



## LIBELLVS MMXXIII

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### *Josephus contra Bryatorium*

1. It is 555 CE. Justinian's armies have recently triumphed against the barbarian forces infesting the Italian Peninsula, securing its formal re-annexation to the Empire. Not many years earlier, the ancient city of *Neapolis* had been liberated by the Byzantine forces commanded by the valiant Narses, who annihilated the barbarian king Totila. By winning a bloody battle at the feet of *Mons Lactarius*—not far from the site of the marvellous Pompeii, destroyed by an eruption almost five centuries earlier—Narses had succeeded in driving the Ostrogoths out of the Campanian city. Taking advantage of the favourable spring breezes, many ships—encouraged by the new-found political stability in the years that followed—have resumed carrying goods of all kinds to the Italian coast, especially from Asia Minor.
2. One of these ships is the *Parthenope*, commanded by Josephus, a native of the island of *Melita* and known to be one of the most valiant captains plying the *Mare Nostrum*. Josephus's ship sails from the port of *Tyrus* (the city that gave birth to the famous jurist Ulpian), carrying a cargo of highly-prized anchovies, which can only be caught during a brief period of the year in a small stretch of the *Mare Rubrum* that is constantly infested by pirates. These bright red anchovies are extremely delicate and can only be properly preserved in salt. The precious merchandise is bound for Rome, where—through an intermediary trusted by Josephus—the gastronomic delicacy is destined for the kitchens of the city's best restaurants, and the homes of a very few wealthy notables. Josephus stands to make a profit of 10,000 *solidi* from the deal.
3. Josephus is also famous for his worldly lifestyle: he loves parties (even while at sea), good food and, above all, good wine. He is very attached to his slave Epicides, from whom he is never separated, even during sleep. (The more mischievous members of the crew are sure they are having an affair.) The handsome young Epicides is a skilled zither player and has a marvellous voice; he often cheers the captain and crew with his performances.

4. After fifteen days' sailing—and a not so short stop in *Melita*, where Josephus gives part of the cargo as a gift to some local nobles—the *Parthenope* is at sea off the coast of *Campania*. Having passed the island of *Capreae*, the ship is caught in a tremendous and unexpected gale. The storm is so violent that Josephus manages to save the *Parthenope* from certain shipwreck only by an incredible feat of navigation. However, before it reaches safety in the port of *Neapolis*, the ship hits a rock near the small island of *Megaritis*, which breaches the hull of the *Parthenope* at the waterline.
5. The appalling weather having continued all night, it is only the following day that the *Parthenope* is taken to a shipyard in *Neapolis* for inspection and repair. At this juncture, Josephus realises that the breach has allowed a large volume of water to enter the hold, where the salt used to preserve the red anchovies has now almost completely dissolved. "Holy smokes," he thinks to himself, "If we don't hurry up and get rid of the cargo, the anchovies will almost certainly go bad, and I will lose the deal." He asks some elderly local sailors how long the bad weather is likely to last: according to them, another two or three days.
6. Josephus gathers his crew and decides to go into the city to buy as much salt as possible, hoping to save at least part of the cargo, while waiting for the weather to improve. Arriving in the ancient centre of *Neapolis*, not far from the harbour, they hear the cries of a slave: "Come to the inn of Bryatorius, the best from Syracuse to Rome!" The name of the inn-keeper is familiar to Josephus: in fact, he remembers that he has heard about Bryatorius's *caupona* in *Neapolis* from his intermediary in Rome more than once. The inn's food and wine are apparently so good that they attract many of the region's most prominent nobles and politicians, and even some notables from Rome.
7. The fame of Bryatorius—the histrionic owner of the *caupona*—has, indeed, reached Rome itself: he is a phenomenal cook, whose speciality is creating delectable new dishes using unusual and exotic ingredients; his extremely well-paid waiters—who speak at least three languages—are selected from among the best available. The tavern is among the most expensive in the whole empire. The house speciality is a dish called 'Eugenia', in honour of a wealthy Neapolitan noblewoman, who assiduously frequents Bryatorius's inn, despite having long since moved—after the siege of *Neapolis* in 536—to a beautiful villa in the quieter town of *Aequa*, between *Stabiae* and *Surrentum*. The 'Eugenia' is a flatbread made from a secret kind of wheat, shaped into a circle, topped with a very fine smoked cheese (*casens fumosus*) produced near *Capua*, and served boiling hot (so that the cheese melts) with basil leaves.
8. Eager to try Bryatorius's cuisine but also to get to know him personally, Josephus treats his crew to refreshments at Bryatorius's establishment. The proprietor welcomes them personally and offers them a large and comfortable table; he then asks Josephus why they are visiting *Neapolis*. The captain recounts their voyage and, in vague terms, their near-shipwreck. When he mentions the cargo of red anchovies, Josephus notices that Bryatorius's eyes sparkle: the cook has heard of this rare food before. With his

