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Mystery Inquisitors: Performance, Authority, and Sacrilege at Eleusis

The master narrative of a profound crisis in traditional faith leading to a hardening of authority and religious persecution in late fifth-century Athens has a long scholarly history, one that maintains a persistent presence in current research. This paper proposes to reexamine some aspects of religious authority in late fifth-century Athens through one case-study: the trial of Andocides in 400 BCE. Instead of proposing a new reconstruction of the events that led to this trial, it will compare and contrast the rival rhetorics of authority deployed by Andocides in *De mysteriis* and Ps.-Lysias in *In Andocidem* and attempt to locate them in their respective social and cultural contexts.

“... il ne faut pas l’oublier, Athènes avait bel et bien l’inquisition. L’inquisiteur, c’était l’archonte-roi, le Saint Office, c’était le portique royal où ressortissaient les actions d’impiété.”¹

“God is nothing but a little breath, and whatever else man imagines him to be... Everything that we see is God, and we are gods... The sky, earth, sea, air, abyss, the underworld, all is God... The air is God... The earth is our mother.”

This article is an expanded version of a paper presented at the *Current Approaches to Religion in Ancient Greece* conference, held at the British School at Athens in April 2008. An earlier version had been delivered at the conference *The Eleusinian Mysteries: Religion, Ideology, Administration, Finance* (Loutraki, October 2007). I would like to thank the two anonymous referees of *Classical Antiquity*, Mark Griffith, the participants of the Athens and Loutraki conferences, in particular Matthew Dickie, Thomas Figueira, Alexander Herda, Miguel Herrero, Dirk Obbink, Robert Parker, and Robert W. Wallace, as well as Hans Beck, Pierre Bonnechere, Jan N. Bremmer, Elizabeth Irwin, Nino Luraghi, and Vayos Liapis for their comments and criticisms.

1. Renan 1866: 314.

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These words come from the defense speech of a man accused of corrupting the traditional religion of the community and introducing new forms of worship among his peers.² For more than thirty years he had walked the streets of his town and intellectually assaulted his neighbors with talk of physical elements and moral illumination. Indefatigable, always on the lookout for a new target to enlighten with his jabs of cosmology and ethics, eager to ambush his compatriots out of the slumber of automatic thought, he had become a familiar eccentric figure in the community. After preaching one provocation too many, this man was finally denounced to the appropriate authorities and brought to trial. Not in Athens. This trial took place almost two thousand years after the trial of Socrates, in Montereale, a little village of the Friuli under Venetian administration. It was not conducted before an audience of fellow citizen-jurors waiting to weigh sides and arguments, but led by the steel-cold logic of patient Inquisitors summoned from nearby cities. The Holy Office listened. Over the years, they gave the enthusiastic village cosmologist as much space as he needed to explain his views, and hang himself with them. The man in question, the miller Menocchio, Domenico Scandella of his real name, now justly famous through the scintillating work of Carlo Ginzburg in *The Cheese and the Worms*, was not the architect of a revolution in human thought. He was, in his own words, a professional blasphemer. He wanted to express his own distinct views about God and the world in all freedom. In 1599, Menocchio was imprisoned one last time by the Holy Office and finally burned at the stake for heresy.³

Contrary to Socrates in 399, Menocchio was confronted with specialists of the one true faith, arbiters of orthodoxy whose authority rested on bodies of established dogmas and esoteric dissertations about their precise significance.⁴ His claims to tell his judges what the real meanings of the sacraments were, earnestly presented as the innocent reflections of a simple and curious mind, were as futile as they were dangerous. Once he had attracted the gaze of the Holy Office, there could only be one outcome: he would be broken, in one way or another, by the mass of Canon Law and the Hammers of Witches. The words of the miller were of no possible consequence against the specialized religious knowledge of the Dominicans and Franciscans. There was no clash of thought or authority, only a slow process of reeducation and purification imposed from high above. The contrast with the case of Socrates is striking.

Socrates, of course was accused of “corrupting the youth, refusing to acknowledge the gods recognized by the State, and introducing new and different gods.”⁵ This accusation took the technical form of a γραφή ἀσεβείας.⁶ Although

2. Ginzburg 1980: 4.

3. Ginzburg 1980: 127–28.

4. See for instance the two recent studies of Biget 2007 and Duni 2007.

5. Plat. *Apology* 24b–c: ἔχει δέ πως ὧδε· Σωκράτη φησὶν ἀδικεῖν τοὺς τε νέους διαφθείροντα καὶ θεοὺς οὐκ ἢ πόλις νομίζει οὐ νομίζοντα, ἕτερα δὲ δαιμόνια καινὰ. τὸ μὲν δὴ ἔγκλημα τοιοῦτόν ἐστιν·

6. Plat. *Apol.* 24b; Xen. *Mem.* 1.1.1; Diog. Laert. 2.40.

some scholars have tried to restrict the logic behind these events to one specific cause or another, often a reductionist political one, all three counts undoubtedly played a certain role in the motivation behind the case and in its prosecution. The last two counts, particularly, seem to have generated strong reactions in the Athenian crowd. They are essentially not crimes of substance referring to precise unlawful actions, however, but a merism for impiety. They are to *asebeia* what “movable and unmovable goods” is to wealth.⁷ Aristotle defines *asebeia* as “transgression in regard to gods and daimons, or in regard to the departed and to parents and country.”⁸ I see no reason, contrary to Jean Rudhardt, to insist on a strong distinction between “juridical” and “moral” concepts of impiety in Attic courts.⁹ The accusers of Socrates, as far as we know, focused their speeches on *asebeia* in the most comprehensive terms.¹⁰ In the *Clouds* already, generalized, caricatural impiety is the aspect of Socrates that comes out the most forcefully as cause for censure and ridicule.¹¹ Plato’s *Euthyphro* is a dialogue about the nature of piety with a pious seer about to accuse his father in court, and it takes place on the footsteps of the building where the trial of Socrates was to be held, right before Socrates enters to face his accusers.¹²

These accusers, Meletus, Anytus, and Lycon, brought the case before a trial of sworn citizen-jurors. Long debates ensued, where every party was given equal time to argue his position and deploy enough rhetorical skill to sway the large number of men whose opinion would decide on the outcome. There is no evidence for a “droit pointilleux et détaillé” in such cases of impiety.¹³ Athenian legislation against impiety was an affair of constantly renegotiated custom, not a matter of precise jurisprudence.¹⁴ Such flexibility probably made these cases particularly dangerous. The laws governing these accusations were at most diffuse guidelines, often contradictory, and there was much room for play on both sides. But Socrates decided to use this open public forum, if we are to believe Plato and his other hagiographers, to incriminate the citizens themselves and launch one final tirade. He went, according to this picture, far beyond the rules of the trial set upon him. Instead of contesting the authority of his accusers, he attacked the authority of his judges. Contrary to the case of Menocchio’s dealings with the Inquisition, there is nothing typical about that event and the strategy used by the accused. Understanding its peculiarity involves close consideration of the contemporary record. This is not the place for yet another reassessment of Socrates’ trial. Rather,

7. For the notion of merism, see, e.g., Watkins 1995: 45–46.

8. Arist. *De virt. vit.* 1251a30.

9. Rudhardt 1960.

10. See, e.g., Ferguson 1913; Chroust 1957: 311; Finley 1977: 65–66; Stone 1988a; Bodéüs 1989; Connor 1991; Garland 1992: 136–51; Parker 1996: 199–217; McPherran 1996: 169–74; Steinberger 1997; Rubel 2000: 342–68; Donnay 2002.

11. Derenne 1930: 73–93; Byl 1980; Bodéüs 1989; Donnay 2002.

12. See Furley 1985.

13. Rudhardt 1960: 86.

14. See, e.g., Caillemet 1887; Thalheim 1896; Lipsius 1905: 359; Derenne 1930; Humphreys 1978: 188; Garland 1984: 79; Ostwald 1986: 166–69, 196–98, 528–36; Cohen 1988; Safty 1997.

I propose to discuss one important aspect of the contemporary record which has not received its due in contemporary scholarship: sacrilege and authority at Eleusis.

Socrates was accused of impiety. Much illumination can be shed on his trial through comparison with other contemporary trials of *asebeia*. It can no longer be sufficient to dismiss the religious dimension of the trial or to continue repeating these old canards of scholarship on Greek religion, namely that “polis religion” was exclusively ritualistic and that there was no such thing as normative religious authority in the classical city.¹⁵ Like Menocchio, Socrates died, at least in part, for offenses committed against the religious order. He was executed for unorthodoxy of religious thought. But it cannot do, either, to see Socrates as being confronted by some kind of inquisition, or uncritically to discuss the dynamics of this period in terms of modern Western notions of free thought and orthodoxy. This execution has to be resituated in its own socio-cultural milieu and read through the context of comparable and contemporary accusations of impiety. To understand how the religious order defined its limits in Athens at the end of the fifth century, and how it enforced them, there is no better case study than the exactly contemporary impiety trial of Andocides in 400, for which we are in the ideal situation of having actual texts stemming from both the prosecution and the defense. From the point of view of juridical substance, making sense of the text of Andocides has either meant condemning it as a nonsensical “blague,” severely emending the text of the manuscript tradition to fit the argument, or positing an audience of scholarly jurors with intimate knowledge in the finer details of Athenian legislation.¹⁶ There is much controversy, and no *communis opinio*. Excellent work has also been done on the sacrileges of 415 and their echoes recently, most notably by Parker, Furley, Graf, Rubel, and Todd.¹⁷ Most of it has focused on reconstructing the events themselves and making sense of their motivations, although we will probably never know what *really* happened in 415 or in 400 and certainly not *why*. What we do know, however, is what people publicly *said* about the events, *who* said it, and *how* they discussed the matter: what stories were told, in the words of Michael Gagarin.¹⁸ In what follows, I will look at the rival rhetoric of religious authority deployed in Ps.-Lysias 6 and Andocides 1. I will not try to uncover what the crimes really were and who was really involved, what “party” they belonged to, or what was the true applicable legislation in this case, but I will instead compare the strategies of persuasion deployed by the two opposing parties in this case of impiety. Before we turn to this question, a few general considerations are in order.

15. See, e.g., Harrison 2007.

16. The fundamental discussion remains MacDowell 1962; 1971; 1978. Important contributions include Ferguson 1936; Harrison 1955; Clinton 1982; Robertson 1990; Rhodes 1991; Carawan 2002; 2004. On the composition of the Athenian jury, see, e.g., Ober 1989: 156–91; Todd 2007b.

17. Dover 1965; Lewis 1966; Marr 1971; Ostwald 1986: 161–69; Murray 1990; Parker 1996; Furley 1996; Graf 2000; Rubel 2000: 178–232; Todd 2004; Quinn 2007.

18. Gagarin 2003.

It will be useful to start with some brief thoughts about the myth of intellectual persecutions in late fifth-century Athens.¹⁹ The trials of Anaxagoras, Protagoras, Prodicus, Democritus, Aspasia, Diogenes of Apollonia and others; the so-called decree of Diopiteithes; and similar sources have often been adduced as proof that a concerted reaction against free thought and enquiry took place in later fifth-century Athens, reflections of a hardening of tradition in the face of social and political disaster. This evidence has been used to place the trial of Socrates in the context of apparently very similar events of persecution against intellectuals. Divorced entirely from comparable earlier trials of impiety, such as that of Aeschylus, and later trials, such as those of Demetrius of Phaleron, Phocion, or Theodoros, this evidence is still regularly cited as an illustration of a religious crisis in the later part of the Peloponnesian War and of the religious persecution that ensued.²⁰

The evidence for the great majority of these trials from late fifth-century Athens, however, has been shown by Kenneth Dover, Robert Wallace, and others, to rest on very shaky ground.²¹ Most of these putative trial stories are not supported by the evidence, and in the rare cases where our contradictory sources do point to some kind of brush with the authorities of the polis for their ideas, as in the case of Protagoras, we are still in the dark as to what kind of pressure was involved. This doesn't make for a very convincing wave of repression. The intellectual efflorescence of later fifth-century Athens and its radical questioning of every single aspect of the religious system undoubtedly generated much hostility from different quarters in Athens. Intellectuals and an "anti-intellectual climate" never seem to be very far apart from each other, in fact, as numerous examples from Europe and North America from the past few centuries or the past few weeks can readily show.²² But there is a difference between such standard animosity against the threat of the intellectual troublemaker and institutional repression through trial and death. In the case of later fifth-century Athens, there simply isn't any conclusive evidence that the intellectual trials actually took place, and there is much evidence that points to their later development as biographical elaborations. It goes without saying that the quickly lionized model of Socrates influenced successive ideals of the civic intellectual, particularly the traditions attached to his most famous contemporaries. The theme of Athenian crimes against intellectuals became a trope in later discussions of freedom of thought. The biographical tradition of the archaic poet required a *Dichterweihe*; that of the intellectual of late classical Athens, persecution

19. See, e.g., Derenne 1930; Dodds 1951: 189; Momigliano 1971a; Momigliano 1971b; Marasco 1976; Burkert 1985: 316–17; Yunis 1988: 66–72.

