

Orestes' Promise

Hanna M. Roisman

IS THE ERINYES' admonition not to succumb to κέρδος at *Eumenides* 540 related to an issue within the plot or does it have a proverbial value with no close relevance to events in the play? In the third antistrophe of the second stasimon the Erinyes warn (538–49):

ἔς τὸ πᾶν σοι λέγω,
βωμὸν αἰδεσσαι Δίκας,
μηδέ νιν κέρδος ἰδὼν ἀθέω ποδὶ
λάξ ἀτίσης· ποινὰ γὰρ ἐπέσται.
κύριον μένει τέλος.
πρὸς τὰδε τις τοκέων σέβας εὖ προτίων
καὶ ξενοτίμους
ἐπιστροφὰς δωμάτων
αἰδόμενός τις ἔστω.¹

The recital here of what is commonly referred to as the ‘three commandments’ (revere the gods, parents, and strangers) is traditionally understood as a mere maxim or proverb intended for general application, following associatively after the mention of *hybris* in the previous strophe. The reference to κέρδος is treated likewise as an unspecific moral admonition not to succumb to greed.² But the way in which the commandments are introduced here is noteworthy: they are not simply recounted, as at 269–72. Instead, the Erinyes specify κέρδος as the motivation for transgressing Dike, and the other two commandments follow upon a warning of the penalty resulting from this outrage. Second, the portrayal of the injury is a forceful one: kicking the altar implies not simply a passive disregard for Justice, but force and violence in abusing it. There is no other instance in our surviving literature where transgression of Dike is connected so explicitly with a specific motive; nor is there mention elsewhere of an active physical

¹ The text followed in this paper is that of D. Page, ed., *Aeschyli septem quae supersunt tragoediae* (OCT, Oxford 1975).

² E.g. G. Thomson, *The Oresteia of Aeschylus* (Cambridge 1938) II 285f; F. Solmsen, *Hesiod and Aeschylus* (Ithaca 1949) 198, 220 n.160.

aggression against Dike, although we do have several references to damage done to the “altar” or “foundations” of Dike (*Ag.* 381f; *Cho.* 646; Solon 3.14 Gentili-Prato).³ The violence of the aggression enhances the importance of the motive and suggests that there may be a connection with the details of the plot. Indeed, Verrall long ago suggested that κέρδος is a reference to Orestes' offer of an Argive alliance: “Orestes began (v.289) with an appeal to Athenian interests, and prosecutors expect, with reason (vv. 670ff), that this will be urged upon the jury.”⁴ It is my purpose here to provide further support for this interpretation, which has remained largely unnoticed in subsequent scholarship.

If by referring to κέρδος the Erinyes address the issue of Orestes' promise, one would expect to find allusions to his case in the rest of the warnings in the stanza as well. And in fact the wording of the strophe is qualified specifically at two points for just this purpose. (1) Although the first ‘commandment’ usually demands respect for the gods in general,⁵ the Erinyes here speak only of violating Dike. This qualification is well adapted to a juncture in the plot at which the Erinyes are addressing men from whom Athena intends to choose a

³ *Ag.* 381–84 (οὐ γάρ ἐστιν ἔπαλξις πλοῦτου πρὸς Κόρον ἀνδρὶ λακτίσαντι μέγαν Δίκας βωμὸν εἰς ἀφάνειαν), often cited for comparison, is useful as a purely verbal parallel to the motif of kicking (λακτίσαντι~λάξ ἀτίσης), but is otherwise dissimilar in meaning. In *Agamemnon*, *ploutos* is not the motivation for kicking Dike's altar; instead, it is said that there is no defence in wealth against *koros*, the motivator of *hybris*, once a person has kicked the altar of Justice. But it is neither expressed nor implied (as in our passage) that wealth is the motivation for kicking the altar; one might affront Dike for various reasons and then seek shelter in wealth, but wealth is not named as the spur for the transgression. Solon's words in 3.12–14 (“and steal right and left with no respect for possessions sacred or profane, nor have heed of the awful foundations of Justice” [tr. Edmonds, who reads θέμεθλα Δίκης]) might provide a more satisfactory parallel but for the paratactic nature of the syntax and the preceding lacuna, which deprives us of the exact association between the plundering and the protecting of Dike's foundations. Cf. also Sol. 1.7f.

