

THE UNIVERSITY OF MANITOBA

Thesis

THE COVENANT IN THE EUMENIDES

Submitted by

Rosamond Letitia Harris

(B.A. Toronto, 1944)

Thesis Adviser

Professor Rory Egan

In Partial Fulfillment of Requirements for
the Degree of Master of Arts

1983

THE COVENANT IN THE EUMENIDES

by

ROSAMOND L. HARRIS

A thesis submitted to the Faculty of Graduate Studies of
the University of Manitoba in partial fulfillment of the requirements
of the degree of

MASTER OF ARTS

© 1983

Permission has been granted to the LIBRARY OF THE UNIVERSITY OF MANITOBA to lend or sell copies of this thesis, to the NATIONAL LIBRARY OF CANADA to microfilm this thesis and to lend or sell copies of the film, and UNIVERSITY MICROFILMS to publish an abstract of this thesis.

The author reserves other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without the author's written permission.



ACKNOWLEDGEMENTS

I would like to express my gratitude to Professor Rory Egan of the Department of Classics for his guidance, encouragement and support in the preparation of this thesis.

Further I am grateful to the faculty members of the Department of Classics, the Department of Religion, and the Department of Near Eastern and Judaic Studies, whose courses provided me with numerous insights.

I would also like to express my appreciation to the Rev. Lawrence C. Braceland, S.J., St. Paul's College, Professor Emeritus, Department of Classics, University of Manitoba, whose conversation provided the inspiration for this thesis.

THE COVENANT IN THE EUMENIDES

The Abstract

In the Eumenides the problems which are begun in the first two plays of the Oresteia come to a point of crisis which demands either a resolution (in some way or other) or an escalation of the violence and bloodshed found in the first play. What this thesis does is to examine the covenant-like agreement used by Aeschylus in the Eumenides to bring harmony to the conflicting parties.

The method used in the analysis of the covenant-like solution is to examine other Greek and non Greek material which bears some similarities to this covenant. An examination has been made of literary material in the world of ancient Greece and also there is an examination of the historical events which may have played a role in prompting the poet to write the Oresteia.

Chapter I deals with covenant material in the Ancient Near East (particularly Hittite and Hebrew) and reveals some correspondences to the covenant in the Eumenides. There is a further examination of the legal traditions available to Aeschylus in his writing of the Oresteia.

Because there are correspondences between covenant material in the Ancient Near East and the covenant-like agreement in the Eumenides, the question arises as to the extent and nature of covenant material in the Greek culture. This examination includes covenant-agreements found in Greek literature to the end of the fifth century. As a result of this survey we gained insight into the literary tradition in which Aeschylus was working. This appears to have been a tradition which offered legal concepts, historical events and linguistic contributions to covenant-making and its rituals. Thus in Chapter II we are able to find many strands of thought in Greek literature which can offer covenant material.

Chapter III deals with the question of a possible relationship between the Eumenides and some of the historical events which took place in Athens prior to the writing of the Oresteia. If we examine the upheavals both foreign and domestic in Athens between the years of 525 and 458 it is possible to understand the need for an attempt at reconciliation between opposing factions. It is entirely possible to suggest that this covenant-like agreement which resolves the strife in the Eumenides may have been an attempt by Aeschylus to offer to the leaders of his city a solution to the rivalry and strife of troubled times.

The final chapter in the thesis deals with the

significance of the covenant in the Eumenides and demonstrates that this old form of agreement was able to attempt some kind of regulation of human behaviour so that trust and predictability could be added to social and political activity. Thus it is possible to direct human behaviour towards peaceful solutions instead of the old violence which leads to the vendetta.

The covenant-like agreement which resolves the conflicts in the Eumenides can be offered as some of the wisdom which Aeschylus believed that Zeus had in mind for men as he points out in Agamemnon 175ff. that it is the will of Zeus that men must suffer to be wise.

TABLE OF CONTENTS

Introduction	1
Chapter I	
Characteristics Found in Covenant Material and their Correspondences to the Covenant in the Eumenides	7
Chapter II	
An Examination of Covenant-Agreements Found in Greek Literature to the End of the Fifth Century	59
Chapter III	
The Question of a Possible Relationship between the Eumenides and the Historical Events in Athens in the Fifth Century	95
Chapter IV	
The Conclusions	108
The Bibliography	
Part I Ancient Sources	117
Part II Modern Works	122

INTRODUCTION

In the Eumenides the problems which are begun in the first two plays of the Oresteia come to a point of crisis which demands either resolution (in some way or other) or an escalation of the violence and bloodshed found in the first play. The Erinyes are determined to avenge the murder of Klytemnestra who met death at the hands of her son, Orestes. These avenging spirits not only persecute the young man, but also prosecute him when he is tried for murder before the citizens of Athens with Athene as the presiding officer. Factors complicating the trial are the revenge motive, the problem of pollution, and a conflict which develops between the Erinyes, as the old female revenge spirits, and Zeus.

In order to resolve the conflicts between the various forces, Aeschylus chooses a method, which, by introducing a change in status and outlook in the conflicting parties, allows them to find agreement. His first step is to have the god Apollo act as advocate for Orestes, cleanse him from pollution, and take upon himself the responsibility for Klytemnestra's death in lines 579-80. During the course of the trial, the playwright advances ideas which further the resolution, one such idea being that the mother is not really the

parent of a child but is the nurse of the implanted seed, (659-661). Orestes has put forth this idea and is supported by Apollo. Thus the question about patrilinear versus matrilinear descent can be raised. Also the citizens learn that this court, which is the Areopagus, has been established for the purpose of handling homicide trials and that this trial is the first one to be held, (693 ff.). As a result of a tie vote by the citizens, Orestes gains his freedom but is still persecuted by the Erinyes. Here Aeschylus has the problem of a reconciliation between forces which are bent on revenge, and the citizens of Athens who with Zeus and Athene have prospects of a new civic life in the city. It is here particularly that the transformation of role and status is important because when the Erinyes become the Eumenides and have their new role in the city's life as they live beneath the Hill of Ares, it becomes possible for them to come into the agreement which offers the best solution as an alternative to conflict. As consequences of the same process of conciliation Orestes, upon his acquittal swears that no Argive shall attack Athens, and the citizens of Athens have acquired a new court to try homicide cases and are themselves vested with a new civic responsibility. Thus by bringing the parties into agreement, the city is made secure both from hostile enemies on the outside and from civil strife.

The particular type of resolution used by Aeschylus can be called simply an agreement but an examination of the text of the Eumenides can show that not only is there present the harmony that is an essential quality of any agreement, but there is far more there as well. We find, for example, a formality and persuasiveness (with pressure from one party or another) which is found in covenant-making.

One dictionary defines covenant in general terms as follows:

1. An agreement, usually formal and made between two or more persons to do or not to do something specified.
2. A formal agreement of legal validity. ¹

Another definition of covenant offered by one scholar and based on the Hebrew word berith (which will be examined in chapter one) is " a mutual relationship of solidarity with all the rights and obligations this relationship involves for the parties concerned. The covenant produces a new community of life, which is like a blood relationship." ² In this new community both or all the parties will have rights and obligations.

A further defining of covenant is offered by another writer who found that "even in untheological contexts, we are dealing with a legal transaction and legal relationship between two or more partners concerning a definite matter". ³

Thus the essential ingredients of a covenant are a mutual relationship of solidarity, rights and obligations and a legal relationship between partners concerned about a definite matter. Based on these ingredients it is possible to call the resolution used by Aeschylus in the Eumenides a covenant-like agreement or simply a covenant which is here made between the citizens of Athens, Orestes, Zeus, Athene and the Erinyes.

What this thesis will do is to examine this covenant from the point of view of other Greek and non-Greek material, literary material and historical events in order to gain an insight into the agreement itself and to try to understand the reasons which led Aeschylus to choose this particular method for ending his trilogy.

The first chapter will survey some of the ancient covenant material, examining it from the point of view of language, ritual and formulary, or sets of words. It will also examine the legal aspect of the agreement which was available to Aeschylus from his own Greek heritage.

The second chapter will cover covenant-agreements found in Greek literature to the end of the fifth century. This general survey will, by citing other works where this type of agreement is found, offer a perspective on how significant such agreements were in Greek literature and how frequently they were used.

Chapter three will deal with the historical events which took place in the years prior to the Oresteia and it will attempt to assess the relationship, if any, of these events to the Eumenides and its covenant-agreement.

The final chapter will discuss the reasons for the significance of the covenant both in the literary sense and the historical sense, and it will also try to answer the question of why Aeschylus chose this type of agreement to resolve the conflicts which are integral to the Oresteia.

THE NOTES TO THE INTRODUCTION

¹ "Covenant", The Random House Dictionary of the English Language, 1968 ed. p.309. The description is as follows:

- '1. an agreement, usually formal, between two or more persons to do or not to do something.
2. Law, an incidental clause in such an agreement.
3. the conditional promises made to man by God, as revealed in the scripture.
4. Law, a formal agreement of legal validity, as one under seal.'

² J. Pedersen, Der Eid bei den Semiten in seinem Verhältnis zu verwandten Erscheinungen, sowie die Stellung des Eides in Islam, (Strasburg: 1914), pp.33-34. As cited in Klaus Baltzer, The Covenant Formulary, trans. David E. Green, (Philadelphia: The Fortress Press, 1971), p.3.

³ L. Köhler, Old Testament Theology, (London: 1957), p.63. As cited in Klaus Baltzer, The Covenant Formulary, pp.4-5.

CHAPTER I

CHARACTERISTICS FOUND IN COVENANT MATERIAL AND THEIR CORRESPONDENCES TO THE COVENANT IN THE EUMENIDES

Concepts such as covenant, simple agreements, and contracts did not exist and develop in isolation but were part of the overall social environment of early communities. Their development (often by trial and error) was the result of traditions and customs instituted and moulded to answer the needs of ancient citizens and their communities.

In general, a covenant can satisfy a need by offering a system whereby human behaviour may be regulated so that some measure of trust and predictability of action in social and political life can be realized. When such a concept begins to develop it must find characteristics, which, when formalized, permit it to function more freely and in the widest possible range of situations. These characteristics which accrued to the institution of the covenant to accomodate its function and needs are the same characteristics which prove useful today in any examination of that concept and its history. Such characteristics are language, ritual, formulary, legal and religious aspects, and the methods of

ratification and enforcement.

While covenants appear to have a wide variety of form and may be made between human groups, man and man, man and God, kings and people, and between countries at peace or war, in this chapter the group aspect of covenant will be stressed as the Eumenides covenant is an agreement made between the citizens and individuals, divine and human.

Insight into the Eumenides covenant may be gained by an examination of the characteristics of covenant material in general. In such a study the close relationship between religion and law can be examined. The best example of a covenant where this relationship is present is the Mosaic covenant from the Old Testament in Exodus 20 and Deuteronomy 5:6-22. This same religious and legal relationship that we find there is also present in the Eumenides where there is a trial and a covenant-agreement involved in the play.

1. The Language and Ritual of Covenant

An article in The Theological Dictionary of the Old Testament (pages 253-279 by M. Weinfeld) has been used as the basis for this study of the Ancient Near Eastern and Greek words used for covenant.¹ In this reference work language has been broken down into etymology, meaning, semantic range and ceremony

or ritual and in general is as follows:

Etymology

The word used most frequently in Hebrew for covenant is berîth but both its meaning and origin are unclear and the problem is that it has more than one meaning. The following phrases show the range of thought covered by berîth and also indicate words from the Ancient Near East and Greece which share its concepts:

1. A feminine noun from brh meaning to dine is used in 2 Sam. 3:35, 12:17, Lam. 4:10 and Psalm 69:22. ²
A similar concept is found in Greek when σπονδή is used for ceremony and libation as in the lines of Aeschylus' Ag.246 where the "third libation" or τρίτης σπονδῆς appears.
2. Berîth can mean among or between and is close to the Akkadian birīt. In Hebrew a covenant between individuals or groups could be berîth ven ūbhen. This example assumes birīt to be a preposition, which becomes an adverb with the sense of coupling. ³
3. Berîth may mean choose or look for and is similar to the Akkadian barû which also means to look for. This meaning of berîth can be found possibly in Is.28:15, Gen.22:8 and Ex.18:21 in the Old Testament. The sense of berîth here may be "selecting", "determining" and "pledging". ⁴
4. Berîth can mean clasp or fetter. The Akkadian iriksū and Hittite išhiul are terms for treaty and bond. Arabic 'aga' can mean bond and in Latin a bond of faith may be vinculum fidei while in Greek, bonds (and also oaths) are συνθεσίαι

in Il.2.339. In Il.22.255 it is ἀμυνῶν and in 22.261 it is κυνῶσύναις. Also in Akkadian to fasten the bonds may be dunḫunū RIKSĀTE and strong persistent bonds is RIKSŪ DANAĀ. All these phrases indicate that pacts and treaties were thought of in language which designated "bonding" and "binding". In Greek to annul a pact or agreement would be translated by λύειν meaning to loosen. This, being the reverse of binding or claspings, does indicate the possibility of "loosening the bonds or contract".

Meaning

Berîth in Hebrew, riksū in Akkadian and išhiul in Hittite all imply not just mere agreement but obligations, liability and imposition of law and commandment. Some examples of an imposition of commandment can be found in the Old Testament from Deut. 4:13, 33:9, Is. 24:5 and Exodus 24. In Hittite and Akkadian texts there is the idea of commandments imposed by the king on officials, e.g. the "Hittite soldier's oath," A.N.E.T.353ff.

In order to use berîth as a commitment it must be confirmed by oath which gives the commitment a binding validity.⁵ Therefore in the Bible as well as in the Mesopotamian and Greek sources we can find the pair of expressions such as berîth ve'alah, for "covenant and oath" (Gen. 26:28 or Deut.29: 11,13, 20) in Hebrew, riksu u māmitu/riksāte u māmite in the

Akkadian of the second millennium B.C., âde māmīte in the Neo Assyrian period and ὄρκος καὶ συνθήκη, "oath and covenant", or ὄρκος καὶ σπονδή, "oath and libation", in Greek.

This terminology, which is first attested in the Hittite treaties, may have been crystallized in the middle of the second millennium B.C., and while oath is a different concept from commitment, nevertheless the two ideas merged so that either one of them could be used to express the idea of a pact.⁶ Thus instead of "cutting a covenant" (karath berîth), one could use "cutting an oath" (karath 'alah, Deut.29:11) for Hebrew. In Greek, "to establish a covenant" one could use σπονδὰς τέμνειν, which literally means "to cut the covenant", or ὄρκια τέμνειν, to "cut oaths".

What these phrases, with their words which attempt to add a binding validity to any commitment, can offer to the concept of covenant is a stability which makes full reciprocity possible between groups. This reciprocity is recognized by the Old Testament as being between man and Jaweh and lies at the core of Old Testament covenant. Like its Hebrew counterpart, the Greek language, by using these phrases, demonstrates the need and awareness of words which allow full reciprocity to take place between parties involved in the making of a pact where a binding guarantee

is required.

Semantic Range

In the formalization of terms for oath and commitment, are included thoughts of love and friendship which are usually stated in the plural terminology of "stipulations and obligations".

In Hebrew, "steadfast love and faithfulness" can be cheseah ve'emeth while in Greek the word for "faith" or "treaty" may be πίστις and Latin uses fides to convey "faithfulness".⁷ So while language may vary from community to community there is a similarity in concept inasmuch as treaties, pacts and covenants all share in their content the idea of expressing love, faithfulness and obligation.

A further comparison which indicates similarities of thought appears, when Daniel 11.6 in the Old Testament reads la'asoth mesharim in Hebrew, which the R.S.V. translates into "to make a peace", is placed beside the same text in the Septuagint where the Greek reads ποιῆσαι συνθήκας. A similar idea in a Mari work would read išariš dabātu meaning "to make a treaty".⁸

When the treaty or covenant is made terms or phrases relating to truth and loyalty often appear. Thus, for example, Gen.24:49 can translate chesedh ve'emeth as "loyally and truly" in a covenantal

context. Akkadian knows kittu tābuttu/damiqtu as "covenants and steadfast love"; Jeremiah 33:9 speaks of a covenant of peace" which is berith shalom in Hebrew; in Greek the coupling of such words can be found in the following forms: ⁹

Thuc. 5.48.1, 5.25.1, 5.46.5 - σπονδὰς καὶ
 ἑυμμεχίαν. - treaty and alliance.

Thuc. 5.47.11 - τὰς δὲ εὐνοίας καὶ τὰς περὶ
 τῶν σπονδῶν καὶ τῶν ὀρκῶν... - the
 treaty, the oaths and alliance.

Thuc. 6.34.1 - φιλίας καὶ ἑυμμεχίαν -
 friendship and alliance.

Thuc. 8.37.2 - σπονδὰς καὶ φιλίαν. - friendship
 and alliance.

Other such words are - friendship and kindness
 - φιλία καὶ εὐεργεσία and oath and peace-
 ὄρκος καὶ εἰρήνη.

On the evidence of such words and phrases it appears that both the Greeks and several peoples of the Ancient Near East shared similar concepts about covenants, pacts, and agreements, and that they developed express terms for use in drawing up their contractual relationships. Thus it can be shown that covenant traditions and contractual ideas may have been available to Aeschylus both from language and literature, and that those traditions and ideas are not only very ancient but would appear to have been well known by both the Greeks and those Near Eastern peoples.

Covenant terminology whether in Greek, Hebrew or other languages of the Ancient Near East regards the concept of covenant from almost opposing points of view. The first is "cutting", berîth karat in Hebrew; in Greek, ὀρκια/τέμνειν and the second is "binding" or "fastening" as in Iliad 22.261 - συνημδούνας.

In addition to the notions of cutting and binding other concepts such as "pouring libations" Ag.246, Iliad 3.270, "eating" or "drinking" Lysistrata 235ff., "going between" Iliad 3.266 and "tokens of love and esteem" Od.24.485 all play a role in covenant-making and all show indications that they probably developed from the rituals which were used to make the agreements significant, legal, and permanent. The best way to observe these words and concepts is to examine some actual records of covenant rituals and to look at the interrelationship between word and deed.

In the Old Testament, Genesis 15 describes a covenant ritual between God and Abraham. In verse 9 God asks Abraham to bring a heifer which is three years old, a three year old she-goat, a three year old ram, a turtle dove and a young pigeon. All the creatures except the birds are cut in half in verse 10. In vv.17ff., when it is dark, a smoking fire pot and a flaming torch pass between the cut pieces and then with due ceremony the terms of the agreement are laid out. In this

manner the covenant is "cut" and the torch "passes between" the pieces.

Exodus 24 mentions the covenant ritual where Moses, after building an altar, sends the young men of Israel for burnt offerings and sacrificed pieces of oxen. The covenant is read aloud and the listeners are sprinkled with blood. Then in verse 12 the law and commandment is given.

Jeremiah 34 tells about a covenant and what happens when men fail to keep their word and transgress the agreement. In 34:18 the threat is as follows in the words of the Revised Standard Version:

"And the men who transgressed my covenant and did not keep the terms of the covenant which they made before me, I will make like the calf which they cut in two and passed between its parts".

Herodotus 3.8 describes a blood covenant made by Arabs where two men have a third man stand between them cutting their hands with a sharp stone. With tufts of wool taken from their clothes, the third man dipping the wool in the blood, smears it over seven stones which lie between the two. As he does this he invokes the name of Dionysus and Urania. Then the man who desires to make the pact or pledge commends the other to his friends (whether he be stranger or fellow citizen), who in turn consider themselves equally obliged to honour the agreement.

Iliad 3.245-302 describes a covenant ritual in

which the heralds bring in the symbols of "oaths pledged" which are two young rams, a cheerful wine in a goatskin wine sack, a shining mixing bowl and golden wine cups. Then Priam and Antenor go down to the plain where they meet Agamemnon and Odysseus. The heralds bring up the "victims for the god's oaths" (269) as the wine is mixed and poured over the hands of the princes. Hairs, which have been cut from the heads of the lambs are then passed out among the Trojan and Achaian princes and the agreement is made with the appropriate swearing and threats. The throats of the lambs are cut and wine is poured while prayers are uttered. The complete Greek text of this ritual is presented in the next chapter.

In examining the Eumenides, the problem arises that because it is a play, pieces of ritual and ceremony are closely interwoven with the plot in such a way that isolating them becomes difficult. In the Foreward to Robert Fagles' translation of the Oresteia the "binding song" of the Erinyes is mentioned (299 ff.)¹⁰ While at this point in the play, the binding pertains to Orestes (and the implications of his crime) and the Furies, the binding later becomes a trilateral situation because not only are the Furies bound to Orestes as avengers and victim, but they, in turn, are bound as victims to the gods. And, in addition,

they evolve from their present condition of frenzied madness to their new state of being the Kindly Ones. This evolution occurs not through a victory of strength but through a developmental process. The first binding permits the second and the third as the plot demands them.

The Greek phrase used in the binding song to signify linking is ὑμνος Σέμμιος (306, 331-32, 344-45). It has been suggested that this phrase is related to the spellbinding incantations used in Orphic magic.¹¹ It is also possible that the phrase is hinting at the binding of a sacrificial victim.¹² However, this phrase also reminds us that binding is a central idea in the wording of covenantal agreements.

A symbol characteristic of covenant rituals is found also at the end of the play in the flaming torches (1022), where the Erinyes clad in festal robes join in the great procession and, as the Eumenides, are conducted to their new home. Flaming torches can well be used to give light in darkness, but they can also designate (in addition to an image or ἑστία (80, 242, 1024), the presence of the god who is a party to the covenant.¹³ This same type of symbol is found in the Old Testament in Genesis 15:17.¹⁴

2. Covenant Formulary

Just as many features of the language and ritual of covenant can be shown to be the shared property of several Ancient Near Eastern communities and Greece, it is also possible to find a common pattern of wording and phrasing in the texts of ancient agreements. This pattern includes not only the coupling of certain words as indicated earlier in the chapter, but it expands into a whole covenant formulary. In the Eumenides, intermixed with the literature of the play, is a formulary which bears some resemblance to the Mosaic covenant found in Exodus 20ff. and Deut.5: 6ff.

