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Phaedrus The Fabulous

EDWARD CHAMPLIN

I

In the Prologue to the third book of his fables, Phaedrus complains bitterly to a patron. Even though he, Phaedrus, was born like the Muses on the slopes of Olympus, and even though he has devoted his life not to the gathering of sweet lucre but to the study of poetry (*docto labori*), it is only with scorn that he is received among the company of poets (3 pr. 1–25). But then to business:

Sed iam quodcumque fuerit, ut dixit Sinon,
Ad regem cum Dardaniae perductus foret,
Librum exarabo tertium Aesopi stilo,
Honori et meritis dedicans illum tuis. (3 pr. 27–30)

But now, ‘whatever may come of it’ (as Sinon said when he was led before the King of Dardania), I will trace out a third book with Aesop’s pen, dedicating it to you in recognition of your honour and worth.

The poet refers to the second book of the *Aeneid* (2.77ff.), where the wretched Sinon addresses King Priam: ‘Cuncta equidem tibi, rex, fuerit quodcumque, fatebor / vera’, ‘I shall confess to you the whole truth, O king, come what may’. He then tells the Trojans a pack of lies, and persuades them to drag the Wooden Horse into their city. Troy falls.

That Phaedrus drew attention to Sinon at Troy in the autobiographical Prologue to Book 3 is curious, in the light of what he offers in the Epilogue to the same Book 3. There he repeats his appeal to his patron, and concludes with complaint about the undeserved insults which he has suffered from unnamed detractors:

Qui sint, requires; apparebunt tempore.
Ego, quondam legi quam puer sententiam,
‘Palam muttire plebeio piaculum est’,
Dum sanitas constabit, pulchre meminero. (3 ep. 32–5)

‘Who are they?’ you ask. They will be seen in time. As for me, as long as my wits remain unshaken, I shall keep well in mind a maxim that I once read as a boy: ‘It is sacrilege for a man of low birth to mutter in public.’

Here the words quoted come from Ennius’ now lost tragedy *Telephus*. A son of Hercules, Telephus was the ruler of Mysia who repelled the Greek expedition when it mistook his kingdom for Troy. In the battle he received an incurable wound from the spear of Achilles, and Apollo’s oracle told him that only the thing that had hurt him could cure him. The Greek navy was blown back to Greece, so Telephus went to Agamemnon disguised as a beggar, kidnapped the infant Orestes, and threatened to kill him unless Agamemnon would help him. In fact, Agamemnon was more than eager to aid the kidnapper, since another oracle had informed him that the Greeks would never get to Troy without the guidance of Telephus. Achilles then, at his request, rubbed rust from his spear into Telephus’ wound, and it was cured. Telephus in return advised the Greeks of the proper course to steer for Troy, but he declined to join their expedition since his wife was the daughter of King Priam. The adage, that it is an offence requiring expiation for a common man to

complain openly, was spoken by him in his beggarly disguise, presumably before the Greek kings gathered at Argos, or possibly by someone else rebuking him.¹

Thus Phaedrus' third book ends as it begins, autobiographically, with allusion to a disguised Greek trickster, an apparent friend of Troy who would help to bring about the city's destruction. The two passages happen to quote, explicitly and unusually, lines from Rome's two great poets, Vergil and Ennius, and they happen to frame the middle of what would prove to be five books of poems. Both appear in autobiographical contexts. We know that Vergil's Sinon, the outcast, filthy and (in some versions of the story) self-mutilated, was in reality of noble birth, first cousin to Ulysses, grandson of Autolycus the son of Hermes, and according to some himself son of Sisyphus, King of Corinth. We also know that Ennius' Telephus, the wounded beggar, clad in his squalid *stola*, was in reality a king, son of Hercules the son of Jupiter, and of Auge, daughter of Aleus, King of Tegea. Phaedrus' 'Phaedrus', the embittered, elderly Greek freedman, in each case appropriates to himself words spoken by them in deception. The Aesopean moral was not to take anything at face value: 'decipit frons prima multos' (4.2.5–6). Was Phaedrus too a prince in disguise?

II

With the new millennium, Phaedrus and the ancient fable are ever more in fashion. Study of the fable, including the poems of Phaedrus, has been deservedly stimulated by the appearance of a massive history and taxonomy of the Graeco-Latin fable, by the second edition of an excellent brief introduction to the ancient fable, and by the first serious English translation of 'Aesop's Fables'. Phaedrus himself has received close attention in two important books and in a substantial commentary, not to mention a host of scholarly papers.² Each of these works is valuable, but they all share the assumption that Phaedrus was who he seems to say he was, a Greek-born 'freedman writing to include himself in the high society of Latin letters', or 'a Greek freedman imbued with cynicism and stoicism, or moralism in general, a member of the more or less underground opposition to the empire', or an author whose work offers 'the promise of a rare glimpse, if through a glass darkly, into the mental furniture of the man in the ancient (Hellenistic) street'.³ But what if Phaedrus was not who he claimed to be?

Who was he? The standard biography of the poet, deduced entirely from his poems, runs more or less as follows:

¹ 'Palam muttire plebeio piaculum est' was also quoted by Festus as coming from Ennius' *Telephus* (128.24L), and the attribution is confirmed by a fragment of Euripides' *Telephus*. In his commentary on the fragments of the plays of Ennius, H. D. Jocelyn supported the suggestion of E. W. Handley that the speaker was someone trying to silence Telephus (*The Tragedies of Ennius* (1967), 406–7). Not necessarily 'much more plausible', but neither attribution affects the interpretation here; of course for symmetry's sake I would prefer Telephus himself as the speaker.

² F. Rodríguez Adrados, *History of the Graeco-Latin Fable 1. Introduction and from the Origins to the Hellenistic Age*, Mnemosyne Supplementum 201 (1999); *History of the Graeco-Latin Fable. 2. The Fable during the Roman Empire and in the Middle Ages*, Mnemosyne Supplementum 207 (2000); *History of the Graeco-Latin Fable 3. Inventory and Documentation of the Graeco-Latin Fable*, Mnemosyne Supplementum 236 (2003) (English translation and revision of a work which first appeared in Spanish, 1979–1987); N. Holzberg, *The Ancient Fable. An Introduction* (2002) (English translation of the second edition of a work which first appeared in German in 1993, 2001); L. Gibbs, *Aesop's Fables* (2002); J. Henderson, *Telling Tales on Caesar. Roman Stories from Phaedrus* (2001); W. M. Bloomer, *Latinity and Literary Society at Rome* (1997) (ch. 3, 'The Rhetoric of Freedmen: the Fables of Phaedrus', 73–109); E. Oberg, *Phaedrus-Kommentar* (2000). There is also a full-scale bibliography, R. W. Lamb, *Annales Phaedriani, 1596–1996. A Bibliography of Phaedrus* (1998). Special praise is due to Gibbs (op. cit.), the first scholarly collection in translation of the congeries of 'Aesop's Fables', some six hundred of them arranged thematically, and to the collection of both translations and their original Greek and Latin texts on her website, www.aesopica.net.

My thanks to Denis Feeney and Bob Kaster for their comments on this paper.

³ Bloomer, op. cit. (n. 2), 75; Adrados, op. cit. (n. 2, 1999), 124; J. Henderson, 'The homing instinct. A folklore theme in Phaedrus, App. Perott. 16 Perry / 14 Postgate', *PCPS* 203 (1977), 17–31, at 17.

He was born about 15 B.C. in Macedonia, probably in Pydna (3 pr. 17ff.). He came as a slave to Rome and was freed by Augustus. He probably had some pedagogic function under Augustus (cf. 3.10) and then Tiberius (cf. 2.5), under whom the first book of his poems appeared. Competitors and enviers (2 ep. 15ff.; 3 ep. 31ff.) construed the morals of certain fables as criticism of the regime. They seem to have denounced him to the all-powerful praetorian prefect Sejanus. Phaedrus tried to bring his case to the attention of the emperor by sending him the now completed Book 2 (2 ep. 12ff.). He composed Book 3 during his trial (3 ep. 22ff.), perhaps at the time of Sejanus' fall (A.D. 31). In its Prologue, the poet begged his addressee, Eutyclus, to intercede for him (with the emperor?) as he had promised (3 ep. 8ff.). In his old age he produced two more books, not part of the original plan. They are addressed to two men otherwise unknown, Book 4 to Particulo (4 pr. 1ff.), and Book 5 to Philetus, who was a Greek and probably a freedman like Eutyclus (5.10.10). Phaedrus died around the middle of the first century.⁴

Although most of this is handed down through the scholarly literature, it is complete fantasy. The two foundation stones of the edifice are his supposed liberation by the emperor Augustus and his supposed persecution by Sejanus. Neither has any secure basis and without them the Life of Phaedrus crumbles away.

First, Augustus. The evidence that Phaedrus was a former slave is confined to the title in manuscripts of his poems: *Phaedri Augusti liberti fabularum Aesopiarum*. Whence that information derives, and how it attached itself to the poems, are unknown: as with so much ancient poetic biography, it need be no more than inference from the work itself — that is, through Phaedrus' self-presentation as a man of very humble station — and from the Aesopean tradition of the fable as the literature of the downtrodden, wherein the slave said what he dared not speak outright (3 pr. 34–7). Nowhere in the surviving corpus does Phaedrus actually say, or even hint, that he had once been a slave.

His apparent servile origin, and the apparent assertion that he was born of Thracian ancestry on the slopes of Mount Olympus (itself most dubious), have together even suggested to some that he must have been brought as a child to Rome after being captured in the Thracian campaign of L. Calpurnius Piso Frugi in 13–11 B.C., hence the putative birth date of 15 B.C., repeated from source to modern source without much notion of Piso. Minor inaccuracy aside — Piso the consul of 15 B.C. did not bear the name Frugi, and his campaign in Thrace is to be dated 12–10 B.C. — how the infant Phaedrus made his way up to Thrace from the area of Olympus, on the southern border of Macedonia, remains a mystery.⁵ As to his being a pedagogue under the emperor Augustus (even, it has been suggested, to his grandson Lucius Caesar), there is simply no evidence. Most importantly of all, even if he was indeed 'Augusti libertus', as the manuscripts assert, that title means simply 'freedman of the emperor' — any emperor — not necessarily of the emperor Augustus himself.

One apparently firm chronological marker is that a legal case involving Augustus occurred *memoria mea* (3.10.8), therefore written down some considerable time after A.D. 14. Another is the story involving Tiberius Caesar, which could have been composed any time from August A.D. 14 on, that is, during Tiberius' reign or after his death: the episode is set at Tiberius' villa at Misenum (and so possibly after the emperor's retirement from Rome to Campania in A.D. 26), but there is no suggestion that the poet was personally involved with either emperor, whether as witness or as imperial servant. Nor, it must be said, is there any sign within the poems themselves (as distinct from the title in the manuscript) that he ever served in the imperial household.

⁴ This is a close rendition of the recent article 'Phaedrus' in *Der Neue Pauly* 9 (2000), 708–9 (P. L. Schmidt).

⁵ B. E. Perry, *Babrius and Phaedrus* (1965), following Della Corte and after him De Lorenzi, of whose biography of Phaedrus Currie generously remarks, 'an ingenious exercise in the stitching together of every and any piece of evidence to make some kind of coherent whole — but the result is plausible or credible according to taste. An heroic effort!' (H. MacL. Currie, 'Phaedrus the Fabulist', *ANRW* II, 32.1 (1984), 497–513). Cf. the cheerful treatment of the whole birth story by Henderson, *op. cit.* (n. 2), 78–9.

Next, Sejanus. There is likewise simply no hint in the personal epilogues to either Book 2 or Book 3 that he was denounced by anyone to anyone, or that anyone saw his poems as critical of the regime, or that he hoped to bring his case to the emperor's attention (he speaks only of bringing his work to 'cultivated ears'): his complaints are purely literary, about envious detractors denying his bid for poetic glory. The claims about his political danger all seem to arise from interpretation of the author's apologia in the Prologue to Book 3, ll. 33–50, with its startling reference to Sejanus:

Nunc, fabularum cur sit inventum genus,
 brevi docebo. Servitus obnoxia,
 quia quae volebat non audebat dicere, 35
 affectus proprios in fabellas transtulit,
 calumniamque fictis elusit iocis.
 Ego illius [sc. Aesopi] porro semita feci viam,
 et cogitavi plura quam reliquerat
 in calamitatem diligens quaedam meam. 40
 Quodsi accusator alius Seiano foret,
 si testis alius, iudex alius denique,
 dignum faterer esse me tantis malis,
 nec his dolorem delenirem remediis.
 Suspicionem si quis errabit sua, 45
 et rapiet ad se quod erit commune omnium,
 stulte nudabit animi conscientiam,
 Huic excusatum me velim nihilo minus:
 neque enim notare singulos mens est mihi,
 verum ipsam vitam et mores hominum ostendere. (3 pr. 33–50)⁶

Now I will explain briefly why the genre of fables was invented. Servitude, so exposed to harm, since it dared not say what it wished to say, transferred its true feelings into fables and eluded censure under the guise of jesting with made-up stories.

I, in turn, have built a highway in his [Aesop's] path, and I have carefully thought up more things than he left behind, some of them to my misfortune.

Now if anyone other than Sejanus were the prosecutor, or anyone else the witness, or indeed if anyone else were the judge, I would confess myself deserving of such troubles and I would not soothe my grief with these remedies.

If anyone goes astray in his own suspicion and applies to himself what really pertains to all alike, he will foolishly expose his own bad conscience. Nonetheless I would hope to be excused by him: for in fact it is not my intention to brand individuals, but to display life itself and the ways of men and women.

