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The Polis and the Corpse: the Regulation of Burial in Democratic Athens

Of the many competitions and contests – athletic, poetic, political or military – that gave ancient Greek culture its distinctive character, there was one that every mortal was bound to lose – the contest with death. Yet death was a defeat that could bring honor as well as shame to the deceased and to his or her family and community. Indeed, death was a critical high-risk moment of both potential honor and shame, a moment that continued until the dead body found proper burial and the lost life was properly lamented. Only after a man's death, said Solon, and only after appreciating the manner as well as the community reception of that death, could one judge that man's happiness (Herodotus 1.30). So, much to Croesus' irritation, Solon gave the first prize of happiness to Tellus, an Athenian who was fortunate in both his city and his family – and ended his life gloriously: "he came to the rescue during a battle between the Athenians and their neighbors in Eleusis and died nobly after breaking the enemy's ranks. The Athenians honored him highly and buried him at the public expense right where he fell" (Ibid.). That is a familiar story – both to the modern and also no doubt to Herodotus' fifth century Athenian audience. In this essay I look more closely at one element of the story, the treatment of the corpse as a "vehicle for honor and dishonor"¹ – and in particular at the way in which the ritual of burial was the focus of political debate and regulation in democratic Athens.

I. Greek Burial Tradition: the Homeric Paradigm

Although Greeks of the fifth century were aware (if they believed Herodotus that is) that not all societies treated the bodies of their dead in the same way – the Persian magi exposed corpses to the dogs and vultures, the Egyptians embalmed them, and some Indian tribes ate them² – there seems to have been a strong and

¹ *Robert Parker, Miasma: Pollution and Purification in Early Greek Religion* (Oxford 1983) 46.

² See the comments of *S.C. Humphreys, Comparative perspectives on death*, in: *The Family, Women and Death* (Ann Arbor 1983) 169.

conservative conviction among Greeks speakers at large that, whether cremated first or simply inhumed, the dead ought to be buried. Indeed, the ritual of burial, through which honor was won by both the dead and the mourners is, in Emily Vermeule's words, "the longest-surviving and most powerful of all Greek traditions"³. The regulation of and debate over burial in democratic Athens may thus illuminate in a particularly vivid way the dynamic and at times contested relationship of the new in Greek culture with the old. Before considering the democratic Athenian engagement with traditional rules and honors of burial, however, it may be useful to identify and illustrate what those traditions of burial were. As is the case for most elements and paradigms of Greek culture, the place to begin is with Homer and with the *Iliad*. The value of giving Homer's evidence more than a cursory glance will, I hope, be apparent by the end of the essay.

From the opening lines of Book 1 – "Rage, Goddess, sing the rage of Peleus' son Achilles, murderous, doomed, that cost the Achaeans countless losses, hurling down to the House of Death so many sturdy souls (...) but made their bodies carrion, feasts for the dogs and birds"⁴ – to the burial and lament of Hector in the final lines of Book 24, the treatment of the dead body and its honoring or shaming by friends and enemies (those who love or hate the person the body once was) is a persistent issue. The threats and taunts of the heroes to let their enemies lie unburied and the actual casualties of the fierce fighting combine to keep the question of burial continually at hand. Who is responsible for these bodies? Who cares about them? What should be done with the corpses of friends or of enemies?

In the *Iliad*, burial of the cremated corpse seems to be the general rule for all dead regardless of status. In Book 1, in the midst of the plague inflicted by Apollo upon the Greek army, the poet says "the corpse-fires burned on, night and day, no end in sight" (52) as the living gave final rites to the dead. Burial was not, however, an unchallenged given for the Homeric dead, and the Homeric hero delighted in threatening an enemy with the denial of burial and with the shameful alternative of mutilation by dogs and birds. As Charles Segal has shown, the theme of burial becomes a focal point of the last eight books of the poem and of the portrait of Achilles, the poem's primary hero⁵. Early in the war, according to the later report of Andromache, Achilles had killed her father Eetion but still treated him with respect: He killed Eetion, not that he stripped his gear – he'd some respect at least – for he burned his corpse in all his blazoned bronze, then heaped a grave-mound high above the ashes and nymphs of the mountain planted elms around it. Although Andromache goes on to say that Achilles also "slaughtered" her seven brothers as well, in the light of what is to come his burial of Eetion seems strangely gentle.

³ Aspects of Death in Early Greek Art and Poetry (Berkeley 1979) 2.

⁴ I.1–5, translated by Robert Fagles. Unless otherwise noted all quotations from the *Iliad* are from the Fagles translation (Penguin 1990). Line numbers, however, refer to the Greek text.

⁵ The Theme of the Mutilation of the Corpse in the *Iliad*, *Mnemosyne Supplement* (1971).

