

Zinon PAKONSTANTINOY, *Cursing for Justice. Magic, Disputes, and the Lawcourts in Classical Athens.* Hamburger Studien zu Gesellschaften und Kulturen der Vormoderne Bd. 14. Stuttgart: Franz Steiner Verlag 2021, 167 S., EUR 42,00. ISBN: 978-3-515-12914-5

Papakonstantinou's monograph, published in the Steiner series *Hamburger Studien zu Gesellschaften und Kulturen der Vormoderne*, reflects the author's long-standing interest for Greek disputes, law, magic, and especially curse tablets in Athenian lawcourts.¹ Papakonstantinou engages with past scholarly works on the subject in order to connect cursing practices in legal contexts with different modes and manifestations of Athenian dispute behaviour as articulated both outside and inside the lawcourts. Departing from the interpretation of a set of judicial speeches – ranging from Lysias to Isaeus and Demosthenes – and relying on previous scholarship on the function and role of disputes and litigations as occasions for the negotiation and enunciation of identities, relationships as well as statuses (p. 16), Papakonstantinou analyses various Athenian curse tablets in light of what he calls a “broad-based dispute”, a term whose analytical value will be considered more closely below. His clear exposition of ideas makes the overall argumentation of the work accessible even, I may suppose, to those readers who are not familiar with a topic that can be regarded by some Classicists as somewhat remote. Thus, Papakonstantinou succeeds in offering even to non-specialists an innovative interpretative framework for the understanding of Athenian cursing practices in legal contexts.

The author begins with a short glimpse at *SGD* 48 – a tablet that is analysed more thoroughly in 5.1 – to set out his argument that Athenian curses are indicative of various “salient patterns of disputing behaviour”, the most common one being the above-mentioned “broad-based” disputes (p. 14). Papakonstantinou holds that, in Classical Athens, every curse, in one way or

¹ Some of his works include: PAKONSTANTINOY, Zinon: *Lawmaking and Adjudication in Archaic Greece*, London 2008; PAKONSTANTINOY, Zinon: “Some Observations on Litigants and their Supporters in Athenian Judiciary *defixiones*” in: MARTINEZ FERNANDEZ, Ángel, ORTEGA VILLARO, Begoña, del HENAR VELASCO LÓPEZ, María and del HENAR ZAMORA SALAMANCA, María (eds.): *Ágalma. Ofrenda desde la Filología Clásica a Manuel García Teijero*, Valladolid 2014, pp. 1027-1035; PAKONSTANTINOY, Zinon: “Binding curses, agency and the Athenian democracy” in: XYDOPOULOS, Ioannis K., VLASSOPOULOS, Kostas and TOUNTA, Eleni (eds.): *Violence and Community: Law, Space and Identity in the Ancient Eastern Mediterranean World*, London/New York 2017, pp. 142-158; PAKONSTANTINOY, Zinon: “Jurors (*dikastai*) in Athenian Legal Binding Curses” in: RIESS, Werner (ed.): *Colloquia Attica: Neuere Forschungen zur Archaik, zur athenischen Recht und zur Magie*, Stuttgart 2018, pp. 225-236.

another, is evocative of a disputing attitude, independently from whether “the dispute implied in the curse ever reached the stage of formal litigation” (p. 15). For this reason, the author strongly advocates for a distinction between “legal” or “potentially legal” curse tablets in Chapter 2, “Binding Curses in Classical Athens: Sorcerers, Agents, and Litigation”, to which I now turn.

