The Routledge History of Witchcraft

Johannes Dillinger

Witches in Greece and Rome

Publication details
https://www.routledgehandbooks.com/doi/10.4324/9781003010296-1
Giorgos Andrikopoulos
Published online on: 20 Dec 2019

How to cite: Giorgos Andrikopoulos. 20 Dec 2019, Witches in Greece and Rome from: The Routledge History of Witchcraft Routledge
Accessed on: 22 Nov 2023
https://www.routledgehandbooks.com/doi/10.4324/9781003010296-1

PLEASE SCROLL DOWN FOR DOCUMENT

Full terms and conditions of use: https://www.routledgehandbooks.com/legal-notices/terms

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.
This chapter discusses some subjects pertaining to the larger topic of magic or witchcraft in Greco-Roman antiquity. Since “magic” and “witchcraft” do not correspond to separate concepts in ancient thought, I will use them interchangeably, in the same manner as the terms for their practitioners, who will be called “sorcerers”, “magicians” or, in the case of women, “witches”. The subjects to be discussed are harmful forms of magic and their practitioners; the representation of witches in literature and some insights to be gained from this about ancient concepts of gender; and the legal status of magic in the Greek world and the Roman Empire.

Although it is customary for one to define their terms before proceeding into a discussion, the reader will, hopefully, be relieved to know that I will not attempt to give a definition of what the ancients understood as “magic” nor, for lack of space, will I attempt to give an overview of the endless discussions this topic has generated so far. Attempting today to give a definition of magic that would have been valid for most people in antiquity is an exercise in futility, since even then, apparently, there was hardly a consensus. Apuleius, defending himself in court against accusations of witchcraft, says that anyone in his day can be accused of being a sorcerer, if they do something slightly differing from religious custom, like praying silently or inscribing a wish on a statue’s thigh; he practically admits that he is a magus, but not the kind which common people mean by the term. Magicians have had a reputation for impiety since their introduction into the literary record in the Greek world in the sixth to fifth centuries BC, but in a letter attributed to Apollonius of Tyana (first century AD), he attacks an opponent by saying that magicians (magoi) are the ones who are wise in divine matters, while his opponent is not a magos but a disbeliever in the gods (atheos).

What is treated as magic or as related to it in this study are practices and stereotypes that were treated as such, for whatever reason, in antiquity.

**Harmful magic**

Two major categories of harmful magic can be discerned in Greco-Roman antiquity. One is concerned with the production and administration of potions, called *pharmaka* in Greek and *venena* in Latin. The type of potion most usually encountered is the love potion, the Greek *philtron* and Latin *amatorium*, but lethal poisons fall
within that category as well. The term applied to this practice is *pharmakeia* and *ueneficium* in Greek and Latin respectively. These terms, however, came to be applied to magic-working as a whole, as in our sources we find other types of witchcraft being associated with the individuals involved in this process.

The second category, on which we possess much more detailed information, thanks to the abundance of curse tablets, the Greek Magical Papyri and frequent references in a variety of literary sources, is what is called “binding magic”. This is a subset of what was termed *goēteia* (sorcery), the magic that worked through *epōidai* or *carmina*, i.e. incantations. The term “binding magic” derives from the description of such spells by the Greek term *katadesis* or *katadesmos* (“binding down”), which is known in Latin as a *defixio* (“holding down in place”). The “binding” designation of those spells refers to the practitioner’s (the *defigens*) intent to restrain some kind of activity or, in a few cases, any kind of activity of their victim (the *defixus* or *defixa*), usually until the spell’s intended goal has been achieved. It should be noted that there is little if anything in execution to differentiate Latin from Greek *defixiones*; the Roman practice seems to be wholly derivative from the Greek.

**Types of binding spells**

Binding spells, which will be referred to henceforth as *katadesmoi* or *defixiones*, have been classified by Audollent according to their intended goals. This is a classification that has not been majorly revised since then. a) Judicial *defixiones* are aimed against adversaries or witnesses in a court case, with the goal of impairing their ability to speak or testify efficiently. b) “Agonistic” *defixiones* target athletes, most often charioteers and their horses, in order to cause them to fail at a specific event. c) *Defixiones* against thieves and slanderers aim at recovery of stolen objects and retribution against those who inflicted harm on the *defigens* in the first place. d) Erotic *defixiones* are targeted against a man or woman in order to cause sexual desire or love towards the *defigens*; although this might seem an odd subject for a curse, one should keep in mind that erotic passion was considered a form of madness or a disease in antiquity, therefore the regular formula of a curse was apt to bring this affliction about to the victim. e) Faraone has identified that several of what were considered up to then judicial *defixiones* must have had a different goal; those were in fact *defixiones* against professional rivals, most often tavern keepers and prostitutes, targeting their businesses, and are known as commercial *defixiones*.