20. A passage regularly cited in this regard is Th. 8.53.2.

21. Dover 1975; Wallace 1994; see also Lefkowitz 1981: 110–11; Stone 1988b; Parker 1996: 199–217; Furley 1996: 117; Rubel 2000: 49–119, 157–77; Bremmer 2006. Despite the criticisms of Ostwald 1986: 194–98, 528–36; Brickhouse and Smith 1989: 32–33; Stadter 1989: 297–99; Janko 2001: 13–14; 2002–2003, the case made by Dover and Wallace seems decisive to me.

22. See, e.g., Hofstadter 1963; Claussen 2004.

and a trial at the hands of a democratic mob.²³ The late and largely fictitious biographical traditions of intellectual and religious persecution in late fifth-century Athens can hardly allow us to reconstruct suitable comparanda for the events of 399.

Was there a religious crisis in late fifth-century Athens? This is a false question. Is there a place or period in human history at which a religious crisis was not also in process? At every single moment of ancient Greek history, at least, one will find a religious crisis in the documents if one looks for it. But can we identify a more specific kind of religious crisis in late fifth-century Athens? Profound religious changes were indeed under way in this period.²⁴ If the question refers, concretely, to the existence of intensified religious and intellectual repression at the hands of the state apparatus in late fifth-century Athens, then the answer must be a resolute no. There was unease about the role of sophists and other intellectuals, to be sure, whatever we mean by these words, and much animosity generated by their radical thought. This is clear enough from Aristophanes and Euripides, at least, as well as documents like the pamphlet of Polycrates.²⁵ As had been true for generations, those who became particularly prominent could easily be perceived as a threat by the democratic body. Some intellectuals suffered as a result of their association with Pericles in the 430s and 420s, or with the oligarchs of 411 and 404.²⁶ Regular political dynamics, then, which were still in place at the end of the fourth century, for instance, and which were in no way limited to intellectuals. Trials continued to be a threat to every prominent inhabitant of Athens.²⁷ But there is no evidence to support the idea of a period of special intellectual and religious persecution through trials at the close of the Peloponnesian War, as we still often read.

These stories of persecution are not contemporary and direct parallels to the trial of Socrates, but are so many reflections of it in later rewritings. Furthermore, the phantom of these intellectual trials taps into deep and still pervasive narratives of scholarship imagined long ago in other contexts and now running below the radar of explicit demonstration. It activates, for instance, the idea that there was a much clearer opposition than before between traditional religion and intellectual innovation during this period. It evokes the evolutionary theme of the battle between social constraint and individual thought, the conflict of *genos* and polis, the pressure of group on person, and of religion on reason. For some, these hypothetical events still represent the triumph of the irrational over the budding promise of Athens, and the beginning of a long and protracted reaction against

23. For the pathos of Socrates itself continuing old patterns of poetic suffering in our sources, see now Compton 2006.

24. The best detailed account of these changes remains Rubel 2000.

25. Lys. fr. 457 Todd; Libanius *Apol. Socr.*; see Muir 1985; Lefkowitz 1989; Riedweg 1990a; 1990b; McPherran 1996: 135.

26. Marasco 1976; Prandi 1977.

27. See, e.g., Wallace 1994: 145–46; O'Sullivan 1997.

human emancipation from tradition—Athens as the failed promise.²⁸ For others, it takes the more contemporary face of intolerance and religious fundamentalism.²⁹ The trial of Socrates, I believe, does not belong to a context of general intellectual repression at the hands of the polis. It should not be cast as a rung in a teleological grand narrative.

Socrates was led to his death for religious unorthodoxy, however, and in this he was not alone. By 600 already, if we are to believe Aristotle and Plutarch, the Alcmaeonids were convicted of impiety by an—unidentified—tribunal.³⁰ An inscription from the first half of the fifth century, from Mantinea, details the procedure for punishing minor cases of impiety: the jury is to be composed of civic judges and one priest of Athena Alea.³¹ If the accused party is found guilty, the sentence must be ratified by the local oracle before it can be effective. Whatever the value of our information concerning these other times and places, impiety, brought through *εἰσαγγελία* before the Areopagos, or charged through *ἔνδειξις* or a *γραφὴ ἀσεβείας*, was a most serious crime in late classical Athens.³² The trial of the courtesan Phryne and her associates a few decades after the death of Socrates, for instance, resulted in the execution of several defendants for *asebeia*.³³ It supposedly involved accusations of *hybris* against “the real Mysteries” at Eleusis. More detailed parallels come from the earlier events of 415. Almost every contemporary trial of impiety for which we do have evidence, in fact, is tied to the accusation of Mystery profanations at Eleusis. The great sanctity of the revered Mysteries, the uncommon secrecy that accompanied them, and their central public significance ensured particularly active protection on the part of the city. The *Hermokopidai* event was quickly associated with the accusations of mystery profanations, and the two different sacrileges remained linked in people’s minds.³⁴ Intellectuals like Diagoras and so many others could pretty much think, say, and write what they wanted about the gods in the city, and do so for years without being bothered beyond the comic stage.³⁵ Once this intellectual activity involved profanation of the Mysteries in speech, however, action had to be taken: in the case of Diagoras, the city placed a price on his head, and he had to flee from city to city as a fugitive.³⁶ Even Socrates is

28. One example is Dodds 1951: 179–206.

29. See, e.g., Derenne 1930; Rudhardt 1960; Janko 2001: 11.

30. Ps.-Arist. *Ath. Pol.* 1; Plut. *Sol.* 12.3–4; cf. Cataudella 1966: 211–13; de Bruyn 1995: 75–76.

31. *IG* V.2 262.

32. See for instance Derenne 1930; Rudhardt 1960; Marasco 1976; Wallace 1989; de Bruyn 1995: 74–78; O’Sullivan 1997; Rubel 2000: 49–119.

33. Posidippus *Ephesian Woman* fr. 13 K-A.; Ps.-Plut. *Lives of the Ten Orators* 849e; Ath. 13.590e; see, e.g., Cooper 1995.

34. See Furley 1996: 41–48; Rubel 2000: 178–81; Todd 2004; 2007a: 400.

35. Jacoby 1959.

36. Ar. Av. 1073–74; *Ran.* 320 with schol.; Melanthius *FGrH* 326 F 3; cf. Craterus *FGrH* 342 F 16; Ps.-Lys. 6.17; Diod. Sic. 13.6.7; cf. Panagopoulos 1979.

portrayed as an impious imitator of the Mysteries in the *Clouds*.³⁷ It almost seems as if an accusation of impiety had to involve the Mysteries to be effective with the audience and in court. “You know,” says Isocrates, “how the city becomes most angry in matters related to the gods, if one would appear to be at fault regarding the Mysteries, and of the other matters, if one dared destroy the democracy.”³⁸ As Mylonas puts it: “divulging the secrets of the cult was considered comparable to the destruction of democracy.”³⁹ Prosecution for impiety against the Mysteries overshadows everything else in our record concerning normative religious sanction against *asebeia* in this period, from the trial of Aeschylus in the first half of the century to the trial of 400. That record provides much more valuable data for making sense of 399 in context than the elusive anti-intellectual reaction imagined by scholars.

Prosecution linked to Eleusis is a notable exception to the rule of Athenian religious freedom in the classical period.⁴⁰ Attacks against the sanctity of the Mysteries were never tolerated. But the prominence of Eleusis in cases of impiety usually goes hand in hand in scholarship with the idea that Kerykes and Eumolpidae were responsible for protecting the faith in the courts, or were distinctly involved in prosecuting cases of impiety. Scholars have more often than not continued to imagine the Mysteries on the model of a church and to see the two clans as dogmatic defenders of orthodoxy. The officials of Eleusis are commonly portrayed as jealous guardians of their cult, active agents in the prosecution of impiety against the Mysteries, or religious zealots defending their immemorial tradition in the cosmopolitan city at all costs. Their influence on the state in cases of impiety is seen as profound and entirely untypical for classical Athenian priesthood. This postulated distinct influence, thirty years after the work of Bourriot (1976) and Roussel (1976), is still often cast as an isolated survival of old *genos* privilege within the *polis*. On the basis of Ps.-Lysias 6 more than anything else, prosecutions of “religious witch-hunts,” fanaticism, and intolerance are regularly mentioned in relation to these officials. The priesthoods of Eleusis are described as being in charge of rooting out heresy and atheism through the “tradition” of their unwritten laws.⁴¹ The existence and authority of such proto-inquisitors at Eleusis is presented as one of the fundamental exceptions distinguishing Eleusis from the larger dynamics of Athenian religion. This, I believe, is untenable. The question has to be thoroughly revisited if we want

37. Marianetti 1993; Byl 1994; Bonnechere 1998.

38. Isocrates 16.6: εἰδότες δὲ τὴν πόλιν τῶν μὲν περὶ τοὺς θεοὺς μάλιστα ἂν ὀργισθεῖσαν, εἴ τις εἰς τὰ μυστήρια φαίνοιτ' ἐξαμαρτάνων, τῶν δ' ἄλλων εἴ τις τολμῶη τὸν δῆμον καταλύειν, ἀμφοτέρας αὐτάς συνθέντες τὰς αἰτίας εἰσήγγελλον εἰς τὴν βουλὴν, λέγοντες ὡς ὁ πατὴρ μὲν συνάγοι τὴν ἑταιρείαν ἐπὶ νεωτέρους πράγμασιν, οὗτοι δ' ἐν τῇ Πουλυτίωνος οἰκίᾳ συνδαιτυνῶντες τὰ μυστήρια ποιήσειαν.

39. Mylonas 1961: 224.

40. Graf 2000.

41. See, e.g., Rudhardt 1960; Garland 1984: 83; Ostwald 1986: 161–69; Stone 1988b; Janko 2001: 8–9, 15.

to make sense of the mechanisms of religious enforcement of piety in the late classical period.