The gist of the lines is this: fables began as a way for slaves to say the otherwise unsayable. Phaedrus has added considerably to the legacy of Aesopean fables, and some of his fables have harmed him. Then a counterfactual: if his accuser were a normal person, the

⁶ The text in this paper varies slightly from those of A. Guaglianone, *Phaedri Augusti liberti Liber Fabularum* (1969) and Perry, op. cit. (n. 5), and Perry's translation has been modified substantially throughout. Note also the texts reconstituted in C. Zander, *Phaedrus Solutus vel Phaedri fabulae novae XXX* (1921).

l. 38: 'illius porro' with the manuscripts P (the manuscript Pithou used for his *editio princeps*, named after him as the *Codex Pithoeanus*) and R, and with A. E. Housman, 'Postgate's *Phaedri Fabulae Aesopiae*', *CR* 34 (1920), 124 = A. E. Housman, *Classical Papers of A. E. Housman* (ed. J. Diggle and F. R. D. Goodyear) (1972), 1010.

ll. 39–40: as read by D. R. Shackleton Bailey, 'Phaedriana', *AJP* 99 (1978), 452, dropping the comma after 'reliquerat' and following the ms. 'diligens'.

l. 46: note that Guaglianone silently adopts the reading of P, *et rapiet*, against Perry's *et, rapiens*, a choice already approved by Housman (1920), 123 = (1972), 1009. Perry's translation is accordingly modified here in these three passages.

Note also at l. 47: the standard *nudabit* is Pithou's suggestion for *nudavit* in PR; A. Önnorfors, 'Textkritisches und Sprachliches zu Phaedrus', *Hermes* 115 (1987), 429–53, at 450, considers the latter possible.

poet would feel his troubles were deserved and would not solace himself with these remedies (whatever that might mean). But he is not, he is a Sejanus, that is a monster of iniquity, accuser, judge, and jury rolled into one, hence the poet's troubles are not deserved and he does solace himself. But no one should be so foolish as to take his general observations personally.

What is immediately obvious is that there is nothing here about criticism of the regime, nothing about a trial, certainly nothing about the emperor. Sejanus is not present, merely *a* Sejanus (and it is not at all clear that the four lines, with their conditional verbs, are not purely hypothetical, that is referring to an accusation that *might* be made, rather than one that was actually made).⁷ The whole context is literary and resentful: the Prologue opens with complaints about the writer's patron being too busy to read his poems, then moves to complaints about not being accepted among the company of poets, then to the problem of being misunderstood by an unintended victim, then to claims of future literary glory alongside Aesop, Anacharsis, Linus, and Orpheus. Two points follow from the mention of Sejanus. One, obviously, is that he is dead, giving us a firm *terminus post quem* for the poem of 18 October A.D. 31. The other is that, like the Wicked Witch of the East, he is not only merely dead, he is really most sincerely dead: he is now a certified monster. That is to say, Phaedrus, far from lamenting, here savages his detractor as a Sejanus, and as a man who foolishly exposes his own bad conscience by assuming that the poet's strictures are aimed at him personally. This is neither the first nor the last time that a note of robust truculence appears in the words of the humble 'freedman'.

In short, so far as autobiography goes, there are three explicit chronological markers within the poems: Book 3 was published after the fall of Sejanus in A.D. 31; its author remembered the time of Augustus; and he knew of course about Tiberius Caesar. Beyond these, there is not much more within the body of the work: no birth around 15 B.C., no teaching job, no Sejanus, no trial, no death in the mid-first century A.D., and a most dubious connection with the imperial household.

III

The matter of Phaedrus' *floruit* can be dealt with briefly.

The *terminus post quem* is provided by Seneca in his *Consolatio ad Polybium*, written during his exile in Corsica (A.D. 41–49) and not long before Claudius' British triumph in A.D. 44, so probably in A.D. 43. Polybius, the emperor's powerful freedman, has shown his literary talent by translating Homer into Latin and Vergil into Greek. Perhaps now he might try to weave together with his usual charm fables and Aesopean tales, a task hitherto not attempted by Roman genius: 'fabellas quoque et Aesopeos logos, intemptatum Romanis ingeniis opus' (*Ad Polybium* 8.3). Committed to Phaedrus' flimsy Augustan and Tiberian connections, and to his putative sufferings under Sejanus, generations of scholars have positively contorted themselves to explain this away.⁸ Nevertheless, it is difficult to imagine a clearer indication than this that his fables did not exist before the reign of Claudius.

⁷ The point about *a* Sejanus is made by P. Grimal, 'Du nouveau sur les *Fables* de Phèdre', *Rome. La littérature et l'histoire* (1986), 1, 253–62, at 258.

⁸ cf. J. Henderson, 'The law is not mocked: straightening out a crooked will (Phaedrus 4.5)', in P. McKechnie (ed.), *Thinking Like a Lawyer. Essays on Legal History and General History for John Crook on his Eightieth Birthday* (2002), 213–30, at 206 n. 10, delightedly naming names: 'Oceans of ink on this *anti-testimonium* for Phaedrus: is his work ignored ..., as too low-brow ..., under a cloud ..., as Greek ..., or through unscrupulous flattery ...? Or hasn't Seneca *heard* of him yet from exile on his Corsican crag? Or is this, instead, where Phaedrus got the idea from? ... Polybius might frown, and Phaedrus might grin, at the mention of "native Roman wit" (*Romanis ingeniis*)'.

Their *terminus ante quem* is equally assured. Martial certainly imitates his works by the mid-80s, and names him once, but there is a considerably earlier citation. A pupil of the pre-eminent jurist Cassius Longinus reports that Cassius was accustomed to call a partnership wherein one partner received all the profit and the other partner ran all the risk, a leonine partnership, *leoninam societatem*. Unless we can imagine Phaedrus picking the term up as he hung around the law school, Cassius must have taken his metaphor from a fable invented by the poet about the lion taking all the profits of his partnership with the other animals (1.5). The noble Cassius Longinus was exiled to Sardinia by Nero in A.D. 65. He was recalled by Vespasian, therefore in A.D. 69/70, and died (it is implied) soon thereafter.⁹ That means that Phaedrus' first book existed by the time of Nero.

In brief: the fables of Phaedrus were not yet available around A.D. 43, and they (or at least their first book) were in circulation by about A.D. 70.

IV

The important question is: where was Phaedrus born? The poet could hardly be more explicit about the matter than he is in the Prologue to his third book:

Ego, quem Pierio mater enixa est iugo,
 In quo tonanti sancta Mnemosyne Iovi
 Fecunda novies artium peperit chorum,
 Quamvis in ipsa paene natus sim schola 20
 Curamque habendi penitus corde eraserim
 Et laude invicta vitam in hanc incubuerim,
 Fastidiose tamen in coetum recipior. (3 pr. 17-23)

I, whom my mother brought forth on the Pierian ridge, there where sacred Mnemosyne, nine times fruitful, bore to thundering Jove the choir of the Muses; although I was all but born in a school, and although I have entirely blotted from my mind all interest in property, and have devoted myself to this kind of life with matchless renown — yet even so, it is only with distaste that I am admitted into the company of poets.¹⁰

So, clearly, the poet was born near Mount Olympus, on the Pierian ridge, in the North of Greece. His origin seems to be confirmed by an extraordinarily obscure and contorted reassurance to his patron, later in the same poem, that he is capable of his task:

Rem me professum dicet aliquis gravem.
 Si Phryx Aesopus potuit, Anacharsis Scytha
 Aeternam famam condere ingenio suo:
 Ego, litteratae qui sum propior Graeciae,
 Cur somno inertī deseram patriae decus? 55
 Threissa cum gens numeret auctores suos,

⁹ Martial: the relevant passages are collected at Guaglianone, op. cit. (n. 6), 117 (others can be found). Cassius Longinus: *PIR*² C 501. His death at *Digest* 1.2.2.52 (Pomponius, *Enchiridion*): 'expulsus ab eo [sc. Nerone] in Sardiniam, revocatus a Vespasiano diem suum obit.' Tacitus implies at *Ann.* 16.9 that in A.D. 65 Cassius was elderly: 'deportatusque in Sardiniam Cassius, et senectus eius expectabatur.' The jurist and his leonine partnership (*Dig.* 17.2.29.2) are discussed below. It is also highly likely that Seneca knew the works of Phaedrus: J. P. Postgate, 'Phaedrus and Seneca', *CR* 33 (1919), 19-24.

¹⁰ The reading of l. 22 is quite uncertain. P has 'et laude invita in hanc vitam incubuerim'; Guaglianone reads 'et laude invicta vitam in hanc incubuerim'. Perry accepted the emendation of Postgate, building on proposals of Heinsius and Bentley, 'nec Pallade hanc invita in vitam incubuerim', translating 'and have devoted myself to this kind of life, not without the favour of Pallas'. I find this reading quite gratuitous, and the presence of Pallas Athena (Bentley's suggestion) is intrusive. The precise words are unimportant for present purposes, but I am inclined to stick with 'laude invita', in the sense of 'with grudging praise', or 'laude invicta', 'with unconquered praise', either of which seems to fit the context better.

Linoque Apollo sit parens, Musa Orptheo,
 Qui saxa cantu movit et domuit feras
 Hebrique tenuit impetus dulci mora.
 Ergo hinc abesto, livor, ne frustra gemas, 60
 Quoniam mihi sollempnis debetur gloria. (3 pr. 51-61)

Perhaps some will say that I have undertaken a weighty task. If Aesop the Phrygian, if Anacharsis the Scythian, could, by the exercise of their inborn talent, establish an everlasting fame, why should I, who belong more to the literary land of Greece, through sleepy indolence fail to uphold my country's fame? Why indeed, considering that the Thracian race counts its own authors, that Apollo was the parent of Linus, and that a Muse was the mother of Orpheus — Orpheus who moved stones by the power of his song, who tamed wild beasts, and held in check the onrushing currents of the Hebrus, so pleased were they to linger and listen. Away then, Envy, lest you lament in vain, when perpetual glory shall at length be given me.¹¹

Hence it can be deduced that, 'In the prologue to the third book (17-23) Phaedrus records that he was born on the "Pierian Mountain", the birthplace of the Muses ... A comparison with *ibid.* 55ff. ... shows that 17-19 are to be interpreted literally; he was born in Pieria — that is, in Thessaly in the Roman province of Macedonia. The plain sense of 20 is surely that he was born in the vicinity of a school (or a lecture-room), which implies that his mother was the wife (or servant?) of a schoolteacher, probably a *litterator*. We cannot say for sure whether his birth was legitimate'.¹² Born at the very birthplace of the Muses? Born near a school? Son of a school-teacher? Thus legends may be born, but flesh and blood poets?

Details vary, but in standard versions Pieria, a district at the foot of Mount Olympus, was indeed the birthplace of the Muses, the Pierians were a Thracian people, Linus and Orpheus were both the sons of Muses. The two passages, 3 pr. 17-23 and 51-61, thus seem together to support the conclusion: Phaedrus was of Thracian ancestry, born near Olympus. But the Latin is disconcerting. The second passage reads strangely, at 55ff.: 'Cur somno inerti deseram patriae decus? / Threissa cum gens numeret auctores suos, Linoque Apollo sit parens, Musa Orptheo, qui ...', 'Why should I abandon the glory of my ancestral land to idle lethargy, since the Thracian people count their own *auctores*, and (since) Apollo is the parent of Linus, the Muse of Orpheus, who ...' *Auctores* is ambiguous, both 'authors' in the sense of 'writers'; and 'originators', or 'inspirers', even 'ancestors' (literal and metaphorical), that is, the inspiring gods Apollo and the Muse, parents of the singers Linus and Orpheus, respectively.¹³ However interpreted, the expression of his sentiments is awkward. Rising to the challenge of Aesop and Anacharsis, the poet appeals, not to the famous poets of his supposed ancestral homeland (which was not his actual *patria*) but to the gods who were their parents, and then to the talents of Orpheus. The question asked in l. 55 does not actually finish until another four lines have passed, after a long subordinate clause and a clause within that clause: do we break up the sentence with the question mark at the end of l. 55 (as above), leaving the next lines to dangle, or do we hold our breaths for it until the end of l. 59? And the puzzled reader might well ask: Linus and

¹¹ Perry felt obliged in his translation to expand the Latin considerably in places, and his punctuation differs slightly.

In l. 54, *propior* is Pithou's emendation for *proprior* in P: Perry accepts *proprior*, translating 'I who am nearer by birth to the literary land of Greece'.

In l. 56, Perry accepts Rittershausen's emendation of *deos* for *suos*, translating 'considering that the Thracian race counts gods among its authors'; but cf. below.

¹² Currie, *op. cit.* (n. 5), in his excellent introduction to the poet, 'Phaedrus the Fabulist', at 501.

¹³ Perry's acceptance of *deos* in l. 56 makes the thought explicit: 'that the Thracian race counts gods among its authors, that Apollo [etc.]'.

Orpheus were fortunate to have divine parents, but how does that translate into genetic inspiration for the Thracian race whose descendant lives in Greece? Sense can be wrung from the passage, but it is clumsily expressed, and the gods sit very uncomfortably in it.

