

RESEARCH ARTICLE

μισθοῦ μωεῖν: Apsines, Aristogeiton and initiation for pay

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Abstract

The *Ars rhetorica* attributed to Apsines of Gadara contains five cryptic references to a speech prosecuting the Athenian politician Aristogeiton for proposing an illegal law to raise state revenue. It is disputed whether Aristogeiton is supposed to have moved to legalize payment (μισθός) for ‘closing one’s eyes’ (μωεῖν, i.e. taking bribes) or for ‘initiating’ (μωεῖν) into the Mysteries. It also remains a mystery how Aristogeiton’s scheme was to function. I argue that ‘initiate for pay’ is correct and that in fact Apsines wrote the declamation against Aristogeiton. I reason to the best explanation of ‘payment’: neither an entrance fee into the Mysteries nor a tax, but payment made by pilgrims to something like a syndicate empowered by contract to conduct preliminary initiation. Such a scheme would contravene religious norms. The declamation’s speaker therefore must have prosecuted Aristogeiton on an indictment of νόμον μὴ ἐπιτήδειον θεῖναι (‘proposing an inexpedient law’) so far unparalleled in Greek declamation. Moreover, I suggest that Apsines’ marriage ties to the Keryx clan at Eleusis supports his authorship of the *Ars*. These cryptic references highlight the influence that the Mysteries and the figure of Aristogeiton exerted on composers of declamations in the Imperial period.

Keywords: Apsines; Aristogeiton; declamation; Mysteries; initiation

I. Introduction: a declamation prosecuting Aristogeiton

In the *Ars rhetorica* attributed to Apsines of Gadara (ca. AD 190–250), we find five cryptic references (T1–T5 below) to a prosecution purportedly brought against Aristogeiton, a disreputable politician active in Athens from ca. 338 into the 320s BC. Perhaps a descendant of the tyrannicide, mired in debt, Aristogeiton himself prosecuted politicians such as Hyperides and Demosthenes¹ but also incurred fines and imprisonment (Din. 2; [Dem.] 25 and 26). In our sources he is pilloried as ‘wicked’ (πονηρός)² given to ‘privileging of private profit, power, and pleasure above the laws, values, and interests of the community, and the use of deceit, flattery, and slander to attain them’.³

I say ‘purportedly’ because in a declamation mentioned by Apsines, the speaker is portrayed as prosecuting Aristogeiton for having proposed a bill contrary to the laws. In other words, this declamation described in its backstory Aristogeiton’s purported proposal of a law, the import of which I hope to ferret out. A declamation was a fictitious speech composed in the rhetorical schools as the teacher’s example or the student’s exercise, or even one delivered orally or in writing to an audience by a sophist or connoisseur. Producers

¹ Plut. *Mor.* 849A; [Dem.] 25.37.

² Din. 2.1; [Dem.] 25.45; Plut. *Phoc.* 10.3; *Satyr. Vit. Eur.* 39, 8.

³ Rosenbloom (2003) 89. On Aristogeiton as an archetype of wickedness, see also Worman (2014) 230–32. On his career, see Sealey (1960) 33–43; Worthington (1992) 287–312. As to the vexed question of the authenticity of Demosthenes 25 and 26, I agree with Harris (2018) 191–97 that they are post-Classical compositions.

and consumers of declamations constituted the audience of the *Ars*.⁴ I say ‘cryptic’ because it is disputed whether Aristogeiton’s proposal was to legalize μισθοῦ μύειν (‘closing one’s eyes for a payment’, i.e. taking bribes) or μισθοῦ μυσεῖν (‘initiating [into the Mysteries] for a payment’). Since initiands into the Mysteries already paid an entrance fee, and a μισθός is not a tax, the identity and workings of Aristogeiton’s proposed new charge create a puzzle.

In this paper I argue for the second of these interpretations, and I go on to offer what I consider the most plausible account of this mysterious, lost declamation. I suggest a state-awarded contract, impious because against sacred norms, as the sort of system Aristogeiton is supposed to have proposed. I argue that the declamation’s legal form was a prosecution on a γραφή νόμον μὴ ἐπιτήδειον θεῖναι, an ‘indictment for proposing an inexpedient law’, which, if I am right, would give us an indictment not known in any other declamation. Finally, I propose that Apsines’ tie by marriage to the priestly Keryx clan helps support his disputed authorship of the *Ars*. My goal is to enhance our understanding of declamation in Apsines’ time and, especially, of how the Mysteries and the figure of Aristogeiton were foci of interest.

Our first reference to Aristogeiton’s purported motion in the *Ars* is the following:⁵

T1: ἐν σπάνει χρημάτων ἔγραψεν ὁ Ἀριστογείτων μισθοῦ μυσεῖν καὶ κρίνεται.

In scarcity of money, Aristogeiton made a motion to initiate for pay and is put on trial. (2.13.21–22)

The translations appended to the two most recent editions of Apsines diverge over the motion’s content by diverging over accentuation. George Kennedy read the motion as legalizing μισθοῦ μύειν (‘closing one’s eyes for pay’, i.e. ‘allowing the citizens to overlook illegal actions in return for a bribe’). Michel Patillon read it as μισθοῦ μυσεῖν, ‘to initiate [into the Eleusinian Mysteries] for pay’.⁶ We already have two problems. The first is to decide between μύειν and μυσεῖν. For simplicity’s sake I have used the latter above. From the decision about accentuation arises a second problem, namely how Aristogeiton’s purported motion could be plausible enough to serve as the matter of a prosecutorial declamation.

In addition to these problems, we face a third: did the author of the *Ars* pen a declamation against Aristogeiton’s purported motion? Finally, we may consider whether our conclusions bear on the authorship of the *Ars*, seeing that Malcolm Heath has reproposed the old contention that the work is not by Apsines of Gadara.⁷

It will help to set forth at the outset the other four references to Aristogeiton’s motion in the *Ars*. I observe that in their Greek text, Dilts and Kennedy print μυσεῖν, which I transmit here.

T2: ἔγραψεν ὁ Ἀριστογείτων μισθοῦ μυσεῖν· ἀντιλέγει τις, οἷον ‘ἐγὼ μὲν ὄμην ἄλλους πόρους τινὰς τοῦτον εὐρεῖν χρημάτων εἰσφορᾶς’.

Aristogeiton made a motion to initiate for pay; someone speaks against him, for example, ‘I was thinking that this man would find some other resources for raising funds’. (2.19.1–3)

T3: ἔγραψεν ὁ Ἀριστογείτων μισθοῦ μυσεῖν καὶ κρίνεται. ἀρμόσει γὰρ εἰσβαλεῖν

⁴ Schmitz (1997), 12, and 15–26 on the second century AD as the take-off point for sophists winning renown through declamation. A good introduction to Greek declamation is Russell (1983).

⁵ In what follows, translations are my own unless stated otherwise. In quoting inscriptions I generally employ modern spelling. Unless stated otherwise, the Greek of the *Ars* is from Dilts and Kennedy (1997). Important recent collections of inscriptions: *Agora* 16 = Woodhead (1997); *Agora* 18 = Geagan (2011); *IEleusis* = Clinton (2005–2008).

⁶ Dilts and Kennedy (1997) 119 n.83; Patillon (2001) 29.

⁷ Heath (1998). Until section IV, for convenience’s sake I ascribe the *Ars* to Apsines.

οὕτως: Ἀριστογεῖτονι τούτῳ οὐκ ἤρκει τὰ ἄλλα σύμπαντα, οὐ νόμων καταλύσεις, ὕφ' ὧν κωλύεται τῆς πολιτείας, οὐ κλοπαὶ δημόσιαι, οὐ τὰ ὀφλήματα, οὐ τὸ αἰτίαν παρασχεῖν καὶ αὐτῆς τῆς ἀπορίας, ἀλλ' ἔτι καὶ τοῖσδ' ἐπετόλμησεν'.

