on the ranks and orders of planetary gods and daemons, and the same laws of politics, diplomacy and etiquette which promised success in this world were applied to spiritual realms.

Another consequence of urbanization was the disintegration of many features of village life, as observed in Egypt in the third century AD. The temples were allowed to decay, and along with them the knowledge of religious and magical texts written in hieroglyphs lapsed into oblivion.

Finally we should consider the significance of the Christian attitude towards miracles both in a religious and in a magical context. Every culture tends to define magic according to its own roots, norms and specific needs. And every culture assumes that there actually are women and men endowed with unusual powers. The problem is how to define these powers, how to explain them and how to make them work for you.

During the first few centuries of our era, Christians were not expressly forbidden to practice magic. Priests provided amulets and charms for the faithful, and a fifth-century Bishop was very familiar with pagan magic.

It is imposible, sometimes, to separate religious rituals from magical rites, because they could be performed alongside throughout one and the same ceremony. This kind of synthesis or accumulation was not unusual in the Middle Ages and the Renaissance, it seems, and one only has to think of the Satanists of the late nineteenth century to realize how little had changed.

But in 391 the Roman temples were closed, and in 529 Justinian shut down the Academy of Athens which was then under the leadership of Damascius, the distinguished Neoplatonist and militant opponent of the new religion. This dealt the last blow to theurgy, but lower forms of magic no doubt lived on everywhere and survived until the Middle Ages and later. As far as miracles are concerned, we must remember that the Church for the first few centuries was the Church militant *par excellence*. It had to fight the outside enemy, paganism, as well as a host of heresies inside. Hence the intensity of the struggle, the reliance not only on sound dogma but on miracles which had to prove that the God of the new religion was more powerful than all the deities of the old one. Miraculous cures became the domain of holy men, especially monks, and even today, the Roman Catholic Church requires two attested miracles for canonization.

PART 3

Imagining Greek and Roman Magic

Richard Gordon

In memory of Martin Hollis

INTRODUCTION

The founder of the Department of Classics at the University of Malawi, Caroline Alexander, records that the local hospital had a case during her stay in the 1980s of a man who had broken both his legs due to an unusual accident (Alexander, 1991: 74). The nurses stated that he had been flying one night in a maize-basket north of Zomba and crashed on Mt Chinduzi. His legs certainly were broken, but thereafter opinions will doubtless differ. Dr Alexander's pupils found nothing surprising in the report, one observing merely that it was stupid to fly anywhere near Chinduzi, an area notoriously unsafe for flying. When, by contrast, Mr Justice Powell observed at the trial for witchcraft of Jane Wenham in 1712 that there was no law against flying, he summarized more than a century of growing scepticism in western European intellectual and legal circles of the very possibility of magical action (Thomas, 1971: 547).

Taking their cue from the heirs of that scepticism, the founding fathers Tylor and Frazer, anthropologists once took for granted that magic is a primitive mode of thinking. Even the publication of Fortune's *Sorcerers of Dobu* (1932), Malinowski's *Coral Gardens and their Magic* (1935), and Evans-Pritchard's *Witchcraft, Oracles and Magic among the Azande* two years later hardly dented the consensus. Although English social anthropologists had already shifted to the study of accusations, it was not until the 1970s, in the context of the structuralists' wider challenge to the naive essentialism of other anthropological topoi – totemism, animism, myth – that the point was widely taken and magic seen as a medium for thinking, embedded within a mass of other representations of the world, and on its own premisses unfalsifiable. Subsequently, both religion and science, the other members of the Frazerian triangle, have themselves been historicized and relativized (Tambiah, 1990; Lloyd, 1990). The cynosure of prestidigitation, Robert Houdin (1805–71), has taken his place in the history of colonialism (cf. Moore, 1997); in our own days magic has been reinvented as a living praxis (Luhrmann, 1989). The most urgent current academic debate about magic is whether the Frazerian ghost can be exorcized fully without embracing some more or less objectionable form of cultural relativism.

One promising avenue here may be Raymond Boudon's notion of good reasons for false beliefs (Boudon, 1995: 59–201).

In this context, the continuing interest of concepts of magic in the Greek and Roman worlds is that in these societies for the first time such practices ceased to be embedded, that is, simply taken for granted, and where necessary condemned, and came to be examined, contested and defended in terms other than their own. We owe to the Graeco-Roman world both the word magic and many of the semantic implications which it still has, above all the conflict between magic as specious show, as prestidigitation (in the manner of David Copperfield), and magic as a special power to achieve real effects both for good and for ill (in the manner of the Museum of Witchcraft at Boscastle in North Cornwall). In trying more precisely to locate magic in Greek and Roman society, the starting-point must be that there was no single 'ancient view of magic'. Rather, a whole gamut of representations and claims competed in the market-place, each with its own agenda. It is this variety of representations, and the ideological functions they served, that I denote by the phrase imagining magic. That is, magic in the Graeco-Roman world became good to think with. Beneath the overt representations and images deeper questions are being raised, positions staked out: Where are we to locate the boundary between the possible, the marvellous, and the sheerly impossible, the fantastic? Between belief and credulousness? How far can we trust common sense? Can people control the inhabitants of the Other World? Can gods will harm? If so, ought they to do so? What are the limits of the power of utterance? Is magical power part of nature, or is it a purely human invention or skill? Where lies the boundary between legitimate and illegitimate use of the Other World?

This variety of opinion about magic – or perhaps rather magics – was due to two factors. On the one hand, the civic compromise, the absence from the Greek and Roman state of an autonomous priestly class, meant that there was no institution with the monopoly of the means of salvation, in the Weberian sense of access to the sum of the benefits supplied by the Other World. The final decision about what belonged to, or was permissible within, civic religion lay, both in the Greek world and at Rome, with the highest political instances, and was therefore always primarily a matter of political rather than theological discussion. But there always was plenty of free space for debate below the level of such final decision-making. On the other, the development in the fifth century BC by the Sophists of a determinedly rationalistic discourse later institutionalised as the practice of philosophy made it widely impossible for the educated to accept traditional religious beliefs without some mental reservations. Immediately, quite extreme conclusions were drawn, such as the claims of the satyr-play *Sisyphus*, usually ascribed to Critias but more probably by Euripides (Dihle, 1977), that religion is a mere device ('concealing the truth with lying words') to reinforce the moral-political order (88 B25 *DK*, cf. de Romilly, 1988: 152–5); Epicureanism and Euhemerism are later and milder variants of the same tack. More usually, intellectuals – who could hardly saw off the branch their class sat on – tended to move in the direction of natural theology, inferring a rational and providential deity from the order of the cosmos (Gerson, 1990). But that too was not without its difficulties: if the Stoic Chrysippus could persuade himself that bedbugs are natural alarm-clocks and that flies have been created to make us tidier in the home (*SVF* 2: 1163), not many others shared his confidence (Dragona-Monachou, 1994).

The imbrication of these two factors produced over time a general conception of civic religion, not merely among the élite, which emphasized the collective and beneficent aspects of traditional belief – what has been dubbed the religion of everyday – both inasmuch as it was this set of practices which defined the city in relation to the Other World and because this form of religion was the simplest to defend on rational and moral grounds. The other aspect of traditional belief, the religion of the special case, a heterogeneous collection of rituals for empowering individuals or groups in particular contexts for specific ends, came to be thought of as more or less at odds with the values expressed in the religion of everyday (cf. Montano, 1993). But this is simply a specifically Graeco-Roman version of the classic tendency, pointed out by Weber and refined by Pierre Bourdieu (1971), towards the monopolisation of legitimate religious capital by a particular social group or interest. Given this ideological and institutional context, it will come as no surprise that the notion of magic, at any rate in what I shall call a strong sense, was formed in the ancient world discontinuously and, as it were, with everybody talking at once.

It is said that the location of the original flowerbeds of Thomas Jefferson's garden at Monticello was rediscovered by shining car-headlights over the lawn at night. But no amount of serendipity of this archaeological kind will rediscover for us the reality of ancient magic. It might seem, for example, that the emergence of the word itself might provide a decisive insight into the nature of that reality. But that is not so. In all probability the substantive *magos*, which later came to mean magician, was coined at a specific juncture in Greek history, around the period of the Persian Wars in the early Classical period. But equally certainly it did not then connote a notion approximating to our 'magic'. It was rather a form of insult, associating Greek practitioners of the religion of the special case with the Persian or Median priestly caste made familiar by those wars and the preceding Persian occupation of the Ionian coastal cities (cf. Nock, 1933/1972).[1] That is certainly its force in a passage of Sophocles' *Oedipus*, where

the king scornfully reproaches Teiresias the seer with being a 'scheme-hatching *magos*' (387). Diviners are typical practitioners of the religion of the special case (cf. Culianu, 1980; Brown, 1981); and the Persian magi are several times said by Herodotus to have interpreted royal dreams (1.120.1, 3; 7.19.1; cf Carastro, 1997: 26–33). Although both text and interpretation are much disputed, it seems likely that the earliest surviving use of the word, c.500 BC, occurs in a list of other practitioners of that religion of the special case, denounced by Heraclitus of Ephesus for offering an impious – because false – view of the gods and the hereafter: 'people of the night – magi, male bacchants, maenads, initiates into the mysteries' (12 B 14a D–K).[2] This list seems to have a marked internal structure: the *bakkhoi* (masc.) are opposed to the *lenaiai* (fem., here translated as 'maenads'), though both are worshippers of Dionysus, so that it is probable that *magoi* in first place are both contrasted with, but also somehow linked to, the *mystai* in fourth. Rather than suppose that official priests – why should they be Persian? – are being contrasted with private mysteries (Bollack and Wismann, 1972: 93; Conche, 1986: 167f.), it is easier to believe that the *magoi* are precisely the sort of people we shall meet in the Hippocratic *On the sacred disease*, experts in religious healing, contrasted with the *mystai*, people who receive initiation, whether at Eleusis or elsewhere.[3]

The noun *mageia* is not known to have been used until two hundred years later, and even then, coupled with the word *alexipharmaka*, antidotes, seems to mean 'magical rites' (pl.) (Theophr. *HP* 9.15.7; cf. Steier, 1933: 30). Its earliest surviving abstract use to mean 'magic' occurs in a Hellenistic fragment, from a work falsely ascribed to Aristotle,[4] in the context of the Persian Magi: 'They did not know goetic *mageia*', goetic meaning in this context, as usual, specious or fraudulent claims to magical power (Arist. frg.36 Rose).[5] *Mageia* was still an ambivalent notion; and even during the Principate we can find positive evaluation of the word's allusion to the Persian priesthood:

> You think it your duty to call philosophers who follow Pythagoras, or Orpheus, 'magicians' (*magoi*). But in my view followers of any philosophy should be called 'magi' if they aim to become holy and righteous. (*Epist. Apoll. Tyan.* 16 [tr. Conybeare, adapted])

From the very beginning, magic has been a term whose semantic implications can only be understood by close attention to context, to the values and claims that it is made to sustain.

The fragment of pseudo-Aristotle suggests at any rate a partial truth, that a strong notion of magic ('goetic magic') seems to have been a creation of the Hellenistic period. Sadly, given the massive loss of Hellenistic texts, we can hardly do more than gaze into an empty cage.

But it would be quite false to suppose that, in so far as magic also connotes the transgressive, the illicit use of religious power, there had not always, in the Dark Ages already, been rules for the exercise of such power: in that sense, magic existed far earlier than any familiar word for it. There has probably been no society, certainly no complex society, without rules concerning the use of whatever forms of religious power are deemed possible. We may conceive of these as distributed along a continuum between the wholly normal/acceptable i.e. fully legitimate uses, and the wholly abnormal/unacceptable, i.e. fully illegitimate uses. In the Greek world there is plenty of evidence – in Homer, in other Archaic literature, and in documentary evidence – of 'magic before magic', of the more or less negatively-marked deployment of religious power for socially doubtful ends.

The same is true of the Roman world. By all accounts the word *magia* begins to be used there towards the end of the civil-war period: the first surviving Latin usage, *magicis . . . sacris*, with or by magic rites, occurs in Vergil, *Eclogue* 8.66 (composed around 40 BC), an imitation of Theocritus' second *Idyll*, the so-called *Pharmakeutria, Witch* – although Theocritus himself does not use the Greek word, simply a periphrasis, 'an Assyrian stranger', for *magos* (162).[6] It seems to me likely however that the word had already been transposed into Latin in Varro Atacinus' *Argonautae*, a reworking of Apollonius Rhodius' *Argonautica* written c.45–44 BC (Arcellaschi, 1990: 197–230). Varro Atacinus linked Medea's name to Persia through the homonymity of Medus, her son by Aegeus, king of Athens, and the land of Media (Probus ad Verg. *Georg.* 2.126). Such an etymology would have been superfluous if he had not regarded her, in accord with the Hellenistic history of magic we shall look at later, as indeed a magician. Still earlier, probably in the early 50s, Catullus had also written an imitation of Theocritus' second *Idyll* (Pliny, *HN* 28.19), a poem which was probably one important source of much of the specific imagery of (Italian) witchcraft we find in the Augustan poets, and in which he may well have used the adjective *magicus*. But the Roman world had already developed a number of words for negatively-marked use of religious power, nouns such as *veneficus, saga*, local adjectives such as *Marsus*, also *Sabellus, Paelignus*, relating to the Sabellian people, traditional enemies, famous for being able to burst snakes open by magic, or *Thessalus*, borrowed from the Greek word commonly used for male witch; and technical terms such as *cantus, cantio, incantio, carmen*, probably *nenia*. Catullus' (7.12) and Vergil's (*Ecl.* 3.103) casual use of the word *fascinare* implies that another, innate or natural, aspect of such power, the evil eye, was already long familiar in Italy (Tupet, 1986: 2606–10).

Moreover, if there can be said to have been magic before magic in the ancient world, the concept never ceases to develop, in response both to

ideological changes and to political ones. If we can locate the emergence of a strong view of magic in the Hellenistic period, for example, it is partly because of the appearance then of books, often ascribed to (pseudo-) Democritus and Pythagoras, which absorbed much of the traditional healing practice of 'root-cutters' and wise-folk, together with a mass of other lore, into a quite new concept of natural magic. Natural magic is a key concept, inasmuch as it draws upon the essentially rationalist notion of Nature, autonomous and enruled. So far from treating the praxeis of wise-folk and root-cutters as marginal or transgressive, the pseudo-Democritean tradition saw them as exploiting the innate powers of Nature to heal, to divine – but also to perform marvels. The rationalist position, that such beliefs are either impious or nonsense, is turned on its head by the claim that Nature herself is the source of the practitioners' powers. But this view is exclusively that of learned outsiders: the practitioners themselves have, generally speaking, no category Nature with which to work – insofar as they are concerned to account for their powers, they use a different conceptual language.

As for political changes, the transition from Republic to Principate occasioned a relatively sharp increase in the visibility of illicit religion, magic linked with private divination: such charges expressed as plainly as anything else the shift from political pluralism to autocracy. The *Calendar of 354 AD*, in the section Chronicle of the City of Rome, which often includes sensational titbits (Salzman, 1990: 52–6), reports for example that 45 men and 85 women were executed under Tiberius (*Chron. ann. 354* [*MGH* 9, Chronica minora, pt.16, p. 145.26–8, ed. Mommsen]), almost certainly after the *senatus consultum* of 16 or 17 AD condemning private divination and magic. Illicit religious practice came to be viewed typically, but not by any means exclusively, in terms which underwrote the centrality of the Princeps to the political system of the Empire.

But alongside the tendency to define illicit religion in terms of its political rather than its social danger, we find during the Principate an inclination to deploy magic, still in close alliance with private divination, as part of a wider, hesitant, attempt to give substance to the imagined community of the Roman empire – 'old' Roman religion had no symbolic purchase at this level – through its negative inversions, atheists on the one hand (that is, Christians and Epicureans), and practitioners of illicit religion, magicians and private diviners, on the other. This tendency becomes more strongly marked from the late second century, and is linked with hesitant moves to sanction the very knowledge of magic and divination, not merely the harm they did; but its full expression had to wait until the creation of a Christian empire.

My aim in this chapter is to set out a number of contexts for understanding Greek and Roman representations of magic. An approach

through historical narrative is inadvisable, both because we simply do not possess enough relevant documents – what would we not give, for example, to see the protocols of the hearings before which the unfortunates mentioned by the *Calendar of 354* were executed under Tiberius? – and because narrative, despite its revived fashionability, is a discursive mode inept for cultural history and the history of ideas. Moreover, narrative constantly naturalizes the objects of its discourse, and if anything is obvious about magic, it must be that it is a matter of representations that shift more or less subtly in relation to processes of change in other dimensions. Instead, I have divided the chapter into four thematic sections, with due acknowledgement made, where appropriate, to time-scales.

The first argues that the most general context for Greek and Roman views of magic is the category of the marvellous, which we can characterize roughly as the coal-face at which any religious view of the world must continuously labour if it is to sustain its truth-claims. The marvellous can of course be sub-divided into numerous departments, but that is not here to my purpose: rather, the tinkling of exclamation marks should not deafen us to the ideological work involved in the recogition of a marvel, and especially the moral evaluation it evokes. The key questions are always: Whose marvel? To what sub-category is it properly to be assigned? What are we to do with it? Magic in a strong sense occupies simply one corner of the realm of the marvellous, which is the magical in the weakest sense.

Before moving on to survey some explicit ancient views of magic in the strong sense, we need – this is the second section – at least a schematic account (indeed none other is possible) of the emergence of the category magic in antiquity, and of four main groups of magical practitioners. The differences between these, and their conceptions of their powers, make clear that no concise definition can do justice to such diversity. The third section, ancient discussion of magic, relies heavily upon literary texts. It has attractively been argued that we should think of magic as Utopia, without substance but with a history (Daxelmüller, 1993: 23–6). In my view, it is much too easy to be distracted by the archaeological survival of curse- and vindicative-tablets, and the remains of Graeco-Egyptian magical receptaries (grimoires), from the essential point, which is that the true home of magic is a body of narrative, what Cicero calls 'old women's tales', which construct the social knowledge to which any event, real or supposed, fearful or peculiar, may be referred and in terms of which, if need be, explained. Literary texts, emanating from an élite educated within a rationalistic philosophy, supply us, by default, with elaborate and distanced, often ironic, examples of such tales as well as images of witches and magicians (cf. Phillips, 1994). But negotiation with magic also took place in a variety of other literary modes and genres. The receptaries

themselves, which allude repeatedly to the marvellous effects of this or that spell, can be thought of as part of this process of negotiation.

I turn finally to consider the legal repression of magic in Greece and Rome, a history which reveals the difficulty, within the context of polytheistic practice and the sheer diversity of views about what constitutes magic and what it might really be, of defining what precisely, if anything, was criminal about magic. But, because the concept of *Rechtsstaat* in antiquity either did not exist (in the Greek world) or was very different from the modern one (Rome), the absence of laws by no means prevented the repeated condemnation, to summary execution or exile, of individuals who could convincingly be accused of magical practices. Here again, the old women's tales played their part in forming a horizon of expectation, images of the illicit, the shape of the forbidden, by means of which, in the theatre of justice, the political community defined its religious enemies and so also imagined its own ideal religious self.

THE MARVELLOUS

Magic may be a practice, but more than anything else it is a shared construction, a child of the imagination. It is that quality which makes it both interesting to the social historian and exasperatingly elusive: magic defies common sense quite as much as it resists definition. We might indeed say that magic represents the inverse of common sense, a more or less boundless world made possible by cutting the ropes that bind the imagination to the world of hard facts. Magic thus belongs to the realm of the marvellous. 'The image of the magician grows from story to story, and from teller to teller, precisely because he is a favourite hero of folk imagination . . . the image of the magician was created outside magic' (Mauss, 1902–3/1972: 33).

The marvellous is a construction of the imagination, made possible by another, equally massive, effort of the human imagination, the enrulement of the world of experience. The marvellous (which here includes the category of the strange) is in effect simply the totality of perceived infringements of culturally-stated rules for normality. Thus the big toe of King Pyrrhus' right foot, which failed to be cremated (c.272 BC) and was preserved inside a closed chest in a temple in Epirus, cured those afflicted with diseases of the spleen by mere touch (Pliny, *HN* 7.20). A point of regular intersection between the Other World and this one is constructed through a set of leading questions: fire consumes dead bodies, why did it refuse to burn the toe? parts of dead bodies belong out of sight, under the ground, why is this one kept above ground? Normality is of course neither fixed nor necessarily agreed: the marvellous is always produced within a

micro-climate of evaluative assertions. The most tempting marvels rely upon tacit or implied norms – in the case of Pyrrhus' toe the empirically absurd claim that crematory fire consumes a body completely. Nor is the marvellous necessarily the inverse of a norm: denials of the normal may take any contrastive form. In the same passage in which Pliny mentions Pyrrhus' big toe, he alludes to a famous Italic people, the Hirpi Sorani, among whom were to be found a number of families whose members were gifted with the power of walking over blazing fires without injury (*HN* 7.19; cf. Vergil, *Aen.* 11. 785–8 with Servius ad loc., p. 564.14–23 Thilo). This ability was recognised officially as marvellous by the Roman Senate's grant of immunity from military service; but the Hirpi themselves expressed their difference from the norm by stressing that in their language, Samnite, the word *(h)irpus* meant wolf (Servius ibid. on l.787, p. 564.28–31, citing Varro). Wolves belong to the wild, to the mountain; what wolves are to the tame, the Hirpi are to ordinary men (cf. Piccaluga, 1976; Buxton, 1987: 63f.).

The natural world is that part of the empirical world which provides both the model and the matrix of the marvellous: the human effort invested since the Palaeolithic in the enrulement of the natural world is repaid many times over in that world's endless, obliging, productivity of marvels. Everyone in the ancient world knew, for example, that there exists a fish, a very small fish, the *echenêis*, ship-stayer, known in Latin later as the *remora*, which by attaching itself to a ship can prevent it from moving (the earliest text is Aristotle, *HA* 2.14, 505b18–20; cf. Pliny, *HN* 9.79). 'If a horse,' writes Aelian, 'happens to step onto a wolf's track, it is struck immobile; if you throw a wolf's vertebra under a running quadriga, it will suddenly stop as though freeze-dried, when the horses tread on the bone' (*NA* 1.36). The second clause offers the empirical proof of the claim in the first: it is a second-order marvel, constructed on the back of another. But it also reveals why knowledge of the power of the wolf's vertebra, from among all the hundreds and thousands of curiosities of nature, observed or merely asserted in the Graeco-Roman world, should have become widespread, 'settled knowledge' and so relatively immune to the corrosive effects of disconfirmatory experience: it was potentially useful, it could be deployed in a claim to power over events in the world.

Here we may try to distinguish between the strange and the marvellous: the strange is the unmarked product of a discrepancy between any norm and any claimed empirical event; the marvellous is the strange appropriated into a network of claims to power. The hippopotamus, writes Pliny elsewhere,

> is a real consultant in one department of medicine: when it has stuffed itself by incessant feeding, it finds a place on the bank where reeds have

> been newly cut and, when it espies a sharp stubble,[7] presses its body down onto it and so cuts a certain blood-vessel in its leg. By thus letting blood, it frees its body from other disorders, and covers the wound up again with mud. (*HN* 8.96)

Here the marvellous provides a natural precedent and justification for the human doctor's claim that bleeding is a necessary part of his practice: the hippopotamus's behaviour is elevated beyond the merely strange by being appropriated into a medical discourse. Much the same can be said of the most famous examples of the marvellous in ancient nature, the magnet, the 'breathing stone'; or the imputrescent meat of the peafowl. St. Augustine became convinced of this last by means of his own experiment:

> One day at Carthage I was served with a roast peacock, and I gave orders that what seemed a sufficient quantity of meat should be cut from the breast and kept. After an interval of some days, long enough to have ensured the putrefaction of any other kind of cooked meat, this was brought out and presented to me; and I found it had no offensive smell. It was then put back in store, and after more than thirty days it was found to be in the same condition; and there was no change in a year's time except that the flesh was somewhat dry and shrivelled. (*Civ. Dei* 21. 4, p. 762.15–23 Dombart-Kalb [tr. Knowles])

Augustine's interest in this property of peafowl meat is that it is a natural marvel admitted as such by pagans: *a posteriori*, they should admit that God can ensure that quasi-material souls can survive the purgative fire after death (ibid. 21.7). If what is undeniably fully material can negate the general rule that flesh must rot, then there is at least a good chance that the only partly material can negate another general rule, that fire consumes.

If the natural world models the realm of the marvellous as a whole, its most interesting inhabitants are other humans. Marvellous peoples belong to the earliest reports in Greek literature – we have only to think of the one-eyed Cyclopes, the giant cannibal Laistrygones or the navel-knowledge of the Phaeacians' ships of the *Odyssey*. Neither in that poem nor in Herodotus are such reports merely fabulous: taken as a whole – despite many 'free' details – they reveal a structure of differences by which Greek social rules and institutions are shown to be both natural and normative (Buxton, 1994: 69–144). In the Hellenistic and Roman periods, after Alexander's conquest of the Persian empire and the creation by the poet Callimachus of a specific genre of *Mirabilia* (Giannini, 1964), fantastic reports multiply, such as those of the Hippodes, a people with horses' hooves, and the Panotii, whose enormous ears covered their modesty (Pliny, *HN* 4.95), the marvellous tending to decline into the (merely)

bizarre. For the most part however reports of strange foreign peoples serve agenda individual to the writer. One marked tendency, to be found already in the work of Onesicritus of Astypaleia in the lifetime of Alexander the Great (d.323 BC), is the discovery of philosophical peoples, such as the land of Musikanos, whose inhabitants ate in common as in Sparta, possessed no slaves and enjoyed no law-courts other than those for murder and assault (Strabo 15.1.34, 701–2C = Jacoby, *FGrH* 134 F24).

The creation of the genre of *Mirabilia* also made it possible to fuse geographical marvels with natural ones. Philostratus' *Life of Apollonius of Tyana* provides a fine example, the detailed account of the different species of snakes (*drakontes*) to be found in India.[8] Those that live in the mountain foothills but hunt in the marshes are reddish, with serrated backs, and beards, while

> their scales glitter like silver; and the pupils of their eyes consist of a fiery stone, and they say that this has an uncanny power for many secret purposes. (3.7, p. 246.5–8 Mumprecht [tr. Conybeare])

The proper mountain snakes however are much more terrible and may be taken, if at all, only by means of a clever ruse:

> [The Indians] embroider golden letters (*grammata*) on a scarlet cloak, which they lay in front of the animal's lair, casting a spell on it by means of the letters (for this is the only way to overcome the snake's unwavering eyes); and they sing mysterious chants to it, by means of which the snake is induced to stretch his neck out of his lair and fall asleep over the letters. (3.8, p. 246.24–248.7 Mumprecht [tr. Conybeare, adapted])

An account of Indian snake charming has here been read in terms of a trope of ancient ethnography going back at least to Herodotus' description of the collection of cassia and cinnamon in Arabia (3.61, cf. Detienne, 1972/1977: 5–36), of which the burden is that the value of natural products is inversely proportional to their availability. What the Indians are after are the precious stones to be found in the dragons' heads which, like the magical ring of Gyges which made its possessor invisible (Plato, *Rep.* 2, 359d–60c), have 'an uncanny power'. In order to acquire them, the Indians use 'letters' which in themselves have the power to cast a spell upon the dragons' unblinking eyes – 'letters' which immediately recall the *charactêres*, the incomprehensible signs that can only be read in the Other World used in the learned magical practice of the Imperial period,[9] but with a history going back to one interpretation of the 'baneful signs' that were to ensure the death of Bellerophon(tes) (Homer *Iliad* 6.168f.); the enchanting figures on the *kestos himas*, the embroidered girdle of Aphrodite to which we shall return (ibid. 14.214–17); and its cousins, the feet, belt

and diadem of the statue of Artemis of Ephesus that bore the most famous ancient incantatory names, the 'Ephesian letters' (*grammata Ephesiaka*) (Pausanias Grammaticus, frg. 185, p. 165.15–17 Schwabe = ε 85 Erbse; cf. Arnold, 1989: 23).

The true medium of the marvellous however is narrative. Narrative, like the medium of film, is accorded the right to refuse the opposition between objective report and downright falsehood: its realm is that middle world we call fiction (cf. Searle, 1979/1981), and the ancient world as often as not 'history'. One or two examples will enable us to explore this theme a little further. We may first pick up Aphrodite's girdle, in Homer's 'virtuoso performance' (Janko, 1992: 168). Hera is plotting to distract Zeus while her brother Poseidon helps the Achaeans, and to this end she proposes to seduce him. First, she bathes and perfumes herself, as a woman would, but then decides she needs something stronger, and pretends to Aphrodite that she wants to reconcile Okeanos and Tethys, to 'bring them back to their bed to be merged in love with each other' (*Iliad* 14.209). From her breasts, Aphrodite

> . . . unbound the elaborate, pattern-pierced
> zone, and on it are figured all beguilements (*thelktêria*), and loveliness
> is figured upon it, and passion of sex is there, and the whispered
> endearment that steals the heart away even from the thoughtful.
> She put this in Hera's hands, and called her by name and spoke to her:
> 'Take this zone, and hide it away in the fold of your bosom.
> It is elaborate, all things are figured therein. And I think
> whatever is your heart's desire shall not go unaccomplished'.
> So she spoke, and the ox-eyed lady Hera smiled on her
> and smiling hid the zone away in the fold of her bosom.
> (*Iliad* 14. 214–23 [tr. Lattimore])

Hera also takes the precaution of offering Hypnos a small inducement to make Zeus fall fast asleep; and Zeus falls promptly, and heavily, into the trap:

> So speaking, the son of Kronos caught his wife in his arms.
> There underneath them the divine earth broke into young, fresh
> grass, and into dewy clover, crocus and hyacinth
> so thick and soft it held the hard ground deep away from them.
> There they lay down together and drew about them a golden
> wonderful cloud, and from it the glimmering dew descended.
> (14. 346–51 [tr. Lattimore])

This narrative fuses different forms of the marvellous. The one that interests me here is the use of the girdle to evoke the tension between men's desire for sexual excitement and their fear that the very act of

pleasure is merely another feminine wile, that the moment of male *jouissance* is actually the point of deepest subjection, the point when 'Hera smiles'.[10] The narrative voice, even-handed as ever, both confirms the suspicion – we hear the two goddesses colluding – and, in the final passage, offers the thought that the pleasure experienced may outweigh the shame at being so gulled. More important, though, to the general theme is that the subjective experience of the force of desire is represented as something created from outside, manipulable, subject to wile and skill: the narrative transposes one of the basic assumptions of love magic into the realm of the marvellous (Pirenne-Delforge, 1993: 278–80). And the fiction can admit what otherwise could hardly be admitted, that being compelled to pleasure allows many potential questions to be left quite simply unanswered.

The vagaries of passion might not only affect gods and humans. Pausanias mentions in his *Description of Greece*, one of the indispensable sources for the Greek marvellous, a bronze statue at Olympia, by Dionysius the Argive, of a mare and attendant. The mare was neither tall nor attractive, and its tail was cropped, which made it look ugly,

> but stallions go wild for it, not only in spring but every day in the year – they break their halters and escape from their grooms and come galloping into Altis [the sacred precinct of Zeus' temple] and leap upon it much more madly than they would on the finest living mare that was used to being mounted. Their hooves slip on it, but they go on and on whinnying all the more and leaping up on it more and more eagerly until you manage to drag them away with whips and main force: until you do so nothing can release them from that bronze. (5.27.3–4 [tr. Levi, adapted])

The vividness of the narrative here, the precisely observed detail of the hooves slipping ineffectually off the metal flanks, of the grooms desperate to control their concupiscent charges, is typical of the marvellous: the audience must be brought to belief by the force of rhetorical accomplishment. The story certainly resonates with many others that have to do with the ambivalent status of art-objects, those concerning human attempts to couple with divine statues for example, or the competition between Zeuxis and Parrhasius ('I have deceived the birds, but you have deceived me': Pliny, *HN* 35.65, cf. Elsner, 1995: 17); but it also alludes to one of the most famous items in the pharmacopoeia of ancient love magic, the object or substance named *hippomanes*, 'mad-horse' – the statue was indeed known by this name. According to Aristotle, there were two different things to which this name was given, one a kind of thin semen-like discharge from the vulva when mares are on heat, the other a growth on the foal:

> After parturition a mare will at once swallow the afterbirth and also eat off the growth on the foal's forehead known as *hippomanes*: the size of this is slightly smaller than a dried fig, and to look at is flat and round, and black in colour. If anyone gets hold of it before <the mare does> and she gets scent of it, the scent drives her mad and frantic. That is why it is in demand by sorceresses (*pharmakides*), who collect it for their purposes. (*Hist. Anim.* 6.22, 577a7–13 [tr. Peck])

There came in due course to be considerable disagreement about where exactly the growth was to be found, on the forehead, the rump or the genitals, even whether it was a growth rather than, for example, a plant (Servius ad *Georg.* 3. 280). The mares eat the *hippomanes*, says Aelian,

> for had this continued to be attached always to the foal, both horses and mares would be inflamed with a passion for uncontrolled mating. This may, if you like, be a gift bestowed by Poseidon or Athena, the god and goddess of horses, upon these animals to ensure that their race is perpetuated and does not perish through an insane indulgence. (*NA* 14. 18 [tr. Scholfield]; cf.3.17)

In this context – and the issue of *hippomanes* is much more interesting and complex than I have space here to explore – the narrative of the bronze mare in the Altis does not merely proclaim a marvel, it provides an example of a divinely-ordained system of restraint in disorder. Nothing could be more absurd than stallions dashing themselves in frenzy onto an inanimate object: the natural purpose of the sexual act is frustrated by the uncanny power of Dionysius' creation. And the cause of that disorder? 'Anyway', says Pausanias, 'it is clear that what happens to the stallion is due to the arts of some magician (*andros magou*)' (5.27.3). The story concludes with a judgement about the proper location of this instance of the marvellous: within the magical.

