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Writing Mortals and Reading Gods
Appeal to the Gods as a Dual Strategy in
Social Control*

Questions of definition**

An invitation to participate in a symposium on social control comes as a thrill – in more than one sense of that word – for the person who happens to be ignorant of what social control *is*. This, indeed, was the situation of the present author. So I asked those colleagues and friends who are good at difficult words, if they could tell me what social control was. Unanimously and categorically, they refused to respond to such a silly question, since, they told me, *everybody knows* what social control is. A person who feigns ignorance on this point tries to pull your leg. All this did not help me as much as I had hoped.

So, finally and reluctantly being forced to consult the relevant literature, in particular some standard encyclopedias of sociology¹, it was a great relief to discover that the reason why I did not know what social control *is*, is that social control *does not exist*. What do exist are definitions of the concept. Many a specialist devotes the first part of his scholarly life to creating his own definition, while spending the rest of it on proving that all other definitions are wrong (or vice versa)². As

* I wish to express my gratitude to my (in every sense of that word) magic class at Berkeley (1999), for criticism of form and content of the present paper, in particular to Laura Gibbs who showered me with questions, corrections and suggestions (and to whom I owe a reference to the maker of what I consider to be the most helpful definition of social control). Also many thanks to Angelos Chaniotis, who read a draft of this paper and offered many helpful suggestions and corrections, while also allowing me to benefit from an unpublished article (Chaniotis forthcoming 2001). Henrike Florusbosch did wonders in severely eliminating or adding punctuation and quotation marks (and other ill-defined niceties) wherever she saw fit to.

** Scholars who believe that research can be done without defining the object of their research may skip this section. See also n.6.

¹ J. Gould, W. L. Kolb, A Dictionary of the Social Sciences (New York 1964) 650–52; A. and J. Kuper, The Social Science Encyclopedia (London 1985) 765–68; E. F. and M. L. Borgatta, Encyclopedia of Sociology 4 (1992) 1818–23.

² But compare n.6.

a bonus I also found out that having a *wrong* definition is far worse than having *no* definition, the first being unforgivable, the latter only unimaginable.

Fortunately, the horrifying variety of individual definitions allows for a few – no less diverging – lowest common multiples. One group – in the wake of the founding father of the term social control, E. A. Ross³, – takes social control as “concerned with that domination which is intended and which fulfils a function in the life of society”, which in the end practically amounts to the idea that social control equals any collective activity that somewhere contributes to social order. Another, more recent, trend, following its best-known representative Talcott Parsons⁴, defines social control by reference to deviant behaviour: “Every social system has, in addition to the obvious rewards for conformative and punishments for deviant behavior, a complex system of unplanned and largely unconscious mechanisms which serve to counteract deviant tendencies.” These two definitions represent radically distinct positions in their general purport as well as in their particular implications. They reveal that social control may be viewed either as intentional or as unconscious, as an institutional system or a *conscience collective*, as external or internal, as reactive or deterrent, etcetera etcetera. To single out one specific distinction: it is obvious that the first trend will take law and jurisdiction as a central marker of social control, whereas the latter lays emphasis on mechanisms beyond the well-defined institutional powers of repression. The contrast between the element of enforcement through an institution (or its representatives) and less formal types of social pressure exerted by individuals or groups seems to draw a major dividing line in the modern discussion.

It is, then, (again) a relief to come across a series of studies by J. P. Gibbs⁵, who, first, provides a systematic and precise critique of the major theories, showing that more often than not they are circular, tautological, unprecise, hence unhelpful and in fact misleading, secondly, provides a clear general definition, which – beyond its appeal for various other reasons – has the great advantage of avoiding a fatal flaw typical of most others, by rigorously excluding other ill-defined concepts, such as social, deviant, power, or control, and, thirdly, suggests that “social control is not one thing – a unitary, homogeneous phenomenon. Rather, *social* control is described as any one of five types of control behavior.”⁶

³ E. A. Ross, *Social Control: Survey of the Foundation of Order* (New York 1901).

⁴ T. Parsons, *The Social System* (New York 1951).

⁵ J. P. Gibbs, *Norms, Deviance, and Social Control: Conceptual Matters* (New York, Oxford 1981), which will be my main source; *idem* (ed.), *Social Control: Views from the Social Sciences* (Beverly Hills 1982); *idem*, *Social Control*, in: A. and J. Kuper, *The Social Science Encyclopedia* (London 1985) 765–68; *idem*, *Control: Sociology's Central Notion* (Urbana, Chicago 1989), Ch. 3: Basic Types of Control, Power, and Major Questions 43–75.

⁶ And there is much more. In Gibbs (1989) 58, we read: “Yet any definition is preferable to a common practice in sociology – to use the term *control* or write on “social control” without defining either term (follow examples), let alone confronting conceptual issues and problems. One related practice is to publish an edited book bearing the title of social control without the slightest indication as to the sense in which the individual papers bear on the subject (follow examples).” Substitute “magic” for “social control” and you have a precise description of

Here is his definition: “Social control is an attempt by one or more individuals (the first party) to manipulate the behavior of one or more other individuals (the second party) through still another individual or individuals (the third party) by means other than a chain of command or requests.” This definition merits praise for its cleanness. Gibbs’ point of departure is his decision that the concept of social control requires three parties involved, which in a way is part of *his* answer to a most pertinent question raised by himself: “what is social about social control?” Consequently, his definition excludes what he calls *proximate* control, meaning control without a third party (as when a mother physically restrains her child); and it also excludes *sequential* control (as when X orders Y to order Z). Instead there are different types of control involved in his five types of social control of which I select the first two for treatment because they are the only ones that are directly relevant to my main argument⁷.

“Social control is an attempt by one or more individuals (the “first party” in either case) to manipulate the behavior of another individual or individuals (the “second party” in either case) *by or through*:

1) the first party communicating to the second party some reference to a third party,

2) the first party manipulating a third party’s behavior by communicating allegations about the second party to the third party.”

The first type belongs to the category of *referential* social control. For instance, a child says to a sibling: “Give me back my candy or I will tell Mother!” Note that there are numerous different ways of telling the third party, and of communicating the message about this telling to the second⁸.

The second type belongs to the category of *allegative* control, and is exemplarily conspicuous in – though by no means restricted to – tort law. This time the first party does not address the second but turns directly to the third party with his complaint. Yet it is still *control*, not *constraint*: a plaintiff cannot command a judge to compel the defendant to pay damages; rather the goal is realized by allegations about the defendant which the judge finds credible and evaluates negatively.

Gibbs (1989, 60) adds: “Although both allegative and referential control entail judgments by the first party about authority, normative standards, and credibility, the two are distinct. Whereas in referential control the first party does not presume that the third party will become involved directly, that presumption is essential in allegative control. *However, one and the same act can be both allegative and referential control*” (my italics HSV)⁹. This might suffice for my present issue. For

what is happening in another sector of the scholarly world. And then I have not even quoted *ibid.* 23: “Indeed, a pernicious belief is pervasive in sociology: constructive research and theorizing are possible without confronting conceptual problems (follow examples).”

⁷ I quote from Gibbs (1981) 78, which is summarized in his other works.

⁸ See the example *infra* in n. 9.

⁹ In order to clarify that social control is not only about accusations and requests for justice or vengeance, I here add Gibbs’s own illustration of this double strategy: “Although Hitler

we will find precisely this double strategy of social control in the material that I wish to discuss. But first I must add a few words on another fundamental series of studies, this time specifically concerned with social control in the ancient world.

Gibbs' broad but precise typology of social control covers both the informal types such as for instance gossip, and the formal, institutionalized types such as law or litigation – but only in so far as they involve three parties. Starting from a theoretical-conceptualist point of view, he thus levels the barrier between the two sometimes radically opposed schools described above. There is, however, another way to re-assess the rigid distinctions between these two categories, namely by showing that it is our modern legalistic conception of law and jurisdiction that is responsible for the all too harsh distinctions between justice as *belonging to* or as *contrasted with* social control. This is what David Cohen has done for Classical Athens in his innovative books of 1991 and 1995. On the basis of socio-historical and comparativist research, and with the aid of the evidence provided by modern Mediterranean anthropology, he showed that:

The informal social control of gossip and reputation, though still vibrantly present and socially contiguous with the judgments of the courts, supplemented a radically democratic mode of social control in which the people as a whole (symbolically at least) directly dispensed a judgment which in this context could claim, as so many orations put it, to serve at once both justice and their interest. (1995, 188)

Not only did – in accordance with Gibbs' definition – both informal and formal strategies to force persons and groups to normative conformity belong to what we may call social control, but in Classical Athens there were no sharp boundary lines between the two at all. If Athenian litigation is just as much an aspect of social control as is gossip, we now learn that these two are far more mutually related than modern (law-)historians have realized. And, as Cohen shows, the historian ignores this at his peril: serious historical misinterpretation is the demonstrable result.

In other words, legal rhetoric is made possible through an understanding of the shared moral judgments on which the political community is based. This rhetorical nature of Athenian litigation made it ideal as a democratic mechanism for social control and the clarification of social and political hierarchies precisely *because* the courts did not reach decisions purely through the interpretation of legal norms and principles and their application to a particular transaction. (1995, 191)

The Athenian courts arrived at decisions in such a way as to make them a powerful vehicle for the articulation and expression of shared moral, social, and political judgments. As such, they provided a very powerful "democratic" mechanism for social control and for the regulation of competition among those vying for power, wealth, and influence. (1995, 192)

I mention this exposure of the essentially social nature of Athenian jury-litigation¹⁰ not only for its fundamental significance to the concept of social control

engaged in Jew-baiting to gain support of German gentiles (*referential* control, with Jews as the third party), he may have acted also in the belief that it would provoke violence against Jews that would drive some of them from Germany (*allegative* social control, with Jews as the second party).

¹⁰ For the complex and sophisticated interconnections of a community's normative "taxonomies" including their concomitant sanctions and control – and the official laws of the cen-

as applied to Greek society, but – perverse as it may seem – in the first place to announce and explain its absence from the following discussion. What is true and revealing for Athenian society, is not, or less so, for the societies which I shall discuss. My focus will be on different types of communities in different areas of – or even outside – Greece proper, where democracy either did not occur or was of a different vintage and where different judicial systems prevailed. And, secondly, the justice that I shall discuss was not in the hands of men but in the hands of gods.

Gods and justice in classical Athens

In a recent paper entitled "Strategies of Religious Intimidation and Coercion in Classical Athens" Robert Garland (1996), pursuing a line of research he had broached more than ten years earlier¹¹, investigates two related issues. The first concerns the strategies whereby the Athenian democratic system enforced religious conformity, in his words: "strategies to encourage and enforce religious obedience". This type of civic protection of the religious codes and – as sceptics would sneer – of the gods themselves against acts of impiety are of course best exemplified in the *asebeia* processes, which dominate the modern debate on the limits of religious tolerance in Athenian religion¹². However, this is not my concern in the present paper¹³. The second issue, in a way its reverse, concerns the question of how individual or collective behaviour in classical Athens might be manipulated and controlled through an appeal to divine authority. Or, to put it

tral authority in modern Mediterranean communities see: *Cohen* (1991) 52–54. His chapters 2 and 3: Models and Methods I and II (1991, 14–69), should be compulsory reading for any student of ancient (and modern) Mediterranean societies.

¹¹ Religious Authority in Archaic and Classical Athens, in: *BSA* 79 (1984) 75–123.

¹² *E. Sandvoss*, Asebie und Atheismus im klassischen Zeitalter der griechischen Polis, in: *Saeculum* 19 (1968) 312–9; *K. J. Dover*, The Freedom of the Intellectual in Greek Society, in: *Talanta* 7 (1975) 24–54; *B. Kötting*, Religionsfreiheit und Toleranz im Altertum, Vortr. Rhein.-Westfäl. Ak. (1977); *A. Momigliano*, Freedom of Speech and Religious Tolerance in the Ancient World, in: *S. C. Humphreys*, Anthropology and the Greeks (London etc. 1978) 179–93; *P. Garnsey*, Religious Toleration in Antiquity, in: *Persecution and Toleration* (Studies in Church History 21, Oxford 1984) 1–27; *Cohen* (1991) 203–17.

¹³ This is not to say that *asebeia* trials cannot be exploited as strategies of social control in different ways, for instance as an instrument to eliminate persons who for some reason or other are undesirable or have raised envy. Socrates is the most notorious case in point. For twin accusations (religious and social or political) see: *Versnel* (1990) 116–8. However, the hidden social agenda is seldom revealed in explicit terms. A very telling exception is *Aesop*. 91: A sorceress made a profession of supplying charms and spells for the appeasing of the anger of the gods. She was assiduous in her business and thus made a comfortable living. But envious of her success, someone accused her of making innovations in religion, and prosecuted her for it in court. Her accusers succeeded and had her condemned to death. As she was led away from the court, someone shouted to her: "Hey woman! You made such a profit from diverting the wrath of the gods! Why can't you divert the wrath of the people?"

differently, how can the gods be deployed as instruments of social control¹⁴? This issue is all the more interesting since religious authority as represented by priests or other cult-officials did not generally claim an absolute authority over the life and destinies of the adherents. Unlike Israelite religion for instance, it was never a central objective of Greek and Athenian religion to promote morality, since, as a rule, morality was not judged to be revealed through religion. One of the interesting aspects of social control through religious manipulation, namely conditional and promissory curses or imprecations, is the subject of Chris Faraone's contribution to this volume¹⁵. As for the rest, hard evidence of divine retribution *invoked by the demos*¹⁶ in classical Athens seems to be exhausted by exactly two curses against religious transgressors, each of them concerning a notorious case: the curse against the Alcmaeonids for their sacrilegious manslaughter of their opponent Kylon, who had sought refuge with the statue of Athena, and the curse against Alkibiades for his parody of the Eleusinian Mysteries. Furthermore orators would occasionally threaten members of a jury with the wrath of the god if they were to vote incorrectly. In this context we encounter sporadic expressions claiming that the gods "oversee all human acts" (Lyc. c. Leoc. 94)¹⁷. Similar expressions can be found in other literary genres, for instance tragedy: "though far off in heaven, they see all that men do" (Eur. Bacchae 393 ff.).

On the whole, the fact that, in classical Athens, these expressions occur seems to be less interesting than that their occurrence is so rare. Where, by Jove, is Homer's Zeus who sees all and hears everything¹⁸? Where are Hesiod's "thirty thousand

¹⁴ Burkert (1996) 7: "In this sense one might even say the divine is a social tool to manipulate communication" referring to V. Sommer, *Lob der Lüge: Täuschung und Selbstbetrug bei Tier und Mensch* (Munich 1992) 85–88, 111 f. for the concept social tool. And, of course, there is the immense field of religion applied as justification of political power and subjection: Burkert (1996) 93–97.

¹⁵ His paper, Curses and Social Control in the Law Courts of Classical Athens, has been published in the meantime in Dike 2 (1999) 99–121. Garland correctly points out that the issue here is not divine punishment of moral errors, but revenge of oath-breaking considered to be an insult against divine majesty. Cf. Dover (1974) 250–3; Mikalson (1983) Ch. 5: The Gods and Oaths; Versnel (1995) 372.

¹⁶ Thus Garland (1996).

¹⁷ Cf. ibid. 146, where the orator reminds the jury that "each of you, in casting his vote now in secret, will make his own thought apparent to the gods." Note, however, that, "only in cases involving some form of impiety was it thought that the gods would take cognizance of the vote of each juror and punish him if he voted unjustly" (Mikalson 1983, 29).

