Preface

The present book brings together a long-standing interest in Greek disputes, law, and magic, especially binding curses. While there is much evidence for these themes in all periods of Greek antiquity, the present study focuses on Classical Athens. I should state at the outset that the present book is neither a comprehensive survey of the practice of magic nor an exhaustive assessment of law and disputes in Classical Athens. My aim has been rather modest: to link in scholarly discourse the symbolism and practice of binding curses to dominant modes of Athenian dispute behavior and its manifestations (e. g. methods of communication, emotive states, litigation) in a manner that demonstrates the necessity for a processual and contextual analysis. I perceive scholars and other advanced students of Classical Athens as the principal target audience of the book. But it could potentially be of assistance in a comparative context, in studies of magic, disputes, and agency.

In writing the book, I have benefitted tremendously from the insightful work of numerous scholars from both sides of the Atlantic. I have made every effort to acknowledge these intellectual debts in the discussion and notes. To be sure, scholarly nuances abound and will undoubtedly continue to exist, especially in connection with issues related to law, disputes, and magic in Athens. I see such diversity and multivocality as a positive token of the dynamism of our field. It is only hoped that the ensuing discussion will complement and further enhance wider debates as well as contribute to the analysis of finer points in studies of all persuasions, irrespective of methodological perspective.

The bulk of the present manuscript was written while I held a Fellowship for Experienced Researchers awarded by the Alexander von Humboldt Foundation. I am indebted to the Alexander von Humboldt Foundation for the fellowship, but also for the professionalism and efficiency of all the Foundation staff that I came in contact with – they all did their absolute best in dealing with logistical matters and making sure that I had everything I needed to pursue my research. I held the fellowship intermittently from 2013 to 2016, hosted by the University of Hamburg. I am grateful to Professor Dr. Werner Riess who acted as academic host and made sure that there were always optimal conditions for my work. Moreover, he provided invaluable feedback (including on the complete manuscript), support, and camaraderie throughout my stay in Hamburg and beyond. My heartfelt thanks also go to the entire university community, and most

notably to the faculty, students (especially my research assistant Elisabeth Schick), and staff at the Ancient History section of the Department of History at the University of Hamburg. They generously welcomed me and assisted me in numerous ways, academically or otherwise, during my stay in Hamburg.

Among scholars working on Athenian magic, disputes, and culture, special thanks go to Dr. Jaime Curbera for his collaboration, for allowing me to publish his drawing of *DT* 49 in the cover of the book, and for sending me copies of his, sometimes unpublished, work; to Professor Felice Costabile for providing me with copies of his work; to Dr. Sara Chiarini for sending me a copy of her Habilitationsschrift before publication; as well as to the anonymous reviewer of the Hamburger Studien zu Gesellschaften und Kulturen der Vormoderne for the insightful feedback. Needless to say, I am solely responsible for any remaining shortcomings in the ensuing discussion. Earlier versions of chapters or sections of this book have been presented in conferences, research seminars or invited lectures in universities in the USA (Northwestern University; University of Chicago; as well as in two Annual Meetings of the Society for Classical Studies), Germany (University of Hamburg; and at the 1st Colloquium Atticum, held also in Hamburg), Canada (Western University), Greece (Netherlands Archaeological Institute in Athens) and Turkey (Akdeniz University). I thank the hosts and audiences on all these occasions for giving me the opportunity to present my work and for providing their valuable feedback.

My wife Elif was steadfastly supportive and inspirational throughout the writing of yet another book. Her enthusiasm for scholarly inquiry and her insightful comments during our countless conversations on ancient Athens, as well as on broader issues of historical theory and methodology, helped me clarify many points, suggested alternative avenues of analysis, and motivated me to pursue my research. For all these reasons, this book is rightfully dedicated to her.