It goes without saying that religious orthodoxy can be assured in different ways, beyond the regular channels of simple cultural conformity. Like all goddesses, Demeter of Eleusis inspired fear and reverence. Like all divinities, the Eleusinian Goddesses exacted terrible vengeance on those who transgressed their honor. Their wrath was a distinctly formidable one, however, as tales and images systematically reminded the community.⁴² The august solemnity attached to the goddess and her daughter were matters of utmost reverence, even in comedy. Secrecy was a matter of life and death.⁴³ The staging of fear permeated the sanctuary. The rites regularly enacted terror among the faithful, and monuments dotted the landscape with memories of vengeance and punishment. The first thing Pausanias mentions on his way from Athens to Eleusis on the Sacred Road, for instance, is the tomb of Anthemocritus, the herald killed on the Thriasian Plain by the Megarians at the start of the Peloponnesian War.⁴⁴ Traditions about the religious meaning of this murder had already been formed by the time of Thucydides, and Pausanias can still inform us that the lasting wrath (*μήνιμα*) of the Two Goddesses still remains on those who have committed this murder, “since,” he says, “they are the only people in all of Greece whom the emperor Hadrian has not been able to help develop their city.” At more than five hundred years of distance from the events, the wrath of the goddess on an entire city for the fault of their ancestors was still discussed and feared. And the goddess had exacted revenge on the impieties of many other foreign transgressors. The great phantom procession of initiates reported by Herodotus in Book 8, for instance, was seen as the prefiguration of Persian defeat at Salamis.⁴⁵ The wrath of the goddess fell on the Persians at Plataea and Mycale also, as he writes in Book 9, something which is possibly echoed in the New Simonides.⁴⁶

The traditions of divine punishment against transgressors within the city were memorialized as well. Stone and bronze stelae were erected around the Eleusinion at Athens and on the Acropolis, recording the names of those who had wronged the sanctuary and the judgments rendered against them.⁴⁷ Punishments in the afterlife were also prominent elements of Eleusinian lore.⁴⁸ Paintings, such as the famous tableau of Polygnotus in the Cnidian Lesche of Delphi, for instance, gave such punishments tangible presence throughout the Greek world.⁴⁹ Like the post-

42. Lévêque 1994.

43. See Bremmer 1995.

44. Paus. 1.36.3.

45. Her. 8.65.

46. Her. 9.67, 97; Simon. 17 W.

47. See Pritchett 1953; 1956; MacDowell 1962: 71–72; Furley 1996: 45, with bibliography; Todd 2007a: 400.

48. Boyancé 1962.

49. Paus. 10.28–29; cf. Kebric 1983.

Tridentine iconography of Christian fear in the time of Menocchio, so vividly discussed by Jean Delumeau, Eleusinian myth, ritual, and imagery deployed a web of fear around the sanctuary.⁵⁰ This web of fear was vast, and the terror of divine vengeance and of τὰ δεινὰ ἐν Ἄιδου undoubtedly penetrated deep in the hearts of men, if we can trust the reports of Plato and other sources.⁵¹ This certainly played its part in protecting the secrecy of the Mysteries in antiquity. But nothing allows us to infer that these stories and images were essentially produced, maintained, and/or disseminated by the Kerykes and the Eumolpidae, like some eschatological propaganda imagined by an early modern Jesuit, or a character in a play written by Critias. The public documents set up on the Acropolis and in the agora, for instance, stemmed from the authority of the *polis*, not the sacerdotal clans.

Like the Christian images of Hell in early modern Europe, these monuments of divine terror were of course not sufficient to keep men from acting in direct opposition to the practice of normal and socially sanctioned religion. As in sixteenth-century Montereale, more concrete mechanisms were needed, and were in place, to protect the limits of socially acceptable action concerning the Mysteries, most notably their secrecy, and to punish what were seen as particularly grave threats to the religious order. This concrete enforcement of religious orthodoxy concerning the Mysteries was uniquely severe. It was, however, not in the hands of the Eleusinian priests. There were no inquisitors at Eleusis. There was no clear distinction between “secular” and “religious” forces in the prosecution of impiety. A few examples will serve to illustrate the implications of this important fact.

Aeschylus, famously, barely escaped from accusations of mystery profanations.⁵² Our sources concerning this event are mostly late and untrustworthy, and we will never know the true tenor of the events. But the testimony of Aristotle leaves us with little doubt as to the fact that there was a trial for profanation of the Mysteries, possibly before the Areopagos. It seems that the author was accused of having revealed τὰ ἀπόρρητα to the uninitiated, in one or more of his plays, and that he was acquitted by pleading ignorance. He did not know that what he had said or done was a secret, he is said to have pleaded, something that became a paradigm for doing wrong unwittingly. According to Clement, he pretended not to have been initiated. It is interesting to note also that, whether this had any relation to the actual events of the trial or not, later readers believed that, after repeated offenses, Aeschylus had been mobbed in the theater while performing τὰ ἀπόρρητα and that he only managed to escape the angry crowd of initiated citizens by taking refuge at the altar of Dionysus or through the intervention of his brother.

50. Lada-Richards 1999: 90–98; cf. Delumeau 1978; 1983.

51. See Riedweg 1987: 42–43.

52. Arist. *Eth. Nicom.* 1111a6–10; Heracl. Pont. fr. 170 Wehrli; Clem. Alex. *Strom.* 2.14.60.1–3; Ael. *Var. Hist.* 5.19; cf. Amandry 1949; Ameduri 1964; Solomon 1982; Burkert 1983: 252; de Bruyn 1995: 77–78.

A tribunal—the Areopagos is mentioned by Clement—would have absolved him. In short, public outrage was high, there is no mention of a special role played by Eleusinian officials in this event, and the city dealt with the matter through regular judicial process.

We have comparable and roughly contemporary evidence, if we can place the grandfather of the author behind Ps.-Lysias 6 around the mid-fifth century. In the famous chapter 54 of that treatise, we hear that a crowd of angry citizens had gathered around a Megarian man thought to have committed impiety, probably against the Mysteries. The crowd was angrily deliberating on what was to be done. Some urged that the impious man should be put to death on the spot, *without a trial*, while the Hierophant of Eleusis himself, Diocles son of Zacorus, managed to convince the Athenians that the man should be brought to court. Speaking as one among many before the crowd, the hierophant gave advice to the other citizens not to put the man to death without due process. Rather than urging immediate and direct punishment at all cost, he emphasized the rule of law of the *polis* and the direct bond which united individual households and individual citizens to the common *dikasterion*.⁵³ As in the case of Aeschylus, there was much confusion as to the very basics of how to proceed, how to channel the outrage of the people—anything could happen. The high priest of Eleusis, a magistrate of the city, advised using the civic institutions as a means for punishment. In discussing the relative merits of lynching and trial, the fact that decision and authority ultimately, and exclusively, rested in the hands of the people, was never in doubt. Trial opened a space for making a spectacle of the proceedings, “for others to see and hear,” as the priest says in the text, in a way that a simple decision from the assembly did not. As in the case of Aeschylus, it also opened a space for contest and competition of speech and the possibility of finding a defendant whose stagecraft skills would allow him to turn the spectacle of the trial to his advantage, as Andocides did, or as the enemies of Alcibiades thought he would.

Other stories of prosecution for profanation at Eleusis go in the same direction. The example of Theodorus the Cynic, from the late fourth century, is interesting.⁵⁴ The chief concern of Theodorus seems to have been the nature of the divine and of impiety. Epicurus was said to have borrowed much of what he had to say on the subject of the gods from his book *περὶ θεῶν*.⁵⁵ Theodorus, “a man who utterly rejected the current beliefs about the gods,” in the words of Diogenes Laertius, spent a lifetime attacking conventional religion, the boundaries of sacrilege and

53. Ps.-Lys. 6.54: βούλομαι τοίνυν εἰπεῖν ἃ Διοκλῆς ὁ Ζακόρου τοῦ ἱεροφάντου, πάππος δὲ ἡμέτερος, συνεβούλευσε βουλευομένοις ὑμῖν ὅ τι δεῖ χρῆσθαι Μεγαρεῖ ἀνδρὶ ἡσεβηκότι. κελυόντων γὰρ ἑτέρων ἄκριτον παραχρῆμα ἀποκτείνειν, παρήνεσε κρίναι τῶν ἀνθρώπων ἕνεκα, ἵνα ἀκούσαντες καὶ ἰδόντες σωφρονέστεροι οἱ ἄλλοι ᾧσι, τῶν δὲ θεῶν ἕνεκα οἴκοθεν ἕκαστον, ἃ δεῖ τὸν ἀσεβοῦντα παθεῖν, αὐτὸν παρ’ ἑαυτῷ κεκρικότα εἰς τὸ δικαστήριον εἰσιέναι.

54. Diog. Laert. 2.101; see Decharme 1904: 173–75; O’Sullivan 1997.

55. Diog. Laert. 2.97.

tradition, and speculating about divinity.⁵⁶ None of this would be any good without an assault on traditional Eleusinian sanctity, of course, and Theodorus accused Eleusinian revelation of being impious by virtue of its own logic. He wittily claimed that the Hierophant found himself revealing the secrets to the uninitiated at each celebration of the Mysteries.⁵⁷ We read in Diogenes that he was almost brought before the Areopagos for impiety, but saved at the last minute by Demetrius of Phalerum.⁵⁸ Other sources mentioned in the same passage say that he was forced to drink the *kôneion*, one more echo of the Socrates paradigm.⁵⁹ We have no information about what role, if any, the Hierophant played in these proceedings. What matters is that, in our documents concerning this affair, the *sole* authority mentioned is still the tribunal of the city, in this case the Areopagos—not the priests of Eleusis.⁶⁰

Similarly, the role of the Hierophant Eurymedon in prosecuting Aristotle for impiety had nothing to do with his position at Eleusis, as far as we can see.⁶¹ The crime involved “worshiping in public a god whose cult was not publicly authorized by the state.” The entire episode took place in city trials and did not concern, in any way, special privileges of Eleusinian priests for defending the Mysteries against profanation. He acted in this case as a citizen of Athens.

One exception can serve to confirm the rule. Livy tells us that two uninitiated Acarnanian youths wandered by mistake into the sanctuary of the Two Goddesses and were promptly put to death after having been handed over to the “guardians of the sanctuary” (*antistites templi*).⁶² No trial, assembly, or tribunal was involved in the punishment, but the priests of Eleusis seem to have led the mob in dealing death this time. That event so much stood out from the ordinary that it led to a full scale and devastating invasion of Attica by the Macedonian allies of the Acarnanians, according to Livy. This tells us nothing about procedure. More importantly, the event took place in the early second century BCE, long after the time of Socrates and Andocides.

Diagoras of Melos was a contemporary of both Socrates and Andocides.⁶³ Contrary to Aeschylus and the Megarian mentioned in Ps.-Lysias 6, he was condemned by the assembly, without a trial.⁶⁴ A reward of one talent was offered

56. Plut. *Mor.* 880e; 1075a; Cic. *De nat. deor.* 1.1.2, 23, 63, 42, 117; Diog. Laert. 2.86; Clem. Alex. *Paed.* 15a.

57. Diog. Laert. 2.101.

58. Diog. Laert. 2.101–102; Athen. 12.611b.

59. Diog. Laert. 2.101.

60. Compare the case of Demetrius Poliorketes’ reconfiguration of the initiation calendar. The warlord’s request was fought by the dadouch Pythodorus (Plut. *Dem.* 26), but ultimately accepted by the assembly, the ultimate judge in the arbitration of correct ritual behavior; see Mikalson 1998: 89–90; Olson 2007: 194, 224–25.

61. Diog. Laert. 5.5; Ath. 15.696a–697b; *PA* 5972; *PMG* 842; see Clinton 1974: 21; Bodéüs 2002.

62. Liv. 31.14.

63. Jacoby 1959; Rubel 2000: 157–77.

64. Diod. 13.67; Schol. ad Ar. *Aves* 1071; Ps.-Lys. 6.17.

to whoever killed the man, and one of two talents to anyone who would bring him back alive. He escaped. He had been famous in Athens since the 430s at least. Described in a scholium to Aristophanes as one of the teachers of Socrates, he was a stock figure of the intellectual in comedy already before the start of the Peloponnesian War.⁶⁵ Known for his radical rejection of traditional religion and his speculative god, Diagoras was not troubled by repression until 415/414. This date, reached by many scholars, including Wilamowitz, long before the publication of the Al-Mubassir life, is now confirmed beyond any doubt.⁶⁶ His radical ideas were cause for no prosecution before that time, and the crisis of 415 did not prompt a reevaluation of his views on conventional religion, but led to a very precise accusation: parody of the Mysteries. He was at this time outlawed by decree of the assembly.⁶⁷ One cause is mentioned: he had profaned the Mysteries by revealing them to all passersby, belittling their sanctity by mocking them and trying to discourage potential initiates from carrying on the rites. What relation, if any, the events behind these accusations had with the mystery profanations of 415 we do not know. The fact of the matter is that Diagoras was singled out for this one crime alone. The decree was cast in bronze and set up on the Acropolis, where Craterus could still see it almost one hundred years later.⁶⁸ Contrary to the cases of Aeschylus and the Megarian, guilt and punishment were decided on outside the courts, but impetus and authority in the case rested solely in the hands of the assembly. Diagoras was condemned to death for mocking the Mysteries, not for his views on the world or his ideas about divinity. He was condemned by decree of the Athenian people. We have no reason to believe that the Eumolpidae and the Kerykes had any special role to play in prosecuting this affair.

