

The Tablet-Writing Mind of Hades *Omniscient Ethical Judgment*

Introduction

The culmination of the afterlife as a challenge to the value systems in place in the *Oresteia* is the justice of Hades. Although allusions to underworld punishment occur in each play of the trilogy, the only explicit reference to Hades' ethical concerns is a brief, often-overlooked passage in the *Eumenides*. In fact, verses 267–75 are one of the earliest descriptions in extant Greek literature of Hades as a universal judge. The Erinyes declare that after they kill Orestes, he will see every impious mortal punished by Hades, “the great assessor of mortals beneath the earth” (273–4). Crucially, the passage contains the first catalogue of Hades' specific ethical concerns.¹ Since the punishment of Hades has rarely been included in discussions of justice in the *Oresteia*, its significance for understanding the trilogy as a whole has been neglected.²

The role of Hades' code in the *Oresteia*'s contest over justice is undervalued mainly because one must extrapolate both its layered ethical effects and the singular features of its divine agent from a few lines. Again a recursive technique is necessary. The first section offers a preliminary reading of the poetics of the Hades passage. The second section then analyzes the wide network of references and allusions to Hades and afterlife punishment throughout the trilogy. Drawing on this background, the third section returns to a deeper reading of the processes of Hades' justice,

¹ Previous instances include *Odyssey* 11, in which punishment is reserved for specific transgressors against the gods, and *Olympian* 2, in which all mortals who misbehave are subject to punishments. See further the Introduction.

² This passage is almost entirely absent from discussions of justice in the *Oresteia*, e.g. Sommerstein (2010a), 193–203, following Kitto (1961). It is even excluded from studies of tragedy that focus extensively on justice, morality, and the Erinyes, such as Sewell-Rutter (2007), 18: “with the notion of *post mortem* punishment, which does not figure prominently in tragedy, we shall not be concerned.” Cf. Vellacott (1984b), 116–27. However, see Schlatter (2018), 144–59, for a recent commentary and useful comparanda.

his ethical concerns, and his divine characteristics. The fourth section addresses the troubling questions raised by the trilogy concerning the very relationships that Hades ostensibly protects. It also uncovers the problematic language used for the punishing divinity himself. In lieu of a Summations/Connections section, the final section argues for an implicit clash between the justice of Hades and that of Athena. Their divine values and laws are antithetical in vocabulary, legal techniques, and political effects. The contrast enables audiences to critique Athena's "new law" on grounds internal to the *Oresteia*. Hades' justice is thus not only relevant within the trilogy but also illuminates a set of tensions within Greek religious-ethical-political thought.

Jurisdiction of Blood; Justice of Vision

The Hades passage is a revelation of specific and targeted divine oversight of human action. It is heavily colored by the concerns of its speakers, represented as embodied demons of vengeance.³ The framework, then, is the Erinyes' obsession with blood and refusal to acknowledge Orestes' human or divine purification.⁴ Not only does maternal blood compel them (ἄγει γὰρ αἷμα μητρῶον, *agei gar haima mētrōon*, *Eum.* 230), they also use blood to determine *jurisdiction* over Orestes. Immediately before the Hades passage, the Erinyes acknowledge that Orestes desires to be brought to trial before Athena (257–60) but claim that his mother's blood prevents it (αἷμα μητρῶον, *haima mētrōon*, 261–3). Instead, the Erinyes must capture Orestes in order to suck his blood in requital (ρόφειν ἐρυθρὸν ἐκ μελέων πελανόν, 264–7). Finally, they threaten to send him, depleted of blood, to the underworld for further punishment (267–75):

καὶ ζῶντά σ' ἰσχνάνασ' ἀπάξομαι κάτω,
 <ἴν'> ἀντιποίνους τίνης μητροφόντας δύας⁵
 ὄψη δὲ κεῖ τις ἄλλος ἤλιτεν βροτῶν
 ἢ θεὸν ἢ ξένον τιν' ἀσεβῶν
 ἢ τοκέας φίλους,

³ For their previous functions in literature, art, and religion, see the Introduction.

⁴ They make it clear no absolution is possible, not even through the purification rituals declared to be sufficient by Apollo and Orestes: To the Erinyes (as to the Pythia), Orestes still has blood on his hands (*Eum.* 41–3, 237, 280–7, 445–52; cf. *Cho.* 66–74, 520–1). As the Erinyes describe it, Apollo's sanctuary is dripping with blood (164–70). This cannot literally be the case but raises the issue of whether even pollution is a matter of perspective, on which see Meinel (2015), 136–9; *contra* Sidwell (1996), 52–7.

⁵ Instead of the OCT addition of ἴν' for the final clause (rare in Aeschylus), Sommerstein (1989), ad 267–8, corrects to ἀντίποιν' ὡς (following Schütz); but cf. Verrall (1908), ad 268.

ἔχονθ' ἕκαστον τῆς δίκης ἐπάξια.
 μέγας γὰρ Ἄιδης ἔστιν εὐθύνος βροτῶν
 ἔνερθε χθονός,
 δελτογράφῳ δὲ πάντ' ἐπωπῆ φρενί.

And having drained you dry while living, I shall haul you off below,
 so that you may pay in requital matricidal sufferings.
 And you will see – if some other mortal has transgressed,
 dishonoring a god, or a guest-friend,
 or their dear parents –
 each one getting due recompense of justice.
 For Hades is the great assessor of mortals
 beneath the earth;
 he watches over all things with his tablet-writing mind.

The Erinyes in this passage expose the universal rules concerning transgression and requital. Their own function is thus only part of a larger system of punishment, one that extends past the loss of blood, the loss of life. Whereas the immediate context is Orestes' matricide, they claim that *every* mortal (τις . . . βροτῶν, *tis* . . . *broṭōn* 269, 273) is subject to scrutiny by an omniscient judge and infernal torturer.⁶ Any human who commits crimes against a god, guest-friend (*xenon*), or parent must pay for it in the afterlife. Since the Erinyes are chthonic divinities, their depiction of the underworld comes across as authoritative.⁷ Despite the statement's seeming novelty within the trilogy, it is not presented as an establishing moment. Rather, the Erinyes draw back the veil on the preexisting divine schema.

This vision of justice is a justice of vision. The Erinyes themselves track the scent of blood, but they stress Hades' preternatural sense of sight.⁸ His comprehensive gaze (πάντ' ἐπωπῆ, *pant' epōpa*, 275) encompasses all human actions.⁹ Hades' recording memory (δελτογράφῳ . . . φρενί, *deltographō* . . . *phreni*, 275) then fixes these actions in a metaphorical

⁶ For previous, generally more restrictive, notions of punishment in the afterlife see the Introduction.

⁷ Their authority rests on their status as chthonic divinities, who Athena herself says have great power beneath the earth (*Eum.* 950–1), and on whom she calls when she wants to restrain the underworld (1007–9). However, on the questionable authoritativeness of revelation from even divine characters in Aeschylus, see Parker (2009).

⁸ By sniffing out illicit bloodshed, they supernaturally transect human dissembling, *Eum.* 244–53, 316–20; cf. *Ag.* 368, 694–5, 1185–6.

⁹ ἐποπτεύω is often used by Aeschylus “to describe divine, or semi-divine, superintendence of human affairs,” Garvie (1986), ad 1; and Sommerstein (1989), ad 220. Cf. *Eum.* 224. The larger passage begins with “look! look!” (ὄρα, ὄρα, *Eum.* 254). The following line is corrupt but in the manuscripts also includes another command to see or look, λεύσσε, and πάντα, “all things.” For the textual issues, see West (1990), 276–7.

written record, presumably to be read at the time of death.¹⁰ The optical emphasis of overseeing and reading subtly parallels Orestes seeing (ὄψη, *opsē*, 269) the punishment of others below. Thus, in this passage bristling with visual ideas, Aeschylus poetically inverts the popular etymology that derives the name Hades from “the unseen.”¹¹ The poet creates an image that is no image: The invisible judge is the universal spectator.

Hades and the Afterlife throughout the Trilogy

Such paradoxes (the punishment of the bloodless and the vision of the invisible) are felt also in earlier allusions to afterlives in the trilogy. Previous chapters of this book have examined such multivalent references from the perspective of characters, uncovering the relationships between their ethical positions and their understanding or ignorance of afterlife possibilities. Now, in order to frame the Hades passage in the poetic context of the entirety of the *Oresteia*, we return to the most relevant antecedents, which may be split among three categories: allusions to the divinity Hades, references to humans existing in the underworld, and lyrical passages about divine justice after death.

The name “Hades” is rarely used in the *Oresteia*, and only once does it refer to the divinity himself in the OCT text (in our *Eumenides* passage).¹² Instead, invocations of the underworld god – perhaps counterintuitively for us – twist into invocations of Zeus. The trope is common in Archaic Greek literature and Greek religion across time periods; references to Zeus in chthonic contexts routinely signify his reflection below.¹³ In Aeschylus’ *Suppliants*, the poetics of this usage is made explicit: the Chorus of Suppliants call on “the most hospitable Zeus of the Dead” (*Supp.* 157–8), and Danaus refers to the story (ὡς λόγος) of a judgment of the dead “in (the house) of Hades” (ἵνα Ἄιδου, ἢ *Hadou*) by “another Zeus” (Ζεὺς ἄλλος, 228–31). Thus, a binary relation between the “highest” and “lowest” divine

¹⁰ For memory as writing in the *phrēn*, see *Cho.* 450 (τοιαῦτ’ ἀκούων < > ἐν φρεσὶν γράφου) and *Pr.* 789 (ἦν ἐγγράφου σὺ μνήμοσιν δέλτοις φρενῶν). Cf. Nooter (2017), 216–18. In Aesch. fr. 281a 19–23 TrGF, it is *Dikē* “who writes men’s sins ‘on the tablet of Zeus’ which is opened and read on a man’s day of destiny.” See Sommerstein (2008c), 277–85, for translation and commentary. On tablets in tragedy as metapoetic prop, see Mueller (2016), 155–78.

¹¹ See the Introduction for the etymology of Hades and the katabatic *Odyssey* II, in which visions of those suffering below are a key theme. In the rare references to punishment below in previous Greek literature, there is no mention of the divine vision of the judge.

¹² The other six uses of “Hades” in the *Oresteia*, all in the *Agamemnon* (667, 1115, 1235, 1291, 1387, 1528), are primarily synonyms for “deadly,” as discussed in Chapters 1, 3, and 6.

¹³ Homer: Ζεὺς τε καταχθόνιος καὶ ἐπαινή Περσεφόνη, *Il.* 9.457; Hesiod: Διὶ χθονίῳ Δημήτερι θ’ ἀγνῆ, *Op.* 465; Soph. *OC* 1606; and cf. Rohde (1925), 158–60.

brothers is explicit. Are Zeus and Hades enforcing the same law in different realms? Do they have opposing functions? The full answers to these questions must wait until the contrast between the law of Hades and that of Athena (which she associates with Zeus) at the end of this chapter.

The references to Zeus by humans in vengeful contexts in the first two plays provide the necessary background. The first putative example is the subject of editorial controversy, however. Clytemnestra, having killed Agamemnon, pours the third libation, traditionally reserved for Zeus, to “Hades (Ἅιδου, *Hadou*) under the earth, the Savior of the dead” (*Ag.* 1386–7, following the codices). The OCT and Loeb editors, among others, here “improve” the text by substituting “Zeus” (Διός) for the codices’ “Hades” (Ἅιδου). They do so without any textual support. The idea behind the emendation is that Aeschylus *should have* written “Zeus under the earth,” a phrasing similar to that in the *Suppliants*, rather than the seemingly redundant “Hades under the earth.” Against these, Medda (2017), III.323–4, retains the codices’ “Hades,” with comparanda from tragedy.¹⁴ Medda rightly asserts that the original reading only adds to the blasphemous nature of Clytemnestra’s speech, which also affixes one of Zeus’s traditional epithets, Savior (Σωτήρ), to Hades.¹⁵ For our purposes, regardless of the text one chooses, the reference to Hades is clear, as is the perversion of the characteristics of Zeus.