Chicago, August 2020

Chapter 1
Introduction

Sometime in the second half of the fourth century,[1] a sorcerer in Athens received an unusual in its scope, though not extraordinary in its content, commission. A client, possibly a man of elevated social standing, handed over a list of nearly one hundred individuals with a request that they should be targeted in a magical binding curse. Such curses were the stock-in-trade for sorcerers who were lured to Athens from many parts of the Greek-speaking world by the opportunities afforded by a populous and affluent city. The sorcerer in question duly executed his client's commission in the form of a single curse tablet (what is today known as *SGD* 48) which was then deposited west of the urban center of Athens, possibly near a temple.[2]

The tablet itself contains the most extensive list of targets among extant binding curses from Classical Athens, but other features of the curse also stand out. The ferocious opening plea to "bind, bury, wipe out from mankind"[3] all targets is remarkable for its aggressiveness, yet paralleled in other Athenian acts of magic. The list of the targets also invites comparisons to other Athenian curses, e. g. regarding the binding of individuals of diverse genders, ages, professions, and social classes.

Texts like *SGD* 48, as well as most other curse tablets from Athens, open a window to the microcosm of experiences and interactions of Athenians (by which I mean all residents of Attica, irrespective of legal status, gender or age) as they went about their daily lives in their shared lifeworld. But is *SGD* 48 and other curse tablets in a position to illuminate, and even enhance, our assessment of Classical Athenian society and culture? To answer that question, we first must attempt to understand what Athenians thought that curse tablets could accomplish. Curse tablets were certainly not formal scripts (in the sense that e. g. a decree approved by the Athenian assembly and published on a stone inscription was) but were nevertheless formulaic and the end products of a ritual process, much like many of the formal texts produced in

1 Unless otherwise indicated, all ancient dates are BCE. Internal cross references refer to chapters or chapter sections (e. g. 4.5).

2 For this tablet and its provenance see Ziebarth 1934, 1A and 1B; Jordan and Curbera 2008.

3 καταδῶ, κατορύττω, ἀφανίζω ἐξ ἀνθρώπων.

Classical Athens. However, even from the brief recreation of the process that led to the production of a tablet like *SGD* 48, it becomes apparent that the discourses and values that mediated the narrative of this text differed, to a certain extent, from the rhetoric and process expected in state-sanctioned, formal contexts (e. g. a court of law). Curse tablets emerge as communicative actions that to some extent did not unequivocally espouse all aspects of the normative framework and agenda that regulated – on a statutory basis, at least – the interaction of people in controlled/formal contexts.

Such a preliminary assessment of the wider position of binding curses in the discursive universe of Athenian social life is of course contingent on the circumstances, motivations, and emotive states behind each curse. If, as commonly assumed, animosities, rivalries, and conflicts can be deduced behind curse tablets and other acts of magic, then what sort of conflict could lie behind a curse tablet with nearly 100 targets like *SGD* 48, or any other Athenian curse tablet that aimed at incapacitating diverse groups of Athenians?[4] At times Athenian curse tablets suggest something of the social milieu of the conflict, e. g. by indicating the professions of targets or by pinpointing to individuals known from other sources. Yet prosopography, useful as it might be, has its limitations in any attempt to understand conflict. Both in premodern and modern societies conflict is a complex kaleidoscope of relationships, emotions, aggressions, and negotiations. The totality of experiences related to a situation of conflict is usually fleeting for most observers. In the case of Athens, curse tablets are mere fragments of such situations of conflict. Nonetheless, curse tablets are indicative of salient patterns of disputing behavior in Athens, especially during the fourth century. One of these patterns, it is argued in this book, is the preponderance of "broad-based" disputes as documented in Athenian literary evidence.

Cultural approaches on Athenian conflict and disputes have made great advances in recent decades. Conflict is increasingly seen as performative, whether it was conducted in a court of law or in less formal social settings. Until recently, curse tablets had played only a marginal role in scholarly debates on the cultural value of conflict in Classical Athens, and they have been mostly overlooked in formalist studies that restrictively identify the legal domain of action with civic adjudicatory procedures (e. g. mediation, lawsuits) and institutions (e. g. popular courts).[5] It is a major contention of this book

4 The ensuing analysis focuses, for the most part, on curse tablets that target broader groups of individuals as they correspond better to patterns of dispute and litigation documented in Athenian forensic orations. By this choice I do not mean to suggest that curse tablets could not have been employed for strictly dyadic disputes, hence targeting a single person. It is nevertheless the case that, at least as far as Classical Athens is concerned, curse tablets that targeted a single adversary were rare – indeed even most fragmentary tablets from Athens appear to target several individuals and thus point to wider disputes.