Religious authority was placed squarely in the hands of the classical city. Eleusis was no exception.⁶⁹ According to Aeschines, “the law directs that priests and priestesses be subject to audit—both collectively, and each severally and individually—persons who receive perquisites only, and whose occupation is to pray to heaven for you; and they are made accountable not only separately, but whole priestly families together, the Eumolpidae, the Kerykes, and all the rest.”⁷⁰ An interesting anecdote comes from the pseudo-Demosthenic speech *Against Neaera*, a trial that took place in the fourth century.⁷¹ We read there, at chapters 116 and 117, that the Hierophant of Eleusis himself, Archias, was accused and

65. Schol. ad Ar. *Nub.* 830; Hermippus F 42 K.

66. Wilamowitz 1900; Decharme 1904; Jacoby 1959; Janko 2001.

67. Ar. *Av.* 1073 and schol.; Ps.-Lys. 6.17; Diod. Sic. 13.8.

68. Craterus *FGrH* 342 F 16; cf. Melanthius *FGrH* 326 F 3. See Higbie 1999; Erdas 2002.

69. See, e.g., Garland 1984; Sourvinou-Inwood 2000a; 2000b. See, e.g., Th. 2.38 with schol.; Ps.-Arist. *Ath. Pol.* 54–57; *IG* I³ 4; 6, 78; II² 1177; 1237; 1361.

70. Aeschin. 3.18: οἷον τοὺς ἱερέας καὶ τὰς ἱερείας ὑπευθύνους εἶναι κελεύει ὁ νόμος, καὶ συλλήβδην ἅπαντας καὶ χωρὶς ἐκάστους κατὰ σῶμα, τοὺς τὰ ἱερὰ μόνον λαμβάνοντας καὶ τὰς εὐχὰς ὑπὲρ ὑμῶν πρὸς τοὺς θεοὺς εὐχομένους, καὶ οὐ μόνον ἰδίᾳ, ἀλλὰ καὶ κοινῇ τὰ γένη, Εὐμολπίδας καὶ Κήρυκας καὶ τοὺς ἄλλους ἅπαντας.

71. The bibliography is immense. See in particular Kapparis 1999; Hamel 2003.

as we will see in the case of Ps.-Lysias 6. The sole authority for prosecuting impiety was the assembly of the people and the tribunals of the city, as the case of the Hierophant Archias clearly illustrates.

Kevin Clinton has demonstrated that the ἐξηγηταὶ τῶν Εὐμολπίδων did not exist as recognized officials before the second quarter of the fourth century.⁷⁶ It is fitting to mention here that there is also no trace of other city ἐξηγηταὶ before the end of the fifth century.⁷⁷ The role of the city ἐξηγηταὶ, when they appear, is entirely unclear in relation to prosecutions for impiety. They seem to have been chiefly responsible for supervising the ritual calendar of the polis and questions of procedure.⁷⁸ Individual citizens, like Andocides, could give advice to the assembly in public consultations about rituals, about sacrifices and processions, prayers, the interpretation of oracles.⁷⁹ The Archon Basileus, for instance, not a priest of the *gene*, was the official responsible for reporting irregularities in the conduct of the Mysteries every year at a special session of the *boule*.⁸⁰ He was the highest authority in charge of the Mysteries. *Epimeletai*, *hieropoioi*, and *epistatai* appointed by the city were in charge of overseeing finances and the conduct of the festival.⁸¹ The *epimeletai* of the fourth century were in charge of imposing fines for minor transgressions at Eleusis and bringing the cases of more serious offenses to trial at the Heliaea.⁸² The Archon Basileus, it is interesting to note, could be accused of impiety himself by any regular citizen.⁸³

In all the documents reviewed so far, there is no indication that prosecution against religious unorthodoxy was a preserve of Eleusinian priestly clans, or that these clans had much recognized authority in accusations of impiety in the later fifth century. The scholarly myth of their marked role as special prosecutors of impiety is not supported by our sources. In fact, considering the sanctity of the

confirms the picture: the *gene* were the keepers of ritual propriety, the city was responsible for protecting it.

76. See Töpffer 1889: 68–72, for the evidence; cf. Oliver 1950: 18–23; Clinton 1974: 89–93; Sourvinou-Inwood 1988: 35; Healey 1990: 81–82. The isolated reference to “suing before the Eumolpidae” for impiety (δικάζεσθαι πρὸς Εὐμολπίδας), found in Demosthenes’ *Against Androtion*, might refer to this later body. Dem. 22.27: τῆς ἀσεβείας κατὰ ταῦτ’ ἔστ’ ἀπάγειν, γράφεσθαι, δικάζεσθαι πρὸς Εὐμολπίδας, φαίνειν πρὸς τὸν βασιλέα.

77. Oliver 1950: 24–52; Bloch 1957; Clinton 1974: 89–93; Garland 1984: 82–83, 114–16.

78. Garland 1984: 83.

79. Ps.-Lys. 6.33: εἰς τοσοῦτον δὲ ἀνασχυντίας ἀφίχται, ὥστε καὶ παρασκευάζεται τὰ πολιτικὰ πράττειν καὶ ἤδη δημηγορεῖ καὶ ἐπιτιμᾷ καὶ ἀποδοκιμάζει τῶν ἀρχόντων τισί, καὶ συμβουλεύει εἰς τὴν βουλὴν εἰσιῶν περὶ θυσιῶν καὶ προσόδων καὶ εὐχῶν καὶ μαντείων.

80. And. 1.12, 36, 111, 116; cf. AP 57.1; Lys. 6.4; see Garland 1984: 111–12.

81. Picard 1914: 10; Clinton 1980; Garland 1984: 98, 116–17; Cavanaugh 1996; Parker 2005: 327–68. For evidence of state control in classical Eleusis, see, e.g., IG I³ 6; 76=ML 73; SEG 10.24; 10.60; 12.2–3=LSS 1–2; SEG 21.3–4; Th. 1.139.2; Aeschin. 3.18.

82. *Agora* XVI 56, ll. 31–33 (cf. Clinton 1980). It is important to note with Clinton that two of the four *epimeletai* annually appointed by the assembly came from the priestly *gene* of Eleusis: one from the Eumolpids and one from the Kerykes. For minor fines being administered locally by priests elsewhere in Attica, see, e.g., LSCG 69; Rhodes and Osborne 2003, no.27, ll. 9–17.

83. Ps.-Lys. 6.11.

Mysteries, the secrecy and the many ritual interdicts surrounding the sanctuary, and the number of cases of impiety concerning Eleusis, the dearth of actually recorded agency from the Eumolpidae and the Kerykes in prosecution is notable. Procedures against impiety were entirely in the hands of the city, as one would expect. The events of 415 and 400 confirm that picture. This is not the place to repeat the course of these famous events. We can limit ourselves to noting a few facts.

First, the claim of Ps.-Lysias 6.8–10 to base his authority on the unwritten laws of the Eumolpidae is not proof of a recognized priestly authority in matters of impiety at Eleusis, as some scholars continue to say.⁸⁴ People within the priestly *gene* of Eleusis did try to use the prestige and the symbolic capital associated with their position in the sanctuary in the trial of Andocides. The fact is that this authority was not recognized by the court in the end. It was successfully refuted by Andocides (see below). Our only source for the prosecutorial authority of the oral *patria* preserved by the Eumolpidae in the second half of the fifth century is the rhetoric of authority of Ps.-Lysias 6. The authority of unwritten laws in that case exists as a rhetorical stance, not a statement of fact.⁸⁵ Its value was strictly symbolic and, it seems, largely ineffective in that and other occasions. There is no evidence for the prosecutorial authority of the Eumolpidae before the mid-fifth century beyond the rhetoric of authority of Ps.-Lysias 6.⁸⁶

84. Garland 1984: 83, for instance, claims that “in the case of the Eleusinian Mysteries, however, it seems that the expert religious opinion offered by the *exegetai* of the Eumolpidae had the force, *de facto* if not *de jure*, of immutable law.” The only source in the footnote is Ps.-Lys. 6.10. This passage is also the only authority for his statement, on p. 116, that “the *exegetai* of the Eumolpidae offered expert advice on the *patria* and *nomoi* of the Eleusinian Mysteries which were reckoned to be of such standing that ‘no one has yet had the authority to abolish them or contradict them.’” The same predication of a *binding* “traditional” Eumolpid non-written law, entirely on the basis of Ps.-Lys. 6.10, is made among others by Rudhardt 1960: 89, 97–99; cf. Ostwald 1986: 166–67.

85. The theme of the opposition between written and unwritten laws is prominently mentioned in both speeches (Ps.-Lys. 6, 8–10; And. 1.85, 87, 116); see Todd 2007a: 447. It was an important and open debate of the time, both in historiography, in drama, and in the courtroom (e.g., Aesch. *Suppl.* 387–91, 946–49; *Soph. Ant.* 453–57; *Eur. Suppl.* 433–47; *Th.* 2.37.3; *Dem.* 24.30; *Arist. Pol.* 1270b; 1287b). Ideas on the distinct and respective roles attributed to written and unwritten laws were not monolithic, but they were in constant interaction. The theme of unwritten laws in tragedy was in direct dialogue with the unwritten laws of the assembly and lawcourts, and vice versa. It is interesting to note that Aristotle (*Rhet.* 1373b–1374a; 1375b), for instance, consistently illustrates his discussion of unwritten laws with the figure of Sophocles’ *Antigone*. Ostwald (1986: 252) maintains that there is a clear evolution from unwritten to written authority after the 420s, and it can be argued that greater status was given to written authority in the major revision of the laws which followed the fall of the 400, especially in the jurisprudence of sacred laws, as we can see for instance in the *Against Nichomachus* of Lysias (see, e.g., Clinton 1982). Whatever the case, the theme of written vs. unwritten laws offered munitions to both our speakers in making their case, but Andocides was more successful than his enemies in using it for his defense. Following this question in detail, however, is material for another article. On the tense interaction between oral and written law in Classical Athens, see Ostwald 1969: 1, 58; 1973; 1986: 130, 153–55, 164–68, 252, 530–31; Thomas 1989: 32; 1992: 67; Gagarin 2004.

86. Ostwald 1986: 528–36.

Second, the famous curse uttered by “all the priests and the priestesses” against Alcibiades, Andocides, and other alleged profaners was the result of a decree from the assembly of the city.⁸⁷ The magnitude of the crime required a response of equivalent intensity. Passages from Plutarch and Ps.-Lysias shed light on the ritual involved in this extraordinary and unusual event: the assembled priests and priestesses stood up facing west and cursed the names of the sacrilegious men while shaking their purple robes.⁸⁸ It is important to note that the imprecation of the priests rested on a legal decision of the city: it was based on a decree. There was no recognized initiative for priests or clans to utter such curses outside the framework authorized by the state.⁸⁹ The curse launched against the profaners was certainly an interpersonal generational ἄρα, an imprecation κατ’ ἐξωλείας against the guilty men and their houses, aiming for complete eradication of the *oikos*. This was a type of imprecation commonly pronounced by the assembly in its decrees and procedures: it opened every single meeting of the Athenian *ekklesia*, for instance.⁹⁰ When, in exceptional cases, its dramatic utterance was delegated to groups of priests, they always acted under the direct authority of the *polis*. There is no exception.⁹¹ Examples include the case of the alleged curse against the Medizers uttered in the time of Aristides, that against Philip V described by Livy, the annual curse of the Bouzyges, or the generational imprecation of priests and priestesses against transgressors mentioned in the fascinating new law of Eretria against tyranny and oligarchy.⁹² There is no single case of interpersonal generational ἄρα in the archaic and classical periods found outside the bounds of strict state control, τοῦ δήμου προστάξαντος.⁹³

Interpersonal generational ἄρα κατ’ ἐξωλείας, moreover, were not a fossil of some hypothetical ancient family privileges, as we can still often read, but probably a late development of the historical period. They are not attested anywhere before the mid-sixth century (Psoriani tablet).⁹⁴ The claim of pseudo-Lysias that the curses uttered in 415 followed “ancestral custom,” κατὰ τὸ νόμιμον τὸ παλαιὸν καὶ ἀρχαῖον, only tells us something about the rhetoric used by pseudo-Lysias, but nothing about the actual age of the curses.⁹⁵ Pseudo-Lysias describes this as a traditional custom, but his description of the event shows

87. See, e.g., Vallois 1914: 255, 266–67; Clinton 1974: 16; Ostwald 1986: 168–69; Sourvinou-Inwood 1988: 30.

88. Ps.-Lys. 6.51; Plut. *Alc.* 22.4; cf. Livy 31.44.6; Corn. Nep. *Alc.* 4.5; Diod. Sic. 13.69; Pol. 16.31.7; Max. Tyr. 12.6; Justin 5.1.