Achilles' suffering and anger at the death of Patroclus in book 16, however, turn him into a wild beast, and the consequences are deadly, culminating in the final divinely orchestrated contest between Hector and Achilles, and in Achilles' mutilation and shaming of Hector's corpse. The issue of the treatment of the corpse is raised early in this last dramatic duel. Hector offers to agree not to mutilate Achilles' corpse "merciless as you are" if he should win, and asks Achilles to swear the same. Achilles refuses, saying that no such oaths are possible "between men and lions"; later when he has Hector at his mercy he gloats, saying "and you – the dogs and birds will maul you, shame your corpse". To Hector's plea "by your life, your parents – don't let the dogs devour me by the Argive ships! / Wait, take the princely ransom of bronze and gold / and the gifts my father and noble mother will give you / but give my body to friends to carry home again /so Trojan men and Trojan women can do me honor / with fitting rites of fire once I am dead" (22.338–343), Achilles responds only by expressing his desire to "eat Hector raw" and by refusing categorically the possibility of ransom and burial. His animal rage allows no more words. After killing Hector, Achilles strips the body and presides over a public shaming of the naked corpse, into which each of his companions stabs his spear. Achilles then ties Hector's ankles together and drags him through the dust back to the Greek ships where he leaves the corpse to its fate, as he turns his attention to honoring his own dear Patroclus with a funeral and elaborate funeral games.

But, as Homer makes quite clear, Achilles has gone too far. He had taunted Hector that "No man alive could keep the dog-packs off you" – and no man does. But the gods themselves step in to restore the basic human rules of behavior. Protesting Achilles' behavior before the gods on Olympus, Apollo asks "what honor will Achilles win from this?" and asserts "Achilles has lost all pity! No shame, shame that does great harm or drives men on to good" (24.44–45). Knowing the rules of honor and shame is essential to being human – and Achilles at this point has lost that knowledge⁶. So Zeus restores order, commanding Achilles (through his mother) to accept Priam's ransom and allow Hector's burial; and the *Iliad* draws to a close with the powerfully emotional encounter between Achilles and Priam, in which Achilles regains his humanity and his sense of shame, and with the Trojan lament and burial of Hector. Hector's return and funeral provide closure for the poem if not the war.

Two aspects of the Homeric burial ritual are worth noting. First, although the gods (particularly Zeus) make it possible, the funeral is essentially a social, family and most of all human ritual. The gods take no part, and it is not directed to them.

6 "Shame" thus joins "hope" and "strife" (see *Hesiod*, *Works and Days*) as a moral concept of both positive and negative character. Pericles specifically notes that a sense of shame can be a good thing, as a feeling that prevents impious behavior, when he claims that the Athenians obey the "unwritten laws" which carry "agreed upon shame" (*aischune homologoumene* 2.37). Plato also points to a sense of shame or reverence as crucial to the human community in Protogoras story of Zeus' gift of *aidos* (together with *dike*) to the first humans (*Protagoras* 322c).

Only when their own peace is disturbed by Achilles' extreme behavior do the gods intervene. No priests preside but rather close kin and family of the dead. This is an intense human interaction, which allows the expression of grief and love, and distributes honor to both the living and the dead. Second, as carried out by the Trojans, Hector's burial reveals the public face of family relationships and the importance of family responsibilities to the well being (or good order) of the community as a whole.

The steps of the ritual are clear: first Achilles' servant women under Achilles' direction wash the corpse. Then Achilles "lifted Hector up in his own arms and laid him down on a bier" – a clear sign that he has rejoined the human community. The bier is then put onto the wagon, which Priam – departing with divine help in the middle of the night – drives back to Troy. Cassandra sights them from the walls and leads the people of Troy to greet the dead hero. At the front are Andromache and Hecuba, "the first to tear their hair, embrace his head" (24.710ff). The Trojans might have stayed there mourning if Priam had not insisted on entering the city where the body is laid out for formal lamentation begun by singers, with antiphonal response from Andromache, Hecuba and Helen. The lament goes on until Priam orders the collection of timber for the funeral pyre, a task that takes 9 days. On the morning of the tenth day, the Trojan men carry Hector's body to the pyre and set it aflame. After a day of burning, the Trojans collect the bones, wrap them in purple cloth and put them into a chest. This they bury in a grave over which they place "huge stones closely set". Finally, the Trojans return to the city and share a "splendid funeral feast in Hector's honor". "So the Trojans", says Homer, "buried Hector breaker of horses"; and so we have, in epic style, the traditional elements of the Greek burial ritual: the setting out of the corpse (prothesis), the procession to the grave-site (ekphora), the burial proper (with or without cremation), and the familial or communal feast.

II. Athenian law and the regulation of burial

Although the people of Troy participate in Hector's funeral and although the army of the Greeks at times acts as a community of sorts, these are not political societies. The polis has only a shadowy existence, and developed institutions of law and government are still to come⁷. The intense interactions of the poem are accordingly not political but personal – between Gods and their heroes, heroes and one another, and, at the end of the poem, between the greatest Greek hero and the Trojan king. The emergence in the 6th and 5th centuries, however, of self-conscious polis identities and polis institutions interjected another interest into the burial of members of the community, now citizens of the polis. The citizen fu-

⁷ For discussion of the character of the early polis, and particularly the Homeric polis, see *Kurt Raasflaub*, *Homer to Solon: The Rise of the Polis*, in: *The Ancient Greek City-State* (Copenhagen 1993).

neral, like other aspects of social and family experience with clear public significance, became the focus of legal regulation as well as political ideology, and the proper place of burial became a contested issue. I turn now from epic paradigm to the historical engagement of that paradigm by democratic Athens.