¹⁸ Mikalson (1983) 29 rightly censures Dover (1974) 255, for taking the isolated expression in [Demosthenes] 25, 10–11: "solemn Justice sits by the throne of Zeus and watches over all the affairs of men" as a "fundamental religious concept in the classical period." Mikalson of course admits that the idea is familiar in poetic literature from Hesiod onwards, but contends that it "occurs nowhere else in our sources". This is true only if one restricts one's sources to epigraphy, the Attic orators and Xenophon, as Mikalson does. By excluding tragedy, comedy and philosophical literature – for whatever valid reason – Mikalson ignores an essential section of Athenian religious expression, as several critics have noted. His ensuing rigorous distinction between the gods of tragedy and those of popular religion including their respective behaviour, in his *Honor Thy Gods: Popular Religion in Greek Tragedy* (Chapel Hill 1991)

daimones", those "watchers of mortals ... who keep watch on lawsuits and crimes, as they roam about the whole earth, clothed in mist" (Erga 252–5)? Perhaps even more remarkable is the fact that whenever Athenian authors or speakers feel inclined to remind their audience of divine omniscience, it is without exception in a markedly persuasive context. It is as if these expressions, being of a gnomic nature, remain available to be put into action at moments of real urgency or desperation¹⁹. Similarly, it is almost exclusively in the rhetoric of the lawcourt (or the classroom) that we find warnings about the way in which the polluting presence of a single criminal can put an entire city at risk, or endanger fellow passengers on board a ship²⁰, as for instance in Antiphon Tetralogies 5.82, and Aeschin. 2.158. A live interest in similar cases of pollution may occur in different sources. In an oracle question the people of Dodona ask their god: "Is it because of some human's impurity that we are suffering this storm?"²¹ However, for classical Athens Parker (1983, 130 and cf. 278 ff.) hits the mark when he notes: "Specific instances, however, prove surprisingly hard to discover. ... It seems that the author of the *Tetralogies* has taken the doctrine of pollution to a theoretical extreme some way beyond the level of unease that in practice it created."²²

provoked two particularly thoughtful reactions and re-considerations: R. Parker, *Cruel Gods and Kind: Tragic and Civic Theology*, and Chr. Sourvinou-Inwood, *Tragedy and Religion: Constructs and Readings*, both in: Chr. Pelling (ed.), *Greek Tragedy and the Historian* (Oxford 1997) 143–160 and 161–186, respectively. Sourvinou-Inwood promises a book on the question: *Tragedy and Athenian Religion: A Discourse of Exploration*.

¹⁹ Garland (1996) 96 n.20, reminds us that Olympians were not on the whole mind-readers and therefore could not punish individuals for their unrevealed intentions of desires. "Omniscience was never a feature of Olympianism." Hdt. 6.86 is an exception but only after the intention has been revealed. And in Kritias's play *Sisyphos* the impious protagonist expounds (B25.20 ff.) how some wise man in the remote past invented religion and persuaded his fellow-men that there exists a superhuman power such that "even if you plan an evil deed in silence, this will not escape the gods". Cf. Dover (1974) 257 f. The belief that the intention and knowledge of a crime may be the object of divine punishment – so central in Christian theology – does prevail in pagan texts, but only in later texts from peripheral areas, as for instance in the material that we shall discuss later, and most emphatically in a sacred law from Philadelphia (second or first century B.C.: SIG 3 985; LSAM 20; O. Weinreich, SB Heidelberg [1919]), which betrays a religious climate very similar to that of the confession *σπῆλαι* discussed below (Nilsson, GGR II 291) and to that of Christian communities. See: S. C. Barton and G. H. R. Horsley, *A Hellenistic Cult Group and N.T. Churches*, in: JAUC 24 (1981) 7–41.

²⁰ D. Wachsmuth, ΠΟΜΠΙΜΟΣ Ο ΔΑΙΜΩΝ. Untersuchung zu den antiken Sakralhandlungen bei Seereisen (Berlin 1967) Ch. V § 33: Schiffbruch durch Asebie, presents the evidence from myth and legend.

²¹ SEG 19.427.

²² Cf. the evidence collected by Burkert (1996) Ch. 5: Guilt and Causality, where he discusses illness and other catastrophes conceived as sent by the gods as a penalty for some form of misconduct. There is not one case from Athens and the majority of examples are either very early (i.e. mythical) or very late (imperial period) and come either from marginal regions of the Greek world or from non-Greek areas. Xenophon should be mentioned as one remarkable exception in being rather prone to explain disasters as divine intervention to punish impiety. E.g. in *Hell.* 5.4.1, he attributes the Spartan defeat at Leuktra to their flagrant breaking of their oath in 382 BC, being in his words one "of many instances among Greeks and bar-

In other words, we may well doubt whether in the eyes of the Athenians gods were consistently regarded as being actively involved in this type of retribution. Rather we get the impression that automatic and natural effects of *miasma* or curses dominate the imagery of supernatural retribution. As for the gods, at least in the Athenian evidence they seem to be interested in their own rights rather than in what *is* right²³. Hence they were expected to interfere only in matters such as perjury, punishing perjurers or those who “forget” to fulfil their vows²⁴. Besides, Euripides’ tragedies or Aristophanes’ comedies – like for instance Aristophanes’ *Birds* 1606–25 – provide revealing glimpses of doubts concerning the intensity, the perseverance and the efficacy of their supervision. According to one source, Diagoras ὁ ἄθεος became an atheist as a result of a loan that was never repaid to him²⁵. Accordingly, his notorious arguments against the existence of gods include the observation that Zeus does strike the roofs of his own temples with his thunderbolt but not the houses of criminals, which, according to myth, he is expected to do²⁶.

barians to demonstrate that the gods are not indifferent to those who are impious or perpetrate unholy deeds“. Another outspoken instance in Hell. 4.4.12. On the *Anabasis*: Nilsson, GGR I, 787. Note, however, that all this concerns mainly post eventum interpretation and may have been politically inspired. Moreover, “the hand of God is an explanation that dulls the quest for truth”: G. L. Cawkwell, Xenophon, *A History of my Times* (Harmondsworth 1979) 45.

²³ “It would appear that the gods became directly involved in legal affairs only when those affairs concerned (1) acts which were considered impious and (2) perjury” (Mikalson 1983, 28). On *hierosulia* and theft of sacred property: D. Cohen, *Theft in Athenian Law* (Munich 1983) 93–103, with a full list of evidence at pp. 105–7, including examples involving *asebeia*.

²⁴ Practically all the oracle questions (and answers) concerning the causes of illness, or mishap as collected by H. W. Parke, D. E. W. Wormell, *The Delphic Oracle* (Oxford 1956) are related to *religious* – not interhuman – trespassing. They are handed down by later authors and mostly refer to (collective) legendary or mythical cases, breathing the atmosphere of post-classical religiosity: nos. 50, 58, 63, 64, 75, 108, 150, 158, 179, 191, 199, 210, 211, 292, 331, 386, 387, 389, 405, 445, 455, 464, 467, 485, 493, 516, 529, 530, 536, 544, 546, 552, 554, 556. There are only three historical personal oracle questions concerning violations of sacral law (*Plut. Mor.* 404 A = P.-W. 464; *Heliodor. Aeth.* 4.19 = P.-W. 516; *Porphyry. De Abst.* 2.9 = P.-W. 536) which concern offences and display a terminology closely related to those of the confession inscriptions of the 2nd and 3rd centuries A.D. that we will discuss later.

²⁵ See F. Jacobi, *ΔΙΑΓΟΡΑΣ Ο ΑΘΕΟΣ* (Berlin 1960) 5. Exactly the reverse in *Ar. Nub* 1455–1464, where the divine Clouds tell Strepsiades that it is their custom to plunge people into misery as a reminder to fear the gods (ἕως ἂν αὐτὸν ἐμβάλωμεν εἰς κακόν, ὅπως ἂν εἰδῇ τοὺς θεοὺς δεδουκέναι). Whereupon Strepsiades suddenly recalls that he should not have kept the money he had borrowed and sets out to repair the offence.

²⁶ A related case of ‘apostasy’ can be found in Babrios’ second fable. A farmer has lost his mattock and starts an inquiry (ἐπιζητέω) to ascertain whether it was stolen by certain individuals. When they deny it, he takes them to a temple in a nearby city to take an oath. Once in the city, they hear a public herald putting up a reward for information about the whereabouts of property stolen from the temple. The farmer reacts: “How useless for me to have come here. How could this god know about other thieves, when he has no inkling about the ones who have stolen his own property?” The fable does not occur in earlier collections of fables and generally breathes a cultic atmosphere characteristic of post-classical religiosity, as we shall discuss below.

Altogether, we may conclude with Adkins²⁷ that the Athenians of the classical period – and not only the stray sceptic or atheist among them – generally no longer believed “that the gods punish injustice”²⁸. Even if tragedy and comedy prove that the Athenians were well aware of gnostic, poetical or philosophical notions concerning the justice of Zeus or of the Gods, they conspicuously failed to take advantage of that notion in the literary genre that was specifically preoccupied with the problems of human justice, viz. the forensic speeches. “Only in such instances, when their own prerogatives were threatened, did the gods act directly and on their own accord without human prompting. Crimes such as theft, embezzlement, assault, rape, and so forth did not concern the gods, unless the crime also included some act of impiety”, thus finally Mikalson (1983, 30). Aristophanes *Nub.* 1455–64, as quoted in n.25, though at first sight contesting this, in fact offers confirmation. Aside from being an exception the passage seems to ridicule a notion of divine punishment that is well-known but not really taken all too seriously in Athenian religious practice.

As for the rest of Greece in the classical period we have not much information but the little we have seems to point in the same direction. I here single out one rich source, the oracle questions found at Dodona, mostly dating from the classical period²⁹. In that context we often encounter the wish to discover the identities of culprits: “has Dorkilos stolen the garment?”³⁰, “has Thopion stolen the money?”³¹, “is the child with whom my wife Annula is pregnant my child?”³². And so on and so forth³³. Most relevant to our topic are a few recently published oracular questions, all from the 4th century BC³⁴. “Did he (she?) apply a *pharmakon* (poison or witchcraft?) to my children or to my wife or to me, on behalf of Lyson?”; “did Timo bewitch/poison (κατεφάρμαξε) Aristoboula?” These are the very same suspicions that we shall encounter time and again in later texts from

²⁷ A. W. H. Adkins, *Merit and Responsibility* (Oxford 1960) 255.

²⁸ Pace H. Lloyd-Jones, *The Justice of Zeus* (Berkeley 1971) 109, who claims that “from the time of Hesiod to the collapse of paganism, it is generally true that anyone who believed in the existence of the gods believed that they were just and righteous”. The difference may be sought not so much in the supposed moral nature of the gods, but in their supposed readiness (or lack thereof) to interfere according to that moral nature. Moreover, with regard to the evidence from both daily life and literary sources “the problem is that few scholars like to face the intractability of the problem of evil; they would rather explain it away and believe that justice triumphs, that divinity is ultimately benevolent. As Kant has showed with devastating finality, however, in his *Über das Misslingen aller Philosophischen Versuche in der Theodicee* (Leipzig 1821) no such comfort is rationally possible. This is, I am convinced, precisely the way in which Aeschylus wished to present the problem of innocent suffering, and easy explanations should not be sought to defuse the force of his argument” (D. Cohen, *Justice and Tyranny in the Oresteia*, in: G&R 33 [1986] 129–141, esp. 140 n.11).

²⁹ More than 1400 tablet texts from the excavations of D. Evangelidis, 1928–35 (!) are finally “nearly ready to appear in print”, Christidis (1999) 67.

³⁰ W. H. Parke, *The Oracles of Zeus* (Oxford 1967) no. 29.

³¹ *Epeirotika Chronika* 10 (1935) 259 no. 32.

³² W. H. Parke, *The Oracles of Zeus* (Oxford 1967) 266 no. 11.

³³ Compare the Amasis-anecdote in *Hdt.* 2.174.

³⁴ All are taken from Christidis (1999).

Knidos and the so-called confession texts from Lydia. However, different from these later texts the Dodona texts restrict themselves to requests for information, and do not present accusations or appeals for divine help. Unfortunately, we do not know how the inquirer reacted after having received the answer. Suppose the answer was: "Yes, Dorkilos did pinch your stola and, by the way, he was also the one who fathered your child", did the questioner go to the police? Or did he knock Dorkilos on the head? The interesting thing is that exactly this type of problem is attested in one of the new Dodona tablets: "Sosandros enquires about the curse (ἐπαράσιος) of Alex[...]: should I succeed if I go to court (ἢ τυγχάνοιμι καὶ δικάζομαι[ενος];)." Indeed, what *can* you do if you know a person has cursed you, apparently in an illegitimate way, perhaps by depositing a *defixio* and then telling the target or spreading the rumor about this action? Go to court? Anyway, in the published oracles texts from this marginal area of classical mainland Greece we find no trace of divine justice³⁵.

Altogether the evidence for appeals to the gods for the sake of justice in the classical period³⁶ is not overwhelming and to find richer and more detailed information on the appeal to gods in the interest of social control we must move to later periods and different regions. As I am going to discuss this type of strategy, in accordance with the definition cited in the beginning of this paper, I start from the idea that divine intervention owes its relevance to the issue of social control by its being provoked or exploited through human initiative, most specifically

³⁵ In other regions and later periods, however, oracular practice might offer ample room for combinations of information and revenge. An Oxyrhynchus papyrus written by a victim of theft first provides a – very conventional – oracle question concerning the culprit's identity, but immediately adds a judicial prayer against the thief. (B. Kramer, POxy XII 1567: Orakelfrage, in: ZPE 61 [1985] 61 f., who also gives a full bibliography on oracular questions in papyri. Also in the Maeonian confession procedures, discussed below, oracles may have played a part: BIWK no. 98.). From Kula in Lydia (TAM 257, mentioned in BIWK p. X n.11; Chaniotis [1997] 363 n.61) we have an inscription which refers to an oracular answer to a similar question, which is so decisive that the thief could be traced (and presumably juridically prosecuted). It is a votive stele for the goddess Meter Aliane. A slave woman Rhodia had asked the goddess to reveal the identity of the person who had stolen a large sum of money from the corn-barn of her husband. The money was discovered in the house of a person named Crescens. And Rhodia thanks the goddess.

³⁶ There is a text which, though not Athenian, dates back to the late classical period. The story of Alcinoë, told by Moero (c. 300 BC) in her *curses* (L. Watson, ARAE: The Curse Poetry of Antiquity [Melksham 1991] 227 f., with thanks to Chris Faraone for the reference): "The story goes that Alcinoë, the daughter of Polybus of Corinth, the wife of Amphilocheus son of Dryas, because of Athena's wrath fell madly in love with a Samian stranger, whose name was Xanthus. For she had employed in her house a hire-woman called Nicandre and put her to work for a year, but after that drove her from the house without giving her wages in full. And she prayed earnestly to punish Alcinoë for unjustly depriving her of what was hers. As a result, Alcinoë came to the point where she left her home and the children that she had there, and took ship along with Xanthus. But when she was in mid-voyage she came to the realisation of what she had done and straightway poured forth many tears, and called now upon her lawful husband, now upon her children, by name. And, finally, though Xanthus did everything he could to soothe her and promised to make her his wife, she would not listen and flung herself into the sea."

through prayer or comparable forms of appeal. Secondly, the relevance of any type of evidence will be considerably enhanced if it is not inspired by official regulation and public law, but, on the contrary, if it is actually a response to the inadequacy of official channels, consisting of individual attempts to influence social behaviour through an appeal to divine intervention.

