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# ENVY, POISON, & DEATH

WOMEN ON TRIAL IN CLASSICAL ATHENS

ESTHER EIDINOW

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## Abbreviations

For ancient authors and works, and modern collections of ancient evidence, I have used the abbreviations in S. Hornblower, A. Spawforth, and E. Eidinow, eds, *Oxford Classical Dictionary* (4th edn, Oxford, 2012) where available. Additional abbreviations are listed below:

Arist. <i>Virt. Vit.</i>	Aristotle <i>de Virtutibus et Vitiis</i> ( <i>On Virtues and Vices</i> )
Clairmont	C. W. Clairmont, <i>Classical Attic Tombstones</i> , 9 vols (Kilchberg, 1993–5)
Dion. Hal. <i>Din.</i>	Dionysius of Halicarnassus <i>De Dinarcho</i> ( <i>Concerning Dinarchus</i> )
DT	A. Audollent, ed., <i>Defixionum Tabellae</i> (Paris, 1904). Numbers refer to items not pages.
DTA	<i>Inscriptiones Graecae</i> , iii <i>Inscriptiones Atticae aetatis Romanae</i> , Pars 3: <i>Appendix. Defixionum Tabellae</i> , ed. R. Wunsch (Berlin, 1897). Numbers refer to items not pages.
Joh. Chrys. <i>In 1 Cor. Hom.</i>	John Chrysostom <i>Homily On Corinthians 1</i>
Joh. Chrys. <i>In 2 Cor. Hom.</i>	John Chrysostom <i>Homily On Corinthians 2</i>
Max. Tyr.	Maximus of Tyre
Men. <i>Kith.</i>	Menander <i>Kitharistes</i> ( <i>The Lyre-player</i> )
Men. <i>Sik.</i>	Menander <i>Sikyonioides</i> ( <i>The Sicyonians</i> )
NGCT	D. Jordan, 'New Greek Curse Tablets (1985–2000)', <i>Greek, Roman, and Byzantine Studies</i> 41 (2000) 5–46. Numbers refer to items not pages.
Pl. <i>Ly.</i>	Plato <i>Lysis</i>
Plut. <i>De am. prol.</i>	Plutarch <i>De Amore Proles</i> ( <i>On Affection for Offspring</i> )
Plut. <i>De cohib. ira</i>	Plutarch <i>De Cohibenda Ira</i> ( <i>On the Control of Anger</i> )
Plut. <i>De inim. util.</i>	Plutarch <i>De Capienda ex Inimicis Utilitate</i> ( <i>How to Profit By One's Enemies</i> )
Plut. <i>De invid.</i>	Plutarch <i>De Invidia et Odio</i> ( <i>On Envy and Hate</i> )
Plut. <i>De rect. rat. aud.</i>	Plutarch <i>De recta ratione audiendi</i> ( <i>On Listening to Lectures</i> )

Plut. *Para.*Plutarch *Parallela Minora* (*Greek and Roman Parallel Stories*)

SGD

D. Jordan, 'A Survey of Greek Defixiones not included in the Special Corpora', *Greek, Roman, and Byzantine Studies* 26 (1985) 151–97. Numbers refer to items not pages.

TM

Trismegistos Texts Database, coordinated by M. Depauw, [www.trismegistos.org](http://www.trismegistos.org).

Note: I have usually adopted familiar Latinized spelling for personal names; in most cases, other Greek words are transliterated directly from Greek. I have used transliteration for single words and short phrases in order to help make the text as accessible as possible, but have included Greek for longer quotations and/or where it seemed useful.

## Part 1

### The Women



# 1.1

---

## Introduction: Overview and Approach

Politics ‘happens’ where one may be led to least expect it—in the nooks and crannies of everyday life, outside of institutionalized contexts that one ordinarily associates with politics.<sup>1</sup>

The events that form the kernel of this book took place in Athens, in the middle years of the fourth century BCE. They comprise a number of intriguing trials in which the defendants were all women—puzzling targets for a society like Athens, where the law courts are largely regarded as the domain of the male political elite. These cases are *graphai*, or public cases, but just what kind of charges they included is debated: the evidence for each trial is multiple, various, and sketchy. It seems likely that at least two of them were *graphai asebeias* or trials for ‘impiety’; the implication that these women were involved in magical activities is a consistent theme throughout the ancient sources and the modern scholarship. It is hard to say more than this: the sources are either too brief, or too late, or simply too contradictory to provide clarity. Little is known about the three women in question, the sparse historical evidence throwing only the faintest of silhouettes down through time.

These are obviously not novel problems: in general, the evidence for the lives of ancient women is usually voiced by others, and inextricably entangled in the conventions of different genres. There is now a burgeoning field of scholarship grappling with the problems of identifying and exploring the roles played by women in ancient communities. Marilyn Katz’s analysis of over twenty years ago offers a useful framing of the ways in which these explorations have moved from consideration of ‘women’ to a more comprehensive exploration

<sup>1</sup> Besnier 2009: 11.



of gender, and from writing a history of women to writing ‘a history of women in society’.<sup>2</sup> In line with these approaches, most scholarly studies of these trials have focused on the question of the nature of the charges, in the process of which these women fall into familiar, static social categories—be those sexual, magical, religious, or legal. The danger of such analyses is that we cease to see these women as anything more than cyphers for a kind of male violence understood to be endemic in Athenian society, the inadvertent victims of political struggles, their appearance in court the by-product of an attack by one elite male on another, a spin-off of episodes of religious intolerance, a side effect of the struggles of an elite patriarchy.<sup>3</sup>

And yet, the little evidence we have alludes to both the agency and power of these women; indeed, it was this that brought two of them to their deaths. Moreover, the extent of their influence may be inferred by the role they appear to have played in the cultural imaginary<sup>4</sup>: we can glimpse it in a number of stories or anecdotes that relate crimes and legal cases that seem remarkably similar to these trials.<sup>5</sup> A fable from Aesop’s collection, a model speech for the law courts, a philosophical exemplum: each of them relates how a woman’s ritual

<sup>2</sup> Katz 1992 (quotation, p. 96). The field of scholarship on ancient women is too great to cite here. However, the question of how and why women’s lives may have changed has not been much explored. Exceptions include Osborne (1997), who raises the question of how changes in Athenian legislation prompted shifts in the social attitudes to, and representations of, women, with repercussions for lived experience of both genders; also van Bremen (1996), who considers the role of women as benefactors in Greek cities of (predominantly) Asia Minor, over a period of four centuries.

<sup>3</sup> Filonik (2013: 83) argues that there was no systematic religious repression at Athens and that ‘the historical record cites a handful of individual trials for impiety out of nearly two centuries of Athenian democracy, more often than not placed in a very particular political context. Those individual trials or sometimes groups of trials reflect important turning points in the life of the community, more often than not being linked to various periods of instability, crisis, anxiety, sometimes even coups d’état, war, and, last but not least, either a threat of falling under foreign domination or frustration at the defeat.’ However, he does not attempt a closer analysis than this, nor does this seem to account for the list of trials and potential trials he provides (82); he also does not explain those trials that do not fall into such an obvious category, such as the trials of these women.

<sup>4</sup> By this term I am referring not to the imagination of the individual, but to the set of shared ideas and images, narrative structures, and symbolologies that members of a culture or society draw upon to organize their world view, and which gives shape and boundaries to their imaginations. For a useful discussion, see Dawson 1994: 48.

<sup>5</sup> Other scholars have suggested that one or other of these fictional characters be directly identified with the historical women, but have not raised the possibility that these characters indicate the development of a common cultural narrative.

actions led to her death. For us, looking back over time, fact and fiction seem to be converging in a larger cultural narrative of a particular kind of risk. When we approach these women from this perspective—asking what risks they represented, how they developed, and why these women played such a key role in their expression—these trials start to assume greater significance, raising questions about the social and political environment of fourth-century BCE Athens. In this light, the complexity and confusion of the evidence is not so much a riddle to be resolved, but may rather be seen as articulating multiple dynamics. This study suggests that it forms the starting point for a historical investigation, one that places these women and their trials at its heart, and explores the changing factors—material and ideological—that may have provoked these events.

Rather than writing a history of these women in society, this study sets out to build on previous approaches to recover a history of society through the experiences of these women. The most obvious dimension of this is the larger changing political and economic situation of Athens—and this will be the focus of part 4 of this book. But the approach of this study is based on a sense that ‘large-scale processes such as state formation, subsistence change and population movements need to be understood in locally meaningful contexts of feeling and understanding’.<sup>6</sup> Thus, before exploring events at the macro-level, this study will pursue some more everyday expressions of feelings, focusing on the emotion of *phthonos*, or envy. It will examine first the role of *phthonos* in local social dynamics, and then how these dynamics may have interacted with the larger civic processes of the law courts. It is a truism that the detailed information needed to assemble an account of local circumstances rarely survives; nevertheless, by bringing together a wide variety of different kinds of evidence from across the ancient world, as well as by drawing on resources from other periods and disciplines, it may be possible to assemble an alternative account that allows us to suggest, if not fully describe, more local or individualized events.

<sup>6</sup> Tarlow 2000: 719. Recent scholarly approaches offer helpful tools. In particular, research into the role and power of the emotions and connected work on cognition raise key questions about, and offer insights into, the nature and development of social relations. See Chaniotis (2012: 14–16), who provides a seminal overview of the role of ‘emotions history’, as well making a similar point about the connection between emotion and cognition.

