. Therefore, whilst the attackers exploited the connections between magic and mysteries,[171] Apuleius draws a clear-cut division between these two phenomena: to remove any doubt about the goetic nature of

[165] This is what happens when he utters the names of several *magi*; cf. 90.6-91.1, discussed in **11.5**.
[166] **4.2**, **4.3**.
[167] **6.5**, **7.5**.
[168] **6.2**.
[169] **8.5**.
[170] *Apol*.55-6.
[171] **8.2**. This same approach is used to describe as magical the healing rite to cure Thallus (**7.1**).

the objects in the wrap, he reveals that he was initiated into *sacrorum pleraque initia* during his stay in Greece.[172] The sacred *signa et monumenta*[173] – or also *sacrorum crepundia* –[174] were there given to him as tokens of his initiations, and it was Apuleius' duty to worship and keep them hidden from the uninitiated. For this reason, he put them inside a wrap of pure linen[175] in Pontianus' *lararium*, a safe shrine in which the mystery symbols should have remained undisturbed by profane eyes. Since the mystery cults were very popular amongst the higher echelons of Roman society of the time,[176] Apuleius' mystery revelation was bound to be welcomed in court, especially by Maximus and the learned audience. Their appreciation of the mysteries notwithstanding, it has been already discussed that magic and the mysteries shared some similar features: because of this proximity the prosecution could distort the evidence by giving it such a goetic appearance and rightly claim that Apuleius hid suspicious objects in Pontianus' *lararium*, polluting it and eventually causing his death.

Apuleius does not deign to address such a foul accusation directly: his real stroke of genius consists in influencing the audience against Aemilianus by means of a Platonising division. He contrasts, in fact, his self-professed piety with the irreligiousness of Aemilianus,[177] supposedly known in Oea with the nickname of Mezentius.[178] The opposition conforms to Apuleius' usual Platonic tone, a distinctive feature of his rhetorical strategy. According to this reasoning, Aemilianus – because of his supposed impiety – would never have been able to understand Apuleius' devoutness nor the importance of his mystery symbols.[179] Apuleius' attempt to pillory Aemilianus is rounded off at the end of the section, when he excludes him from knowing the nature of the wrap's content, since – says Apuleius – that by no means he would have divulged to profane ears what he has been bidden to keep secret.[180] After this final blow, he addresses Claudius Maximus professing to have removed any doubt about his innocence, then he punningly

[172] *Apol*.55.8-9. On this, cf. Hunink,1997,vol.II,149-50.
[173] *Apol*.55.9.
[174] *Apol*.56.1. For the use of this term to avert magical suspicions, cf. McCreight,1990,58.
[175] *Apol*.56.1-2.
[176] **8.2**.
[177] *Apol*.56.3-10.
[178] *Apol*.56.7; 56.9. Aemilianus is also called Charon, as in 23.7, and will be called again Mezentius at 89.4. Cf. Harrison,1988,267; and Hunink,1997,vol.II,152. This invective technique is Ciceronian, as explained by Harrison,2000,44,n.19; Apuleius frames it within his Platonising strategy, emulating his forensic model Cicero.
[179] *Apol*.56.8.
[180] *Apol*.56.10.

concludes with a joke on the term *sudarium*,[181] therefore reinforcing the harmless nature of the cloth.

8.7. Conclusion

It has been so far demonstrated how the arguments of this charge were far more serious and potentially threatening than what has been thought by previous scholars of the *Apologia*:[182] to cause someone's death by means of a *defixio* was, in fact, a crime punishable by death under the *Lex Cornelia*, under which Apuleius is being tried;[183] and, even though the prosecution may have not overtly accused him of having caused Pontianus' death, it would have appeared clear to everyone in court that the putting of magical objects – described with the language of the *devotiones* – inside a *lararium*, would not have remained without consequences: the premature death of Pontianus would have, therefore, been the obvious side-effect of Apuleius' impious act. From analysing this section of the defence it has become possible to reconstruct an additional feature of Apuleius' goetic portrait, as given by his enemies: he was not solely the lascivous seducer of Pudentilla,[184] but also the evil *magus* who could harm people with spells,[185] and even kill Pontianus with his noxious arts, and constituted, thus, a threat to the household and the patrimony of the Sicinii. This description fittingly introduces the following allegation, which concerns the goetic rites which Apuleius and his friend Appius Quintianus performed at night, violating the house of Iunius Crassus, more specifically the shrine of his household deities.[186]

[181] *Apol*.57.1: *quod ad sudarium pertineat*, *omnem criminis maculam detersisse* ('as to what concerns the napkin, I have wiped away every dirty stain of the accusation'). Cf. the discussion in McCreight,1990,57.
[182] Cf. Abt,1908,206; Hijmans,1994,1765; Hunink,1997,vol.II,144; Harrison,2000,72-3; Martos,2015,91,n.289.
[183] Paulus *Sent*.5.23.19.
[184] *Apol*.29-41 (Chapter 5 and 6)
[185] *Apol*.42-52 (Chapter 7).
[186] *Apol*.57-60 (Chapter 9).

Chapter 9: Occult Nocturnal Activities

9.1. Introduction

With the fifth Primary Charge the accusers brought against Apuleius another menacing accusation, that of having carried out some ominous nocturnal sacrifices together with his partner in crime Appius Quintianus,[1] while Quintianus was lodging at the house of Iunius Crassus. According to Crassus' deposition, the proofs of the goetic magical rituals were the fact that the walls had been blackened by dark smoke and the presence of bird feathers on the floor,[2] which Crassus found in his house at his return from Alexandria.[3] That this accusation was indeed dangerous can already be understood by the very mention of *nocturna sacra*:[4] this expression – as we shall see – is strongly associated with goetic magic,[5] and such nocturnal rites were openly condemned by the *Lex Cornelia de sicariis et veneficiis*.[6] Abt,[7] Hunink,[8] and May[9] claim that Apuleius' defence is rather unconvincing in *Apol*.57-60: his tactic here is, in fact, not characterised by a real counterargument against the purported magical crimes, but predominantly by a vehement invective against Crassus,[10] which betrays a Ciceronian influence,[11] and largely depends on comedy.[12]

However, the actual magical implications of this accusation, which closely mirror those of the indictment concerning the pollution of Pontianus' *Lares*, have not been entirely understood. In this chapter, I shall demonstrate that the attackers created a charge meant to provide further evidence of Apuleius' noxiousness and of his capacity to make someone ill by means of his goetic skills. This will become possible by analysing Apuleius' concealment of the magical details of

[1] As Vallette,1908,83-4 argues, Quintianus was probably a member of the *Appii*, with whom Apuleius entertained friendly relations (*Apol*.72.2).
[2] The terms reoccur slightly varied in 57.2 (*fumo et avium plumis*); 57.3 (*pinnas* […] *fumum*); 58.2 (*multas avium pinnas* […] *parietes fuligine deformatos*); 58.10 (*de fuligine et pinnis*).
[3] *Apol*.57.3; 58.2.
[4] *Apol*.57.2; 58.2.
[5] **9.2**.
[6] Paulus *Sent*.5.23.15 discussed in **9.2**. This is rightly noted by Abt,1908,13,n.1; p.218,n.6.
[7] Abt,1908,217-8.
[8] Hunink,1997,vol.II,153-4.
[9] May,2006,96.
[10] *Apol*.57.2-6; 58.1; 58.10; 59.1-8.
[11] Cf. especially the *In Pisonem*, as suggested by McCreight,1991,83-91, followed by Hunink,1997,vol.II,154, and Harrison,2000,73 and n.89.
[12] That comical elements are entailed in Crassus' characterisation is pointed out by Abt,1908,217; Butler, Owen,1914,121; 123-4; Salmann,1995,147; Hunink,1997,vol.II,153-4; Harrison,2000,73 and n.88; Martos,2015,99,n.310. May,2006,96-99; 2014a,762 convincingly argues that Crassus' denigratory portrait is based on the stock-character of the drunkard and the parasite.

the charge, often achieved with sophistic wordplay: by commenting on some pivotal passages of the speech I aim to explain that Crassus' absence from the tribunal of Sabratha was meant to be presented as the result of an illness, due to Apuleius' contamination of Crassus' household, and specifically of his own *Penates*,[13] desecrated by evil fumes and feathers, the remains of impious magical sacrifices.[14] This is the same implication at which the attackers hinted when they accused Apuleius of having contaminated Pontianus' shrine with impious goetic objects.[15]

But what had actually happened? If in the case of the previous allegations Apuleius betrays evidence that allows us to ascertain how the prosecution darkened some activities performed by him – such as the dissection of sea creatures,[16] and his attempt to heal some epileptics in Oea –[17] or objects belonging to Apuleius – namely, his mystery symbols –[18] in this case the *Apologia* contains no evidence to determine whether this accusation reflected some nocturnal rituals really carried out by Apuleius and Quintianus. If some rituals had really been performed and were later distorted by the prosecution, given Apuleius' belief in the idea of the tutelary daemon[19] and his interest in transcendental practices to foresee the future,[20] one could hypothesise that something similar to the evocation of Plotinus' personal daemon might have taken place.[21] As stressed by Eitrem,[22] and Dodds,[23] this ritual – which was, however, performed by an Egyptian priest – bears comparison with *PGM* VII.505-27 and XIII.368-72, in which birds must be sacrificed to evoke a divine spirit. If this is what had actually happened, the accusers could have easily misrepresented it as a case of goetic magic and add more fictitious details to blacken it. Nevertheless, it is plausible that this indictment was simply a calumny, as Apuleius claims:[24] his foes could have convinced Iunius Crassus to write a deposition against Apuleius[25]

[13] **9.4** and **9.5**.
[14] **9.2** and **9.3**.
[15] **8.4**.
[16] Chapter 5 and 6.
[17] **7.1**.
[18] Chapter 8.
[19] *Soc*.16.
[20] *Apol*.43.4 in **7.3**.
[21] *Apol*.43.4 in **7.3**.
[21] Porph.*Plot*.10.15-28, on which cf. Addey,2014,173-80.
[22] Eitrem,1942,62-7.
[23] Dodds,1947,60-1.
[24] *Apol*.58.1; 59.8 and 60.1-2. Cf. also the discussion in Hunink,1997,vol.II,156; 160,n.2; 161.
[25] *Apol*.59.8 discussed in **9.6**.

and, in order to give an eerie appearance to their claims, they fabricated an argument drawing on the widespread idea that goetic magic presupposes dark, nocturnal sacrifices.[26] Then, the supposed soot of the smoke on the walls and the feathers on the floor would have confirmed that such impious sacrifices took place,[27] and eventually contaminated Crassus' hearth –where the household deities were kept – causing his sickness and making him unable to attend the trial.[28]

In order to support the latter interpretation, I will expand on Abt's analysis[29] and confirm the magical undertone of *nocturna sacra*,[30] the presence of birds, feathers, and smoke in goetic magic.[31] I will also shed new light on Apuleius' manipulation of the prosecution's speech: I will demonstrate that supposed nocturnal sacrifices took place not in the forecourt (*vestibulum*), as scholars have hitherto believed following Apuleius' account,[32] but at the hearth of Crassus' house.[33] This will enable us to gain a deeper insight into the dangerous charge that Apuleius had to face, which addressed a specific point of the *Lex Cornelia de sicariis et veneficiis* and included various threatening *topoi* of goetic magic. This, in turn, will allow us to fully understand why Apuleius' strategy here differs from the rest of the *Apologia*, since it consists of slanders against the prosecution while lacking the typical Platonising arguments with which Apuleius distinguished himself and the sympathetic judge from his base enemies.[34]

9.2. Reconstruction of the Charge: the *Nocturna Sacra*

From the outset, Apuleius reformulates the accusation using precise legal terminology: he speaks, in fact, of a *testimonium ex libello*[35] given by Iunius Crassus. This expression indicates a voluntary deposition that had little juridical importance unless the witness was absent from the tribunal – a

[26] For filthiness as a specific feature in literary description of magical rites in Latin literature, cf.HOR.*Sat*.1.8.6-36; *Epod*.5.17-24; PROP.3.6.27-29; 4.5.11-18; TIB.1.2.47-58; LUC.6.639-94; PETR.135.3-6; 136.1-3; APUL.*Met*.3.17.4-5.
[27] **9.3**.
[28] **9.4** and **9.5**.
[29] Cf. Abt,1908,194-6; 218-21.
[30] **9.2**.
[31] **9.3**.
[32] Cf. Abt,1908,219-20; Vallette,1924,70; Marchesi,1957=2011,81; Moreschini,1990,207; Hunink,2001,81; Martos,2015,100.
[33] **9.5**; **9.4**.
[34] This point is discussed in **9.2**.
[35] *Apol*.57.2 and 59.1. Both are technical terms, Apuleius repeats *testimonium* and *libellum* which occur at 58.1; 58.10; 59.1; 59.3; 59.7; 60.1; 60.4 and 57.2; 59.1; 59.4; 60.3, respectively.

fact that Apuleius confirms later –[36] because of an impediment or bad health.[37] As we shall see, this reason is probably at the very centre of the magical overtone of the charge: Crassus' absence was, in fact, meant to be presented as the result of goetic magic.[38] After this indication, Apuleius summarises the charge as follows: according to Crassus' written testimony, Apuleius repeatedly performed[39] in Crassus' house, while he was away, *nocturna sacra cum Appio Quintiano amico meo*.[40] The lack of comical diminutives, which generally characterise the summing-up of the indictments, is worth noting.[41] This absence is, to a certain degree, counterbalanced by the parodic characterisation of Crassus as a drunk parasite – lampooning the witness *in absentia* – and can be considered as evidence of Apuleius' choice to divert from a real discussion of the charge by using comic invective.[42]

The reference to recurrent nocturnal rituals that Apuleius allegedly performed with his friend Quintianus constitutes, in fact, a serious threat to the defendant. *Nocturna sacra* or *sacrificia* is a customary expression in Latin to describe the unlawful ceremonies which could have to do either with impious mystery rites as those described in Cicero's *Leges*[43] and in the *Pro Cluentio*,[44] or with goetic magic as in our case.[45] In fact, as Abt points out,[46] evidence from both literary descriptions of magic[47] and real goetic practices[48] indicate that such rituals often took place at night. It is because of this commonplace custom that the *Lex Cornelia de sicariis et veneficiis*, under which Apuleius is tried, persecuted whoever performed any impious *nocturna*

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[36] *Apol*.59.2-4.
[37] Cf. Berger,1991,s.v.*testimonium per tabulas*,735. Hunink,1997,vol.II,156 refers to a footnote in Amarelli's study (1988,123,n.45), on the value of *testimonium* ('written deposition') in contrast to *testis* ('witness').
[38] **9.4**.
[39] The idea that Apuleius and Quintianus iterated the rites is suggested by use of the plural *nocturna sacra* (57.2; 58.2), and especially by the frequentative *factito* at 57.2 (cf. *ThLL*,vol.VI.1,s.v.*factito*,col.139).
[40] *Apol*.57.2.
[41] *Apol*.29.1; 42.3; 48.1; 53.1.
[42] Cf. **9.1** and May,2006,96-9; 2014a,762.
[43] CIC.*Leg*.2.21; 35-6.
[44] CIC.*Clu*.194.
[45] On the relationship between magic and the mysteries, cf. **8.2**.
[46] Abt,1908,194-6.
[47] OV.*Med*.7.192 (cf. Bömer,1976,251) and HOR.*Ep*.5.51 (cf. Watson,2003,223) where *Nox* personified is invoked. For nightly magical rituals, TIB.1.2.63; 1.8.18 (cf. Maltby,2002,171-2); PROP.2.4.17; SEN.*Med*.729; LUC.6.624. The *strigae* – or *nocturnae* – in PETR.63 act at night, and so do those in APUL.*Met*.1.16.2; 2.22.1 and Pamphile in *Met*.3.17.3. It is worth bearing in mind that in *Apol*.47.3 Apuleius says that goetic practices are carried out at night. Cf. also Luc.*Philops.* 14; *Nec*.7; Hld.6.14. On Selene and magic, cf. *Apol*.31.9 (**5.6**).
[48] Abt,1908,195-6 mentions *PGM* I.20; I.56; I.69; XIa.3; I.318; II.4 (invocation of Apollo); IV.3089; V.47; VII.362 (prescriptions for an oracle); IV.3151 (invocation to make a place prosper); VII.435 (a restraining rite for any purpose). We may add VII.407 (spell to appear in someone's dream); XII.379 (spell to induce insomnia); IV.1850; XXXVI.136 (love-spell); LXX.18 (spell against fear of punishment).

sacra,[49] either related to unlawful mysteries or to magic. It is, therefore, possible to point out that Apuleius' prosecutors intelligently brought forward a threatening accusation, which draws upon the commonplace fear of the nefarious nocturnal rites and clearly addresses the law at stake during the trial.

It needs to be noted that although this charge is quite similar to the previous one, which concerned the pollution of Pontianus' *lararium*,[50] there is a substantial change in Apuleius' defensive line between these two sections of the speech. In the former, he openly argues against the magical content of the allegation,[51] and Platonically detaches himself from the evil type of magic by describing the holiness of the mysteries to which the wrap in the *lararium* pertains.[52] Here, instead, he avoids discussing any magical aspects of the charge and does not attempt to apply any Platonising distinction between the evil and the hallowed types of *nocturna sacra*, although he could have easily done so: in the Roman world nocturnal rites were not solely deemed nefarious and unlawful; their holiness was well-known and praised, too, under certain circumstances: as we have seen, Cicero commends the Eleusinian mysteries which took place at night;[53] Varro talks about *nocturna sacra* as customary rites of the Romans;[54] and Apuleius himself, in *Soc*.14, gives an account of various sacred rites and acknowledges how some are *nocturnis vel diurnis*, *promptis vel occultis*.[55] Even though he could adopt the usual Platonising dichotomy to characterise the *nocturna sacra* positively as holy mysteries, Apuleius chooses to present the whole charge as a result of the accusers' fraudulence, his main argument in this section of the *Apologia*. He refers to the rumour that Aemilianus bought Crassus' testimony for three thousand sesterces, a fact that – as he insists – everyone knew in Oea.[56] Such a forensic strategy is obviously meant to draw away attention away from the real point at issue – namely the alleged contamination of Crassus' house – and can be considered as evidence showing how Apuleius was

[49] Paulus *Sent*.5.23.15. Abt,1908,218, followed by Hunink,1997,vol.II,154 and Martos,2015,102,n.317, acknowledges this connection with the *Lex Cornelia*.
[50] **8.4**.
[51] *Apol*.53.1-55.7.
[52] *Apol*.55.8-56.10.
[53] Cic.*Leg*.2.35-6, and especially 2.35. On mysteries and magic, cf. **8.2**.
[54] Cited in Macrob.*Sat*.1.3.6: *sacra sunt enim Romana partim diurna*, *alia nocturna*.
[55] As previously said, secrecy was also a feature of goetic magic (**7.4**).
[56] *Apol*.58.1; 59.8; 60.1-2, and n.24.

aware of walking on thin ice. A discussion of the magical undertone of feathers and smoke will enable us to shed more light on the dangerous character of this indictment.

9.3. Feathers and Smoke as Evidence of Goetic Magic

Even though it remains impossible to determine whether the accusation mirrors real facts or if it is the result of a mere fabrication by Apuleius' enemies,[57] we can certainly assert that both feathers of birds and black smoke pertain to the realm of goetic rites according to literary and papyrological sources. We also ought to remember that, during the rebuttal of the charge concerning the enchantment of Thallus,[58] Apuleius does not deny that he used some hens as *hostiae lustrales*[59] – a probable reference to a sacrifice to Asclepius –[60] he simply claims that the presence of fifteen slaves as witnesses makes it impossible that the rite had anything to do with occult magic.[61] The sinister presence of feathers in Crassus' house would have, therefore, been an apt continuation of the description of the earlier *magicum sacrum*,[62] since in both cases the sacrifice of birds occurs in goetic magic; some feathers would have been the remains of such eerie practices. We can add that the killing of birds for magical purposes is a rather widespread practice in the Greco-Roman world. This is quite evident in two prescriptions of the *Magical Papyri*; in the first, the complete burning (*ὁλοκαυστέω*) of various *ὄρνεις* serves to consecrate a ring;[63] in the other, a bird's tongue is required to compel a woman to confess her lover's name.[64] Moreover, Apuleius was fully aware of this use of birds in magic, as in the *Metamorphoses* he includes the dried remains of *infelices aves* amongst the paraphernalia of Pamphile's gloomy laboratory.[65]

Furthermore, feathers themselves, which Apuleius terms *plumae*[66] and *pinnae*,[67] are prescribed in the *Greek Magical Papyri* for the achievement of various magical purposes: in *PGM*

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[57] **9.1**.
[58] *Apol*.42.2-47.
[59] *Apol*.47.7. This is discussed also by Abt,1908,221, and n.1 on the use of various birds in magic.
[60] Cf. **7.1**, **7.4**.
[61] *Apol*.47.1-6.
[62] *Apol*.47.1-7.
[63] *PGM* XII.213-5. For the function of smoke in the rite, cf. the discussion in the main text below.
[64] LXIII.7-12.
[65] APUL.*Met*.3.17.4. On this, cf. Costantini forthcoming in *Mnemosyne*, where the use of birds in magic is also discussed.
[66] *Apol*.57.2; 58.9.
[67] *Apol*.57.3; 58.2; 58.5; 58.10; 60.5.

III.612-32, to acquire control of their own shadow, the practitioners need to put the feather of a falcon behind their right ear[68] and that of an ibis behind their left ear.[69] In *PGM* IV.45-51, to complete a ritual of initiation, the practitioners have to rub their face with owl's bile and an ibis's feather,[70] or with the yolk of an ibis' egg and the feather of a falcon.[71] At *PGM* VII 335-40 – a charm for direct vision – the practitioners must hold an ibis' feather fourteen fingers long 'to see themselves'.[72] The use of feathers in magical rites is also confirmed by literary evidence. Abt notes[73] that amongst the eerie ingredients of Canidia's burnt offering,[74] there are the feathers of a *nocturna strix*,[75] a creature deeply associated with the *topos* of female magic in literary sources, including Apuleius' *Metamorphoses*.[76] We could add that in Propertius 3.6.29 (*et strigis inventae per busta iacentia plumae*) the *plumae* of the *strix* are mentioned again amongst the ingredients for a love-charm. Furthermore, in Lucian's *Gallus*, the Cockerel is nicknamed *γόης* by the interlocutor Micyllus because of the supernatural powers of his tail's right plume, which allows people to become invisible.[77]

Similarly to the presence of feathers, caliginous smoke – the second piece of evidence for Apuleius' and Quintianus' alleged wrongdoings –[78] appears in the imagery of literary magic as well. It suffices to recall the *niger fumus* rising from the remains of a wooden coffin that the Thessalian Erictho collects for her impious practices.[79] Furthermore, smoke plays an important role in the *Greek Magical Papyri*. In the aforementioned prescription for the consecration of a

[68] *PGM* III.619-20.
[69] III.620
[70] IV.45-7.
[71] III.48-51.
[72] VII.335: *ἐὰν βούλῃ σὲ αὐτὸν ἰδεῖν*.
[73] Abt,1908,221.
[74] HOR.*Ep.*5.17-24; these are have to be well burned on the Colchian flames (5.24), a clear reference to Medea (e.g. OV.*Met.*7.297; SEN.*Med.*225).
[75] *Ep*.5.20, on which cf. Watson,2003,203.
[76] Cf. the *bubones* or *nocturnae aves* at APUL.*Met*.3.21.6, and especially the *fuscae aves* in *Met*.2.21.3; the tale of Thelyphron (*Met*.2.21-30) parallels, in fact, that of the *strigae* in PETR.63.2-10, as noted by Pecere,1975,128,n.249. The theme of the wicked woman-owl is very popular in Latin literature: these *strigae* are already known to Horace (*Ep*.5.20), Propertius (3.6.29; 4.5.17); Ovid (*Fast*.6.133-68), Petronius (63.9) and even deserved Pliny's attention (*Nat*.11.232). In Apuleius these creatures are explicitly connected with the Thessalian *sagae* and magic (2.21.7; 3.21.4-22.1); cf. Van der Paardt,1971,162; van Mal-Maeder,2001,119-20; 312-3; Ogden,2008,62-8.
[77] Luc.*Gal*.28. Although this passage comes from a comic context, the idea that invisibilty was connected with goetic practices is attested in literary magic (cf. PETR.63.6), and reflects real goetic magic: in *PGM* I.222-32 we find the instructions for an invisibility spell, and the eye of a nightowl is amongst the prescribed ingredients.
[78] Cf. the reference to *fumus* in *Apol*.57.2; 57.3; 58.6; 58.8; 60.5 and *fuligo* at 58.10; 60.5.
[79] LUC.6.535-6

ring,[80] the practitioner does not solely need to kill birds, but also to hold an engraved stone over the smoke (*ὑπὲρ τὸν ἀτμόν*) of the burning offerings.[81] In *PGM* VII.638-9, one has to utter a spell while waving a ring in the smoke of incense; at XXIIa.2-9 some amulets have to be placed over the smoke to punish ungrateful patients. Similar fumigations of goetic tools are required in other *formulae*: at *PGM* VII.176-7 it is said that to animate the painting of gladiators on the cups, one has to smoke some 'hare's head' underneath them;[82] whereas in *PGM* III.20-5 storax gum must be fumigated after performing a rite entailing the drowning of a cat.[83]

The effect of such fumes on the venue where the magical rites took place would have inevitably been the tarnishing of its walls,[84] and the idea that places where goetic magic is practised are stained by smoke conforms, again, to literary descriptions of magical laboratories: in Petronius' *Satyrica* the *parietes* of the room where the *maga* Oenothea arranges a sacrifice are, in fact, described as *fumosi*,[85] an expression closely resembling Apuleius' account of the accusation (*parietes fumigati*) at *Apol*.58.8.