Although magic shares the realm of the marvellous with religion, the creation of the city-state began an inexorable process of moralizing the divine world, which in turn affected the way in which the marvellous was perceived. Older reports of the marvellous tolerate ambivalences which would later be rejected, edited out, rationalized. But even so there is often a trace of unease in ascribing to gods powers already negatively marked in human society. If we take for example Homer's account of how Sarpedon managed to kill the Trojan Alkathoös:[11]

> But now Poseidon beat him down at the hands of Idomeneus,
> for he bewitched his shining eyes, made moveless his bright limbs,
> so that he could not run backward, neither evade him,

> but stood like a statue or a tree with leaves towering
> motionless, while fighting Idomeneus stabbed at the middle
> of his chest with the spear. (*Iliad* 13.434–39 [tr. Lattimore])

What motivates recourse here to the marvellous is Alkathoös' strange behaviour. According to normal expectation, he might have done one of two things: he might have put up a proper fight or, giving way to fear, have run away. But no, he simply stood still to be butchered. The oddity of this is registered in two ways, first in the distorted appeal to the analogy between man and rooted thing – column or tree – which is normally an image of steadfastness; and then in the extraordinary behaviour of Idomeneus' spear, which

> was stuck fast in Alkathoos' heart
> but the heart was panting still and beating to shake the butt end
> of the spear. (ibid. 442–3 [tr. Lattimore, adapted])[12]

The explanation offered for the marvel is divine intervention: the Homeric gods have such powers. But there is at the same time in the word *thelxas*, correctly translated by Lattimore 'bewitch', a suggestion that the exercise of such power is untoward, even improper – the gods may have such powers but they ought not to use them.

A similar ambivalence is to be be found in the late Archaic *Homeric Hymn to Hermes*, a bright exploration of the theme of divine cunning (whose very cleverness has suggested to some that it may have been composed only in the first half of the fifth century) (Janko, 1982: 143). Apollo and the infant Hermes have been directed by Zeus to make up their quarrel and search for Apollo's stolen cattle together. When they reach Pylos, where Hermes has hidden them, Apollo is furious to find that Hermes has already sacrificed two of them, and makes handcuffs of willow to bind Hermes:

> <but the bands would not hold him>, and the withes of osier fell from him and began at once to grow from the ground there beneath their feet. And intertwining with one another, they quickly grew and covered all the wild-roving cattle by the will of thieving Hermes, so that Apollo was astonished as he looked. (*Hymn to Hermes* 410–14 Allen [tr. Evelyn-White, adapted])

This account, which recalls an earlier scene in which Hermes plaits marvellous sandals to outwit Apollo (79–81), seems to allude to a conception of Hermes also to be found in the Athenian curse-tablets, which are precisely binding-tablets, and, at least in the fourth-century BC, often invoke Hermes *katochos*, the binder (Kahn, 1978: 106–11). That is, by the fourth century BC, and doubtless considerably earlier, an

aspect of Hermes' power which was still tolerable in the high Archaic period has been bracketed off, negatively marked, and associated with malign magic. Already in the *Hymn*, the tacit question of whether Hermes' binding power may properly be invoked is answered obliquely, by way of the moral judgement that emerges just before Apollo's amazement, in the epithet for Hermes, *klepsiphrôn*, 'with the heart/cunning of a thief'.

The process of moralizing the gods required not merely that their powers be curtailed in certain ways but also that boundary-lines within the realm of the divine should be more clearly drawn. One result was the gradual creation in the Archaic period of a more or less distinct category of divine beings called *daemones*, the double advantage of which was to separate the good gods of civic cult from morally ambivalent divine powers active at folk-level while at the same time opening up a new realm, of the 'dark' marvellous, based on the older view of *daemones*, as connected with the souls of the dead (cf. Detienne, 1963; Sfameni Gasparro, 1997: 70–3). The local history of Temese in Lucania, for example, includes an account, first known from Callimachus' *Aitia* (frgs. 98–9 Pfeiffer, tr. Trypanis p. 74 n. a), of how the famous athlete Euthymus wrestled with a *daemon*, a spirit, called Hero, the ghost of one of Odysseus' sailors who had raped a local girl and been stoned to death (Domínguez Monedero, 1992). This spirit for centuries persecuted the people of Temese so unforgivingly that they would have abandoned their city but for the express command of the Delphic oracle; when he was thrown, Hero vanished under the sea, and Euthymus, who had first won the Olympic crown in wrestling in 484 BC, himself became a hero and the recipient of cult (Paus. 6.6.7–11; cf. Aelian, *VH* 8.18). In the version offered by Pausanias, the malign *daemon* is provided with an identity that fits Temese into Homeric geography, but which also turns him into a *biaiothanatos*, those who have been killed by violence, part of the wider class of the restless dead, who came to be thought of as the typical instruments of malign magic (Waszink, 1949; Johnston, 1997a).[13] Once again (it is difficult to guess when this might have taken place, but presumably in the Hellenistic period) an inhabitant of the older divine world has been re-defined and given an unequivocal, morally negative, identity.

Once invented, the category of the restless dead gave rise to numerous tales, in effect ghost stories, which explored the dimensions and possibilities of the new corner of the marvellous devoted to them (cf. Plato, *Leg.* 9, 865d-e). One of the most famous, evidently widely current in the second century AD, is told us by the younger Pliny in a letter to Licinius Sura about belief in the supernatural (though he does not use that term). It concerns a house in Athens that was for long haunted by the ghost of a

filthy old man rattling chains. The philosopher Athenodorus decided to rent the house and spend the night there.

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THE CATEGORY OF MAGIC AND ITS PRACTITIONERS

It will be evident that the texts I have adduced – a small sample of hundreds – to illustrate aspects of the marvellous have been carefully selected in order to suggest the place of social and moral judgement in the apparently wide-eyed presentation of marvellous tales, and how intimately magic in the strong sense is linked at least from the Hellenistic period with such tales. That point made, we may now turn to the category of magic itself (which is of course not the same issue as the appearance of a word akin to our own).

The basic difficulty in making clear to oneself what one takes magic to be is that it is janus-faced, there being little point in choosing to stress exclusively (as has been the recent tendency) one side or the other. One face is that of religious power used illegitimately, the other the dream of power to effect marvellous changes in the real world. This paradox certainly runs right through Graeco-Roman views of magic.[14] Both views may be termed ideological, in the sense that they represent choices of value and significance within a particular shared conception of the world-order. We may illustrate the point by looking briefly first at the emergence in the Greek world (the Roman case is too heavily overlaid by the Greek view to be analysable here) of a view of the magician conceived as one who disposes of negatively-marked religious power; and then at some categories of practitioners who claimed power marked in varying degrees as negative in the Graeco-Roman world, ending with the Graeco-Egyptian magical papyri, which have to stand as representatives of a now lost tradition among learned or ritual magicians in the wider Graeco-Roman world.

In Archaic Greece we can find several figures of myth emblematic of 'magic before magic', all more or less divine: Circe in Book 10 of the *Odyssey* (Marinatos, 1995), Medea in the myth of the Argonauts (Graf, 1997b: 30–3), the smith-god Hephaestus (Delcourt, 1957), and the Idaean Dactyls, who resemble in several respects another group of magical smiths, the Telchines. In each case, a negative note sounds solely in the background of their marvellous stories. They are mythical representatives of what Pierre Bourdieu has called 'objective profanation' (1971: 309), the practices of dominated groups such as wise women, herbalists and smiths, which are inaccessible to, and largely unaffected by, the processes of rationalization and moralization of the divine world which set in with the formation of the city state. Medea, the daughter of the Okeanid Idyia,

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The Telchines were supposed to have been the first inhabitants of the (floating) island of Rhodes, who came out of the sea and imparted useful arts to the human inhabitants; apart from being smiths and making the first statues of the gods, they were natural magicians (*goêtes*), who could change their shapes at will – and they were jealous of the secrets of their trade (Diod. Sic. 5.55.2–3, ultimately from ?Zeno of Rhodes). In all this, they are closely comparable to Hephaestus (Detienne 1970/1974). But, apart from the point that the Telchines could also raise at will hail-, snow- and wind-storms 'just as they say magicians can do', in general the otherness of these mythical figures is merely the condition of their extraordinary power. They are marvellous more than they are suspect, a fact noted by their common divine status.

By the fifth century, the negative marking is much clearer: the category of the marvellous has been subdivided in numerous ways, with a distinctive corner for illegitimate religious goals (Versnel, 1990: 96–205), including what are already clearly malign magical arts. Images representing Bourdieu's objective profanation begin to give way to images of intentional profanation, that is, the deliberate use of inverted religious rituals to obtain illicit power. This is evident in the shift of tone with regard to

aspect of Hermes' power which was still tolerable in the high Archaic period has been bracketed off, negatively marked, and associated with malign magic. Already in the *Hymn*, the tacit question of whether Hermes' binding power may properly be invoked is answered obliquely, by way of the moral judgement that emerges just before Apollo's amazement, in the epithet for Hermes, *klepsiphrôn*, 'with the heart/cunning of a thief'.

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'the wise one' (Hesiod, *Theog.* 352, 360; Sophocles frg.546 Radt; cf. Gantz, 1993: 340, 358) in particular represents the female herbalist, wise in the lore of plants; her beneficent double is Agamede, 'who knew of all the medicines that grow in the broad earth' (*Iliad* 11.740, tr. Lattimore);[15] an etymological double is Polymede, daughter of the Autolycus blessed by Hermes with all the arts of trickery (*Od.* 19. 395–8). All of them are in one or more ways deviant or other : Circe and Medea live at opposite ends of the earth, the one not far from the rim of Ocean, where Odysseus can create a passage to Hades, the other in Colchis, the mysterious land in the far east whose inhabitants are blackened by the proximity of the sun.[16] Hephaestus is 'deformed in both (his feet)' (Antigonus, *Hist. mir.* 45 = Giannini, 1966: 55), which was sometimes evoked as meaning that one foot pointed in one direction, the other in another, and sometimes that his head faced in a direction different from his feet (Delcourt, 1957: 91–9). The earliest surviving account of the Idaean Dactyls, in the anonymous archaic epic *Phoronis* (7th–6th cent. BC), describes them as marvellous smiths who work in the mountains far away from human habitation:

> there Idaean Phrygians, magicians (*goêtes*), mountain-dwellers, had their homes, Kelmis and tall Damnameneus, and mighty Akmôn, skillful servants of mountain-haunting Adrasteia, who, using the arts of cunning Hephaestus, were the first to discover dark iron in mountain clefts, and bring it to the fire and work it into a splendid thing. ('Phoronis' frg. 2 Bernabé = Σ Apoll. Rhod. 1, 1126/31b)

The Telchines were supposed to have been the first inhabitants of the (floating) island of Rhodes, who came out of the sea and imparted useful arts to the human inhabitants; apart from being smiths and making the first statues of the gods, they were natural magicians (*goêtes*), who could change their shapes at will – and they were jealous of the secrets of their trade (Diod. Sic. 5.55.2–3, ultimately from ?Zeno of Rhodes). In all this, they are closely comparable to Hephaestus (Detienne 1970/1974). But, apart from the point that the Telchines could also raise at will hail-, snow- and wind-storms 'just as they say magicians can do', in general the otherness of these mythical figures is merely the condition of their extraordinary power. They are marvellous more than they are suspect, a fact noted by their common divine status.

By the fifth century, the negative marking is much clearer: the category of the marvellous has been subdivided in numerous ways, with a distinctive corner for illegitimate religious goals (Versnel, 1990: 96–205), including what are already clearly malign magical arts. Images representing Bourdieu's objective profanation begin to give way to images of intentional profanation, that is, the deliberate use of inverted religious rituals to obtain illicit power. This is evident in the shift of tone with regard to

Medea in the second half of the century, not merely in Euripides' extant tragedy *Medea*, but also in his lost *Daughters of Pelias*, and in Sophocles' lost *Women of Colchis* and *The Rootcutters* (cf. Lesky, 1931: 32, 35f., 39f.). The topic of the *Women of Colchis* was Medea's love for Jason and her betrayal of her family for his sake: here for the first time she is made to kill her brother Apsyrtus while still in Colchis (frg. 343 Radt). Of *The Rootcutters*, which like the *Daughters of Pelias* apparently dealt with her revenge on Pelias (whose daughters she tricked into boiling their father to death – a favourite subject of red-figure vase-painters), we have a fragment that describes Medea

> collecting in bronze vessels the milky juice that drips from the incision, turning her eye away from her hand. (frg. 534.1–3 Radt)

This is an obvious allusion – and also the first – to the kinds of rules we know were applied by rhizotomists (herbalists) in their collection of herbs. There also survives from the same tragedy an invocation of the goddess Hekate 'crowned with oak-leaves and twisted coils of horrid serpents' (frg.535.4f.), which is the earliest evidence for her as the goddess who attends crossroads, the gathering place for the restless dead (Johnston, 1990: 23f.; 1991: 223f.).

Whereas the figure of Medea lent itself to the exploration of malign power as the particular province of women (Moreau, 1994: 191–217, cf. 271–8), we can use the marginal smith to support the view that a strong view of magic developed only in the Hellenistic period, magical practice being until then simply one of many more or less suspect uses of symbolic power, acknowledged or merely claimed. The details of that evolution however can no longer be reconstructed. On the one hand, Hephaestus was rescued already in the fifth century for the civic pantheon, and thereafter is associated only with technical marvel positively marked. By contrast, the Dactyls and Telchines acquired a well-defined character as magicians. Pherecydes of Athens, for example, in the first half of the fifth century, distinguished, like others, between two groups of Dactyls, one, 'on the left' which specialised in casting spells, and one 'on the right', which lifted them. Predictably, those on the left were female, those on the right male (*FGrH* 3 F47; cf. Kern, 1901: 2018f.). It is the Hellenistic reports of the Telchines, especially Strabo 14.2.7, 654C and the epitome of Suetonius' *On Words of Insult* (p. 417 Erbse) which must derive from Hellenistic sources, that characterise them as particularly envious and spiteful, able to cast the evil eye: they are root-cutters who specialised in making poisons, and use their magical arts to cause natural catastrophes (this theme at least being derived from much earlier tradition) and to make the land infertile by means of water carried from the Styx, the river of the Underworld (cf. Herter, 1934: 205–9). In other words, they cease

to be marvellous-divine and become representatives of a new category that fuses three distinct forms of malign magic: the evil eye (which is inborn and involuntary), root-cutting in its negative aspect, knowledge of (marvellous) poisons, and command over malign aspects of nature, i.e. natural phenomena whose unexpected or untimely incidence causes devastation to growing crops. Neither the Dactyls nor the Telchines however was suited to fulfil the role of the male counterpart of Medea; the ambiguity of the smith, interesting and topical in the Archaic period, failed thereafter to stimulate the imagination: both groups declined to the status of curiosities, stuff for local historians. By the Hellenistic period, after Alexander's conquest of the Persian Empire, the male equivalent of Medea is the (Persian) magus, student of Zoroaster, Pythagoras and Democritus, heir to the mantle of the *goês*, one of whose narrative guises is 'Thracian' Orpheus whose singing charmed the Underworld (Pausanias 6.20.18, cf. Sabbatucci, 1991).

The other face of magic, the dream of power, is in fact perceptible in these negative representations. The nature of practitioners' claims to power varied with their place on a notional scale of acknowledged competence. Distance forbids us here to be more than schematic: we simply do not know how many of the words denoting some sort of magical practitioner referred to distinguishable skills rather than acting as general designations for persons claiming negatively-marked symbolic power (cf. Riddle, 1993). It would be grand if we could provide for the ancient world the kind of graduated list that Matthew Ramsey has given us of folk-healers in France before and after the Revolution (Ramsey, 1988: 229–76). A close examination of the vocabulary with the aid of the Thesaurus Linguae Graecae on CD-ROM and *TLLatinae*, including the unpublished slips at the Bavarian Academy in Munich, is urgently needed. As it is, we can scarcely navigate even the most rudimentary distinctions. If it is certain that no one would have claimed to be a *pharmakeus* or *veneficus* in the negative sense of 'poisoner', or a *lena*, 'witch-bawd', the connotations and implications of many other terms are quite unclear. Would, for example, anyone have referred to herself as a *Thett(ss)alê*, or *pharmakis*, or even as a *saga*? Moreover, it is difficult even to guess how far people in antiquity – particularly before the Hellenistic period – relied upon practitioners for obtaining magical services rather than inventing their own rituals on the basis of rumour, common knowledge and their own imagination. Did Theocritus simply invent the figure of Simaetha for his *Idyll* 2, the logic of whose binding rituals to recover her faithless lover is far from plain (cf. Meillier, 1991)? All we can be sure of is that any lay-person who did invent his or her own ritual for a specific end after the development of a strong sense of magic in the Hellenistic period would not have laid much store by it. It was acknowledged by then in cities (though surely not, or

at least not to the same degree, outside them) that such things required special competence. Magic became, more exclusively than earlier, a service.

At the lowest and least prestigious level is the wise-man or woman (for whom a Latin word may have been *plus scia*: Petronius *Sat.* 63, with Scobie, 1978: 75 n. 6) who commands only the simplest skills and knowledge, a few uncomplicated rituals, incantations, plant remedies. An example would be the 'Egyptian woman' in Achilles Tatius' novel, *Leucippe and Clitophon* (say second half of the second century AD), who taught Leucippe two charms (*rhêmata*) against wasp- and bee-stings; when her mistress Clio is stung, Leucippe pronounces them 'and almost immediately Clio said that she was much better' (2, 7 tr. Gaselee). A more specific case would be the old woman in Ovid's *Fasti* who seeks to control spiteful gossip:

> An old hag sitting among the girls performs rites to Tacita . . .: with three fingers she places three bits of incense beneath the threshold, where the house-mouse has made its hole. She utters charms over some threads, and ties them round dark lead, and mumbles seven black beans in her mouth. Then she takes a fish, the *maena*, smears its head with pitch, sews its mouth up, drops wine upon it, and roasts it before the fire: the rest of the wine she drinks with the girls. 'Now,' she says, 'we have bound the hostile tongues and spiteful mouths' (*hostiles linguas inimicaque vinximus ora*). (*Fast.* 2. 571–81 [tr. Warde Fowler, adapt.] = *CT* no.144)

Such men and women, who in principle lived in villages but who later had equivalents in cities and towns, such as the *peritus* who might tell you what it portended if you met a weasel (Ammianus Marcellinus 16.8.1, AD 356), were the persons routinely to consult for a variety of troubles, from bee-stings to marital difficulties. They depended largely upon popular consensus for their authority: to operate without that backing meant failure. They also routinely practised simple inductive divination, like the old Sabine woman sketched by Horace, who divined an enquirer's fate by drawing lots (*mota . . . urna*):

> He will not be carried off by horrid poison [*dira venena*, perhaps implying witchcraft] or the enemy's sword, not by pneumonia or a cough or hindering gout. (*Sat.* 1.9.30–2)

– the series of questions, each decided by the lot, is here (uniquely) intimated by a deft series of negatives. Such men and women were believed to work, like all of the practitioners we shall look at, as well for good as for ill. The example from the *Fasti* will make it obvious that an unequivocal decision about that was never possible: the person who is

protected against malicious gossip thinks of the ritual as beneficent; those against whom it is directed experience it as a threat – just as the 'malign gossip' is in their own eyes 'reporting the facts'. The husband who is forced to return to his wife, or who becomes impotent when with a mistress, experiences a malign attack upon his mind or body; the wife rejoices that justice and the claims of duty have been made to prevail.

At a higher level of competence and knowledge – there is of course no sharp dividing-line – we may place root-cutters (*rhizotomoi/-ai*; *pharmakopôlai*; *pigmentarii*, but a regular agentive noun was never formed in Latin: the verb is *succidere*; cf. *herbas dividere*), who specialized in the collection, preparation and sale of an extensive range of medicinal and other plants, as well as simples derived from animal parts. We know from Theophrastus *History of Plants* Book 9 and from Pliny's *Natural History* Books 24–7 scattered details of the varied rules that nominally protected the cutter from the power inherent in such materials, but which in fact constructed that power (Delatte, 1938; better: Martini, 1977). For example, says Theophrastus, root-cutters

> enjoin that in cutting some roots one should stand to windward – for instance in cutting *thapsia* [perhaps *Thapsia garganica*, Deadly Carrot] among others, and that one should first anoint oneself with oil, for one's body will swell up if one stands the other way . . . Also that some roots must be gathered at night, others by day, and some before the sun strikes them, for instance the plant called *klymenon* (honeysuckle) . . . They say that the peony, which some call *glykyside*, should be dug up at night, for if a man does it in the day-time and is observed by a woodpecker while he is gathering the fruit, he risks the loss of his eyesight; and if he is cutting the root at the time, he gets prolapse of the anus. (*HP* 9.8.5f. tr. Hort [adapted])

Very often the plants that were of particular interest to root-cutters were those which possessed some striking natural feature, such as the glaring red 'eyes' of the open seed of the peony, or the stately spike of Celsia (Verbascum creticum); or which were anomalous within the structure of rules through which these practitioners approached the natural world. Theophrastus makes a particular point (though not in the same connection) about the squill and narcissus, both well-known medicinal plants:

> whereas in most plants, whether those originally planted or those which are produced from them in season, the leaf comes up first, and then presently the stem, in these plants the stem comes up first. (ibid. 7.13.6. tr. Hort)

But in general we may say that the power of the natural world was constituted by way of the rules for collection: if it is to be used for curing

pains in the ear, the semen of a boar must not be allowed to touch the ground but be caught as it drips out of the sow's vulva (Pliny *HN* 28. 175); the hind-leg of a frog caught when neither Sun nor Moon is visible will cure podagra (*Cyranid.* 2.5, p. 123.10–13 Kaimakis).

Just as in the case of the wise-man or woman, root-cutters were thought capable of acting both for good and ill: after all many of the simples they gathered and prepared – mainly plants – were recognised to be poisonous, even if they might be administered to heal. Root-cutters also covered a wide range of abilities and skills: some are known to have experimented with the properties of plants, some were certainly literate – the Graeco-Roman herborist tradition, from the drugs and plants mentioned in the Hippocratic Corpus to the massive compilation of Pedanius Dioscorides in the second century AD, which mentions 700 plants and over 1000 drugs, depends largely upon their work (Singer, 1927; Scarborough, 1991); a few were indeed of sufficient eminence to be named, as they were by Asclepiades the Younger in his *Pharmacopoeia* at the end of the first century AD (Galen, *de compos. medic.* 1, 16; 17 [13: 441f., 447f. Kühn]). The marvellous likewise played a different role in the practice of different individuals. But it must be clear that, while the image of the witch, a Medea, Canidia, or Erictho, collecting poisonous or merely powerful plants, which is dominant in Graeco-Roman literary tradition, is a selective fusion of traits taken from the wise-woman and the root-cutter, it is not in any sense an ethnological account of their practice. It is rather a wholly fantastic composite image, that turns these roles into a night-witch, a term we shall have occasion to explore later – essentially a nightmare creature who, unlike the day-witch, can never be encountered but who by her activity erodes the very foundations of human society: woman as the hideous negation of the nurturant mother.

One of the reasons for arranging these practitioners in a notional hierarchy becomes clear when we consider what kind of an account they could give of their practice. The group I classify as wise-men and women relied for their authority upon the tradition they had learned from a parent or mentor. They certainly adapted and invented, especially in their charms, but they had no wider explanatory matrix than the skills they had learned – they could not for example provide an explicit account of the individual lesions they undertook to cure. Root-cutters, by contrast, had not only the structure of differences enshrined in the particular rules for collecting and preparing plant- and animal-substances, which enabled each individual to define his or her own practice from that of others, including his teacher; but very often also particular reasons (analogical and metonymic), which they could state, for using specific remedies. Moreover, neither practice remained isolated from wider change. The Hellenistic learned scheme of sympathies and antipathies, proximately Stoic but probably ultimately

derived from the intuitive ideas of *oiônistai*, diviners by the movements of birds (cf. Dillon, 1996), gradually penetrated the practice of some root-cutters.[17] But in the long run, probably even more significant was the practice of writing, which came decisively to influence both the nature of charms and of phylacteries (cf. Gordon, 1995). It was writing which encouraged the systematization of schemes of collection based on movements of the heavenly bodies, and indeed the entire project known as iatromathematics, in which astrological considerations determined both diagnosis and the choice of plant- and animal-materials (Pfister, 1938; Rothschuh, 1978). It was such schemes that enabled root-cutting to figure at all in the learned ritual magic of the Principate.

More sophisticated still, or at any rate learned in a different way, was the Greek *goês*, who is later represented as a magus (cf. Burkert, 1962a). The etymology of this term connects it with the ritual lament for the dead (actually a female responsibility). It has been argued that death came in the late Archaic and early Classical periods to seem more terrible, and that this anxiety led to an imaginative elaboration of the process of transition between this life and the world of the dead (cf. Sourvinou-Inwood, 1981; 1995: 298–361). A by-product of this shift was the democratization of an older belief about heroes, that they were potentially active and capable of direct intervention in human life as *daemones* (Snodgrass, 1982), and in particular a greater awareness of the restless dead, the *ahôroi* and *biaiothanatoi*. The *goês* seems to have emerged as a specialist 'singer' to mediate between the newly-particularized dead and the living, invoking Hekate, the goddess of passages and communications, and likewise Hermes (Johnston, 1999b). The importance of Hekate at least in later Greek representations of (malign) magic, as well as the association between Orpheus and magic almost certainly goes back to their practice (Plato *Rep.* 2, 364c-e, cf. Graf, 1974: 14–17). The *goês* seems to have been, along with begging-priests and 'prophets', the heir of 'a small portion of a divided patrimony', that of the Archaic healer-seers such as Melampus, Thaletas or Abaris (Parker, 1983/1996: 208f.; cf. Reverdin, 1945: 224–7).

The process of rationalising civic religion made such practitioners immediately suspect, and there are of course no 'objective' reports of their activity; but two fifth-century passages give us some idea of the kind of claims they then might be represented as making. The earlier is from Empedocles, and has recently been the focus of a radical – too radical – reassessment of this figure (Kingsley, 1995):

> And all the remedies that exist as defence against sufferings and old age,
> These you will learn, because for you alone will I make all these things come true.
> And you'll stop the force of the tireless winds that chase over the earth

> And destroy the fields with their gusts and blasts;
> But then again, if you so wish, you'll stir up winds as requital.
> Out of a black rainstorm you'll create a timely drought
> For men, and out of a summer drought you'll create
> Tree-nurturing floods that will stream through the ether.
> And you will fetch back from Hades the life-force of a man who has died.
>
> (31 B111 *DK* [tr. Kingsley])

I am not here concerned to discuss the place of this passage in Empedocles' thought, if indeed we accept that it is genuine (doubts inevitably remain). For my purpose, it is enough to note the positive presentation of a range of claims: the ability to heal; control over the weather, particularly untimely or excessive wind and rain (cf. Lanata, 1967: 66f.); and the ability to summon individual souls from Hades. Here Empedocles offers his reader a sketch of the powers of the *goês* – though the word is not used – to which he offers access (whether literally or not is precisely the issue) to the disciple who thoroughly masters his teaching. But it is an entirely positive list: hardly a hint of the ability to cause harm, just the suggestion of 'requital' – but as we saw earlier, one man's justice is another man's malign attack. Empedocles is determinedly looking on the bright side of things.

The second passage, though violently hostile, largely confirms what Empedocles has to say about goetic claims (cf. Lloyd, 1979: 37f.):

> If these people <that is, those who heal epilepsy by ritual intervention> claim to know how to draw down the moon, cause an eclipse of the sun, make storms and fine weather, rain and drought, to make the sea too rough for sailing or the land infertile, and all the rest of their nonsense, then, whether they claim to be able to do it by ritual intervention (*teletai*) or by some other kind of knowledge or skill (*gnômês ê meletês*), they seem to be impious rogues. ([Hippocrates] *Morb. sac.* 4 = 1.29, p. 64.61–5 Grensemann [tr. Chadwick and Mann, adapt.])

The author had earlier classified these healers as 'what we nowadays call *magi*, purifiers, begging-priests, mountebanks' (cf. Graf, 1996: 25). It is evident from the subsequent account given by this author of the healing practice he so violently depreciates that they had developed a complex nosology of the disease they recognised as 'sacred':

> if the sufferer acts like a goat, and if he roars, or has convulsions involving the right side, they say the Mother of the Gods is responsible. If he utters a high-pitched and louder cry, they say he is like a horse and blame Poseidon. If the sufferer should be incontinent of faeces . . . Einodia (i.e. Hekate) is the name. If the stools are more frequent and thin like those of birds, it is Apollo Nomius. (ibid. = 1.33–6, p. 64.75–66.80 Grensemann)

Their diagnostic method was simply a specialised version of many inductive systems, involving the reading of a meaning (stored in the memory of the practitioner) from a given matrix; their healing practice, intended to regain a pristine purity or integrity, included mainly sacrifices and purifications to allay the god's anger, but also incantations (*epaoidas*) and specific ritual avoidances. It has been suggested that the use of civic gods as the causative agents overlies an older representation of attack by anonymous *daemones* (Lanata, 1967: 38f.); it certainly is possible that we have here an example of the way in which such religious practitioners attempted to accommodate their beliefs and representations to those of the city-state. What is in the present context more important to note is the complexity of the diagnostic system that these practitioners had developed, which was certainly very much more detailed and elaborate than the Hippocratic author can be bothered to expound. And he also mentions what Empedocles omits: 'The man who can get rid of a disease by purifications and magic (*mageuôn*, i.e. by performing magian ceremonies) could equally well bring it on' (3 = 1.26, p. 64.53f. Grensemann).

There were besides many different representations of the causes of illness and other misfortune: other healer-seers for example evidently understood illness as a sort of 'dirt' (cf. Parker, 1983/1996: 216f.). But the *goês* seems typically to have claimed to be able to diagnose daemonic influence, understanding *daemones* precisely as souls of the dead capable of bestowing wealth but also of causing harm to individuals (e.g. Euripides, *Alc.* 1003f.), often as punishment for wrong-doing. Probably the earliest surviving such representation, much quoted in later discussions of *daemones* by Plato and others, is Hesiod's account of the Race of Gold once it had passed away, which speaks of them as 'keeping watch on judgements and wicked actions' (*Op.* 124 = 254).[18] Late Homeric passages also view the restless dead as capable of bringing harm upon the living (*Il.* 22.358–60; *Od.* 11.72f.). The recently-published sacred law from Selinus in Sicily speaks of certain *daemones* as *elastoroi*, and seems to envisage them as causing disease and, apparently, a period of crop-failure.[19] And the new fragments of the Derveni papyrus (early-mid fourth century BC) seem to represent the *magoi* – in my view not the Persian priests but the familiar *goêtes* – as capable of 'keeping off the *daemones* when they get in the way – *daemones* in the way are hostile to souls'.[20]

The basis of the *goês*' claim to power lay in his ability to affect the real world through his understanding of the world of *daemones*. This claim was in the long run, thanks to the Christian re-interpretation of *daemones* as demons, to have a determinate effect upon European views of magic:

'Without the demon magic could not have been born' (Daxelmüller, 1993: 56). Meanwhile what survived of the *goês* in the Hellenistic and Roman worlds was a double legacy. On the one hand he contributed a number of elements to the composite image of the malign witch: power over weather, crops and the land, control over the heavenly bodies, inversions of the natural order. On the other, as manipulator of spirits, he gave rise to the popular image of the necromancer, as we see him in Lucian's Mithrobarzanes, for example, the 'disciple and follower of Zoroaster's magi' (*Menipp.* 6), who conducts veritable safaris into the Underworld.

The fourth group of practitioners in our scheme are the authors of the Graeco-Egyptian receptaries put together in the Principate, several dozen of which are now known, albeit mostly in pitiful fragments.[21] These texts are grounded in the tradition of late-Egyptian temple magic, though they diverge in many respects from that earlier practice; they date from a period at which 'Egyptian magic' was a by-word in the Roman Empire. Documentary, that is activated, examples of ritual malign magic dependent on this tradition have been found both in Egypt[22] and in caches at diverse sites in the Roman Empire, though it has proved possible to read very few: the best examples are those from Amathous in Cyprus (?second cent. AD: *DT* 22–37 = Mitford, 1971: nos.127–42 with Drew-Bear, 1972); from a Roman well in the Athenian Agora (first half of third cent.: Jordan, 1985b); from Carthage and Hadrumetum in Africa (see esp. *DT* 229–62 and 264–98 resp.; many others have since been found, e.g. Jordan, 1988c); from Fiq near Lake Tiberias in Palestine (*DT* nos.15f. with Robert, 1938: 99–102); and from Porta S. Sebastiano at Rome (Wünsch, 1898). Several similar caches remain unpublished, in particular from Athens and from Rhodes.

The papyrus texts seem to assume that the practitioner will be closely attached to a temple, with access to hieratic papyrus and other sacred materials; this cannot have been the case with ritual magicians working outside Egypt. For my purpose, the receptaries are valuable because they illustrate the intimate relation between writing and sophisticated claims to magical power of a practically unlimited kind.[23] Through these texts we can glimpse not merely how a highly self-conscious and learned magical tradition used a book, the receptary, to protect its claims to power, but also how the book provides a convenient retreat from the demand to test one's claims in action.