Underpinning this analysis is an assumption that there are cross-cultural, and diachronic similarities between emotions. This book does not attempt to explain how this occurs, or in what ways vernacular emotion concepts connect across cultures, which categories they belong to, or the ways in which they have evolved.<sup>7</sup> However, it also does not assume that those similarities are absolute and that the modern concept can simply be mapped onto its ancient counterpart. Quite the contrary: the argument made here is that whatever element of emotions can be held to be universal, crucial aspects are culturally specific. We must take careful account of these aspects in any description of a culture and/or events affecting or affected by members of that culture. This means that rather than arguing for either a universal or a cultural-relativist point of view of emotions, this study embraces both approaches, treating emotion as inseparable from cultural context, and emphasizing its role as a social phenomenon, that is, the ways in which our knowledge and expression of an emotion are crucially affected by social relations, and how in turn social interactions are shaped by emotions.<sup>8</sup> This is not to deny the intrapsychic or physiognomic experience of emotion, but the focus of this study is on the ways in which social interactions give those experiences significance and meaning, and lead, in turn, to action. It is attempting to delineate not so much what an ancient emotion comprises, so much as what it might do.

This approach can perhaps be summed up by regarding emotions as cultural models or schemas: this incorporates not only their responsive mode, but also their expressive and creative roles,

<sup>7</sup> For an examination of these questions, a useful start is Griffiths 1997.

<sup>8</sup> In general, the focus of existing studies in this area has been on trying to distil the individual's experience of an emotion from our evidence. See, for example, Braund and Most 2003; Cairns 1993, 2003a and 2003b, 2008, 2009, and 2011; Harris 2001; Konstan 2001; Konstan and Rutter 2003; Kaster 2005; and Sanders 2014. Chaniotis (2012: 16) emphasizes how perceptions of, and responses to, emotions are to a great extent socially and culturally determined.

The approach used here is based on research on the emotions in both cultural anthropology and psychology that highlights the social and psychological construction of emotions. Although emotions may feel like private personal experiences—and certainly involve multiple, complex, probably iterative mental processes—they are also profoundly shaped by an individual's interactions with the world at interpersonal, group, and broader cultural levels (see especially Parkinson 1996). The question of the extent to which personal and social factors interact in this context is a source of much debate, especially in the field of psychology: see further part 2, section 2.

encompassing the ways in which emotions appear to help us organize and evaluate our experiences. It offers a way to contemplate how emotions participate in both individual and group experience; and it grounds a method for their examination, through the analysis of the varieties of cultural discourse or ‘emotion talk’. Part 2 uses this approach as the basis for examining some of the different cultural schemas of *phthonos*, revealing how narratives of *phthonos* differ across contexts and genres. It examines the power of ‘*phthonos* talk’ for creating explanations for events and experiences, and how it was used to elicit meaning from otherwise inexplicable events or experiences.<sup>9</sup> In particular, it highlights the ways in which attributions of *phthonos* relate to the reciprocal relationships that structured many aspects of ancient Greek society, specifically the darker emotions arising from the process of giving gifts and all the responsibilities and attendant risks that come from being socially interdependent. This approach can, I suggest, help to explain not only the dynamics of mortal *phthonos*, but also the puzzling ancient phenomenon of the *phthonos* of the gods.

As this analysis will illustrate, *phthonos* talk includes both formal and informal discourses, and part 3 examines one of the more informal genres, namely gossip. Its informality increases its social potency: not just a vehicle for narrative, gossip is rather a ‘reconstructive genre’ from which an account of events will emerge.<sup>10</sup> This study explores how this aspect of gossip creates, supports, and develops the power of *phthonos* across different contexts, public, private, and secret.<sup>11</sup> Gossip as a discourse may offer us an insight into those

<sup>9</sup> See Eidinow (2011a) for use of cultural models to analyse ancient Greek discourse about fate, luck, and fortune.

<sup>10</sup> See Eidinow (2011b) for the ways in which narratives are crucial creative forces in social networks: the stories that we tell are shaped by, but also help shape, the context—the relationships and institutions—in which we tell them.

<sup>11</sup> Riess (2012) has indicated envy as a link between courtroom and binding spells (citing Eidinow 2007: 204 and 231, but rather misstating her approach, which turns on risk management). He asserts (169) that ‘many forensic speeches must have been motivated by envy’ and that ‘although envy could not be openly expressed in court and was literally driven underground through the use of curse tablets, it still lingered in the background of many lawsuits’. It is not clear why he argues that binding spells had this effect. He does not examine the use of *phthonos* in forensic speeches; nor does he provide analysis of the ways in which envy may be connected to magical action, beyond mention of the evil eye (29, 165, 169, 177) and as a ritual to frame negative emotions (177). The argument that ‘one could at least wish in malign magic what one could not openly say in court’ (230) does not seem to take into account the substance

whose voices are rarely heard; but even when those voices are familiar, the presence of gossip deepens our understanding of the dynamics that lurk beneath the surface of our usual historical documents. Gossip provides a lead into 'the interstices of respectability' by following 'exactly the contours of local and regional concerns'.<sup>12</sup> This approach goes beyond arguing that gossip reveals values and the formation of values—the context for social action—to assert that gossip *is* social action. Thus, in our attempt to understand the historical past, it is important to see how, why, where, and when particular nuggets of gossip became credible, powerful—and, finally, acted upon.<sup>13</sup>

In doing so we gain insights into the ways in which people were actively making sense of their surrounding environment. As demonstrated by anthropological and historical work concerning other times and places, gossip (with envy) is a 'sense-making technique', and it frequently encompasses cosmological elements. Thus, local explanations of otherwise inexplicable events within communities, particularly misfortunes and suffering, though rooted in social tensions, may include accusations of supernatural violence.<sup>14</sup> Sometimes such accusations, like gossip, identify people—not fate, or luck, or accident—as the agency behind unfortunate experiences; sometimes they seek out the role of the divine; often, the two are inextricable.<sup>15</sup> This study similarly argues that the relationship between *phthonos*, gossip, and the menace of supernatural power is inextricable. The book's fourth part, 'Death', examines the larger political and

and intent of forensic speeches, and is contradicted by his own argument that (228) 'the new discourse on moderation and self-control had a profound impact on the language inscribed on the early tablets by making them sound temperate and restrained'.

<sup>12</sup> White 1994: 78.

<sup>13</sup> See Tonkin 1992: 89, as White 1994: 79. See Stewart and Strathern (2004: ix–x) for the relationship between gossip and witchcraft in terms of a processual model of social action.

<sup>14</sup> Favret-Saada (1980: 6): 'An onslaught by witchcraft, on the other hand, gives a pattern to misfortunes which are repeated and range over the persons and belongings of a bewitched couple.' See also and perhaps most famously, Evans-Pritchard (1937: 63): 'the concept of witchcraft provides a natural philosophy by which the relations between men and unfortunate events are explained and a ready and stereotyped means of reacting to such events. Witchcraft beliefs also embrace a system of values which regulate human conduct.'

<sup>15</sup> This is a topic of much ethnographic research: for example, see Evans-Pritchard 1937: 63–83 and 99–106. There is discussion in Stewart and Strathern 2004: *passim*, but see especially 1–28, and Ashforth 2005: *passim* and especially 20–5.

economic situation of Athens in which such micro-social forces might gain deadly traction. Finally, in the Epilogue the book explores an additional psychoanalytical interpretation, introducing the idea of social trauma to explain how individual concerns might be transformed into group and/or civic action.

In making these connections, I am building on the insights of other ancient scholars, who have noted the role of gossip in accusations of magic;<sup>16</sup> and, in a broader historical context, this is drawing on studies of other times and places that have linked envy, gossip, and supernatural power. In particular, one of the influences on this study has been the approaches used in cross-cultural studies of the phenomenon of witchcraft. This is, of course, not an argument for the precise replication of historical or cultural circumstances across time and place, and this book is certainly not claiming that these trials are simply identifiable as the pursuit of ‘witches’ for ‘witch-craft’.<sup>17</sup> Nevertheless, this book does explore the idea that these trials reveal some familiar societal response, of a sort that has occurred within other cultures within a certain pattern of circumstances: in some ways the evocation of what has been called a synthetic image.<sup>18</sup> It might also be argued that witch-hunts offer one example, and the trials of

<sup>16</sup> See, for example, Gordon 1999, Versnel 1999, and more recently Graf 2010. In the same volume Edmonds III (2010) uses similar material to emphasize the uncertainty of such accusations, also noted by Versnel (1999: 133). See also Salvo (2012: 260), whose analysis follows Versnel (2002: 73 and 37–40) in arguing that one manifestation of these accusations (prayers for justice) was a form of social control, and was intended to calm tensions (further discussed on pp. 221–3); and Sanders (2014: 30) who mentions the link between gossip and *phthonos* and the evil eye, and (45) briefly examines the link between envy and gossip.

<sup>17</sup> Nor is this the approach of the work done in different disciplines on the phenomenon of witchcraft across the world, which has stressed the crucial importance of exploring this phenomenon against its cultural background, and helped to clarify the wide variety and differences that emerge in the spaces between particular cultural manifestations of a concept that may, at first, look very similar. Scholars in this area have argued that a detailed reading of the social, political, legal, and religious forces at work in the trial of any particular individual or coven is necessary. See, for example, Roper 1994, Purkiss 1996, and Rowlands 2003. Stewart (2014 [2008]: 9) notes the context of beliefs about the devil in Greece, which ‘never experienced a phase of witchcraft persecutions during the late middle ages and renaissance’.

<sup>18</sup> See Needham (1978: 41), who describes the make-up of synthetic images (they comprise ‘primary factors’ such as certain numbers and colours) which capture the imagination and persist across time, place, and culture, but importantly with specific modifications. Galt (1982: 669) uses this to describe the cultural ubiquity of the concept of the evil eye; Ostling (2011: 6) uses it to think about ‘the imagined witch’.

these ancient women another, of a moral panic, ‘a scare about a threat or supposed threat from deviants or “folk devils”, a category of people who, presumably engage in evil practices and are blamed for menacing a society’s culture, way of life, and central values. The word “scare” implies that the concern over, fear of, or hostility toward the folk devil is *out of proportion* to the actual threat that is claimed.’<sup>19</sup> The important aspect here is not the specific activities or social categories that are represented (although these play their part), but the perceived threat that they present.