9.4. The Concealment of the Magical Implications: the Desecration of Crassus' *Penates*

Beside the grim undertones of smoke and feathers, the most important element to clarify the real meaning of this allegation can be understood once we explain where exactly in the house the ominous rites allegedly took place. This information, as we shall observe, is heavily distorted by Apuleius by means of sophistic wordplay. In *Apol*.58.2, Apuleius sheds some further light on Crassus' *testimonium*: he asserts that Crassus found *in vestibulo multas avium pinnas* and that the walls were *fuligine deformatos*. Shortly afterwards,[86] Apuleius protests that a honourable man such as Quintianus[87] would not have endured to lodge in a *cubiculum* with disfigured, blackened walls. The only scholarly attempt to discuss this evidence is that by Abt, who argues that the insufficient information given by the text impedes the reconstruction of a clear image of the

[80] *PGM* XII.201-69.
[81] XII.215-6.
[82] I follow Kotansky's translation in Betz,1992^2,120.
[83] *PGM* III.1-29.
[84] *Apol*.58.2; 58.8.
[85] PETR.135.4. The passage is also characterised by the idea that this kind of magical rites are filthy cf. n.26.
[86] *Apol*.58.8
[87] On the positive characterisation of Quintianus, cf. 58.4 and Hunink,1997,vol.II,157.

magical rite. Abt fails to see the connections between the feathers *in vestibulo* and the blackened walls of Quintianus' *cubiculum*;[88] and the reason why he could neither understand the connections between *vestibulum* and *cubiculum*, nor their magical implications of the charge as a whole, depends on his erroneous interpretation of *vestibulum* as 'forecourt' of the house.[89]

In reality, the term *vestibulum* does not solely indicate the 'vestibule', 'forecourt', which leads from the streets into a building,[90] but could be also used to indicate the *atrium*. This is the centre of the household where the fire and the statuettes of the *Penates* and the *Lares Familiares* were kept and worshipped,[91] as shown by abundant archaeological and textual evidence.[92] This use of *vestibulum* in the place of *atrium* in Latin is already well-established at an early stage,[93] and becomes so widespread in the second century AD that Aulus Gellius writes: *animadverti enim quosdam hautquaquam indoctos viros opinari vestibulum esse partem domus primorem*, *quam vulgus* '*atrium*' *vocat*.[94] Because of this improper use, some ancient *literati* even thought that the etymology of *vestibulum* derived from *Vesta* because of the presence of the sacred hearth in the *vestibulum-atrium*.[95]

As to the reason for using of *vestibulum* for *atrium*, since the original phrasing of the prosecution is unknown to us, two explanations can be given: the vulgar employment – as Gellius puts it –[96] of *vestibulum* to indicate *atrium* could either be due to Apuleius, or actually reflect his attackers' supposed rusticity. In support of the former interpretation, it is worth recalling that Apuleius duly modifies the formulation of the various allegations to make them appear less

[88] Abt,1908,219-20. His interpretation is followed in the translations by Vallette,1924,70; Marchesi,1957=2011,81; Moreschini,1990,207; Hunink,2001,81; Martos,2015,100. Abt hypothesises, not without reservations, that Apuleius and Quintianus might have practiced a rite to seek revelations with a dream (*ὀνειραιτησία*). To speculate on the kind of ritual allegedly practiced might be purposeless: it is likely that the prosecution did not point out the type of ritual practiced by the purported *magi* but only hinted at the noxious impact that such performances had on the household deities of Crassus and, subsequently, on his own health (**9.5**).
[89] E.g. Georges,1890,s.v.*vestibulum*,col.2679.
[90] Cf. *Brill's New Pauly*,vol.XII,s.v.*Roman Houses*,col.545; *OLD*,1968-82,s.v.*vestibulum*,2048.
[91] This shrine is different from one's personal *lararium* such as that of Pontianus (**8.4**), but the effect would have been believed to be equally harmful.
[92] Cf. *Enc.Art.Ant*.,vol.I,s.v.*atrio*,886-7; Wistrand,1970,210-23; *Brill's New Pauly*,vol.VII,s.v.*Lares*,col.248; and s.v.*Penates*,col.718; Giacobello,2008,67. Amongst the ancient etymological explanations of *atrium*, one says that the name derives from *ater*, *atrum enim erat ex fumo*; cf. Serv.*Aen*.1.726. Servius (*A*.11.211) also reports that the *Penates* were worshipped at the hearth (*focus*), which is located in the *atrium* of the house.
[93] Cf. Pacuvius, frg.38 in Ribbeck,*TRF*^{3},151. For a discussion of this use of *vestibulum*, cf. Wistrand,1970,219-22; Serbat,1975,50-1; Deroy,1983,7-8.
[94] GEL.16.5.2.
[95] OV.*Fast*.6.303-4; Serv.*Aen*.6.273; Prisc.*Inst*.4.13.
[96] GEL.16.5.2.

harmful. This is a feature of the defence-speech observed especially when we analysed the variation between *sudarium* and *linteum* in the previous chapter.[97] The second possibility is that Apuleius shrewdly mocks his opponents by quoting verbatim their uncouth use of *vestibulum*. Being a man of letters, he would have pretended to understand the term according to its proper meaning, and, in doing so, the accusation would have become inconsistent: the presence of fumigated walls and residues of birds in the *vestibulum*-'forecourt' would be in itself rather unusual,[98] and would not explain how the fumes had reached Quintianus' lodgings. Furthermore, the very choice of the 'vestibule', which is closer to the threshold than the *atrium*, for the magical sacrifices would appear rather controversial, since secrecy is a prerequisite in goetic magic.[99]

This interpretation makes it finally possible to explain the real meaning of the charge: in the *atrium* of Crassus' house Apuleius and Quintianus allegedly performed several impious rites contaminating the hearth (*focus*),[100] the *Lares Familiares* and the *Penates*[101] of Crassus. The fact that Crassus gave a deposition by means of a *testimonium ex libello*[102] was, therefore, intended to appear as the result of the evil pollution of his whole household, and of the sacred statuettes of his *Lares* and the *Penates* in particular. As we have seen in the case of Pontianus' *Lares*, to pollute such sacred statuettes would have heinous side-effects, which could eventually even lead to someone's death.[103] Furthermore, that the *dii Penates* were somehow involved in the magical rites can be comprehended by examining a clear allusion to these holy statuettes at 57.3. Here Apuleius ironically says that Crassus, although dwelling in Alexandria, had spotted feathers fetched from his Penates (*pinnas de Penatibus suis advectae*). No scholar doubts that *Penates* in this context should be interpreted as 'house'[104] – as suggested by the following *fumum domus suae agnovisse* –[105] but, as in the case of *vestibulum*, this is a figurative connotation which the term always has alongside with its original meaning of 'sacred statuettes of the ancestors'.[106] In the light of my

[97] Cf. **8.3**. The use of the comic diminutives conforms to this same rhetorical strategy.
[98] Cf. Abt,1908,219.
[99] Cf. my notes at 42.3; 47.3 (**7.4**).
[100] *Apol*.58.7: *ad focum* (**9.5**).
[101] *Apol*.57.3 (**9.5**).
[102] Cf. n.35.
[103] **8.4**.
[104] Especially Butler,1909,99; Moreschini,1990,205. Cf. *ThLL*,vol.X.1,s.v.*Penates*,coll.1026-7.
[105] *Apol*.57.3.
[106] Cf. *ThLL*,vol.X.1,s.v.*Penates*,coll.1023-4.

reconstruction, the allusion to the *Penates* at 57.3 acquires a new pregnancy and can be read as Apuleius' precise attempt to ridicule a paramount feature of the accusation, by deliberately distorting its semantic connotations.

9.5. Further Manipulations: *Cubiculum* and *Focus*

This interpretation of the charge is confirmed by two other passages of the *Apologia*: firstly, the apparent discrepancy[107] between the blackened walls in the *vestibulum* (58.2) and those in Quintianus' room (58.8) can easily be resolved if we interpret *vestibulum* as *atrium*. Since the *cubicula* are generally placed around the *atrium* of the house,[108] the prosecution probably asserted that the fume was so strong[109] as to blacken the walls of the room where Quintianus lodged. This filthy *cubiculum*[110] would therefore have become the fitting place where the apprentice of the frightful *magus* Apuleius could practise and familiarise himself with goetic magic.[111]

The second argument to corroborate my interpretation is at 58.7: Apuleius ironically argues that the allegation *non est veri simile*, since after the long journey from Alexandria to Oea[112] it would have been obvious to seek comfort and rest in one's bedroom, but Crassus's appetite was such that he went straight *ad focum*. The real meaning of this pun lies in the double interpretation of *focus*,[113] which could also figuratively mean 'kitchen'.[114] However, *focus* properly indicates the 'sacred hearth' in the middle of the *atrium*,[115] the place where the eerie feathers were found.[116] By playing with the term's ambiguity, Apuleius focuses on Crassus' gluttony and suggests that he went straight to the kitchen. In doing so he mocks the magical

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[107] Cf. Abt,1908,219.
[108] Cf. *Brill's New Pauly*,vol.XII,s.v.*Roman Houses*,coll.545-6.
[109] This is underscored by Apuleius himself, who tries to ease the damning nefariousness of the smoke with ironical arguments; cf. 58.6 (*fumi tanta vim fuisse*); 58.8.
[110] For filthiness of magical laboratories, cf. n.26.
[111] The idea that a magical practitioner, either male or female, is accompanied by an assistant is very common, cf. the figures of Sagana and Veia, handmaidens of Canidia (HOR.*Ep*.5.25; 5.29; only Sagana in *Serm*.1.8.25-50), and of Proselenos, who assists Oenothea (PETR.134-8). *Sagae* apparently on equal terms are Meroe and Panthia (APUL.*Met*.1.9-15), but not Pamphile and Photis. Photis, in fact, assists the *maga* (3.16-8) but is not as skilled as her mistress, as the wrong pyxis that she gives Lucius' causes his inauspicious transformation into donkey (3.24.1-6). Cf. also the case of Eucrates, the 'sorcerer's apprentice', in Luc.*Philops*.33-7, studied by Odgen,2007,231-70.
[112] Crassus was in Alexandria while the *nocturna sacra* took place (57.3).
[113] Hunink,1997,vol.II,157 points out this double meaning but does not understand its implication.
[114] Cf. *OLD*,1968-82,s.v.*focus*,718. The semantic shift is due to the fact that often the kitchen was built close to the fireplace in the *atrium*, cf. *Brill's New Pauly*,vol.VI,s.v.*Hearth*,col.26.
[115] Cf. *OLD*,1968-82,s.v.*focus*,718. For the hearth as the place around which the *Lares* and *Penates* were kept in Roman houses, cf. *ThLL*,vol.VI.1,s.v.*focus*,coll.988-9. Cf. also Giacobello,2008,60; 64-5; 110-6.
[116] *Apol*.58.2.

features of the accusers' argument, that is the reference to the sacred hearth allegedly defiled by Apuleius' impious rituals.

Sophistic wordplay has an essential function in the *Apologia* as a whole: it is because of the ambivalence of *magia* that Apuleius succeeds in detaching himself from the very accusation of being a goetic *magus*.[117] In this section of the speech in particular, the multiple meanings of *focus*, *Penates*, and *vestibulum*, enable Apuleius to pillory his opponents and their accusation, while showcasing his witticism. His subtlety notwithstanding, from this reconstruction we can conclude that Apuleius and Quintianus allegedly tainted the sacred statuettes of Crassus' *Penates* with *nocturna sacra*. We can, thus, place emphasis on the close similarity between this allegation and that concerning the pollution of Pontianus' *Lares*. These form, in fact, a pair, similarly to the two indictments concerning the enchantment of Thallus[118] and the unnamed *mulier*.[119] The last two accusations draw on the imagery of the *magus* as a polluter of shrines, whose contamination would have led to pernicious repercussions: Pontianus' death in the former case, and Crassus' illness in the latter, preventing him from attending the trial and delivering his deposition orally.

9.6. A Wary Defence

As we have already suggested, Apuleius' awareness of being in dire straits can be glimpsed by the fact that he does not even attempt to respond to any of the magical details of the indictment. He tries, instead, to argue for its feebleness by bringing forward some quick objections,[120] the most cogent of which is: why should he have practised goetic magic in Crassus' house and not in his own?[121] Even this defensive line does not hold much water: Apuleius was, in fact, already accused of having desecrated Pudentilla's household.[122] Furthermore, according to the accusers' goetic portrayal of Apuleius so far reconstructed, he did not content himself with the enchantment

[117] *Apol*.25.8-26.6.
[118] *Apol*.42-7.
[119] *Apol*.48-52.
[120] *Apol*.57.3-6; 58.3-9. Amongst these objections, the references to the *fumus* (58.6; 58.8) and the *plumae* (58.9) are mere puns rather than cogent counterarguments ('how is it possible that smoke could have had so much strength has to blacken Crassus' walls? Was it because the ritual took place at night?' And: 'why did the servant not wipe the floor? Was it because of the feathers was made of lead?').
[121] *Apol*.58.3.
[122] *Apol*.53-7.1: Pontianus' death, caused by goetic magic, would have defiled the whole house.

of his wife,[123] but because of his wickedness he purportedly caused the sickness of Thallus, some slaves, and an Oean woman.[124] The prosecution's portrait aims to present Apuleius as a living menace for the entire community: to underscore this, it had to be shown how he could endanger not solely his newly-acquired family, but also other Oeans, in this case Iunius Crassus. Given these dangerous implications, Apuleius did not only need to discredit the whole allegation as a mendacious fabrication,[125] and caricature Crassus as a glutton and a drunkard,[126] but also to call upon the complaisance of the audience by claiming that everyone in the tribunal knows of the fraudulent agreement[127] between Crassus and Aemilianus at Apuleius' expense.[128] Then, at the end of the rebuttal,[129] he also calls on the sympathy of Claudius Maximus, by praising the acumen of the judge who understood the mendacious nature of the charge and showed disgust when the accusers read Crassus' *testimonium*.[130] Despite Apuleius' overweening tone, he must have been conscious of being legally prosecutable, had the Stoic judge not been favourable to a fellow philosopher.

9.7. Conclusion

The examination of this section enables us to draw some significant conclusions regarding the function of this accusation in the economy of the body of charges. All of the Primary Charges which we discussed so far can be seen as the tightly tessellated tiles of a bigger mosaic depicting Apuleius' ability to control the goetic type of *magia* to attain different harmful purposes: not only the seduction of Pudentilla,[131] but the falling sickness of people in Oea,[132] the death of Pontianus[133] and – last but not least – the illness of Crassus.[134]

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[123] *Apol*.29-42.1.
[124] *Apol*.42.2-52.
[125] Cf. n.24.
[126] **9.1**.
[127] *Apol*.59.8: *idquid in Oeae nemini ignoratur*; 60.1: *omnes hoc*, *antequam fieret*, *cognovimus*.
[128] *Apol*.60.5.
[129] *Apol*.60.3-5. Similarly to the conclusion of the former section (57.1); this section, too, features witty puns concerning *faex* (60.4); *pinnarum formido* and *fumum vendere* (60.5). Cf. Butler, Owen,1914,124-5 and Hunink,1997,vol.II,161-2.
[130] *Apol*.60.3.
[131] *Apol*.29-42.1 (Chapter 5 and 6).
[132] *Apol*.42.2-52 (Chapter 7).
[133] *Apol*.53-57.1 (Chapter 8).
[134] *Apol*.57.1-60 (Chapter 9).

This last indictment, in particular, reprises and merges some features of the previous ones: the eerie feathers recall the sacrifice of *gallinae* at *Apol*.47.7; the fact that Apuleius allegedly caused Thallus' and the woman's epilepsy at *Apol*.42.2-52 could bear comparison with Crassus' presumed malady. But, above all, the magical implication of this charge reprises that of the desecration of Pontianus' *lararium*. These two accusations suggest, in fact, that Apuleius' perniciousness knows no boundaries in the eyes of his accusers: it affected Crassus' well-being, and costed Pontianus his life, they suggest. The subtle insinuation is that the next in line to suffer from the *maleficia* of the evil *magus* could have been the young Sicinius Pudens, the legitimate heir of the Sicinii's patrimony, under whose will Apuleius stands trial.[135] In order to complete this gloomy portrayal, the prosecution added a final argument evidencing Apuleius' capacity to consult with the dead, a conventional feature of every practitioner of magic. The evidence they presented concerns Apuleius' ebony statuette of Mercury.

[135] *Apol*.2.3-4; 45.7.

Chapter 10: Apuleius the Necromancer

10.1. Introduction

At *Apol.*61-5, Apuleius confutes the last of the Primary Charges that seemingly concerned the possession of a skeletal statuette, made of ebony, which he addressed as *βασιλεύς*.[1] In this chapter I will demonstrate that the actual charge did not specifically concern this ghastly effigy, but the crime of magical necromancy as a whole.[2] With the sixth of the Primary Charges the opposition adds the last brushstroke to Apuleius' goetic portrait by implementing the idea that the *magi* could summon and coerce the dead, a belief so popular as to become a quintessential feature of the goetic *magus* in the Greco-Roman collective imagination.[3] As we will see, to make their argument more convincing, the enemies blackened the description of an ebony effigy of Mercury possessed and worshipped by Apuleius, which they claimed to be, instead, a skeletal statuette. Whilst other scholars believe that the allegation was about the very statuette,[4] Ogden suggests that Aemilianus accused Apuleius of using this for necromancy.[5] In the wake of his argument, I argue that the accusation concerned specifically Apuleius' purported necromantic skills, and that the statuette was only employed as evidence to corroborate the accusation. In fact, as in the previous cases,[6] Apuleius avoids discussing the real implications of the charges and focuses on the material evidence brought forward by his foes – in this case, the statuette – endeavouring to demonstrate that this has nothing to do with goetic magic. As to this effigy, Apuleius confirms that it was made of ebony but explains that it represented Mercury, not a horrifying skeleton as the prosecution puts it.[7] Abt sketches the possibility, followed by Hunink[8] and Martos,[9] that the statuette brought to court by Apuleius[10] was not the same one to which his opponents alluded,[11] but I argue that it

[1] *Apol.*61.2.
[2] When using 'necromancy' I refer to the skills attributed to the goetic practitioners of summoning the dead, not solely for divination but also to control daemons and force them to perform various tasks, from love-magic to death. For an emic analysis of the various terms employed in the Greco-Roman world to indicate these practices, cf. Bremmer,2015,119-41.
[3] **10.7**.
[4] Abt,1908,222-3; Hunink,1997,vol.II,162-3; Martos,2015,104,n.321.
[5] Ogden,2001,185-6.
[6] E.g. the sea creatures (**5.2**), and the mystery objects (**8.2**).
[7] *Apol.*63.1-9.
[8] Hunink,1997,vol.II,163.
[9] Martos,2015,104,n.321.
[10] *Apol.*63.4-5.
[11] Abt,1908,223.

is unnecessary to regard Apuleius' claims as insincere: as we have seen in the case of the people supposedly enchanted by Apuleius,[12] and in the case of the goetic sacrifices in Crassus' house,[13] the accusers provided a misleading version of the events. The reasons why they did so, and depicted a statuette of Mercury as a necromantic idol, were different: as Abt argues,[14] there was a strong relationship between Mercury, magic, and the dead, and ebony was indeed a wood used for goetic paraphernalia. In this chapter, I will test Abt's results with an emic methodology and discuss the employment of ebony[15] and skeletal figures in magic,[16] the relationship between the *magus* and the dead,[17] and that between Mercury, magic and the netherworld.[18] This discussion will make it possible to comprehend how the attackers could plausibly turn a statuette of Mercury into sinister evidence of magic by drawing the aforementioned connections, and to reconstruct the real implication of this charge, which is to accuse Apuleius of practising necromancy.

I shall also pay attention to Apuleius' defence and shed more light on his forensic strategy. Scholars acknowledge that the defence in this part of the speech appears stronger if compared to the thin and often elusive arguments of the previous rebuttals.[19] The presence of two favourable depositions[20] undoubtedly supports Apuleius' claim about the prosecution's mendacity in describing the statuette of Mercury,[21] but the apparent soundness of the argument has induced Hunink, expanding on Hijmans' conjecture,[22] to hypothesise that here Apuleius does not follow the order of the charges, but saved his best argument until the end.[23] I disagree with this interpretation since it implies that Apuleius would have blatantly lied before the people in the courtroom when saying: *nisi fallor*, *ordine eorum vestigia persequo*.[24] The presence of this assertion – if mendacious, as Hunink suggests – constitutes a serious impairment to Apuleius' credibility: the accusers, if not the magistrates, would have certainly reacted to this clear

[12] *Apol*.42-52 (Chapter 7).
[13] *Apol*.57-60 (Chapter 9).
[14] Abt,1908,223-31.
[15] **10.5**.
[16] **10.6**.
[17] **10.7**.
[18] **10.3**.
[19] Cf. Abt,1908,222; Hunink,1997,vol.II,162.
[20] *Apol*.61.5-62.5.
[21] *Apol*.61.2; 63.1-9.
[22] Hijmans,1994,1766,n.188.
[23] Hunink,1997,vol.II,162.
[24] *Apol*.61.3.

falsehood. In reality, when Apuleius modifies the disposition of the charges in the speech, he deploys all his rhetorical subtlety to decoy the audience without ineptly admitting that he is undermining his enemies' case by restructuring the chronology of the accusations.[25] I will demonstrate that Apuleius' aim was to disguise the nature of the allegation of necromancy, and claim that it was about a mere statuette. In order to do so, I shall explore the strategy of reticence adopted when introducing and summarising the allegation.[26] I shall also focus on the curse against Aemilianus at *Apol*.64.1-2, the meaning of which has hitherto not been understood.[27] I will demonstrate that the presence of the elegant neologisms *occusacula*, *formidamina*, and *terriculamenta* were meant to please the learned audience and dampen the otherwise critical implication of this utterance, which would have proved that Apuleius was a *magus*.[28] Lastly, I shall focus on the Platonising tone which characterises the final part of this section, which serves to reassure the audience about Apuleius' integrity while strengthening the bond between Apuleius, the judge, and the learned readership – who could benefit from a loftier understanding of the world – and would have not misunderstood the allusion to the *βασιλεύς* as a vulgar reference to occult magic, but as the invocation of Plato's Supreme Being.[29]

10.2. The *Magus* and the Dead

To characterise Apuleius as a *magus* practicing necromancy the attackers could draw from the widespread tradition that the experts of the *magicae artes* could enter into contact with the dead.[30] This might have originated from the fact that the Persian priests were actually believed to have such an ability: Strabo relates that amongst the Persians, the Magi act as *νεκυομάντεις*, *λεκανομάντεις* and *ὑδρομάντεις*.[31] This information is later confirmed by the Elder Pliny who – citing expressly from Ostanes –[32] says that the Magi could divine from water, globes, air, stars,

[25] Cf. especially 91.5-101; 103.1-3.
[26] *Apol*.61.2. **10.4**.
[27] Cf. McCreight,1991,255-6; Gaide,1993,230; Hunink,1997,vol.II,169; Harrison,2000,75,n.93; Hertz,2010,105-18; Sans,2014,2-16; Martos,2015,108,n.335.
[28] **10.7**.
[29] **10.8**.
[30] On ancient necromancy and magic, although not understood in an emic perspective, cf. also Ogden,2001,93-159.
[31] Strab.16.2.39. In his essay on Zoroastrianism in Greco-Roman sources, De Jong,1997,399 refers to this passage, which he erroneously indicates as 15.3.20, but he does not discuss this specific skill of the Magi. Cf. also the discussion in Dickie,2001,116-7.
[32] On this figure and the lost texts attributed to Ostanes, cf. **4.5**.

lamps, basins, axes, and many other means, *praeterea umbrarum inferorumque colloquia*.[33] This ability of the Magi did not uniquely limit itself to oracular responses, they were also believed to summon the dead for other purposes: in the *Life of Nero* by Suetonius it is said that the emperor, in despair after the murder of Agrippina, *per Magos sacro evocare Manes et exorare temptavit*.[34]

In addition to the belief that the Magi could contact the dead, the early assimilation between *μάγος* and *γόης*[35] – a term which originally pertained to the sphere of death –[36] can help us understand why the practitioner of goetic magic is described while controlling the dead in many literary sources. On the report of the lexicographer Phrynichus, already Aeschylus' lost *Ψυχαγωγοί* – a play probably on Odysseus' *nekyia*[37] in which Hermes appears as well –[38] seems to have do with *γοητεία*.[39] In later times, the goetic *magus* becomes the utmost expert in contacting the dead: in the wake of a long-established comic tradition,[40] Lucian writes a comic dialogue, the *Nekyomanteia*, where the protagonist Menippus, willing to question Tiresias about the best possible lifestyle,[41] travels to Babylon to find a *μάγος*[42] who could guide him into Hades. Besides the implementation of necromantic magic in comic contexts,[43] the *magus* as the specific figure who could conjure the dead features in rhetoric as well: in the *Sepulcrum Incantatum* falsely attributed to Quintilian,[44] a *magus* is hired by a man to prevent the soul of his son from visiting and comforting the man's wife at night, freeing her from the obsession with the loss. The underlying conviction is evident: since the *magus* was able to raise the dead from the netherworld, he could also repel them[45] and force them back to their pit.

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[33] PLIN.*Nat*.30.14.
[34] *Ner*o 34.8. In the passage the meaning of *magus* borders between that of 'priest of the Persian cults' and 'goetic practitioner'. The possibility of interpreting the term according to the former connotation is due to Nero's deep interest in *magia* and his subsequent initiations by the *Magus* Tiridates; cf. PLIN.*Nat*.30.14-17 discussed in Cumont,1933,145-54.
[35] **2.3**.
[36] Cf. Burkert,1962,43-5; Chantraine,1977,s.v.*γοάω*,231. Recently Johnston,2008,14-20.
[37] Cf. Librán Moreno,2004.p.17-22.
[38] Cf. Radt,*TrGF*,vol.III,frg.273; 273a,8.
[39] Phryn.*PS*.127,14-6, cf. Radt,*TrGF*,vol.III,370-1.
[40] Aristophanes' *Frogs*, and the comic *katabaseis* by Sopater (Kaibel,*CGF*,frg.14,195) and Decimus Laberius (Panayotakis, 2010, frg.42-3, pp.299-300; 301-10) could have been sources of inspiration, as Radt notes (*TrGF*,vol.V.1,371). Lucian may also have used the non-extant *Nekyia* by Menippus of Gadara, which inspired those by Timon of Phlius and Crates of Thebes, both equally lost.
[41] Luc.*Nec*.6.
[42] *Nec*.6.
[43] For magic as an entertaining theme in literary sources, cf. **2.4**.
[44] [QUINT.] *Decl*.10.
[45] To some extent, this is also explained in Lucian's *Nec*.7, where Mithrobarzanes performs a series of rites on Menippus in order to make him immune to the *φάσματα*. For a parallel in real practices, cf. *PGM* IV,2695-701.

So popular and widespread was this literary *topos* that it was used characterise the female counterparts of the *magus*: Horace's Canidia boasts about her ability to revive *crematos mortuos*;[46] the *pollicita saga* described by Tibullus lures with her *cantus* the ghosts out of graves and pyres still warm;[47] the spell of Ovid's Dipsas is so powerful as to evoke ancient spirits and tear apart the earth.[48] Seneca's Medea sends to Jason's wedding a whole flock of infernal beings;[49] and Lucan's Erictho even claims that her *carmen* is so compelling *ut nullos cantata magos exaudiat umbra*.[50] Apuleius' Pamphile in the *Metamorphoses* is no exception: she masters, in fact, *omne carmen sepulcrale* and controls every ghost;[51] not only Pamphile, but also Meroe,[52] and the *saga* at 9.29.3 are said to be able to raise *larva vel aliquid dirum numen* to kill a person. Because of its popularity, the *topos* – which then became the object of bitter Christian criticism –[53] even survives in late-antique poetry as shown in the *Anapaesticum in magum mendicum*[54] by the sixth-century African poet Luxorius,[55] a poem still unacknowledged in any discussion of ancient magic.