Both Klaus Baltzer in his book The Covenant Formulary and George Mendenhall in Law and Covenant in Israel and the Ancient Near East describe the divisions in the formulary of the Mosaic covenant as follows:

Preamble, Historical Prologue,
Stipulations and Obligations,
List of Witnesses, Blessings
and Cursing. 15

By their nature these separate parts of the formulary are intended to be made public. Stipulations, obligations, blessings and cursing are considerably more significant if all the members of a community are made aware of them by being present when the

agreement is ratified. Both Baltzer and Mendenhall as well as Delbert Hillers in his book Covenant, find the origins of Old Testament covenant formulary in Hittite international treaties.¹⁶ Mendenhall pointed out the difference between apodictic law or the "thou shall not" phrases (found in the Ten Commandments) and casuistic law which says "if a man.... and then names the crimes".¹⁷ We can find apodictic wording in the Eumenides 799-804 and casuistic wording in Eumenides 530-531 and 653-656. Thus it appears that both types of legal phrases may have been used both in the Ancient Near East and in Greece.

The Preamble of the Mosaic covenant taken from Deut. 5:6 begins with " I am the Lord your God who brought you out of the land of Egypt". Here the author of the agreement is identified by his deeds, whereas in the case of a Hittite treaty it may be the titles of the king or his majesty and power which identifies him, and in the Eumenides vv.1-67 the identity of the god and his kinship ties are established. We learn the location of events and the attributes of the god so as to know that the covenant partners are Zeus (as represented by Apollo and Athene), the Erinyes (representing the murdered Klytemnestra), the citizens of Athens, and Orestes. Both Agamemnon and Choephoroe have Prologues which open with the

words suggesting a request, while the Eumenides opens with the Pythia making a statement about the god she honours. This statement is followed by another one made by Apollo vv. 66ff. who asserts his intention of giving support to Orestes. In his commentary on Agamemnon, E.Fraenkel points out that while there are similarities between the Prologue of Agamemnon and that of Eumenides in that both are delivered 'pretatikon prosopon' he did not know the source of the model or form for that of Eumenides.¹⁸ Based on what is known about covenant and treaty wording it is possible that the opening lines of Eumenides are reflecting some ritual either of a covenant nature or some religious nature, which in turn, may somehow reflect treaty wording from the Ancient Near East.

The Historical Prologue in Hittite treaties tends to be very well developed, using more detail by comparison than that of the Mosaic covenant where the details are virtually intermingled with the Preamble. The mention of the God " who brought you out of the land of Egypt" adds the historical dimension to the wording and this dimension is important for Old Testament belief.

It must be pointed out here that Preambles and Prologues in the Ancient Near East could not be

stereotyped but were adaptable to particular partners and situations involved. ¹⁹ In this way the contract relationship can be based on reciprocal action rather than by a more powerful partner forcing a less powerful one into an agreement, by using sheer force.

As the contract relationship in the Eumenides develops it is possible to pick out from the literature of the play motifs which bear strong resemblance in formulary to the Mosaic covenant and Hittite treaties. Here not only is the god well identified vv.1-67 , in lines which correspond to the Preamble and Prologue of Ancient Near Eastern treaties and covenants, but another group who are partners to the final resolution in the play, namely the Erinyes, have a chance to tell about their background and responsibilities (307-396). Their 'binding song' is similar to a historical prologue. In these lines the Chorus of Erinyes show how the fates that bind the lives of men are in their hands and claim that the honest man may have no fear of them but the sinner must fear their judgement. In these lines it is clear that the Erinyes see themselves as beings determined to avenge murder and have been given this task from their very birth. The Erinyes are also aware that they may not frequent the temples but that torment is their chosen role particularly when kinsman

turns against kinsman. Thus in vv.347 ff. these avenging Spirits continue to outline and describe their office as regards the gods. In Hittite treaties, in similar fashion, the great king of the land of Hatti is described and identified by various relationships. Thus it is stated who his father and grandfather were and which deity it was who gave him protection and benefits as he assumes his kingly functions. ²⁰

A Hittite treaty also may describe the nature and extent of the authority and the land which the king may have given to a vassal.

Such information makes the treaty or covenant precise with no room for mistaken identity. Likewise the Erinyes are precise when they claim that Fate handed them their authority to act as avenging beings (334-340) and (347-359). They take great care to state their loyalty and can claim that no one will take their office away (392-393). The "binding song" of the Furies also has an air of a "statement of substance" which is found both in covenants and in treaties. ²¹

Because of this systematic description of office and powers, Aeschylus has been able to give a strong foundation to the Erinyes as one of the partners in the covenant-agreement in the play. This foundation is vital for these beings in order to endow them with

the same dramatic significance as he can offer to Orestes and that the city-state of Athens has given to Athene.

The Stipulations and Obligations form that part of the agreement which seeks to prohibit or avoid disruptive acts which lead citizens to commit murder, theft, adultery, plan rebellion or attack communities (and be attacked by them) whose friendship has been promised or is needed. In Hittite treaties various military stipulations may occupy considerable space. 22

In the Ten Commandments, the Old Testament wisely prohibits these acts in the apodictic manner as for example in Deut.5:17 which says, "You shall not kill" or Deut.5:19 which says, "Neither shall you steal". Through the Ten Commandments the state could be assured of one God and a peaceful people. This same type of stability appears to be sought after in the Eumenides when the Chorus presents the following admonitions, at times using the apodictic manner to prohibit acts (526ff.):

μήτ' ἀναρκτον βίον
μήτε δεσποτούμενον
αἰνέσης.
παντὶ μέσῳ τὸ κράτος θεὸς ὤπασεν, ἀλλ'
ἄλλα δ' ἐφορεύει.
ξύμμετρον δ' ἔπος λέγω,
δυσσεβίας μὲν ὕβρις τέκος ὡς ἐτύμως
ἐκ δ' ὑγείας

Lines 538ff. add further words of advice and prohibit the seeking of license or slavery but advise that where liberty and rule are balanced well success follows as the gift of the god. The admonitions continue with an urging to show reverence for the high altar of Justice but with the warning that love of gain can tempt a man to turn away from sanctity. The lives and honour of parents, as well as the welfare of the passing guest, should be held in reverence. These lines of admonition make it clear that the rewards for love and goodness are great with wealth and honour, but for the man who is rash and defiant, his troubles become as great as the shipwrecked sailor, who being helpless in a swirling sea is left there to perish, unwept and unknown.

Lines 824-836 speak of the offer which Athene makes to the Erinyes. She offers as her stipulations a new home for them in Athens which they will share with her. She also offers them the sacrifice for childbirth and marriage for their perpetual right. While they gain certain benefits they also learn that they first must calm their wrath. They have the obligation not to spread plague and disaster and are told to choose honour and dignity.

Lines 851-869 contain a warning to the Erinyes from Athene that they will regret their actions if

they reject her offer of a home in Athens. She reminds them of their benefits in the city such as possessing an exalted sanctuary beside the temple of Erechtheus and receiving great honours from both men and women in the city. Athene once again here makes her plea that wars should be with strangers and not with kinfolk.

Lines 892-901 record the agreement between the Erinyes and Athene where the former learn more details of their new home and its advantages. The terms are as follows:

Χο. ἄνασσ' Ἀθάνα, τίνα με φῆς ἔχειν ἔδραν;
Αθ. πάσης ἀπήμον' οἰζύος· δέχου δὲ σύ.
Χο. καὶ δὴ δέδεγμαι· τίς δέ μοι τιμὴ μένει;
Αθ. ὥς μή τιν' οἶκον εὐθενεῖν ἀνευ σέθεν.
Χο. σὺ τοῦτο πράξεις, ὥστε με σθένειν τόσον;
Αθ. τῷ γὰρ σέβοντι συμφορὰς ὀρθώσομεν.
Χο. καὶ μοι πρόπαντος ἐγγύην θήσῃ χρόνου;
Αθ. ἔξεστι γάρ μοι μὴ λέγειν ἂ μὴ τελεῶ.
Χο. θέλξειν μ' ἔοικας καὶ μεθίσταμαι κότου.
Αθ. τοιγὰρ κατὰ χθόν' οὐσ' ἐπικτήσῃ φίλους.

895

900

While the stipulations of the agreement with Athene offer the Erinyes a new home and a secure place in Athens, these avenging beings protest that younger gods are taking their place. Four times the Erinyes say that younger gods have "ridden down ancient laws". These words of protest (778-792, 808-822, 837-847, 870-880) reflect the challenge

put to these old female deities of revenge while the male Zeus becomes supreme with no rivals. The supremacy concept for the one god (the male) is also present in the Mosaic covenant and is expressed in Deut.5:7 (R.S.V.) which says, "You shall have no other gods before me".

Thus in the stipulations and obligations part of a covenant arrangement may be presented which allows all parties to come to terms with each other. It is in this part of the agreement that the essential element of reciprocity in the contract is most clearly expressed. The Erinyes will receive benefits from their new home and role as the Eumenides, while the community in turn will benefit from the obligation laid on these beings to live in a peaceful and a constructive way. Zeus benefits as well when he emerges as the supreme deity. Reciprocity has replaced rivalry.

Another part of the covenant formulary is the Blessings and Cursings which appear in the Eumenides, Hittite treaties and also in the Old Testament. In this last work Deut. 27 and 28 offer ample evidence for this pattern of words and thoughts. Added to the misery aspect of natural phenomena such as infertility, blight, famine and destruction, are opposites which form the blessings. Thus cursings

and blessings are often perfect opposites which point to a lack of harmony (or to the reverse) between mankind and nature. The Hittite treaties may add military retribution to those who break faith, but on the whole, coercive measures and force can be found in divine wrath. Here the gods can play their role and even the most secular treaty may develop a religious link when the wrath of the gods is in some way threatened.

In the Eumenides 902-915 , the Erinyes ask Athene about the blessings they should offer to the land. In her reply she tells them what to give.

Χο. τί οὖν μ' ἄνωγας τῇδ' ἐφυμνῆσαι χθονί;
 Αθ. ὅποια νίκης μὴ κακῆς ἐπίσκοπα,
 καὶ ταῦτα γῆθεν ἔκ τε ποντίας δρόσου,
 ἐξ οὐρανοῦ τε, κινέμων ἀήματα 905
 εὐηλίως πνέοντι' ἐπιστείχειν χθόνα·
 καρπὸν τε γαίης καὶ βοτῶν ἐπίρρυτον
 ἀστοῖσιν εὐθενοῦντα μὴ κάμνειν χρόνῳ,
 καὶ τῶν βροτείων σπερμάτων σωτηρίαν.
 τῶν δ' εὐσεβοῦντων ἐκφορωτέρα πέλοις. 910
 στέργω γάρ, ἀνδρὸς φυτυποίμενος δίκην,
 τὸ τῶν δικαίων τῶνδ' ἀπένθητον γένος.
 τοιαῦτα σοῦσι. τῶν ἀρειφάτων δ' ἐγὼ
 πρεπτῶν ἀγώνων οὐκ ἀνέξομαι τὸ μὴ οὐ
 τήνδ' ἀστύνικον ἐν βροτοῖς τιμᾶν πόλιν. 915

The Erinyes make their promises and are able to say in lines 938-948 that no ill wind or blight will cause destruction to the fruit trees and that Pan will give twin lambs and that earth's rich harvest

may offer honours to the generous Powers. The lines in Greek are as follows:

Χο. δειδρυμένην δὲ μὴ πνέοι βλάβη—	[ἀντ. α.
τὰν ἐμὴν χάριν λέγω—	
φλογμοὺς ὀμματοστερεῖς φυτῶν, τὸ	
μὴ περᾶν ὄρον τόπων,	940
μηδ' ἄκαρπος αἰα-	
νῆς ἐφερπέτω νόσος,	
μηλὰ τ' εὐθενοῦντα Πᾶν	
ξύν διπλοῖσιν ἐμβρύοις	
τρέφοι χρόνῳ τεταγμένῳ.	945
γόνος (δὲ γὰρ)	
πλουτόχθων ἐρμαίαν	
δαιμόνων δόσιν τίοι.	

In lines 956ff. the Erinyes add a further blessing and in 976ff. the most important boon of all for the city of Athens and her citizens appears as there is here the prohibition against civil strife which grows out of revenge for murder. Here the formulary moves directly into the possible historical events (which are discussed in Chapter 3) and there is also a reference to the old Greek fear of civil war.

Χο. ἀνδροκμήτας δ' αἰώ-	[στρ. β.
ρους ἀπεννέπω τύχας,	
νεανίδων τ' ἐπηράτων	
ἀνδρουχεῖς βιότους δότε, κύρι' ἔχοντες,	960
θεαί τ' ὦ Μοῖραι	
ματροκασιγνήται,	
δαίμονες ὀρθονόμοι,	
παντὶ δόμῳ μετάκοινοι,	
παντὶ χρόνῳ δ' ἐπιβριθεῖς,	965
ἐνδίκους ὀμιλίαις	
πάντῃ τιμώταται θεῶν.	

- Aθ. τάδε τοι χώρα τήμῃ προφρόνως
ἐπικραينوμένων
γάννυμαι· στέργω δ' ὄμματα Πειθοῦς, 970
ὅτι μοι γλώσσαν καὶ στόμ' ἐπώπα
πρὸς τάσδ' ἀγρίως ἀπανηναμένας·
ἀλλ' ἐκράτησε Ζεὺς ἀγοραῖος·
νικᾷ δ' ἀγαθῶν
ἔρις ἡμετέρα διὰ παντός. 975
- Χο. τὰν δ' ἀπληστον κακῶν 980
μήποτ' ἐν πόλει στάσῃ
τῇδ' ἐπεύχομαι βρέμειν.
μηδὲ πιούσα κόνις μέλαν αἷμα πολιτῶν
δι' ὄργαν ποινᾶς
ἀντιφόνους ἄτας
ἀρπαλίσαι πόλεως.
χάρματα δ' ἀντιτιδοῖεν
κοινοφιλεῖ διανοίᾳ, 985
καὶ στυγεῖν μῆ φρενί.
πολλῶν γὰρ τόδ' ἐν βροτοῖς ἄκος.

Thus through the blessings, man is shown to be at harmony with both his fellow man and with nature. The final harmony of the Eumenides provides a contrast to the disharmony which is found in Agamemnon 551ff. and 636ff. where storms and destruction bring havoc. The blessings in the Eumenides offer harmony for the whole trilogy as nature rights itself and men and agents of revenge come to terms with each other.

In a covenant formulary the final part is usually the Oaths, Witnesses and Public Declaration. It is in this part that religious tradition and legal tradition are closely related. In both the Ancient Near

East and Greece with the accompanying act (or a symbolic act) of sacrifice the ceremony for binding, the agreement is made public for all to see and for many to take part in. Ceremony, public reading of an agreement, and using the gods as witnesses can bind fast a covenant and it becomes by its mutuality the reverse of a promise made under duress. The reciprocal nature of the covenant concept is well known. In this part of the covenant formulary we are able to see the difference also between a legally binding covenant-agreement and a simple contract which, while it may be important to one or other of the parties involved, is made without public ceremony and lacks coercive wording to guard against breaching the agreement.

The torchlight procession in lines 1010 ff. offers the opportunity for both public notice and witnesses to be present. The Erinyes, now as the Eumenides, are attired in scarlet robes and are led in the torchlight procession accompanied by the witnesses who are the Athenian citizens, Zeus and Athene, the Areopagites, torchbearers, women who guard the Palladium and possibly the metics.²³ In this procession in addition to the final covenant formulary ingredients, the dramatist has offered a pageant which combines myth, the gods, a real identifiable geographical

location and historical references. All these elements would have been well known to his audience. The only element which is missing at this point is the Oath aspect of a covenant formulary, but if oaths are not present here they are very much a feature of the legal formalities of the trial.

3. The Legal Traditions of the Eumenides

Since in the plot of the Eumenides Orestes is brought to trial for the murder of his mother, and Athene in lines 681ff. designates the Areopagus as the court to hear homicide cases, the law plays a significant part in the play and it is necessary to examine some of the legal traditions and ideas which lie behind these events. Not only are law and covenant closely related in general, but also in this play some of the parties to the covenant-agreement are involved in legal matters.

Like that for Homeric epic poetry the setting for the Oresteia is in a period when monarchical government was a reality and when the war with Troy was a recent event. This archaic setting offers a contrast with fifth century Athens to the men in the audience, but at the same time, legal traditions can survive for centuries and can be recognized along with fifth century historical events which will be discussed in a later chapter. In the archaic period, religion,

kinship ties and law were almost indistinguishable but in the Eumenides gods can vie for supremacy as the Erinyes feel themselves displaced by Zeus.

When Athene enters the play she questions the Erinyes about their "hounding of Orestes" and they in turn show him to be a mother-murderer. The case for justice versus injustice begins when the Chorus calls for a trial in 433 .

Orestes (backed by Apollo in 465-67) shows that he has been held to the duty of murdering his mother in retaliation for her killing of his father, Agamemnon. As a result, one theme of the Eumenides lies deeply rooted in the tradition of revenge for murder laid upon the shoulders of the kinship group. This is a tradition which can be found in the archaic age where a man who seeks to exact revenge is more concerned with his duty to retaliate than with any fear he might have for the moral consequence of the crime committed by him in the carrying out of the revenge. Revenge, in that period, was not seen as a wrong-doing which could menace society but rather as a duty.²⁴ Thus in Book 22 of the Iliad Achilles gloriously kills Hector in revenge for Hector's killing of Patroclus and Odysseus in Book 24 of the Odyssey skillfully kills the suitors for their occupation of his home and his possessions. In the archaic period the

administration of justice was informal. A possible 33
exception to this attitude is found in Homer in
Il.9.63 where Nestor abominates the fomentor of
civil strife. He also reminds Agamemnon and Achilleus
in Il.1.255-57 that the Trojans, particularly Priam
and his sons, would be happy to hear that the two
heroes were fighting.

In the early period, informal retributive justice
was fulfilled by one individual carrying arms. He had
his own notion of fit retribution and his friends and
relatives were expected to assist in exacting it.
Even the wrongdoer might expect help from his kinsmen.
This rule of self-exacting retribution held for all
crimes including homicide cases. The problem of
pollution for both slayers and their kin does not
arise here and public sentiment could tolerate the
blood feud demanding that men must avenge the death
of a family member. ²⁵

At the same time simple disputes such as minor
cases of two men claiming possession of one animal
or weapon were settled in the agora or council by
chiefs and elders holding regular sittings. It
became recognized, however, that incessant quarrels
and strife could leave a community weakened for an
attack from neighbours (who were always a potential
enemy) and public opinion began to turn increasingly

to arbitration. In turn, arbitration tended to increase the power of the ruling class and powerful families. Thus what had begun from necessity was carried by tradition and finally gave thrust to the development of law codes and the institution of magistrates who exercised judicial function.²⁶ Law codes when they did appear were simply a means of recording current practice. According to Aristotle, Draco the lawgiver in Athens "adapted his laws to a constitution which already existed".²⁷ Aristotle also claims that prior to Draco the earliest magistrates were the King, the Polemarch and the Archon.²⁸ While the Archon adjudicated in cases involving family matters such as orphans or injured parents, and the Polemarch looked after similar matters for foreigners, it was the Archon Basileus who conducted cases where religion was involved. These included particular cases of homicide which drew religious attention inasmuch as pollution was recognized as a religious matter.²⁹

Oaths were also beginning to play a part in regular litigation. In this regard it is significant for the legal development during this period that attitudes regarding oaths in Homer are different from those in Hesiod. In Homeric writing oaths are frequently found (as Chapter 2 of this study indicates) but

not in connection with litigation. In Hesiod they appear as part of litigation as lines 282ff.

illustrate from the Works and Days where the man who commits perjury can expect his family to be cursed.

Oaths were either evidentiary or confirmatory and in The Hymn to Hermes there is an example of the use of the confirmatory oath when Hermes, as an accused, has been charged with theft and puts the case before Zeus for adjudication. (322ff.). In lines 383-384 Apollo pleads the case for Hermes, who denying the charge, confirms his innocence under oath. Thus the oath can be shown to lend weight to the plea of a litigant to the extent that even the gods used the oath in court procedures.

However, in spite of the advance in judicial procedures, the use of oaths for testimony, and a growing recognition that continuing disputes could be a threat to the stability of communities, there was still a large element of self-exacting retribution in criminal redress, particularly in crimes of murder and the problem of adultery. In most communities murder and adultery were considered to be strictly 'family matters' but at the same time they often led to a blood feud. 30

Thus criminal law was developing while homicide

continued to be regarded as a matter for family revenge. The concept of crime as we know it and the origin of criminal law were separate from the murder-revenge cycle used by Aeschylus in the Oresteia.

As a result of the separation between a criminal concept and the murder-revenge pattern as a family affair, the problem of a solution for the question of pollution came to public notice. The problem of pollution, while not present in Homer, appeared shortly after the writing of Hesiod (probably during the closing years of the eighth century) and became established by the time of Draco.³¹ As a result of the pollution, the state began to show an interest in homicide cases and the added complication of the blood feud. Pollution and feuding were increasingly seen as a threat to the welfare of the state, and magistrates and citizens alike were forced to face the problem and come to terms with it. This resulted in homicide cases being put under the jurisdiction of the Archon Basileus as the religious head of the state with trials being held at first in sanctuaries but eventually before the Areopagus.

The belief of Athenians that their homicide law was derived from Draco may have been fostered by the historical event in 632 B.C. when Kylon and some young nobles attempted to seize the Acropolis.³²

The feud which followed the Kylon fiasco saw the murder of many young men of noble families and the uprising offered to many the chance to murder their rivals when the Alkmaeonidae claimed victory and the followers of Kylon were slaughtered within the precincts of the Erinyes.³³ This feud may have touched off the need for closer attention to the murder-revenge cycle because it was nine or ten years later that Draco codified his law on homicide.

Because of its role in the Eumenides the development of the Areopagus as a homicide court is of concern in this thesis. Several times in the play Aeschylus has Athene remark on the establishment of this tribunal. In lines 483-484 and 571-573 the goddess says that the court is to be a perpetual court and in lines 681-706 she names the court as a trustworthy court established so that men may have peace. Thus in the play the court of the Areopagus has been established and will try Orestes.