In reflecting on the nature of a society’s objects of fear, this book picks up on some of the themes of a previous publication, *Oracles, Curses, and Risk*, including the social construction of risk, explanations of misfortune, the overlap between those social dynamics and the search for responsibility and blame, and, finally, the point where the fear of risk prompts action. In that earlier book, I examined the selection of, and response to, risk at the level of the individual; in this book I am interested in group selections and responses. Of course, the two are inextricable, but it is precisely the nature of the interface, and subsequent interaction, between individual and group that is of interest here: why do individual emotions become so powerful? What are the wider circumstances in which that occurs? And how and why does a private feeling become a public action?

<sup>19</sup> Goode and Ben-Yehuda 2009: 2, their italics. This is a debated topic in sociology, but as the authors emphasize, this is not about panic in the sense of a headlong stampede, but moral panic, although they regard both as (3) ‘emotionally charged social phenomena entailing fright and anxiety.’

## 1.2

---

### The Evidence

To begin this inquiry we will first lay out the evidence for the historical trials of Theoris, Ninon, and Phryne, and then examine the concomitant (fictional) stories about similar trials.

#### THEORIS OF LEMNOS

Of the three women, we have most information about the trial of a woman called Theoris, who appears briefly in three sources, reproduced below. These are a law-court speech by the fourth-century BCE orator Demosthenes against a certain Aristogiton; a biography of Demosthenes, written four hundred or so years later by the essayist Plutarch; and a brief reference by a second-century CE lexicographer, Harpocration, to the work of a Hellenistic historian, Philochorus.

οὐτοσί—τὰ μὲν ἄλλα σιωπῶ, ἀλλ' ἐφ' οἷς ὑμεῖς τὴν μιὰν Θεωρίδα, τὴν  
Λημνίαν, τὴν φαρμακίδα, καὶ αὐτὴν καὶ τὸ γένος ἅπαν ἀπεκτείνετε,  
ταῦτα λαβὼν τὰ φάρμακα καὶ τὰς ἐπωδὰς παρὰ τῆς θεραπαίνης αὐτῆς,  
ἢ κατ' ἐκείνης τότε ἐμήνυσεν, ἐξ ἧσπερ ὁ βάσκανος οὗτος πεπαιδοποιήται,  
μαγγανεύει καὶ φενακίζει καὶ τοὺς ἐπιλήπτους φησὶν ἰᾶσθαι, αὐτὸς ὢν  
ἐπιλήπτos πάσῃ πονηρίᾳ.

Demosthenes 25.79–80

It was this man [Eunomus]—the other matters I will not mention—who took the potions and incantations from the maidservant of Theoris of Lemnos, the filthy sorceress whom you executed for those things, both her and all her family.<sup>1</sup> The maidservant informed against her mistress, and

<sup>1</sup> See n. 13 for discussion of *miaros*, here translated as ‘filthy’.



this evildoer has had children by her, and with her help performs his tricks and acts of deceit, and says he treats those who are seized by fits, when he himself is caught in acts of wickedness of every kind.<sup>2</sup>

This first passage mentions Theoris in passing, during the trial of one Aristogiton, a politician in Athens on trial as a state debtor.<sup>3</sup> It has been argued that the speech was given sometime in 325/4 BCE, on the basis of a reference made by the orator Dinarchus to the trial's initial speech for the prosecution (made by Lycurgus), in which his use of the term 'lastly' is taken to indicate that the speech was fresh in his audience's minds.<sup>4</sup> Dinarchus was speaking against Aristogiton after the Harpalus affair in 323, and thus, it is argued, it is likely that this speech dates to just before that time. This, of course, only gives us a *terminus ante quem* for the events relating to Theoris that it describes. Throughout this speech, Demosthenes is painting, in broad and colourful strokes, a picture of Aristogiton's family background as shameful and chaotic. This description of Aristogiton's twin brother Eunomus, the man being discussed here, is intended to add to this impression. Eunomus, we have been told earlier, has prosecuted his brother for selling his sister (whose father, it is implied, was a slave, 25.55); his connection with Theoris, through her maidservant and her magical paraphernalia, is clearly meant to imply the worst.

Theoris' appearance is brief but vivid. Demosthenes describes her as a *pharmakis* from Lemnos, which, since this trial takes place after 390, could still indicate that Theoris was an Athenian citizen rather than marking her as foreign.<sup>5</sup> The term *pharmakis* can be translated as 'witch', but with a particular emphasis on the use of drugs.<sup>6</sup> But the meaning is more complex than this suggests, involving a significant double ambiguity, also present in the related noun *pharmaka*, which can be used to mean 'drugs' or 'spells' that may be either harmful or healing (or both), and which may be either natural or supernatural (or both).<sup>7</sup> In this passage, *pharmaka* appear as one of the reasons for

<sup>2</sup> Tr. Vince 1935.

<sup>3</sup> Following MacDowell 2009: 300–1.

<sup>4</sup> Ibid.: 298.

<sup>5</sup> Since this is the date when it is thought that the Athenians regained control over the island after losing it in the Peloponnesian War; see Salomon 1997: 76ff. and Cargill 1995: 13–14. Albeit, she could have been one of the 'dispossessed' of the island (see Zelnick-Abramowitz 2004 and for further discussion on this aspect, pp. 14 and 64).

<sup>6</sup> See, for example, Ogden 2002a: 98.

<sup>7</sup> Scarborough (1991: 139) notes the use of *pharmakon* in Homer to mean magic, charm, or enchantment, with appropriate adjectives to indicate what kind of effect it is meant to elicit in each case. He argues that drugs were understood to comprise both

Theoris' execution: it seems that when Demosthenes says to the jurors 'whom you executed *for those things*', he is referring back to *ta pharmaka kai tas epoidas*, 'drugs/spells and incantations'. This is the first appearance of this hendiadys; it will stay in use for some time, coming to express a complex idea of secret knowledge and supernatural power.<sup>8</sup>

Was Theoris practising harmful spells, and was that why she was taken to court? She may have been engaged in such activities, but it is difficult to establish that they were illegal in ancient Athens. Drawing on evidence for such legislation from later periods risks overlooking the very different context in which it emerged, and the changing profile of 'magic' as a category of ritual activity separate from 'religion'.<sup>9</sup> The details that Demosthenes supplies about Eunomus' activities may help to position Theoris in a professional context: he notes that Eunomus claims to be able to cure the falling sickness, or epilepsy.<sup>10</sup> This sets him, and perhaps therefore also her, in the realm of the self-proclaimed experts in healing whom we find criticized by, for example, the author of the Hippocratic treatise *On the Sacred Disease*.<sup>11</sup> The author of that text uses a list of abusive terms—*magoi*, *kathartai*, *agurtai*, *alazones*—to describe those who, in his opinion, wrongly attribute the disease (among others) to divine intervention, and thus prescribe *katharmous . . . kai epaoidas* [*sic*] ('purifications and incantations'), alongside other—as he sees it—pointless prescriptions.<sup>12</sup>

supernatural and agricultural elements, and that the power of drugs was a result of both their divine properties and the knowledge brought to bear by those who grew or used them (162). Derrida (1981) analyses the rich semantic ambiguity of the term *pharmakon* in the writings of Plato.

<sup>8</sup> A 'hendiadys' is a figure of speech in which a single complex idea is expressed by means of two words joined by a conjunction. For the long-term influence of this hendiadys in the fourth century BCE 'through the trial of cases involving harm caused by magical means', and its continued use, see Gordon 1999: 251. It seems still to be potent in contemporary popular ideas about witchcraft (a Google search [02/05/2015] for 'witchcraft "spells and incantations"' produced 18,400 results). See pp. 167–8 for further discussion of this phrase in the context of Xenophon's recollections of Socrates.

<sup>9</sup> As Hopfner 1928: 384. Ogden (1999: 83–4) argues 'that harmful magical practice was generally illegal throughout Graeco-Roman antiquity', but struggles to find evidence for Athens and has to admit that there was no 'comprehensive outlawing of magic'; for a more cautious consideration, see Phillips 1991.

<sup>10</sup> Dem. 25.80.

<sup>11</sup> This point made by Scarborough (2006: 23).

<sup>12</sup> Hippoc. *Morb. sacr.* 2.3–4; he points out that they do this on the basis of claims to being pious (*θεοσεβέες*, literally 'god-honouring') and of having superior knowledge.

To return to Theoris, if the kinds of ‘magical’ activities she practised were illegal, it would surely have been enough for Demosthenes simply to point out that Eunomos practised this trade himself, without further qualifying his remarks by reference to Theoris. The fact that Demosthenes does not do this, and instead specifically calls this woman to mind, suggests there was something further about her practice that the audience was expected to find objectionable. This is reinforced by Demosthenes’ use of the adjective *miaros*, which can be translated as ‘filthy’, but can have the much stronger sense, ‘polluted’, indicating a metaphysical stain.<sup>13</sup> But the reasons for its use remain unclear: it seems problematic to explain this as caused simply by her use of *pharmaka*, which Eunomos has inherited and is using.