Although one of the rules of the genre of the receptary, like that of the traditional cookery book, was that editorial comment be severely restricted, many recipes begin or end with a simple statement of their marvellous power: 'a wonderful binding philtre' (*PGM* IV 296), 'an amazing 'winner' (*nikêtikon*)' (VII 919), 'a 'goblet' (*potêrion*) – quite

astonishing' (643), 'you will marvel at the unsurpassed holy power' (IV 3170f. tr. M. Smith), ''Restrainer' for every problem – even works on chariots' (VII 429), ''Bringer' within the hour' (300a), 'Prayer to Helios . . . there is none greater' (XXXVI 211f.). Often it is the 'barbaric names' (*onomata barbarika*), the unintelligible words of power, which are singled out in this way: 'protect me, oh mighty and wonderful names of (the great) God' (VII 497f.; 501f.); 'and from that moment he was called by the mighty and wonderful name *Danoup Chratôr Berbali Balbith Iaô*' (XIII 508–10; cf. 560, 738). Occasionally the astonishment is not the private emotion of the implied reader, but that of others, visitors or customers. Thus a recipe to make a place prosperous is prefaced as follows:

> Whenever you want a place to prosper greatly, so that those in the temple where the phylactery is hidden will marvel, <use this rite>. For wherever this <phylactery> be placed, if in a temple, the temple will be talked about throughout the whole world; if in some otherplace, <the place> will prosper greatly. (*PGM* IV 3125–30 [tr. M. Smith])

But the receptaries contain many other ways of reassuring the implied reader that the book he is holding really is something quite different from your ordinary papyrus roll or codex, containing as it does matter of the highest significance and moment: the injunctions to secrecy ('when you have learned the power of the book, you are to keep it secret, child, for in it there is the name of the lord, which is Ogdoas, the god who commands and directs all things': *PGM* XIII 741–3; cf. VII 805–8); the advice to equip yourself with paper and pencil when you summon an authentic vision, lest you forget what the god says (VIII 89–91); the occasional descriptions of what you or the medium will see if you perform the recipe correctly ('and a black-skinned boy [or slave] will appear to him': VII 348f.); the authentication of the recipe, whether by claiming a famous author (e.g. '"Imp" of Pnouthis, the *hierogrammateus*': I 42), or that the text has been found in a temple (VII 862–5). We might read all these, and many others, as so many devices to reassure the implied reader that the success of magic as envisaged by any collection of such spells is no dream but a very fact. The most subtle of such reassurances are those which occur not in authorial or editorial glosses but are part of the prayer itself, as in a request for the power to divine correctly in 'Hermes' Ring':

> <Make me know> what is going on in the minds of everyone, Egyptians, Greeks, Syrians, Ethiopians, of every race and kind . . . what has happened and is going to happen . . . their skills, habits, trades and livelihoods, and their names and the names of their fathers and mothers and siblings and relatives, including those who are dead . . ., those who ask me questions, coming before me, whether they speak or keep silent,

> that I may announce to them what has happened to them, is presently happening and what will happen to them in the future . . . that I may tell them everything truthfully. (*PGM* V 256–303)

In the earnestness of such a prayer for true insight one catches no hint of the rough real world of the magical diviner, with its steaming open of sealed letters, its army of spies and informants, its Boy's Own Paper glues and invisible inks (Hippolytus, *Ref. haer.* 4. 28 = Totti, 1985, no 78) – no, this magic, this true magic, has no need of such stuff: only of piety and the recipe in front of you. It is telling that references to 'sacred magic' (*hiera mageia*) tend to occur at points of highest daring, of the most elaborate flights of fancy, as in a complex spell for acquiring a *paredros*, a daemonic servant:

> he will serve you suitably for <whatever> you have in mind, o bl[ess]ed initiate of the sacred magic, and will accomplish it for you, this most powerful assistant, who is also the only lord of the air. (*PGM* I 126–9)

The claim that it is impossible for the Moon to 'escape the fate of my words' is bolstered by the image of the practitioner's magic as a winged arrow racing 'headlong to the target' (IV 2319f., with Smith, 1981: 651).

Another interesting device in this connection is the development of the omnium-gatherum recipe. Whereas the great majority of Graeco-Egyptian recipes are for a specific purpose, a dream-vision, a lecanomancy by medium (a vision of a god beneath oil spread over water in a bowl), a 'bringer' (of a person desired), a 'victory-bringer', some are claimed to be so powerful that they will do anything at all the practitioner wishes. A text cited earlier as working even on chariots, 'also causes enmity, and sickness, cuts down, destroys and overturns, for <whatever> you wish' (VII 429–31 tr. M. Smith); a phylactery in the same receptary is 'a bodyguard against daimons, against phantasms, against every sickness and suffering . . . when worn it works mightily for it is the name of power of the great god and his seal' (579–83 tr. Smith). The most ambitious of them is a

> 'Bringer' . . . it attracts people who are unmanageable, and of whom you have no 'essence' [i.e. some physical part of the person, generally hair], in a single day. It is a sovereign means of causing sickness, is a powerful means of killing, a splendid sender of dreams [i.e. to victims], a marvellous bringer of dream-visions [i.e. to the practitioner]; and in many demonstrations has caused <witnesses> to marvel having never failed in these matters. (IV 2441–6)

The omnium-gatherum recipe is an extension of the claim that the ritual magic of the receptaries, with its injunctions to purity and its assumption of learned competence, is without fail effective in gaining its ends. If that is really the case, then there is no reason to confine spells to a specific purpose – the traditional generic rule becomes an irksome restraint upon the practitioner's vaulting ambition. It is at this point, of course, that we must be reminded that these are only books, that the recipes are never at hand when the desired result cannot be obtained. Some do indeed contain 'compulsions', texts to recite when the desired result does not come about (e.g. II 45–62), but these are themselves devices to reinforce the claim that the recipes do always work, since they never envisage the possibility of final failure. The receptaries are volumes offering thought-voyages of unlimited range; and they use divination recipes, which depend heavily upon (what we would classify as) dream-induction, hallucination, medium-trance, as the experiential confirmation that all their other claims are likewise true. They are only partly directed towards action in the world: one eye is always cocked towards the mighty magicians of the glorious Egyptian past (Gordon, 1997b).

MAGIC GOOD TO THINK

We may distinguish four main strategies by which the idea of magic in antiquity is put to ideological work. Most obviously, as some form of the Other, whether religious, social or moral, it may be used to defend an asserted or implied norm. This view takes it for granted that magic is real, and a threat. An alternative strategy assumes that it is, on the contrary, vain, specious, or trifling; this view, again based on a binary inversion, asserts the superior validity of other symbolic sets. A third strategy also takes magical claims seriously, but understands them in the first place as raising a puzzle, or as it may be interesting, tricky, or unwelcome, intellectual problems; a fourth takes them at face value, as telling a guarded truth about the relation between the divine, or nature, and this world. The janus-face that we noted in the previous section re-appears clearly in these strategies. I propose to discuss here the first three only, for it is they that provided the context for ancient actors' decisions about the nature, and so the social meaning, of any action that might be represented as magical.

Magic as Other

By far the greater number of texts takes magic as the transgressive other, the inversion of any number of implied norms. Taking a Weberian standpoint, we may say that legitimate religious knowledge in antiquity can roughly be defined in terms of performance, political-social location, objectivity and ends. In relation to each, we can posit a normatively ideal

form from which actual forms diverge in greater or lesser degree: the ideal form constructs the positive pole of a notional continuum of legitimacy whose opposite pole is constituted by fully illegitimate religious knowledge. In the Graeco-Roman world we can point to at least five periods in which legitimate knowledge was forced to adapt to new politico-social conditions: the formation of the city-state in the early Archaic period; the passage from independent city states to the Hellenistic kingdoms; the emergence of the Principate; the crisis of the third century leading up to the Tetrarchy; the fourth-century transition to a Christian Empire. Part of the process of establishing new understandings of legitimate religious knowledge during these periods was the creation of images of forbidden or illicit knowledge, of which magic is one; these are the periods which were particularly productive of such socio-moral imagery. Graeco-Roman representations of magic are thus both historically variable and elaborated in contrast to understandings of, or claims to, legitimate religious knowledge.

The value of conceptualizing a continuum of possible values between fully normative and wholly illicit is that, while allowing the negative pole to be wholly imaginary, it leaves plenty of room for religious activity which for one reason or another is viewed askance, as strange, outlandish, extreme. Theophrastus' Superstitious Man (Theophr. *Char.* 16 = 28 Jebb-Sandys) is an excellent example of such behaviour: nothing he does is exactly wrong, let alone illicit, but the sheer scale of his enterprise, his credulity before religious professionals, the unmanliness of his fears, all make him ridiculous to a sound understanding. Although 'descriptions' of magical rituals at the negative pole, such as Lucan's account of Erictho attempting to arouse a dead man for the purposes of necromancy (*BC* 6. 642–830), are wholly imaginary, there is no reason to doubt that others, to be located further from that point, may indeed be based on observation and, less specifically, authentic social knowledge – we may recall Ovid's account of the ritual to close up the mouths of ill-wishers, or cite his account of the ritual carried out by the nymph Cranaë to save the infant Procas from further attack by night-witches (*striges*):

> She at once brushed the door-posts in turn three times with an arbutus-twig, and with an arbutus-twig three times tapped the thresholds, sprinkled the entrances with water (water too had its healing power), and took in her hand the raw innards of a two-month-old piglet: 'Have pity: a small victim is slain in place of a small (boy). I implore you, take a heart for a heart, liver for liver: this life we give you in place of a better one'. When she had thus paid her libation, she set the offering (*prosecta*) out in the open, and forbade all those who were present at the ritual to look back. (*Fasti* 6. 155–64)

This ritual is magical only in the weak sense that in Ovid's circle such things were considered quaint, believed to be typical of the superstitious behaviour of the peasant population – for all that it is calqued on a proper ritual of the State religion – for who else would believe in *striges* either? To apply the Weberian criteria: although the performance has good credentials, and its purpose is benign, its social location, its objective validity and its meaningfulness as an act are all questionable. And precisely to that extent is it magic.

It is obvious too that some knowledge of magical healing was widespread at least among the country population: everyone would have known (of) some simple recipes, such as the Italian charm to cure podagra (?gout) recorded by the Sasennas father and son during the first century BC: 'My mind's on you – make my feet well; let the earth take the pain, and my feet not complain' (Varro, *Rust.* 1.2.27, cf. Tupet, 1976: 172–4), whose sole strangeness lies in its rhythmicality and rhyme; or the ritual for healing dislocated joints recorded by the Elder Cato in the mid-second century BC, whose strangeness lies in the unintelligible utterances prescribed (*de agric.* 165; cf. Tupet, 1976: 169f.). In such cases, only the social location makes the usage suspect – and Cato himself endorses the cure for dislocation without a hint of unease: 'Any kind of dislocation may be cured by the following charm (*cantio*)'. On the other hand, the very availability of such charms was an index of their low therapeutic value. In this realm, the market principle holds good: scarcity drives up value.

The ideal form of religious knowledge is not 'free', is not a matter of mere ideas or speculation, but encoded or inscribed in the performance of civic sacrifice, a performance which in turn is imbricated in the sets of norms governing perceptions and judgements of civilised versus savage life. Civic sacrifice is in turn embedded in the calendar of civic festivals, themselves the meeting-point of formal laws or rules of organisation and of aetiological myth, and in the sacred topography of the city and its *chora*. Both in Greece and at Rome, that aspect of legitimate religious knowledge which consists in knowing the pantheon is inseparable from active participation in the calendar of civic festivals. All claims to religious knowledge which depart from this normative centre are more or less problematic, from 'disrespectful' Homeric stories about the gods to individual claims to Teiresias-like insight, from Bacchic ecstasy to purification cults, from hero-cults to the worship of new divinities, from Xenophanes' mockery of anthropomorphism to Anaxagoras' hot-metal sun (cf. Sourvinou-Inwood, 1988). But they can be tolerated, even incorporated into 'tradition', so long as their challenge to the norms inscribed in civic sacrifice remains indistinct.

With the political location goes also a social location: legitimate religious knowledge is a collective property of men in the context of their identity

as citizens. Illegitimate religious knowledge is presumptively to be found among individual non-citizens and non-men, that is, women. In each case the presumption is a consequence of the normative exclusion of these categories of persons from full membership in 'our' tradition: the notion of legitimate religious knowledge is just one of many boundary markers whose function is to define those who belong from those who in one way or another do not. For obvious reasons not all prescriptive outsiders were equally problematic: the religious knowledge of slaves was ordinarily of no concern at all. But both resident or non-resident foreigners claiming religious expertise and the outsiders who nevertheless belonged inside, namely women, were suspect: the men because they transferred Here practices that classificatorily belonged Over There, the women because of their biological openness to daemonic attack and inherent susceptibility to unreason.

Given this ground-work, the topic of magic as Other becomes unmanageably large, and I propose to limit myself here to a brief account of the social value of one kind of everyday malign magic, amatory – that is the magic relating to problems and crises in relationships viewed under their private, and particularly sexual, aspect; and of the fantastic figure of the night-witch. In each case, what interests me is magic as a means of negotiation, which the actors approach with all the self-interest, selective vision and concern for their social figure of the characters in Jane Austen, or, for that matter, the generally less familiar records of witchcraft-hearings in the English Star Chamber Court (Ewen, 1938).

The Magic of Everyday: Love Magic in Action Lucian tells us, in his inimitably humorous way, of a prostitute named Glykera whose best customer, a soldier, has just gone off with her friend Gorgona. Now Gorgona's charms are not plentiful: she is practically bald, her lips corpse-pale, her neck so scrawny you can count the veins. All becomes clear when it turns out that her mother, Chrysarion, is a witch:

> She has learned some sort of Thessalian incantations and can bring the moon down; she's even supposed to go flying at night. At any rate, she got him to drink a love-potion, and now they're picking him clean. (*Dial. meret.* 1)

The allegation of witchcraft satisfyingly explains Glykera's misfortune, but it also evokes a milieu in which the witch was at home – the brothel, the world of easy virtue and purchased pleasures. The main overt value of the witch-bawd in Roman poetry is precisely as foil to the lover, who whispers temptation into his or her ear, and thus taints pure love with the breath of decay: the most fully-imagined are Acanthis in Propertius 4. 5 and Dipsas in Ovid *Amor.* 1.8, both of whom, to enhance their own

security, are made to persuade the girl that her best interests lie elsewhere than the speaker. Dipsas, true to her name, is a wrinkled lush, with emigrant hair. Acanthis is more perfectly imagined:

> Through her tight-drawn skin you could count her bones.
> I saw how her cough closed up her wrinkled throat,
> And how through the gaps of her teeth oozed blood-flecked spittle,
> On her worn-out rug she was breathing her last rank breaths;
> Her tumbledown hovel was fireless and shivering cold.
> (Propert. 4.5.64; 67–70 [tr. Musker])

The inversions of the image of the desirable do not need to be stressed: the malice of the bawd is figured in her appearance. But at the same time such images serve both to suggest the negative side of the speakers' passion and to provide a convenient account of its transience, an account in which the fault never lies with the speaker.

In the brothel, magic is ever-present as a cover for the institutionalized fabrication of intense emotion (cf. *Anth. Pal.* 5. 205 (204) = Gow-Page, *Hellenistic Epigr.*, 1:207, Anon. XXXV; Antiphanes of Macedonia ap. *Anth. Pal.* 6.88 = Gow-Page, *Garland*, 1: 84 no.1). But it also provides an excuse for male sexual failure – Ovid ironically evokes an occasion when the speaker's 'languid loins' (*inguen effetum*) refused to budge:

> But the other day I took Chlide twice,
> Pitho three times, Libas three,
> and as for Corinna – she inspired my record:
> in one short night I counted nine.
> Could some witch have laid me under a spell?
> Given me a magical decoction?
> Moulded my image in red wax
> and stuck pins in its guts?
> Magic can turn a wheat-field into weed,
> drain well-springs dry,
> make grapes and chestnuts drop,
> strip fruit trees bare.
> Couldn't it also emasculate muscle?
> Yes, it was probably witchcraft –
> that and humiliation too –
> aggravating the collapse.
> (*Amores* 3.7.27–38 [tr. Lee], part in *CT* no.142)

That said, we are not far removed from an insight into the insistent poetic and dramatic interest in the ancient world in the figure of Deianeira, who tried to use magic to recapture the affections of her errant husband Heracles. As we have already seen, judgements about the use of magic in

conflictual situations are unavoidably ambiguous. So also here. Deianeira sees her position threatened by a new love:

> My mind fails me at the thought, a chill sweeps
> through my frame, and my hand lies nerveless in
> my lap. Me too you have possessed among your many
> loves – but me with no reproach.
> (Ovid, *Heroid.* 9.135–7 [tr. Showerman])

Freeborn men in antiquity claimed the right to sexual freedom outwith the marriage-bond. Not only did they naturally refuse to countenance such freedom in their wives – the sexual freedom of wives was a perfectly dystopian thought, an image of social disorder – they also claimed that wives had no right to sexual fidelity on their part. Most wives learned nevertheless to tolerate their husband's behaviour under normal circumstances: that is what men are like. But what they could not accept – the wife of Gorgias the sophist is a famous case (Plutarch *Praec. coniug.* 43, 144b-c) – was the endangering of their place in the house (cf. Faraone, 1994: 115–23). As the chorus in Euripides' *Andromache* sagely puts it:

> There's a touch of jealousy in the female psyche.
> It's inclined to be rather tart where concubinage enters.
> (181f. [tr. Nims, adapted])

It was in this extreme situation, that, unless independently wealthy or able to exert powerful leverage through male relatives, a wife might consider the last recourse of the weak – magical redress, a philtre (cf. 'moon water' in modern Morocco: Westermarck, 1926: 1, 126). Resort to the use of such magical means, we might say, varies inversely with the status and security of the woman in marriage, or in a marriage-like relationship (cf. Quintil. *Inst.* 7.8.2; 7.3.30bis). Philtres, which were combinations of natural substances ('drugs') and magical ritual, were supposed to influence the victim's mind. The Suda defines the *iunx* as 'something which compels the mind to desire and passion' (s.v. ἴυγξ, 2: 677f. Adler); philtres likewise were means 'whereby the mind is deranged' (Pliny, *HN* 25.25).[24] 'You'll never get your wits back, Varus, once I've 'caught' them with my spells', cackles Canidia (Horace *Epod.* 5.75f.). Fabia Numantina, the first wife of the Plautius Silvanus (*pr. urb.* 24 AD) who committed suicide after throwing his second wife out of the window, had to stand trial for 'driving her husband insane by magic (*carminibus et veneficiis*)' (Tacitus *Ann.* 4.22.4). Caligula's strange behaviour was supposed to have been partly caused by a philtre given him by his fourth wife, Milonia Caesonia, whom he arranged to be murdered in January 41 (Suet. *Caius* 50.2).

Philtres of this type were thus seen by the wronged wife as her last

defence in a rightful cause, by the husband as a malign attack on his powers of decision, his freedom of sexual choice. In the public world of male rumour, the wife who tried to protect her position by means of one became at once a monster. From Heracles to Lucretius there was no lack of famous figures killed by a philtre; and the wives became poisoners, fitted into the wider stereotype of man-killing women, Clytemnestras (cf. Eurip. *Ion* 616f.) such as the Athenian girl who murdered her father with an axe and hid his body under the bath. Among the speeches of Antiphon is one that retells the pathetic story of a slave woman, in effect the sexual property (*pallakê*) of an Athenian named Philôneus, who was evidently ageing, or whose charms were at any rate becoming less desirable to her owner, who proposed to sell her into a brothel. In desperation, she attempted to change his mind by administering a philtre, which went disastrously wrong: Philoneus died more or less instantly (Antiphon 1.14–20); the *pallakê* was forthwith broken on the wheel without trial – no trial was necessary, the facts were clear, she was unfree – then strangled by the executioner on the orders of the Eleven.

But philtres might also be used with less dramatic results: they could account for any excessive or unusual or ridiculous male sexual passion, which is why there was so much talk of them in brothels; and a philtre administered by a wife or mistress with rights was a convenient explanation for male sexual failure, rather like the celebrated 'coconut water' of the Caribbean and Mexico (Lewis, 1961: 141). A man who is not a man, and not only in this sense, has been given a philtre. As Plutarch points out:

> Fishing with poison is a quick way to catch fish . . . but it makes them inedible and worthless. In the same way, wives who scheme by administering philtres to and putting spells (*goêteias*) on their husbands, and gain mastery over them through sexual pleasure, find themselves living with dull-witted, degenerate fools. (*Praec. coniug.* 5, 139a [tr. Babbitt, adapted])

This type of philtre confirmed social values in placing the man at the centre of the household: it reproduced the stereotype by making his sexual will the decisive issue. But magic might have other uses in domestic politics. If a husband now loved someone else, he might no longer be prepared even to fulfil his regulation sexual duty towards his wife. An obvious way of explaining that refusal was that he had been *made* to feel that she was repulsive, by means of a spell to divide two people who belong together, what the magical papyri call a *diakopos*, 'breach' (e.g. *PGM* VII 429, XIII 239–42, LXI 60–6; *Suppl. Mag.* no.95 with p. 222 n. 1). But it might also be that her own status in the house was ambivalent, if for example she had not, after the lapse of some years, yet had a child:

and that too might conveniently be explained as due to malice. Both accusations are made by Hermione against Andromache:

> You! You common slave! You soldier's winnings!
> You plan to usurp this house, evicting me!
> Your drugs (*pharmaka*) have made me unlovely to my husband,
> Withered my womb and left it good for nothing.
> That is the sort of thing you Asian women
> have tricky wits for (*deinê psychê*).
> (Euripides *Andromache* 155–60 [tr. Nims, adapted])

Here the theme of the malignant outsider offers the unsuccessful wife a means of accounting for her failure without acknowledging any personal blame or defect – but also without blaming her husband, who in this perspective is merely a victim.

We can find comparable negotiations in relation to prostitutes. Prostitutes in brothels, being mainly slaves, had of course no acknowledged rights comparable to wives; but they stood to gain much if they could attract a wealthy man to give them favours, presents, on a regular basis.[25] Conflicts over such men must have been common, and magical arts always in play; but even more important than their use in fact was their use in thought, as a rationalization of the carousel of luck and loss:

> . . . and shortly afterwards, though his friends told him not to, and Phoebis, the girl he was with then, pleaded and pleaded, he came back to me; and it was mainly the spell (*epôdê*) which brought him back. (Lucian, *Dial. meret.* 4. 5 [tr. MacLeod, adapted])

For prostitutes too had their pride:

> It would be dreadful for me not only to be deprived of [Diphilus'] payments but to become a laughing-stock for Thettalê [Diphilus' current flame] into the bargain. Now you have a philtre, you say, that you often tried when you were young. Some such help as that is what I need, something that would make a clean sweep of his thinking he can do whatever he likes (*typhos*) and of his drunken bad temper too. (Alciphron, *Epist. meretr.* 4.10.3f. [tr. Benner and Fobes, adapted])

On the other hand, magic could equally be made responsible for excessive or untoward desire on the part of (free) women, that turned them from the submissive objects of male desire, or, even more important, from the dutiful role of obedient daughter or wife (or slave), into sexual agents on their own account uncontrolled by father, brother, husband (or master). There were of course many other ways of eluding such control – nocturnal festivals of the gods provided an excellent excuse – by means of which these authority figures could save face if need be. But magic was

central, inasmuch as it played on the underlying model of female sexuality, which was that violent passion lay just below the surface, ready to burst out if only the right button could be found to release it. It is this model which underlies the love-spells of the Graeco-Egyptian receptaries and their activated analogues: the spell was intended to locate and depress the button. The existence of such texts to animate desire is wholly predictable; more interesting for us is the use of the idea of magic in the social negotiation of female sexuality. I take three suggestive, and well-known, examples.

A vindicative curse on lead, perhaps of the third century AD, found in a field on Amorgos (*IG* XII 7^2 p. 1 = Jordan, 1985a no.60, tr. in Versnel, 1985: 252f.), seeks to invoke Demeter to take revenge for the author upon a certain Epaphrodeitos, who has in some way managed to disaffect the author's slaves, presumably field-slaves, 'has led them into evil ways, given them ideas, plotted with them . . . persuaded them to run away' (ll.2f.) and so ruined him. More particularly, he has disaffected a woman we may take to have been the author's concubine, a slave kept in the house, rather than an acknowledged mistress in a brothel: 'he has induced my *paidiskê* by magic art to leave me (*sunapethelge*), so that he may have her as his wife, though I had refused' (ll.4f.). A number of possible scenarios occur; what I want to stress is that the author specifically mentions the thought of his enemies rejoicing in his misfortune, 'those who have prepared with joy sorrows for me and my wife Epiktêsis, and hate us' (verso, ll.2f.). It is the loss of the *paidiskê* that rankles more even than the escape of the (male) slaves: not only is she his legal property, but she shares his bed when he wishes, she lives in his house, he may even be fond of her – she may have privileges. That such a woman should voluntarily leave can only be due to magic, for it is this that makes him most ridiculous: he has been cuckolded of his own slave, shown to be incapable of controlling not merely his household – slaves ran away all the time – but a slave-woman who shared his bed. She must have had her mind turned for her.

Here we have a weak claim that cannot be backed up: it satisfies the complainant, at some level, but evidently not his neighbours, who are so highly entertained by his difficulties – no sizeable group was ready to bring Epaphrodeitos before the magistrates on such a charge; the complainant has to be satisfied with a weak solution, a secret message to Demeter. Quite different is the situation that faced Apuleius at Oea in winter 158/9 AD, when he had to plead to the accusation that his marriage to the rich widow Aemilia Pudentilla had only been made possible by improper, specifically magical, means, expressed by the usual hendiadys, 'incantations and poisons', *carmina et venena* (*Apol.* 90).

The background can be quickly resumed, though we are of course

dependent on Apuleius' presentation of the facts (cf. Graf, 1996: 61–82; Hunink, 1997: 1, 12–20). Pudentilla, who was in her own right fairly well-off (with four times the minimum census of a Roman senator), had been married to Sicinius Amicus, of a family that originated in Zarat in western Numidia, but had later moved to Oea. By this marriage, she had two sons, Pontianus and Pudens. After her husband's death, her former father-in-law induced her against her will to betrothe herself to another of his sons, Sicinius Clarus, whom she found repellent (68). The potent threat was the exclusion of the two sons from their father's estate (he had died *in patria potestate*). She managed to delay matters until old Amicus died; her sons were then able to inherit their father's share, which divided between two was rather limited. Thinking to protect his own long-term interest in her estate, Pontianus then with some difficulty persuaded Apuleius, who happened to be delayed in the town but knew Pontianus from their student days in Athens, to marry his mother. This step appalled Sicinius Aemilianus, the third of the three brothers, now the head of the family, who considered that Pudentilla had broken her engagement to Clarus; and Pontianus' own father-in-law, Herennius Rufinus (74). Pudentilla's estate seemed now destined to be eaten up by her new husband; they feared she might transfer most of it to him – the sons' morally unquestionable interest was unsecured (71). On Pontianus' subsequent death, his younger brother, Pudens, was induced to prosecute Apuleius for having manipulated Pudentilla into marrying him by magical means. Pudens was evidently a minor; one of the actual speakers for the complainant was Herennius Rufinus: we should probably infer that Pontianus had had time before his death to produce a child, or that his wife was pregnant, and that Rufinus was acting, or claiming to act, in this child's interest.

It is clear that we have here to do with a quite different situation from that in Amorgos. The Sicinii were evidently well-known at Oea – Pudentianus, and presumably his father too, were *equites Romani*; Herennius Rufinus had inherited a considerable sum from his father, but had allegedly squandered it. They were able to gather suspicious details about Apuleius, find witnesses to give credit to their accusations, and have them taken seriously enough for Apuleius to have to stand trial at the governor's assizes at Sabratha. They were in a position to have a serious stab at having him exiled or even executed. But of course the whole issue really resolved around control of Pudentilla. The Sicinii, having allied themselves with her, were extremely reluctant for her wealth to fall outside their family; and now she had indeed outwitted them by marrying (if we believe Apuleius, *Apol.* 73) for affection, even if there were good medical reasons for renewed sexual activity – Apuleius refers to her

> internal pains that were so severe that they brought her to the brink of the grave. Doctors and wise women agreed that the disease had its origin in her long widowhood . . . the remedy was that she should marry before her youth finally departed from her. (*Apol.* 69)

At the crucial meeting at which he failed to persuade Pudentilla to reconsider, Rufinus lost his temper and accused her of being an *amatrix*, a wanton hussy, and Apuleius a *magus et veneficus* (78). The first hint of what became the charge was thus formulated simply in an outburst of rage, inspired no doubt by greed, but also by the claim that Pudentilla was not properly free to do what she liked with her body (nor with her property), she (and it) *belonged* to the Sicinii. Since that was the case, she can only have had her mind turned. Pudentilla's subsequent letter to Pudentianus, in which she ironised the outburst in the words 'Apuleius is a magician (*magos*) and I have been bewitched by him (*memageumai*) and love him' (82f.), simply confirmed what they desired to believe. So Rufinus took it with him to the forum, *bacchabundus*, frothing with excitement, and kept opening it to show passers-by, the chattering class of Oea (82).[26] The folklore of the philtre, with all the component beliefs about gender roles and expectations, made it possible to turn a thought into a legal case. Apuleius was young, the widow old (over 40; Rufinus claimed 60 (89)); he was a stranger, she was independent.

But again, there were considerations which spoke against Rufinus' claim. Pudentilla had remained a widow for her children's sake. She was highly respectable. Her guardian, Cassius Longinus, evidently a man of some local figure, was prepared to confirm details of financial transactions on her behalf (101). If we are to believe Apuleius, Herennius Rufinus' social credit was low: he had a bad reputation as a vexatious litigant and spend-thrift (74). Apuleius himself happened to know the then governor of Proconsularis, L. Hedius Rufus Lollianus Avitus, sufficiently well through his studies to be able independently to write to him outlining the situation and to receive a friendly reply (94). Most decisively, as the work of gathering the information for this case proceeded, Apuleius rapidly took the most concrete steps he could to avoid the suspicion that he was only interested in Pudentilla's money: he induced her to alienate a good deal of her property, including four hundred slaves, in favour of her sons, and to hold out the prospect of their eventually inheriting the whole (to which they would not necessarily be entitled, since she must have been a *filiafamilias* whose own father was dead; and perhaps also have inherited in her own right from other relatives) (93). With the legitimate interests of the sons satisfied, he had disarmed the worst suspicions of the political class of Oea: 'All Oea was aware of this. Everyone execrated Rufinus and extolled my conduct' (94). For the real bar before which he had to appear,

in a sense more important than the governor's court in Sabratha, was the significant population of the city, the Calpurnii, the Caesii, the Aemilii, the leading members of a 'provincial Punic mercantile aristocracy' (Reynolds and Ward-Perkins, 1952: 65).[27] He had to prove to them that, though he was an outsider and though he was rhetorically clever, he was an honourable man, one of them. That done, he could await the outcome of the trial with composure.

One last text, again familiar, will illustrate the use of the theme of magic in relation to a girl of marriageable age. It is set in the quite different context of the *colonia* of Palestinian Gaza, during the early fourth century, just as the city was beginning to be christianized and the influence of the ascetic movement make itself felt (Millar, 1993: 385f.). One of the miracles of St. Hilarion of Thavatha concerns a young woman who was a virgin dedicated to God. A young man who lived nearby fell in love with her, and did all he could to arouse her interest in him 'with those touches, jests, nods and whispers which so commonly lead to the destruction of virginity' (Jerome, *Vit. Hilarionis* 12.2 Bastiaensen, tr. Fremantle). Rejected he decided to try stronger means, and spent a year learning magic in the temple of Amenhotep at Memphis: on his return to Gaza, he put a binding spell on the girl (cf. *CT* no.163), and she began to show signs of possession, 'tearing off her head-scarf, whirling her (loose) hair, grinding her teeth and shrieking the young man's name' (12.4). Her parents, desperate, take her to Hilarion.

Unlike an ordinary girl, a virgin of Christ could never look forward to marriage. She was scarcely allowed out of the house, except to attend religious services – and even then, only by daylight. A mid fourth-century homily on virginity doubtfully ascribed to Basil of Caesarea calls her indeed a 'prisoner' ([Basil] *peri parth.* 2.34, p. 43.1 Amand-Moons). The same text continues:

> Keep a careful eye on her bed, even at home, for the Enemy is everywhere! Keep an eye on her laughter, her spirits, her anger, her protestations, her casual utterances, and all the other passions of the flesh. (2.38, p. 43.5–7 A-M)

The stakes were high: the virgin of God was a 'surety of the Lord . . . of the heavenly King' (ibid. 2.21f., p. 41.1,3) of whom one had to take the most scrupulous care; she was an 'altar made pure for the Lord, the holy spirit made flesh, the pure limbs of Christ . . . restitution for the sin of Eve, recall from Exile, reconciliation with mankind' (2.41, p. 43.10–45.3). As an emblem of the presence of the Lord in her parents' household, she connoted its purity and devotion as a whole: 'It was the individual householder who was thought to benefit most directly from the piety of his virgin daughter. He was encouraged to act as a 'priest of the Highest

God' in fostering the vocation and maintaining the seclusion of the family's dedicated women' (Brown, 1989: 263). The lapse of such a daughter was of the utmost concern to the parents, more even than the scandalous loss of a daughter's virginity before marriage in a pagan family (the reported experience of Herennius Rufus, whose daughter, with her painted lips and fluttering eyes, had been seduced and abandoned by another before her marriage to Pontianus: *Apol.*76). Such a Christian household stood to lose all its nurtured reputation for particular piety, the prospect of the father's admission to the bridal chamber of the kingdom of heaven shrivelled by a single act of fleshly weakness (Elm, 1994: 36f.). For the risks of holy virginity were at least as familiar as its rewards. Gregory of Nazianzus dramatizes the consequence of falling in a neat chiasmus: 'Now light, then darkness; spiritual doom (instead of) heavenly food' (*Carmen* 1.2.2, l.115 = Migne *PG* 37.588). At about the same time as this incident at Gaza, we find two church councils at either end of Christendom, Elvira in southern Spain and Ancyra in the East, concerned severely to sanction the wilful abandonment of such a vocation (*Conc. Elvir.* 13; *C. Ancyr.* 19, p. 15 and 34 Lauchert).

We may take it that the girl, far from being indifferent to the young man's approaches, found herself in an intractable dilemma between incipient feelings for him and her acknowledged duty to her father.[28] I assume the young man's supposed visit to learn Egyptian magic to be mere fabrication for effect, suggested by a familiar contrast between the heavenly Jerusalem and the 'ways of Egypt' ([Basil], *peri parth.* 7.87, p. 59.7; 89, 59.9f.); but perhaps he had been away. His return precipitated a crisis, which the girl could only resolve by retreat into a locally-acknowledged syndrome of mental distress – we must be reminded of a whole gallery of young women in Puritan households in the early modern period, for example the story of Helen Fairfax (aged 21) and her sister Elizabeth (aged 7) at Fuyston or Fewston in Yorkshire in 1621 (Fairfax, 1621/1882). Hilarion himself evidently suspected that there was more here than met the eye, since, quite unmotivated by anything earlier in the narrative, he asks the girl when she recovers 'why she had acted in such a way as to give the demon the chance to enter' (12.10).

Magic here acquires a Christian flavour, with a confessing demon and an exorcizing saint, but the scenario is familiar. The girl by her behaviour – above all by calling out the young man's name – provides the hint to the parents in time to save herself from ruin; the parents have in the folklore of powerful Egyptian magicians and knowledge of defixion the means of casting blame away from their daughter – and deflecting from themselves the charge that they had failed to 'watch her bed' – into the objective reality of possession by a demon; the role of the saint, in his hut by the sea, is to confirm this interpretation as a privileged outsider. His

judgement as a holy man provides them with the authority they require to counter ill-natured gossip and so safeguard, with as little damage as possible, the status of their household in the local competition in sanctity.