Generally speaking, Chapter 2 can be considered as a second introduction, outlining this time aspects of the production and reception of Athenian binding curses. Starting with a historical synopsis of the use of curse tablets in Athens, the author recalls the already well-known fact that binding curses underwent a development from oral to written form, which started in the early Classical period and was to an extent influenced by the rise of a new social perception towards the written word after a notable increase in the production of commercial and legal texts (pp. 25-26). The emphasis Papakonstantinou puts on this shifting attitude towards written documents does not only enable him to stress the connection that curse tablets shared with the Athenian public sphere – as documented in Aeschylus’ *Eumenides* or Aristophanes’ *Wasps* – but to also argue that curse tablets, if studied against this backdrop, show that they had an important aspect, namely the need for magical experts, agents and their support network to publicly disseminate the content of a tablet in order to trigger talks and rumours that could enhance the curse’s effects upon the targets and manipulate their emotional landscape (pp. 28-29, 31). After this conclusion, Papakonstantinou draws the reader’s attention, first, to a section on legal binding curses vis-à-vis the Athenian legal system and then to one on magical experts. In the former, Papakonstantinou explains that almost all curse tablets were “potentially legal”, meaning that the dispute that drove to the creation of a given curse could have eventually reached the stage of formal litigation – an idea that is unfortunately impossible to ascertain due to the lack of textual evidence in many tablets that can point into the direction of a forthcoming trial. On the other hand, in accordance with the suggestions of Eidinow,² “legal” curses are for Papakonstantinou those tablets that “were almost certainly associated with a formal legal context” due to the presence of terms such as *syndikoi*, *synegoroi*, *martyres*, and *dikastai* (p. 34). In the latter section, Papakonstantinou importantly explains how magical experts were conceived as “mediators” or even “instigators” of all those interactions that curse agents had with two different spheres – i.e. the divine and the public – and hence how we should consider them as “members of the support network of those who commissioned such binding curses” (pp. 41-42).

² EIDINOW, Esther: *Oracles, curses, & risk among the ancient Greeks*, Oxford 2007, pp. 167-172.

Chapter 3, “Interpersonal and Group Conflict in Classical Athens: Broad-based Disputes”, focuses on the development of a methodological framework for the study of Athenian legal binding curses by introducing the concept of “broad-based” dispute that enables Papakonstantinou, later in the monograph, to place judicial curse tablets within the larger context of Athenian disputing practices. According to Papakonstantinou (pp. 16, 46-47), the term “broad-based” dispute entails a conflict divided into two stages: in an early phase, the dispute was often dyadic, meaning that the conflict was limited to two primary litigants who mostly quarrelled over interpersonal matters; every time, the very same dispute could then evolve to a point where it protracted for several years, at times even decades, and involved a series of practices – spanning, for instance, from verbal and physical aggression to arbitration between disputing parties – and intense interactions where the originally rather limited disputing groups recruited a solid and extensive network of supporters, formed by people of diverse social background and legal statuses, such as kin, friends, allies or even passers-by. Papakonstantinou’s discussion of “broad-based” disputes in Classical Athens is then further elaborated in Chapter 4, “Broad-based Disputes in Action”, in which he examines at great length four well-known and well-studied disputes attested in the corpus of Athenian forensic orations: Lysias’ *Against Simon* (3), *On a Wound by Premeditation* (4), Isaeus’ *On the Estate of Philoktemon* (6), and Demosthenes’ *Against Meidias* (21).

Having prepared the ground for an analysis of curse tablets in light of “broad-based” disputes, in Chapter 5, “Curse Tablets in Athenian Disputes”, Papakonstantinou provides a thorough reading of extant legal and non-legal Athenian binding curses from the Classical to the Hellenistic periods as “catalysts of conflict behaviour” (p. 86). The chapter begins with the examination of *SLCTA* n. 4 – a tablet involving a dispute between trierarchs that, according to Papakonstantinou (p. 93), attests to the “broad-based” nature of the conflict that saw individuals with “multifaceted, long-term familial, political and financial agendas” being involved.³ Similar conclusions are then reached for the other tablets analysed in the following sections, such as: *DTA* 24 – a curse referring to a demotic and civic factional strife (pp. 97-98, 101); *SGD* 45, *DTA* 68, *DT* 49 – three curses alluding to legal disputes that took place between individuals with residential, demotic or professional affiliations (pp. 101-105); *SGD* 48 – a curse targeting probably over 100 individuals, ranging from politicians to peddlers and to persons whom Papakonstantinou

³ The same tablet is also analysed elsewhere: PAKONSTANTINO, Zinon: “Disputes, Magic and the Athenian Navy”, in: BISCOTTI, Barbara (ed.): *Kállistos Nómos. Scritti in onore di Alberto Maffi*, Torino 2018, pp. 121-132.

believes to be prostitutes due to their designations as *laikastría* or *laikastēs* (p. 106), who are often enumerated in clusters of people coming from or belonging to the same/neighbouring deme(s) or family, which suggests that they had “strong familial and regional networks of support” (p. 107); or *DTA* 106A, *DTA* 39, *SLCTA* n. 1 – three curses attesting the involvement of women with different social and/or legal backgrounds in judicial cursing practices through their connection with various stages of “broad-based” disputes (pp. 109-110). The discussion allows Papakonstantinou to show that Athenian binding curses attest how one’s support network encompassed individuals of different genders, social groups, and legal standings whose recruitment was based on kinship, residence as well as profession (p. 116-117).