It may be, as Kai Trampedach has suggested, that this term is associated with her description as ‘Lemnian’, and together these are intended metaphorically to associate Theoris with the mythical ‘women of Lemnos’ who murdered their husbands.<sup>14</sup> Trampedach links this to the fact that, as Demosthenes observes, Theoris’ crime led to the execution both of her and of her *genos* or clan. However, this is not really equivalent to the killing of husbands that takes place in that myth, and there is nothing, at least at first sight, in the passage that suggests any similar crime. The term *miara* may be simply a term of opprobrium, one that condemns and isolates Theoris.<sup>15</sup>

<sup>13</sup> LSJ s.v. *miaros*. Some further examples of its use in this speech will help define its area of meaning, and also help to illuminate the associations that the audience will have with this term before it is used of Theoris. Demosthenes is building the prosecution’s case by depicting Aristogiton as a thoroughly bad character. He uses the adjective repeatedly to describe Aristogiton in terms of crimes, such as being a state debtor, but still participating in civic activity (25.28); displaying unfit political conduct (25.32); sycophancy (25.41); abandoning his father (exiled in Eretria) and refusing to bury him (25.54); biting off a fellow prisoner’s nose, and swallowing it (25.62); as well as in reflection on the collective activities comprising non-burial of his father, sale of his sister, and the denunciation of Zobia (the metic woman who had looked after him) for not paying the metic tax (25.58—the adjective is repeated). The sense of *miaros* that emerges is of wrongdoing that (i) powerfully undermines the city, (ii) is repulsive to right-thinking fellow-citizens, and (iii) cannot be forgotten or forgiven. In Christian exorcisms and spells, the term is used as an adjective to describe the devil and demons (my thanks to Charles Stewart for this latter point).

<sup>14</sup> Trampedach 2001: 147.

<sup>15</sup> Similarly, it is worth noting here that any possible ‘contamination’ which might be thought to be the reason for Theoris being called *miara* does not seem to have attached in any way to her magical paraphernalia. It seems to have been quite acceptable for Eunomos to have inherited her tools and techniques and to go on to use them, even if Demosthenes treats him and his activities with contempt.

However, there may be a further reason that explains the introduction of Theoris' name here: she was, according to Plutarch's *Life of Demosthenes*, prosecuted by Demosthenes himself. If Demosthenes wanted to remind his audience of his devotion to ridding the city of evils, then introducing her name was a powerful interjection. The description that Plutarch gives is brief, but introduces some new material. The source of Plutarch's information is unknown: as he notes in the introduction to this 'Life', he used a variety of sources:<sup>16</sup>

κατηγόρησε δὲ καὶ τῆς ἱερείας Θεωρίδος ὡς ἄλλα τε ῥαδιουργούσης  
πολλὰ καὶ τοὺς δούλους ἐξαπατᾶν διδασκούσης· καὶ θανάτου τιμωσάμενος  
ἀπέκτεινε.

Plutarch *Demosthenes* 14.4

He also accused the priestess Theoris of many other evil deeds, and in particular of teaching slaves to deceive and he had her killed by fixing the penalty as death.

There are a number of differences of detail with the preceding Demosthenic passage: first, use of the term *hierieia* or 'priestess' carries far more implicit respect than the description there. Moreover, as Plutarch's use of this word in other parts of his voluminous writings suggests, it indicates some role of leadership in a regular ritual activity: an externally granted office, rather than a claim to authority, with specific responsibilities towards a particular sanctuary and the rites carried out there.<sup>17</sup> Plutarch usually employs the word with some indication of the goddess to which the priestess was attached; this reference to Theoris stands out because it lacks such an affiliation.<sup>18</sup> New terms are also used to describe the

<sup>16</sup> He cites over twenty names throughout the text, many of whom were writing between the late fourth and late third centuries, most of whom are lost, as well as alluding to oral sources at the end of the piece (*Dem.* 31.7); see Holden 1893: xi and MacDowell 2009: 11. Theopompus' name appears most closely to the detail about Theoris, in connection with a story about Demosthenes' refusal to conduct a certain impeachment (he would not act as a sycophant). He was prosecutor in both the examples that follow (a case against Antiphon, and the prosecution of Theoris); however, this does not mean they have the same origin.

<sup>17</sup> See Flower 2008: 189. The term *hierieia* is not found in dedicatory inscriptions for portrait statues until the first half of the fourth century (see Connelly 2007: 135).

<sup>18</sup> A selection: *Tim.* 8.1.2, a priestess of Persephone; *Rom.* 3.3.4, a priestess of Hestia (that is a vestal virgin); *Nic.* 13.6.3, a priestess of Athena. These are examples from other *Lives*, but there are further examples from across his other writings,

charges: ‘criminal deeds’ and ‘teaching slaves how to deceive’. The former is simply too vague to evaluate, while the latter is difficult to relate to Greek legal practice, and does not, at first sight, seem to be relevant to our questions here about Theoris’ ritual activities.<sup>19</sup> Rather, this seems to be concerned with social control, a theme that is explored in a later section, and which may suggest a connection between slaves and particular kinds of religious practice, although none is mentioned explicitly here.

Finally, we turn to Harpocration, who cites the passage given above from Demosthenes’ *Against Aristogiton*, but introduces a further set of terms to describe both Theoris and her crime.

ΘΕΩΡΠΙΣ Δημοσθένης ἐν τῷ κατ’ Ἀριστογείτονος, εἰ γνήσιος. μάντις ἦν ἢ  
Θεωρίς, καὶ ἀσεβείας κριθεῖσα ἀπέθανεν, ὡς καὶ Φιλόχορος ἐν σ’ γράφει.

Philochorus *ap.* Harpocration, s.v. *Theoris*  
(Dindorf = *FGrH* 382 F 60)

THEORIS: Demosthenes in his speech *Against Aristogiton*, if legitimate. Theoris was a *mantis* and was put to death on a charge of impiety, as Philochorus writes in his sixth book.

First, the charge is here described as one of impiety (*asebeia*). Yet, although this was, at least officially, an offence tried in the Athenian courts, nevertheless, it is very difficult to define (and, probably for that reason, it has been argued, was often used in legal battles between political rivals).<sup>20</sup> This source also introduces a further term to describe Theoris: *mantis* is usually translated as ‘seer’, and customarily indicates the practice of foretelling the future. However, it has been argued that the appearance of a variety of terms for those who practised supernatural arts is typical of ancient Greek evidence.<sup>21</sup> Although each term may once have been used to denote a specific skill, in general the ancient Greek market for such services does not seem to have demanded so much precision. A *mantis* might be involved in supernatural activities other than fortune-telling,

including *De mul. virt.* 257f1, a priestess of Artemis, and 262d2, a priestess of Demeter; *Para.* 314f5, a priestess of Hera; and *Quaest Rom.* 292a6, a priestess of Athena.

<sup>19</sup> Ziehen (1934: 2238) urges caution in our use of this passage of Plutarch and suggests (2237) that this text indicates that Theoris taught her slaves how to poison.

<sup>20</sup> See Cohen 1991, ch. 8; Todd 1996: 115, with n. 23.

<sup>21</sup> See Bowden 2003: 61; also Eidinow 2007: 26–30; cf. Dillery 2005: 169–70.

including the creation of *pharmaka*.<sup>22</sup> Whether we agree or not, across these three sources the specific nature of Theoris' activities remains vague, perhaps reflecting the imprecise reality of her actual practice. However, it is the use of *hiereia*—indicating a more official role—alongside the more loosely used terms *mantis* and *pharmakis* that is most puzzling.<sup>23</sup> We may gain some insight from a comparison with our second case, that of Ninon.<sup>24</sup>

## NINON

Ninon's trial and execution is mentioned in passing by Demosthenes in three speeches, their very brevity suggesting that the case in which she was involved was well known to his audience. In the first passage, Demosthenes is discussing the behaviour of Glaucotea, the mother of his political opponent Aeschines. He says that she brought together *thiasoi* in which Aeschines played an active, and somewhat embarrassing, role.<sup>25</sup> Demosthenes then goes on to mention that there was another *hiereia* or priestess who was executed for this kind of activity.

τὸν δ' Ἀτρομήτου τοῦ γραμματιστοῦ καὶ Γλαυκοθέας τῆς τοὺς θιάσους  
 συναγούσης, ἐφ' οἷς ἑτέρα τέθνηκεν ἱέρεια, τοῦτον ὑμεῖς λαβόντες, τὸν τῶν  
 τοιούτων, τὸν οὐδὲ καθ' ἑν χρήσιμον τῇ πόλει, οὐκ αὐτόν, οὐ πατέρα, οὐκ  
 ἄλλον οὐδένα τῶν τούτου, ἀφήσετε;

Demosthenes 19.281

And then, when you have in your power a son of Atrometus the dominie, and of Glaucotea, the foglewoman of those bacchanalian routs for which another priestess suffered death, will you release the son of such parents, a man who has never been of the slightest use to the commonwealth, neither he, nor his father, nor any member of his precious family?<sup>26</sup>

<sup>22</sup> Pl. *Resp.* 364c.

<sup>23</sup> See the discussion in Henrichs (2008: 5–6) on the terms for *mantis* and *hiereus* in particular.

<sup>24</sup> Most scholars give her name as Ninos, except for Collins (2001), who gives Nino. In the sources her name appears in the accusative case: Ninon, so the nominative is unknown. In calling her Ninon, I have followed the appropriate entry in *LGPN*, ii, Attica.

<sup>25</sup> Dem.18.259–60.

<sup>26</sup> Tr. Vince and Vince 1926.

We learn the name of this priestess from one of the two ancient scholia on this passage: it was 'Ninon'. It seems that Ninon, like Glaucotea, was organizing some form of cultic group.<sup>27</sup> But the scholion that gives Ninon's name goes on to provide a very different explanation of her activities, and this, in turn, diverges from those given by a second scholion.<sup>28</sup> The first comment, which names not only Ninon, but also her prosecutor, goes on to link Demosthenes' phrase, 'what Glaucotea did', to a non-existent antecedent '*pharmaka*'. It then explains that Ninon was actually accused of making love potions (*philtera*) for young people.<sup>29</sup> In contrast, the second scholion, although it does not give a name for the priestess, reads the Greek correctly, and elaborates that it was her rituals (which mocked the Mysteries) which led to her prosecution. It also offers an explanation as to why her activities led to a court case, while Glaucotea was allowed to practise unharmed; some scholars have argued that this is a creation of the scholiast.<sup>30</sup>

495a <ἐφ' οἷς ἑτέρα τέθνηκεν ἰέρεια>] ἐφ' οἷς φαρμάκοις καὶ ἄλλη ἰέρεια τέθνηκεν. λέγει δὲ τὴν Νίνον λεγομένην. κατηγορήσῃ δὲ ταύτης Μενεκλῆς ὡς φίλτρα ποιούσης τοῖς νέοις.