From this brief literary survey it is possible to acknowledge the wide diffusion of the belief – on which Apuleius' accusers drew – that the *magus* was able to contact and exercise on the dead various kinds of influences. This belief, however, did not merely exist in the realm of fiction: both the *Greek Magical Papyri* and various *defixionum tabellae* show how the practitioners of goetic rites were really thought – and believed themselves – to be endowed with such powers. In a detailed study, Christopher Faraone[56] focuses on a sequence of recipes for necromancy in the *Great Paris Magical Papyrus* (*PGM* IV.1928-2005; 2006-125; 2125-139; 2140-4) involving the employment of corpses, which I examine when discussing the use of skeletal figures in goetic magic.[57] Additional evidence from the *PGM* underscores that these

[46] HOR.*Serm*.1.8.28-9; *Epod*.17.79. Cf. Watson,2003,583.
[47] TIB.1.2.45-8. Cf. Maltby,2002,167-8.
[48] OV.*Am*.1.8.17-8.
[49] SEN.*Med*.740-3 and 10. Cf. Boyle,2014,315.
[50] LUC.6.767.
[51] APUL.*Met*.2.5.4; 3.15.7. Cf. Stamatopoulos,2015,218-9. Since Apuleius does not depict Zatchlas as a *magus* (*Met*.2.27-30) but as an Egyptian priest (*propheta Aegyptius primarius*), I will consider him as such and I will not include him as evidence for magical necromancy. On this figure, cf. Stramaglia,1991=2003,61-111, who highlights Zatchlas' goetic features.
[52] APUL.*Met*.1.8.4, cf. Keulen,2007,205-6; May,2013,134-5.
[53] E.g. TERT.*Anim*.57.1-12; Lactant.*Div.inst*.2.14.10; 16.1-4; 7.13.7; August.*C.D*.7.35.
[54] The epigram is handed down in the *Anthologia Latina*, cf. Baehrens (1881) 453; Riese (1894^2) and Happ (1986) 299; Shackleton Bailey (1982) 294.
[55] Cf. Rosenblum,1961,36-48.
[56] In Johnston, Struck eds.,2005,255-82.
[57] **10.6**.

practitioners intended to contact the dead for a wide range of purposes, to the extent that a *formula* indicates different possibilities for the summoning.[58] In many cases, the assistance of spirits of the dead (*νεκυδαίμων*)[59] could be explicitly sought for a love-spell,[60] for divinatory purposes,[61] or to win a lawsuit,[62] while a recipe even provides the practitioners with instructions to resurrect a dead body by forcing a *πνεῦμα ἐν ἀέρι φοιτώμενον* into a corpse.[63]

Not only the *Magical Papyri*, but especially the curse-tablets shed light on the interests of the goetic practitioners in conjuring the dead for sinful purposes, mainly to kill or to make someone fall in love with them; and, as we will see, the structure of such curses – as well as their evil scope – functions as a model for the pseudo-curse that Apuleius casts upon Aemilianus at 64.1-2.[64] Already in an Athenian tablet dated to the third-century BC,[65] the practitioner seeks the death of a certain Gameta by calling upon the spirits of the dead (*καταχθόνιοι*).[66] Later, in a *defixio* from Cumae written in Greek and dated to the second or the third century AD,[67] *δαίμωνες καὶ πνεύματα* of the underworld are called upon by a husband to curse his wife Quadratilla.[68] Three tablets from Bad Kreuznach, dating to the first or the second century AD,[69] address 'infernal beings' (*inferi*)[70] to accomplish a curse, and one specifically refers to the *inferae larvae*.[71] Likewise, a recently discovered curse-tablet from the fountain of Anna Perenna in Rome addresses *larvae* as well.[72] In a third-century AD *defixio* from the necropolis of the African city of Hadrumetum,[73] Domitiana asks the help of the dead to compel Urbanus to love her;[74] in another

[58] *PGM* V.304-69 and VII.993-1009; the lack of clear purpose of the latter may be due to its fragmentary status, as Betz,1992^2,144 suggests.
[59] For the soul of the dead as a daemon cf. the analysis of 63.6 in **10.6**.
[60] *PGM* IV.361; IV.368; IV.397; XII.490; XVI.1; XII.9; XII.17-8; XII.25; XII.33; XII.43; XII.52-3; XII.61; XII.67; XII.73; XIXa.15.
[61] IV.248-50; VIII.80-2.
[62] LI.1-27.
[63] XIII.277-82.
[64] **10.7**.
[65] Audollent,1904,85-6.
[66] Audollent,1904,5,2.
[67] Audollent,1904,198.
[68] Adollent,1904,271-3.
[69] Audollent,1904,148.
[70] Audollent,1904,96^A,4; 96^B,2; 97^B,1; 98,7.
[71] Audollent,1904,97^A,2 (the text of which is incomplete)=*CIL* 13.7555.2. For a specific discussion on the *larva*, cf. **10.6**.
[72] *AE*,2010,109; cf. Blänsdorf,2010,35-64 and Faraone,2010,65-76.
[73] Audollent,1904,373-8.
[74] Audollent,1904,272.

devotio from Hadrumetum, daemons and infernal being are evoked to make Vettia fall in love with Felix.[75]

Given the noxious intentions behind these goetic practices and the appalling effects that they would have inevitably aroused, it is no reason for surprise that these magico-necromantic acts were prosecuted under the *Lex Cornelia de sicariis et veneficis*, as reported by Julius Paulus.[76] It has now become possible to understand why Apuleius' accusers employed the much-feared idea that the *magi* could call upon the dead: this belief was not solely widespread, as literary, papyrological and epigraphic evidence shows, it was also openly condemned by the same law under which Apuleius was prosecuted.

10.3. The Chthonic Mercury and Magic

To further validate the allegation of Apuleius' necromantic ability and present his statuette of Mercury as a necromantic idol, the accusers used to their advantage two equally commonplace assumptions: the employment of statuettes in goetic magic and the relationship between Mercury, the dead and magic. As to the former, evidence in the *PGM* shows that goetic practitioners used to offer sacrifices to eerie statuettes for different purposes, such as to be prosperous,[77] to send dreams, cause sleeplessness, and release the owner of the statuette from an evil spirit.[78] Furthermore, Ogden[79] indicates that the ebony statuette of Apollo in *PGM* III.282-409 was specifically used for necromancy, similarly to Apuleius' allegedly skeletal *simulacrum*.

With regard to Mercury, this deity was regarded as the guide of the spirits of the dead already in Homer's *Odyssey*,[80] and this belief continues uninterrupted in Roman times: Cicero associates Mercury with deities of the netherworld;[81] in Vergil's *Aeneid*, the Homeric function of

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[75] Audollent,1904,266,2-3.
[76] Paulus *Sent*.5.23.15, in which the reference to *sacra impia* would encompass such necromantic rites, and also 5.23.17 in which it is more generally said that: *magicae artis conscios summo supplicio adfici placuit, idest bestiis obici aut cruci suffigi. Ipsi autem magi vivi exuruntur*. Paulus also reports a precise law *De sepulcris et lugendis* (*Sent*.1.21.5), according to which the violation of a grave or the abduction of bodily remains was interdicted; cf. also the law *De sacrilegis* in *Sent*.5.19-19a). From the half of the fourth century, the *Theodosian Code* acts directly against those who *magicis artibus ausi elementa turbare vitas insontium labefactare non dubitant et manibus accitis audent ventilare, ut quisque suos conficiat malis artibus inimicos* (9.16.5).
[77] *PGM* IV.3128-51.
[78] XII.17-23.
[79] Ogden,2001,186,n.67.
[80] Hom.*Od*.24.1-5. On the connections between his wand (*ῥάβδος*) and magic, cf. **10.5**.
[81] Cf. CIC.*N.D*.3.56. Cf. Pease,1968,vol.II,1107-15.

Hermes *ψυχοπομπός* is stressed again when the poet says that the god raises *animas pallentis* from Hades while *alias sub Tartara tristia mittit*.[82] Such an ability could easily be associated with that of the *magus*, who – as we have just seen – was believed to be capable of summoning and controlling the dead. This chthonic function of Mercury endures in sources closer to Apuleius: in the *Mirabilia* by Phlegon of Tralles, the seer Hyllos prescribes for sacrifice to the *χθόνιος* Hermes[83] and the Eumenides in order to bury – while averting any pollution – a girl miraculously returned to life and dead again; and in Artemidorus' *Oneirocritica* Hermes is expressly indicated with the epithet *ψυχοπομπός*.[84]

We have discussed so far the chthonic aspect of Mercury, but we still need to shed light on his relationship with magic, which was not left to the audience's imagination. To any reader of the *Odyssey* living in the first and second century AD – that is to say when the magical interpretation of Homer became established –[85] it would have been clear that the god had to do with magic: the *moly* – the *φάρμακον* that protected Odysseus from Circe's malevolent powers –[86] was, in fact, thought to be a magical herb.[87] Needless to say that Hermes, who bestowed the phylactery on Odysseus, would have easily been associated with *magia* as well. Some sources make this connection explicit: in *Apol*.31.9, Apuleius includes *Mercurius carminum vector*[88] amongst Trivia, Luna and Venus, popular deities of magic.[89] Abt,[90] followed by Butler and Owen,[91] argues that *carmen* in this context means 'oracle', not 'magical spell', and proposes a comparison with the oracular role of Mercury in the anecdote that Apuleius recounts at 42.6-7. Hunink, however, rightly argues that the very word *carmen* would inevitably evoke a magical aura,[92] and that the expression serves to describe the god as a 'carrier of spells'.[93] We must add

[82] VERG.*A*.4.242-3. Cf. Austin,1955,85-6.
[83] Phleg.*Mir*.1.17.
[84] Artem.2.37.
[85] **5.4**, **5.5**.
[86] Hom.*Od*.302-6.
[87] PLIN.*Nat*.25.26; 25.127; PS.APUL.*Herb*.66.11-2.
[88] Apuleius could have had in mind the elegant expression from VERG.*Cat*.14.4: *carmine vectus*. This would parallel the Ovidian and Catullan features of the following expressions *Luna noctium conscia* and *Trivia manium potens* (**5.6**).
[89] **5.6**.
[90] Abt,1908,117-20.
[91] Butler, Owen,1914,80-1.
[92] On the use of *carmina* in magic, cf. **4.3**.
[93] Hunink,1997,vol.II,105.

that the reason why Apuleius refers to Mercury is that he could not avoid mentioning him amongst the deities commonly invoked in magic; thus he might have chosen a lesser-known attribute, instead of referring to his notorious chthonic powers; and, in doing so, he would have avoided any possible reference to the dangerous content of the sixth Primary Charge.

Abt[94] claims that the most important passage to prove that Mercury was deemed the patron god – or, rather, the inventor – of magic is in Martianus Capella's *De nuptiis Mercuri et Philologiae*: at 1.36 Jove says that Mercury possesses a *mirabile praestigium* [*elegantiam*] *pingendi*, *cum vivos etiam vultus aeris aut marmoris signifex animator inspirat*.[95] In reality, this evidence is not only late but it also fails to prove a straight connection between Mercury and magic.[96] Attention should be paid to other, more relevant literary evidence: already in Lucian's *Gallus*, the Cockerel- *γόης* explains that Hermes – to whom he is sacred – conferred on the right feather of his tail the power of invisibility.[97] Other significant evidence comes from Firmicus Maternus' *Mathesis*, an astrological treatise in which he retells that those who are born under, or in conjunction with the sign of Mercury are destined to become *magi*.[98] However, the most striking literary evidence which brings together Mercury's role of *ψυχοπομπός* and goetic magic is in *Contra Symmachum* 1.89-98 by the fourth-century poet Prudentius, which I quote below:

> *Nec non Thessalicae doctissimus ille* (*sc*. *Mercurius*) *magiae*
> *traditur extinctas sumptae moderamine virgae*[99]
> *in lucem revocasse animas*, *Cocytia leti*
> *iura resignasse sursum revolantibus umbris*,
> *ast alias damnasse neci penitusque latenti*
> *inmersisse chao*. *Facit hoc ad utrumque peritus*
> *ut fuerit geminoque armarit crimine vitam*.

[94] Abt,1908,118-9.
[95] 'He possesses a marvellous skill in painting, and as a sculptor he brings to life even the heads of bronze or marble statues'. I follow Dick's edition (1969,23), where [*elegantiam*] is expunged. Willis puts within brackets the following [*pingendi*] as well (1983,15).
[96] The term *praestigium* is associated with magic only from Christian times, in sources explicitly against the wonders of magic, cf. TERT.*Apol.*23.1; 57.7; Lactant.*Div.inst.*2.14.10; 4.15.4; 5.3.11; Min.Fel.*Oct*.26.10; Arnob.*Nat.*1.43; Hieron.*Epist*.96.16.2; Rufin.*Hist*.4.7.9.
[97] Luc.*Gall.*28.
[98] Firm.Mat.*Math*.3.7.6; 3.7.19; 3.10.3; 3.12.6; 3.12.16.
[99] On Mercury's wand, cf. **10.5**.

Murmure nam magico tenues excire figuras

atque sepulcrales scite incantare favillas,

vita itidem spoliare alios ars noxia novit.

Although Prudentius' gloomy depiction of Mercury's power over the dead is influenced by anti-pagan intentions, the verb *traditur* at 1.90 suggests that he drew on an earlier tradition associating Mercury and goetic magic; then, to make his description eerier, Prudentius probably used a particularly ominous type of magic, namely that of Thessaly.[100] The following examination of various *defixiones* confirms the early existence of this tradition in real goetic practices. Hermes appears,[101] in fact, in curse-tablets from Attica, Boeotia, Euboea and Melos, invoked as Hermes[102] *χθόνιος*,[103] *καταχθόνιος*,[104] *κάτοχος*.[105] In various *devotiones* from Cyprus dated to the second and third century AD, Hermes *χθόνιος* is called upon,[106] often with other *χθόνιοι θεοί*,[107] and similarly in a third-century tablet from Alexandria.[108] But the god, in his chthonic function, is also addressed in a second-century curse-tablet from the amphitheatre of Carthage with the name of *Mercurius infernus*,[109] a source that brings us back to *Africa Proconsularis* in times not too far from those of the trial. This connection between Hermes-Mercury and goetic magic can also be detected by looking at the *Magical Papyri*, in which the chthonic Hermes is invoked.[110] Furthermore, in the *PGM* we also find Hermes' epithet 'thrice-great' (*τρισμέγιστος*),[111] and he is syncretistically assimilated to the Egyptian god Thoth.[112] This association between Thoth and

[100] On this literary *topos*, cf. **2.4**.
[101] For general remarks on Hermes-Mercury amongst the deities invoked in the *defixiones*, cf.Audollent,1904,LXI; Gager,1992,12.
[102] Other *defixiones* (such as Audollent,1904,86^{A},4; 85^{A},4) address Hermes without epithet.
[103] Audollent,1904,68^{B},5; 81^{A},1,7; 81^{B},1.
[104] Audollent,1904,74,2; 75^{A},3-4.
[105] Audollent,1904,39,6; 50,1,5,8,11; 67,4; 72,12-3 (spelt *κατούχιος*, cf. Audollent's discussion in p.101); 73,8.
[106] Audollent,1904,19,5.
[107] Audollent,1904,22.35-56; 4,20; 26,24-5; 29,23; 30,28-9; 31,22-3; 35,22-3; 37,22-23.The chthonic deities invoked are Hecate, Hermes, Pluto and the Erinyes similarly to *PGM* IV.1462-4.
[108] Audollent,1904,38,2,6,15-6,32.
[109] Audollent,1904,251,col.2,16-7. From the same location and time, cf. 246 which lacks an epithet, but the figure of the god with *petasos* and wand is drawn in the centre of the tablet (p.334).
[110] *PGM* III.47; IV.338 (*καταχθόνιος*); IV.1443,1463 (*χθόνιος*); IV.2325; IV.2605; IV.2995; V.172-212; V.213-303 (cf.Betz,1992^{2},106); V.399; V.438; VII.668; VII.919-24; VIII.1-63; XVIIb.1-23; XXXII.3; LI.15.
[111] Cf.*PGM* IV.886; VII.551 (*τρίσμεγας*); CXXII.1-4.On Apuleius' interests in Hermeticism, cf. Munstermann,1995,131-44;190-6. On Hermeticism in general, cf. Faivre,2010,25-7 followed by Martos,2015,104,n.321. For Hermeticism and magic, cf. Copenhaver,1992,xxxvi-xl;
[112] *PGM* IV.338-9;XII.145-6;LXVII.11.

Hermes-Mercury was already known to Cicero[113] and Diodorus Siculus,[114] but his relationship with magic is made explicit in a hymn to the moon in the Great Paris Papyrus, where Hermes-Trismegistus is associated with Thoth[115] and defined as *πάντων μάγων ἀρχηγέτης*.[116]

Mercury was, in sum, the perfect deity to call on for a *magus* intentioned to control the dead. Given that Apuleius' enemies knew that he had and worshipped a statuette of Mercury,[117] and given the close association of the god – as well as of ebony –[118] with goetic magic, they could use this statuette as evidence to back up their accusation by misrepresenting it as a chthonic effigy. In fact, to further aggravate Apuleius' situation, they described the statuette as an appalling skeletal figurine, which they called *larva* and *daemonium*.[119] The following analysis of the *Apologia* will provide us with further evidence corroborating, on the one hand, the hypothesis that the charge dealt with necromancy and, on the other hand, the fact that Apuleius attempted to conceal this point with subtle rhetorical techniques.

10.4. The Summary of the Charge and Apuleius' Reticence

The beginning of this section of the defence differs from the others: aware of the depositions validating his argument,[120] Apuleius neither lingers over a ludicrous caricature of his accusers, nor does he maintain that the imputation is feeble as he previously did:[121] he directly engages with the accusation by claiming that it was about *cuiusdam sigilli fabricatio*,[122] and that his opponents learned of it by reading Pudentilla's letter.[123] Hunink[124] and Pellecchi[125] interpret this as a reference to the *epistula Graeca* mentioned in 30.11 – which Apuleius discusses at 78.5-84 – but we know that there was at least one other incriminating letter, which he claims to have been forged by his prosecutors.[126] Regarding the content of this letter, Apuleius only says that it dealt with

[113] CIC.*N.D.*3.56, on which cf. Pease,1968,vol.II,1107-14.
[114] D.S.1.96.6.
[115] Cf. Betz,1992^2,79,n.285.
[116] *PGM* IV.2283-4.
[117] **10.1**.
[118] **10.5**.
[119] **10.6**.
[120] *Apol.*61.5-62.5.
[121] *Apol.*29.1; 42.1-2; 53.1; 57.1.
[122] For the value of *quodam* and *sigillum*, cf. below.
[123] *Apol.*61.1.
[124] Hunink,1997,vol.II,163.
[125] Pellecchi,2012,194-209.
[126] *Apol.*87.2-11, and my discussion in **11.4**.

blandishments addressed to Pudentilla,[127] but this does not exclude that it also contained other magical issues.[128]

After the reference to Pudentilla's letters, Apuleius summarises what he purports to be the accusation that he had a skeletal statue made of a special wood for his impious goetic rites: *quod me aiunt ad magica maleficia occulta fabrica ligno exquisitissimo comparasse et*, *cum sit <s>celeti*[129] *forma turpe et horribile*, *tamen impendio colere et Graeco vocabulo βασιλέα nuncupare*.[130] In this passage we can recognise two typical features of Apuleius' summing-up: vagueness and a derisive tone. The former is enhanced by the adjectival employment of the indefinite *quidam*[131] at 61.1. This indefinite is accompanied by *sigillum*, a diminutive of *signum*,[132] which Apuleius implements only to ridicule the allegedly skeletal statuette,[133] while the more elegant form *simulacrum*[134] is specifically used for the holy statuette.[135] Another comic feature can be detected in the superlative *exquisitissimus*[136] at 61.2, by means of which Apuleius ironically exaggerates his supposed eagerness to obtain ebony. These rhetorical expedients serve the twofold purpose of dampening the frightening tone of the allegation while increasing the elusiveness of its real content. Apuleius, in fact, besides once naming his supposed *magica maleficia*,[137] conceals any explicit information about the crime of necromancy; he will only betray himself when mockingly cursing Aemilianus at 64.1-2. This strategy mirrors that seen in the previous two rebuttals where he focuses uniquely on a specific aspect of the accusation which the

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[127] *Apol*.87.4.
[128] In reality, the letter mentioned here could as well be another one that Apuleius willingly omits in his speech; in **11.4** I shall evaluate the possibility that his opponents provided the magistrates with a much heftier corpus of letters than what emerges from the speech.
[129] On this term, cf. the discussion of 63.5 below.
[130] *Apol*.61.2.
[131] Cf. Kühner,vol.I,621; Leumann, Hofmann,1928,484.
[132] *OLD*,1968-82,s.v.*signum*,1760; Ernout, Meillet,2001=1985[4],s.v.*signum*,624-5. The expression *signum magiae* (63.2) has to be intended as a witty cross-reference to the *sigillum* at 61.1.
[133] *Apol*.61.1; 61.4, although at 62.2 *sigillum* describes the holy statuette of Mercury, accompanied however by the ennobling adjective *perfectum*. Cf. also Hunink,1997,vol.II,163, who argues that *sigillum* here indicates a statuette, not a seal, as proposed by Birley,1968,634.
[134] Unlike *sigillum*, *simulacrum* is very often used in poetry, e.g. LUCR.1.123; 1.1060; 2.24; 2.41; 2.112; 2.324; 3.433; 4.30; 4.35; 4.50; 4.99; 4.176; 4.191; VERG.*G*.1.477; 4.472; *A*.2.172; 2.232; 2.517; 2.772; SIL.3.30; 7.119; 2.231; 13.42; 13.650; 16.528; 17.282; 17.584; Ov.*Met*.2.194; 3.432; 3.668; 4.404; 4.435; 4.780; 5.211; 7.358; SEN.*Her.F*.1145; *Oed*.175; *Thy*.676; STAT.*Ach*.2.140; *Silv*.3.1.153; *Theb*.8.341; 8.624; 9.582; 10.100; 12.450.
[135] *Apol*.61.6 (note the paronomasia: *simul* […] *simulacrum*); 63.3; 63.6; 63.9; 65.1.
[136] A parallel of this use of *exquisitissimus* in SUET.*Cal*.38.1. For the comic use of superlatives in Latin, cf. Hofmann,1951[3],90-102 and Petersmann,1977,111,n.75; cf. also Nicolini,2011,44-5,n.101, who discusses the comic value of *postremissumis* in *Apol*.98.6.
[137] *Apol*.61.2.

prosecution used to corroborate the whole charge, namely the mysterious objects in the *Lararium*, and the nocturnal sacrifices.[138] Given the *communis opinio* regarding the necromantic skills of the *magi*, a flat denial of it – similar to that which Apuleius develops at 30.4-31.9 with regard to the use of fish in love-magic – would have been at best counterproductive.[139] Reticence was by far the easier and safer way to follow, enabling him to elude the dangerous legal implication of necromancy, condemned under the *Lex Cornelia de sicariis et veneficiis*.[140]

In his summary, Apuleius lays stress on four points that allow him to corroborate his claim that his enemies – as he repeats –[141] lied when saying that:

1. the ghoulish statuette was secretly commissioned by Apuleius (61.4-62.5);
2. it had the horrifying aspect of a corpse (63.1-9);
3. it was addressed as *βασιλεύς* (64.4-8);
4. it was made of ebony (61.7), a wood that Apuleius eagerly sought in Oea (62.5).

I shall delve into the next part of the defence, showing the dangerous goetic features of these four points which his attackers brought forward.

10.5. The Use of Ebony in Goetic Magic

Soon after the summary, Apuleius rephrases the deposition of Cornelius Saturninus, the *artifex* of his statuette previously interrogated by Maximus,[142] and explains that he commissioned the carpenter *aliquod simulacrum cuiuscumque vellet dei*[143] to be made of any type of wood. What happened next – explains Apuleius – is that he went to the countryside[144] and Pontianus, willing to bestow a gift on his step-father and friend, obtained from Capitolina a box made of large ebony boards,[145] which he brought to Saturninus and ordered to shape as a little statuette of Mercury (*Mercuriolus*).[146] This testimony would already suffice to support the innocence of Apuleius, who

[138] Chapter 8.
[139] The idea that sea creatures and fish are used in magical rituals is less widely spread (**5.2**) than the belief concerning magical necromancy (**10.7**).
[140] **10.7**.
[141] Cf. *Apol*.61.3 (*calumnia*); 62.5 (*commentior*); 62.3; 63.1; 63.5 (*mendacium*).
[142] *Apol*.61.5.
[143] *Apol*.61.6. The adjectival employment of the indefinites *aliquis* and *quicumque* underscores Apuleius' innocence as to the choice of the deity to sculpt.
[144] *Apol*.61.7; 62.5.
[145] Cf. also Hunink,1997,vol.II,165.
[146] *Apol*.61.8. Here the value of the diminutive is not comic but hypocoristic; cf. Hofmann,1951^3,139-41.

neither secretly commissioned a specific statuette of Mercury,[147] nor sought ebony *toto oppido et quidem oppido*;[148] but he goes even further, adding the testimony of the son of Capitolina[149] that confirms Saturninus' version of the facts.[150]

Both the depositions of Saturninus and Capitolina's son seem to unequivocally validate Apuleius' defence, freeing him from the guilt of having secretly commissioned a skeletal statuette made of ebony. Yet it is worth expanding on the frightening insinuations that his enemies hoped to raise, starting with occultness and ebony. Since the idea that evil magical rites require secrecy has been the object of our previous discussion,[151] I shall directly analyse the use of ebony in magic and its connection with the chthonic realm. That the prosecution emphasised Apuleius' alleged interest in obtaining ebony at all costs[152] is due to the fact that this wood had a particular relevance to magical practices: in a *formula* from the *PGM*, the wand of a practitioner summoning Apollo has to be made out of ebony (*ἐβέννινη ῥάβδος*).[153] This information bears striking comparison with the literary description of Nectanebos,[154] Egyptian priest-king and *μάγος*,[155] in the older *recensio* of the *Βίος 'Αλεξάνδρου Μακεδόνος*, since he uses an *ἐβέννινη ῥάβδος* to adjure the god Ammon and various spirits.[156] The idea that rods are magical tools can be again explained in view of the magical interpretation of Homer: Circe – who, in Apuleius' time, was regarded as the conventional *maga* together with Medea –[157] performs her noxious practices on Odysseus and his companions with her wand.[158] Hermes had the power to lead the flock of ghosts by means of his *ῥάβδος* made of gold.[159]

To return to ebony in magic, the most interesting evidence is the love-spell attributed to the *μάγος* Astrapsoukos[160] where Hermes is invoked, and it is specified that *τὸ ἐβεννίνου* is his

[147] *Apol*.61.4; 62.4.
[148] *Apol*.61.5.
[149] We have already discussed that women were barred from public and civil offices, including lawsuits (**1.4**); this explains why Capitolina's son and not Capitolina herself had to testify on behalf of his mother.
[150] *Apol*.62.1-2.
[151] Cf. my remarks on *Apol*.47.3 and 42.3 in **7.4**.
[152] *Apol*.62.5.
[153] *PGM*.I.279; I.336.
[154] On this figure, cf. Stoneman, Gargiulo,2007,469-70.
[155] At the beginning of the story, it is explained that Nectanebos *τῇ μαγικῇ δυνάμει πάντων περιγενέσθαι* (1.2). I refer to the edition by Stoneman and Gargiulo (2007).
[156] *Hist.Alex.magn*.1.3.
[157] On these figures and on their retrospective magical interpretation, cf. **5.4**, **5.5**.
[158] Hom.*Od*.10.238; 10.293; 10.319.
[159] Hom.*Od*.24.2-5.
[160] D.L.1.2, and Betz,1992^2,145,n.1.

sacred wood.[161] The choice of ebony for a statuette of Mercury would have, therefore, appeared quite suspicious, given the clear association between the wood and the god in magical sources. Prudentius, in his *Liber cathemerinon*, considers ebony metonymically as a symbol of evil,[162] perhaps because of the implementation of dark-coloured paraphernalia in both chthonic[163] and goetic contexts.[164] Additional evidence for the magical character of ebony can also be glimpsed in the name of the *lapis exebenus*,[165] a formidable magical stone – according to a treatise attributed to Zoroaster – used to polish gold,[166] heal stomachs, bladders, or fatigue in general and the insane; it was also an aphrodisiac and, if worn as a phylactery, was believed to protect women during their pregnancy.[167] Therefore, the possession of an ebony statuette of Mercury was inevitably bound to raise suspicions, since this wood was a specific tool of goetic rites, explicitly associated with the deity in sources dealing with magic. In the light of this discussion, the argument of the accusers becomes far from being inconspicuous, while Apuleius' self-admitted worship of the *simulacrum*[168] might appear, in turn, quite risky.