Cursing the competitor

My material consists mainly of tiny pieces of text written on lead sheets and normally not available for inspection because of the secrecy of the places where they were deposited. Traditionally, these lead tablets – of which some fifteen hundred have been recovered – are referred to as curse tablets or *defixiones*. As has been emphasized in recent scholarly discussion, especially by Faraone, these *defixiones* are mainly inspired by motives of competition³⁷. More than three-quarters of the published Greek *defixiones* do not provide any hint of their specific purposes, but the majority of those that do reveal a purpose concern social competition in largely four domains: 1) commerce and trade, 2) athletics, theatre and amphitheatre, 3) love and erotics³⁸, 4) lawsuits. Just as we see defendants binding – that is silencing – the tongues of their opponents, or athletes binding – that is laming – the limbs of their rivals, so we also find shopkeepers or artisans cursing their competitors, including their skills, their business and their hands and minds. These *defixiones* share a number of characteristics: they do not provide any explicit legitimation for the act, are anonymous, are addressed to powers of the underworld, who are often instructed or even commanded to do their jobs, and generally do not wish to inflict pain on³⁹ – let alone kill – the targets but only to make them powerless. These *defixiones* are what we would call a-moral and, although widely applied, were at times both legally forbidden and socially censured. Yet, a double moral can be perceived, as the practitioners would argue that they simply cannot avoid resorting to these unsympathetic devices, since they are indispensable instruments to advance or protect the well-being of themselves and their families in the social struggle for life.

³⁷ See especially Faraone (1991) and Gager (1992), who arranged his chapters according to the various agonistic classes. For earlier classifications (Audollent, Kagarow, Preisendanz) see Faraone (1991) 27 n.45. Cf. also: Graf (1997) 157–60, who pays special attention to a more comprehensive principle: the experience of crisis and uncertainty.

³⁸ For which see: Chr. A. Faraone, *Ancient Greek Love Magic* (Cambridge, Mass., London 1999).

³⁹ With the exception of a certain class of erotic curses or spells, as elucidated by Versnel (1998).

Praying for justice

However, there is another type of tablet texts, which is of special interest to our present issue. By way of introduction let us have a look at a tablet from Athens (DTA 98, fourth/third century). The first part of the tablet is a perfect sample of a genuine *defixio* as just described:

Euruptolemos of Agrule. I bind Euruptolemos and Xenophon who is with Euruptolemos, and their tongues and words and deeds; and if they are planning or doing anything let it be in vain.

The second part, however, is different in tone:

Beloved Earth, restrain Euruptolemos and Xenophon and make them powerless and useless; and let Euruptolemos and Xenophon waste away. Beloved Earth, help me; and since I have been wronged by Euruptolemos and Xenophon I bind them. (φίλη Γῆ, βοήθει μοι. ἀδικούμενος γάρ ὑπὸ Εὐρυπτολέμου καὶ Ξενοφώντος καταδῶ αὐτούς).

There is a sudden change in atmosphere. Instead of an instruction to the god in a more or less instrumental action, we find a flattering (φίλη!) request for help, which is supported by a reference to the injustice suffered. Perhaps more than argumentation is hiding in the phrase ἀδικούμενος γάρ. Let us have a look at another fourth century B.C. Attic tablet (DTA 100), which displays a similar constitution. First an authentic *defixio* formula:

Saturos from Sounion and Demetrios and all of them as well, whoever else [is hostile] to me. I bind (καταδῶ) them, ο Onesimos⁴⁰. All of them, their persons and their acts against me I entrust to you, in order that you take care of them (τηρ(ε)ῖν), Hermes Restrainer, restrain their names, and all that belongs to them.

Then the tone changes abruptly:

Hermes and Ge (Earth), I implore you to take care of all of this and punish them, but [save him] who has struck the lead.

Ἐ[ρμῆ καὶ Γῆ, ἱκετεύω ὑμᾶς τηρ(ε)ῖν
ταῦτα καὶ τούτους κολάζ(ε)τ(ε)
σφύζετε τὸν μολυβδοκόπον

Neither the verb ἱκετεύω (“to pray and implore devoutly”) nor the phrase “help me” in the previous text, is really at home in the majority of *defixiones*. Another key word, κολάζ(ε)τ(ε), implies a justified punishment. More interesting, however, is the closing passage, which (although it is mutilated) almost certainly asks that the writer of the tablet himself should suffer no harm. It seems as though he excuses himself for this indelicate, but unfortunately unavoidable device. In our collections of *defixiones* we find quite a few of these ‘deviant’ texts concerning pleas for justice, punishment and revenge and adding a legitimation for this appeal

⁴⁰ For this interpretation as a vocative of the addressee, viz the dead person, see *Bravo* (1987) and *Voutiras* o.c. infra n.78.

to the deity. Here are some more all stemming from fourth century Athens. DTA 102 begins as follows:

I send a letter⁴¹ to the demons (? the text has only ...jaimo) and to Persephone and “deliver” to them Tibitis, daughter of Choirine, who has wronged me (τὴν ἐμ(ἐ) ἀδικο(ῦ)σαν).

In DTA 120 the victim is similarly designated: τὸ[ν] ἐμὲ ἀτιμο(ῦ)ντα (“who has treated me shamefully”) and on a very severely mutilated tablet (DTA 158) we read,

το[ῖς] ἀδικο(ῦ)μέν[οις] ... ἀ]δικ(ῦ)μέν[οις] ... <κ>αὶ δίκ[η...].

Finally DTA 103:

To Hermes and Persephone I send this letter. Because I direct this (curse) against criminal people (ἀμαρ[τωλο(ῦ)ς]), they must, O Dike, receive their deserved punishment (τυχεῖν τέλο(ῦ)ς δίκης).

On account of these and other texts I have argued for a differentiation between the *defixiones* proper and another category, which I labelled prayer for justice or judicial prayer⁴². As always, we are speaking in terms of family resemblance and polythetic classes, with overlapping and criss-crossing similarities⁴³. Even so, the prayers for justice are generally marked by a series of characteristics that clearly separate them from the *defixiones* proper. These may include the use of legal terminology, the notion that gods are all-seeing judges and hence a deferential form of address and the association of the action with a more or less official temple ritual, and finally, the desire to legitimately inflict pain, ailment, death upon the adversary as a punishment or constraint to redress an offence. Obviously in all these cases the plaintiffs feel fully entitled to their actions, legitimating them with references to the injuries they have suffered. Theft⁴⁴ prevails among these injuries, which implies that the perpetrators are mostly unknown, a circumstance which may lend an additional aspect of ordeal⁴⁵ to the action of the divine judges.

Altogether, then, in this specific type of tablet text the target is *not* (or not principally) a competitor in the social sphere; he is first and foremost someone accused of a crime, to be judged and persecuted by divine law. The earliest Athenian attestations – as cited above – date from the fourth century BC. They are rare and display only a fraction of the characteristics just mentioned. Their numbers increase in the Hellenistic period and peak in the imperial period. Regardless of their his-

⁴¹ On this Jenseitskorrespondenz see: *K. Preisendanz*, Fluchtafel (Defixio), RAC 8 (1972) 7–8 and *Faraone* (1991) 4, and infra n.77.

⁴² *Versnel* (1991). I have a problem with the term vindictive prayer – as it is sometimes applied – since it implies the notion of vengeance or spite, which may, but does not always, occur in this type of appeal.

⁴³ I have discussed these concepts in the context of magic in: *Some Reflections on the Relationship Magic-Religion*, in: *Numen* 38 (1991) 177–197.

⁴⁴ Especially theft of garments or footwear. This seems to have been a major concern in antiquity: *O. Meyersen*, Der Manteldiebstahl des Sokrates. *Ar. Nub.* 175–9, in: *Mnemosyne* 46 (1993) 18–32. However, refusal to return a loan also occurs in curses and is also reflected in the very same comedy: *Ar. Nub* 1455–1464. Vide supra n.25.

⁴⁵ *Versnel* (1995). And cf. the fable of Babrios mentioned in n.26.

torical and topographical setting however, there is an invariable distinction to be drawn between competitive *defixiones* on the one hand, and curses intended to punish the opponent by inflicting suffering on the other⁴⁶.

Now, both types of tablet texts provide fascinating insights into strategies of social control. The *defixiones* proper, being inspired by competition, give us welcome insights into the feelings of envy cherished by the authors. On the other hand, they may also function as a kind of counter-magic to ward off or counter the envy, gossip and *Schadenfreude* as demonstrated by enemies of the author. Envy, gossip, slander and mockery are among the most popular and effective strategies in the competition for social equality, especially in order to prevent others from outmanoeuvring you on the scale of honour. "No family can stand to see another prosper without feeling envy and wishing the other harm", writes the anthropologist E. G. Banfield⁴⁷. Hence the extreme mistrust and secretiveness of the family in its eternal competition against other families and groups, all permanently engaged in attempting to discredit one another, so as to rise – or keep the other from rising – in the social scale⁴⁸. In these competitive societies "gossip serves as a particularly effective form of social control since it is impossible to locate its exact source and eliminate it"⁴⁹. I have discussed this fascinating aspect of social behaviour in a recent paper, starting from an apposite judicial prayer on a lead tablet asking the goddess Demeter to "punish those who rejoice in our misery"⁵⁰.

Heiliges Recht in Knidos and other places

So, for the present occasion our topic will be the prayers for justice and their relevance to the issue of social control. During the excavations of the temple of Demeter and Persephone at Knidos in the South West of Asia Minor in the middle of the 19th century, C. T. Newton found a number of lead tablets containing texts which, as he soon discovered, betrayed some similarity with, but were clearly different from, magical *defixiones*⁵¹. The majority are sorely damaged and because precise dating could not be established by either the archaeological context or the letter type, Newton ventured a rough estimation between 300 and 100 BC, perhaps somewhat later. The majority of later commentators opted for the second or

⁴⁶ Versnel (1998) 184.

⁴⁷ E. G. Banfield, *The Moral Basis of a Backward Society* (New York, London 1958) 115.

⁴⁸ On the social functions of gossip etcetera there is a rich literature, for which I refer to Versnel (1999). On ancient Greece, especially Athens, two excellent studies appeared recently: Cohen (1991), index s.v., and V. J. Hunter, *Policing Athens: Social Control in the Attic Lawsuits, 420–320 B.C.* (Princeton 1994) 96–118, Ch. 4: The Politics of Reputation: Gossip as a Social Construct, a revised form of an article with the same title in *Phoenix* 44 (1990) 299–315.

⁴⁹ J. Cutileiro, *A Portuguese Rural Society* (Oxford 1971) 140.

⁵⁰ Versnel (1999).

⁵¹ Newton (1863) nos. 81–95.

first century BC. The texts as given by subsequent editors and commentators including Wunsch, Bechtel, Audollent, Steinleitner and most recently Blümel (1992) nos. 147–159⁵², can be considered definitive. At any rate, new suggestions on the basis of autopsy cannot be expected in view of the current deplorable state of the material. The texts have often been introduced as evidence in various studies on *defixiones*, curse texts, confession texts and the like, but this by no means implies that all the riddles have been solved. I shall first give a short picture of the rather stereotyped contents of these 13 to 15 tablets⁵³.

The reason for their existence is that the authors, who are always women – not surprisingly in a sanctuary of Demeter and Kore –, believe that they have been wronged by another – generally unknown – person. Cases in point are theft, refusal to return a deposit, physical injury, seduction of a husband by another woman, slander or false accusations, especially with respect to black magic or poison. By means of these tablets the injured person resorts to the deities of the local temple. She devotes or commends (ἀνατίθημι or ἀνιερόω) the culprit – sometimes the stolen object – to Demeter, Kore and the gods who are with them. Next, there are two possibilities: the culprit can redeem his/her error, for instance by returning the stolen object to the owner, after which the case is closed. Or he/she remains obstinate, in which case Demeter is requested to force the culprit to a public confession (ἐξαγορεύειν) and/or to restore the damage by bringing it to the temple. In cases of slander, of course, mere confession suffices. By way of example let us read parts of three of these texts (the numbering follows Audollent's DT).

No. 2, (A) Artemis dedicates to Demeter and Kore and the gods with Demeter, all of them, the person⁵⁴ who did not return the garments that I had left behind, although I asked them back. May he, in his own person, bring them up to Demeter, also if it is another person who has my possessions, burning with fever (πεπρημένος), publicly confessing his deed (ἐξαγορεύων).

(B) Let it be permissible for me to drink and eat together and to come under the same roof (as the cursed person). For I am wronged, Lady Demeter.

The two words πεπρημένος (being burnt with fever) and ἐξαγορεύων (openly confessing) are mutilated on the tablet but can be supplemented with certainty since they are formulaic and return in the majority of the texts. For instance No. 4, a curse written by Hegemone. This lady is rather unrestrained in her complaints, which require two sides of the tablet, of which I only quote side A:

⁵² DTA p. Xff.; H. Collwitz, F. Bechtel, *Sammlung der griechischen Dialekt-Inschriften*, vol. 3., pt. 1 (Göttingen 1899) 234 ff.; DT 1–13; Steinleitner (1913) nos. 34–47. Some of them in SIG3 1178–1180. Two of them in English translation in Gager (1992). Discussions in Latte (1920) 80; Zingerle (1926); Björck (1938) 221 ff.; Nilsson GGR I 221 f.; Versnel (1991) 72 ff., on which the present section is based. There are some textual conjectures in E. G. Kagarow, *Griechische Fluchtafeln*, *Eos Suppl.* 4 (Leopoli 1929) 52.

⁵³ The number depends on the editor's decision whether or not two fragments belong to one tablet. In this paper I shall follow the arrangement as proposed by Audollent.

⁵⁴ Blümel proposes a different interpolation and a different constitution of the text. In the light of the parallel texts wrongly so.

I hand over to Demeter and Kore the person who has accused me of preparing poisons/spells (φάρμακα) against my husband. Let him go up to Demeter, burnt by fever, with all his family (μετὰ τῶν αὐτοῦ ἰδίων), publicly confessing (ἐξαγορεύων). And let him not find Demeter, Kore or the gods with Demeter merciful. As for me let it be permissible and acceptable for me to be under the same roof or involved with him in any way. And I hand over also the person who has written negatively (or: who has written charges) against me or commanded others to do so. And let him not benefit from the mercy of Demeter, Kore, or the gods with Demeter, but may he go up burnt by fever together with all his family.

No. 1, finally, provides a unique conditional self-curse by the author of the tablet Antigone:

I, Antigone, make a dedication to Demeter, Kore and all the gods and goddesses with Demeter. If I have given poison/spells (φάρμακα) to Asklapiadas or contemplated in my soul doing anything evil to him; or if I have called a woman to the temple, offering her a *mina* and a half for her to remove him from the living, (if so) may Antigone be burnt by fever and go up to Demeter and make confession, and may she not find Demeter merciful but instead suffer great torments. If anyone has spoken to Asklapiadas against me or brought forward the woman, by offering her copper coins ...