This awkwardness springs, in part at least, from the poet's attempt to recall Vergil. As Thiele observed, ll. 56–7, referring to the Thracian race and the singers Linus and Apollo, echo a passage in Vergil's *Eclogues*:

o mihi tam longae maneat pars ultima vitae,
spiritus et quantum sat erit tua dicere facta,
non me carminibus vincat nec Thracius Orpheus, 55
nec Linus, huic mater quamvis atque huic pater adsit,
Orphei Calliopea, Lino formosus Apollo. (Ecl. 4. 53–7)¹⁴

Inspired by his great subject, Vergil's poems will not be defeated by those of Orpheus and Linus, even if their divinely artistic parents should stand at their side. That is, Phaedrus has called attention to a well-known passage in which a great poet self-confidently compares himself with the legendary singers of Thrace. But where Vergil says his divine inspiration will *rival* that of Linus and Orpheus, Phaedrus tries to *align* himself with the Thracian bards and their divine parents, or so it seems. Maladroit or not, he has carefully emphasized his reminiscence of Vergil in a most remarkable way: it, like its exemplar, appears at ll. 55–7 of a 63-line poem.

Is another interpretation of the passage possible? The poet has already compared himself with Aesop and Anacharsis; could he here be continuing the comparison, now following (not subverting) Vergil, and comparing himself with Linus and Orpheus? In other words: 'If a Phrygian and a Scythian could found eternal fame on their natural talent, why should I, who am closer to [or, belong more to] lettered Greece, abandon *my* homeland; even though Thracians have their own authors, and Apollo (himself) is the father of Linus, and a Muse the mother of Orpheus ...' On this interpretation, Phaedrus sets himself against exemplars from Phrygia, Scythia, and Thrace (and the Thracian heritage of the people of Pieria, noted by scholars but not by Phaedrus, is irrelevant and misleading). The reading is awkward, undeniably, but then the passage is highly problematic, perhaps even deliberately so, however it is to be interpreted. If these lines are thus not good evidence that he came from Thrace, or Macedonia, where might the poet's *patria* be?

His prickly address to his patron Eutyclus in the Prologue to Book 3 begins as it will go on, oddly. If Eutyclus wishes to read Phaedrus' books he must (*oportet*) take time off from his affairs to appreciate the power of the poetry: he must not think that he will have leisure during the holidays to peruse such trifles (1–14). No, rather, imperiously: 'You must change (*mutandum est*) your goal and your way of life, if you are thinking of crossing the threshold of the Muses (*intrare si Musarum limen cogitas*)' (15–16). 'Even I, whose mother bore me on the Pierian ridge (*Pierio iugo*), where Mnemosyne bore the nine Muses to thundering Jupiter, even though I was almost born in a school (*schola*), and although I have completely banished the love of gain from my heart and have devoted myself (*incubuerim*) to the life [*sc.* of the poet], nevertheless I am received into that company (*in coetum*) only grudgingly' (17–24). 'What do you suppose happens in the case of a man [*sc.* like you, Eutyclus] who strives at every waking moment to heap up great riches and prefers sweet lucre to the task of learning? But now, "whatever may come of it" (as Sinon said when he was led before the King of Dardania), I will trace out a third book with Aesop's pen, dedicating it to you in recognition of your honour and worth. If you read it I shall be glad; but if not, at any rate, those who come after us will have something with which to amuse themselves' (24–32). So much for Eutyclus.

¹⁴ G. Thiele, 'Phädrus-Studien', *Hermes* 41 (1906), 574–5. 'O then for me may long life's latest part remain / And spirit great enough to celebrate your deeds! / Linus will not defeat me in song, nor Thracian Orpheus, / Though one should have his father's aid and one his mother's, / Orpheus Calliope and Linus fair Apollo' (Penguin Classics translation by G. Lee, *Virgil, The Eclogues* (1984)).

The sequence of thought here is this. Phaedrus imagines Eutyclus as being so busy with his duties, *officia* (cf. 3 ep. 3: 'distringit quem multarum rerum varietas', 'distracted by all kinds of matters'), that he will only want to look at the poet's work when the holidays come, but Phaedrus points out that he should be relaxing then. Poetry is hard work. If Eutyclus really wants to enter the threshold of the Muses, a radical change of life is essential. Phaedrus himself, even with his literary birth, his disdain for money-making, and his devotion to poetry, finds only grudging acceptance; how then will a man like Eutyclus fare, who spends his waking moments pursuing not poetry but money? Phaedrus, it seems then, has crossed the threshold of the Muses, if only just.

Musarum limen is a strikingly concrete metaphor. It is peculiar, indeed it is unique. The Muses are outdoor women, their home is in the mountains, on Pieria or Olympus or Helicon. If they do not live in a house, how can they have a threshold?

Temples, however, do have thresholds. The house of the Muses at Rome, for instance, was the Aedes Herculis Musarum, the Temple of Hercules of the Muses, in the Campus Martius. This was built by the triumphant general M. Fulvius Nobilior (consul 189 B.C.) from the spoils of his campaign in Aetolia, which he dedicated to the Muses. Fulvius, a patron of the arts and a scholar of religion, had brought from his successful siege of Ambracia statues of the Nine, and one of Hercules Leader of the Muses. These he placed in his new temple, and there he had transferred from the Temple of Honos and Virtus a small bronze shrine dedicated to the Muses (Camenae to the Romans), supposedly by King Numa. That the temple complex was to be a sort of Museum in Rome is suggested by the presence there, attested soon after, of the *collegium poetarum* of which the poet Accius was a prominent member in the later second or early first century B.C. This college was surely part of Fulvius' original plan, and his protégé Ennius may have been its first *magister*. And archaeological evidence has recently been combined with literary sources to locate the *schola poetarum*, the meeting place of the poets (Martial 3.20.8, 4.61.3), on the ground: it was the exedra attached to the Temple of the Muses in the Campus Martius. Here it was, in the *aedes Musarum*, that poets met to recite their works.¹⁵

Phaedrus has already warned us not to take him literally. Let us suppose that he speaks metaphorically when he asserts that his mother bore him near Olympus where Mnemosyne, nine times fruitful, bore to thundering Jupiter the chorus of the arts (i.e., the nine Muses). Let us indeed suspect that he hints by this that he was born near *the* Temple of the Muses, in Rome. If so, much falls into place:

Line 16 is to be taken literally: you must devote yourself full time to poetry if you wish to cross the threshold of the Muses, that is, enter their Temple.

Lines 20 and 23, 'quamvis in ipsa paene natus sim schola ... fastidiose tamen in coetum recipior', gain real meaning. Not the fatuous 'although I was almost born in a school, ... it is only with distaste that I am admitted into the society [sc. of poets]'. But, jokingly, 'although I was all but born in the Schola [of Poets] *itself* [*ipsa* is emphatic], ... it is only with distaste that I am admitted into their company [or even: meeting]'. That is, even though Phaedrus was born almost in the Temple, he is barely allowed in. So what hope will there be for Eutyclus, who devotes his life to earning money (ll. 24–6)?

Incubuerim in l. 22 assumes a precise and concrete significance (however corrupt the rest of the line may be): where better than in the Temple of the Muses, with its Schola Poetarum, for a would-be poet to sleep 'in the hope of having inspired dreams'?

¹⁵ E. M. Steinby (ed.), *Lexicon Topographicum Urbis Romae = LTUR* 3 (1996), 17–19, 'Hercules Musarum, Aedes' (A. Viscogliosi); 4 (1999), 146–8, 'Porticus Philippi' (A. Viscogliosi); above all, F. Coarelli, *Il Campo Marzio. Delle origini alla fine della Repubblica* (1997), 452–84, which supersedes all previous bibliography, and which is followed here. On the *collegium poetarum*, see also especially N. Horsfall, 'The Collegium Poetarum', *BICS* 23 (1976), 79–95 (who points out the difference between this and the real Museum at Alexandria). The central texts for the temple are *Pan.Lat.* 9.7.3; Pliny, *NH* 35.66; Servius *ad Aen.* 1.8; and, for the college of poets, Valerius Maximus 3.7.11; Porphyrio on Horace, *Sat.* 1.10.38 and *Ep.* 2.2.91; Juvenal 7.38.

And in l. 18 the Romanness of Phaedrus' 'Olympus' is slyly affirmed by Jupiter, the Father of the Muses, thundering Jupiter, 'Tonanti ... Iovi'. Jupiter, of course, had always been a thunderer, but it was first at Rome that a separate cult to Jupiter Tonans was created by the emperor Augustus, who dedicated a temple to him on the Capitol, in Rome, on 1 September 22 B.C.¹⁶

In short, through oblique allusions to the Temple of the Muses and the Schola and Jupiter Tonans, as with his oblique allusions to the blue-blooded tricksters Sinon and Telephus, 'Phaedrus' plays with the reader. There is no reason to think that he was Greek, an ex-slave of dubious Thracian ancestry from the region of Mount Olympus. Perhaps he was something very different, indeed something extraordinarily rare in the history of Latin letters. Was he Roman, born in the heart of Rome?

V

Fables teach or confirm truths about ourselves, but an essential trait is indirection, even misdirection. They do not admonish us to our faces. Rather they combine insight with amusement, revealing truth indirectly through tales about animals with their universally recognized characters — the lion, the donkey, the crow — talking and acting like humans; or through anecdotes about famous men and women; or even through stories about ordinary, anonymous folk ('two men went on a journey', 'two soldiers fell in with a robber'). Traditionally fables add a moral, *fabula docet*, to make explicit what is implicit in the story (*promythium* or *epimythium* in antiquity, added before or after the tale proper), but these too avoid offence, couched as they are impersonally ('he who brings aid to the wicked afterwards suffers for it'). And however subversive they might be, of our selves or of our society, the sting in the tale is softened when the storyteller is weak and unthreatening, usually old and humble, perhaps a slave or an ex-slave.

Writing adds another layer of misdirection. To be sure, fables were indeed retold by real old women in the nursery, by real peasants around the hearth. But when it comes to writing them down, role-playing is inevitable. We the sophisticated readers enjoy acting the simple folk, reverting to childhood. And the sophisticated author certainly has a purpose beyond our immediate edification and amusement. Ancient fables have come down to us anonymously or embedded in works of different literary genres, but above all they are attached to the name of Aesop. If Aesop actually existed we know nothing about him: the hero of the marvellous Life of Aesop is a complete fiction, as real as Uncle Remus. All of which does not bode well for any precise identification of Aesop's proud, self-proclaimed successor, Phaedrus. He too could be a complete fiction.

So a fable may be a simple, anonymous tale with an obvious moral, but it may well be sophistication masked as simplicity, attracted to a genre wherein a fictitious author could speak in metaphor. When we turn to Phaedrus and his particular fables, we descend from troubling uncertainty into desperation, for three reasons.

First, the text is a disaster. A. E. Housman wrote in 1920:

The matter and manner of Phaedrus are so plain and lucid that his correctors have not been baffled or distracted by difficulties inherent in the author; they have been able to concentrate their scrutiny on his textual condition, and the scrutiny of Mr Havet has been uncommonly minute. The consequence is that most errors which can be set right with certainty have been set right already: there remains a vast deal of damage which is beyond repair. The licence of scribes who neither understood nor regarded the metre has bred such disorder that the words of the MSS are often far away from anything that the poet

¹⁶ *LTUR* 3 (1996), 159–60, 'Iuppiter Tonans, Aedes' (P. Gros). There are no certain remains and the exact location on the Capitol is disputed. The novelty of the cult is emphasized in a dream of Augustus: Dio 54.4.2, cf. Suetonius, *Divus Augustus* 91.

can have written, and editors accordingly have a large choice of possible corrections, few of which, for that very reason, will be probable.¹⁷

Second, the present work is a fragmentary and much distorted version of the volume left by the poet. Some thirty-two fables not in the manuscripts survive (out of order) in a selection made by Niccolò Perotti in the fifteenth century, while dozens more can be discerned in close prose paraphrases in one or more late antique and mediaeval manuscripts — and indeed Phaedrus himself seems to say in the Prologue to his first book (1 pr. 6) that it will include talking trees, but no such fable survives in the extant work. A careful assessment of the *disiecta membra* suggests that the original corpus held at least sixty poems beyond the ninety-five included in the manuscripts.

This dislocation of Phaedrus' work is particularly regrettable since it obscures the poet's intentions. The contents as we have them are a distortion of what he chose to include; at a glance, for instance, one can see the manuscripts' fondness for, and the paraphrasts' exclusive concern with, animal tales, whereas about half of the fables preserved only by Perotti have no animals at all. And the form that the poet imposed on his works is lost, though enough survives of its structure in the ruins of Book 1 to suggest considerable artistry in the arrangement of the poems.¹⁸

Third, there is the vexatious question of the poet's character. If we dismiss most of the autobiographical 'facts' as modern inventions, if we try for the moment to take his words at face value, we watch him develop a striking and consistent authorial persona. In Book 1, he says he is putting Aesop's fables into verse to amuse and to instruct (pr.). No Epilogue survives. The Prologue of Book 2 goes further: again, his purpose is to instruct amusingly, but he will now add some inventions of his own to those of Aesop. The reader, *lector*, is asked to take this in good part and his reward will be the poet's brevity. The Epilogue foresees both trouble and reward for his emulation of Aesop: envy will not deter him, and if his work reaches cultivated ears and its art is appreciated, his happiness will remove every complaint, but if (reverting to the theme of envy) his inferiors carp at him he will endure his 'fatal exile' until Fortune changes her mind. In Book 3, all the themes are advanced, as appeal to the reader is replaced by appeal to the busy Eutychus, to whom he dedicates the book. In the Prologue, again, envy and the hope for eventual glory (ll. 60–1). Again, Aesop is the measure, but he is surpassed: where he made a path, Phaedrus has made a highway. New is the apparent attack by someone ('Sejanus') who foolishly thought Phaedrus was attacking him. In the Epilogue, again, there is emphasis on Eutychus' busyness and the notion of Phaedrus' brevity deserving a reward from him, the reader, and again the sense of being attacked. But then two new, interrelated themes are added: one, the idea that the poet has laid down his pen to leave material for his successors; the other, that old age is looming. In the Prologue to Book 4, the poet picks up the pen again, because he does not trust his successors. Again he has a patron, now Particulo, who is likewise busy but who appreciates Phaedrus' verse more than Eutychus did; and yet again the poet speaks bitterly of detractors. His envious critics are again attacked in 4.7 and 4.22, and he comments on his relation to Aesop: he has composed many more fables and on new subjects. In the Epilogue he yet again praises (to Particulo now) his own brevity. And finally, in the Prologue to Book 5, he again discusses his relationship with Aesop — he has paid his debt to his predecessor and now mentions him only for his *auctoritas* — and he dismisses biting

¹⁷ In his review of J. P. Postgate's *Oxford Classical Text*, Housman, op. cit. (n. 6), (1920), 121–2 = (1972), 1007. He continued as his readers had come to expect: 'To handle a text of this sort is a business which calls for diffidence and flexibility: Dr Postgate is both sanguine and stubborn, and if once he gets hold of the stick by the wrong end he does not let go.'