But it may also be that the girl's retreat into possession was not so much a defence against the attractions of the boy as a means of evading a different sort of conflict, between the incompatible demands of her parents. 'Often', says pseudo-Basil,

> when a girl devoutly wishes to lead a perfect life, her mother, longing for (grand-) children or misled by the deceptive bonniness that she can picture, perhaps too eaten up (lit. 'melted') by jealousy, does her very best to make her daughter a child of this world rather than betrothe her to God. (*peri parth.* 8.99, p. 59.22ff. A-M)

If that were the case here, the role of the accusation of magic would be to resolve the clash between the father's inclination – no dowry had to be found for a virgin of God – and the mother's hopes, a conflict the saint can mediate indirectly. It has the added advantage that the parents can in all good faith represent themselves as jointly desperate for the health of their child. The girl's putative frailty would then be the convenient cover for a tussle between wife and husband, reminding us of the first law of the ancient household: 'it is best if [its] affairs are not known to anyone else' (Lysias 32.2).

The Night-Witch These texts relating to magic in the context of negotiation between the sexes suggest how the folklore of magic as the Other was deployed by actors skilled in their understanding of their own social milieu, a medium through which one might regain one's rights, cut one's losses, do an enemy or a rival down, save a reputation. Success or failure in these enterprises depended wholly on the plausibility of the case one could make, and the social weight of the opposition; one found allies where one could. Magic at this, everyday, level must be relatively clearly distinguished from the image of the night-witch, which operates in a quite different way, and is applied to quite different problems. No one is ever accused of being a night-witch; but she does have a kind of history.

We have already encountered the distinction between the every-day witch and the night-witch, the one the kind of person one might well meet, and whom many people knew (of), the other the radical enemy of all human civilisation such as the *strix*, the night-owl that is really a flesh-devouring woman, a child-killing demon (cf. Johnston, 1994a: 140–8; 1994b). But in narrative fiction the two refuse to remain distinct: the more powerful negative image constantly overwhelms the more realistic. The typical idea of the witch conveyed particularly in the Roman poets is a composite one in which ethnographic allusion, to the *goês*, the root-cutter, and the wise-man or woman, is overlaid by images of natural reversal and the violent disruption of natural order. Ovid makes Medea in Iolcus pray to Hekate, Earth (which gives powerful plants), breezes, mountains, lakes, and the gods of the forest and night:

> When you have entered me,
> As if a miracle had drained their banks and courses,
> I've driven backs rivers to springs and fountains.
> I shake the seas or calm them at my will;
> I whip the clouds or make them rise again;
> At my command winds vanish or return,
> My very spells have torn the throats of serpents,
> Live rocks and oaks are overturned and felled,
> The forests tremble and the mountains split,
> And deep Earth roars while ghosts walk from their tombs.
> Though crashing brass and bronze relieve your labours,
> Even you, O moon, I charm from angry skies.
> (*Met.* 7. 199–208 [tr. Gregory])

The power of these images is generated by the repetition of the denial, almost to absurdity, of the foundational opposition between words and actions: in magic, words are actions, whereas it is settled knowledge that in the 'real world' words are precisely the opposite of actions. The night-witch's fantastic world of natural inversion implies also the possibility of the cancellation of the oppositions which construct the everyday world, and legitimate its distribution of power.

We should not be tempted to under-read these scenarios of the night-witch, tedious rhodomontade though they appear at first sight to be, their inversions crude beyond all belief. For one thing, they sometimes have a particular emphasis that repays attention. When Dido, for example, is planning her malign magical attack upon Aeneas after his departure from Carthage, she takes advice from a Massylian priestess:

> Now she claims that her spells can liberate
> One's heart, or can inject love-pangs, just as she wishes;
> Can stop the flow of rivers, send the stars flying backwards,
> Conjure ghosts in the night: she can make the earth cry out
> Under one's feet, and elm trees come trooping down from the mountains.
> (Vergil, *Aen.* 4. 487–91 [tr. Day Lewis, adapted])

Here the images of natural reversal are metaphors for the disillusioned dream of enduring love, its hopelessness imaged in the impossible feats. More generally, the poetological gain lay in the possibility of exploiting a tension between the reader's professed distance from or scepticism of 'old

women's tales' and a fear that there might just be something in them – the very tension familiar in modern African societies. As Pliny observes, speaking also for himself: 'No one is unafraid of being 'caught' by curses' (*HN* 28.19). Some awareness of this tension is already present in the Hellenistic forerunners of these Latin texts, for example in Apollonius Rhodius' flashback, during his description of Medea taking her *pharmakon* from its hiding place, to the time when she gathered it near the rock in the Caucasus where the Titan Prometheus was chained so that the eagle might daily rip his liver :

> (The plant) shot up first-born when the ravening eagle on the rugged flanks of Caucasus let drip to the earth the blood-like ichor of tortured Prometheus . . .

(she cuts it)

> And beneath, the dark earth shook and bellowed when the Titanian root was cut; and the son of Iapetus (Prometheus) himself groaned, his soul distraught with pain. (*Argon.* 3. 851–3; 864–6 [tr. Seaton])

And it is certainly no less present in the manifold distances and ironies that Theocritus works into *Idyll* 2 (cf. Segal, 1973/1981; Goldhill, 1991: 261–72). But the Roman poets of the mid-first century AD, though sheer over-use of the device, found themselves on the treadmill of hyperbole.

Catalogues of nightmarish powers however are more than textual devices. We may take as illustration what at first sight looks like another routine list:

> I have myself witnessed her drawing the stars from heaven – she has reversed a river's flow with her swift-running chant, and by incantation fissured the earth, hauled the dead from their graves and summoned bones from the inextinguished pyre: at one moment she draws the pullulating dead with a magical noise, at another she sprinkles them with milk and bids them return. At will she drives clouds from overcast sky; at will she commands snow while summer reigns. (Tibullus 1.2.43–50)

The catalogue of powers focuses almost entirely on the theme of necromantic disturbance, the fear of pyres being rifled to obtain unburned parts of corpses, sarcophagi being disturbed, the dead defiled, turned into active dangers (as far as I know, the first mention of witches deliberately looking out for bits of corpses is Apoll. Rhod. *Argon.* 4. 51). Horace imagines the same scenario in his description of Canidia and Sagana stealing into the old Esquiline cemetery, now the site of a building-boom, but where slaves were once buried in mass-graves: 'I can't stop them,' says the old statue of Priapus, 'from collecting bones and harmful plants here when the

wandering moon shows her radiant face' (*Sat.* 1.8.21f.). Nominally of course necromancy was simply a means of divination; but the theme of the robbing of graves is evidently much more than this: it evokes a world in which the symbolic means of putting things in their place, of setting things to rights, has gone awry, has lost its efficacy. Hekate, goddess of night-witches, lurked among the tombs and the dried black blood of cemeteries (Theocritus, *Id.* 2. 12f.); hyenas, powerful sorcerers themselves, grub about in grave-yards to find and chivvy human corpses (Pliny, *HN* 28. 104).

Knowledge of ghost-stories, the rituals of the State cult devoted to the dead, reports of disturbed tombs, all contributed to the fear that necromantic rituals did indeed take place. C. Vatinius – of course a Pythagorean, an associate of Nigidius Figulus – was supposed in the 50s BC to have regularly offered perverted sacrifice, boys' noble *exta* (liver and heart), to the Manes, the gods of the Underworld, for the purpose (Cicero, *in Vat.* 14); Varro, who had an elaborate theory of his own about the classification of divinatory techniques, reported matter-of-factly that 'if blood is used (in lecanomancy) one may also consult the dwellers in the Underworld, and that the Greek term for this is necromancy' (*de rerum deorum* 1, frg.IV Cardauns = Augustine, *Civ. Dei* 7.35, tr. Knowles). The blood evidently had to be human. The magician Ostanes was known to have written about necromantic rituals in his book on divination (Pliny, *HN* 30. 14); they certainly appear both in the Demotic Egyptian and in the Graeco-Egyptian receptaries (e.g. PDM xiv 83f.; 259–61; xli 79–94; *PGM* IV 227; 1928–2005; 2140–4; VII 993–1009; XIII 277–82). A famous inscription from Rome relates how a four-year-old slave belonging to Iulia Livia, the sister of Germanicus and of the future emperor Claudius, was carried off by 'the cruel hands of a witch (*saga*)' and killed by her arts (*CIL* VI 19747 = *ILS* 8522), presumably for necromantic purposes – a neat adaptation of the ancient theme of the child-killing demon.

As we have seen, there are reasons for thinking that it was during the late Republic that the Romans took over the Hellenistic notion of *mageia*, and in particular the Hellenistic history of its development from Zoroaster in Persia, preserved to us by Pliny the Elder, *HN* 30.1–18.[29] I would argue that one reason why necromancy, and more generally the fantastic imagery of the night-witch, became topical in the late Republic and early Principate was their resonance with the ubiquitous theme of moral and religious decline, which was a direct response to the experience of the civil wars (cf. Jal, 1963). It was common ground that the civil wars were an expression of the gods' anger with Rome, that they refused to listen to prayers: in that climate, with access to the symbolic means of re-ordering society blocked, we might expect the spread of a sense that evil was victorious – in a word, a sense of pollution, comparable to that which

stimulates the numerous witch-hunting movements of colonial and post-colonial Africa. In effect the night-witch imagery is a reproduction, in a quite different idiom, of Archaic Greek dystopian imagery, in particular of Hesiod's final (sixth) age in his myth of the ages (*Op.* 180–201) – a dystopia generated by the imagined removal of the key social principles of *aidôs* and *nemesis*.

Once imagined, the night-witch was too good to lose: the image survived Augustus' re-establishment of the benign symbolic order, the patching up of the theodicy of good fortune which the experience of civil war had so dented (Zanker, 1988). For she was able to offer the reverse image of the sacrificing princeps, the lynch-pin of the Roman *pax deorum* of the Principate. The night-witch, especially in its female form, became all that the Princeps was not – or should not be, a systematic negation of all four Weberian principles of legitimacy. In that perspective, the Augustan versions – even Ovid's Medea (*Metam.* 7. 149–349) – pale into insignificance by comparison with the vividly-imagined, exhaustive, horrors of Lucan's Erictho (*Bell.civ.* 6.507–88; cf. Gordon, 1987b) and Seneca's Teiresias (*Oedipus* 530–658). Necromancy, one of the key features of the night-witch, becomes a figure for the political other, for emperors who are no emperors: Nero was believed to have attempted to get in touch with the shade of his mother whom he had had murdered (Suet. *Nero* 34.4); one of the losers in the civil war of 193 AD, Didius Iulianus, was supposed to have murdered several boys in order to discover the future (Dio 73.16.5); shortly before his murder in 217 Caracalla was said to have told Flavius Maternianus, the extraordinary commander of the urban troops at the end of his reign, to conduct a necromantic consultation 'by using a dead body' (Herodian 4.12.4).

But there may be a broader consideration yet. In the older representation of the divine order, the gods were conceived as dispensing indifferently good and evil. Hekate in particular could emblematize malign aspects of the divine world, as in a fragment that may be from a fifth-century BC play by Sophron: 'whether you have come hastening from a hanging, or from grinding to death a woman in childbirth, or from ranging among corpses' (Plutarch, *de superst.* 10, 170b = Demiańczuk, frg. dub.2; tr. Parker, 1983/1996: 222f.). The moralization and rationalization of the divine world that slowly took place from the Archaic period had, by the Hellenistic period, made it difficult to accommodate misfortune and evil into the dominant image of the civic pantheon: the notion of Tychê, and the elaboration of a distinct world of *daemones*, were two ways of maintaining belief in a morally univocal heaven. But the development of the image of the night-witch, and particularly of the necromantic witch who threatens the fundamental symbolic distinction between the living and the dead (cf. the wonderful scene of Thelyphron and his wax nose in

Apuleius, *Metam.* 2.21–30), who indeed turns the dead against the living, may perhaps be understood as a further adjustment to a moralized heaven. If the gods will not cause evil, and so make it intelligible, the night-witch can oblige: for she is everywhere and nowhere, a creature precisely of nightmare.

That the night-witch could indeed be seen as a way of responding to the wider issue of the explanation of evil in a rationalized divine world, fulfilling a function analogous to that of the Devil in Christianity, is suggested by a recently-published, though unfortunately incomplete, response (*SEG* 41: 981, cf. Graf, 1992) by the oracle of Apollo at Claros, probably to the city of Sardis, around the middle of the reign of Marcus Aurelius (161–180 AD). The context is evidently the plague which ravaged the Roman Empire in several waves after being brought back by L. Verus' troops from Mesopotamia in 165; recent work has re-emphasized its well-nigh catastrophic social and demographic effects (Duncan-Jones, 1996).[30] The oracle's response, as usual in hexameters, prescribes the performance of a procession in honour of Artemis of Ephesus, evidently for the first time in the city, as a means of protecting the city from threatened danger:

> She will be distressed at the calamity <which has befallen the city>, and by her fiery torches unbind man-destroying magic of plague (*loimoio . . . pharma[k]a*) by melting with her night-flame (the) maumets of wax, the wicked signs of a magician's art (*magou . . . symbola technês*). (ll.6–9)

Although other interpretations have been offered, the most likely scenario is that during an outbreak of the plague some wax maumets were by chance discovered, of the kind discussed elsewhere in this volume by Daniel Ogden, and probably as usual relating to some private feud. But, given the plague, many people assumed that they were its cause – no matter that it was raging all through Asia Minor at the time – thus forcing the city magistrates to take action: the place was polluted, the plague must be the result of malign witchcraft. The oracle finds a solution by authorizing the introduction of the cult of Artemis from Ephesus, a purificatory procession, and a solemn ritual in which the torches of Artemis are to destroy the maumets. If they were destroyed their binding power would be gone: civic cult triumphs over magician's malice. We must be reminded of the medieval and early modern moral panics involving well-poisoners. My argument would be that the availability of the image of the night-witch, who delights solely in the random destruction of human life, whether by murdering children, causing sudden deaths – 'eaten from the inside' like Petronius' hulking great fellow (*Satyr.* 63) – or by blighting the crops in the fields and poisoning the very air (Lucan *Bell. civ.* 6. 521f.), made possible the spontaneous mass re-interpretation of the perfectly

familiar, if frightening, objects by which personal enmities might be pursued into the agents of mass-death, the plague. Lucan's detail about polluted air – one of the beliefs about the plague that it was spread, like nineteenth-century cholera, as a miasma – is very much to the point.[31]

Magic as Specious and Vain

All these representations of magic as transgressive derive from its notional illegitimacy as a mode of intercourse with the divine world. It is only an apparent paradox that another important representation of magic conceived it not as powerful for harm but on the contrary as vacant show, as empty nonsense. Although this view is associated generally with the educated élite it was also a view widespread in the population at large: for most of the time, under most circumstances, many people – perhaps more specifically many men – considered the claims of marginal religion absurd. They were disposed to prefer other explanations of any given event, and to consider non-civic rituals mere mumbo-jumbo. This view, once again, was grounded in the belief that valid religion is a collective matter, and that legitimate religious authority belongs in principle to the collectivity.

As we have seen, until Constantine, and indeed after, the ancient city preferred the 'civic compromise' over monopoly of the sacred by a specific class or group. Argument and difference of opinion about the significance of signs of one sort or another could only be resolved by appeal to an outside source, such as an oracle, or by a vote in a responsible instance. But there was no debate about the fundamentals, that civic cult was indispensable to the maintenance of the well-being of the city as a whole, and of its citizens as individuals, and that the rituals handed down by tradition were effective in their contribution to that well-being. Taken all in all, piety consisted

> not in lavish expenditure but in declining to meddle with what their ancestors had bequeathed them; and the consequence was that the blessings of heaven were not bestowed upon them capriciously or harum-scarum but in due season, both for preparing the ground and for gathering in the harvest. (Isocrates, *Areopag.* 30)

Conversely, it was a truism that failure to perform traditional rituals, or collective and individual impiety, both active and passive disregard for proper ritual, led, or might lead, to disaster (cf. Zaidman and Schmitt-Pantel, 1989/1992: 11–15). The Romans' regard for the niceties of ritual observance was by no means peculiar to them.

It is precisely this connection, unquestioned for civic cult, between ritual and efficacy that fails to hold true for illicit religion. There is a vacuum at the centre of illicit cult, a vacancy that is the structural consequence of negating the norm. This prescriptive vacancy, as we might

call it, turns magic into failed religion, evoked by a variety of words, particularly those belonging to the *mangan-* and *goêt-* semantic ranges (cf. Burkert, 1962a: 43f.) From the later fifth century BC, these words evoke as often as not the 'smooth hypocrisy' imputed to Hippolytus by his enraged father Theseus: 'Is he not an *epôidos* (one who knows incantations), this man, and a *goês*, so sure that by his easy temper he will master my spirit?' (Euripides *Hippol.* 1038–40 tr. Barrett; cf. *Bacchae* 234). Such language in a tragedy written for public performance implies widespread acknowledgement of this force of the word: Aristophanes actually wrote a comedy entitled *Goêtes*, though its content is wholly unknown. An analogous view is implied by the late fifth-century interest in the Medea who tricked the daughters of Pelias into boiling their father to death (we have seen that both Sophocles and Euripides wrote such tragedies). For one reading of the story might suggest that marginal religion – magic in this case – is merely specious, playing on its customers' foolish and extravagant hopes. That point is certainly made by a joke in Euripides' satyr play, *Cyclops*, in a scene in which Odysseus and the chorus of satyrs are fumblingly attempting to prepare the stake to burn out Polyphemus' eye. Of a sudden, a sideration strikes several satyrs; when Odysseus accuses them of cowardice, the leader of the chorus cries:

> I'm a coward am I? But I can say
> a fine Orphic spell that will make the brand
> fly of its own accord into the skull
> of this one-eyed whelp of Earth and scorch him up.
> Od.: I knew from the first what sort you were,
> and now I know it better. (*Cyclops* 645–50 [tr. Arrowsmith])

'Orphic' claims are just tall stories. It is to this wider context that the opposition between marginal religion and true piety of the Hippocratic *On the Sacred Disease* belongs:

> Yet I believe that all these professions of piety are really more like impiety and a denial of the existence of the gods, and all their religion and talk of divine visitation is an impious fraud. (3 = 1.28, p. 64.58–61 Grensemann [tr. Chadwick and Mann])

There are other telling examples from the fourth century: a passage of Xenophon, for example, closely associates deception with *goêteia*, sleight-of-hand, making people believe what is not true (*Anab.* 5.7.9); Glaucon in Plato's *Republic* claims 'anything that deceives is wizardry (*goêteia*)' (*Rep.* 413c4; cf. 412e7; 413b1; *Leg.* X, 908d2–4). The link evidently owes a great deal to the rhetorician Gorgias' earlier glorification of *goêteia* as 'soul-gulling' (*Helen* 10 = 82 B11 *DK*). The word *phenakizein*, cheat, cozen, occurs in several of these contexts, notably in relation to the worthless

brother of Aristogeiton, who 'performs magic and cheats and professes to cure people who suffer from epilepsy, despite himself suffering from acute blackguardism' ([Demosth.] 25.80). Sosiphanes of Syracuse, a tragic poet of the later fourth century BC, had a character in his lost *Meleager* remark dismissively:

> Every chit of girl in Thessaly can command the moon down from heaven by magic incantations – believe that if you will. (*TGF* 1² 92 F1, cf. Gauly, 1991: 198f)

The motif of changing shape, which evoked in Herodotus' Greeks of Scythia the response *goêteia* – 'I myself do not believe what they say, but they say it nonetheless, indeed swear it' (Hdt. 4.105.2) – reappears in Plato's insistence that the true ontology of god cannot really be as gods are represented in poetry and myth, forever changing shape: 'Do you think that god is a *goês*?' (*Rep.* 380d1–6).

Non-civic religion is thus doomed to be mere show, false appearance. But there were a number of other means of evoking the significance of the contrast between civic and illicit religion. One is the issue of payment. The officials of civic cult acted – by definition – disinterestedly; their perquisites, as it may be the chines, haunches, hides, heads of sacrificial animals, were enshrined in sacred laws, taken for granted (Le Guen-Pollet 1981). But the representatives of illicit or marginal religion are always understood to be extortioners, to be acting solely for money, merely for self-enrichment, their wares tawdry lies. So Oedipus taunts the seer Teiresias with being a

> scheme-hatching *magos*, treacherous mendicant, who has eyes only for lucre, but as seer was stone-blind. (Soph. *OT* 387–9)

At the end of the fifth century, *On the Sacred Disease* makes the same point:

> If a man were to draw down the moon or cause an eclipse of the sun, or make storms or fine weather by magic and sacrifices (*mageuôn te kai thuôn*), I should not call any of these things a divine visitation but a human one, because the divine power has been overcome and forced into subjection by the human will. But perhaps these claims are not true at all, and it is because these people lack a means of solid livelihood that they have invented all these different arts and play the harlequin so. (4=1.31f., p. 64.69–73 Grensemann [tr. Chadwick and Mann, adapted])

This tradition accompanied the marginal religious practitioner throughout antiquity. A probably fourth-century BC account in the Aesopian corpus describes a woman, a *gynê magos* (itself a most unusual expression,

which must date from a much later redaction), who used to sell incantations and 'means of allaying divine anger' – that is, just the kind of person Plato describes in *Rep.* 364b-c, *Laws* 11, 909b – and 'earned pretty well from it'. She was prosecuted for introducing innovation into civic religion (*asebeia*) and condemned to death:

> One of the spectators, seeing her being dragged out of the court said to her: 'How is it, if you claim to be able to avert the gods' anger, that you were not even able to persuade human beings?' (*Fab. Aesop.* 56 Hausrath, 1:77f.= p. 343 Perry)

The point was early taken at Rome, for it appears in one of the very earliest Roman tragedies, Ennius' *Telamo*, based on a Greek original, dating from the first half of the second century BC, where a character denounces diviners:

> Averse to work, or mad, or ruled by want,
> Directing others how to go, and yet
> What road to take they do not know themselves;
> From those to whom they promise wealth they beg
> A coin. From what they promised let them take
> their coin as toll and pass the balance on.
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The inefficacy of love-magic is a *topos* of Latin amatory poetry (cf. Tibull. 1.8.24f.; Prop. 2.4; Ovid, *Ars am.* 2.99–106; *Remed am.* 261–90; Nemesianus, *Ecl.* 2.62–73 etc.). Medea is made pointedly to exclaim:

> Dragons and maddened bulls, it seems, I could subdue; a man alone I could not; I, who could beat back fierce fire with wise drugs (*doctis medicatibus*), have not the power to escape the flames of my own passion. My very incantations, herbs and arts abandon me. ([Ovid], *Heroid.* 12.163–7 [tr.Showerman-Goold])

And Deianeira:

> What herbs does Pontus grow, or what does Pindus nourish beneath the rocks of Thessaly, wherein I may find a bane to conquer him? Though Luna should leave the stars and come down to earth, obedient to magic (*carmine mago*); though winter should see ripe grain . . . it will not bend him. ([Seneca], *Herc. Oet.* 465–72 [tr. Miller])

The greed and speciousness of necromancers played their part in the downfall of Q. Marcius Barea Soranus (*cos. suff.* 52 AD). Hated by Nero, he was denounced by Ostorius Sabinus in 66 for plotting in his former province of Asia. His daughter Servilia evidently appealed to some *magi* in an effort to foresee the family fate. When this became public, she had to

brother of Aristogeiton, who 'performs magic and cheats and professes to cure people who suffer from epilepsy, despite himself suffering from acute blackguardism' ([Demosth.] 25.80). Sosiphanes of Syracuse, a tragic poet of the later fourth century BC, had a character in his lost *Meleager* remark dismissively:

> Every chit of girl in Thessaly can command the moon down from heaven by magic incantations – believe that if you will. (*TGF* 1² 92 F1, cf. Gauly, 1991: 198f)

The motif of changing shape, which evoked in Herodotus' Greeks of Scythia the response *goêteia* – 'I myself do not believe what they say, but they say it nonetheless, indeed swear it' (Hdt. 4.105.2) – reappears in Plato's insistence that the true ontology of god cannot really be as gods are represented in poetry and myth, forever changing shape: 'Do you think that god is a *goês*?' (*Rep.* 380d1–6).

Non-civic religion is thus doomed to be mere show, false appearance. But there were a number of other means of evoking the significance of the contrast between civic and illicit religion. One is the issue of payment. The officials of civic cult acted – by definition – disinterestedly; their perquisites, as it may be the chines, haunches, hides, heads of sacrificial animals, were enshrined in sacred laws, taken for granted (Le Guen-Pollet, 1981). But the representatives of illicit or marginal religion are always understood to be extortioners, to be acting solely for money, merely for self-enrichment, their wares tawdry lies. So Oedipus taunts the seer Teiresias with being a

> scheme-hatching *magos*, treacherous mendicant, who has eyes only for lucre, but as seer was stone-blind. (Soph. *OT* 387–9)

At the end of the fifth century, *On the Sacred Disease* makes the same point:

> If a man were to draw down the moon or cause an eclipse of the sun, or make storms or fine weather by magic and sacrifices (*mageuôn te kai thuôn*), I should not call any of these things a divine visitation but a human one, because the divine power has been overcome and forced into subjection by the human will. But perhaps these claims are not true at all, and it is because these people lack a means of solid livelihood that they have invented all these different arts and play the harlequin so. (4=1.31f., p. 64.69–73 Grensemann [tr. Chadwick and Mann, adapted])

This tradition accompanied the marginal religious practitioner throughout antiquity. A probably fourth-century BC account in the Aesopian corpus describes a woman, a *gynê magos* (itself a most unusual expression, which must date from a much later redaction), who used to sell incantations and 'means of allaying divine anger' – that is, just the kind of person Plato describes in *Rep.* 364b-c, *Laws* 11, 909b – and 'earned pretty well from it'. She was prosecuted for introducing innovation into civic religion (*asebeia*) and condemned to death:

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stand trial before the Senate accused of having given large sums to such persons. The prosecutor asked whether she had indeed done so. She replied:

> My unhappy prayers have had a single aim: that you, Caesar (i.e. Nero), and you, senators, should spare my dear father. I gave my jewels and clothes – what a woman in my position owns – as I would have given my blood and my life if the magicians had wanted them! (Tac. *Ann.* 16.31.1f. [tr. Grant])

She refers of course to the belief that necromancy to be effective requires human sacrifice; and perhaps implies that the magicians' failure was due to her own lack of courage. The Senate required her to commit suicide along with her father, but for Tacitus she is merely a sad, deluded girl. Lovers too are deluded, says Philostratus, so deluded that

> they will accept from [magicians] a box with stones in it which they are to wear, some of the bits of stones having come from the depths of the earth and others from the moon and stars; and then they are given all the spices which the gardens of India yield; and the cheats exact vast sums of money from them for all this, and yet do nothing to help them at all. (*Vit. Apoll.* 7.39, p. 827.13–18 Mumprecht [tr. Conybeare])

The rise of literacy and an education that depended upon it gradually however added to the notion of mere show, predicated on the opposition between civic and marginal religion, a representation founded upon the contrast between city and country, which was at the same time one between urbanity and ignorance. Although the fullest form of this contrast only became possible with the social changes of the Hellenistic period and the disappearance of a sizeable group of city dwellers who went daily out to their farms, it is perceptible already in the jokes of fourth-century comedy, such as the description by Anaxilas in his *Lyremaker*, a lost mid-fourth century comedy, of a country dweller, evidently dressed as disconcertingly as Uncle Benjy for going into town:

> his skin softened with yellow face-cream, dragging his fine robe (in the dust), slopping about in torn house-shoes, chewing bulbs, gobbling cheese, drinking raw eggs, holding ?trumpet-shells, drinking Chian wine, and to cap it all carrying lovely Ephesian letters on pieces of sewn leather (i.e. amulets against various kinds of danger). (*PCG* 2: 285, Anaxilas frg.18)

One common way of eliding the claimed powers of marginal practitioners was to note that only foolish old women, country bumpkins

and children believe such stuff: *fabulae aniles* is, as we have seen, Cicero's contemptuous expression (*Nat.D.* 3.12; cf. Horace *Sat.* 2.6.77f.). The inversion civic religion – illicit religion is spatialized, but also temporalized, to correlate with changes in the self-consciousness of the political and social élite:

> Who now credits that the hippocentaur or the Chimaera ever existed? Is there a single old woman to be found who is so unhinged as to be sorely afraid of those monsters in the nether world in which people once believed? Time obliterates falsehoods of common belief. (Cicero, *Nat.D.* 2. 5 [tr. Walsh])

In a similar sense Galen, in the course of his violent attack on Pamphilus' *Descriptions of herbs*, which investigated the use of herbs as amulets and their symbolic associations, denounces his claims as incredible even to small children (*De simpl. med. temp.*, proem. [11: 793f. Kühn], cf. Hopfner, 1921–4/1974–90: 1 §479, p. 266f.).

All these stock attitudes, but above all the notion of speciousness or illusion, are transferred to magic when a strong view of it emerged in the Hellenistic period. Pliny the Elder makes the point in his history of magic (*HN* 30. 1–18), as clearly as can be:

> Let us therefore accept that (the Magian art) is abominable, ineffectual, vain – if there is even a shimmer of truth in it, that shimmer owes more to chemistry than to magic.[32] (*HN* 30.17)

Pliny indeed takes it upon himself in the *Natural History* to perform a service to mankind by exposing *magicas vanitates*, the vanities of the Magi, because of the sway this, the most specious of all the arts (*fraudulentissima artium*), now enjoys all over the Roman Empire, from Persia to Britain, that 'empty void of Nature' (30.1; 13). He finds his most telling evidence in Nero's failure to succeed in his necromantic aims:

> [Nero's] elevation to the greatest height of human fortune aroused desire in the vicious depths of his mind; his greatest wish was to issue commands to the gods, and he could rise to no nobler ambition. (*HN* 30.14 [tr. Jones])

The contrast between public religion, piety, the collective good, on the one hand, and the image of magic as private religion, impiety, personal advantage could hardly be more plain; what is frightful about Nero is that the person who, as *pontifex maximus*, ought to incorporate the civic cult of the Romans, spends his time dabbling in magic, its inverse – when he must have known that it is by definition specious idleness. Apollonius of Tyana makes just the same point to Domitian, speaking of his earlier

meeting with Vespasian, his father,[33] at which Apollonius had forecast that he would become emperor:

> For I should not have thought him a fit person for empire if he had either considered me an adept in such art (magic), or resorted to such tricks in pursuit of a crown which it behoved him to win by his virtues alone. More than this, my conversation with him was held publicly in a temple, and wizards (*goêtes*) do not affect temples of the gods as their places of reunion; such places are inimical to those who deal in magic, for they cloak their art under the cover of night. (Philostr. *Vit. Apoll.* 8.7.2, p. 861.17–22 Mumprecht [tr. Conybeare, adapted])

Thereafter, these become the terms within which the contrast between true religion – no longer necessarily understood in terms of civic cult – and magic is expressed. Images of piety, insight, love of god are opposed to false belief, superficial charm, worship of false gods. Lucian's *Demonax* is one of the few of his pieces on an individual that is entirely positive; he describes in it how the Cynic philosopher, who died c.170–80 AD, put down a magician who boasted that he possessed mighty incantations 'by means of which he could 'turn' everyone and provide himself with whatever he wished'. Demonax offered to go with him to the nearest baker and show him how he could get a loaf of bread 'with just one little spell' – meaning a coin 'which had just the same effect as magic' (*Demonax* 23; cf. the joke in Apuleius *Met.* 3.23 ad fin.). One of the key surviving texts in this process is Philostratus' *Life of Apollonius of Tyana*, written in the early third century on the basis of divergent sources, some local, some synthetic, some even documentary, assembled since Apollonius' death about a century earlier (Anderson, 1986: 121–97; Flintermann, 1995: 67–88), which seeks systematically to represent Apollonius as a philosophical sage against earlier views of him, by Moiragenes in particular, as both a magician and a philosopher. One illustration is the account of Apollonius' exposure at Corinth of a *lamia/empousa*, a creature we may characterize as a blend of Count Dracula with the Romantic La Belle Dame sans Merci, familiar from Goethe's ballad *Die Braut von Korinth* (1797) and Keats' *Lamia* (1820).

Menippus was a pupil at Corinth of the Cynic philosopher Demetrius of Alexandria, and had fallen in love with a Phoenician woman. At the splendid wedding feast, however, Apollonius reveals that she is really an *empousa* or *lamia*:

> These beings fall in love, and they are devoted to the delights of Aphrodite, but especially to the flesh of human beings, and they decoy with such delights those whom they mean to devour in their feasts. (4.25, p. 406.12–15 Mumprecht [tr. Conybeare])

All the splendid furnishings and table-settings flutter away out of sight, the slaves and cooks disappear too, and finally she admits what she is, an *empousa*:

> she was fattening up Menippus with pleasures before devouring his body, for it was her habit to to feed on young and beautiful bodies, because their blood is pure and strong. (ibid., p. 406.25–408.3 Mumprecht [tr. Conybeare])

In this story we have a dramatized confrontation between a night-witch figure (cf. Waser, 1905; Herter, 1950/1975: 50–2; Johnston, 1997c: 68 n. 64) and a true lover of God, in which the former is shown to be like the Gardens of Tantalus, that both exist and do not exist, a mere semblance or shadow (cf. 8.7 passim). Apollonius overcame her with the help of Hercules (ibid.); and yet, as he repeatedly insists, he refused to have any truck with civic cult, considering, like Demonax later, blood sacrifice to be an abomination.