⁴ A. W. Verrall, *The 'Eumenides' of Aeschylus* (London 1908) *ad loc.* I would suggest that a further hint of reference to the alliance may be seen in the opening words ἐς τὸ πᾶν, which is perhaps a deliberate echo of Orestes' offer at 289–91: κτήσεται δ' ἄνευ δόρυς αὐτόν τε καὶ γῆν καὶ τὸν Ἄργεϊον λεῶν πιστὸν δικαίως ἐς τὸ πᾶν τε σύμμαχον. The phrase ἐς/εἰς τὸ πᾶν is not frequent in the surviving tragedies of Aeschylus and appears only in the *Oresteia*. Of its total of eleven occurrences, nine are found in the *Eumenides*. In roughly one-third of the cases the phrase either deals with Orestes or is uttered by him in reference to the alliance (*Cho.* 684; *Eum.* 83, 291, 670). Cf. *Eum.* 763, where, after the verdict, Orestes thanks Athena, repeats the promise of loyal alliance, and swears that no aggressive war will be waged by the Argives against Athens “for all time in the future” (τὸ λοιπὸν εἰς ἅπαντα πλειστήρη χρόνον).

⁵ References in Thomson (*supra* n.2) *ad loc.*

jury.⁶ (2) The second half of the strophe continues: “*In view of this* (the fact that punishment will follow whoever damages Δίκη with an eye to κέρδος) let everyone prefer awe for parents and let him revere any coming to the household, host and guest alike.” The words πρὸς τὰδε indicate that the punishment for transgression against Δίκη for κέρδος should serve as an instructive example to those who might show disrespect for parents and strangers. The reference to Orestes’ situation is clear. He has committed outrage against both ξενία and a parent: his plan to kill Clytaemnestra and Aegisthus involved the intentional abuse of the privileges of hospitality offered him by Clytaemnestra (*Cho.* 560–78, 668–75). The Erinyes here claim that if the jury will adhere to the course of Dike and pay no heed to *kerdos*, men will learn their lesson and avoid transgressions like those of Orestes, knowing that no exoneration is possible.⁷

These subtle qualifications in reciting the commandments thus indicate that the Erinyes are not merely repeating general proverbs but are referring to events within the plot. Their emphasis on κέρδος may very well address the issue of the promised Argive alliance. Moreover, if this interpretation is correct, one may also suggest that Athena’s statement (in her speech of 686ff) that her new tribunal is κερδῶν ἄθικτον (704)—untouched by ‘thoughts of gain’, by ‘bribes’—echoes the Erinyes’ reference in 540 to the powerful incentive of κέρδος.⁸ It is

⁶ In reciting the commandments a poet was free to qualify the specifics to conform to his subject at hand; cf. *Pyth.* 6.23–27, where Pindar mentions only the injunctions to revere gods and parents.

⁷ Indirectly the Erinyes’ message repeats the doctrine of πάθει μάθος (cf. *Pl. Symp.* 222B). Elsewhere the saying has a proverbial value and may at times indicate that the sufferer learns through his own ordeal. In the *Oresteia*, however, it seems that with the exception of Orestes, all the main characters who suffer are killed without the possibility of winning a new understanding of the workings of the universe or of their own nature. As for Orestes, the trilogy leaves unassessed the question whether he learns from his experiences. For a summary of current views of the subject and discussion with an emphasis somewhat different from that offered here see M. Gagarin, *Aeschylean Drama* (Berkeley 1976) esp. 148–52. On the the meaning of πάθει μάθος and τὸν ἔργαυρα παθεῖν see further K. Clinton, “The ‘Hymn to Zeus’, ΠΑΘΕΙ ΜΑΘΟΣ, and the End of the Parodos of ‘Agamemnon’,” *Traditio* 35 (1979) 1–19; cf. also P. M. Smith, *On the Hymn to Zeus in Aeschylus’ Agamemnon* (New York 1980).