10.6. Skeletons and Daemons in Magic

Apuleius continues his defence by striking at his enemies' claim that the ebony statuette was shaped as a *sceletus*[169] and *macilenta vel omnino eviscerata forma diri cadaveris fabricata*.[170] He also reports that they depicted it as *horribilis et larvalis*,[171] described it as a *larva*[172] and a *daemonium*.[173] Before looking at the relationship between these terms and magic, I shall briefly focus on how Apuleius structures his counterargument. Firstly, he objects that his enemies did

[161] *PGM* VIII.1-63 and 13 in particular; cf. also Abt,1908,228.
[162] Prud.*Cath*.2.69-72. Cf. *ThLL*,vol.V.2,s.v.*ebenus*,col.4.
[163] Cf. Halm-Tisserant,2006,9-28.
[164] In the *PGM*, black paraphernalia are often required (IV.2304; VII.227; VII.452; VIII.66-7; XX.12-3), and are often prescribed in rites involving the dead (I.58-9; IV.176). Cf. also the aforementioned *ἐβέννινη ῥάβδος* at I.279; I.336 and the *ἐβέννινος ἄρριχος* at III.617. A black sacrificial victim – following a chthonic tradition that dates back at least to Hom.*Od*.11.32-3 – is required in *PGM* IV.1440 to control a soul for a love-spell.
[165] One might wonder about the etymological connection with ebony since the colour of this stone was thought to be white; cf. PLIN.*Nat*.37.159; Damig.*Lapid*.8; ISID.*Orig*.16.10.11.
[166] PLIN.*Nat*.37.159; ISID.*Orig*.16.10.11.
[167] Damig.*Lapid*.8. Zoroaster's passage in Pliny and Isidore (cf. n.165) is abridged, whereas the *Lapidarius* provides a longer quotation; cf. Halleux, Schamp,1985,244,n.1.
[168] *Apol*.63.3.
[169] *Apol*.61.2; 63.5; 63.6; 63.9.
[170] This expression stands comparison with that used in APUL.*Met*.1.6.1 (*ad miseram maciem deformatus*) to describe Socrates' ghost-like aspect once cursed by the Thessalian *saga* Meroe. For *larvalis* in *Met*.1.6.3, cf. below.
[171] *Apol*.63.1.
[172] *Apol*.63.6; 63.9.
[173] *Apol*.63.9: *hiccine est sceletus, haeccine est larva, hoccine est quod appellitabatis daemonium*?

not ask him to produce the statuette in court to have more room for their falsehood;[174] then, with a *coup de théâtre*, he commands the bringing in to the courtroom of Sabratha the real ebony statuette given to him by Pontianus, and praises its beauty by means of an ekphrastic showcase addressed to Claudius Maximus.[175]

As explained before,[176] the prosecution probably distorted the description of the ebony statuette giving it a more frightful appearance. But why did they choose the symbolism of the skeleton? To satisfactorily answer this question, we need to explore the imagery of skeletal figures and their relation with magic. Although no literary and archaeological evidence proves the existence of a skeletal statuette of Mercury, the choice of the *sceletus*[177] was bound to raise concerns: Katherine Dunbabin[178] explains that such statuettes symbolised the dead and were already widespread in pre-Ptolemaic Egypt.[179] From the Hellenistic age onwards, skeletal statues, often with articulated joints like the *larva argentea* in the *Satyrica*,[180] were employed in symposia to recall the brevity of life to the banqueters.[181] In our case, however, Apuleius is being accused of worshipping (*colere*)[182] a ghastly effigy, and this would have easily led to the suspicion of necromancy as the goetic employment of skeletal figures is clearly observable from the *Magical Papyri*:[183] in *PGM* III.66-71, where we are given the instructions for the preparation of a lamella to be put through the earholes of a dead cat, two *σκελετοί* – one on the right, the other on the left – need to be drawn as they are represented in the papyrus.[184] Likewise, at the end of IX.1-14, a skeletal figure is drawn; in both cases, the skeletons appear subdued by the mighty daemon

[174] 63.2. Apuleius employs the same juridical language (*cur mihi ut exhiberem non denuntiastis*?) that he used when referring to his enemies' insistence to take Thallus and his fellow slaves to court (e.g. 44.2: *conservi eius plerique adsunt*, *quos exhiberi denuntiastis*). The parallel is not favourable to Apuleius, since Thallus did not attend the trial.
[175] *Apol*.63.6-8.The description presents similarities with that in APUL.*Met.*10.30.3-5; cf. Hunink,1997,vol.II,167,n.2 and Zimmerman,2000,370-1, who indicates a comparison with *LIMC*,s.v.Hermes,946; 953. Martos,2015,104,n.321 says that Thanatos could also be represented as a winged man (*LIMC*,s.v.Thanatos,904-8; *Suppl*.2009,473).
[176] **10.1**.
[177] Also from a terminological viewpoint, this transliteration of the Greek *σκελετός*, was probably adopted by the prosecutors to enhance the suspicions towards Apuleius by means of a foreign-sounding word.
[178] Dunbabin,1986,208-12, to whom Pellecchi,2012,198 refers.
[179] E.g. Hdt.2.78.
[180] PETR.34.8-10.
[181] Dunbabin,1986,196-208; 215-37, with a rich discussion of archaeological finds.
[182] *Apol*.61.2.
[183] Cf. Abt,1908,223-4; Faraone,2005,255-82 on *PGM* IV.1928-2144, and especially Dunbabin,1986,248-51, who also acknowledges gems engraved with skeletons, which might have been used as phylactery (p.249-50). Abt,1915,156 hypothesises that the *sigillum* might have been an engraved skeleton used as an amulet. On phylacteries, cf. my discussion of 26.9 in **4.3**, n.114.
[184] Cf. Betz,1992^2,20 as Preisendanz does neither print the images nor the caption in his edition.

addressed in the spell.[185] At IV.2128-9, a ring to restrain speaking skulls must be engraved with different figures, amongst which there is a skeleton. Furthermore, parts of human skeletons were implemented in goetic practices: in *PGM* IV.1872-1927, a piece of a skull is required[186] to perform a love-spell adjuring Cerberus by the dead (*νεκροί*) and the violently dead (*βιαίως τεθνηκότες*),[187] while at IV.1928-2139 we find human skulls (*σκηνοῖ* or *σκύφοι*) used for necromancy.[188] By drawing on these macabre practices and imagery, the prosecution could have easily misrepresented Apuleius' statue as an effigy for necromancy.

In addition to this skeletal description of the statuette, to define it as an atrocious *larva* and *daemonium*, would have been even more appalling for the audience, given the tightly-knit connections between these chthonic beings and goetic magic. From a terminological viewpoint, it has to be observed that the accusers' choice of *larva* and *daemonium* – as well as that of *σκελετός-sceletus* – is indeed an apt one since they were semantically associated to indicate a noxious class of ghosts.[189] As to *daemonium*, this is a Latinised rendering of the Greek *τὸ δαιμόνιον* which Apuleius earlier employs to indicate Socrates' daemon.[190] Here at 63.6 the term has, however, a negative connotation as it is used as a synonym of *larva* to indicate a baneful spirit.[191] An ambiguous connotation of *τὸ δαιμόνιον* can probably be observed already in Plato's *Symposium* where this is put in connection with *γοητεία*;[192] the Latinised term is mostly employed by Christian authors who consider all the traditional deities as *daemonia*.[193] It is in non-Christian sources that we find it connected with the *magicae artes*: besides this passage of the *Apologia*, in the *Lapidarium* attributed to Damigeron-Evax it is said that the coral stone, if kept at home,

[185] Cf. Dunbabin,1986,249.
[186] *PGM* IV.1880-1.
[187] IV.1908-9. Cf. also n.241.
[188] IV.1924; IV.1946; IV.1965; IV.1991; IV.2003; IV.2119; IV.2122; IV.2134. For accurate terminological remarks, cf. Faraone,2005,278-81.
[189] *Larva* is a synonym of *δαιμόνιον*; cf. *CGL*,v.II,121; and in the *Glossae Graeco-Latinae* under the entry *Σκελετός* we find: *larva*, *sceletus*, cf. *CGL*,v.II,432.
[190] *Apol*.27.3 in **4.6**.
[191] The entry *daemonium* in the *ThLL*,vol.V.1,s.v.*daemonium*,col.6, in which the occurrence at 63.6 is considered as a reference to Socrates' daemon as it is in 27.3, is wrong.
[192] Cf. Pl.*Symp*.202e-203a (**7.3**). For *δαιμόνιον* in magical contexts, cf. also *PGM* I.115; IV.86; V.120; V.164; V.169-70; XII.281-2. Cf. also *Apol*.43.2.
[193] E.g. Tert.*Idol*.20.4 and August.*C.D.*9.19. In the same passage, Augustine also explains that to congratulate someone by saying: '*daemonem habes*' is indeed a wrong expression since *non se aliter accipi quam maledicere voluisse dubitare non possit*. The following *larvans* ('being possessed by a ghost') at *Apol*.63.9 is used by Apuleius as a threat against his enemies.

protects *ab omni maleficio et umbris daemoniorum*;[194] on the contrary, the stone *epignathion* provokes the apparition of *terribilia daemonia* even in daytime.[195] Additional significant evidence comes from a *defixio* from Carthage's arena dated to the second century AD, thus geographically and chronologically close to Apuleius' trial: here the *reges demoniorum*[196] – and shortly afterwards *Mercurius infernus* himself –[197] are conjured up against seven *venatores*.

Larva was, however, by far the most common form to indicate evil ghosts:[198] in the *De deo Socratis* Apuleius underlines the negative character of the *larvae*, which are the souls of the *mali homines*.[199] In the *Metamorphoses* the noxiousness of the *larvae* is used at 6.30.1 as a warning against travelling by night when spectres hover;[200] but the most interesting evidence is in 9.29.3: a *saga* is hired by a depraved wife to be reconciled with her husband or, if that was impossible, to murder him with a spectre (*mitigato conciliari marito vel*, *si id nequiverit*, *certe larva vel aliquo diro numine immisso violenter eius expugnari spiritum*). Such is the same function that the *larvae* fulfil in some *defixionum tabellae*[201] and this makes it possible to connect this word with the frightful Greek term *νεκυδαίμων*,[202] by means of which the dead are generally described in the *PGM*[203] as well as in various Carthaginian curse-tablets.[204] The prosecution also used the adjective *larvalis*[205] to generate further dismay in court. Apuleius is so aware of the negative connotation of *larvalis* that he implements it in the *Metamorphoses*: at 11.2.2 *larvalis* is used to enhance the virtues of Isis, who represses the thrusts of the noxious ghosts from the netherworld (*seu nocturnis ululatibus horrenda Proserpina, triformi facie larvales impetus comprimens*). In Aristomenes' tale, the connection between *larvalis* and magic is more evident: Socrates' appearance is described as *larvalis* since he has been transformed into a living ghost by

[194] Damig.*Lapid*.7.9.
[195] Damig.*Lapid*.56.1.
[196] Audollent,1904,251,col.2,10-1. On the epithet 'king', cf. **10.8**.
[197] Audollent,1904,251,col.2,16-7. Cf. n.109 and **10.3**.
[198] Cf. also the extensive discussion in Hijmans eds.,1995,253-4.
[199] APUL.*Soc*.15. Cf. Beaujeu,1973,235-6
[200] In the analogous passage in Ps.-Luc.*Asin*.24, the term *larvae* is rendered with *τὰ δαιμόνια*. This is further evidence of the semantic connection between the two terms to indicate a maleficent spectre.
[201] *CIL* 13.7555.2; cf. **10.7**.
[202] For this interpretation, cf. Hijmans eds.,1995,253.
[203] *PGM* IV.361-406; IV.2026; IV.2054; V.333; VII.1006-9; XII.490; XVI.1-75; XIXa.15; LI.1-27.
[204] Audollent,1904,234,1; 235,1; 237.1; 239,1; 240,1; 242,1; 249[A],col.1,1 although the first part of the word is missing.
[205] *Apol*.63.1.

the evil *sagae* Meroe and Panthia.[206] In conclusion, the prosecutors' use of terms such as *sceletus*, *daemonium*, *larva* and *larvalis* to besmirch Apuleius' statuette would have aroused much fear amongst the people in the courtroom of Sabratha.

The accusation against him was terribly serious, and this partly explains his bitter counterattack: after claiming his accusers' deceit,[207] he batters his foes by subtly using the same terminology with which they condemned his presumed necromantic skills. He says that whoever considers his handsome and sacred *simulacrum* of Mercury as a *larva*, then has to be possessed by an evil ghost (*larvans*).[208] This use of *larvans* is similar to that in *Met.*9.31.1, where we find the past participle *larvatus* to indicate the possession by a ghost in a context permeated by goetic undertones;[209] this has induced other scholars to hypothesise that the correct reading at *Apol*.63.9 was *larvatus*, not the transmitted *larvans*.[210] The choice of *larvatus* in the *Metamorphoses* may be dictated by stylistic reasons: *larvatus* was a Plautine coinage,[211] and this would comply with the *sermo Plautinus* employed in the text.[212] I am inclined to believe that there is no need to replace *larvans* with *larvatus*: the more select *larvatus* could have anticipated the fact that the curse was a display of linguistic elegance; but as in the case of the provoking threats at 26.6-9,[213] 38.8,[214] and 90.6,[215] we find no element foreshadowing Apuleius' witty intentions.[216] His goal is,

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[206] APUL.*Met.*1.6.3. Cf. Keulen,2007,169; May,2013,123-4.
[207] *Apol*.63.1-8.
[208] *Apol*.63.9. This is the reading in **F** (fol.118r,col.1,l.13), which is printed by Helm,1905=1955[3],72; Vallette,1924,77; Hunink,1997,vol.I,80; vol.II,168-7. Hunink,1997,vol.II,168-9 prefers the active interpretation of the participle *larvans* in the commentary, but in his translation (2001,86) adopts the passive interpretation 'haunted himself (*sc.* a ghost)', while Graverini, 2007, 214 proposes an active interpretation of *larvans* ('evocatore di spettri'). The active and passive values of the present participle are rather fluctuating in Latin (cf. Ernout,Thomas,1989,274). An Apuleian parallel for the usage of the present participle with a passive meaning in *Met*.3.17.4: *infelicium* [*n*]*avium durantibus damnis* translated by Nicolini,2005,235: 'remains which are now almost dried' ('*resti ormai quasi secchi*'). Cf. also Costantini forthcoming in *Mnemosyne*. We can, therefore, conserve the transmitted reading *larvans* and safely translate it with a passive connotation, as Vallette does ('*c'est être soi le jouet des spectres infernaux*'). Frassinetti,1991,1206 proposes *larvalis* which, in the light of these remarks, is equally impractical. Thanks to Francesca Piccioni for sharing with me her interpretation of this reading.
[209] Cf. the allusions to *maleficium* in APUL.*Met.*9.29.2; 9.31.1. For *maleficus*, *maleficium* and goetic magic, cf. **2.3**, n.89.
[210] Butler, Owen,1914,128 propose *larvatus* by stressing the importance of the passive meaning ('being haunted by ghosts') and comparing the passage with APUL.*Met.*9.31.1. The emendation is defended by McCreight,1991,453-6, and Francesca Piccioni, the editor of the forthcoming edition of the *Apologia* for *OUP*, has informed me that she intends to print *larvatus*.
[211] Cf. PL.*Men.*890; *Am.*frg.1; frg.6. Cf. Hijmans eds.,1995,267; Nicolini,2011,42. The Plautine 'paternity' of *larvatus* is also acknowledged by Festus (Paul.Fest.s.v.*larvati*,119M); Servius (Serv.*Aen*.6.229); Nonius (Non.s.v.*cerriti et larvati*, ed.Lindsay,1913,vol.I,64,20-5), in which we read PL.*Am.*frg.6.
[212] Cf. Callebat,1968,473-545 and p.474 in particular; May,2006,39; Pasetti,2007,7-10.
[213] **4.3**.
[214] **6.4**.
[215] **11.5**.
[216] Furthermore, the fact that in all these cases the victims of the threat suffer passively from it would confirm the passive interpretation of *larvans* as 'possessed by a ghost'.

in fact, to surprise his audience: on the one hand, the cultivated people and the judge would have further appreciated Apuleius' learned witticism; on the other hand, this would have enabled him to provoke his enemies and trigger their uproar, which the judge might have viewed contemptuously and considered as a sign of their rusticity.[217] Thus, in order to maximise the impact of his pseudo-curse at *Apol*.64.1-2, Apuleius would have aptly employed *larvans*. Now it is the time to examine Apuleius' mock-invocation to the dead.

10.7. Apuleius 'Conjuring' the Dead

From the previous part of the discussion it has become more and more evident that the sixth Primary Charge dealt specifically with Apuleius' ability to summon and coerce the dead. Bearing this reconstruction in mind, it becomes possible to fully understand the reason why at 64.1-2 Apuleius – almost fulfilling goetic role ascribed to him – mocks a curse and asks Mercury to send all the ghosts of the underworld against Aemilianus.

Previous scholars did not understand the meaning and the rhetorical function of this passage. Hunink argues that Apuleius utters a serious curse to frighten his foes;[218] but this interpretation implies that Apuleius had openly displayed his magical expertise, and – by doing so – he would have made a dangerous forensic blunder which could have opened up controversial consequences.[219] This has induced Harrison to consider the passage as a later addition, made while Apuleius was rewriting the speech after his acquittal.[220] However, to 'expunge' the curse from the delivered speech does not help us understand why Apuleius would have added this curse, and what the function of this seemingly anomalous part of the defence would have been. McCreight[221] and independently Gaide[222] argue for an amusing interpretation of this curse, by saying that the long list of infernal daemons invoked would have appeared ludicrous. This assumption is, in reality, inexact, since – as I discuss below – amongst the fundamental features of magical curses, we find long and elaborated lists of supernatural agents invoked. More recently, rhetorical

[217] *Apol*.90.6-91.2 discussed in **11.5**.
[218] Hunink,1997,vol.II,169.
[219] The utterance of a curse is an offence prosecuted by the *Lex Cornelia de sicariis et veneficiis* (Paulus *Sent*.5.23.15).
[220] Harrison,2000,75,n.93.
[221] McCreight,1991,255-6.
[222] Gaide,1993,230.

explanations of the passage have been attempted: Hertz[223] – followed by Martos –[224] argues that Apuleius curses Aemilianus to play with the goetic powers attributed to him: in doing so, Apuleius would have adopted the argument of reverse probability by Corax.[225] Sans criticises Hertz's explanation since Apuleius' strategy would be still risky and unprofitable,[226] and interprets the 'curse' as an attempt by Apuleius to employ Aristotle's modes of persuasion.[227] Nevertheless, Sans' hypothesis, too, does not clarify the reason why Apuleius showcased his magical knowledge.

I will demonstrate that the 'curse' at *Apol*.64.1-2 complies with the other provocative arguments, such as those in 26.6-9, 38.8, and 90.6. In this case, we have a pseudo-curse which closely resembles those uttered by goetic practitioners; in order to temper the harmful aspect of this curse, he does not insert any *voces magicae*, by which means the *magi* compelled the supernatural agents to fulfil their bidding. Apuleius adds, instead, three neologisms to indicate daemonic beings which – as we shall see – were meant to 'tickle the ears' of the cultivated audience. Given the relevance of this passage, I quote it below:

At tibi, *Aemiliane*, *pro isto mendacio duit deus iste superum et inferum commeator* (*sc*. *Mercurius*) *utrorumque deorum malam gratiam semperque obvias species mortuorum*, *quidquid umbrarum est usquam*, *quidquid lemurum*, *quidquid manium*, *quidquid larvarum*, *oc*[*c*]*ulis tuis oggerat*, *omnia noctium occursacula*, *omnia bustorum formidamina*, *omnia sepulcrorum terriculamenta*, *a quibus tamen aevo et merito haud longe abes*[*t*].

The passage is examined by Abt, who dwells on the similarities between Apuleius' invocation and those to various chthonic deities, amongst whom is found Hermes, in *PGM* IV.1390-495.[228] He suggests to compare the curse with the *devotiones*, and with that uttered by the boy in Horace's *Epode* 5.89-102.[229] In order to put Abt's hypothesis on a firmer basis and

[223] Hertz,2010,105-18.
[224] Martos,2015,108,n.335.
[225] Arist.*Rh*.1402a 17-26: the argument consists in making the weaker point seem the better cause, this is to first persuade the audience into believing that, even though someone could perform a certain action (e.g. Apuleius could practice magic), this action is unlikely to have happened.
[226] Sans,2014,5.
[227] Sans,2014,5-9.
[228] Abt,1908,229-30.
[229] Abt,1908,231.

clarify the extent to which Apuleius' curse conforms to the format of the real goetic curses and with its possible literary models, a more systematic examination is required. Let us begin this time with the real goetic evidence. From a close inspection of various African *defixiones*[230] and spells in the *PGM* that were meant to harm or bend the victims' will to that of the practitioner,[231] it is possible to detect four principal parts in a curse:[232]

1. the invocation to the supernatural agents, addressed with epithets;
2. the name of the victims,[233] often accompanied by a reference to their kin;
3. the type of service that the supernatural agents are required to carry out;
4. the *nomina magica* by means of which the supernatural agents are compelled.[234]

As in the real curses, Apuleius indicates the name of the victim, which he puts at the very beginning,[235] then calls on the supernatural agent by addressing Mercury[236] as the intermediary with the celestial deities (*superum commeator*),[237] and as a chthonic god (*et inferum*) to assist Apuleius against his foe. In some cases, the supernatural agents invoked in the curses do not carry out the goetic act but are asked to compel a lesser class of daemons to accomplish it,[238] and this is precisely what happens in this passage of the *Apologia* where Mercury is asked to unleash upon Aemilianus every harmful ghost. Apuleius mentions then traditional evil spirits such as the aforementioned *larvae*, the *umbrae*, the *manes*, and the much-feared *lemures*.[239] Likewise, in the

[230] Cf. Audollent,1904,220; 228; 230; 233-5; 237-42; 247-52; 266; 268; 270-1; 286[B]; 290[B]; 291[B]; 292[B]; 293-5.
[231] E.g. *PGM* IV.296-466; IV.1390-495; IV.1496-595; IV.1716-870; IV.2441-497; IV.2708-84; IV.2891-942; IV.2943-66; VII.300a-10; VII.974-6; VII.394-404; VII.405-6; VII.459-66; VII.593-619; VII.652-60; VII.925-68; XII.365-400; XVIIa.1-25; XXXVI.1-101; XXXVI.134-60; XL.1-18; LI.1-27; LVIII.1-14; LXI.39-71.
[232] I have used as a reference for my partition that by Graf in Faraone, Obbink eds.,1991,188-97, from which mine differs since, whilst Graf focuses on prayer, I specifically focus on curses.
[233] We do not find these in the *PGM*, since they were meant to provide the practitioners with general recipes applicable to different cases.
[234] On this, cf. **6.4**.
[235] *Apol*.64.1.
[236] The god is also addressed in: *PGM* IV.2324; V.172-90; V.399; VII.668; VIII.2-21; VIII.27-30; XVIIb.1. For the epithets of Hermes-Mercury, cf. **10.3**.
[237] The expression *iste superum et inferum commeator* reoccurs in APUL.*Met*.11.11.1 (*ille superum commeator et inferum*) to describe Anubis; cf. Griffiths,1975,216; Hunink,1997,vol.II,169 and especially Keulen *et al*. eds.,2015,238. A similar *nomen agentis* at 31.9 (*vector*). On this expression, cf. also Dowden,1994,427, who draws on this parallel to suggest that Apuleius employed it first in the *Metamorphoses*. Graverini,2007,213 criticises Dowden's hypothesis and argues for a possible reference to HOR.*Carm*.1.10.19-20, where Mercury is called *superis deorum* / *gratus et imis*.
[238] E.g. *PGM* IV.335-406; IV.3007-86. Cf. also III.6-71; IX.1-14 discussed in **10.6**.
[239] These terms are found in association with goetic magic in literary sources: to give some examples, for *umbrae*, cf. PROP.4.1b.106; LUC.6.767; [QUINT.] *Decl*.10.2; for *manes*, cf. HOR.*Epod*.5.94; TIB.1.2.45-8; SEN.*Med*.10; APUL.*Met*.1.8.4; 3.15.7; for *lemures*, cf. HOR.*Ep*.2.2.209. Cf. also APUL.*Soc*.15 in which *larvae*, *manes*, and *lemures* are put in a demonological hierarchy; this passage, however, does not concern magic but Apuleius' Platonic views.