Not surprisingly, the classical Athenians attributed their burial *nomoi* to their lawgiver Solon, and in this case it may well in part be true. That Solon in the early 6th century did articulate specific rules for the manner, time, place, and personnel of funerals seems likely⁸. Explicit testimony comes from the fourth century text of [Demosthenes] 43 and from Plutarch's even later *Life* of Solon; the two accounts are essentially consistent but are embedded in significantly different contexts and reflect different purposes. The author of the speech "Against Makaratos" argues an inheritance claim for one relative who seems to be an adopted first cousin of the deceased once removed against another who (as I read it) is a second cousin once removed, and supports his argument by bringing out all the laws he can find that prescribe the responsibilities and identity of kin⁹. One of these is a law of "the lawgiver Solon" giving responsibilities as well as property to the relatives of the dead. The speaker discusses portions of the law, which is inserted in full into the text of the speech¹⁰.

"The deceased", reads the inserted law

shall be laid out in the house (*endon*) in any way one chooses, and they shall carry out the deceased on the day after that on which they lay him out, before the sun rises. And the men shall walk in front when they carry him out and the women behind. And no woman less than sixty years of age shall be permitted to enter the chamber of the deceased, or to follow the deceased when he is carried to the tomb, except those who are within the degree of children of cousins; nor shall any woman be permitted to enter the chamber of the deceased when the body is carried out, except those who are within the degree of children of cousins. (62)

Plutarch provides some more details relating to women's participation, and to the character of the funeral in general, in a section of the *Life* of Solon about the "going out" of women. After noting that:

when [women] went out, they were not to wear more than three garments, they were not to carry more than an obol's worth of food or drink, nor a basket more than a eighteen inches high, and they were not to travel about by night unless they rode in a wagon with a lamp to light their way,

⁸ For the character and content of the law code of the historical Solon see *E. Ruschenbusch*, *Solonos Nomoi* (Wiesbaden 1966); *M. Gargarin*, *Early Greek Law* (Berkeley 1986). With only a few exceptions, all our knowledge of Solonian law comes from such later quotations.

⁹ See *David Cohen*, *Law, Violence, and community in Classical Athens* (Cambridge 1995), chapter 8 for the flexibility and manipulability of Athenian "rules" of kinship as illustrated in this and other family lawsuits.

¹⁰ The authenticity of this and other such insertions is a problem. In general, it seems that each case needs to be considered on its own merits; here, the language and character of the law seem genuinely archaic – even though as Plutarch's comments (see next note) indicate, later post-classical Greek lawgivers continued or revived this sort of social legislation.

Plutarch goes on to say that Solon

forbade the laceration of the flesh of the mourners, and the use of set lamentations, and the bewailing of any one at the funeral ceremonies of another. The sacrifice of an ox at the grave was not permitted, nor the burial with the dead of more than three changes of clothing, nor the visiting of others' tombs [*allotria mnemata*] except at the time of burial (*Solon* 21)¹¹.

It has been customary to follow Plutarch's lead and see these regulations as primarily concerned with limiting the authority of the family and with controlling the behavior of women, whose freedom of movement and "status" were significantly curtailed by the emergence of the democratic polis¹². But when these passages are set against the Homeric paradigm, they clearly reflect an interest in the delineation of a boundary between the private and the public spheres and a move towards what might be called the privatization of the ordinary citizen burial. As many have observed, Solon's regulations deny – in as much as it was possible – the public character of the funeral which was so prominent in Homer. The funeral, the lawgiver says, ought not as a rule be a publicly visible or contested event.

The point is made simply with the single word "inside" (*endon*): the prothesis must be held "inside" – within the house itself or its courtyard limits. This setting of the *prothesis* "inside" identifies the ritual as a private matter. Similarly, the requirement that the *ekphora* take place at night "before the sun rises" reinforces the idea that the funeral was not a part of public, daylight business. (The activity of the courts, for example, was limited to daylight hours¹³.) The restriction of the female mourners (apart from those over the age of 60) to those within the degree of children of cousins is particularly interesting in that it draws upon the legal definition in Athens (known also from Drakon's law on homicide and from inheritance law) of the kindred, called the *anchisteia tou genous* or "closest in birth", an ego-focused web of relatives extending first to paternal and then to maternal relatives, with male preceding female in each degree of relationship. It is interesting to note here that a man's wife was not part of his *anchisteia* and so technically

¹¹ *Loeb* translation, modified. Plutarch then adds the interesting comment that such practices were also forbidden by "our laws" [i.e. those of Chaeronea in the early 2nd century c.e.] and that offenders were punished by *gunaikonomoi* because they had shown unmanly and effeminate behavior in their expression of grief.

Earlier in the same *Life*, Plutarch attributes the Solonian regulation of funerals to the influence of the Cretan Epimenides: "When he [Epimenides] arrived in Athens, he formed a friendship with Solon, gave him help in many ways and prepared the way for his legislation" (12). Among other things, Epimenides was responsible for "abolishing the harsh and barbaric practices in which Athenian women had indulged up to that time" (*ibid.*) [See below for the story of banishment of the family of Megacles – dead and alive which Plutarch tells in this same chapter].