⁸ A. J. Podlecki, *The Political Background of Aeschylean Tragedy* (Ann Arbor 1966) 99, acknowledges Athena’s emphasis in κερδῶν ἄθικτον, which he translates as “gain, profit,” and mentions the Erinyes’ warning against κέρδος; but he does not see in Athena’s words an echo of the Erinyes’ admonition. His interpretation of Athena’s words as a rejection of the jury-pay introduced by Pericles (175 n.58) is unconvincing. Although μισθός had not yet become the standard term for ‘payment’ or ‘salary’, vocabulary alone cannot be of much assistance in disqualifying such a meaning (see however *Il.* 10.304, 21.450f, 457f, *Od.* 18.358, *Theog.* 434 for μισθός=wages). Never-

commonly accepted that in her speech she repeats closely the Erinyes' words about the *μέσον* mentioned only a few verses before their reference to *κέρδος* (526f).⁹ It is natural that she should refer also to the subject of the alliance, especially since Apollo mentioned this boon in his final exhortation to the jury to acquit Orestes, only a few verses before her own address to the jurors (670f). Athena's echo of the chorus' words would forcefully emphasize the issue of the alliance in the tragedy, for as Solmsen has pointed out, "a 'repetition' of this kind is unique in Aeschylus and therefore all the more significant."¹⁰

There has been recurrent debate on the evidence in *Eumenides* for Aeschylus' view of the alliance with Argos in 461;¹¹ but little consideration has been given to the Erinyes' warning against any possible impact of Orestes' promise on the jury's verdict. The common view holds that Aeschylus favored the alliance, for he refers to the event repeatedly in the play, beginning at 289, and expresses no explicit criticism of it.¹² If, however, in line 540 the Erinyes refer to Orestes' offer of alliance, and later Athena responds to their admonition in her speech inaugurating the Areopagus, Aeschylus' support of the new political path, even if indisputable, may be seen to be somewhat more reserved than is usually assumed.

In the earliest reference to the alliance (289f) Orestes is addressing Athena in a prayer. The promise of rewards in case the prayer is fulfilled should not be surprising: it was traditional in praying to a god either to remind the divinity of former services (*cf.* Clytaemnestra's reminder to the Erinyes at *Eum.* 106–09) or to promise the deity a boon in the future if the prayer should be granted. A promise of alliance or other political advantage by a powerful exile to a city that might help restore his rule should not be regarded as an anomalous incentive.¹³ Although he seeks shelter in Athena's sanctuary and ad-

theless, the word *κέρδος* in its pejorative connotation—as in our case—usually assumes a meaning of 'gain' or 'profit' beyond the invested effort. Furthermore, even if the word suggested pay, the motivation for a transgression of Justice (to which Athena clearly refers here) would be not so much a salary as bribery and corrupt profit.

⁹ *E.g.* K. J. Dover, "The Political Aspect of Aeschylus' *Eumenides*," *JHS* 77 (1957) 232–34; Podlecki (*supra* n.8) 89–110; Gagarin (*supra* n.7) 74.

¹⁰ *Supra* n.2: 198 n.72.

¹¹ A different approach has been taken recently by C. W. Macleod, "Politics and the *Oresteia*," *JHS* 102 (1982) 124–44, who emphasizes literary rather than political implications of the text.

¹² *Cf.* Dover (*supra* n.9), who puts special emphasis on the early reference to the alliance as an indication of Aeschylus' support.

¹³ There are many cases in which a foreign power helps restore exiles to their former rule. The context normally implies a *quid pro quo*, yet the reward is almost

dresses her personally, Orestes already knows that the Athenian citizens themselves will be involved in his case (81f), and his promise is therefore a political one. The offer of benefit for Athens is appropriate and conforms with what might be expected to interest the patron goddess of the city. By alluding to the promise four times before the verdict (twice explicitly, in Orestes' words at 289f and in Apollo's at 670f, and twice with the word *κέρδος*) and once again after the acquittal, Aeschylus not only gives a mythological background for the new treaty, in which the chief deity of Athens plays a major rôle, but also depicts the treaty as a result of what Argos considers a favor granted it by Athens. Further, the treaty is sanctioned before a goddess by Atreus' descendant, who when purified and acquitted has the right to rule in Argos. But there is more in the play than this entirely favorable description. Although Orestes' prayer and promise of benefit fall within the custom of prayers for help, and Apollo's offer of a "bribe" for Orestes' acquittal (667–73) is consistent with contemporary Athenian legal practice,¹⁴ they may be seen as serving a specific purpose in the plot: they are meant to influence the jury to render a verdict of acquittal. Yet these repeated offers fail to achieve their goal.