Aristogeiton introduced a motion to initiate for pay and is put on trial. Now it will be fitting to attack him in this way: 'Everything else was not enough for this Aristogeiton here, not undoing of the laws by which he is debarred from taking part in government, not thefts of public money, not the fines, not his providing a reason even for his lack of means itself, but beyond that he has dared these things now'. (3.11.15–19)

T4: ἡ δ' ἀντιπαράστασις τὰ πολλὰ ἀπὸ τῶν ἐκβάσεων εὐρίσκεται, οἷον εὐπορίαν ποιεῖ τὸ μισθοῦ μνεῖν, ἀλλὰ τοῦτο ἐκβήσεται, ἀδοξία, ὀργὴ παρὰ θεῶν.

Counter-objection is invented very often from results: for example, initiating for pay creates wealth, but this will result, [namely] bad reputation, wrath from the gods. (5.6.5–8)

T5: οὕτως γίνεται ἀντιπαράστασις: 'δεῖ μισθοῦ μνεῖν, ἵνα εὐπορῶμεν'· τούτῳ ἀντιπαρέστησα [manuscript A, cf. below] ἕτερον τρόπον βελτίω· ἕτέρως χρήματα δεῖ πορίζειν, οἷον εἰσφορὰν ἐπιγράφειν ...

This is how counter-objection comes about: 'It is fitting to initiate for pay, so that we may be in funds'. To this I proposed as a counter-objection a different, better way: 'It is fitting to bring in money another way, for example by levying an extraordinary tax ...'. (5.8.18–21)

II. Textual questions

First, *μνεῖν* vs *μύειν*. Although editors beginning with Walz print *μνεῖν* ('to initiate') in the above passages, the two primary manuscripts, Par. gr. 1874 (= A, tenth century) and Par. gr. 1741 (= B, 12th century), read *μύειν* ('to close the eyes/mouth' or 'have eyes/mouth closed').⁸ Likewise, the first edition of Apsines' *Ars*, in volume 1 of the Aldine Greek orators (1508), prints *μύειν* everywhere except T1. *μύω* expresses the root idea from which *μνέω* takes its meaning, for initiands were not to see the sacred objects until the culmination of the rite. Their eyes were shut, at least ritually, and *μνέω* as the causative verb literally means 'make someone close their eyes or mouth'.⁹ Accents in manuscripts generally lack ancient authority, and *μνεῖν* must be right because:

1. The passive of *μνέω* not *μύω* is employed in a scholion on Hermogenes' *De stasibus*, attributed in the manuscripts to 'Syrianus'.¹⁰ The scholiast clearly refers to the same declamation:

T6: Ἀριστογεῖτων, ἐν σπάνει χρημάτων, γράφει νόμον, παρ' Ἀθηναίοις μισθοῦ μνεῖσθαι.

⁸ Walz (1832–1836, hereafter = RG). Walz printed Apsines' *Ars* in 9.467–533. I have verified the readings of manuscripts A, B and Par. gr. 2923 (cf. n.25) from digitizations made by the Bibliothèque Nationale, Paris. *Contra Patillon* (2001), B (256v) reads *μύειν* at 3.11.15.

⁹ Dowden (1980) 414; Clinton (1992) 86–87. Like many students of the Mysteries, Clinton in various publications has deemed it likely that the initiate was physically blindfolded or veiled at the beginning of the rite (for example, (2007) 343, 354). Iconography from related cults shows hooded or blindfolded initiates: Clinton (1992) 86. On Mithraism, see Merkelbach (1984) 136–37, figs 29 and 30; Bremmer (2014) 133. An anonymous reviewer points out, however, that we do not have direct evidence for eye covering at Eleusis.

¹⁰ Heath (2003) 142 n.8: 'Unfortunately, the manuscript attributions in the composite commentary of RG IV remain unreliable even when Walz's errors are removed, as comparison of the two recensions of Syrianus shows'. When citing from the 'Dreimänner-Kommentar' in RG 4, I put the manuscripts' author attributions in inverted commas. On that composite commentary, see Rabe (1909) 578–89.

- Aristogeiton in scarcity of money introduces a law that among the Athenians, initiation should be for payment. (RG 4.183.19–20)
2. In other declamations we find initiation denoted by forms of μῦέω,¹¹ while forms of μῦώ are absent from the rhetoricians.¹²
 3. Aristogeiton was prosecuted by Dinarchus (*Orat.* 2) for taking a bribe in the Harpalus scandal, and the pseudo-Demosthenic *Against Aristogeiton I* has him selling the indictment against Hegemon ([Dem.] 25.47). As Hermogenes (Stat. 32.9–33.14 Rabe) insisted, the subject matter of a declamation should not be unconvincing or the case obviously disreputable, and if one side lacks forceful arguments, the question lacks issue. Although a bribe is sometimes ironically dubbed a *misthos*,¹³ even one received by ‘Aristogeiton’ in [Dem.] 25.37, given the severe condemnation of bribery in Athens (punishable by death, Isoc. 8.50), and the fact that legalized bribery would destroy the legal system, it would amount to no accomplishment to compose a declamation prosecuting a politician for proposing *that*.¹⁴ On the other hand, although to legalize bribery presumably would stir up ‘wrath from the gods’, unsanctioned religious innovation would seem more likely to motivate that phrase in T4.

What was impious in Aristogeiton’s proposal, then, had to do with initiation for payment. The first critic known to me to notice this and break away from the Aldina’s μῦειν by printing μῦεῖν in a quotation of Apsines was Jacob Gronovius.¹⁵ He will have been relying on his knowledge of T6 from volume 2 of the Aldina (p. 70), where μῦεῖσθαι is printed.

Second, in T5, with Patillon I adopt manuscript A’s ἀντιπαρέστησα against B’s ἀντιπαρεστήσαμεν and Christoph Eberhard Finckh’s conjecture ἀντιπαρᾶσθημεν, which Dilts and Kennedy adopt.¹⁶ We have no strong reason to print future tense, for first person aorist plurals signal apparent author references elsewhere in the *Ars*.¹⁷ As the only author reference in the aorist *singular* in the manuscripts, A’s lection commends itself as *difficilior*. It is the manuscripts’ aorist tense as such, however, that matters for present purposes, for from it follows Patillon’s¹⁸ inference that the author refers to an earlier work of his own in T5.

Of the above-quoted passages, only T5 with first person aorist marks itself as transmitting material from a declamation written by the author of the *Ars*. One supposes that T4, coming a little earlier in the same discussion of *antiparastasis*, gives material from the same declamation. T1 and T3 also speak of a prosecution of Aristogeiton for his μισθοῦ μῦεῖν bill, and T2 has someone ‘speak against’ him. The economical explanation is that all six passages hearken back to material from one and the same declamation written by the author of the *Ars*.

Apsines can hardly be responding to a genuine speech, either extant or merely reported, of the historical Aristogeiton. That Aristogeiton’s proposal is fictitious is given away by the detail that he proposed his law in a time of ‘scarcity of money’. That detail fits Athens’ financial crisis in the middle of the fourth century BC, especially during the Social

¹¹ For example, [Hermog.] *Inv.* 2.5, 3.5; Sopater, *Rh.*, RG 8.110–24, 246; Syrianus, in *Hermog.* 2.95.14, 2.119 *passim* Rabe.