¹² See, for example, *M. Alexiou*, *The Ritual Lament in Greek Tradition* (Cambridge 1974) 20–22. This is a key feature of what I have elsewhere called the "evolutionary paradigm" of the development of the Greek polis, according to which the two main "victim" of the rise of the political state are the family and women. See *The Family in Greek History* (Harvard University Press 1998).

¹³ Plato's institution of a nocturnal council in the *Laws* would seem to be one his radical non-democratic innovations, within a text that is often quite traditionally Athenian.

at least may have been excluded from attending his funeral (unless she was over 60). Perhaps that was simply a technicality and did not in fact hold in the definition of female mourners – to exclude the wife would indeed be a major change in burial tradition. But it may be possible that the wife's natal family was excluded from her husband's funeral in order to keep the ritual as narrowly private as possible¹⁴. This restriction, plus the rule noted by Plutarch forbidding the "bewailing of anyone at the funeral ceremonies of another" seem to show a concern that the ordinary citizen funeral not be political or extend into the public sphere. The ordinary funeral should not be the occasion for political competition or public display. To sacrifice an ox, it hardly need be noted, at the funeral of a family member would certainly create the possibility of a larger than "family size" funeral feast and would be a grand display.

In addition to, or in conjunction with, the Solonian creation of a conceptual private sphere to which the ordinary citizen funeral was limited, early Athenian law allowed for the public honoring of heroes in burial and the total exclusion of traitors and certain criminals from any burial at all within the polis. I will return later to the public funeral ceremony described by Thucydides and termed by him "*patrios nomos*"; here it is enough to recall the story of Tellus who was buried where he fell in battle and also received publicly visible – and publicly paid for – funeral rites. At the other end of the spectrum was the denial of any burial ritual at all or the exclusion of the corpse from burial within the limits of the polis. According to Thucydides, the relatives of Themistocles (who had been declared a traitor in the turbulent decade after the Persian wars) brought his bones home from Asia and secretly buried them "since it is against the law to bury in Attica the bones of one who has been exiled for treason" (1.117); and Xenophon, in his continuation of Thucydides, specifically cites the law forbidding the burial of traitor and temple robber within Attica (*Hellenika* 1.7.33)¹⁵. Perhaps Plato's imposition of a similar punishment for those who murder a family member reflects not only his conservatism but his knowledge of archaic Athenian law:

¹⁴ It is interesting that the the city-state of Florence also legislated highly specific rules on the public performance of citizen funerals and on family participation in those funerals; see *Sharon Strocchia* in: *Death and Ritual in Renaissance Florence* (Baltimore 1992) chapter 1.

¹⁵ Cf. At the beginning of his excursus on Themistocles, *Thucydides* relates the story of the attempted coup by Cylon in c.630 and the impious killing of his supporters who had taken refuge at the altar on the Acropolis. As a consequence, the family of Megacles, the perpetrator of this crime, was at key moments in Athenian history expelled from Athens – the dead as well as the living. Thucydides says that this was done when Cleomenes invaded Athens at the end of the 6th century ("they exiled the living and dug up and cast out the bones of the dead" 1.126). In his Solon, *Plutarch* says that this happened earlier as well during the crisis that led to Solon's appointment as law-giver: "Those members who were still alive were banished and the bodies of those who had died were dug up and cast out beyond the frontiers of Attica" (12). Nonetheless, as Thucydides says, "they came back later, and their descendants still live in Athens." Indeed, among their numbers were Pericles and Alcibiades. For discussion of this extreme penalty, see *R. Parker, Miasma* (Oxford 1983) 45–48.

"If a man be found guilty of such homicide, the officers of the court with the magistrates shall put him to death and cast him out naked, outside the city at an appointed place where three ways meet. There, all the magistrates, in the name of the state, shall take each man his stone and cast it on the head of the corpse as in expiation for the state. The corpse shall then be carried to the frontier and cast out by legal sentence without burial." (Laws 873b-c).

Finally, the same sort of articulation of private, public, and extra-polis space is evident in the early Athenian law on homicide that drew a distinction not only between intentional and unintentional homicide but between homicides committed in space outside or inside the polis and outside or inside the *oikos*. As quoted by Demosthenes (23.53), the law stated that if a man committed homicide in an athletic contest, in a fight on the road or in battle, or when he found another man "upon" his wife, mother, sister, daughter or concubine, in these specific cases he should not go into exile as a murderer¹⁶. It is striking that the law envisions both an exterior and an interior sphere in which a man could kill with impunity.

Legal rules and boundaries, however, provide only a sort of conceptual map of archaic Athenian society; the public/private distinction in particular was hardly a real fence at the courtyard gate. This point becomes particularly clear when we consider not the burial rites themselves, but the burial monument, which was afterward set up over the tomb. Although often called "private" grave monuments, they are of course aimed at a public audience. One particularly interesting such monument is a late 6th century black-figure pinax, most likely used to decorate an earth-built tomb, which shows a remarkable self-consciousness about the proper carrying out of private funeral ritual¹⁷. In the representation of the prothesis each member of the deceased's family is carefully and precisely identified – and apart from the nurse all are within the proper degree of "private" family relationship. The production of such pinakes did not continue into the fifth century, and the commemoration of the dead with stone monuments also came to a temporary end in the early fifth century. This apparent scaling back of private funeral monuments in Athens has been attributed to a specific law or to a general democratic mood of restraint or to a natural swing in style or popular taste¹⁸. The discussion is a long-standing one. I do not want to enter into that debate here, but rather turn to the public sphere – to the important testimony of Thucydides on the Athenian public funeral for the war dead and finally to the dramatic discussion of burial ritual carried out in the Athenian public theater.