This Zeus–Hades pairing structures the characters’ invocations of chthonic power in the *Choephoroi* as well. Among the numerous mentions of underworld forces, Orestes calls on “Zeus, who sends up from below avenging ruin” (*Cho.* 382–5, cf. 1, 18–19).¹⁶ Electra, too, refers to Zeus in close proximity to chthonic gods (394–9, cf. 124a–b, 462, and her prayer to Persephone in 490). Each of their numerous appeals to infernal forces specifically solicits action or power in the living world (Chapter 4). They correspond to Clytemnestra’s invocations, yet their dynamics are inverted. Clytemnestra’s libation to Zeus of human blood from the husband whom she slaughtered is a further blasphemy. She does gain divine champions, the Erinyes, but these are first treated harshly, then lose the trial, and finally abandon her cause. By contrast, since Apollo’s oracle condemns Clytemnestra, it validates the vengeance that Electra and Orestes seek from chthonic divinities, as does the run of the *Eumenides*. Thus, although

¹⁴ The other tragic examples are *Eum.* 273–4 (our Hades passage); *PV* 152–4; Eur. *Alc.* 237; and *Phoen.* 810.

¹⁵ See Zeitlin (1965), 473; Aesch. fr. 55.4 TrGF; and *OC* 1556–8. Zeus the Savior is invoked by Orestes at *Eum.* 759–60; cf. Burian (1986); and Goldhill (2000), 53–4.

¹⁶ Following the manuscript and Sommerstein’s Loeb over the OCT’s ἀππέμπειν.

both mother and children connect Hades and Zeus in service of bloody kin-murder, the trilogy manipulates audience sympathies to treat the invocations of chthonic divinities oppositely.

Depictions of humans in the underworld earlier in the trilogy constitute the second set of necessary background references. Grouped together, certain new patterns emerge. The Chorus of the *Agamemnon* allude to the myth of Asclepius “leading up” (ἀνάγειν, *Ag.* 1023) Hippolytus from the underworld. This introduces the possibility of return from the dead for humans in exceptional circumstances and simultaneously reinforces its impossibility otherwise. The violent reaction from Zeus to Asclepius’ resuscitation models direct divine punishment, but only for aberrant, superhuman transgressions (Chapter 2). In another example, Cassandra suggests she might continue to sing prophecies by the rivers of the underworld (*Ag.* 1160–1). Despite her second sight, the reference is ambiguous: It *could* mean an eternal extension of Apollo’s curse. Since she never mentions any punitive agent or injurious alteration of her state, her couplet does not reveal any structured view of afterlife punishment (Chapter 3).

Still in the first play, after murdering Agamemnon, Clytemnestra insists that he should not boast in Hades (ἐν Ἅιδου, *en Hadou*, *Ag.* 1528). She also imagines his underworld reunion with Iphigeneia by the “ferry of grief” (πόρθμευμὶ ἄχέων, *porthmeum’ akheōn*, 1555–9), a reference to the underworld river Acheron. Hers is a poetic construction, outside of any claim to divine support. By contrast, among the songs of lament for Agamemnon, the Chorus of the *Choephoroi* in verses 354–62 depict him as potentially regaining the honor due to a king in the afterlife. They thus open the door to a change of status after death but never claim that this has actually happened. In the numerous, contradictory references to Agamemnon in the underworld, at his tomb, or spiritually present, neither the Chorus nor his children ever suggest chastisement for Agamemnon’s killing of Iphigeneia or of innocents in the Trojan War (Chapter 4). Lastly, in the *Eumenides*, Clytemnestra’s Ghost depicts her shameful wanderings, blame, and suffering among the dead (*Eum.* 95–8).¹⁷ Even in this context, the Ghost does not mention the divinity Hades or any sort of ethical punishment but rather a type of human dishonor projected below.

¹⁷ As noted in Chapter 6, the Erinyes describe Clytemnestra as “free by virtue of being murdered” (603), which excludes her from the underworld lack of freedom that they promise transgressors (340–1).

Such brief references allude to the afterlife as a possibility or create relationships to it. Yet they do so without definitive statements or sure, divine knowledge – even from the prophet Cassandra. The human Choruses, especially, refer to myth and counterfactual situations, again without the suggestion of true knowledge and with little effect on the following action. Since none of these references depicts Hades as ethical punisher, at first glance one might categorize them as mere ignorance of the afterlife justice that is later revealed. Yet each has elements that escape the context of their scenes. Together, they offer a catalogue of character speculation on the divine framework of the world.

The ostensible ignorance of humanity makes the third set of background references a striking counterpoint. Once in each play of the trilogy, the Chorus sing a condensed tale of structured divine punishment. Just as it is the Erinyes who reveal Hades' punishments in the *Eumenides*, the Choruses of the *Agamemnon* and the *Choephoroi* each allude to a tripartite system of divine ethical retribution: in life, leading to death, and after death. In the *Agamemnon*, the Elders warn of the potential consequences of the Trojan expedition for its leader (*Ag.* 461–8):

τῶν πολυκτόνων γὰρ οὐκ
 ἄσκοποι θεοί, κελαι-
 ναὶ δ' Ἐρινύες χρόνῳ
 τυχηρὸν ὄντ' ἄνευ δίκας
 παλιντυχεῖ τριβῆ βίου
 τιθεῖσ' ἀμαυρόν, ἐν δ' ἀί-
 στοις τελέθοντος οὔτις ἀλ-
 κά·

For the gods are not
 heedless of men who kill many,
 and dark Erinyes, in time, make faded
 the man who prospers without justice
 by a reversal of fortune, by a wearing down of life,
 and there is no defense for him
 being among the unseen.

With generalizing language, the Chorus broaden their critique from the immediate referent, Agamemnon. They first apply the Erinyes' punishment to all those “who kill many” (461). They then further expand it to anyone who “prospers without justice” (464). This universalizing move in the context of the overturning of fortune in life, followed by death,

followed by punishment in the afterlife is a precursor for the Hades passage in the *Eumenides*.

The Elders' specific terminology also presages the Erinyes' song. In the first part, the Elders draw attention to the visual aspect of divine oversight, when they claim that the gods are "not unwatchful" (οὐκ ἄσκοποι, *Ag.* 461–2). They turn to the obverse of the theme by referring to dead humans as "among the unseen" or "in the unseen realms" (ἐν . . . αἰστοῖς, *en* . . . *aistois*, 466–7). This type of reversal is later echoed in the Hades passage, in which Orestes will "see" (*Eum.* 269) the punishments that the etymologically invisible Hades dispenses, who himself "watches over all things" (275).

The analogies continue in the overturning of human luck and escape from punishment. The Elders sing that the Erinyes reverse the fortune (παλιντυχεῖ, *Ag.* 465) of the fortunate man (τυχηρόν, 464) and wear down his life (τριβᾶ βίου, 465); whereas the Erinyes themselves sing of "withering" or "draining dry" (ισχνάνασ', *Eum.* 267).¹⁸ Using visual terms again, the Elders describe how the Erinyes "make faded/obscure" (τιθεῖσ' ἄμαυρόν, *Ag.* 466); similarly, in the *Eumenides*, the victim of the Erinyes becomes a shadow (σκιάν, *Eum.* 302). The songs of the Choruses of the *Agamemnon* and *Eumenides* thus reinforce each other through echoing terms, patterns, and metaphors. Yet there is one crucial difference between the passages: The only crime specified by the Elders, that of "killing many" (*Ag.* 461), is omitted from the Erinyes' later list of transgressions. We shall soon see how that this subtle exclusion is politically meaningful and consistent with Hades' purview.

A second passage about punishment, this time by the Chorus of the *Choephoroi*, operates along similar lines. Its intricate construction and possible corruption (being unmetrical) make it interpretively challenging. Yet the similarities in structure and vocabulary to the *Agamemnon* and *Eumenides* passages are unmistakable (*Cho.* 59–65):

τὸ δ' εὐτυχεῖν,
 τόδ' ἐν βροτοῖς θεός τε καὶ θεοῦ πλέον'
 ῥοπα δ' ἐπισκοπεῖ Δίκας
 ταχεῖα τοὺς μὲν ἐν φάει,
 τὰ δ' ἐν μεταίχμιῳ σκότου
 μένει χρονίζοντας ἄχρη,
 τοὺς δ' ἄκραντος ἔχει νύξ.

¹⁸ For a discussion of the reversal of fortune and wearing down of life, see Bollack and Judet de La Combe (1981), II.463–6.

Prospering,
 this, among mortals, is a god and more than a god.
 But the scale of Justice watches over,
 soon, those in the light,
 but pains await those spending time
 in the borderland of darkness,¹⁹
 and faint night holds others.

Due to its allusiveness and intricate syntax, this passage does not appear meant as a clear and definitive theological statement. Moreover, the Slave Women are not seers; despite their being foreign and having a role in the mourning rituals, they are never said to have contact with divinities or to interpret signs.²⁰ Therefore, one must take this passage as either speculation or a statement of culturally accepted beliefs (Greek or foreign), rather than as a divine revelation.

Similarly to the other two choral passages, the song in the *Chorephoroi* contains three temporal periods, in this case marked by progressively less light. Yet, whereas light and darkness seem to indicate life and the lack of life (as they normally do), the middle term, “in the borderland of darkness” (ἐν μεταίχμιῳ σκότους, *Cho.* 63–4), is disputed.²¹ This twilight zone alludes either to the edge of death or to death itself. In both interpretations, however, the “faint/dim/powerless night” (ἄκραντος . . . νύξ, 65) poetically evokes the afterlife, in which the dead are both less visible and less powerful.²²

Besides its corresponding structure, this passage exhibits numerous associations with the other two choral passages about the afterlife in terminology and ideas. The Slave Women represent divine judgment through the “scale of Justice” (*Cho.* 61), which, in an instance of hypallage, “watches over” (ἐπισκοπεῖ, *episkopei*, 61) those who have overstepped reverence (σέβας, *sebas*, 55). This maps closely onto the Elders’ “not unwatchful gods” (οὐκ ἄσκοποι θεοί, *ouk askopoi theoi*, *Ag.* 461–2) and the Erinyes’ depiction of Hades with his “tablet-writing mind” (*Eum.* 275),

¹⁹ I translate the OCT text, but verses 63–4, especially, have a variety of emendations and alternate readings, which do not affect my argument.

²⁰ This is reinforced when the Chorus designate Orestes as their favored interpreter of the dream of Clytemnestra (*Cho.* 551–2), on which see Chapter 5. For their references to superhuman forces in the *kommos*, see Chapter 4.

²¹ Sommerstein (2008b), 219 n. 17, does consider the most apparent, although still uncertain, set of referents as: punishment during life, late in life, and in the afterlife, *contra* Garvie (1986) ad 61–5. Cf. *Eum.* 175–8, 339–40; *Sept.* 742–5; *Supp.* 413–16.

²² In Homer, the “powerless (ἀμενηνά) heads of the dead” reside in Hades (e.g. *Od.* 10.536); cf. Tsagarakis (2000), 105–23; and Pind. *Ol.* 2.57–8.

who “watches over” (ἐπωπᾶ, *epōpa*, 275) anyone who acts irreverently (ἀσεβῶν, *asebōn*, 270). The visual metaphors of watching over and fading light (σκότου, *Cho.* 63, and ἄκραντος . . . νύξ, 65) connect to the Elders’ phrase, “among the unseen” (*Ag.* 465–7; cf. *Eum.* 267, 274–5, 565), and to the Erinyes “making faded” the transgressor until he or she is a shadow (*Eum.* 302). Lastly, the emphasis on good fortune (τὸ . . . εὐτυχεῖν, *to . . . eutukhein*, *Cho.* 59) ties in with the Elders predicting the reversal of fortune through the Erinyes for the man without justice (παλιντυχεῖ, *palintukhei*, *Ag.* 464–5; cf. *Eum.* 553–65).²³

The tripartite division and the metaphors of the three choral passages are so strongly reminiscent of each other that they show a hidden thread of concern with ethical punishment after death running through trilogy. The Erinyes’ revelation of Hades is reinforced for the audience by the repetition of elements from the two previous songs. Moreover, the human Choruses’ speculations are retroactively justified. Despite the human Choruses having no specific contact with the divine, the connections to later revelation bolster the notion that choral songs are meant to give some insight into the operation of the universe.²⁴ Yet the fact that the Erinyes give a far clearer presentation of the mechanism modifies our understanding of what human Choruses can know. The intersections and contrasts among these three passages demonstrate that humanity can intuit the divine structures in which it is embedded, but only partially and ineffectively.