495b ἐφ' . . . ἰέρεια] ἐξ ἀρχῆς γέλωτα εἶναι καὶ ὕβριν κατὰ τῶν ὄντως μυστηρίων [ὅτι] τὰ τελούμενα ταῦτα (νομίζοντες) τὴν ἰέρειαν ἀπέκτειναν.

<sup>27</sup> From the later fourth century onwards, the term *thiasos* appears to have been used more regularly and specifically of subgroups within a *phratry*, and of organized cultic groups. Earlier, there is evidence of its being used of gatherings or groups of revellers or cult worshippers, some, perhaps, spontaneous; it might also be used more generally to indicate a group or association. See discussions in Poland 1909: 16–22, and on *phratries* esp. Lambert 1993: 81–93 and Andrewes 1961: 9–12. Arnaoutoglou (2003: esp. 63–70) offers an overview of scholarship, and examines later use of terminology; he also argues that originally *thiasoi* were not necessarily Dionysiac, but simply convivial. Harp. and Suda s.v. *Thiasos* (theta 379 and 380, Adler) indicate it has a religious purpose; Hesych., s.v. *thiasos* (theta 573), discusses *choreutai*, but no specific religious setting. See IG II<sup>2</sup> 2343–61 for organized cult *thiasoi* dating mostly to the end of the fourth century BCE. Revellers: Ar. *Ran* 156 and Eur. *Bacch.* 680. Group or association: see Ar. *Thesm.* 41, Eur. *IA.* 1059, Eur. *Phoen.* 796.

<sup>28</sup> Scholia to Dem. 19.281: 495A and B (Dilts); see MacDowell 2000, esp. 327.

<sup>29</sup> Dickie (2001: 52) discards this charge on the basis that although it may still have been a part of Menecles' case, it is a quite unexpected spin on the story that does not emerge from the Demosthenic account. Hansen (1995: 26), albeit in a very brief account, appears to accept it (she 'was charged with having administered a potion, probably an aphrodisiac, to her devotees of young people').

<sup>30</sup> Parker (1996: 194–5 n. 152) describes the oracle giving Glaucotea permission as 'a transparent scholiast's invention to explain a supposed contradiction in the text'.

μετὰ τοῦτο τοῦ θεοῦ χρήσαντος ἔᾶσαι γενέσθαι τὴν Αἰσχίνου μητέρα  
 μυεῖν ἐπέτρεψαν.

Scholia to Demosthenes 19.281: 495A and B (Dilts)

495a <for which another priestess was executed> for which spells/  
 potions another priestess was executed. He says it is Ninon that is  
 spoken of. Menecles accused her of making potions for young men.<sup>31</sup>

495b for which another priestess was executed] First of all, believing that  
 her initiations/services brought ridicule and insult to the real mysteries, they  
 executed the priestess; then, once the god had given permission through an  
 oracle, they allowed the mother of Aeschines to conduct initiations.

Two further passages of Demosthenes, from two speeches made  
*Against Boeotus*, reveal a little more about Ninon's accuser, Menecles.  
 In both he is given the epithet 'the man who secured the conviction of  
 Ninon' and described as one of the leaders of a gang of young  
 sycophants. In the first speech Demosthenes associates him with the  
 defendant of that case. But little further information is given about  
 Ninon in either of the speeches; rather, the case is referred to as if  
 everyone knew about it.<sup>32</sup>

νῦν δὲ λαχὼν δίκην τῷ πατρὶ τῶμῳ καὶ μεθ' ἑαυτοῦ κατασκευάσας  
 ἐργαστήριον συκοφαντῶν, Μνησικλέα θ', ὃν ὕσως γινώσκετε πάντες,  
 καὶ Μενεκλέα τὸν τὴν Νῖνον ἐλόντ' ἐκείνον, καὶ τοιοῦτους τινάς, ἐδικάζεθ'  
 υἱὸς εἶναι φάσκων ἐκ τῆς Παμφίλου θυγατρὸς καὶ δεινὰ πάσχειν καὶ τῆς  
 πατρίδος ἀποστειρεῖσθαι.

Demosthenes 39.2

But, as it is, he brought suit against my father, and having got up a gang  
 of blackmailers to support him—Mnesicles, whom you all probably  
 know, and that Menecles who secured the conviction of Ninon, and  
 others of the same sort—he went into court, alleging that he was my  
 father's son by the daughter of Pamphilus, and that he was being  
 outrageously treated, and robbed of his civic rights.<sup>33</sup>

ἐπειδὴ δ' οὗτος αὐξηθεὶς καὶ μεθ' αὐτοῦ παρασκευασάμενος ἐργαστήριον  
 συκοφαντῶν, ὧν ἡγεμὼν ἦν Μνησικλῆς καὶ Μενεκλῆς ἐκεῖνος ὁ τὴν Νῖνον  
 ἐλὼν, μεθ' ὧν οὗτος ἐδικάζετό μου τῷ πατρὶ φάσκων υἱὸς εἶναι ἐκείνου.

Demosthenes 40.9

<sup>31</sup> See Dickie 2001: 51.

<sup>32</sup> Dem. 39.2 and 40.9.

<sup>33</sup> Tr. Murray 1936.



But after Boeotus had grown up and had associated with himself a gang of blackmailers, whose leaders were Mnesicles and that Meneclēs who secured the conviction of Ninon, in connexion with these men he brought suit against my father, claiming that he was his son.<sup>34</sup>

These speeches, while giving us little information about the trial itself, do allow us to speculate about the date of the trial: Demosthenes 19 was delivered in 343 BCE, three years after the negotiations that it discusses, but the speeches against Boeotus were made in 348 and 347 respectively, giving a slightly earlier *terminus ante quem*.<sup>35</sup> The details of the latter speech may allow a possible further refinement: they tell us that Boeotus had brought together his gang of sycophants, including Meneclēs, before he prosecuted his father Mantias (39.2 and 40.9), and we know that Mantias died before 358 BCE (when Mantitheus initiated a prosecution against Boeotus and his mother Plangon).<sup>36</sup> Demosthenes' phrasing does not make it certain that Meneclēs had already charged Ninon by the time that Boeotus met him, but it is certainly possible from what he says, since the implication is that Boeotus was establishing connections with some disreputable characters. If this is the case, then the trial of Ninon could well have taken place before 358 BCE. If we want to narrow it down still further, we can work with the approximate age of the protagonist of these speeches: MacDowell argues that Mantitheus was born around 380 BCE.<sup>37</sup> If Boeotus demanded to be registered in the deme Thorikos after his brother had been registered, then that must have been soon after 362 BCE. This may mean, therefore, that the trial of Ninon can be located as occurring between 362 and 358 BCE.<sup>38</sup> This brings her a little closer in time to the case of Glaucotea, who, if Aeschines was born around 390 BCE, would presumably have required (oracular) permission sometime between

<sup>34</sup> Tr. Murray 1936.

<sup>35</sup> MacDowell (2009: 74) notes that trials were not held in the latter part of 349/8 BCE because there were insufficient funds to pay juries (citing Dem. 39.17).

<sup>36</sup> See Dem. 40.3 and 18.

<sup>37</sup> On the grounds that Mantitheus was a taxiarch in 349/8 (39.16–17) and that to hold that office it was necessary to be around 30 years old.

<sup>38</sup> Trampedach (2001: 138) states that the trial took place in 350 BCE, but most scholars do not try to identify a specific date: Dickie (2001: 52): in 'the 350s or 340s'; Parker (2005a: 163): the fourth century; Versnel (1999: 115): 'Somewhere in the fourth century, at any rate before 343 BCE'.

380 and 370 BCE—before her son reached manhood and began to assist her, as Demosthenes describes.<sup>39</sup>

Further, but clearly unreliable information about what happened next is added by Dionysius of Halicarnassus writing about the orator Dinarchus, and the speech *Against Meneceles* that was attributed to him: ‘For the defendant is the Meneceles who successfully accused the priestess Ninon, and who was prosecuted by her son.’<sup>40</sup> However, he goes on to observe that this is a spurious attribution since Dinarchus would have been too young to deliver the speech:

Κατὰ Μενεκλέους ἀπαγωγῆς· ὧ ἄνδρες δικασταί, καὶ τῶν νόμων καθ’ οὓς· καὶ οὗτος εἴρηται παιδὸς ὄντος ἔτι Δεινάρχου. ὁ μὲν γὰρ κρινόμενός ἐστι Μενεκλῆς ὁ τὴν ἱέρειαν Νίνον ἐλὼν, ὁ δὲ κατηγορῶν υἱὸς τῆς Νίνου. ἔστι δὲ ταῦτα πρεσβύτερα τῆς Δεινάρχου ἁκμῆς. ὁ μὲν γὰρ Δημοσθένους περὶ τοῦ ὀνόματος [δεδηλώκαμεν] λόγος, ἐν ᾧ τούτων μέμνηται, κατὰ Θέελλον ἢ Ἀπολλόδωρον ἄρχοντα τετέλεσται, ὡς ἐν τοῖς περὶ Δημοσθένους δεδηλώκαμεν. εἰ δ’ ὡς τεθνηκότος ἤδη τοῦ Μενεκλέους ὁ Δημοσθένης ἐκεῖ μέμνηται λέγων· ἑωρᾶτε γὰρ πάντες αὐτὸν χρώμενον, ἕως ἔζη, Μενεκλεῖ, παλαιὸς λόγος τίς ἐστιν. ὅτι δὲ οὗτος ὁ Μενεκλῆς, ἐν αὐτῷ τῷ λόγῳ δεδηλώκεν ὁ κατηγορῶν.