¹⁶ Demosthenes attributes the law to Drakon. That the law is archaic in origin is supported by the use of the term "pallake" for concubine. See my comments on this term and the status it implies in *M. Gargarin* (ed.), *Symposium* (1990) 281–287.

¹⁷ On the funerary pinakes, see *J. Boardman*, *Painted Funerary Plaques and Some Remarks on Prothesis*, in: *BSA* 50 (1955) 51–66 and, briefly, *D. Kurtz* and *J. Boardman*, *Greek Burial Customs* (London 1971) 83, 148–49. See also *H. A. Shapiro*, *The Iconography of Mourning in Athenian Art*, in: *AJA* 95 (1991) 629–656, for discussion of the pinakes within the larger context of Athenian funerary iconography.

¹⁸ See *Shapiro* (previous note) for discussion and references to earlier literature.

III. Thucydides' Portrait of Athenian Public Burial

According to Thucydides, *patrios nomos* (ancestral custom) in Athens called for the annual public funeral of the war dead and burial outside the city walls. The *nomos* in fact is probably not much older than Thucydides himself¹⁹ and clearly reflects the ethos and structures of the Cleisthenic democracy. It also tells the continuing story of the negotiation between public and private interests in the burial of Athenian citizens. Thucydides' description of the ritual (excluding the funeral speech) is worth quoting in full:

These funerals are held in the following way: two days before the ceremony the bones of the fallen are brought and put in a tent, which has been erected, and people make whatever offerings they wish to their own dead. Then there is a funeral procession in which coffins of cypress wood are carried on wagons. There is one coffin for each tribe, which contains the bones of members of that tribe. One empty bier is decorated and carried in the procession; this is for the missing, whose bodies could not be recovered. Everyone who wishes to, both citizens and foreigners, can join in the procession, and the women who are related to the dead are there to make their laments at the tomb. The bones are laid in the public burial place, which is in the most beautiful quarter outside the city walls. (2.34, Warner trans.)

Discussions of this passage have often emphasized the way in which the polis as state has taken over the family responsibility of burial – and also, calling upon Pericles' later advice to the widows in his audience that "the greatest glory for a woman is to be least talked about by men, whether in praise or blame", have seen this rite as revealing the "men only" character of Athenian democracy in which women were "silenced"²⁰. But is that really what Thucydides' text implies?

¹⁹ See *F. Jacoby*, *Patrios Nomos: State Burial in Athens and the Public Cemetery in the Kerameikos*, in: *JHS* 64 (1944) 67–75.

²⁰ So the authors of *Women in the Classical World* (Oxford 1994) entitle the section, which begins with Pericles' advice to war widows (p. 79). The view that women were excluded from the democratic public funeral was articulated most forcefully by *Nicole Loraux*, *The Invention of Athens: the Funeral Oration in the Classical City* (English tran. 1986): "At the *demonion sema* ... a functional opposition, even within the same group of Athenians, isolated the *andres*, adults and soldier-citizens, forever separated from their parents, their children, and even their wives. The Athenian city, which democratized military activity, opening it to every citizen, was, perhaps more than any other polis, a 'men's club' ... War was men's business, as were civic funerals" (p. 24). But she significantly qualifies that position in the sentences that follow: "the exclusion of women seems to be simply a particular case of the general phenomenon whereby families were pushed into the background. However, the family's lot must be distinguished from women's, for with regard to relatives the Athenian democracy was a good deal more flexible than it might seem at first, at least in the periods before and after the funerals. Private individuals were permitted to honor their dead in perfect freedom at the *prothesis*, and the funeral banquet, though strictly regulated, took place in private houses, at the home of the dead man's closest relatives. So, without going as far as some modern historians and declaring that the role of the family in these funerals was an essential one, we should speak perhaps of a compromise between city and family." (*ibid.*) Loraux leaves the exclusion of female relatives unsupported and improbable, even by her own argument; and the suggestion of a compromise of sorts is just what I am suggesting here.