While a history of the Areopagus could show that this court was not only involved with homicide cases but also in political undertakings, myth and tradition emphasize the former activities and responsibilities. There is some question as to whether it was Draco or Solon who actually instituted this court and also at the same time some belief

that during the time of Draco all homicide cases came before the ephetae and that Solon restored the duty of hearing premeditated homicide cases to the Areopagus.³⁴ This opinion would appear to be untenable as scholars point out that Draco would scarcely be willing to remove a function of prime importance from the chief governing body of the state. In addition, the sensitive nature of homicide with its tie to religion through pollution would make such a move unlikely in a conservative state.³⁵ Thus it can be concluded that it is most likely that in Draco's time and before, this body called the court of the Areopagus handled the policy and practice regarding homicide cases.

Developing at the same time as concerns about premeditated murder was the concept of unintentional murder and also concerns about the extenuating circumstances which might lead to murder. As a result, in the time of Draco, five courts existed for the purpose of dealing with different types of homicide.³⁶ Murder had become complicated with matters pertaining to pollution, revenge and recompense. Involved with these complications, was the procedure concerning the suppliant, who may have killed unintentionally or who felt that the act was justified. Thus there developed the practice where the killer who felt

justified, could resort to the temple for refuge or purification and could claim protection on these grounds. ³⁷ These legal practices (exemplified by Orestes being tried for homicide before the Areopagus and yet being a suppliant) are well portrayed in the Eumenides since Aeschylus opens this play with Orestes being found by the Priestess of Apollo as a suppliant at the inner shrine of the god at Delphi but at the same time being confronted by the avenging Erinyes for the murder of his mother. This is a particularly terrible murder because it is not only premeditated but is murder of kin. If Orestes gains some safety through legal traditions he still has the problem of moral and religious guilt and persecution from the Erinyes. In this play the age old tension involving crime and pollution, which was present in early Greek legal development, is acted out.

In the trial scene of the Eumenides 566 ff. Aeschylus uses Athene as the presiding officer, an office which probably would have been held by the Archon Basileus, and when she questions the Erinyes they complain that Orestes will neither take or tender the evidentiary oath. (429). Orestes then claims that he has been purified and that the goddess must determine the justifiability of the crime. (443 ff.) When the trial opens it is with the traditional

technical formula which, in line 582, is *εἰσάγω δὲ τὴν δίκην* and the results involve the 'much discussed' verdict which grants Orestes his freedom on the strength of a tie vote. Apollo says that he moved Orestes to murder and that in his view a mother is no parent but only the nurse of the implanted seed. (658-9)

Whether or not the trial and verdict are fair it is not the task of this thesis to decide but what is important is the awareness that the Eumenides is a play and not a document of legal history or moral theology. Aeschylus has taken the myth of the house of Atreus and has manipulated the myth to further the plot of the Oresteia and he has done the same thing with legal traditions and concepts. He has set the play in a time when a trial for homicide with premeditation took place before a single magistrate (Athene as the Archon Basileus) and he has used the ideas from legal traditions to develop the plot of his trilogy. He has also used legal problems such as the problem of pollution and the fear of feuding which results when the family of a murder victim exercises its responsibility to seek revenge.

It is amid legal traditions and problems, that the real business of the Eumenides appears. That business concerns the religious aspect of the situation which, while showing the supreme power of Zeus, raises the problem of moral guilt and the civil problems of some

opposing factions moved to violence within the state. Thus law, religion and politics cannot be separated in the Oresteia.

Both Draco and later Solon held to the idea that a murdered man's relatives could and should act as a prosecuting force.³⁸ By this development, the old tribal vengeance had been retained but had been moved into public court and away from the personal initiative in retribution of the heroic age. Therefore it is most suitable from the legal point of view that the Erinyes, as the revenge spirits of Klytemnestra, should be the prosecutors of Orestes as well as his persecutors.

While the court of the Areopagus is of pivotal importance to the Eumenides the use of the oath must also be considered because it is within the formula of swearing that the coercive force lies. In both the Ancient Near East and Greece the oath stood as an invocation to a deity to act as a witness to attest to the truth of a statement made by the oath-taker and also as surety and avenger of the promise should it be broken.³⁹ Thus when men swore, their words and promises were thought to be guaranteed by the gods. The importance of proper and honest swearing is attested to by several passages of literature such as Il.3.278, 7.76 and Sophocles Oedipus Rex 647-8 and 652



The oath had essentially three parts.⁴⁰ The first was the solemn declaration of truth or promise which was followed by an invocation of the gods concerned to guarantee the declaration. The third part was a religious sanction in the form of a curse. These three parts have a parallel in the covenant formulary both in the Old Testament and in Hittite treaties.⁴¹

Thus for the Greeks, the oath could be seen as the outward pledge by an oath-taker that his attestation or promise was done under an immediate sense of responsibility to a god or gods. This responsibility of promise is also a factor in Hittite treaties or Old Testament covenant-making.

There is a lot of evidence of the use of the oath in Greek literature in general but there is also evidence for the use of the oath in daily life as the following examples can illustrate. When a child was enrolled in a phratry the father was required to present the child and, supported by two witnesses, he had to swear to the elders that the child was legitimate.⁴² Another example of taking an oath can be found for the young Athenian male when he reached the age of eighteen. Before entering any military service (for two years) he had to take a physical examination or dokimasia and then swear that he was legitimate.

After this, and armed with a spear and shield, he took the Ephebic Oath in public in the temple of Agraulos. Finally he was enrolled as a member of his family deme.⁴³ The Ephebic Oath bears some resemblance to the Mosaic covenant in that it contained not only military obligations but also civic and religious responsibilities. As every young man had to take this oath in order to become a citizen and have political rights, it represents his differentiation from his family as he becomes a member of the polis in his own right. Thus, as generations of young men took this oath and became citizens, the historical continuity of the city-state of Athens which was represented by the goddess Athene, could be guaranteed.

In states where a monarchy was the tradition, the oath, like a covenant, was a reciprocal agreement sworn between king and people. The oath at Sparta was an indication that the kings were not 'sine conditione' by hereditary right or by religious mystique but rather by approval from the Assembly through a ceremony of oaths sworn by both sides. Mutual oath-taking (a covenant) formed the basis for the Spartan monarchy.⁴⁴ Thus it can be shown that Greeks from more than one city-state were familiar with the uses of the oath in daily life and considered oath-taking an important matter.

Prior to the seventh century men swearing oaths would invoke Zeus (Sky), Ge (Earth) and Helios (Sun) but gradually the god, particularly associated with the locality, was the one frequently invoked. In the private oath there were very few restrictions as to the formula and number or names of the gods used and these things might vary with the circumstances of place, time, age and sex of the one taking the oath.⁴⁵ By contrast the public oath was sworn before the gods officially recognized by each community which could determine their own legal formula. Thucydides 2.71.4 mentions that the Plateans were able to remind the Spartans of an oath sworn by their national gods and in 5.47.8 the national gods are mentioned again.

For the public oath the number three was frequently used with the Athenians swearing to Zeus, Apollo and Demeter as a triad and the Phocians swearing before Apollo, Leto and Artemis.⁴⁶ However there were exceptions such as the Olympians using Zeus Olympios for their oaths and the Ozolian Locrians swearing the Pentorkia by five gods of unknown name.⁴⁷

To swear by the gods in public, oaths indicate to some extent the influence of the gods over the community in that the general welfare of the state could depend on a guardian god. Athens could be seen as being held in trust by Athene. She therefore has

not only a religious role but also a state and juridical role. In this form of theocracy (Oriental forms of theocracy differ in that the power of the ruler comes directly from the state gods) the power of magistrates comes from state gods but through the people. Sovereignty (kratos) was shared by the people (at least those in any position of influence whatsoever) and the state gods.⁴⁸ The people were the ones who appointed the magistrates to the courts while the will of the Citizen Assembly and the will of the gods (sought by sacrifices, omens and oracles) were joined in the expression of law.

While however the people may appear to share power with the state gods they also swore by those very same gods and ran the risk of suffering the evils of the curse which was the real coercive force used on all levels of oath-swearing.

Oaths eventually became diversified to the point that there were special promissory, assertory or declaratory oaths. The promissory oath is similar to Ancient Near Eastern covenant wording in that it binds parties by religious sanction to observe a certain course of conduct or to fulfill certain duties in the future. This type of oath is close in concept to Hittite treaties.⁴⁹ For the Greeks of the fifth century the promissory oath was the oath which all

magistrates must swear at an investiture. In lines 483-484 of the Eumenides Athene says that she will choose jurors for homicide for a perpetual court. Here one finds the magistrates who have taken this promissory oath.

The assertory oath which relates to past or present fact (while the promissory oath refers to future conduct) could be either decisory or probative in nature. The decisory type of assertory oath was taken when one of the parties to a suit, being unable to prove his charge, offered to refer the disposition of the case to the vote of his opponent who was bound to accept the challenge. Should he refuse it his confession was implied, but when an accused person took an oath it was then called exculpatory. A probative oath confirmed the truth of testimony and was taken before the Assembly.

When Orestes refuses to take the oath in line 429 he is challenged on exculpatory (referred to as evidentiary earlier in this chapter as it deals with evidence, but is also exculpatory in nature because of the proceedings) grounds. He refuses and pleads 'justifiable homicide'. What must be noted in the legal proceedings in the Eumenides is not only the use of fifth century legal machinery but also that when the magistrates take their places in court they are tightly bound by oath to render a decision on the facts

and would have had to pronounce Orestes guilty except for the intervention of Apollo. Neither they nor Aeschylus had any other legal choice, therefore it was necessary in order to further the plot of the play to find some way to exonerate Orestes. Because Klytemnestra was murdered at the command of Apollo representing Zeus, the latter assumes the moral responsibility, but Aeschylus has literally sacrificed her to the needs of the play. This 'sacrifice' adds weight to the argument of the avenging Erinyes in their rivalry with Zeus. Also by means of the verdict, the case for patrilinear descent has been made significant. While Orestes gaining his freedom as a result of the tie vote may appear strange to a modern audience, an ancient audience would probably have been sympathetic to the ending of the play as they would have been more aware of Aeschylus' use of combined legal traditions both from the archaic period and the fifth century. When Athene casts her vote she reminds the audience of the days when the King Archon was presiding, but she also reminds that ancient audience that she protects the power of law and citizens alike.

If fifth century Greeks were familiar with oaths and their importance in domestic affairs they also had occasion to see oaths used in international life, in the Amphictyonic Oath for example. Aeschines 2.115

attests to the Amphictyonic Oath and in 3.107-

112 urges members to abide by the oath and to punish the Cirrhaeans who had committed certain sacrileges.

Also Aristotle (Constitution of Athens 23.5) mentions Aristides in connection with the oath of the offensive and defensive alliance with the Ionians which was made irrevocable by a ceremony in which lumps of iron were thrown into the sea.

When Aeschylus chose his ending for the Eumenides he carefully selected material familiar to his audience but he was also careful to allow his ending to have a legal touch because under the exculpatory oath, punishment for perjury as well as for those guilty of the crime itself, was left to the gods whose wrath as oath guardians could fall upon the guilty parties and even upon their descendants.⁵⁰ While Orestes may plead justifiable homicide, the dramatist has prepared the way, by the use of this legal technique, for his final verdict.⁵¹ The gods have entered the juridical process in the case of Orestes, but at the same time, he is given his freedom through the vote cast by magistrates appointed by the citizens.

The Conclusions to Chapter 1

Based on the material discussed in this chapter it is possible to find in the Eumenides and its covenant-like agreement characteristics and motifs which are also found in covenant and treaty literature. But when similarities in phrasing and formulary appear among the agreement in the Eumenides, Hittite treaties and the Mosaic covenant this does not necessarily imply that Aeschylus borrowed directly from the cultures of the Ancient Near East but rather that some of the same traditions which were available for contractual and legal requirements in early Israel and the Land of Hatti were also being used in the Archaic age in Greece. As the next chapter of this study will show, Homer and other writers were aware of covenant-making and the flexible nature of the material (such as wording, ritual, significance of the gods etc.) which goes with it.

Aeschylus could find within his own legal tradition, customs and ideas which dated from the Archaic age and which could be used to further develop the plot of the Eumenides while recognizing that evolutionary changes had taken place. One example of this fact can be found where Orestes is confronted with taking an oath (which was a regular legal practice) while he is being tried before a court which is set back in time before the

fifth century with Athene playing the role of the King Archon.

It is possible to conclude, therefore, that Aeschylus is probably not conscious of the parallels between his material and some of that from the Ancient Near East whereas the use of his own legal and covenant material is a conscious and careful selecting of ideas and traditions. Not only was the material thus carefully chosen and blended (i.e. covenant material with legal material) but it offered a solution to the great problem of reconciling opposing factions. This blending of ideas and traditions was facilitated by the natural relationship between law and covenant.

To attempt a definition of this natural relationship between law and covenant inevitably leads to the problem of whether or not they are the same in concept and poses the question of whether separate definitions are possible. In the Introduction to this study it has been shown already that 'legal transactions and a legal relationship between partners' is one of the essential ingredients of a covenant. Also it is possible to claim that for the Mosaic covenant and the Book of Deuteronomy in the Old Testament that its history, laws, mutual obligations, blessings and cursings needed to be rooted in reality rather than in scribal invention, and that this reality reflects the procedure of a covenant

ceremony with the familiar formulary of a recital of history, proclamation of the law, sworn obligations and blessings and cursings.⁵² Thus for the Mosaic covenant the ceremony offered the opportunity for the law to be read and the covenant renewed.

Therefore what can be said about the problem of finding individual definitions for law and covenant is that covenant may not truly exist without law as law forms a major aspect of its meaning. However, law can exist without covenant as a law code does not necessarily have to show a mutuality which is always found in a covenant. For example, the Code of Hammurabi could exist without a mutual agreement between the king and the people as it was imposed upon citizens and used the sun-god Shamash (who was also the god of justice) for its authority.⁵³

If law is necessary as one aspect of covenant, the other aspect which is necessary is not only the ritual which brings the covenant into existence but it is the relationship itself between the parties which the ceremony of ratification allows to develop. Thus law is part of covenant, but covenant covers a larger area of human existence in that it offers not just a dry legal codification but rather a relationship where the advantages and obligations of mutuality can thrive. While it is possible to show a literal

difference in meaning between law and covenant, it is dangerous to do so because it can suggest a lessening of the natural affinities that these two words have for each other. The writers of the Old Testament had the same problem when they came to define covenant and they used not only the sphere of law for a definition but also the sphere of marriage or a human alliance.⁵⁴

By using the combination of legal traditions and a covenant-agreement Aeschylus has been able to take the benefits of reconciliation between conflicting parties one step further. If the trial in the Eumenides solves the problem of the guilt of Orestes on the charge of homicide with the attendant problem of pollution, the covenant solves the age old problem in Greek law of ending a blood feud which if unchecked, could weaken the whole community. In this way, the two old problems in Greek legal development have been answered.

By using the same concept, the persecution by the Erinyes of Orestes has ceased as they become the Eumenides, but the guilt problems have been shifted from the gods to the people. The citizens have been given not only political power but now must face a moral 'coming of age' as the vendetta tradition is replaced by civil courts.

Aeschylus has taken the trouble to show not only the supremacy of Zeus but by using a covenant he shows

the gods and the citizens united and working together.

When one examines the trilogy as a whole, it is possible to find that the trial offers a solution to the Eumenides but the covenant-agreement offers the final solution to the Oresteia.

THE NOTES TO CHAPTER I

¹ Moshe Weinfeld, "Berith", The Theological Dictionary of the Old Testament: Vol.II, (1973 ed.) pp. 253-279. Supporting evidence may be found in an article by John Arthur Thompson, The International Standard Bible Encyclopaedia: Vol.I, (1979 ed.) p.790.

² Weinfeld, Berith, p.253.

³ Weinfeld, Berith, p.254.

⁴ Weinfeld, Berith, p.255.

⁵ Weinfeld, Berith, p.256.

⁶ Weinfeld, Berith, p.256.

⁷ Weinfeld, Berith, p.258.

⁸ Weinfeld, Berith, p.258.

⁹ Weinfeld, Berith, p. 259

¹⁰ Robert Fagles and W.B. Stanford, Introductory Essay, The Serpent and The Eagle, The Oresteia, by Aeschylus, (New York: Bantam Books, Viking Press, 1977), pp.74-75.

¹¹ George Thomson, "Commentary", The Oresteia, Vol.II, Aeschylus, (Cambridge: The University Press, 1938) p.274.

¹² A.W. Verrall, "Introduction, Commentary and Translation", The Eumenides, Aeschylus, (London: MacMillan and Co. 1908), p.58, n.306.

¹³ H.J. Rose, A Commentary On The Surviving Plays of Aeschylus, Vol.II, (Amsterdam: N.V. Noord-Hollandsche Uitgevers Maatschappij, 1958), pp.236-237.

¹⁴ Delbert R. Hillers, Covenant: The History of a Biblical Idea, (Baltimore, Maryland: The Johns Hopkins Press, 1969), p.103.

¹⁵ Klaus Baltzer, The Covenant Formulary, trans. David E. Green, (Philadelphia; The Fortress Press, 1971), pp.9-38. George Mendenhall, "Law and Covenant in Israel and the Ancient Near East," The Biblical Colloquium, 1955, Pittsburg, Penn. Reprinted from Biblical Archaeologist, 17 (1954, pp.26-46, 49-76), pp.32-35.

¹⁶ Hillers, pp.29-47.

¹⁷ Mendenhall, pp.6-11.

¹⁸ Eduard Fraenkel, A Commentary on Agamemnon, (Oxford: The Clarendon Press, 1950), p.25.

¹⁹ Hillers, p.31.

²⁰ Baltzer, pp.11-12.

²¹ Baltzer, p.12.

²² Baltzer, p.14.

²³ Thomson, pp.315-319. See also A.W. Verrall, p.177, n.1029.

²⁴ Robert Bonner and Gertrude Smith, The Administration of Justice from Homer to Aristotle, (New York: The Greenwood Press, 1968), p.11.

- 25 Bonner and Smith, p.17.
- 26 Bonner and Smith, p.43.
- 27 Aristotelis, Politica, (Oxonii: Clarendoniano, MCMLVII), 1274b.
- 28 Aristotle, The Athenian Constitution, Part I, trans. by John Warrington, (London: J.M. Dent and Sons Ltd. 1959), p.248, paragraph 3, chapter 1.
- 29 Bonner and Smith, p.85.
- 30 Bonner and Smith, p.52.
- 31 Bonner and Smith, p.55.
- 32 Ronald Stroud, Drakon's Law on Homicide, (Los Angeles: The University of California Press, 1968), p.35.
- 33 Thucydidis, Historiae, Tomus Prior, (Oxonii: E. Typographeo Clarendoniano, n.d.), 1.126.11-12.
- 34 Bonner and Smith, p.94.
- 35 Bonner and Smith, p.94.
- 36 Bonner and Smith, p.103.
- 37 Bonner and Smith, p.103.
- 38 Joseph Plescia, The Oath and Perjury in Ancient Greece, (Tallahassee: Florida State University Press, 1970), pp.54-55.
- 39 Plescia, p.2. While the reference cited names only Greece, I have added the Ancient Near East in my statement. This addition is based on the material on covenant.

40 Plescia, p.3.

41 Baltzer, pp.14-15.

42 Plescia, p.16.

43 Plescia, p.16.

44 Plescia, p.22.

45 Plescia, p.5.

46 Plescia, p.6.

47 Plescia, p.6.

48 Plescia, p.9.

49 Hillers, pp.25-39.

50 Plescia, p.41.

51 Demosthenes 23.74 "our legal ancestors, arguing that Orestes, having killed his mother and confessing the fact, was acquitted by the gods acting as judges. They formed the opinion that there is such a thing as justifiable murder, for the gods could not have given an unjust verdict." Cited by Joseph Plescia, The Oath and Perjury in Ancient Greece, p.41.n.26.

52 Gerhard Von Rad, Old Testament Theology, Vol.I, trans. by D.M.G. Stalker, (New York and Evanston: Harper and Row, 1962), p. 132. Von Rad, Problem of the Hexateuch (trans. 1966), 1-78, is cited by Weinfeld, Berith, p.264.

53 James B. Pritchard, Editor, The Ancient East: An Anthology of Texts and Pictures, 2nd ed. (Princeton: Princeton University Press, 1969), pp. 138-139, as quoted from The Code of Hammurabi, trans. Theophile J. Meek, A.N.E.T. 163-164.

54 Hillers, p.54.

CHAPTER II

AN EXAMINATION OF COVENANT-AGREEMENTS FOUND IN GREEK LITERATURE TO THE END OF THE FIFTH CENTURY

This examination of the covenant material in Greek literature to the end of the fifth century will be divided into two sections. The first part will deal with some covenant-like agreements which contain language, rituals or ideas similar to some of the covenant material discussed in chapter one of this study. These covenants are complete in themselves. The second section will deal with covenant material that appears in fragmentary form. In these instances the wording or ritual appropriate to covenants is in evidence.

To offer several examples from other traditions of the kind of agreement a reader might look for in Greek literature, one could turn to Genesis 31:44-50 where there is a description of the covenant made between Jacob and Laban (man to man) or Genesis 15 where there is a covenant between Abraham and Yahweh.¹ Hittite literature, (The Apology of Hattusili 3), tells of a covenant made between Hattusili and Ishtar in which the goddess promises to advance his career in

return for his devotion and worship of her.² From Ugaritic literature there is, in the Poem of Aquat, a covenantal offer made by the goddess Anath to Aquat in which she offers him immortality in exchange for his bow.³ These covenants are made between a mortal and a divine being.

In the Ancient Near East, there are covenants which have the form of treaties and military alliances and which are similar to some of the covenant-like treaties found in Herodotus 1. 74.4, 1.143, 3.144 and Thucydides 5.46.5, 5.48.1, 6.34.1. There is evidence of 15 treaties (9 in Akkadian and 6 in Hittite) which the Hittite kings from Suppiluliumas (ca. 1375-1335 B.C.) to Tuthalijas IV (1250-1220) concluded with vassals in Asia Minor and in Syria. These treaties are preserved on clay and are taken from the Boghazkoy archives.⁴

These examples show the wide variety of covenant-like agreements made in the Ancient Near East, and as this chapter will show, Greek literature offers covenant material of a similar variety.