5 Notable exceptions to this wider trend include Faraone 1999b; Rubinstein 2000 and 2018; Eidinow 2007a and 2016; Riess 2012; Papakonstantinou 2014, 2018a and 2018b. These works organically incorporate curse tablets in analyses of litigation, conflict, and discursive negotiation of violence.

that, building on past scholarship, curse tablets can further enhance scholarly discussions and assessment of disputing behavior in Classical Athens. Since curse tablets are the products of conflicts, all curse tablets are indicative of such disputing behavior, irrespective of whether the dispute implied in the curse ever reached the stage of formal litigation.[6] To be sure, we can ascertain that many curse tablets were generated by disputes that were subjected to adjudication by the courts or magistrates of Athens. However, litigation was never a programmatic destination but merely a phase in a universe of collateral acts that constituted Athenian disputes – that was especially so in broad-based disputes. Athenian curse tablets intimate this overlapping seriality and fluidity of disputes and litigation – an example of how these magical texts can throw new light on central aspects of Athenian daily life.

The core of the book commences with a chapter (chapter 2) in which salient aspects in the process of producing curse tablets are introduced. This chapter is not meant to be a synopsis of sources and scholarship on magic in ancient Athens. It is rather conceived as a selective, and hence perhaps idiosyncratic, outline of those features of Athenian curse tablets that make them amenable to the analytical discussion in subsequent chapters. The emphasis here is on the logistics of commissioning and generating curse tablets in Classical Athens. A distinction between "legal" and "potentially legal" curse tablets is introduced in accordance with the presumed stage of the dispute in which each curse tablet was commissioned and produced. The concept of curse tablets as communicative actions operating amid the flow of information that was inherent in any Athenian dispute is also introduced in chapter 2, especially in connection with the social background of the agents of Athenian curse tablets. Both points (curse tablets as communicative action; situating curse tablets in the social landscape) are further elaborated in subsequent chapters.

Moreover, Athenian curse tablets have been studied mainly from the perspective of magical beliefs and religious practices. See e. g. Faraone and Obbink 1991; Graf 1997; Dickie 2001; Mirecki and Meyer 2002; Collins 2008; Ogden 2008; Edmonds 2019. Though valuable, such scholarly works that focus on magical beliefs and ritual practices in a diachronic perspective (cf. however the contextual approach by Stratton 2007) are largely beyond the scope of the present monograph that approaches curse tablets as communicative actions and embodiments of conflict in the specific cultural milieu of Classical Athens. Finally, there are also some studies that focus on formalist aspects or the typology/taxonomy of curse tablets (e. g. Versnel 1991; Dreher 2018a, German version 2018d), the results of which have been integrated into wider discussions of magic in Athens.

6 Throughout the book by "formal" I refer, for the sake of convenience, to institutionalized, civically endorsed practices of litigation, arbitration, or other modes of interaction between Athenians and the Athenian state. By distinguishing formal adjudication as a separate category of dispute management in Classical Athens I do not wish to minimize the extent and the importance of negotiation and reciprocity between institutional and extra-institutional (or formal/informal, official/popular etc.) forms of justice and interpersonal interaction. See in general Papakonstantinou 2008; Forsdyke 2012, especially chapter 5. Indeed, it is one of the aims of this study to underscore the reflexivity between "formal" and "informal" perceptions and practices of law and justice as demonstrated primarily through the use of binding curses.

Chapter 3 turns to the wider context of Athenian disputing practices and introduces the concept of broad-based disputes. The concept builds on previous scholarship that foregrounds the role of disputes and litigation as social and performative stages wherein identities, relationships, and statuses were negotiated and articulated. At their early phases broad-based disputes in Classical Athens usually (but not always) began as conflicts that engaged only a small number of primary disputants – often they were dyadic, interpersonal conflicts. Eventually such conflicts evolved to a point where they consisted of a set of practices and interactions that often spanned several years, and in some cases decades and generations of disputants. Furthermore, broad-based disputes were usually cyclical as they involved numerous phases of intense interaction, including at times physical aggression and litigation/mediation between disputants, which alternated with phases of strategic planning. Recruiting solid and extensive networks of supporters was crucial in achieving success (however it was defined by each disputant) in Athenian broad-based disputes. Such networks consisted of kin, friends, and associates but often, because much of disputing occurred in public, also of accidental participants in a dispute (e. g. passersby who had witnessed an incident or other stage of an ongoing conflict). As a result, broad-based disputes infiltrated most aspects of a disputant's daily life, including domestic and professional, as well as other social interactions.