**Technology**

The physical remains of binding rituals as well as spell recipes found in the Greek Magical Papyri allow us, to an extent, to reconstruct the process and theorize about the manner in which *defixiones* were supposed to achieve their goal. By far the most common of physical remains is the curse tablet, which itself can be called a *katadesmos* or *defixio*; occasionally one can find lead figurines, and some curse tablets make reference to dead animals, such as cats, that were part of the ritual and deposited alongside the tablet. The extant tablets themselves are mostly lead, but this appears to be more due to the durability of the material rather than a special ritual purpose it served from the very beginning; the magical papyri prescribe that for some spells
papyrus of the highest quality be used, while literary sources mention tablets made of wax as well.5

The tablets are inscribed with text denoting the purpose of the ritual or even the actual words that were probably spoken by the defigens during the ritual. There seems to be great variation in execution, but the types of formulae utilized are not too numerous.6 One common formula is to write down simply the names of the victims, in which case one can only guess at the purpose of the defixio today. Most often, the tablet will provide a verb denoting what is done to the victims, with meanings like “to bind down (katadeō)”,” to register (katagraphō, apographō)”, or “to dedicate (anatithēmi, anieroō) or their Latin equivalents (to bind: ligare, adligare; to dedicate: dedicare, demandare). In several instances, some chthonic deity or deities, like Hermes “He-Who-Holds-Down” (Hermēs Katokhos), Persephone, Demeter or Hecate, is noted as the one to which the victim is bound or dedicated, and the purpose of the defixio is given. Another common formula is what has been known since Audollent as the similia similibus formula, i.e. “to do like by like”. In these instances, the defigens will point at some aspect of the ritual wishing for a similar effect upon the victim; an example of this can be found in a defixio7 mentioning a cat’s corpse being deposited along with it, wherein the defigens asks that the victims be as ineffective in court as the dead animal, that they be as unable to defend themselves as the cat’s mother was to defend her young and finally that they be immobilized and twisted as the cat now is.

A constant feature of defixiones is the nature of the places where they have been deposited. Graveyards, wells, sanctuaries of chthonic deities like Demeter and Persephone – all of these and the like denote a desire, on the part of the defigens, to come into contact with the powers of the Underworld, to which they turn for assistance.8 Tombstones were particularly preferred, because the dead were seen either as messengers to the chthonic gods, or as agents carrying out the will of the sorcerer. Furthermore, not just any grave was sought out, but those of people who had died unnaturally, those who had died by violence (biaiothanatoi) or before their time (ahōroi) or “without being complete” (atelestoi), referring possibly to the uninitiated or unmarried. The restless dead were seen as apt to carry out the sorcerer’s wishes, possibly out of spite and envy towards the living or, in case atelestoi, refers to the uninitiated in the mysteries, who were easy targets since they did not enjoy the protection of the gods in their death.9

It is possible that this movement towards the netherworld is an instance of the theme of reversal of mainstream practice, as Graf has pointed out, that seems to characterize magical ritual: words can be seen written backwards in some tablets, persons are specified by the name of their mother rather than their father, as is normal practice in a Greek city or in Rome, and similarly, in the instance of seeking out the powers below, the sorcerer is moving downwards instead of upwards, towards the celestial gods, whom the city honors in its public rituals.10 As Johnston has argued, however, it is unlikely that this reversal is a deliberate subversion of mainstream ritual on the sorcerer’s part, given that one magical formula for bringing the wrath of a deity upon an adversary is to slander them to the deity in question, as having made a mockery of their proper rites.11

Still, we are probably far from having the whole picture about the performance of a binding ritual in every instance. Artifacts such as wax figurines mentioned by Plato as being used in katadesmoi are unlikely to survive, while literary depictions
of witchcraft can mention ritual actions that would not be traceable through the physical remains of a *defixio*, or indeed where no curse tablet would be deposited at all. Such are for example, the binding ritual performed by Simaetha, where no curse tablet is mentioned, or the instructions for a spell given to a lovelorn youth in an elegy by Tibullus, wherein he has to recite a magical charm three times and spit three times after. It is in fact hard to imagine that there was no ritual or further utterances involved in the deposition of some of the oldest *katadesmoi*, which consist of nothing but lists of names.

**Practitioners of magic**

People whom the Greeks would call sorcerers appear for the first time in literature in a fragment attributed to Heraclitus (sixth century BC), wherein a divine punishment is proscribed for night “wanderers, magicians (*magoi*), *lēnai*, bacchants and initiates” on account of their impiety.

In the fifth century BC, the Hippocratic author of *On the Sacred Disease* attacks magicians (*magoi*), purifiers (*kathartai*), mendicant priests (*agurtai*) and charlatans (*alazones*) on account of their impiety in attributing epilepsy to the will of the gods and for their claims that they can persuade the gods to heal it through purifications and incantations, as well as for their other outlandish claims, like being able to control the weather and the seasons as well as bring down the moon and darken the sun.

One finds again mention of that class of people as “mendicant priests” and “seers” in Plato’s Republic, wherein Adeimantos mentions that these individuals approach wealthy citizens claiming that they have gained the ability through sacrifice and incantation to propitiate the gods and that they can perform binding rituals (*katadesis*) or send a ghost (an act known as *epagōge*) to harm the enemies of anyone willing to pay.