89. Garland 1984: 77.

90. Ar. *Thesm.* 332–51; Dem. 19.70–71; Dem. 20.107; Dinar. 2.16; cf. Glotz 1904: 572–73; Parker 1983: 186; Triantaphyllopoulos 1985: 86–88.

91. See Giordano 1999: 48–51.

92. Plut. *Arist.* 10; Liv. 31.44; Diod. Sic. 28.7; *SEG* LI 1105B, ll. 13–17; Knoepfler 2001 and 2002; see also Migeotte 1992: n.69, lines 12–13.

93. Plut. *Alc.* 33.

94. ML 13; see Hansen 1987 with bibliography.

95. Ps.-Lys. 6.51.

that his audience was not familiar with the performance of such ritual action. One of the priestesses of 415, Theano, supposedly even refused to utter imprecations against the profaners, claiming that as a priestess her role was to bless, not to curse.⁹⁶ The refusal of Theano is interesting not only because it contrasts the actions of priests and priestesses, but for its explicit opposition between praying and cursing. It also attests to the unease felt by the priestess of Demeter and Persephone in enforcing punishment against sacrilege. Contrary to some, I see no reason to doubt the historicity of this character.⁹⁷

The refusal of the Hierophant Theodorus to rescind his curse against Alcibiades in 407, similarly, when all the other Eumolpidai and Kerykes agreed to do so following a decree from the assembly, is an interesting point of comparison. Theodorus, if we are to believe Plutarch, said that he had no reason to undo his curse, as he had only uttered a conditional *ἄρα*.⁹⁸ If Alcibiades had done no wrong against the city, the curse had in any case had no effect. It is hard to imagine a better illustration of the city's control in the definition of sacrilege, over and beyond Eleusinian priestly authority. This story shows that the Hierophant acknowledged the city's absolute authority in determining what is sacrilege and what is not, in a case of crisis as extreme as 415. It also attests to further confusion about the meaning and the performance of the "ancestral custom" of the generational curse by the Eleusinian *gene*. The imprecation of Theodorus was different from that of the other priests. The utterance of the *ἄρα* which the priests of Athens had to perform for the city clearly was an event out of the ordinary for which no precedent was at hand, and the impetus for action came solely from the assembly. If the *genos* priests could use their office and special relationship to the gods to make the curse more solemn and symbolically more powerful than the mere elected official or the assembly, the utterance of *ἄρα* was not part of their regular function. In late fifth-century Athens, the public

96. Plut. *Alc.* 22.5: ἐρήμην δ' αὐτοῦ καταγόντες καὶ τὰ χρήματα δημεύσαντες, ἔτι καὶ καταρᾶσθαι προσεψήφισαντο πάντας ἱερεῖς καὶ ἱερείας, ὧν μόνην φασὶ Θεανὴν τὴν Μένωνος Ἀγρυλῆθεν ἀντειπεῖν πρὸς τὸ ψήφισμα, φάσκουσιν εὐχῶν, οὐ καταρῶν ἱερείαν γεγονέναι. See Törpffer 1889: 96–97; Kirchner 1901–1903: n.6636; Clinton 1974: 16 (n.31), 70 (n.2); Garland 1984: 77.

97. See, e.g., Sourvinou-Inwood 1988, with the comments of Connelly 2007: 287n.58. One of the main problems with Sourvinou-Inwood's argument against the historicity of Theano is her confidence that the description of the curse as having been uttered κατὰ τὸ νόμιμον τὸ παλαιὸν καὶ ἀρχαῖον (Ps.-Lys. 6.51) is a fact. The statement of Ps.-Lysias should rather be seen as the rhetorical claim of a forensic speech. The fact that the claims of this speech failed to convince, and, more importantly, that confusion as to the procedure and significance of the 415 curse is not limited to the Theano anecdote in our sources (e.g., Plut. *Alc.* 33.3), argues against the traditionally recognized nature of this action: the extraordinary reaction to an exceptional event.

98. Plut. *Alc.* 33: ἐψηφίσαντο δὲ καὶ τὴν οὐσίαν ἀποδοῦναι αὐτῷ καὶ τὰς ἀρὰς ἀφοσιώσασθαι πάλιν Εὐμολπίδας καὶ Κήρυκας, ἃς ἐποιήσαντο τοῦ δήμου προστάξαντος. ἀφοσιουμένων δὲ τῶν ἄλλων Θεόδωρος ὁ ἱεροφάντης "ἀλλ' ἐγώ" εἶπεν "οὐδὲ καταρᾶσάμην αὐτῷ κακὸν οὐδέν, εἰ μὴδὲν ἀδικεῖ τὴν πόλιν." See Sourvinou-Inwood 1988: 34–35. I also see no reason to doubt the historicity of Theodorus.

generational imprecation was a preserve of civic authority, not of priestly *gene* or sacerdotal functions.

A *third* element I would like to single out from the events of 415 is that the priests of Eleusis are said by Thucydides to have later fought against Alcibiades' rehabilitation in 411.⁹⁹ Together with the enemies of Alcibiades, they reminded the assembly of the sacrilege against the Mysteries and called on the gods not to permit his return. This tells us nothing about fanaticism or an anti-intellectual bias among the Eumolpidai and the Kerykes, nor about a special role in prosecuting impiety, or that "they played a major role in a religious witch-hunt."¹⁰⁰ It simply shows us, among other voices in the assembly, the expected outrage of hereditary priests from a cult whose sanctity was generally thought to have been directly assaulted by Alcibiades and his circle. The fact that Thucydides singles them out in his narrative is probably a testimony to the vehemence of their intervention. There is no doubt that the prestige of their position gave special weight to their plea dialogues within the city and the debates of the assembly. The fact that, in the face of such opposition, Alcibiades *was* recalled, and the curse rescinded by order of the people, tells us where the religious authority ultimately lay.

As far as we know, the curse against the other profaners was never rescinded, however, and the question of the mystery sacrileges never quite left people's minds in the last years of the fifth century, as we can see from a number of comic passages from this period.¹⁰¹ Two recently published *defixiones* from the Kerameikos, dated to the early fourth century, even attest to private curses launched against Andocides, called there *hermokopides*, and Smindyrides, another man accused in the profanation trials of 415.¹⁰² One later echo of these events gives us our clearest extant documentation concerning the prosecution of impiety against the Mysteries and the closest parallel we have to the accusations of impiety set against Socrates at the same time. In 400, Andocides was accused by *endeixis* on two charges of impiety: that he had illegally attended the Mysteries, even though he was debarred from doing so by the decree of Isotimides, and that he had

99. Th. 8.53: οἱ δὲ μετὰ τοῦ Πεισάνδρου πρέσβεις τῶν Ἀθηναίων ἀποσταλέντες ἐκ τῆς Σάμου ἀφικόμενοι ἐς τὰς Ἀθήνας λόγους ἐποιοῦντο ἐν τῷ δήμῳ κεφαλαιοῦντες ἐκ πολλῶν, μάλιστα δὲ ὡς ἐξεῖη αὐτοῖς Ἀλκιβιάδην καταγαγοῦσι καὶ μὴ τὸν αὐτὸν τρόπον δημοκρατούμενοις βασιλέα τε ζύμμαχον ἔχειν καὶ Πελοποννησίων περιγενέσθαι. ἀντιλεγόντων δὲ πολλῶν καὶ ἄλλων περὶ τῆς δημοκρατίας καὶ τῶν Ἀλκιβιάδου ἅμα ἐχθρῶν διαβωόντων ὡς δεινὸν εἶη εἰ τοὺς νόμους βιασάμενος κάτεισι, καὶ Εὐμολπιδῶν καὶ Κηρύκων περὶ τῶν μυστικῶν δι' ἅπερ ἔφυγε μαρτυρομένων καὶ ἐπιθειαζόντων μὴ κατάγειν, ὁ Πείσανδρος παρελθὼν πρὸς πολλὴν ἀντιλογία καὶ σχετλιασμὸν ἠρώτα ἓνα ἕκαστον παράγων τῶν ἀντιλεγόντων, εἴ τινα ἐλπίδα ἔχει σωτηρίας τῆ πόλει, Πελοποννησίων ναῦς τε οὐκ ἐλάσσους σφῶν ἐν τῇ θαλάσῃ ἀντιπρόρους ἐχόντων καὶ πόλεις ζυμμαχίδας τῇ θαλάσῃ ἀντιπρόρους ἐχόντων καὶ πόλεις ζυμμαχίδας πλείους, βασιλέως τε αὐτοῖς καὶ Τισσαφέρνους χρήματα παρεχόντων, σφίσι τε οὐκέτι ὄντων, εἰ μὴ τις πείσει βασιλέα μεταστῆναι παρὰ σφᾶς.

100. Janko 2001: 8–9.

101. Eupolis *Bapt.* 331–42 KA; *Demoi* 348–51 KA; Ar. Av. 146–47; *Lys.* 387–98, 1093–94; Phryn. 61 KA; see Furley 1996: 131–45.

102. Costabile 1998; 2004–2005.

deposited a suppliant's branch on the altar of the Eleusinion during the time of the Mysteries, something which was punishable by death "according to ancestral law."¹⁰³ The accusers were Cephisius, Epichares, Agyrrhius, and Meletus. There is a good chance that this Meletus was the same one who accused Socrates later in the year.¹⁰⁴ It is interesting to note also that Anytus, the principal accuser of Socrates in 399, was one of the key supporters of Andocides in 400.¹⁰⁵ Whatever the case, the dadouch of the Eleusinian Kerykes, Callias, was clearly the central figure behind the prosecution.¹⁰⁶ This Callias, the main Eleusinian presence at the trial, was hardly the traditionalist bigot, the anti-intellectual priest of scholarly imagination, but one of the most prominent figures of sophistic and intellectual patronage in late fifth-century Athens. This is the same Callias in whose house the *Protagoras* of Plato and the *Symposium* of Xenophon are set.¹⁰⁷ The trial of 400 was an occasion for settling old counts and revisiting unfinished business. Andocides had returned from exile and been living in Athens for three years by now, and was nominally protected from earlier accusations by the amnesty of 403, but the prosecution of 400 made fire out of all wood and freely used the events of 415 to paint their target as a criminal enemy of the gods and the state. We are fortunate in not only having the defense speech of Andocides in this case, but also an accusation speech from the prosecution, a unique combination of evidence in extant Athenian forensic oratory. Although these texts are obviously not the exact records of the words spoken in court, and the status of Ps.-Lysias 6 is notoriously problematic, it is safe to say that they are both accurate *reflections* of the strategies deployed by each camp.¹⁰⁸ There are many echoes of each one into the other. This is enough for us to look at how the rhetoric of religious authority could be deployed in a case of impiety in Athens just a few months before the condemnation of Socrates.

What we see in this record confirms the picture emerging from the other documents we have been discussing up to now. The Eleusinian clans had no recognized authority in prosecuting cases of sacrilege against the Mysteries. The "unwritten laws" of the priestly clans were expressly debarred from use in such trials by civic decree.¹⁰⁹ Contrary to the case of Menocchio, no *specialized* body of religious knowledge, no determined theological and/or juridical substance,

103. And. 1.71, 30–32, 52, 132; Todd 2007a: 401.

104. Dover 1968: 78–80; Blumenthal 1973; Ostwald 1986: 166; Todd 2007a: 409.

105. And. 1.150: μή τοίνυν μήθ' ὑμᾶς αὐτοὺς τῶν ἀπ' ἐμοῦ ἐλπίδων ἀποστερήσητε μήτ' ἐμὲ τῶν εἰς ὑμᾶς. ἀξιῶ δ' ἔγωγε τούτους οἴτινες ὑμῖν ἀρετῆς ἤδη τῆς μεγίστης εἰς τὸ πλῆθος τὸ ὑμέτερον ἔλεγχον ἔδοσαν, ἀναβάντας ἐνταυθοῖ συμβουλευεῖν ὑμῖν ἃ γινώσκουσι περὶ ἐμοῦ. δεῦρο Ἄνυτε, Κέφαλε, ἔτι δὲ καὶ οἱ φυλέται οἱ ἡρημένοι μοι συνδικεῖν, Θράσυλλος καὶ οἱ ἄλλοι.