The third set of background references comes from the Erinyes’ allusions to Hades and the underworld. Since the only earlier mention of Hades as underworld punisher is not by name, it has sometimes been missed. When the Erinyes awaken, they sing that Orestes will never escape punishment (*Eum.* 175–7):

ὑπὸ δὲ γᾶν φυγῶν οὐποτ’ ἔλευθεροῦται,
ποπιτρόπαιος ὧν δ’ ἕτερον ἐν κάραι
μιάστορ’ εἶσιν οὐ πάσεται.²⁵

Even fleeing under the earth, he will not ever be free,
and, although he turns as a suppliant, he will go
where he will get another polluter (*miastōr*) on his head.

²³ For the theme that justice comes late, see Garvie (1986), ad 61–5.

²⁴ On the authority of the human choruses in divine matters as buttressed by later revelation, see Parker (2009), 133–7.

²⁵ The OCT corrects the codd. ἐκείνου τοῖς εἶσιν οὐ. Both this correction and the original text support the arguments presented below.

The Erinyes create a continuum between Orestes' flight from them (φυγών, 175), his suppliance to men and to Apollo (ποτιτρόπαιος ὦν, 176), and his ending up "under the earth" (ὑπὸ . . . γᾶν, 175). There has been some discomfort in connecting this ἕτερον . . . μιᾶστορ' (*heteron* . . . *miastor*', "another polluter") to Hades. However, that the Erinyes are here describing Orestes entering the underworld is evident when the earlier choral passages are taken into account. This passage also resonates with the Erinyes' other references to the underworld. First is the Hades passage, in which he is the assessor of mortals "under the earth" (ἔνερθε χθονός, *Eum.* 274, cf. *Ag.* 462–8).²⁶ Second is that those who do wrong "go under the earth, and dying they are not very free" (γᾶν ὑπέλθη· θανῶν δ' οὐκ ἄγαν ἐλεύθερος, *Eum.* 339–40). The third characterizes this punishment as occurring in a locale of gloom, for there is no "endpoint" (τὸ τέρμα, *to terma*, 422) to the Erinyes' chase besides the place "where joy is not customary in any way" (423). The referent of "another polluter" is thus manifestly Hades.

These human and demonic references together form the ideational framework for Hades' punishments. They overlap to characterize the ubiquitous "old law" of the Erinyes: All human transgressors are subject to them in life, and once they enter the underworld will be eternally bound and punished by Hades, without any possibility of release. The passages from the first two plays provide insight into the human perspective on divine ethical punishment. The human Choruses appear to tap into a true understanding of punishment, yet they have only a vague picture of the divine mechanism. The Erinyes' claim that *every* transgressor of particular laws will suffer from the divinity amplifies the previous choral claims. Such punishment is revealed to be an intrinsic part of the consequences of human action above. It thus raises the stakes for all ethical decisions.

Ethical punishment must be feared in order to be effective and must be known in order to be feared.²⁷ Crucially, however, no human character ever mentions it during the numerous discussions of consequences for violent action. It is not even present in any depictions of the afterlife by individual characters; neither Cassandra nor the Ghost of Clytemnestra discloses a structured divine punishment below. Thus, the revelation of afterlife ethical judgment in the final play condemns retrospectively the blindness of previous ethical decisions. Conversely, it stands apart from the

²⁶ Note the close parallel to *Supp.* 228–31, where flight under the earth after death is no escape from punishment by "another Zeus among the dead." Cf. *Supp.* 414–16; Sommerstein (1989), ad 175–8; Geisser (2002), 141–2; and Martin (2020), 58.

²⁷ E.g. *Eum.* 389–94, 517–25, 696–9. Cf. Sommerstein (1989), ad 34 and 389–90; and Bacon (2001), 58.

frameworks in which justice is presented. Both of these insights characterize the judgment of Hades in the trilogy as a law that operates absolutely, yet one that humans fail to heed.

The Great Assessor: Laws and Process in the Underworld

Corporeality and Incorporeality

The human Chorus of the previous two plays allude in abstract terms to punishment after death, but it is fleshed out, so to speak, only in the Erinyes' Hades passage. Returning to their description uncovers the poetic force of the passage, the mechanism imagined for human continuation after death, and the ethical import of Hades' laws. The Erinyes' few lines about the underworld avoid any details of punishment, whereas these demons are otherwise pervasively concerned with imposing physical vengeance and suffering.²⁸ The passage is thus in proximate tension with the Erinyes' threat to deprive Orestes of the liquid necessary for biological life (*Eum.* 264–7).²⁹ From the poetic contrast derives a difference in method: In a paradox familiar from religions with infernal damnation and exploited already in Archaic Greek poetry, Hades punishes only the bloodless.³⁰

The tension between physical and immaterial differentiates Hades' punishment from instances of human vengeance in the *Oresteia*, which turn the living into corpses. The tableaux scenes in particular emphasize this corporeality of the dead: Clytemnestra stands over the bodies of her victims (*Ag.* 1372 ff.), and Orestes does so in turn over her and Aegisthus (*Cho.* 973 ff.). The audience might, however, be dramatically prepared for the sufferings of the *immaterial* dead by previous ghostly manifestations in the trilogy: Cassandra sees the mutilated Children of Thyestes as “the forms of dreams,” whose entrails are visible (*Ag.* 1218, Chapter 3). Clytemnestra's Ghost points to her physical wounds, which might be visible to the audience (*Eum.* 103, Chapter 6). In those scenes, characters and audiences alike interpret the marks of punishment on corpses and

²⁸ E.g. Apollo's characterization of their barbarian-style *dikē*, punishments, and animality as not fit for the gods (186–97); their demonic binding dance (328–33 = 341–6); and their overflow of poisonous violence against Athens after the acquittal (782–5 = 812–15).

²⁹ See *Cho.* 278–95 for the shriveling of the transgressor in life by chthonic powers, and cf. 302.

³⁰ Fragments 229 and 230 of Aeschylus' *Sisyphus the Stone Roller* mention the dryness of the dead, on which see Sommerstein (2008c), 232–9. For the religious-cultural notion of the dead as drained of blood, connected with burial rituals, blood sacrifices to chthonic beings, and reanimating the dead through blood, see Burkert (1985), 60; and Heath (2005).

ghosts. The continuing wounds of these figures infest life and propel further vengeance.

The Hades passage gains its dynamism from an opposite movement. Rather than the dead reappearing to affect the living world, the living seem to breach the underworld. The verse depicting the handoff between the Erinyes and Hades is deeply unsettling in this regard. In the first verse, the second-person pronoun for Orestes is the object of both being drained dry while living (ζῶντὰ σ' ἰσχνόνασ') and being dragged into the underworld (σ' . . . ἀπάξομαι κάτω, 267).³¹ The transition between the two realms thus reads as almost corporeal, with the Erinyes hauling the clearly still-sentient Orestes past the barrier of death. Their use of active verbs in the second person (ἴν' . . . τίνης, “so that you may pay,” 268; and ὄψη, “you will see,” 269) furthers the impression of a living *katabasis*. Notable in this regard is that the Erinyes do not refer to souls, phantoms, images, or merely the *phrenes* of humans in the underworld, as Archaic literature does.³² Instead, the term they use for dead humans in the underworld is “mortals” (τις ἄλλος βροτῶν, 269, cf. 273). The poetic blending of life and death lends an eerie proximity to the punishments. The more terrifying the afterlife is, the more it ought to have ethical effects on the living, since the Erinyes aver that fear of punishment ought to moderate human behavior (e.g. *Eum.* 517–28). It is thus not for Orestes that dread is most relevant, since he has acted and is already trapped. Rather, the Erinyes sing of Hades for *us*.

The abstraction of corporeality in this passage has a second dynamic: It distances Hades from the physical world. The use of *phrēn* illustrates the maneuver. In the Erinyes' lines elsewhere, *phrēn* can be a locus either of physical suffering or of incorporeal sentience. When used physically, referring to the “midriff” or internal organs, *phrēn* links the Erinyes' own embodied suffering with the afflictions they cause to humans.³³ In its nonphysical aspect, *phrēn* mostly stands for understanding and decision-making in Aeschylus.³⁴ This is especially true in the *Oresteia* in passages

³¹ The Erinyes in this scene use forms of the verb ζῶω “to live” grouped more closely together than anywhere else in Aeschylus: ζῶντος, 264; ζῶντα, 267; ζῶν, 305. The *Oresteia* plays with the connections between life and the afterlife almost wherever the verb ζῶω appears: “For when you lived (ἔζη) you were king” (concerning Agamemnon in the underworld), *Cho.* 360; and “the dead (τεθνηκότας) are slaying the living (τὸν ζῶντα),” *Cho.* 886. Cf. *Cho.* 926; *Eum.* 603–4.

³² In Pind. *Ol.* 2.57–8, it is “the helpless *phrenes* of the dead” (θανόντων . . . ἀπάλαμνοι φρένες) that pay the penalties (ποινὸς ἔτισσιν) in Hades. This is either a synecdoche for the human being as a whole, or the portion left after death, analogous with Pindar's use of *psukhē* (70). Cf. Currie (2005) 31, 36.

³³ E.g. *Eum.* 158–9. See Sullivan (1997), 16; and Sommerstein (1989), ad 155–8.

³⁴ As it does sometimes in Homer, see Gazis (2018), 74, with bibliography.

related to the Erinyes. For example, because of their assault, Orestes' *phrenes* spin into madness at the end of the *Choephoroi* (*Cho.* 1024).³⁵ In the *Eumenides*, the Erinyes' song binds the *phrēn* of their victim (δέσμιος φρενῶν, *desmios phrenōn*, *Eum.* 332), destroying it (φρενοδαλῆς, *phrenodalēs*, 330) to the point that a person cannot comprehend his own fall, since it renders him "witless" (ἄφρονι, *aphroni*, 377). In these passages, then, *phrēn* interweaves the physical and abstract aspects of the Erinyes' justice.

The Erinyes' sometimes-physical *phrēn* is dramatically relevant in the *Eumenides*. Athena – who herself is given the capacity to think well by Zeus (φρονεῖν, *phronein*, 850) – reverses the Erinyes' negative uses of *phrēn*. She offers them a place free from their own internal pain (893) and directs their mental energy (φρονοῦσιν, *phronousin*, 988) toward "intending good" (εὐφρονας εὐφρονες, *euphronas euphrones*, 992). For Hades, by contrast, the terminology of *phrēn* is only abstract. It is the locus of his writing: "he watches . . . with his tablet-writing mind" (δελτογράφῳ . . . φρενί, *delographō . . . phreni*, 275). Hades does not act in the world physically, as the Erinyes do. The metaphorical phrase even marks the absence of material writing: No one else can read the tablets of Hades' mind. Their relationship to corporeality and incorporeality thus differentiates Hades from both the Erinyes and the Olympians – who act in the living world – in ways that have significant consequences for the application of his law.

Chthonic Process and Athenian Terminology

Comparing the judicial terms used to depict Hades to those used for the Erinyes, humans, and Olympians in the *Oresteia* locates his justice more precisely. The tension between vengeance and legal language in the Hades passage combines several of the themes related to the Erinyes. First is their insistence on the rigid correspondence between punishment and crime.³⁶ In the Hades passage, they connect Orestes paying a penalty (τίνης, *tinēs*, 268) to his mother's suffering with the term ἀντιποίνους (*antipoinous*, or with the adverbial ἀντιποίνα, *antipoina*, both meaning "in requital," *Eum.* 268). As elsewhere in the *Oresteia*, this formulation welds a word or prefix

³⁵ The Chorus relate Orestes' madness to blood (*Cho.* 1056), which Sullivan (1997), 38–9, compares to the Chorus of the *Agamemnon* attributing madness to blood in Clytemnestra's *phrēn* (*Ag.* 1426–8). Hence, we have a continuing connection between the Erinyes' bloody nature and their effects on the *phrēn* of humans. Cf. Goldhill (1984a), 229–30.