What we can see from these earliest instances, where mention of magic practitioners is made, is that these individuals are not simply sorcerers who perform binding spells but also religious specialists who claim to be able to perform all kinds of services by communicating with the gods, for the appropriate fee. There is in fact no evidence to show that there were, in the Greco-Roman world, people who specialized only in *defixiones* and the like; there are several words used to refer to these religious specialists, and although those might have at some point denoted individuals specializing in different forms of witchcraft, the terms seem to be used interchangeably.

Those religious specialists made a living apparently by providing their services to the wealthy, if we are to believe Plato. The *defixiones*, however, show that their clientele must have included people from all walks of life, including the lowest. Particularly telling are the commercial *defixiones* from Athens. Since some of those target tavern establishments and prostitutes associated with them, it stands to reason that those *defixiones* must have been commissioned by some rival establishment owner. Erotic binding magic seems to have been a constant and banal feature in the lives of prostitutes and courtesans, who are frequently depicted as adept at it, in their attempt to seduce and keep their clients or to steal them from professional rivals. It is worth keeping in mind that the disdain of the intellectual elite towards magic and its practitioners, exemplified by the opinions of Plato and the author of *On the Sacred Disease*, was probably not mainstream. Magic-working seems to have been widespread in the Greco-Roman world and its professional practitioners must have not been
Witchcraft is hard to find, although, as we will see later, they could run afoul of the law, especially in Rome of the Imperial Period.

**Witches in Greek and Latin literature**

It is sometimes stated that love magic is seen in the ancient world and its literature as the exclusive domain of female practitioners as well as the clients thereof, and there is some speculation as to the reasons for this in connection with ancient gender politics. The claim that women are shown to practice love magic to the exclusion of men in literature has already been shown by Dickie\textsuperscript{19} to be inaccurate; while there are more instances and mentions of women engaging in love magic than men, the sample is too small and the ratio of women to men practitioners not really that high, so as to allow for any sort of bias to be identified, based on numbers alone. Then again, there is much to be said about the power of literary portrayals of female magicians or per us of love magic in comparison to those of men. Picking a few examples, on the one hand, one comes across poignant depictions of the terrifying magical display of Medea's fury and jealousy in Euripides or a cabal of grotesque witches performing a gruesome human sacrifice in Horace, while on the other hand, one comes upon a ribald frame story in Lucian about how a young man paid some sorcerer a lot of money to make a married woman have sex with him, when he could have had her for less, had he paid her directly. Such portrayals do not carry the same emotional weight, and this could be the reason why portrayals of witches engaging in love magic in ancient literature are more memorable than those of male magicians engaging in the same sort of activity.

Care should also be taken when attempting to attribute universal motives to writers about literary portrayals of witches as engaging in love magic. This is not the place to argue whether Circe was seen as a witch by Homer's contemporaries, but I believe that Ogden has demonstrated at least that her portrayal in the Odyssey served as an archetype for portrayals of witches in literature thereafter.\textsuperscript{20} The Witch is thus already, by the Classical Era, a traditional literary trope of some versatility and antiquity. It is safer, in principle, for each story containing a portrayal of female magic-working to be examined on its own merits.

**Witches, courtesans and gender roles**

This is not to suggest in the least that portrayals of female magic-working do not reflect male concerns about the social status of women in Greco-Roman antiquity. A primary concern does become evident from several portrayals of female magic-working, namely that witchcraft is seen as a catalyst for the reversal of traditional gender roles: Heracles declares himself emasculated (\textit{thēlus heuremai}: “I am found to be female!”) in the \textit{Trachiniae} as he dies suffering and weeping “like a young girl (\textit{hōste parthenon})” from the effects of a poison (mistaken for a love potion) administered by his wife,\textsuperscript{21} Deianeira, who has already performed heroic suicide like a man by plunging a sword through her side.\textsuperscript{22} Plutarch warns women against the use of love potions, because they render men inert; Circe’s witchcraft, he adds, turned men into animals useless to her as mates, while Odysseus, who remained unaffected, was most loved by her.\textsuperscript{23} Juvenal tells of how women in his day take up manly past-times, such as
jurisprudence, sports and swordplay, all the while dominating their husbands with magical incantations.24 Folia, a member of Canidia’s cabal, is described as possessing “a man’s sex drive (masculae libidinis).”25 It is fairly evident from such examples that men in Greece and Rome were concerned about becoming victims of female witchcraft, which is viewed as a means of reversing patriarchal gender roles.

This could be because, as it has been suggested, binding magic of the erotic kind was in actuality primarily practiced by men, as evidenced by extant curse tablets. However, there is no reason to accept this,26 given that not only is the sample too small, but the ratio of men to women is neither tellingly high nor impossible to attribute to other causes. Faraone’s27 distinction between erotic binding magic as being the domain of males and what he calls philia magic (namely the use of love potions by wives on their husbands) as being the domain of women is also, in my view, hardly tenable, in light of several mentions in our sources of men using love potions to outright seduce women. The writers of the magical papyri do not seem to work under any such assumptions, either; the instructions make evident that erotic spells can be used by either men or women to seduce persons of either gender. It does not emerge from our sources that erotic binding magic was conceptualized as the domain of any particular gender.