¹² The TLG’s μῦουσα at Syrianus, in *Hermog.* 2.153.24 Rabe is a misprint for Rabe’s μουῦσα. The context indeed requires μῦέω, not μῦώ, for the priestess surely did not have her eyes closed when she killed the tyrant. This declamatory case receives mention also in ‘Marcellinus’, RG 4.292.4, and Sopater, RG 8.246.28.

¹³ For example, Dem. 18.33, 42, 284, 19. 110, 316; Din. 1.52.

¹⁴ Pritchard (2014) 4–5: ‘the *dēmos* simply did not tolerate the misuse of public office for personal gain’. On legal safeguards against bribery in democratic Athens, see Hashiba (2006).

¹⁵ Gronovius (1699) 7.8.

¹⁶ Finckh (1837) col. 610.

¹⁷ Dilts and Kennedy (1997) xxv, 149 n.154.

¹⁸ Patillon (2001) xi and 53 n.311.

War (357–355), but not the time of Aristogeiton’s political activity, the so-called Lycurgan period when finances were notably improved.¹⁹ We may wonder, however, whether Apsines’ declamation replies to another declamation put in the mouth of Aristogeiton. Philostratus (V S 2.31.12) reports that Philagrus of Cilicia declaimed in the character of Aristogeiton in the 170s. One can imagine a sophist rising to the challenge of arguing for a disreputable but profitable law in the character of a disreputable speaker.²⁰ Nevertheless, because Apsines’ references to Aristogeiton’s speech in T1–T5 look at it from the point of view of the prosecutor’s speech, it is not necessary to posit a prior, extant declamation in the mouth of Aristogeiton in order to explain those passages; Apsines can well have invented whatever skeleton of Aristogeiton’s speech he needed to serve the fictional backstory of his own declamation. For its part, T6 does not refer to Aristogeiton’s speech through the lens of a later prosecution but simply as an example of the ‘disreputable’ (ἄδοξος) subcategory beneath the ‘mixed’ theme. In the mixed theme, the speaker appeals to a mixture of future outcomes, emotion and judgements of character,²¹ and in the ‘disreputable’ subcategory, both speaker and proposal are disreputable. The information in T6 is consistent with the hypothesis that Apsines did not reply to an extant declamation but merely invented the entire rhetorical situation. Since we have no evidence of a μισθοῦ μνεῖν speech composed by anyone else, parsimony favours the supposition that T6, too, is derived from Apsines’ declamation.

One more piece of information in T6 deserves notice, however, before we try to make sense of the matter of Aristogeiton’s purported proposal. This is his proposal’s legal form. T6 reports that Aristogeiton ‘introduces a law’ (γράφει νόμον). When the Athenian law code was revised in the fourth century after the Tyranny of the Thirty,²² *nomoi* (‘laws’) and *psēphismata* (‘decrees’), were made clearly distinct acts of the Assembly with different procedures for enactment. *Nomos* defined classes of persons, actions, things, etc., and regulated them over time. A *psēphisma* mandated a response to particular situations and/or persons. A law trumped a decree, but both had to cohere with existing laws. Canevaro notes: ‘There were also two separate procedures for rescinding the two kinds of measures: one could bring a *graphē paranomōn* (a public action against an illegal decree) against a *psēphisma* and a *graphē “nomon mē epitēdeion theinai”* (a public action against an inexpedient law) against a *nomos*’.²³ If the suit against an ‘inexpedient’ law was brought within the year, it could also call for the proposer of the law to be punished.²⁴ Although in the rhetoricians, a form of γράφω with infinitive but no noun is usually predicated of the proposer of a decree, we should not conclude from γράφω + infinitive but no noun in T1–T3 that T6’s ‘law’ reflects a misunderstanding. Apsines uses γράφω + infinitive but no noun in a passage where the generalizing language shows that a law is proposed: ‘someone introduces a motion (γράφει τις) to exile every successful public speaker’ (1.33, tr. Kennedy). The same locution is applied to proposing a law in a passage assigned to ‘Sopater and Syrianus’:

[W]hile the poor man was on embassy, the rich man introduced a bill (ἔγραψε) that anyone possessing less than five talents of property not take part in government; and if the law (νόμος) stood for a year, the decrees [which would include the poor man’s appointment] would be nullified. (RG 4.283.15–17)²⁵

¹⁹ Faraguna (1992) 290–396; Burke (2010).

²⁰ ἄδοξος, cf. Sopater, *Rh. RG* 5.62–63.

²¹ ‘Syrianus’, *RG* 4.182.13–16.

²² *Andoc.* 1.85; *Lys.* 30.4.

²³ Canevaro (2013) 139. On the difference, see also Hansen (1978); Harris (2018) 20–24, 110–12.

²⁴ Canevaro (2016).

²⁵ Walz’s ἄκρα is a misreading of ἄκορα on fol. 88r of MS Par. gr. 2923. Sopater uses γράφω + infinitive but no noun to refer to proposing a law also at *RG* 5.182.

That the rich man's bill is a law is confirmed by an anonymous commentator on Hermogenes who, presenting the same scenario save with a ratification limit of 30 days, specifies that the rich man 'introduced a law' (ἔγραψε νόμον, *RG* 8.409). Apsines knew that Aristogeiton had been convicted on a γραφή παρανόμων brought by the father of a youth whom he had illegally accused via a *psēphisma*.²⁶ But he also well knew the distinction between νόμος and ψήφισμα (*RG* 1.46, 3.7), as did 'Syrianus' in the passage containing T6 (*RG* 4.183.11–12) and elsewhere.²⁷ The generalizing language of Aristogeiton's bill belongs to a law not a decree. We do not, then, have reason to discount this evidence of T6, whose author had access to more texts than we.

III. Aristogeiton's proposed law

We must now grapple with the chief problem that arises once the above conclusions are adopted. Aristogeiton's proposal that it be legal 'to initiate for payment' is attacked as a shocking and impious innovation. Yet participants in the Mysteries at Eleusis did in fact pay fees. What, then, was portrayed as wrong in Aristogeiton's (fictitious) proposal? Considerations include these: (1) in the Classical period, in addition to purchasing sacrificial animals, pilgrims to the Mysteries paid entrance fees; (2) as far as we know, they paid fees under the Empire as well; (3) the pilgrim had to be instructed and purified in order to be eligible for the festival and rites. This instruction and purification is called μύησις, Kevin Clinton's 'preliminary initiation'. And (4), no separate fee seems to have been levied for *muēsis*. I propose that our declamation's speaker attacked Aristogeiton's proposed law on two grounds: it imposed a fee for *muēsis* contrary to sacred norms; the revenues would not be treated as the property of the Two Goddesses but of the state, and their collection would profit unauthorized persons, including Aristogeiton.

From its primary meaning, 'cause someone to close their eyes/mouth', in connection to the Mysteries μύεω takes on the sense 'to make someone a μύστης', an initiate. *Muēsis* was performed upon individuals at any time before the festivals of the Lesser and/or Greater Mysteries, to make them worthy of taking part.²⁸ It could be administered by any adult member of the Eumolpidae or Kerykes who had been initiated: 'the Kerykes are to initiate the initiands, each one separately (... δίχα τοὺς] μύστας ἕκαστον), and the Eumolpidae in the same way'.²⁹ Only Eumolpidae and Kerykes could perform *muēsis*. That restriction is implied in lines 30–31: 'and to perform initiation are whoever are willing of the Kerykes and Eumolpidae' (μυεῖν δὲ ἡ[οἱ ἄν θέλ]ωσι Κηρύκων καὶ Εὐ[μολπιδῶν]).³⁰ The restriction is explicit in a law of the next century: 'if anyone performs initiation knowing that he is not a member of the Eumolpidae or Kerykes, or if anyone brings a person for the sake of obtaining *muēsis* [to someone not belonging to the clans] of the Two Goddesses, any Athenian who wishes [may] file a *phasis* against him'.³¹ *Muēsis* could take place either at Eleusis or in the City Eleusinion.³² The clan members who administered *muēsis* are called

²⁶ Din. 2.12; [Dem.] 25.67–68; Lib. Arg. D. 24.1–3.