Dionysius of Halicarnassus *Dinarchus* 11

Against Meneceles, on his arrest: ‘Gentlemen of the jury, even of the laws by which . . .’ This too was delivered when Dinarchus was still a minor: for the defendant is the Meneceles who secured the conviction of the priestess Ninon, and the prosecutor is the son of Ninon. These events are earlier than the prime of Dinarchus: for the speech of Demosthenes *On the Name*, in which he recalls these events, was completed during the archonship either of Theëllus or of Apollodorus, as we have shown in our work on Demosthenes. And if Demosthenes is referring to Meneceles as already dead when he says ‘For you all observed his association with Meneceles while Meneceles lived’, the speech is an old one; and that this Meneceles is the one in question the prosecutor has shown in the speech itself.<sup>41</sup>

Finally, the first-century Jewish historian and priest Josephus supplies us with a very specific charge: he gives a list of those put to death by the Athenians because they ‘uttered a word about the gods contrary to their laws’. Mostly consisting of men, the list includes

<sup>39</sup> Dem. 18.258; Harris 1988 and Trampedach 2001: 138.

<sup>40</sup> Dion. Hal. *Din.* 11; see Dickie 2001: 52.

<sup>41</sup> Tr. Usher 1974; slightly adapted.

such famous characters as Socrates, Anaxagoras, Diagoras, and Protagoras. However, if we accept the emendation of *nun*, then the name of the woman may be ‘Ninon’—otherwise it could be a reference to Theoris, or another unlucky priestess.<sup>42</sup>

τί δὲ δεῖ θαυμάζειν, εἰ πρὸς ἄνδρας οὕτως ἀξιοπίστους διετέθησαν, οἳ γε μηδὲ γυναικῶν ἐφείσαντο; Νῖνον γὰρ τὴν ἱέρειαν ἀπέκτειναν, ἐπεὶ τις αὐτῆς κατηγορήσεν, ὅτι ξένους ἐμύει θεοῦς· νόμῳ δ’ ἦν τοῦτο παρ’ αὐτοῖς κεκωλυμένον καὶ τιμωρία κατὰ τῶν ξένων εἰσαγόντων θεὸν ὥριστο θάνατος.

Josephus *Against Apion* 2.267–8

Can one wonder at their attitude towards men of such authority when they did not spare even women? They put Ninon the priestess to death, because someone accused her of initiating people into the mysteries of foreign gods; this was forbidden by their law, and the penalty decreed for any who introduced a foreign god was death.<sup>43</sup>

Along with the second scholion to Demosthenes’ 19.281 cited above, Josephus’ account suggests that there was a profound intolerance in Athens of religious innovations. However, this statement has been received by scholars with different degrees of scepticism. Some have dismissed it out of hand, arguing that it originates in Josephus’ experience of his own Jewish culture and that there is no contemporary evidence that supports this, and only a very little from a later period.<sup>44</sup> Others have argued that although there may have been a law against the introduction of foreign gods, it is difficult to identify just what it comprised and/or how it developed;<sup>45</sup> moreover, for those

<sup>42</sup> Dover (1975) argues that this is based on a tract written by Demetrius of Phaleron intended to describe how there has always been tension between Athenian people and intellectuals, and illustrating this with a description of the fifth-century trials for impiety.

The emendation that results in the identification of Ninon is adopted by St. J. Thackeray (1926), who attributes it to Weil; the emendation appears in Blum 1902.

<sup>43</sup> Tr. Thackeray 1926.

<sup>44</sup> See Trampedach 2001: 140; later supporting evidence for Josephus is found in Serv. *Aen.* 8.187: ‘Among the Athenians, it was stipulated that no one be allowed to introduce religious cults [or ‘objects’]: for which reason Socrates was condemned to death’ (‘cautum fuerat apud Athenienses ne quis introduceret religiones: unde et Socrates damnatus est’). However, Krauter (2004: 237) argues that Servius worked from the same sources that we have and used these to come to his conclusion about the existence of a law (rather than the other way around).

<sup>45</sup> See Derenne 1930: 223–36; Rudhardt 1960; Versnel 1990: 123–30; Parker 1996: 214–17.

taking this position, the consensus seems to be that even if such a law was available, it was seldom used.<sup>46</sup> In the context of this discussion it is also important to note that the various sources draw attention to two different kinds of innovation. The scholion appears to condemn the introduction of new activities in light of existing practices, while Josephus' comments emphasize the crime of religious practice that introduced foreign gods. These two sources do not mention other ritual activities—for example spells of some description designed for young people—that the scholia interject; and none of our sources for Ninon's case uses the term *asebeia*. The question of Athenian intolerance will be considered in the next section, but, as we shall see, these charges against Ninon are echoed, to a certain extent, in those that were brought against the *hetaira*, Phryne.

## PHRYNE

Represented in court by the renowned fourth-century orator Hyperides, Phryne was the only one of these three women to be acquitted. The date of her trial is uncertain, but it probably occurred between 350 and 340 BCE.<sup>47</sup> The case has received a great deal of attention, both ancient and modern, and it provides, at least in comparison with those of the other women discussed here, a wealth of evidence. The reasons for this are manifold, and touch on some of the themes discussed already in the introduction. In particular, the celebrity of the characters involved and especially their occupations, seem to have captured the imagination of commentators.

<sup>46</sup> e.g. Parker (1996: 216): 'In practice therefore individuals seem to have "introduced new gods" with some freedom... They were called to account only if they or their religious associations proved objectionable on other grounds.' And, despite a later description of the suspicions generated by foreign cults (1990: 102), Versnel also notes that (128) 'Many private cults of foreign gods must have passed unnoticed or were condoned.'

<sup>47</sup> Raubitschek (1941: 904) gives this date on the basis of the report that Anaximenes wrote Euthias' speech, and must have done this before Anaximenes' arrival in Macedonia, the date of which is uncertain. The *Suda*, s.v. *Anaximenes* (alpha 1989, Adler) describes Anaximenes tutoring Alexander (late 340s); on the basis of his dedication to Alexander of the *Rhetorica ad Alexandrum*, Berve (1926, ii: 35–6) suggests that Anaximenes knew Alexander before 342 BCE; Flower (1997: 21–3) suggests Anaximenes may have been at the court by 343/2 BCE.

The story of the trial that survives offers a beguiling blend of fact and fiction. Hyperides' speech, hugely admired in antiquity, became a victim of its own success.<sup>48</sup> Although only fragments survive, the speech is perhaps best known for what it was said to have achieved without words: a peroration in which Hyperides opened Phryne's clothing to reveal her breasts. But this startling scene in fact almost certainly never occurred. Plutarch and Athenaeus both provide a description of this moment, their respective versions each giving a slightly different emphasis:

ὡμολικῶς δέ, ὡς εἰκός δῆ, καὶ Φρύνῃ τῇ ἑταίρᾳ ἀσεβείν κρινομένη συνεστάθη· αὐτὸς γὰρ τοῦτο ἐν ἀρχῇ τοῦ λόγου δηλοῦ μελλούσης δ' αὐτῆς ἀλίσκεσθαι, παραγαγὼν εἰς μέσον καὶ περιρρήξας τὴν ἐσθῆτα ἐπέδειξε τὰ στέρνα τῆς γυναικός· καὶ τῶν δικαστῶν εἰς τὸ κάλλος ἀπιδόντων, ἀφείθη.

Plutarch *Lives of the Ten Orators* 849e

And, as it is indeed reasonable to suppose, it was because he had been intimate also with Phryne the courtesan that when she was on trial for impiety he became her advocate; for he makes this plain himself at the beginning of his speech. And when she was likely to be found guilty, he led the woman out into the middle of the court and, tearing off her clothes, displayed her breasts. When the judges saw her beauty, she was acquitted.<sup>49</sup>

ἦν δ' ἡ Φρύνῃ ἐκ Θεσπιῶν, κρινομένη δὲ ὑπὸ Εὐθίου τὴν ἐπὶ θανάτῳ ἀπέφυγεν· διόπερ ὀργισθεὶς ὁ Εὐθίας οὐκ ἔτι εἶπεν ἄλλην δίκην, ὥς φησιν Ἑρμιππος. ὁ δὲ Ὑπερείδης συναγορεύων τῇ Φρύνῃ, ὡς οὐδὲν ἦννε λέγων ἐπίδοξοί τε ἦσαν οἱ δικασταὶ καταψηφιούμενοι, παραγαγὼν αὐτὴν εἰς τοῦμφανὲς καὶ περιρῆξας τοὺς χιτωνίσκους γυμνά τε τὰ στέρνα ποιήσας τοὺς ἐπιλογικούς οἰκτους ἐκ τῆς ὀψεως αὐτῆς ἐπερρητόρευσεν δεισιδαιμονήσαι τε ἐποίησεν τοὺς δικαστὰς τὴν ὑποφῆτην καὶ ζάκορον Ἀφροδίτης ἐλέω χαρισισμένους μὴ ἀποκτεῖναι.

Athenaeus *Deipnosophistae* 590d–e

Phryne was from Thespiiai, and when Euthias successfully indicted her, she escaped the death penalty; Euthias was so angry about this that he never argued another case, according to Hermippus.<sup>50</sup> Hyperides spoke in support of Phryne, and when his speech accomplished nothing, and

<sup>48</sup> For the fragments, see Jensen 1917, who provides ten (frs. 171–180); cf. Marzi 1977, who supplies only eight, but retains Jensen's numbering. O'Connell (2013) proposes a further fragment in Poll. 8.123–4 (see discussion on p. 30, n. 74). Ancient praise: Quint. *Inst.* 10.5.2; Dion. Hal. *De imit.* 5.6; [Longinus] *Subl.* 34.2–4.

<sup>49</sup> Tr. Fowler 1936.