This is the only text in which the word for confessing is not a form of ἐξαγορεύειν but ἐξομολ(ογ)ουμ[ένα]. Elsewhere we find once κολαζόμενοι⁵⁵ instead of the fixed term for the divine coercion πεπρημένος. In a few texts it is added that the culprit may find the goddess unmerciful or implacable (μὴ τύχοι εὐλάτου Δάματρος), which is only in no. 1 also circumscribed as μεγάλας βασάνους βασανιζομένα (put to the test by great tortures). This much is clear: the culprit must experience the action of the goddess as a kind of bodily coercion and the divine interference is intended as a sort of judicial torture, in order to force the culprit to confession and redress.

As a result of their being dedicated to the gods, the culprits have come into a provisional situation which in Latin is referred to as *sacer*: they are cursed and in a way have come under the jurisdiction of the powers of the netherworld. In order to escape contagion the author sometimes adds a sort of proviso. The curse must not fall upon the author of the tablet, not even if she might meet the cursed person, be in his company, eat or drink with him or be at the same table or under the same roof. We encountered a comparable expression earlier in a fourth century tablet⁵⁶.

⁵⁵ In no. 3 A; no. 8 has the variant: τιμ[ω]ρίας τύχοι and πᾶ[σ]αν κόλασιν.

⁵⁶ The wish containing the opposition "to me ὅσια, to the culprit ἀνόσια" is common: Latte (1920) 64 ff. with many examples; Björck (1938) 122 ff. esp. 124 n.1 and 132; Wünsch, DTA Praef. XII. On the wish that the guilty may not be a friend or ὁμόστεγος see: K. Latte, Schuld und Sühne in der griechischen Religion, in: ARW 20 (1920/21) 254–98 = Kleine Schriften 9. In his view this is the reason that processes for manslaughter are always in open air, following O. Weinreich, Blutgerichte EN ΥΠΑΙΘΡΙΩΙ, in: Hermes 56 (1921) 326–31 = Ausgew. Schriften I, 552–7. The idea of pollution among people being under one roof already occurs in the famous inscription from Cyrene of the 4th c. BC (SEG 9.72; LSS 115; Parker (1983) 332–51, esp. 336): "The woman in childbed shall pollute the roof ... she shall not pollute (anyone) outside the roof unless he comes in ..." Also in the sacred law from Philadelphia mentioned above in n.19. Cf. on the infectious state of the accused also: W. Speyer, Fluch, RAC 7 (1969) 1181. Generally on the role of women: S. Guettel Cole, GUNAIKI OU THE-MIS: Gender Difference in the Greek Leges Sacrae, in: Helios 19 (1992) 104–22, esp. 109–110;

Chance encounters and unavoidable meetings can easily be imagined in a small face to face community, especially if the identity of the accursed person is unknown. Another recurrent element, which we also noticed earlier, is that the author excuses herself for having to resort to these unsympathetic measures, but has no alternative: ἀδίκημαι γὰρ Δέσποινα Δάματερ, a formula with which we are well acquainted from other related texts and from secular petitions for justice⁵⁷. As a matter of fact, it can be shown that the secular *enteuxis* (petition), well-known from Hellenistic and Roman Egypt, has been transferred literally to this special instance of divine justice⁵⁸.

All this makes it abundantly clear that these texts cannot be identified with the *defixio* proper but rather belong to a genre which, since Latte 1920 and Zingerle 1926, is generally referred to as *Heiliges Recht*, appeals to divine justice in order to bring about some form of retaliation. The remarkable fact that both the culprit and the stolen object may be dedicated or commended to the goddess has given rise to quite some alarm among scholars. "Aber welcher Fluch!" exclaims one of the first commentators, Wachsmuth (1863), deriding Newton's interpretation, "Wenn sie aber das Gestohlene nicht wiedergeben, so sollen sie es der Göttin zustellen." He cannot believe this to be the correct interpretation and yet this is exactly what the texts tell us⁵⁹. Fortunately, more than a century later, a hoard of

A. Chaniotis, Reinheit des Körpers – Reinheit der Seele in den griechischen Kultgesetzen, in: J. Assmann, Th. Sundermeier (eds.), Schuld, Gewissen und Person (Studien zum Verstehen fremder Religionen 9, Gütersloh 1997) 142–79, esp. 147, and on the Philadelphia inscription: ibid. 159–62. A related type of expression still prevails in medieval and early modern Greek curses from South Italy (15–16th c.) (F. Pradel, Griechische und Süditalienische Gebete, Beschwörungen und Rezepte des Mittelalters [Religionsgeschichtliche Versuche und Vorarbeiten III.3, Giessen 1907] 22. l. 11): μὴ συμπίης, μὴ συμφάγης, μὴ συγκοιμήθης, μὴ συνανάστης μετὰ τοῦ δούλου τοῦ θεοῦ.

⁵⁷ The evidence can be found in Versnel (1991).

⁵⁸ The juridical jargon is particularly clear in a recently published curse tablet from Oropos (3rd/2nd cent.), whose nature was not recognised by its editor, B. C. Petrakos, Οἱ ἐπιγραφές τοῦ Ὠρωποῦ (Athens 1997). I owe this reference to EBGR (1997) no. 296, and quote the summary by Chaniotis forthcoming 2001. "Someone cursed a series of persons, willing them to be delivered to Plouton and Mounogenes (Persephone), and wishing them death and misery. Unlike ordinary defixiones, the cursor justified himself: "I demand that my request be heard, because I have been wronged" (ll. 15f.: [ἀδικο]ύμενος ἀξιῶ πάντα) ἐπὶ κοα γενέσ[θαι]; "having been wronged, and not having wronged first, I demand that what I have written down and deposited to you be accomplished" (ll. 25–29: ἀξιῶ οὖν ἀδικοῦμενος καὶ οὐκ ἀδικῶν πρότερος ἐπιτελ[ῆ]ναι γενέσθαι) ἢ ἀ καταγράψω καὶ ἂ παρατίθεμαι ὑμῖν; cf. l. 10: ἀξιῶ; l. 45: ἀδικοῦμενος ὑπ' αὐτῶν). The cursor obviously believed that the more or less mechanical application of a curse formula against the person who had wronged him would not suffice; his appeal to the gods of the Netherworld would be more effective if he presented legal („I have been wronged") and moral justifications („not having wronged first").

⁵⁹ For cession (παραχωρῶ) of either the stolen object or the thief (or both) to the god, see Versnel (1991) 79–83. A splendid new example from a dedication of the nature of a judicial prayer to Men Axiottenos (AD 176/7) in: H. Malay, Greek and Latin Inscriptions in the Manisa Museum (TAM Ergänzungsband 19, Vienna 1994) no. 171 (EGBR 1994–5, no.225): Tatias has purchased certain objects which were probably not delivered to her. So she ceded them to the god and leaves it to him to do whatever he wishes. [Τα]τιάς ἀγοράσασα [...]α

new finds has unequivocally confirmed that cession of stolen or lost objects to a god is normal practice in this type of judicial procedure.

At present we have access to a considerable number of judicial prayers comparable to the series found at Knidos from various parts of the Roman Empire. There is an extensive collection from the sanctuary of Sulis Minerva at Bath, as well as stray finds from other regions of England, and a smaller one from the temple of Demeter at Corinth⁶⁰. Unlike (other) curse tablets, these pleas for justice are phrased in a deferential tone *vis-à-vis* the gods. Moreover, they also have been found in places that are *not* typical of the *defixio* proper, namely in sanctuaries of (generally chthonic) gods, including deities associated with wells or (hot) springs. This is also true for the majority of the rather idiosyncratic judicial prayers from Sicily, where the sanctuaries of Demeter Malaphoros at Gaggara (Selinous Va?) and of the chthonic gods at Morgantina (Ia) claim pride of place. The same is true for tablets from Spain, where Nymphs associated with springs and other goddesses, for instance Isis, are addressed in a most reverential jargon, as well as for quite a few finds scattered all over Italy and Western Europe, and some unpublished ones from Greece.

For that matter, a comparatively early curse text from South Italy (DT 212), found already in 1775 and dating to the third century B.C., is instructive, given the many striking resemblances which it shares with the Knidian ones. I quote only the second half of the text:

Kollura consecrates (ἀνιάρζει) to the servants of the goddess the three gold pieces which Melitta received but does not return. Let her (Melitta) dedicate (ἀνθείη) to the goddess twelve times the amount together with a *medimne* of incense according to the measure valid in the city. And let her not breathe freely until she has dedicated (ἀνθείη) it to the Goddess. But if the writer of the tablet eats or drinks with her without knowing it⁶¹, then let her be unpunished, even if she finds herself under the same roof.

There are obvious parallels with the Knidian texts; a prayer for divine justice containing elements of a “consecration” to the gods (here the verb is ἀνιάρζω) pressures the (identified) victim to right the wrong she has committed. She is “not to

καταφρονουμέ[ν]η ἐξεχώρησα αὐτὰ [Μ]ηνὶ Ἀξιοττηνῶ, ἅτινα πράξει ὡς ἂν θέλῃ. Note that it is left unclear whether “to do whatever he wants”, refers to the object or to the culprit. Not by mistake, I would guess.

⁶⁰ R. S. Stroud, The Sanctuary of Demeter on Acrocorinth in the Roman Period, in: T. E. Gregory (ed.), The Corinthia in the Roman Period. Including the Papers Given at a Symposium Held at the Ohio State University on 7–9 March 1991 (JRA Suppl. 8, 1993 [1994]) 65–74. R. E. DeMaris, Demeter in Roman Corinth: Local Development in a Mediterranean Religion, in: Numen 42 (1995) 105–17, connects the emergence of the curse tablets in the Roman period with a change in the local cult: from agricultural towards chthonic, as also testified by the appearance of Kore and Pluton.

⁶¹ This may seem odd since, in this special case, the author knows the culprit by name. There are several possibilities. The author may accidentally find herself in Melitta’s company through no fault of her own, or she may simply be using a prescribed formula which is not quite appropriate to her present situation, as it frequently happens in magical texts copied from a sample book.

breathe freely” (μὴ πρότερον δὲ τὰν ψυχὰν ἀνείη)⁶² until the stolen item is returned to the temple of the goddess (here the verb is ἀνθείη). The Italian tablet also ends with a very similar “protection clause”. What is different is the additional, very heavy fine imposed upon the criminal by an overlap of the spheres of divine and human justice⁶³. Most interesting to our issue is that not the culprit, but the stolen object is “consecrated” and is hence made the “god’s affair”.

We encounter something similar in a text written on a bronze tablet, of unknown provenance, but which comes at any rate from Asia Minor⁶⁴. The tablet which has been dated anywhere from 100 B.C. to 200 A.D. has a round hole in the middle of the top edge, which will play a part in a later section of our discussion.

I consecrate to the mother of the gods the gold pieces which I have lost, all of them, so that the goddess will track them down and bring everything to light⁶⁵ and will punish the guilty in accordance with her power and in this way will not be made a laughing stock.

ἀνατίθημι μητρί σε θεῶν
χρυσᾶ ἀπ(ὠ)λεσα πάντα ὥ-
στε ἀναζητήσ(α)ι αὐτ-
ήν καὶ ἐς μέσον ἐνε-
κκεῖν πάντα καὶ τοὺς
ἔχοντες κολάσεσθαι-
ι ἄξιως τῆς αὐτῆς δυνά-
με(ω)ς καὶ μήτε αὐτ[ήν]
καταγέλαστον ἔσοσθ[αι].

The text betrays a clear relation to the Knidian curses as well as to the South Italian tablet. Here too the stolen object is consecrated to the goddess, who has to track it down and punish the guilty. However, this tablet also refers to another

⁶² I interpret the phrase in this way, although the syntax suggests that the culprit herself is the subject. I recognize here a situation opposite from e.g. στέβλωσον αὐτῶν τὴν ψυχὴν καὶ τὴν καρδίαν ἵνα μὴ πνέωσιν (DT 241 line 14). In a tablet from Hadrumetum we read, καὶ μὴ ἀφῆς τὴν ψυχὴν (*Audollent*, Bull. Arch. C.T.H. [1908] 10–21 = SGD 147).

⁶³ The combination of divine and secular penalties is common practice: J. Merkel, Über die sogenannten Sepulcralmulten, in: Göttinger Festgabe für R. von Ihering (Göttingen 1892) 79–134; Zingerle, Philologus 53 (1894) 347 ff.; Latte (1920) 80 n.53; Björck (1938) 108 f. An interesting example: S. Sabin, M. H. Saylor, Fünf Inschriften, in: ZPE 47 (1982) 45–6, on the fine to be paid to the fiscus by a potential grave robber followed by: l. 9: καὶ μετὰ τοῦτο νόμῳ φθιμένων ὑποκειμένος ἦτω. On the duplication or multiplication of fines, see: A. Berger, Die Strafklauseln in den Papyrusurkunden (1911) 131; Zingerle (1926) 36; W.-D. Roth, Untersuchungen zur Kredit-παράθηκη im römischen Ägypten (Diss. Marburg 1970) 91–95 and 99; Burkert (1996) 124.

⁶⁴ C. Dunant, Sus aux voleurs! Une tablette en bronze à inscription grecque du musée de Genève, in: MH 35 (1978) 241–244. M. Riel, Meonsi πιττάκιον u Zenevi?, in: P. H. Ilievski, V. Mitevski (eds.), Greek-Roman Antiquity in Yugoslavia and on the Balkans, Proceedings of the Vth Yugoslav Congress on Classical Studies held in Skopje 1989 (Ziva Antika Monographs 9, Skopje 1991) 201–6 – a reference I owe to EBGR 1994/95, no. 302 – argues that this tablet is a *pittakion* of the kind mentioned in the confession inscriptions from Maeonia (see below) as I did simultaneously in Versnel (1991).

⁶⁵ The phrase ἐς μέσον ἐνεκκεῖν means “make known the truth”.

genre of inscriptions (the so-called confession *stelai*), to which we shall turn later on.

So far these texts offer precious glimpses into the social life of a small city with its face to face (or mask to mask) society. Local gods – or rather local goddesses, because so far most of them are female – are invoked by means of a set of ritual formulas and requested to do what secular justice is unable to do: trace the unknown culprit and see to it that the injury is redressed and/or the perpetrator punished. As such this action belongs to *allegative* social control: “one party (the plaintiff) manipulates a third party’s behavior (namely that of the god in his rôle of prosecutor) by communicating allegations about a second party (the suspect) to the third party”. The same type of social control is applied in human legal procedure, with the difference, however, that divine justice is supposed to be both more powerful (gods know and see more than human judges) and less immediately or directly perceptible (the slow-moving wheels and capricious nature of divine justice). It is this distinction between human and divine justice that makes the appeal to the gods such a fascinating instance of social control. Its specificity will become even more manifest when we now turn to its aspects of *referential* social control: “the first party communicates to the second party some reference to a third party”. With this we will re-open a discussion that was broached more than a century ago but has so far not yielded a satisfactory result.