There is, however, a pattern to be discerned when attitudes of female characters in literature towards magic-working are examined. One will find that respectable women, like Deianeira and Dido,28 turn to magic only reluctantly and in desperation. On the other hand, women who are either wanton, like those in Juvenal’s sixth Satire, or who are courtesans and prostitutes by profession, such as Simaetha or Canidia, show no such scruples when they turn to witchcraft. A humorous episode in Xenophon’s Memorabilia illustrates that love magic was an almost mundane part of the job of a courtesan:29 Socrates, in a discussion with the courtesan Theodote, playfully complains that he is very busy, as his girl friends pester him day and night because he has to teach them all about love potions (philtra) and incantations (epōidai). Theodote retorts in surprise, “Do you know of those things too, Socrates?”, to which he jokingly replies that it would have been impossible for him to have kept his disciples close to him otherwise. This exchange is based on the understanding or at least common perception that courtesans employed erotic binding magic (epōidai) as well as love potions to acquire and keep their clientele and that they learned those techniques from some more experienced courtesan, which is what Socrates pretends to be in this instance.30

While witches are credited in fiction with marvelous magical powers allowing them to pluck the moon from the sky, control seasons and the natural flow of rivers and perform necromantic rituals to raise the dead,31 we rarely see them do anything other than employ their witchcraft for erotic purposes, either for themselves or their clients. Given that a very large portion of women in literature who specialize in erotic magic are, at the very least, implied to be courtesans, due to the circumstances of their lives,32 one could conclude that erotic magic was not thought of as the exclusive domain of courtesans, but the women who practiced it most likely were courtesans. This could provide some context as to the reluctance of respectable women in fiction to turn to witchcraft, as they would not wish to be associated with a practice often attributed to courtesans and prostitutes. Women of this class are, as is to be expected, often depicted as and considered lecherous; however, the “male sex drive” attributed
to the witch Folia is more telling. If the sexuality of courtesans and prostitutes was indeed seen as a grey area and they were considered to behave like men, owing both to their sexual freedom and their aggressive pursuit of sexual partners, one could tentatively explain the fear of gender role reversal through magic by this syllogism: respectable women who turn to magic act like prostitutes, thus becoming sexually aggressive, end up dominating their husbands.

**Erichtho**

The portrayal of the Thessalian witch Erichtho in Lucan’s epic about the Roman civil war is in some manner both following the literary topos of the Roman witch to its extremes and simultaneously averting it. It is noticeable that professional witches in Latin literature are physically portrayed as monstrous hags and engage in vile activities such as grave-robbing, while their magic-working is often described in gruesome detail. Canidia, who among others keeps vipers in her unkempt hair, starves a boy to death to make a love potion out of his liver; Meroe opens a victim’s throat with a sword, removes his beating heart through the wound and replaces it with a sponge. It is plausible that this “gothic” element, as Ogden has called it, displayed in the portrayal of Roman witches is a native development, since nothing of the sort is found in Classical or Hellenistic literature. Furthermore, it may well be that this development owes more to Roman predilection for the violent and gruesome spectacles of the arena than to anything else.

At any rate, in a similar vein, Lucan gives, in lurid detail, a description of Erichtho’s decrepit and pale as a shade activities: she lives in deserted tombs; she harvests body parts for necromancy from the dead, tearing the bodies limb to limb in her rage, plucking eyes from their sockets, grasping bones from the maws of wolves, cutting ropes, from which dead men hang, with her teeth; she poisons the air with her breath; she tears newborns from their mothers’ womb to place on sacrificial altars and creates ghosts for necromantic purposes; the gods themselves fear her, and grant her whatever she asks, lest she asks them a second time. The list goes on, but I believe the point is clear; this is the most over-the-top description of a witch’s activities, but mostly in tune with the trope, as found elsewhere in Latin literature. What is surprising is the absence of any reference to erotic magic-working among Erichtho’s activities or interests; indeed, Erichtho’s magic-working is wholly devoted to necromancy, raising the dead and controlling nature and the gods. One could claim that the reason for this is that love magic is irrelevant to the scene at hand, the focus of which is Sextus Pompey’s necromantic consultation of the Thessalian witch about the outcome of the civil war. This is a possibility, in which case this whole scene could be an attack on the character of Sextus Pompey, a man indirectly implicated with necromancy in the Gabienus anecdote found in Pliny. Erichtho, however, is noted not to have interest in other living human beings, as she even lives among the dead. She is portrayed, in a way, as a force of nature, and is maybe intended by Lucan as a metaphor for the evils and decay brought to the Roman Empire by the civil war; the multiple references to her bringing death to people who were owed a longer life by fate, to youths and infants, and the culmination of the scene, wherein she performs a necromantic ritual on the body of a dead soldier, could point in that direction. If this is the case, we have in Erichtho the clearest portrayal of the witch
as a symbol of anti-social evil, an attribute that would follow the trope into medieval times and to our day.