Chapter 4 further elaborates the discussion of broad-based disputes in Classical Athens by examining in greater detail four case studies of such disputes attested in the Athenian forensic orations corpus. One such case study concerns the dispute between Demosthenes and Meidias, a dispute that went on for over twenty years (4.4). The main source for the dispute is the one-sided prosecution speech (21, *Against Meidias*) by Demosthenes. Despite the biased tone of the speech the broad outlines of the dispute, including its genesis and transmutations over the decades, can be reconstructed with relative confidence. In a fashion typical of Athenian broad-based disputes, the two main disputants engaged in numerous tactical and collateral moves over the years and were active in recruiting large numbers of supporters. The high social standing and wealth of the main disputants certainly accounts for the fact that much of the dispute was played out within the boundaries of the formal legal sphere, as well as for the notoriety of the dispute in mid fourth-century Athens. To be sure, less socially prominent disputants would normally have less leverage in their attempts to influence wider public opinion beyond their core support network. They could, however, engage in broad-based disputes, and there is sufficient evidence that they did. Another case study examined in chapter 4 concerns the dispute, as described in Lysias 3 *Against Simon*, of two such Athenians (4.1). Both men were after the affections of a young male prostitute, a situation that led to chronic and acrimonious conflict. In this case as well, the two main disputants pursued diverse tactics in different phases of the dispute, while at the same time recruiting a solid core network of supporters and engaging with hundreds of other Athenians as accidental witnesses/participants in single episodes of the dispute. The

diverse social settings (houses, shops, streets of the urban center of Athens) where the dispute was played out over several years is once again notable. The third case study of an Athenian broad-based dispute is based on Isaeus 6, *On the Estate of Philoktemon* (4.3). The origins of this inheritance dispute can be traced to the life and activities of Euktemon, the father of Philoktemon. During his old age Euktemon, a well-off owner of real properties, presented a child of his mistress, allegedly by a freedman, as his own son. From this act, numerous legal implications and a broad-based dispute ensued, a dispute that involved Athenians of diverse social backgrounds and legal statuses. Based on a fragmentary speech by Lysias (4, *On a Wound by Premeditation*) the fourth case study of chapter 4 explores the dispute of two wealthy Athenians whose relationship over the years went over phases of friendship, antagonism, litigation, and physical aggression. In addition to the typical for broad-based disputes process of recruiting solid and loyal support networks, this case study also highlights the role of core members of these networks in mediating and negotiating facets of the dispute. The final section of chapter 4 (4.5) pulls together the threads of the case studies, supplemented by other sources, to discuss the dramaturgical aspects of information dissemination and control in the context of Athenian disputes as well as the role of accidental and peripheral participants in Athenian broad-based disputes.

Chapters 5 and 6 proceed with an assessment of curse tablets in the light of Athenian broad-based disputes. Since the early modern period magical beliefs and practices were predominantly perceived and persecuted as practices of the socially marginal, underprivileged, and downtrodden.[7] In the case of Athens as well, the basic idea behind assessments in early scholarship was that irrationality and superstition, traits allegedly associated with magic, prevailed among the underprivileged. Moreover, it was also presumed that the Athenian underclasses were convinced that in disputes that were ushered into the formal litigation stage, especially the popular courts or other civic settings of adjudication, they had diminished chances of resistance and vindication, hence they turned in large numbers to magic.[8] But views are shifting quickly and the plurality of recent commentators on Athenian magic, and curse tablets in particular, readily acknowledge the appeal that acts of magic had for Athenians of all walks of life.[9]

7 See e. g. the overview of such early scholarly assessments in Stewart and Strathern 2004, 1–28. This attitude is blatantly obvious among many of the early pioneers in the study of Greek curse tablets. For instance, R. Wünsch described *DTA* 94 as a "curiosissimum exemplum periculi ab homine inerudito facti". For more recent proponents of the view that the agents of ancient Greek magic were to be found primarily among the uneducated and downtrodden see e. g. Bernand 1991, 30–34; Dickie 2001, 1–2; Edmonds 2019, 69.