106. And. 1.124–26; see Furley 1996: 49.

107. Plat. *Prot.* 311a; Xen. *Symp.* 1.2; cf. And. 1.112, 124–27; Lys. 19.48; Xen. *Hell.* 6.3.2–6; Arist. *Rhet.* 1405a; Eupolis 161; Ath. 5.218b; Schol. Ar. Av. 283. See Clinton 1974: 49–50.

108. Todd 2007a: 403–408.

109. And. 1.85: ἐδοκιμάσθησαν μὲν οὖν οἱ νόμοι, ὧ ἄνδρες, κατὰ τὸ ψήφισμα τουτί, τοὺς δὲ κυρωθέντας ἀνεγράψαν εἰς τὴν στοάν. ἐπειδὴ δ' ἀνεγράφησαν, ἐθέμεθα νόμον, ὧ πάντες χρῆσθε.

regulated the course of the events in court. The jury of the people, initiate citizens over 30, was the sole authority in place.¹¹⁰ The *unspecialized* religious knowledge of the average citizen was the ultimate arbiter of democratic orthodoxy. The process it set in motion was a competition of words and a battle for plausibility. The trial of impiety was a public duel to the death. It was also a spectacle. It opened a *theatrical space* before a large number of spectators where the actors of the litigation had to outplay their opponent through superior speech. Demosthenes comments on the similar skills involved in oratory and drama.¹¹¹ Inspired by anthropological work on cultural “isomorphisms,” classical scholars have started to investigate the striking parallels and correspondences which link Athenian dramatic and court performances in the “theatrical cast of Athens.”¹¹² As long as the implicit cultural codes and commonly recognized norms were respected, everything was permitted within this space of persuasion. The rhetoric of religion deployed by the individual citizen in the court space and the manipulation of expectations performed before the jurors determined the boundaries of sacrilege. It was a performance competition. In the theater state of the later fifth century, a case of impiety was no less a spectacle than a tragedy; it could touch on many of the same questions about gods, human nature, and the corruption of right behavior, and it could play with similar effects and emotions.¹¹³ Like tragedy or comedy, it had its rules of performance. Comparing the construction of authority and the religious rhetoric of Ps.-Lysias 6 and Andocides 1 is the closest we can get to making sense of those rules in action. I will not move on to a detailed study of both texts here, but limit myself to a few points about how each speaker presented himself and his opponent. I will look at some specific points of the religious rhetoric used by both speak-

καί μοι ἀνάγνωθι τὸν νόμον. Νόμος. Ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἑνός. See n.85 above.

110. And. 1.28–29. Limiting the audience to the *μεμνημένοι* was most probably designed to protect the secrecy of the Mysteries. It also assured a minimum of shared knowledge about the cult in the jury. The common knowledge of *μύησις*, however, can hardly be described as specialized knowledge in Classical Athens. On the selection of jurors, see MacDowell 1978: 35–40; Ostwald 1986: 75–76.

111. 18.318–19.

112. Humphreys 1985; Garner 1987; Ober and Strauss 1990; Bers 1997; Scafuro 1997; Lape 2004; and now the brilliant discussion of Hall 2006. The first paragraph of her conclusion can be fruitfully quoted here: “Athenian legal speeches are a prime site for revealing the extent to which the experience of theatre had penetrated social life and public discourse. The texts reveal affinities with dramatic ‘parts’ in terms of the context in which they were performed, the relationship between speakers and audience, the enactment of roles constituted by fictive identities which even extended to the attention paid to appearance, costume, use of the eyes, gait, deportment, and demeanor. It also affected the ways in which the courtroom, the witnesses, and other ‘extras’ in the legal cast were exploited and orchestrated. The cast of characters which the jurors had encountered in the theatre—sexual deviants, murderers, longsuffering victims of tyrannical abuse in tragedy, rent-boys in comedy—affected the way that roles were conceived in the courts of law, and the ways in which they were performed.”

113. Wallace 1997.

ers and what this tells us about normative religious authority in the polis of this period.

There were two counts of accusation against Andocides in 400: that he had attended the Mysteries illegally and that he had deposited a suppliant's wreath on the altar of the Eleusinion illegally.¹¹⁴ The defendant contested the narrative of the prosecution on two levels. He denied that the actions behind one of the counts ever took place, and he reframed the significance of the actions behind the other count so as to empty them of all relevance. Like most trials of the period, this was an event of rhetorical process, not substance.¹¹⁵ The case involved a clash of thought and authority in determining what is impiety and what is not. In the same way that, in the words of Christiane Sourvinou-Inwood, "tragedy was a discourse of religious exploration," one of the spaces "where the religious discourse of the polis was explored and elaborated in the fifth century," the trial of impiety in this period was a discourse of religious boundaries.¹¹⁶ It reasserted what normative tradition was through the rival performances of the speakers. It was not a space where action met law, but where the city renegotiated the meaning and the application of its laws. It was not a battle of specialized knowledge, like the Inquisitor's tribunal or the modern Western law courts, but a contest of rhetoric and persuasion before a large audience of nominal peers. While the basic elements of what had happened in the trial of 400 were, for the most part, not contested, the meaning of these actions, and their conformity to the commonly recognized *patria*, left room for radically opposed narratives. The narrative of Andocides flatly won against that of his accusers, and this case is an inestimable source of information for making sense of the dynamics of religious authority at play in Athens a few months before Socrates was executed by the city. I would like to single out three elements from the opposing speeches of Ps.-Lysias 6 and Andocides 1: the use of narrative reversals, and the deployment of fear and pity as rhetorical tools.

The author of Ps.-Lysias 6, as he tells us at the end of the speech, wants to make a spectacle of his opponent's punishment for all the world to see.¹¹⁷ The threat to the city's reputation among the Greeks is a leitmotiv of his argumentation.¹¹⁸ While the author of Ps.-Lysias 6 confined himself to a horizontal narrative of cause and effect, tradition and duty, and unidimensional moral exempla, Andocides set off veritable fireworks of perspective, expectation, and suspense on a much more complex and spectacular scale. But he limited himself to the perspective and judgment of his fellow citizens. Through a richly colored performance high in twists and turns, embedded speeches relating the same events from different perspectives,

114. See Furley 1996: 103–18; Rubel 2000: 215–27.

115. For the "agonal view of Athenian legislation," see, e.g., Martin 2008, with bibliography.

116. Sourvinou-Inwood 2003: 1.

117. Ps.-Lys. 6.54.

118. E.g., Ps.-Lys. 6.5; 6.50; 6.54; cf. And. 1.33.

speeches to himself, non-linear returns to past events and proleptic statements about the future, adventure and betrayals, travel to far-away places, a varied cast of witnesses/actors, the staging of impossible dilemmas, and memorable characters, Andocides managed to recast the case as a dramatic story of immediate appeal to the spectators of the jury. In the reinscription of the events presented by Andocides, every plausible element leads to the mention of another plausible element in the story, until we reach the inescapable conclusion that the version of the prosecution is entirely false and misguided. Not only that, but the speaker repeatedly marks radical shifts in the course of the narrative and turns the tables by 180 degrees on the perspective of the action.¹¹⁹ An example of such *peripeteia* is found at chapter 54, where Andocides manages to convince us that he never actually informed on his friends—rather, he saved his comrades and his family by denouncing four rotten men.¹²⁰ The two goddesses did not save him to be brought back to justice: he says, “the truth is completely the opposite to what my accusers said.”¹²¹ In the same vein, he leads the audience to agree that not only has he not committed any sacrilege, but that convicting him would *itself* be a grave sacrilege of perjury against the oaths sworn by every single juror. The most striking case of this strategy is the *coup de théâtre* of chapter 115, where we are shown that the sacrilege against the traditions of Eleusis was not committed by Andocides himself, but by . . . the dadouch Callias, the main force behind the prosecution.¹²² In direct opposition to his noble demeanor and the impressive, tragic robes of his sacerdotal function, the character of the Eleusinian official is revealed as that of a depraved incestuous spendthrift worthy of the worst tragic criminals—and the most notorious butts of comic abuse.¹²³

Athenaeus writes that the robe of the Eleusinian Hierophant and dadouch was an emulation of the tragic costume.¹²⁴ It is interesting to note that both our texts use these priestly robes as props in their performance. Ps.-Lysias 6 describes the dramatic gestures of the priests in cursing the profaners of 415, shaking their purple robes while standing facing to the west.¹²⁵ He presents this image as an old and lawful custom adding authority to his case. Andocides, on the other hand,

119. For the recurrent recourse to dramatic *peripeteia* in forensic oratory, see Hall 2006: 386–87.

120. And. 1.54; cf. also 1.59, 130–31. See Furley 1996: 113–14.

121. And. 1.113.

122. And. 1.115.

123. And. 1.117–31. He is even depicted as being particularly ugly: And. 1.100.

124. Ath. 1.39: καὶ Αἰσχύλος δὲ οὐ μόνον ἐξεῦρε τὴν τῆς στολῆς εὐπρέπειαν καὶ σεμνότητα, ἣν ζηλώσαντες οἱ ἱεροφάνται καὶ δαδοῦχοι ἀμφιέννυνται, ἀλλὰ καὶ πολλὰ σχήματα ὀρχηστικὰ αὐτὸς ἐξευρίσκων ἀνεδίδου τοῖς χορευταῖς. Cf. Ael. Fr. 10; Plut. *Arist.* 5.6. See Clinton 1974: 32–33, 48.

125. Ps.-Lys. 6.51–52: καὶ διαγνώσεσθε ἄμεινον. οὗτος γὰρ ἐνδὺς στολὴν μιμούμενος τὰ ἱερά ἐπεδείκνυ τοῖς ἀμυήτοις καὶ εἶπε τῇ φωνῇ τὰ ἀπόρρητα, τῶν δὲ θεῶν, οὓς ἡμεῖς [θεοὺς] νομίζομεν καὶ θεραπεύοντες καὶ ἀγνεύοντες θύομεν καὶ προσευχόμεθα, τούτους περιέκοψε. καὶ ἐπὶ τούτοις ἰέρεια καὶ ἱερεῖς στάντες κατηράσαντο πρὸς ἐσπέραν καὶ φοινικίδας ἀνέσεισαν, κατὰ τὸ νόμιμον τὸ παλαιὸν καὶ ἀρχαῖον.

uses the impressive Eleusinian robe to frame his accuser as the character of a play.¹²⁶ Callias is described repeatedly standing up before the council assembled at the Eleusinion, “dressed in his priestly attire.”¹²⁷ The word used here, *σκευή*, inevitably brought to mind the costumes of drama for the audience, of comedy as well as tragedy, as this is by far the most usual meaning of the word.¹²⁸ Callias is shown claiming that there is a *patrios nomos* stipulating that whoever lays an olive branch in the Eleusinion is to be put to death without a trial.¹²⁹ He claims that the ancestral law has been interpreted as such (*ἐξηγήσατο*) by his father Hipponicus. This leads Andocides to show us the potter Kephelos leaping up in turn to counter Callias (1.115–16).¹³⁰ His words deserve to be quoted in full:

ἐντεῦθεν ἀναπηδᾷ Κέφαλος οὕτως καὶ λέγει· ὦ Καλλία, πάντων ἀνθρώπων ἀνοσιώτατε, πρῶτον μὲν ἐξηγῆ Κηρύκων ὦν, οὐχ ὅσιον ὄν σοι ἐξηγεῖσθαι· ἔπειτα δὲ νόμον πάτριον λέγεις, ἡ δὲ στήλη παρ’ ἧ ἔστηκας χιλίας δραχμᾶς κελεύει ὀφείλειν, ἐάν τις ἱκετηρίαν θῆ ἐν τῷ Ἐλευσινίῳ. ἔπειτα δὲ τίνος ἤκουσας ὅτι Ἀνδοκίδης θείη τὴν ἱκετηρίαν; κάλεσον αὐτὸν [τῆ βουλή], ἵνα καὶ ἡμεῖς ἀκούσωμεν.

And. 1.115–16

Thereupon Kephelos *here* leapt up and said: “Callias, most impious of all men, first you are giving interpretation as one of the Kerykes, when it is not pious for you to give interpretations; and then you talk of an ancestral law when the stele by which you are standing prescribes a fine of a thousand drachmas for anyone who lays an olive branch in the Eleusinion. Finally, from whom did you hear that Andocides laid the olive-branch? Call him for the council, so that we too may hear.”