Magical Papyri the chthonic beings are often designated with more than one name in order to comprise and coerce them all with the spell: in *PGM* V.163-70, for example, *πάντα τὰ δαιμόνια* are invoked with various attributes (*οὐράνιος καὶ αἰθέριος καὶ ἐπίγειος καὶ ὑπόγειος καὶ χερσαῖος καὶ ἔνυδρος*) to ensure that they all would subject to the practitioner. At IV.342-5 the infernal deity invoked is asked to control every ghost, *ἀώροις τε καὶ ἀώραις*,[240] *μέλλαξί τε καὶ παρθένοις*; and similarly at IV.1420-1 the *ἀώροι*[241] are also called *ἥρωες ἀτυχεῖς* and *ἡρωίδες τε δυστυχεῖς*. So far we have highlighted three analogies between Apuleius' curse and those in the *defixiones* and the *PGM*: they all address supernatural agents with epithets, indicate the victim's name, and the type of performance required. What is, however, missing in Apuleius' case are the *voces magicae* – with which Apuleius is well-acquainted – compelling the agents to obey the practitioner.[242]

The employment of the archaic and solemn optative *duit*[243] gives the utterance a tone of seriousness which perfectly fits with following part of the mock-curse in *Apol*.64.2. Apuleius does not utter a real curse:[244] he omits the *nomina magica* and inserts, instead, three sophisticated *cola*: *omnia noctium occursacula*,[245] *omnia bustorum formidamina*, *omnia sepulcrorum terriculamenta*.[246] Each of these expressions, which indicate the ghosts who will haunt Aemilianus, include elegant neologisms such as *occursaculum*, *formidaminum*, and *terriculamentum*,[247] complying with the archaising fashion of Apuleius' time.[248] These

[240] This class of daemons and its connection with magic is well-known in the Greco-Roman world, cf. Tert.*Anim*.57.1 and the remarks by Waszink,1947,574-5. More recently, Johnston,1999,111-23; Ogden,2001,219-30.
[241] *PGM* IV.1401.
[242] *Apol*.38.7-8, in **6.4**.
[243] *Apol*.64.1, cf. the remarks by Butler, Owen,1914,128; Hunink,1997,vol.II,169; and particularly Martos,2015,108,n.333.
[244] By doing so, Apuleius would have proved himself the goetic *magus* he was alleged to be.
[245] Butler, Owen,1914,128 – followed by Mattiacci,1986,167,n.31 and Hunink,1997,vol.II,170 – reports that Oudendorp compared the expression with HOR.*Epod*.5.92 (*nocturnus occuram furor*, on which cf. Watson,2003,246); however, I could not find this information *ad locum* neither in Oudendorp's commentary (1823,535), nor in the updated commentary by Hildebrand,1842,vol.II,572.
[246] I translate these neologisms as: 'the sudden coming of a spectre', 'a frightening apparition ', and 'a terrifying spirit'.
[247] On the elegant tone of Apuleius' neologisms ending in *-men* and *-mentum* in the *Florida*, cf. Ferrari,1968,112-7; in the *Metamorphoses*, cf. Gargantini,1963,33-43. On the neologisms in *-aculum* in Apuleius' prose cf. again Ferrari,1968,122-6. General remarks on these three words in Butler, Owen,1914,128-9. Hunink,1997,vol.II,170 and Martos,2015,108,n.335 follow Facchini Tosi,1986,127, who argues for the presence of a rhythm resembling a curse.
[248] Cf. Harrison,2000,87-8; May,2006,27-43. The less educated audience might have considered the neologisms as comical, and this would have also deflated any threateing subtext. In APUL.*Met*.4.7.2, we find the expression *busti cadaver* as a gloomy insult which the robbers employ to threaten an old lady and make her cook their dinner. Cf. also the commentary by Hijmans *et al*.1977,64-5, in which the connection with *Apol*.64.2 has not been detected. I would like to thank Regine May for indicating this passage to me.

neologisms would have reminded the learned audience – Claudius Maximus in particular – that a refined rhetorician such as Apuleius could never have been involved in loathsome, criminal practices. According to this reasoning, the idea that Apuleius performed magic must be attributed to his ignorant accusers, unable to distinguish his oratorical finesse from a real curse, in the same way in which they could not understand the true and higher nature of other provocative arguments, such as the subtle threat at 26.6-9, which is a showcase of Apuleius' syllogistic superiority;[249] the mock-*voces magicae* at 38.7-8, which is nothing but a list of animals;[250] and the six names of *magi* dropped at 90.6, a display of erudition, not of goetic knowledge.[251] As discussed, these arguments rest on a Platonising reasoning, dividing the righteous philosopher Apuleius from his base attackers, and represent a fundamental part of the defence: such arguments serve to pillory the ignorant accusers and to influence the court and the judge against them. Furthermore, Harrison[252] explains that, in the case of *Apol*.64.1-2, Apuleius could also rely on an illustrious literary model, namely Cicero's *In Verrem*: at the very end of the *Fifth Verrine*,[253] Cicero beseeches these deities whose Sicilian temples had been pillaged by Verres, wishing for his punishment so that justice could be done.[254] To a learned addressee like Claudius Maximus, the Ciceronian model would have been easy to understand and, together with Apuleius' elegant neologisms, this would have lessened the suspicion that Apuleius really cast a magical curse on Aemilianus.

In conclusion, by examining the structure of goetic curses in *devotiones* and *Magical Papyri* we have been able to propose an interpretation showing how the 'curse' at *Apol*.64.1-2 differs from real goetic curses, and how this complies with a provocative forensic strategy adopted by Apuleius throughout the speech to toy with his enemies. We have also demonstrated that this utterance is not a real curse since it lacks *voces magicae*, which Apuleius replaces with three

[249] **4.3**.
[250] **6.4**.
[251] **11.5**.
[252] Harrison,2000,74.
[253] CIC.*Ver*.5.184-9. Sans,2014,9 proposes a further parallel with the invocation in *Mil*.85-6, although this cannot be deemed a curse.
[254] CIC.*Ver*.5.189. In both the *Apologia* and the *Verrine* feature the name of the victims, elaborate invocations to the supernatural agents and the reason for the invocation. Furthermore, the mention of the *dii superi* at 64.1 recalls the list of Olympian deities in CIC.*Ver*.5.184-8. One may note, however, that Cicero does not wish for Verres' agony, as Apuleius does.

archaising neologisms, which were meant to delight the cultivate audience and undermine the magical innuendos of this passage. As we shall now see, in order to be above any suspicion and to buttress his self-presentation as a Platonic philosopher, Apuleius will provide his audience with one of his usual Platonic arguments.

10.8. Mystery Silence and the Epithet *Βασιλεύς*

After having 'cursed' Aemilianus for the impious offence to his holy *simulacrum*, Apuleius counterbalances the magical tone of the previous part by means of an uplifting Platonic tone: he declares his belonging to the *Platonica familia*[255] and seeks the complicity of the judge-philosopher Maximus by quoting from the *Phaedrus*.[256] This sets out his own uprightness[257] and gives him room to rebut the last magical element which he mentions in the summary of the allegation, namely the epithet *βασιλεύς*. Apuleius elusively explains the meaning of this epithet by quoting from one of the epistles attributed to Plato where the Supreme Being is mentioned as 'the king of all things'.[258] He remains, however, reticent about the actual identity of the *βασιλεύς* that he venerates: this mystery silence – analogous to that at 56.9-10 –[259] serves to wink at the erudite audience and at Maximus, who *optime intellegit* the identity of the Platonic king,[260] while excluding his ignorant attackers from this loftier knowledge. Aemilianus, therefore, does not only suffer from the fear of having just been cursed, but is also insulted by Apuleius's formal refusal to divulge the identity of the *βασιλεύς*. Within this safe Platonic context, Apuleius can even joke by saying that he increases the suspicion that he was a goetic *magus* by his own words (*en ultro augeo magiae suspicionem*).[261]

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[255] *Apol*.64.3. Cf. Hunink,1997,vol.II,170. For a discussion of the whole passage, cf. also Hijmans,1987,422-4; 436-9 and Martos,2015,109,n.336.
[256] Pl.*Phdr*.247b-d.
[257] *Apol*.64.4.
[258] Pl.*Ep.*2.312e in *Apol*.64.6. Malcolm Heath has made me aware that the Platonic philosopher Origen wrote a lost treatise 'The only creator, the king (*Ὅτι μόνος ποιητὴς ὁ βασιλεύς*), confirming how later Platonists address the Platonic Supreme Being as *βασιλεύς*. This allusion has been put in connection with Apuleius' Hermetic interests (n.111) by Regen,1971,92-103 and Münstermann,1995,196-202. In the *Corpus Hermeticum* there are various allusions to this Supreme Being in terms of *βασιλεύς*, cf. *Corp.Herm.*XVIII.9; 11; frg.23.9; 23.59; 24.2.
[259] **8.6**.
[260] *Apol*.64.5.
[261] *Apol*.64.8.

This overconfident tone notwithstanding, Apuleius avoids explaining whether he actually called the statuette *βασιλεύς*, an epithet customarily employed in the *PGM* to address various deities. Abt[262] claims this by referring to three passages in which the term is, however, only applied to Helios.[263] A broader enquiry shows that his supposition was correct: not solely Helios is hailed as *βασιλεύς*,[264] but also Hades,[265] Semea[266] and other divinities.[267] The most significant evidence, however, is a curse-tablet dated to the second-third century AD from a cemetery of Carthage: in this *defixio* in Greek we find clear reference to a *χθόνιος βασιλεύς*, perhaps Hades.[268] This source confirms the use of this epithet in goetic materials that are geographically and chronologically close to Apuleius' time. And albeit no evidence shows that Mercury was distinctively addressed as *βασιλεύς*,[269] this custom could have been employed by the prosecution to give a more ominous undertone to their description of Apuleius' worshipping of the statuette. And if he, as his accusers maintain,[270] really addressed the statuette with this epithet – a point which is not openly denied – then we can understand how this devout invocation could easily have been turned into evidence for magic.

After this Platonising defence, Apuleius quotes again from Plato,[271] digressing on the fact that the philosopher commends the use of wood to sculpt statuettes.[272] This is, in reality, a mere diversion from the issue at stake, and serves to showcase his Platonic knowledge, while preparing for the pietistic conclusion of this section, in which he boasts before Maximus and the magistrates about his adherence to the precepts of Plato, his *vitae magister*.[273]

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[262] Abt,1908,225,n.3.
[263] *PGM* I.163; II.53; IV.640
[264] Cf. also *PGM* III.102 (syncretistically associated with other deities); III.539; IV.640; XIII.605.
[265] III.81 and Betz,1992^2,20,n.19.
[266] III.206. On this Syrian deity, cf. Betz,1992^2,24,n.48.
[267] V.138-9. At XII.183 the name of the king-god is not given.
[268] Audollent,1904,240,2=*CIL* 8.12510.
[269] The only (and rather far-fetched) association between Mercury and *βασιλεύς* that I could find is in PS.APUL.*Herb*.83.4 where it is reported that the *herba mercurialis* is also called *Hermu basilion* by the *prophetae*. We may still note that in the aforementioned *devotio* from Carthage (Audollent,1904,251,col.2 in **10.7**) Mercury features amongst the *reges* of the daemons.
[270] *Apol*.61.2.
[271] Pl.*Lg*.955e in *Apol*.65.5 and the following Pl.*Lg*.955e-956a. Cf. also Hunink,1997,vol.II,173-4.
[272] *Apol*.65.1-7.
[273] *Apol*.65.8. Similar addresses to Plato in the conclusion of a section at 13.1-3; 41.7.

10.9. Conclusion

This study of *Apol*.61-5 has enabled us, on the one hand, to clarify the nature and the dangerous implications of the accusation concerning Apuleius' ability of the summoning the dead and, on the other hand, to ascertain his rhetorical techniques that distract from the risky implication of the charge of being a necromancer, an activity condemned by the same law under which he was tried. At this point, it is also possible to draw some conclusions on the body of the charges and its upholders. What emerged so far is that Apuleius' opponents were actually not as ignorant as he claims:[274] they drew on magical *topoi* from literature, as well as real goetic practices, to besmirch the evidence available and portray Apuleius as a harmful *magus*. This can already be seen in the Preliminary Allegations, where he is depicted as an immoral seducer[275] who resorts to love-magic.[276] Then, to validate their case, the attackers brought forward the threatening Primary Charges, in which they cleverly tailored six allegations which were punished by the *Lex Cornelia*: we find, in fact, the seducer winning someone over with love-magic,[277] the *magus* as an evil polluter able to make people fall ill,[278] and even cause their death.[279] The *magus*' ability to control the dead was an obligatory choice given the wide circulation of this idea, which emerges from the literary, papyrological and epigraphical evidence so far discussed. It was, in sum, the perfect corollary to complete Apuleius' portrayal as a wicked practitioner of magic.

After these six Primary Charges, specifically concerned with goetic magic, the prosecution brought forward another series of accusations. I shall now cast light on the fact that these charges were, too, deeply connected with magic and intertwined with the Preliminary Allegations. The Secondary Charges, in fact, served to connect the main argument of the accusers (i.e. the fact that Apuleius was a *magus*) with his seduction of Pudentilla and the threat to the inheritance of the Sicinii.

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[274] E.g. *Apol*.33.6-34.3; 66.6-8.
[275] The accusations concerning beauty (*Apol*.4, **3.2**), mirror (13.5-16, **3.5**), and pederasty (9-13.4) aim all to give the impression of a lecherous seducer.
[276] Cf. the suspicious Arabian herbs in *Apol*.6-8, beauty (4), eloquence (5), discussed in **3.4**, **3.2**, **3.3**.
[277] *Apol*.29-42.1 (Chapter 5 and 6).
[278] *Apol*.42.2-52 (Chapter 7); 57-60 (Chapter 9).
[279] *Apol*.53-57.1 (Chapter 8).

Chapter 11: The Allegations Concerning the Seduction of and Wedding with Pudentilla

11.1. The Secondary Charges: an Overview and their Magical Implications

The third set of accusations that Apuleius contends in the last part of his defence (*Apol*.66-103) concerns the seduction of Pudentilla by means of magic that lead to their wedding, and the consequent danger to her wealth, which Apuleius allegedly tried to take away from Pontianus and Pudens. From the introductory summary at 67.3-4 in particular, where the Secondary Charges are reported in order of deliverance,[1] the content of these allegations can be reconstructed as follows:

1. Apuleius must have enticed Pudentilla into marriage with love-magic since she previously refused to remarry;
2. the letter written by Pudentilla contains clear evidence of magical seduction;
3. Apuleius broke the *Lex Iulia de maritandis ordinibus* and the *Lex Papia Poppaea nuptialis*[2] by arousing the desire of a widow beyond marriable age, and marrying her;
4. the wedding took place secretly in the countryside, without the presence of Pudentilla's relatives;
5. Apuleius' aim was to get hold of Pudentilla's patrimony, and this is proved by the fact that he bought an expensive estate with the dowry.[3]

To disprove these five points Apuleius employs a series of arguments[4] which seem convincing: first, he explains that Pudentilla needed to marry for health reasons as Aemilianus himself admitted in a letter,[5] and that the promoter of the wedding was Pontianus.[6] Secondly, Pontianus (turned against Apuleius by the treacherous Rufinus and his daughter, who married Pontianus)[7] and the attackers misread a letter by Pudentilla, and claimed it to reveal the goetic

[1] This is suggested by the fact that, at 67.2, Apuleius points out that he follows the chronological order of the prosecution's speech; cf. also Martos,2015,114,n.358.
[2] These laws forbade marriage for women over fifty, since not intended for procreation but only for lust (*ad libidinem*); cf. Norden,1912,61; 106-7; Amarelli,1988,124-5,n.50; Krause,1994,120-1; Hunink,1997,vol.II,218,n.1; Harrison,2000,81,n.109; Pellecchi,2012,183,n.95; Martos,2015,144,n.436.
[3] To weaken this argument, Apuleius does not mention it in the summing-up (67.3-4) and leaves its confutation to a moment shortly before the *peroratio* at 101.4-8.
[4] Cf. also the survey in Hijmans,1994,1766-8; Hunink,1997,vol.II,175-6 and especially Harrison,2000,75-86, to which Martos,2015,114,n.358 refers.
[5] *Apol*.68-70.
[6] *Apol*.71-2.
[7] *Apol*.74.3-7. Rufinus had already been mentioned by Apuleius at 60.2 in referring the rebuttal of the accusation of having polluted Crassus' household. He is described as the 'furnace' of the calumnies against Apuleius (74.5). For a discussion of his own and his family's comic characterisation, cf. May,2006,99-106.

nature of the seduction; in its full extension, however, the letter supports Apuleius' case.[8] Thirdly,[9] the prosecution lied about Pudentilla's age: the widow is forty, not sixty years old, as they argue;[10] thus, Apuleius infringed neither the *Lex Iulia de maritandis ordinibus*, nor the *Lex Poppaea nuptialis*.[11] Fourthly, the reason why the wedding took place in the countryside was to save money after the considerable expenses for Pontianus' marriage.[12] Lastly, Apuleius was not interested in the dowry and sought no financial gain from the wedding;[13] the estate mentioned by the prosecutors is, in reality, a small *praedium* bought by Pudentilla herself.[14]

At first glance, it could seem true that in this part of the defence magic "recedes into the background", as Hunink explains.[15] However, we have seen in the previous chapters that the *Apologia* is a text that needs to be carefully pondered over, and the absence of magic amongst the key-issues of this part of the speech does not imply its absence from the accusations themselves. Although for the indictment concerning the age of Pudentilla it is difficult to detect a direct connection with magic,[16] in what follows I shall cast more light on the goetic features of the other Secondary Charges, namely the accusations of having seduced Pudentilla with love-magic,[17] and of having married her and obtained a substantial dowry in the seclusion of the country.[18]

In this chapter, I set out to demonstrate that these allegations were tightly connected in content and argument with the Primary Charges, showing that they were still deeply concerned with magic, a point which has been underplayed by previous scholars of the *Apologia*, who regard

[8] *Apol*.78.5-87.9.
[9] Apuleius inverts the chronological order of the accusations: the countering of the charge concerning Pudentilla's age (89) follows, in fact, that concerning the wedding in the countryside (87.10-88.7); cf. also Hunink,1997,vol.II,178. Other evidence for such manipulations – aiming at dampening the charges – can be seen in the allegation concerning the estate (n.3) that is omitted from the introductory and final summing-up (67.3-4; 103.1-3).
[10] *Apol*.89.
[11] Cf. n.2.
[12] *Apol*.87.10-88. As Hunink,1997,vol.II,215 explains, this point is quite feeble.
[13] *Apol*.91.5-101.8. The last counterargument is interspersed with various digressions, such as the reference to Avitus (94.3-95), the reconciliation with Pontianus and his premature death in Carthage (96-97.2), the marriage between Pudens and Rufinus' daughter (97.4-99).
[14] *Apol*.101.4-8 and n.3.
[15] Cf. Hunink,1997,vol.II,175.
[16] *Apol*.89. Analogously, in the Preliminary Allegations (Chapter 3) the accusations concerning poverty (18-23), squandering his newly-acquired wealth by freeing Pudentilla's slaves (17), and Apuleius' birthplace (24) are not immediately connected to magic, but add subsidiary features to his goetic portrayal.
[17] *Apol*.68.1-71.1 examined in **11.2**.
[18] *Apol*.87.10-88.7 and 91.5-101.8, both discussed in **11.3**.

this section as separate from the magical charges.[19] Attention will be, therefore, paid to evaluating the significance of the charge concerning the private correspondence of Pudentilla, Pudens and Apuleius, which the opponents brought to court as incriminating evidence against the defendant: I will demonstrate that Apuleius intentionally omits any reference to other suspicious letters which betrayed any attempts to enchant Pudentilla.[20] In addition to a reconstruction of the risky implications of the Secondary Charges, I shall assess the forensic purpose of the provocative arguments which Apuleius adopts in order to trifle with his foes in *Apol*.90.6, and 97.4. The former is a list of six *magi* which probably causes vehement protests from the crowd.[21] On the one hand, by testing Abt's examination of *Apol*.90.6[22] with an emic methodology, I will cast more light on the potentially dangerous implications of Apuleius' display of magical knowledge. On the other hand, I shall also explain how this kind of namedropping conforms to the daring strategy that we have already encountered at 26.6-9, 38.8, and 64.1-2.[23] The second passage, *Apol*.97.4, is a reference to Rufinus' consultation with some Chaldeans; I will discuss the connections between astrologers and goetic practitioners,[24] and this will allow me to demonstrate that this passage alluded to the possibility that the prosecution – not Apuleius – caused Pontianus' death.[25]

11.2. *Carmina* and *Venena*: the Seduction of Pudentilla

The first of the Secondary Charges concerns the seduction of Pudentilla by means of love-magic and is rebutted at *Apol*.68.1.-71.1. From reading this part of the defence we can glimpse scarce but significant information to reconstruct the magical arguments brought against Apuleius. He already made vague allusions to his *carmina* in the introductory summing-up,[26] and later he will mention again his supposed employment of love-spells;[27] additionally, he reports that – according

[19] Cf. Hunink,1997,vol.II,180; Martos,2015,114,n.358; p.148,n.449; and especially Abt,1908,234-42, whose conclusions will be reassessed and put on a firmer basis.
[20] *Apol*.78.5-87.9 and other passages analysed in **11.4**.
[21] *Apol*.91.1.
[22] Cf. Abt,1908,244-50.
[23] Cf. **11.5**. The passage is also a *locus vexatus* and my interpretation will provide new arguments to restore its original reading.
[24] This is not demonstrated by Hunink,1997,vol.II,238 and Abt,1908,256-7, while Rives,2011b,681-5 discusses it without an emic methodology and without showing the precise terminological association between *Chaldaeus*, *mathematicus*, and *magus*.
[25] **11.6**.
[26] *Apol*.67.3.
[27] *Apol*.71.1; 84.1;102.4.

to his foes – he would have charmed Pudentilla with *venena* ('love-philtres'),[28] but he alludes three times[29] to both spells and philtres together as the means by which he allegedly won Pudentilla's love.[30] The scattered aspect of these references to goetic magic in the speech probably led Abt to conclude that the prosecutors made no precise statement as to how Apuleius seduced the widow; had they done so, he would have certainly discussed this detail in the speech.[31] Nevertheless, this explanation cannot be accepted, for two reasons: firstly, reticence is a core feature of Apuleius' strategy, and he was aware that dwelling on magical issues would have been counterproductive to his case; therefore, it was safer for him not to engage with magic directly, but to scatter such arguments throughout the speech, enfeebling their relevance. Secondly – and most importantly – the accusers would not have needed a detailed account of Apuleius' use of *carmina* and *venena* since they had already provided it in the first two Primary Charges: the former deals precisely with the seduction of Pudentilla by means of *amatoria* obtained from sea creatures,[32] while the latter concerns the harmfulness of Apuleius *carmina*, so strong as to make people fall ill.[33] The opponents might have, thus, delivered the accusation by underscoring the continuity between the first two Primary Charges and this Secondary Charge: having already accused Apuleius for the nefarious power of his spells and for seeking and dissecting sea creatures for love-magic, they might have simply recapped these allegations and pointed out that he enticed Pudentilla with his goetic spells and love-potions. Since Pudentilla was a distinguished woman in Oea and the mother of Sicinius Pudens, on whose behalf Apuleius was tried, the best choice for the accusers would have been to avoid dropping too many details about the magical seduction of the widow. Their intention was to defame Apuleius, not Pudentilla, and the whole trial is focused on Apuleius' dubious morality and on the suspicion that he was a goetic *magus*. The prosecution aimed to present the seduction of Pudentilla as the only plausible effect of Apuleius' own wickedness and lasciviousness.[34]

[28] *Apol*.91.4; 102.1; 102.3.
[29] *Apol*.69.4; 84.3; 90.1.
[30] In other passages, he vaguely refers to *magica maleficia* (69.4) and *magica illectamenta* (102.7).
[31] Abt,1908,240.
[32] *Apol*.29-42.1, Chapter 5 and 6.
[33] *Apol*.42.2-52, Chapter 7.
[34] Cf. the overview of the charges in **1.6**.