¹⁸ Essential here are J. Henderson, 'Phaedrus' *Fables*: the original corpus', *Mn* 52 (1999), 308–29 and Holzberg, op. cit. (n. 2), 39–40, 95–104. The figures are Henderson's, summed up at p. 315: 5 sets of prologues and epilogues + 95 poems in manuscript + 32 in Perotti + c. 36 beast-fables suggested by the paraphrases. Holzberg briefly analyses the structure of Book 1 at pp. 40–1.

envy, *invidia mordax*. The book as it survives ends abruptly without an epilogue, though the final poem (5.10) may serve as one, for it tells the tale of an old hunting dog mistreated by his master, and concludes with the cryptic ‘Why I have written this, Philetus, you can see very well’. The theme of old age is appropriate, but whether Philetus is a patron is unclear. In short, a sharp and consistent portrait of the poet can be distilled from his poems: a man proud of his achievement of transferring Aesop into Latin and into verse, for both amusement and instruction; at the same time, a man ever more independent of Aesop and proud of adding many new fables to the tradition; one continually and increasingly worried by the detractions of the envious, always buoyed by the hope that the future holds due recognition and glory for him; one who appeals to patrons with indifferent success; and one who in the end fears the onset of old age and death.

None of this, of course, need be true, unless we are happy to equate the poet with his creation, Phaedrus with ‘Phaedrus’. Our discomfort with his character is compounded when we realize that he tells us both too much and too little about himself. On the one hand, as a fabulist with both a biography and a personality, he is strikingly unique: the other known fabulists, the poets Babrius and Avianus and the grammarian Aphthonius, are bland to the point of non-existence within their works; the Aesop of the Aesop Romance is a creation later than, and quite separate from, the collections of fables which bear his name; and the other prose-writers are anonymous or pseudonymous. That is, Phaedrus should not be elbowing into his own collection, proclaiming and defending his virtues in elaborate prologues and epilogues, and on occasion in the fables themselves. This break with tradition needs attention.

On the other hand, clear biographical detail is hard to grasp. The overtly autobiographical pieces are far from ‘plain and lucid’: they are generally vague and ambiguous, and there are precious few hard facts to be won from them. For instance, however we interpret the poet’s claim to fame in the Prologue to Book 3, at ll. 52–9 (considered at length above), the Latin is tortured and obscure, while the thirty-five lines about his private affairs in the Epilogue to 3 are so veiled in their expression as to defy comprehension.¹⁹ No one would disagree that Phaedrus is in command of his medium: the obscurity of the autobiographical passages may be deliberate then, to disguise coy references to Greek tricksters and the topography of Rome. By contrast, the fables themselves are indeed generally plain and lucid, but it is hard not to look for their personal significance to the poet when he himself invites scrutiny. The Old Woman and the Wine Jar concludes, ‘Anyone who knows me will tell you what this refers to’ (3.1.6). Who are the poet’s detractors? ‘They will appear in time’ (3 ep. 32). The Old Dog and the Hunter: ‘Why I have written this, Philetus, you can see very well’ (5.10.10). Hidden meanings may lurk anywhere. Modern biographies rely on them.

Phaedrus disappears down the rabbit-hole. His genre is by its nature oblique and elusive, his text a quicksand, his true life obscured by an elaborate mask. Nevertheless, we can say something about his taste.

¹⁹ They seem to address Eutyclus again, though he is not named. The prospect of old age and death supposedly looms over the poet, and he urges his addressee to finish something (*rem*) for the poet and to give him what he has promised. Phaedrus is innocent of something. The *partes* are now his addressee’s, where before they were others’, and in the whirligig of time they will belong to yet others (‘Tuae sunt partes; fuerunt aliorum prius, / dein simili gyro venient aliorum vices’). This could, by a stretch, be applied to the opposing pleas in a lawsuit, but it would be awkward; if the addressee is Eutyclus, it is hard to see how a Greek freedman(?) could be a judge. Whoever he is, the addressee is to make some decision (*iudicium*) in accordance with *religio* and *fides*. Despite the legalistic tinge to the poet’s language, which is pervasive throughout his work and often metaphorical, no lawsuit is at issue, rather a promise whose fulfillment is overdue. Phaedrus apologizes for the length or vehemence of his complaint thus: ‘it is hard for a man to contain himself when he is aware of his own untainted integrity, and is weighed down by the insolent actions of guilty men. Who are they, you ask. They will be seen in time.’ Not Sejanus, then, and not a public lawsuit. What is going on, I have no idea.

VI

His culture is exclusively Roman. The only Greek trait in Phaedrus is a name that, along with his low status, is surely assumed as a bow to the Aesopean tradition. But even as a boy he had studied his Ennius (3 ep. 32). Now, 'if Latium shall look with favour upon my work, she will have more [authors] to set against those of Greece' (2.9.8–9). And the name of his patron Particulo 'is bound to live in my writings as long as Latin letters are valued' (4 ep. 5–6).

Four Latin writers stand out as particular influences. Vergil and Ennius he not only quotes (at 3 pr. 27 ≈ *Aeneid* 2.77 and ep. 34 = *Telephus* 340 W) but cleverly imitates. As we have seen, Vergil's self-comparison with Linus and Orpheus at *Eclogues* 3.53–7 he appropriates to himself at the same position in a poem of the same length (3 pr.), while at 4.7 he offers a splendid eleven-line parody of the opening of Ennius' *Medea*, to show a supposed critic that he can write serious verse as well. Similarly, at *App.* 8, the poet questions Apollo at Delphi and receives a mantic answer from the Pythia in terms clearly imitating the questions put by Vergil's Aeneas to Apollo's oracle at Delos (*Aen.* 3) and to Apollo's Sybil at Cumae (*Aen.* 6).²⁰ What immediately catches the eye is that each of the five imitations occurs not in fables proper but in autobiography, quietly associating the author with two great Latin poets who have little to do with fables. These aside, the echoes are faint.²¹ The same can be said of Ovid, who seems to turn up twice in Phaedrus.²²

But Horace is another matter altogether, for Phaedrus refers to, imitates, plays with, and thinks deeply about him.²³ That Phaedrus knew his Horace is not a novel observation, but the nature of his fondness deserves attention. Most of his reminiscences are taken from passages where Horace is reflecting on his craft, but then, since all of his poetry might be read as reflection on his craft, that is not too helpful. More to the point is that, just as Phaedrus aligns himself with Vergil in comparing himself with earlier poets, so he wants us to think of him and Horace together. The volume of the echo resonates in the reader's mind, here the full treatment of a story alluded to by Horace, there the playful recasting of a story told by Horace, and along the way precise, if oblique, hints of the association between the two poets — the viper of envy biting the literary file, the exemplars Aesop and Lucilius *naris emunctae*, inferior poets in borrowed feathers or labouring to produce a mouse.

²⁰ *Aen.* 3.90–2, 'tremere omnia ... laurusque dei ... moveri mons ... mugire adytis' (Delos) and 6.98–102, 'ex adydictis ... antroque remugit ... frena furenti concutit ... cessit furor' (Cumae). Cf. Phaedrus, *App.* 8, 'sacratae vatis horrescunt comae, / tripodes moventur, mugit adytis Religio, / tremuntque lauri et ipse pallescit dies' (Delphi).

²¹ Frogs evoke sly memories of Vergil in Phaedrus' first book. At 1.6.4, 'clamorem ranae sustulere ad sidera'; cf. *Aen.* 10.262–3, 'clamorem ad sidera tollunt / Dardanidae'. Vergil's Trojans are heartened by Aeneas' blazing shield (262), the flame at his helmet's crest, his golden shield boss spouting fire, etc. (270–5); Phaedrus' frogs protest against the Sun's marriage and potential children, since already he burns up their ponds. At Phaedrus 1.30.5–6, two bulls fight over the leadership of the herd, and the frogs fear that the expelled loser will trample them in their marsh; at *Georg.* 3.210–41, two bulls fight over a heifer and the loser is expelled from the herd, training for his revenge in the wilderness. In Vergil the loser looks back at the stable as 'regnis excessit avitis' (229); in Phaedrus he is 'expulso regno memoris' (7; cf. also *memorum* at Vergil 215). Frogs are traditionally the underclass, the masses (cf. Phaedrus 1.2 and 1.24; curiously frogs appear only in the first of his five books as they survive): playing off Vergil in these two passages, Phaedrus gives the worm's eye view of the heroic. For an echo of the *Eclogues*, see below.

Ennius Vahlen 144, 'nulla sancta societas nec fides regni est'; Phaedrus 1.5.1, 'numquam est fidelis cum potente societas'. There is a clear verbal reminiscence of Ennius here, but the situation in Phaedrus of the *societas leonina* has nothing to do with the sharing of kingship in Ennius' *Thyestes*.

²² Ovid, *Tristia* 1.1.86, 'illum, quo laesa est, horret adire locum'; cf. Phaedrus 1.18.1, 'nemo libenter recolit qui laesit locum'. The two texts have nothing in common: Ovid speaks metaphorically of his little skiff avoiding the storms of Augustus; Phaedrus' line is the promythium to the fable about a woman in childbirth refusing to go to bed. Ovid, *Remed.* 60, 'Nec dolor armasset contra sua viscera matrem, / quae socii damno sanguinis ultra virum est', is more promising, since Phaedrus inverts its intent at 1.28.10, 'hosti dolorem damno miscens sanguinis'. Where Ovid speaks of Medea harming her children, Phaedrus has the fox protecting hers against the eagle.

²³ Reminiscences of Horace are gathered and discussed below, in Appendix 1.

Horace is, overwhelmingly, as no ancient reader could fail to be aware, Horace the satirist: Phaedrus quite ignores the lyric poet. It is well known that Horace was exceptionally fond of retelling or alluding to fables in his satirical works, in a tradition that we can glimpse in the fragments of his predecessors, Lucilius and Ennius. The common ground of satire and fable, the exposure of human folly, makes theirs a natural partnership, and anyone looking to write fables in Latin would sooner or later cross paths with Horace. But there is more to Phaedrus than that. The association with Horace the satirist suggests that he wants himself to be taken seriously as a satirist.

What lifts him out of the fabulist tradition and sets him squarely within the satirical is, first, the excess of personality noticed earlier: his authorial persona is that of the satirist which is integral to ancient satire, filtering the follies of mankind through his own anger or amusement. Hence the overtly autobiographical musings in the eight surviving prologues and epilogues (two others are lost) and in three whole fables and part of a fourth, some 224 lines in all. Hence also the explicit intrusion of himself and his opinions into another six fables, to say nothing of the dark hints throughout. Hence perhaps the appearance of alter egos, above all Aesop himself, whom the poet repeatedly acknowledges as his model. Aesop appears in some nine fables as storyteller or observer or active participant, and in spirit in two more as *his* alter ego, Socrates, while Simonides too is twice brought on stage to illustrate the value of poetry and the poet to men and gods.²⁴

Both fable and satire aim to reprove and to instruct, but the fable professes to be timelessly applicable, where satire is fiercely contemporary. This sense of the concrete, the connectedness, of satire is conveyed by the insertion of the author into his fables, working professedly in a tradition, struggling against envious detractors, appealing to more or less favourable patrons, and it is supported by a second characteristic of Phaedrus' work, unique in fable but essential to satire. Fables, like most of Phaedrus' surviving poems, are timeless, brief, impressionistic, with few details. Even in anecdotes about historical figures the names merely stand for, say, the king and the philosopher. But some of Phaedrus' fables — and probably a disproportionate number among the lost fables, removed from the beast-dominated tradition — are firmly rooted in, sometimes grow out of, comment at unusual length on, real life, daily life in first-century Rome. On a hot summer's day the emperor strolls in the garden of his country villa; at Rome the centumviral court considers an inheritance case which is entangled with murder; a professional *scurra* known for his urbane wit excites the city by promising a show never before seen in the theatre; a well-known flute-player, who has accompanied Bathyllus himself on stage and has been injured by the stage machinery, returns and makes a fool of himself — when the chorus launches into praise of the emperor, the crowd responds with a standing ovation, and the musician thinks that his *fautores* are applauding him (a pun is involved); a general faces the problems of an army on campaign, as part of his baggage train is stolen and a barbarian challenges his men to single combat; a soldier is assigned to guard the crucified remains of some temple thieves; most famously, a shepherd, falsely accused, is condemned to be thrown to the beasts at the next games, *ludis proximis*.²⁵ This realism, grafted onto the fable, has nothing to do with the fabulist tradition and everything to do with satire.