**Magic and the law in the Greek world**

The evidence for legislation concerning magical practices in the Greek world is scant, as no complete legal corpus from any of the Greek cities survives. What little can be pieced together about the legal status of practitioners of magic in the Greek world comes, on the one hand, from a few passing mentions of trials of certain women conducted in fourth-century Athens and, on the other hand, from the so-named *Dirae Teiorum*, a fifth-century legal inscription from Teos prescribing laws as well as curses that should be recited annually by magistrates against certain groups inimical to the community. The question we should be attempting to answer, based on the ancient testimonies, is if there were special laws concerning actions considered magical and if magic as a whole was prescribed as an illegal activity. The focus will necessarily be classical Athens.

**The case of Theoris and Athenian law**

The most cited of those trials is the case of a woman called Theoris, hailing from the island of Lemnos, whose trial took place in Athens not long before 338 BC. The first mention of Theoris is found in the speech *Against Aristogeiton* attributed to Demosthenes. The speaker reminds the court of Athenian citizens that they had recently condemned Theoris, whom he calls “a witch (*pharmakis*)”, and her entire family to death on account of her “potions and incantations (*pharmaka kai tas epōidas*)”. After her death, those had come into possession of Aristogeiton’s brother, Eunomos, through his relation to Theoris’ maid, and thereafter the disreputable couple made a living by pretending to cure ailments and epileptic fits by means of those same potions. The mention of Eunomos’ connection to “the wretched Theoris” in the context of the speech is meant to discredit him as a witness in the case at hand. For this reason, this fleeting mention does not elucidate the charges against Theoris or the exact crimes for which she was put to death.

The case of Theoris’ trial and execution is briefly mentioned in two other later sources, but at first sight, those accounts seem to obfuscate the matter more than elucidate it. On the one hand, the Hellenistic historian Philochoros relates that Theoris was a seer (*mantis*) who was tried and executed for impiety (*asebeia*). On the other hand, Plutarch in his biography of Demosthenes relates that Theoris was a priestess (*hierieia*) who was accused by Demosthenes himself and condemned to death for “teaching slaves how to deceive” and for other unspecified machinations.

The first question which arises is what Theoris’ profession was. She is called a “witch” by Demosthenes, a “seer” by Philochoros and a “priestess” by Plutarch. As has been pointed out by other commentators, Plutarch is probably confusing Theoris’ case with that of Ninos, a priestess who was executed after having been charged with *asebeia* in the 350–40s. The designations of “witch” and “seer”, however, are not at odds for describing the same individual. What is meant here is a certain class of religious specialists and purifiers who could engage in fortune telling as well as in the
production of *pharmaka*. This is what Eunomos is described, in disparaging terms, as having turned to after taking hold of Theoris’ magical apparatus.

The question of the nature of Theoris’ crime and consequently the law under which she was prosecuted is a more complex one. Demosthenes, as we saw, says that the Athenians condemned her on account of her “potions and incantations”. Now, we know that magical potions (*pharmaka*) as a whole were not illegal to manufacture or even use and administer in Athens, and the distinction between “good” and “bad” potions was valid. This is demonstrated by the fact that in cases of accidental murder by poisoning of their husbands, it was possible for women to claim that they had intended to administer a love potion rather than a deadly poison.\(^44\) Cases of murder by poison were regular murder cases, such as the one addressed by Antiphon’s speech *On the StepMother*, and no special law was in place to turn them into what we might think of as “witch trials”, simply because the means of murder could have been considered magical. Murder of Athenian citizens by poison could very well have been the crime of which Theoris was accused. The sentence of death for such a crime is consistent with Athenian law, but the execution of her entire family as well, if Demosthenes is accurate, poses some problems. There is a possible parallel for this in a law from Teos, from the aforementioned *Dirae Teiorum*, wherein it is prescribed that anyone who manufactures “deadly potions (*pharmaka dēlētēria*)” will be put to death along with their entire family. This, however, seems exceedingly harsh by Athenian standards and there is no guarantee that a law from Teos would have had an exact parallel in Athens. It is possible however, that, whatever Theoris was convicted of, her family was involved in the same crime and that they were tried and convicted separately.