8 This view goes hand in glove with the apparent underrating of the evidentiary value of curse tablets, and other magical texts, by many contemporary classicists. This largely accounts for the absence of curse tablets in many social and cultural histories of Athenian law – but see n. 5 for some notable exceptions.

9 E. g. Gager 1992, 24; Graf 1997, 84–86; Faraone 1999b, 116 (with reference to legal binding curses); Riess 2012, 169–177; Eidinow 2007a, 139–232; Watson 2019, 68–69. Dufault 2018 argued that for the

Elites as well as socially and legally subordinate groups in Classical Athens employed tactical speech acts and magical practices in an attempt to exercise or resist power – although it was most often the case that elites did most of the exercising and subordinates most of the resisting. Wealthy and well-educated Athenians were as likely as their working-class counterparts to partake in magic as a dispute management strategy and as a variable in the constant and dialectic flow of information between disputants. As R. Parker has argued, with reference to legal curse tablets, "the persons commissioning the curses … were surely the persons most affected or imperilled; and this will mean, since the majority of litigation at Athens was undertaken by persons of some wealth, that 'middle citizens' and above were among the most important clients of curse-sellers, which is exactly what Plato says".[10] The Platonic passage in question is *Republic* 364 b-c where the philosopher asserts that "there are begging priests and soothsayers who, going to the doors of the wealthy persuade them that they, by means of sacrifices and incantations, have accumulated power from the gods that can expiate and cure with pleasurable rituals any misdeed of a man or his ancestors, and that if anyone wants to harm an enemy, whether the enemy is a just or unjust man they (i. e. the priests and soothsayers), at very little expense will do it with incantations (*epagogai*) and binding curses (*katadesmoi*), since they claim they have persuaded the gods to do their bidding".[11]

The main reason why individuals of diverse social and legal backgrounds, including the civic elites, resorted to magic and curse tablets as a discourse and practice was because, it was genuinely and widely believed, such discourses and practices could assist with the favorable development of disputes. Athenians, moreover, insisted in using curse tablets and other means of resistance and power even in circumstances (e. g. availability of abundant alternative resources for pursuing a dispute) that, to a modern observer, the deployment of magic might appear ambivalent or contradictory. The wide social reach of Athenian curse tablets can often be intimated by the social background of the targets of these curses. Prominent and active public figures, many of whom counted themselves in the richer echelons of Athenian society, are often the

most part social elites were the authors of Greek curse tablets. This view is however predicated on the questionable assumptions that most disputants wrote their own binding curses (instead of resorting to a professional sorcerer) and, secondly, that literacy levels in Classical Athens were low. Literacy would be mostly irrelevant if one accepts, as I do in chapter 2, that binding curses were written and performed almost exclusively by professionals, many of whom might have been itinerant sorcerers from other parts of the Greek-speaking world. On the other hand, literacy skills would be somewhat more pertinent for disputants who resorted to litigation. For literacy in Classical Athens see 2.1, with references in n. 12.

10 Parker 2005, 130.

11 ἀγύρται δὲ καὶ μάντεις ἐπὶ πλουσίων θύρας ἰόντες πείθουσιν ὡς ἔστι παρὰ σφίσι δύναμις ἐκ θεῶν πoριζομένη θυσίαις τε καὶ ἐπῳδαῖς, εἴτε τι ἀδίκημά του γέγονεν αὐτοῦ ἢ προγόνων, ἀκεῖσθαι μεθ' ἡδονῶν τε καὶ ἑορτῶν, ἐάν τέ τινα ἐχθρὸν πημῆναι ἐθέλῃ, μετὰ σμικρῶν δαπανῶν ὁμοίως δίκαιον ἀδίκῳ βλάψει ἐπαγωγαῖς τισιν καὶ καταδέσμοις, τοὺς θεούς, ὥς φασιν, πείθοντές σφισιν ὑπηρετεῖν.

targets of Athenian binding curses. But so are humble shopkeepers and other vendors, workers in the sex trade as well as individuals of non-citizen legal statuses (metics, slaves). Women are also targeted – collectively not as frequently as men, but in higher numbers than what their socially inferior position in the eyes of Athenian law would at face value suggest.