³⁶ See the Introduction for the "balancing" aspect of the Erinyes in previous literature.

of exchange (ἀντι-, *anti-*) to one of justice or penalty (the ποι-, *poi-*, stem).³⁷ The Erinyes' presentation of justice here fits into the universal ethical pattern they consistently disseminate, that of every mortal receiving "due recompense of justice" (τῆς δίκης ἐπάξια, *tēs dikēs epaxia*, *Eum.* 272). That is, each human gets the "deserts" (ἄξια, *axia*) for their impious acts. The phrase "due recompense of *dike*" is, in fact, a pleonasm, in the sense that the Erinyes have been using *dikē* throughout to mean reciprocation in kind for evil acts. Whereas this rigid relationship between crime and punishment might seem too obvious to mention, the very circumstances of Orestes' case draw attention to it. The only explicit target of the Erinyes' pursuit in the trilogy is never actually punished but is rewarded with a return to kingship. The Hades passage thus emphasizes the "balancing" aspect of the Erinyes' justice at the very moment it is being discarded.

Throughout their time on stage, this balancing is always in tension with the Erinyes' superfluidity, endlessness, and overwhelming violence. Their infringement of all boundaries in pursuit of blood typifies their legal vocabulary as well. At the start of their binding dance, the Erinyes expand on their judicial functions (*Eum.* 312–20):

εὐθυδίκαιοι δ' οἴομεθ' εἶναι
 τὸν μὲν καθαρὰς χεῖρας προνέμοντ'
 οὔτις ἐφέρπει μῆνις ἀφ' ἡμῶν,
 ἄσινῆς δ' αἰῶνα διοιχνεῖ
 ὅστις δ' ἄλιτῶν ὥσπερ ὄδ' ἀνὴρ
 χεῖρας φονίας ἐπικρύπτει,
 μάρτυρες ὄρθαι τοῖσι θανοῦσιν
 παραγιγνόμεναι πράκτορες αἵματος
 αὐτῷ τελέως ἐφάνημεν.

We consider ourselves straight-judging:
 no wrath from us creeps upon
 the one presenting clean hands,
 and unharmed he goes through his lifetime;
 but whoever, having transgressed, just like this man,
 conceals his murderous hands,
 being present as upright witnesses
 for the dead we appear with final authority
 against him as debt collectors of blood.

³⁷ A key parallel lies just above this passage (*Eum.* 264–5): "No, you must give in exchange (ἀντιδοῦναι) red gore." Cf. *Ag.* 1420; *Pers.* 808; *Pind. Ol.* 2.58.

The theme of balance is evident when the Erinyes refer to themselves as “debt collectors of blood” (πράκτορες αἵματος, 319). Depriving the one who sheds blood, in turn, of his own blood is their method of redressing the asymmetry through the *lex talionis*, indicated by the technical language of debt.³⁸ But, in fact, their method and violence tilt the scales too far.

The Erinyes are intent on hoarding every judicial role. They declare themselves “witnesses” (μάρτυρες, 318), “judges” (εὐθυδίκαιοι, 312), and executioners, since they collect the bloody debt with “final authority” (τελέως, 320).³⁹ Yet, no matter how “correct” their judgment (εὐθυ-, 312; ὀρθαί, 318), in unifying all the functions that are segregated in human courts, the Erinyes undercut the purpose of each. First, they hear no argument and thus forestall conflicting opinion.⁴⁰ Secondly, they allow no influence from others on their decision. Lastly, they have no respect for suppliants, a sacred Greek obligation (176). They thus discard all continuing relationships that hearing out the context of a transgression, giving a temporary reprieve, or even granting forgiveness can offer society – the very features of Athena’s new law that benefit Athens. The Erinyes exclude any amelioration that, in the ending of the *Oresteia*, characterizes both the Olympian mandate and human judicial processes.

Returning to the Hades passage, we find even more specific allusions to Athenian law. Most consequential for understanding the function of Hades is his designation as the “great *euthunos* of mortals” (εὐθυνοσ, 273). *Euthunos* is literally “straightener,” and thus came to mean “assessor” or “auditor” in its technical use in Athens for “one who audits magistrates after their term in office.”⁴¹ This is reinforced by ἀπάξομαι (267), from ἀπάγω (“to lead before a magistrate”).⁴² The legal color to the language thus shades *dikē* (272) toward its more technical meaning of “trial,” which it increasingly adopts in the *Eumenides*.⁴³ Even the tablet of Hades’

³⁸ Cf. e.g. *Cho.* 400–4. On the old justice in part as defined by blood for blood, see Meinel (2015), 119–27.

³⁹ MacLeod (1982), 134, points out that in the *Agamemnon* the terms πράσσεισθαι and πράκτωρ, normally used for legal fines and exaction of debt, refer to the total destruction of Troy (*Ag.* III, 705, 812, 823). On legal language in the *Agamemnon*, see Daube (1939).

⁴⁰ *Contra* Gagarin (1976), 73–5, who claims that the Erinyes are supporters of judicial process based on their insistence on oaths and correspondences between their language and Athena’s.

⁴¹ *Ath. Pol.* 48.4. See Bakewell (1997), 298, with further citations.

⁴² See Sommerstein (1989), ad 267–8, 273–5. The assessing or auditing may have been done in front of a subsection of the Areopagus council, with which the Erinyes became associated as the *Semnai Theai*. There is some speculation that Ephialtes removed precisely this power from the Areopagus, to which this theme in the *Oresteia* would be a strong contemporary allusion.

⁴³ Including, not long before, the related term ὑπόδικος (“defendant,” *Eum.* 259), which the Erinyes deny Orestes can be. On the movement of *dikē* and related terms toward a legal sense in the trilogy, see Sommerstein (2010a), 193–200.

recording mind (the δέλτος in δελτογράφος, 275) may allude to the tablets used in the Athenian legal system to receive complaints and transfer cases between jurisdictions. Aside from specific vocabulary, it has been suggested that the phrasing “seeing all things” should be read in light of the fact that magistrates were scrutinized for both private and public actions.⁴⁴ The technical terms of the passage thus prompt comparison between Hades’ process and both Athena’s new law and the contemporary Athenian legal system.

Instead of a legal process affected by human contingency, the Erinyes present the law of Hades as absolute and supreme. Their language reinforces the notion of ultimate sanction through a theme we have analyzed in the speech of human characters: Hades geminates Zeus. This is the other facet of *euthunos*, for Aeschylus has previously used the very same term for Zeus himself. According to the Ghost of Darius, Zeus is the “chastiser of overly arrogant minds” and is a “harsh assessor” (εὐθυνοῦ βαρῦς, *euthunos barus*, *Pers.* 827–8). This is the only other occurrence of the term *euthunos* in Aeschylus, and it is also in a punishing context, delivered by an underworld denizen. The thematic and linguistic connections include Queen Atossa’s earlier attempt to clear the Great King of Persia from ever being subject to scrutiny or assessment by his people, using this very vocabulary (οὐχ ὑπεύθυνος, *oukh hupeuthunos*, *Pers.* 213). By depicting Zeus as a *euthunos*, the Ghost of Darius not only undoes this defense of the Great King but also expands the purview of ethical retribution to all humanity.⁴⁵ The *Oresteia*’s Hades passage formalizes this universalization through itemizing the violations and relocating the arena of punishment to the afterlife.⁴⁶ In the realm of Hades, there should be no doubt about the divine nature of such punishment. The vocabulary of Hades’ justice overlaps with that of the king of the gods in the final procession of the *Oresteia*, as well. The members of the procession sing that “all-seeing Zeus” (Ζεὺς πανόπτας, *Eum.* 1045) supports the Athenians.

The law Hades administers below and his power over men are thus sanctioned by his total perception and auditing of all humankind, both characteristics that, in other contexts, Aeschylus reserves for the highest Olympian. Whereas the vocabulary surrounding underworld justice often

⁴⁴ Both analogies are suggested by Bakewell (1997), 298–9. For the idea of totality in πάντα, “all things,” cf. Zeus bringing all things (πάντα) to fulfillment (759) and seeing all (πανόπτας, 1045); and the Erinyes managing all human affairs (πάντα . . . τὰ κατ’ ἀνθρώπους, 930–1).

⁴⁵ See Goldhill (1988), 191, and n. 24, with bibliography.

⁴⁶ Cf. Pind. *Ol.* 2.58–59, in which Hades is unnamed (τις) but his judgment beneath the earth (κατὰ γῆς δικάζει) is of the things done under the rule of Zeus (τὰ δ’ ἐν τῷδε Διὸς ἀρχῆ).

alludes to the Athenian system, the analogies to Zeus as the great auditor and to the Erinyes' unified functions tend toward a singular, divine version of law. The Erinyes present the judgment of Hades as undivided and unappealable.

The Code of Hades: Defining Ethics

Never before in Greek literature are the violations punished by Hades specified. In enumerating them, the Erinyes appear to be outlining a simple, preexisting, universal code. The seeming self-evidence of the list is bolstered through its distinctly condensed phrasing (*Eum.* 270–1):

ἢ θεὸν ἢ ξένον τιν' ἄσεβῶν
ἢ τοκέας φίλους

dishonoring a god, or a guest-friend,
or their dear parents

On closer examination, however, the list of transgressions manifests particularities both in its selection and how its terms play out in the trilogy.

According to this catalogue, Hades is solely concerned with a human breaking preexisting bonds with another being or beings. That is, he governs violations of sacred relationships, an act labeled irreverence (*asebeia*, implied in ἄσεβῶν, *asebōn*). These relationships are referred to by naming the party to whom one is obliged: the human–divine relationship, broken by dishonoring a god (θεὸν, *theon*); the guest–host friendship of *xenia* (ξένον, *xenon*); and the parent–child kinship, *philia* to one's begetters (τοκέας φίλους, *tokeas philous*).⁴⁷ The Erinyes only accuse Orestes of the filial violation. They enumerate the others to demonstrate their broader concerns. These are evident also from their later urging of the cultivation of similar sacred relationships between humans: reverence to parents (τοκέων σέβας, *tokeōn sebas*) and honor to guests (ξενοτίμους, *xenotimous*, *Eum.* 538–48). Such bonds between anthropomorphic beings (humans or gods) involve requiring good already or potentially given.

⁴⁷ Cf. *Supp.* 701–9, in which the Suppliants wish for the state to protect *xenoi* (ξένοισι), honor the gods (θεούς), and revere parents (τεκόντων σέβας), as the three “written” statutes of Justice (ἐν θεομίσις Δίκας γέγραπται). Like the metaphorical tablets of Hades' mind, the reference to divine writing draws attention precisely to the lack of physical writing. These laws are thus often classed under “unwritten laws.” For these in the *Suppliants*, see Sommerstein (2008a), ad loc. On the *Eumenides* passage, see Schlatter (2018) 127 n. 7. For the “unwritten laws” in the *Antigone* (ἄγραπτα . . . νόμιμα, *Ant.* 454–5), connected with Hades, see Griffith (1999), ad loc.; and Fletcher (2008), esp. 88–90.

Thus, the code amounts to a guideline for being an individual at the barest level: reciprocity. In the *Oresteia*, Hades is the god of ethics.

The concern with only ethical, individual actions is – perhaps surprisingly – consistent throughout the *Oresteia*'s references to Hades. For one, the relationships itemized in the Hades passage are cleanly distinct from politics. This contrasts with the other references to punishment in the trilogy, nearly all of which are intertwined with political concerns. Specifically absent in his code is any reference to the killing of many and the sacking of cities, which were precisely the circumstance in which the Chorus of the *Agamemnon* had first sung of such underworld punishment (*Ag.* 461–8). Additionally, the purview of Hades' laws is universal. None of the three Choruses describe them as culturally specific or delimited by membership in a *polis*. The Erinyes, in fact, assert that all mortals must obey them. They thus differentiate Hades' law from the thoroughly *polis*-based law of Athena.