Although it is true that charms and poisons are not noxious in themselves,[35] this charge could have upset the audience and aroused unsympathetic feelings for Apuleius as the belief that *carmina* and *venena* were used in love-magic[36] was widespread and much feared in the ancient world.[37] Abt points this out, but since his explanation is primarily based on the *PGM*,[38] I will put his hypothesis on a firmer basis by providing a more exhaustive scrutiny of literary and papyrological evidence, to gauge the conviction that *carmina* and *venena* were customary tools of love-magic. While *carmen* and its synonyms designate every kind of goetic utterances,[39] even from an etymological viewpoint the Latin *venenum* originated in the very context of love-magic and was later applied to poisonous substances as a whole;[40] and it is even considered as a form of charm by Quintilian.[41] As we have already seen at *Apol*.30.4-31.9, Apuleius and earlier sources retrospectively interpret the Homeric Perimede, Circe and Helen[42] as connected to magic, because of their use of *φάρμακα*. The most important source for the diffusion[43] of love-magic as a literary theme is Theocritus' *Second Idyll*.[44] This poem inspired Vergil's *Eighth Eclogue*[45] – which is well-known to Apuleius –[46] where we find references to both *carmina*[47] and other paraphernalia, amongst which are herbs and *venena*, in love-magic.[48] A similar, although more dramatic, scene is Dido's ritual at *Aeneid* 4.509-16,[49] cited *verbatim* by Apuleius;[50] this commonplace theme

[35] In a completely different conxext, Plato's Socrates (*Chrm*.157b-c) talks about the healing powers of both *φάρμακον* and *ἐπῳδάς*. On the proximity between magic and medicine, cf. **6.5**.
[36] For modern studies on Greco-Roman love-magic, cf. Tupet,1976,56-91; 1986,2626-47; Fauth,1980,265-82; Murgatroyd,1983,68-77; Winkler in Faraone,Obbink,1991,214-43; Faraone,1999; Dickie,2000,563-83.
[37] It is worth noting that love-philtres and charms were not the only goetic tools of love-magic: herbs were also burnt (e.g Theoc.*Ep*.2.18-33) as well as other elements (Theoc.*Ep*.2.28-91; 2.43-6) and objects belonging to the victims (Theoc.*Ep*.2.53-6), in order to attract them to the practitioners; cf. Faraone,1999,96-131.
[38] Abt,1908,234-40. Some literary sources are briefly mentioned in Abt,1908,240-1.
[39] For *carmen* in magic,cf. 26.6 in **4.3**.
[40] Cf. de Vaan,2008,s.v.*venenum*,660. This etymological reconstruction is already accepted in Walde, Hofmann,1954[3],s.v.*venenum*,747, the first edition of which Abt cites (p.238,n.2), in Ernout, Meillet,2001=1985[4], s.v.*venenum*,719.
[41] QUINT.*Inst*.7.3.7: *an carmina magorum veneficium*?
[42] *Apol*.31.5-7 (**5.4**, **5.5**) and the general allusion to Homer as source for literary magic in 30.11 examined in **5.3**.
[43] This reflects the common use of *φάρμακα* in classical Greece; for an overview on *φάρμακα* and prohibition of *φίλτρα* in Athens, cf. Eidinow,2015,38-48.
[44] Apuleius mentions Theocritus as a source for magic at 30.11. Theocritus' models are far from being clear. It is not unlikely that the lost *Thessala* by Menander contained – similarly to Theocritus' *Pharmakeutria* – allusions to love-magic (cf. *Scholia vetera in Aristophanem*, *Nub*. ed. Holwerda,1977,749 α,β and *PCG*,vol.VI.2,127).
[45] On this, cf. **2.4** and n.168.
[46] *Apol*.30.7 (**5.3**).
[47] VERG.*Ecl*.8.67-71 and 72 which is repeated at: 76; 79; 84; 91; 94; 100; 104; 109.
[48] *Ecl*.8.64-5; 95-6 respectively.
[49] Here we find a clear reference to *venena* (cf. *A*.4.514-5) but not directly to spells, even though the invocation of the chthonic deities could be considered as such.
[50] *Apol*.30.8=VERG.*A*.4.513-6.

recurs in Horace,[51] Tibullus[52] and Propertius,[53] who all refer to the compelling strength of philtres and spells in love-magic. Ovid, in particular, talks about this belief and its impact in everyday life, describing the noxious effects of such practices and dissuading his readers from resorting to them.[54] In the first half of the second century AD[55] Juvenal draws on this belief when mentioning the dreadful effects of charms and potions;[56] the popularity of love-magic as a literary theme did not diminish in the second half of the century: we find it, in fact, in Apuleius' *Metamorphoses*,[57] and in Lucian's *Dialogues of the Courtesans*.[58] Alongside with these sources, Pliny the Elder acknowledges that *carmina* were used in love-magic and indicates as literary authorities Theocritus, Vergil and Catullus, probably referring to the lost works of the latter.[59] Pliny also offers us a cross-section of the real practice of love-magic: he comments on several ingredients for the *amatoria*, such as herbs and plants,[60] animals, fish,[61] sea creatures,[62] and even arrows extracted from corpses,[63] reporting how these love-philtres could even cause death.[64] The *Magical Papyri*, rather than the curse-tablets,[65] contain additional evidence of the function of spells in goetic rituals. The importance of utterances (*λόγοι* and *ἐπαοιδαί*) is, in fact, stressed in most prescriptions for love-magic.[66] In such cases, the spells have to be delivered after the offerings to the deities invoked in the ritual. As to love potions, the only probable reference is in XLI.1-5; this *φίλτρον*, however, is not intended to be given as a beverage to the victim.

[51] HOR.*Ep.*5.29-40; 17.80; *Serm*.1.8.19; 49-50.
[52] TIB.1.2.61-2; 1.8.17-8; 1.8.23; 2.4.55-60.
[53] PROP.1.12.9-10; 1.18.9; 2.1.51-6; 2.4.7-8; 3.6.25-30; 4.7.72. Cf. also La Penna,1977,192-5.
[54] OV.*Ars* 2.99-105; *Rem*.290. A further reference to *cantus* and *herbae* is in *Ep*.12.167-8.
[55] Courtney,2013,1-2.
[56] JUV.6.133-4; 610-2.
[57] APUL.*Met*.3.16.1-4; 17.3-18.3 and 9.29.
[58] Luc.*DMeretr*.1.2; 4.4-5.
[59] PLIN.*Nat*.28.19. While Ernout,1962,124 explains the reference to Catullus as a lapse, Jones,1968,14,n.*b* and Wiseman,1985,193 suggest the reference to a non-extant poem. I owe my gratitude to Dániel Kiss for his advice on Catullan issues.
[60] *Nat*.20.32; 25.160; 27.57; 27.125.
[61] *Nat*.9.79.
[62] *Nat*.13.142.
[63] *Nat*.28.34.
[64] *Nat*.25.25. In Ach.Tat.4.15 Leucippe survives an overdose of a *φίλτρον* which, although not lethal, drives her mad; cf. McLeod,1969,97-105; May,2014b,108-9.
[65] The purpose of several *defixiones* from Carthage and Hadrumetum, dating to the second and the third century AD (cf. Audollent,1904,227-131; 265-71) is love-magic; it is, however, unclear whether the *nomina magica* inscribed on them were supposed to be uttered like those in the *PGM* (n.66).Cf. also Gager,1992,78-115.
[66] *PGM* IV.296-466; 2708-84; 2891-942; VII.981-93.

We have so far shown that *carmina* and *venena* were commonly thought to enable the practitioners of the goetic arts to seduce their victims, and that such a conviction is reflected in many sources. Although we can only wonder about the description of Apuleius' alleged magical spell – provided that the prosecution actually gave an account of it – the ingredients of the *venena* that he allegedly used on Pudentilla had already been made clear: these were obtained from dissecting a sea-hare,[67] and sea creatures with obscene names bought at great expense.[68] The dangerous repercussions of openly discussing such accusations justifies quite well Apuleius' caution already when countering the Primary Charge concerning sea animals,[69] and even more so now that he contests the claim of having magically seduced his wife. It is possible to observe that magic was an issue of critical importance within the Secondary Charges, and specifically of the accusation of implementing love-magic to sway Pudentilla's mind. Although Apuleius endeavours to weaken his opponents' claims by scattering throughout this part of the *Apologia* the references to his supposed use of *carmina* and *venena*, my reconstruction of this accusation enables us to understand its importance and the clear references to the Primary Charges. The following analysis will provide clear evidence to substantiate this interpretation.

11.3. Magic in the Remoteness of the Countryside

It has emerged that the accusation of beguiling Pudentilla with love-magic indicates the existence of strong connections between the Secondary and the Primary Charges, allowing us to better understand the alleged nature of Apuleius' goetic paraphernalia. A further connection between this allegation and the first Primary Charge still needs to be explored: I shall now consider how the commonplace idea that magic is practised secretly – a topic discussed when commenting on *Apol*.47.3 –[70] is alluded to in the first Secondary Charge. I will also explain that this belief sheds more light on the content and implications of two more Secondary Charges: the one pertaining to the fact that marriage took place in the country,[71] and the one concerning the dowry.[72]

[67] *Apol*.40.8-11; 41.5.
[68] *Apol*.33.1-5; 33.6-35.6.
[69] Chapter 5 and 6.
[70] **7.4**.
[71] *Apol*.87.10-88.7.
[72] *Apol*.91.5-101.8.

To begin, let us focus on the allusion to magical secrecy in the first Secondary Charge and the first Primary Charge. According to his enemies, Apuleius prepared love-philtres with allurements from the sea (*marinae illecebrae*), namely two molluscs with obscene names and a sea-hare, in the time when he was in an unspecified area of the North African inland.[73] Behind this brief reference, Apuleius probably conceals a major argument employed by his attackers: the fact that when he stayed in a remote area of the countryside he was accompanied by Pudentilla and that seclusion and secrecy would have offered Apuleius the ideal conditions to perform his wicked magic on the widow. In order to substantiate this hypothesis we need to look again at the expression *in Gaetuliae mediterraneis montibus*. Scholars have inconclusively wondered about the reason for Apuleius' visit to the Gaetulian mountains and about their location: while Gutsfeld argues that Apuleius may have visited his own possession in Gaetulia,[74] Hunink[75] relies on Schwabe's[76] thesis that Apuleius was looking for fossils. Butler and Owen reject the latter interpretation, cautiously suggest that he might have visited the area of the modern Djebel Aurès,[77] and note the sarcastic tone of the geographical reference which anticipates the following comic allusion to Deucalion's flood.[78]

It is, however, worth laying stress on the vagueness of this expression: in Greco-Roman times the term *Gaetulia* indicates the land of the nomadic Gaetuli, and comprises a vast geographic area which roughly coincides with the modern Fezzan.[79] I believe that, with the expression *in Gaetuliae mediterraneis montibus*, Apuleius not only laid the basis for his witty reference to Deucalion's flood, but also intended to be as imprecise as possible in order to cover up his stay with Pudentilla in one of her countryside estates, to which the prosecution specifically referred. Apuleius himself admits, in fact, that his attackers were aware of his inland stay,[80] and

[73] *Apol*.41.5.
[74] Gutsfeld,1992,260,n.79. At *Apol*.24.1 he calls himself *Semigaetulus*; on Apuleius' African origins and the possible influences on his style, cf. Mattiacci,2014,87-111.
[75] Hunink,1997,vol.II,125,n.2, followed by Martos,2015,75,n.242.
[76] *R.E*.s.v.*Appuleius*,col.248.
[77] They admit, in fact, that "there is no evidence as to what mountains these may have been" (p.99).
[78] Butler, Owen,1914,100.
[79] VAR.*R*.2.12; SAL.*Jug*.18; MELA 1.23; 3.104; PLIN.*Nat*.5.10; 5.17; 5.30; TAC.*Ann*.4.42; FLOR.*Epit*.2.31; Str.2.5.33; 17.3.2; Ptol.*Geog*.4.6.12 discussed in the entry *Getuli* of the *Enc.Virgil.* by Palmieri (p.720). Cf.also *Brill's New Pauly*,vol.V,s.v.*Gaetuli*,coll.638-9.
[80] This is clearly indicated by the litotes *quo non negabunt* (41.5).

were also aware that Pudentilla's patrimony included various Northern African lands[81] even in remote places, as we gather from *Apol*.44.6 where Thallus is hyperbolically said to be exiled a hundred miles away from the courtroom (*ad centesimum lapidem longe*).[82] Apuleius, furthermore, acknowledges that when Pudentilla wrote a letter to Pontianus which the prosecution distorted to highlight his use of goetic magic,[83] she had gone to the country (*rus profecta*).[84] I speculate that she could have been accompanied by Apuleius who also wanted to seek privacy after the public defamation mounted against them both in Oea,[85] and the death threats to Apuleius.[86] No information about the place where the engaged couple stayed is given, but the writing of this letter chronologically precedes the wedding,[87] which took place at a later stage in a suburban estate.[88] Since the accusers knew that Apuleius and Pudentilla formerly lodged in the North African countryside,[89] they easily could have pointed out that the isolation in which they lived before the marriage provided the *magus* with the conditions befitting the use his malevolent *carmina* and *venena*. In this perspective, the vague mention of the Gaetulian mountains does not only have a comic function, as argued by Butler and Owen,[90] it can also be seen as Apuleius' attempt to conceal and discredit a dangerous piece of evidence upholding the suspicions raised by his foes, and linking the Primary Charges with the Secondary Charges.

This interpretation throws light on two further aspects of the Secondary Charges, since references to magical secrecy during Pudentilla and Apuleius' retreat in the countryside can be found in two other Secondary Charges, namely those concerning their wedding[91] and the dowry.[92] When introducing and rebutting the fourth Secondary Charge, this is the accusation of having

[81] *Apol*.93.3-4 and the *praedium*, although bought after the marriage (101.4-8).
[82] Despite the exaggeration, it is very likely that the epileptic slave was sent to a faraway farm to avoid polluting the rest of the *familia*.
[83] *Apol*.78.5-84.4 examined below (**11.4**).
[84] *Apol*.78.5.
[85] *Apol*.82.3-7.
[86] *Apol*.78.2.
[87] Cf. cautiously Harrison,2000,80 and n.89.
[88] Cf. n.94.
[89] Pontianus, after having insulted his mother and Apuleius in the square of Oea (82.3-7), eventually fulfilled his mother's plea and went with his wife – Rufinus' daughter – to visit Pudentilla and Apuleius in the country for two months (87.6) together with Sicinius Pudens. Thus, the opponents were fully aware of this stay. It is necessary to observe that these events precede the marriage: *post ista* at 87.9 opens to the discussion of the charge concerning the wedding in the countryside (89), giving a chronological order to Apuleius' account of the events.
[90] Butler, Owen,1914,100.
[91] *Apol*.87.10-88.7.
[92] *Apol*.91.5-101.8.

married Pudentilla in a secluded rural estate, Apuleius claims that the only issue raised by his opponents was the fact that the wedding took place in the countryside.[93] The scanty evidence notwithstanding, we can at least ascertain that their nuptials took place in a suburban estate (*villa suburbana*)[94] close to Oea but – as Apuleius says – far enough from the greedy hands of the clients and his unpleasant new relatives.[95] Hunink remarks that this unusual conduct could have aroused suspicions of magic,[96] but another explanation can be given: I argue that the real issue at stake was not just the unconventionality of the wedding in the countryside and *sine testibus*,[97] but the fact that this happened in secretive conditions.[98] Secrecy – as we have already discussed –[99] is the prerequisite of any goetic performances, and given their isolation it would have been easy for his attackers to claim that these circumstances facilitated Apuleius' harmful influence on the defenceless Pudentilla.

The idea that goetic magic required secrecy was not only a pivotal theme of the fourth, but also of the fifth Secondary Charge dealing with the extortion of Pudentilla's dowry, which Apuleius discusses at *Apol*.91.5-101.8. Despite the smokescreen created to conceal the relevance of magic in this section of the speech,[100] from the introductory summing-up of the Secondary Charges at *Apol*.67.3 it is possible to envisage that – according to the attackers – Apuleius extorted the dowry. The expression *remotis arbitris* could be a citation from the prosecution's speech, and is identical to that used at 42.3, where Apuleius quotes and summarises the indictment of having made Thallus fall ill during an occult ritual.[101] The linguistic parallel between the two passages shows that the enemies evidently alluded to the belief that goetic *magi* operated occultly: it was because of the segregation of the couple that Apuleius not only succeeded in forcing

[93] *Apol*.67.3; 87.10-88.7.
[94] *Apol*.87.9; 87.10; 88.1; in 88.2; 88.3; 88.7 the property is simply referred as *villa*.
[95] *Apol*.87.10; 88.1.
[96] Hunink,1997,vol.II,215.
[97] Martos,2015,143-4,n.431 stresses a parallel with the case of *Cupid and Psyche* (cf. APUL.*Met*.6.9.6, on which cf. Zimmerman *et al.* 2004,431) and explains that, from a legal standpoint, a marriage could take place anywhere and witnesses were only specifically required for *confarreatio* and *coemptio* (cf. Treggiari,1991,22; 25).
[98] Pellecchi,2012,179-80 emphasises the unconventionality of such a secretive marriage given Pudentilla's social status.
[99] Cf. **7.4**. It is worth remarking that in APUL.*Met*.3.17.3 Pamphile practices love-magic in similar conditions of secrecy; Apuleius was obviously familiar with this magical tenet.
[100] This point is rapidly touched upon in the introductory summing-up (67.3-4), and completely overlooked in the counterargument (91.5-101.8).
[101] **7.1**.

Pudentilla into a wedding, but also in getting hold of her wealth, to Pontianus' and Pudens' disadvantage.

In conclusion, we have reconstructed a risky argument directly concerning magic, and prudently obscured by Apuleius, which was a prominent feature of three Secondary Charges: the fact that the seduction, the wedding and acquisition of the dowry took place in the remoteness of the North African country, and that this segregation was presented as the *conditio sine qua non* for Apuleius' implementation of love-magic. Now that we are getting a clearer picture of the serious implications of the Secondary Charges, it is time to reconstruct another controversial allegation, equally distorted by Apuleius, which regards the letters used to highlight the alleged *magica maleficia*.

11.4. The Corpus of Letters and the Apuleius' Denial of Magic

In order to back-up their arguments, the prosecutors drew upon a set of letters which they claimed to reveal Apuleius' goetic wrongdoing. So important were these letters as to become the specific subject of the second Secondary Charge – discussed at *Apol*.78.5-87.9 – which concerned the letters (*epistulae*) of Pudentilla, as Apuleius explains in the introductory summary,[102] and elsewhere in the speech when he refers to *epistulae* and *litterae*.[103] Hunink, Harrison, and Pellecchi[104] note that, besides the short discussion of a letter falsely attributed to Apuleius,[105] and the allusion to a letter written by Pudens,[106] there is only one letter by Pudentilla on which Apuleius dwells, evidencing the dishonesty of his opponents.[107] But if the attackers brought as evidence only one letter by Pudentilla, why does Apuleius refer to his wife's *litterae* and *epistulae*?

First of all, there is a linguistic issue to tackle, namely the fact that in Latin the plural *litterae* normally indicates a single 'letter';[108] this form probably influenced the use of the plural

[102] *Apol*.67.3 (**11.1**).
[103] *Apol*.66.1; 82.3; 85.1; 86.2; 86.3; 86.4 and perhaps also at 61.1, cf.below.
[104] Hunink,1997,vol.II,199; 212; Harrison,2000,78-80; Pellecchi,2012,194-6.
[105] *Apol*.87.2-5.
[106] *Apol*.86.4-5.
[107] *Apol*.78.5-84.4.
[108] E.g. CIC.*Att*.5.20.9; 13.20.1; TAC.*Ann*.4.70; 5.4; cf. *OLD*,1968-82,s.v.*littera*,1036. Cf. also APUL.*Met*.7.1.5 (*commendaticiis litteris*) on which cf. Hijmans *et al*. 1981,84.

epistulae to designates a single 'letter, which coexists with the classical meaning of *epistulae*: 'letters'.[109] Because of the semantic connection between *epistula* and *litterae*, the plural *litterae* was, in turn, influenced by *epistulae*: in fact, in postclassical Latin, the plural *litterae* assumes also the meaning of 'letters'.[110] The ambiguity of the meaning of *epistulae* and *litterae* gives rise to different scholarly interpretations of the *Apologia*: for example, at 97.2 the mention of *epistulas* in which Pudens praised Apuleius is interpreted by Butler and Owen as a singular noun, according to the postclassical usage,[111] while Hunink refers to them as 'letters'.[112] In this case, the lack of any material evidence and the brevity of Apuleius' reference prevents us from univocally siding with one or another interpretation, although it seems plausible that he alluded to a collection rather than a single letter.[113]

This confusion notwithstanding, we can reconstruct that the accusers referred not solely to that single letter by Pudentilla on which Apuleius comments at *Apol*.78.5-84.4,[114] and which allegedly showed the magical seduction of the woman. This is revealed by Apuleius himself, when flaying Pudens for purloining Pudentilla's *secretae litterae de amore* and reading them in court.[115] It is feasible to assume that Apuleius referred to various letters, which are however not discussed in the defence.

Furthermore, from a meticulous scrutiny of the text, it is possible to notice that Apuleius alludes at least to two further letters by Pudentilla. Firstly, at *Apol*.27.8 – while summing-up the various charges – he singles out an *epistula* written before the wedding, in which Pudentilla expressed appreciation for him. This letter is neither discussed nor mentioned anymore in the speech, and yet it was likely to be one of the aforementioned love letters. Secondly, at *Apol*.61.1, Apuleius introduces his purported necromantic crimes and explains that his enemies knew of the

[109] For *epistulae* indicating 'letters', e.g. CIC.*Fam*.7.18.1; 14.3.1; FRONT.*Aur*.3.14.4. For *epistulae* as 'letter', e.g. CIC.*Att*.5.11.6; 15.6.2; 16.12.1; PLIN.*Ep*.9.24. Cf. *OLD*,1968-82,s.v.*epistula*,613; Walde, Hofmann,1938[3],s.v.*epistula*,410.
[110] Cf. the discussion in Wackernagel,1920,vol.I,96-7. Martos,2015,142,n.429, while commenting on 86.3, notes the double meaning of *litterae* but does not develop this argument any further.
[111] Butler, Owen,1914,170, but Butler,1909,149 translates "letters".
[112] Hunink,1997,vol.II,237; 2001,115.
[113] This is the translation also in Vallette,1924,115; Marchesi,2011=1957,131; Moreschini,1990,293; Hammerstaedt,2002,223; Martos,2015,159.
[114] For references to this letter in other parts of the speech, cf. 30.11; 78.5; 78.6; 79.5; 80.3; 81.1; 81.5; 82.3; 82.6; 82.7; 82.9; 84.1; 84.5; 84.7; 87.5; 87.6; 87.9.
[115] *Apol*.84.7 and 86.2-3 (*epistulae de amore*).

magical statuette *cum Pudentillae litteras legerent*.[116] We cannot establish whether the attackers alluded to one or more letters, but it seems likely that they did not refer to that letter which Apuleius discusses at length at 78.5-84.4, since the latter concerns love-magic, the former a skeletal statue allegedly used in necromantic rites.

The reason why Apuleius excluded this epistolary evidence from the rebuttal of the charge concerning the epistolary corpus could mirror his choice of omitting most of the controversial goetic issues that – as we have previously seen in this chapter – were an integral part of the other Secondary Charges. This caution can be also noticed by looking at the vague references to two further letters which are alluded to in this section of the *Apologia*: firstly, what Apuleius describes as a *commenticia epistula*[117] attributed to him by the prosecution and, secondly, a dispatch written by Pudens to Pontianus.[118] As to the letter ascribed to him,[119] this is not explicitly said to evidence magic, but some *blanditiae* by means of which he supposedly aroused Pudentilla's desire. It is probable that – if actually forged by his enemies as Apuleius insists – the letter would have contained explicit evidence of love-magic. In fact, the term *blanditia* can indicate 'sexual allurement',[120] and the adjective *blandus* – from which the noun originates –[121] is employed in connection with goetic magic.[122] Furthermore, this letter would have underpinned the portrait of Apuleius as a lecherous seducer given in the Preliminary Allegations.[123] Regarding the letter by Pudens, we cannot even reconstruct its content: Apuleius dismisses it with a few words, through which we gather that it was secretly sent by Pudens to Pontianus and read aloud in court by Pudens himself.[124]

Not only this reticence, but also the linguistic confusion between *litterae* and *epistulae* would have undoubtedly helped Apuleius distract the audience from the whole corpus of letters

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[116] **10.4**.
[117] *Apol*.87.2-5.
[118] *Apol*.86.4.
[119] *Apol*.87.2. The arguments that Apuleius uses to invalidate the evidence is the implausibility that they could have intercepted a message given to trusted dispatchers (87.3), and the presence of a 'barbaric' language, betraying his enemies' hand (87.4).
[120] Cf. *ThLL*,vol.II,s.v.*blanditia*,*blandities*,col.2034; *OLD*,1968-82,236.
[121] Cf. Ernout, Meillet,2001=1985[4],s.v.*blandus*,71-2; de Vaan,2008,73.
[122] PLIN.*Nat*.30.2.
[123] *Apol*.4.9-13.4; 13.5-16 in Chapter 3.
[124] *Apol*.86.4. Apuleius defuses this argument by saying that Pudens is unreliable, since he is the accuser and his letter would obviously have been influenced against him (87.1); similarly in 45.7-8.

and to focus on the discussion of that letter written by Pudentilla to Pontianus,[125] which allows Apuleius to prove his enemies' insincerity. The real content of this letter reveals Pudentilla admonishing Pontianus, turned by Rufinus and Aemilianus against his mother and Apuleius.[126] The accusers were probably confident about manipulating this evidence since they already had successfully done so when defaming Apuleius in the square of Oea, before the trial even started.[127] They extrapolated, in fact, the following sentence in which Pudentilla ironically[128] defines Apuleius as a harmful practitioner of magic and urges her son to return: *'Απολέϊος μάγος, καὶ ἐγὼ ὑπ' αὐτοῦ μεμάγευμαι καὶ ἐρῶ. ἐλθὲ τοίνυν πρὸς ἐμέ, ἕως ἔτι σωφρονῶ*.[129] The accusers expected that the very reference to *μάγος*[130] and *μαγεύω* could have generated in court a dismay as great as that in the square of Oea.[131] Abt briefly comments on *μαγεύω* as a verb uniquely used to indicate goetic magic, analogously to the interpretation given to *μάγος* in spoken language, a result of the commonplace aversion to goetic practitioners.[132] The negative connotation of *μαγεύω* – similarly to that of *μάγος* –[133] is attested since its appearance in the fifth century BC in fictional[134] and nonfictional texts.[135] In the second century AD, although the verb does not only denote the activity of the goetic practitioners,[136] it is often used to designate love-magic.[137] Therefore, the presence of this uncanny terminology in the letter – which the accusers decontextualized from the whole passage – explains why they believed it to represent strong evidence against Apuleius. However, we must bear in mind that the argument which Apuleius sets out at *Apol*.25.9-26.6[138] would have lessened these risky implications in the eyes of the judge: Apuleius distinguishes between a religious-philosophical understanding of *μάγος-magus* shared by himself, Maximus, and Plato, and a vulgar interpretation of magic that he ascribes to uncouth people and specifically his

[125] *Apol*.78.5-84.4.
[126] *Apol*.82.1; 83.1-7.
[127] *Apol*.82.3-6. At 82.5 Apuleius' reputation for dabbling in unconventional activities was such that – he admits – everyone believed him to be a *magus*, as his foes claimed.
[128] For this interpretation, cf. 83.1 and Hunink,1997,vol.II,199; 203; Harrison,2000,79.
[129] *Apol*.82.2.
[130] **2.3**.
[131] *Apol*.82.5-7 and n.124.
[132] Abt,1908,241.
[133] **2.3**, **2.4**.
[134] E.*Supp*.1110; E.*IT*.1338.
[135] Hp.*Morb.Sacr*.3.4.
[136] Plu.*Art*.3.3; 6.4 in which the verb refers to the education of the Persian sovereigns and is connected to *φιλοσοφεῖν*.
[137] Plu.*Num*.15.5; Ps.-Luc.*Asin*.4; 11; 54; Ath.6.256e.
[138] **4.2**, **4.3**.

enemies. According to this reasoning, a scared or upset reaction of the crowd would have only evidenced their ignorance, and was bound to be looked at with scorn by the sophisticated Maximus.