Furthermore, Athenian curse tablets point to a number of endemic features of disputing behavior that are well attested in the literary record, including the gender and social status diversity of support networks or accidental participants in broad-based disputes; the chronic character of many disputes as well as the use of collateral strategies (e. g. litigation, mediation, physical violence) in the course of a dispute; and last but not least, the often localized focus (e. g. demes; urban neighborhoods) of episodes of Athenian broad-based disputes. In addition to the discussion of individual curse tablets, two case studies highlight the integrative and interactive role of binding curses in Athenian dispute practices and behavior. The first concerns the targeting of *dikastai* in Athenian curse tablets, extensively discussed in 6.3 and 6.4. Athenian *dikastai*, the men who served as jurors in the Athenian popular courts, were collectively represented in forensic oratory as bulwarks of justice and the democracy as well as champions of the interests of the Athenian people. By the same token, litigants (both plaintiffs and defendants) in Athenian courts often forewarned jurors of the wily nature of their opponents and of their endeavors to manipulate and deceive both them and the Athenian public at large. These were clearly discursive stratagems employed by *all* litigants, to some extent, as they attempted to get on the good side of the Athenian *dikastai* and *demos* by promoting a paradigm of argument, as part of a particular dispute, that represented them as loyal and enthusiastic champions of the Athenian democracy. Curse tablets targeting *dikastai*, on the contrary, allude to these popular juries as malleable and potentially hostile, underscoring both the mercurial nature of Athenian litigation as well as the strategic, albeit often unspoken, priority of all Athenian litigants to trounce their opponents, even at the expense of ideals of justice, fairness, and equality before the law.

In these instances, curse tablets operated as antithetical transcripts that counteracted the public pronouncements of litigants on the role of jurors. Signs of such antithetical and resistance transcripts in the pursuit of disputes and litigation can also be detected in the second case study of dispute practices as documented through curse tablets. It is worth noting in this context that resistance transcripts do not originate and operate only from the bottom up but also from the top down. A curse tablet of the late fourth century (*SLCTA* no. 4), thoroughly discussed in 5.1, intimates details of a dispute involving numerous Athenian naval officials (mostly trierarchs), many of whom were most likely targeted as members of the support network of the adversary of the agent of the curse. Most of the targets can be confidently identified from the epigraphic record and, as it has been argued, the curse tablet is probably linked to a lawsuit of 323/22 or shortly thereafter. Trierarchs were wealthy Athenians of the

liturgical class. There are several known instances from the literary record of trierachs abusing their positions to advance their personal commercial and financial interests while campaigning with the navy. At the same time, and irrespective of how they were represented in curse tablets, these very trierarchs would have adopted the discourse of the willing and generous liturgists whilst in the public domain, including in the courts or in the context of a publicly conducted dispute. Such conflicting interests and representations were surely in the foreground of the broad-based dispute, an episode of which is partly illuminated by *SLCTA* no. 4.

As P. Bourdieu reminds us, one should seek to "establish the relationship between the properties of discourses, the properties of the person who pronounces them and the properties of the institution which authorizes him to pronounce them".[12] Chapters 2 to 5 attempt to throw light in the relationship between discourses and social actors as evinced in Athenian disputes, magic, and litigation and chapter 6 extends the discussion even further, by focusing on Athenian agential behaviors and emotive horizons as transcripts in the context of Athenian disputes and magic. Agency is a foundational parameter in all human interaction, including disputes. Agency can roughly be subdivided into intentions and actions. When dealing with a past society, agents' intentions are rarely recoverable.[13] Their actions, however, are often documented, albeit in a haphazard and fragmentary manner. Athenians during the fourth century developed distinctive types of disputing practices, partly shaped by the institutional and social alignment summarily identified as "the Athenian democracy". The interaction between the wider social/political framework and dispute perceptions and practices was reflexive: the institutional framework and daily life of Athenians – especially the tendency to conduct much of personal and civic business in public – as well as their dispute practices and behaviors, negotiated with and articulated one another. In chapter 6 I contend that a thorough analysis of Athenian agential behaviors, to the extent that they can be assessed, can further illuminate our understanding of Athenian disputes reached in previous chapters. The institutional and social set up of the Athenian democracy encouraged, and often obliged, citizens, but also individuals of inferior legal statuses, to actively engage with many facets of governance and civic life. From the perspective of an individual, any engagement with the public sphere, including civic institutions, was performed within the limitations of existing social categories