In its exclusion of competing jurisdictions, chthonic justice rejects the claims of other forms of justice in the *Oresteia*. First, the Erinyes deny that other divinities participate in the balancing of the universe. They repeatedly accuse the Olympians of transgressing justice by hindering the Erinyes' punishing role (*Eum.* 155–61, 711–12, 747, 780 = 810, 839 = 873). In their telling, the Olympians have nothing to do with the dishonor and pollution of ethical punishment (350–66, 385–6).⁴⁸ Other divinities cannot override the Erinyes' law nor provide release. Thus, the Erinyes reject Apollo's purification of Orestes and, initially, the appeal to Athena as judge. Secondly, the Erinyes also reject structured punishment by humans. Trials have no place in their justice. The Hades passage confirms the exclusion of human justice due to the absolute disparity of power between humans and gods. The deliberate structural antithesis is evident in the two juxtapositions of βροτῶν (*brotōn*, "of mortals") with a god (θεόν, *theon*, 269; Ἅιδης, *Hadēs*, 273). Humans make their choices in life, and those who transgress are the object of chthonic punishment thereafter. The civic legal structure instituted by Athena, therefore, specifically opposes the jurisdiction of Hades.

In sum, the Erinyes and Hades monopolize ethical punishment and give it a strict schema. The code of Hades outlines certain relationships the Greeks commonly considered sacred: reverence to gods, guests, and parents. Yet the transgressions mentioned are, in fact, a specific subset of

⁴⁸ Burkert (1985), 200–2, notes that in literature the Olympian gods demonstrate repugnance for anything to do with death, whereas in cult the chthonic and Olympian often stood side by side.

societal concerns. They are focused on the individual and are decidedly nonpolitical.

The whole of the Erinyes' justice, including the references to Hades, is framed in universal and divinely validated language, which has consequences. First, the notion that the underworld is the endpoint for humans gives a sense of permanence. Secondly, the distinctions between the Erinyes and Hades, both chthonic, are subtle, but crucial. In part, they correspond to embodiment in general, which is mimicked on stage. It is the distinction between operating in the world and being at a distance. The Erinyes emphasize their physical *phrēn* and change their mind, ensconcing themselves in Athens for festivals and honors. Hades' exclusively mental *phrēn* connects with the lack of blood in his realm, his invisibility, his distance from the upper world, and thus his disregard for honors bestowed by humans. The difference between the Erinyes and Hades on these fronts leads to unresolved issues concerning the validity of underworld justice.

Regarding authority and law, the terms for Hades' code differentiate it from the other examples of divine and human justice. The twinning of Zeus and Hades, especially through the shared vocabulary of overseeing all things, provides the latter a cloak of absolute authority.⁴⁹ Yet the natural conclusion that divine law is continuous between Olympian and chthonic powers is incorrect.⁵⁰ The trilogy itself explicitly contradicts such a structure through repeated denials of any Olympian connection to ethical punishment. In terms of human justice, the legal language used for Hades ties it to Athenian practices, specifically through the reference to him as a *euthunos*. Implied in this universal projection of the Athenian term is a technocratic concern with justice. On the other hand, the trilogy registers deep unease concerning the structure of Hades' justice and the content of his laws, to which we now turn.

The Dark Side of Hades' Law and Character

Precarious Relations

It is not immediately obvious why the transgressions that Hades punishes should be problematic, for they are a précis of the disorder and violence within the *Oresteia*. Moreover, Hades' justice is represented as an eternal,

⁴⁹ On Zeus's kingliness in the *Oresteia*, see Grube (1970); Lloyd-Jones (1971); Griffith (1995), 104–7; and Sommerstein (2010d), 168–9.

⁵⁰ *Contra* Schlatter (2018), 158–9, 169–71.

sacred, stable ethical code overseen by an impartial judge, which punishes only criminals. Yet examining the three named relationships exposes significant difficulties concerning the application of Hades' justice. The extraordinarily overdetermined nature of each relationship in the trilogy already subverts it at the moment of its articulation.

Most evident thematically is the fraught vocabulary of kinship. Neither the general context of the trilogy nor the specific language of the confrontation between parties in the *Eumenides* allows for *tokous* ("parent," *Eum.* 271) to remain a neutral term.⁵¹ The Erinyes are pursuing an instance of a child rising up against his parent, yet the motif of parents behaving murderously toward children resounds throughout the trilogy, reversing the order of the rule as represented by the Erinyes. What of Agamemnon murdering his daughter? The question is asked by Clytemnestra, who sometimes conceptualizes herself as a manifestation of a demonic avenger (e.g. *Ag.* 1433, 1501; Chapter 6). What of Clytemnestra murdering her husband? This is the grounds on which Orestes and Apollo challenge the Erinyes (e.g. *Eum.* 604). Naming the transgression of child against parent insufficiently accounts for the blood-crimes that animate vengeance in the trilogy. Consequently, the phrasing of the ethical code itself draws attention to its incompleteness.

Even more directly applicable to this seemingly straightforward relationship are two related subversions in the trial, which have been widely discussed. First, Orestes and Apollo disavow any biological link between mother and child. Apollo, especially, attacks the notion of a mother "begetting" (the verbal idea behind *tokous*) and names Athena as an example of a motherless child (662–6). The second subversion is that Athena approves this explanation as part of her reason to acquit the matricide: She was born of no mother (736). This line of argument is inapplicable to human beings. Thus its use in the trial destabilizes any solid foundation for an ethical code built on the parental relationship and, even

⁵¹ *τοκέας φίλους* indicates a restriction to parents, but the issue of the exact sense of *philos* remains open: Is it simply part of a set phrase here, adding nothing to the meaning? Alternately, could it expand this moral framework to include the constructed aspects of *philos* just as the Erinyes expand their own mandate from avenging blood crime to all human relationships? Goldhill (1984a), esp. 226, makes this point, based on the redefinitions of *philia* that excluded Clytemnestra in the *Choephoroi*. For discussions of *philia* in Classical Greece and specifically on its use as "kinship" or "friendship," see Konstan (1996); (1997), esp. 53–92; and (2006), 169–82. Belfiore (2000), 1–20, is more focused on tragedy and argues for the expansion of the term *philos* (not just *philia*) in tragedy to include both family and friends, *contra* Konstan's more restrictive notion; but cf. the response in Konstan (2001).

further, on biology or kinship.⁵² Consequently, through an unexpected dramatic turn, the foundational moment of the new law actually denies the very relationship that both human vengeance and the old law uphold.

The same dynamic is at work with the second relationship, *xenia*, a notion critical to the unfolding vengeance scenes of the *Choephoroi*. In that play, Orestes is a prime example of one who abuses the hospitality afforded to a *xenos*.⁵³ His violation of this bond reenacts Atreus' crimes against Thyestes, his brother and guest, for which Aegisthus (a hidden *xenos*, as it were) eventually takes vengeance.⁵⁴ During the trial, Apollo's uncoupling of a mother from being a *tokeus* turns her into a "stranger" (ξένη, *xenē*) to her baby, also a "stranger" (ξένω, *xenō*, *Eum.* 660). Again, the arguments at the trial undercut the old law that chastises the violation of the sacred rights of strangers.⁵⁵ In acquitting Orestes of killing a stranger, who is simultaneously his parent, the new law pointedly disregards both transgressions.

The last – and seemingly most stable – of Hades' concerns, the relationship between human and divine, follows this pattern as well. In the early part of the trilogy, humans catastrophically subvert this relationship. First Agamemnon's obliteration of the temples of Troy and the chain of human sacrifices surrounding the house of Atreus devastate the sacred ties Hades is supposed to protect.⁵⁶ The transgression that the Erinyes condemn therefore occurs without any mention that Hades punishes Agamemnon for it. Secondly, Clytemnestra commits acts that (other characters deem to) violate every aspect of piety (e.g. *Ag.* 1409–11), yet the Erinyes claim that Clytemnestra is "free by virtue of being killed" (*Eum.* 603). Thirdly, it is arguable that an infraction against two rules together is contained in the story of Zeus imprisoning his own father (641–2), the violence of divine child against divine parent. Availing themselves of this myth (which both they and Apollo treat as fact), the Erinyes characterize the whole age since the ascent of Zeus as one of brutality and retribution.⁵⁷ The Erinyes'

⁵² On these arguments and their implications, see Winnington-Ingram (1948), 143–4; Zeitlin (1978), 106–12; Gagarin (1976), 87–8; and Sommerstein (1989), ad 657–66.

⁵³ Bacon (2001), 52–7, notes that *xenos* and its compounds occur thirteen times in the sixty-six lines of the scene between Clytemnestra and Orestes and links these to Apollo's later argument against her.

⁵⁴ *Ag.* 1577–1611, and note the use of *xenia* in verse 1590. Cf. Roth (1993), 14–17.

⁵⁵ For the political aspects of *xenia*, see Griffith (1995); against which Goldhill (2000), 50.

⁵⁶ Zeitlin (1965) and (1966).

⁵⁷ On Zeus as a vengeful god, see Denniston and Page (1957), xxviii–xxix. This mention of Cronus fits with the choral passage in the *Agamemnon* about the overthrow by their respective sons of Cronus and Uranus, who, although he was μέγας (as Hades is) is no longer said to exist (*Ag.* 168–73). Cf. Clay (1969), 9.

objection to Olympian interference is predicated on Zeus's own actions: He has implicitly violated the very code that Hades enforces for mortals. Apollo, however, dismisses these claims (644–51), and both he and Athena still appeal to Zeus as final authority (e.g. 620 and 797). Both the selectiveness of the old law's divine punishers and the Olympian statements during the trial thus problematize the categorical condemnation of "transgressions against a god."

The obligations of humans to divinities, children to parents, and guests to hosts are thus up for redefinition. The gods themselves violate them without consequence, whereas human violators are not consistently punished. The upholders of the old justice fail to truly enforce it; they cannot even keep a grip on its terms. The Erinyes' ever-narrowing concern with kindred blood also undermines the ostensibly absolute ethical system, since they punish one type of familial violation but leave others unrequited. Such a convergence of fractures eventually enables Athena's law to demolish the Erinyes' claims in the trial, building a new foundation on the rubble. The trilogy, however, never indicates that Hades' justice or *modus operandi* ever change. Athena clearly states that chthonic forces continue to present a danger for the city (*Eum.* 1007–8). We will return to the dynamic at the end of the trilogy that accounts for both the continuation of Hades' justice and the destabilization of its terms.

The Polluted Judge

First is the matter of the punishing divinity himself. The depictions of Hades contain troubling parallels to the issues with his laws. The legal terms in the Hades passage give the impression that he is a juridical, dispassionate balancer of the universe. As already discussed, the passage only offers the vaguest hints concerning his punishments, a reticence that seems to distinguish both his method and characteristics from those of the Erinyes. Yet from another passage, Hades can be understood to be contaminated similarly to the trilogy's other avengers.

When the Erinyes refer to Hades as *miastōr* (μιάστορ', *Eum.* 177), they draw attention to the more general problem with punishing figures in the *Oresteia* and beyond. The term *miastōr* literally means "polluter," or "polluted one," depending on whether the emphasis is on actively polluting (as its form implies) or on pollution inherent in the agent. It derives from μιάσμα (*miasma*, "pollution"), which is used seven times in the *Oresteia*, including once immediately prior, in *Eum.*

169.⁵⁸ When used to refer to Hades in verse 177, the term *miastōr* causes consternation and twisting among translators. Sommerstein (2008b), who notes that the reference is to Hades, translates it as “avenger,” apparently to avoid calling the god polluted. Others even go so far as to emend the text in order to shift the implied referent.⁵⁹ For comparison, the only other occurrence of *miastōr* in Aeschylus is in *Cho.* 944, where the Chorus apply it to both Aegisthus and Clytemnestra.⁶⁰ There, scholars and translators unproblematically render *δυσὸν μιστόροισιν* as “two who were unclean” (Smyth); “two stained with murder” (Lattimore); “two polluted wretches” (Garvie); and “two defilers” (both Meineck and Sommerstein). This crux in translation when Hades is the referent alerts us to a need for an extensive reconceptualization. Once one accounts for the etymology of *miastōr*, there is no escaping the fact that the Erinyes are referring to Hades – the seemingly objective “assessor” of mankind – as part of the cycle of polluting and polluted vengeance.