Part I

Iliad 3. 245-323 offers a description of a full covenant ceremony which took place between the Trojans and the Achaians. Here the parties agree that Menelaos and Alexandros will fight for possession of

Helen. These lines describe the ritual and show how the warriors on both sides can be affected by the agreement. Zeus is the chief god who acts as a witness, but the Immortals are also mentioned. The Greek text is as follows,

Κήρυκες δ' ἀνὰ ἄστυ θεῶν φέρον ὄρκια πιστά,
 ἄριε δύνω καὶ οἶνον εὐφρονα, καρπὸν ἀρούρης,
 ἄσκη' ἐν αἰγείῳ· φέρε δὲ κρητῆρα φαεινὸν
 κῆρυξ Ἰδαῖος ἥδ' ἐ χρύσεια κύπελλα·
 ὄτρυνεν δὲ γέροντα παριστάμενος ἐπέεσσιν·
 “ὄρσεο, Λαομεδοντιάδῃ, καλέουσιν ἄριστοι
 Τρώων θ' ἱπποδάμων καὶ Ἀχαιῶν χαλκοχιτώνων
 ἐς πεδῖον καταβῆναι, ἔν' ὄρκια πιστὰ τάμητε·
 αὐτὰρ Ἀλέξανδρος καὶ ἀρηίφιλος Μενέλαος
 μακρῆς ἐγχείησι μαχήσονται ἀμφὶ γυναικί·
 τῷ δέ κε νικήσαντι γυνὴ καὶ κτήμαθ' ἔποιτο·
 οἱ δ' ἄλλοι φιλότῃ καὶ ὄρκια πιστὰ ταμόντες
 ναίοιμεν Τροίην ἐριβόλακα, τοὶ δὲ νέονται
 Ἄργος ἐς ἱππόβοτον καὶ Ἀχαιίδα καλλιγύναικα.”
 “Ὡς φάτο, ῥίγησεν δ' ὁ γέρωι, ἐκέλευσε δ' ἐταίρους
 ἱππους ζευγνύμεναι· τοὶ δ' ὄτραλέως ἐπίθοντο.
 ἂν δ' ἄρ' ἔβη Πρίαμος, κατὰ δ' ἡγία τεύειν ὀπίσσω·
 πὰρ δέ οἱ Ἀντήνωρ περικαλλέα βῆσέτο δίφρου·
 τῷ δὲ διὰ Σκαιῶν πεδίουδ' ἔχον ὠκέας ἱππους.
 Ἄλλ' ὅτε δὴ ῥ' ἴκοιτο μετὰ Τρώας καὶ Ἀχαιοὺς,
 ἐξ ἱππων ἀποβάιτες ἐπὶ χθόνα πονυβότειραν
 ἐς μέσσον Τρώων καὶ Ἀχαιῶν ἐστιχώωντο.
 ὄρυντο δ' αὐτίκ' ἔπειτα ἄναξ ἀνδρῶν Ἀγαμέμνων,
 ἂν δ' Ὀδυσσεὺς πολὺμήτις· αὐτὰρ κήρυκες ἀγαοὶ
 ὄρκια πιστὰ θεῶν σύναγον, κρητῆρι δὲ οἶον
 μίσγον, αὐτὰρ βασιλεῦσιν ὕδωρ ἐπὶ χεῖρας ἔχευαν.
 Ἀτρεΐδης δὲ ἐρυσσάμενος χεῖρεσσιν μάχαιραι,
 ἧ οἱ πὰρ ξίφεος μέγα κουλεὸν αἶεν ἄωρτο,
 ἀριῶν ἐκ κεφαλῶν τάμνε τρίχας· αὐτὰρ ἔπειτα
 κήρυκες Τρώων καὶ Ἀχαιῶν νεύματι ἀρίστοις.
 τοῖσιν δ' Ἀτρεΐδης μεγάλ' εὐχετο χεῖρας ἀνασχών·
 “Ζεῦ πάτερ, Ἰὼθεν μεδέων, κύδιστε μέγιστε,
 Ἥελιός θ', ὅς πάντ' ἐφορᾷ καὶ πάντ' ἐπακούεις,
 καὶ ποταμοὶ καὶ γαῖα, καὶ οἱ ὑπ' ἐνερθε καμόντας
 ἀνθρώπους τίνυσθον, ὅτις κ' ἐπίορκον ὁμόσση,
 ὑμεῖς μάρτυροι ἔστε, φυλάσσετε δ' ὄρκια πιστά·
 εἰ μὲν κεν Μενέλαον Ἀλέξανδρος καταπέφνη,
 αὐτὸς ἔπειθ' Ἑλένην ἐχέτω καὶ κτήματα πάντα,
 ἡμεῖς δ' ἐν νήεσσι νεώμεθα ποιτοπόροισιν.”

- εἰ δέ κ' Ἀλέξανδρον κτείη ξανθὸς Μενέλαος,
 Τρῶας ἔπειθ' Ἑλένην καὶ κτήματα πάντ' ἀποδοῦναι, 285
 τιμὴν δ' Ἀργείοις ἀποτινέμεν ἢν τιν' ἔοικεν,
 ἢ τε καὶ ἐσσομένοισι μετ' ἀνθρώποισι πέληται.
 εἰ δ' ἂν ἐμοὶ τιμὴν Πρίαμος Πριάμοιό τε παῖδες
 τῖναι οὐκ ἐθέλωσω Ἀλεξάνδροιο πεσόντος,
 αὐτὰρ ἐγὼ καὶ ἔπειτα μαχήσομαι εὔεκα ποιῆς 290
 αὐδὲ μένων, ἥος κε τέλος πολέμοιο κιχέω.”
- Ἦ, καὶ ἀπὸ στομάχους ἀρνῶν τάμε ἰηλεί χαλκῷ·
 καὶ τοὺς μὲν κατέθηκεν ἐπὶ χθονὸς ἀσπαίρουτας,
 θυμοῦ δεινομένους· ἀπὸ γὰρ μένος εἴλετο χαλκός.
 οἶνον δ' ἐκ κρητῆρος ἀφυσσόμενοι δεπάεσσιν 295
 ἔκχεον, ἢδ' εὐχοῖτο θεοῖς αἰειγενέτησιν·
 ὦδε δέ τις εἶπεσκεν Ἀχαιῶν τε Τρώων τε·
 “Ζεῦ κύδιστε μέγιστε, καὶ ἀθάνατοι θεοὶ ἄλλοι,
 ὑππότεροι πρότεροι ὑπὲρ ὄρκια πημήνεια,
 ὦδέ σφ' ἐγκέφαλος χαμάδις ῥέοι ὥς ὅδε οἶνος, 300
 αὐτῶν καὶ τεκέων, ἄλοχοι δ' ἄλλοισι δαμεῖεν.”
- ᾧς ἔφαν, οὐδ' ἄρα πῶ σφιν ἐπεκράαινε Κρονίων.
 τοῖσι δὲ Δαρδανίδης Πρίαμος μετὰ μῦθον ἔειπε·
 “κέκλυτέ μεν, Τρῶες καὶ εὐκνήμιδες Ἀχαιοί·
 ἦτοι ἐγὼν εἴμι προτὶ Ἴλιον ἠιερμόεσσαν 305
 αἶψ', ἐπεὶ οὐ πῶ τλήσομ' ἐν ὀφθαλμοῖσιν ὄρᾶσθαι
 μαρτάμενον φίλον υἱὸν ἀρηϊφίλῳ Μενελάῳ·
 Ζεὺς μὲν που τό γε οἶδε καὶ ἀθάνατοι θεοὶ ἄλλοι,
 ὀπποτέρῳ θανάτῳ τέλος πεπρωμένον ἐστίν.”
- Ἦ ῥα, καὶ ἐς δίφρον ἄρνας θέτο ἰσόθεος φῶς, 310
 αἶν' δ' ἄρ' ἔβαιν' αὐτός, κατὰ δ' ἠνία τεῖνεν ὀπίσσω·
 παρ δέ οἱ Ἀντήνωρ περικαλλέα βήσετο δίφρον.
 τῷ μὲν ἄρ' ἄψορροι προτὶ Ἴλιον ἀπονέοντο·
 Ἐκτωρ δὲ Πριάμοιο πάϊς καὶ δῖος Ὀδυσσεὺς
 χῶρον μὲν πρῶτον διεμέτρεον, αὐτὰρ ἔπειτα 315
 κλήρους ἐν κυνέῃ χαλκίρεϊ πάλλον ἐλόντες,
 ὀππότερος δὴ πρόσθεν ἀφείη χάλκεον ἔγχος.
 λαοὶ δ' ἠρήσαιντο, θεοῖσι δὲ χεῖρας ἀνέσχον,
 ὦδε δέ τις εἶπεσκεν Ἀχαιῶν τε Τρώων τε·
 “Ζεῦ πάτερ, Ἰδὴθεν μεδέων, κύδιστε μέγιστε, 320
 ὀππότερος τάδε ἔργα μετ' ἀμφοτέροισιν ἔθηκε,
 τὸν δὲς ἀποφθίμενον δῖναι δόμον Ἀΐδος εἴσω,
 ἡμῖν δ' αὖ φιλότῳ καὶ ὄρκια πιστὰ χεῖρας ἀνέσθαι.”
- ᾧς ἄρ' ἔφαν, πάλιν δὲ μέγας κορυθαίολος Ἐκτωρ
 ἄψ' ὁρώων· Πάριος δὲ θοῶς ἐκ κλήρος ὄρουσεν. 325
 οἱ μὲν ἔπειθ' ἔζοντο κατὰ στίχας, ἥχι ἐκάστω
 ἵπποι ἀερσίποδες καὶ ποικίλα τεύχεα κείτο·
 αὐτὰρ ὁ γ' ἀμφ' ὥμοισιν ἐδύσετο τεύχεα καλὰ
 δῖος Ἀλέξανδρος, Ἑλένης πόσις ἠυκόμοιο.

This covenant ceremony is an interesting one because it offers not only ritual, but also in the underlined passages, covenant language which is similar to the language described in chapter one which is used in covenant-making. In addition, there are present the gods who act as the witnesses (Zeus, Helios, Earth and Rivers) and who stand guard over the oaths. Thus the Iliad can be shown to use material known to Ancient Near Eastern covenant ideas and also material (particularly the gods as witnesses) found in Greek legal concepts such as oaths.

This particular covenant is used here in the Iliad to narrow the conflict to one between only two men instead of a larger conflict between the two groups.

The next two covenants to be considered are found in the Odyssey and are different from the one cited in the Iliad in that they lack formal ceremony and special wording, but at the same time they have a powerful effect on the story.

The first agreement is informal and is to be found intermixed with the literature of the Odyssey in lines 1.44-67 . It is here that Athene, who is the special patron of Odysseus, talks to Zeus and decides to protect him from the wrath of Poseidon. What is interesting is that just prior to these lines Zeus begins to think of Agamemnon and the murder committed by

Klytemnestra and the revenge killing of her lover by Orestes (30ff.). In this covenant-like arrangement there is the further interesting possibility that it may have been used to remind the listeners of the more formal covenant between Athene and Odysseus in Iliad 10.454-464.

Ἦ, καὶ ὁ μὲν μιν ἔμελλε γενείου χειρὶ παχείῃ
 ἀψάμενος λίσσασθαι, ὁ δ' αὐχένα μέσσον ἔλασσε 455
 φασγάνῃ αἰζας, ἀπὸ δ' ἄμφω κέρσε τένοντε·
 φθεγγομένου δ' ἄρα τοῦ γε κάρη κονίησιν ἐμίχθη.
 τοῦ δ' ἀπὸ μὲν κτιδέην κυνέην κεφαλῇφιν ἔλοντο
 καὶ λυκέην καὶ τόξα παλίντονα καὶ δόρυ μακρόν·
 καὶ τὰ γ' Ἀθηναίῃ ληϊτίδι διὸς Ὀδυσσεύς 460
 ὑψόσ' ἀνέσχεθε χειρὶ καὶ εὐχόμενος ἔπος ἤυδα·
 “χαῖρε, θεά, τοῖσδεσσι· σὲ γὰρ πρώτην ἐν Ὀλύμπῳ
 πάντων ἀθανάτων ἐπιδωσόμεθ'· ἀλλὰ καὶ αὐτὶς
 πέμψον ἐπὶ Θρηκῶν ἀνδρῶν ἵππους τε καὶ εὐνὰς.”

In these lines Athene guides and protects Odysseus just as she does in the Odyssey. Thus a mortal and a goddess can offer each other something inasmuch as the mortal offers spoils and the cultivation of worship of the goddess and she in turn, offers her protection and guidance in a way not too different from the exchange between Hattusili and Ishtar referred to on the first page of this chapter. The Greek text of Odyssey 1.44-67 is as follows.

Τὸν δ' ἡμείβετ' ἔπειτα θεὰ γλαυκῶπις Ἀθήνη·
 “ὦ πάτερ ἡμέτερε Κρονίδη, ὕπατε κρειόντων, 45
 καὶ λίην κείνός γε εἰκότι κείται ὀλέθρῳ·
 ὥς ἀπόλοιτο καὶ ἄλλος ὅτις τοιαῦτά γε ῥέζοι!
 ἀλλὰ μοι ἄμφ' Ὀδυσῆϊ δαΐφρονι δαίεται ἦτορ,
 δυσμάρῳ, ὅς δὴ δητὰ φίλων ἀπο πῆματα πάσχει
 νήσῳ ἐν ἀμφιρύτῃ, ὅθι τ' ὀμφαλός ἐστι θαλάσσης. 50

νῆσος δενδρήεσσα, θεὰ δ' ἐν δώματα ναίει,
 Ἄτλαντος θυγάτηρ ὀλοόφρονος, ὃς τε θαλάσσης
 πάσης βένθεα οἶδεν, ἔχει δέ τε κίονας αὐτὸς
 μακράς, αἱ γαῖάν τε καὶ οὐρανὸν ἀμφὶς ἔχουσι.
 τοῦ θυγάτηρ δύστηνον ὀδυρόμενον κατερύκει. 65
 αἰεὶ δὲ μαλακοῖσι καὶ αἰμυλίοισι λόγοισι
 θέλγει, ὅπως Ἰθάκης ἐπιλήσεται· αὐτὰρ Ὀδυσσεὺς
 ἰέμενος καὶ καπνὸν ἀποθρώσκοντα νοῆσαι
 ἧς γαίης, θανέειν ἱμείρεται. οὐδέ νυ σοὶ περ
 ἐντρέπεται φίλον ἦτορ, Ὀλύμπιε; οὐ νύ τ' Ὀδυσσεὺς 60
 Ἀργείων παρὰ νηυσὶ χαρίζετο ἱερὰ ρέζων
 Τροίῃ ἐν εὐρείῃ; τί νύ οἱ τόσον ὠδύσαο, Ζεῦ; "
 Τὴν δ' ἀπαμειβόμενος προσέφη νεφεληγερέτα Ζεὺς·
 "τέκνον ἐμόν, ποῖόν σε ἔπος φύγεν ἕρκος ὀδόντων;
 πῶς ἂν ἔπειτ' Ὀδυσῆος ἐγὼ θείοιο λαθοίμην, 65
 ὃς περὶ μὲν νόον ἐστὶ βροτῶν, πέρι δ' ἱρὰ θεοῖσιν
 ἀθανάτοισιν ἔδωκε, τοὶ οὐρανὸν εὐρὺν ἔχουσιν;

These passages illustrate the concern of the gods for Odysseus in the work of Homer in the same way that Zeus, Athene and Apollo show concern for Orestes in the Oresteia. In addition, this concern Athene shows for Odysseus in the Odyssey brings her into greater prominence in the poem than she otherwise might have attained and paves the way for the covenant which is found in 24.473-486; 545-548 .

"ὦ πάτερ ἡμέτερε, Κροειῖδῃ, ὕπατε κρείοντι,
 εἰπέ μοι εἰρομένη, τί νύ τοι νόος ἐνδοθι κεύθει;
 ἢ προτέρω πόλεμόν τε κακὸν καὶ φύλοπι' αἰνῆι'
 τεύξεις, ἢ φιλότῃ μετ' ἀμφοτέροισι τίθησθα;" 475
 Τὴν δ' ἀπαμειβόμενος προσέφη νεφεληγερέτα Ζεὺς·
 "τέκνον ἐμόν, τί με ταῦτα διεῖραι ἦδὲ μεταλλῆς;
 οὐ γὰρ δὴ τοῦτον μὲν ἐβούλευσας νόον αὐτῇ,
 ὥς ἢ τοι κείους Ὀδυσσεὺς ἀποτίσεται ἔλθων;
 ἔρξοι ὅπως ἐθέλεις· ἐρέω δέ τοι ὥς ἐπέοικεν. 480
 ἐπεὶ δὴ μνηστήρας ἐτίσατο δῖος Ὀδυσσεύς,
 ἦρκια πιστὰ ταμόντες ὁ μὲν βασιλευέτω αἰεὶ,
 ἡμεῖς δ' αὖ παίδων τε κασιγνήτων τε φόνοιο
 ἔκλῃσι θέωμεν· τοὶ δ' ἀλλήλους φιλεόντων 485
 ὥς τὸ πάρος, πλοῦτος δὲ καὶ εἰρήνῃ ἅλις ἔστω."
 Ὡς εἰπὼν ὄτρυνε πάρος μεμαῖαν Ἀθήνην,
 βῆ δὲ κατ' Οὐλύμπιοι καρήνων ἀΐξασα.

ὦς φάτ' Ἀθηναίη, ὃ δ' ἐπείθετο, χαῖρε δὲ θυμῷ. 545
 ὄρκια δ' αὖ κατόπισθε μετ' ἀμφοτέροισιν ἔθηκε
 Παλλὰς Ἀθηναίη, κόυρη Διὸς αἰγιόχοιο,
 Μείτορι εἰδομένη ἡμῖν δέμας ἥδ' αὐδὴν.

The covenant lines which end the Odyssey may reflect that early period of Greek legal development when communities began to view the revenge of a blood feud with all of the accompanying violent actions as being bad for the security of the city. It is also possible that Aeschylus in his effort to find some peaceful resolution to the problems of the Oresteia has been influenced by Homer and the ending of the Odyssey.

Hesiod presents an example of a covenant in Theogony 390-403 . The wording is informal and there is no covenant ceremony in the sense that there is in Book 3 of the Iliad. The agreement does have, however, some significance because it well illustrates the rise of Zeus and his relationship with other gods. Zeus is pictured here as a god who fulfills his vows and rules "greatly". The Greek text is as follows.

ὥς γὰρ ἐβούλευσεν Στῆξ ἄφθιτος Ὀκεανίη
 ἡματι τῷ, ὅτε πάντας Ὀλύμπιος ἀστεροπητῆς 390
 ἀθανάτους ἐκάλεσσε θεοὺς ἐς μακρὸν Ὀλυμπον,
 εἶπε δ', ὃς ἂν μετὰ εἰο θεῶν Τιτῆσι μάχοιτο,
 μή τιν' ἀπορραΐσειν γεράων, τιμὴν δὲ ἕκαστον
 ἐξέμεν, ἦν τὸ πάρος γε μετ' ἀθανάτοισι θεοῖσιν
 τὸν δ' ἔφαθ', ὅστις ἄτιμος ὑπὸ Κρόνου ἦδ' ἀγέ-
 ραστος, 395
 τιμῆς καὶ γεράων ἐπιβησέμεν, ἣ θέμις ἐστίν.
 ἦλθε δ' ἄρα πρώτη Στῆξ ἄφθιτος Οὐλυμπόνδε
 σὺν σφοῖσιν παίδεσσι φίλου διὰ μήδεα πατρός.

τὴν δὲ Ζεὺς τίμησε, περισσὰ δὲ δῶρα δέδωκεν.
 αὐτὴν μὲν γὰρ ἔθηκε θεῶν μέγαν ἔμμεναι ὄρκον, 400
 παῖδας δ' ἤματα πάντα ἐοῦ μεταναίετας εἶναι.
 ὥς δ' αὐτῶς πάντεσσι διαμπερές, ὥς περ ὑπέστη,
 ἐξετέλεσσ'· αὐτὸς δὲ μέγα κρατεῖ ἡδὲ ἀνάσσει.

In the Homeric Hymns, No.5, The Hymn To Aphrodite tells of the pact and the love between the goddess Aphrodite and Anchises who fathers Aeneas. This covenant is of a promissory type and is made in response to the fear that Anchises had of losing his strength for sleeping with the goddess. He receives reassurance and the promise of descendants. While the myth is mentioned in Iliad 2.820 and in Theogony 1008-1010, the Hymn To Aphrodite offers more details of the arrangement. The lines in the poem which tell about the agreement are 92-106 and 185-201. The following is the Greek text.

Ἀγχίσην δ' ἔρος εἶλεν, ἔπος δὲ μιν ἀντίον ἦῤα· 91
 χαῖρε, ἄνασσ', ἥ τις μακάρων τάδε δώμαθ' ἱκάνεις,
 Ἄρτεμις ἢ Λητώ ἢ χρυσή' Ἀφροδίτη
 ἢ Θέμις ἠνυγενὴς ἢ γλαυκῶπις Ἀθήνη,
 ἢ πού τις Χαρίτων δεῦρ' ἦλυθες, αἵτε θεοῖσι 95
 πᾶσιν ἐταιρίζουσι καὶ ὑθάνατοι καλέονται,
 ἢ τις Νυμφάων, αἵτ' ἄλσεα καλὰ νέμονται
 ἢ Νυμφῶν, αἵ καλὸν ὄρος τόδε ναιετάουσι
 καὶ πηγὰς ποταμῶν καὶ πῖσα ποιήεντα.
 σοὶ δ' ἐγὼ ἐν σκοπιῇ, περιφαινομένῳ ἐνὶ χώρῳ, 100
 βωμὸν ποιήσω, ῥέξω δέ τοι ἱερὰ καλὰ
 ὥρησιν πάσῃσι. σὺ δ' εὐφρονα θυμὸν ἔχουσα
 δός με μετὰ Τρώεσσιν ἀριπρεπέ' ἔμμεναι ἄνδρα,
 ποίει δ' ἐξοπίσω θαλερὸν γόνον, αὐτὰρ ἔμ' αὐτὸν
 δηρὸν ἐν ζῶειν καὶ ὄραν φάος ἡελίοιο, 105
 δλβιον ἐν λαοῖς, καὶ γήραος οὐδὸν ἱέσθαι.