12 Bourdieu 1999, 111.

13 In the case of Athens, curse tablets constitute one of the great exceptions to that rule, an issue that is discussed in chapter 6. It should also be noted at this point that cursing is a mediated genre, employing elliptical discourses in a social context of disparities of power, and hence curse tablets should not be considered a priori as a reflection of the full range of genuine intentions of an agent embroiled in a dispute. By the same token, the logistics of commissioning and producing a curse tablet suggest that in some respects (e. g. the case study of *dikastai* discussed in chapter 6) the intentions deduced from these documents might have been closer to the emotive states and genuine beliefs of their agents than what these agents could admit in public.

and differentials of power. Still, interpersonal interaction in the public domain was for many, if not most, residents of Attica a daily reality. Such behavior is also documented regarding disputes, irrespective of whether they ever reached the formal litigation stage. Especially regarding the role of law in Athenian disputes, evidence – including legal curse tablets – suggests that Athenians conceptualized legal norms as potentially contestable metaphors. Moreover, they had a more inclusive perception of the domain of law than formally enacted statutes and litigation. This last point goes some way in explaining why much of disputing in Classical Athens was conducted outside the formal boundaries of legal institutions.

Within such a context, it is argued in chapter 6 that in the pursuit of politics and conflicts for the most part Athenians acted in a "high-level" agential mode, i. e. in a long-term, self-assessing manner that accounted for multiple parameters of individual and collective action. This prevailing individual agency mode can help explain the frequency of broad-based disputes, namely chronic conflicts that were, to a large extent, conducted in the public sphere, including courts of justice and other civic spaces.

Agential behavior and disputes fed into established and developing power relationships. Emotions and their various manifestations can open another fascinating window into the complex nexus of interactions that developed in Athenian disputes and indicate something of how Athenians perceived wider power structures. Thus 6.1c and especially 6.2 explore emotions and their role in the development and articulation of dispute practices. Similar to the intentionality of agency, much of the original emotive horizon of disputants can only be conjectured. Nevertheless, emotions often directly translate into actions and can also be discursively crystallized in oral or written form. It is with the latter aspects of the emotive facets of Athenian disputes that chapter 6 is preoccupied, especially with emotions as communicative action, as socially engendered performances, but also as dominance-reinforcing strategies and/or contestations of power structures. Viewed from this perspective, genuine emotions could be channeled and articulated in a manner that was embedded into the strategic development of broad-based disputes as well as the wider cultural values of Athenian society. For instance, Athenian disputants often publicly expressed their rightful indignation at their adversaries' domestic raids or other intrusions, in keeping with Athenian views on such practices. In a society where the borders between domestic and civic where not always as absolute, one suspects that these articulations of heightened emotions could at times be presented with a touch of rhetorical exaggeration. Concurrently, such feelings were essentially advanced as justification for pursuing the dispute even further through retaliation, litigation or other means. In connection with the emotive aspects of Athenian disputes, it is also worth noting the extent to which the public articulation of dispute-related emotions (anger, indignation, fear etc.) were manipulated

to instill similar feelings on those caught up in these disputes, e. g. accidental witnesses or jurors.[14]

The book ends with a concluding chapter that weaves together the main threads of the argument. Magic, including binding curses, are documented in many premodern cultures, yet their symbolism and practices relates to conflict in distinct ways across time and space. In Classical Athens, the use of magic in disputes was predicated on a chronic, outward, and inclusive mode of disputes (broad-based disputes) that was symptomatic of the mainstream parameters of social and political life prevalent among Athenians. Concomitant was an evaluative and reflexive high-level personal agency as well as pertinent communicative actions enshrined in Athenian disputes, including the circulation of talk and rumor, and the articulation of specific emotive states. Curse tablets can be invaluable additions to any attempt to document the complex trajectory of Athenian disputes and litigation, as they illuminate aspects of the power negotiation, agential behavior, and emotive states inherent in such practices.