The process of voting has generally been understood to involve eleven jurors, with Athena as a twelfth. That is to say, the majority of the jurors were for condemnation, and Athena's vote made the sides equal.¹⁵ The jury's vote indicates, therefore, that the majority of the panel are unswayed by the offered *κέρδος*; the Areopagus is indeed proven to be *κερδῶν ἄθικτον*. Orestes' acquittal is obtained, instead, by

never mentioned explicitly—generally because the exiles themselves are the sources of the information and not interested in mentioning the profit they allowed a foreign power to derive from the restitution of their rule. Exceptional are Theog. 333f, Hdt. 5.96, and Thuc. 3.31, where the benefit drawn from help rendered to exiles is explicitly noted. See further J. Seibert, *Die politischen Flüchtlinge und Verbannten in der griechischen Geschichte* (Darmstadt 1979) 403.

¹⁴ H. Lloyd-Jones, ed., *The Eumenides by Aeschylus* (Englewood Cliffs 1970) *ad loc.*

¹⁵ G. Hermann, *Aeschyli Tragoediae* II (Leipzig 1852) 623–29 *ad* 726ff and *Opuscula* VI.2 (Leipzig 1835) 190–99; U. von Wilamowitz-Moellendorff, *Aischylos-Interpretationen* (Berlin 1914) 183–85; P. Groeneboom, *Aeschylus' Eumeniden* (Jakarta 1952) 201f *ad* 734f; A. Lesky, *Die tragische Dichtung der Hellenen*³ (Göttingen 1972) 130 n.95; M. Gagarin, "The Vote of Athena," *AJP* 96 (1975) 121–27; H. Bacon, "Aeschylus," in T. J. Luce, ed., *Ancient Writers, Greece and Rome* I (New York 1982) 150; P. Vellacott, *The Logic of Tragedy: Morals and Integrity in Aeschylus' Oresteia* (Durham [N.C.] 1984) 183. For the view that the human votes were even: C. O. Müller, *Dissertation on the Eumenides of Aeschylus* (Cambridge 1835) 49–150, 215–19; Verrall (*supra* n.4) xxv–xxx; Thomson (*supra* n.2) II 220f; H. Lloyd-Jones, *The Justice of Zeus* (Berkeley 1971) 92, and (*supra* n.14) 58; D. A. Hester, "The Casting Vote," *AJP* 102 (1981) 265–74; D. J. Conacher, *Aeschylus' Oresteia: A Literary Commentary* (Toronto 1987) 164–66.

the vote of Athena, whose motivation is highly personal and, as Velacott has pointed out, remote from any serious issue in the case.¹⁶ The goddess known for her practical wisdom tries to solve, in the best way she can and with the least damage to Athens (*cf.* 470–79), a problem in which her imprudent brother has entangled her. As her speech before she casts her vote shows, and as Apollo's words to Orestes at 81–84 (*cf.* *μηχανάς*) indicate, Athena seeks the most practical and innocuous way to resolve the conflict; it is not pure justice that necessarily serves as her guideline.¹⁷ Attention is therefore focused on a combination of human condemnation of the matricide and his acquittal through divine intervention; it is an outcome that gives credit and praise to the inherent justice of the Athenian spirit.

Against the background of this emphasis on the objectivity of the Areopagus' judgment, Orestes' thanks after his acquittal assume special significance. Scholars have already drawn attention to two aspects of his speech. First, the repeated gratitude of Orestes to Athena has been judged dramatically inappropriate by Quincey, who assumes that the natural climax of the play should be Orestes' acquittal rather than his gesture of thanks.¹⁸ Second, in his speech to Athena Orestes mentions neither the court, which is so elevated and acclaimed by the goddess, nor the justice of the verdict, as might be expected from a suppliant: his speech, as Gagarin notes, is political.¹⁹ The evolution of *dike*, which is usually regarded as the theme of the trilogy and which culminates in the *Eumenides*, is altogether absent here: Orestes' speech is more striking for what it omits than for what it contains. It seems that as far as Orestes is concerned, no change has occurred in the development of justice, no modification of the *dike* of blood-for-blood by a new concept of justice manifested in the legal procedure that ends the vendetta. Orestes shows no appreciation or recognition of the importance of the Areopagus, which his case has brought into being and which in turn highlights Athens as the creator of a substitute for the primitive clan law of the *lex talionis*.