Temple justice and social control

Soon after the discovery of the Knidian texts a debate started concerning the question: what exactly did the authors *do* with their written tablets? The archaeological context is not very informative on their original location: the tablets were found, so Newton says, near some statue bases in the temple precinct. Originally they may have been buried in the ground (like *defixiones* frequently are), or placed near or even fixed to the altar or wall of the temple. The latter was suggested by the excavator Newton himself (1863, 724), who claimed that the tablets show holes in the corners to suspend them on a wall and thus publicize the texts. The majority of later commentators including Wachsmuth, Zundel, Bechtel, Ziebarth, Steinleitner, Zingerle, Latte and Blümel endorse this view adding further arguments based on the evidence provided by the texts themselves. Ziebarth (1899, 124), for instance, pointed out that the promise in one of the tablets to pay a *κόμιστρον* (finder’s reward) if the present illegitimate possessor brings the object back – as an alternative to the penalty by the god in case he does not – simply must imply some kind of publication: “Das ist also die reine Bekanntmachung und öffentliche Warnung!”⁶⁶. And he wryly adds: “Auf die dortige Rechtspflege im zweiten Jhdt. v. Chr. scheinen (die Texte) freilich kein allzugünstiges Licht zu

⁶⁶ Cf. *Wünsch* DTA praef. XII.

werfen.” However, as he admits, these accusations concern cases in which the culprits were desperately anonymous and could not possibly be traced with the help of normal judicial procedures⁶⁷. Moreover, even in classical Athens, reclamation of a deposit (money consigned to a third party) could not be enforced by law. This was the major reason for entrusting one’s money deposit to a temple, a common practice throughout the Greek world, temples serving as banks in this and other respects. Accordingly, Steinleitner (1913, 104) concludes: “Diese Übertragung der Straffolgerungen auf die Gottheit konnte nur dann praktische Erfolg haben, wenn der Schuldige von dem auf ihn herabgerufenen Fluche auch Kenntnis nahm und aus Furcht vor der Vollstreckung desselben vonseiten der Gottheit in sich ging und sein Vergehen wieder gut machte. Um diesen moralischen Druck auf die Schuldigen auszuüben, hing man in Knidos die Fluchtafel an den Mauern des Temenos oder sonst an einem sichtbaren Orte innerhalb des heiligen Bezirks als öffentliche Bekanntmachung auf.” Compare, more recently, Blümel (1992, 85): “die meisten Bearbeiter vermuten, wohl richtig, dass sie an der Tempelwand aufgehängt wurden, denn die meisten sind an den oberen Ecken mit Löchern versehen. Die in mehreren Tafeln enthaltene Aufforderung, verlorenes oder gestohlenes Gut zurückzugeben, hat nur in diesem Falle Sinn. Auch unterscheiden sich die Knidischen Fluchtafeln von allen anderen uns bekannten dadurch, dass die Weihenden sich hier mehrfach von übler Nachrede reinigen wollen und sich für den Fall, das sie die Unwahrheit sagen, selbst verfluchen. Auch dies hat nur Sinn, wenn auf Leute gerechnet wird, die diese Unschuldserklärungen lesen.”⁶⁸

Fortunately, things are less simple than that and in being less simple become a lot more interesting. Audollent (DT, CXVI), for one, against all others remained firmly convinced that the tablets had been buried, just like his *defixiones*. First of all, he argued, the alleged holes are in fact untraceable. The borders of the tablets are so mutilated that there is on the whole more hole than lead. Only one tablet displays a hole that seems to have been made intentionally. Furthermore, all other commentators conveniently ignore Newton’s explicit account that most of the lead sheets were “broken and doubled up” (1863, 382), that is: folded once. Surely, this should be a serious blow to the assumption that the tablets were meant to be read by any other person than the god, and if one should not be convinced by this argument – and why shouldn’t one⁶⁹? – there is still the following problem. *If* the

⁶⁷ Rightly *Chaniotis* (1997) 18: “Das Appellieren an die Götter erklärt sich manchmal nicht aus dem Misstrauen gegenüber der profanen Gewalt oder dem Vertrauen zu den Priestern, sondern aus der Ausweglosigkeit einer rechtlichen Angelegenheit.”

⁶⁸ Cf. most recently *Ricl* (1995) 70: “The tablets (i.e. the Knidian ones) were publicly displayed at the temple, since publicity was indispensable for their effectiveness; the confession of guilt that eventually followed was also public.”

⁶⁹ *Chaniotis* suggests to me that theoretically the folding up of the tablets could have happened after the fulfilment of the dedicant’s wish. Indeed, from the confession inscriptions we know of the procedure of cancelling curses and oaths. The suggestion is important enough to merit a brief discussion. Generally I agree, but with an emphasis on the word ‘theoretically’. However, three considerations make it less likely. First, the folding up of lead tablets is such a common ritual in the *defixiones* (before they were deposited in a grave or well), that I assume it

slanderer of Hegemone mentioned in tablet no. 4 could read what he was accused of in the tablet attached to the wall, those accused of other nasty things at the reverse side could not! It is even more complicated with tablet no. 3, not reproduced here. On one side of the tablet Nanas curses those who have accepted a deposit from Diokles and now refuse to give it back. On the reverse side the same Nanas curses Emphanes and Rhodo for the very same offence. Which of the two sides then should be available for inspection?⁷⁰

There is one more consideration: the Attic curses with elements of prayers for justice that we quoted in the beginning, were, as far as we know, found in graves where they had been buried by their authors. At the very least this proves that public display is not an absolute or universal condition for this type of vindictive prayer. It should be noted, however, that these early Attic specimens do *not* contain inquiries concerning the identity of the culprit nor requests for the restitution of stolen objects. Their one and only aim is revenge: punishment of the offender. Apparently, this much could be unconditionally left to the sole responsibility of the gods, who, after all, were also credited with the power to execute the curses in normal *defixiones*. As for confession of guilt and restitution of stolen goods, on the other hand, the argument is that it might be at least helpful if the guilty person had the suspicion that somebody was after him. I am here paraphrasing expressions such as “Sinn haben” and “praktischen Erfolg”, which were so prominently featured in the arguments of modern no-nonsense observers.

Fortunately again, we are still not at the end of the complications. The numerous curse texts from Bath⁷¹ and other areas of England contain comparable requests that stolen objects be returned to the temple, sometimes including explicit stipulations that the goddess may retain the object or its value or part of what it is worth. They also add that the thief may pay with his blood (this is a formulaic phrase in the Bath tablets just as the phrase “burnt by fever” is in Knidos). My favourite, by the way, is the ingenious prayer that the thief must vomit his blood into the very vessel that he had stolen. Now, these tablets are often folded up, sometimes pierced with a needle and do not display (intended) holes. What is more, the fact that they have been recovered in such large numbers in recent years is solely due to the fact that they were definitely hidden from view after their

may easily have influenced the practice in the judicial prayers. Secondly, it is unlikely that the tablets after their fulfilment were preserved at all in the temple (where they have been found). Having done their work such materials were generally removed, as we know so well from the votive deposits in temple precincts. The third and most important consideration concerns the condition of the numerous tablets from the sanctuary at Bath, folded up and thrown into the hot springs *before* and not *after* their fulfilment, as described in the text.

⁷⁰ Here Chaniotis reminds me that we have the same problem concerning the *lex sacra* from Selinous (*M. H. Jameson, D. R. Jordan, R. D. Kotansky, A Lex Sacra from Selinous* (GRB Monographs 11, Durham 1993), for which *G. Nenci* (ASNP 1996) has suggested that these sheets were attached on wooden boards and could be reversed. Again, certainly not impossible, but perhaps more probable for an official ritual instruction than for a private prayer.

⁷¹ Collected with a full discussion by *Tomlin* (1988).

deposition: they were thrown into the hot spring, hence beyond the reach of any potentially interested person.

Altogether this survey should serve as a serious warning not too rashly to accept the principle of public access as a rigid, universal and monolithic condition. Nor would I argue for the reverse. For, in order to continue complicating matters I now must add some ammunition for the counterargument, defending the legibility of the ritual accusations. We do have judicial prayers that were undeniably *available* and in particular cases even indeed *intended* for inspection. One is the bronze tablet dedicated to the Mother of the Gods, cited above with its nice hole in the upper middle, no doubt intended to suspend the tablet so that it could be read. The material used for this particular tablet points in that direction as well: bronze is practically never used for tablets that are meant to be buried. Another instance is the earliest *Greek* papyrus text from Egypt, namely the famous curse of Artemisia from the temple of Oserapis in the Serapeum of Memphis (late fourth century B.C.)⁷². I give a complete translation, but for our purpose only the last section is of importance:

O Lord Oserapis (ὦ δέσποτ' Ὁσεράπι) and you gods who sit enthroned together with Oserapis, to you I direct a prayer (εὐχομαι ὑμῖν), I Artemisia, daughter of Amasis, against (κατά) the father of my daughter, who robbed her of her death gifts (?) and of her coffin. Now, if he has done justice to me and to his children, then may that be just. Exactly in the way that he did injustice (ἄδικα) to me and to my children, in that way Oserapis and the gods should bring it about that he not be buried by his children and that he himself cannot bury his parents. As long as my accusation against him (καταβουής) lies here, may he perish miserably, on land or sea, he and all his (possessions), through Oserapis and the gods who sit enthroned with Oserapis, and may he find no mercy (μηδὲ ἰλάονος τυχάνοι) with Oserapis nor with the gods who sit enthroned with Oserapis.

Artemisia placed this petition (κατέθηκεν τὴν ἱκετηρίην τα[ύτην], begging (ἱκετεύουσα) Oserapis to do justice (τὴν δίκην δικάσαι) and likewise the gods who reign with Oserapis. As long as this petition (again the word is ἱκετηρία) lies here, may the father of the girl find no mercy in any way with the gods. Whoever takes away this petition (τά γράμματα) and does injustice to Artemisia, may the god punish him (τῇ(ν) δίκην ἐπιθ[εῖν]), ... insofar as Artemisia has not ordered this to them ... (a not very legible passage follows).

The text displays striking similarities with the Knidian ones. However, here at least – but we are in an Egyptian context, as in other papyri that we will discuss – it is undeniably clear that the text was not buried but could instead be touched and inspected – and removed – by anybody who had the wish to do so.

⁷² *Fr. Blass*, *Philologus* 41 (1882) 746 ff.; *Wessely*, 11. Jahresber. d. Franz-Joseph Gymnasiums (Vienna 1885); *Wünsch*, *CIA* III, appendix XXXI; *Preisigke*, *Sammelbuch* I, 5103; *Wilcken*, *UPZ* I, no. 1; *Gerstinger*, *WS* 44 (1924/25) 219, with a new reading adopted by *Wilcken*, *UPZ*, 646 ff.; *PGM* XL; *Steinleitner* (1913) 102; *Björck* (1938) 131 ff. Some remarks: *W. Crönert*, in: *Raccolta di Scritti in Onore di G. Lumbroso* (Milan 1925) 470–474; *R. Seider*, in: *Festschrift zum 150jährigen Bestehen des Berliner Ägyptischen Museums* (Berlin 1974) 422–23.

Do gods read their mail?

Why, for that matter, should anybody feel the urge to take away such a *Himmel-brief* – or rather “letter to the Netherworld”? One could imagine various different reasons, but the most obvious – and cogent – one is that the culprit or persons “who knew about it” (as it is formulated several times) would not be pleased to have the accusation divulged, either horizontally or vertically. This involves an interesting question: did ancient people, or *some* ancient people, believe that by eliminating the letter the god would be prevented from knowing the request or – if he knew already – would forget about it? In the case of *defixiones sensu stricto* we happen to know that a stray recovery of a buried curse indeed could stop its fatal effects – at least after drastic ritual interventions by the official clergy⁷³. But what about ‘letters to gods’? The answer – or at least one possible answer – is not hard to find. Whoever visits a Mediterranean or Latin American chapel of a local wonderworking Christ, Holy Virgin or Saint, will notice letters from far and wide sent by believers who pray for whatever they need at the moment⁷⁴. And if their wishes are not readily granted, soon a reminder will follow: I once found two *identical* letters at the feet of the Bambino of the Aracoeli in Rome, sent by the same little boy with an interval of two weeks. People not belonging to the local clergy are not supposed to remove these letters (and will suffer divine wrath if they do) for they must remain in the visual field or at least in the immediate vicinity of the statue of the holy addressee. The notion of divine omniscience, for that matter, as far as it prevails at all, is as inoffensive to the idea that letters are there to be *read* as it is to the truism that oral prayers are intended to be *heard*⁷⁵.

As far as antiquity is concerned, we have seen above that two curse texts (DTA 102 and 103) have the phrase “To (Hermes and) Persephone I send this letter”⁷⁶, while others have the names of the chthonic gods on the outside of the rolled-up tablet as if “to imitate the method in which ordinary letter scrolls were regularly

⁷³ Two instances, one from antiquity, one from modern Greece, in Versnel (1991) 63.

⁷⁴ Lovely examples in: S. Bonnet, *Prières secrètes des Français d’aujourd’hui* (Paris 1976). A good discussion in: W. Heim, *Briefe zum Himmel. Die Grabbriefe an Mutter H. Theresia Scherer in Ingenbohl* (Schriften der Schweiz. Ges. f. Volkskunde 40, Basel 1961). For their relevance to ancient prayer: Versnel (1981) 1–3.

⁷⁵ Two gold leaves found in the cemetery of Pella are inscribed with the names of the persons, in whose grave they were placed, and who are *mystai* of Dionysos. One of the leaves is addressed to Persephone in the dative: not by way of a dedication, but in the sense of “tell Persephone”, as M.W. Dickie, *The Dionysiac Mysteries in Pella*, in: ZPE 109 (1995) 81–6, convincingly argues (cf. EBGR 1994–5, no. 104). This means that Persephone should be informed that the deceased had been initiated into a mystery cult of a Dionysiac nature in which the goddess herself takes part. These clashes between logical and psychological considerations – so irritant to the modern scholar and hence readily discarded – are ubiquitous and basically inherent in religious perception. A considerable part of the Sather lectures of 1999 (to be published as *Coping with the Gods: Wayward Readings of Greek Theology*) is devoted to various types of this inconsistency.

⁷⁶ Other instances of explicit references to the notion of the letter: Graf (1997) 276 n. 40.

addressed”, as Faraone⁷⁷ suggests. He also surmises that “the efficacy of a few early Attic curses may hinge on the corpse’s ability to read the tablet placed in his grave and act accordingly”. This is not unlikely at first sight, but analogy – and we do have a form of analogy here – can take an unexpected and even radically opposite turn. A much discussed⁷⁸ curse, perhaps from Megara, reads:

Whenever you, O Pasianax, read this letter – but neither will you, O Pasianax, ever read this letter, nor will Neophanes ever direct a lawsuit against Aristandros. But just as you, O Pasianax, lie here inert, so also will Neophanes fall into inertia and nothingness.

Although some earlier commentators interpreted Pasianax as a name of the divine ruler of the Nether World, it is now generally accepted that Pasianax is the name – or a euphemistic rebaptization – of the dead person to whom the message was sent and in whose grave it has been recovered. As the reference to the inertia of the corpse unequivocally proves, it has never been the intention that the corpse should *read* the message. On the contrary, it is the dead’s self-evident *inability to read* which provides the material for the analogy. This is confirmed by other comparable curses⁷⁹. Even the often assumed function of the dead person as “the infernal postman who brings the text to the divine or demonic addressees”, (Graf [1997] 131) in these texts falls victim to this totally different kind of analogy and disappears from view⁸⁰. However, the two types of analogy can also be combined. This is the case in a fascinating curse, known for more than a century but only recently definitely deciphered by David Jordan⁸¹. In the first part the words, works

⁷⁷ Faraone (1991) 4, where he discusses the epistolary nature of some curses. See for this also A. L. Jimeno, *Las cartas de maldición*, in: Minerva 4 (1990) 134–144; Graf (1997) 130–1. See also supra n.41.