The allegiance to Horace the satirist, the intrusion of the authorial persona, the resort to realism: together they point in one direction. Seizing with Horace and his predecessors their common functions, Phaedrus tried to go further, blending the forms of popular fable and literary satire, whence the appeal to *aures cultas*, the emphasis on *doctus labor*. The marriage failed and left no heirs. But one point should be stressed. *Satura tota nostra est*.

²⁴ Autobiography: prologues and epilogues, plus 4.7, 4.22 and *App.* 2 entire, plus 4.2.1–9. Opinions: 3.1.7, 3.9.3–5, 3.10.59–60, 5.4.7–9, 5.10.10, *App.* 8.1. Aesop at 1.6, 2.3, 3.3, 3.14, 4.5, *App.* 9, 12, 13, 17; Socrates at 3.9, *App.* 27; Simonides at 4.23, 4.26.

²⁵ 2.5, 3.10, 5.5, 5.7, *App.* 10, 15, Zander 9 (= *Ad.* 35). The last is better known as the story of Androclus and the lion in Aulus Gellius (5.14).

That is, of all the many genres of Latin literature, a ‘Greek freedman’ brazenly appropriated the one most identified with the Romans, their unique contribution.

VII

As many have noticed, the fables of Phaedrus are deeply coloured by a passion for another purely Roman art, the civil law. The poet has an extraordinary interest in trial scenes, he frames issues of right and wrong in legalistic terms, he sprinkles his poems with juristic jargon.²⁶ Even on the most conservative estimate, the fables of Phaedrus are permeated with legal vocabulary. A poet who can work *iusiurandum* into his verse — not once but three times — shows a talent to be admired, if not imitated. A writer who can name one of his supposed patrons after an extraordinarily obscure term for ‘coheir’, Particulo, shows a quirky sense of humour.²⁷ But beyond the simple fact of knowledge of and interest in the law, what does this signify?

First, legal vocabulary is so common in the poems that even tired metaphors are given renewed colour. Witnessing something, judging well or ill, paying the penalty, gaining redress for an injury, and so on: in some tales they deal literally with bearing witness, legal judgement, the infliction of punishment, the delict of *iniuria*, while in others they are the simple clichés of daily life. The point is that in context and through juxtaposition with other clichéd legal metaphors, they give new life to standard modes of expression, for example at 1.1, 3. ep. 22, 4.4, or 4.26. The conflicts of the fabulous world are viewed through a legal lens.

This is particularly noticeable in the trial scenes: what strikes the reader about these cases is not just how foreign the legal context is, but how superfluous. The dispute between the wolf and the fox (1.10) does not need a court to decide it, and the decision of the judge is not a legal one. In the case of the wolf providing false testimony to support the dog against the sheep (1.17), the moral of the story comes only when the sheep later sees the wolf lying in a ditch: these are the wages of fraud, she thinks, given by the gods. The bees and the drones could have their dispute about ownership of honeycombs and its Solomonic resolution without recourse to a Roman law court (3.13), and the narrator says and repeats that the drones refused to abide by the judge’s decision, not an outcome to be expected at Rome. In the case of the corrupt hawk adjudicating between the two cocks (Zander 2), which admittedly is a not fully clear reconstruction from a prose paraphrase, again the court scene is quite unnecessary, as the hawk could turn on his protégé in any circumstances. As for the brief tale of the eunuch and the rogue who abuses him (3.13),

²⁶ Examples are collected in Appendix 2, below, q.v., for details of the passages mentioned here.

²⁷ Phaedrus’ patron Eutyclus in Book 3 has attracted some wishful identifications with contemporaries of that name, but there is not much to be done with something so common and generic as ‘Lucky’ Eutyclus in 3 pr., or ‘Beloved’ Philetus in 5.10 (if he is a patron at all): on identifications of Eutyclus, Henderson, *op. cit.* (n. 8), 66–71; Grimal, *op. cit.* (n. 7).

Particulo in 4 pr. and 4. ep. has been ignored, although he is much more interesting. He actually enjoys fables (4. pr. 10) and will read Phaedrus’ fourth book when he is at leisure. The poet can ignore his detractors because now his fame has been created, since ‘you, Particulo, and others like you, transcribe my words into your books and judge it (what?) worthy of long memory’: ‘mihi parva laus est quod tu, quod similes tui / vestras in chartas verba transfertis mea, / dignumque longa iudicatis memoria’ (4 pr. 17–19). This sentiment is nicely balanced in the Epilogue, where the poet assures Particulo, here *vir sanctissime*, that his name will live on in Phaedrus’ books as long as Latin letters are valued: ‘chartis nomen victurum meis, / Latinis dum manebit pretium litteris’ (4 ep. 5–6). The arrangement is thus reciprocal: Phaedrus will live on for a long time in Particulo’s *chartae*, Particulo will live on for a long time in Phaedrus’ *chartae*. What does it mean? ‘Particulo’ is not a name. It is an extremely rare word, found only once in Latin literature, in a mangled line from a now lost *Atellana fabula* by Pomponius, his *Praeco Posterior*. Nonius, who preserves the line, glosses: ‘Coheirs are called *particulones*, because they take shares of a patrimony’, ‘*particulones dicti sunt coheredes, quod partes patrimonii sumant*’. This sharing of a patrimony is interesting in the light of Phaedrus and Particulo sharing in each other’s *chartae*; as a legal term; and as an illustration of Phaedrus’ reading matter. There is probably a clue here to his identity, if we could but decipher it.

again the court scene is unnecessary to the moral of deserved and undeserved failings: indeed its sole justification seems to be to drag in the ponderous pun about *integritatis testes*. Similarly with the dogs' embassy to Jupiter (4.19), the trial format (suit for *iniuria*, judgement, penalty) is completely unnecessary. And the story of the widow's inheritance and trial (3.10) is notably broken-backed, the grafting of a trial scene onto a fairytale (or rhetorical exercise) which has little to do with it. The two halves are not integrated, and the moral, stated at great length, about not believing what you hear or being taken in by appearances, has nothing to do with the trial. Again, the courtroom could easily be deleted, leaving the freedman villain simply to be unmasked after the tragedy. In sum, the trial scenes are unique to Phaedrus — of course nothing like them appears in the ancient fable tradition — and they are quite unnecessary. The courtroom means something to the author of Phaedrus' fables.

What is missing in modern accounts of Phaedrus is his wit, which is a pity, because he has a lawyer's sense of humour.

Take the hoary legal pun, going back to Plautus (*Miles* 1411–27) and probably beyond, on *testis, ter stes*, the third party who stands around and watches, the witness, and by extension the testicle: as Cicero said of *testis*, it was 'a perfectly respectable word in a court of law, but not too respectable anywhere else'.²⁸ Phaedrus blends law court and real life, playing stylish variations on the theme in a seven-line 'fable' that has no other purpose (3.13). The eunuch develops the pun: witnesses to his integrity are lacking, just as his testicles (or witnesses) are lacking for his bodily wholeness. His opponent casts in his face the damage of his physical loss, but the eunuch interprets his words as referring to the delict of *damnum iniuria datum*: his loss was caused by the delict of Fortune. The punch line, that it is only shameful for a man to suffer what he has deserved, is rather flat, but the point of the story lies in *integritatis testes* and *delictum Fortunae*: they are lawyer's jokes.

Take also the bald man and the fly (5.3). The ten lines of the fable proper explore the question of intent in a manner that could come straight from the *Digest*. The fly bites a man's head, and in trying to crush it the man gives himself a hard slap. The fly jeers at him for wanting to punish the sting of a tiny little winged creature with death. 'What will you do to *yourself*,' it asks, 'since you've added insult to injury?' Calvus replies, 'I will forgive myself easily because I know that there was no intent to cause harm; but to be free of you I would choose even greater discomfort.' Hence, the moral of the story repeated in the three-line epimythium: if a man commits an offence by accident, he deserves pardon, but if he does it on purpose, any punishment is permissible. The relationship between offence and punishment is vividly emphasized three times: death seems an excessive penalty for such a small offender (that is, such a small offence); not so, and the punisher would willingly suffer even more himself to see that the offender got his just deserts; for whoever does harm intentionally deserves the greatest punishment. Intent to do harm is everything, and the *mens laedendi* is a nice lawyerly way of expressing it. Intent was, of course, essential to the Roman delict of *iniuria*: no intent, no injury in law. But the exact nature of the intentional injury is summed up here in the fly's charge that Calvus has added insult to injury, '*iniuriae ... addideris contumeliam*': apparently Phaedrus invented the proverbial phrasing.²⁹ This concisely encapsulates the concerns of juriconsults, as defined by Ulpian: 'injury is so called because it lacks lawfulness and justice, as not being rightful; but contumely derives from despising or deriding', '*iniuriam ex eo dictam, quod iure et iustitia caret, quasi non iuriam, contumeliam autem a contemnendo*'.³⁰ But the fascinating aspect is how Phaedrus chose to illustrate his juristic distinction between common injury and

²⁸ Cicero, *Fam.* 9.22.4, cited by J. N. Adams, *The Latin Sexual Vocabulary* (1982), 67.

²⁹ The juxtaposition of *iniuria* and *contumelia* is of course found elsewhere: e.g., Cicero, *Inv.* 1.105, *Verr.* 2.3.105.

³⁰ *Dig.* 47.10.1. pr. *Iniuriae contumeliam addere* does not appear in A. Otto, *Die Sprichwörter und sprichwörtliche Redensarten der Römer* (1890) or R. Häussler, *Nachträge zu A. Otto, Sprichwörter und sprichwörtliche Redensarten der Römer* (1968).

injury with insult, and his insistence on the *mens laedendi*. It is nothing less than whimsical, a silly story involving a bald man and a fly (baldness is not essential to the tale, but always good for a laugh: the blow becomes a slap), a bald man hitting himself and ready to do it again. And there is the added piquancy of impossibility, with the fly's serious accusation and the man's serious defence against the charge of injuring himself, and his self-acquittal. One is reminded of Graham Chapman wrestling himself in Monty Python. Some Roman lawyers might even find it hilarious.

Not funny but wittily recast is the well-known anecdote about the lyric poet Simonides of Ceos. In Cicero's standard version, the poet sang a song in praise of his host, a rich nobleman named Scopas, at a banquet at Crannon in Thessaly. It included a long digression on Castor and Pollux, so that when he had finished, Scopas paid him only half of the agreed fee, advising the poet to get the rest from the Dioscuri, since they had received half the praise. Soon after, Simonides received an urgent message that two young men were asking for him to come outside at once. When he stepped out there was no one there, but at that moment the building collapsed and Scopas and his relatives were killed. The point of the story for Cicero is that only Simonides could identify the crushed remains from his memory of where people were sitting, and this revealed to him the importance of order to memory; but, more generally, the Dioscuri were repaying their debt, as in Phaedrus and others.³¹ Phaedrus makes important revisions (4.26). He prefers to let the story signify how highly the gods honour literature — and by extension men of letters, like himself — and he seems to be the first author (Quintilian would follow him) to add fitting mythological point to the anecdote by making the poet's patron a victorious boxer, hence the poet's allusion to the Dioscuri, one of them a prize-winning boxer, 'auctoritatem similis referens gloriae'. But he also adds a precise legal spin to the tale, for this is a standard contract of *locatio conductio operis* in which, unlike the other two contracts of hire, the *locator* (here the boxer) pays and the *conductor* (here Simonides) is paid. A contract of hire takes effect when the price, the *merces*, is fixed (*Inst.* 3.24 pr.): here Simonides, 'certo conductus pretio', retires to write in private (nothing to do with the banquet). 'Opus adprobavit' suggests the addition of a clause 'ut arbitrato domini opus adprobetur' (cf. *Dig.* 19.2.24 pr., *et al.*). But despite giving this approval, the athlete pays only one third of the agreed *merces*: let those who received two thirds of the praise pay the poet the rest (this threefold division is more common-sensical than half-and-half: three patrons should naturally bear the costs equally). The point of the story is that Castor and Pollux did step in to pay the poet, giving him his life as the *merces* for his labours, *vitam mercedis loco*. The contract was now complete.

Equally witty but savage is the six-line tale of the cock whose litter-bearers are cats (*App.* 18). Be careful of a trick, a fox warns the proud bird: just look at their faces, for they seem to be carrying booty rather than a burden. And indeed, 'When the wild team began to feel hungry they tore their master to pieces and divided up the crime.'³² But of course this is presented as a partnership, *societas*, albeit a wild one, and when it divides up the profits, *fecit partes*, it does so with grisly literalness: another lawyer's joke.

And then there is the one about the lion's share (1.5). A cow, a she-goat, and a sheep are partners with a lion in the jungle. Together they bring down a huge stag. When the stag has been divided into four portions, *partibus factis*, the lion proceeds to claim them all. The moral of the story (1.5.1–2) is that it is never a safe bet to share with the powerful, and it goes back to an anti-democratic story alluded to by Aristotle: before an assembly, the hares demand equal shares for all, but the lions point out that *they* have the teeth and the claws. This political kernel Phaedrus has cleverly reworked within a legal framework. The

³¹ Cicero, *De Orat.* 2.351–4. Valerius Maximus 1.8 ext. 7 considers the tale an example of the favour of the gods, and Quintilian 11.2.11–16 considers that they were repaying their debt to the poet.