It seems to me that the ritual Thucydides describes could be considered an accommodation of sorts between the family's interest in seeing its dead member honorably buried, however he died, and the polis' interest in publicly honoring those who as citizens died fighting for their state. The bone are first set forth (*protithentai*) for three days in a tent constructed for that purpose, and each Athenian makes what offering he wants to "his own" dead (*toi hantou*). This in essence is a group *prothesis* of the dead – combined with the more specific honoring of "one's own". Then, on the third day, as in the traditional rite, there is a funeral procession with one bier for each tribe and one for the missing – an *ekphora* (34.3) for the dead in their citizen groups. This funeral procession, however, is fully public, held in the daylight and attended by "anyone who wishes, foreigner or citizen" (*ho boulomenos kai aston kai xenon*). The phrase emphasizes the very public character of this ritual, comparable to a dramatic performance in the theater where foreigners attended as well as citizens, or to deliberations in the law courts or assembly, where *ho boulomenos* of the citizens could participate. Thucydides' sentence continues, however, with an additional clause: "women are present – those who are related are there to lament at the tomb" (*kai gunaikēs pareisin hai prosekousai epi ton taphon olophuromenai*), so incorporating into the public ceremony a ritual as old as Homer. The term translated "related" is a somewhat general one, and does not seem to imply any restriction such as "within the degree of children of cousins"; in any case, since Pericles later addresses his famous advice to "those now in widowhood" (2.45), wives of the dead are clearly present. Thus, although it may be true to say that the public funeral described by Thucydides takes over what is traditionally a family responsibility, it does so in a way which does not exclude the family or women, but incorporates both into a new ritual which carefully follows the traditional order of the old. The new heroes of democratic Athens receive a burial appropriate to their deeds and death²¹. The stories of the old heroes, however, as repeatedly dramatized on the Athenian stage, suggest that the new burial ritual contributed to a heightened interest in the issues of burial – not a flattening of discussion into a monolithic democratic unison.

IV. The Body of Polyneices: what is at issue?

By the mid-fifth century (or somewhat earlier), Athens seems to have sorted out the layers of public and private interest in the funeral of its citizen members, articulating 1) a private sphere in which burial was carried out by family members in a progression of ritual from within the house to the grave site; 2) a public sphere and public rite of burial carried out by the polis itself for special or heroic dead; and 3) a sphere "beyond the borders" where those guilty of betraying the polis or

²¹ Although women were part of the ritual public ceremony, they were not of course recipients of this burial honor. Male heroism in war was in the fifth century, as it has continued to be in modern times, the focus of public recognition with honorific burial.

its gods were left unburied and unmourned. But the spheres and the rules and responsibilities appropriate to each were hardly contested. The persistent presentation on the fifth century Athenian stage of the story of the unburied dead before Thebes – told by each of the three major tragedians and no doubt by others as well – reveal some interesting fault lines in Athenian attitudes towards public and private, male and female, responsibility for the dead and towards the honors those dead should receive.

The legends of Thebes and the house of Labdacus – especially those of Oedipus and his children – had an undeniable appeal to the Athenian theater audience in the fifth century and to its playwrights. Each of the three major tragedians told and retold some part of the story, adding details and filling in empty spaces in the plot. Aeschylus' *Seven against Thebes*, the third in a trilogy produced in 467, is the first of the surviving Theban plays; Sophocles wrote the *Antigone* in 441 and returned (at least) twice to the story, with *Oedipus Tyrannos* in c.430 and *Oedipus at Colonus* in 405. Two surviving plays of Euripides retell the latter parts of the story: *The Suppliant Women* (420–415) celebrates the Athenian democracy's protection of the bodies of the "Seven" while *The Phoenician Women* (c.410), says a translator, "covered in its episodic action and in its reminiscences of the past and prophecies for the future, more stages of the Oedipus legend than one would have thought a single play could hold"²². In brief, the Athenian version of the story was that Oedipus unknowingly killed his father, Laius the king of Thebes, and then married his mother. After discovering his own guilt, he blinded himself and later cursed his two sons. The two sons, Polyneices and Eteocles, quarreled over the rule, and eventually Polyneices with the help of Argos and six other "heroes" attacked the walls of Thebes, where he and Eteocles killed one another. The rule then passed to Creon, brother-in-law of Oedipus, who issued a decree forbidding the burial of the Argive heroes and of Polyneices. Antigone, the sister of Eteocles and Polyneices, defied the order, so sparking the tragic destruction of the remnants of the family but in the end (with the help of Tiresias) winning her brother a proper burial. Finally, the Athenians saw the story end with the intervention of their king Theseus into the tragic conflict: the Athenians battled the Thebans for the bodies of the unburied dead and carried out their proper burial.

This is a complex and rich tradition, which has certainly not been neglected by historians of Athenian society and culture. I focus here only on the issue of burial and on the many-stranded conflict as it is developed in three plays, *The Seven Against Thebes*, the *Antigone* and *The Suppliants* (one play by each of the three tragedians) in order to illuminate the open-ended and creative discussion on burial presented to the Athenian theater audience.

²² Elizabeth Wyckoff in her introduction to the play in Euripides V, Chicago 1959. Later fourth century producers added further detail, bringing in (not always with complete consistency) "everything really memorable in the dramatic tradition of Oedipus which Euripides had left out" (ibid.).

Aeschylus' *Seven Against Thebes* tells through messengers the story of the attack on Thebes by Polyneices and his Argive allies, but the central confrontation of the play itself, on stage, is between Eteocles and the chorus of young Theban women. At the opening of the play, word has just come, through a messenger, that the Argives (led by Adrastus along with the exile Polyneices) are near, prompting Eteocles to pray to the gods not to let his father's curse destroy the Greek and free city of Thebes (69–77)²³. But Eteocles' brief, concise prayer, ending with the claim "I think I speak for everybody's good, for a city that fares well honors the Gods", is followed by one hundred lines of extravagantly fearful lament and woe from the chorus. To this outburst, Eteocles responds with a tirade against women, questioning their understanding of and commitment to the public good: "You insupportable creatures, ... is this the best, is this for the city's safety?"