²⁷ *RG* 4.705.8–708.24, 718.10–11, 725.7–8.

²⁸ Clinton (1974) 13: μύησις originally had a restricted meaning. It was the preliminary instruction given to the initiate at any time of the year by any member of the Eumolpidae or the Kerykes, whereas the ceremony which took place in the sanctuary at Eleusis was the τελετή, performed once a year by the priests'. On this distinction, see further Clinton (2005–2008), 2.8–11, 119–22.

²⁹ *IEleusis* 19 C 26–28 = *IG* I³ 6, ca. 470–460 BC.

³⁰ Professor Clinton informs me (private communication, 14 February 2020) that he now prefers Meritt's [θέλ]ωσι to [ἡβ]ῶσι as printed in *IG* I³, which he had reproduced in *IEleusis* 19.

³¹ εἰάν δέ τις μωή[ι Εὐ]μολ[πιδῶν ἢ Κηρύκων οὐκ ἄν ε]ιδῶς, ἢ εἰάν προσάγηι τις μωησόμε[νον ... τοῖ]ν Θεοῖν, φαίνειν δὲ τὸν βουλόμενο[ν Ἀθηναίων, *IEleusis* 138 A 27–28 = *Agora* 16.56[1] A.27 and 56[3] A.27, ca. 367–347 BC; cf. Clinton (1980) 278–79. On *phasis*, see MacDowell (1978) 62.

³² *IEleusis* 19 C.42–46 = *IG* I³ 6.

‘mystagogues’ in an inscription of the second or first century BC, although we do not know whether that term was applied to them in Aristogeiton’s time.³³ The inscription tells us that the *μύσται*, once prepared by the mystagogues, were then accompanied by them on the procession of the city to Eleusis.³⁴ The ensuing rites, on the other hand, to which the *mustai* were now eligible to be admitted, were conducted by priests and priestesses, who were also of those clans (Isoc. 4.157). The distinction between initiation and the festival is seen in their different dedicatory victims: a ewe for *muēsis*, a piglet for the festival.³⁵

For the festival proper of the Mysteries, entrance fees are attested from the beginning of our records. A law from around 460 BC records amounts that priests, priestesses and the Eumolpid and Keryx clans received from each initiate.³⁶ The amounts going to the clans are specified in ll. 20–23. At least by the second century BC, this entrance fee to the Mysteries was called *εἰσαγωγήειον*, and the Eumolpidae (and, one supposes, the Kerykes) were still receiving a share.³⁷ Clinton specifies that ‘the fees go to the clans and not to individuals. A share of these fees is paid out, apparently annually, to each member of the Eumolpidae and Kerykes’.³⁸ We deduce this from the notice that to each member of the Kerykes was allotted ‘also a portion from the Great Mysteries and from the [Mysteries] at Agrae as large as to each of the Eumolpidae’.³⁹ *IEleusis* 638 (= *IG* II² 1078) from ca. AD 220 shows that, still in the time of Apsines, ‘the archon of the clan furnishes to the Eumolpidae both the other things and the allotment (*διανομή*)’, ll. 34–36.

For *muēsis*, on the other hand, we have no record of a fee. From records of the *epistatai* of the shrine, we know only that a sacrifice of a ewe was required. Public slaves working inside the Eleusinian Telesterion had to be ritually pure. Thus, *IEleusis* 159.62 (= *IG* II² 1673 a+b) of 336/5 or 333/2 BC records the expenses for initiation (*εἰς μύησιν*) and for other sacrifices for four stoneworkers at least two weeks before the Lesser Mysteries. The only expense identified for *muēsis* is 12 drachmas for a sacrificial ewe. The time frame shows that the reference is not to a ritual during the festival. Moreover, *IEleusis* 177.269 records an expense of 30 drachmas for *μύησις* of two public slaves, and this amount covers only the ewe (*cf.* l. 418).⁴⁰

In doubt about this conclusion, someone might counter that public slaves would not need to be schooled in the lore of the Mysteries in order to do work within the Telesterion, but only to be purified by the sacrifice, so that we cannot infer from its absence in the list of expenses that there was no fee for *muēsis*. But such an argument merely invents a fee for *muēsis* and then justifies the invention from an assumption for which there is no evidence. A second doubt might arise from the law mentioned above (*cf.* n.31) that barred non-clan members from conducting *muēsis*. This law bespeaks activity, not only of people unsure of their genealogy, but also of fraudulent mystagogues

³³ Simms (1990) 193–94; Bremmer (2014) 3 n.16. In what follows, I shall simply refer to those who performed preliminary *muēsis* as ‘mystagogues’.

³⁴ ‘If the mystagogues do not journey with the *mustai* ... before the time of the *muēsis* explain to the *mustai* ... when the *mustai* march out of the city, let the mystagogues lead them’ (*ἂν δὲ οἱ μυσταγωγοὶ μὴ συμπ[ο]ρεύοντα τοῖς μύστασις ... πρὸ τοῦ τῆς μύησεως καιρ[ο]ῦ ἐξ[η]γώντα*) τ[ο]ῖς μύστ[αι]ς ... ὅταν [ἐ]λάσ[ω]σιν οἱ μύσ[ται] - [ται] ἐξ ἄστεως, ἀ]γέτωσαν αὐτοὺς οἱ μυσ[ταγωγοί], ll. 35–36), *IEleusis* 250.26–27, 35–36 = *Agora* inv. I 3844 = *SEG* 21–494.

³⁵ Ewe, [... *εἰς μύησιν* οἷς, *IEleusis* 159.62 = *IG* II² 1673; piglet: *Ar. Ach.* 746–47, *Pax* 374–75; Clinton (1988). Clinton (2003) sets out the stages of initiation: preliminary, to become a *mustēs*; festival proper of *mustai* culminating in sacred rite, *teletē*; Mysteries of ensuing year, at which *mustai* of preceding year could become *epoptai*.

³⁶ *μυστοῦ*, *IEleusis* 19 C.5–38 = *IG* I³ 6.

³⁷ *Agora* 16.306[2].13, of 152/1 BC; *Agora* 16.306[1].13 = *IEleusis* 233 of 148/7 BC): τὰ εἰσα[γ]ώγεια καλῶς κ[ατα]ράφει ὅσα ἐπρά[γ]θη μετασχόντ[ω]ν καὶ Εὐμολπιδῶν, ll. 13–14; Woodhead (1997) 430–32.

³⁸ Private communication of 14 February 2020.

³⁹ *IEleusis* 93.9–13 = *IG* II² 1231.

⁴⁰ *Cf.* discussion in Clinton (2008) 29–31, and for costs at the festival, see also Parker (2007) 342 n.65. The Derveni Papyrus too shows *mustai* providing preliminary sacrifices, in this case to the Eumenides: *μύσται* Εὐμηνίσι προθύουσι (col. VI.8–9).

belonging to neither sacred clan, who charged their marks money. Again, however, too many unevicenced assumptions are needed to conclude that legitimate *muēsis* required its own fee. Our texts show us no expense required for *muēsis* beyond that for the sacrificial ewe. The mystagogues received, not a fee paid by an individual *mustēs*, but the above-mentioned distribution from sums awarded to the clans after the ceremonies.