Is, then, the achievement in the sphere of justice lost on Orestes, who cannot rise above the notion of practical *κέρδος*, whether his own (his return to Argos and recovery of his inheritance) or someone else's (Athens' alliance with Argos)? The answer seems to be complex. It is true that the Aeschylean Orestes has fewer negative characteristics than his counterpart in the later extant tragedies. Here he is coura-

¹⁶ *Supra* n.15: 12.

¹⁷ *Cf.* also Gagarin (*supra* n.7) 68.

¹⁸ J. H. Quincey, "Orestes and the Argive Alliance," *CQ* N.S. 14 (1964) 190–206.

¹⁹ *Supra* n.7: 77f.

geous, intelligent, and realistic, but not above practical considerations; the element of practical and premeditated *κέρδος* marks him as early as his appearance in *Cho.* 299–306, where he admits that even without the god’s order he would have acted to regain his own estates out of stress of penury and resentment at the subjection of his people to Clytaemnestra and Aegisthus. His revenge for his father thus was not spurred by Apollo’s command alone. Orestes’ mention of the alliance in his speech of thanks, therefore, further emphasizes the characteristics of practicality and calculation. It remains uncertain, however, whether we should regard these as negative aspects of characterization until we have considered whether Orestes might in fact have chosen a different emphasis for his speech of thanks.

We have already noted that Orestes’ gratitude is expressed directly to Athena and does not include the jury.²⁰ The speech of course parallels his earlier address to Athena in which he offered the alliance (267ff). But his situation has now changed: previously he sought shelter in Athena’s sanctuary, now he has attained his acquittal through a legal procedure offered by the city. Logic and good manners might suggest expressing gratitude not to Athena but to the tribunal and to the city; yet in directing his thanks to Athena, Orestes acknowledges that she alone is responsible for his safety. Indeed, it would have been quite awkward for him to thank the panel that had in fact just pronounced him guilty. Moreover, the particular means of his acquittal—in which the human jurors convict him while Athena, in the manner of a *dea ex machina*, votes in his behalf—is scarcely conducive to a song in praise of justice: for if strict justice demanded acquittal, the jurors must have made the wrong choice, and it would have been inappropriate in this case for Orestes to praise the judicial representatives of the city with which he is to be joined in alliance for all time to come. The absence of any mention of the court, the omission of any praise of *Δίκη* in the speech of thanks, and the repeated emphasis on *κέρδος*—the alliance—result from a combination of the

²⁰ Line 775 can be said at best to include the court among the rest of “the people dwelling in the city” (*πολιτισσοῦχος λεώς*), but it is quite unlikely that the phrase refers to the court solely. It is true that both Athena and Apollo earlier refer to the court as the *λεώς*, but in both cases a qualification of the noun follows immediately, specifying “the people” as those who deal with the judgment (639, 682). The adjective *πολιτισσοῦχος* clearly refers to the entire population (883, 1010). In any case Orestes includes the *πολιτισσοῦχος λεώς* only at the end of his speech; his thanks are for Athena alone. After his pledge of eternal alliance with the people of Athens (*cf.* 762, 765, 772), we would naturally expect him to address them and bid them farewell (even if indirectly: although the noun is not in the vocative, the third-person imperative *χαιρέτω* can be understood).

practical character of the future ally and the peculiar manner of his acquittal. And if the speech, as has been suggested, tips the dramatic balance on purpose, its significance should be sought in these two points.

Whatever one's reaction to a matricide for whom premeditated *κέρδος* serves as a main guideline in life, the fact remains that Athena found it acceptable to acquit Orestes, a circumstance suggesting that the dramatist himself approved the new political path. Certainly Orestes is made to describe the alliance in terms that favor Athens' interests: Argos is bound by *χάρις* to Athens, while Athens has no prior commitment to Argos. Without subduing this potential ally in war—one of the conventional ways of securing a *πιστὸς σύμμαχος*—Athens gains a trustworthy ally for all time, a *σύμμαχος* who unconditionally pledges never to engage in a war of aggression against Athens.