The chorus continues to express its fear and to appeal to the gods, and Eteocles, growing more angry, tells them again and again, "Be Quiet!" (250, 262 ...). Or, if they must pray to the gods, he tells them what to say: "no lamenting", no "vain wild panting and moaning" (280–81) but a simple "May the Gods stand as our allies" (267). The messenger then returns with a description of each of the attackers. The seventh and last is Polyneices, against whom Eteocles declares he himself will go. Then the chorus, quiet through all of this description, try to dissuade Eteocles from going against his brother: "listen to women though you like it not" (712), but his mind is made up. The chorus returns to its lamenting, now of the destructive curse of the house of Labdacus. The Messenger reenters with the news of the brothers' deaths, and the chorus, together with the sisters Antigone and Ismene, enter upon an extended lament – now of actual rather than potential woes. The end of the play as we have it is of disputed authenticity – and indeed seems to have been adjusted in the light of Sophocles' *Antigone*. A herald comes from Creon the new king saying that Eteocles should be buried but his brother Polyneices would be "cast out unburied". "It is resolved", announces the herald in the language of Athenian public decisions, "that he shall have, as his penalty, a burial granted dishonorably by the birds of the air and that no raising of a mound by hand attend him nor observance of keening dirge. Unhonored shall his funeral be by friends" (1019–1024). In the text as it has come down to us, Antigone asserts her determination to defy the order and the play ends with the chorus lamenting, as usual, but dividing into two half choruses, one to attend the burial of Eteocles and one to attend that of Polyneices. Despite Eteocles' strong words on women's worthlessness, the chorus does have the last word in this play – over his dead body. Without

²³ The emphasis on the "Greek tongue" of Thebes is interesting, since Argives were also Greek speakers. It would seem the Athenian memory of the attack on their city by the Persians just 12 years earlier is being invoked. If that is so, then one could wonder whether Polyneices is intended to call up memories of the Athenian exile and ex-tyrant Hippias who came with the Persians to Marathon in 490 or of other Greeks who marched on the Persian side. Translations of the *Seven Against Thebes* are those of *David Grene* in the Chicago edition, with occasional modifications.

the chorus, he together with his brother would have died unlamented and unhonored.

The Seven Against Thebes is a somewhat static play, but it does establish the basic conflicts that were developed and debated through the rest of the century. Eteocles and the chorus anticipate the conflict and the language of the more famous treatment of the story by Sophocles some 25 years later. In the *Antigone*, Sophocles narrowed the temporal scope of the play to the moment of decision about the burial of the two brothers. The play opens with Antigone relaying to Ismene the news of Creon's decree that Polyneices must not be buried, but left "unwept, untombed, a rich sweet sight for the hungry birds' beholding" (28–30), and ends with the suicides of Antigone, her intended husband Haemon, and his mother Eurydice. Creon is confronted with his wife's death after he, or rather his servants, finally carry out the burial of Polyneices. The plot is well known and I will not rehearse it here, but rather consider specifically the provocative argument of Christiane Sourvinou-Inwood in several articles that Antigone in this play is essentially a "bad woman", and exhibits behaviors and attitudes of which the Athenian audience would not have approved²⁴. In the end her cause, i.e., giving the body burial, is proved to be what the gods want; but Antigone herself, according to Sourvinou-Inwood, remains a "bad woman", because she steps outside her proper feminine role, is disobedient to male and public authority, and rejects marriage and (hypothetically) her own children. Creon is wrong to keep an unburied body above the ground, but his position on the necessity of loyalty and obedience is one with which the audience would have sympathized. Those who view Antigone as a heroine, says Sourvinou-Inwood, are reading the play ahistorically; when the attitudes of contemporary Athenians are understood the "correct reading" is possible²⁵.

Certainly Creon is clear in his view that women do not belong in public. Like Eteocles in the *Seven Against Thebes*, Creon cannot tolerate women's "free running" in the public sphere, and cannot imagine that a woman has in fact committed the act of public disobedience in burying Polyneices' body ("what man has dared to do it?" he asks – 248). He sees the interest of the polis as single, simple and essentially one-dimensional – it is limited to political and military security as articulated and protected by men. With such a perspective, Antigone becomes simply a rebellious subordinate whose behavior is completely out of place and exacerbated by the fact that she is a woman. But Creon can hardly be taken as a cultural model of political wisdom. His refusal to listen and his single-minded be-

²⁴ Assumptions and the creation of meaning: reading Sophocles, *Antigone*, in: JHS 109 (1989); Sophocles, *Antigone* as a 'Bad Woman', in: *Writing Women in History* (Amsterdam 1990). For perceptive critique of these articles, see *Helene Foley*, *Antigone as Moral Agent*, in: *M. Silk* (ed.), *Tragedy and the Tragic* (Oxford 1996).

²⁵ *Sourvinou-Inwood* (1989) p. 136: "Severe limitations of space prevent me from setting out the correct step by step systematic reading of the *Antigone*; I shall present a condensed version of some aspects of, and some conclusions derived from, that reading ..." Cf. other uses of the term "correct" on pp. 140 and 148.

lief that the polis subsumes all other social relationships, including those with the gods, leads to the destruction – with heavy tragic irony – of his own household and immediate family²⁶. Sourvinou-Inwood considers Antigone a “bad woman” because she implicitly rejects marriage and children (“Had I had children or their father dead, I’d let them moulder” – 906–7)²⁷, but she does not notice that Creon, like Eteocles before him, also devalues marriage. Eteocles had proclaimed “never may I live with a woman” (187), using the term generally used to describe the marital relationship, and Creon, in saying that Haemon can simply find “another furrow to plough” (569) also devalues the institution of marriage and the relationships it produces.