In picking up and elaborating the same contrast between the plenitude of true religion and the vanity of paganism, and magic in particular, Christianity thus made itself heir to a venerable classical tradition. Defending Christ against the accusation that he was a mere magician (cf. M. Smith, 1978; Gallaher, 1982), Arnobius has simply to oppose true power to false or specious power:

> Were, then, those things which were done, the freaks of demons, and the tricks of magical arts (*daemonum praestigiae et magicarum artium ludi*)? . . . Who has done (what Christ did) without any power of incantations, without the juice of herbs and grasses, without any anxious watchings of sacrifices, of libations, or of seasons? (*Adv. haer.* 1.43, p. 38.5–12 Marchesi [tr. Bryce and Campbell])

The vanity and speciousness of illicit religion, and so magic, implied not its lack of power – the Christian identification of *daemones* with inherently evil demons foreclosed that option – but its lack of value, itself a consequence of the marginality of the individuals who sought to exercise it (cf. J.Z.Smith, 1978b: 426–9; Segal, 1981). As Tertullian argues:

> If sorcerers call forth ghosts, and even make what seem to be the souls of the dead to appear; if they put boys to death in order to get a response from the oracle; if with their juggling illusions, they make a pretence of doing various miracles . . . how much more likely is this power of evil to be zealous in doing with all its might, of its own inclination, and for its own objects, what it does to serve the ends of others! (*Apol.* 1.23.1 [tr. Thelwall])

The shrillness of Christian apologetics here (cf. Justin, *Apol.* 1, 18.3 and Tertull. *De anim.* 27) is an index of their awareness of the difficulty, once they allowed the issue to be one of miracle-working, of distinguishing between the Christ of the Gospels and the pagan tradition of the marvellous. For if they insisted too much on the theme of juggling, of prestidigitation, they laid themselves open to the same taunt. The only interests which could with equanimity identify magic with illusion in the sense of prestidigitation were the Cynics and Epicureans – and, ironically enough, the magicians themselves. Philostratus makes Apollonius remark on the fact that

> the various devices and artifices by which they work signs from heaven and all sorts of other miracles on a wide scale, have actually been recorded by certain authors, who laugh outright at the art in question. (*Vit. Apoll.* 7. 39, p. 826.24–828.3 Mumprecht [tr. Conybeare])

The sole surviving exposure of this kind is preserved to us in a few chapters of Hippolytus' *Refutation of all the heresies* (4. 28–42 = Totti, 1985 no.78, comm. Ganschinietz, 1913), which explains in detail how magicians achieve their claimed marvels; Philostratus' reference to 'several authors' suggests however a Cynic or Epicurean tradition, analogous to Oenomaus of Gadara's exposure of oracle-mongering, entitled or at any rate often referred to as *The jugglers' deception* (cf. Hammerstaedt, 1988: 11–40).[34] The cast of the work Hippolytus cites from is entirely rationalist, founded on the Cynic contrast between reason and folly (cf. Diog. Laert. *Vit. Phil.* 6.24); the pre-supposition is that magicians were at pains to demonstrate – mostly in darkened rooms – before the eyes of the impressionable a variety of marvels, including bringing down the moon (4.37) and reading sealed letters (28). Many of the details are unknown from elsewhere and also highly specific, such as the account of how to make a skull speak:

> The skull itself is made out of the caul of an ox fashioned into the requisite shape by means of Etruscan wax and prepared gum; when covered in parchment it resembles a skull, which seems to all the spectators to speak . . . (They) obtain the wind-pipe of a crane, or some other long-necked creature, and attach it secretly to the skull, and by this means the accomplice can say what he thinks appropriate. (*Ref. haer.* 4. 41, p. 126.2–7 Marcovitch)

Whether we are here in the realm of the circus mountebank, of the pious fraud so often practised in the context of civic cult, or of sheer imagination, is impossible at this remove to decide. But if marvels existed in the imagination, in 'old women's tales', in traditional mythology, and in the tradition of *mirabilia*, then at some point there was bound to be some physical effort invested in their realisation – the ancient world had no film

industry. The magical tradition itself evidently acknowledged as much: there was a genre (Bain, 1998), to which we find occasional reference in the magical papyri, 'the trifles (*paignia*) of Democritus', also known as 'the trifles of Pythagoras' (cf. Σ RVE ad Aristoph. *Nub.* 752, p. 157.14 Holwerda), which listed recipes involving the use of simple chemistry to impress an audience:

> To make an egg become like an apple: Boil the egg and smear it with a mixture of ?egg-yolk (or saffron) and wine. (*PGM* VII 170f. [tr. Kotansky])

But the same list includes recipes hard to distinguish from many of the brief instructions not labelled Trifles, for example that for obtaining an erection: 'Grind pepper with some honey and spread it on your "business"' (185). Who here is having his leg pulled? 'Democritus' trifles' provide the only intentional light relief in the unremitting seriousness of the magical papyri; but they may also half-acknowledge both the tradition of the vanity of magic and the indecipherable status of the serious recipes that otherwise fill these books.

Magic Explained

The tradition of *The jugglers' deception* relied upon an implicit rejection of the conventional understanding of the relation between this world and the Other World – the rejection we associate with the Epicureans and Cynics – in order to arrive at its wholesale denial of the reality of magical action (Hammerstaedt, 1993). If what magicians do is just prestidigitation, merely fraud, a sufficient explanation is to be found in exposing their tricks: the conventional notion of the vanity of magic is pushed here to its very limit (cf. Goulet-Cazé, 1993: 130–2). The Hippocratic author of *On the Sacred Disease* likewise did not feel that he needed a special explanation of how his itinerant healers performed their cures, for they could not cure:

> They also employ other pretexts so that, if the patient be cured, their reputation for cleverness is enhanced, while, if he dies, they can excuse themselves by explaining that the gods are to blame while they themselves did nothing wrong. (2 = 1.20, p. 62.37–40 Grensemann)

But to some, mainly but not exclusively those with an existing investment in the idea of nature as 'implying a universal nexus of cause and effect' (Lloyd, 1979: 49), the claims of marginal religion, and in due course of magic, seemed to raise an interesting challenge to the adequacy of their starting-point. Where do marvels, and in particular marvels induced by qualified persons, fit into the scheme of *physis*, Nature?

Speculation about magic may occur at any level, however, and we begin *exempli gratia* with a couple of what seem to be popular ideas to

account for the powers of marginal practitioners, including wise women and root-cutters (leaving aside belief in *daemones*). One is a chance remark of Plato, who alludes elliptically to folklore about 'the Thessalian women', witches, having to sacrifice something very dear to them in order to have the power to draw down the moon (*Gorgias* 513a5–7). An unknown Asclepiades, presumably a Hellenistic commentator on comedy, expands upon this with the information that they would have to kill one of their children or lose the sight of one of their eyes (cited in the apparatus to Zenobius IV.1, ap. *CPG* 1: 83). If the first might be a simple inference from the story of Medea, the second at least may be authentic – we might see here a folk-account that understood partial blindness as a price to be paid for magical power: a hint, that is, of the idea that would be expanded into the diabolical pact. Another possible case is more rationalistic. In a list of a witch's powers, Propertius seems to use the notion of a witch being able to cause floods by means of violent rainstorms as an explanation for the well-known, and evidently by the late first century BC puzzling, reference in the XII Tables to 'spiriting away crops by incantation' (to which we shall return):

> Should she over a trench cast spells with her evil herbs,
> The waters would rise and wash standing crops (*stantia*) away.
> (4.5.11f. [tr. Musker])

Transgressive religious power may thus elicit reponses other than fear and rejection: there are many ways of normalizing marvels. In what follows, I select six areas in which we can find evidence of normalizing strategies in the face of magic, six areas in which the marvellous is domesticated, fitted into a wider explanatory frame, sometimes, like atomic theory, wholly personal or individual, sometimes, as in the case of *daemones*, widely shared speculations whose main leverage was upon quite different problems.

The Power of Words (1) There can be little doubt, judging from the sensitivity to rhythm, assonance, dissonance and other phonetic intensifiers, in early imitations of incantations, such as Circe's spell to turn Odysseus into a pig (*Od.* 10. 320), or Demeter's offer to Metaneira to protect her son Demophoön from illness and malign magic (*Hom. Hymn. Dem.* 228–30) – which contains a remarkable number of non-epic and virtually unexampled words – that many people were interested in the question of how charms worked,[35] and what relation they might have to the capacity of poetry to charm, delight and persuade (de Romilly, 1975). Gorgias' reflections on this matter in the mid-fifth century BC certainly stem from, while also decisively modernising in terms of current medical theory, a tradition of more or less sophisticated interest in the matter, focussing on the word *thelgô* and its derivatives (Furley, 1994: 85–7). His

treatment of the theme in the *Helen* (though the force is virtually lost in translation) might almost be part of a commentary upon the Homeric passages describing the song of the Sirens:

> inspired incantations consisting of words bring on pleasure, dissipate pain – for when the influence of the spell meets the opinion-forming part of the mind, it soothes and persuades and finally changes it by magical art (goêteia). Two different arts of incantation and magism have been invented, namely (those producing) delusions of mind, and deceptions of the opinion-forming part of it. (DK 82 B11 §10)

Because for him the point of rhetoric is its brilliant deception, Gorgias can celebrate the words for marginal religious practice used disparagingly by his contemporaries: his psychological model allows him to differentiate between the sense-perception of juggling and of rhetoric (cf. Segal, 1962; Verdenius, 1981). We shall return later to the issue of the effects of magical utterance. Meanwhile it is clear that Gorgias' model works only when the situation envisaged is one in which the practitioner/rhetorician is in the immediate presence of the subject/audience, that is, in the classic magical healing or purificatory context. It was as this model of the addressee changed that theories of the magical word had also to change.

Effluences and Atoms It was however the physical notions of effluences and of atoms which first offered a way of tackling convincingly some reported marvellous phenomena. Empedocles in the first half of the fifth century is reported to have developed a theory of effluences (*aporrhoai*), by means of which he offered an explanation of the working of the magnet, which certainly later, and evidently already, was a *topos* in the register of natural marvels (Alexander of Aphrodisias *Quaest.* 2. 23 = 31 A89 *DK*; cf. 68 A165). But the main theoretical use of effluences was to account for sense perception, including colour, different sense-organs having different sizes of passages for the effluences to enter, which is why we cannot, for example, hear smells (Theophrastus *De sensu* 7 = 31 A86 *DK*). This view was taken over by Leucippus, the originator of the theory of atoms. Democritus of Abdera, contemporary with Socrates, reformulated it in properly atomic terms. In his theory 'images (*eidôla*) of the same shape as the object' continually pour off what one sees and enter the eye after mingling in the air with *eidôla* emanating from the eye itself (*ibid.* 50 = 68 A135 *DK*; Salem, 1996: 129–32). These images are in some way morally differentiated:

> Democritus says that some *eidôla* approach men, some of them beneficent, some maleficent; that is why he desired to 'encounter propitious images'. (Sext. Emp. *adv. math.* 9.19 = 68 B166 *DK*)

This theory of perception was then employed to account not merely for dreams, prophetic and other, but also for the phenomenon of the evil eye:

> Democritus says that these *eidôla* are emanations emitted not altogether unconsciously or unintentionally by the malevolent, and are charged with wickedness and envy. According to him, these *eidôla* with their burden of evil, adhering to their victims and in fact permanently lodged in them, confound and injure both their bodies and their minds. (Plutarch, *Quaest. conv.* 5.7, 682f–683a [tr. Babbit] = 68 A77 D–K)

It has been argued that these malign *eidôla* are in fact to be understood as evil *daemones* (Salem, 1996: 215f.), but it seems more plausible to read Democritus as fitting the evil eye into the larger framework of a theory that explained dreams as caused by individual *eidôla*, charged with movement, will, moral qualities and passions, 'born in the souls of other living creatures' (Plut. ibid. 8.2, 735a = 68 A77 D-K; cf. Dickie, 1990: 272–5). We may also, in passing, remark that much of Plutarch's earlier discussion of the evil eye here revolves around the Empedoclean-Leucippan theory of emanations, though it is more likely in this case that the language is due to Hellenistic (perhaps already even Theophrastan) speculation following up his account of the magnet; the third-century historian Phylarchus called attention to the peculiar power of the Thibeis on the Black Sea coast of causing anyone on whom they breathed, or even looked, to fade away and die (ibid. 680d = *FGrH* 81 F79a) – adding that in one eye they bore the classic mark of the *jettatore*, the double pupil (cf. still McDaniel, 1913), and in the other the image of a horse (F79b = *HN* 7.17). This combination of breath and malign glance recurs as an explanation of Chariclea's mysterious illness, evidently caused by the evil eye, in Heliodorus' *Ethiopian Romance* (3.7.1–4), most probably to be dated to the first half of the third century AD (Dickie, 1991).

In historical perspective, what is most important about the theory of effluences is that both Empedocles and Democritus assumed that marvels, and indeed specifically magical phenomena, were in principle subject to natural laws, that is, were not 'marvels' at all once rightly understood in terms of a small number of principles, of which the most important was the tendency of like to gravitate to like. That meant that both, but more particularly Democritus, became interesting later to those who wished to defend magic as part of a wider resistance to mechanistic or realistic natural philosophy, and who therefore picked through Nature to find evidence of its marvellous properties. There is a significant sense in which Empedocles and, more still, Democritus are the originators of a theory of natural magic.

Pulling down the Moon Rationalizing explanations of the 'Thessalian trick', the bringing down of the moon, must also have begun in the fifth century BC. One of the two earliest extant references to this form of magical practice occurs in Aristophanes' *Clouds* (423 BC):

> Strepsiades: I've got an idea for dodging interest . . . Suppose I bought a Thessalian slave, a witch (*pharmakis*), and got her to draw down the moon one night, and then put it in a box like they do mirrors and kept a close watch on it.
> Socrates: What good would that do you?
> Strepsiades: Well, if the moon never rises, I never pay any interest. (*Nub.* 747–52 [tr. Sommerstein])

The mention of mirrors, here, although perfect in the context of the joke, may also imply some knowledge of the true practice, which involved reflecting the full moon in a jar or dish filled to the brim with water and using the water as an ingredient in various magical preparations: the folklore of North Africa contains some extremely interesting analogies, in which the literal disappearance of the moon while the water 'boils' is usually insisted upon – another example of the role of narrative in fusing real and ideal (Westermarck, 1926: 2, 553f.; cf. Tupet, 1976: 97–100; Lunais, 1979: 231–3).

Of all extant ancient allusions to this practice (Menander wrote a comedy about it, *The Thessalian Woman*: Pliny *HN* 30. 7; cf. frgs. 192–7 Körte), there are only two passages which seem to show an appreciation of what was involved. In one, a witch speaks of 'the image of the moon descend[ing], brought down by my incantations' (Petronius, *Satyr.* 134.8f. Pellegr.); but only Lucan seems to have understood that the witches valued not so much the disappearance of the moon as the substances produced by its descent:

> Lowered by incantation, [the Moon] suffers greatly, until, almost on the earth, she drops foam (*despumet*) on the ?herbs [or foliage, grass] below. (*BC* 6.505f. [tr. Duff, adapted])

It is this *lunare virus*, 'lunar slime' – *virus* has the sense of an off-putting but striking, pungent, viscous substance, and so becomes a word for a witch-substance, e.g. Ovid *Metam.* 4.501, as well as poison – which Erictho later uses as part of her preparation of the corpse she is about to revive for her necromantic enquiry (669). Valerius Flaccus (*Argon.* 6.447) and Apuleius (*Metam.* 1. 3, *lunam despumari*) allude to this very passage but without elaboration; 'lunar chrism' appears in *PGM* VII 873f. On this account, the descent of the moon inaugurates and validates the claims of natural magic: 'lunar slime' is the ultimate *materia magica*, a substance derived from the very limits of the sub-lunar world, a sort-crosser therefore, which can

properly be applied to the transgression of another boundary, between the dead and the living.

One or two passages suggest that the reason for the 'Thessalian trick' was to allow witches to operate under the cover of pitch darkness (Apoll. Rhod. *Argon.* 4. 60f.). But mostly it was explained, as perhaps already at a popular level, as an attempt to cause a lunar eclipse. The earliest relevant passage is Pindar *Paean* 9. 1–3 Snell (463 BC), which describes an eclipse of the sun as a theft; *On the Sacred Disease* mentions bringing down the moon and 'causing the sun to disappear' in the same breath (4 = 1.31, p. 64.68 Grensemann). By the Roman period it is a literary *topos*: Martial, evoking the din of Rome, recalls the clashing of pots and pans 'when the moon is cut (*secta . . . Luna*) and beaten by the magic wheel of Colchis' (12.57.16f. tr. Shackleton-Bailey). The advantage of this account was that it shifted an actual practice into the idiom of popular astronomy, and so confirmed belief in the vacancy of magic. 'Until the time of Democritus,' observes a Scholiast, 'many people called eclipses 'pull-downs' (*kathaireseis*)' (Σ Apoll. Rhod. *Arg.* 3. 533b). But now we know better:

> Long ago was discovered a method of predicting eclipses of the sun and moon, not the day or night but the very hour. Yet there still exists among the common people an established conviction that these phenomena are due to the compelling power of charms and magic herbs, and that knowledge of how to do this is the one area in which women are dominant. (Pliny *HN* 25.10 [tr. Jones, adapted])

As Pliny's remark reveals, the explanation in terms of eclipses also came in handy as a way of representing the otherness of women. This device, which seems to date from the Hellenistic period, is splendidly represented by the story of Aglaonice, a Thessalian woman, who, in the manner of the *prôtos heuretês*, the exemplary inventor,

> through being thoroughly acquainted with the periods of the full moon when it is subject to eclipse, and, knowing beforehand the time when the moon was due to be overtaken by the earth's shadow, imposed upon the (other) women, and made them all believe that she was drawing down the moon.

Plutarch, who several times adverts to this story, gives us the moral: '(a wife) will not swallow any beliefs in magic (*pharmakôn epôdas*) while she is under the spell (*epadomenê*) of Plato's or Xenophon's words' (*Praecept. coniug.* 44, 145c-d [tr. Babbit]).

Daemones If the identification of the 'Thesssalian trick' as an eclipse may already have been a folk-explanation before being adopted by the educated, we can be more sure of appeal to the daemonic. In the world of

dominated practice it was by means of the claim to be able to diagnose and control daemonic intervention that many healers grounded their authority. The claim was also undoubtedly extended to some kinds of divination, for example necromantic oracles, such as those at Ephyra in Thesprotia (Hdt. 5.92η2) or at Phigaleia in Arcadia (Paus. 3.17.8). But this daemonic was unclearly differentiated between gods, unnamed powers, heroes and the restless dead – all belong to the population of the Other World, any of them might be responsible for a given incident or illness (cf. Brenk, 1986: 2073–9). We have also noted briefly that the attempt to distinguish more clearly between morally good gods and morally ambiguous daemones is associated with the Pythagoreans, who early attempted to make a distinction that civic religion would later adopt in practice. Part of the value of the civic distinction was precisely to make it easier to distinguish between legitimate and illicit cult, between 'our' religion and 'their' scandal. But we can also find traces in the fourth century and later of the Pythagorean distinction used as a means of accounting for the existence of the wild variety of religious rituals, both of every-day and of the special occasion, in the Greek world, and indeed beyond.

The earliest of these is the well-known account put by Plato into the mouth of the priestess Diotima, which has strongly Pythagorean undertones. Diotima first defines *daemones* topographically – and we have learned from J. Le Goff to pay particular attention to topographic innovation in religious discourse – as 'halfway between god and man' (*Symp.* 202d11–e1). They are then placed in the role of intermediaries between heaven and earth, binding the two together:

> They are the envoys and interpreters that ply between heaven and earth, flying upward with our requests and sacrifices, and descending with commandments, and rewards for the sacrifices. (202e3–5 [tr. Joyce, adapted])

'Pensé verticalement, *daimôn* devient un signe défini' (Detienne, 1963: 139). The effect is to push civic cult and dominated practice together, opening up the crack which Plato is eager to widen, between philosophical religion on the one hand, and the entire gamut of traditional religious practice on the other. But he evidently sees a particular affinity between *daemones* and dominated religious practice:

> [Daemones] form the medium of the prophetic arts, of the priests' rites of sacrifice, rituals for special purposes (*teletai*), and incantation (*epôdai*), indeed of magic (*manteia*) as a whole, that is wizardry (*goêteia*). (ibid. 202e7–203a1 [tr. Joyce, adapted])

The thought of incantation here, as used in rituals of healing, included in *teletai*, leads Diotima/Plato straight on to think of begging-priests and *manteis* as described in *Rep.* 364bc, who offer purification and expiation of sins. On this account, the other traditional notion of the *daemôn* as related to the souls of the dead is elided in favour of a spatial scenario which is evidently also graduated in moral terms; though Diotima says nothing of that here, it is a necessary inference from her account, just as Erôs is midway between deficiency and plenitude (Goldschmidt, 1947: 233f.). Indeed, Xenocrates of Chalcedon, Plato's successor as head of the Academy, explicitly understood *daemones* as ranged along a scale from good to bad (Plutarch, *De Is. et Os.* 25, 360e4f.), and speaks of

> great and strong beings in the atmosphere, malevolent and morose, who rejoice in [unlucky days, religious festivals involving violence against the self, etc.], and after gaining them as their lot, they turn to nothing worse. (ibid. 26, 361b21–3 [tr. Griffiths])

The use of such malign *daemones* by human beings seems not to be even remotely imagined here: Xenocrates' intention was to provide an explanation for the sheer variety of polytheistic religious worship; but it is the potential for moral discrimination offered by the notion of *daemones* which later, certainly by the later second century AD, became one further means of conceptualizing what distinguishes dominated practice from civic religion, and furthering the transformation of that practice into intentional profanation.

Quite when the point was first made remains unanswerable. Much the same thought as Diotima's is to be found in an explicitly Pythagorean context of probably late Hellenistic composition, the *Pythagorean Commentaries*, which evidently draws on older popular representations:

> The whole air is full of souls. We call them *daemones* and heroes, and it is they who send dreams, signs and illnesses to men; and not only to men, but also to sheep and other domestic animals. It is towards these *daemones* that we direct purifications and apotropaic rites, all kinds of divination, the art of reading chance utterances, and so on. (Cited by Alexander Polyhistor ap. Diog. Laert. 8.32 = *FGrH* 273 F93 §32 = Detienne, 1963: 171 no.3)

This account differs from that of the early Academy in reaching back to the other, Archaic, view of *daemones* as souls, and thus anticipates the views of Plutarch and Apuleius in the Principate (Dillon, 1977: 46f.). It clearly implies that *daemones* can cause illness to livestock: this traditional dominated view has now reached the intellectuals. In that context, we may be reminded of the skill of the sieve-diviners (*koskinomanteis*) whose activities are described by Philostratus:

> There are certain old women who go about with sieves in their hands to shepherds, also to cow-herds, pretending to heal their flocks, when they are sick, by divination, as they claim, and they say they should be called wise (*sophai*) – indeed wiser than real diviners (*manteis*). (*Vit. Apoll.* 6.11, p. 624.11–16 Mumprecht [tr. Conybeare, adapted]).

If such women could decide through their sieve's answers which *daemôn* was causing the sickness, they could also induce *daemones* to cause illness. But Alexander, having no interest in the point, does not say as much. Nor does the issue occur, so far as I know, in discussions of *daemones* in the early Principate. We must conclude that, despite the attraction to philosophers in the Hellenistic period and the early Principate, and especially the Middle Platonists following up the work of Xenocrates, of a theory of *daemones* to protect God from direct responsibility for human suffering (cf. Plutarch, *De def. orac.* 14, 417d7–e1), but also to avoid the lure of dualism (cf. Brenk, 1986; Donini, 1990), the explanation of malign magic in such terms was of no interest to them – not even to Apuleius. Insofar as they thought of magic in the context of *daemones* at all, they assumed that they had done enough in relating the variety of religious practices to the variety of *daemones*.[36]

The reluctance of the Middle Platonists to discuss the issue is the more remarkable in that from the time of the *Chaldaean Oracles* (early second century AD) it was common to distinguish between an elevated form of magic and a lower (cf. Apuleius *Apol.* 26). As Calasiris the Egyptian priest puts it in Heliodorus' novel *Ethiopian Romance*:

> Of our wisdom there is one kind that is common and – as I may term it – creeps on the ground, which is concerned with ghosts and occupied about dead bodies, using herbs and addicted to enchantments (*epôdai*), neither tending itself nor bringing such as use it to any good end. It is often deceived by its own practices and its success is of a vile and terrible sort: that is to say it gives visions of such things as are not, as though they were, and beguileth men of such things as they looked for, a deviser of mischief and a minister of foul and unlawful pleasures. The other, my son, which is the true wisdom, from whence the counterfeit has degenerated, we priests and holy men do practise from our youth. It is conversant with heavenly things, liveth with the gods. (*Aith.* 3. 16 [tr. Underdowne, revised Wright])

This view, which is the premise of theurgy (Iamblichus, *Myst. Aegypt.* 161.10–16=3.26, p. 135 des Places), was made possible by the emergence in the Hellenistic period of a strong view of magic, and necessary by its fusion with private divination in the Principate. Intellectual proponents in Late Antiquity of private contact with the Other World by ritual means

were hard put to it to distinguish this aim from magic: they had therefore to stress the moral integrity of their undertaking by distinguishing it as sharply as possible from lower forms (cf. Augustine's comments on Porphyry, *Civ. Dei* 10.9 with Smith, 1974: 81–99). Iamblichus thus insists:

> Let us not, then, disdain to say this also: that we often have occasion to perform rituals, for the sake of genuine bodily needs, to the body's tutelary gods and to good daimones. (*Myst. Aegypt.* 221.1–4 = 5.16, p. 171 des Places [tr. Shaw])

The clearest possible implication is that malign, indeed all 'creeping', magic must be performed by wicked *daemones*; but Iamblichus avoids the issue.

The earliest non-Christian passage familiar to me which seems to adumbrate an account of the daemonic causation of malign magic is Pythagoras of Rhodes' *Psychomanteia*, that is *Necromancy*, probably dating from the late second century AD. This lost book discussed the identity of the spectral phenomena summoned in necromancy:

> first, what the proper term for them (i.e. spectral apparitions) is, whether they are gods or *daemones* or emanations (*aporroai*) of these, and whether (there is but) one *daemôn* who appears now in this form now in that, or whether they are many, all different from each other, some well-disposed, others malign (*agrioi*), some who sometimes speak the truth and others who are utterly fraudulent; he also describes the disagreements of older and more recent writers, and finally reaches the conclusion that spectral appearances are an emanation from (a single) *daemôn*. (ap. Aeneas of Gaza, *Theophrastus* p. 54 Colonna)

Pythagoras of Rhodes here draws on the common Middle and Neo-Platonist distinction (also to be found, at least hesitantly, in the *Chaldaean Oracles*) between good and malicious *daemones*, though he clearly goes beyond it in asking whether the daemonic world, in appearance multiple, may not fundamentally be a unity. But he also evidently appealed to the notion of compulsion to explain how these spectral apparitions appear:

> The gods summoned to appear do not delight in this, but are evidently drawn by some sort of force, some more readily than others. Some, especially if they happen to be good by nature, come as though making an easy habit of it, others, if they appear (at all), are on the look-out to cause harm, especially if the person seems negligent in the (ritual). (Porphyry, *De philosophia ex oraculis haurienda* ap. Eusebius, *Praep. Evang.* 5.7.6 = frg.347 Smith)

As we have seen, although the intellectuals may take note of one or other aspect of dominated or intentional profanation, the explanations they offer

are always in terms of their own agenda. Here too, we may suggest, Pythagoras of Rhodes was less concerned to examine the actual practices of necromancy than to distance early theurgic divination from creeping magic, to encourage the apparition of good spectres rather than of wicked and reluctant ones.

The one Platonist text clearly to link wicked *daemones* to the performance of malign magic is to be found in Porphyry's *On not eating meat*, written no doubt c.271 AD. But even this is not quite what we might expect, since Porphyry draws heavily on the traditional conception of magic as mere vanity. Wicked *daemones* are masters of deception, able to fill the mind with fancies:

> On their account misguided people prepare love-philtres and other love-magic. All forms of intemperance, all dreams of wealth and glory are due to them – and deception above all. For theirs is the kingdom of falsehood. (*De abstin.* 2.42.1)

This is in effect the same position as that of Calasiris noted above, contrasting 'creeping magic' with the true Egyptian magic, for whom low magic 'often deceives itself'. For Porphyry seems to be maintaining that it is the wicked *daemones* who suggest impious thoughts and actions to the misguided, rather than that they perform its undoubted effects. It seems clear that a theory of daemonic responsibility for magic could hardly make headway within later Platonism because of its prior commitment to an alternative theory, that of universal sympathy, derived from the pseudo-Democritean tradition.

Magic in History I have suggested already that the most decisive steps towards the development of a strong view of magic seem to have been taken in the Hellenistic period. We can point to two significant advances at this time, which will be sketched in briefly, since they require fuller discussion than I can here devote to them. Given the dominance of historical narrative as a means of grounding the moral order in antiquity, and especially in the Hellenistic period, it is no surprise to find magic too being represented in such terms (cf. Fox, 1993).

The only reasonably full version that survives is the account summarized by Pliny *HN* 30.1–11 (cf. Gordon, 1987a: 74–8). Unlike the notion of the eclipse, history serves not primarily as a device to explain magic away, but to gather together all the varied manifestations of marginal religious practice, dominated profanation as well as objective, under a single rubric, magic, which has invaded the Greek (and Roman) world from Beyond, namely Persia: its name guarantees its origin in the practice of the magi and in particular the arch-mage Zoroaster, who lived at a specific time in the past, six thousand year's before the death of Plato in 341 BC – or

perhaps, though it amounts to much the same date, five thousand years before the Trojan War (30.3f.). Not only can its origin be pin-pointed, but its prescriptive texts can be enumerated – at least from the early fifth century BC, which is the date of the first Ostanes, the author of the oldest surviving manual (30.8). This account in my view probably derives, at least in essence, from Hermippus of Smyrna, in the early third century, who in turn was using the Persian histories which came flooding out following Alexander's conquests (cf. Pliny *HN* 30. 4; *Diog. Laert.* 1.8). Also Hellenistic is the view that Pythagoras, Empedocles, Democritus and Plato all taught magic which they had learned from the wise nations (*HN* 30.9). Pliny's own contribution to this historical framework is solely to extend it to Italy, and the Roman Empire (12f.); these sections are noticeably thinner and lacking in the density of information that characterises the earlier ones.

The achievement of this historical account was to represent as a unified whole a mass of disparate material, some drawn from the religious traditions of complex civilizations in the Fertile Crescent, some from local practices encountered by the Greeks in Asia Minor, and some relating simply to traditional Greek marginal religion. A strong view of magic is constructed by amalgamating the long-familiar practices of Thessalian women (whatever they were exactly – no one of course knew in detail – but admittedly Greek) with the ex-hypothesi marginal religious practices of neighbouring non-Greek peoples such as the Telmessians of Lycia (or perhaps Caria: the sources differ), and putting this amalgam into an entirely new context, the temple traditions of the Egyptians, Medians, Babylonians, Assyrians, Phoenicians and Jews, most of them newly discovered by the Greeks, but at any rate for the first time truly and pressingly topical.

We will not go far wrong in seeing this (pseudo-)historical scheme as the key step in the formation of a strong view of magic in antiquity. It abstracts from the incoherent mass of marginal religious practice, using Homer's *Odyssey* – the story of Proteus, the arch shape-shifter; the song of the Sirens, as an instance of powerful incantation; the episode of Circe, who turned Odysseus' men into swine; the conversation with the dead (skiamancy) of Book 11 – to provide the concrete examples of what magic consists in. These four nodes together provide an image of a practice essentially constrastive – combining cognitive bewilderment, the power of the word over the mind, the unruled female, intercourse with the dead – and fits these instances of the prescriptive Other onto the new model of the geographical Other that emerged with Alexander's conquests. Earlier strategies of the same kind – the established image of the Thessalian woman, the diviners of Telmessus – are effortlessly fitted into the scheme. One advantage is that love-magic and divination other than necromancy now find a place. Another is the creation of a sort of

Huygens' construction: local magical practices, deriving of course ultimately from Persia, could nevertheless be seen as spreading in their own range – which explains, say, why Greek magicians were not dressed as Persian magi. But the most important gain is that the frontier between the proper and the improper use of religious power, which had run ragged and ill-defined through Greek cult practice, could now be understood as an essentially ethnic frontier: magical practice is objectionable because it is not Greek. At the same time the historical narrative provided an account of the sheer attraction or seductiveness of magic, an explanation of how We can simultaneously be They. Magic is implicitly itself a seduction of the mind, the philtre its perfect synecdoche: it was the second Ostanes, says Pliny, who aroused the Greeks *ad rabiem, non aviditatem modo*, to a frenzy, not just to eagerness for magic (30.8); and it was Democritus, who, as everyone agrees, 'more than anyone, instilled into people's minds its attractive charm (*dulcedo*)' (30.10). The Hellenistic history would in fact repay analysis in the light of post-Foucauldian conceptions of ethnicity.

Moreover, it combined its geographical matrix with another, analytical, one. On this view, magic consists of three aspects, medicine, religion and divination (*HN* 30.2).[37] Thracian Orpheus, whose powers of healing legitimated the practice of Thracian healers in the classical period (Plato *Charmides* 155e–156e, cf. Furley, 1994: 90f.), was evidently seen as the emblematic magical healer (Pliny *HN* 30.7). The inclusion of healing into the Hellenistic notion of magic is exceptionally important, since it is – naturally enough – normally absent from the stereotype of the malign witch, whose collection and preparation of herbs is conceived exclusively in terms of inverted cookery and straightforward poisoning. At the same time, it allowed a quite different kind of magical medicine, the already schematized and literate temple-medicine of Babylonia and Egypt, when it became available in the process of Hellenistic cultural transfer, to be fitted into an existing, largely negative, category. If 'divination' stands for all manner of marginal religious practice (Pliny actually takes astrology as his type of threatening 'magical divination': 30.2), 'religion' gestures towards the role of the official priesthood, the magi of Persia, the Egyptian temple priests, in developing the practice of magic, and above all in committing it to writing. It is this written tradition, the books by Ostanes, Zoroaster the 'second', Apollobex the Copt and Dardanus the Phoenician, that both gives magic its authority and underlines its marginality. The paradox is neatly captured in Pliny's treatment of the famous Greek magicians Pythagoras, Empedocles, Democritus and Plato: they all went abroad to learn about magic – for years and years indeed – and, considering it *in arcanis*, one of their special secrets, taught it openly, *praedicavere* (30.9).