It has been pointed out repeatedly in recent literature that even if Athena's motivation for her vote of acquittal accorded, as has usually been supposed, with the ancient notion of the predominance of the male, it is remote from any serious issue raised in the trilogy, is based on sexual grounds, and is contrary to strict *dike* even within the provision for justice established in the play.²¹ In her choice of a motive for acquittal Athena appears merely to seize upon an excuse just offered to her by her brother (658–61), who claimed that since a mother is not the real begetter of the child, Orestes did not shed kindred blood but killed a stranger, a woman who had merely nourished the seed planted by his father. Without enlarging further on the justice of even an ordinary murder, and as if putting to an end as expeditiously as possible the problem in which her brother has involved her, Athena decides that since she herself has no mother she would rather side with the matricide. The defendant, in his speech of thanks to Athena, does not find it appropriate to mention Athena's reason for absolving him and prefers to attribute his acquittal to Zeus' concern with Agamemnon's death, an excuse already proposed by Apollo for acquitting Orestes (614–38). Even Orestes, it seems, understands that Athena's lack of a mother cannot absolve him from killing his own parent. Athena's shallow and irrelevant reasoning gives the strong impression that she is siding with Orestes for reasons not stated explicitly in the text. Her bias is already hinted at in the speech in which she announces her intention to found the new court. Here she

²¹ Cf. Gagarin (*supra* n.7) 72, 76, 113; P. Vellacott, "Has Good Prevailed? A Further Study of the Oresteia," *HSCP* 81 (1977) 119–21, and *supra* n.15: 12.

accepts without further question Orestes' claim that he is cleansed of any bloodshed since Apollo purified him (*ἰκέτης προσήλθες καθαρὸς ἀβλαβῆς δόμοις*, 474): a view unacceptable to the Erinyes, for whom only the death of the matricide serves as his purification (204, 261f, 715f). If there is therefore some critical reserve on the dramatist's part towards the alliance, it is found on the divine level of acquittal. Yet the peculiarity of Athena's excuse to acquit Orestes and thus attain the promised alliance only gives increased emphasis to the newly chosen political path.

It is true that the alliance does not appear in Athena's justification of the acquittal (nor should it, given her injunction that the jurors ought not to be touched by the thought of *κέρδεα* [704]). Yet her very mention of profit indicates that the thought has crossed her mind.²² By attributing responsibility for the acquittal to Athena, not the jurors, Aeschylus proves himself both a patriot and a realistic citizen. On the one hand, he praises the Athenian jurors for refusing to yield to the hope of gain, even if this means losing an advantageous alliance; on the other, he grants the alliance the approval of Athena. In demonstrating that this alliance results not from the jurors' strict adherence to justice but from Athena's transgression of it, the dramatist acknowledges—and makes his audience aware—that politically advantageous moves must at times encroach on the sacred realm of Dike. Yet because such encroachments are made in the city's interest, they should be viewed as not simply approved by the patron goddess but made under her guidance. Further, the political necessity of the moment may supersede reservations about the character of an ally but should not render one blind to them.

No one can assess the reactions of Aeschylus' audience; some were no doubt more sensitive to contemporary references in the drama than others. There is also a danger in attempting to impose upon Aeschylus' trilogy a restricted interpretation from the political, moral, religious, or any other specific realm. The dramatist himself, however, helps us find *τὸ μέσον* within the range of possible interpretations. The various references to the alliance indicate unmistakably his intention of touching upon an issue of the day. The less concrete aspect of an acquittal that involves divine intervention brings the play out of the restricted human political context back into the mainstream of the trilogy, the evolution of *dike* despite occasional encroachments upon

²² Gagarin (*supra* n.7: 113) notes that "Athena understands that the freeing of Orestes is a political necessity, both for the stability of Argos and for the resultant benefit of Athens. . . ."

her sacred path. The *Oresteia*, which opened with a broad, universal view of justice in *Agamemnon*, before narrowing its scope to the application of *dike* in a specific family, resumes towards the end of the *Eumenides* a broadened view of genuine and uncompromising *dike*, of which the Athenian jurors are the true torch-bearers.²³

CENTER FOR HELLENIC STUDIES AND TEL AVIV UNIVERSITY
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