Αὐτίκα σ' ὥς τὰ πρῶτα, θεῶ, ἴδον ὀφθαλμοῖσιν, 185
 ἔγνω ὡς θεὸς ἦσθα· σὺ δ' οὐ νημερτὲς ἔειπες.
 ἀλλὰ σε πρὸς Ζηνὸς γονάξομαι αἰγιόχοιο,
 μή με ζῶντ' ἀμενηνὸν ἐν ἀνθρώποισιν εὔσης
 ναίειν, ἀλλ' ἐλέαιρ'· ἐπεὶ οὐ βιοθάλμος ἀνὴρ
 γίγνεται, ὅς τε θεαῖς εὐνάζεται ἀθανάτησι. 190
 Τὸν δ' ἡμείβετ' ἔπειτα Διὸς θυγάτηρ Ἀφροδίτη·
 Ἀγχίση, κύδιστε καταβητῶν ἀνθρώπων,
 θάρσει, μηδέ τι σῆσι μετὰ φρεσὶ δειδίδι λίην·
 οὐ γάρ τοί τι δέος παθέειν κακὸν ἐξ ἐμέθεν γε,
 οὐδ' ἄλλων μακάρων· ἐπεὶ ἦ φίλος ἐσσι θεοῖσι. 195
 σοὶ δ' ἔσται φίλος υἱός, ὃς ἐν Τρώεσσιν ἀνάξει
 καὶ παῖδες παῖδεσσι διαμπερές ἐκγεγάοντες·
 τῷ δὲ καὶ Αἰνείας ὄνομ' ἔσσεται, οὐνεκά μ' αἰνὸν
 ἔσχεν ἄχος, ἔνεκα βροτοῦ ἀνέρος ἔμπεσον εὐνή·
 ἀγχίθεοι δὲ μάλιστα καταβητῶν ἀνθρώπων 200
 αἰεὶ ἀφ' ὑμετέρης γενεῆς εἰδὸς τε φύην τε.

It is at this point in the sequence that the covenant in the Eumenides of Aeschylus would be considered with this group of references, but because it is the subject of this thesis there is little need to discuss it here except to say that it is made between a group of humans and a group of divine beings. It is significant because it resolves the conflicting goals of individuals and serves to end the blood feud for the House of Atreus. While it lacks covenant language by comparison with Iliad 3.245-323, it does convey the suggestion of a covenant formulary as that is described in chapter one. It also includes the traditional blessing and cursing along with the public demonstration of the finalized agreement. Like other covenants mentioned its terms are to last through many generations with the suggestion of perpetuity at least on the part of Orestes in (773) and on the part of the Erinyes when, as the Eumenides, they parade to their

new home.

The remaining two covenants in this part of the survey are found in the work of Aristophanes. The first one is a parody of a covenant ceremony and is found in Lysistrata 184-239. While it is meant in fun, at the same time it does show that at the end of the fifth century (the play was probably written around 411 B.C.) the audience would have been quite familiar with old covenant rituals which portray 'cutting and binding' and with ceremonial words. The Greek text is as follows,

- ΚΑ. πάρφαϊνε μὲν τὸν ὄρκον, ὡς ὁμιώμεθο.
 ΑΤ. καλῶς λέγεις. ποῦ 'σθ' ἡ Σκύθαινα; ποῖ βλέπεις;
 θεὸς ἐς τὸ πρόσθεν ὑπτίαν τὴν ἀσπίδα, 185
 καὶ μοι δότω τὰ τόμιά τις.
 ΚΑ. Λυσιστράτη,
 τίν' ὄρκον ὀρκώσεις ποθ' ἡμᾶς;
 ΑΤ. ὄντινα;
 εἰς ἀσπίδ', ὥσπερ, φάσ', ἐν Αἰσχύλῳ ποτέ,
 μηλοσφαγούσας.
 ΚΑ. μὴ σύ γ', ὦ Λυσιστράτη,
 εἰς ἀσπίδ' ὁμόσης μηδὲν εἰρήνης πέρι. 190
 ΑΤ. τίς ἂν οὖν γένοιτ' ἂν ὄρκος;
 ΚΑ. εἰ λευκὸν ποθεν
 ἵππον λαβοῦσαι τόμιον ἐκτεμοίμεθα.
 ΑΤ. ποῖ λευκὸν ἵππον;
 ΚΑ. ἀλλὰ πῶς ὁμούμεθα
 ἡμεῖς;
 ΜΤ. ἐγὼ σοι νῆ Δί', ἣν βούλῃ, φράσω.
 θεῖσαι μέλαιναν κύλικα μεγάλην ὑπτίαν, 195
 μηλοσφαγοῦσαι Θάσιον οἴνου σταμνίον,
 ὁμόσωμεν ἐς τὴν κύλικα μὴ 'πιχεῖν ὕδωρ.
 ΑΑ. φεῦ δᾶ, τὸν ὄρκον ἄφατον ὡς ἐπαινίω.
 ΑΤ. φερέτω κύλικά τις ἔνδοθεν καὶ σταμνίον.
 ΚΑ. ὦ φίλταται γυναῖκες, ὁ κεραμῶν ὅσος. 200
 ταύτην μὲν ἂν τις εὐθὺς ἡσθείη λαβών.
 ΑΤ. καταθεῖσα ταύτην προσλαβοῦ μοι τοῦ κάπρου.
 δέσποινα Πειθοῖ καὶ κύλιξ φιλοτησία,
 τὰ σφάγια δέξαι ταῖς γυναῖξιν εὐμενής.
 ΚΑ. εὐχρων γε θαῖμα κάποπυτίζει καλῶς. 205
 ΑΑ. καὶ μὲν ποτόδδαι γ' ἀδὺ ναὶ τὸν Κάστορα.
 ΜΤ. ἐᾶτε πρώτην μ', ὦ γυναῖκες, ὁμνύναι.
 ΚΑ. μὰ τὴν Ἀφροδίτην οὐκ, ἐάν γε μὴ λάχῃς.

ΑΤ. λάζυσθε πᾶσαι τῆς κύλικος, ὦ Λαμπιτοί·
 λεγέτω δ' ὑπὲρ ὑμῶν μί' ἄπερ ἂν καγὼ λέγω· 210
 ὑμεῖς δ' ἐπομείσθε ταῦτ' ἀμπεδώσετε.

Οὐκ ἔστιν οὐδεὶς οὐδὲ μοιχὸς οὐδ' ἀνὴρ
 ΚΑ. οὐκ ἔστιν οὐδεὶς οὐδὲ μοιχὸς οὐδ' ἀνὴρ
 ΑΤ. ὅστις πρὸς ἐμὲ πρόσεισιν ἐστυκῶς. λέγε. 215
 ΚΑ. ὅστις πρὸς ἐμὲ πρόσεισιν ἐστυκῶς. παπαῖ,
 ὑπολύεταί μου τὰ γόνατ', ὦ Λυσιστράτη.
 ΑΤ. οἴκοι δ' ἀταυρώτῃ διάξω τὸν βίον
 ΚΑ. οἴκοι δ' ἀταυρώτῃ διάξω τὸν βίον
 ΑΤ. κροκωτοφοροῦσα καὶ κεκαλλωπισμένη, 220
 ΚΑ. κροκωτοφοροῦσα καὶ κεκαλλωπισμένη,
 ΑΤ. ὅπως ἂν ἀνὴρ ἐπιτυφῇ μάλιστά μου·
 ΚΑ. ὅπως ἂν ἀνὴρ ἐπιτυφῇ μάλιστά μου·
 ΑΤ. κοῦδέποθ' ἐκοῦσα τάνδρ' ἰτὶ τῶμ' ὑμῶν πείσομαι.
 ΚΑ. κοῦδέποθ' ἐκοῦσα τάνδρ' ἰτὶ τῶμ' ὑμῶν πείσομαι. 225
 ΑΤ. εἰ δέ μ' ἄκουσαν βιάζεται βία,
 ΚΑ. εἰ δέ μ' ἄκουσαν βιάζεται βία,
 ΑΤ. κακῶς παρέξω κοῦχ' ἰ προσκινήσομαι.
 ΚΑ. κακῶς παρέξω κοῦχ' ἰ προσκινήσομαι.
 ΑΤ. οὐ πρὸς τὸν ὄροφον ἀνατενῶ τὰ Περσικά.
 ΚΑ. οὐ πρὸς τὸν ὄροφον ἀνατενῶ τὰ Περσικά. 230
 ΑΤ. οὐ στήσομαι λείαν' ἐπὶ τυροκνήστιδος.
 ΚΑ. οὐ στήσομαι λείαν' ἐπὶ τυροκνήστιδος.
 ΑΤ. ταῦτ' ἐμπεδοῦσα μὲν πίοιμ' ἐντευθενί·
 ΚΑ. ταῦτ' ἐμπεδοῦσα μὲν πίοιμ' ἐντευθενί·
 ΑΤ. εἰ δὲ παραβαίην, ὕδατος ἐμπλήθ' ἢ κύλιξ. 235
 ΚΑ. εἰ δὲ παραβαίην, ὕδατος ἐμπλήθ' ἢ κύλιξ.
 ΑΤ. ξυνεπόμνυθ' ὑμεῖς ταῦτα πᾶσαι;
 ΜΤ. νῆ Δία.
 ΑΤ. φέρ' ἐγὼ καθαγίσω τήνδε.

Lines 190-193 refer to the cutting up of the horse for sacrifice. The "cutting" element as part of the ritual of covenant, together with the horse sacrifice, is reminiscent of a similar incident cited by Pausanias 3. 20.9, where Tyndareos sacrificed a horse and made Helen's lovers swear an oath as they stood on the pieces of cut meat. When the girls in Lysistrata reject the 'cut up' horse they think of a black cup and a Thasian wine jar (the jar to substitute for a slain lamb). This use of the jar or calix may be an echo of Herodotus 4.70 where the Scythians use a calix for mixing wine and blood. In

As the play continues terms are offered for a peaceful settlement for the controversy as to who will exercise the supremacy of rule - gods or birds. In lines 1597-1602 Peisthetairos says,

ΠΕΙ. ἀλλ' οὔτε πρότερον πώποθ' ἡμεῖς ἤρξαμεν
πολέμου πρὸς ὑμᾶς, ἡνὺν τ' ἐθέλομεν, εἰ δοκεῖ,
ἐὰν τὸ δίκαιον ἀλλὰ νῦν ἐθέλητε δρᾶν,
σπονδὰς ποιεῖσθαι. τὰ δὲ δίκαι' ἐστὶν ταδί,
τὸ σκῆπτρον ἡμῖν τοῖσιν ὄρνισιν πάλιν
τὸν Δί' ἀποδοῦναι· κἄν διαλλαττώμεθα
ἐπὶ τοῖσδε, τοὺς πρέσβεις ἐπ' ἄριστον καλῶ. 1600

Thus the terms of peace begin to look acceptable with the gods ruling above and the birds ruling below. Aristophanes has even presented the birds and the gods working together to punish the man who swears a false oath in 1611-1613 .

ΠΕΙ. ἄληθες; οὐ γὰρ μείζον ὑμεῖς οἱ θεοὶ
ἰσχύσετ', ἣν ὄρνιθες ἄρξωσιν κάτω;
νῦν μὲν γ' ὑπὸ ταῖς νεφέλαισιν ἐγκεκρυμμένοι
κύψαντες ἐπιγοῦσιν ὑμᾶς οἱ βροτοί·
ἐὰν δὲ τοὺς ὄρνεις ἔχητε συμμάχους, 1610
ὅταν ὁμνύῃ τις τὸν κόρακα καὶ τὸν Δία,
ὁ κόραξ παρελθὼν τοῦπιγοῦντος λάθρα
προσπτάμενος ἐκκόψει τὸν ὀφθαλμὸν θενῶν.

When the play ends it is with a festival in a manner not unlike the Eumenides. The covenant in the Birds is similar to that in the Eumenides in function because it paves the way for concord to return to a community and also, as in the Eumenides, the actual agreement is part of the literature of the play. The covenant ritual in Lysistrata is different in that it is easier to identify as a ritual because it is presented 'all of a piece'.

461. This word can mean a treaty or a covenant.

λέγε θαρρήσας· ὡς τὰς σπονδὰς οὐ μὴ πρότεροι
παραβῶμεν.

519-521. These words are used for swearing or taking a vow. The same word is used in 1611.

ὦ μνη τ' οὐδεὶς τότ' ἂν ἀνθρώπων θεόν, ἀλλ'
ὄρνιθας ἄπαιτες·
Λάμπων δ' ὄμνησ' ἔτι καὶ νυνὶ τὸν χῆν', ὅταν
ἐξαπατᾷ τι. 520

1588. To settle terms of peace.

πο. πρεσβεύοντες ἡμεῖς ἤκομεν
παρὰ τῶν θεῶν περὶ πυλέμου καταλλαγῆς.

1599. To treat for peace.

σπονδὰς ποιῆσθαι.

1635. A treaty. Also used in 1683.

οὐ διαλλαγῶν ἐρᾶς. 1635

Aristophanes has used in the play both very old words for covenant-agreements and treaties (spondas) and also a word which, while not new, becomes the standard word for covenant in the New Testament and is also used for covenant in the Septuagint. This word is diatheke.

Part II

This part of the survey of covenant material found in Greek literature will cover examples where a covenant-like agreement is either directly mentioned or implied. In general, Greek literature can show many examples of 'oaths taken' in friendship or obedience of a man to a god or to some other man or human group, but these examples are often simple oaths with little or no ritual mentioned and no terms of agreement. While such material is important from the point of view of a study on oaths and the language used to express them this type of material is not necessarily covenantal in nature and for this reason will not be mentioned.

Although covenant material prior to the time of Aeschylus and the Oresteia is more important as material antecedent to the agreement in the Eumenides, an examination of covenant material down to the end of the fifth century has the value of showing how frequently or infrequently this type of concept appeared.

The following references begin with Homer and end with Aristophanes and the final days of the fifth century.

Homer

The Iliad

2.339-341 Nestor is the speaker.

πῆ δὲ συνθεσῖαι τε καὶ ὄρκια βήσεται ἡμιν;
ἐν πυρὶ δὲ βουλαί τε γενοῖατο μήδεά τ' ἀνδρῶν, 340
σπονδαί τ' ἄκρητοι καὶ δεξιαί, ἧς ἐπέπιθμεν.

3.103-107 Menelaos is the speaker. These words are the first phrases which develop into the covenant ritual following in lines 245-301 and which are cited earlier in this chapter.

οἴσσετε ἄρν', ἕτερον λευκόν, ἐτέρην δὲ μέλαιναν,
Γῆ τε καὶ Ἥελίφ· Διὶ δ' ἡμεῖς οἴσομεν ἄλλον·
ἄξετε δὲ Πριάμοιο βίην, ὅφρ' ὄρκια τάμνη 105
αὐτός, ἐπεὶ οἱ παῖδες ὑπερφίαλοι καὶ ἄπιστοι,
μή τις ὑπερβασίῃ Διὸς ὄρκια δηλήσῃται.

4. 155-159 These lines show covenant material used directly in the literary sense as they move away from legal oaths and treaties and recognize that a death is sealed in the covenant.

“ φίλε κασίγνητε, θάνατόν νύ τοι ὄρκι' ἔταμνον, 155
οἶον προστήσας πρὸ Ἀχαιῶν Τρωσὶ μάχεσθαι,
ὥς σ' ἔβαλον Τρῶες, κατὰ δ' ὄρκια πιστὰ πάτησαν.
οὐ μὲν πως ἄλιον πέλει ὄρκιον αἰμά τε ἀρνῶν
σπονδαί τ' ἄκρητοι καὶ δεξιαί, ἧς ἐπέπιθμεν.

4.236-239 There is punishment for oaths and agreements which are broken.

“ Ἀργεῖοι, μή πώ τι μεθίετε θούριδος ἀλκῆς·
οὐ γὰρ ἐπὶ ψευδέσσι πατήρ Ζεὺς ἔσσειτ' ἀρωγός, 235
ἀλλ' οἳ περ πρότεροι ὑπὲρ ὄρκια δηλήσαντο,
τῶν ἦτοι αὐτῶν τέρενα χρῶα γῦπες ἔδοιται,
ἡμεῖς αὐτ' ἀλόχους τε φίλας καὶ νήπια τέκνα
ἄξομεν ἐν νήεσσιν, ἐπὶν πτολίεθρον ἔλωμεν.”

7.76-90 This reference makes good use of oaths, witnesses and a few 'if' phrases which are a familiar part of the covenant formulary.

ὥδε δὲ μυθέομαι, Ζεὺς δ' ἄμμ' ἐπιμάρτυρος ἔστω·
εἰ μὲν κεν ἐμὲ κείνος ἔλῃ ταναήκεϊ χαλκῷ,
 τεύχεα συλήσας φερέτω κοίλας ἐπὶ νῆας,
 σῶμα δὲ οἴκαδ' ἐμὸν δόμεναι πάλιν, ὅφρα πυρός με
 Τρῶες καὶ Τρώων ἄλοχοι λελάχωσι θανόντα. 80
εἰ δέ κ' ἐγὼ τὸν ἔλω, δῶή δέ μοι εὖχος Ἀπόλλων,
 τεύχεα σύλησας οἴσω προτὶ Ἴλιον ἱρήν,
 καὶ κρεμόω προτὶ ἱηὸν Ἀπόλλωνος ἐκάτοιο,
 τὸν δὲ νέκυν ἐπὶ νῆας εὖσσέλμους ἀποδώσω,
 ὅφρα ἔ ταρχύσωσι κάρη κομόωντες Ἀχαιοί, 85
 σῆμά τε οἱ χεύωσιν ἐπὶ πλατεί Ἑλλησπόντῳ.
 καὶ ποτέ τις εἴπησι καὶ ὀψιγόνων ἀνθρώπων,
 νῆτ' πολυκλήϊδι πλέων ἐπὶ οἴνοπα πόντον·
 'ἀνδρὸς μὲν τόδε σῆμα πάλαι κατατεθνηῶτος,
 ὃν ποτ' ἀριστεύοντα κατέκτανε φαῖδιμος Ἔκτωρ.' 90

10.284-294 In these lines Diomedes speaks to Athene and asks the goddess to stand by him as she stood by his father, Tydeus. If she will do this he will then make offerings to her.

* λέλυθι νῦν καὶ ἐμεῖο, Διὸς τέκος, Ἀτρυτώνη·
 σπεῖό μοι ὥς ὅτε πατρὶ ἄμ' ἔσπεο Τυδείϊ δίῳ 285
 ἔς Θήβας, ὅτε τε πρὸ Ἀχαιῶν ἄγγελος ἦει.
 τοὺς δ' ἄρ' ἐπ' Ἀσωπῷ λίπε χαλκοχίτωνας Ἀχαιοὺς,
 αὐτὰρ ὁ μειλίχιον μῦθον φέρε Καδμείοισι
 κεῖσ'· ἀτὰρ ἀψ' ἀπιὼν μάλα μέρμερα μήσατο ἔργα
 σὺν σοί, διὰ θεά, ὅτε οἱ πρόφρασσα παρέστης. 290
 ὥς νῦν μοι ἐθέλονσα παρίσταο καί με φύλασσε.
 σοὶ δ' αὖ ἐγὼ ρέξω βοῖν ἦνιν εὐρυμέτωπον,
 ἀδμήτην, ἣν οὐ πω ὑπὸ ζυγὸν ἦγαγεν ἀτήρ·
 τήν τοι ἐγὼ ρέξω χρυσὸν κέρας περιχεύας."

14.270-280 Hera speaks to Sleep.

*Ως φάτο, χήρατο δ' Ὑπνος, ἀμειβόμενος δὲ προσ-
ηύδα·

270

“ἄγρει νῦν μοι ὁμοσσον ἀάατον Στυγὸς ὕδωρ,
χειρὶ δὲ τῇ ἐτέρῃ μὲν ἔλε χθόνα πουλυβότειραν,
τῇ δ' ἐτέρῃ ἄλα μαρμαρέην, ἵνα γῶν ἅπαντες
μάρτυροι ὧς οἱ ἐνερθε θεοὶ Κρόνον ἀμφὶς ἐόντες,
ἡ μὲν ἐμοὶ δώσειν Χαρίτων μίαν ὀπλοτεράων,
Πασιθέην, ἧς τ' αὐτὸς ἐέλδομαι ἡματα πάντα.”

275

*Ως ἔφατ', οὐδ' ἀπίθῃσε θεὰ λευκώλεος Ἥρη,
ὄμνυε δ' ὥς ἐκέλευε, θεοὺς δ' ὀνόμηνεν ἅπαντας
τοὺς ὑποταρταρίους, οἳ Τιτῆνες καλέονται.
αὐτὰρ ἐπεὶ ῥ' ὁμοσέν τε τελεύτησέν τε τὸν ὄρκον,

280

15. 36-44 Hera swears an oath to Zeus and as in
line 14.271 the waters of Styx are mentioned.

“ἴστω νῦν τόδε Γαῖα καὶ Οὐρανὸς εὐρύς ὕπερθε
καὶ τὸ κατειβόμενον Στυγὸς ὕδωρ, ὅς τε μέγιστος
ὄρκος δεινότατός τε πέλει μακάρεσσι θεοῖσι,
σὴ θ' ἱερῇ κεφαλῇ καὶ νωίτερον λέχος αὐτῶν
κουρίδιον, τὸ μὲν οὐκ ἂν ἐγὼ ποτε μᾶψ ὁμόσαιμι·
μὴ δὲ ἐμὴν ἰότητα Ποσειδάων ἐνοσίχθων
πημαίνει Τρῳάς τε καὶ Ἑκτορα, τοῖσι δ' ἀρήγει,
ἀλλὰ πον αὐτὸν θυμὸς ἐποτρύνει καὶ ἀνώγει,
τειρομένους δ' ἐπὶ νηυσὶν ἰδὼν ἐλέησεν Ἀχαιοὺς.”