So far we have demonstrated that, on the one hand, Apuleius has intentionally omitted much of the epistolary evidence corroborating the accusation of using goetic magic, and that, on the other hand, the only letter by Pudentilla which he discusses at *Apol*.78.5-84.4 contains passages that – once misread – could indeed have become compromising. There is a further complication: Apuleius cites another part of the aforementioned letter where Pudentilla explains that their union was due to destiny (*ἐγὼ οὔτε μεμάγευμαι οὔ*[*τε*] *τ' ἐρῶ. Τὴν εἱμαρμένην † ἐκφ †*);[139] then he boldly declares that these words confute the very existence of magic since destiny (*εἱμαρμένη-fatum*)[140] remained unaffected by his purported love-magic.[141] As Abt explains, such a claim contradicts the typical belief that magic could alter destiny:[142] in a passage from Eusebius' *Preparation for the Gospel* entitled *ὅτι διὰ μαγείας φασὶ τὰ τῆς εἱμαρμένης λύεσθαι*,[143] we find a citation from Porphyry in which he acknowledges that magic could actually untie the knots of destiny (*εἱμαρμένη*).[144] Lucan's Erictho explains that the *sagae* could change the destiny of a person's life (*fata minora*).[145] A more detailed enquiry into the *PGM* confirms this belief: several *formulae* concern the alteration of destiny for different purposes,[146] such as protection from bad luck,[147] and love-magic.[148] Apuleius' claim might have, therefore, appeared startling since it contradicts customary tenets of goetic magic. But we must bear in mind that Apuleius did not aim to give a real account of goetic practices,[149] but rather to persuade his audience – particularly the

[139] *Apol*.84.2. For a discussion of the abrupt interruption, cf. Butler, Owen,1914,152; Hunink,1997,vol.II,207; Martos,2015,138,n.418.
[140] On Apuleius translation of *εἱμαρμένη* with *fatum*, cf. Hijmans,1987,446,n.214, whose argument is, however, convincingly refuted by Hunink,1997,vol.II,207,n.1.
[141] *Apol*.84.3-4.
[142] Abt,1908,241-2, followed by Hunink,1997,vol.II,207.
[143] Eus.*PE*.6.4.1.
[144] Porph.*De philosophia ex oraculis haurienda* ed.Wolff,1856,165. Cf. similarly in the *Περὶ ὀργάνων καὶ καμίνων* ed. Mertens, *Les alchimistes Grecs*,vol.IV.1,l.60.
[145] LUC.6.605-10.
[146] *PGM* IV.2316, in which the practitioner boasts about the strength of his spell.
[147] I.216; XIII.614; XIII.635; these occurrences are noted by Betz,1992[2],8,n.40, with further bibliography on the concept of *Heimarmene*.
[148] IV.1456; XV.10.
[149] Cf. Apuleius' claim at *Apol*.26.9 (**4.3**) that magical spells could not be averted.

judge – while showcasing his grandiloquence and his superiority in logic, by which means he could even deny the standard rules of goetic magic.

In conclusion, the examination of the epistolary evidence reveals that, although Apuleius disproves the validity of two letters – namely that by Pudentilla and that attributed to him – he remains far from discussing the full corpus of letters brought to evidence his magical crimes. The triumphant tone notwithstanding, by analysing the allusions to other letters by Pudentilla in particular, we can deduce that Apuleius was aware that the charge concerning these incriminating letters was not as unconvincing as he endeavours to depict it. His opponents' strategy was, in fact, well-calculated: by citing from various private dispatches – which could give rise to compromising misunderstandings – and manipulating some of them, they could make a strong case against Apuleius, effectively buttressing the suspicion that he really was a goetic *magus*. Yet Apuleius' rhetorical skills allow him not only to shun any mentions of the other letters, but also to present that one letter by Pudentilla – distorted by his enemies to present him as *magus* – as the result of Aemilianus' illiteracy;[150] this prevented him and the prosecution from fully understanding the real meaning of the dispatch, which clarifies that Pontianus – not Pudentilla – claimed wrongly that Apuleius was a *μάγος*.

11.5. Uttering the Name of the *Magi*: Forbidden Knowledge from Public Libraries

One of the most controversial parts of the defence, which concerns the utterance of the names of six *magi*,[151] has yet to be examined. At *Apol*.90.5-6 Apuleius showcases once more his self-confidence, and openly challenges his accusers. He says, in fact, that if they could find any evidence of his profits from the marriage, which would have justified the magical seduction, then:

[150] *Apol*.87.5 and 30.11. In reality, Rufinus had a full understanding of the Greek letter, and would have made Aemilianus and the prosecution aware of it when preparing the charges: at 83.3 it is said that Rufinus *mala fide* selected the most incriminating passages of the letter (cf. also 81.1: *memorabili laude Rufini vicem mutavit*; 81.5: *subtilitas digna carcere et robore*).

[151] A detailed examination of these figures can also be found in Abt,1908,244-50.

ego ille sim Carmendas vel Damigeron vel † his † Moses vel I[*oh*]*annes*[152] *vel Apollobex*[153] *vel ipse Dardanus*, *vel quicumque alius post Zoroastren et Hostanen inter magos celebratus est*.[154] Given the significance of this evidence for our comprehension of Apuleius' interest in magic, I will provide a discussion of each of these figures, of the possible impact of the utterance on the audience,[155] and of the legal implications of the namedropping. This will enable us to fully understand the importance of a passage that – similarly to the parody of *nomina magica* at 38.7-8 and the curse against Aemilianus at 64.1-2 – casts fundamental light on Apuleius' knowledge of magic.

Abt, followed by Hunink and Martos,[156] does not understand the importance of the expression *ego ille*,[157] and comments on the text hypothesising the presence of two parallel groups of names, which he arranges as follows:

Carmendas	*vel*	*Damigeron*	*vel*	*his*	*Moses*
↓	↓	↓	↓	↓	↓
vel I[*oh*]*annes*	*vel*	*Apollobex*	*vel*	*ipse*	*Dardanus*

In reality, the sequence is not formed by two, but three groups, each constituted by a couplet of names connected by the disjunctive *vel*, and one of which is accompanied by the

[152] The reading in **F**,fol.123r,col.1,l.30 is *ioħs*, a typical abbreviation for *Iohannes*, cf.Lindsay,1915,404-5; Cappelli,2011[7],185. Colvius' emendation *Iannes* (1588,268) is rightly printed in Helm's text (1905=1955[3],100). The corruption *Iohannes* is probably induced by the religious education of the scribe (cf. Havet,1915,263 and West, 1973, 18). As Piccioni,2011,180 notes, this Christian *milieu* is the reason for other two mistakes in **F**: *profeta* instead of *poeta* (*Apol*.32.5); *tabernacula* instead of *taberna* (62.4). On the *magus* Jannes, cf. below.
[153] This is the apt emendation by Helm (1905=1955[3],100) in the wake of Krüger's *Apollobeches* (1864,100), in place of the transmitted *apollo hęc* at **F**,fol.123r,col.1,l.30.
[154] *Apol.*90.6. On Zoroaster and Ostanes, cf. *Apol*.26.2 (**4.2**) and 27.3 (**4.5**) respectively.
[155] *Apol.*91.1.
[156] Abt,1908,246; Hunink,1997,vol.II,223; Martos,2015,149-50,n.450.
[157] This form appears in the comedies of Plautus and Terentius, as well as in Cicero's orations and letters, cf. PL.*Am*.625; *Mos*.1074; *Per*.594; TER.*Ad*.866; CIC.*Phil*.7.7; 7.8; *Sul*.85; 87; *Fam*.2.9.1; *Att.*1.16.8. The false proem of the *Aeneid* begins with: *ille ego* (Serv.*Aen*.prol.; Donat.*vita Verg*.41-2 ed. Stok,1991).

pronominal adjectives *ille*, *hic* or *iste* or *is*[158] and *ipse*.[159] For the sake of convenience, I rearrange these three pairs below:

ego ***ille*** *sim Carmendas*	*vel Damigeron*
vel † ***his*** † *Moses*	*vel I*[*oh*]*annes*
vel Apollobex	*vel* ***ipse*** *Dardanus*.

We would have, therefore, a refined *tricolon*, a figure of speech frequently characterising the *ornatus* of the defence-speech.[160] This stylistic remark opens up the discussion of an important point: the fact that the names of these *magi* are found almost in the same pairs in a passage well-known to Apuleius, the beginning of book 30 of the *Natural History*.[161] Pliny cites, in fact, together Apollobex the Copt and Dardanus the Phoenician as masters of magical lore.[162] Other sources substantiate the goetic renown of both Apollobex and Dardanus: the former name appears in *PGM* XII.121 as an epithet of the god Horus rather than as a practitioner;[163] the latter is mentioned by Clement of Alexandria[164] as the introducer of the mysteries of the Mother of the

[158] While *hic* and *iste* are conjectures by Hunink,1997,vol.II,223 in place of † *his* † in **F**,fol.123r,col.1,l.29, Martos,2015,149 prints *is*. Krüger,1864,100 proposes *Velus* <*vel*>; Bosscha (cf. Helm,1905=1955[3],100) hypothesises, instead, *Hisus* <*vel*>, i.e. Jesus, and Traube,1907,154-5 argues for the likeliness of this interpretation since *his* is indeed the abbreviation of *Hiesus*. The hypothesis is chronologically possible, as the first evidence for a goetic interpretation of Jesus – which we later find in *PGM* III.419; IV.1231-1239; IV.3015-3016; XII.192; XII.128,1-11 – dates to ca. AD 153 (cf. Wartelle,1987,21-2), when the Christian apologist Justin contends that Christ acted by means of the *μαγικὴ τέχνη* (Justin.*Apol.*1.30). Some twenty years later (cf. Borret,1976,122-9) the Platonist Celsus delivers a vehement anti-Christian attack in his *True Discourse* in which he describes Christ as a *γόης* (cf. Orig.*Cels*.1.6; 1.68; 1.71; 2.48), sparking a debate that flared up in the third and fourth century AD (e.g. Arn.*Adv.nat.*1.43; Lactant.*Div.inst*.5.3). On Jesus as a *magus*, cf. also Smith,1978,81-139; Busch,2001,25-31; Holmén,2007,43-56. At any rate, the integration *Hisus* <*vel*> remains implausible for stylistic reasons, since it would break the symmetrical construction of the *tricolon*. The reading † *his* † could have, therefore, originated from the contiguous name *Moses*, which induced the copyist to replace an original *hic*, rather than *iste*, and to analogously write the following *Iohannes* in place of *Iannes* (cf. n.152).

[159] It is noteworthy that the first (*ille*) and the last (*ipse*) adjective are chiastically united to the first and the last name of the pairs.

[160] Other *tricola* in *Apol.*7.6; 9.3; 25.9; 32.4; 32.8; 35.3-4; 55.9; 64.2; 83.6; 85.9; 93.2. I would lay stress in particular on the analogous use of pronominal adjectives in the *tricolon* at 63.6: '*hiccine est sceletus*, *haeccine est larva*, *hoccine est quod appellitabatis daemonium*?'. Further remarks on colometric arrangements in the *Apologia*, in Callebat,1984,143-67; Hijmans,1994,1744-60.

[161] For the connections between Pliny and Apuleius, cf. Abt,1908,255; Butler, Owen,1914,164; Hunink,1997,vol.II,p,224; Harrison,2000,26; 54,n.36; 70-1; 82,n.1.

[162] PLIN.*Nat.*30.9: *Democritus Apollobechen Coptiten et Dardanum e Phoenice inlustravit voluminibus Dardani in sepulchrum eius petitis*, *suis vero ex disciplina eorum editis*.

[163] Cf. Betz,1992[2],157,n.35 with further bibliography.

[164] Clem.Al.*Protr*.2,12p.

Gods,[165] and by Fulgentius as the author of a lost treatise entitled *Δυναμερά*.[166] Furthermore, Dardanus's name is also in the title of a magical *formula*, the *Ξίφος Δαρδάνου*, a prescription to attract and bind any soul.[167] In the *Natural History* we also find together Moses[168] and Jannes, described as exponents of the Judaic sect of *magia*.[169] That Moses was thought to be a *γόης* in the second century AD can also be gathered from Celsus' *True Discourse*, where Moses is considered as the authority from which Jesus and the Christians learned magic.[170] As to Jannes, he was not Jewish as Pliny reports, but an Egyptian priest who challenged Moses before the pharaoh, according to Jewish and Christian sources.[171] Pliny's inaccuracy might be due to his scarce consideration for magical lore as a whole,[172] and Apuleius probably inherited his confusion by quoting him.[173]

Unlike the other pairs of *magi*, that composed of Carmendas and Damigeron is absent in Pliny.[174] The couplet could be, therefore, a citation by memory from a lost source, or the result of a combination between two notorious *magi* which Apuleius knew from other sources. While the name Carmendas appears exclusively in Apuleius' *Apologia*,[175] Damigeron – to whom is

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[165] On magic and mysteries, cf. **8.2**.
[166] Fulg.*Virg.*142,86 Helm. One might wonder if this is could be the same treatise (*Φυσικὰ Δυναμερά*) attributed to Bolus of Mendes in *Suid.*β 482 ed. Adler; Bolus was also the author of Democritean pseudepigrapha (cf. **2.2**; **4.4**).
[167] *PGM* IV.1716-867. Cf. also *RAC*,vol.V,s.v.*Dardanus*,col.593-4.
[168] On Moses and magic, cf. Gager,1972,134-161.
[169] *Nat.*30.11: *est et alia magices factio a Mose et Ianne et Lotape ac Iudaeis pendens*. Pliny adds the name, not otherwise known, of *Lotapes* on which cf. Torrey,1949,325-7 and Gero,1996,304-23. On the passage, cf. Bidez, Cumont,vol.II,14; Gager,1972,137-40.
[170] Orig.*Cels.*1.26. Moses's name also appears in numerous recipes of the *PGM*, cf. III.445; V.107-108; VII.619-627; and XIII.1-343; XIII.971-972; XIII.1058-1065, on which cf. Lietaert Peerbolte,2007,184-94.
[171] LXX.*Ex.*7.11; N.T.*Ep.Ti.*2.3.8 and on the *Apocriphon of Jannes and Jambres*, cf. Maraval,1977,199-207; Pietersma,1994; 2012,21-9; Schmelz,2001,1199-1212. The second century Pythagorean Numenius (cf. Eus.*PE.*9.8.1-2) avoids this confusion and distinguishes Moses from the Egyptian holy-men.
[172] *Nat.*30.1; 30.17.
[173] Apuleius harboured no sympathies for Jewish and Christian monotheistic cults; cf. *Met.*9.14.5 and Hijmans eds.,1995,140; 380-2. On Apuleius and Christianity, cf. Hunink, 2000, 80-94.
[174] Bidez, Cumont,1938,vol.II,15 defend the emendation *Tarmoendas*, the Assyrian *magus* mentioned in PLIN.*Nat.*30.5, perhaps rightly: the explanation is not implausible from a palaeographical perspective, as it would presuppose the existence of a MS written in semi-uncial, (cf. Cencetti,1997,66-8; Battelli,2007,84-7) a script in which *t* (τ) and *c* had a similar form, which was misread by a Cassinese scribe. We find an example of such a confusion between *t* and *c* in another Beneventan MS, the so-called *Medicean Tacitus* (Plut.68.02, which is bound together with **F**), where the name of the *Satyrica*'s author Titus Petronius (on which cf. Prag, Repath,2009,5-10; Völker,Rohmann,2011,660-76; Schmeling,2011,XIII) is spelt *C. Petronio* (cf. **F**,fol.45r,col.1,l.7-8 = TAC.*Ann.*16.18). One might also wonder whether *Tarmoendas* and *Carmendas* in *Apol.*90.6 are an erroneous rendering of the name of the Platonist *Χαρμάδας* or *Χαρμίδας* (ca. 165-91 BC), which is spelt correctly in CIC.*de Orat.*1.45; 1.47; 1.84; 1.93; 2.360. As discussed in **4.4**, **4.5**, **4.6**, Pliny criticises Pythagoras, Empedocles, Democritus, and Plato for their admiration for the Magi (*Nat.*30.9), which he considers as mere goetic practitioners. On the interest of Academic philosophers in the Magi during the Hellenistic period, cf. **2.2**. If my hypothesis is correct, the name would have appeared quite harmless in the eyes of Claudius Maximus and the learned audience.
[175] Cf. the etymological speculations by Wünsch reported in Abt,1908,244-5, which are quite feeble and groundless: as we can observe when evidence is available in other sources, Pliny does not make up names or stories and the *Natural History*: instead, he reports quite carefully what he finds in his sources, although often abridging them.

attributed a *Lapidarium* that we have already discussed – is not acknowledged by Pliny, but other sources confirm that he was a *magus*. Tertullian associates Damigeron with the aforementioned Dardanus,[176] and so does Arnobius.[177] To this *magus* is also ascribed a *lapidarium*,[178] expounding the supernatural – and often explicitly magical – virtues of stones, in which we even find allusions to works attributed to Zoroaster[179] and Ostanes, called *magister magorum omnium*.[180]

We have so far sketched a profile of each of these *magi*; we need to add that this display could have had some serious legal repercussions. Abt points out that from the third century BC onwards, treatises concerning numinous matters were interdicted in Rome,[181] hence, in later times, magical treatises would have been banished from public libraries.[182] He fails to notice, however, that Apuleius' professes at 91.2 to have read the names of these goetic practitioners *in bybliothecis publicis*;[183] in doing so, he addresses a section of the *Lex Cornelia de sicariis et veneficiis*, which issues that *libros magicae artis apud se neminem habere licet*.[184] Although we cannot be certain about the sources – other than Pliny – that Apuleius used at *Apol*.90.6, his pronouncing of such suspicious names and equating of himself to the *magi* triggered the exacerbated protest of his enemies and – as Marchesi suggests –[185] of part of the audience.[186] To counteract this reaction, Apuleius explains that he read the names *apud clarissimos scriptores*.[187] We have noted that four out of six of these *magi* appear in the *Natural History*, a text certainly beyond the suspicion of being a magical treatise. Such names could also have been found in other erudite writings such as Varro's *Res divinae*, to which Pliny himself refers,[188] not to mention Greek authorities such as

[176] TERT.*Anim*.57.1, cf. Waszink,1947,576.
[177] Arn.*Adv.nat*.1.52.1, cf. Le Bonniec,1982,354-5.
[178] Cf. Halleux, Schamp,1985,215-28.
[179] Damig.*Lapid*.8.1=PLIN.*Nat.*37.159.
[180] Damig.*Lapid*.34.3.
[181] LIV.25.1.11-2.
[182] Abt,1908,255,n.1, followed by Butler, Owen,1914,164. For a discussion of the difficult transmission of magical texts, cf. Betz,1992^2,xli-xlii.
[183] An identical claim in *Apol*.41.4.
[184] Paulus *Sent*.5.23.18. Abt,1908,255,n.2 wrongly refers to *Sent*. 5.23.17, which is about the severe measures against those who were aware (*consci*) of magic.
[185] Cf. Marchesi,2011=1957,123. Hunink,1997,vol.II,224 argues that only the prosecutors are meant here, since Apuleius signposts that the crowd often sympathises with him, as in 7.1. However, nothing disproves that a part of the crowd believed Apuleius a *magus*, given his widespread notoriousness much before the trial (81.1).
[186] *Apol*.91.1.
[187] It is worth remarking that at *Anim.*57.2 Tertullian, similarly to Apuleius, comments on the belief concerning the magical evocation of the dead, which can be found in *publica iam litteratura*. On the fortune of this *topos*, cf. **10.2**.
[188] PLIN.*Nat*.1.30b-c.

Pseudo-Aristotle's *Magikos*, or Eudoxus of Cnidus, Hermippus of Smyrna,[189] all of which are now inaccessible to us.

In addition, Apuleius maintains that knowledge of the customs of the *magi* cannot be compared to acquaintance with the goetic arts.[190] This statement, however, creates a substantial complication since the *Lex Cornelia* severely punished not only the possession of books, but the very knowledge of the subject: *non tantum huius artis professio, sed etiam scientia prohibita est*.[191] Apuleius could not have been unaware of this legal problem: it seems, in fact, at 30.2 he turns it directly against Aemilianus, when saying that if his archenemy had any specific knowledge of magic, then he would have certainly been a *magus*.[192]

So why did Apuleius reveal this compromising knowledge? I argue that the namedropping at *Apol*.90.6 parallels the provocative arguments which we have found in three other passages of the defence-speech: in the first case, at *Apol*.26.6-9, Apuleius says that if he really was a goetic practitioner – as Aemilianus claims – then his archenemy would have never escaped from his revenge.[193] Then, at *Apol*.38.8, Apuleius utters some Greek names of animals which, to a Greekless audience, would have seemed *voces magicae*.[194] Finally, at *Apol*.64.2, he casts a mock-curse on Aemilianus: the presence of elegant neologisms undermines, in fact, the frightful tone of the spells.[195] The reasoning is that the accusers, due to their baseness, regularly fail to comprehend the true meaning of Apuleius' words. Their vulgar interpretation of *magus* induces them to consider Apuleius a goetic practitioner;[196] their illiteracy makes them believe that the Greek terms uttered at 38.8 are *nomina magica*, and that the invocation at 64.2 was a real curse. In this case, Apuleius claims that his moral righteousness suffices to prove the absence of any wrongdoing[197] or any knowledge of goetic magic.[198] These six names, although *prima facie*

[189] PLIN.*Nat*.30.3-4; D.L.1.8. For an analysis of the sources on philosophical magic, cf. **2.2**.
[190] *Apol*.91.2.
[191] Paulus *Sent*.5.23.17. In the light of this evidence, Hunink's explanation that, by the time of the trial, knowledge of magic was not a punishable crime cannot be accepted (1997,vol.II,224).
[192] *Apol*.30.2.
[193] **4.3**.
[194] **6.4**.
[195] **10.7**.
[196] *Apol*.26.6-9: since Apuleius is not a goetic *magus* (25.9-26.5), the threat becomes nothing more than a pun (**4.3**).
[197] *Apol*.90.3.
[198] This is his core argument at 25.9-26.6. Cf. **4.2**, **4.3**.

suspicious, can be read in public libraries,[199] as well as in magical treatises: had his foes been more cultivated, they would have found this out by themselves. Apuleius wants to cause an adverse reaction in his foes that was meant to be laughed at by the educated judge Maximus.

As in the previous cases, the real strength of Apuleius' speech lies in his *captatio benevolentiae* of the judge: he puts himself and Maximus at the vertex of an intellectual hierarchy, while his enemies are relegated to its bottom. According to Apuleius, since they cannot see the true meaning of things, they mistake erudition for illicit knowledge.[200] Thus Apuleius says that he fully entrusts himself to the *perfecta eruditio* of Claudius Maximus,[201] who would not have failed to comprehend that Apuleius' learning did not imply any dabbling in magic, and that he was innocent of any alleged crimes. It is this binding reasoning that allows him to safely provoke his attackers, while even displaying clear evidence of his goetic expertise.

11.6. Rufinus Consulting with Chaldeans

We now need to examine Apuleius' reference to Rufinus' consultation with the *Chaldaei* and their ominous prophecy of Pontianus' death at *Apol*.97.4. The argument is dropped into the speech as a matter of hearsay (*ut audio*)[202] to sully the reputation of Herennius Rufinus, the real architect of the trial,[203] whom Apuleius had also accused of having prevented the dying Pontianus from expressing his last will.[204] Not content with this, Apuleius reports that Rufinus asked *nescio quos Chaldaeos* to enquire about the profits gained from his daughter's marriage with Pontianus: their response was that her first husband would have passed away in a few months; then – as Apuleius claims – they made up further predictions according to their customer's wishes.[205] Whilst Abt discusses the role of the *Chaldaei* as soothsayers, generally despised in the Roman Empire,[206] Hunink observes that the Chaldeans were closely associated with magic, but does not substantiate

[199] *Apol*.91.2.
[200] *Apol*.91.1
[201] *Apol*.91.3.
[202] Hunink,1997,vol.II,238 remarks that the allegation is unsubstantiated.
[203] *Apol*.74.5.
[204] *Apol*.96.5; 97.3.
[205] *Apol*.97.4.
[206] Cf. Abt,1908,256-7. Although not openly referring to magic, Abt,1908,257,n.1 mentions *Cat.Cod.Astr*.II,182 indicating that the Persians inherited the astrological arts of the Chaldeans. We find an analogous explanation in *Suid*.α 4257 ed. Adler.

this point;[207] he argues that by referring to this rumour, Apuleius would have consequently put Rufinus and the prosecution in a bad light. In order to validate this explanation, I shall further illuminate the relation between *Chaldaei* and *magi*; this will enable us to understand two further issues, which hitherto have gone unnoticed: firstly, the dramatic impact of this passage in relation to analogous rhetorical writings. Secondly, its real implications: as we shall see, the passage is meant to twist the accusation of having caused Pontianus' death against Rufinus.

Let us first explore the connections between the *Chaldaei* and goetic *magi*.[208] The semantic evolution of *Chaldaeus* is remarkably similar to that of *magus*,[209] since both terms suffered from a shift towards the detrimental meaning of 'goetic practitioner'; this explains their eventual semantic association, which I shall now examine. Indicating originally the Babylonian priest[210] specialising in astromancy,[211] the term *Χαλδαῖος* undergoes a pejorative semantic shift towards 'astrologer', which becomes particularly clear in the Latin rendering *Chaldaeus* already in Cato's *De agricultura*.[212] In Tacitus,[213] *Chaldaeus* is used as a synonym for *mathematicus* ('astrologer').[214] This usage becomes so widespread in the second century that Gellius remarks that *vulgus autem, quos gentilicio vocabulo* '*Chaldaeos*' *dicere oportet*, '*mathematicos*' *dicit*.[215] At the same time, the terms *Chaldaeus* and *mathematicus* were connected with the goetic kind of magic, since the astrologers were commonly associated with the goetic practitioners.[216] Because of the semantic convergence of *magus*-*μάγος* and *Chaldaeus*-*Χαλδαῖος*, Lucian was able to create the character of the *μάγος Χαλδαῖος* Mithrobarzanes in his comic dialogue *Nekyomanteia*.[217] We can, therefore, assert that given the bad reputation of the Chaldeans, by saying that Rufinus

[207] Cf. Hunink,1997,vol.II,238.
[208] For this argument cf. also Rives,2011b,681-5, cited by Martos,2015,159,n.470, who provides a general discussion from an etic standpoint, and does not clearly demonstrate the semantic connections discussed above.
[209] Cf. Chapter 2.
[210] S.*frg.*638 (Radt,1999,*TrGF*,vol.IV,460); Hdt.1.181.
[211] CIC.*Div.*1.2, on which cf. Pease,1963,43-4. In *Div*.2.87-90, Cicero's own sceptical views expressing a strong contempt for the Chaldeans' practices are reported. Cf. similarly LUC.5.727-8.
[212] CATO *Agr.*5.4.
[213] Cf. n.216.
[214] Cf. *OLD*,1968-82,s.v.*mathematicus*,1084.
[215] GEL.1.9.6.
[216] E.g. CURT.5.1.22; TAC.*Ann.*2.27; 2.32; 12.22, Tacitus employs *Chaldaios* and *mathematicus* interchangeably, cf. also JUV.6.553-71; *Frag.Bob. De nomine*,544,l.19 ed.Keil 1880. As remarked by Dickie,2001,148, Cassius Dio, recounting the same banishing of *mathematici magique* in TAC.*Ann*.2.32, describes them a *ἀστρολόγους καὶ γόητας* (C.D.57.15.8).
[217] Luc.*Nec.*6.

consulted with them, Apuleius strikes a significant blow against a man seeking the counsel of suspicious diviners as loathed and despised as the goetic *magi*.