³² Reading *fera* with the mss. against the emendation *felum* in l. 7, and *facinoris* with the mss. against the emendation *funeris* in l. 8.

same gruesome conceit operates as in *App.* 18, wild *socii* literally dividing up their profits. But there is something amiss here. ‘Aristo tells us that Cassius gave the following response: no partnership may be contracted in which profit goes exclusively to one partner and loss to the other. He used to call this partnership leonine.’³³ Ulpian reports this approvingly in his commentary *Ad Sabinum* just after discussing Cassius’ opinion that a partnership is valid wherein one partner may suffer no part of any loss, so long as profit is shared. That is to say, however the losses may be apportioned among the partners, the essence of the contract of partnership is that the profits must be shared. Hence the leonine partnership — Cassius knew his Phaedrus — was no partnership at all. Thus, in his fable, Phaedrus has emphasized the impossibility of sharing (political or economic) power between strong and weak through casting it as a (legally) impossible partnership. And he has done so with a humour bordering on the surreal: three of the four partners are domesticated animals, mild and weak (the sheep is *patiens iniuriae*, ‘patient when wronged’), female, and of course herbivores — everything the lion is not.³⁴ The image of these three stalking their prey in the forest or jungle, *saltibus*, then hurling themselves, *cepissent*, on the huge stag, hooves flying, is again Pythonesque: they do not have claws, they cannot run as fast as the stag, they could not eat him even if they did catch him. They bring nothing to the partnership and they cannot possibly profit by it. The impossibility of the leonine partnership is vividly exaggerated: again it is lawyer’s humour, and it is extremely clever.

The gem of the collection is the tale of the mysterious will (4.5).³⁵ In forty-five lines, framed by a two-line promythium and an echoing two-line epimythium, it cleverly mingles folkloric elements, an intriguing riddle, sharply realistic rendition of Roman testamentary practices, and truisms about human nature — all in the service of one of Phaedrus’ bedrock beliefs, that one man is wiser than a crowd. The telling is a marvel of elegance in three acts. A man leaves three very different daughters, each a female caricature described brilliantly in a single line: one is beautiful and hunts men with her eyes; one is a country girl, the embodiment of female virtue, *lanifica* and *frugi*; the third is disgracefully devoted to wine. The old man makes their mother his heir with a mysterious condition, that she divide his fortune equally among the three in such a manner that they neither possess nor enjoy what they are given, and when they cease to own what they have received each is to give her mother 100,000 sesterces. Rumours fly, the mother consults men learned in the law, to no avail: how could one not possess or enjoy what is given to one, and how could one pay when one takes nothing? After long delay and getting no sense out of the will, the mother abandons the law and relies on good faith to divide the property. Back to the three daughters again, as the poet describes in detail the items which the mother sets aside as appropriate for each of them. When she is about to hand things over, with popular approval, Aesop suddenly intervenes to reproach the men of Athens and to point out their error to them. Back to the three daughters for the third time. Aesop suggests the correct solution, redistributing the property among the daughters, and the poet neatly varies his vocabulary to describe the same objects. The epigrammatic point is that the mother did what most people would do — she assigned each daughter the property appropriate to her character — but it took an Aesop to realize that each should be given what was *not* appropriate to her, hence she would sell it to buy what she really wanted, and out of the

³³ *Dig.* 17.2.29.2 (Ulpian 30 *ad Sabinum*): ‘Aristo refert Cassium respondisse societatem talem coiri non posse, ut alter lucrum tantum, alter damnum sentiret, et hanc societatem leoniam solitum appellare: et nos consentimus ...’ Aristotle: Gibbs, op. cit. (n. 2), 14.

³⁴ cf. A. Guarino, ‘La società col leone’, *Labeo* 18 (1972), 72–7. His suggestion that the partnership is not valid since it is a *maleficii societas* (*Dig.* 17.2.57) is not necessary within the moral world of the fable — one could easily imagine a human partnership with hunting as its purpose. The partnership of the cats to kill and eat their master, on the other hand, does look (and is apparently called) criminal; but then as the fabulist implies, that is in their nature, for it is a *fera societas*.

³⁵ For a very different take on the poem: Henderson, op. cit. (n. 8).

proceeds would be obliged to pay to her mother the sum stipulated in the will. The story ends abruptly with Aesop's solution: no more need be said.

The juristic nature of the fable is striking at different levels. The vocabulary is both plausible and well adapted to the *senarii*. Moreover, the following could well be the succinct introduction of a case in the prosaic pages of the *Digest*: 'Matrem fecit heredem senex sub condicione, ut totam fortunam tribus filiis aequaliter distribuatur, sed tali modo: ni data possideant aut fruuntur; tum: simul res quas acceperint habere desierint, centena sestertia matri conferant' (cf. 4.7-12). Similarly with the description of the contents of the estate, so much of it reminiscent of endless pages of minute discussion in the jurists: 'vestem, mundum muliebrem, lavationem argenteam, eunuchos glabros, agellos, pecora, villam, operarios, boves, iumenta, intrumentum rusticum, plenam antiquis apothecam cadis, domum politam, delicatos hortulos.' More importantly, the three acts of the case reflect juristic discussion: the facts are presented concisely; an incorrect solution is presented and dismissed; the correct solution is presented and self-evident. Best of all, the tale is a parable for the triumph of jurisprudence. One of the most difficult and — to judge by the space allocated to it in the *Digest* — time-consuming problems faced by lawyers was to determine the intentions of a testator who was no longer there to guide them. Here is a most puzzling institution of an heir. The *iuris periti* are stumped and the mother, wearied by delay, at last consults her heart rather than her head, *iure neglecto*: the law/justice/what is right is ignored. Aesop springs to the defence of the testator and testation, despite the *error omnium*: how upset the dead man would be if he knew that the men of Athens could not interpret his will. A testament is defended and interpreted properly. Aesop the wise man as *iuris peritus*.

In short, Aesop's heir, Phaedrus, shows an astonishingly sophisticated interest in Roman law. In all of classical literature, there is no one remotely like him. The words of a modern philosopher come to mind: 'When I see a bird that walks like a duck and swims like a duck and quacks like a duck, I call that bird a duck.' Phaedrus was a lawyer.

VIII

Whoever he may have been, 'Phaedrus' was not a Greek freedman struggling against envious detractors to ennoble his humble artistic craft, he did not suffer for his art under Sejanus, and indeed he published nothing before the reign of Claudius. Rather, let us say that he was a Roman gentleman or aristocrat, a native of the city itself, and an author who flaunted his *Romanitas* by appropriating a minor Greek genre, subjecting it to Latin metre, and shaping it with the two most Roman of high cultural inventions, satire and the *ius civile*. And he did so in a Latin that is remarkably pure, colloquial, inventive, and concise: 'Phaedri dictio etsi propinqua et cognata est sermoni — dico sermonem urbanum hominum elegantiorum — tamen est pressior et limatior sermone cottidiano.'³⁶ His view of society is distinctly apposite. Unlike Babrius, he is appalled by the inequity of life which he sees everywhere, by the oppression of the weak by the strong. But unlike the subversive Aesop of the Aesop Romance, he preaches to the people a doctrine of resignation and acceptance, of not rocking the boat, of hoping to be ignored by the mighty or avenged by the gods.³⁷

Along with these defining attitudes to life, two further and related beliefs of fundamental interest are conveyed in the fables. First, despite nods to the majesty of the *divina domus* (5.7.38), and to the perspicacity of Augustus and Tiberius, Phaedrus despises

³⁶ C. Zander, *Phaedrus solutus vel Phaedri fabulae novae* XXX (1921), I.

³⁷ These two broad points are well and briefly made at Holzberg, *op. cit.* (n. 2), 48-50, with bibliography. Chapter and verse are cited below, in Appendix 3.

monarchy, and he expresses his contempt in emphatically Roman terms. The kite persuades his enemies the doves, who can usually evade him in flight, that he will keep them safe if they make him king; they entrust themselves to him, and once he has the kingship he exercises his *imperium* with savage claws (1.31). Two men come to the land of the apes. The *simius tyrannus* has his companions stand around him as he once saw the emperor's companions attend the emperor. He asks one man who am I — 'You are the *imperator*' — and who are those you see standing before me? — 'They are your *comites*'. When the liar is rewarded with gifts, his companion thinks he will receive even more for the truth. The *princeps* of the apes asks him who do he and his companions seem to be, and he replies, 'Truly you are an ape, and all these apes are like you'. He is ripped to shreds for speaking the truth (4.13, reconstructed at Zander 17). When the lion becomes king of the beasts he tries to win a reputation for fairness, even moderating his diet and rendering uncorrupted justice. But his true nature emerges, and he learns to trick his subjects by asking them whether his breath smells and killing them whether they tell the truth or not (presumably there can be no right answer: either his subjects lie or they insult him). The ape praises his breath with such extravagance that the lion is shamed into not harming him, but he devises an even worse trap, and eats his flatterer (4.14, reconstructed at Zander 25). Yet bad though the present king may be, his successor could be worse, witness the frogs with the log and the snake, as Aesop tells the Athenians when they complain about their tyrant Pisistratus: 'Bear this evil, lest a greater befall you' (1.2).

The monarch as a predator with *imperium*; the *princeps* and his companions as apes, foolish and bloodthirsty; the *rex* who hides his true nature, then turns savagely on his courtiers, however much they may flatter him; the *tyrannus* as a great evil: with these figures the supposedly hidden meaning of the fable lies disturbingly close to the surface. The best illustration of this appears in the story of the gross insincerity of King Demetrius, the *tyrannus* who inquires biting, 'Who is that catamite who dares to shake his booty (*audet cevere*) in my sight?' When informed, 'That is Menander, the writer,' he smoothly switches gear: 'No man could be more handsome' (5.1). The introduction to this fable is positively Tacitean in its epigrammatic dissection of the corruption of monarchy. Demetrius has occupied Athens with wicked *imperium*. The mob, as is its custom, 'ut mos est vulgi', pours in from all sides, pushing and shoving, and chanting 'Good Luck', 'Feliciter!' The leading men themselves, the *principes*, kiss the hand by which they are oppressed, bemoaning in silence the sad reversal of fortune. And creeping in last of all come the men living in retirement and pursuing a life of *otium*, lest their not having been there might cause them harm.³⁸ The indictment, conveyed as vivid, compact description, could come from Tacitus' depiction of Nero's public life at Rome, with this difference: Tacitus condemned from the safety of the future; Phaedrus wrote under Nero, or Claudius.

The other basic opinion that emerges repeatedly from Phaedrus' work concerns the opposition between the folly of the crowd and the wisdom of the individual. The crowd is the unthinking mob, it jostles itself to pay homage to the tyrant, 'ut mos est vulgi' (5.1), the 'turba petulans' turns on the deposed tyrant (1.2), it comes prepared to jeer rather than to watch a spectacle (5.5.25–6). Pointedly, the crowd does not understand its own best interests: the frogs trade a poor king for a much worse one (1.2); the sheep surrender their guard dogs in a treaty with the wolves (Zander 15); the flock is killed off by the butcher one by one, realizing only when it is too late that if they had stood together they could have killed him (Zander 29). And there is a fundamental principle, that there is often more good in one man than in a crowd, 'plus esse in uno saepe quam in turba boni' (4.5.1), which bears repetition after it is demonstrated: 'so what escaped the unwisdom of the many, the

³⁸ 5.1.3–8: 'Ut mos est vulgi, passim et certatim ruit: / "Feliciter!" succlamant. Ipsi principes / illam osculantur, qua sunt oppressi, manum, / tacite gementes tristem fortunae vicem. / Quin etiam resides et sequentes otium, / ni defuisse noceat, repunt ultimi.' The Tacitean flavour is well captured at Henderson, op. cit. (n. 2), 155–60.

shrewdness of one man discovered', 'ita quod multorum fugit inprudenciam / unius hominis repperit sollertia' (4.5.48–9). Similarly with the failed cobbler who acquires a false reputation as a great doctor: when the king exposes him, he confesses that his success was based not on medical skill but on the dullness of the mob, 'stupore vulgi'. The king calls a *contio* and rebukes the people for their *dementia* in entrusting their lives to one to whom they would not entrust their feet (1.14). Again, the crowd prefers the piggy sounds made by the *scurra* on stage to those of the countryman, until the latter reveals that he has a real pig hidden under his cloak: 'And that shows just what kind of judges you are!' (5.5). And again, the swallow repeatedly warns the other birds about the sowing of the flax seed that will be used in lime to trap them, to no avail (Zander 28). When Simonides was shipwrecked he took nothing with him off the ship, whereas everyone else did, and was either drowned at sea or robbed on land. As he reminded the survivors, he had told them at the time that he had taken with him everything that was his (that is, his genius, or his reputation), while they had lost all that they carried away (4.23). Repeatedly then, the single wise man is worth more than the whole foolish crowd. The correct way for a crowd to act is shown by the highly respectable *centumviri*, who turn collectively for wisdom to the deified Augustus in a complex lawsuit: he clears away the shadows of calumny and discovers the sure source of the truth (3.10).

A Roman of Rome, a keen reader of Horatian satire, an expert in the *ius civile* (not a discipline crowded with Greek freedmen), a sharp observer of the treacherous days of the Julio-Claudian principate, Phaedrus presents himself as a man of firm and consistent opinions. Life is unfair, the powerful oppress the weak unrelentingly, but the weak should accept and make the best of their condition in life. The monarchy above is at worst evil, at best a sick joke. The mob below is foolish, so wrong-headed as to act consistently against its best interests. If only people would listen to the wise man, he could point the way to truth and virtue, but so often they do not, ignoring, mocking, even stoning him. This seems to be what Phaedrus believed. He was not a Greek freedman inscribing himself into the élite of Rome. He was a member of the Roman élite masquerading as a man of the people, 'transferring his true feelings into fables and eluding censure under the guise of jesting with made-up stories' (3 pr. 35–6). What a pity we shall never know who he was.