40

22.254-267 Hektor and Achilles are speaking.

ἀλλ' ἄγε δεῖρο θεοὺς ἐπιδώμεθα· τοὶ γὰρ ἄριστοι
μάρτυροι ἔσσονται καὶ ἐπίσκοποι ἁρμονιάων·
οὐ γὰρ ἐγὼ σ' ἐκπαγλὸν ἀεικίω, αἶ κερ' ἐμοὶ Ζεὺς
δῶη καμμοίην, σὴν δὲ ψυχὴν ἀφέλωμαι·
ἀλλ' ἐπεὶ ἄρ' ἐκέ σε συλήσω κλυτὰ τεύχε', Ἀχιλλεῦ,
τεκρὸν Ἀχαιοῖσιν δώσω πάλιν ὥς δὲ σὺ ρέζειν.”

255

Τὸν δ' ἄρ' ὑπόδρα ἰδὼν προσέφη πόδας ὠκὺς Ἀχιλλεύς·
“Ἑκτορ, μὴ μοι, ἄλαστε, συνημοσύνας ἀγόρευε·
ὥς οὐκ ἔστι λέουσι καὶ ἀνδράσιν ὄρκια πιστά,
οὐδὲ λύκοι τε καὶ ἄγρες ὁμόφρονα θυμὸν ἔχουσιν,
ἀλλὰ κακὰ φρονέουσι διαμπερὲς ἀλλήλοισιν,
ὥς οὐκ ἔστ' ἐμὲ καὶ σὲ φιλήμεναι, οὔτε τι γῶν
ὄρκια ἔσσοιται, πρὶν γ' ἡ ἑτερόν γε πεσόντα
αἵματος ἄσαι Ἄρηα, ταλαύρινον πολεμιστήν.”

261

265

The Odyssey

3.380-384 Nestor speaks to Athene and makes her an offer.

ἀλλά, ἄνασσ', ἔλθθι, δίδωθι δέ μοι κλέος ἐσθλόν, 380
 αὐτῷ καὶ παῖδεσσι καὶ αἰδοίῃ παρακοίτι·
 σοὶ δ' αὖ ἐγὼ ῥέξω βοῦν ἦνιν εὐρυμέτωπον
 ἀδμήτην, ἣν οὐ πω ὑπὸ ζυγὸν ἤγαγεν ἀνὴρ·
 τήν τοι ἐγὼ ῥέξω χρυσὸν κέρασιν περιχεύας."

5. 184-187 Odysseus speaks and Calypso replies.

ἔϊστω νῦν τόδε γαῖα καὶ οὐρανὸς εὐρύς ὑπερθε
 καὶ τὸ κατειβόμενον Στυγὸς ὕδωρ, ὃς τε μέγιστος
ὄρκος δεινότατός τε πέλει μακάρεσσι θεοῖσι, 186
 μή τί σοι αὐτῷ πῆμα κακὸν βουλευσέμεν ἄλλο.

12.298-304 An oath completes this agreement.

ἀλλ' ἄγε δὴ μοι πάντες ὁμόσσετε καρτερὸν ὄρκον,
 εἴ κέ τιν' ἡέ βοῶν ἀγέλην ἢ πῶϋ μέγ' οἴων
 εὖρωμεν, μή πού τις ἀτασθαλίῃσι κακῆσιν 300
 ἢ βοῦν ἡέ τι μῆλον ἀποκτάνῃ· ἀλλὰ ἔκηλοι
 ἐσθίετε βρώμην τὴν ἀθανάτη πόρε Κίρκη."
 "Ὡς ἐφάμην· οἱ δ' αὐτίκ' ἀπόμνυνον ὡς ἐκέλευον.
αὐτὰρ ἐπεὶ ῥ' ὁμοσάν τε τελεύτησάν τε τὸν ὄρκον,

14. 393-400

The gods will be witnesses to this agreement.

ἀλλ' ἄγε νῦν ρήτρην ποιησόμεθ'· αὐτὰρ ὀπίσθε
μάρτυροι ἀμφοτέροισι θεοί, τοὶ Ὀλύμπιοι ἔχουσιν.
 εἰ μὲν κεν νοστήσῃ ἄναξ τεὸς ἐς τόδε δῶμα, 395
 ἔσσης με χλαῖνάν τε χιτῶνά τε εἵματα πέμψαι
 Δουλίχιδ' ἰέναι, ὅθι μοι φίλον ἔπλετο θυμῷ·
 εἰ δέ κε μὴ ἔλθῃσιν ἄναξ τεὸς ὡς ἀγορεύω,
 δμῶας ἐπισσεύας βαλέειν μεγάλης κατὰ πέτρης,
 ὄφρα καὶ ἄλλος πτωχὸς ἀλεύεται ἡπεροπεύειν." 400

Theognis

Elegies

284-285 The following lines offer an echo of a covenant formulary where a god can be a witness and other gods may be offered as surety.

Ἄστων μηδενὶ πιστὸς ἔων πόδα τῶνδε πρόβαινε
 μήθ' ὀρκῶι πίσυρος μήτε φιλημοσύνη,
 μὴδ' εἰ Ζῆν' ἐθέλῃ παρέχειν βασιλῆα μέγιστον
 ἔγγυον ἀθανάτων πιστὰ τιθεῖν ἐθέλων.
 ἐν γάρ τοι πόλει ᾧδε κακοφύγῳ ἀνδάνει οὐδέν·
 † ὠσδετοσσωσαιεῖ † πολλοὶ ἀνολβότεροι.

Pindar

Pythia

4.165-167 These words refer to a pact made between Jason and Pelias.

165 τοῖτον ἀεθλον ἐκὼν τέλεσον· καὶ τοι μοναρχεῖν
 καὶ βασιλευμένῳ ὀμνυμι προήσσειν. καρτερὸς
 ὄρκος ἄμμιν μάρτυς ἔστω
 Ζεὺς ὁ γενέθλιος ἀμφοτέροις."

The next group of references are taken from the three great Greek tragic poets, Aeschylus, Sophocles and Euripides. While the concern of this thesis is the covenant-agreement in the Eumenides it must be noted that Aeschylus has used covenant-like material in other plays.

Aeschylus

Agamemnon

1567-1575 Klytemnestra is willing to make a sworn agreement.

Κλ. ἐς τόνδ' ἐνέβη σὺν ἀληθείᾳ
 χρησμός. ἐγὼ δ' οὖν
 ἐθέλω δαίμονι τῷ Πλεισθενιδᾷ
 ὅρκους θεμένη τάδε μὲν στέργειν, 1570
 δύσπλητά περ ὄνθ'· ὃ δὲ λοιπόν, ἰόντ'
 ἐκ τῶνδε δόμων ἄλλην γενεὰν
 τρίβειν θανάτοις αὐθένταισι·
 κτεάνων δὲ μέρος
 βαιὸν ἐχούσῃ πᾶν ἀπόχρη μοι, 1575
 μανίας μελάθρων
 ἀλληλοφόνους ἀφελοῦσῃ.

The Libation Bearers

974-979 According to Orestes, Klytemnestra and Aegisthus swear a pact to kill the king and to die together.

Ορ. ἴδεσθε χώρας τὴν διπλὴν τυραννίδα
 πατροκτόνους τε δωμάτων πορθήτορας.
 σεμνοὶ μὲν ἦσαν ἐν θρόνοις τόθ' ἤμενοι, 975
 φίλοι δὲ καὶ νῦν, ὥς ἐπείκασαι πάθῃ
 πάρεστιν, ὅρκος τ' ἐμμένει πιστώμασιν.
 ξυνώμοσαν μὲν θάνατον ἀθλίῳ πατρὶ
 καὶ ξυνθανεῖσθαι· καὶ τὰδ' εὐόρκως ἔχει.

Eumenides

762- 774 Orestes swears an oath that in future no leader of the Argives will attack Athens. These lines show signs of an old covenant formula complete with an oath and also the idea of perpetuity with punishment specified if the agreement is not kept. The possible historical significance of these lines will

be discussed in the next chapter.

ἐγὼ δὲ χώρα τῇδε καὶ τῷ σῷ στρατῷ
 τὸ λοιπὸν εἰς ἅπαντα πλειστήρη χρόνον
ὀρκωμοτήσας νῦν ἄπειμι πρὸς δόμους,
 μήτοι τιν' ἄνδρα δεῦρο πρυμνήτην χθονὸς 765
 ἐλθόντ' ἐποίσειν εὖ κεκασμένον δόρυ.
 αὐτοὶ γὰρ ἡμεῖς ὄντες ἐν τάφοις τότε
τοῖς τὰμὰ παρβαίνουσι νῦν ὀρκώματα
 ἀμηχάνοισι ἱπράξομεν δυσπραξίαις,
 ὁδοὺς ἀθύμους καὶ παρόρνιθας πόρους 770
 τιθέντες, ὥς αὐτοῖσι μεταμέλῃ πόνος·
 ὀρθουμένων δέ, καὶ πόλιν τὴν Παλλάδος
τιμῶσιν αἰεὶ τήνδε συμμάχῳ δορί,
 αὐτοὶ σφιν ἡμεῖς ἐσμεν εὐμένεστεροι.

Seven Against Thebes

39-50 The sworn covenant of seven warriors.

ΑΓΓΕΛΟΣ ΚΑΤΑΣΚΟΠΟΣ

Ἑτεόκλεες, φέριστε Καδμείων ἀναξ,
 ἦκω σαφῇ τὰ κεῖθεν ἐκ στρατοῦ φέρων, 40
 αὐτὸς κατόπτῃς δ' εἴμ' ἐγὼ τῶν πραγμάτων·
 ἄνδρες γὰρ ἐπτά, θούριοι λοχαγέται,
 ταυροσφαγοῦντες ἐς μελάνδετον σάκος
 καὶ θιγγάνοντες χερσὶ ταυρείου φόνου,
 Ἄρη τ', Ἐνυώ, καὶ φιλαίματον Φόβον 45
ὠρκωμότησαν ἡ πόλει κατασκαφὰς
 θέντες λαπάξειν ἄστυ Καδμείων βίᾳ,
 ἡ γῆν θανόντες τήνδε φυράσειν φόνῳ·
 μνημεῖά θ' αὐτῶν τοῖς τεκοῦσιν ἐς δόμους
 πρὸς ἄρμ' Ἀδράστου χερσὶν ἔστεφον, δάκρυ 50

Sophocles

Oedipus At Colonus

1593-4 This place commemorates the covenant between Theseus and Peirithous.

κοίλου πέλας κρατῆρος, οὐ τὰ Θησέως
 Περίθου τε κεῖται πίστ' αἰεὶ ξυθήματα·

Trachinian Women1181-1190 A covenant ceremony.

Ηρ. ἔμβαλλε χεῖρα δεξιῶν· πρώτηιστά μοι.
 Υλ. ὥς πρὸς τί πίστιν τήνδ' ἄγαι· ἐπιστρέφεις;
 Ηρ. οὐ θῦσσοι· οἴσεις μὴδ' ἀπιστήσεις ἐμοί;
 Υλ. ἰδοῦ, προτείνω, κοῦδὲν ἀντειρήσεται.
 Ηρ. ὅμιν· Διὸς γιν' τοῦ με φύσαιτος κᾶρα. 1185
 Υλ. ἦ μὴν· τί δράσεις; καὶ τούδ' ἐξειρήσεται.
 Ηρ. ἦ μὴν· ἐμοὶ τὸ λεχθὲν ἔργοι· ἐκτελεῖν.
 Υλ. ὅμιν· ἔγωγε, Ζῆν' ἔχων· ἐπώμοτοι.
 Ηρ. εἰ δ' ἐκτὺς ἔλθοις, πημοῦς εὖχον λαβεῖν.
 Υλ. οὐ μὴ λάβω· δρῶσω γάρ· εὖχομαι δ' ὅμως. 1190

Euripides

The Suppliant Women

1190 "Αδραστον· οὗτος κύριος, τύραννος ὢν,
 πάσης ὑπὲρ γῆς Δαναϊδῶν ὀρκωμοτεῖν.
 ὁ δ' ὄρκος ἔσται, μή ποτ' Ἀργείους χθόνα
 εἰς τήνδ' ἐποίσειν πολέμιον παντευχίαν,
 ἄλλων τ' ἰόντων ἐμποδῶν θήσειν δόρυ.
 ἦν δ' ὄρκον ἐκλιπόντες ἔλθωσιν πόλιν,
 κακῶς ὀλέσθαι πρόστρεπ' Ἀργείων χθόνα.
 ἐν ᾧ δὲ τέμνειν σφάγια χρή σ', ἀκουέ μου.
 ἔστιν τρίπους σοι χαλκόπους εἴσω δόμων,
 δν Ἰλίου ποτ' ἐξαναστήσας βάθρα
 σπουδὴν ἐπ' ἄλλην Ἡρακλῆς ὀρμώμενος
 1200 στήσαι σ' ἐφείτο Πυθικὴν πρὸς ἐσχάραν.
 ἐν τῷδε λαιμοὺς τρεῖς τριῶν μήλων τεμῶν
 ἔγγραψον ὄρκους τρίποδος ἐν κοίλῳ κύτει,
 κάπειτα σώξιν θεῶ· δὸς ᾧ Δελφῶν μέλει,
 μνημεῖά θ' ὄρκων μαρτύρημά θ' Ἑλλάδι.
 ἦ δ' ἂν διοίξης σφάγια καὶ τρώσῃς φόνον,
 ὀξύστομον μάχαιραν ἐς γαίης μυχοὺς
 κρύψον παρ' αὐτῷς ἑπτὰ πυρκαϊᾶς νεκρῶν·
 φόβον γὰρ αὐτοῖς, ἦν ποτ' ἔλθωσιν πόλιν,
 1210 δειχθεῖσα θήσει καὶ κακὸν νόστον πάλιν.
 δρᾶσας δὲ ταῦτα πέμπε γῆς ἔξω νεκρούς.

Iphigenia In Aulis57-65 A covenant, but there are no witnesses.

καὶ νῦν εἰσῆλθεν τάδε,
 ὄρκους συνίψαι δεξιᾶς τε συμβαλεῖν
 60 ἡνιοχῶν ἀλλήλοισι καὶ δι' ἐμπύρων
 σπονδὰς καθεῖναι κατὰράσασθαι τάδε,
 ὅτου γυνὴ γένοιτο Τυνδαρὶς κόρη,
 γούτω συναμυνεῖν, εἴ τις ἐκ δόμων λαβὼν
 οἴχοιτο τὸν τ' ἔχοντ' ἀπωθοίη λέχους,
 κύπιστα τεύσειν καὶ κατασκάψιν πόλιν
 Ἑλλήν' ὁμοίως βάρβαρόν θ' ὀπλων μέτα.

Herodotus and Thucydides

Although Herodotus and Thucydides are historians and not poets their work still uses material dealing with covenant-like agreements. However, much of their interest lies in the making of truces and they use such words as sponde and horkia for this purpose. At times references to covenant-like agreements and truces can be so close as to be almost indistinguishable. This similarity in form and concept exists when a guarantee is requested as part of a truce. The following references offer a general picture of how these two historians handled covenant-making (or truce) material.

Herodotus

1.21 There is hope of a truce.

σπονδὰς ποιήσασθαι

1.74.4 A pact and a covenant ritual.

οὔτοί σφι καὶ τὸ ὄρκιον οἱ σπεύσαντες ⁴
 γενεσθαι ἤσαν, καὶ γάμων ἐπαλλαγὴν ἐποίησαν. Ἀλυάττεα
 γὰρ ἐγνώσαν δοῦναι τὴν θυγατέρα Ἀρύηνω Ἀστυάγῃ τῷ
³⁰ Κναζάρω παιδί· ἄνευ γὰρ ἀναγκαίης ἰσχυρῆς συμβάσεως
 6 ἰσχυραὶ οὐκ ἐθέλουσι συμμένειν. ὄρκια δὲ ποιεῖται ταῦτα
 τὰ ἔθνη τὰ πέρ τε Ἕλληνες, καὶ πρὸς τούτοις, ἐπεὶ τοὺς
 βραχίονας ἐπιτάμονται ἐς τὴν ὁμοχροίην, τὸ αἶμα ἀναλεί-
 χουσι ἀλλήλων.

1.143 To make a treaty.

ὄρκιον ποιησάμενοι,

3.8 A covenant ritual.

8 αὐτοῦ. σέβονται δὲ Ἀράβιοι πίστις ἀνθρώπων ὁμοία
 τοῖσι μάλιστα. ποιεῦνται δὲ αὐτὰς τρόπῳ τοιῶδε· τῶν 25
 βουλομένων τὰ πιστὰ ποιέεσθαι ἄλλος ἀνὴρ ἀμφοτέρων
 αὐτῶν ἐν μέσῳ ἑστὼς λίθῳ ὀξεῖ τὸ ἔσω τῶν χειρῶν παρὰ
 τοὺς δακτύλους τοὺς μεγάλους ἐπιτάμνει τῶν ποιευμένων
 τὰς πίστις, καὶ ἔπειτα λαβὼν ἐκ τοῦ ἱματίου ἑκατέρου
 κροκύδα ἀλείφει τῷ αἵματι ἐν μέσῳ κειμένους λίθους ἑπτὰ,
 5 τοῦτο δὲ ποιέων ἐπικαλεῖ τὸν τε Διόνυσον καὶ τὴν
 Οὐρανίην. ἐπιτελέσας δὲ τοῦτου ταῦτα ὁ τὰς πίστις 2
 ποιησάμενος τοῖσι φίλοις παρεγγυᾷ τὸν ξῆνον ἢ καὶ τὸν
 ἀστόν, ἣν πρὸς ἀστόν ποιῆται, οἱ δὲ φίλοι καὶ αὐτοὶ τὰς
 πίστις δικαιοῦσι σέβεσθαι. Διόνυσον δὲ θεῶν μόνον καὶ 3
 10 τὴν Οὐρανίην ἡγέονται εἶναι καὶ τῶν τριχῶν τὴν κουρὴν
 κείρεσθαι φασὶ κατὰ περ αὐτὸν τὸν Διόνυσον κεκάρθαι·
 κείρονται δὲ περιτρόχαλα, ὑποξυρῶντες τοὺς κροτάφους.
 ὀνομάζουσι δὲ τὸν μὲν Διόνυσον Ὀροτάλτ, τὴν δὲ Οὐρανίην
 Ἀλιλάτ. ἐπεὶ ὦν τὴν πίστιν τοῖσι ἀγγέλοις τοῖσι παρὰ 9
 15 Καμβύσῳ ἀπιγμένοις ἐποίησατο ὁ Ἀράβιος, ἐμνησάτο
 τοιάδε· ἀσκούς καμήλων πλήσας ὕδατος ἐπέσας ἐπὶ τὰς

3.144 The terms of an agreement.

ὑπόσπονδοί τε ἔφασαν εἶναι

4.70 The solemn compact of the Scythians.

Ὅρκια δὲ ποιεῦνται Σκύθαι ὥδε πρὸς τοὺς ἂν ποίεωται· 70
 ἐς κύλικα μεγάλην κεραμίνην οἶνον ἐγχέαντες αἷμα συμμί-
 10 σγουσι τῶν τὸ ὄρκιον ταμνομένων, τύψαντες ὑπέατι ἢ ἐπι-
 ταμόντες μαχαίρῃ σμικρὸν τοῦ σώματος καὶ ἔπειτα ἀποβά-
 ψαντες ἐς τὴν κύλικα ἀκινάκην καὶ δίστους καὶ σάγαριν καὶ
 ἀκόντιον· ἐπεὶ δὲ ταῦτα ποιήσωσι, κατεύχονται πολλὰ
 καὶ ἔπειτα ἀποπίνουσι αὐτοὶ τε οἱ τὸ ὄρκιον ποιούμενοι καὶ
 15 τῶν ἐπομένων οἱ πλείστου ἄξιοι.

4.154.3-4 Promises made under oath.

ἐξορκοὶ ἢ μὲν οἱ δικουήσειν ὅ τι ἂν δεηθῇ. ἐπεῖτε δὴ 22
 ἐξώρκωσε, ἀγαγὼν οἱ παραδίδοι τὴν ἐωντοῦ θυγατέρα καὶ
 4 ταύτην ἐκέλευε καταποντῶσαι ἀπαγαγόντα. ὁ δὲ Θεμίσων
 περιημεκτήσας τῇ ἀπάτῃ τοῦ ὄρκου καὶ διαλυσάμενος τῇ

4.201.2-202 Here the covenant wording hides some treachery.

ὑπήκουσαν, ἐς δὲ σφί' ἔαδε δμολογίῃ χρήσασθαι. τὴν δὲ
 δμολογίην ἐποιεῦντο τοιγύδε τινά, ἐπὶ τῆς κρυπτῆς τάφρου
τάμνοντες ὄρκια, ἔστ' ἂν ἡ γῆ αὕτη οὕτως ἔχη, μένειν τὸ ¹⁰
ὄρκιον κατὰ χώρην, καὶ Βαρκαίους τε ὑποτελέειν φάναι Ἀξίην
Βασιλεί' καὶ Πέρσας μηδὲν ἄλλο νεοχμοῦν κατὰ Βαρκαίους.
³ μετὰ δὲ τὸ ὄρκιον Βαρκαῖοι μὲν πιστεύσαντες τούτοις αὐτοὶ
 τε ἐξήσαν ἐκ τοῦ ἀστεὸς καὶ τῶν πολεμίων ἔων παριέναι
 ἐς τὸ τεῖχος τὸν βουλόμενον, τὰς πάσας πύλας ἀνοίξαντες. ¹⁵
 οἱ δὲ Πέρσαι καταρρήξαντες τὴν κρυπτὴν γέφυραν ἔθεον
 ἔσω ἐς τὸ τεῖχος. κατέρρηξαν δὲ τοῦδε εἵνεκα τὴν ἐποίησαν
 γέφυραν, ἵνα ἐμπεδορκέοιεν, ταμόντες τοῖσι Βαρκαίοις χρόνον
μένειν αἰεὶ τὸ ὄρκιον ὅσον ἂν ἡ γῆ μένῃ κατὰ [τὰ] τότε εἴχῃ.
²⁰² καταρρήξασι δὲ οὐκέτι ἔμενε τὸ ὄρκιον κατὰ χώρην. τούτῳ

6.23.5 An exchange of guarantees.

δὲ λοιποὺς Ζαγκλαίους κοινολογησάμενός τοῖσι Σαμίοις
⁵ καὶ ὄρκους δοὺς καὶ δεξάμενος προέδωκε. μισθὸς δὲ οἱ ἦν

6.62.2 A compact is confirmed by oath, but the oath binds Ariston to hand over whatever Agetus chose. The choice was Ariston's wife.