⁷⁸ It is one of a pair of nearly identical texts. I mention only the most relevant literature: DT 43 (and 44); Bravo (1987) 199–201; Gager (1992) no. 43; Graf (1997) 130–1; E. Voutiras, *ΔΙΟΝΥΣΟΦΩΝΤΟΣ ΓΑΜΟΙ*: Marital Life and Magic in Fourth Century Pella (Amsterdam 1998) 64–7; *idem*, *Euphemistic Names for the Powers of the Nether World*, in: Jordan (1999) 72–82, esp. 76–7, with further literature.

⁷⁹ For instance the very interesting DT 52, discussed by Bravo (1987) 201, but with a surprising new reading by Jordan, which we will cite presently. A variant is that the author of the tablet stipulates that the curse will be solved only at the – imaginary – moment that (s)he him/herself will unroll and read the text again. So in the new spell amply discussed by Voutiras (o.c. previous note) and in the curse of Artemisia.

⁸⁰ If it ever was in view in the classical period. Cf. Bravo (1987) 196 (and cf. 198): “Si l’on passe en revue les tablettes magiques grecques depuis la seconde moitié du VI^e siècle jusqu’à la fin de l’époque hellénistique, on ne rencontre pas beaucoup de cas où l’on peut avoir la certitude que l’opération magique s’adresse à un mort conçu comme une puissance.” If existent at all, they are indeed extremely rare and no one antedates the IVth century. For instance, I doubt whether DTA 100, cited above in the text, belongs to this category, since the syntax allows and the idiom suggests to connect the instruction with Hermes as addressee and not with the deceased Onesimos. All this is very different in tablets of the imperial period. For a more generous assessment of the activity of the dead see: S. Isles Johnston, *Restless Dead: Encounters Between the Living and the Dead in Ancient Greece* (Berkeley etc. 1999) 71–81; 85–6; 91–3.

⁸¹ Ziebarth (1899) 20; R. Wünsch, *Neue Fluchtafeln*, in: RhM 55 (1900) no. 20; DT 52; Bravo (1987) 201; D. R. Jordan, *Three Curse tablets*, in: Jordan (1999) 118f., who emphasizes the function of analogy.

and tongue of Kerkis are “bound with the ἡμῆους (sc. the young premature dead)”⁸², and whenever they read these (sc. words) then shall it be Kerkis’ to speak. The dead’s ability to read is thus presented as an *adunaton*. However, the text ends with the words: “Hermes Chthonios, control these things and read these (sc. words) as long as they (sc. the intended victims) are alive (ἀνάγνωθι ταῦτα τέως ἂν οὗτοι ζῶσιν)”, where it is precisely the god’s “continuous reading” of the letter⁸³ that effectuates the desired incapacity of the victims.

“Continuous reading by the divine addressee”, then, is at least one of the – now explicitly attested – objectives of writing a letter to the god and depositing it at a place where the god is thought to be present, be it his sanctuary⁸⁴ (as in the modern use of “Himmelbriefe”) or the nether world via a grave, a pit or a well. It is, of course, not the only imaginable motive for writing a text on a lead tablet. For the *defixiones* proper it is generally assumed that the writing of a curse has the goal of fixing the language spoken and making it permanent. And being permanently lodged in the realm of subterranean powers it binds the victim permanently with these powers, as in a text from Pannonia⁸⁵: “Abrasarx, I dedicate to you this Deiectus, son of Cumita, that he may be unable to act as long as [this text] is lying in this way; in the same way as you are a corpse, he may be with you, as long as he lives.” There is simply not one monolithic and exclusive motive. However, one may presume that in the field of the conventional *defixio* the motive of fixing the spoken curse formula is more dominant than in the prayer for justice, which naturally and demonstrably is generally explicitly phrased as a letter or at least as a direct form of communication with the god, like the ones we know so well from ancient prayer. In that case it is equally natural that the letter must reach the addressee, is expected to be read by the god, and, as we have seen, should remain available for continuous reading.

⁸² See: S. Isles Johnston, o.c. (supra n.80), 76 ff.

⁸³ Just as in the Egyptian Memnoneion the god πολλάκις δ’ ἀκούσεται, as long as the inscription remains visible. See infra n. 114.

⁸⁴ In fact by being delivered to the god the letters have become his property in the same way as other kinds of *anathemata*, which therefore are inalienable. “It is forbidden to remove votive offerings from the sanctuary or to damage any of them” says an inscription from Loryma on the Rhodian Peraia (LSAM no. 74, 3d c. BC). Melting down ex votos in order to use the material for one more impressive *anathema*, requires the recording of the names of the original dedicants (LSCG no 4). “This inscription very clearly illustrates, that votive offerings constituted a sort of *permanent link between the worshipper and his god* (my italics, HSV). Therefore, if votive offerings are interfered with, both parties, dedicant and god, have to be given satisfaction.” (F. T. van Straten, *Votives and Votaries in Greek Sanctuaries*, in: O. Reverdin, B. Grange [eds.], *Le sanctuaire grec* [Entretiens Hardt 37, 1992] 247–84, esp. 72–4). Cf. the same author, *ibid.* 287: “From Herondas *Mime* 4, one gets the impression that the closer the votive offering was placed to the divine image, the better it was considered to be.” J. Bingen *ibid.* suggests that representations of sacrificial or praying groups in votive reliefs also in Greece (and not only in Egypt, where they have often been interpreted this way) are “a kind of symbolic prolongation of the act of worship in the presence of the deity”.

⁸⁵ D. Gáspár, *Eine griechische Fluchtafel aus Savaria*, in: *Tyche* 5 (1990) 13–16, quoted by Graf (1997) 276 n.42.

I have brought up this issue⁸⁶ because we do have an analogy for the disappearance of a tablet in a type of evidence that I announced above and to which we must now turn our attention.

The contribution of the Maeonian confession texts

The nineteenth century witnessed the first publications of inscriptions from *stelai* found in the north-eastern area of Lydia (known as Maeonia or Katakekaumene) and in the adjacent area of Phrygia, which were, as a group, different from the usual votive inscriptions. Since they often contain a kind of confession of guilt, they are generally called “confession steles”⁸⁷. The steles are often precisely dated and with only two or three exceptions date from the second and third centuries A.D. Although there exists great variation, they can generally be classified as praises or aretalogies of the god, in which the δύναμις (power)⁸⁸ of the usually local divinity (e.g. the Great Mother, especially as Meter Leto; Men with several epithets; Apollo with epithets such as Lairbenos, Axiottenos etc.; Zeus; Sabazios; and Anaeitis) is described and glorified. We encounter the following elements. First there is an acclamation of the type: “Great (is) Men” or “Great (is) Anaeitis”, etc. The reason for the erection of the stele is often a confession of guilt, (ὁμολογέω or ἔξομολογέω) to which the author has been forced by the punishing intervention of the deity (κολάζω, κόλασις) often manifested by illness or accident. Sometimes the victim of the punishment has asked (ἔρωτάω or ἐπερωτάω) the deity the reason for the punishment and what he should do to propitiate the god. Unsolicited divine commands also occur. By his confession and eventual reparation of the wrong the culprit has appeased the god (ἱλάσκομαι or ἐξιλάσκομαι). The god therefore reveals his *dynamis* by both the punishment and the cure of the victim, and as homage to the god the story of the miracle is now written on a stele (στηλογραφέω) sometimes at the command of the god, but not necessarily so. The text often ends with a clear profession of faith: “And from now on I praise the god” (καὶ ἀπὸ νῦν εὐλογῶ) or sometimes, especially in Phrygia, it ends with a warning: “I warn all mankind not to hold the gods in contempt, for they (i.e. mankind) will have this stele as an admonition” (παραγγέλλω πᾶσιν μηδὲν καταφρονεῖν τῶν θεῶν ἐπεὶ ἔξει τὴν στήλην ἔξενπλᾶριον).

⁸⁶ Which surely merits a more ample discussion, which I cannot give here. For instance I have not mentioned possible psychological safety valve-effects involved in writing a curse or plea, nor the efficacy embodied in the mere *placing* of a petition. Once more it would be mistaken to see these notions as mutually exclusive. Nor can I even begin to discuss the implications and intentions involved in keeping things secret in religious contexts: H.G. Kippenberg, G.G. Stroumsma (eds.), *Secrecy and Concealment: Studies in the History of Mediterranean and Near Eastern Religions* (Leiden 1995); S. Montiglio, *Silence in the Land of Logos* (Princeton 2000).

⁸⁷ Collected and discussed in BIWK, which supersedes all earlier publications.

⁸⁸ The στήλαι are veritable μαρτυρία; see Versnel (1981) 60 ff.

The juridical aspects of these Maeonian inscriptions have received a thorough treatment recently by Angelos Chaniotis (1997)⁸⁹. They often focus on transgressions of the type which we encountered in the tablets from Knidos: theft, failure to return a deposit and slander, especially with regard to allegations of poison or black magic⁹⁰. Perjury, mentioned with some frequency, forms a bridge of sorts between the transgressions against men and those against gods. For our present enquiry it is interesting that in the category of profane transgressions the god is sometimes appealed to by the injured person in order to punish the guilty and in this way to do justice. And in some cases it is also explicitly announced by what means the god has been summoned to action. I quote a well-known confession inscription⁹¹:

To Men Axiottenos. Since Hermogenes, son of Glykon, and Nitonis, son of Philoxenos, have slandered Artemidoros with respect to wine, Artemidoros has given a *πιττάκιον*. The god has punished Hermogenes, who has propitiated the god and from now on he will extol (the god).

A *πιττάκιον* is a tablet covered with writing, which is presented to the deity. It is, among other things, a technical term for oracle questions placed before the gods in Egypt⁹². In another confession inscription (BIWK 69; TAM 318) we are told how a woman, Tatias, stands accused (in a campaign of gossip) of poisoning her son-in-law who had subsequently gone out of his mind. She reacted as follows:

Tatias erected a scepter and placed *ἄραι* (curses) in the temple, as if to show that she was not guilty of the transgressions attributed to her, although she was aware of her guilt. The gods subjected her to a punishment which she did not escape.

ἡ δὲ Τατίας ἐπέστησεν
σκῆπτρον καὶ ἄρας ἔθηκεν
ἐν τῷ ναῷ, ὥς ἱκανοποιῶ-
σα περὶ τοῦ πεφημίσθαι αὐ-
τὴν ἐν συνειδήσει τοιαύτη.
οἱ θεοὶ αὐτὴν ἐποίησαν ἐν
κολάσει, ἣν οὐ διέφυγεν.

Apparently the poor woman died and in the remainder of the text we are told how her relatives unbound (*λύω*) the *ἄραι* and successfully propitiated the gods.

The text contains many interesting elements of which the following are of importance to us. There is a ritual opening of the divine judicial process by the "drawing up of a scepter"⁹³. We meet this and closely related expressions again

⁸⁹ And cf. Chaniotis forthcoming 2001.

⁹⁰ There is an exemplary list of sins in the sacral law from Philadelphia concerning a private sanctuary (supra n.19). See for a collection of the offences attested in the confession inscriptions: S. Mitchell, *Anatolia: Land, men, and gods in Asia Minor. Volume I. The Celts and the impact of Roman rule* (Oxford 1993) 192–194; BIWK Petzl (1994) xii–xiii; Chaniotis (1997) 354f.

⁹¹ BIWK 60; TAM no. 251, where one can find references to literature on the term *πιττάκιον*.

⁹² ἐξέλθῃ τὸ πιττάκιον (POxy 8.1150 = PGM VIIIb). That this is formulaic is demonstrated by an oracle published in: ZPE 41 (1981) 291.

⁹³ For the discussion on the meaning of these σκῆπτρα and further literature: BIWK p.4. The divine tribunal is literally mentioned as σύνκλητος τῶν θεῶν in a new unpublished confes-

several times. In particular some recently found texts make it clear that it is here a question of supplying a visible manifestation of the god's presence and power. The *ἄραι* most likely contained a conditional self-curse which Tatias uttered in order to prove her innocence, a procedure similar to that which appears in the Knidian tablet cited earlier (DT 1). What is essential is that these *ἄραι* are clearly related to the *πιττάκιον* of the first confession text; the case is entrusted to the god in writing, and punishment is implored for the culprit. Perhaps we can find another example of such a judicial prayer in another confession inscription from Maeonia (TAM 362) which mentions "someone who has overthrown and removed the tablet (*π[ι]νακίδιον*)"⁹⁴. One way to appeal to divine justice (*ἐπεκαλέσατο κατ' αὐτοῦ τὸν θεόν*, in the words of TAM 525) is therefore a written complaint in a temple. Now, we have already become acquainted in detail with such petitions in Knidos and elsewhere. The similarity even goes so far that Artemisia in Memphis feared that her curse would be taken away, something which seems to have happened in TAM 362 just quoted. Without doubt the Knidian prayers provide the closest analogy to these confessions⁹⁵. There is, to be sure, a time difference of at least one, and most likely two or three centuries between the Knidian prayers and the Maeonian confessions, but the dated confession inscriptions themselves prove precisely how persistently a religious practice can be maintained over two centuries, even to details of wording.

In an article of 1991 on judicial prayer I argued that the Knidian tablets form the opening to a legal proceeding, just like the *ἄραι*, the *πιττάκιον* and the *πινακίδιον* mentioned in the confession inscriptions, while the confession inscriptions themselves describe the course and the conclusion of the whole lawsuit⁹⁶. Conversely, it also appears that such forms of divine justice will flourish especially in a culture where illness, misfortune or even death are regarded in the first place as divine punishment, and thus lead to serious self-examination for possible sins committed against gods or men⁹⁷. We are talking of a mentality that Plutarch in his *De superstitione* so evocatively pictured as *deisidaimonia*, describing (*de superst.* 168c) how

sion text, thus proving that the same term in BIWK no. 5, was not a council of priests but of gods, as Chaniotis informs me.

⁹⁴ On the word *πινακίδιον*, see Chr. Habicht, *Altertümer von Pergamon*. VIII, pt.3 Inschriften des Asklepieions, ad no. 72. The custom to give *pinakidia*, *pittakia* etc. as prayers for justice is a variant on that of suspending *pinakes* in temples, trees etc.: P. Veyne, *Titulus praelatus: offrande, solennisation et publicité dans les ex-voto gréco-romains*, in: RA (1983) 289.

⁹⁵ The correspondence was noticed for the first time by Ziebarth (1899) 122 ff. and has been further explored by Steinleitner (1913) 100–104; Zingerle (1926) 19f.; Björck (1938) 112 ff.; Eger (1939) 288 ff.; R. Pettazzoni, *La confessione dei peccati III*, pt. 2 (Bologna 1936) 74–6 and 141 n. 96.

⁹⁶ If so, the situation is less desperate than Speyer, art. Fluch RAC 1213, says about the Knidian procedure: "Welche Folgen und Wirkungen diese Verwünschungen gehabt haben, erfahren wir nicht."