As for the entrance fee to the festival proper, the εἰσαγωγήειον, we should not think that *mustai* no longer paid it during Apsines' time. It is true that the endowment associated with the Panhellenion, a league set up by Hadrian in 131/2, contributed to the Mysteries, and various priests received monies from it. Its finances were still sound in AD 169/70.⁴¹ Donations from that endowment, however, or from other donors, many of whom are memorialized in inscriptions, provide no indication that initiands had ceased to contribute fees. Care was taken throughout the history of the Eleusinian cult to perform its functions 'according to the norms of our fathers' (κατὰ τὰ πάτρια), a notion invoked in many inscriptions, and still *ca.* AD 220.⁴² In fact, *IEleusis* 638, as noted above, implies that initiates did still pay fees, for the allotment to the Eumolpidae had to come from income. Initiands into various other mysteries paid fees in the Imperial period; ἰσηλύσιον (*sic*, for εἰσηλύσιον) was the term for the entrance fee for the Iobacchoi at some point before AD 178.⁴³ Athenaeus (2.12 40e), contemporary with Apsines, speaks of the high costs of mystic initiations. On the *do ut des* principle, one expected to give to the god in order to receive, and that meant giving to the god's functionaries:

Sacred space reserved for intimate personal contact with divinity (mysteries, oracles, or incubation) was accessible only to those qualified by special purification. In such cases, payment of fees and closely monitored participation in rigidly structured preliminary rites defined ritual eligibility.⁴⁴

It is a good bet that the absence of records of initiates' fees in the Imperial period is only a result of the nature of our documentation. The records from which we would expect information are financial accounts and laws/decrees, and these need to have survived in copies inscribed on stone. Our latest accounts of overseers at Eleusis recorded on stone, however, are remains of the inventory on *IEleusis* 178bis (= *SEG* 35.1731) of *ca.* 325–320 BC. I suspect that at some point after the Athenian *dēmos* ceased to govern itself autonomously, the overseers and stewards from Eleusis were no longer required to have their financial records inscribed for the public, as had been done in the case of *IEleusis* 177 (= *IG* II² 1672) in 329/8 BC and back through time.⁴⁵ Our only substantial remains of a law about the Mysteries from after the fall of the democracy, from the first century BC, *IEleusis* 250 (*SEG* 21.494), regulate the sacred procession to Eleusis and the duties of the 'mystagogues', but the surviving lines do not mention expenses.

In a sense, though, the question of actual initiatory expenses *ca.* AD 200 is moot, for the world presupposed in declamations was fictive; it was Donald Russell's 'Sophistopolis', based loosely on the Athens of the fifth and fourth centuries BC. Although the legal climate in 'Sophistopolis' needed to map approximately but not rigorously the laws known to the

⁴¹ *IG* II² 1092 = *IEleusis* 489. On the Eleusinian endowment, see Clinton (1974) 35–37 and (2005–2008) 2.366–67; Kelly (2010) 125–44.

⁴² *IEleusis* 638.6, 17 = *IG* II² 1078.

⁴³ *IG* II² 1368.37, 61, 103; *MDAI(A)* 32.293,18; Gawlinski (2012) 75, 154–59, 175, 202; Bremmer (2014) 82, 89.

⁴⁴ Cole (2004) 62.

⁴⁵ Inscribed inventories of the Treasury of Athena cease at the same time. Diane Harris (1994) 215 notes that 'only in a democracy that places value on the sharing of public information is there publication of temple inventory lists'.

Classical Attic orators, errors about well-known facts made many a declamation flawed.⁴⁶ In this world of declamation, as in the real Classical Athens, initiation at Eleusis cost money. We know this from the pseudo-Demosthenic *Against Neaera*, often attributed to Apollodorus (394/3–post-343 BC), in which Lysias is said to have ‘wanted, on top of the other expenses he made on her, also to initiate (μῆσαι)’ his young mistress, and, spending money ‘on the festival and the Mysteries on her behalf’, he ‘promised to initiate (μῆσειν) her himself’ ([Dem.] 59.21, and see below on this broad sense of μῆσέω). Apsines will have known *Against Neaera*. He also should have been aware that Lysias would have been barred by law from initiating the teen personally, for the restriction of that function to the Eumolpidae and Kerykes was known to ancient scholarship: ‘these [i.e. the Eumolpidae] are the ones who conduct *muēsis* (οἱ μῆσύντες) ... and both the Kerykes and they belong to those involved with the Mysteries’.⁴⁷ Moreover, Apsines’ ties by marriage to the clan of the Kerykes (cf. section IV below) put him in a position to know the traditions and regulations of the cult.

Pulling all this information together, I hypothesize that Apsines represented Aristogeiton as on trial for proposing that the *dēmos* institute a fee, not for participation in the festivals of the Mysteries (a fee for the festival was already in place), but for *muēsis*, which qualified the pilgrim to take part in the festival. Whatever else might be wrong with Aristogeiton’s proposal, this new fee would have been illegal from the start because it would have been an innovation against the ‘ancestral norms’ (τὰ πάτρια) that governed the Mysteries.

Our task is complicated, however, by the ambiguity of *muēsis* and its cognate terms in ancient literary sources. Some writers connect μῆ- terms to the festival procedures and rites as a whole. For example, Trygaeus in Aristophanes’ *Peace* wants to be initiated (μῆσθῆναι) before he dies, but the dedicatory animal he requests is a piglet (374–75), not the ewe required for preliminary *muēsis*. In the story about Lysias and his mistress in *Against Neaera*, μῆσαι/μῆσειν must mean ‘have someone initiated’, and the actions for which Lysias would pay extend over ‘the festival and the Mysteries’ ([Dem.] 59.21). On the other hand, Isocrates speaks of benefactions of Kore, which no one but ‘those who have undergone *muēsis* may hear’ (4.28), as though people underwent *muēsis* and afterwards were exposed to the revelatory rite. Similarly speaks Diotima in Plato’s *Symposium*: ‘perhaps even you might be initiated, Socrates, but I don’t know whether you are the sort to approach correctly the rites and the sight of the sacred things, for which sake this [initiation] exists’.⁴⁸ A lexicographer’s gloss says that ‘those who have undergone *muēsis* at Eleusis are said to see the sacred objects in the second *muēsis*’.⁴⁹ Those who see the sacred objects achieve the higher status of ἐπόπται (‘those who behold’), and are no longer *mustai* (‘those with eyes closed’). These levels of status were set by law.⁵⁰ A second initiation, the ἐποπτεία, requires a first.⁵¹

What is more, ancient scholars recorded that instruction was part of *muēsis*. The ‘old’ scholia on Aristophanes, which preserve the work of the great Alexandrian commentators, define ‘those who have undergone *muēsis*’, οἱ μεμῆσμένοι, as ‘those who have been taught the Mysteries’ or ‘those who know the Mysteries’.⁵² Johannes Tzetzes in the 12th century quotes the commentator Symmachus (*schol. rec. Tzetzae in R. 745b*), who flourished around

⁴⁶ Hermog. *Stat.* 34.3–9 Rabe. See Russell (1983) on ‘Sophistopolis’ (ch. 2) and the bad effects of errors (113–14).

⁴⁷ *Schol. in Aeschin.* 3.18, 55a Dilts, s.v. Εὐμολπίδας.

⁴⁸ Pl. *Symp.* 209e5–210a2: ... κἂν σὺ μῆσειν τὰ δὲ τέλεα καὶ ἐποπτικά, ὧν ἕνεκα καὶ ταῦτα ἔστιν, ἐάν τις ὀρθῶς μετήι, οὐκ οἶδ’ εἰ οἶός τ’ ἂν εἴης.