<sup>50</sup> Hermippos *FGrH* 1026 F 46 (= 68a I Wehrli).

the jurors seemed likely to convict her, he brought her out in public, ripped her dress to shreds, exposed her chest, and at the conclusion of his speech produced cries of lament as he gazed at her, causing the jurors to feel a superstitious fear of this priestess and temple-attendant of Aphrodite, and to give in to pity rather than put her to death.<sup>51</sup>

Plutarch stresses the impact of her beauty, but Athenaeus gives the scene a distinctly religious tinge. His account describes her as the ‘servant and devotee of Aphrodite’ (which, it has been suggested, may be Hyperides’ own formulation); moreover, we learn that the display of Phryne’s body prompted in the jurors a profound sense of religious awe (*deisidaimonesai*).<sup>52</sup> This story hints at others that make a similar divine association: for example, Athenaeus relates how Phryne removed her clothes and let down her hair in front of everyone at the Eleusinian festival, inspiring the artist Apelles to create his Aphrodite Anadyomene.<sup>53</sup> In relating this detail, Athenaeus does not condemn Phryne’s behaviour; rather the implication is that this woman, in her body and behaviour, and above all in her beauty, teetered on the divine. And finally, according to Athenaeus, the plaintiff Euthias was apparently so upset by the outcome of the trial that he never prosecuted again. Across these two accounts there is surely some irony, and no little humour.

Although numerous modern scholars have accepted the account of the trial at more or less face value, it seems likely that its infamous culmination was an invention.<sup>54</sup> Athenaeus’ patchwork of anecdotes enables us to pinpoint the timing of its creation when he quotes another version of the scene preserved in verses from the *Ephesian Woman* of Posidippus, a writer of comedies active from around 290 BCE. The extract describes how Phryne stood before the *Heliaia* on a capital charge, ‘said to have corrupted all the citizens’, but pleaded in tears with the judges, and so saved herself. Despite its comic potential, no mention is made of Hyperides or the infamous peroration.<sup>55</sup> It suggests that this memorable incident, far from providing a historical report, was developed sometime after 290 BCE. Scholars have

<sup>51</sup> Tr. Olson 2010.

<sup>52</sup> See Naiden 2006: 102.

<sup>53</sup> Ath. 13.591f.

<sup>54</sup> As Cooper (1995: 305–6) notes: see Cantarelli 1885: 465–82; Semenov 1935: 271–9; Foucart 1902: 216–18; Raubitschek 1941: 893–907; Kowalski 1947: 50–62; to which we can add Versnel (1990: 118), who refers to the ‘unconventional methods of her counsel’ and does not question it.

<sup>55</sup> Ath. 13.591e–f.

identified its originator as either Idomeneus of Lampsacus, who wrote a work on the Athenian demagogues, or Hermippus of Smyrna, or perhaps a combination of the two.<sup>56</sup> Moreover, this was not the only embellishment. These two accounts, prefaced as they are by descriptions of Hyperides' multiple relationships with a variety of prostitutes kept at a number of locations, draw on a biographical fiction that depicts Euthias and Hyperides going to court to fight over the famous *hetaira*.<sup>57</sup>

These elaborations do not mean we should throw out the whole briefing with the biography. There is some historical evidence to support the idea that Hyperides and Phryne were known to be connected, since other enemies of Hyperides also brought cases against Phryne.<sup>58</sup> And a political motivation seems the most obvious explanation, especially since Hyperides apparently accused Euthias of being a sycophant.<sup>59</sup> In the end, whichever viewpoint we take, it is clear that we need to approach this material with some awareness of the ways in which the layers of storytelling have been assembled, and the strong appeal of such narratives to both ancient and modern imaginations.

Let us start with the original charges made against Phryne, which are summarized in an anonymous treatise on rhetoric (*techne tou*

<sup>56</sup> Bollansée (1999: 386 n. 22) gives a succinct overview of the different attributions; as noted there, Cooper (1995: 304 and 312–16) has suggested a combination of the two ancient authors.

<sup>57</sup> Cooper 1995: 303–18. Described in Ath. 13.590d and Plut. *X orat* 849e, who claim to be drawing on Hyperides' own speech, probably Hyp. fr. 172 (Jensen = Syrianus *Ad Hermogenem* 4.120 Walz). See Cooper 1995: 309–10: Idomeneus was probably the first to interpret the passage in this way, but it becomes part of the biographical tradition about the orator (e.g. see Alciphron 4.4.4 and 5).

<sup>58</sup> Other accusations made against Phryne by enemies of Hyperides: Aristogiton, described in Ath. 13.591e.

<sup>59</sup> Sycophant: Harpocraton, s.v. *Euthias* (= *Suda* s.v. *Euthias*, epsilon 3497, Adler) reports that Hyperides accused Euthias of this (Hyp. fr. 176 Jensen); it was supported in antiquity by the tradition that Anaximenes of Lampsacus had been hired by Euthias to write his speech (see Hermippus *FGrH* 1026 F 67). Other motivations put forward by modern scholars include Raubitschek (1941: 904), who suggests that Euthias was trying to avoid paying Phryne her fee. This is based on Alciphron 4.3.1 (= Hyp. fr. 179) in which a *hetaira* called Bacchis complains to Hyperides that Euthias' prosecution of Phryne threatens any *hetaira* chasing a fee—and may mean a charge of *asebeia*; and Alciphron 4.5.3 (= Hyp. fr. 179), which depicts Bacchis scolding another *hetaira* called Myrrhine for turning to Euthias to revenge herself on Hyperides (see O'Connell 2013: 113–14).

*politikou logou*), and are followed by what is usually taken to be the actual epilogue of the prosecutor of the case, Euthias.<sup>60</sup>

οἶον, ἀσεβείας κρινομένη Φρύνῃ· καὶ γὰρ ἐκώμασεν ἐν Λυκείῳ, καινὸν εἰσήγαγε θεόν, καὶ θιάσους ἀνδρῶν καὶ γυναικῶν συνήγαγεν. Ἐπέδειξα τοῖσιν ὑμῖν ἀσεβῆ Φρύνῃν, κωμάσασαν ἀναιδῶς, καινοῦ θεοῦ εἰσηγήτριαν, θιάσους ἀνδρῶν ἐκθέσμους καὶ γυναικῶν συναγαγούσαν.

Phryne charged with *asebeia*. For she held a *komos* in the Lyceum. She introduced a new god and she held *thiasoi* for men and women. (Euthias) ‘So I have shown that Phryne is impious because she joined in a shameless *komos*, because she has organized the introduction of a new god, and unlawful *thiasoi* for both men and women.’

Phryne’s impiety is linked here with what appear to be a list of three separate charges: the joining in of a ‘shameless’ *komos*, the introduction of a new god, and the assembly of mixed-sex *thiasoi*. The first and the third accusations are perhaps the most puzzling. Why should Phryne’s *komos*—which is something like a religious festival or celebration—have been described as shameless?

One reason may be the reference in the summary to the public space where these gatherings took place. The Lyceum lay outside the walls of the city, to the south-east. Although it eventually became famous as a philosophical school, it was originally a sanctuary dedicated to Apollo Lyceus and it retained this association.<sup>61</sup> This god was, as Michael Jameson has clarified, very much concerned with the hoplite citizens of the community, and the use of this space reflected this ideology.<sup>62</sup> During the Archaic and Classical periods it was used for mustering troops, military drills, and exercise, with perhaps an Archaic gymnasium, and then under Pericles a more elaborate set of buildings; it may be that the gymnasium was part of a larger sanctuary space.<sup>63</sup> The Assembly also seems to have met there before the Pnyx

<sup>60</sup> Anonymous Seguerianus 215 = Euthias fr. 2 Baier–Sauppe = Spengel 1.390.

<sup>61</sup> According to Paus. 1.9.3, and see SEG 19.227.

<sup>62</sup> See discussion in Trampedach 2001: 143, and Hintzen-Bohlen 1997.

<sup>63</sup> Kyle 1993: 78, and see Jameson 1980, Travlos 1980, and Lynch 1972. Harpocration (s.v. *Lykaion*) notes the disagreement among the sources about the dates of the gymnasia (Theopompus *FGrH* 115 F136 attributes it to Pisistratus, while Philochorus *FGrH* 328 F 37 associates it with Pericles; Hesychius, s.v. *Lykaion kai Thumbraion* (lambda 1368), agrees with the latter). Xen. *Eq. mag.* 3.1.6–7 describes cavalry displays; Ar. *Pax* 353–7 marshalling troops; Xen. *Hell.* 1.1.33 military drills; a gymnasium structure and trainers are found in Pl. *Euthphr.* 272d–273b and Socratic Aeschines fr. 15 Krauss (see Lynch 1972: 15).



was established as a permanent location.<sup>64</sup> As well as gathering to exercise or for military and civic purposes, the Platonic dialogues also suggest that individuals would meet there to talk, perform, and debate.<sup>65</sup> Since this would mean the presence of a number of young men, it may be that the charge had connotations of the corruption of youth (recalling the charges made against Socrates). With the emendation of a word, this charge may also be traceable in the extract from Posidippus, quoted in Athenaeus: what reads now as corruption of 'all the citizens' (*tous bious*), may in fact be corruption of the youth (*tous neous*).<sup>66</sup>

Another reason for the disapproval of the *komos* may lie in the nature of the groups assembled there; indeed, the *thiasoi* are described as 'unlawful'. However, the grounds for use of this term are not made clear. It seems unlikely that legal approval was needed to hold such a gathering, and a law attributed to Solon (from the far later *Digest*), suggests that a *thiasos* was recognized as legal so long as it did not infringe 'public law'; however, the date and thus the specific contextual concerns of this passage are much debated.<sup>67</sup> The presence of individuals of both genders may have been the problem. Women were certainly involved in *thiasoi* (think of Lysistrata's gripe at the beginning of Aristophanes' play of that name that her sisters are always ready to trot off to random religious festivals)—but were these usually single-sex events?<sup>68</sup> In general, the epigraphic evidence that could illuminate this question is available only for later periods. However, a few inscriptions survive that appear to be lists of *thiasotai* and these include both male and female names.<sup>69</sup> Other sources also

<sup>64</sup> *IG* I<sup>3</sup> 105.

