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The Delicts of the Countryside in Longus' *Daphnis and Chloe*

Longus' pastoral novel stands out among the extant Greek novels for its jewel-like sophistication in transposing the stock elements of the ideal romance to an idyllic setting. Among these elements is the trial scene. Longus' narrative of the trial of Daphnis (*D&C* 2.12-17) is an artful twist on the formulaic declamation-style trial scene in the novels; for the crime which leads to the trial is not murder, nor adultery, but a case of property damage. In effect, Longus draws inspiration from the imagined scenarios routinely found in legal texts in order to create melodrama from a quotidian type of delict.

Daphnis is accused of negligently causing the loss of boat belonging to a group of city boys on a hunting vacation in the countryside. The narrative of the event makes it clear that an interlocking series of events leads to the boat's loss. There are many candidates for liability: an ignorant farmer taking the rope attached to the boat floating off the shore, the youths for improvising new moorings from willow shoots, the hunting dogs for frightening Daphnis' goats, the goats for eating the willow shoots, the wind for making the sea choppy, and the current for taking the boat out to sea. But in lodging their accusation against Daphnis before a cowherd-cum-judge, the city boys focus on only one cause: they hold Daphnis liable for negligence in his goatherding duties.

The legal scenario is one which might have delighted a jurist. One has only to compare this episode with the scenarios imagined by the Roman jurists in connection with the *lex Aquilia*, the Roman law on property damage. For example, *Digest* 9.2.52.2 presents a succinct yet colorful vignette of the antics of mule drivers in the big city:

Some mules were pulling two loaded carts up the Capitoline. The front cart had tipped up, so the drivers were trying to lift the back to make it easier for the mules to pull it up the hill, but suddenly it started to roll backward. The muleteers, seeing that they would be caught between the two carts, leaped out of its path, and it rolled back and struck the rear cart, which careened down the hill and ran over someone's slaveboy. (trans. MacCormick)

Seen in this light, the case of the lost boat in Longus' novel encompasses many different levels of causality and therefore many different legal actions: an action for theft, a noxal action for damage caused by slave, as well as an *actio de pauperie* for damage caused by four-footed animals. The resemblance to the hypothetical cases in the *Digest* is underscored by Longus' emphasis on the actors' occupations and their corresponding duties of care: the city youths accuse Daphnis of being a bad goatherd (*D&C* 2.15 *ponêron onta aipolon*), to which he retorts that they are bad hunters (*D&C* 2.16 *kunêgetai poneroi*).

At issue in the seemingly simple, idyllic scenario is a complex series of questions concerning who is legally liable for the damage to the young men's property, a dilemma to engage the mind of the student of Roman legal thinking. In the end, however, sweetness prevails over the latent legalistic sophistication, as Daphnis' tears clinch his

defense&endash;to the probable amusement of at least some of his readers who, steeped in habits of legal reasoning that infused the rhetorical education in the Roman empire, could appreciate the legal nuance.