⁴⁹ οἱ μῆσθέντες ἐν Ἐλευσίνι ἐν τῇ β’ μῆσει ἐποπτεύειν λέγονται, s.v. ἐποπτευκότων, in Harp. ε 128 Keaney, Phot. ε 1876, Suda ε 2845.

⁵⁰ τοὺς μεμῆσμένους καὶ τοὺς ἐποπτευκότας, *IEleusis* 138 A fr. ab.47.

⁵¹ On the ambiguous reference of *muēsis* cf. Graf (1974) 32 n.48; Clinton (2008), especially 33–34 on the need to appeal to context to fix the reference in a given text. Clinton convincingly defends ‘preliminary’ *muēsis* against the doubts of Simms (1990).

⁵² οἱ τὰ μυστήρια διδασκόμενοι [or ὁ ... διδασκόμενοι], οἱ τὰ μυστήρια εἰδότες, *schol. uet. in R.* 158.

AD 100, as saying, ‘first those who have undergone *muēsis* were taught the Mysteries, and afterwards they became *epoptai*’. Diodorus Siculus (4.7.4) said that the Muses get their name from ‘initiating people, that is, from teaching’ (ἀπὸ τοῦ μνεῖν τοὺς ἀνθρώπους, τοῦτο δ’ ἔστιν ἀπὸ τοῦ διδάσκειν). The lexicographers explained μύστης as ‘learner’⁵³ or as ‘one who knows or teaches the mysteries’.⁵⁴ But instruction must have been accomplished before the festival, for once that got underway, there would be no occasion for instructing all the pilgrims of differing degrees of prior knowledge, especially since, as we saw, it was illegal to conduct *muēsis* upon groups. Livy’s (31.14) story of the two ‘uninitiated’ youths (*non initiati*) whose clueless questions exposed their lack of instruction, and who were put to death, shows that instruction was mandatory and part of initiation. From the tradition available to him, Apsines will have known that *muēsis* was distinct from the subsequent festival activities.

An argument from inscriptions of the second century AD reinforces this conclusion. Diverse officials performed *muēsis* on emperors or imperial family members: a hierophantid,⁵⁵ an altar priest.⁵⁶ If *muēsis* were a ritual performed during the festival proper, a particular sacred office would be charged with it, as was true of the rituals we know. This diversity of officials having the right to μνεῖν is consistent with our evidence about preliminary *muēsis*, since that could be performed by any mature Eumolpid or Keryx. In contrast, the priestess of Demeter and Kore at Eleusis did not belong to either of those clans but to the Philleidae,⁵⁷ a clan that did not have the right to perform *muēsis*. I know no epigraphical evidence that this priestess performed *muēsis*.⁵⁸

Therefore, an objection that Apsines would not have understood μνεῖν to designate an initiatory procedure prior to the festival and its rituals rests on no firm basis. We have no reason to suppose that in AD 200 *mustai* no longer needed to be prepared to be *mustai*. On the contrary, preparation for participation remained mandatory on the principle that ‘the uninitiated may not enter the sanctuary’ (ἀμύητον μὴ εἰσιέναι τὸ ἱερόν), inscribed probably not earlier than the first century BC at Samothrace, whose famous mysteries were derived from the Eleusinian.⁵⁹ There is no impediment, then, to my hypothesis that Apsines portrayed Aristogeiton as having proposed that a hitherto unheard-of fee be levied on preliminary *muēsis*. On the other hand, while I cannot prove that Apsines did not build his declamation on the unhistorical premises that *muēsis* was not performed before the festival and that participants paid no entrance fees, there is no reason to adopt such gratuitous assumptions.

We still must ask, what does Apsines accomplish by selecting Aristogeiton as the declamation’s target, out of all the adversaries available to him? An author of a declamation who makes Aristogeiton the imaginary opponent casts in that role a consummate villain enshrined in tradition as a politician who seeks monetary gain from every public act (*cf.* n.1). Our next difficulty, then, is to identify the intended recipient of the payment (μισθοῦ) for conducting *muēsis*. T2, T4 and T5 point to the state as recipient, but T3, to Aristogeiton. A solution must explain both prospective outcomes.

First, the state. The ‘we’ voice in T5 (ἵνα εὐπορῶμεν) represents the people. Moreover, the prosecutor of Aristogeiton argues that a better way to bring in money is to ‘levy an

⁵³ μαθητής, Hdn. *Epim.* 88.13.

⁵⁴ ὁ τὰ μυστήρια ἐπιστάμενος ἢ διδάσκων, *Synagogē uers. antiq.* μ 306 Cunningham.

⁵⁵ *IEleusis* 454.5–12 = *IG* II² 3575; hierophants, *IEleusis* 516 = *IG* II² 3411; *IEleusis* 483 = *IG* II² 3592.

⁵⁶ *IEleusis* 503 = *IG* II² 3620.

⁵⁷ *IEleusis* 379.3 = *IG* II² 2954.

⁵⁸ A gloss on Φιλλεῖδαι states that the priestess of Demeter and Kore is ‘the one who initiates (μοῦσα) the *mustai* at Eleusis’ (Harp. φ 17, Phot. φ 179, Suda φ 319). This seems to preserve an ancient scholar’s false inference, for this priestess did not come from the right clan; *cf.* Blok and Lambert (2009) 119. For other views on the gloss, see Clinton (1974) 68–69.

⁵⁹ Clinton (2008) 25–27, 34; Bremmer (2014) 22–36.

extraordinary tax' (εἰσφορὰν ἐπιγράφειν), T5. *Eisphora* was authorized by the Assembly to alleviate financial deficits of the state and was paid by those whose property exceeded a certain threshold.⁶⁰ By the logic of 'antiparastasis from results' in T4, the evil results on which the counterargument turns will be suffered by the same people who will gain revenue, that is: the city. T2 is consistent with this conclusion, for the phrase πόροι χρημάτων in the orators and historians refers to avenues of state revenue.

On the other hand, as seen in [Dem.] 25 and 26, Aristogeiton was a palmary example of the politician who commits political crimes for money. T3 relies on this characterization, for it attacks Aristogeiton's thefts, debts and responsibility for his own financial straits. The attacks insinuate that Aristogeiton's inveterate corruption and manipulation of laws for personal gain motivate his proposal to legalize 'initiating for pay'. Surely, T3 summarizes an invective in which the speaker alleged that Aristogeiton hoped that his law would open the way to monetary gain for himself. There was no point in choosing Aristogeiton as the opponent unless Apsines wanted his speaker to attack a quintessential crook.

Another puzzle arises from the term *misthos* itself, for that noun does not denote an entrance or initiation fee to mysteries in our surviving records, nor is it a tax. As in other cults, the worshipper's entrance fees at the Mysteries were offerings made to Demeter and Kore during the festival and belonged to the goddesses. Afterwards, as we noted above, distributions were made to priests, priestesses and Eumolpidae and Kerykes. Isabelle Pafford writes, '[n]ormally an item of commerce, the coins became sacred offerings, and had to be dealt with accordingly'.⁶¹ A *misthos*, on the other hand, is 'an item of commerce'. When it denotes a payment made by an authority, the term refers to what we call either 'salary'⁶² or 'fee' for particular tasks.⁶³ Since T2, T4 and T5 indicate that Aristogeiton's law was to bring revenue to the state, not to increase its expenses by expanding the payroll, *misthos* must refer to payment that makes its way into state coffers, not a payment made by an authority to a contractor or worker. This conclusion accords with T6, where the understood subject of the passive μιεῖσθαι must be 'people' or 'initiates', so that in the genitive of price construction (μισθοῦ), they are the payers. *Misthos* in Aristogeiton's bill, then, must refer to the fee paid by an individual for receiving *muēsis*, just as it refers to payment made by the recipient of teaching⁶⁴ or doctoring,⁶⁵ or legal representation or cooking,⁶⁶ or by the audience of a display oration.⁶⁷ We have seen that the clans received a share of the payments made by initiates. If Aristogeiton will make money as a result of his proposal, from T3 we infer that it would establish a system that would bring money to people like himself outside the two clans.⁶⁸ It is for that reason, incidentally, that I posit that μισθοῦ appeared as a term in Aristogeiton's proposed law and is not our prosecutor's pejorative reformulation of some different term in it. Aristogeiton will want to propose neither entrance fee nor tax. He will want a scheme that funnels money to himself as well as to the state. To require the initiand to pay a *misthos* fits the bill.