Natural Magic The second explanatory innovation of the Hellenistic period is the development of the pseudo-Democritean tradition.[38] This tradition set out to collect as much information as possible about marvellous, interesting, useful occurrences both in the natural world and in the world of human (healing and agricultural) practice. Examples of the first might be:

> Even irrational animals protect themselves against the eyes of *jettatori* and wizards (*baskanôn kai goêtôn*) by an uncanny and marvellous instinct. I am told, for example, that as a protection against the evil-eye wood-pigeons strip shoots off the bay-tree and put them in their nests to protect their squabs. (Aelian *Nat. anim.* 1.35 [tr. Scholfield, adapted])

or:

> Pythagoras has recorded that . . . if you throw a holly stick at an animal, it will spontaneously roll nearer the target even if the thrower is not strong enough to hit it and it falls short. (Pliny *HN* 24.116 [tr. Jones, adapted])

Examples of the second:

> Democritus has advised a method of clearing (unwanted) stands of timber by soaking lupin-flower for one day in hemlock-juice and sprinkling it on the tree-roots. (Pliny *HN* 18.47 [tr. Rackham, adapted])

or:

> Democritus . . . devoted an entire book to the chameleon, each body-part receiving separate attention . . . [He] relates that its head and throat, if burnt on logs of oak, cause storms of rain and thunder, as does the liver if burnt on roof-tiles. (ibid. 28.114 [tr. Jones, adapted].

But there was also much information of an apparently straight-forwardly practical kind (Wellmann, 1921), of which the agricultural writer Columella gives us an example, concerning the growing of cucumbers :

> [Bolus of Mendes] advises us to have in our garden, on a site open to the sun and well-manured, fennels and brambles planted in alternate rows, and then, when the equinox is past, to cut them a little below the surface of the ground . . . and then insert the cucumber-seeds, so that, as they grow, they may unite with the brambles and the fennels. (*Rust.* 11.3.53 [tr. Forster and Heffner])

It has recently been urged that the pseudo-Democritean tradition, generally admitted to have been founded by Bolus of Mendes in the Nile Delta in the early second century BC (cf. Fraser, 1972: 1, 440–4), is to be understood as inherited directly from a continuous goetic tradition earlier represented by Empedocles (Kingsley, 1995: 325–8, 335–41). This seems to me a serious distortion (cf. Gordon, 1997a: 134–9). The originality of Bolus lay in his invention of the idea of natural magic. Such a category presumes the prior invention, and assimilation, of the idea of Nature, conceived as possessing its own rules and regularities. In other words, it concedes to the natural scientists and doctors precisely what traditional goetism did not, that natural things have natural causes. But if these writers accepted the idea of Nature, they emphatically did not accept Nature conceived rationalistically: it was the irregularities of Nature that interested them, that aspect of Nature which was most embarrassing to rationalistic natural philosophers (cf. Festugière, 1944/1950: 187–201). Nature is not to be domesticated by being explained: it is to be marvelled at (cf. Wellmann, 1928).

We must accept, as is anyway obvious from the number of pseudepigraphic texts that represent this tradition – the names Zoroaster, Ostanes, Hermes, Pythagoras, Democritus, and several others, crop up repeatedly, quite apart from the writers that used their real names, such as Demetrius, Nigidius Figulus, Anaxilaus of Larissa, Xenocrates of Aphrodisias (Festugière, 1944/1950: 196f.) – that there were many different strands in this movement during the Hellenistic and Roman period. Since the entire tradition has disappeared with hardly a trace, we must also be wary of over-simplification; and the whole topic badly requires a thorough modern treatment. But Pliny often speaks specifically of a group of texts within the pseudo-Democritean corpus as 'the Magi', in keeping with his more general view of the origin of magic; and he cites the Magi in particular for unpleasant, ridiculous or improper remedies. These will be books purporting to be by Zoroaster and Ostanes, which were considered to be simply one group within the pseudo-Democritean texts. Pliny knows when a magical remedy is to be distinguished from a trustworthy one: it is when it appears in one of these books. A magical remedy is a Magian remedy, and vice versa:

> The Magi prescribe sea-urchins to be burnt with vipers' skins and frogs, claiming (*promittentes*) clearer vision as a result. (Pliny *HN* 32.72 [tr. Jones, adapted])

For Pliny, this categorization often means that the remedy is suspect or doubtful, in keeping with the wider view of the vanity of magic. It by no means implies a malign prescription: the context within which Pliny cites these materials makes clear that the books in which they appeared meant by natural magic in principle beneficent magic, although they certainly included amatory magic in this notion:

> The blood of a bat, collected on a swab of wool and placed under the head of women, promotes sexual desire; (Pliny *HN* 30.143 [tr. Jones, adapted])

or:

> The Magi . . . say that, after piercing a frog with a reed from the sex through the mouth, if the reed is (then) stabbed into (his wife's) menstrual blood by a husband, she will be put off adultery with lovers. (Pliny *HN* 32.49)

It seems likely, however, that amatory recipes were tacitly confined to those which reinforced not merely the asymmetrical relationship between the sexes but also maintained the authority of the marriage-bond (see also the recipe noted below in a similar context). There is much to indicate that Magian remedies included adventurous ones, for intervening into problems with the spirit world:

> The Magi tell us that sprinkling with mole's blood restores the delirious to their senses; while those who are haunted by night ghosts and goblins are freed from their terrors if tongue, eyes, gall and intestines of a python are boiled down in wine and oil, cooled by night in the open air, and used as embrocation night and morning; (*HN* 30.84 [tr. Jones, adapted])

or:

> 'Glossopetra', which resembles the human tongue, does not, we are told, form in the ground [as most stones were thought to do] but falls from the sky during the waning of the moon, and is indispensable to the moon-diviner. (*HN* 37.164 [tr. Eichholz])

Nevertheless there can be no doubt that the pseudo-Democritean books did employ explanatory schemes: many of them at any rate were not bare receptaries, but set out to defend the view that there is in Nature an inherent, marvellous power, which may be used for healing, exorcizing, divining, becoming rich, and many other purposes. The theory is best summarized by the Neo-Pythagorean Plotinus in the mid-third century:

> In the arts of the magicians everything is directed towards this linking: this means that magic works by powers which follow on sympathetically. (*Enn.* 4.4.26.3f., 2:109 Henry-Schwyzer [tr. Armstrong])[39]

To that end they ransacked the materials on the natural world already assembled by the Peripatetics to find reports of the extraordinary, the marvellous. That is, they redefined in their own interest examples of natural behaviour already found remarkable by Aristotle, Theophrastus

and their followers; many of these in turn had been noted by hunters and farmers, and some, such as the seal and the octopus, were traditional elements of the antique bestiary, noted already in the Archaic period (cf. Detienne and Vernant, 1974; Lloyd, 1983: 7–57). It goes without saying, as we have already noted, that these were not neutrally-reported items of natural history but items already packaged with cultural meaning. But, as far as we can see given the state of the evidence, the pseudo-Democritean writers were not at all interested in the traditional plant lore of wise-folk and root-cutters, nor in their methods of gathering them. They collected mainly from books, not in the field. Like the school doctors, moreover, they completely disregarded the incantatory element of rhizotomic healing practice. They thus sundered an originally unitary practice – precisely the cant phrase for magic 'drugs *and* incantations' – in order to make the claim that the marvellous power inherent in Nature was directly available. Their magic consisted only in 'drugs', not in 'incantation'.

The relation of the pseudo-Democritean tradition to the lore of wise-folk and root-cutters may perhaps be compared to that of, say, Bernardino de Sahagún to the remains of Aztec civilization (Grafton, 1992: 140–7). On the one hand, without a general theory, without an urgent agenda, there would have been no occasion to quarry out and preserve thousands of individual practices often repellent in themselves and at odds both with general conventions of the seemly and with the doctrines of school medicine. These would then, with the passing of the Peripatetic impulse, be lost to us even more completely than they are. Without the Hellenistic encyclopaedic tradition to provide a framing device, no organised sense could have been made of the disjected members of embedded practice. On the other hand, just because the pseudo-Democritean writers were educated outsiders, with their own agenda, the process of selection and combination of elements did violence not merely to the precise manner in which such practices were employed by wise-folk and root-cutters but also to their accounts of them, the sense they made of them. All that was quite irrelevant to the encyclopaedic mind. The coherence of a given practitioner's practice, its inner logic or symbolism, its shifts over time, were likewise of no significance. It is no accident that many of these compilations seem to have been ordered alphabetically: a purely schematic system of ordering, remote from lived experience, neatly emblematizes the divergence between the culture evoked and the thought-world of the pseudo-Democritean tradition.

The main principle these writers appealed to, where possible, as we saw in the example from Columella, was that of sympathy, adapted from Stoic cosmology.[40] In particular, they explained the working of remedies on the principle of antipathy, usually in the verbal form rather than as an abstract noun (Röhr, 1923–4: 34–8):

> The scorpion when pounded up counteracts (*adversatur*) the poison of the spotted lizard – a malign drug [*malum medicamentum*] is made from this lizard: if you drown one in wine, it causes the face of anyone who drinks the wine to come out in blotchy spots. For that reason, wives who want to destroy a concubine's looks kill a lizard in their make-up jar. (Pliny *HN* 29.73 [tr. Jones, adapted])

But the pseudo-Democritean writers were also interested in the exotic marvellous, in the tales of the Orient that they found in the historical and geographical writers on Persia, India and North Africa. These notices powerfully reinforced their claim that Nature abounded in marvels:

> Democritus [tells us of] the *achaemenis* [which is] of amber colour, has no leaves, and occurs among the Taradistili of India; he says that criminals confess all their misdeeds if they drink it in wine: they suffer terribly from apparitions of different demons. It is also called *Horseshy* because mares especially shy away from it. (Pliny *HN* 24.161 [tr. Jones, adapted])

Here too evidence of the working of sympathy (or is it antipathy? – as so often, the choice is arbitrary) might be found:

> Bolus the follower of Democritus, in his book *On Sympathy and Antipathy* [an alternative title for his *Physika dunamera, Remedies of (Natural) Potency*], says that in Persia there was a deadly plant, which the Persians introduced to Egypt so that many people should be killed; but the land of Egypt being good, it turned it into its opposite, and caused the plant to produce very sweet fruit. (Σ Nicander *Ther.* 764a, p. 276.4–9 Crugnola = 68 B300 §4 *DK*)

But an Eastern origin may sometimes be merely an indication of authority: 'This remedy [one for preventing drunkenness] was discovered by Orus, king of Assyria' (*HN* 30.145). There is, moreover, good reason to assume that some of the material incorporated into the Magian texts, and into the accounts of marvellous stones in particular, are indeed derived ultimately from Babylonian tradition: the name of Zachalias, who dedicated a book to Mithradates of Pontus (in the first half of the first century BC therefore), is here particularly important (Wellmann, 1935). His book ascribed 'man's destiny to the influence of precious stones'. Pliny reports his account of haematite:

> he is not content with crediting it with curing diseases of the eyes and liver, but places it even in the hands of petitioners to the king, allows it to interfere in law-suits and trials, and proclaims also that to be smeared with an ointment containing it is beneficial in battle. (Pliny *HN* 37.169 [tr. Eichholz])

Reliance upon Babylonian, and Egyptian, traditions supplemented the claim about sympathy by referring awareness of the marvellous power of Nature to the wise nations.

But there was also a specifically Magian argument for the power ascribed to certain animals. This amounted to an adaptation of the traditional strategy of noting animals that were classificatory misfits, what Aristotle calls 'dualizers', and, in effect asking: Why do these animals exist? Why has Nature created them?

A case in point is the tick. This is a quite repellent animal, says Pliny, which is singled out by the Magi for two reasons: it is the only animal without an anus; and the more it eats the quicker it dies (*HN* 30.82). It lives only for an astrological week, but bursts open earlier if it eats to its heart's desire. He expresses that idea more pointedly elsewhere: its own food is the death of it (11.116). Now Aristotle, who was often alerted to dualizers by popular lore, also found animals without vents interesting, for example hermit crabs and sea-squirts, since in his view the vent was one of the three essential parts of animals, the others being the mouth and the intestine (*HA.* 1.2, 488b29ff. etc.; cf. Lloyd, 1983: 38f.). But the Magi known to Pliny had no time for the lower reaches of biology. They found the tick especially interesting because it denies not one but two common-sense facts about animals, that they eat to live, and void excrement.

Pliny stresses that the entire life of the tick consists in burying its head in blood (*HN* 11.116). This suggests that what interested magical practitioners in them was that they contain blood. Indeed, most recipes that call for them also specify the kind of animal it must come from – a black dog (PDM lxi.130), a pig-tick (Pliny *HN* 30.84 = Nigidius Figulus, frg.128 Swoboda), for example. Blood, whether as ink or as an independent agent, is a fundamental ingredient in the Graeco-Egyptian and Demotic formularies (e.g. for activating a drawing or written spell: *PGM* IV 3260; XXXVI. 233–5, etc.; cf. Waszink, 1954b). But the literate Magian tradition was not content with such an explanation, perhaps was not even aware of it: its interest lay in finding reasons for thinking the tick interesting within the frame-work of a Nature already enruled by the philosophers. It proceeded by searching for natural rule-breakers whose oddity could be expressed in terms of uniqueness, taking their cue not from popular lore, evidently, but from the Peripatetic tradition. On the other hand, Aristotle's own awareness of the interest of such unique animals may itself have been in part indebted to an exotic tradition, the sacred animal-lore of Egypt: Herodotus' Egyptian informants had already told him that the crocodile is the 'only animal' which does not move its lower jaw (2.69).

There is a further point about the tick. In the matter of ventlessness, it seems likely that others in the pseudo-Democritean tradition had a

different champion of uniqueness. At any rate Pliny elsewhere has an entry about cicadas:

> These creatures are used as food by the peoples of the East, even the Parthians, who have lots of (other) things to eat . . . [The pupae] break out of their cocoons at the solstices and fly out, always at night: at first they are black and hard. This is the only living creature actually without a mouth; they have instead a sort of row of prickles resembling tongues . . . with which they lick the dew . . . When they are disturbed and fly away, they give out moisture, which is the only proof that they live on dew; moreover they are the only creatures that have no opening for their bodily excreta. (*HN* 11.93f. [tr. Rackham])

Now much of this report derives more or less directly from Aristotle, *HA* 5.30, 556a14–b21 (cf. Beavis, 1988: 96–9). The point that it is 'the only animal without exception' lacking a mouth is also derived from him (*HA* 4.7, 532b10–12). Moreover it is clear that even in the fourth century BC there was disagreement about whether cicadas had an excretory vent. Aristotle remarks:

> As they fly up after you have startled them, they discharge a liquid like water: country-folk will tell you this is their urine, – they do excrete, and they feed on dew. (*HA* 5.30, 556b14–16 [tr. Peck, adapted])

But Aristotle's own view was that, because the cicada's sole food was dew, 'it does not have excrement in its abdomen' (*HA* 4.7, 532b14). But what he does not say is that the cicada is 'the only animal without a vent'.

Now Pliny cites Nigidius Figulus (pr. 58 B.C.) – the friend of Cicero 'interested in almost every possible religious and magical tradition' (Rawson, 1985: 94), who wrote a 'Democritean' book *On Animals* – as one of his sources for Book XI. It is tempting to think that Nigidius saw the value of Aristotle's claim for contesting the report of the Magi about the uniqueness of the tick. Although it too has no vent, the cicada is an altogether more elevated animal than the loathsome tick: instead of blood, it lives on dew – 'heavenly dew' remarks Ovid (*Fasti* 1.311) – and, going one better than the tick, has neither mouth nor vent. The 'only animal' formula added by Pliny may therefore derive from Nigidius. Such superiority might suit him, as implying a criticism of 'low' Magian beliefs. But the mere appearance of these two contrasting claims within the pseudo-Democritean tradition based on the same issue suggests that some of these writers at least were eager to justify their claims in scientific terms – precisely because they wanted to be taken seriously by the educated. It also suggests a conscious difference of view within the tradition about the kind of power magic should be aiming at. That is consistent with the point I made earlier about the self-proclaimed differentiation between high and low magic, and indeed suggests that it begins much earlier than the Chaldaean Oracles.

The Power of Words (2) We may, finally, return to the issue of the force of magical words, and more generally rituals, with which we began this section. The development of a strong view of magic implied that the old view of magical words, that they were just like poetry, came to be felt inadequate. In particular the *Ephesia grammata*, the mysterious letters or symbols used in the making of amulets, presented an inexhaustibly fascinating problem (cf. Hopfner, 1921–4/1974–90: 763–6, §760; Preisendanz, 1962; Le Boulluec, 1981: 2, 174–7). One of several strategies for making sense of them was to claim that they were not names,[41] or pictures, or designs, as others thought, but words, indeed words which tell a sort of story about natural theology. This move is associated with the rather shadowy compiler Androcydes, to whom a book on Pythagorean symbols was later ascribed (Burkert, 1962b: 151f.; Thesleff, 1965: 170):

> Androcydes . . . says that the famous [possibly 'notorious'] so-called Ephesian letters are ordered as allegories: *askion* signifies 'darkness', because darkness throws no shadow (*skia*); *kataskion* signifies 'light', since it casts shadow with its light (*kataugazei*); *lix* is an old word meaning 'the earth'; *tetrax* means the 'year', because of the (four) seasons; *damnameneus* means the Sun, which is overpowering (*damazôn*); the *aisia* means 'the true voice'. The allegory intimates that divine things have been arranged in due order, for example, darkness in relation to light, sun to create the year, and the earth to make possible every sort of natural coming-into-being. (Clement Alex. *Strom.* 5.8.45.2–3, p. 356 Stählin)

Androcydes, making use of the Homerists' device of allegory for interpreting inconvenient, or simply unintelligible, passages (Lamberton, 1986), has translated the enigmatic tradition into his own language. The puzzle has been resolved by ingenious evocation from lexical facts (altered if they did not fit) and phonic analogues. For example, the significance 'year' for *tetrax* is tacitly grounded in the double claim that *tetrax* is 'really' *tetras* and that, since a year contains four seasons, the notion 'four' is a code for 'year'. The resolution is completed by the provision of a quasi-narrative link between the decoded elements, which converts the six 'words' into a theological hint. The *grammata* turn out really to be a cryptic form of natural theology: their power is of a wholly intelligible kind. They are the remains of an ancient wisdom, the flotsam of a lost deep knowledge.

The implausibility of this line of argument was apparent as soon as one considered not 'names' in isolation but took incantation for what it obviously was, an illocutionary act. Such acts, on the ordinary model,

require addressees. Well, who were the addressees of incantations? One older view, as we have seen earlier, taking the medical incantation as the type case, understood the addressee to be the client or victim. This view remained available well into the Principate. It could be neatly combined with the spatial view of the distribution of belief in magic: Celsus, the Platonist opponent of Christianity in the later second century AD, cites an otherwise unknown Egyptian musician named Dionysius for the view that

> magical arts are effective with uneducated people and with men of depraved moral character, but that with people who have studied philosophy they are not able to have any effect, because they are careful to lead a healthy life. (Origen, *C. Cels.* 6.41 [tr. Chadwick, adapted])

The moral worthlessness of magic has here been turned into an explanation of its possible limits, an explanation highly flattering to the guild of philosophers. This account clearly assumes that magic works primarily against the mind – the model of the love-philtre casting its clear shadow; and Plotinus, seventy-five years later, casually uses the image of 'minds swamped by illness or by magical arts' (*Enn.* 1.4.9.1f., 1:91 H–S., tr. Armstrong). He quite naturally therefore explained the effectiveness of magical incantation at a distance by appealing to a 'super-mind', a mind that links all life together, the World-Soul (4.9.3.4–9, 2:245 H–S.). He evidently thought of it as in some sense a transmission network for magical utterance, and indeed other magical operations: 'a word spoken quietly acts on what is far off and makes something separated by an enormous distance listen' (tr. Armstrong).

It is also in the these terms that Plotinus tried to explain how it was that one of his rivals, Olympius of Alexandria, should have failed to kill him by means of malign magic (cf. Brisson, 1992: 466–8). Evidently Plotinus regularly suffered from painful spasmodic attacks, and came to interpret them as the result of Olympius using star-magic against him. But then Olympius found himself suffering (other) symptoms:

> But when he realised the attack was being turned against himself, he declared to his companions that the power of Plotinus' soul was enormous, in that it was able to beat the attacks on him back onto those who were attempting to harm him. (Porphyry, *Vit. Plotin.* 10.5–9, p. 15f. Henry-Schwyzer, cf. Luck, 1985: 121)[42]

Plotinus' reason for thinking that he had been attacked by magic evidently lay in the character of the symptoms, which he describes in an allusion to Plato's *Symposium* as 'his body being forcibly agitated 'like those bags you pull together with string', his limbs being quite contracted' (10.10–12). The symptoms are on a variety of counts 'strange': one suspects magic at work. At the same time, his account of the fact that he did not die, but

merely suffered cramps (or whatever our nosology might offer), was evidently that his soul had been able, through its purity or discipline, to deflect the attacks. We find him saying as much elsewhere:

> How is the good man affected by magic and drugs (*goêteia kai pharmaka*)? He is incapable of being affected in his soul by magic arts, and his rational part would not be affected, nor would he change his mind; but he would be affected in whatever part of the irrational in the All that is in him, or rather this part would be affected . . . Just as the irrational part of him is affected by incantations, so he himself by counter-chants and counter-incantations (*antadai kai antepadai*) will dissolve the powers ranged against him. (*Enn.* 4.4.43.1–6, 7–9 [tr. Armstrong, adapted], cf. Luck, 1985: 120)

The philosopher's essential parts, what makes him a philosopher, his soul and his rational mind, are on this account impregnable to magic, which can only affect that which belongs to the lower man, the irrational. The appetitiveness associated with magic inspires the Neo-platonic solution of the difficulty: the traditional distinction between good religion and bad magic is applied to the inner economy of the soul.

Elsewhere in this same passage however Plotinus shows awareness of a different notion of the addressee of incantation, or magical ritual more generally, namely the gods, or *daemones*. As Apuleius remarks, ordinary people think of the magician as one who

> by verbal communication with the gods, has the power to accomplish everything he dreams of thanks to the extraordinary power of incantations (*incredibili quadam vi cantaminum*). (*Apol.* 26)

If magic is illicit religion, why is it effective? Why do the gods or *daemones* listen to what they ought not to hear? The moralization of the gods naturally gave rise to fresh problems as it solved others. Many different answers must have been canvassed in the ancient world. Virtually our sole indication of this variety is an authorial intervention in the Erictho-scene in Lucan's *Bellum civile*:

> What is this care the gods take to obey their witchcraft, this fear of rejecting it? Have they made an agreement whose stipulations bind them? Are they obliged to obey, or do they do so willingly? Do magicians wield so much power thanks to some secret ritual or does their power come from threats uttered beneath the breath? Do they exercise this sway over the gods as a whole, or do these commanding incantations control one god in particular, who is able to force the world to do what is forced upon him? (*BC* 6. 492–9)

Lucan provides no direct answers to this catalogue of questions: he only introduces it in order to claim the authority to impose his own scheme on the realm of magical action (cf. Gordon, 1987b: 238). But they seem to be ordered in a hierarchy. Assuming that it is correct to interpret the success of magical action in rational terms (so the implied argument runs), it must be by permission of the gods. Their punctiliousness – or is it fear? – might be explained by analogy with legal agreements and obligations. But their relation to magic may be more like their relation with civic cult, in which they take pleasure – but if so, it cannot be a civic piety of an ordinary Graeco-Roman kind. Language is implicitly present in both these options, in the oath or promise associated with legal agreements, in the prayers of civic cult; and it makes its appearance explicitly in the paradoxical notion of 'silent threats', which is evidently taken as the most plausible option, and then briefly elaborated in the question, 'All the gods, or just one grand one?' The authorial voice seems here to suggest that the best – we might say the most economical – explanation of the power of incantation over the natural world is the control it bestows over a single all-powerful divinity (cf. Statius, *Theb.* 4.512–17). This reading seems to be confirmed by Erictho's later successful threat to appeal to the unnamed god at the bottom of Tartarus, in relation to whom the gods of the underworld are 'the gods above' (749). And it is re-echoed in Pythagoras of Rhodes' argument, noted earlier, that all spectral apparitions are emanations from a single *daemôn*. An 'inverted theology' seems to be be in process of tentative formation.

But this was by no means satisfactory to those who maintained the distinction between high and low magic. Compulsion was all very well for reptilian magic, but would not do for them. There must be a better alternative theory. It was found in the notion of divine pleasure (Hopfner, 1921–4/1974–90: 1, 440–51 §717–30; Waszink, 1972). In its classic formulation, Iamblichus picks out as the crux of the matter the *voces magicae*, the apparently unintelligible words that often occur in magical utterance (*Myst. Aegypt.* 257.1–260.2 = 7. 5, p. 193f. des Places; cf. Porphyry, *Epist. ad Anebonem* 2.10, p. 22 Sodano). According to this view, the *a priori* changelessness of the divine world is mimicked in the gods' linguistic conservatism (cf. Origen *C.Cels.* 1.24; 5.45 etc.). Although they do not themselves of course speak Egyptian or any other primeval language, the gods take pleasure in these languages because it was in them that they were first worshipped. Such utterances are thus naturally appropriate to divinity and inherently more effective than artificial prayers which, like those of the Greeks, make sense to those who utter them and whose formulae are therefore subject to constant change. But in practice such languages are preserved in magical contexts only in fragments, consisting of strings of formulae or individual 'words', construed nevertheless as true phrases in these primeval languages. They are to be seen as remnants of a primal order of things (cf. Frankfurter, 1994). In the previous section, Iamblichus insists that none of the assumptions one ordinarily makes about language are valid in the context of the purest forms of such 'words', those known only to the gods and which they have not revealed to us: they do not have a meaning expressible in other terms – that is, there cannot be a lexicon of them. They cannot be grasped by logic – that is, they do not have formal, rational links with the rest of experience. And they cannot spontaneously be uttered – they are ineffable signs lodged in our minds, denoting divinity (ibid. p. 255.17–256.1 = 7.4, p. 192 des Places).

This view of the unintelligible 'words' used at certain points in ritual magical incantation, relying upon the rule that they must be uttered exactly in the correct way, ingeniously claims for them a place in heaven – they are in themselves, as it were, threads attaching down here to up there. Analogously, other accounts of them – for example the *Corpus Hermeticum*, stressing as usual the uniqueness of Egypt – suggest that it is the immanent force (*energeia*) of the words when uttered properly in Egyptian that gives them their effect (*CHerm.* 16.2, 2: 232.5–8 Festugière-Nock, cf. Fowden, 1986: 37f.; also Proclus, *Comm. in Cratyl. 391d-e*, p. 31.28–32.17 Pasquali). Here the motif of the pristine utterance takes on a rather Berlitz tone, for the point is to assert that the only effective magic is Egyptian, as performed by Egyptians. But it is also extremely risky: for the more speculation insisted on the pleasure with which the gods listened to *voces magicae*, the wider the gap yawned between high magic and vulgar magic. But vulgar magic also used these 'words': did the gods take pleasure in them too? Even when they were used for malign purposes? But that amounts to allowing the argument from compulsion in by the back door . . . In the last resort, it was no use in the Principate taking over conventional beliefs from Egypt, where magic had always been the preserve of the higher temple clergy, and where ethical considerations in relation to *h3ka* had never had much force. In the world of the Roman Empire, the ethics of magic were all-important.

THE REPRESSION OF MAGIC

We thus come finally to Greek and Roman legal attitudes towards dominated religion, and in particular magic. These naturally were formed within the varied contexts which I have set out in the preceding sections. Although the analogies between them are striking, it will be simplest to take the Classical and Hellenistic Greek world separately from the Roman Republic, and examine the Principate last, for it is in this period that we

find the most significant alterations, contingent not merely upon the Hellenistic development of the strong view of magic but, more profoundly, upon the new political and ideological situation created by the emergence of an universal autocracy.

The Greek World in the Classical and Hellenistic Periods

So long as 'magic' meant dominated practice, that is, before the emergence of a strong view of magic – and indeed, long after such a view was available in principle to intellectuals – legal sanctions were formulated only against the harm that might be attributed to such practice. The basic principle is tacitly acknowledged in the scene in the *Odyssey* in which Circe turns Odysseus' companions into pigs:

> She brought them inside and seated them on chairs and benches,
> and mixed them a potion, with barley and cheese and pale honey
> added to Pramnian wine, but put into the mixture
> malignant drugs, to make them forgetful of their own country.
> (Homer, *Od.* 10.233–36 [tr. Lattimore])[43]

The exemplary character of the contrast between harmful and beneficial drugs is made explicit in the same context, when Hermes meets Odysseus as he is on his way up to Circe's palace, and offers him *moly*, a 'good *pharmakon*', to protect him from the effects of a *pharmakon*, therefore 'harmful', which Circe will put into the food she offers him (10.286–92; cf. 326f.). *Moly* (a divine, not a human, name) registers the compulsive polarities of this moral world in its own appearance: for if its root is black, its flower is white as milk (10.304).

But the real world is less gratefully unambiguous. The true properties of natural substances, particularly in combination, were very little understood even by professional healers of any stripe. The semantic range of the word *pharmakon*, 'drug', covers equally 'remedy' and 'poison'. While Hippocratic medicine made a determined effort to rationalize and naturalize conceptions of how drugs might work (Stannard, 1981), the sheer frequency of *pharmakon* in a metaphorical sense in poetry and prose makes it clear that this was the exception: the notion was useful precisely inasmuch as most people could see no value in distinguishing between 'physical' and 'marvellous' effects – and it certainly was not in the interests of traditional healers to attempt to do so (Scarborough, 1991). Indeed, Helen's *nepenthes* neatly captures the inherent ambiguity of the notion: she puts this *pharmakon* into the wine,

> and whoever had drunk it down once it had been mixed in the wine-bowl,
> for the day that he drank it would have no tear roll down his face,

> not if his mother died and his father died, not if men
> murdered a brother or a beloved son in his presence
> with the bronze, and he with his own eyes saw it.
> (*Od.* 4.222–26 [tr. Lattimore])

The authorial voice is at pains here to stress that *nepenthes* belongs to the class of good drugs (227f.); but to whom would it in fact occur to praise unreservedly a drug with such powers that it makes one oblivious of the elementary human feelings of pity and terror? – Ecstasy or crack cocaine have indeed exactly these powers, we might think. Moreover, in its influence upon the mind rather than upon the body, in its ability to influence something as intangible as mood, *nepenthes* is both the model of all psychotropic drugs, beginning with alcohol, and highlights the ideological nature of our own distinction between purely physical ('objective') and purely imaginary ('magical') effects.

At any rate, to practise with drugs was to walk on a knife-edge; and the more marginal the praxis, the more readily the practitioner might be exposed to a charge of manslaughter or even wilful homicide if things went wrong. The danger was apparent to the Hippocratic author of *On the sacred disease*, who accuses magical healers of deliberately

> prescribing no *pharmakon* either to drink or to eat; nor did they make them bathe, so they could not be held responsible (if the patient died). (2 = 1.21, p. 62.40f. Grensemann)

In some states at least, there were explicit injunctions against the use of 'harmful drugs'. Direct evidence for this is known only from the city of Teos on the Ionian coast, but formal rules of this kind must in my view have been relatively common. The text from Teos lists a number of sanctions in the form not of a law but of a public curse, reaffirmed three times a year by the Timouchoi, a board of magistrates specifically charged with this function.[44] The curse relating to the use of harmful drugs comes first in the sequence:

> Whoever employs harmful *pharmaka* against the people of Teos, either against the city as a whole or against a private individual, let him be destroyed, himself and his entire family. (*ML* 30 a1–5)

All the curses are directed against public enemies of Teos. The context is probably the unsettled situation after the return, in the years following the Persian defeat at Mycale (479 BC), of a sizeable group of citizens after more than half a century of voluntary exile. How exactly 'harmful drugs' might be used against the population as a whole is unclear: but the most likely reference is to witchcraft causing unseasonable weather leading to disastrous crop failure, or to an outbreak of disease believed to be caused

by drugs.[45] The triannual public reiteration of such execrations is an invitation to take such fears seriously, and by the same token to interpret the death or illness of individuals, their families, and livestock as the result of malign sorcery. The grounds for suspicion, the number and social weight of those who believed themselves affected, the strength of the arguments that could be adduced, the suspect's personal conduct, social figure and reputation, family alliances – all of these were variables in the situation.

Gossip was central, as we can see from a couple of the Hellenistic texts on lead sheet from the sanctuary of Demeter and Persephone at Knidos in Asia Minor. They are examples of a wider class of vindicative texts related to, but distinct from, curse tablets proper, in which individuals, evidently unable to call on more tangibly effective means of redress, seek divine revenge on those who have wronged them, for example by theft or by refusing to return something that had been entrusted to them (Versnel, 1987; 1991). In one of these texts an unnamed woman invokes the goddesses to counteract current gossip that she has 'poisoned' her husband, that is, I take it, that she has tried to control him by means of a philtre:

> I consign to Demeter and Persephone the man who accuses me of giving my husband *pharmaka*.[46] May he burn inside and come with all his family up to (the temple of) Demeter and confess, and may he not find Demeter and Persephone and the gods who dwell with Demeter well disposed to him; but to me may she (show herself) holy and generous, that I may dwell under the same roof (as my husband) or somehow share my life with him [possibly: have sexual intercourse with him in whatever way]; I consign also (to these divinities) the man who has written (a denunciation) against me, or caused one to be written. (*I.Knidos* 150a1–8 = *Syll.*³ 1180 = *DT* 4a)

Presumably the vindicatrix, suspected not merely by the unnamed accusers but also by her husband, cannot appeal to her own family of origin for support in the conflict, or they are too uninfluential to be of much help. Now that the gossip has crystallized into an accusation, having no adequately powerful or effective human friends she can only adopt a weaker strategy, in the hope that a vindicative gesture may to some extent weigh in the balance. Her invocation of the goddesses is based on the acknowledgement that she would run the risk of being punished by them if she were lying. The second curse makes this explicit: a woman named Antigone invokes a curse on herself 'if I have given a *pharmakon* to Asklapiadas or have maliciously schemed against him, or summoned a (wise-) woman to the temple and offered her three half *minae* to curse him to death' (*I.Knidos* 147a6–18 = *DT* 1).