² ταῦτα· ἐπὶ τούτοις δὲ ὄρκους ἐπήλασαν. μετὰ δὲ αὐτοὺς
 τε ὁ Ἀρίστων ἔδωκε τούτῳ, ὃ τι δὴ ἦν, τὸ εἵλετο τῶν κει-
 μηλίων τῶν Ἀρίστωνος ὁ Ἀγῆτος, καὶ αὐτὸς τὴν ὁμοίην ¹⁵
 ζητέων φέρεσθαι παρ' ἐκείνου, ἐνθαῦτα δὴ τοῦ ἐταίρου τὴν
 γυναῖκα ἐπειράτο ἀπάγεσθαι. ὁ δὲ πλὴν τούτου μόνου τὰ
 ἄλλα ἔφη καταινέσθαι· ἀναγκαζόμενος μέντοι τῷ τε ὄρκῳ
⁶³ καὶ τῆς ἀπάτης τῇ παραγωγῇ ἀπίει ἀπάγεσθαι.

6.86.γ- 87 These lines tell the story of Glaucus visiting Delphi and asking the oracle's advice. The story illustrates the dangers of false swearing and the wisdom of keeping a covenant.

ἀπὸ τοῦδε. οἱ μὲν δὴ Μιλήσιοι συμφορὴν ποιούμενοι ἀπ- γ
 ἀλλάσσοντο ὥς ἀπεστερημένοι τῶν χρημάτων, Γλαῦκος δὲ
¹⁵ ἐπορεύετο ἐς Δελφοὺς χρησόμενος τῷ χρηστηρίῳ. ἐπειρω-
 τῶντα δὲ αὐτὸν τὸ χρηστήριον εἰ ὄρκῳ τὰ χρήματα λήισσεται,

ἡ Πυθίη μετέρχεται τοισὶδε τοῖσι ἔπεσι·

Γλαῦκ' Ἐπικυδεῖδῃ, τὸ μὲν αὐτίκα κέρδιον οὕτω
ὄρκῳ νικῆσαι καὶ χρήματα ληίσσασθαι.

20 ὁμνυ, ἐπεὶ θάνατός γε καὶ εὐορκον μένει ἄνδρα.
ἀλλ' Ὀρκου πάϊς ἐστὶν ἀνώνυμος, οὐδ' ἐπὶ χεῖρες
οὐδὲ πόδες· κραιπνὸς δὲ μετέρχεται, εἰς ὃ κε πᾶσαν
συμμάρψας ὀλέσῃ γενεὴν καὶ οἶκον ἅπαντα.
ἄνδρὸς δ' εὐόρκου γενεὴ μετόπισθεν ἀμείνων.

25 ταῦτα ἀκούσας ὁ Γλαῦκος συγγνώμην τὸν θεὸν παραιτέτο
αὐτῷ ἴσχειν τῶν ῥηθέντων. ἡ δὲ Πυθίη ἔφη τὸ πειρηθῆναι

δ τοῦ θεοῦ καὶ τὸ ποιῆσαι ἴσον δύνασθαι. Γλαῦκος μὲν δὴ
μεταπεμψάμενος τοὺς Μιλησίους ξείνους ἀποδιδοῖ σφι τὰ
χρήματα. τοῦ δὲ εἰνεκα ὁ λόγος ὅδε, ὦ Ἀθηναῖοι, ὁρμήθη
λέγεσθαι ἐς ὑμέας, εἰρήσεται· Γλαύκου νῦν οὔτε τι ἀπόγονον
ἔστι οὐδὲν οὔτ' ἰστίη οὐδεμία νομιζομένη εἶναι Γλαύκου, 5
ἐκτέτριπταί τε πρόρριζος ἐκ Σπάρτης. οὕτω ἀγαθὸν μηδὲ
διανοέεσθαι περὶ παραθήκης ἄλλο γε ἢ ἀπαιτούντων ἀπο-
διδόναι. Λευτυχίδης μὲν εἶπας ταῦτα, ὥς οἱ οὐδὲ οὕτως

Thucydides

Because this historian is writing about war when he uses the Greek words sponde and horkia he frequently uses them in the sense of truce, treaty or peace. Typical of this usage is 4.117 where spondas is used for armistice. There are, however, three passages which show elements of covenant-making. They are the following.

5.47.8 Here a treaty is sworn city by city and the oath-takers use the oath which is most binding in their own country. They swear over full grown victims.

πόλεσιν. ὁμόσαι δὲ τὰς σπονδὰς Ἀθηναῖους μὲν ὑπὲρ τε 8
σφῶν αὐτῶν καὶ τῶν συμμάχων, Ἀργεῖοι δὲ καὶ Μαινιτῆς
καὶ Ἠλεῖοι καὶ οἱ ξύμμαχοι τούτων κατὰ πόλεις ὁμνύτων.
10 ὁμνύντων δὲ τὸν ἐπιχώριον ὄρκον ἕκαστοι τὸν μέγιστον κατὰ
ἱερῶν τελείων. ὁ δὲ ὄρκος ἔστω ὅδε· “ἐμμενῶ τῇ συμμαχίᾳ

5.47.10-11 The oaths are duly sworn thirty days before the Olympic Games and ten days before the Panathenaic with provision made for public reading. The public reading is an important element in covenant.

20 δημιουργοὶ καὶ οἱ θεσμοφύλακες. ἀναγεῖσθαι δὲ τοὺς ὅρκους 10
 Ἀθηναίους μὲν ἰόντας ἐς Ἡλὺν καὶ ἐς Μαιτίνειαν καὶ ἐς
 Ἄργος τριάκοντα ἡμέραις πρὸ Ὀλυμπίων, Ἀργεῖους δὲ καὶ
 Ἡλείους καὶ Μαιτινέας ἰόντας Ἀθήνῃσιν δέκα ἡμέραις πρὸ
 Παναθηναίων τῶν μεγάλων. τὰς δὲ ξυνηθήκας τὰς περὶ τῶν 11
 25 σποιδῶν καὶ τῶν ὅρκων καὶ τῆς ξυμμαχίας ἀναγράψαι ἐν
 στήλῃ λιθίνῃ Ἀθηναίους μὲν ἐν πόλει, Ἀργεῖους δὲ ἐν ἀγορᾷ
 ἐν τοῦ Ἀπόλλωνος τῷ ἱερῷ, Μαιτινέας δὲ ἐν τοῦ Διὸς τῷ
 ἱερῷ ἐν τῇ ἀγορᾷ· καταθέντων δὲ καὶ Ὀλυμπίᾳσι στήλην
 χαλκὴν κοινῇ Ὀλυμπίοις τοῖς νυνί.

8.37 An agreement and a treaty.

Ἐνιθήκαι Λακεδαιμονίων καὶ τῶν ξυμμάχων πρὸς βα- 37
 σιλέα Δαρεῖον καὶ τοὺς παῖδας τοὺς βασιλέως καὶ Τισσα-
 2 φέριην, σποιδᾶς εἶναι καὶ φιλίαν κατὰ τᾶδε. ὅπόση χώρα
 καὶ πόλεις βασιλέως εἰσὶ Δαρείου ἢ τοῦ πατρὸς ἦσαν ἢ
 τῶν προγόνων, ἐπὶ ταύτας μὴ ἰέναι ἐπὶ πολέμῳ μηδὲ κακῷ
 μηδενὶ μήτε Λακεδαιμονίους μήτε τοὺς ξυμμάχους τοὺς 5
 Λακεδαιμονίων, μηδὲ φόρους πρᾶσσεσθαι ἐκ τῶν πόλεων
 τούτων μήτε Λακεδαιμονίους μήτε τοὺς ξυμμάχους τοὺς
 Λακεδαιμονίων· μηδὲ Δαρεῖον βασιλέα μηδὲ ὦν βασιλεὺς
 ἄρχει ἐπὶ Λακεδαιμονίους μηδὲ τοὺς ξυμμάχους ἰέναι ἐπὶ
 3 πολέμῳ μηδὲ κακῷ μηδενί. ἣν δὲ τι δέωται Λακεδαιμόνιοι 10
 ἢ οἱ ξύμμαχοι βασιλέως ἢ βασιλεὺς Λακεδαιμονίων ἢ τῶν
 ξυμμάχων, ὅτι ἂν πείθωσιν ἀλλήλους, τοῦτο ποιούσι καλῶς
 4 ἔχειν. τὸν δὲ πόλεμον τὸν πρὸς Ἀθηναίους καὶ τοὺς
 ξυμμάχους κοινῇ ἀμφοτέρους πολεμεῖν· ἣν δὲ κατάλυσιν
 ποιῶνται, κοινῇ ἀμφοτέρους ποιεῖσθαι. ὅπόση δ' ἂν στρατιὰ 15
 ἐν τῇ χώρᾳ τῇ βασιλέως ἢ μεταπεμψαμένου βασιλέως,
 5 τὴν δαπαίνην βασιλέα παρέχειν. ἣν δὲ τις τῶν πόλεων
 ὀπόσαι ξυνέθειτο βασιλεῖ ἐπὶ τὴν βασιλέως ἢ χώραν, τοὺς
 ἄλλους κωλύειν καὶ ἀμύνειν βασιλεῖ κατὰ τὸ δυνατόν· καὶ
 ἣν τις τῶν ἐν τῇ βασιλέως χώρᾳ ἢ ὅσης βασιλεὺς ἄρχει 20
 ἐπὶ τὴν Λακεδαιμονίων ἢ τῶν ξυμμάχων, βασιλεὺς
 κωλύτω καὶ ἀμυνέτω κατὰ τὸ δυνατόν.

Aristophanes

The Acharnians

307 This line is particularly interesting because, while it speaks of a treaty and uses sponde (306), some elements of the covenant ritual are also present. Thus it can be illustrated how close the relationship is between covenant, oath, pledge and treaty.

- ΔΙ. ὦγαθοί, τοὺς μὲν Λάκωνας ἐκποδῶν ἐάσατε, 305
 τῶν δ' ἐμῶν σπονδῶν ἀκούσατ', εἰ καλῶς
 ἐσπεισάμην.
 ΧΘ. πῶς δέ γ' ἂν καλῶς λέγοις ἄν, εἴπερ ἐσπείσω
 γ' ἅπαξ
 οἷσιν οὔτε βωμὸς οὔτε πίστις οὔθ' ὄρκος μένει;

The Conclusions to Chapter 2

By an examination of the material in Greek literature, where covenants or covenant wording or ritual appear, it is possible to show the frequency and variety in the use of this concept.

By the time Aeschylus wrote the Eumenides, there had already appeared in Greek literature examples of oaths, special phrases and rituals (with covenant significance), which were used for binding agreements or relationships. While the nature of this covenant material appears to have been disparate, the concept of covenant-making appears to have been constant in that it represented an effort to bind together parties whose agreements needed the kind of guarantee which can be offered by formality and ceremony and which is backed by the power of the gods. Thus in the Eumenides the opposing factions are as well bound by agreement as are the Trojans and the Achaeans in Homer's Iliad 3.245-323 .

In spite of the disparate nature of covenant material in Greek literature to the end of the fifth century, there is a tendency to a repetition of words and phrases used in the Greek text. The most frequently used Greek words to suggest a covenant -like context are horkia pista, mega horkia, horkia tamnein, sponde and syntheke. These words have an intensive

use in Homer but are less frequently found in other writers. In Thucydides, there is little true covenant material and what is present are echoes of covenant ideas and fragments of ritual.

In addition to the frequently used Greek words and phrases, covenant material in Greek literature, like its Near Eastern counterpart, tends to show the dangers of false swearing and often emphasizes the threat of punishment should the covenant be broken. Swearing in binding words is a powerful factor in an agreement, and the literature shows that it is safer for a man to be faithful to his oaths. (Il.4.236-237 and Herodotus 6.86-87).

Thus a covenant acts to regulate human behaviour so that some measure of trust and predictability of action in social and political life can be achieved. This regulation of behaviour is precisely what the agreement in the Eumenides is able to offer. When the Erinyes become the Eumenides and receive their new home and function, the city is safe from their threats (809 ff.) and Orestes who was the victim of their persecution and prosecution, receives his freedom to return to Argos and swears that no Argive king shall attack Athens (754 ff.) Civil war shall not ravage the city (976 ff.) and the citizens desire to be united (985-987). The blessings from the Chorus in

lines 996 ff. offer the city, its people and gods the opportunity for the harmony helpful to the land.

Behind the words of the agreement can lie some political significance for Athens, during the years leading up to the writing of the Oresteia and those years which follow, but this aspect of the covenant of the Eumenides will be examined in the next chapter.

The general impression presented by this survey of covenant material in Greek literature from Homer to the end of the fifth century, is that these covenant-agreements are varied in form and type, and are flexible enough to suit the differing needs of situations found in literature during a four hundred year time span. At the same time covenant material is sufficiently distinguished by its particular structure and formulary, and by such features as the offering of public notice and the role of the gods as witnesses or parties to an agreement, that it can be a truly useful mechanism for guaranteeing some measure of trust and offering both communities and individuals a chance for the benefits, which come from freedom from such disruptive acts as civil war, insurrection or vendetta. So when the citizens in the Eumenides receive the responsibility to resolve problems in the civil courts they can be assured of doing this in a climate which is fairly safe from violence once

their agreement is in place.

By examining covenant material from a wide time span in Greek literature, it is possible to gain some insights into the literary tradition in which Aeschylus was working. This appears to have been a tradition which offered legal concepts, historical events and linguistic contributions to covenant-making and its rituals.

Aeschylus, in choosing to resolve the conflicts in the Oresteia with a covenant-agreement in the Eumenides, has offered a patriotic and religious solution through which Athens is seen to be at peace and Zeus reigns supreme. (Eumenides 1045)

THE NOTES TO CHAPTER II

¹ Genesis 15, 31: 44-50, The Holy Bible, The Revised Standard Version, (New York: Thomas Nelson and Sons, 1959) p.13, p.33.

² Cyrus Gordon, Before the Bible, (London : Colling's Press, 1962), pp.95-97.

³ James B. Pritchard, Editor, The Ancient Near East : An Anthology of Texts and Pictures , (Princeton: Princeton University Press. 1969), p.123, as quoted from The Tale of Aqhat, A.N.E.T. 149-155.

⁴ Klaus Baltzer, The Covenant Formulary, trans. David E. Green, (Philadelphia: The Fortress Press, 1971) , p.9.

CHAPTER III

THE QUESTION OF A POSSIBLE RELATIONSHIP BETWEEN THE EUMENIDES AND THE HISTORICAL EVENTS IN ATHENS IN THE FIFTH CENTURY

By an examination of the historical events in Athens before the writing of the Oresteia it may be possible to gain some insight into the events which may have prompted Aeschylus to write his trilogy and then use a covenant-like agreement to unite the opposing factions in the Eumenides.

When we consider that the generally agreed upon date for the birth of the dramatist was 525 B.C. and that he died around 456 B.C. after completing the Oresteia in 458 B.C., it becomes evident that during his lifetime he would have witnessed some of the most significant and dramatic events in Greek history.

As early as 632 B.C. when Kylon and some young nobles tried to seize the Acropolis there had been friction between tyrants and more liberally minded men. This friction often took the form of rivalry between powerful families, usually the Philaidae and the Alcmaeonidae. By the time Aeschylus was born in 525 B.C., it was into a period which claimed the traditions of Peisistratus, but which also knew the tyranny of Hippias, who in turn had been overthrown

by Cleomenes of Sparta.¹ With the city split into factions and one powerful family pitted against another, Cleisthenes (an Alcmaeonid) proposed governmental reform and citizen rights for the masses while his arch rival, Isagoras, who was supported by the tyrants, invoked the help of Cleomenes (for the second time) to rid the city of Alcmaeonid pollution. As a result seven hundred Athenian families were driven from Athens and the Spartan **Cleomenes** attempted to support as leader Isagoras with three hundred followers.² An armed revolt followed and Cleisthenes with his fellow exiles were recalled.

Cleisthenes carried out reforms which divided the population into ten tribes instead of four, with the result that more people gained a degree of civic rights. His aim was to do away with family and tribal prejudices which had been the source of unrest for two centuries.³ By the year 500 B.C. Athens had rendered its constitution more democratic than earlier, but the leaders were using the instrument of ostracism to do away with political rivals. This was particularly evident from 490 B.C. to 480 B.C.⁴

As well as internal friction during these years, Athens experienced hostilities from the Persians which became intensified in 491 or 490 with the battle of Marathon where Aeschylus fought under the command of

Miltiades, the father of Cimon. The poet was also present at the Battle of Salamis in 480 B.C. and wrote Persae in 472 B.C. as a historical tragedy. This is a play which makes full use of historical events and Xerxes is the tragic hero. Here is a hero whose very reversal and downfall may have been brought about by the men who were sitting in the audience.⁵ In the Persae both the ancient audience and the modern reader can find lines, (e.g. 355ff.), which by implication suggest a tribute or at least a reference to Themistokles, and it is possible that one reason for writing the play was to check the attitude of Athenians during a period when Themistokles fell into disfavour and was threatened with ostracism.

In addition to their being a possible reference to Themistokles in the Persae, Plutarch (Aristides 3.5) finds in the Seven Against Thebes (591-594) of Aeschylus lines which caused the audience at the play to turn and look at Aristides. Thus it is possible to assume that Aeschylus was sensitive to events and personalities which affected Athens during his years as an author.

By an examination of the chronological table found in Chart I of the Cambridge Ancient History, Vol.V, it is possible to see a vivid picture of rapidly changing events in Athenian political history and also in her foreign relations.⁶ The city was threatened not only

from Persia (which was a continuous threat), but also 98
from the rivalry of Sparta and Corinth. In her political
life, during the period from 480-458, the city was
frequently torn into factions when men of pro-Spartan
conservative beliefs such as Cimon, came into conflict
with more democratically minded men like Themistokles,
Ephialtes and Perikles. Aeschylus, then, had experienced
political conflict through much of his life. The cast
of leaders had changed since the late sixth century, but
leading families were still engaged in rivalry with the
same conflicting political ideals. What is new in these
years is the reform of the Areopagus in 461-0. This
reform stripped the Council of all of its powers except
the old traditional right to try homicide cases. Another
new event was the Argive alliance (462-1) which formalized
the long friendship ties between Athens and Argos. These
ties at times were attenuated, but it must be remembered
that, as early as 528 one thousand Argives were said
to have fought at the side of Peisistratus in the Battle
of Pallene. 7

By examining these events it is possible to have a
greater understanding of the political climate in which
Aeschylus wrote his plays but a problem arises when the
modern scholar tries to prove the significance of this
or that reference in the Oresteia. In the modern theatre
audiences have become familiar with plays like 'The

'Crucible' by Arthur Miller which offer a comment on the political climate of our day or even 'Major Barbara' by G.B. Shaw which makes a social statement. In these plays the modern audience knows the political and social references, however oblique they may be, because they share the same political and social environment, but the ancient political environment with which the ancient audience was familiar, eludes us to the point that all we can do is to place the lines of the play against the events of the times and try to find a connection to some of the allusions. Our other aid in literary analysis of ancient political or social references are writers like Plutarch.

Judging from the amount and variety of the material written about the political views of Aeschylus in the Oresteia it appears that there is a lot of room for difference of opinion and if the poet is understandable in some areas of the plays, in other parts he is either oblique or chooses to ignore material which could add to the understanding of the historical events of the years prior to the writing of the Oresteia. The most likely explanation for this unevenness of opinions expressed, is that Aeschylus is concentrating on his plays as drama and not as a historical record or legal summary. For a dramatist the plot takes precedence over any recording of the events of the day.

In spite, however, of the greater importance of the plot over the recording of events, it is possible to find in some of the themes of the plays ideas and thoughts which probably were significant to the ancient audience because of their own political history and circumstances. One such theme is Dike which Anthony Podlecki defines as the cosmic principle of order and an order which is capable of governing the dealings of gods and mortals, whose dictates a man ignores to his detriment.⁸ Agamemnon 250-251 can teach that 'the scales of Justice weigh wisdom through suffering' and lines 381-384 warn that, 'there is no assistance for the man who kicks Dike's great altar into the shadow'. Throughout the Oresteia this theme is repeated as one by one the main characters are shown to kick down the sacred altar of justice and are made to suffer until they come to some understanding of their crime. Aeschylus was able to take Dike as an abstract concept and unite it with a tradition of concrete legal events (such as trial procedure) through which the idea of justice and peaceful settlement could be made to work in the world of men. Thus in the Oresteia legal language appears from time to time as, for example, in Ag. 41 where 'antidikos' is used in reference to Menelaus, and in Eumenides there is the trial scene which is closely related to the

covenant-like agreement. The trial must have had a dramatic impact on the ancient audience as a 'first trial' for homicide held by the historically controversial Court of the Areopagus which had recently been the scene of change and violence in the Athenian world of the 469-459 period. Justice and peaceful settlement were sorely needed in those days.

The question of whether or not Aeschylus is actually calling attention to the bitter political issue of the Ephialtic reform of 462-1 is a question which has been much debated by scholars but it is not the main concern of this thesis which is looking at the covenant-agreement in the Eumenides. Therefore it is sufficient to say that, given that the political events just prior to the Oresteia were violent and filled with upheavals, and that Aeschylus has shown himself to be strongly concerned with justice and peaceful settlement, it is not too far fetched to find in the historical events of the 460's a strong motive for writing the Oresteia, and for putting forth in it the ideals of justice while attempting to represent the reconciliation of opposing forces through civil means as opposed to the violent means which in the myth as well as in history had become self-perpetuating.

As a writer Aeschylus was able to find in the

moral issues raised by the Atreus myth the dangers which faced his own city, including the danger of civil war leading to an attack from without. This is the essence of the problems which his trilogy must try to overcome. But it is in his treatment of these problems that we can hope to find some reflections of the poet's own time and the reasons why he would emphasize the ethical and moral aspects of legal and jurisdictional disputes.