⁶⁰ Harding (2015) 88–89; Fawcett (2016) 155–58.

⁶¹ Pafford (2013) 53, and 51 on the distinction between offerings to the god and temple salaries.

⁶² For example, *Agora* 16.36[1] and 36[2].31–33; *SEG* 26.72.51–54.

⁶³ For example, in *IEleusis* 159 *passim*.

⁶⁴ Pl. *Ap.* 31b–c, *Th.* 161e1.

⁶⁵ Heracl. D57 LM; Arist. *Pol.* 3.16 1287a36.

⁶⁶ Diog. Laert. 2.72.

⁶⁷ Philostr. *V S* 1.4.4.

⁶⁸ That the fourth-century Aristogeiton did not belong to the Eumolpidae or Kerykes is a compelling inference: (1) the tyrannicide, who may have been an ancestor, was in the clan of the Gephyraei (*Hdt.* 5.57; Toepffer (1889) 293) and in the northern deme of Aphidnae (*Plut. Mor.* 628e); (2) our Aristogeiton and his immediate family were also Aphidnaean (Sealey (1960) 38–40). In any case, the rhetorical tradition available to Apsines refused to put our Aristogeiton in either clan, since he is slandered as not free born in [Dem.] 25.78.

The imaginary backstory within Apsines' declamation, then, should have disclosed how Aristogeiton proposed to regulate collection of initiates' payments so as to enrich himself *and* the state. Since, as T4 shows, the prosecutor attacked the proposed law for its impiety, he would need to explain and denounce details of its projected outworking. Since our scanty references do not disclose how the new *misthos* was to be collected, I suggest, speculating from what we do know, that Aristogeiton proposed that contracts be awarded for providing preliminary initiation. Aristogeiton could be acting on behalf of a syndicate, which, as he would contrive it, would win the contract from the state to supervise *muēsis* and collect fees for the service. In some Greek cities, the right to collect fees accruing to the cult was let to people who were not priests.⁶⁹ State authorities would let contracts.⁷⁰ Some religious needs were supplied under these, such as sacrificial animals (Isoc. 7.29) or 'the contract costs (μισθώματα) of the procession' at the Panathenaic Festival.⁷¹ Thus we find the Archon Basileus and other sacred officials letting out contracts (μισθωμάτων, ἃ ἐμίθωσεν) in service of the Eleusinian Mysteries;⁷² μισθώματα here are ... salaries or the price of contracts for services at the Mysteries which were contracted for by officials of the Mysteries'.⁷³ Apsines will have known that public contracts were sold or let in fifth- and fourth-century Greece.⁷⁴ Aristogeiton's law would need to authorize not only the provision of *muēsis* for a fee but a system for transferring moneys to the state and a residue to persons like himself. We can imagine the law as authorizing initiation contracts, which Eleusinian officials then would sell or let, with Aristogeiton's syndicate expecting to finagle the contract. Like tax or mining contractors, the syndicate would keep whatever sums it collected over and above the price of the contract.⁷⁵ The gods would indeed be provoked if the amount collected from initiates were allowed to float, for '[t]he cult charges once fixed by the authorities could not be freely changed and the priests could not demand more than was prescribed'.⁷⁶ The hypothesis of a contractors' scheme fits our sources better than that of fees paid to individual mystagogues directly, for the former would enrich both state and operators, but the latter need not enrich the state. Since Aristogeiton would need to assure his own profit, perhaps his law would authorize sacred officials to award the contract, not at auction to the highest bidder, as was usually done, but directly, or perhaps the prosecutor would accuse him of colluding to 'fix' the auction.⁷⁷ Whatever the mechanism of assignment, in any case, Aristogeiton's scheme, the prosecutor could thunder, would bring bad reputation and divine anger (T4). It was one thing for the *dēmos* to borrow from and oversee temple finances.⁷⁸ It would be another to secularize cult fees that should 'all ... belong to the Two Goddesses'.⁷⁹

One may wonder whether Aristogeiton's law allowed mystagogues outside of the two sacred clans to conduct *muēsis*, so as to process more pilgrims and collect more revenue. In the time after Tiberius,

⁶⁹ Sokolowski (1954) 159.

⁷⁰ μισθοῦσι τὰ μισθώματα, *Ath. Pol.* 47.2.

⁷¹ *Agora* 16.75[1].53.

⁷² *IEleusis* 177.370–75 = *IG II²* 1672.242–46.

⁷³ Clinton (2005–2008) 2.225.

⁷⁴ For example, *Hdt.* 2.180; *Ar. Vesp.* 657–60; *Andoc.* 1.92–93; *Dem.* 24.122; *Plut. Alc.* 5; *Harp.* π 129.

⁷⁵ On μισθώματα as contracts let out by state authorities, see Rhodes (1992) 552; Carusi (2014). On entrepreneurs' ways of profiting from concessions purchased or rented from a state authority, see Stroud (1998) 17–19, 112–16; Fawcett (2016).

⁷⁶ Sokolowski (1954) 158.

⁷⁷ 'Fixing' the auction, as in *Andoc.* 1.133–34 and *Plut. Alc.* 5. On public contracts awarded to the highest bidder at auction vs those awarded to a predetermined entrepreneur, see Langdon (1994); Carusi (2014) 127–28.

⁷⁸ Cf. *IG I³* 6 C.31–38 = *IEleusis* 19; *IG I³* 78a 1–24 = *IEleusis* 28a = *CGRN* 31; Cavanaugh (1996) 73–77.

⁷⁹ *IEleusis* 19 C.14–15.

the celebration of the Eleusinian Mysteries attracted hundreds, if not thousands, of fee-paying initiates to Athens each year around the end of September ... Those non-Athenians who came to Athens either to become initiates or simply to watch at least part of the festivities ... must have ... provided a temporary boost to the city's economy.⁸⁰

To expand the faculties of conducting *muēsis* beyond members of the sacred clans, however, might be a bridge too far even for Aristogeiton in the fictional backstory, and I do not press this point. Still, we can imagine the prosecutor in the declamation charging that Aristogeiton's proposal could open the way to abuses like ineligible mystagogues.