The use of this specific connotation of *Chaldaeus* is quite peculiar if compared to other Apuleian works: the Chaldeans feature in the *Florida* as respectable sage-philosophers from whom Pythagoras learned the *sideralis scientia*,[218] and in the *De deo Socratis* Apuleius acknowledges them as authorities.[219] In the *Metamorphoses*, however, the figure of the Chaldean Diophanes – similarly to the *mathematici* in the *Apocolocyntosis*[220] and the "holy-man-cum-charlatan" Serapa in the *Satyrica* –[221] has a comic function since he is portrayed as a charlatan who forges predictions to comply with the requests of his clients.[222] Given that in *Apol*.97.4 Apuleius also stresses the Chaldeans' fraudulence, we may note a similarity to this comic characterization. In the defence-speech, however, the function of the *Chaldaei* does not seem primarily debasing but rather dramatic: since their prediction of Pontianus' death turns out to be true, Apuleius exclaims: '*utinam illud non vere respondissent*',[223] a continuation of the complaint at 96.5 where he protested against the ineluctability of Pontianus' fate. The theme of the astrologer's sinister prediction lends itself quite well to rhetoric and we find it fully implemented in the fourth *Major Declamation* attributed to Quintilian, where a son attempts to justify his suicidal intent before he was to kill his father, as a *mathematicus* prophesised at his birth.[224] Apuleius' similar dramatization in the *Apologia* was evidently meant to increase the audience's compassion for Pontianus' death while besmirching Rufinus, guilty of having somehow cast such a woeful destiny upon the youth by consulting the astrologers.

Even though we have explained the goetic implications and the dramatic effect of Apuleius' allusion to the *Chaldaei* at *Apol*.97.4, we still have to explore the most important feature of this passage, namely how it was meant to turn the accusation of having caused Pontianus'

[218] APUL.*Fl*.15.16-7. Analogously in D.L.1.6; 8.3.
[219] APUL.*Soc*.1.
[220] SEN.*Apoc*.3.2.
[221] PETR.76.10 and Schmeling,2011,322 in the wake of Anderson,1994,181-2.
[222] APUL.*Met*.2.12.1-14.1. The first evidence of this comic theme is in JUV.6.553-71, cf. van Mal-Maeder,2001,12-3; 208-10. For remarks on Diophanes' veridic prophesy, cf. van Mal-Maeder,2001,212-3.
[223] *Apol*.97.4.
[224] The declamation dates to the end of the second or the beginning of the third century AD, according to Stramaglia,2013,36-7.

decease against Rufinus. In Paulus' *Sententiae*, there is mention of a section *de vaticinatoribus et mathematicis*: this law, however, punished only the slaves enquiring from *mathematici* about the health of their masters,[225] and those citizens who ask for prophecies regarding the emperor or the Roman State.[226] Official measures against the astrologers had already been taken in 139 BC[227] and later by Agrippa, who banished them – alongside with goetic practitioners – from Rome.[228] It is, however, under Tiberius and Claudius that we find mention of the first legal actions against people who asked *Chaldaei* and *mathematici* for predictions concerning the emperor's death: such were the cases of Lepida,[229] Mamercus Scaurus,[230] Lollia Paulina[231] and Furius Scribonianus.[232] It seems that the underlying belief is that such consultations were as dangerous as really making an attempt on the emperor's own life, as if the prophecy, once delivered, would have become irreversible. By applying this logic to our case, the Chaldeans' ill-omened response concerning Pontianus' death would have made Rufinus appear responsible for the youth's untimely demise, at least to some degree: Apuleius avoids directly accusing Rufinus of the death of Pontianus, because – according to the *Lex Remmia de calumniatoribus* –[233] if the accusation was proved to be false, the accusers themselves should have served the sentence for the alleged crime. Thus he reports this as a rumour and says that Rufinus inquired about the profits of his daughter's marriage; but, knowing that Pontianus died and that Rufinus consulted some Chaldeans, anyone in court could have connected these two dots.

Apuleius, therefore, by stating that the malicious Rufinus – who even suppressed the final version of Pontianus' will –[234] consulted with the louche Chaldeans, subtly implied his involvement in the death of Pontianus. In doing so, Apuleius would have successfully turned the

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[225] Paulus *Sent*.5.21.4.
[226] Paulus *Sent*.5.21.3. From the fourth century AD, any consultations with Chaldeans become officially prosecutable (*Cod.Theod.*9.16.4).
[227] LIV.*epit.Oxyrh*.8.192.
[228] C.D.49.43.5: *'Αγρίππας* […] *τοὺς ἀστρολόγους τούς τε γόητας ἐκ τῆς πόλεως ἐξήλασεν*. For an account of these and other persecutions, cf. Dickie,2001,148-51.
[229] TAC.*Ann*.3.22.
[230] TAC.*Ann*.6.29.
[231] TAC.*Ann*.12.22.
[232] TAC.*Ann*.12.52.
[233] Cf. **1.3** and n.25.
[234] *Apol*.96.5.

charge of having caused the death of his son-in-law against an eminent member of the prosecution.[235]

We can conclude that the reference to *Chaldaei* at *Apol*.97.4 allows Apuleius to effectively fight back against Rufinus and, indirectly, the prosecution as a whole by means of a treble strategy: firstly, once blamed for being in league with the Chaldeans – whose reputation is as dismal as that of the goetic *magi* – Rufinus would have become suspicious in the eyes of the audience and the magistrates. Secondly, the dramatic effect created by Apuleius would have aroused much dislike towards Rufinus. Thirdly, by relying on the idea that enquiring about someone's death was as dangerous as killing that person, Apuleius could make Rufinus appear accountable for the death of Pontianus, and successfully turn the accusation of having caused his stepson's death[236] against the prosecution.

11.7. Conclusion

This examination of this final section of the *Apologia* has made it possible to understand the relevance of magic in the Secondary Charges, and especially in those pertaining to the use of love-magic on Pudentilla, and to their isolation in the countryside before[237] and during the wedding[238] and when obtaining the dowry.[239] Additionally, it has emerged that all of these accusations are closely intertwined with the Primary Charges, specifically dealing with goetic magic. The Secondary Charges were, therefore, meant to represent the sheer fulfilment of Apuleius' evil portrayal as we have reconstructed from the Preliminary Allegations and Primary Charges: that of a effete lecher,[240] a skilled evil-minded *magus*, and finally a ruthless legacy-hunter (*praedo*).[241]

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[235] *Apol*.53-57.1 discussed in Chapter 8.
[236] **8.4**.
[237] *Apol*.68.-71.1 in **11.2** and **11.3**.
[238] *Apol*.87.10-88.7.
[239] *Apol*.91.5-101.8.
[240] *Apol*.4 (**3.2**); 9-13.4; 13.5-16 (**3.5**).
[241] *Apol*.93.2; 100.1. The prosecution's use of *praedo* to indicate the greedy legacy-hunter, which is typically Plautine (cf. PL.*Men*.1015; *Ps*.895; 1029; *Truc*.106), is not unsurprising given their implementation of other stock-characters to defame Apuleius, cf. **3.6**.

Apuleius defends himself by influencing the judge against the ignorance of his attackers, and by stressing that they acted because of their *invidia*,[242] and that the real cause of the trial is not his goetic magic and its supposed effects on Pudentilla, but the fear that he might secure the wealth of the Sicinii for himself.[243] Yet a plain denial of his alleged goetic powers is never attempted, and even when saying: '*etsi vere magum me comperisset*'[244] and claiming that no one was harmed by his magic,[245] Apuleius answers neither for his purported magical crimes, nor for his displayed knowledge. He acknowledges, instead, that he had long-time reputation in Oea for being a *magus*,[246] and the utterance of the name of six *magi* at *Apol*.90.6 – and to a lesser extent the reference to the *Chaldaei* at 97.4 – betrays a deep conversance with the subject of the *magicae artes* that was punishable under the *Lex Cornelia de sicariis et veneficiis*.[247] This leads us to the conclusion that, far from having irrevocably disproved the accusations and dispelled the suspicion of being a *magus*, Apuleius would have been objectively in a tight corner in the courtroom of Sabratha, had the judge not been sympathetic towards his case. As it emerges from what we have discussed so far, the *Apologia* is a defence tailored for a precise addressee – Claudius Maximus – with whom the cultured audience and the ideal readers of the speech would have easily identified themselves. In the end, how could Maximus really believe that a Platonic philosopher such as Apuleius was a goetic *magus*?

[242] *Apol*.66.3; 67.1; 67.5; 68.1; 82.5; 99.4; 101.3.
[243] *Apol*.101.3.
[244] *Apol*.66.3, which mirrors '*etsi maxime magus forem*' in 28.4, repeated at 90.1.
[245] *Apol*.66.3; a similar claim is made at 90.1-5.
[246] *Apol*.81.1; this antedates the defamation mounted by Rufinus, Aemilianus and Pontianus in the city square (cf. 82.3-7).
[247] **11.5**.

Chapter 12: Conclusion

12.1. Apuleius: *Philosophus Platonicus* and *Defensor Magiae*

It is now the time to draw some general conclusions on the discoveries that have emerged from my examination of Apuleius' *Apologia*. In the previous chapters, I have often played the role of Apuleius' *advocatus diaboli* assessing the contradictory aspects of his claims, whilst shedding light on the strength of the prosecution's case. This has been made possible by the new semantic taxonomy which I have introduced in this dissertation to better define magic,[1] enabling me to reconstruct more accurately than previous scholars the goetic innuendos of Apuleius' arguments, his manipulation of the ambivalent meaning of *magus* and its cognates, and the attackers' employment of widespread beliefs concerning the real practices of goetic magic and the dramatic representations of magic in literature and rhetoric.

Although we have no direct evidence for Apuleius' acquittal, this outcome is almost certain given his successful career as a priest and rhetorician in Carthage during the 160s AD,[2] and given that he proves that he had no financial interest in Pudentilla's wealth by reading a copy of her will.[3] Apuleius, however, does not confute in an equally convincing manner his alleged goetic crimes: his main argument against them is that his inner inclination towards good made it impossible that he had anything to do with goetic magic.[4] This claim notwithstanding, the methodology on magic adopted in this dissertation[5] has enabled me to put previous scholarship on a firmer basis and to reconstruct the dangerous content of the allegations, heavily distorted in Apuleius' speech, showing that they complied both with commonplace ideas about goetic magic and with the *Lex Cornelia de sicariis et veneficiis*, under which Apuleius was tried.[6] As we have seen, the Preliminary Allegations highlight the fact that Apuleius – allegedly a 'Don Juan' and a squanderer – purportedly paid excessive care to his appearance, which he might have enhanced

[1] Cf. Chapter 2.
[2] Cf. **1.3** and n.55, and **7.1**.
[3] *Apol.*100.5.
[4] *Apol.*90.3: *certum indicem cuiusque animum esse*: *qui semper eodem ingenio ad uirtutem uel malitiam moratus firmum argumentum est accipiendi criminis aut respuendi* ('the soul of a person is the undisputable evidence: the fact that someone' mind is always inclined either towards good or towards evil is a solid argument to accept or reject a charge').
[5] Chapter 2.
[6] **1.3**.

with illicit potions,[7] and his unnatural eloquence[8] and use of a mirror[9] could indicate his goetic practices. Furthermore, his ability to handle *venena* for the creation of cosmetics, proved by the deposition of Calpurnianus and by the *xenion* which Apuleius wrote to accompany his gift of a toothpaste,[10] could have been deemed a prosecutable action under the *Lex Cornelia* because this law punished those who sold or concocted *venena*.[11] The sinister portrayal sketched in the Preliminary Allegations prepares the ground for the Primary and Secondary Charges: according to the former, the evil *magus* Apuleius was a threat not only to the health and fortune of Pudentilla, whom he supposedly seduced with love-charms made from obscene sea animals,[12] but to the whole community of Oea. His noxious *carmina* caused the sickness of numerous slave-boys, including Thallus, and of a free woman;[13] the defilement of Pontianus' personal *Lares* with *defixiones* caused the death of his step-son,[14] and the pollution of the hearth of Crassus' house and his *Penates* provoked Crassus' sickness, preventing his attendance at the trial.[15] Additionally, the prosecutors hoped that the charge concerning Apuleius' alleged necromantic abilities would have made him appear as a fully-fledged *magus* endangering every Oean citizen.[16]

The Secondary Charges, which focused more on Apuleius' seduction of Pudentilla and his attempt to seize her patrimony, were also strongly connected with the Primary Charges: they buttressed the claim that he employed *carmina* and *venena* on the defenceless widow,[17] and that the segregation in which the couple lived before, during, and after the wedding paved the way for Apuleius' wicked aims.[18] Had he been found guilty of at least one of these charges, he would have had to be punished under the *Lex Cornelia de sicariis et veneficiis*.

We have seen that Apuleius' own arguments disclose not only his erudition but also a controversial knowledge of specific features of goetic magic, especially when he utters a list of

[7] **3.2**.
[8] **3.3**.
[9] **3.5**.
[10] **3.4**.
[11] Paulus *Sent*.5.23.1.
[12] Chapter 5 and 6.
[13] Chapter 7; the enchantment of a person is condemned by the *Lex Cornelia* (Paulus *Sent*.5.23.15).
[14] Chapter 8; such an action was prosecuted by the *Lex Cornelia* (Paulus *Sent*.5.23.15).
[15] Chapter 9; the legal implications of this charge are the same as those of the previous allegation.
[16] Chapter 10; necromancy, too, was a prosecutable offence (Paulus *Sent*.1.21.5; *Sent*.5.19-19a; 5.23.15; 17).
[17] **11.2**.
[18] **11.3**.

mock-*voces magicae*[19] and a goetic curse,[20] and when he cites the name of six *magi*.[21] These could have represented incriminating evidence against his self-professed innocence since the very knowledge of the *magicae artes* was a prosecutable offence according to the *Lex Cornelia*.[22]

Unsurprisingly, the borderline nature of these displays has stirred up perplexity in modern scholars, and it has even been assumed that some of these passages were added at a later stage, when Apuleius revised his speech for publication.[23] I argue, however, that there is no reason to hypothesise this. The outcome of Apuleius' trial was less dependent on whether he could convince anyone of his innocence, but it was mainly determined by the forensic strategy employed to persuade the judge Maximus with a sophistic display and by creating a sense of bonhomie and camaraderie between intellectuals ganging up against the boorish opponents. Apuleius' strategy pivots on a contrast between the dichotomous nature of every thing: *nihil in rebus omnibus tam innoxium dices*, *quin id possit aliquid aliqua obesse*, as Apuleius puts it.[24] While the dramatized portrait of Apuleius as a goetic *magus* given by his foes was meant to make him appear as a threat in the eyes of the people in court, Apuleius depicts his prosecutors as rustic louts to ridicule them by underlining their inner and exterior vulgarity, which he compares with his self-presentation as a Platonic philosopher. This is not exceptional, since jokes at the expense of the opposition were a customary means in Roman rhetoric, employed and prescribed by Cicero[25] and by Quintilian,[26] and it was also a common assumption that an orator should present himself as noble-minded and law-abiding.[27] What makes the *Apologia* unique is the constant Platonising opposition between higher concepts, which are associated with Apuleius and the judge Maximus, and inferior ones, which Apuleius attributes to his attackers. As we have seen, this happens when Apuleius praises the Platonic distinction between the celestial Venus and the Venus *vulgaria*;[28] when he weighs

[19] *Apol*.38.8, **6.4**.
[20] *Apol*.64.1-2, **10.7**.
[21] *Apol*.90.6, **11.5**.
[22] Paulus *Sent*.5.23.17.
[23] Gaide,1993,230-1; Harrison,2000,75,n.93.
[24] *Apol*.32.3, **6.2**.
[25] CIC.*de Orat*.2.236-42. His witty jokes were so famous as to be collected by Tiro (QUINT.*Inst*.6.3.1) and Trebatius (CIC.*Fam*.15.21), cf. Russell,2001,64-5,n.2.
[26] QUINT.*Inst*.6.3.1-5. On Apuleius' borrowing from comedy, cf. May,2006,80-108; 2014a,759-62.
[27] CIC.*De orat*.2.184. The accusers, too, played the role of the righteous men condemning Apuleius' immorality for his supposed research of obscene sea creatures (34.1-2, **6.3**).
[28] *Apol*.12.1-6, **3.4**.

the differences between his attempt to keep his mouth clean with toothpowder and Aemilianus' filthy mouth;[29] when he contrasts Aemilianus' obscure and secretive lifestyle with his own public career;[30] when he draws a line between Aemilianus' supposed irreligiosity and his holy initiations in the mysteries;[31] when he distinguishes between Persian *magia*, commended by Plato, and vulgar *magia* in which his attackers believe;[32] and, again, when he exhorts the audience to look at the beneficial virtues of various simples[33] and rituals[34] which could also pertain to goetic magic, as his ill-minded enemies would be inclined to think.

In each of the aforementioned cases, the baser concepts are attached – directly or indirectly – to the prosecution, while the loftier ones belong to Apuleius and Maximus. By enriching the speech with this Platonising veneer, he succeeds in claiming that he was defending the good name of philosophy[35] while buttressing his own self-presentation as a Socrates on trial. The judge and philosopher Claudius Maximus would have enjoyed grasping this refined subtext and participating in the same cultural elite as Apuleius, from which the accusers were excluded. The Platonic tone which underpins the arguments of the *Apologia* becomes a narrative pattern in Apuleius' *Metamorphoses*, too. As argued by DeFilippo[36] and Leigh,[37] there it is connected with the idea of 'meddlesomeness' (*curiositas*), because of which the appetitive part of Lucius' soul is lead astray until his re-transformation into human form by means of Isis' grace and rejection of the *inprospera* and *temeraria curiositas*.[38] But the very macrostructure of the *Metamorphoses* reflects this dichotomous contrast between a lower and a higher dimension: while the first section (books 1 to 3 and 6.25-10) is driven by Lucius' interest in Thessalian magic and his consequent physical and mental perdition, the salvific finale (book 11)[39] is pervaded by a lofty, holy

[29] *Apol*.8.3-5, **3.4**.
[30] *Apol*.16.7-13, **3.5**.
[31] *Apol*.55.8-56.10, **8.6**.
[32] *Apol*.25.9-26.9, **4.2**, **4.3**.
[33] *Apol*.32.2-8, **6.2**.
[34] *Apol*.54.1-2; 54.7, **8.5**.
[35] **3.6**.
[36] DeFilippo,1990,471-92.
[37] Leigh,2013,136-50.
[38] APUL.*Met*.11.15.1; 11.23.5, on which Leigh,2013,147-9; Keulen *et al*. eds.,2015,383-5.
[39] That the lacuna at **F**,fol.183v affects not only the beginning of the *Florida* but also the finale of the *Metamorphoses* has been argued by Pecere,1987=2003,110-4, followed by van Mal-Maeder,1997,87-118 and recently by Ammannati,2011,229-40; Tilg,2014,135-8 shows the weakness of the palaeographical evidence that Ammannati puts forward.

atmosphere, a backdrop befitting Lucius' initiations into the mysteries of Isis and Osiris.[40] The Platonising opposition between superior and inferior realms that characterises the structure of the *Metamorphoses* is very much akin to Apuleius' reasoning in the defence-speech.

The Platonic texture of the *Apologia* notwithstanding, it could be argued that if one tried to resist Apuleius' charisma, it is undeniable that the display of his knowledge of magic was such that it could have not been taken lightly. Had the judge not been biased in favour of Apuleius, the outcome of the trial would have probably been different. But Apuleius is not concerned with the viewpoint of a sceptical reader: he seems certain that his main addressee, Claudius Maximus, did not harbour unsympathetic feelings for him. Apuleius' self-confident voice takes for granted that the fellow philosopher Maximus will be on his side, fighting for the cause of philosophy, and would never abide by the prosecution's case, despite the fact that their arguments were extremely serious and Apuleius did not have much evidence to disprove them.[41] This is why Apuleius strives to persuade Maximus – and indirectly his learned readership who would have identified themselves with the judge – by tickling their ears, instead of confuting the allegations with solid, rational arguments. From this perspective, it may also become possible to understand why Apuleius, after commending the Magi and their traditions, adds a commendatory reference to the *ἐπῳδαί* and *λόγοι* of Zalmoxis at *Apol*.26.4-5.[42] Like Plato's Socrates, Apuleius' oratorical mastery is such that it enables him to control his audience, almost enchanting them in the same manner of a *γόης*; predictably, this was the reason why Socrates himself was ironically compared to the *γόητες* in Plato's *Dialogues*.[43] Yet, Socrates' charming influence on his audience serves the higher purpose of healing the soul (*ψυχή*) of his listeners,[44] averting any impious and earthily impulse. Socrates' influence is thus divine, not goetic, as Jacqueline de Romilly argues.[45] Analogously, the reference to Zalmoxis' charms, in a crucial passage where Apuleius lays the

[40] For a comic reading of the finale, cf. however Winkler,1985,251-75. Nestled within the main plot we find the tale of *Cupid and Psyche* (*Met*.4.28-6.24), an *intermezzo* which mirrors Lucius' own story. On the Platonic undertone of this tale, cf. Penwill,1975,49-82; DeFilippo,1990,473-7; Kenney,1990,19-22; Sandy,1999,133-5; Harrison,2000,252-9; O'Brien,2002,77-90; Moreschini,2015,87-115.
[41] The only exception are the favourable depositions of the physician Themison (*Apol*.33.3; 40.5 and especially 48-52, **7.5**) and of Cornelius Saturninus and Capitolina's son (*Apol*.61.5-62.2, **10.5**).
[42] This is a reference to Pl.*Chrm*.156d-157a (**4.2**).
[43] **4.6**.
[44] Pl.*Chrm*.157c.
[45] de Romilly,1975,33-7.

ground for the rebuttal of the Primary Charges,[46] signals the fact that Apuleius' irresistible influence on the judge and the audience in the following part of the speech needs to be seen as a Platonic attempt to purify their mind from the base and mendacious arguments brought forward by his accusers. In doing so, the people in court could glimpse the higher truth which Apuleius, a true Socrates reborn, contemplates.

We might still ask ourselves why Apuleius did not simply deny that he had an interest in magic instead of provocatively showcasing it. His dubious reputation in Oea already before the trial[47] and the dangerous charges against him do not induce him to ever actually deny being a *magus*. This is quite significant when we compare Apuleius' attitude with the behaviour of intellectuals who live in the third century: both Flavius Philostratus[48] and Plotinus[49] strongly reject magic without attempting to stress its religious and philosophical aspect as, instead, Apuleius does at *Apol*.25.9-26.5.[50] As it emerges from some of his other writings, Apuleius regards the Magi positively:[51] he considers them as the philosophical masters of Plato and Pythagoras, and he could not avoid taking pride in being regarded as one of them.[52] According to Apuleius' Platonic *Weltanschauung*, the base meaning of the term *μάγος-magus*, which his enemies choose and that becomes predominant in the following centuries,[53] is not worth being taken into consideration. I argue, in conclusion, that when Apuleius delivered his *Apologia* in the courtroom of Sabratha he attempted not only to exculpate himself and philosophy, but to cleanse *magia* from its base goetic connotation, defending a superior lore that his *vitae magister* Plato sought out and admired.

[46] **4.7**.
[47] *Apol*.81.1.
[48] Philostr.*VA* 1.2.
[49] Plot.1.4.9; 2.9.14; 4.3.14; 4.4.26; 4.9.3.
[50] **4.2**, **4.6**.
[51] APUL.*Soc*.6; *Fl*.15.14; *Pl*.1.3.
[52] *Apol*.27.4.
[53] **2.3**.

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CGF = Kaibel, G. 1899. *Comicorum Graecorum Fragmenta*. Berlin: Weidmann.

CGL = Loewe, G., Goetz, G. 1873-1901. *Corpus Glossariorum Latinorum*. Leipzig; Berlin: Teubner.

CIL = Mommsen, T., Dessau, H., Hirschfeld, O. 1862-. *Corpus inscriptionum Latinarum*. Berlin: apud G. Reimerum.

CRF = Ribbeck, O. 1898. *Comicorum Romanorum Fragmenta*. *Tertiis curis*. Leipzig: Teubner.

DAGR = Daremberg, C., Saglio, E. eds. 1877-1919. *Dictionnaire des antiquités grecques et romaines*. Vol. I-V. Paris: Hachette.

DK = Diels, H., Krantz, W. 1989. *Die Fragmente der Vorsokratiker*. Vol. I-III. 17th ed. Zurich; Hildesheim: Weidmann.

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Enc. Virgil. = Enciclopedia Virgiliana. 1984-1991. Vol. I-V. Rome: Istituto della Enciclopedia Italiana.

FGrH = Jacoby, F. ed. 1923-. *Die Fragmente der griechischen Historiker*. Berlin: Weidmann.

GCN = Groningen Colloquia on the Novel. 1988-1998. Vol. I-IX. Groningen: Egbert Forsten.

IG = Inscriptiones graecae. 1873-. Berlin: apud G. Reimerum.

ILA = Gsell, S. 1922-1976. *Inscriptions latines de l'Algérie*. Paris: Champion.

LIMC = Lexicon Iconographicum Mythologiae Classicae. 1981-. Vol. I-IX. Zürich: Artemis.

LSJ = Liddel, H. G., Scott, R., Jones, H. S. 2009. *A Greek-English Dictionary*. *With a revised supplement*. Oxford: Clarendon Press.

OLD = Oxford Latin Dictionary. 1968-1982. Vol. I-II. Oxford: Clarendon Press.

PCG = Kassel, R., Austin, C. 1983-2001. *Poetae comici Graeci*. Berlin: Walter de Gruyter.

RAC = Reallexikon für Antike und Christentum. 1950-. Vol. I-XXVI. Stuttgart: Hiersemann.

RE = Paulys Real-Encyclopädie der classischen Alterthumswissenschaft. 1903-1972. Vol. I-XIX. Stuttgart: Metzler.

Rh = Waltz, C. 1832-36. *Rhetores Graeci*. Vol. I-IX. Stuttgart: Sumptibus J. G. Cottae; London: Black, Young et Young.

ThesCRA = Thesaurus Cultus et Rituum Antiquorum. 2004-2005. Vol. I-V. Los Angeles: J. Paul Getty Museum.

ThLL = Thesaurus Linguae Latinae. 1900-. Leipzig: Teubner.

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[1] The reference abbreviations for primary sources used in this dissertation are those found in the *OLD* and the *LSJ*; when an author was not acknowledged in the lists of abbreviations of the aforementioned lexica, I have employed those in the *Thesaurus Linguae Latinae* (*ThLL*) and in the fourth edition of *The Oxford Classical Dictionary* (2012). Unless otherwise specified, the editions of Greek and Latin texts which I read are those in the *Thesaurus Linguae Graecae* (*TLG online*), in the *Library of Latin Texts - online* (*LLT-O*), and the *Bibliotheca Teubneriana Latina* (*BTL*). The reference abbreviations for journals and periodicals employed are those in the *L'Année Philologique*.

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