Some writers conclude that the Oresteia was written to give political wisdom during crisis years.⁹ Thus the trilogy is an attempt 'to instruct historical figures by staged allegory'.¹⁰ But if the poet's views on the Ephialtic reform and the Argive treaty are open to debate, there is no doubt as to his patriotism and his urgent sense of danger to his city in its political crisis of the day. The city has been placed at risk both from within and without and so rather than commenting on historical events he appears to be offering a solution for the problems of the times. As Aeschylus seems to be a 'middle of the road' thinker he is able to have an appeal both to reformers and conservatives alike and can look for a resolution short of civil war which could easily have occurred in an Athens familiar with revenge and the vendetta.

It is in the solution to the problems of the city

that the covenant in the Eumenides assumes importance. In the Oresteia the enemy from without is Troy which serves the dramatic purpose when Agamemnon returns home from the Trojan war, while in the historical reality of the years leading up to the writing of this trilogy, the traditional enemy had been the Persians with the added possibility of enmity from Sparta and Corinth. With the covenant-like agreement in the Eumenides, the Erinyes who represent revenge and who are prepared to persecute Orestes with a violent intensity are given a new home, a new role as Eumenides and a new purpose in their intentions as they are seen to give way to Athene (Zeus) the warrior goddess. As John Cole has pointed out, the city, by being purged of internal violence, can use that very violence, which has been transformed into a real weapon, against an external enemy.¹¹ The city is now ready to keep any future Persian attack warded off and also is able to deal with Sparta and Corinth.

Another aspect of the covenant-agreement is that the citizens of Athens play a major role and the gods who are also partners in the agreement not only add surety to the drama but offer their stamp of approval on the Argive alliance, as it is Apollo (667-673) not Orestes who first mentions the Argive friendship to Athene. It is interesting to notice that Athene is

quiet about the alliance which can give it the appearance of a unilateral undertaking on the part of the Argives, but given that this was a traditional friendship which dated from much earlier this silence is not surprising, nor does it preclude the men in the audience being stirred to action. It must be assumed that among the men in the audience there would have been some who had already given support for the alliance in the Assembly.

In order to fully comprehend the significance of the agreement in the Eumenides we should consider it from the perspective of the historical events which took place during the lifetime of Aeschylus. While the dramatic events of the 460's probably play a large role in prompting the poet to write the trilogy, much of this motivation was probably intensified by the sum total of events, traditions, and rivalries which took place during these years. The years between 525 and 458 reflect both internal and external tensions of a serious nature and demand some attempt at solutions. In the Eumenides Aeschylus chose to bring opposing factions to a peaceful settlement by using a covenant-like agreement. This type of agreement is very old in form as Chapter One has demonstrated and offers an excellent way for groups or individuals to transcend their own concerns in order to reach some accord.

It is but a very short step to add that the rival factions in the play, may have been the political factions of the day, and murder in the play is seen to have a civil resolution. The actions of revenge and vendettas are now to be fought out in the courts.

If this reasoning is valid and there are good reasons to pose it as a serious analysis, then the exoneration of Orestes becomes necessary as Apollo takes on himself the responsibility for ordering the death of Klytemnestra, who in turn, is sacrificed to the needs of the plot. As the plot develops it moves to a peaceful conclusion for the Eumenides but it does this by means of the covenant-like agreement. It is reasonable to suggest that this kind of agreement may have been offered to the leaders of the day, by Aeschylus, as a solution to the problems of those troubled times.

THE NOTES TO CHAPTER III

- ¹ Aristotle, Aristotle's Politics and The Athenian Constitution, Part 1.4.19, trans. John Warrington, (London: Dent and Sons Ltd., 1959), pp. 261-2.
- ² Aristotle, 4.20, p.262.
- ³ Aristotle, 4.21, p.263.
- ⁴ Aristotle, 5, p.264.
- ⁵ Anthony Podlecki, The Political Background of Aeschylean Tragedy, (Ann Arbor: The University of Michigan Press, 1966), p.8.
- ⁶ J.B. Bury, S.A. Cook, F.E. Adcock, Editors, The Cambridge Ancient History, Vol.5, Athens, 478-401 B.C., (Cambridge: The University Press, 1935), Chronological Table I, pp.486-487. The years in question are the following,
 - 480 Battles of Artemisium, Thermopylae and Salamis.
 - 479 Battles of Platea, Mycale and the capture of Sestos.
 - 478 Pausanias recalled from Byzantium, The Confederacy of Delos.
 - 477 Cimon captured Byzantium.
 - 476 Cimon campaigned in Thrace.
 - 472 Aeschylus wrote Persae.
 - 471 (approx.) Ostracism of Themistokles.
 - 467-6 Flight of Themistokles, Aeschylus' Seven Against Thebes.
 - 465 The revolt of Thasos.
 - 464 The revolt of the Helots against Sparta.
 - 463 Surrender of Thasos, Aeschylus' Suppliants
 - 462 Spartan appeal for Athenian help, Cimon dismissed by Spartans from Messenia, Alliance of Athens, Argos and Thessaly.

- 461 Cimon ostracized, Ephialtes reformed
the Areopagus, Ephialtes assassinated.
460 Athenian defeat at Halieis, Battle of
Cecryphaleia.
459-8 Athens builds the Long Walls from the
city to the Piraeus and Palerum.
458 The Oresteia by Aeschylus.

7 Aristotle, 3.17, n.3, p.259.

8 Podlecki, p.63.

9 John R. Cole, "The Oresteia and Cimon", HSCP,
87 (1977), pp.99-111.

10 Cole, pp.99-111.

11 Cole, pp. 99-111.

CHAPTER IV

THE CONCLUSIONS

A large part of the Eumenides is occupied with working out a resolution to the conflicts which are the main plot of the play and it is here that the attempt to resolve the problems attains covenant-like proportions. What makes this final resolution so close to an actual covenant is the presence of some degree of formulary, ritual, formality of circumstance, legal wording, divine presence and references, and blessings, which offer the promise not to curse, (738ff.), but which in reality are a negative threat. The first chapter of this thesis demonstrates that these ingredients were found in ancient covenant-making, and were familiar not only to the Ancient Near East but also to a greater or lesser degree (as illustrated in the second chapter) in the literature of Greece, both before the Oresteia and after it. Covenant-making appears to have been used in Greece where the situation required some kind of regulation of human behaviour so that trust and predictability could be added to social and political activity particularly where agreements were involved. Thus it was possible to direct human behaviour towards peaceful solutions to hostile acts

and differences rather than depending on the destructive actions of violence and the vendetta. Actions of violence and vendetta can, if unchecked, destroy a community while the seeking of peaceful solutions offer some chance for the community to survive and evolve in new directions, particularly when the rights and obligations of those concerned are observed.

As a trilogy, the Oresteia contains a number of dramatic developments. Not only are the Erinyes transformed into the Eumenides, but they have a new home and a new role which involves them in the cult life of the city. There is an enormous shift in mood from the Agamemnon with its Watchman awaiting the news of the war and the fire beacon sending its message, to the shining procession which ends the Eumenides as gods, citizens and resident aliens alike take part in the festivities which herald the new era.

But if the new era is ushered in with festal joy and represents a change from the murderous fate of the returning Agamemnon in the first play, it is an era which is by no means without its own complications and some challenges, because Aeschylus has shifted the conflict, which in the Eumenides was between Zeus, the Erinyes and Orestes, to the Athenian citizens and Orestes. In the new era, the responsibility for finding a solution to

the feuds and revenge actions which take place between people and groups, must be handled by human judges and civil authorities. The days of divine sanction against offending parties and the personal initiative method of revenge now give way to civil courts. Also, opposing factions are shown to be bound together by a covenant-like agreement. This solution can well be considered as both a moral and a civic 'coming of age' and a reminder to the audience that they have a court to try intentional homicide at the Areopagus and that this had been one of its original responsibilities. Unintentional homicide was tried at the Palladion.¹ The poet may also be reminding the audience that as early as Drakon's homicide law the Athenian legal system had incorporated the idea of direct personal retribution into compulsory legal procedure.² Although it was subordinated to a judicial process, such a reminder takes on some significance when placed against the background of the violent events in the 460's which saw the assassination of Ephialtes and the Areopagus stripped of all of its current powers except the original right to try homicide cases.

When Aeschylus tries to bring his opposing factions in the play together by means of a covenant-like solution he is also reminding the audience of the two

great problems which troubled early Greek lawmakers. The first problem was how the community could handle the question of pollution when a homicide had taken place, while at the same time recognizing the duty of family members to avenge the crime. While in the courts both the prosecution of a case and the enforcement of a verdict must in many cases be undertaken by a victim or his family, in the play Orestes is prosecuted by the avenging spirits of Klytemnestra and brought to trial.³ Then he is cleansed from pollution by the god and freed. The god may purge Orestes from pollution, but it is the citizens in a civil court who vote to a tie which gives him his freedom. Divine approval can be seen working with the civil court.

The second problem was that no matter how desirable vengeance may be to a family when a relative has been murdered, to have generations of feuding families (who could even pursue an exiled killer and kill him) would ultimately weaken any tribe or city and leave it easy prey to an invader.⁴ The peaceful solution which ends the Eumenides can well be put forth as a model to the Athenian leaders of the day when rival families and factions might seek continuing strife with each other to the detriment of the city.

Whether or not one agrees with the scholarship which

finds subtle historical references in the lines of the Eumenides it is at least possible to find in the historical events which mark the lifetime of Aeschylus one motive for writing the Oresteia in the particular way he did. Whatever other motives can be attributed to the poet, to have witnessed several generations of rival families with their feuds, together with the upheavals of the 460's could provide a powerful stimulus to a patriotic man to warn his fellow citizens against the dangers of civil strife and to offer a resolution through agreement as opposed to violence.

The ending of the Eumenides assumes more importance and significance in a political sense when a reader examines the endings of other plays which deal with the Atreus myth. In the Orestes of Euripides, the poet has Apollo demand that Menelaus yield the Argive throne to Orestes and return to Sparta. Orestes releases Hermione with a promise to marry her and make a truce with Menelaus, while Helen is elevated to the rank of a goddess in the home of Zeus to be Queen of the Ocean. In this play Euripides has achieved a satisfactory ending with Orestes and the other players coming into a state of equanimity. The emphasis is placed on the individual and his or her future well-being. By contrast, Aeschylus in using a covenant solution has been able to involve not only Orestes and the Erinyes, but the whole

community of the city including Zeus and Athene. Euripides has devised his play so that it deals with the affairs of men while Aeschylus has written the Oresteia to involve mankind.

In the Electra by Sophocles, greater emphasis is placed on young individuals. The Sophoclean characters remain as individuals whereas Aeschylus binds his characters into a group in which men are bound to each other and to Zeus. This 'binding' quality, which is not a feature of Sophocles' writing, is one of the basic tenets of covenant-making as shown in Chapter 1 and in the Oresteia binds firmly not only the trilogy of the three plays, but also binds the multifarious aspects which form the motif of metamorphosis and which is an essential part of the Oresteia.

This metamorphosis shows Orestes, a mother-murderer who has been brought to trial, cleansed of pollution, freed and absolved of guilt, emerging as a leader of Argos and promising perpetual support for Athens. This promise of support is made possible, in the play, by the changed status of Orestes. The Erinyes, who are sworn to avenge the death of Klytemnestra, persecute and prosecute Orestes, but as a result of their change in attitude and status, they can emerge at the end of the play as the Eumenides, who have a new home and a new role in the city. Even the citizens who are

shown in Agamemnon as old and enfeebled citizens in Argos, awaiting the news of the Trojan War and who are suffering the loss of loved ones, are transformed in the Eumenides to the citizens of Athens, who with a new responsibility take part in the festal procession. Also the cries of vengeance which are heard in Agamemnon 580 and 1121 and again in Choephorae 383 are changed to cries of joy in Eumenides 1053. And finally Zeus who originally was Zeus Xenios in Agamemnon 362 and who triggered off the revenge motif, is shown to be Zeus Agoraeus in the Eumenides.

What is important about these changes is that in every case the transformation is from a somewhat negative state to a positive one in which men are allowed to function in an environment which uses intelligence and social intercourse in order to resolve the problems and strife which face the community. This places them in contrast to a society which knows only retribution. Thus, by having opposing factions resolve their conflicts through an agreement which attains covenant-like proportions human behaviour has been regulated so that some measure of trust and predictability of action in social and political life has been found. This covenant-like agreement with its capacity to offer security to the city can represent (with man bound to man and to Zeus) the kind of wisdom that

Aeschylus may have had in mind when he says in Agamemnon 175ff. that it is the will of Zeus that men must suffer to be wise.

At the very least the reconciliation at the end of the Eumenides has been earned by the suffering which is present throughout the Oresteia and it would be very difficult to find a better conclusion for the trilogy than this wholesome wisdom which is generated through the use of a covenant-like agreement.

THE NOTES TO CHAPTER IV

¹ Michael Gagarin, Drakon and Early Athenian Homicide Law, (New Haven, Conn.: Yale University Press, 1981) p.35.

² Gagarin, p.163

³ Gagarin, pp.150-151.

⁴ Gagarin, p.60.

BIBLIOGRAPHY

Part I

Ancient Sources

Aeschylus. Septem Quae Supersunt Tragoediae.

Recensuit Gilbertus Murray. Editio altera.

Oxonii: E Typographeo Clarendoniano, 1966.

Aeschylus. Septem Quae Supersunt Tragoediae. Ed.

Denys Page. Oxonii: E Typographeo Clarendoniano,
MCMLXXII.

Aeschylus. Agamemnon. Ed. John Denniston and Denys

Page. Oxford: Clarendon Press, 1972.

Aeschylus. The Oresteia. Trans. Robert Fagles.

New York: The Viking Press, 1977.

Aeschylus. The Oresteian Trilogy. Trans. Philip

Vellacott. New York: Penguin Books, 1976.

Aeschylus. The Persians. Trans. Anthony J. Podlecki.

New Jersey: Prentice-Hall, 1970.

Aristophanes. Plays. Vols. I, II, III, IV. Loeb

Classical Library. Trans. Benjamin Rogers.

London: Wm. Heinemann Ltd., MCMXXX.

Aristophanes. The Wasps, The Poet, The Women and The

Frogs. Trans. David Barrett. Markham, Ontario:

Penguin Books, 1974.

Aristophanes. The Acharnians, The Clouds, Lysistrata.

Trans. Alan H. Somerstein, New York: Penguin Books, 1980.

Aristotle. Aristotle's Politics and The Athenian

Constitution. Trans. John Warrington. London: Dent and Sons Ltd., 1959.

Aristotle. Aristotle's Politics and Poetics. Trans.

Benjamin Jowett and Thomas Twining. New York: The Viking Press, 1974.

The Holy Bible. Revised Standard Version. The

Reference Edition. New York: Thoman Nelson and Sons, 1959.

Euripides. Plays. Vols. I,II,III,IV. Loeb Classical

Library. Trans. Arthur Way. London: Wm. Heinemann, 1947.

Euripides. Fabulae. Tomus Primus. Ed. Gilbertus

Murray. Oxonii: E Typographeo Clarendoniano, 1974.

Euripides. The Plays of Euripides. Trans. Moses

Hadas and John Harvey. New York: The Dial Press, 1936.

Euripides. Medea and Other Plays. Trans. Philip

Vellacott. Bungay, Suffolk: The Chaucer Press, Penguin Books, 1963.

Euripides. Orestes and Other Plays. Trans. Philip

Vellacott. Great Britain: Penguin Books, 1972.

Herodotus. Historiae. Tomus Prior et Tomus Posterior.

Editio Tertia. Oxonii: E Typographeo

Clarendoniano, 1975.

Hesiod. Theogonia, Opera et Dies, Scutum. Ed. F.

Solmsen. Oxonii: E Typographeo Clarendoniano,

MCMLXX.

Hesiod. The Homeric Hymns and Homerica. Trans. Hugh

G. Evelyn-White. Cambridge, Mass.: Harvard

University Press, MCMLIV.

Homer. The Iliad. Trans. Richmond Lattimore. Chicago:

The University of Chicago Press, 1951.

Homer. Opera. Tomus I et Tomus II. Iliadis. Editio

Tertia. Oxonii: E Typographeo Clarendoniano, 1971.

Homer. Opera. Tomus IV. Odysseae. (Books XIII-

XXIV). Oxonii: E Typographeo Clarendoniano,

MDCCCCI.

Homer. The Odyssey. Vol. I (Books I-XII). Ed. W.B.

Stanford. New York: St. Martin's Press, 1971.

Homer. The Odyssey. Trans. Albert Cook. New York:

W.H. Norton and Co., 1974.

Pausanias. Guide to Greece. Trans. Peter Levi. Vol. II.

Markham, Ontario: Penguin Books, 1971.

Pindar. The Olympian and Pythian Odes. Ed. Basil

Gildersleeve. New York: Harper's American

Book Co., 1885.

- Pindar. The Nemean and Isthmian Odes. Ed. C. Fennell. Cambridge, Mass.: The University Press, 1899.
- Pindar. The Odes of Pindar. Trans. Richmond Lattimore. Chicago: U. of Chicago Press, 1966.
- Plutarchus. Vies. Texte etabli et traduit par Robert Floutiere. Paris: Societe D'Edition, Les Belles Lettres, 1957.
- Plutarch. The Lives Of The Noble Grecians And Romans. Trans. John Dryden. New York: Random House, The Modern Library. n.d.
- Pritchard, James B. The Ancient Near East: An Anthology of Texts and Pictures. Princeton: Princeton U. Press, 2nd ed. 1969.
- The Septuagint. The Septuagint Version Of The Old Testament. Greek and English. Eng. trans. Sir Launcelot Lee Brenton. London: Samuel Bagster and Sons Ltd., 1794.
- Sophocles. Fabulae. Ed. A.C. Pearson. Oxonii: E Typographeo Clarendonian, 1929.
- Sophocles. The Complete Plays of Sophocles. Trans. Sir Richard Jebb. Ed. Moses Hadas. New York: Bantam Books, 1967.

Theognis. Opera. Ed. Douglas Young. Leipzig:

B S B B.G. Teubner Verlagsgesellschaft, 1971.

Theognis. Hesiod and Theognis. Trans. Dorothea

Wender. Markham, Ontario: Penguin Books, 1979.

Thucydides. Historiae. Tomus Prior et Tomus Posterior.

Ed. Henricus Stuart Jones. Oxonii: E Typographeo

Clarendoniano, MDCCCII.

Thucydides. History of the Peloponnesian War. Trans.

Rex Warner. Bungay, Suffolk, G.B.: The Chaucer

Press, Penguin Books, 1972.

BIBLIOGRAPHY

Part II

Modern Works

- Astour, Michael. Hellenosemitica. Leiden: E.J. Brill, 1967.
- Baltzer, Klaus. The Covenant Formulary. Trans. David E. Green. Philadelphia: The Fortress Press, 1971.
- Bonner, Robert and Gertrude Smith. The Administration of Justice from Homer to Aristotle. New York: The Greenwood Press, 1968.
- Bury, J.B., S.A. Cook and F.E. Adcock, Editors. The Cambridge Ancient History. Vol.V. Cambridge: Cambridge University Press, 1935.
- Cole, John R. "The Oresteia and Cimon." Harvard Studies in Classical Philology, 87 (1977), 99-111.
- "Covenant." The Random House Dictionary of the English Language. 1968 ed.
- Dodds, E.R. "Morals and Politics in the Oresteia." Proceedings of the Cambridge Philological Society, NS 6 (1960), 186-223.
- Dover, K.J. "The Political Aspect of Aeschylus' Eumenides." J H S 77 (1957). 230-237.

- Fagles, Robert and W.B. Stanford. "The Serpent and the Eagle." The Introductory Essay to the Oresteia. New York: Bantam Books, Viking Press, 1977, pp.3-99.
- Forbes, P.B.R. "Law and Politics in the Oresteia." Classical Review, 62 (1948), 99-104.
- Forrest, W.G. "Themistokles and Argos." Classical Quarterly, 10 (1960), 234-240.
- Fraenkel, Eduard. A Commentary on Agamemnon. Oxford: The Clarendon Press, 1950.
- Gagarin, Michael. Drakon and Early Athenian Homicide Law. New Haven: Yale University Press, 1981.
- Gordon, Cyrus. Before the Bible. London: Colling's Press, 1962.
- Hillers, Delbert. Covenant: The History of a Biblical Idea. Baltimore, Maryland: The Johns Hopkins Press, 1969.
- Livingstone, R.W. "The Problem of the Eumenides of Aeschylus." J H S 45 (1925), 123-124.
- Mendenhall, George. "Law and Covenant in Israel and the Ancient Near East." The Biblical Colloquium, Pittsburg, Penn: 1955; rpt. The Biblical Archaeologist, 17 (1954), 26-46, 49-76.
- Plescia, Joseph. The Oath and Perjury in Ancient Greece. Tallahassee: Florida State University Press, 1970.

- Podlecki, Anthony. The Political Background of Aeschylean Tragedy. Ann Arbor: The University of Michigan Press, 1966.
- Quincy, J.H. "Orestes and the Argive Alliance." Classical Quarterly, NS Vol.14, (1964), 190-206.
- Rad, Gerhard von. Old Testament Theology. Vol.I. Trans. D.M.G. Stalker. New York and Evanston: Harper and Row, 1962.
- Rose, H.J. A Commentary on the Surviving Plays of Aeschylus. Vol.II. Amsterdam: N.V. Noord-Hollandische Uitgevers Maatschappij, 1958.
- Stroud, Ronald. Drakon's Law on Homicide. Los Angeles: University of California Press, 1968.
- Thompson, John Arthur. "Covenant". The International Standard Bible Encyclopaedia. Vol.I. 1979 ed. p.790.
- Thomson, George. "Commentary." Vol.II, The Oresteia. Cambridge: The University Press.
- Verrall, A.W. "Introduction, Commentary and Translation." The Eumenides. London: MacMillan and Co., 1908.
- Weinfeld, Moshe. "Berith." The Theological Dictionary of the Old Testament. Vol.II. 1973 ed. 253-279.