The scene, introduced by the strong deictic *οὕτως*, is acted as a direct speech.¹³¹ Andocides puts on the mask of Kephelos before us, while Callias, in his robes, is being addressed in the audience. Against the unwritten laws of the priests and the oral tradition of their application, the written law of the city is given clear precedence and its monumentality as a precisely inscribed stele is contrasted with the vain and empty words of the accuser. Against the authority claimed by the priest, his pretension to act as an *exegetes* for the council, and the grounding of his authority in the hereditary function of the dadouch, the vivid performance of this

126. And. 1.112: καὶ ἡ βουλή ἐπεὶ δὴ ἦν πλήρης, ἀναστὰς Καλλίας ὁ Ἱππονίκου τὴν σκευὴν ἔχων λέγει ὅτι ἱκετηρία κείται ἐπὶ τοῦ βωμοῦ, καὶ ἔδειξεν αὐτοῖς. For deictic reference to costumes and stage props in forensic ‘drama,’ see Hall 2006, 378–80.

127. And. 1.111.

128. This is the only place in our sources where an Eleusinian priestly dress is described as a *skeue*; see Rizzo 1910: 156–58; Clinton 1974: 32–33.

129. And. 1.115; see Furley 1996: 115–16.

130. For discussion of dramatic movement and “stagecraft” in forensic oratory, see Hall 2006: 361–62.

131. For the use of direct speech as a dramatic tool of rhetorical immediacy in forensic oratory, see the stimulating study of Bers 1997.

scene asserts the uncontested control of the city over the priestly clans. The potter Kephalos rebukes the dadouch Callias before the city council by “reminding” him that it is unholy for him to give interpretation as a Keryx.¹³² It is hard to imagine a better illustration of the performance of authority at work in such a trial of impiety.

Fear and pity are important themes of both Ps.-Lysias 6 and Andocides 1. The familiar formulations of Aristotle on the fear and pity of tragedy immediately come to mind.¹³³ It goes without saying that, *stricto sensu*, the fear and pity defined and theorized by Aristotle belong to the texts of Aristotle. That is, they are not direct reflections of fifth-century stage experience. These conventional terms, however, retain their use in thinking about the emotional thrust of that experience. The fear and pity provoked in spectacle were elements in the cultural system of the Classical polis.¹³⁴ They had their codes and modes of expression, their registers and objects. As we will see, the theatrical reinscription of the narrative staged by Andocides in the *De mysteriis* taps into the familiar spectacle emotions of fear and pity to achieve a powerful effect of ἐκπληξίς on the audience.¹³⁵

The fear of the tragic spectacle was staged through the agency of events, the τῶν πραγμάτων σύστασις, as well as through vision, ὄψις, to take the familiar terms canonized by Aristotle in the *Poetics*.¹³⁶ Note that Aristotle uses the same expressions and ideas to describe the effect of fear staged by oratory in the *Rhetoric* and elsewhere.¹³⁷ Whether they correspond to Aristotle’s definitions or not, such inscriptions of rhetorical fear in forensic oratory can be analyzed and compared. Whereas the author of Ps.-Lysias 6 contents himself with trite and

132. Cf. Jacoby 1949: 18–19, 26–27, 244–45; Oliver 1950: 18–23. The role of the Eumolpids in *exegesis* is probably already recognized in the *Aparchai* decree (*IG* I³78=ML 73: θύεν δὲ ἀπὸ μὲν τὸ πέλαν καθότι ἂν Εὐμολπίδαι [ἐχρησγ]νται . . .), and they were to be responsible for the office of the Eleusinian *exegetai* in the fourth century (Clinton 1974: 89–93; Todd 2007a: 448). There is something of the comic performance in this confrontation between the high priest and the rowdy potter for religious authority. For discussions of the dramatic building of cast and ethical character in forensic speeches, see Hall 2006: 374–78. Andocides was probably a Keryx himself, but it seems he chose not to mention it in his speech; see MacDowell 1962: 156; Furley 1996: 49–51; Todd 2007a: 402.

133. Arist. *Poet.* 1453a–1454a; the bibliography is immense. I single out Rostagni 1922 and 1945; Schadewaldt 1955; de Romilly 1958; Lucas 1962; Halliwell 1986; Nussbaum 1992; Belfiore 1992; Nehamas 1992; Lada 1994; Loscalzo 2003; Konstan 2006: 129–55. For a precise definition of the semantic field of *phobos* and related terms, see Gruber 1963: 15–39.

134. For anthropological studies of fear as elements of a cultural system, see, e.g., Scruton 1986; Schlesier 1988; Reddy 2001.

135. For the effect of theatrical *ekplexis* through fear and pity, see, e.g., Gorgias A 4 DK; Ar. *Av.* 961–62; Plat. *Ion* 535e; Arist. *Rhet.* 1385b; *Poet.* 1455a; Polyb. 2.56.11; Longinus 15.2; Plut. *Quomodo adolescens poetas audire debeat* 16e–17d; Demetr. *Peri Hermeneias* 100–101; *Vita Aesch.* 7 ; 9; 14 ; *Schol.* Aesch. *Agam.* (hyp.); *Schol.* Soph. *Ajax* 815, 356; see Pfister 1959 col. 96465; Belfiore 1992: 216–22; Lada 1994: 97–100. For the appeal to anger in forensic oratory, see Rubinstein 2004.

136. Arist. *Poet.* 1453b.

137. Arist. *Rhet.* 1382a–1383a; 1389b; cf. *De respiratione* 479b–480a; *PA* 650b; 692a; *Prob.* 888a; 902b; 947b–948b; 954b; *EN* 1115a.

vaguely threatening stories of divine punishment, general statements about the delay of divine justice against transgressors and their kin, coarse attempts to portray Andocides as an accursed *pharmakos* dangerous to the city, and warnings that the anger of the goddesses will be the ultimate arbiter of the events, Andocides set in motion an elaborate and much more effective spectacle of fear before his audience.¹³⁸ The differences between our two texts in the deployment of rhetorical fear are striking. I will single out a few prominent facts.

We are told that the accusers of Andocides “shrieked out terrible and frightful things.”¹³⁹ Contrary to Ps.-Lysias 6 and his vague threats of pollution and divine retribution, however, Andocides manages to reach the raw nerve and the key codes of theatrical fear in staging his defense. Aristotle asserts that the spectacle of tragic fear necessarily implies violence within the kin group to be effective.¹⁴⁰ This is a type of violence which plays a fundamental part in the argumentation of the *De mysteriis*. The usage of the themes of curse and corrupted kin role in the speech can serve as examples. In the argument of the accusers, as we can see in Ps.-Lysias 6, the threat of divine vengeance is presented as the real punishment which Andocides can expect to fall on his head—and that of his family—for the crime he is said to have committed. Andocides, his children, and his children’s children have been cursed by the priests of 415, Ps.-Lysias 6 reminds us, and he also says ominously that he has “seen” many who “have paid the penalty long after their impious acts, and their descendants punished for the ancestor’s offense.”¹⁴¹ Held by the ἄρρά of the priests, accused of sacrilege by his opponents in trial, Andocides turns the accusation back on his enemies in the *De mysteriis*. Whereas the author of Ps.-Lysias 6 describes the curse of 415 in detail, Andocides focuses on another curse, the curse of the generational oath, to portray his enemy: the oath of ἐξώλεια.¹⁴² The oath occupies a central place in the argumentation of the speech and the characterization of the accusers.¹⁴³ *Horkos* appears more than a dozen times in this speech, whereas it is barely mentioned anywhere else in the work of Andocides.¹⁴⁴ Andocides reminds the audience that his enemy Callias has taken the sworn oaths of ἐξώλεια, citing the

138. See Furley 1996: 103–18.

139. And. 1.29: ταῦτα τὰ δεινὰ καὶ φρικώδη ἀνθρωπιᾶζον.

140. Arist. *Poet.* 1453b 1–3.

141. Ps.-Lys. 6.20–21; cf. 6.1, 4, 11, 13, 33–34, 50, 52–55; cf. And. 1.29.

142. “May I perish myself, together with my children and my descendants.” Homer and Hesiod already contain reflections of the generational imprecations of ἐξώλεια in their verses (*Il.* 3.298–301; *Il.* 4.155–65; Hes. *Op.* 274–85), and inscriptions well into the imperial period reproduce the old formula of kinship eradication of the oath, the call to generational destruction κατ’ ἐξωλείας αὐτοῦ καὶ γένους καὶ οἰκίας. Examples of the “great oath” of ἐξώλεια: Herod. 6.86; And. 1.31, 126; Lys. 1.10; Dem. 21.119; 54.41; 57.22; Ps.-Dem. 59.10; Aeschin. 1.115–16; 2.87; 3.109–11; ML 13, 40, 47, 52, 56; *OGIS* 229, 1.68–69, 78; *SGDI* 5058 1.39–47. On the widespread use of the generational oath κατ’ ἐξωλείας, see, e.g., Glotz 1901: 752; Glotz 1904: 572–75; Robert 1938: 307–16; Parker 1983: 186, 201; West 1999.

143. On the notable absence of oaths in the rhetoric of Ps.-Lysias 6, see Todd 2007a: 463.

144. And. 1.2, 8, 9, 31, 90, 97, 98, 103, 105, 107, 126, 127; cf. 2.22, 34; 3.3, 21, 39.

words of the curse with relish, and he of course shows that Callias has broken these oaths.¹⁴⁵ The Keryx dadouch has stepped on his oath of ἐξώλεια in a sordid case of child legitimacy and opened himself to a most vivid portrayal of theatrical impiety. As in the narrative of a messenger speech, Andocides vividly describes him “grasping the altar, swearing that he truly did not have, nor had ever had any son other than Hipponicus, whose mother was Glaucon’s daughter—or let utter destruction fall upon himself and his family.” “As it will,” adds Andocides, ominously.

One curse annuls the other. The gesticulations of Ps.-Lysias 6 about pollution, about Andocides as an *aliterios*, as a *pharmakos*, fall entirely flat.¹⁴⁶ Where Andocides really ups the ante, and largely surpasses his priestly accusers in staging curses and the fear of divine punishment, driving it home in the audience, is by constantly reminding us that each member of the audience is in fact directly threatened by a generational curse in this case, here and now.¹⁴⁷ Systematically, Andocides repeats to the spectators of the jury that each one of them has sworn oaths of ἐξώλεια in the defense of city laws, of the amnesty decree, and as members of the Heliaea. The threat of utter destruction hangs directly on the spectators and their entire kin even now as they sit and listen. This is a leitmotiv of the speech, a recurrent theme of the speaker’s address to the audience.¹⁴⁸ In chapter 31, for instance, Andocides says:

ἐμοὶ δὲ ὁ ἔλεγχος ἥδιστος, ἐν οἷς ὑμῶν οὐδέν με δεῖ δεόμενον οὐδὲ παραιτούμενον σωθῆναι ἐπὶ τῇ τοιαύτῃ αἰτίᾳ, ἀλλ’ ἐλέγχοντα τοὺς τῶν κατηγορῶν λόγους καὶ ὑμᾶς ἀναμιμνήσκοντα τὰ γεγενημένα, οἳ τινες ὄρκους μεγάλους ὁμόσαντες οἴσετε τὴν ψῆφον περὶ ἐμοῦ, καὶ ἀρασάμενοι τὰς μεγίστας ἀράς ὑμῖν τε αὐτοῖς καὶ παισὶ τοῖς ὑμετέροις αὐτῶν, ἢ μὴν ψηφιεῖσθαι [περὶ ἐμοῦ] τὰ δίκαια, πρὸς δὲ τούτοις μεμύησθε καὶ ἐοράκατε τοῖν θεοῖν τὰ ἱερά, ἵνα τιμωρήσῃτε μὲν τοὺς ἀσεβοῦντας, σφῶζετε δὲ τοὺς μηδὲν ἀδικοῦντας.

And. 31

And you yourselves have taken solemn oaths as the jurors who are to decide my fate: as jurors you have sworn to see that that decision is a fair one, under pain of causing the most terrible of imprecations to fall upon yourselves and your children; and at the same time you are here as initiates and as those who have witnessed the rites of the Two Goddesses, in order that you may punish those who are guilty of impiety and protect those who are innocent.