⁹⁷ For a full discussion of the afflictions in the confession *stelai* see: A. Chaniotis, *Illness and cures in the Greek propitiatory inscriptions and dedications of Lydia and Phrygia*, in: Ph. J. van der Eijk, H. F. J. Horstmanshoff, P. H. Schrijvers (eds.), *Ancient Medicine in its Socio-Cultural Context* (Amsterdam, Atlanta 1995) II, 323–44.

the *deisidaimon* “classes any disposition of the body, loss of property, deaths of children, or mishap and failures in public life” (exactly the afflictions recurring time and again in the confession inscriptions) “as afflictions of God (πληγαὶ θεοῦ) or attacks of an evil spirit (προσβολαὶ δαίμονος)”, while the reaction to any human offer to help is: “Leave me, sir, to pay my penalty, impious wretch that I am, accursed and hateful to the gods and all the heavenly host” (ἔα με διδόναι δίκην, τὸν ἀσεβῆ, τὸν ἐπάρατον, τὸν θεοῖς καὶ δαίμοσι μεμισημένον)⁹⁸. A series of short votive inscriptions from Philadelphia, halfway between Maeonia and Knidos⁹⁹, illustrates perfectly the two possible reactions to illness and cure. On the one hand we find the usual type εὐ[ξά]μενος ... εὐχὴν ἀνέ[θ]ηκα, in which a vow for the cure of an illness is simply redeemed, but on the other hand there are texts like κολασθεῖσα το[ῦ]ς μασσο[ῦς] εὐχὴν ἀ[ν]έθηκα¹⁰⁰, in which an illness affecting a woman’s breasts is clearly – and apodictically – seen as a divine punishment.

The relationship between the Knidian tablets as complaints before a divine tribunal and the confession inscriptions as records of divine justice becomes even closer if we consider the fate of the object obtained illegally by the culprit. As was already noted above, the wording of the Knidian tablets and the related tablet from Southern Italy seemed to indicate that the object brought to the temple could in fact become the possession of the goddess(es) (which by itself does not necessarily mean that this would have placed it outside human use)¹⁰¹. And we also saw that this procedure raised Wachsmuth’s indignation, because it seemed senseless, hence illogical to him. Why ask for justice if this justice does not contribute to regaining your property?

The problem here is that what makes sense to ancient man (or *some* ancient people) does not necessarily do so in the eyes of the modern observer (and vice

⁹⁸ For the religious mentality involved see: J. Keil, Die Kulte Lydiens, in: Anatolian Studies. Festschrift W. M. Ramsay (1923) 239–66; G. Petzl, Lukians Podagra und die Beichtinschriften Kleinasiens, in: Metis 6 (1991 [1994]) 131–145; G. Petzl, Ländliche Religiosität in Lydien, in: E. Schwertheim (ed.), Forschungen in Lydien (Asia Minor Studien 17, Bonn 1995) 37–48.

⁹⁹ H. Malay, The Sanctuary of Meter Phileis near Philadelphia, in: EA 6 (1985) 111–125. I quote from his nos. 2 and 9 respectively.

¹⁰⁰ For a most unequivocal expression of this, a dedication to Men Axiottenos: πεποσχότα ... ὑπὸ Μηνός (“suffering ... through Men”), published by G. Manganaro (ZPE 61 [1985] 199 ff.). The terminology κολασθεῖς εἰς or ἀπό plus part of the body is formulaic. For a recent survey of pictures of parts of the body in confession texts see Chr. Naour, Nouvelles inscriptions du Moyen Hermos, in: EA 2 (1983) 107–122, esp. 109. In general: F. T. van Straten, Votive Offerings Representing Parts of the Human Body (the Greek World), in: Versnel (1981) 105–151; B. Forsen, Griechische Gliederweihungen. Eine Untersuchung zu ihrer Typologie und ihrer religions- und sozialgeschichtlichen Bedeutung (Papers and Monographs of the Finnish Institute at Athens 4 [1996]).

¹⁰¹ It was possible, for instance, to give an object to the god and keep the usufruct: A. Cameron, Inscriptions Relating to Sacral Manumission and Confession, in: HThR 32 (1939) no. 1, Edessa no. 10. Actually the sacral *manumissio* is an example of this principle, so that εἶναι αὐτὴν τὴν θεοῦ actually means ἐλευθέραν εἶναι: Cameron, *ibid.* 149. Comparable examples from the Roman world: P. Veyne, Titulus praelatus: offrande, solennisation et publicité dans les ex-voto gréco-romains, in: RA (1983) 296f.

versa). If we read the texts in an unbiased way, we cannot but infer that there are a variety of options, each of which in turn may become interesting to the author of the tablet. If, for the moment, we restrict ourselves to cases of theft and related offences, there is nothing against assuming that the first and immediate reaction may have been that the plaintiff wants her property back. At this stage, procedures like putting up a *komistron* are in order¹⁰². But, if the thief remains obstinate, the second best wish may be that the culprit is unmasked and humiliated by a public confession – preferably with all his *idioi*! At this point, the redemption of the loss becomes a secondary element and revenge the primary one¹⁰³. Of course, both elements may play their parts, but not necessarily always with the same emphasis and at the same moment. In the confession texts, too, we see requests for recovery of lost property and mere revenge alternating freely¹⁰⁴. And again there are interesting variations. According to an inscription from Koresa in Lydia¹⁰⁵, a garment was stolen from a bathing-establishment:

The god was vexed with the man and after some time had him bring the cloak to the god. He openly confessed his guilt. Then the god ordered him, through the agency of an “angel”, to sell the article of clothing and to publicize his miracles on a stele.

There are many similar attestations¹⁰⁶. In addition, it can also happen that the legitimate owner gets the lost or stolen item back again. Clearly there was no strict uniformity here as is confirmed by the recent Latin material from Bath.

¹⁰² This does not *per se* imply that the tablet has been open to inspection. As Björck (1938) 124 n.2 notes, one may assume that the *komistron* has been advertised in another way, or may even belong to normal and accepted procedure.

¹⁰³ As we find it in Aesopus’ 74th fable, where a robbed person is even willing to pay a reward to the god for learning the identity of the thief (not for recovering the stolen object): “A cowherd lost a calf. So he made a vow to Zeus that if he ever managed to discover the thief, he would sacrifice a kid to the god in thanks.”

¹⁰⁴ Chaniotis (1997) 364. In his forthcoming paper (2001) Chaniotis presents the attractive suggestion that especially in cases of loss of face and honour the wish for revenge might have preference over the wish to have one’s property back.

¹⁰⁵ BIWK 3; TAM no. 159, where one finds references to the discussion on ἄγγελος. On dream commandments in general see: F. T. van Straten, Daikrates’ Dream: A Votive Relief from Kos and some other *kat’ onar* Dedications, in: BABesch 51 (1976) 1–38.

¹⁰⁶ We have several confession texts in which the perpetrators are punished through public confession and a heavy fine to the god, without a glimpse of the original sum or object being returned to the rightful owner. From the neighborhood of Kula (Maeonia) comes a confession inscription (BIWK 46; TAM no. 510) whose readable part relates the gods’ request that certain individuals return a sum of money which they are illegally withholding. They did not return it to its rightful owner, but instead “the sons of the culprits gave double (for double fines see supra n.63) the original amount to erect a *stèle*”; thus it is somewhat comparable with the South Italian prayer discussed earlier. In a confession inscription from Usak (BIWK 38) two people ask the *patrioi theoi* what they could have done wrong. Somewhere along the line this is made clear to them for they tell us: “we deposited 100 *denarii* just as the *patrioi theoi* had demanded (καθὼς ἐπεζήτησαν).” On the whole issue of payments to the god see the fundamental discussion by Chaniotis forthcoming 2001.

Once more: divine justice and social control

Finally, let us return to the special type of relationship between divine justice and social control in the evidence under discussion. Different from secular judges or jury-courts, the divine judges, being the autocratic lords and mistresses of temple and village, are not impersonal and objective authorities, whose only professional task it is to administer justice, but rather they are first and foremost divine *persons* very much interested in their own honour, status and dignity and hence demanding from the believer (an appropriate term in this context) an attitude of submission and reverence¹⁰⁷, radically different from what we know of classical Athens. The gods are concerned in a twofold sense. First they are involved in the interests of the believer, because an appeal has been made for them to intervene. But they are also personally interested in the whole affair, which always at least implies demonstrating their *dunamis* or *arete* as is so often emphasized in the confession texts. Hence, they may even claim their own remuneration. An inscription (BIWK 73; TAM 327) begins as follows: "Anaeitis is great. Since Phoebus has sinned, the goddess asked for a *ieroπόημα*." This term, which occurs several times in these texts¹⁰⁸, means a gift to the deity, and sometimes may be embodied by the *στηλογραφία*. There is one text from Knidos which, although it has disappeared from the scholarly discussion since Newton's edition, nevertheless offers a nice parallel to this. In it we read that a woman dedicated *χαριστεία* and *ἐκτίματρα*¹⁰⁹ to Demeter, Kore and the gods with Demeter and Kore, in which the term *ἐκτίματρα*, otherwise unattested, must mean (using the analogy to terms such as *σώστρα*, *λύττα* or *μήνυττα*) something like "payment", in this case high veneration and thanks, somewhat comparable to the confession stele as *ieroπόημα* and praise.

Of all the obvious differences between these post-classical texts and what we know of classical Greece the public confession of sins is no doubt the most remarkable one¹¹⁰. The testimonia from Asia Minor have been generally explained –

¹⁰⁷ Of course, their earthly representatives, no less interested in their own status and dignity, have had their share in the construction and propagation of this tyrannical imagery of the divine. On the notion of divine tyranny: H. W. Pleket in: Versnel (1981) 152–92; Versnel (1990) Ch. 1.

¹⁰⁸ BIWK 70 (*ποιήσαντες τὸ ἱεροπόημα*); BIWK 73 and 74 (*ἐπεζητήσεν ἱεροπόημα*); TAM 320 (*ἀπέδωκαν τὸ [ἱεροπόημα]*); TAM 321 (*idem*), all from the temple of Anaeitis and Men Tiamou at Kula. For a discussion of the meaning of the term see BIWK p. 91–2.

¹⁰⁹ Newton (1863) 716: "this word may mean 'atonements' or 'sin-offerings'." For *ἱττα* demanded by the god see Wörle in *Chr. Habicht*, *Altertümer von Pergamon VIII*, pt. 3, *Die Inschriften des Asklepieions*, 184 ff.

¹¹⁰ Cf. Burkert (1996) 122, on confession, which is conspicuously lacking in classical Greece (except for the Epidaurean cult of Asklepios): "Apparently the style of Greek society was averse to the form of humiliation expressed by confession. In the context of a political system run by self-responsible citizens without king or overlord, the belief system led to a certain pride of endurance or to a tragic insight beyond all hope, as exemplified by the end of King Oedipus in Sophocles."

rightly in my view – either as a relic of earlier cults in Asia Minor or as the result of religious influences from Near Eastern cultures (or both). The first clear attestations for Greece itself are three instances in the fourth century miracle cures by Asklepios: the so-called *iamata*, where lack of faith or even mockery on the part of human observers is punished with illness, after which the unbelievers have to confess their error in public. This so-called *paradeigmatismos* (making an example of somebody) is a regular element of the confession texts where, as we saw, it is referred to as *ἐξενπλάριον*. Moreover, we have also seen that the Knidian texts may demand the same from wrongdoers.

This aspect, which so far has been exploited exclusively as an illustration of Hellenistic religious mentality, is of equal interest if viewed as a strategy of social control. If Wachsmuth and later commentators found a request to a goddess without its publication senseless this is because they are brazen unbelievers. In the religious imagery of the ancient cultures under discussion, however, it may have been perfectly superfluous to scatter around notes of warning, because the goddess was believed to take care of the whole affair, which by ceding it to her, had become *her* affair. Among the confession texts only a few attribute the initiative to a mortal plaintiff. The majority of texts concern either offences against the gods, for instance ritual impurity or other violations of sacred rules, or punishments for transgressions without any judiciary procedure being involved. How, then, did the culprit *know* that he was being persecuted by divine justice? Well, about the answer to that question we can be absolutely certain because it is the core of each confession text: he feels sick, a sickle falls on his foot, one of his children falls ill, or the cow dies: sickness and disaster are automatically considered as *kolasisis*. So, as soon as you feel unwell (for instance with a fit of fever diagnosed as *πεπρημένος* in Knidian medicine) you had better take action before it is too late. In an early stage you may consider returning a stolen object or a borrowed sum – which just might settle the matter. But if the process has passed beyond that point there is only one solution, which everybody was well aware of since it apparently belonged to normal routine: to disclose the whole affair through public confession.

However, all this is not to deny that a stimulus or a hint from the side of the plaintiff might come in handy. First there was the option to publish the accusation as we have seen in a few isolated cases: almost certainly in the cases of the bronze tablet to the Mother of the Gods and probably also the South Italian tablet with the official fine, in which, moreover, by way of exception, the name of the guilty person appeared to be known and publicized. Elsewhere, one could "give" a *pit-takion* and place it in the temple in such a way that it was visible, hence could be stealthily inspected¹¹¹ (and taken away) as we saw, *inter alia* in the curse of Arte-

¹¹¹ A confession text (BIWK 36) may refer to such an unholy inspection of a curse-tablet: "For Men Labana(s). Elpis has despised Men Labana(s) by mounting his podium (*βῆμα*) in an unclean state (*ἀκατάλουστος*: perhaps "in an uninitiated state"?)) and by searching (*ἡρεύνῃσεν*) his podium and his tablets (*τάς τάβλας αὐτοῦ*)." P. Herrmann, *Anz. Ak. Wien* 122 (1985) 251–4, prefers an interpretation of *τάβλαι* as "Kultgeräte" over that of votive or curse tablets. Certainty cannot be reached here, but the Greek word is a literal transcription

misia. When Artemidoros, victim of slander by Hermogenes and Nitonis, in the confession text quoted earlier, reacted by submitting a tablet to the sanctuary (πιπτάκιον ἔδωκεν), its contents must have been known to the public in some way or other. For when mischief befell Hermogenes this was readily interpreted as divine punishment and was responded to with the necessary atonements¹¹². Curiously enough and in stark contrast, we have some Coptic, that is late antique, judicial prayers on papyrus, where the author gives the warning that “whoever opens this papyrus and reads its text, every curse that it contains will come down on his head”¹¹³. One of them has this warning note in the opening line of the text, the other has it isolated at the verso side, so that in both cases this warning could be read separately from the main text. All this, however, is probably traditional Egyptian practice¹¹⁴.

Finally, another aspect should be considered: all judicial prayers designed for use in the temple contained formulaic elements. Persons who resorted to this type of sacred justice needed instruction about the correct procedures and formulas and there can be little doubt that this was the privileged task of the local priestesses or priests, who – no less interested in their own dignity than in that of their god(dess) – readily offered their expert services, perhaps even writing or prompting the texts¹¹⁵. This implies that the priests may have been acquainted with the contents of the prayers. Note that in a different, but in some aspects very related, ritual practice, namely the consultation of oracles at Dodona, discussed earlier in

of Latin *tabula* or *tabella*, which, like τὰβλα itself in other texts (see LSJ), are *termini technici* for writing tablets in general and for curse tablets in particular. If so, we have here a precise picture of such a stealthy inspection of a written complaint.

¹¹² As noted by *Chaniotis* forthcoming 2001, who argues that in the Maeonian practice the accusations were always public or at least known to the public.

¹¹³ *Björck* (1938) nos. 30–31 = *M. W. Meyer, R. Smith* (edd.), *Ancient Christian Magic: Coptic Texts of Ritual Power* (San Francisco 1994) nos. 88 and 90. The editors comment (*ibid.* 186): “Even these formulae are stereotyped. Little-known Demotic temple graffiti from Dakka, Aswan, and Medinet Habu promise just such a curse on those who would read or deface the inscriptions. Let the reader be forewarned.”