Further, Creon is a very late learner of traditional rituals and responsibilities that he should have known already. And by looking first to the dead Polyneices, he comes too late to prevent the death of both Antigone and Haemon. Then, although the messenger hopes that Eurydice will keep her mourning “private” within the house, there is little chance of that. Again ritual is perverted, as in her grief Eurydice dies “on the sword”. As the chorus says, Creon may now, with this final loss, have “learned justice”, but it is too late (1270).

Antigone, on the other hand, is as single-minded as Creon in her interpretation of her public responsibility to bury her brother (but not – if the issue arose – a husband or a son, 905–912). To honor her brother with burial is for Antigone a moral absolute that brings her honor as well (69–77, 502–3) and one that excludes all other responsibilities or authority. For Creon, on the other hand, only “the man who is well-minded to the state ... in life and death shall have his honor” (201–210). The positions are fixed. Sophocles’ solution to this dramatic and ethical impasse is signaled in Antigone’s distinction between Creon’s mortal, political rules and “the gods, unwritten and unfailing laws” (453–5), then verified by Tiresias, warning and prophecy to Creon of the consequences of his refusal to grant burial (“The Furies sent by Hades and by all gods will even you with your victims”, 1067–68). There is, Sophocles seems to be saying, a human responsibility to a social order larger than the single polis. Despite the narrowness of her own vision, Antigone’s extension of the city’s interest beyond Creon’s political boundaries is important. Just as in the *Iliad* Achilles is brought back into the human community by regaining a sense of pity and shame, so Antigone’s appeal to “unwritten laws” not limited by Creon’s political necessities provides the way to a resolution of the conflict. The polis community must be rooted in the human community and in laws, which Pericles himself describes as unwritten but “carrying agreed upon shame” (2.37). Thucydides’ Pericles leaves this shame in the human realm, but Sophocles seems to join Homer in regarding the failure to

²⁶ Cf. P. Siewert, *The Ephebic Oath in Fifth-Century Athens*, in: JHS 97 (1977) 105 for a specific discussion of the way in which Creon’s demands for absolute loyalty to the city “right or wrong” (lines 666–667) might have seemed to the Athenians a distortion of the ephebes oath requiring obedience to those who rule “reasonably”.

²⁷ For these much-debated lines, see the recent discussions of *Helen Foley* (above note 24).

honor such laws – including the ritual of burial – as a disruption of an order encompassing both gods and men.

Sourvinou-Inwood emphasizes the popularity of the *Antigone* (it won first prize) and uses that fact to argue that Sophocles could hardly have been criticizing the contemporary polis-centered ideology of Periclean Athens. But Athenian democratic ideology may be more complex than she suggests. Rather than seeing the play's popularity as evidence for the "correct reading" of the character of Antigone as a "bad woman", I suggest that the Athenian response was rooted in the play's moral solution – which comes of course too late for Creon but not for the audience.

This seems to be supported by the way in which the Athenian protection of the common right of burial becomes a point of pride in Athenian funeral oratory. The story that becomes a fixed element of Athenian orations in the later fifth and fourth centuries is precisely the Athenian rescue and burial of the dead who fell before the walls of Thebes (including of course Polyneices). Euripides' *Suppliant Women*, our third and last play, provides the democratic reading in its dramatic form.

Produced in the middle of the Peloponnesian War, *Suppliant Women* is in essence a play celebrating Athenian democracy. In fact, it may contain the most extensive defense of Athenian democracy of any surviving text including Pericles' funeral oration. In addition, however, to enunciating the principles of democracy ["This city is free, and ruled by no one man./The people reign, in annual succession./They do not yield the power to the rich;/the poor man has an equal share in it"]²⁸, the play also recognizes and honors what Theseus and the chorus of Argive mothers call the common and "Panhellenic" law giving all dead the honor of burial. And unlike Eteocles and Creon, who couch their claim to speak for the polis in language that excludes [denies] women's participation, Theseus listens to both his mother and the Argive mothers. Theseus' image of democracy then is one that emphasizes the pious attention to basic human laws beyond the immediate sphere of the polis – and also the essential and necessary participation of women in a well-ordered and pious democracy.

It is striking that Theseus, like Achilles in the *Iliad*, himself washed the bodies of the dead sons and "spread the couches and covered the bodies" – before turning them over for mourning and lament by their kin. The rite of burial, supported and undertaken by the democratic king, reveals a sense of community that is larger than its political dimensions alone. The Athenian democracy, Euripides seems to be saying, and perhaps both Aeschylus and Sophocles would agree, is a ritual community as well as a political community and responsible for defending a larger social order than that held within its own city walls. There seems to be a certain Homeric message here – that Athens, a heroic and proud polis, should yet hold onto its humanity.

²⁸ 28 Lines 405–408, trans. *Frank Jones* (Chicago).