Women such as these had indeed everything to lose if the gossip

succeeded seriously in eroding their position and convincing third parties of their guilt. The danger is vividly illustrated by a 'confession text' of the second century AD from Smyrna (Izmir), addressed to Anaitis and the god M(e)is (Men), which – sadly – tells us almost nothing of what we should like to know.[47] The case involved a woman named Tatias, who was believed by her neighbours to have driven her son-in-law Iucundus mad by means of a *pharmakon* – the wider background is not mentioned, but we may suspect that (supposing there is anything in the story at all) she had tried to help her daughter keep her husband's love by giving him, or arranging for the administration of, a philtre; but since her son Socrates was also evidently involved the quarrel may (prior to this) have involved money or property. When gossip hardened to accusation, Tatias tried to defuse the situation by 'raising a sceptre' in the temple, that is taking a solemn oath that she was innocent, calling curses upon herself and offering 'to explain the gossip concerning her' (l.11–13). But evidently she failed: 'the gods ordained a punishment for her, which she did not escape' (l4f.) – that is, a court presided over by the priest(s) found her guilty and condemned her to death. Gossip prevailed; and the text burrows down into dead Tatias' mind to find her guilty conscience (l.13). The propriety of this judgement was later miraculously confirmed by an accident: her son Socrates dropped a vine-pruning hook on his foot as he was passing the entrance to the sacred grove and died within twenty-four hours (15–23).[48] Oddly enough, the stele, to the glory of the power of the two gods, is erected not by Iucundus (who was presumably still mad) but by Tatias' four grandchildren, to expiate their grandmother's false oath of innocence and the curses she had called down upon herself, which have been so signally – but not in her sense – vindicated. Their mother, Moschion, who must in fact have been crucial to the entire drama, plays no role in this pious version.

But because the Greek world was in politico-legal terms no unity but a congeries, perhaps even a family, of independent legal codes and traditions, we must assume that the situation in each state was in detail somewhat different. As usual, the only city for which we have a little more information is Athens.

The underlying problem in discussing the issue of the legal treatment of magic at Athens is not merely that before Magic there was only dominated practice but also that Athenian (indeed Greek) conceptions of law, both under the democracy and later, are so alien. Under the democracy the law was concerned only to indicate the forms of action available to plaintiffs, not in any sense to define crimes or torts (delicts) (Todd 1993: 49–73). Most offences or plaints could be prosecuted in several ways, according as the plaintiff saw his advantage (ibid.: 160). Statute law was not easy to discover, since there were no indexes to past decisions of the assembly.

Moreover, just as there were no judges, so there were no experts in the interpretation of laws comparable to the Roman *iuris prudentes*: a law had today whatever meaning a speaker at a trial could successfully convince the jurors that it had – and tomorrow perhaps something different. Indeed none of the words used in Athenian laws had legal definitions: for the most part, law was simply the written form of custom (ibid.: 205).

Apart from the powers of summary execution of robbers, adulterers, and others caught red-handed that could be exercised by the Eleven, which I have already mentioned, offences at Athens could only be prosecuted by individuals, generally those directly affected; though after Solon's introduction of *graphai* in the early sixth century any qualified citizen was permitted to prosecute in many types of case. Nevertheless there was a feeling in the case of crimes against the body that the community as a whole had somehow been injured. A citizen who believed that he had been harmed by magic and wished to take the matter to court had three possibilities open to him.

1. If the complaint was that his health, or that of his family (including slaves), had been harmed by *pharmaka*, or that he had lost livestock or crops by the same means, he could bring a *dikê blabês*, a suit for damages. Although no legal speech survives dealing with such a case, and there is no other direct evidence, the *dikê blabês* certainly was available for a very wide range of harm, intentional and unintentional (Osborne, 1985: 56–8), and we shall see later that Plato simply assumes that damage caused by magic is a form of *blabê*.[49] In other words, the offence lay not in the issue of magic but in the harm to property or health.

2. The same basic point holds good for the more serious offence of killing, or attempting to kill, someone by magic. According to the Aristotelian *Athenian Constitution*, cases involving death by *pharmaka* ('if someone administers a drug and thereby kills another': 57.3) were tried before the Areopagus, the usual court for cases of murder.[50] Since the Areopagus also heard cases of deliberate wounding, we can plausibly argue that charges of attempted murder by malign magic also fell under its authority. But the law evidently mentioned simply *pharmaka*, making no distinction between between what we would term 'purely' physical and magical drugs: once again, it was the death or near-death that was central, not the magic. There could obviously be no clear distinction between using *pharmaka* to harm an enemy's health and attempting to kill him by such means. But in an ordinary *dikê* witnesses did not have to swear an oath, whereas they, and the litigants, were required to do so in trials for (attempted) homicide, the *diômosia*, which might well be more difficult to arrange – witnesses could not be forced to give evidence (there are none in Antiphon's *Stepmother* case for example). Moreover it is clear that, at least in some cases, the accused could hope successfully to argue that the death had not been intentional, that a *pharmakon* had not been intended to kill but simply, for example, to cause a man to come back to a woman. A Peripatetic text illustrates the notion of 'voluntary (intentional) action' by means of just such a story:

> Thus it is reported that a woman[51] gave a man a philtre to drink, and was subsequently acquitted before the Areopagus. For she had given him the philtre out of love, but had failed of her purpose. So the homicide was clearly not intentional, because she had not given him the philtre with the intention of doing away with him. ([Ar.] *Mag.mor.* 1.16.2, 1188b31–35)

The same ambiguity appears in the story of Aretaphila, who in the early first century BC was forcibly married to Nikokrates, the tyrant of Cyrene, and promptly tried to poison him. When discovered, 'she claimed what she had prepared was not a harmful (*dêlêtêrion*) drug but a philtre, to make her husband love her madly' (Polyaenus *Strat.* 8.38, cf. Plut. *Mul.virt.* 19, 256c).[52]

On the other hand, Antiphon's account of the fate of the concubine of Philoneôs who (genuinely) did exactly the same thing and was executed the same day by the Eleven without trial, shows that everything depended here upon status, upon one's social figure: a female 'citizen' of good character and a wide kin-network might hope to get away with the argument – or rather, since she could not herself appear, her male relatives might use it with some hope of success; a metic hardly (cases involving metics were heard in the Polemarch's court, and the Council had the right summarily to execute any metic); a slave would not be given the chance to argue at all.

3. Our citizen's third choice was rather different: he could try bringing a *graphê asebeias*, an action for impiety, a term which was certainly never defined at Athens but which stood roughly for any behaviour in a religious context which might be construed as out of keeping with Athenian ancestral religion – it was, for example, the charge brought against Socrates (cf. Todd, 1993: 106, 310f.; Parker, 1996: 199–217). The fact that this action was a *graphê*, and the penalty death, points up the collective interest in avoiding possible divine anger through the 'impiety' of an individual (cf. Reverdin, 1945: 208–17).

It seems to me that this tack offered one possible advantage over the first two, in that, the charge being so vague, there was a good chance of victory. For in the context of a city rather than a village it must often have been difficult to show in a private action for damage, or even in a case of supposed murder by *pharmakon*, that the harm had indeed been caused by a particular person (which was the role, for example, of the classic 'encounter, with curse' narrative so common in English witchcraft trials)

– and a failed suit would simply strengthen the enemy's hand.[53] In an action for *asebeia*, perhaps even more than in other types of court-case, general reputation and social figure played a significant role. On the other hand, the charge of *asebeia* could only convincingly be used against someone who was suspected of repeated magical practice – was in fact ideal as a weapon against a marginal practitioner who had acquired a reputation not merely for, say, healing, but also for being capable of doing harm. The *graphê asebeias* came into its own in a context in which malign magic was supposed to be most effective if performed by a professional, a *mantis*, a *teratoskopos*, in Plato's formulation (*Leg.* 11, 933c7): it made it possible to attack not one's suspected enemy but a religious professional who might be shown to have misused his or her powers for ill rather than to further the collective weal.[54]

It is evident that *graphai asebeias* were in the fourth century BC a not uncommon means of disciplining what could be represented as undesirable religious innovation (Cohen, 1988; Versnel, 1990: 114–31; Parker, 1996: 163 n. 34) – we have already noted the woman condemned to death for selling 'incantations and means of allaying divine anger'.[55] Of the known cases, the most significant in the present context is that of the Lemnian woman Theôris, who evidently set up as a healer, particularly of people she diagnosed as epileptics. According to Plutarch, she was prosecuted by Demosthenes, 'for being in general detrimental, and in particular for teaching slaves to be deceitful' (*Dem.* 14.6; cf. Philochoros, *FGrH* 328 F60). This must have been a *graphê asebeias*. Another, roughly contemporary, text already cited in a different context, refers scathingly to 'the foul Theôris, that woman from Lemnos, the poisoner – you remember you executed her and her entire family . . .' ([Dem.] 25.79f.). One of the crucial witnesses for the prosecution was one of her slave-women, who was later able to take over her practice.[56]

Several points about this case – granted that once again we know virtually nothing about it – are of interest. The fact that after Theôris' execution her slave was able to carry on her practice clearly implies that at one level what she did was perfectly acceptable – and we have every reason to believe that it included some kind of purificatory healing of the kind denounced by the Hippocratic *On the sacred disease*. Second, Theôris was a metic, and we may suspect that many marginal religious practitioners in ancient cities were of that status – untrammelled by the dense network of social obligation and expectation within which citizens lived their lives, possessing the advantage of a (somewhat) different set of religious themes to work into a personal idiomatic praxis, nudged by their social marginality towards the exploration of charismatic modes rather than fully institutional ones. But as a metic, such a religious specialist was very vulnerable: when the issue of Socrates' uncanny power to attract and influence the young

comes up, Meno observes: 'If you did that sort of thing as a metic in another city, you would soon be expelled as a magician (*goês*)' (Plato *Meno* 80b5–7).[57] As a religious specialist of metic status, one might swiftly be considered by the legitimate specialists as aiming at untoward religious or 'salvific' capital. Thirdly, we should note the language that pseudo-Demosthenes – the most nearly contemporary source – uses of Theôris: *pharmakis* he calls her, and goes on to say that the slave who turned Queen's evidence took over her *pharmaka kai epôidas*, her 'drugs and incantations'. So far as I know, this is the earliest example in extant Greek of the word *pharmakis*, which became one of the standard words for 'wise-woman/witch', used as a substantive (cf. Aristotle *HA* 6.22, 577a14, but 7(8).24, 605a5f.; also Ap. Rhod. *Argon.* 4.53).[58] The other expression, 'drugs and incantations', seems also to be a first occurrence in extant Greek, this time of the phrase which came in the Hellenistic period, and more especially in Latin literature, to mean 'magic'.[59] It is a shorthand evocation of a range of words denoting different ways in which marginal practitioners acquired power – Plato tries a list of verbs: 'you are bewitching me, putting a *pharmakon* on me – altogether putting a spell on me' (*Meno* 80a2–3), and Xenophon a little later in the fourth century offers 'with many philtres and incantations and *iunxes*' (*Mem.* 3.11.17). In other words, whatever Theôris was in fact up to – and we cannot exclude that she was believed also to be able to make people mad through *pharmaka* as well as cure them – pseudo-Demosthenes knows how to smear her convincingly: by representing her as nothing more than a female sorcerer, of the sort that anyone would thankfully be rid of.

I would urge, then, that pseudo-Demosthenes' expression 'drugs and incantations' makes a point not explicitly recognised by the law at Athens, that 'poisoning' is sometimes indeed to be distinguished from '(malign) magic'. Plato makes the very same point in his discussion of malign magic in the *Laws*, which is by far the most interesting and suggestive of any account we possess for the Classical and Hellenistic period:

> What gives us pause here is that mankind practice poisoning (*pharmakeia*) in two different ways. [One] is that in which the body is hurt by the action of another body in normal ways (*kata physin*). There is another form which works by conjuring arts – incantations and binding spells, as they are called – and breeds in the mind of the projectors the belief that they possess such powers of doing harm, in those of the victims the conviction that the authors of their sufferings can in truth bewitch (*goêteuein*) them. (*Leg.* 11, 932e6–933a5 [tr.Taylor, adapted])

Plato reproduces here a practical distinction which must have emerged in fourth-century Athens through the trial of cases involving harm caused by magical means, and which was not raised by cases in which death

occurred through direct magical action, of which the type was the administration of a *philtron*. The example he gives of the second type of *pharmakeia* is precisely the classic form of binding magic, the maumet:

> It would be labour lost to tell them, if they should perchance see a manikin of wax set up in the doorway, or at the crossroads, or at the grave of a parent, to think nothing of such things. (ibid. 933b1–4 [tr. Taylor])

Such maumets were a sign of a malign magical act that someone had undertaken, a warning that an enemy was out to 'take' one by appealing to the restless dead: they were intended to instil fear, awaken guilt. The very fact that Plato offers maumets as an obvious, unproblematical, instance of *pharmakeia* suggests that by the mid-fourth century, even in courts of law, the concept *pharmakon* was not applied exclusively to drugs that could be ingested or salves that could be applied, but could also be extended to objects which had no physical contact with the intended victim at all, and indeed, evidently, to *epôidai*, incantations, and *katadeseis*, binding curses (for example, what we know archaeologically as curse tablets), which are the terms he uses in the earlier passage I have cited. And in my view, the most likely context for such an extension of the narrower meaning of *pharmakon* were trials for *blabê*, damage, claimed to have been caused by malign magical means.[60]

The second important distinction that Plato makes is that between the effectiveness of professionals, the doctor in relation to natural *pharmaka*, the religious professional, the 'diviner' (*mantis* and *teratoskopos*), in relation to malign magic. Indeed, he goes so far as to claim that just as the layman knows in principle nothing about drugs (poisons), so he knows nothing about malign magic (933c4–7). This difference in competence is reflected in the severity of the proposed penalties: the professional is to be executed for the damage he causes short of death, the layman dealt with at the discretion of the court (933d1–e5). Although such a distinction resonates with Plato's wider interest in professional skill, it surely also reproduces widespread beliefs, in particular that magic is a matter of special, usually secret knowledge, and that malign magic is the most difficult branch of it. Plato's concern with the professional practitioner reflects a real tendency – a more differentiated society could support more full-time specialists of all kinds, and specialism is naturally equated with efficacy; but at the same time we are not far from the claim that knowledge of magic, and not merely the harm it causes, is reprehensible. But it required the conditions of the Roman Principate to bring this issue out into the open.

The Roman Republic and Principate

In some ways, particularly in respect of specific harm caused by magical means, the situation in the Republic is analogous to that in the Greek world; but in others, above all recourse to mass inquisition, quite different. Although it knows no general ban on 'harmful drugs', one of the laws of the earliest Roman law-code, the XII Tables (451–0 BC), formulates an analogous, though more restricted, provision: 'if anyone has cast a spell on the produce of (someone else's) fields . . .', and '[if anyone] has enticed over (to himself) someone else's grain-harvest' (8.8a,b = *RS* 8.4).[61] This title occurs in the context of a series of provisions concerning harm of different kinds, from insult to honour through offensive songs or rhymes to causing significant loss by arson and unauthorized felling of trees. Archaic Roman law thus recognised an action for destroying *fruges* (generally non-grain field-crops) by incantation, and for increasing one's own harvest by 'stealing' neighbours' grain-crops through magical means.[62]

Seneca saw in the first provision a reference to the summons by magic of unseasonable rain or drought (*QNat.* 4.7), which may well be correct; we should add (severe) unseasonable frost, hailstorms, especially with outsize stones, and other freak weather conditions which it might, under certain circumstances, be plausible to blame upon an enemy or a known witch or wise-man. Although the law speaks only of the material harm done to crops, such an allusion would help to explain why the power of magic to command the weather has a much more prominent place in the Roman tradition, starting at latest with Vergil's *Eclogues* (8.99), than in the Greek: by granting such an action against enemies, the Tables also created a paradigmatic form of magical harm.

The significance of the second provision, spiriting away crops – perhaps in particular standing grain – is partly clarified for us by the case of C. Furius C(h)resimus, a freedman, who was accused in the curule aedile's court either in the 190s or 150s BC of using *veneficia*, magical means, to attract away the crops of his neighbours (Pliny *HN* 18.41–3). The prima facie evidence for this accusation was that 'he got much larger returns from a rather small farm than the neighbourhood obtained from very large estates' (41, tr. Rackham). Not only does this incident (the only one of its kind preserved to us) prove that the action granted by the XII Tables was still available perhaps three hundred years after their promulgation – even if the historian Calpurnius Piso's interest in it suggests that actions brought under it, at any rate by the socially significant, were by then a rarity; but it also reveals something of the reasoning of C(h)resimus' neighbours.

They were evidently not small peasant farmers, but were working on the rational expectation, which we know from Cato's roughly contemporary work *On Agriculture*, that relative specialisation of labour, close supervision of the labour force by farm-managers, and progressive refinement

of agricultural techniques would together lead to higher yields and so, ultimately, to higher personal income – an expectation fostered by the rapid changes in Italian land-holding that followed upon the Second Punic War in Italy. This 'modern' reasoning was however subverted by the relative success of a much smaller farmer, evidently with only a handful of slaves: it was this confounding of reasonable expectation which here made an accusation of magic plausible; but, as Moses Finley used always to insist, the rationality of estate-owners such as Cato was hardly more than peasant wisdom refurbished. At any rate, we can glimpse here an appeal to the traditional peasant notion of the limited good (Foster, 1965), according to which goods – by contrast with ills – are always in short supply, such that an individual family can only improve its position at the expense of others. With such a fall-back position, it was plausible to argue that C(h)resimus' good fortune must have been obtained at the expense of his neighbours', whose lower-than-hoped-for returns in this perspective appeared as a reduction of the norm, and so indeed as an actual loss. Disappointed 'modernisation' and the persistence of the rationality of the limited good are more important explanations here than the fact that, as a freedman, C(h)resimus was both an outsider and of relatively low status (Graf, 1996: 58–61); in the first part of the second century BC we cannot by any means take it for granted that the larger landowners of the locality were 'insiders' or had held their land over generations.

Although in the end his quick wits won him an acquittal (cf. Gordon, 1987a: 67), C(h)resimus was extremely apprehensive when summoned to the aedile's court for using *veneficia*, malign magical means. And rightly so, for it is precisely at this period, in the years 184, 180–79 and 153 BC, that we hear of a number of cases of Roman magistrates and pro-magistrates ordering mass executions both in the immediate vicinity of Rome and further afield in Italy of persons also accused of using *veneficia* (cf. Polybius 6.13.4 with Walbank ad loc.). In one case, some 2,000 persons were executed (Livy 39.41.5); in another, 3,000 (40.43.2f.). The scale of these investigations and condemnations, which easily outstrips any known from the late mediaeval and early modern periods in Europe, and was made possible by the effectively unlimited police power of Roman magistrates operating under the authority of a *senatus consultum*, is one sharp discontinuity with Classical and Hellenistic Greece. Another is the type of offence. Links have been drawn between these inquisitions and the Senate's bloody repression of the Bacchanals in 186 BC; but insofar as they exist they are only of the most general kind. We have rather to do with an example of the fatal conjuncture, familiar from the early modern period, between popular 'pollution' anxieties and state power. Thanks to denunciation and the routine employment of torture and intimidation, the crimes awaiting exposure by the magistrate simply grew like Topsy: after his 3,000

executions, C. Maenius complained in 180 that his 'investigation was assuming ever larger proportions by reason of the evidence received' (40.43.3), and that unless he called an arbitrary halt he would not be able to proceed to his praetorian province of Sardinia. On these occasions (some of) the population both of Rome and of towns and villages in Italy willingly colluded with the authorities to get rid of 'poisoners'.

Livy does not bother to explain what these magistrates included in their notion of *veneficium*. But there is an incident from the early history of Rome which may be enlightening. Although its veridicality must in detail be suspect, the fact of its inclusion in the second-century construction of Rome's early history is telling, for Livy specifically notes that 'this was the first time that there had been trials for *veneficium* at Rome' (8.18.11; cf. Monaco, 1984: 2013f.). The affair, which is assigned to the year 331 BC, developed in the context of an epidemic of illness with high mortality: a number of citizen women, including two patricians, were denounced by a slave woman for 'mixing poison'; they themselves claimed to be making 'healing medicine'. Challenged in court to drink the stuff, they all promptly died; subsequent investigations resulted in the denunciation of many women, of whom 170 were executed (8.18.1–11). We know that during the years 182–180 BC an epidemic of illness had caused so many deaths that it was difficult to recruit sufficient troops for the armies (40.37.14); and that is surely the most plausible context in which to set widespread pollution fears. High mortality triggered a moral panic, whose victims were those who could be fitted into the stereotype of 'poisoner', that is, malign witchcraft, whether because they were directly involved in healing practice or as private enemies. The incident of 331 BC is exemplary in that it literally involved *medicamenta*, potions, which some claimed were beneficial, but which proved to be poison indeed – that is why it is preserved to us; but we do not need to believe that the second-century cases were so clear-cut – both the afflictions and the *veneficia* there were in many cases surely less obligingly palpable.

From 166 BC Livy's *History* is lost: it is uncertain whether there were other similar incidents prior to Sulla's dictatorship 81–79, apart from that of 153, of which we know only that it took place (*Epitome* 48). But we may suggest that it was, among other things, this experience of widespread *veneficium*, dealt with summarily through *ad hoc* commissions (*quaestiones*), which lay behind Sulla's decision in 81 BC to establish a joint *quaestio de sicariis et veneficiis*, a standing commission to try cases of violent homicide and death caused by 'poisoning' (cf. Ferrary, 1991). The fifth chapter of the Lex Cornelia *de sicariis et veneficiis*, clearly based on principles established much earlier in Roman criminal law, authorised the commission to try persons who 'make, sell, purchase, possess a *venenum malum*, a noxious drug, with the intention of killing someone' (Cicero *Clu.* 148 with *Dig.*

48.8.3 pr.). Either at the same time, or more probably later, the law was expressly applied to dealers in medicinal preparations that caused a death (*Dig.* 48.8.3.1). The expression *venenum malum* was intended to exclude medicinal simples and galenicals (cf. *Dig.* 50.16.236); but of course the ignorance and uncertainty of rhizotomic practice meant that the distinction had to be tested afresh in each doubtful case, as we saw in the 'poisoning' of 331 BC. In practice, many cases must have turned upon the question: does *malum* mean 'known beforehand to be poisonous' or 'proved in the event to be poisonous'?

As Mommsen pointed out (1899/1961: 636), the Lex Cornelia did not simply punish murder by poison, but extended the crime to the manufacture and possession of a drug with intent to destroy human life. It left the establishment of intent open to argument; it was also silent on the scope of *venenum malum*. Was this notion intended to apply also to cases in which it was claimed that death had been caused by, say, binding magic? It has recently been urged that the word *dolus* in *Dig.* 48.8.7, 'In the Lex Cornelia *dolus* is taken as the equivalent of the fact' refers to the invisible effects of poison and malign magic (Graf, 1996: 46); but in fact it simply makes the point that, because the crux of the law lay in the phrase 'with the intention of killing someone', which might be hard to prove directly, secrecy and underhandedness were taken as prima facie evidence of intent to kill.[63] The second-century antecedents of the Sullan commission perhaps offer grounds for supposing that the Republican law deliberately intended a narrow definition of 'poison'. The extraordinary commissions of the second century must have revealed the complexity of individual cases in which *venenum* was claimed to have played a part, and the problems this complexity posed for investigating magistrates. I suggest that, in respect of magic, this experience led to a decision that only one term of the hendiadys 'drugs and incantation' should be punishable. This had mainly a pragmatic justification, the virtual impossibility of showing that incantation, and other traditional magical practices such setting out maumets, either had been performed or had had any direct effect in causing death. But it perhaps also suggests a rationalizing attitude towards traditional belief in the power of cursing and binding, as well as a medicalizing view of the nature of *venena*.[64]

However that may be, the Lex Cornelia, which was never superseded by a Lex Iulia, seems to have been limited in the High Empire, with one or two clear exceptions, such as castration and giving false witness in a capital case, to actual homicide. There is nevertheless evidence of pressure to extend it to analogous cases.

One area of uncertainty lay with the *amatorium*, the love-philtre. There evidently was a view that, because such philtres were composed of natural substances, they should count as *venena* (cf. *Dig.* 48.8.3.2), so that their

very administration (because of the rule that *dolus* should be taken as the equivalent of the fact) should be punishable under the Lex Cornelia. Quintilian cites the argument that 'not only the person who destroys a life by administering a potion should be guilty of *veneficium* but also the person who destroys a mind <by the same means>' (*Inst.* 9.2.105). The basis of the claimed analogy is the parallel set up between destroying (lit. 'removing') *vita* and *mens*. But he seems implicitly to reject it – he offers the argument as an example of claiming that 'things which seem to be different are the same'. We should perhaps conclude that in the Flavian period it was not yet the ruling of any *senatus consultum*.

On the other hand, one of the pseudo-Quintilianic minor declamations (perhaps first-second cent. AD) both suggests that reflections upon *amatoria*, their working and their classification, were by no means unknown in the courts of the High Principate and seems to accept that the administration of an *amatorium*, as a form of doing harm, might count as *veneficium*. The fictional case concerns a young man who falls in love with a prostitute, and finally gives her a love-philtre to cause her to love him in return. The girl duly falls in love and – this is an inference – refuses to entertain other customers with even the usual simulated enthusiasm. The topic is the pros and cons of the brothel-keeper's suing the young man under the lex Aquilia for his loss: under the terms of the law of damage, he stood to recover the highest value of the thing damaged over the previous twelvemonth (whereas in a criminal trial he would get nothing). It is suggested that the young man's lawyer argue first that a philtre could not have been the cause of the girl's refusal:

> Does a philtre have any effect? What if an ugly person administers it, a cripple, a blind man? What if it be administered on behalf of someone not present? Can a chemical substance be given instructions? There is another prior question too: how can a substance alter feelings without harming the body through which it passes? How can it change feelings so as to induce fondness? If there were any such substance, the brothel-keeper would have found a goose to lay golden eggs. ([Quint.] *Decl. min.* 385.5, p. 282 Winterbottom)

These arguments mainly draw upon the Cynic tradition of ridicule of magical beliefs, but one evidently alludes to the lex Cornelia. It is this allusion that prompts the next argument by the defence:

> My client was distressed; the old woman came upon him by chance; showed him it. Before he administered the philtre she had shown him, he drank some to make sure it would not harm her. He is guilty of this charge, that he did her harm (but not of damage). (ibid. 6)

The argument is that no action under the lex Aquilia lies, but that one might lie under the lex Cornelia, on the argument that the *amatorium* had 'harmed' the girl (*quod nocuerit*), by having any effect upon her at all.[65] But the young man had tried to anticipate what I take to have been the usual understanding of the law, that 'harm' meant 'fatal harm' – that is why he tested the potion beforehand, to make sure it would not make her physically ill, and so lay him open to the charge that he had tried to kill her: he was acting secretly, and '*dolus* is taken as equivalent of the fact'. Moreover, he had expressly not made an appointment with the old woman, but had come across her by chance: another way of defending himself against the charge of malice aforethought. The clear implication of all this is that in the High Empire administering an *amatorium* without fatal results could give rise to a charge under the lex Cornelia, but that there were accepted ways of arguing that the *dolus* ruling did not apply. And evidently the issue of magic need not arise explicitly at all, even though everyone knew that *amatoria* were made by wise-folk.

The second area applies more directly to magic, indeed malign magic, although as usual in the legal sources of the High Empire, the term is avoided (part of the difficulty with *amatoria* was the question of whether they should count as malign magic). Writing probably under Severus Alexander, Herennius Modestinus (who, quite apart from his legal writing, was also *praefectus vigilum*. i.e. chief of police at Rome), citing a *senatus consultum* of unknown date, ruled 'it is laid down that anyone who performs or possesses *mala sacrificia* is to be condemned under the provisions of this law', i.e. the lex Cornelia (*Dig.* 48.8.13). Though other interpretations have been advanced (e.g. Fögen, 1993: 60f.), the most reasonable position is that the highly unusual term *mala sacrificia* is a calque on the established *mala venena/ medicamenta*, which, as we have seen, meant 'drug within the meaning of the lex Cornelia'. It seems clear from the mention of 'possession' here that *sacrificia* must include objects obtained for the performance of ritual – surely including the ashes and bones of half-burned corpses, the nails used in crucifixions, and criminals' blood (cf. Lucan *BC* 6.534–60). The implication is that just as carrying a weapon with intent to kill was punishable under the law, so was performing a ceremony of malign magic and possession of objects which could be used in such ceremonies: it was legitimate to extend the lex Cornelia in this sense because the natural understanding of such malign magic was that it was intended to kill.[66] It seems to me that it is only to this degree that the lex Cornelia was in the High Empire, through *senatus consulta* but also ultimately through the rulings of *iuris prudentes*, the law that covered magic. As for the date of the *senatus consultum*, it may be instructive that a rescript by Hadrian laid down that 'in cases of *maleficium* we must regard the intention, not the result' (*Dig.* 48.8.4, cited by Callistratus, *On trials*), that is, an act of *maleficium*, malign magic, may fail, but would still fall under the terms of the lex Cornelia. This is simply an explicit application of the *dolus* rule to malign magic, but seems to acknowledge the principle formulated by the *senatus consultum*.

It has been generally supposed, following Mommsen's *Strafrecht*, that there emerged in the late Republic a law or *senatus consultum* against magical practice, which was therefore as such illegal throughout the Principate (Mommsen, 1899/1961: 639–43; Marchesi, 1955: x–xii; MacMullen, 1966/1992: 125; Amarelli, 1988: 131–4). Mommsen conceded that the sources do not allow us to determine precisely 'when and how this concept was introduced into the criminal law' (p. 640) and discussed it separately from the lex Cornelia. This traditional view has recently been challenged from two directions. On the one hand, Marie Theres Fögen (1993), mainly concerned with private divination, has argued that neither such divination nor magic were in themselves legally prohibited until the Tetrarchy and the Christian Empire, when we find a new desire on the part of the emperors to prohibit even the knowledge of how to gain private access to the divine, though she admits that moves were taken in this direction from at least the Severan period, when we find the idea of a normative religious practice as a qualification for true membership in the commonwealth of the Empire (Dio 52.36.2f.). We must distinguish between police action following intermittent *senatus consulta* and legal precepts. In defending this position, she examines critically many of the legal texts which have commonly been held to support Mommsen's position (1993: 55–88). On the other hand, Hans Kippenberg has argued that the proscription of magic emerged gradually in the late Republic and Principate as part of a wider attempt to control and suppress private religion, specifically clandestine rituals (1997). He sees three stages of Roman 'legal discourse' relating to magic: an early one, reflected in the XII Tables, in which harm to property was alone in question;[67] a later one, in which accusations might relate to *amatoria* and *venena* in a wide sense; and finally the persecution of *ars magica* as such, a stage represented by the pseudo-Pauline *Sentences* (5.23.14–19), a compilation of the late third or early fourth century (which he seems however to accept as a genuine statement of the law as understood by the celebrated Severan jurisprudent Iulius Paulus). He reads Apuleius' *De magia*, of the mid-Antonine period, as reflecting a point between the second and third stages, when the prosecution proceeds to list numerous accusations relating to *ars magica* in support of the main charge, above all secret rites, but Apuleius can still defend himself by appealing to a learned conception of *magia* as divine service (1997: 150–2).

It seems to me that both views have some merit, but offer a single

insight as though it were the whole truth. Kippenberg, though he is undoubtedly correct about the existence of a rhetoric of public versus private cult, can offer no explanation for the development he discerns – obviously, one might think, because the same preoccupation, with clandestine ritual, is supposed to underlie all Roman official thinking in this context. Fögen rightly stresses the crucial role of Christian debates on Christ's miracles in determining the tone of fourth-century legislation (1993: 210–19) and that we can only place that tone in its proper intellectual context by paying close attention to contemporary arguments – this legislation is not simply a repetition of positions long familiar in Roman law (as Kippenberg, for example, still thinks). But her account is more appropriate to private divination than to magic, and her scepticism of the legal sources sometimes amounts to special pleading.

In my view, the conservative interpretation of the lex Cornelia remained valid for the great majority of individual accusations at least until the last of the Classical lawyers, Herennius Modestinus. The heart of the crime of magic remained the harm it did, not the secrecy of its proceedings. That view is still indeed presupposed in Constantine's law of 321/4 AD, expressly directed against 'those who are discovered to have worked against the well-being (*salus*) of human beings or to have deflected innocent minds to lust, aided by magical arts' (*CTh* 9.16.3), and – the sole law of the Christian Empire to do so – specifically exempts 'medicines intended to heal the human body, or steps taken in country districts, that there may be no apprehension of (heavy) rain when the grapes are ripe, or that they may may not be dashed to pieces by the force of hailstorms . . .'. The major extension to the lex Cornelia in this area admitted only malign magic (*mala sacrificia*), directed in principle against human life. *Amatoria* remained a marginal case, at any rate until Constantine's law, at some point being sanctioned (according to the pseudo-Pauline *Sentences*), together with the administration of contraceptive drugs, as *malum exemplum*, improper professional conduct – another calque on *malum venenum* – so that it was unnecessary to prove *dolus* (5.23.14).

But the underlying issue in accusations of magic, as I have stressed, is not so much the deed as the social figure of the person accused, and beyond that, the multifarious interests and prior assumptions of those who accuse, defend, judge and look on. It is here that the Hellenistic invention of a strong view of magic began to play a determinate role, attacking the basis of the centre-periphery model of the distribution of magical powers and beliefs, according to which only they, out there, foolish as they are, believe such stuff. For this view legitimated a quite new imagery of magic. It confounded indigenous marginal practice with the learned or ritual 'magic' of Babylonia, Egypt and the Jews. It boasted of its divinatory power, its intercourse with *daemones*, its use of the dead as intermediaries.

Its rhetoric claimed to be able to harness not only the powers of Nature but also the powers of the Underworld. In short, the strong view of magic was shot through with intentional profanation.

None of this, so far as we know, mattered in the late Hellenistic kingdoms. But in the crisis of the late Republic and the transition to the Principate it came to matter a great deal. The defining of symbolic boundaries became ever more necessary as the crisis deepened, in an effort to recreate the imagined community of value (we saw that already in the second century BC, in the aftermath of the Bacchanal affair, thousands of persons could be executed for *veneficium*, 'poisoning'). The Senate and magistrates had ample police powers to sanction undesirable behaviour: several kinds of marginal religious practitioners, notably the followers of Isis, were repeatedly expelled from Rome and/or Italy (Mora, 1990: 72–102). Two features of these police measures are here worth stressing. One is the repeated grouping of 'astrologers and magicians', such as those whom Agrippa expelled from Rome as aedile in 33 BC (Dio 49.33.5): what was objectionable about these practitioners was not so much the secrecy of their proceedings – the mere sign of the threat they posed – as their undermining of the status of traditional (not merely public) modes of divination. 'Magic' here really meant new forms of divination, above all astrology (equated with magic by Pliny *HN* 30.2) and necromancy. In 11 AD diviners were forbidden to make predictions to an individual without witnesses being present; and predictions about others' deaths were prohibited absolutely (Suet. *Tib.* 63.1; Dio 56.25.5). This formulation shows beyond any doubt that in the early Principate private divination was not in itself forbidden (Cramer, 1954: 249f.). If divination, and astrology in particular, was not illegal, then neither was magic, with which it was so closely associated.