trademark shrewdness, Josephus seizes the opportunity, offering Byratorius part of the cargo as payment for the meal, on condition that wine will abound on the table.

9. Bryatorius thinks about it for a moment but, eager to experiment using red anchovies in his cuisine, accepts Josephus's proposal. The delighted captain orders a cabin boy to fetch a sack of anchovies from the ship; he then joins his crew at the table, sitting beside Epicides. A few moments later, rivers of wine are flowing. Bryatorius enchants his guests with tasty courses: fresh fish from the bay of *Neapolis*, eggs, meat of all kinds, and vegetables from his farm on the slopes of *Vesuvius*. When many of the diners are inebriated, Josephus asks Epicides to sing: the crew joins in, toasting and shouting loudly; more than one dish smashes to the ground during the festivities.
10. Some of the other guests begin to protest, and Bryatorius himself—while amused by the captain's behaviour—is forced to rebuke the crew several times, though his interventions do not quieten their conduct. At this juncture, the cabin boy returns with the sack of red anchovies. Ecstatic at the sight of their garish colour, Bryatorius decides to experiment with the new ingredient at once. Josephus having ordered the famous 'Eugenia' flatbread for the crew, Bryatorius decides to season it with Josephus's anchovies as soon as it comes out of the oven. The appearance of the dish—the white *caseus*, the green basil and the red anchovies—is truly marvellous.
11. Bryatorius's elegant waiters begin to serve the flatbread, first to Josephus and then to the other crew members, who are by now completely drunk. When Josephus notices the addition of the anchovies, he is careful not to bite into the dish, fearing that they may already have gone bad. The other crew members, however, quickly devour the meal. Only one of them complains about the taste of the flatbread but Josephus immediately shouts: "Shut up! You are completely drunk!" The last to be served is Epicides; however, just as the waiter is handing him the tray, another crewman—exuberantly lifting a cup of wine—bumps into him; the boiling-hot dish spills onto Epicides's face and arm, and he screams in pain. In a fit of rage, Josephus grabs a stick and hits the waiter, breaking a bone in his leg. Setting the bone and treating the wound will cost 25 *solidi*.
12. All of the other crew members at once spring to their feet to placate Josephus. The latter—without even waiting for Bryatorius—orders the crew to return to the harbour. Josephus takes the seriously burned Epicides directly to the first local physician available; although he receives proper treatment, his face is permanently disfigured and he will most likely never play the zither again. As night approaches, other crew members begin to vomit, and some suffer high fevers—all symptoms of severe food poisoning. The next morning, hardly anyone is able to stand.
13. Josephus realises that it will be impossible for him to take to sea and that, in any case, he will not be able to deliver the cargo on time and in saleable condition. Furious, the captain returns to Bryatorius's inn, yelling that the cook has poisoned his sailors, caused him to lose a very important business deal, and seriously injured his favourite

slave. Bryatorius denies any liability for the incident, proudly declaring that his ingredients are unanimously acknowledged to be the best on the market; as for Epicides, he invites Josephus to take it out on the members of his crew, who were busy drinking and incapable of behaving themselves. Indeed, the inn-keeper points out that, owing to the captain's own drunken reaction, Byratorius himself has a wounded slave who will be unable to work for who knows how long.

14. Even more enraged by Byratorius's response, Josephus consults lawyers and now brings two actions against Bryatorius in the recently re-established Imperial Court of *Neapolis*:

- (i) an *actio praescriptis verbis* seeking to recover 10,500 *solidi* in respect of the food poisoning and loss of cargo; and
- (ii) an *actio legis Aquiliae* seeking to recover 300 *solidi* in respect of the damage to Epicides.

The Court directs, and all parties agree, that the law applicable to the facts at all material times is the law in force in *Neapolis* at the date of the *libellus*.