What precisely causes this staining of Hades? In the first two plays, *miasma* accrues to human killers due to their violation of a person's sanctity, spilling sacred blood.⁶¹ In the third play, the Erinyes locate Orestes' actions firmly within this framework: “Oh, polluted with murder (*μισαφόνει, miaiphone*) . . . do you disown the most kindred blood (*αἷμα, haima*) of your mother?” (*Eum.* 607–8; cf. 169–70). They continually dispute the possibility of cleansing defilement by any method – even those prescribed by the gods – short of sucking the killer's own blood and sending him to Hades. Their unremitting attacks on Apollo rely on this very tenacity of pollution, through which they undermine his purity and thus his authority (e.g. *Eum.* 163–72). The Erinyes' own lot is a dishonored one (*ἀτίετα . . . λάχη, atieta . . . lakhē*, 385), despite their insistence on their honor, precisely because of their connection with violent punishment.⁶² The Erinyes understand that their function is

⁵⁸ *μιστώρ* and *μίσμα* are both derivatives of *μίσινω* “to stain, soil, defile” (LSJ). Cf. Chantraine, s.v.; Beekes, s.v.; Parker (1983), 104–43, with 312 on the *Oresteia*; and Burkert (1985), 75–82.

⁵⁹ E.g. Smyth (1926) changes the referent to a future murderer who will come against Orestes from “his family” or “the same seed,” by correcting the codd. *ἐκείνου* (177) to *ἐκ γένους*, despite the fact that such a possibility is mentioned neither in myth nor in the rest of the *Oresteia*. Georgantzoglou (2002) justifies this textual correction by an assertion that Hades exists outside of the conceptual pattern of pollution because of his role as assessor, a preconception whose falsehood the analysis herein demonstrates.

⁶⁰ *Miasma* is used twice to describe Clytemnestra: *Ag.* 1645; *Cho.* 1028.

⁶¹ See Geisser (2002), 139–46, on vengeance and blood pollution for the *miastōr*.

⁶² Sidwell (1996), 49.

defiled and makes them unfit for association with the Olympians.⁶³ The same violence inherent in punishment pollutes Hades – despite his interaction only with the bloodless – and earns him the epithet *miastōr*.

There is a further reason implied for why Hades is polluted. The *miastōr* passage differentiates between Hades and the Olympians concerning a sacred Greek relationship not mentioned in his code: the rights of suppliants. Greek culture is filled with stories of the fierce pollution attending the violation of these rights.⁶⁴ Apollo himself declares that he will not desert Orestes because it is terrible for either gods or men to abandon a suppliant (*Eum.* 232–4). Yet Hades in the *miastōr* passage ignores supplication (176). Therefore, although the Erinyes describe Hades with technocratic vocabulary, they also associate him with their own unremitting excesses in pursuit of justice.

Two related problems concerning the justice of Hades follow from this pollution: Both the unmediated character of Hades' judgment and his nature as sole arbiter become suspect. Each of these is evident in the metaphor of tablets (δέλτογράφω . . . φρενί, *deltographō . . . phreni*, *Eum.* 275), which now can be located more specifically in the Athenian legal system. In Athens, tablets that move cases from court to court are necessary due to multiple authorities and jurisdictions.⁶⁵ Even within one human court, judgments account for mitigating circumstances, supplication for mercy, and even appeals to self-interest.⁶⁶ Instead of such a system, the image of the tablets within the mind of Hades is one of a single recording, meant to stop an event from changing its significance. The emphasis on the sole, removed, unbribable judge contravenes any splitting of authority, leniency due to circumstances, appeal to the interest of the court, and, most importantly, possibility of release.

The legal terminology surrounding Hades' solitary judgments thus offers Athenian audience members a chance to reflect on whether justice is to be entrusted to one entity, even a divinity. In the *Eumenides*, Athena demonstrates her wisdom by explicitly denying that it can. She declares that neither humans alone nor a divinity alone can preside over cases of

⁶³ The Erinyes speak of “standing apart from the gods in the sunless scum,” 386. Cf. Vellacott (1984b), 121; and Burkert (1985), 200–2.

⁶⁴ Parker (1983), 146, 181–6. On supplication (ἱκετεία) in Greek literature, see Gould (1973); and for the focus on it in the *Suppliants*, see Turner (2001).

⁶⁵ Bakewell (1997), 298–9. A further allusion involves Athena's acting analogously to the Athenian *basileus*. This was previously a political office that, by the time of the *Oresteia*, mainly involved religious duties, but whose holder also conducted the preliminary investigation that determined to which court a case belonged, Griffith (1995), 97 and nn. 117–18.

⁶⁶ On Orestes' trial in the context of Athenian legal practice, see Sommerstein (2010b).

great magnitude.⁶⁷ We have covered the characteristics of Hades and his laws, with their evident problems, as well as the connection of afterlife judgment with themes throughout the trilogy. Now the full significance of this ethical code remains to be analyzed in the context of the new Olympian law that presumes to transform humankind.

Contrasting Athena's and Hades' Justice

The *Iliad* offers a subtle precedent to the relation of Hades to Athena – in an unsubtle setting. The goddess dons the helmet of Hades to be invisible in battle even to Ares, whom she trounces.⁶⁸ Not furious bloodlust, but expertise in warfare – wise violence – is the ethos of Athena from the start. Beyond using craft to win, Athena demonstrates wisdom by reintegrating the power of the defeated. After she vanquishes Poseidon to become the tutelary deity of Athens, she preserves his cult for the benefit of the city.⁶⁹ Athena's manipulation of Hades' power in the *Iliad* and the absorption of the elder Poseidon are acts mirrored in the *Oresteia* when the goddess resolves the ongoing chthonic vengeance that haunts the trilogy. By ending the cyclical curse of the Atreidae with which she seemingly has little to do, Athena simultaneously gains Orestes as an ally and integrates the defeated Erinyes, both for the benefit of Athens.

Athena describes her new justice in positive, divine language, minimizing any mention of violence. The goddess insists that she has won through divine persuasion, implicitly contrasting her pacific rhetoric to the threatening language of Apollo.⁷⁰ Athena's entire focus is on the flourishing of the city. She institutes the trial with its voting, marking it as a “new law,” which leads scholars to see the whole ending as an aetiology for and modeling of democratic practice.⁷¹ Finally, the mechanism of Olympian intervention, the process of the trial, the verbal agon in which Athena finally placates the Erinyes, and the religious procession at the end all

⁶⁷ *Eum.* 470–2. There does exist a version of the mythical trial of Orestes in front of a jury of gods, which might have been current before the *Oresteia*, see Sommerstein (1989), 4.

⁶⁸ αὐτὰρ Ἀθήνη δῦν' Ἄϊδος κινέην, μὴ μιν ἴδοι ὄβριμος Ἄρης, *Il.* 5.844–5. Again here Homer playfully etymologizes Hades' name, negating the verb of seeing from which it originates, Gazis (2018), 36–40.

⁶⁹ Bowie (1993), 18, 27–8; and Loraux (1993), 3–71. ⁷⁰ Rynearson (2013), 18–21.

⁷¹ Euben (1982), esp. 27–9, following Hannah Arendt's theories, attributes extensive positive features to the new justice based on its political form and Athena's blessings, including reconciliation of diversities into a restored yet new unity, an active complementarity of reciprocity (which precludes domination), acknowledging the legitimacy of the other, and looking backward and forward in time, especially into the other's point of view; cf. Chiasson (1999) and further examples in the Introduction.

reinforce the motif of closure.⁷² They indicate that the new law supersedes the old law, forever.

Within the divine world of the *Oresteia*, however, the process and ethical aspects of Hades remain as a challenge to the seemingly purified and eternal new world order. A two-part comparison therefore closes this chapter. The first section differentiates the processes of Hades from those of the new law as represented on stage and as connected with Athenian practices. The second section focuses on Athena's transformation of underworld themes. Contrasting the supposedly superseded justice of Hades exposes the pernicious implications of Athena's collective, political, and thoroughly bellicose solutions.

Hades' Singular Justice versus the New Law

The structural qualities of the court that Athena institutes can be summarized thus: It is (1) an independent (2) administrator that (3) hears both sides and (4) is able to inflict drastic penalties (5) narrowly on the guilty.⁷³ Most of these five characteristics controvert some feature of the Erinyes and of the general cycle of retribution surrounding the house of Atreus and the Trojan War. Each is easily understood as a defining feature of both Athena's dramatic court within the play and the courts in historical Athens. Unaccounted for in previous analyses of this new justice, however, is that the enumerated features are nearly all present in the judgment of Hades. Moreover, judicial process, as represented in the *Oresteia*, is far from optimal or unified. The split Athenian jury, the gendered and political arguments, and the one-sided outcome are hardly an advertisement for the operation of a human court, despite Athena's direct superintendence.

Such issues contrast sharply with the earlier depiction of Hades' divine judgment, many features of which outstrip any possible human procedure. Hades, to address point (1), is far more "independent" from both specific conflicts and political entanglements than are human jurors. The pressures of humanity's temporally embedded position manifest in the proceedings of the "first trial." The contending parties make profuse promises to and existential threats against Athens: Apollo repeatedly attempts to bribe the jurors with a military alliance, whereas the Erinyes warn that they will unleash global violence if denied and follow through when they lose by

⁷² See Goldhill (1984a), esp. 257–83; and Dunn (1997), esp. 84–91.

⁷³ These points (which I have numbered for clarity) are distilled from Sommerstein (2010a), 199–202, although they draw together arguments made by numerous scholars.

threatening to poison the city.⁷⁴ These persuasions and threats are unproblematic for Hades, who sits apart from humanity. Whereas the *Oresteia* dramatizes the placation of the Erinyes with promises of cult, no such promises are made for Hades, who neither suffers pain nor requires honor. After the enlistment of the Erinyes for Athens (and that of Zeus), Hades is the only punishing divinity who maintains an apolitical posture.

On procedural (2) and evidentiary (3) grounds, there are no reasons given to prefer a human jury to a sole divine judge. Neither Athenian law in general nor the trial of Orestes in particular demonstrates more rigor than a divinity would. Concerning the administrative quality of justice (2), the technical terms applied to Hades (especially *euthunos*) strongly evoke the Athenian civic process. As opposed to (3) "hearing both sides," Hades *sees* all things. His penetrating vision cleaves through the obscurity that shrouds human observation. Moreover, in the trial itself, Orestes' refusal to take an oath is sometimes related to Athenian procedures, where defendants and witnesses had to swear concerning the guilt or innocence of the accused.⁷⁵ Yet oaths need play no part for Hades, since his unrelenting panopticism dispenses with testimony. Thus, the disparity between the judgment of Hades and the human judicial system draws attention to the fact that the latter is always based on imperfect knowledge. The contrast between divine and human processes subverts the trilogy's support for an inherently flawed system.

The main rebuttal to such a challenge within the ending is the only major attribute of the new law absent in Hades' process: reciprocity. This is the other aspect of (3) "hearing both sides." Hades does not listen to testimony. His invisibility betokens the impossibility of confronting him. One could claim, with Athena herself, that this is the superiority of the new law. Through persuasion, the human court system betters the complex of human vendetta, demonic action above, and divine punishment below. Mutuality is the key to Athena's new justice. Yet the contrast with Hades' law draws attention to several aspects of Athena's civic system not based on persuasion, peaceful integration, and mutuality.

Unpacking the characteristic of (4) "drastic penalties" begins to uncover these nefarious issues with Athena's justice. Violent punishment, as we saw, involves pollution for Hades, earning him the designation *miastōr*.

⁷⁴ Sommerstein (2010b), 30–1, sketches out the problems of "off-topic" or bribing language for the various contemporary Athenian courts and relates it to the tendentious language of the parties in the *Oresteia*'s trial; cf. Vellacott (1977), esp. 121–2.

⁷⁵ Sommerstein (2010b), 27–30, suggests that in many practical situations this would disqualify witnesses who did not know the whole story but might have seen an important part.

This connection cannot be entirely stifled when Athena and the Erinyes promote fear within the city (*Eum.* 517–28, 696–9) and sharp anger (705) as a fundamental carry-over from the old law. Yet the punishing of wrongdoers is entirely glossed over in both the trial and Athena's descriptions of the Athenian future. Neither she nor the Erinyes enumerate any consequences for the punishers, whether they keep the city in line or kill outsiders in war.