We must go back now to T6's evidence that Aristogeiton is to have proposed a *law*, a νόμος. In what legal form did Apsines couch the indictment? Since Aristogeiton lived at a time when *nomos* and *psēphisma*, and the procedures for challenging them, were clearly distinguished, Apsines should have known that the procedure against a law was a γραφή νόμον μὴ ἐπιτήδειον θεῖναι. After all, he will have known that indictment from at least six cases.⁸¹ Moreover, if Apsines did not know the Aristotelian *Constitution of the Athenians* first-hand, from scholarly tradition he should have known its distinction between γραφή παρανόμων and γραφή νόμον μὴ ἐπιτήδειον θεῖναι (*Ath. Pol.* 59.2), seeing that Pollux (8.87–88) copies that passage. I know no evidence that the latter indictment was the theme of any other ancient declamation. Apsines speaks of two proposers of laws who were put on trial, Leptines in Demosthenes 20 (3.7) and Lycurgus of Sparta (3.12), but he does not attach legal names to the indictments. In the scenario in 'Sopater and Syrianus' mentioned above (*cf.* n.25), the poor man 'returns after a year and prosecutes the rich man on a [γραφή] παρανόμων' (RG IV.283.19–20), although it was a law not a decree that the rich man had proposed. We may smile at this use of terminology in 'Sophistopolis' when the personages in a speech are not known fourth-century figures, and in the fifth century, a γραφή παρανόμων in fact could challenge a law as well as a decree.⁸² Although I cannot prove that Apsines showed his speaker as prosecuting Aristogeiton on a γραφή νόμον μὴ ἐπιτήδειον θεῖναι, he should and could have done so. That indictment's emphasis on a law's unsuitability (μὴ ἐπιτήδειον) aligns with what we read in T2–T5, where we do not hear that the law contravenes other laws but rather that it will harm the city, bringing wrath of gods and dishonour in the eyes of men.⁸³ Since we know of no law that forbade a fee for preliminary *muēsis*, if Apsines' speaker did appeal to existing norms to argue against that fee as such, they will have been ancestral customs received from the goddesses (τὰ πάτρια), as I suggested above, an even more dread authority than a *nomos*.⁸⁴

The scenario I have proposed and its even more speculative twists cannot, of course, be proved to be the one that Apsines portrayed in his declamation. Something like it must have stood there, however, for better than other scenarios, it hits the points that T1–T6 require: money goes to state and Aristogeiton, ancestral norms are violated, gods are angry. Apsines could display his skill at writing a courtroom exposition of sacred law and procedure (see the next section) and could model how to assail an opponent with

⁸⁰ Rogers (2012) 157. I thank Kevin Clinton for pointing out (private communication, 29 March 2020) that the influx of Eleusinian pilgrims into Athens, who would spend money, is reflected in *IEleusis* 237 (ca. 120 BC) and *IEleusis* 655 (AD 265).

⁸¹ Dem. 20, 24, and the examples at 24.138; Aeschin. 1.34; *Lys. frs* 86–87. These known cases are listed by Canevaro (2016) 43 n.25.

⁸² On the difference, see Canevaro (2015).

⁸³ That an unsuitable law brings dishonour on the city is a theme of Demosthenes' prosecution of Leptines on a γραφή νόμον μὴ ἐπιτήδειον θεῖναι (Dem. 20.6, 10, 49–50, 142–43, 155, 163–65).

⁸⁴ *Cf.* for examples, Soph. *Ant.* 452–57, *OT* 865–71. Angelos Chaniotis (2009) has proposed a hierarchical 'stratigraphy' of ritual norms in ancient Greek cult: ancestral customs and formulae, laws and decrees (πάτρια, νόμοι, ψημίσματα). On κατὰ τὰ πάτρια, see also Harris (2015) 76–79.

a preliminary prejudicial attack (προβολή, T1), irony (T2), invective in narrative (T3) and counter-objections (T4, T5). If I am right about the form of his speaker's indictment, Apsines portrayed a species of prosecution embedded in the legal climate of the fourth century BC but unknown in any other declamation.

IV. Implications for authorship of the *Ars*

Heath's argument (*cf.* n.7) that Apsines did not write the *Ars* rests on the third-person references to Apsines made throughout the work, on differences between its doctrine and doctrines attributed to Apsines by other rhetoricians and on the general unreliability of author identifications in manuscripts. While Heath makes a good case, I remain unpersuaded that the third-person references are not interpolations.⁸⁵ I add in favour of authenticity the fact that Apsines' wife, Annia, was distinguished among the Kerykes, being great-granddaughter of Claudius Lysiades, the imperial high priest from AD 138 to *ca.* 150, and granddaughter of Claudius Sospis, the altar priest from 191/2 or 192/3 until at least 209/10. This information is preserved on a statue base from the City Eleusinion, dated before 238, on which Annia is called 'wife of Valerius Apsines the most excellent (κρατίστου) sophist'.⁸⁶ Assuming from ἀντιπαρέστησα in T5 that the author of the *Ars* wrote the declamation against Aristogeiton, one may think that the author would have interest in and knowledge about the Eleusinian Mysteries and their relationship to the state. It is reasonable to suppose that Apsines, related by marriage to one of the priestly clans, would have such interest and knowledge.

I have sought to reason to the best explanation of the backstory and legal form presumed in the speech against Aristogeiton cited in the *Ars*. While details are speculative, we are on reasonably firm ground in concluding that Apsines wrote a declamation that portrayed Aristogeiton as on trial for proposing a law to authorize: (1) a fee for preliminary initiation into the Eleusinian Mysteries and (2) a system for collecting those fees, which would profit Aristogeiton himself as well as the state.

Apsines' cryptic references enhance our understanding of two areas of interest to composers of declamations: the Mysteries and historical personages as stock characters. First, T1–6 join references in other rhetoricians, such as those to a tyrannicide priestess (*cf.* n.12) or Russell's 'case of the Mysteries', in which a man asks about secret rites he saw in a dream, to illustrate how cases involving the Mysteries provided composers of declamations ample opportunity for elaborating the legally ambiguous scenarios beloved of their genre.⁸⁷ Indeed, I wonder whether Apsines may have written this piece during a time of dissension at Eleusis, in order to endorse the dread authority of ancient norms. Second, as we have seen, Aristogeiton appears in other rhetoricians as an example *par excellence* of the 'disreputable person' (ἄδοξον πρόσωπον). Declamation featured stock characters like the rich man, the poor man, the wife, the soldier, the teenaged girl, etc., but also personages from history, whose best-known traits made them too into stock characters. As Jeffrey Walker observes, 'If one brings "Demosthenes" or "Alcibiades" or "honest farmer" or "Xanthias the crafty slave" on stage, or into a declamation exercise, each comes pre-equipped with a conventionalized and expected set of characteristics'.⁸⁸ When Apsines' audience encounters Aristogeiton, they expect outrageous legal manoeuvres to serve corrupt personal interests, whether a manoeuvre actually occurred, as in his decree against the youth (n.26), or whether it is a fiction in a declamation, as when Philagrus takes the

⁸⁵ Unpersuaded also are Dilts and Kennedy (1997) xvi–xvii, and Kennedy (2004) 308.

⁸⁶ *Agora* 18.H393.4–6.

⁸⁷ On the 'Case of the Mysteries', see Russell (1983) 53–55. Other themes about Greek mysteries include certifying whether Epicurus (*RG* 4.719) or Alcibiades (*RG* 7.109, 116) is fit for the office of torch-bearer.

⁸⁸ Walker (2011) 184.

part of Aristogeiton prosecuting Aeschines and Demosthenes in the same action (Philostr. *V S* 2.31.12, cf. ‘Marcellinus’ *RG* 4.472; on representations of Aristogeiton, cf. n.1). Historical characters tended to predominate in the public oral declamations of sophists, in which ‘history’ was invented for entertainment and intellectual challenge.⁸⁹ We may well speculate that Apsines made a public display on the occasion of his fictional prosecution of Aristogeiton, perhaps with priestly family members in attendance. In any case, Apsines’ cryptic references show the hold that the Mysteries and the figure of Aristogeiton had on the inventive power and argumentative subtlety of Greek rhetorical culture in the Imperial period.

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⁸⁹ Swain (1996) 92–97. On historical declamation, see also Russell (1983) ch. 6. On historical declamation in the rhetorical schools, see Criboire (2001) 232–40; Gibson (2004).

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