14 See e. g. Rubinstein 2004 and 2013; Sanders 2012; 2014, chapter 5; and my discussion in chapter 6.

Chapter 2
Binding Curses in Classical Athens: Sorcerers, Agents, and Litigation

Insightful introductions to Greek binding curses, from the perspective of magical beliefs and their social context, abound.[1] Most of these studies draw directly from Athenian material. Building on this scholarship, the present chapter outlines select aspects of the production and reception, as they pertain to Classical Athens, of binding curses. The ensuing discussion is contingent on the analysis of dispute practices and behaviors, as well as modes of individual agency, as expounded in subsequent chapters. Following a historical synopsis (2.1) of the use of curse tablets in Athens, section 2.2 focuses on legal binding curses vis-à-vis the legal system of Athens during the Classical period; and section 2.3 is largely dedicated to the role of sorcerers as agents in the articulation and communication of legal binding curses in Athens during the period in question.

2.1 Binding Curses and the Public Sphere in Classical Athens

Binding curses (καταδεσμοί) were usually produced in the form of inscribed pieces of lead that were folded up or rolled, pierced with a nail and deposited in a grave, well or a sanctuary of chthonic associations. The objective was to influence, by supernatural means, the welfare and actions of persons who were considered as inimical, dangerous or otherwise of interest (e.g. potential lovers) to the authors or agents (by which I mean the person/persons who commissioned them) of curses. Binding curses concern themselves with a wide range of social relationships, including personal and professional rivalries as well as litigation.

The earliest written binding curses in Greek have been discovered in Selinous and date to the sixth or early fifth century.[2] According to the current orthodoxy, spells written on lead appeared in small numbers for the first time in Athens around the mid fifth

1 See chapter 1, n. 5 and 9.
2 Brugnone 1976.

century and their numbers increased during the fourth. Regarding the Athenian corpus, over 200 binding curses can be dated with confidence to the Classical and early Hellenistic periods, i. e. from the late fifth to early third centuries,[3] while many others date from the Roman Imperial period. The Classical and early Hellenistic binding curses differ in significant ways in their form and content from many Roman Imperial magical spells, in that the earlier specimens are usually terse documents that focus on the targets and the action to be taken against them by deities and other spirits.[4] There is, in other words, little or no articulation in the curse tablets of the Classical period of the esoteric magical language and ritual that is often encountered in binding curses and magical papyri of the Roman period.

Binding curses were in Athens a popular subset of a broader set of magical practices. The question of what magic is and how it interacts with religion (in the sense of a civically sanctioned mode of supernatural worship), medicine (in antiquity a quasi-scientific method of influencing human condition), and society at large have been at the center of an old but still ongoing scholarly debate conducted by anthropologists, sociologists, historians, and classicists.[5] Although consensus on a number of issues is far from being achieved, it is indisputable that perceptions and practices of magic would inevitably vary between cultures. In areas that have a long history of documented magical practices, such as Greece, there were regional variations as well as adaptations over time. As a result, a universally applicable understanding of magic, especially on a diachronic scale, is virtually impossible.

By the same token, topical and processual assessments of magic are feasible and indeed desirable. In the words of P. J. Stewart and A. Strathern, we should approach magical beliefs and practices "not only as a set of cultural symbols expressing a mode of thought about the world, but also as deeply implicated in sequences of action. Such ideas both contribute meaning to action and draw their meanings from it".[6] My objective in this book is to study curse tablets as instantiations of disputes, agency, communication, and emotions in the context of Classical Athens. The choice of my topic is largely determined by the constraints imposed by the extant sources. Currently we have at our disposal a solid corpus of Athenian binding curses, often accompanied by

3 Despite the checkered political fortunes and the gradual dissolution of genuine popular governance in Athens already in the 330s, during the early Hellenistic period (late fourth-early third centuries) Athenians retained some of the features of the social and political set up of the democracy, including legal proceedings and the popular courts. This facilitates the integration of some Athenian legal curse tablets that are tentatively dated to the early Hellenistic period to a narrative of legal disputes and curse tablets of the Classical period.

4 Johnston 1999, 71–81.

5 For a summary and highlights of the debate, especially in anthropological literature, see Collins 2008, 23–26; Gordon 2008; Skouteri-Didaskalou 2008.

6 Stewart and Strathern 2004, ix.