Demosthenes, however mentions incantations along with potions as the reason Theoris was put to death. If poison is considered a magical means that harms directly, incantations, *epōidai* and *katadesmoi* are meant to harm indirectly through the agency of the powers of the Underworld. There are certain reasons, though, to believe that this kind of witchcraft did not fall under the provisions of any Athenian law. The exchange of Menon and Socrates in Plato’s dialogue, *Meno*, is sometimes cited to show that Athens had no legislation against witchcraft.\(^45\) Menon, dumbfounded by Socrates’ arguments, jokingly says that it seems as if Socrates has “drugged, enchanted and completely bewitched” him so that he is unable to respond, despite being a proficient speaker on the matter at hand, describing, one could note, the symptoms one would expect of a judicial *katadesmos*. He then advises Socrates never to go abroad, because if he had acted so as a stranger in any other city, he would have been apprehended as a sorcerer (*goēs*). What is more telling, however, are the harsh punishments Plato prescribes in his ideal republic for sorcerers, the seemingly abundant religious specialists in his day, who are hired by the wealthy to inflict curses upon their enemies or to avert the wrath of the gods, by means of magic.\(^46\) Plato prescribes the punishments that should have existed for sorcerers in his opinion, because they probably did not exist in Athens.\(^47\) It is plausible that Demosthenes’ mention of the incantations along with potions in relation to Theoris’ crimes is meant as a rhetorical flourish to underline the low character of the woman and further discredit the witness, Eunomos, who allegedly inherited her practice.

Several scholars, on the other hand, accept Philochoros’ account on the matter, namely that the charge Theoris faced was that of *asebeia*.\(^48\)
Now, asebeia, or impiety, was a serious charge involving not believing or honoring the deities of the city and bringing religious innovations into the state religion. This was essentially the charge faced by Socrates, and as seen at least from his case, if not others, the penalty was death. There is evidence that a person of Theoris’ profession could face the charge of asebeia. This comes in the form of one of Aesop’s fables, in which a “woman magician (gunē magos)” is charged with and condemned for asebeia, because she professed to be able to placate the wrath of the gods. While a fable of Aesop is not the best place to go to in order to seek understanding of the Athenian legal process, this particular one has been shown to originate most probably from late fourth-century Athens. On account of its contemporaneity with Theoris’ case and the fact that a fable referring to real world processes should make some sense in order to get its moral across, we could tentatively accept that it reflects a legal reality faced by people of Theoris’ profession. These people are the sorcerers, purifiers, mendicant priests and charlatans, against whom the Hippocratic author of the tract On the Sacred Disease delivers a tirade, because they profess to be able to heal epilepsy by placating those gods, who allegedly inflicted it upon the epileptic in the first place. That Theoris was this kind of religious specialist is implied, as already seen, by the fact that Euonimos, who took up her potions and incantations after her death, professed to heal epilepsy. What all this means is that the charge of asebeia could be levied against those religious specialists under the right conditions, but not that magic was banned as a whole under that same law, so as for them to be under constant threat by it. As to whether Theoris was prosecuted for asebeia, it is not possible to say, but if she were, Demosthenes using the phrase “potions and incantations” to refer to that charge seems bizarre.

Based on the scarce evidence examined earlier we can conclude the following about the legal status of magic in classical Athens: a) There was no law against magical practice as a whole. b) Certain magical practices, namely the administering of deadly poisons, were tried under other laws, i.e. murder by poison was considered a murder case. c) People of that class of professional seers, purifiers and charlatans mentioned by both Plato and the Hippocratic author of On the Sacred Disease were likely to be prosecuted under the charge of asebeia at least for attempting to placate the gods outside the confines and rituals of state religion. This is not to say that the law concerning asebeia was a law against magic; it just happened that magicians could be seen as a class of people likely to violate its clauses. d) There was probably no law against the use of magical incantations as a whole, the depositing of katadesmoi and magical curses.

**Magic and the law in Rome**

Servius, Virgil’s late fourth-century commentator, attempts to explain Queen Dido’s reluctance in the Aeneid to turn to the magical arts in order to bring her lover, Aeneas, back to her, by relating that the Romans, despite having adopted many foreign religious rites, had always condemned “the rites of magic (magica sacra”). Servius’ remark is elucidated by a similar statement made by Apuleius in his defense speech against accusations of witchcraft, where he claims that magic had been outlawed in Rome since the time of the Twelve Tables legislation (fifth century BC), because of what he humorously calls “the unbelievable practice of
seducing crops away”. What Apuleius is referring to here is one of two antique laws, evidently found in the Twelve Tables and known to us through quotations and passages of much later writers, who tended to interpret them as ancient Roman laws against magic.

The Twelve Tables

The law Apuleius refers to in the aforementioned passage seems to have addressed the practice of stealing crops from another field and transferring them to one’s own, by means of “some magical arts”, as Servius comments elsewhere in Virgil’s work, where reference to that practice is made. In the original quotations from the Twelve Tables, it seems that these “magical arts” were thought of as incantations, but Virgil and Pliny connect those practices to the use of uenena as well. It is, however, conceivable, given that the law seems to have comprised two clauses, that one dealt with the removal of crops through incantations and the other through the use of uenena. Whether the punishment for violation of this law was a fine or the death penalty is unclear as well; in Pliny’s probably fictionalized account of a trial taking place in 191 BC, the punishment awaiting the accused is evidently paying a fine, while Augustine claims that according to Cicero the penalty was death. At any rate, as far as we can tell, what is at stake here is violation of property, not the means by which it is accomplished; this is a law against a form of theft, not against magic per se.

