

In AD 197 Gemellus Horion, a landowner from Karanis, wrote to the *stratēgos* that a certain Julius had dared to enter Gemellus's fields and harvest them in front of the entire village while wielding a *brephos* (likely a human fetus), thus intending to "hem him in with malice" (*P.Mich.* VI 423-424.17-18, cf. 13). Though frequently cited, the episode has come in for systematic analysis only in the last decade. David Frankfurter contextualized the use of the *brephos* as part of a "binding spell," and sees the petition as "the angry and desperate response of the victim [i.e., Gemellus], going outside the system of magic and counter-magic, sorcery and apotropaia, to invite in a legal institution all too ready to intervene in the horrific world of *mageia*" (*GRBS* 46 [2006]: 62). More recently Ari Bryen and Andrzej Wypytusek have offered a reading of the dispute attuned to the social dynamics of *phthonos*, through which lens they interpret the actions and relationships of the two parties (*GBRS* 49 [2009]). Neither treatment, however, has succeeded in escaping the *brephos*'s binding power: though at the center of scholarly interest, the *brephos* was far from the core of the dispute, which was fundamentally a clash over socio-economic rights and responsibilities and corresponding strategies of enforcement. This paper attempts to put the various elements of the dispute back into their proper relations so as to explain both the dispute's trajectory and the document's unique status as an official report of black magic. Central to this interpretation is an economic model of magic, broadly construed. Economic rights and decision-making are vulnerable to two major problems, uncertainty and enforcement. Uncertainty is endemic and ineradicable, but can be mitigated by information. Enforcement is not merely a matter of information (e.g., knowing rights, procedures, etc.), but also of power. Both were "expensive" in antiquity, with far-reaching consequences. Obtaining reliable information, e.g., as to credit history or relative prices, was often prohibitively costly, thus hindering economic activity from the outset. By the same token, once one had entered into a transaction, enforcing one's rights without the aid of regular police or modern government required a comparatively large personal investment, e.g., drafting and registering documents, making court appearances, gathering and deploying physical force, etc. In such a world, magic represented a valuable tool for lowering the *ex ante* "transaction costs" of information and the *ex post* costs of enforcement. The first use is well attested in Roman Egypt: we find many oracles and spells as "irrational" means to the rational end of reducing the cost of information. Magic is rarely attested, however, in its other potential economic function. The *defixiones* of the *PGM*, e.g., certainly could have been so used, but the petition above appears to be the only recorded use of magic in an enforcement context from Roman Egypt. This silence may be telling: in ancient China, for instance, people were often buried with their legal documents in order to press claims from beyond the grave. Seen in this light, the *brephos* will be shown to be a particularly meaningful public use of magic enforcing a traditional claim to the land, one motivated by Gemellus's aggressive and insensitive use of the law in his bid to enforce his (merely) legal claim.