The expulsion from Rome and Italy of the Greek 'Pythagorean and magician' Anaxilaus of Larissa in 28 BC (Jerome, *Chron.* 28, p. 163.25 Helm; often, though groundlessly, redated to 33) illustrates the second point: that esoteric or occult interests had in the late Republic begun to be shared by some members of the élite and so presented themselves as a new order of threat to conventional religious belief. In the late 40s Nigidius Figulus, another Pythagorean, was believed to have practised 'forbidden arts' in his house (Dio 45.1.4; cf. [Cic.] *Sallust.* 14). These currents were routinely condemned as un-Roman and equated with learned magic: Pythagoras was after all, in the Hellenistic account, a magus (Liebeschuetz, 1979: 126–33).

Jerome says that it was Augustus himself who had Anaxilaus deported. The link between magic and divination made autocracy fearful of it; the link between magic and the non-Roman made it a valuable tool for delators. It is this conjuncture of interests that characterizes the only

accusations of magic/divination of which we know any details in the early Principate, the sorry succession of senatorial victims of whose fate Tacitus alone informs us.[68] Typical in a sense is the case of Claudia Pulchra, who, in order to attack her friend Agrippina (Germanicus' widow), was accused in 25 AD of prostitution and adultery, but also of *veneficia in principem et devotiones*, using malign magic against the emperor Tiberius (*Ann.* 4.52.2). 'Magic' is never here more than an item in a list of charges, an index of infamy; its agents and means utterly shadowy. Fögen points out that for Tacitus and Suetonius the repression of divination and magic is above all a political matter (1993: 95–126). It is instructive, for example, that, for all the circumstantiality of the reports that Germanicus met his death in 19 AD through malign sorcery – 'examination of the floor and walls of his bedroom revealed the remains of human bodies, spells, *devotiones* (curses), lead tablets inscribed with the patient's name, charred and bloody ashes . . .' (Tac. *Ann.* 2.69.5; cf. Dio 57.18.9), the recently discovered *senatus consultum de Cn. Pisone patre* shows that the Senate, for all its vindictiveness against Gn. Piso, did not bother with them for a moment: it had sounder charges. Although the Chronicle of 354 claims that it was under Tiberius that *venenarii et malefici* were for the first time arrested and executed, the literary sources for the *senatus consultum* of 16 or 17 AD make clear that this was no more than another routine repression of 'astrologers and magicians' (Dio 57.15.8) – Tacitus indeed mentions only *mathematici*, diviners, especially astrologers (*Ann.* 2.32.5; cf. *Coll. Mos. et Rom.* 15.2.1 [?Ulpian]) – following on the case of the unfortunate Libo Drusus, who, rumoured to have consulted astrologers and indeed a necromancer, was induced to commit suicide in 16 AD (*Ann.* 2.27–32). The self-evident character of the association between magic and divination, and its political import, is clear from the speech Dio puts into the mouth of Maecenas:

> Divination is of course necessary . . . But there ought to be no magicians at all: for such men, by speaking the truth sometimes, but generally falsehood, very often encourage numbers to stir up revolution. (52.36.3)

If the undercutting of the old spatial model and a new awareness of the (ancient) link between divination and magic were two crucial contributions of the Hellenistic account of magic to the early Principate, a third was to supply a new wealth of detail about the practice and performance of magic. For unlike traditional marginal practice, it was not illiterate. Books about it, with authors both named and pseudonymous, abounded – not of course receptaries, which must always have been clandestine, but works belonging to the pseudo-Democritean tradition. The contents of both kinds of books began to filter into shared representations of what magicians might be expected to do, and so became potential stuff for

delatores and accusers. Apuleius mentions that there was a stir of outrage in the court at his merely mentioning the names of famous magicians – written texts – Carmendas, Damigeron, Moses, Jannes, Dardanus . . . (*Apol.* 91). That is, if the legal interpretation of the lex Cornelia did not change much into the High Empire, the means of justifying an accusation certainly did: the strong view of magic provided a range of new grounds for suspicion of the true character of an accused person, new weapons for attacking his or her social figure.

Here the case of Apuleius is instructive: his accusers brought a charge of *dolus* in relation to the administration of *venenum* under the lex Cornelia; but of course on that count there was hardly anything to say – no one had seen Pudentilla drink an *amatorium*, she had not fallen ill, there was only the ambiguous letter. The only hope was to use circumstantial evidence to suggest that, being a magician, he would have known how to make an *amatorium*. The category 'being a magician' was filled by means of collective representations drawn from many sources, including the strain of intentional profanation in the strong view of magic. This shared knowledge of the category enabled Apuleius' accusers to elicit 'indicative narratives' from informants, which produced the circumstantial evidence that Apuleius attempts to answer in his speech: the mirror, the alleged divination with the boy Thallus, the talismans and strange objects, the claim to heal, the nocturnal rituals, book-learnedness, Platonism. This is in fact just the sort of case that the *delatores* must have made at Rome against Mamercus Scaurus, Lollia, Furius Scribonianus and all the rest of them, though important for us both because the charge was a single and not a multiple one (nor politically motivated), and because through the accident of survival we can glimpse the technique of accusation. In short, there was no *crimen magiae* in a technical sense: there was only circumstantial evidence designed to support a specific charge under the lex Cornelia (or the lex Aquilia, as the case might justify).

Two further points are worth making. First, trials involving magic were surely highly variable in character. Apuleius and the others of whom we hear from Tacitus were granted the right to defend themselves at length only because of their high rank. Citizens of lower social status had no access to a rhetorical education and can rarely have been in a position to gainsay the (circumstantial) evidence against them in the praetors' or governors' court, just as the penalties meted out to them were harsher. Peregrines, the great majority of the provincial population until 212 AD, could hardly expect even so much. The fate of a non-citizen convincingly accused by neighbours of malign magic – normally of course after a long history of such accusations – was probably to be killed out of hand, with at most a cursory trial before the local magistrates, who were not obliged to refer to Roman law (cf. Millar, 1981: 70f.). The nature of the

punishments exacted at this popular level are indicative of the strong emotions such cases aroused: Apuleius mentions a plan to stone a witch (*Met.* 1.10); a Greek novel represents a woman accused of being a witch and a poisoner being burned alive (Heliod. *Aith.* 8.9, p. 232f. Bekker) – a punishment also mentioned by a late legal source ([Paul.] *Sent.* 5.23.17). The dissemination of the image of the magician as intentionally profaning religious ritual, and indeed temples (ibid. 5.23.16), largely contributed to the heightening of emotion. Such perversion offended against popular views of the moral order, they were 'enemies of humankind' (*CTh* 9.16.6, 358 AD), and that was enough. Whatever other differences there might be between them, executions of this kind temporarily joined magistrates and people in a moral community of outrage.

This raises the second point. One of Fögen's main claims is that knowledge of magic, as of divination, could not be prohibited until a Christian Empire had undermined the legitimacy of the religious world which sustained belief in magic. This seems unnecessarily categorical. It was a very short step from the circumstantial evidence usually required to obtain conviction to the claim that being a magician, and therefore knowing how to perform magical arts, was itself criminal. 'Magic' – the full Hellenistic story – was easily abbreviated into malign magic, sanctioned both by the lex Cornelia and by popular feeling. It is true that there is virtually no legal evidence prior to Constantine's law of 321/4 that mere knowledge of magic was unlawful. But the issue was familiar in courtroom practice much earlier. A little-known declamatory exercise by the second-century Greek rhetor Hadrian, a pupil of Herodes Atticus, deals with the simulated case of a witch who, when another condemned witch had succeeded in extinguishing the fire that was to consume her (cf. again Heliod. *Aith.* 8.9, where the same thing happens), overcomes her arts and causes the flames to destroy her. The exercise tries to prove that this second witch should herself be condemned to death, claiming that the law itself refutes those who argue 'that it is not women who profess the art (of magic or witchcraft) but those who employ it to wicked ends whom the law punishes' (ap. Polemo, *Decl.* p. 44.8–10 Hinck).

> Some crimes proceed simply from recklessness, from the very fact of being committed, as we say, while others, such as witchcraft, depend upon a learned skill. These are discredited before the act by the very knowledge. Those who have learned to put into practice skills by means of which harm can be done must fall under suspicion from the very desire (to learn them): for those thus facing danger cannot make shift to defend themselves against those who are capable of harming them (after the event), but they must be able to act before they suspect that they have been harmed. (ibid. p. 44.14–23)

Protective magic is here argued to be a form of aggressive or malign magic, on the principle that the most effective form of defence is attack. The inherent ambiguity of magical action, which I have noted earlier, has here been neatly turned into a claim that there can be no passive protection: protection inevitably consists in attacking the suspected enemy (or practitioner) before they have a chance to lay a spell themselves.

> The person who knows about *pharmaka* is a public menace, undertakes to offer (for sale) an art which accomplishes crimes: it is a profession which attacks (others), an art that leads to breaking the law, the right arm of the irreligious. (p. 44.23–45.1)

This text makes clear that, though the dominant view of the lex Cornelia (Hadrian practised rhetoric both at Athens and in Rome, and I take it this exercise was performed in the capital) was that it applied only to malign magic, prosecutors in the late Antonine period might push hard to have mere knowledge condemned. That possibility makes a passage in *Coll. Mos. et Rom.* on divination, which purports to cite Ulpian's commentary on the Duties of the provincial governor (*de officio proconsulis*), all the more interesting:

> The question has been raised whether it is the (mere) knowledge of this class of men (astrologers and diviners) that is punishable, or the exercise and performance (*exercitio et professio*). Among the earlier legal writers it was laid down that it was the performance, not the knowledge, that was prohibited; more recently there have been differing opinions. (15.2.2)

It has been noted that *Coll. Mos. et Rom.* 15.2 is the only section of that work not to be cited elsewhere in the *Digest*, which must make its authenticity doubtful; there can be little doubt that another passage must date from after 294 AD (Fögen, 1993: 63–70). Nevertheless the text tends to support the view that traditional legal views of divination and magic were coming under strain in the Severan period.

The likeliest hypothesis is that it was the third-century crisis which renewed the desire to protect the threatened moral community, and so prepared the way for the legislation of the Tetrarchy and Constantine against divination and magic. The explicit prohibitions on being party to or practising magic and the ownership of 'books dealing with the art of magic' (5.23.17f.) which we find attached to the lex Cornelia in the pseudo-Pauline *Sentences* may well have been added to the law during this period.

At the most general level, then, we can trace the history of magic in the ancient world as a process in which Bourdieu's objective profanation was

gradually overlaid, mainly at the level of representation, but also, at least in 'reptilian' magic (learned or ritual malign magic), in some practice, in favour of intentional profanation, in which power was obtained by the inversion or pollution of dominant religious ritual. That process began early, perhaps even in the Archaic period with the specialisation of the *goês* – certainly by the time of the Persian wars; but it was fragmentary and hesitant.

In the Hellenistic world, Alexander's conquests created the conditions whereby learned ritual lore could be transmitted from the high Near Eastern civilizations and turned into a new kind of symbolic resource; the invention of natural magic shifted perspectives upon traditional dominated practice. But it took the crisis of the Republic and the creation of the autocracy to crank the engine of intentional profanation. On the one hand, the night-witch figure constructed a negative inversion of the benign, sacrificant emperor: autocracy required its own Foucauldian other. The disciplining of individuals accused of malign magic, intended to be a theatre of purgation, was at least as much a reminder of the ubiquity of evil. On the other, the inverted imagery undoubtedly had some limited effect upon the practice of malign magic. Essentially, however, intentional profanation was an instrument in the construction of an imagined community, the community of the righteous inhabitants of the Roman Empire. That commmunity did not, and could not, exist except in the mind. But it is in the mind that magic has always been most at home.

BIBLIOGRAPHIC ESSAY

By comparison with historians of late mediaeval and early modern Europe, ancient historians have been reluctant to interest themselves in magic, partly because – despite an important essay on late antiquity by Peter Brown (1970) – in ancient history there has been no Keith Thomas or Alan MacFarlane able to adapt what the social anthropologists had recently been doing, partly because there has seemed so little to get one's teeth into. A devoted band of papyrologists and epigraphers, from Karl Preisendanz to Franco Maltomini and David Jordan, has ensured the (re-) publication of the texts thoughout the century; but they have mainly been used by historians of religion. Insofar as the topic has lately attracted more interest, it is still mainly from that quarter, and in the United States: marginal religious practice, the relation between dominant and dominated discourses, modalities and discontinuities of power, Orientalism – ancient magic seems to open itself to issues of this kind, loosely Foucauldian, which are also topical in other disciplines. A nuanced and attractively-written recent survey (Graf, 1994a, rev. 1996), which has now appeared

in English translation (but too late for page refs. to be included here; Graf, 1997a), opens up many fresh topics and surely will succeed, unlike Bernand (1991), in stimulating new graduate work; and a whole range of different, often suggestive, approaches can be found in the rash of recent conference proceedings and analogous publications: Faraone and Obbink, eds. (1991); Johnston, ed. (1994); Meyer and Mirecki, eds. (1995); Schäfer and Kippenberg, eds. (1997); Jordan, Montgomery and Thomassen, eds. (1999).

One key issue is the translatability of the notion magic. Garosi (1976) brilliantly tackled the problem of the construction of the Graeco-Roman term, and her work has been carried further by Graf (1995). As for the Archaic and Classical Greek world, on one view (Burkert, 1984), Greek magical practices developed in the Orientalizing period largely under the stimulus of Near Eastern models, especially Babylonian; a recent book by Sarah Johnston, *Restless Dead* (1999), argues by contrast for the indigenous development of magical practice in close relation to beliefs about the unquiet dead. On the origin of the word 'magic' itself (cf. still Nock, 1933/1972) there is an analogous difference: Kingsley (1994) has argued that the Persian magi were the model of the reference of the term 'magos'; others stress its negative value (Gordon, 1987a; Carastro, 1997: 14–54). Kingsley has also argued for a substantial continuity of magical belief and practice from the Archaic to the Hellenistic periods (1995); others see a decisive caesura in the development of the notion of natural magic (Gordon, 1997a). Some of the characteristic intellectual assumptions of Classical magic have been analysed by Lloyd (1979: 10–32).

Given the massive loss of ancient texts, the study of ancient magic must scrape its evidence where it can find it. Literary sources necessarily play a role which is superfluous for historians of more recent periods (cf. Phillips, 1994). The only recent synthetic account (Parry, 1992), though indispensable for its references, cannot be recommended; but for a better book, more alert to writing strategies, discourses, determinations, we shall doubtless have wearily to wait. Meanwhile, there are good treatments of particular aspects and authors: Moreau (1994) and Clauss and Johnston, eds. (1997) on Medea; Segal (1962) on Gorgias; Johnston (1995) on Pindar *Pyth.* 4; de Romilly (1975) on rhetoric as spell-binding (cf. Seppilli, 1971: 160–229); Goldhill (1991: 261–72) on Theocritus *Idyll* 2; Watson (1991) on Hellenistic curse-poetry. About Latin literature much the same can be said: Tupet (1976), though technically reliable, is utterly pedestrian; and she was sadly never able to complete the volume on the Silver age. Among individual treatments one may single out Viarre (1964), on magical elements in Ovid's *Metamorphoses*, and Fauth (1975) on Lucan's Erictho.

For the historian, there is also oddly little of value on ancient learned or ritual magic. Philological and technical work on the Graeco-Egyptian

magical papyri abounds (Brashear, 1995 is an indispensable guide), but there is no good account of the world of the Graeco-Egyptian magician, though Fowden (1986) offers valuable remarks in passing and there are succinct essays by Graf (1991, 1994b) and J. Z. Smith (1978a: 172–207; 1995) on particular themes. Hopfner (1921–24/1974–90) is a magnificent accumulation of material – if one can find what one is after – but the discussions, such as they are, naturally seem now thin and unperceptive. Ritner (1993, 1995) restricts his range to empirical description; more can perhaps be learned from Frankfurter (1994; 1995). Harrauer (1987), Johnston (1990) and Fauth (1995) are valuable accounts of learned strategies of syncretism. Much remains to be done on other aspects of learned magic, notably on the pseudo-Democritan discourse of natural magic: at present there is hardly more than the pages of Festugière (1944/1950: 186–216), Fraser (1972: 1, 440–4) and Kingsley, 1995: 325–8, 335–41. Alpers (1984) is an important account of the methods and procedures of one strand of this literature.

The social roles of magic have been very unevenly studied. Pliny the Elder saw healing as a central part of magical practice, and there is an excellent account of what can be disinterred of Archaic and Classical Greek procedures (Lanata, 1967); and likewise of pollution beliefs (Parker, 1983/1996). There is a good study of Pliny's material on magical healing by Martini (1977). On 'love-magic' there is a vivid but very Californian view by Winkler (1991); Faraone directs his attention more to the level of claims, hopes and rights (1990; 1994; forthcoming in Jordan et al, eds, 1999). Faraone is also one of the few classicists to consider the psycho-social role of the Attic curse-tablets (1989; 1991b), though in my view appeal to 'agonism' will not take us very far. Here is an obviously important topic rather neglected by ancient social historians, though Clerc's study of the Principate (1995) is a welcome exception. A good deal of attention has naturally been directed towards the frontier between licit and illicit cult and belief: note especially, for Classical Athens Versnel (1990: 96–205), Garland (1992), Montano (1993), Parker (1996: 199–217); and for the Hellenistic and Roman periods Segal (1973/1981), Poupon (1981), Gallaher (1982) and the fine book by Flintermann (1995). Versnel has also negotiated another frontier, between malign magic and vindicative texts, in an important series of articles (e.g. 1986; 1987; 1991; 1998).

Much has likewise been written on the narrower topic of the sanctioning of magic and more generally impiety. The fragmentary and unsatisfactory evidence for Athens is discussed by Rudhardt (1960), Cohen (1988), and Garland (1996); more particularly on Plato, Reverdin (1945: 169–241), Wyller (1957) and Saunders (1991: 318–23). Despite the incomparably greater amount of evidence, much about the situation at

Rome and in the Roman empire remains controversial. I have found Cramer (1954), Phillips (1986; 1991) and Kippenberg (1997) particularly instructive, without necessarily agreeing with all they have to say; also Coleman (1990) on the theatre of capital punishment. Desanti's insistence (1990) that charges of divination and magic against members of the élite were really charges of *maiestas* seems to me quite out of place. On the intentions and contexts of the legislation of the Tetrarchy and the early Christian Empire against divination and magic, I have found Grodzynski (1974), de Giovanni (1983), Lucrezi (1987), Castello (1990), and Fögen (1993) most useful.

Notes

1. Cf. 'The invention of the barbarian in the early years of the fifth century B.C. was a response to the need for an alliance against Persian expansionism and the imposition of pro-Persian tyrants; but the tenacity of the polarizing ideology after the wars can only be fully understood in the context of the whole conceptual system which underpinned Athenian supremacy' (Hall, 1989: 16f.).
2. Bollack and Wismann (1972: 92–4 frg.14) first realised that 'people of the night' (*nuktipoloi*) must be not an adjective qualifying *magoi* but the term to be defined by the list. Robinson's account is unsatisfactory (1987 frg.43 with p. 85). My interpretation of frg.14b (Heracleitus' objection) is taken from Kahn, 1979: 262f.
3. Burkert, 1962a: 38 n. 12 rightly understood *magoi* here as referring to such people and not to the Persian priesthood.
4. That it is not by Aristotle was shown by Spoerri, 1959: 56, 60, who dated the book to the period 200–170 B.C.
5. This text effectively contradicts the argument of Kingsley (1994) that the word *magos* was adopted into Greek because the Persian magi were indeed magicians. We may note that Miller, in her study of Persian cultural influence on Athens, ignores the entire issue of the magi, a silence we may take as indicative of her position (1997). Eunapius wittily has the rhetor and philosopher Eustathius accused of 'real *goêteia*' by the genuine magi at the court of Shapur I in 358 A.D. (*Vit. Soph.* 6.5.9, p. 27.5f. Giangrande).
6. Cf. the apocryphal tale of a 'Syrian *magos*' foretelling the future to Socrates in Athens, again cited by Diogenes Laertius from the pseudo-Aristotelian *Magikos* (Arist. frg. 32 Rose); in Cicero *De fato* 5.10, cf. *Tusc.* 4.37.80, he is identified with Herodotus' famous Persian exile Zopyros, son of Megabyxus (3.160), on whom see now Miller, 1997: 89–91.
7. Stubble is the traditional Norfolk word for what remains after reeds have been harvested (not in OED), both as a collective and as a term for individual stumps.
8. On the possible sources, cf. Flintermann, 1995: 83; Anderson, 1986: 206–15, defends the partial historicity of Philostratus' Indian material.
9. The word *charactêr* itself, meaning 'incised sign', calls attention to the claim that they are not ordinary letters.

10. Cf. Janko, 1992: 169: '[Hera] perverts her function as protector of married love by performing her conjugal duty'.
11. Closely parallel to the later account of the death of Patroclus, who is killed by Hector but first stunned by Apollo (16.786–868).
12. Cf. Janko, 1992: 101: 'Surely Alkathoos' terrifying paralysis has its equal and opposite reaction, obeying some supernatural law of physics, in the spear's bizarre motion'.
13. Aelian's version modernizes him into kind of renegade Roman soldier exacting illegal payments, a problem typical of the third century A.D.
14. 'In general, for the inhabitants of the Greco-Roman world in the first centuries A.D., the term 'magic' meant the manipulation of supernatural forces by means of spells and rituals which were believed to bring about the desired effect automatically. At the same time, words like *magos* and *goês* were used to stigmatize socially deviant, and therefore undesirable, views and behaviour' (Flintermann, 1995: 67).
15. I very much doubt the view that Agamede is actually to be thought of as the origin of Medea (Will, 1955: 122; Hall, 1989: 35).
16. I am also sceptical of the view (e.g. Hall, 1989: ibid.) that Medea was only turned into a barbarian = outsider in (late) fifth-century tragedy. The argument from vase-painting tells us only about the availability of an inconographical stereotype. Hall herself observes that Medea's paternal grandmother's name is Persê already in the Odyssey (10.138–9), where she is a Sea Nymph 'deckt with long greene haire'. The point is rather that the predominantly negative view of Medea is a fifth-century one: her status as an outsider, from being a source of potency, was turned into an aspect of her culpability.
17. One of the critical signs of bird-divination was 'sittings together' and 'sittings apart' ([Aeschylus], *Prom.* 491f.). A simple form of the theory of sympathy and antipathy is first known to have been used by a mid-fourth century writer on gardening, Androtion (Theophr. *CP* 3.10.3–4, cf. Wellmann, 1903).
18. The line is rejected by most modern editors (West, Solmsen, Mazon), but defended by Sfameni Gasparro, 1997: 71. Whatever the case with l.124f., there can be no doubt that 1.252–55 also refer to the same conception of *daemones*.
19. *SEG* 43: 630 = Jameson, Jordan and Kotansky, 1993, accepting the suggestions of North, 1996: 298f. In this case, the shift from spirits of evil to beneficent divinities – reminiscent of Aeschylus' *Eumenides* – is effected through means sanctioned by the community.
20. col. VI.2–4 = Tsantsanoglou, 1997: 95, cf. the translation offered by Laks and Most, p. 11. The souls seem to be those of the newly dead. Tsantsanoglou himself (p. 99) takes the *magoi* as the Persian priesthood, the intention being to claim their authority and prestige for the

writer's claim about the fate of souls. The readings depend heavily upon conjecture, but the mention of the *magoi* seems to me reasonably certain.

21. That is, the texts collected as *PGM* I–XIII, XIXb, XXIIa–b, XXIV, XXXVI, XXXVIII, XLVI, LII, LVII–LXV, LXVII–LXXII, LXXVII–LXXX, and *Suppl.Mag.* nos.70–100. See Ogden, pp. 87 in this volume.
22. That is, the documents collected as *PGM* XV, XVI, XVIIa, XIX, XXXIX, LXVI and *Suppl.Mag.* nos.37–51, 52–8.
23. By 'writing' here I do not mean necessarily to endorse the well-known claims of J. Goody: the word stands for the complex of skills and claims implied by the ideological role of writing in a given culture.
24. The *iunx* is an analogue of the philtre, deceiving the mind by means of its mesmerizing sound (cf. Johnston, 1995: 180–6, 204).
25. The topic of many New Comedies and e.g. so Plautus *Asinaria*, *Curculio*, *Pseudolus* etc.; cf. also [Quintilian] *Declam. minores* 385 praef.: 'A young man, being in love with a young slave prostitute, and having given her loads of presents, administered a philtre to her'.
26. Bemarchius, who accused Libanius of magical practice in Constantinople in 343 A.D., also required support: 'He was getting nowhere by setting up this howl all by himself: he required a gang of his own' (1.44, tr. Norman).
27. Although never as rich and prominent as Lepcis Magna, Oea (despite being omitted from *RE*), a municipium already soon after 12 B.C., was granted the status of a colonia within a decade or two of Apuleius' trial. The pitiful quantity of the local epigraphy is due entirely to the poor quality of the local stone (cf. Reynolds and Ward-Perkins, 1952: 65f.).
28. After describing her alarming behaviour, Jerome indeed adds: 'I suppose the intensity of her passion for him was transmuted into madness' (12.4).
29. I do not accept Garosi's view that this account is Pliny's construction and that the notion of *magia* is essentially a Julio-Claudian creation (1976).
30. The use of another oracle, by Alexander of Abonouteichos, as a charm against the plague also in Asia Minor is mentioned by Lucian (*Alexander* 36).
31. The plague – though it must have been an earlier one – is reported to have appeared as a *daemon* at Ephesus in the form of an emaciated old beggar. Apollonius incited the people to stone it to death, after which it was revealed, dead, as a rabid Molossian dog, big as a lion: Philostratus *Vit. Apoll.* 4.10, p. 364.6–10, 364.25–366.3 Mumprecht; cf. Anderson, 1986: 140f.

32. The contrast here is between between *veneficas* and *magicas artes*.
33. This meeting is almost certainly the invention of Philostratus himself: Flintermann, 1995: 144.
34. The dedicatee of Lucian's *Alexander*, Celsus, an ?Epicurean (Caster, 1937: 97f.), had written a book *On magicians*, which Lucian cites in connection with his own account of Alexander's method of reading sealed oracle enquiries (21).
35. Some other examples in Furley, 1994: 100–3; analysis of some actual incantations using historiola, 91–100.
36. A variant is the claim that blood sacrifice *tout court* must be directed to malign *daemones*; but as far as I know this does not occur earlier than Porphyry, *De abstin.* 2.42.3, 2:109 Bouffartigue-Patillon.
37. Pliny uses this division in his introductory critique of magic as a whole, so that it is explicitly his own; but I think there can be little doubt that the Hellenistic writers on magic also used it, at least tacitly.
38. Many of the relevant texts are to be found, assembled apparently by or with the help of M. Wellmann, as 'Sonstiges unechtes' at 68 B300 *DK*.
39. See more extensively *Enneads* 4.4.40–42 = Luck, 1985: 118–20.
40. Kingsley (1995: 298–300), pursuing the theme of a subterranean goetic tradition, suggests that Empedocles' Love and Strife are in fact the origin of the contrast between sympathy and antipathy. One wonders in that case – and Plotinus *Ennead* 4.4.40.5f. provides no kind of counter-argument – why the pseudo-Democritean tradition was not content with this classic formulation.
41. The earliest documentary occurrence of the words *aski kataski aasion endasian*, *tetrax*, *trex-*, *damnameneus* etc., which are evidently closely related to the names that occur in the (late) lists of the *grammata*, is a protective charm from Phalasarna in Crete, dating from the late fourth century B.C. (see now *SEG* 42: 818.6; also Brixhe and Panayotou, 1993; cf. Furley, 1994: 96f., using the old publication of *ICret.* II xix 7). Though much is obscure about this text, it seems clear enough that these words are treated as names, either in the conventional sense, of *daemones*, or as primitive instances of non-lexical 'words' (cf. Kotansky, 1991: 110–12).
42. I take this confession by Olympius as pure decoration, being the necessary 'objective' confirmation of Plotinus' own account.
43. *Pharmaka lugra*, as at 4.230; at 10.394 it is a *pharmakon oulomenon* – *oulomenon* having a semantically vague but highly emotive negative force – that causes their bristles to grow.
44. This board of magistrates was still issuing curses in the second century B.C.: *Syll.* 578.60.
45. When the plague struck Athens in 430 B.C., it was at first thought

that the Peloponnesians had put *pharmaka* into the water-reservoirs which supplied the Piraeus (Thuc. 2.48.2); again, the 'obvious' distinction between physical and marvellous effects is blurred.

46. The text is here unclear: at the end of l.2 the letters *ANA* are written above the line. Newton and Dittenberger implausibly took this to mean *(th)ana(sima)*, 'to kill him'. Bechtel, Audollent, and Blümel read *ana[bai*, 'may he go up', which is the usual formula in this group. My translation differs in several details from Blümel's; the meaning is often obscure.
47. *SEG* 4: 648 = Petzl 1994 no.69, with tr. and comm.; also discussed by Daniel Ogden elsewhere in this volume, p. 000.
48. An exaggeration for effect no doubt – unless there was anaphylactic shock or he bled to death, he most likely died of tetanus, which would normally take two to three weeks.
49. But I confess it is not clear to me whether it might occur to anyone to enter a *dikê blabês* against an opponent in a lawsuit which he had lost, a failure which he blamed on the opponent's judicial curse. I assume that the risks of appearing ridiculous might here outweigh the desire to get even.
50. Dem. 23.65–67 does not mention *pharmaka* however.
51. The use of the word *anthrôpos* of a woman is generally contemptuous; but Aristotle uses it neutrally several times (e.g.*EN* 7.5, 1148b20), and, as will appear shortly, I think that must be so here.
52. Note also the account of the death of Herod's younger brother Pheroras, Joseph. *AJ* 17.4.1 (62). The plea seems to have had a chance of success in Athenian courts, cf. Pl. *Leg.* 9, 865b2–4, b6.
53. Cf. various attempts to use a binding curse to repay a death suspected to have been by sorcery: *Syll.* 1181.3–5 (Rheneia, IIp); Jordan, 1985a: 157f. s.v. no.14, a text of Imperial date from the bank of the Eridanus in Kerameikos (Athens, unpubl.), cursing 'whoever gave a *pharmakon* to Hyakinthos'.
54. Cf. Plato's discussion of *asebeia* in *Leg.* 10, 908d-910b, which is full of reminiscences of the Athenian practice (Wyller, 1957; Saunders, 1991: 318f.).
55. Cf. too Ninos, the priestess of Sabazius: Dem. 19. 281; Joseph. *Ap.* 2.37.
56. It is quite possible that the woman in Aesop's fable 56 was Theôris, though her origin is not further specified.
57. In my view the trope of Socrates' uncanny powers (cf. also Xen. *Mem.* 2.6.10f. – with an allusion to the Sirens; 3.11.16–18, S. as an expert on love magic) was a means of conceding that the *graphê asebeias* against him was not totally groundless.
58. At Aristoph. *Nub.* 749 the word is an adjective qualifying *gynê*, i.e. 'a herbalist woman' – in this case, a Thessalian, who can haul the moon down. *Pharmakeia*, which in the Principate means 'magic', in the fourth century usually means either 'medical use of drugs' or 'poisoning'. The only exception I know is Ar. *HA* 6.18, 572a22, one of the three parallel passages that mention *hippomanes*, where it is used in a periphrasis to mean 'wise woman/witch'. *Pharmakeus* in Pherecydes *FGrH* 3 F47 (of the Idaean Dactyls) is clearly not part of a genuine quotation, but a summary by the scholiast.

59. As a pair, the terms construct the implicit model of 'magical healing' from earliest times (cf. the sons of Autolykos, Hom. *Od.* 19.456f.), as well as of Circe's magical art (10.236 with 320). But by the fourth century their significance had shifted to become predominantly negative.
60. *Pharmattein*, bewitch, occurs already (in the perf. passive) in Ar. *Thesm.* 534 and [Hippoc.] *Morb. sac.* 4 = 1.40, p. 66.86 Grensemann, meaning 'to have been bewitched'; cf. also metaphorically, Pl. *Symp.* 194a5, *Meno* 80a3 (cited above).
61. It is not quite certain that two different words for crops were used in the two phrases: the earliest evidence for 8.8b = 8.4 *RS*, the historian L. Calpurnius Piso Frugi (cos. 133 B.C.), almost certainly had *fruges* not *segetes* (frg. 33 Peter).
62. In my view the other title which is usually believed, following Pliny *HN* 28.17, to refer to malign magic through incantation (8.1 = 8.1 *RS* with commentary 2: 678f.), does not do so: Pliny misunderstands, or misrepresents for the sake of his argument, the significance of the expression *malum carmen*. Horace *Epist.* 2.1.152–55 is surely decisive.
63. The text is mistranslated by Kippenberg (1997: 153) as 'guilty intention is presumed from the deed'.
64. In the rhetorical schools of the Flavian period, it could still be debated whether incantation should be classed as *veneficium* (Quint. *Inst.* 7.3.7). This suggests that the matter had not yet been decided by any *senatus consultum*.
65. Cf. also the defence's earlier question to the brothel-keeper: 'Are you charging him with *veneficium* when you are suing him for penal damages?' (385.4).
66. The apparent repetition of Modestinus' ruling in [Paul.] *Sent.* 5.23.15 confirms this, since it prohibits 'celebrating or causing to be celebrated perverse or nocturnal rites for the purpose of bewitching, "taking" or binding' (5.23.15f.).
67. Kippenberg also accepts Pliny's interpretation of 8.1 (*HN* 28.18), which I do not: see n. 62 above.
68. Listed by Massoneau, 1934: 172–81; Cramer, 1954: 234 table 4; 237–43; Liebeschuetz, 1979: 133–5; Fögen, 1993: 96 n. 20.

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