Such a one-sided view of justice extends to the last ostensible characteristic of the new law, that punishments must be inflicted (5) "narrowly on the guilty." The Erinyes explicitly limit Hades' castigations to an individual, for his or her actions. Thus, Hades' justice has no innocent casualties, such as the victims of vendetta, war, human malevolence, or divine caprice so prevalent in the trilogy. Moreover, even in a restricted, legal context, human determination of guilt is subject to the problems of persuasion and interest. Having compared the processes of Athena's civic law to Hades' singular judgment, we turn to the questions that have arisen: On what thematic grounds does the new law claim superiority to chthonic justice? Can punishment within the city and warfare outside of it be free from the pollution of blood, if only they are divinely blessed?

Against Chthonic Forces: Athens United in Phrēn

To understand these issues of violence, pollution, and the city, we turn to the new plan for Athens, which builds on chthonic foundations. Athena leverages the Erinyes' power among those beneath the earth for the benefit of her city.⁷⁶ She reverses specific characteristics of the Erinyes in order to remove Athens from the old cycle of vendetta. For example, Athena recontextualizes their outsider *timē* as honor *within* the political sphere when she describes what will accrue to Athens and to the Erinyes if they join it. The Athenians can give such honors because they have the most festivals, are her chosen people, and are the most pious.⁷⁷ Yet, as we will see, this positive aspect is clearly not enough to cure the ills of civic infighting. In order to maintain internal harmony, Athena and the Erinyes require an extreme remodeling of the city, which entails tremendous violence. The justice of Hades, as described, preserves the possibility of scrutinizing this transformation on terms other than those of Athena.

⁷⁶ *Eum.* 951; cf. 1007–9.

⁷⁷ For the Athenians as honorable and pious, see 804–7, 854–7, 867–9, 892–7, 1026–31, 1033–47.

In the service of remedying the self-destructive vendetta practiced by humans under the old law, the ending of the *Eumenides* emphasizes a theme that also occurs in the politics of historical Athens: *Collectivity* is Athena's dominant conception of the city. As opposed to the individualistic, honor-loving, and cursed royalty of Argos, the Athenians are pointedly nameless. There are no heroes in this Athens, nor even a single named human character.⁷⁸ Instead, Athena and the Erinyes stress total political agreement (*Eum.* 984–7):

χάρματα δ' ἀντιδιδοῖεν
κοινοφιλεῖ διανοίᾳ,
καὶ στυγεῖν μιᾷ φρενί·
πολλῶν γὰρ τόδ' ἐν βροτοῖς ἄκος.

And may they return joy for joy
with intent to love with common purpose,
and to hate with one mind:
For this is a cure for many things among mortals.

This is as strong a move toward collective thought as one can have, for the Athenians must not only *love* in common (κοινοφιλεῖ διανοίᾳ, *koinophilei dianoia*, 985) but also *hate* with one mind (στυγεῖν μιᾷ φρενί, *stugein mia phreni*, 986). Individual decision-making in one's *phrēn* must be subordinated to the corporate *phrēn* of the state in order to receive blessings. According to the Erinyes, love and hatred, as long as they are in unison, are a “cure” (ἄκος) for the problems of all humanity (ἐν βροτοῖς, 987). Thus, in contrast to the chthonic punishment of an individual for bloodshed, the new justice of Athena is fully political.

Such concord is not for the sake of peace but relies heavily on warfare. The goddess foreshadows Athenian militarism with a linguistic move that has not received sufficient critical attention. She repeatedly refers to the Athenians with a term that previously in the *Oresteia* only referred to the army: The *polis* becomes synonymous with the *stratos*.⁷⁹ All the uses of *stratos* in the

⁷⁸ Collective activity is the perpetual and binding thread in the description of Athens: from the start of the play (where Athenians are referred to by the kenning “children of Theseus,” Θησέως τόκοις, *Eum.* 402), through the trial (where they are only addressed as a multitude), in Orestes' promises, in the persuasion scene, and in the final benedictions. In the *Persians*, Athenian anonymity contrasts with the named lists of Persian grandees, offering a subtle accentuation of Athenian collectivity and democratic ideology. See Goldhill (1988), 192–3; and Garvie (2009), xvi–xxii. Yet whereas the *Persians* is concerned with an ongoing war, the *Eumenides* is referring to Athens more generally.

⁷⁹ Sommerstein (1989), ad 566, notes that the term στρατός in 566, 668, 683, 762, 889, as nowhere else in Aeschylus, “denotes the citizen-body of a state as *civilians*.” He stresses that the formerly militaristic term is now used for the “Athenian στρατός enforcing Dikē by judgement.” This

Agamemnon are in unambiguously military contexts and mean “army/expedition/war.”⁸⁰ There are no mentions of the term in the *Choephoroi*. In the *Eumenides*, outsiders such as Apollo and Orestes still use *stratos* in a military context.⁸¹ Athena, however, uses *stratos* in reference to the Athenians in ways that can only be rendered in English by “people” and related terms.⁸² Unanimity and a militaristic mentality are thus subtly entwined. This hints at the violence just below the surface of the ending’s blessings.

The militaristic themes are a reaction to the dark forces pulling at humanity, threatening civic upheaval. Vengeful acts in general and the Erinyes in particular are associated with *stasis* throughout the trilogy.⁸³ Cassandra’s mention of a *stasis* over the palace is immediately interpreted by the Chorus of Elders as her invoking an Erinys (*Ag.* 1118–19). In the *Choephoroi*, Electra names the group of herself, the Chorus, and Orestes a *stasis*, as they plot to overthrow the tyrants (*Cho.* 114, cf. 458).⁸⁴ The Erinyes describe themselves as a *stasis* (στάσις ἀμή, *Eum.* 311). Lastly, Athena reverses each of these uses when she wards away civil war: “I pray that *Stasis* (Στάσις) never roar in this city” (*Eum.* 977–8).⁸⁵ The solution she crafts to *stasis*, however, is that of the *stratos*.

Whereas Athena claims that she uses *erōs* together with *peithō*, “persuasion,” to placate and incorporate the Erinyes, this does not actually lead in the expected direction.⁸⁶ Chthonic forces are behind Athena’s use of *erōs*,

reading, however, elides the nefarious effects of Athena’s repurposing of the term in the context of the militaristic emphasis of the ending.

⁸⁰ *Ag.* 341, 345, 517, 538, 545, 573, 624, 627, 634, 639, 652, 670, 955, 987. At 547, the OCT daggers στρατῶ because the reference should be to the people (Heimsoeth suggests λεῶ). Cf. στρατιά, 799, and numerous related words.

⁸¹ Apollo links the city and the στρατός closely when promising military aid (τὸ σὸν πόλισμα καὶ στρατόν, *Eum.* 668), and Orestes repeats the usage in his promises of victory (χώρα τῆδε καὶ τῶ σῶ στρατῶ, 762).

⁸² When Athena first orders an assembly of Athenians, she commands (566–9): “Herald, call the people (στρατόν) to order . . . to the people (στρατῶ).” When she declares the council of the Areopagus will be a bulwark for the people, Athena unambiguously uses *leōs* (“people”) and *stratos* as synonyms, both referring to the collected Athenians, not soldiers on an expedition (681–3): “Now hear my ordinance, people (λεῶς) of Attica . . . the people (στρατῶ) of Aegeus.” The military idea behind *stratos* has not faded, for only a few lines later, she uses the root in a compound to refer to the Amazons invading with an army (στρατηλατοῦσαι, 687). Finally, Athena warns the Erinyes not to let “harm come to [this city’s] people (στρατῶ)” (889); *pace* Taplin (1977), 392–5, 410–21.

⁸³ *Stasis* (literally “standing”) in its unmarked meaning often refers to a “band” or “group,” that is, people who stand together (LSJ 11). In political contexts, *stasis* refers to “standing apart,” and is thus translated “faction,” “revolt,” or even “civil war,” the ultimate internal threat to the stability of a city (LSJ 11). Thucydides uses *stasis* as a keyword to describe degeneration into intracity violence during the Peloponnesian war, see Edmunds (1975); and Orwin (1988).

⁸⁴ See Lebeck (1971), 115. ⁸⁵ In this last passage, the OCT capitalizes *stasis* as a divinity.

⁸⁶ The Erinyes will feel *erōs* for the honors they left behind if they fail to choose Athens (*Eum.* 851–7, esp. ἐρασθήσεσθε, 852). Cf. Rynearson (2013), 3–5.

as is clear from her declaration that the “terrible *erōs* for glory” (δεινὸς εὐκλείας ἔρωσ, 865) within men cannot be dampened. Via a further move (which resonates linguistically with ἔρωσ, *erōs*), she transforms the Erinyes (Ἐρινύς) through her own struggle (*eris*) for good (ἀγαθῶν ἔρις ἡμετέρα, 974–5).⁸⁷ This good is neither conditional nor pacific, for she announces that it will be permanently victorious (νικᾷ . . . διὰ παντός, *nika* . . . *dia pantos*, 974–5).

Through the language of light and persuasion, Athena shifts victory and struggle away from associations with bloody pollution.⁸⁸ Yet this maneuver is not so easily accomplished within the tight linguistic web of the *Oresteia*. Not only is *peithō* compromised by Clytemnestra's destructive uses of it, but both *eris* and *erōs* are catastrophic terms already in the trilogy.⁸⁹ The erotics of warfare echo an earlier, fraught example of the excessive *erōs* for violence, the one that Clytemnestra warned could settle on the profit-seeking Greek *stratos* (ἔρωσ δὲ μή τις πρότερον ἐμπίπτῃ στρατῶ, *Ag.* 341).⁹⁰ This is precisely what happens to the victorious army, and it is seen to be the cause of the impiety that leads to divine punishments.

Athena attempts to overcome all such negative repercussions by granting war total theological benediction. Her cure for the internal “terrible *erōs* for glory” in men is “plenty of foreign war” (*Eum.* 864). She urges the Erinyes to give blessings of “victory without evil” (νίκης μὴ κακῆς, *nikēs mē kakēs*, 903). That is, the Athenians are meant to wage unending war and yet avoid the requital for bloodshed prevalent throughout the *Oresteia*.⁹¹ Athena unequivocally applies to Athens the heroic connection between killing in war and glory (913–15): “I would find it unendurable not to honor (τιμᾶν, *timan*) this city among mortals as a victory-city (ἀστύνικον, *astunikon*) in glorious contests.” The civic harmony Athena urges is thus not actually pacific, persuasion-based, and mutually honoring.⁹² Athena's new law and

⁸⁷ Gagarin (1976), 117, claims that the bloody *eris* of the two earlier plays transforms in the *Eumenides* to creative *eris* as a Hesiodic competitive striving (*Op.* 11–26). On the distinction between *eris* as “conflict” and as “competition,” see Thalmann (2004).

⁸⁸ For the arc of “victory” in the *Oresteia*, see Sommerstein (1989), 239.

⁸⁹ For the issues of *peithō* in the *Oresteia*, see Zeitlin (1965), 507; Buxton (1982), 105–14; Goldhill (1984a), 263–5; and Nooter (2017), 281.

⁹⁰ See Chapter 1 for a discussion of victory, *erōs*, and profit in the context of the Trojan War.

⁹¹ Athena herself models such a victory through her own rhetorical trickery, using the verb νικάω (*nikāō*): she declares that “Orestes wins (νικᾷ, *nika*) even if the vote is equal (ισόψηφος),” *Eum.* 741, but interprets those results to the Erinyes in exactly the opposite way, soothing them with, “you have not been defeated (οὐ . . . νενίκησθ', *ou . . . nenikēsth'*), but the case truly resulted in an equal vote (ισόψηφος),” 795–6.

⁹² Cohen (1986), 136–40, presents the most vociferous challenge to the internal political justification of the new law of Athena. He points to the flawed arguments of the trial, especially, as markers that the

the Erinyes' incorporation into the city does not eliminate fighting, only changes its direction. Civic unification obliges *outward* violence.