The case of the second law from the Twelve Tables, thought to have dealt with malicious incantations (carmina) by authors of the Imperial Era, illustrates the problems one is faced with when attempting to reconstruct the wording and intent of lost legislation through later quotations and interpretations of it. It is unclear whether the law in question is one law comprised of two clauses or whether we are dealing with two separate laws altogether. At any rate, the Twelve Tables contained provisions against those who would sing or even compose a malicious carmen. The question then becomes whether by the term carmen we are to understand a magical incantation, as Pliny does, or whether, following Cicero, we are to understand this law as one against mockery and lampooning through malicious songs, namely what was otherwise later known as conuicium. It should be pointed out, however, that while a magical curse and a lampooning song are two very distinct things for us, this need not have been the case for the Romans of the fifth century BC. English usage is not always too meticulous about differentiating “cursing” from “verbal abuse”, and for that matter neither is Latin; the literal translation of the phrase male dictis figere, most often translated as “to verbally abuse”, is to “hold someone in place with evil words”. This is often what a defixio is thought to accomplish, a word ultimately derived from the verb used in this instance, namely figere. It is conceivable, then, that we are dealing with one law seeking to regulate malicious speech, with, possibly, magical cursing and mockery being distinct expressions of the same category, one we could describe as “malediction”. The punishment for the composition and singing of those malicious carmina was death according to Cicero, who maintained this was a law against lampooning. This does seem at first exceedingly harsh, given that the Twelve Tables prescribe mere fines for bodily injuries. However, if we are to consider that a malicious song insulting the dignity of a person or gens could be disseminated and remembered for a long time after its composition, it is conceivable that, at a
time when Rome was held in a tenuous class equilibrium between patricians and plebeians, this was a law concerned with, among others, maintaining public order in a volatile political environment.  

**The Lex Cornelia de sicariis et ueneficiis**

According to Roman legislative practice, older laws tended to be augmented in time with newer clauses that seemed relevant to the general type of cases treated under them. This is what probably gave the illusion of continuity to authors of the Imperial Era, when a definite legal framework against harmful magical activities was in place, so as to claim that Roman law had always prohibited magic working. The law in question was passed in 81 BC under Sulla and was known as the *Lex Cornelia de sicariis et ueneficiis*. This is the law that seems to have dealt with cases of witchcraft in the Imperial Period, be that defixiones, venena or whatever could be construed as such and used with harmful intent. The original text of the law is not extant, and again one has to rely on quotations from Cicero and late imperial legislation, as found in the *Sententiae Pauli*, the *Digesta* and the Justinian and Theodosian codices.

Originally, the law appears to have dealt with intentional homicide or intent to cause the death of another through non-readily detectable means and guile. One of the known clauses concerned those who carry a weapon with the intent to commit murder (*sicarii*), a second clause was about those who cause the death of another by knowingly participating in miscarriage of justice and a third clause dealt with *venena*, potions, outlawing the process of concocting, selling, buying possessing and administering them. The potions in question are specified as being of the kind used to kill a person, i.e. poisons. The ancient commentators on jurisprudence insist that when one speaks of *uenenum*, one has to specify whether it is harmful (*malum*) or benevolent (*bonum*), as the word *uenenum* could refer to either category, in the same manner as the Greek *pharmakon*. Through the process of reinterpretation of the law, however, the *Lex Cornelia* came to treat cases where potions could lead to accidental death of the recipient, such as love potions (*amatorium*), abortifacients or fertility potions. Eventually the manufacture and usage of all those types of *uenena* was made into a punishable act, as it set a bad precedent, even if no malicious intent was established in administering them. The penalty for violation of the clauses pertaining to *ueneficium* in the Imperial Period was exile and confiscation of property or death if the perpetrators’ actions led to death of another. Around the time of Diocletian, probably, high class high-class citizens were sentenced to exile, while lower-class citizens (*humiliores*) must have been sentenced to death, by being thrown to the beasts in the arena.

As the notion of *ueneficium* came to encompass magical practice as a whole, whether or not there were *uenena* involved, the *Lex Cornelia* became the law dealing with other instances of witchcraft or aberrant ritual acts. These clauses are not very numerous in the legislation of the pre-Christian period. There are, however, some clear references in the *Sententiae Pauli* prohibiting the practice of *defixio*, human sacrifice and blood offerings, desecration of temples and the very knowledge of the magical arts on pain of death; those who have knowledge of witchcraft are to be crucified or thrown to the beasts, while actual sorcerers are to be burnt alive. The reference to such practices
as “impious or nocturnal rituals (sacra impia nocturnae)” in the same clause as the desecration of temples shows that the Lex Cornelia was, even by that time, operating under some religious considerations, namely witchcraft being in opposition to proper conduct towards the gods. It is only under the Christian emperors, however, that a fully theological justification is added to the universal prohibition of witchcraft and all forms of divination, even those ancient and well-respected practices of 
 