145. And. 1.126–27.

146. *Aliterios*: Ps.-Lys. 6.52, 53; cf. And. 1.131; *Pharmakos*: Ps.-Lys. 6.53; see Furley 1996: 109–14; Todd 2007a: 473.

147. And. 1.2, 7, 8, 9, 29, 31, 83, 90, 91, 97, 103, 105, 107. For the dramatic involvement of the audience in the performance of forensic oratory, see Bers 1997; Hall 2006: 363–66.

148. And. 1.2, 7, 8, 9, 31, 83, 90, 91, 97, 103, 105, 107, 126, 127. Cf. Ps.-Lys. 6.13, 37–39, 45.

The “most terrible of imprecations,” which the religious authorities of Eleusis had launched directly against the perpetrators of the sacrilege, are looming on the heads of the jurors themselves in case they betray the duties entrusted upon them. In this trial of impiety, the jurors can either choose to take this same path of perjury or acquit our speaker. In direct opposition to the religious rhetoric of his opponents, the imprecation of kinship extermination is manipulated by Andocides as a theme of his defense, which allows him to define the nature of the obligations that should motivate his judges in the trial. This is the strategy of a clever defense: by mentioning these great binding oaths, which link the audience personally to every aspect of the case, Andocides points out to the jury that they are themselves threatened even more directly by the ancestral fault which his opponents are saying hangs over his head. If they take a wrong decision and convict him, they will themselves see their line exterminated by divine vengeance. Andocides presents himself as a teacher of law in his speech and an interpreter of civic religion. He constantly returns to expound the consequences of wrongful conviction. The unwritten laws of Eleusis claimed as their own by the accusers, as well as the vague threats of divine wrath, quickly crumble before the written laws of the city in this process and the familiar and tangible dangers of perjury against the great and solemn oaths which defend them. In the contest of religious authority deployed in the trial spectacle, the knowledge of citizen Andocides proves largely more effective than that of the great priestly clan. It does so by outdoing his opponents in mastering recognized cultural codes of the city, and staging this knowledge in a performance spectacle before the arbiters of the law.

Another interesting element of Andocides’ staging of fear in the *De mysteriis* is to be found in the characterization of his enemies. Ps.-Lysias 6 is content to paint Andocides as an impious international ruffian, as a man “worse than Diagoras of Melos.”¹⁴⁹ Andocides, on the other hand, uses the more resonant theme of incest and corrupted family relations as a way to describe his enemy Callias and to portray him as a danger to the city.¹⁵⁰ He reinvents Callias as the embodiment of the tragic criminal living under a curse. After having shown Callias as an impious and gluttonous cynic, Andocides spends much of his time describing, in minute detail, how Callias has stepped on every imaginable duty of normal family conventions. His affairs have led him to bed the mother of his wife, and the bride of his son, a blurring of all normal kinship categories almost outdoing Oedipus. This, from a priest of Mother and Daughter, rails Andocides.¹⁵¹ At the end of this section, we are asked to judge whether Callias is in fact Oedipus or Aegisthus.¹⁵² The tragic spectacle is embodied in the courtroom. The point is not

149. Ps.-Lys. 6.17; see Todd 2007a: 433.

150. See Cox 1989.

151. And. 1.124. This ironic statement is not evidence for ritual sexuality at Eleusis (see Burkert 1983: 284).

152. And. 1.128. See Hall 2006: 385–86.

to try to show direct correspondence between any of these stories, but to show Callias as an index to the most impious form of violence against kinship rules and citizenship laws, and a source of pollution and danger for the group. The dreadful actions of Callias as a transgressor of kinship roles are put on the level of the most dreadful characters of tragedy. As the two of them, he is a danger to his family and city—a danger that embodies the shared fears of common civic codes.

Pity also plays a fundamental role in the religious strategy of Andocides in this speech. Ps.-Lysias 6, the grandson of the Hierophant, systematically asks the audience *not* to show pity to Andocides, as this could lead to divine wrath against the city. He begins his speech by proclaiming that it is impossible for the audience to show pity to Andocides, and the last word of the speech is a negated ἐλεεῖσθαι.¹⁵³ Andocides, in direct opposition to this, stages a full panoply of pity effects in his speech, showing himself grasping the knees of his father, protecting the reputation and the life of his father and his cousins against calumny in the most dangerous circumstances, protecting his brothers, friends, and other relations in the depths of unjust captivity, showing great courage in the face of danger, and *still* unjustly accused of extermination by his wicked enemies.¹⁵⁴ He frequently uses words of salvation to describe his actions and the decision of the jury.¹⁵⁵ In chapter 67, for instance, he explicitly says that he deserves pity for the ill fortune he suffers.¹⁵⁶ He tries to move the audience by reminding the spectators of the great deeds performed by his ancestors and the conformity of his own valor and piety to their actions. This, as Barry Strauss has shown, is contrasted with the filial impiety of Callias and the other accusers.¹⁵⁷ Neutralizing and overturning the threats of kinship eradication brandished by his opponents, Andocides frames his fate as the last of his line in terms of pity. Putting him to death would be destroying the last scion of a line which had been instrumental in shaping the democracy.¹⁵⁸ Devices of pity recur throughout the religious rhetoric of the speech from beginning to end. They were manifestly effective. The other emotional pillar of Athenian spectacle is put to great use by Andocides in his speech, in direct opposition to the rhetoric of merciless vengeance of his enemy. On this level, too, he completely outmaneuvered his opponents.

153. Ps.-Lys. 6.3 and 6.55: Ἀθηναῖοι, (ἐπίστασθε γὰρ ὃ δεῖ ποιῆσαι) μὴ ἀναπεισθῆτε ὑπὸ τούτου. φανερώς ἔχετε αὐτὸν ἀσεβοῦντα· εἶδετε, ἠκούσατε τὰ τούτου ἁμαρτήματα. ἀντιβολήσει καὶ ἱκετεύσει ὑμᾶς· μὴ ἐλεεῖτε. οὐ γὰρ οἱ δικαίως ἀποθνήσκοντες ἀλλ' οἱ ἀδίκως ἄξιοι εἰσιν ἐλεεῖσθαι.

154. And. 1.17–22, 47–59, 68, 148–49.

155. E.g., And. 1.2, 5, 6.

156. And. 1.67: ἐν οἷς ἐγώ, ὦ ἄνδρες, τῆς μὲν τύχης ἧ ἐχρησάμην δικαίως ἂν ὑπὸ πάντων ἐλεηθῆην, τῶν δὲ γενομένων ἕνεκα εἰκότως ἂν ἀνὴρ ἄριστος δοκοίην εἶναι, ὅστις εἰσηγησάμενός μὲν Εὐφιλήτω πίστιν τῶν ἐν ἀνθρώποις ἀπιστοτάτην ἠναντιώθην καὶ ἀντείπων καὶ ἐλοιδόρησα ἐκεῖνον ὣν ἦν ἄξιος, ἁμαρτόντων δ' ἐκείνων τὴν ἁμαρτίαν αὐτοῖς συνέκρυψα, καὶ μηνύσαντος κατ' αὐτῶν Τεύκρου οἱ μὲν αὐτῶν ἀπέθανον οἱ δ' ἔφυγον, πρὶν ἡμᾶς ὑπὸ Διοκλείδου δεθῆναι καὶ μέλλειν ἀπολεῖσθαι.

157. Strauss 1993; cf. de Schutter 1991.

158. And. 1.146.

Like the characters of an Euripidean *agon*, the two antagonists of the trial opted for radically opposed argumentations and styles of speech.¹⁵⁹ Andocides had come back to Athens and he attended the Mysteries. Against the accusations of his enemies, he had to convince his audience that this was not a crime of impiety. The events themselves were barely contested. What was at stake, however, was their significance in regard to the laws of impiety. What was at stake in the trial, in fact, was determining what these laws actually were. The opposing side attempted to play the card of sacerdotal authority and to make a case on the unwritten laws of the Eumolpidae and Kerykes as a basis for conviction.¹⁶⁰ A feeble attempt was made to ground this authority on past exhortations of Pericles—to no avail.¹⁶¹ These unwritten laws were explicitly contrasted to the written laws of the city by Andocides (115–16). Similarly, the author of Ps.-Lysias 6 finished his speech by bringing attention to his pedigree as a grandson of the Hierophant.¹⁶² Andocides, on the other hand, told the audience at length about his ancestors and their exploits for the democratic city over the generations.¹⁶³ In this contest of religious authority over the determination of impiety, the content and character of the successful speech were those which aligned themselves more thoroughly with the central recognized values of the city. Both speakers had to deal with the *orge* and *phobos* mentioned by Thucydides. Ps.-Lysias 6 framed his prosecution as a theological problem, a vague issue of theodicy, the threat of a divine justice looming over the city, all of it illustrated by ominous traditional exempla of mythical punishment. In opposition to the religious reverence, the priestly *sebas* claimed by Ps.-Lysias 6, Andocides activates the theatrical fear of the civic spectacle, the *phobos* of tragedy. He staged his defense as a spectacle of religious exploration, where vivid and effective devices of *peripeteia*, fear, and pity were used to ground the argument in the familiar rules of drama performance, and in the recognized authority of civic institutions, such as the oath of ἐξώλεια.

The Mysteries of Eleusis were the most rigidly defended form of piety at Athens, and the events of 415 were the most serious threat to the sanctity of the

159. See Griffith 1990; Lloyd 1992.

160. See n.85 above.

161. Ps.-Lys. 6.8–10: νῦν οὖν ὑμῖν ἐν ἀνάγκῃ ἐστὶ βουλευσασθαι περὶ αὐτοῦ· εὖ γὰρ ἐπίστασθε, ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐχ οἷόν τε ὑμῖν ἐστὶν ἅμα τοῖς τε νόμοις τοῖς πατρίοις καὶ Ἀνδοκίδῃ χρῆσθαι, ἀλλὰ δυοῖν θάτερον, ἢ τοὺς νόμους ἐξαλειπτέον ἐστὶν ἢ ἀπαλλακτέον τοῦ ἀνδρός. εἰς τοσοῦτον δὲ τόλμησ' ἀφίκεται, ὥστε καὶ λέγει περὶ τοῦ νόμου, ὡς καθήρηται ὁ περὶ αὐτοῦ κείμενος καὶ ἔξεστιν αὐτῷ ἡδὴ εἰσιέναι εἰς τὴν ἀγορὰν καὶ εἰς τὰ ἱερά . . . ἂν ἔτι καὶ νῦν Ἀθηναίων ἐν τῷ βουλευτηρίῳ. καίτοι Περικλέα ποτέ φασὶ παραινέσαι ὑμῖν περὶ τῶν ἀσεβούντων, μὴ μόνον χρῆσθαι τοῖς γεγραμμένοις νόμοις περὶ αὐτῶν, ἀλλὰ καὶ τοῖς ἀγράφοις, καθ' οὓς Εὐμολπίδαι ἐξηγοῦνται, οὓς οὐδεὶς πω κύριος ἐγένετο καθελεῖν οὐδὲ ἐτόλμησεν ἀντειπεῖν, οὐδὲ αὐτὸν τὸν θέντα ἴσασιν· see Ostwald 1986: 530–32; see Todd 2007a: 447.

162. Ps.-Lys. 6.54.

163. And. 1.106, 143, 147.

Mysteries until the Sarmatian invasions of the second century CE.¹⁶⁴ Andocides is probably the person mentioned by Thucydides as “the one who seemed the most guilty” of all those who had been caught.¹⁶⁵ The trial of 400 is an extreme case of a system under strain—and it shows the contours of the system all the better for it. The argument of Andocides, and his performance, were superior by virtue of their better control of the commonly recognized codes of the civic community in matters of impiety: that is, the values of the city, and the expression of these values through performance in court. The impiety trial of late fifth-century Athens was not the echo of a movement in intellectual persecution, the rigid application of a detailed code of laws about sacrilege, or the privileged ground of witch-hunts governed by fanatical priests from Eleusis, but a spectacle space of rhetoric where the individual citizen had as much authority as his word. There was one rule: the victor had to show more conformity to common city values. This was a battle of authority which could not be open to Menocchio. It certainly was to Socrates.

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164. Mylonas 1961: 8.

165. Th. 6.60.

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