Despite being applied to a state instead of an individual, the structure of killing for glory necessarily entails the problems of the heroic mentality that tragedy so often dramatizes, including the critiques of the Trojan War earlier in the trilogy. Athena herself recognizes the “evils” that can come from victory in battle. These evils Athena would drive away forever, on the one hand through the restructuring of civic violence to face outward, and on the other through a strategy of accruing protection against chthonic forces. She has already gained Orestes as a heroic guardian, linked with the afterlife. She also seeks a bulwark in the Erinyes against the underworld forces that wreak havoc on a state (*Eum.* 1007–9):

κατὰ γῆς σύμεναι τὸ μὲν ἀτηρόν
χωρὰς κατέχειν,⁹³ τὸ δὲ κερδαλέον
πέμπειν πόλεως ἐπὶ νίκη.

Driving it away, restrain under the earth what is destructive
to the country, and send to the city
what will bring gain upon victory.

Instead of sending individuals to ethical punishment, the Erinyes are now to curb the underworld. They are to convey “gain” (κερδαλέον, *kerdaleon*, 1008) for the state, understood as “victory” (νίκη, *nikē*, 1009). Athena thus reuses concepts already problematic in human descriptions of the Trojan War, which included afterlife punishment for the “killing of many,” desire for gain (*kerdos*), and the need to suppress the claims of the war dead.⁹⁴ In Athena's schema, the Erinyes themselves should not proscribe bloodshed in war but should support it – since total victory is politically advantageous.

Athena recognizes that the negative powers that affect humanity lie beyond her immediate control. Consequently, she attempts to extenuate the forces of the underworld as part of her efforts to overturn human contingency itself. Primarily, Athena emphasizes *ending*. This is in line with the human need for closure that crisscrosses the trilogy, often marked by the use of *terma*. The Chorus of the *Agamemnon*, for example, sing that

new law is defective and based on threats of violence. He also suggests that the linguistic ties between the ending and the Trojan War intimate the brutality of Athenian policy in the coming generations.

⁹³ Accepting the codices and Sommerstein (1989) over the OCT's correction (following Burges) to ἀπέχειν.

⁹⁴ On profit (*kerdos*) and its problems in earlier parts of the *Oresteia* and the rest of Aeschylus, see Chapters 1 and 3. Athena herself recognizes the negative connotations of profit in calling her council “untouched by (desire for) profits” (κερδῶν ἄθικτον τοῦτο βουλευτήριον, *Eum.* 704, cf. 990–1).

the goddess Justice “guides all things to their end” (τέρμα, *terma*, *Ag.* 781, cf. 1177). Athena instantiates Justice in the *Eumenides*, and this notion of ending inflects even her entrance into the controversy: She immediately interrogates the Erinyes as to the “endpoint” of their chase (τὸ τέρμα, *to terma*, *Eum.* 422, cf. 633–5). This, they answer, will only be in the place with no happiness, understood as the underworld (423, cf. 950–1). The implication of this exchange and the transformation of the Erinyes is that Athena will offer a different *terma*; she bifurcates her justice specifically from the afterlife as the endpoint of ethical punishment.

The reformed Erinyes have both a blessing and a punishing aspect in the city, the latter of which instills fear in the citizens. Yet the theme of ending through the vocabulary of *terma* uncovers an aspect of the city that is masked by both the deemphasizing of their punishments and the acquittal of Orestes: the internal violence of Athena's justice. Orestes himself refers to it when describing the possible outcomes of the trial: “now is the end (τέρματ', *termat'*) of a noose for me, or to see the light” (*Eum.* 746, cf. Chapter 5). This language undercuts any radical break with previous notions of justice as violence, for it makes clear that upon conviction Orestes faces a coerced death, whether the court, the Erinyes, or he himself will be the agent of his *terma*. There is no indication that his life's ending, moreover, will release him from facing punishment in the underworld. Athena's court, then, promises deliverance neither from the violence of the law above nor from the possibility of afterlife judgment.

Athena's own mentions of *terma*, paradoxically, evoke *eternity*. Her radical solution to recurrent violence, the individual's finitude, and afterlife punishment is to emphasize the ever-enduring city. Through facing forward, Athena releases humanity from the recurring past that dominated the temporal structure of the trilogy. Cajoling the Erinyes, Athena repeatedly asserts the permanence of her promises (*Eum.* 898–9, cf. 891–2):

Χο. καί μοι πρόπαντος ἐγγύην θήσῃ χρόνου;
 Αθ. ἔξεστι γάρ μοι μὴ λέγειν ἄ μὴ τελεῶ.

Chor. And will you make a pledge to me for all time?
 Ath. It is possible for me not to say what I will not fulfill.

Telos (in the verb τελεῶ, *telō*, 899) here, as often, concatenates the notions of “fulfillment,” “ritual initiation” (in the promises of cultic rituals for the Erinyes), and “ending.”⁹⁵ There is a completeness and finality to Athena's words. The Erinyes embody the closed circle of vengeance and threaten

⁹⁵ On *telos* with *dikē*, see Fischer (1965); Goldhill (1984a), 224, and (1984b), 169–74; Chiasson (1999), 148–59; and Seaford (2012), 126–7, 190–205.

that, if they retreat, humanity will spiral downward into permanent crime. Athena, however, straightens these curves, promising an eternally climbing path.⁹⁶

The goddess insulates her declarations from human vicissitudes through constant recurrence to Zeus. She attributes the eternal mooring of the Erinyes to both Persuasion (Πειθοῦς, *Eum.* 970) and Zeus of the Assemblies (Ζεὺς ἄγοραῖος, 973). At the end, this highest Olympian power is said to revere (ἄζεται, 1002) the Athenians, a statement that differentiates them from the rest of humanity.⁹⁷ The *Eumenides* does not stop there, for the Erinyes are related to the *Moirai*; binding one, therefore, influences the other.⁹⁸ The last lines of the play conjoin to Athens the highest powers of permanence in the Greek universe: “Zeus, the all-seeing, and *Moirai* (Ζεὺς πανόπτας . . . Μοῖρᾶ τε) have thus come to the aid of Pallas’ citizens” (1045–6).⁹⁹ All the previous conflicting values of humans and divinities are put aside for the martial, eternal, sanctioned victory of Athens.

The dangers of warfare within the trilogy cannot be purified away by Athena’s insistence on total divine justification. Previously Agamemnon had claimed precisely such consensus among divinities in support of his own victory (*Ag.* 813–17):¹⁰⁰

δίκας γὰρ οὐκ ἀπὸ γλώσσης θεοὶ
κλύοντες ἀνδροθνήτας Ἰλιοφθόρους
ἔς αἵματηρὸν τεῦχος οὐ διχορρόπως
ψήφους ἔθεντο, τῶ δ’ ἐναντίῳ κύτει
ἐλπὶς προσήει χειρὸς οὐ πληρουμένῳ.

⁹⁶ The *Eumenides* prepares for Athena’s uses of eternity from the start. Apollo’s promise to Orestes insinuates that there will be an everlasting aspect to the acquittal, beyond the specific case (ἔς τὸ πᾶν, 83). Athena consistently emphasizes the perpetuity of her newly founded laws in similar language: “An ordinance, which I will establish for all time” (εἰς ἅπαντ’ . . . χρόνον, 484); “learn my laws for all time to come” (εἰς τὸν αἰωνῆ χρόνον, 571–2); “this council of judges also into the future, always” (καὶ τὸ λοιπὸν . . . αἰεὶ, 681–4); “for the benefit of my citizens into the future” (ἔς τὸ λοιπὸν, 707–8). Cf. Chiasson (1999), esp. 156–9; but see Porter (1990), 44–5, who questions this use of “forever”; and Goldhill (1984b), e.g. 169–76, on the problems of teleology.

⁹⁷ This is part of what Sommerstein (2010a), 202–3, means by stating that gods are in some way *responsible* to mortals and have obligations toward them, implying that the divinities would suffer if they break such obligations; *contra* Griffith (1995), 106–7; and Chiasson (1999), 154–5.

⁹⁸ *Eum.* 956–67. The Erinyes ask blessings of the goddesses of marriage and the *Moirai*, their sisters on their mother’s side (ὧ Μοῖραι ματροκασιγνήται), goddesses of righteous apportionment (δαίμονες ὀρθονόμοι). See Hammond (1965), 42–55, and Chapter 4 for a discussion of fate and apportionment terms in the *Oresteia*.

⁹⁹ The previous line is corrupt, and I follow Sommerstein (2008b) in punctuation and translation over the OCT; cf. West (1990), 294–5.

¹⁰⁰ Cf. MacLeod (1982), 133–4.

For the gods, hearing no pleas uttered by the tongue,
 without split opinion cast their votes
 into the urn of blood for the massacring destruction of Troy;
 toward the opposite vessel only
 hope approached – it was filled by no hand.

Agamemnon dismisses both division of opinion and persuasion. That is, he annuls the ideas behind Athena's rhetoric of peaceful integration and Athenian democratic practices. Instead, Agamemnon's imagery deliberately transmutes voting (note especially ψήφους, *psēphous*, 816) into divine unanimity. The passage illustrates the direct route from such consensus to total destruction. Agamemnon himself uses the terms "urn of blood" and "massacring" (ἀνδροθνήτης, 814). He boasts of the destruction of Troy as a whole, not merely its army.¹⁰¹ In the autocrat's view, there ought not be any checking forces against extermination.

Does the trilogy sanction such a vision of divine unanimity and lack of restraint in warfare? The Chorus of Elders show there is no consensus even in Agamemnon's own city. They emphasize citizen critique and their own disagreement (Chapter 2). They claim that the gods and Erinyes punish blood on men's hands, especially the killers of many. The Erinyes, too, warn against a loss of checks against violence, total unity, and acting outside of the mean. Yet the tyrant boasts of unconditional destruction, on account of divine unanimity.

How different, then, is Athena's vision for Athens from Agamemnon's justification of total war? On whatever grounds one might separate the two, the language is analogous. Surprisingly, although it is so often cited as a key democratic work, the *Oresteia* never mentions political decision-making through voting. The Areopagus, moreover, despite Athena instituting it as a guide and a checking force, is not a decision-making body either within the play or in contemporary Athens.¹⁰² Within the play, the criteria for civic welfare are only unity and warfare. Athena's blessings are framed in terms of a beneficial outlet for inherent human violence, praising "victory without evil," "gain upon victory," and "foreign war and plenty of it."

¹⁰¹ The Herald relates that Troy and its seed have been destroyed, uprooted by Agamemnon with the "mattock of Zeus the Bearer of Justice" (*Ag.* 525–6). This depiction of annihilation stands as the ultimate violence, regardless of whether one accepts the following disputed line concerning the desecration of the temples as well (527), on which see Chapter 1.

¹⁰² On the history of the Areopagus and questions surrounding its political role and reform, see the Introduction. Sommerstein (1989), 13–17, notes that its members are only ever called δικασταί, "jurors," in the play, not addressed as the βουλή, "assembly," which they always are in surviving speeches. For the construction of the Areopagus' authority and its difference from the Erinyes, see Allen (2000), 21–3.

Her language evades the earlier dramatizations of war sweeping up innocents and the blood pollution that violence brings. Athena's insistence on divine unanimity, when contrasted to the subsisting justice of Hades, draws attention to the problems of her militarism.¹⁰³ Under Athena's law, despite the vocabulary of release, eternity, and light, individuals are sacrificed on a grand scale – in the name of civic harmony.

Hades' independence as judge contrasts with the solutions of Athena and with the claims of divine unity. He is never assimilated into the *polis*. His law seems to offer no consideration whatsoever of position, mitigating circumstances, or political gain. The implication of his universality is that humans who participate in warfare's violations (especially transgressions against the gods) would come under his purview, even if they are Athenians. Within the *Oresteia's* divine world and vocabulary of justice, only the possibility of judgment in the afterlife enables continuing the critique of the individual *qua* individual. Even after the promise of eternal victory without evil, the contrast of Athena and Hades evokes an undecided struggle between politics and ethics.

¹⁰³ The theme of unanimity as a solution contradicts the thesis of Griffith (1995), esp. 107–24, that tragedies in general and the *Oresteia* in particular attempt to produce "solidarity without consensus."