APPENDIX I: HORACE IN PHAEDRUS

The literary reminiscences gathered here, as those of Ennius, Vergil, and Ovid, above, make no claim to being original observations, but are culled from various modern critics, particularly Adrados, Currie, Hausrath, Oberg, Perry, Thiele, and Zander.³⁹ For Horace see especially Galli, who includes a section on vocabulary shared only by Horace and Phaedrus, and della Corte, who contrasts versions of the same fables by Horace ('resa più gentile dall'ambiente elevato') and Phaedrus ('crudamente popolareasca').⁴⁰ In addition to the text of Phaedrus I have used here and throughout the thirty careful reconstructions from the prose paraphrases that are offered by Zander in his *Phaedrus Solutus*, rightly praised by Henderson, as 'a serious contribution which all but vindicates the exercise'.⁴¹

Phaedrus 1.3, a jackdaw, *graculus*, in peacock's feathers is rejected by both peacocks and jackdaws; Horace, *Ep.* 1.3.19–20, a crow, *cornicula*, in borrowed plumage is ridiculed. In Horace, the crow represents an author imitating his betters. Phaedrus' jackdaw is a clever

³⁹ Adrados, *op. cit.* (n. 2, 2003); Currie, *op. cit.* (n. 5); A. Hausrath, 'Zur Arbeitsweise des Phaedrus', *Hermes* 71 (1936), 70–103; Oberg, *op. cit.* (n. 2); Perry, *op. cit.* (n. 5); Thiele, *op. cit.* (n. 14); Zander, *op. cit.* (n. 36).

⁴⁰ R. Galli, 'Fedro e Orazio', *Paideia* 38 (1983), 195–9; F. della Corte, 'Orazio favolista', *Cultura e Scuola* 100 (1986), 87–93 = *Opuscula* XI (1988), 35–41.

⁴¹ Zander, *op. cit.* (n. 36); Henderson, *op. cit.* (n. 18), 313.

substitution, since an old adage had it that jackdaws had nothing to do with lyres (that is, real music).⁴²

P. 1.13, a fox deceives a crow into opening its beak and losing a bit of cheese; *Sat.* 2.5.56, his intended victim deceives a captator, a crow with his beak gaping, ‘corvum hiantem’. Phaedrus gives a version of the proverbial fable from which Horace developed his image of the crow, now the trickster, tricked.⁴³

P. 1.20, dogs deal with a sunken hide, ‘corium depressum’, by trying to drink the river, and die in the attempt; *Sat.* 2.5.83, a dog is unable to leave a greasy hide, ‘corio uncto’. Dogs, the hide, and obsession are the links.

P. 1.24, a frog inflates herself imitating a cow, asks her children if she is bigger than it, they keep saying no, eventually she bursts; *Sat.* 2.3.314–20, the frog inflates herself to imitate a calf’s size from her child’s description of the calf that crushed its siblings, he tells her she won’t equal it even if she bursts herself. Martial 10.79 follows Phaedrus’ literal development of Horace. The point of the fable in the *Satires* is the ridiculousness of the small Horace imitating the great Maecenas.

P. 1.30.1, ‘Humiles laborant ubi potentes dissident’; *Ep.* 1.2.14, ‘Quidquid delirant reges plectuntur Achivi’. Phaedrus combines the proverbial ‘When the great contend the humble suffer’, applied by Horace to the Trojan War, with the struggle of the bulls in Vergil’s third *Georgic* and the expulsion of the loser.

P. 3.3.14, ‘Aesopus ibi stans, naris emunctae senex’; *Sat.* 1.4.6–7, ‘facetis, / emunctae naris, durus componere versus’, on the poet Lucilius. This earthy phrase, a man with a well-blown nose, that is, a shrewd judge, is doubly significant: it is found in Latin literature only in these two passages; and it is used to describe the acknowledged founder of the poet’s art, respectively, Aesop and fable, Lucilius and satire.

P. 4.4, a horse, disputing water with a boar, enlists a man to help him, then is forced to endure the reins; *Ep.* 1.10.34–8, a horse, disputing a pasture with a stag, enlists a man to help him, but then cannot get the man off his back, or the reins from his mouth. Phaedrus adds legal colour (on which, see below).

P. 4.8, a viper tries to eat a file, ‘improbo dente adpetit’; *Sat.* 2.1.76–7, envy bites into something (Horace) thinking it soft but finding it hard, ‘dentem offendet’. In both cases the intended victim retaliates: Horace implicitly with his satire; the file in Phaedrus explicitly, *mordacior*. The tooth of envy (*livor, invidia*) is proverbial and widespread,⁴⁴ but this original version of a fable is a neat example of Phaedrus at work. Just as Horace has explicitly compared himself with Lucilius (2.1 *passim*, including the previous line, 75), so now Phaedrus implicitly compares himself with Horace. Envy is inherent in the proverb, so need not be mentioned, while the *lima* which attacks in turn is surely intended to recall the file that polishes literary work — the bite of that file is a literary conceit (Ovid, *Ex Ponto* 1.5.19, ‘lima mordacius uti’; Martial 5.80.13, ‘lima momorderit’). Thus, Phaedrus’ ‘lima mordax’ (his polished work) repels the viper of envy.

P. 4.10; *Sat.* 2.3.299, a fault-finder is unable to see his own faults hanging (in a bag) on his back. A commonplace image, cf. Catullus 22.21, Persius 4.24, *et al.*

Sat. 2.3.8, ‘iratis natus paries dis atque poetis’; P. 4.21.15, ‘dis est iratis natus qui est similis tibi’. The displeasure of the gods is proverbial,⁴⁵ but this precise expression (‘dis iratis natus’, born when the gods were angry) is found only in these two authors, at Plautus *Miles* 314 (‘dis inimicus natus ... atque iratis’), and at Seneca, *Apocolocyntosis* 11.3 (Augustus on Claudius: ‘videte corpus eius dis iratis natum’). In Horace’s poem his interlocutor begins by complaining how little poetry Horace writes in his country retreat, and the satire is Horace’s reply and revenge.

Later in the same satire, 2.3, at 104–28, Horace’s interlocutor provides a picture of a miser, ‘dis inimicus senex’ (123, recalling ‘deis inimicus natus’ of Plautus, *Miles* 314, cf. *Mostellaria*

⁴² Aulus Gellius, *Praef.* 19 (*vetus adagium*). Otto, *op. cit.* (n. 30), 155, cf. 15 for other references to the fable. The jackdaw appears in the Greek *Aesopica*, which I assume to be later.

⁴³ Otto, *op. cit.* (n. 30), 95. A good analysis of Phaedrus’ version at Holzberg, *op. cit.* (n. 2), 42–4.

⁴⁴ Otto, *op. cit.* (n. 30), 107; Häußler, *op. cit.* (n. 30), 55, 100, 152–3, 268. Note even *invidia mordax* at 5 pr. 9.

⁴⁵ Otto, *op. cit.* (n. 30), 110.

563): he collects *citharas* but is not devoted to the instrument or to any Muse; is 'delirus et amens'; is an enemy of the gods; watches over a pile of grain while starving; and guards his goods so that his heir may drink them up. Phaedrus' description of a miser later in his fable (4.21.16–26) covers precisely the same territory in different words: his miser does not enjoy the music of the *cithara* or the *tibia*; acts *mente caeca*; defrauds the gods of incense; defrauds himself of food; and is the joy of his heir.

P. 4.24, 'mons parturibat ... murem peperit'; *Ars poetica* 139, 'parturient montes, nascetur ridiculus mus'. Employing a Greek proverb, Horace talks of misguided poets who promise a big theme but whose verse falls short. Phaedrus speaks more vaguely of 'you who threaten great things but achieve nothing', but in the light of the Epilogue to Book 4 (three poems later) he should be thinking precisely of poets with the *mons/mus* image in 4.24: 'Si non ingenium, certe brevitatem adproba, / quae commendari tanto debet iustius / quando poetae sunt molesti validius' (4 ep. 7–9). The *Ars Poetica* ends (472–6) with a classic *poeta molestus* (Phaedrus' term).

P. *App.* 10, an anecdote about *Magni Pompeii miles* (thirty-four lines); *Ep.* 2.2.26–40, an anecdote about *Luculli miles* (fifteen lines). The soldier in Lucullus' army is robbed of his savings while he sleeps. Enraged he storms the citadel of the enemy king, and he is rewarded with praise, military honours, and 20,000 sesterces. Soon after, the general exhorts him to capture another castle, but the peasant soldier cannily tells him that the man who will go where the general wants him to is the man who has lost his purse. In Phaedrus' tale, an effeminate soldier in Pompey's army one night steals the general's mules with their baggage of clothes, gold, and a mass of silver. When accused of the crime, he spits in his hand and waves the spittle away, while swearing that his eyes may ooze away thus if he has seen or touched the loot, 'sic, imperator, oculi exstillescant mei, / si vidi aut tetigi'. Soon after, a barbarian challenges the Romans to a single combat, but no one dares to take up the challenge. The effeminate soldier comes forward offering to fight, Pompey reluctantly assents, the soldier soon returns with the enemy's head, and Pompey awards him a military crown. At the same time he imitates the soldier's earlier oath, swearing his eyes may ooze away thus if the soldier has *not* stolen his baggage.

Different stories, no verbal borrowings, but there should be no doubt that Phaedrus deliberately recalls Horace, as signalled by the parallel introductions to anecdotes about two great Republican generals (and rivals) on campaign, *Luculli miles* and *Magni Pompeii miles*. A theft at night sets both stories in motion; military honours are won; a common soldier successfully flouts the general in word and deed at their second meeting; both anecdotes are rounded off by direct speech that comments on the tale. At the same time, Phaedrus plays with the elements in Horace. The role of the soldier-protagonist is reversed from victim to thief. Horace's practical peasant-soldier is brave only when he needs the money and declines the challenge; whereas Phaedrus' *cinaedus*, who might be expected to be cowardly, is genuinely brave and accepts the challenge; and therein lies the purpose of the stories. Horace had used his to make the point that poverty is an inducement to both poetry and bravery, and he probably found the tale in Sallust's *Histories*.⁴⁶ Phaedrus' point was expressed in the promythium: 'quam difficile sit hominem nosse', how difficult it is to know a man, something as true of Lucullus' soldier as it is of Pompey's. He has built on Horace's tale, strikingly reversed some of the elements and discovered a new moral: whether he found his story in Sallust or elsewhere (it does not sound like it), he could expect an educated reader to appreciate that the true source was Horace, explaining why he was not writing lyric verse.

Moreover, while *exstillesco* is a hapax, the oath is proverbial, cast as a first-person command to knock, gouge, or pluck the speaker's eye out if he has done or will do something. It appears twice thus in Plautus, but most remarkably at Horace's *Sat.* 2.5.35–6, where the captator, another untrustworthy rogue, promises to act for his prey in court, assuring him that 'sooner will someone pluck my eyes out than hold you in contempt and make you the poorer by a nutshell'.⁴⁷

⁴⁶ C. O. Brink, *Horace on Poetry. 3 Epistles Book II: the Letters to Augustus and Florus* (1982), 281, ad loc.

⁴⁷ Otto, op. cit. (n. 30), 250.

All three prose paraphrases of Phaedrus (Ad. 17, Wiss. 2.10, Rom. 1.16) retell the story of the ass, jealous of his master's affection for his dog, who decides to act as a fawning client. As reconstructed at Zander 5.4–6: 'si canem immundissimum / [hunc] diligit sic dominus et familia, [quanto magis me] officium si fecero.' At *Ep.* 1.17.19–21, Aristippus the hedonist defends himself against a *mordax Cynicus*: 'Scurror ego ipse mihi, tu populo; rectius hoc et / splendidus multo est. Equus me portet, alat rex officium facio.' *Officium facio*, in the precise sense of a client paying respects to a patron, is found only in these two passages. Phaedrus has reversed the roles in Horace, to comic effect: the dog (= cynic) is now the client, the ass wants to be. The ass runs to his master, climbs onto him, puts his hoofs on his shoulders, licks him, dirties his clothes, and is beaten back to his stall with clubs and stones.⁴⁸

The prose paraphrases (Ad. 13; Wiss. 2.1; Rom. 1.12) likewise preserve the essence of Phaedrus' now-lost version of the country mouse and the city mouse, reconstructed at Zander 4; famous from Horace's rendering, *Sat.* 2.6.77–117. Zander's neat restoration of Phaedrus' fable comes to twenty-two lines, compared with Horace's original forty-one lines; the rustic half of the adventure, which Horace treats in twenty-two lines, Phaedrus/Zander dispatches in the first two. In these first two lines, inevitably there are verbal reminiscences, but Phaedrus has also managed to insert a clever nod to Vergil: the urban mouse dines off an acorn in the country mouse's 'humili casa', recalling the second *Eclogue*, where the shepherd Corydon tries to entice Alexis to come live with him in 'sordida rura atque humilis ... casas'.⁴⁹

Two prose paraphrases (Ad. 59; Rom. 4.12) indicate a now-lost version of the fable alluded to in *Ep.* 1.1.73–5, where a cautious fox notices that many tracks lead to the den of a sick lion, but none lead away. Horace defends his thinking independently of the *populus Romanus* by comparing it to the lion in his den, but the context is yet again literary, part of his refusal to Maecenas' request to take up lyric poetry again, and the fable had been retold by his exemplar in satire, Lucilius (1111–20 W, where the *populus* is likewise involved somehow at 1122).