Owing to the assumption that each individual or society “formulates and negotiates specific modalities of behaviour” (p. 119), in Chapter 6, “Athenian Curse Tablets: Agency and Emotions”, Papakonstantinou argues that binding curses foster an “agential behaviour”, meaning that they were purely personal responses, publicly manifested, to specific hardships that people faced (p. 120). Parts of this attitude were emotional outbursts that, in forensic oratorical speeches and curse tablets, are expressed through different words that convey feelings of hatred, anger or desire (pp.127-128). Once again, by studying curse tablets in parallel with judicial speeches, Papakonstantinou underpins his thesis that cursing practices and oratory in Athenian legal contexts were to an extent two sides of the same coin: they both aimed at the manipulation of Athenian *dikastai* (p. 137).

The final chapter, “Conclusion”, summarises in a concise manner all the findings of the previous chapters by stressing the intertwining nature of disputes, curse tablets and agency in Classical Athens. The important note Papakonstantinou ends his monograph on is as follows: curse tablets were envisioned as powerful communicative tools that, standing between the private and the public, show how rooted they were in Athenian judicial litigations, social as well as institutional realms (p. 151).

Overall, Papakonstantinou has written a stimulating, well-structured, and readable book. Yet, there are few points of criticism that I would like to address. The first relates to the use of Lysias’ speech *Against Simon* to underpin the category of “broad-based” dispute. At first glance, it seems plausible why Papakonstantinou chose to analyse *Against Simon*; the speech shows how the two opponents carried out a conflict that encompassed several phases and correspondingly protracted for a long time. But, if we follow Papakonstantinou’s model, the second fundamental feature of a “broad-based” dispute is the re-

cruitment of a stable network of individual supporters, who at times even happened to be accidental witnesses or participants. Unfortunately, however, this idea is hard to show on the basis of *Against Simon*. As it is well known, Lysias portrays Simon as an immoral, audacious, and lawless person whereas the speaker as his exact opposite.⁴ The large crowd of by-standers or accidental participants, who at e.g. §§7, 15-16, 18-19 and 27 are repeatedly said to have allegedly witnessed or even participated in various parts of the conflict, serves Lysias the primary purpose to illustrate the hybris and perversity of Simon's character. Furthermore, at §19 it is explicitly stated that the speech was delivered only four years after the dispute had begun – an important point that Papakonstantinou does not mention. We can therefore assume that, due to this long interval, it must have been correspondingly difficult for the witnesses to recall the events and for the judges to verify their testimonies. Thus, this immediately leads to the following question: how reliable is Lysias' account of such an alleged wide network of supporters for adducing more substance to the interpretation of the quarrel as a "broad-based" dispute? Personally, I would have welcomed Papakonstantinou's interpretation if the supposed facts that Lysias lays out, as well as their linguistic and rhetorical presentation, had received greater attention, and if the orator's report had not been accepted relatively uncritically.

The last issue I would like to raise relates to the words "Cursing for Justice" in the title. Papakonstantinou seems to give justice a certain degree of importance only in Chapter 6, particularly in sections 6.3-4, where he analyses in detail the figure and role of the *dikastai*. Even in the introductory chapter of the book, justice is only mentioned in relation to these two sub-chapters (p. 19). It would have therefore been desirable if Papakonstantinou had justified the choice of the title in the "Introduction".

But, overall, Papakonstantinou's monograph contributes to the on-going research on Athenian curse tablets by importantly showing how litigation dynamics, inside and outside the lawcourts, can further enhance our understanding of judicial cursing practices. For this reason, I recommend Papakonstantinou's book not only to those interested in the interplay between "magic" and judicial system in Classical Athens, but also to every scholar who primarily deals with the Athenian system of justice adjudication.

⁴ GRIFFITH-WILLIAMS, Brenda: "Violence in Court: Law and Rhetoric in Athenian and English Assault Cases", in: *Greece & Rome* 60/1 (2013), p. 96.

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