\textit{augurium} and \textit{haruspicium}: “let those who disturb the minds of men by invocation of demons be punished by all sorts of punishment”. In the eyes of the Christian commentator, sorcerers and diviners, who are by now called \textit{malefici}, i.e. “evil-doers”, work through the agency of demons, the enemies of the divine order, and thus deserve every available punishment.\textsuperscript{70} This seems to have been the conclusion to a developing trend which identified witchcraft and divination outside of official channels with religious deviance and sedition, which posed threats to the monarchical institution of the Empire. A probably fictitious speech composed by Cassius Dio and attributed to Agrippa as a piece of political advice towards Augustus elucidates such concerns of the third century AD:

\begin{quote}

those people (i.e. religious deviants) bring in new deities and persuade many to follow foreign customs, out of which conspiracies, seditions and dissident groups arise, things very harmful to a monarchy. Do not allow therefore anyone to disbelieve in the gods nor allow any sorcerer (goes) to exist. Divination is necessary and you have to approve of haruspices and augurs, whom people can consult. Magic workers (\textit{mageutai}) on the other hand should not exist at all. For such individuals instigate many, by imparting some truths, but mostly falsehoods, to act in a seditious manner.\textsuperscript{71}
\end{quote}

\textbf{The Augustan Edict of \textit{11 AD}}

Brief mention should at the very least be made of the Augustan edict of \textit{11 AD}, which prohibited a particular subject of divination, namely attempting to enquire into the future of another to determine their time of death.\textsuperscript{72} When the object of divination, most often through astrology, was the emperor, this was construed as high treason, treated under the \textit{Lex Iulia Maiestatis}. The importance of this piece of legislation for the political life during the Principate becomes clear when one examines the accounts of numerous treason trials found in Tacitus. The first of those, concerning the conspiracy of Libo Drusus in \textit{16 AD},\textsuperscript{73} and the one which initiated the wave of treason trials under Tiberius, already contained accusations of “magical rituals (\textit{magorum sacra})” and the consultation of astrologers about the future of the imperial position. Another celebrated case, that of the mysterious death of Tiberius’ heir, Germanicus, in \textit{19 AD}, also contained charges of \textit{defixiones} and \textit{ueneficium}.\textsuperscript{74} Those were offenses treated under the \textit{Lex Cornelia}, but the trial was obviously one of treason, since those were perpetrated against a member of the imperial family. About a dozen similar cases are known from Tacitus and Dio Cassius, from the reigns of Tiberius, Claudius, Nero and Septimius Severus, wherein accusations of treason are trumped up with charges of witchcraft or divination targeting the emperor. It is probably that long-existing political milieu Cassius Dio has in mind when he has Agrippa advise Augustus on how to treat sorcerers and unsanctioned diviners, where accusations
of witchcraft bolster accusations of treason against members of the senatorial elite, making magic an important and dangerous aspect of Roman political life in the Imperial Period.

Notes

1 Apuleius, *Apologia* 12.7.
3 Auguste Audollent, *Defixionum Tabellae Quotquot Innotuerunt: Tam in Graecis Orientis Quam in Totius Occidentis* (Paris: A. Fontemoing, 1904), XC.
7 *DTAud* 111–112.
9 Sarah Iles Johnston, *Restless Dead: Encounters Between the Living and the Dead in Ancient Greece* (Berkeley, Los Angeles, London: University of California Press, 1999), 78 and n.127 for discussion on the meaning of *atelestoi*.
13 Tibullus, 1.2, 55–56.
14 DK 22 B 14.
15 *De morbo sacro* 1.10, 1.27–31.
16 364b5–c5.
21 *Trach*, 1070–1075.
23 *Moralia*, 139a.
24 *Sat.* 6.610–615.
25 *Epod.* 5.41–42.
29 3.11.16–17.
31 See for example Tibullus, 1.2.45–49.
32 This hypothesis has been advanced by Dickie in *Magic and Magicians*.
33 *De Bello Civili* 6. 507–830.
34 Hor. *Epod.* 5.
36 Ogden, *Night’s Black Agents*, 75–76.
39 25.79–80.
41 Philochorus apud Harpokration, s.v.
45 Meno, 80b.
46 Laws, 10.909b.
48 See Dickie, Magic and Magicians, 50.
49 https://fablesofaesop.com/perry-index, 56.
50 Cf. Dickie, Magic and Magicians, 54.
51 Servius ad Aen. 4.493.
52 Apuleius, Apologia 47.3.
58 Cic. Tusc. Disp. 4.4.
63 Cic. Pro Cluentio 54.148.
64 Dig. 48.8.3; Paulus, Sent. 5.23.1.
65 Dig. 48.8.3.2.
66 Paulus, Sent. 5.23.14.
67 Dig. 48.8.3.3.
68 Dig. 48.8.3.5; Rives, “Magic in Roman Law,” 332.
69 Paulus Sent. 5.23.15–18.
70 CTh. 9.16.3–4.
71 Dio Cass. 52.36.
72 Dio Cass. 56.25.5.
74 Tac. Ann. 2.69; Dio Cass. 57.18.9.

Bibliography (selection)