¹¹⁴ For the custom to curse those who will erase the letters of a *proskunema* inscription, see: *E. Bernard*, *Réflexions sur les proscynèmes*, in: *D. Conso, N. Fick, B. Pouille* (edd.), *Mélanges François Kerlouégan* (Paris 1994) 43–60, esp. 54f. From some texts it clearly appears that by engraving the inscription the worshiper perpetuates his/her presence in the place of worship or in the memory of the god; hence “the god will frequently hear the prayer” (πολλάκις δ’ ἀκούσεται, as in the Memnoneion, *Kaibel*, EG 1010; cf. EBGR 1994/5, no. 29).

¹¹⁵ Cf. *Ricl* (1995) 73: “Although I do not believe that Maeonian village-priests possessed complete judicial authority (...) I think their role was important (...). They were probably present at all stages of the quasi-judicial procedure that took place in their temple; they witnessed the lodging of a complaint, the setting up of the divine sceptre, the taking of an oath. Also they consulted the gods on the transgressor and communicated back divine answers and commandments. Fines in money or natural products were delivered to them and they saw to it that the transgressor erected a stele informing everyone of his sin, sometimes, perhaps, even taking part in formulating the text of the inscription.” See the examples from the confession texts in *Chaniotis* (1997) 373 n. 102, and his fundamental treatment in *Chaniotis* forthcoming 2001.

this paper, all kinds of private questions written by the enquirers themselves on lead tablets were put before the priests who must have read them in order to be able to function as the channel for the oracular responses.

In any case, the priests did bear the responsibility for what happened in their temple, as is still the case in churches of modern Greece. In such circumstances they simply have the right to know what is going on. Consequently, in a very good passage of a very good, but generally ignored, dissertation *Der Fluch des Christen Sabinus*, (Uppsala 1938) 123–4, G. Björck makes the priests into the central actors in the juridical drama: “Die Tafeln wurden also, denke ich mir, im Tempel eingereicht (...) und darauf hin hat die Priesterschaft kraft der göttlichen Autorität ihre Massnahmen treffen können. Die Einzelheiten entziehen sich natürlich vollends unseren Kenntniss.” Long before him, Wachsmuth (1863, 569) had suggested that the priests may have recited the accusation during an official cultic gathering, just as in contemporary Greece the papas can be heard doing, with very satisfactory results. Zingerle 1926, in his turn, devised what I would call a hyperbole of *Heiliges Recht* by arguing that the priests were actively involved in inflicting various types of ailments presenting them as divine penalties. That surely goes too far¹¹⁶ and in his fundamental recent discussion *Chaniotis* 1997, 360, rightly concludes: “Wenn also in einigen Beichtinschriften die Tätigkeit der Götter mit rechtlichen Termini charakterisiert wird, heisst dies nicht unbedingt, dass die Tempel für alle oder nur für bestimmte Angelegenheiten als Gerichtshöfe fungiert hatten.” On the other hand, one cannot deny that an occasional success of the divine intervention resulting in a public confession (*paradeigmatismos, exemplation*) was in the priests’ interest, so that a few more or less veiled hints may have come in handy¹¹⁷.

However, those who are even superficially acquainted with modern Mediterranean social communication know that all these different channels for official pronouncements are not really necessary. It suffices to tell your best friend that you have just “given” a *pittakion* in the temple concerning the stola that you have been missing recently or regarding the false accusation that has been laid against you

¹¹⁶ More cautious: *G. Petzl*, BIWK ad no. 5. See for reactions: *Eger* (1939) 291–3; BIWK, *passim*; *M. Ricl*, *The Appeal to Divine Justice in the Lydian Confession Inscriptions*, in: *E. Schwertheim* (ed.), *Forschungen in Lydien* (Asia Minor Studien 17, Bonn 1995) 67–76, on the belief that disease and other misfortunes were a punishment for unatoned crimes. She contests (71) the view (as for instance *Zingerle*’s) that there was an official temple jurisdiction, tolerated by the state authorities, and carried out by priests as divine representatives, and argues, with examples, that “for most of them it is obvious that one simply cannot talk of judiciary proceedings taking place”. Cf. also the recent ample treatment by *Chaniotis* (1997) with more literature in n.18, and *idem*, forthcoming 2001.

¹¹⁷ Besides, we should not be over-cautious in considering the possibility of human manipulation of divine judgement. The third century BC Indian document *Arthashastra*, attributed to Kautiliya says: “To those who do not believe, he (i.e. the ruler) should administer poison when they are sipping water or washing themselves and declare it to be a curse of the divinity” (5.2.44), a citation I owe to *Ch. R. Phillips*, *The Sociology of Religious Knowledge in the Roman Empire* to A.D. 284, ANRW II,16.3 (1986) 2677–2773, espec. n. 103, with more interesting literature on (not so) *pia fraus*.

and the news would instantly spread far and wide¹¹⁸. Sometimes more official hints to spread the rumor may have been available. I think this is the most obvious *social* function of the enigmatic sceptres that were erected at the opening of a divine judicial process in the confession texts. These sceptres were visible and are sometimes called ἄλυστα “irrevocable”. They clearly communicated the message that a person (or a whole community¹¹⁹) was making an accusation through a *pittakion*. As Chaniotis says: “Der terminus technicus für Verfluchungen” (which he considers to have been pronounced by the priests) “*unbekannter Täter ist ‘das Szepter aufstellen’*”¹²⁰. Anyway, people would be aware, and felt a fever coming on (at Knidos) or their blood-pressure dangerously rising (at Bath).

Conclusion

As I said before, perhaps the worst course of action in these matters – and not only in these matters – is to assume the existence of universal, monolithic and fixed rules in this game of social control. A luxuriant variety of options and possibilities presents itself. One extreme is to play it hard and publicly drag a person you suspect to the temple of a powerful god there to confess or disclaim guilt under oath, as it is so nicely pictured in Babrios’ second fable¹²¹. (Deities of) hot springs in particular are cherished refuges for those who wish to plead innocence, the immediate punishment of a false oath being for instance that the waters burn the perjurer to death or afflict him with serious illness, blindness etc.¹²². No doubt, the sanctuary of Sulis Minerva at Bath thus began its career. At the opposite extreme of the scale, you can scratch completely illegible letter forms, clearly only intended to *look* like letters, in a lead tablet, fold it six times, and throw the result into a hot spring – from where it could not be recovered anyway. This happened with one of several illiterate curses from Bath¹²³. “After all, the goddess would be able to read it” so the editor soothes us. And so it is, just as a pious rabbi once prescribed that the only correct way of praying was to write down the letters of the alphabet and ask the Almighty to make the appropriate prayer of it. In between these two extremes there is a wide gamut of possibilities, as we have seen, ranging

¹¹⁸ The more so, since “from her doorstep a woman can hear what is said at five or six other doorsteps”, *Cohen* (1991) 49, with literature on “the quick flow of information into gossip and information networks”, and quoting Wilamowitz’ *dictum* about classical Athens: “the neighbors who know everything”.

¹¹⁹ So in *BIWK* no. 35.

¹²⁰ *Chaniotis* (1997) 366. I cannot accept *Eger’s* (1939, 290) distinction between ἀπὸς τιθέμεναι in the meaning of “giving a *pittakion*” only for known offenders and the drawing up of a scepter only for unknown ones. *BIWK* no. 69, as quoted above, seems to refute this. So does *BIWK* no. 68.

¹²¹ *Supra* n. 26.

¹²² I have discussed these procedures in *Versnel* (1995).

¹²³ *Tomlin* (1988) nos 112–6.

from tablets suspended on walls so that they could be read, via the deposition of tablets or papyri so that they could – but should not (or should they, after all?) – be opened and inspected by persons concerned, to the deposition of the material while attracting attention to the complaint by informing a priest or a neighbour, who then would take care of the circulation of the rumour. Moreover, it should be stressed that there is no reason for assuming that an appeal to divine justice excludes an appeal to secular courts¹²⁴, just as an appeal to Asklepios does not exclude a visit to the doctor. There are even clear examples of co-operation between religious and secular authorities and procedures. For instance, Achilles Tatius, *Clitophon and Leukippe* 7.13, describes a temple of Artemis only accessible to men and virgins while matrons were forbidden to enter. Slave girls might enter with a legal complaint against their masters as a suppliant to the goddess, while, outside, the judges deliberated on the case between her and her master¹²⁵.

Regardless of their form and performance, all these strategies offer splendid examples of the manipulation of social control by an appeal to the divine world. And the most rewarding result is that we have detected a *double-edged* strategy, uniting the two different strategies of social control as defined in our introduction. The first is the appeal to a powerful third party for help against a second party. The second is the suggestion to the second party that a third party has been called in for assistance. If one does not work, the other may. This double strategy comes to flourish when and where divine justice prevails over the working of secular law, either as a result of the predominance of a strong religious climate or due to the lack of reliable secular juridical institutions¹²⁶, or both. This may explain why

¹²⁴ As *Chaniotis* (1997) 370ff. rightly stresses, giving good examples. The best known example from mainland Greece in the classical period is the enigmatic “ordeal” from Mantinea (IG V 2, 262, ca. 460 BC) concerning homicides which occurred in the sanctuary of Alea and the condemnation of the persons involved by the goddess and by judges. Most recent and most thorough treatment: *G. Thür, H. Täuber, Prozessrechtliche Inschriften der griechischen Polis: Arkadien* (Veröffentlichung der Kommission für Antike Rechtsgeschichte 8, Vienna 1994) no. 8. The authors suggest that the involvement of the goddess may be explained by the fact that the bloodshed occurred in her sanctuary and that the killers (except for one person) remained in the sanctuary as suppliants. Cf. *A. Chaniotis, Conflicting authorities: Greek Asyilia between Secular and Divine Law in the Classical and Hellenistic Po-*leis, in: *Kernos* 9 (1996), esp. 75–78.

¹²⁵ More generally, of course, official documents were often published in a temple as a sign of official ratification: *H. Rädle, Untersuchungen zum griechischen Freilassungswesen* (diss. Munich 1969) 60. A beautiful illustration of this co-operation is provided by a new (unpublished) confession text, in which the author asks both gods and the divine council *and* the human *katoikia* and *hiera doumos* of the village to be forgiven.

¹²⁶ We have numerous testimonies of this lack of confidence in secular judicial systems. Most of them are implicit, such as the one in Babrios’ second fable (*supra* n.26), some explicit. In a funerary imprecation from Termessus in Pisidia (*R. Heberdey, TAM III,1* [Vienna 1941] no. 742; 3d c. AD) potential grave violators are, in accordance with the local usage, threatened with a fine to be paid to the imperial treasury, but a proviso adds: “but if someone will despise this [sc. the secular penalty], he will be childless”. Thus supernatural powers, prompted by the curse, are expected to act where worldly justice may fail. Generally, we observe an increase in the application of curses and other forms of appeal to the supernatural in periods or

there is so little of these practices in classical Athens and so much in later times, especially in Asia Minor. One common feature – if not precondition – of this type of divine intervention is the presence of sacred centres where a superior, omniscient and omnipotent god(dess) was believed to reside. This concerns especially the ,tyrannical' gods who reigned supreme over human believers who submitted themselves with devoted belief and utter subjection, as we have seen them in Asia Minor. In such a religious climate we also encounter the practice of public confession at the instigation – and as a cure – of physical ailments that were interpreted as divine punishment. These conditions were not satisfied in classical Athens. It is not by chance – but that is not our subject now – that the environment in which we see the combination of *all* these elements emerging *together* for the first time in (fourth century) Greece is the temple of Asklepios at Epidauros.

places where worldly authorities are weak and inefficient: *L. K. Little*, *Annales ESC* 34 (1979) 43–60, esp. 47, 57–8; *W. Wiefel*, *Numen* 16 (1969) 218; *S. Gevirtz*, *Curse Motifs in the Old Testament and the Ancient Near East* (Chicago 1959) 258–9, as discussed by *J. H. Strubbe*, "Cursed be he that moves my bones", in: *Faraone, Obbink* (1991) 33–59, esp. n. 76.

Abbreviations

- BIWK *G. Petzl*, *Die Beichtinschriften Westkleinasiens*, EA 22 (1994).
 DT *A. Audollent*, *Defixionum Tabellae* (Paris 1904).
 DT *R. Wünsch*, *Defixionum Tabellae Atticae*, IG 3.3 (1897).
 EBGR *A. Chaniotis*, *Epigraphic Bulletin for Greek Religion*, 1987 → ..., in: *Kernos* 4 (1991 →).
 GGR *M. P. Nilsson*, *Geschichte der griechischen Religion* 1–2 (Munich 31967–21961).
 I.Knidos *W. Blümel*, *Die Inschriften von Knidos I* (Bonn 1992).
 LSAM *F. Sokolowski*, *Lois sacrées de l'Asie Mineure* (Paris 1955).
 LSCG *F. Sokolowski*, *Lois sacrées des cités grecques* (Paris 1969).
 SEG *Supplementum Epigraphicum Graecum* (ed. *J. Hondius et alii*, 1923–71, continued by *H. W. Pleket et alii*, Amsterdam 1976–...).
 SGD *D. R. Jordan*, *A Survey of Greek Defixiones Not Included in the Special Corpora*, GRBS 26 (1985) 151–97.
 SIG *Sylloge Inscriptionum Graecarum I–IV* (ed. *W. Dittenberger et alii*, Leipzig 1915–324).
 TAM *Tituli Asiae Minoris* vol. V, pt. 1 (Vienna 1981).

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Curses and Social Control in the Law Courts of Classical Athens

Despite the reluctance of some modern scholars to discuss the topic, the ancient Greeks, like their Near Eastern neighbors, used curses for a variety of purposes, sometimes to control social disputes and sometimes to exacerbate them¹. On the socially positive side, we find that conditional self-curses were a regular part of important oath ceremonies to sanction treaties and political agreements, to keep public officials, athletes and prosecutors honest in competitive venues, and to vouchsafe important testimony about paternity or citizenship. On the other hand, private binding curses were often deployed in some of the same competitive arenas to prevent open and free competition between private citizens, a social practice that underscores an important parallelism between athletic games and legal courts as areas that focus and exacerbate aggressive competition, rather than diffuse it.

The best example of the socially constructive use of curses is to be found in this oath used by the people of Thera in the seventh century BCE, when they sent off colonists to found the city of Cyrene in Libya²:

On these conditions they made an agreement, those who stayed there (i.e. in Thera) and those who sailed on the colonial expedition, and they put curses (*arai*) on those who should transgress these conditions and not abide by them ... They molded wax images and burnt them up while they uttered the following imprecation, all of them, having come together, men and women, boys and girls: “May he, who does not abide by these oaths but transgresses them, melt away and dissolve like the images – himself, his seed and his property.”

¹ This essay grows out of a lecture I gave at a conference, “Democracy, Law and Social Control” organized by David Cohen at the Historisches Kolleg München in June 1998. An earlier version of it appears in: Dike 2 (1999) 99–121. I owe many thanks to him and the other participants for their stimulating comments and questions. I use the following perhaps unfamiliar abbreviations:

DT = Audolent, A., Tabellae Defixionum (Paris 1904).

DTA = Wünsch, R., Defixionum Tabellae Atticae, Appendix to Inscriptiones Graecae III (Berlin 1897).

SGD = Jordan, D., A Survey of Greek Defixiones Not Included in the Special Corpora, in: GRBS 26 (1985) 151–97.

² SEG 9.4; for a more detailed discussion see: Faraone (1983) 60–62 and 76–80. The translation is from: Graham (1983) 226.

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