APPENDIX 2: LAW IN PHAEDRUS

The legal passages in Phaedrus have been well studied, and related to the poet's rhetorical and philosophical concerns.⁵⁰ Such lists may suffer from over-enthusiasm, including vignettes of social life which no Romanist would recognize as having a necessarily legal component ('Nihil hoc ad ius; ad Ciceronem'), while some significant evidence has been overlooked. The following registers examples of lawsuits, the application of legal jargon to fabulous situations (mostly civil, some criminal), and what seem to be instances of juristic thinking.

1.1, a wolf fabricates *iurgii causa* against a lamb, and the lamb dies *iniusta nece*. The fable is written against those who oppress the innocent *fictis causis*.

1.2, the frogs give Mercury secret *mandata* to ensure that Jupiter aids them.

1.3, the jackdaw in borrowed feathers, written so no one may glory in *aliena bona*.

1.5, the perils of *societas* with a powerful person. A cow, a she-goat, a sheep (*patiens iniuriae*), and a lion are *socii*. *Partibus factis*, the lion takes all four portions of a stag they have killed, including one share as *consors*.

1.8, a wolf swears solemnly, *iure iurando*, to reward a crane if she removes a bone stuck in his throat. The stork vainly demands the agreed reward, 'pactum praemium'.

1.10, animals go to court. A wolf accuses a fox of the crime of theft, 'arguebat ... furti crimine', with an ape sitting as *iudex*. Each side pleads his case thoroughly through to the end, 'causam

⁴⁸ As Zander points out (op. cit. (n. 36), 13–14), Phaedrus' fables concerning asses frequently mix humour and pity, as here. In Babrius' version, No. 129, the beast dies.

⁴⁹ Zander, op. cit. (n. 36), 8–11, citing Vergil, *Ecl.* 2.28–9.

⁵⁰ In addition to observations in general works, note specifically the valuable papers of G. Moretti, 'Lessico giuridico e modello giudiziario nella favola fedriana' *Maia* 34 (1982), 227–40 and E. Oberg, 'Römische Rechtspflege bei Phaedrus', *RbM* 139 (1996), 146–65 (who does not cite Moretti).

cum perorassent suam', and the ape finds them both guilty because of their known characters: it is hard to believe one who has a reputation for *fraus*, even when he speaks the truth.

1.13, he who delights in false flattery pays a penalty, 'dat poenas'.

1.16, a stag asks a sheep for a peck of wheat (presumably *emptio venditio*), with a wolf standing surety, 'lupo sponsore'. The author remarks that when a *fraudator* asks *improbi* to stand surety, *vocat sponsum*, evil results. The sheep wonders where she will find the debtor and sponsor 'cum dies advenerit.'

1.17, a dog falsely sues, *calumniator*, a sheep for the return of bread that he has left with her (presumably he claims it was a *depositum*). A wolf called to witness, 'citatus testis', swears that the sheep owed not one but ten loaves, and the sheep, condemned by false testimony, 'damnata falso testimonio', is forced to pay a debt she does not owe, 'quod non debebat solvit'. When she afterwards sees the wolf dead in a pit she declares this to be the wages of fraud, *merces fraudis*.

1.21, a boar redresses an old wrong, 'vindicavit veterem iniuriam', against an old lion.

1.22, a man tells a weasel not to take credit for keeping mice from his house, that is, not to write down an imaginary benefit, 'imputare vanum beneficium': more commercial than legal, this refers to the writing down of a debt.

1.26, no one must be harmed, *nulli nocendum*, but if someone does inflict an injury, *laeserit*, the fable warns that he must be punished similarly, 'multandum simile iure' (literally, must pay a fine by the same law). *Nulli nocendum* and *laeserit* have reminded commentators of one of Ulpian's fundamental 'precepts of justice' (*Dig.* 1.1.10.1), 'alterum non laedere'.

2.4, a cat upsets a *contubernium* with an eagle and a sow *fraude*.

3 pr. 41–2, a Sejanus as *accusator*, *testis*, *iudex*.

3.5, a man throws a stone at a rich, powerful man and 'poenas persolvit cruce'.

3.10, the truth should be examined before a wrong opinion judges foolishly, 'stulte prava iudicet sententia'. In the most dramatic and extensive (sixty lines) of his trials, Phaedrus tells the story of what purports to be an actual event within his memory. A married man loves his wife and teenaged son. His wicked freedman secretly fills his head with lies about the boy and his mother, whom he accuses of adultery: the freedman's motive is to be substituted as next heir in his master's will, 'sperante heredem suffici se proximum'. The jealous husband sets a trap for his virtuous wife, and in the dark mistakenly kills his son. When he realizes his error too late, he kills himself with the same sword. The scene then shifts abruptly and confusingly to the court of the *centumviri* at Rome, the court that handled inheritance cases, where unnamed *accusatores* have had the widow summoned, *postularunt*. Innocent, *insontem*, she is weighed down by malign suspicion because she possesses the property, 'quod bona possideat', and her *patroni* defend the case of an innocent woman, *innocentis feminae*. The poet leaves several issues unclear. How had the wife inherited, as an heir named in a will, or as an heir on intestacy? Was the freedman involved in the suit as a substitute heir, if there had been a will? What was the legal basis for challenging the wife's inheritance, and who was the accuser? The *iudices* turn to the divine Augustus to help them fulfill their oath, 'ut adiuveret iurisiurandi fidem', that is, they cannot resolve the issue. The wise emperor dispels the shadows of *calumnia* and discovers the sure source of truth (how, we are not told). The freedman is to be punished, *luat poenas*, as the cause of the evil, while the wife is more to be pitied than condemned, *damnandam*.

3.11, a eunuch is in court, *litigabat*. Beyond obscene words and petulant abuse, *iurgium*, his accuser taunts him with the *damnum* of his defective body. The eunuch admits that he has no witnesses to his innocence, *testes integritatis*, a legal pun all but impossible to translate, combining the ideas of *testes* as testicles and *integritatis* as physical wholeness. But, he asks, why does the man accuse him, *arguis*, of a wrong caused by Fortune, *Fortunae delictum*.

3.13, bees and drones dispute ownership of honeycombs and the matter is brought to court before a wasp as judge, 'lis ad forum deducta est, vespa iudice'. The wasp proposes each side make honeycombs for comparison, the drones refuse to keep to their word, *pactam fidem*, but the bees agree, and the judge renders his *sententia*, awarding the property to the bees.

3 ep. 19, Death demands a *debitum*.

3 ep. 22, a *confessus reus* has often won pardon. So Phaedrus wants to congratulate himself that he is supported by his patron's *iudicium*. Cf. 4 pr. 19.

4.4, a *lis* arises between a horse and a boar over a pool of water (presumably), where the horse drinks and the boar bathes. The horse appeals to a man and wins, but then finds *servitutem* because of 'parvae vindictam rei' (a nod to *rei vindicatio*).

4.5, a widow is made 'heredem sub condicione'. The condition is that she must divide the inheritance, which includes *mundum muliebrem* and *instrumentum rusticum* (standard juristic terms) equally among her three daughters. It is also restricted *modo*, that the daughters neither possess nor enjoy what they receive, 'ni data possideant aut fruuntur', and when each has relinquished what she has received she is to give her mother HS 100,000. Baffled by these enigmatic instructions, the mother consults *iuris peritos*, in vain. Aesop solves the riddle.

4.11, a thief robs a temple. He will atone for his guilt when the appointed day of punishment arrives, 'cum adscriptus venerit poenae dies'.

4.19, the dogs send an embassy to Jupiter to complain about the *contumeliis* they suffer from men. Terrified by his face, they fill his palace with dung. The ambassadors are given new *mandata* and take precautions, but again terrified, now by the god's thunder, they defecate again, but now their dung is perfumed. All of the gods demand redress for the wrong, *vindicandam iniuriam*. A trial follows. Jupiter says it is not hard to impose punishment for the offence, 'poenam pro culpa'. The dogs will get a reward instead of a judgement, *pro iudicio*: they will be allowed to depart, but will always be hungry, and those who sent them will always suffer the *contumelia* of men, because they will constantly be searching for their ambassadors by sniffing the behinds of strange dogs.

4.22, Envy (*Livor*) considers a judgement, *iudicare*. He will maintain *quovis pignore* that anything inferior in Phaedrus' verses is Phaedrus', not Aesop's.

4.26, Simonides agrees to write a poem for a victorious boxer, 'certo conductus pretio'. The boxer 'opus adprobavit' but pays only one third of the price. Simonides is defrauded, *fraudatus*, and feels hurt by the *iniuria*.

5.3, a bald man slaps his head trying to hit a fly, thus adding *contumeliam* to *iniuriae*, as the fly points out. The bald man replies that he forgives himself because he did not have the intent to do harm, *mentem laedendi*, unlike the fly. Thus, pardon should be given to one who offends by chance, 'venia donari decet qui casu peccat'.

5.5, on those who stand by a judgement, *iudicio*, made in error. A countryman shows the audience in the theatre what poor *iudices* they are.

App. 10, the effeminate soldier is tried for theft before Pompey in his *praetorium*, and swears an oath, *ius iurandum*.

App. 15, men who have robbed the temple of Jupiter pay the penalty with crucifixion, 'cruci suffixi luerunt poenas'.

App. 18, a cock has cats as litter-bearers. A fox warns him against *dolum*. When the *fera societas* begins to feel hungry, they eat their master and 'fecit partes facinoris'.

Zander 2, a cock privately asks a hawk to be his champion, *vindicem*, in a fight with another cock, hoping the hawk will devour his rival. As it turns out, the hawk is the judge in their dispute. Both parties plead their case, *causam exponere*, before him in court, *forum eius*, the hawk seizes his suborner and prepares to eat him.

Zander 9, a shepherd is accused *falso crimine* and thrown to the beasts.

Zander 12, a bat is detected in *fraus* and 'damnatus tam pudendo crimine'.

Zander 27, a dying kite must pay the penalty, 'poenast metuenda', for harming altars of the gods.

APPENDIX 3: PHAEDRUS ON SOCIETY

Oppression of the weak by the strong: the wolf invents pretexts to devour the lamb (1.1); it is unsafe to be partners with the lion (1.5); the Sun oppresses the frogs (1.6); the sparrow who mocked the hare in the eagle's claws is himself killed by a hawk (1.9); a dog and a wolf defraud a sheep (1.17); a bitch borrows a kennel in which to bear and raise her puppies, and when they are grown defies the owner to eject them (1.19); an eagle carries off a fox's children (1.28); the frogs worry about the bulls' fight, since 'the humble suffer when the powerful quarrel' (1.30); 'greed is rich and poverty is poor' (2.1); a crow, an evil counsellor, shows an eagle how to open a turtle's shell, proving that 'no one is sufficiently protected against the powerful' (2.6); a man who has thrown a stone at Aesop with impunity throws one at a rich and powerful man and is crucified (3.5); the cicada annoys the owl by its screeching, with fatal consequences (3.16); Aesop is flogged because he tells the truth (*App.* 17); a slave is starved, flogged, and overworked, but not given the freedom he deserves (*App.* 20); a hawk makes a nightingale sing to save its babies, but starts to eat them anyway (Zander 13).⁵¹

Resignation and acceptance: the frogs ask for a king and regret it (1.2); the jackdaw should be content with his station in life, not try to be a peacock (1.3); the master is alarmed by enemy soldiers, but his donkey does not care whom he serves (1.15); the sheep defrauded by a wolf is happy to see him dead in a pit, thanks to the gods (1.17); his animal victims brutalize a sick lion (1.21: Phaedrus disapproves); a frog bursts herself imitating a cow, the promythium being that the poor man perishes when he wishes to imitate the powerful (1.23); the poor are safe, while wealth is open to great danger (2.7); it is better to suffer the anger of others than to put oneself in another's power (4.4); while *principes* are endangered by bad times, the *minuta plebs* hide in easy safety (4.6); you must bear it when your inferiors in virtue are treated like you (4.18); a crow tells a sheep on whom he has been riding, 'I despise the weak and give way to the stronger; I know whom to harry and whom to fawn upon with crafty words. That's why I prolong my old age to a thousand years' (*App.* 26); if you are willing to give up your property you can live in safety (*App.* 30); the country mouse lives safely in his poverty, the city mouse worries surrounded by riches (Zander 4); the donkey forgets his station in life, imitates the master's favoured dog, and is beaten (Zander 6); the fable of the belly confirms the social order (Zander 7); suicidal hares reconsider when they encounter frogs who are worse off than they are (Zander 22). The poet's advice is best summed up in the slave, starved, flogged, and overworked, who runs away. Aesop puts the question to him: if he is treated like that when he has done nothing wrong, what will happen if he actually does offend? The slave returns to his master — deterred (literally: frightened off) from flight (*App.* 20). Occasionally the *humiles* can fend off the *sublimes* through their own efforts, as the fox does when rescuing her young from the eagle (1.28), but such victories are more likely not due to themselves, but to divine intervention (1.17, the wolf in the pit) or the problems of the powerful (1.21, the dying lion).

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⁵¹ It might be noted parenthetically that as a good lawyer Phaedrus has no illusion about the judicial system. Prosecutors are corrupt, witnesses are corrupt. As for judges, it does not bode well that the first one we meet is an ape, to be followed by a wasp, and by a hawk who is both crooked and rapacious; while among human judges, the people are credulous, the *centumviri* are clueless, and 'Sejanus' is a monster.