<sup>65</sup> End of fifth century: Socrates and his companions in *Euthyd.* 271a, *Euthphr.* 2a, *Symp.* 223d; Prodicus of Keos in [Plato] *Eryxias* 397c–d; and Protagoras in Diog. Laert. 9.54. Isocrates taught rhetoric in the Lyceum during the first half of the fourth century BCE, as did other sophists and philosophers. Performances of poetry are mentioned in Alexis fr. 25 K-A, Antiphanes fr. 120 K-A, and Isoc. 12.18–20 and 33.

<sup>66</sup> See Cooper 1995: 314 n. 28.

<sup>67</sup> *Dig.* 47.22.4 (= Solon fr. 76a Ruschenbusch); see Versnel (1990: 119 n. 92), who appears to interpret it as evidence that all gatherings had to be ratified by public law, but it seems more likely that it renders any association a legal person for the purpose of enacting agreements, provided those agreements are themselves legal in their terms (with thanks to Robin Osborne, priv. comm.).

<sup>68</sup> *Ar. Lys.* 1–5.

<sup>69</sup> See Jones 1999: 307–10 (App. 1). *IG* II<sup>2</sup> 2346, first half of the fourth century: *Aristola*, l.100 and *Agathokleia*, l.105, although the end of the word here is supplemented; *IG* II<sup>2</sup> 2347 (Salamis, second half of the fourth century, but see Threatte

offer some insight. For example, from Demosthenes' attacks on Aeschines it becomes apparent that the revels of Glaucothea—initiations into the mysteries of the god Sabazius—involved both men and women, while imagery from vases may indicate that both men and women could be present at ecstatic religious revels.<sup>70</sup>

In another source, Harpocration, a different kind of disapproval of these gatherings is evinced. They are now described as single-sex, but comprise women of much lower status and, Harpocration suggests rather coyly, of doubtful virtue:

Ὑπερείδης ἐν τῷ ὑπὲρ Φρύνης. ξενικός τις δαίμων, ᾧ τὰ δημόδη γυναῖκα καὶ μὴ πάνυ σπουδαῖα ἐτέλει.

Harpocration, s.v. *Isodaites* (Dindorf)

Mentioned by Hyperides in his oration for Phryne. Some foreign *daimon* in whose honour women of the lower classes and particularly the ones that did not excel in virtue used to hold *teletai*.<sup>71</sup>

This brings us to the question of the god, according to Harpocration one called *Isodaites*. Described as 'foreign' in this definition, and as 'new' in the other extract, the name is nevertheless a Greek word, and was recognized as an epithet of Dionysus in later sources, although there is also evidence, from Hesychius, that the name was associated with Pluto, either as a name of that god, or as the name of his son.<sup>72</sup> The name, meaning something like 'equal shares', may, at least at first, carry insinuations to modern ears of some kind of social programme, but as an epithet or name of Dionysus it more probably alludes to the joys (and pains?) of drinking wine.<sup>73</sup> The possible risks

1980: 661), face B right col. 2 includes (1.30–3) *Parthenion*, *Hesychia*, *Erotis*, *Aitherion*; see discussion in Ascough (2003: 55), who notes that these women were not identified with reference to fathers or husbands.

<sup>70</sup> Dem. 18.259ff. and see also 19.199 for Glaucothea; for the image of women and men celebrating what appears to be worship in honour of Cybele on the Ferrara krater (dated 440–430 BCE), see Dillon 2002: 160–1. Parker (2005a: 326 n. 126) doubts the arguments from iconography put forward by Moraw (1998: 199–200, 259) that mixed private *thiasoi* developed in the fifth century; however, these show Dionysiac revels involving satyrs and maenads.

<sup>71</sup> Tr. Versnel 1990: 119.

<sup>72</sup> Harp. s.v. *Isodaites*; Hyp. fr. 177; Plut. *De E* 398a; or Pluto (Hesych. s.v. *Isodaites* [iota 952]).

<sup>73</sup> As Versnel (1990: 119 n. 93) notes: Eur. *Bacch.* 421–3: 'In equal measure to rich and humble he gives the griefless joy of wine.'

of introducing worship of a new divinity into Athens will be discussed in more detail in the next section, but it should be noted here first that 'Isodaites' does not sound like a new god or even a foreign god; moreover, Harpocration's phrasing also suggests that such assemblies in honour of such a god were not, in fact, such a rare event.

Perhaps it was instead the way in which these meetings were being organized that contravened acceptable religious practice? Some indication of this may survive in fragments of the speech by Hyperides that include some terminology from the Eleusinian Mysteries referring to the revelatory aspect of the Mysteries' ritual: *anepopteutos* 'someone who has not experienced the *epopteia*' and *epopteukoton* 'the people who have experienced the *epopteia*'.<sup>74</sup> It has been suggested that these were references to the participants of Phryne's rites, but Peter O'Connell has argued that it seems more likely that these references to aspects of the Eleusinian Mysteries were part of Hyperides' rhetorical strategy, offering a way of ridiculing Euthias' attack on Phryne.<sup>75</sup> Instead, the *teletai* may bring with it associations with independent ritual practitioners, like those *agurtai* ('beggar-priests') and *manteis* described by Plato as knocking on rich men's doors and trying to sell a range of supernatural services.<sup>76</sup>

We end this discussion of the evidence for Phryne's trial, as we did for those of the other women, trying to configure a scattering of vivid splinters of evidence. Anecdotes and arguments, assumptions and archetypes: the pieces can be assembled now one way, now another. In Phryne's case, perhaps, we can see the creative process most clearly at work, as the figure of the 'celebrity *hetaira*'—already a fabrication—is gradually muffled in further layers of fiction.

<sup>74</sup> Hyperides fr. 174 and 175 (Jensen) = Harp. *anepopteutos* and *epopteukoton*, respectively.

<sup>75</sup> Foucart 1902: 216–18 and Marzi 1977: 306–7; Raubitschek (1941: 905) argues that the terms refer specifically to the ritual bathing of the participants, but see O'Connell 2013: 111. O'Connell argues that Hyperides provided an extensive description of legal procedures for cases involving the Eleusinian Mysteries; he suggests that Poll. 8.123–4, which also includes these rare terms for participants, comprises a missing fragment from that speech. For ridicule as one of Hyperides' rhetorical weapons, see O'Connell 2013: 114–15, Cooper 1995: 301–12, Bartolini 1977: 118. O'Connell also suggests that Hyp. fr. 198 (Jensen) may indicate that another line of attack was to imply that Euthias was guilty of some misdemeanour with regard to the Mysteries.

<sup>76</sup> Pl. *Resp.* 365a.

## FICTIONAL WOMEN

In addition to these historical cases, a number of fictional accounts of women being taken to court convey some more murderous stereotypes. These narratives bear a striking similarity to the historical cases: they each feature a woman who has been taken to court because she has used either *pharmaka* or incantations. They suggest that the figure of a woman standing trial for supernatural activities may have become a stock figure of the cultural imaginary of ancient Greek society.

The first is an Aesop's fable. From among the many manuscript variants, two versions of the story have been gathered: one, listed first below, is probably from the oldest rescension of the fables, the *Augustana*; the other from more recent rescensions.<sup>77</sup>

α) *Γυνή μάγος*. Γυνή μάγος ἐπωδὰς καὶ καταθέσεις θεῶν μνημάτων ἐπαγγελλομένη διετέλει πολλὰ τελοῦσα καὶ ἐκ τούτων οὐ μικρὰ βιοποριστοῦσα. ἐπὶ τούτοις γραφάμενοί τινες αὐτὴν ὡς καινοτομοῦσαν περὶ τὰ θεῖα, εἰς δίκην ἀπήγαγον καὶ κατηγορήσαντες κατεδίκασαν αὐτὴν ἐπὶ θανάτῳ. θεασάμενος δέ τις αὐτὴν ἀπαγομένην ἐκ τῶν δικαστηρίων ἔφη· ὦ αὐτῇ, σὺ τὰς τῶν δαιμόνων ὀργὰς ἀποτρέπεις ἐπαγγελλομένη, πῶς οὐδὲ ἀνθρώπους πείσαι ἡδυνήθης; Τούτῳ τῷ λόγῳ χρήσαιτο ἂν τις πρὸς γυναικα πλάνον, ἥτις τὰ μείζονα κατεπαγγελλομένη τοῖς μετρίοις ἀδύνατος ἐλέγχεται.

Aesop *Fables* no. 56 (Perry 1952)

A female *magos* who promised to make incantations that calmed the anger of the gods did a good trade and from these activities made a handsome living. On these grounds, certain people charged her with innovating in divine matters and they accused her and condemned her to death. A certain person, seeing her leaving the court, said to her: 'You claim to be able to calm the anger of the gods, how come you could not persuade ordinary mortals?' Someone might use this tale against a

<sup>77</sup> I have used the variants given by Chambry 1925/6: no. 91 (but using Perry 1952: no. 56 for the older version). See Perry 1936 and Kurke 2011: 43–5 for an overview of the complexity of the prose fable tradition. Perry (1952: 156) argues that although we cannot know the history of the *Augustana* before the tenth century, it is likely that it reflects 'an ancient rescension or combination of rescensions, dating from sometime between the death of Alexander and the third century after Christ'. It has been argued that Demetrius of Phaleron was the first to collect Aesop's fables, in the fourth century BCE, and that the *Augustana* has aspects that reveal an Athenian influence (see Diog. Laert. 5.80 with Perry 1936; also Keller 1862: 361; Perry 1959: 32–5.) Perry (1962: 340) suggests that we may have the text 'of Demetrius himself' in *PRyl*.